



BELOW THE RADARS: QUICK OVERVIEW OF THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA

REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA

2015



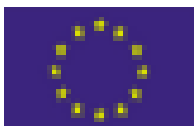
Brainforest





This report is produced within the framework of the project "*Greening Respect for Human Rights in the Congo Basin*". The project, implemented by four organizations (The Centre for Environment and Development in Cameroon, the Congolese Observatory of Human Rights in Congo, Brainforest in Gabon and the Children's House and Woman Pygmies in the Central African Republic) with the European Union funding, aimed at improving respect for Human Rights in the context of exploitation of natural resources and land in Cameroon, Gabon, Central African Republic and Republic of Congo. It is all about creating a synergy between traditional Human Rights defenders (who are usually poorly informed about the violations of rights generated by the exploitation of natural resources) and NGOs working in the field of natural resources and land management (that are informed about violations of rights, but are unfamiliar with the rules, tools and mechanisms for the protection of Human Rights). This cross-fertilization between the two CSOs groups will, hopefully, ensure optimum protection of the rights of communities and defenders of these rights.

Project funded by:



The project is implemented by:



Brainforest





This document was developed with the financial support of the European Union. The contents of this publication are the sole responsibility of the implementing organizations (Brainforest, the Centre for Environment and Development, the Congolese Observatory of Human Rights, the Children's House and Woman Pygmies) and can in no way be taken to reflect the views of the European Union.

This report has been prepared by CED, Brainforest, OCDH and MEFP teams.

Under the coordination of:

- Samuel Nguiffo
- Apollin Koagne
- Trésor Nzila Kendet

With the collaboration of:

- Nina Kiyindou
- Teodyl Nkuintchua
- Moise Mbimbe
- Armelle Olinga Andela
- Mireille Tchiako
- Sharon Emmambo
- Louise Lokumu
- Stella Tchoukep
- Romuald Ngono Otondi

EXECUTIVE SUMMARY	05
METHODOLOGY	06
INTRODUCTION	07
PART I: LEGAL FRAMEWORK FOR THE PROTECTION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA	13
1-1 Adoption of many relevant International Instruments	14
1-2 A Dense and Incomplete National Legal Framework	17
PART II: APPRAISAL OF RECOGNITION OF ENVIRONMENTAL DEFENDERS' RIGHTS IN DEVELOPMENT PROJECTS AND NATURAL RESOURCES EXPLOITATION IN CENTRAL AFRICA	21
PART III: MAIN CASES OF VIOLATIONS	28
a. Congo-West Basin: Beatings, Death Threats, Violation of the Right to Justice (Mr. Guy AKEY)	29
b. Cameroon-Figuil: Judicial Harassment, Intimidation, Death Threats (Norbert BOUBA)	30
c. Cameroon-Fungom: Land grabbing, Threats, Violation of Freedom of Expression (Esu Community).	32
d. Cameroon-Upper Sanaga: Land Grabbing, Degrading Treatment, Judicial Harassment (Mr. FA'A EMBOLO Joseph)	35
e. Cameroon-Mundemba: Land Grabbing, Threats, Intimidation, Judicial Harassment (Mr. Nasako BESINGI)	38
f. Cameroon-Mouloundou: Threats, Intimidation, Violation of Freedom of Association (Fusion Nature and Michel NDOEDJE)	41
g. Cameroon-Nguti: Violation of Freedom of Association, Threats, Legal Harassment (Nature Cameroon and Dominic ALEKEH NGWESSE)	42
h. Cameroon-Ngan'ha: Land Grabbing, Threats (Ngan'ha Community)	45
PART IV: SUMMARY TABLE OF THE MAIN INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS AND THE ENVIRONMENT RATIFIED BY THE CENTRAL AFRICAN STATES	49

This report, produced under the project "*Greening Respect for Human Rights in the Congo Basin*", aims at drawing the attention of Governments, national and international public opinions on the violations and threats of violations faced by environmental defenders in Central Africa, and specifically in the Congo Basin. The ultimate goal is to enable a synergy of actions in order to ensure that greater account is taken of communities' rights in projects related to natural resources and development in Central Africa.

This report is the first of its kind on the issue of environmental defenders and it is based on two studies conducted within the framework of the project. The first study dwells on the legal framework for the protection of environmental defenders in Central Africa. This study, mainly conducted in four countries (Cameroon, Congo, Gabon and Central African Republic), revealed a dense and varied legal framework which relies both on the norms of international and national law. Indeed, Central African States have ratified almost all the international instruments for the protection of Human Rights at the international and regional level, and the most important instruments for the environmental protection and conservation. At the national level, the protection of Human Rights and, especially the right to a healthy environment, is subject to the highest guarantee, particularly through its inclusion in the basic law of each country. For instance, in almost all countries of the region, there is a law to ensure environmental protection.

The second study focuses on the consideration of community rights in Central African countries. The study, whose main conclusions are summarized in this report, reveals that the rights of local communities and populations are insufficiently taken into account both upstream in the rights issuance and operation preparation process, and downstream when operating and organizing economic benefits sufficient for neighbouring communities. These shortcomings are supported by or result from a land tenure which does not take sufficient account of the customary rights of local and indigenous communities in many countries.

Many defenders are facing various violations and pressures because they claim a greater respect for community rights, including the protection of the communities' living environment. Based on denunciations which resulted in thorough investigations, this report includes the main violations of the rights of environmental defenders in the Congo Basin up to 31st December 2015.



The preparation of the 2015 Report on the situation of environmental defenders in the Central Africa was based on two studies carried out within the framework of the project "*Greening Respect for Human Rights in the Congo Basin*". Indeed, experts have, not only worked, in some countries, on the legal framework for the protection of environmental defenders, but also on the inclusion of indigenous and local communities' rights in natural resources exploitation and/or development projects. Therefore, a group of experts from various backgrounds reviewed the various country reports to identify the major similarities and, where appropriate, the specific features of each country. The results of each study were then summarized and synthesized for publication in this report.

In terms of identifying violations, data collection was carried out with NGO partners and experts living in areas where the events occurred. Once informed, the project team fielded missions to determine the real truth of the case and allegations and collect the views of all stakeholders.





An environmental defender? What does that mean? The usual question was always asked in this first year of implementation of the project "Greening Respect for Human Rights in the Congo Basin". The answer is simple: the environmental defender is primarily a Human Rights advocate; it is indeed the defender of a given category of Human Rights. According to the of the United Nations High Commission for Human Rights, the expression "*Human Rights advocate*" means any person who, individually or in association with others, acts to promote or protect Human Rights. Human Rights activists are identified above all by what they do, and the best way to explain this expression is to present their work and some of the contexts in which they work, it being understood that the list of activities is not exhaustive." A Human Rights advocate is one who defends any fundamental right in the name of a person or group of people. Human Rights activists seek to promote and protect civil and political rights and to promote, protect and fulfill economic, social and cultural rights.

Thus, the environmental defender is therefore an advocate whose promotion and protection action is focused on the environment. The defender of the environment can act to defend its rights, those of a community, a group of people, or even of nature itself (biodiversity, protected species, etc.), at local, national and regional level. The defender can thus create a wide variety of actions: collection and dissemination of information, awareness and mobilization of public opinion, etc. There is no precise answer to the question of who is or can be a Human Rights

defender. It can be anybody or any group of people who promote and protect the right to the environment; they range from intergovernmental organizations based in the largest cities to individuals active in their community. What best characterizes environmental defenders is neither their title nor the name of the organization they work for, but rather the nature of the work they do. It is not essential that they are known as "*Human Rights or environmental defenders*" or that they work for an organization whose name is a reference in the field of human or environmental rights. Many people behave as conservationists outside any professional context. Thus, the member of a rural community who organizes a demonstration with fellow members of their community against the degradation of their farmland by industrial waste is an environmental defender.

The right to a healthy environment being a Human Right recognized and protected by the main Human Rights instruments, such defenders are part of the large family of Human Rights advocates and thus benefit from the same precautions and incur the same risks. These defenders should be specifically protected in Central Africa where they play a critical and foremost role in the promotion and protection of the rights of local communities.

It should be emphasized the difficult establishment of a tradition of respect for Human Rights in the Congo Basin and Central African countries, despite efforts by governments and the support of cooperation agencies. The situation remains preoccupying in certain regions or countries with many cases of open violation, due to war (CAR) or developing security threats (North and East Cameroon). When talking about Human Rights, we think especially of those known and spectacular violations found in media reports. Nevertheless, other cases depict ordinary people showing extraordinary determination to protect their environment, because their life depends on it. These daily battles oppose community against community, or communities against investors or the State. Unfortunately, these conflicts do not attract enough attention and do not win the attention of mainstream media. These are somehow the "*struggles of the poor*". Although the survival of populations, and sometimes of secular cultures, is at stake, they take place in total indifference.

The situation in almost all Central African countries unfortunately meets all the criteria established by the UN Declaration on Human Rights activists for a situation where Human Rights are most at risk: limitation of the right to freedom of association, limitation of the right to freedom of peaceful gathering, limitations of the right to freedom of expression, to information and to communication, threatening environment (death threats, killings, abductions), obstacles to the right to a fair trial and treatment. The tradition of Human Rights violations in each of these countries has been attested by recurrent findings contained in reports produced by national and international organizations: The 2013 report of Amnesty International on the situation of Human Rights in the world, the 2013 Report of the US Department



of State on the situation of Human Rights in the world, Human Rights Watch reports on the situation of Human Rights in Cameroon, etc. In a communication in 2011, the Director of the United Nations Sub Regional Centre for Democracy and Human Rights, referring to the situation of Human Rights in the sub-region, noted, *"In general, the situation of Human Rights in the Central African sub-region remains precarious."* Since then, the situation has deteriorated considerably, especially with the CAR coup in March 2013.

Specifically, the Congo Basin has experienced strong growth in the number of licenses for the exploitation of natural resources (timber, wildlife, mining, oil and, increasingly, carbon, and land for agro-industrial plantations) and land acquisitions are growing rapidly in the region, including in the four target countries of the project (Cameroon, Congo, Gabon, CAR), which combine land demand representing more than 2 million hectares for agro-industrial plantations. All these projects are implemented in areas occupied by communities and this coexistence is difficult due to, for instance, the difficult access to resources by communities which sometimes leads to conflicts between both parties. In this hunt for subsistence, populations neighbouring the projects witness violation of their rights. More than 60% of the populations of the four target countries are rural, and are characterized by high dependence on natural resource for their livelihood. Restrictions in access to space

and resources therefore have a major impact on the quality of their lives, and justify the resistance often displayed in rural areas, faced with natural resource exploitation companies. In recent years, it has been noticed in these countries, intensified harassment of communities defending their rights, and especially of individuals and organizations defending the rights of communities in the areas of environment and access to land and natural resources.

The purpose of this report is to draw the attention of governments, national and international public opinion, and other stakeholders on violations or threats of violations faced by environmental defenders. Its goal, on the one hand, is to enable mobilization for the need to protect environmental defenders, and on the other hand, to encourage further consideration of local communities' rights in projects related to natural resources and development in Central Africa.

Expected to be issued annually, the report on the situation of environmental defenders' rights in Central Africa will first of all be a record of violations occurred within a year. For the 2015 edition, which is the zero issue, the Report looks back at the legal framework for the protection of defenders' right in Central Africa, and more specifically in the four project target countries: Cameroon, Congo, Gabon and CAR.



Part 1



LEGAL FRAMEWORK FOR THE PROTECTION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA



The legal framework for the protection of environmental defenders in Central Africa is quite dense and varied. It is based both on international and regional instruments, and on a more or less sophisticated national legal framework. In terms of content, such protection may be based on the norms relating to fundamental rights, environmental protection, as well as on a specific framework dedicated to the protection of Human Rights advocates.

1- ADOPTION OF MANY RELEVANT INTERNATIONAL INSTRUMENTS

International instruments ratified by Central African countries and which are relevant for the protection of environmental defenders, are related to the protection of the right to a healthy environment, environmental protection and the protection of Human Rights defenders. Central African States adhere to almost all international Human Rights protection instruments and in particular the African Charter on Human and Peoples' Rights, which enshrines the right to a healthy environment in its article 24.

The right to a healthy environment is a right protected in all these States, on the same footing with other rights proclaimed in the Universal Declaration of Human Rights: right to life, right to fair trial ... Furthermore, there is a close link between the right to a healthy environment and other Human Rights.

In fact, it is often easier to address environmental issues through other Human Rights such as the right to a healthy environment that is not yet well defined. The deterioration of the environment affects the right to life, health, work and education, among other rights. Pollution of lakes and water in many countries seriously affects the ability of fishers to afford a decent life in their traditional work. Health problems caused by air and water pollution generated by nearby (or far) plants are well documented. It has been proven that lead poisoning from paint, diesel and other substances affects the intellectual capacities of children.

In addition, environment degradation caused by economic activities is often accompanied by violations of civil and political rights, such as the lack of public access to information, lack of participation of citizen in the decision-taking process, failure to respect the freedom of expression and association. In many cases, when industrial development and resource exploitation (mining and oil) have an impact on communities, those among them who question the negative effects of development activities are subject to harassment by government or project officials. The African Commission on Human and Peoples' Rights thus reaffirmed in the Ogoni people's case, the interdependence and indivisibility of Human Rights. The Commission thus concluded in that case that Nigeria had violated the fundamental rights of the human person, i.e. the right to food and the right to a healthy environment by doing nothing to prevent an oil company from polluting water resources. (Case of Social and Economic Rights Action Center and Center for Economic and Social Rights vs. Nigeria).

Environment is an internationally protected Human Right. Its defenders fit the definition of Human Rights advocate given by the UN High Commission on Human Rights, i.e. anyone who individually or in association with others, act to promote or protect Human Rights. As such, the environmental defender therefore benefits from the international protection framework laid out by international instruments.

Thus, in accordance with the provisions of the Declaration on the Right and Responsibility of individuals, groups and organs of society to promote and protect Human Rights and fundamental freedoms universally recognized as adopted by resolution 53/144 of 9 December 1998 of the UN General Assembly, the protection of conservationists is primarily the responsibility of States. Central African States have therefore the obligation to adopt appropriate legislative, administrative and other measures for the effective guarantee of the rights and freedoms of environmental defenders in their respective countries. States should take all necessary measures to ensure that the competent authorities protect conservationists, individually and in association with others, against any violence, threats, retaliation, de facto or de jure discrimination, pressure or other arbitrary action as a consequence of the legitimate exercise of their rights. Environmental defenders must thus be able in each of the Central African countries to:

- meet or gather peacefully;
- establish organizations, associations or non-governmental groups, join them and participate in their activities;
- communicate with non-governmental or intergovernmental organizations.
- possess, seek, obtain, receive and hold information about the right to a healthy environment or environmental protection, including having access to information as to how they are effected in the national legislative, judicial or administrative national system;
- freely publish, impart to others or disseminate ideas, information and knowledge about the right to a healthy environment and environmental protection;
- study, discuss, assess and evaluate compliance, both in law and in practice, with the right to a healthy environment and environmental protection, and through these and other appropriate means, to draw public attention on the issue;
- file complaints when their rights are violated and to have their complaint promptly examined in a public hearing by a judicial or other authority established by law which is independent, impartial and competent, and to get from that authority a decision in accordance with the law, providing them redress, including compensation, when their rights or freedoms have been violated, as well as the implementation of the decision and possible judgment, all this without undue delay;
- complain about the policy and actions of individual officials and governmental bodies who may have committed violations of the right to a healthy environment or environmental protection, by petitions or other appropriate means, to competent national judicial, administrative or legislative or any other competent authority instituted in accordance with the State legal system, which should render their decision without undue delay;
- attend public hearings, proceedings and trials so as to form an opinion on their compliance with national legislation and applicable international obligations and commitments;
- offer and provide qualified professional legal assistance or other relevant advice and assistance relating to environmental protection or the right to a healthy environment;
- address, without any hindrance, competent international bodies, in general or specifically, in order to receive and consider communications relating to environmental protection or the right to a healthy environment, and communicate freely with such bodies;

- participate in peaceful activities against violations of Human Rights and fundamental freedoms;
- be effectively protected under national legislation in case of reaction by peaceful means against activities and acts, including those due to omission, attributable to the State and having resulted in violations of the right to a healthy environment or environmental protection, and against acts of violence perpetrated by groups or individuals that affect the enjoyment of Human Rights and fundamental freedoms.

2- A DENSE AND INCOMPLETE NATIONAL LEGAL FRAMEWORK

At national level, States have adopted numerous instruments for the protection of environment and the right to a healthy environment. Most components of Central African States proclaim the right of man to a healthy environment. It's was after the advent of democracy in the 90s under pressure from Human Rights movements and international donors that Central African countries adopted new constitutions through which they recognize certain fundamental Human Rights among which the right to the environment. The latter has thus been inserted throughout the years either in the body of the constitution or through its preamble. The constitution of the Democratic Republic of Congo adopted by referendum in May 2005 proclaims, for example, through its article 53 that *"Everyone has the right to a healthy environment*

conducive for their full development. It is their duty to defend it; the State shall ensure environmental protection and people's health."

There are similar provisions in the body of the text or the preamble of the constitutions of other States. In addition, Central African States are countries with a monistic tradition and primacy of international law; this means that once international conventions have been ratified, they have a supra legislative status and cancel any contrary legislative provision. Based on the constitution and ratified conventions, the protection of environmental defenders appear therefore to be a fundamental value in the legal systems of the target States and as such, benefit from special protection. Meanwhile, lower texts (laws, decrees, regulations, decisions...) should not jeopardize the rights of defenders.



Next to that constitutional and international framework, almost all the States have a dense set of legislation on environmental protection and the right to a healthy environment. There is in virtually every country an environmental law that grants this right to citizens: law n° 96/12 of 5 August 1996 on the Framework Law on Environmental Management in Cameroon, law n° 16/93 of 26 August 1993 on Environmental Protection and Improvement in Gabon, law n° 07.018 of 28 December 2007 on CAR's Environmental Code, law n° 11/009 of 9 July 2011 on the Basic Principles Relating to Environmental Protection in the DRC.

Concerning the exploitation of natural resources, environmental considerations and therefore the preservation of local communities living environment are taken into account before and after project implementation. Before project implementation, Environmental and Social Impact Assessment is henceforth a prerequisite in all countries. Thus, pursuant to article 3 paragraph 3 of decree n°2013/0171/PM laying down procedures for conducting environmental impact assessments, the implementation of a project cannot start in Cameroon without the environmental and social impact assessment thereof. The same requirement is found in articles 19 and 21 of the law of 9 July 2011 in the DRC, and 87 of the CAR Environmental Code.

The impact assessment is an analysis and forecasting tool, which aims to identify, assess and prevent adverse, direct and indirect effects of work, structures or developments projects on health, the quality of environment, natural resources and ecological balances. This study in some countries has a social component, which assesses the impact the planned project will have on local communities and consequently the actions and activities to address it. Environmental studies henceforth incorporate any changes or modifications a project may cause to the environment and rights, customs or traditional practices of village communities (Article 2 of Decree N°000539/PR/MEFEPEPN of 15 July 2005 regulating environmental impact assessments in Gabon).

In Cameroon, criminal penalties are prescribed for the implementation, without an impact assessment, of a project which according to the law, would require such a study (Article 79 of the framework law on environment). Though there are criminal provisions in some countries of the subregion, it is regrettable that the discretionary power granted in certain circumstances to ministers, especially in Gabon, and above all endemic corruption, paralyze and consequently affect the effectiveness of any legislative and regulatory framework.

The protection of the environment and the living milieu of local and indigenous people also involves at the end of natural resources exploitation, a rehabilitation of the living conditions of the populations. This idea, for example, is found articles 128



and 129 of the Congolese mining code that, require the rehabilitation of soil surface and other adjoining areas to mines, as well as the reinstatement of forests and other areas whose integrity was damage due to mining activities by the holder of the mining permit.

The same requirement is found in article 280 of the DRC Mining Code that requires the holder of the title or the lessee to repair the damage caused even authorized, they carry out as part of their mining operations. Moreover, any person carrying out research, mining or quarry operations is required to establish a financial security for the rehabilitation of the environment in order to ensure or cover the cost of environmental rehabilitation measures; such security may be forfeited in case its depositor fails to meet their obligations (Articles 410 to 414 of Decree n° 038/2003 of 26 March 2003 on Mining Regulation). This same approach is applied in Cameroon where an environmental rehabilitation escrow account must be opened in a bank approved by the monetary authority. This account is opened for each mining on behalf of the holder of the mining permit, who must supply it, and which serves as a guarantee for site rehabilitation and closure. In case of insufficient funds for final rehabilitation, additional works are the responsibility of the project owner.

This legislative and regulatory framework remains incomplete on the specific protection of Human Rights defenders in general. The UN Declaration and the Resolution of the African Commission on Human and Peoples' Rights assign to States the obligation to take legislative and regulatory measures to ensure the protection of Human Rights defenders in their legal system. So far, no state has yet taken such measures to strengthen the protection of Human Rights defenders and thus of environmental defenders in their territory.

Part 2



APPRAISAL OF RECOGNITION OF ENVIRONMENTAL DEFENDERS' RIGHTS IN DEVELOPMENT PROJECTS AND NATURAL RESOURCES EXPLOITATION IN CENTRAL AFRICA



Overall, taking into account the rights of communities in Central African countries is sufficient neither upstream operations (identification and protection of rights in the rights issuance process and preparation of exploitation) nor downstream (protection of rights during operations, organization for adequate economic returns for the benefit of neighboring communities). Investors are usually foreigner and remedies at national level are limited (by legal gaps on the protection of Human Rights, by the attitude of administration which does not pay particular attention to respect for Human Rights, etc., and the only solutions to ensure the recognition of rights often reside in proceedings before international or regional mechanisms to protect Human Rights, or before bodies set up by funding agencies to ensure compliance with the investments they support (World Bank, IFC, AfDB, OECD).

One of the first violations of the rights of communities is linked to their land rights. In principle, however, the domestic laws of Central African countries devote a right to land both for individuals and for communities. For example, paragraph 10 of Article 1 of the Gabonese Constitution on Fundamental Principles and Rights says: *"Everyone, whether alone or within a community has the right to property. No one shall be deprived of their property, except where public necessity, legally determined, requires and on condition of just and prior compensation."* With a few slight variations, a similar provision is found in the constitutions of other Central African States. The prerogative as recognized gives its holder the right to enjoy and use their land in



the most absolute manner, including the right to oppose any intrusion or any transaction in accordance with international instruments on Human Rights, namely the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. These internal and international measures also protect individuals' property against the State, which can be based on public interest to deprive a person or a community of their property, provided that expropriation is accompanied by "fair and prior compensation".

This protection of community property against third party violations is, due to obstacles related to cost, the complexity of the procedure, and its unsuitability to the context of rural communities of Central African countries where it applies, ineffective. There are very few rural

communities with registered land rights or formally recognized customary ownership in the Congo Basin. The situation is different where investment takes place in urban areas, or cuts across urban areas.

This is, for instance, the case in Cameroon where Rodeo Company (known today as Gaz Cameroon) operates a gas field in Ndogpassi, on the northern outskirts of the city of Douala. The project is designed to improve the energy supply of the country, to meet the demand of companies based in one of the industrial zones of Cameroon's economic capital. The gas mining site is located in a popular neighbourhood, and the project implementation resulted in numerous expropriations (a community of more than forty families in the gas extraction site). This is also the case in Gabon, in the Essassa zone, on the outskirts of Libreville, which will host the special economic zone.

In reality, the majority of rural populations in Central African countries are in a position of simple possession; they have been from time immemorial installed on land on which the texts do not recognize their right of ownership, but merely rights of use. In some countries like the DRC, where the State is the sole owner of land,

possession is the sole prerogative granted to people on the land. Although not a property, possession is nevertheless not without legal effect; it allows people who peacefully occupy land for a long time to exploit it and to oppose the entry of anyone on such space. In all cases, whether owner or possessor, the victim (individual or community) should be protected against the loss of land rights, except for public interest and subject to fair and prior compensation. An analysis of texts in Central African countries, however, reveals the organization of the loss of people's prerogatives on their land, without compliance with the requirements established by international law and the constitutions of these countries.

When land is not subject to either a title or development, the State may take a decision to allocate such space to the use desired by the investor. The Congolese law n° 25-2008 of 22 September 2008 provides for the possibility to allocate land use, even if owned by communities, to agro-industrial activities. Article 4 declares *"the state owns the land in rural areas; it ensures its use and development in accordance with development plans and lay out programs. Land in the rural area is registered in the name of the State."* It may therefore classify it in the forestry domain or affect its use to investors regardless of ownership or possession by populations.

Similarly, in Cameroon, the order of 1974 establishing national land management modalities and the 1994 forestry law allow the State to grant portions of unregistered land either for land or forest concessions, regardless of the compatibility of such transfers with the rights of communities in these areas. They may then receive that compensation for loss of their property (crops or buildings). We find the same idea in land or forestry legislations in the subregion. For example, Chad law n° 24 of 22 July 1967 on *"Land Tenure and Customary Rights"* provides in Article 13: *"Any unregistered land is deemed vacant and ownerless, unless evidence of opposite is provided"*. And the consequence of this conclusion is drawn by article 15 of the same law *"The State may register vacant and ownerless land in its name"*. The issue here is whether customary possession is sufficient to prove that land is not vacant.

The most spectacular solutions to loss of ownership rights on land are found in mining. Mining laws in the Congo Basin countries formally states that all lands are available for the award of mining rights. Thus, Cameroon Mining Code of 2001 provides in Article 4: *"Except legal exemption, any land, including water that stretches on the said land, is available for the award of mining rights"*.

Mining legislation in Gabon, Central African Republic, the Republic of Congo and the Democratic Republic of Congo have similar provisions. With these solutions, the populations automatically lose their privileges on land, when they are of interest to mining. Laws formalize this situation by allowing the mining contractor, *"in exploration or exploitation phase, both within and outside their license, to occupy or*



have occupy the land needed for research and exploitation work, related works, accommodation, workers hygiene and care" (Article 128, Gabon Mining Code of 12 October 2000).

Furthermore, the use of expropriation procedure for public utility deprives the rights owning communities of any possibility of negotiation on both the location of land to give out and on their extent or the amount of compensation. What matters in this transaction, is the investor's interest, and not that of the victims. Certainly States compensate populations, but they do it on the basis of a scale unrelated to the value of the losses incurred by the expropriated or evicted populations. In the context of expropriation for public utility, the State can determine a compensation scale, as is the case in Cameroon.

This scale is fixed and does not provide for recosting mechanisms (inflation indexation, for example, or use of market value on the date of expropriation or payment of compensation). The application of compensation scales for public purposes to private commercial projects penalizes owners again: unable to decide whether or not they want to give out their land to the benefit of the project, they are forced to accept compensation terms. In general, compensation terms have at least four major gaps in Central African countries:

- the factors taken into account do not represent the total losses incurred by the victims. For example, the scale of compensation considers only the economic value of the property destroyed, and not its emotional value for example,
- the amounts provided for are lower than the market value, and do not allow victims to rebuild their wealth at least identically;
- compensation payments are made in cash, and the technical services of the State do not provide for a support for compensation beneficiaries. They are forced to give out their property, but do not receive the necessary attention to ensure they reconstitute their heritage to the same;
- In some cases, it is the State that carries out the assessment of the extent of damages in view of compensation. The State in these cases is both judge and party, the final assessment prior to payment being made by its services in charge of Agriculture and Land Tenure.

Thus, the State declares the investment of public utility, determines the amounts of compensation, and evaluates eligible assets. These weaknesses of compensation often lead to an impoverishment of the victims, who usually fail to replace the goods they were deprived of.

Finally, communities do not have the opportunity to oppose the proposed projects on the land they occupy or use while considering themselves as legitimate owners. The texts, however, almost always include consultation with affected communities, which appears as a mere formality, without any influence on the opportunity and implementation of the project. At least two assumptions are envisaged in the laws of Central African countries: negotiations on the opportunity to issue the certificate of exploitation, access to the land of the owner, and consultations on the modalities of implementation of the project to harness natural resources. The country that establishes an elaborate consultation right is the Democratic Republic of Congo.

In forestry in this country, no forest concession contract can be allocated to an investor if the latter does not provide evidence of a negotiated and signed agreement with local communities and/or indigenous populations, the customary owners of the concerned forest. The legislation provides that such agreements are valid only under two conditions: they must have been negotiated following a framework translated into a practical guide outlining the negotiation process and must conform to a model determined by order of the Minister of Forestry.

In Central Africa Republic, Article 72 of the Mining Code provides that *"the holder of a mining title cannot access or occupy the area on which the mining title is created in order to carry out their activities until they have (1) signed an agreement with landowners on compensation amount, periods and terms and this agreement is registered and (2) paid the amount of compensation as determined by this agreement"*.



In the absence of agreement, access to the site could be blocked, at least temporarily. It is a protective solution for populations that could be generalized; but this requires prior recognition of customary ownership of populations on affected areas.

Generally, community consultation only relates to projects implementation modalities, and not on its conduct, nor its location. In terms of implementation of land concessions, the texts in force in some countries (Cameroon and DRC, for example) provide for consultation of the communities prior to the allocation of land rights to the investor. This consultation is valid only for non-suitable land, and does not apply to land falling in the private domain of the State. The issue is not that of the opportunity of the project, but its location and its potential impacts on the livelihoods and the rights of the victims. In all other cases (forest concessions and extractive resource development projects), consultation only occurs after the decision. It thus takes place either during the environmental impact assessment (Cameroon, Gabon, DRC, Republic of Congo), or during the preparation of forest concessions management plan (Cameroon, DRC, Gabon, CAR, Republic of Congo).

Part 3



MAIN CASES OF VIOLATIONS

a. Congo-West Basin: Beatings, Death Threats, Violation of the Right to Justice (Mr. Guy AKEY)

The West Basin is one of the twelve departments of Congo Brazzaville. This region is extremely rich in natural resources: forest with abundant wildlife diversity, solid mines. The region hosts the National Odzala-Kokoua Park (OKNP), which covers the northern part of the department and is registered in the indicative list of UNESCO World Heritage.

Located in the Department of West Basin, Ebana village borders the Odzala-Kokoua national Park and goes from river Likouala-Mossaka up to Laye stream on Itoumbi-Mbomo road. For the villagers, many ponds, rich in fishery resources, like natural clearings, including Jebe and Tatbou, which contain diversified flora and fauna species, are sacred.

The Community created an NGO, VAPE-Conservation, whose mission is to protect their living space through biodiversity conservation in the area, the protection of community interests and the preservation of ancient culture and the protection of sacred sites. Moreover, the organization conducts agricultural activities to cope with dwindling food resources due to the presence of the park. The organization has for some time, been the main interface between the Ebana community and partners.

The protection of local resources, including the fight by VAPE-Conservation against illegal artisanal exploitation and the protection of wildlife species vital for the community attracts to it the wrath of artisanal wood dealers. The latter who exploit timber illegally cause the flight of wildlife species and the disappearance of some medicinal trees and edible herbs. Following the actions carried out by this NGO for the protection of Ebana local heritage, it is more and more difficult for artisanal operators to access the resources.

On 21 December, 2011 at 10:00 a.m., Mr. AKEY Guy, Chairman of VAPE, was attacked and beaten by a group of artisanal operators, some of which were clearly identified. It was through the intervention of people who witnessed the scene and who intervened to deliver him from the clutches of his attackers, that Mr. Guy AKEY came out alive, having incurred serious injuries. Treated and healed, Mr. AKEY filed a complaint at Mbomo gendarmerie which, after investigation, referred the case to court with territorial jurisdiction. Since then, the procedure has not been evolving despite numerous follow up attempts by Mr. Akey. More than four years after this incident, his right to justice and reparation is de facto denied. This situation is also likely to create a sense of impunity and therefore encourage such attacks to intimidate him, and against members of his organization. Mr. AKEY receives many death threats till today.



b. Cameroon-Figuil: Judicial Harassment, Intimidation, Death Threats (Norbert BOUBA)

Figuil is a sub-division in the Mayo Louti division, North Region of Cameroon. It is known for the riches of its soil and subsoil, especially in terms of mineral resources. Aware of the economic benefits mining companies can derive from there, two multinationals have settled in this area for over half a century. This is Cimenterie du Cameroun (CIMENCAM), cement producing company, and ROCAGLIA, established in 1963 and 1943, respectively. The operations of these two companies have, since exploration phase, generated countless negative impacts on the environment, and by extension, on the health of local populations.

As far as CIMENCAM is concerned, the adverse effects of its activities occur mainly through the release of huge amounts of dust in the city, polluting the environment and exposing animals, residents and travelers to various diseases. One can however note the positive response received by the advocacy campaign initiated by CELPRO (Monitoring and protection unit of victims of mining activities in the Figuil sub-division), a local organization for the protection of the environment created in order to defend the rights of the neighbouring communities of these projects. Indeed, on 14 October 2014, after 43 years of cement production, CIMENCAM installed a filter on the chimney of its factory, a crucial measure for the retention of dust emissions. In general, however, the fact remains that these companies, driven by the spirit of "excessive capitalism", feel more secure when the ignorance of the populations is absolute and conversely do not welcome at all any attempt to raise awareness among the communities about their rights and corporate social responsibility.

For decades, ROCAGLIA has been operating without performing any Environmental and Social Impact Assessment (ESIA). With this finding, CELPRO initiated a denunciation campaign one of the main objectives of which was to secure their quarries which have become deadly. The campaign was launched after the death by drowning of a 9-year old child occurred on 27 August, 2012 at 04:00 p.m. at ROCAGLIA quarry located in the village of Biou, which has no safety device, especially a fence to protect communities. Concerned by ROCAGLIA's *"unwillingness and failure to comply with the texts"*, the organization, led by its Coordinator, Norbert Bouba, increased its pressures, through advocacy campaigns towards administrative authorities (Figuil SDO, MINMIDT Divisional Delegate, MINEP Divisional Delegate, Mayo Louti Senior Divisional Officer), denunciation letters to members of government, claims for the ad valorem tax due to the population, the production and broadcasting of video recordings.

It is in this context that in 2012 a video recording was produced by CELPRO to denounce the insecurity of ROCAGLIA's quarries, consecutive massive deforestation due to the need to power their blast furnaces with coal in order to manufacture marbles and pollution. Immediately after putting the videogram online, Norbert BOUBA, became the target of many threats and pressures. A complaint was filed against him at Figuil Special Police Station, at Figuil Gendarmerie and at the Special Police Station of the Mayo Louti Division by Pierre Rocaglia, CEO of ROCAGLIA.

The first two resulted in a series of questioning on 12, 15 and 16 November 2012. He was addressed a convocation by the Judicial Investigation and Anti-Robbery Squad of the 3rd Gendarmerie Region Headquarters. During the various hearings he underwent, he was accused of having filmed the quarry without authorization. At the investigation brigade, he was accused of writing anonymous letters to the President of the National Assembly, the Minister of Mines, Industries and Technological Development (MINMIDT), and to the Minister of Environment, Nature Protection and Sustainable Development (MINEPDED).

During the investigation, M. BOUBA recognized that CELPRO wrote to the Minister of Finance (MINFI) with copies to MINMIDT, in order to claim the 10% royalties due to the populations. Due to lack of evidence, investigators closed the case against him without further action. ROCAGLIA also claimed the organization was illegal. This charge was dropped after presentation to the Brigade investigator of the documents establishing the association. Finally, Figuil SDO sent a message instructing the Brigade Commander to arrest and present Norbert BOUBA at Guider Court for *"staging mass unrest and disturbing public order"*.

With the support of the Cameroonian coalition *"Publish What You Pay"*, administrative pressures on Mr. BOUBA somewhat dropped. The suspension of

CELPRO activities decided by the Divisional Officer was lifted in July 2015, seven months after its inception in January 2015. However, between insults and death threats through an attempted poisoning, Mr. BOUBA lives with fear and uncertainties on a daily basis and must take a thousand measures every day to protect himself, his collaborators and their respective families.

c. Cameroon-Fungom : Land grabbing, Threats, Violation of Freedom of Expression (Esu Community).

The Esu village is situated in the Fungom Sub-division, some 25 km away from Wum, divisional headquarters, of the Menchum Division in the North West Region of Cameroon. This community of 35,000 inhabitants is currently ruled under Fon Albert Kawzuh Kum A Chuo II who started his reign in 2008. The main livelihood of the population is farming, palm wine tapping, small-scale livestock rearing and petty trading with neighbouring villages in Cameroon and Nigeria.

El Hadji Baba's incursion into Esu dates as far back as 1986. He came into Esu village, asking for temporary grazing land for part of his cattle. Baba Danpullo was introduced to the then Fon, Joseph Meh Buh II by Fai Yengo, who was the Senior Divisional Officer for Menchum Division, with promises of electricity, potable water, employment for youths and others. His Royal Highness Joseph Meh Buh II, paramount ruler of Esu and custodian of all Esu Communal land, verbally accorded Mr. Baba Danpullo temporary grazing privileges on an approximately four square kilometers of land at Ibiy Wundélé for his cattle.

The understanding was that the Esu people would continue to carry on their subsistent farming activities plus exploitation of their raffia palm bushes in surrounding lands. In the decades that followed, Mr. Danpullo has violated the terms of the verbal contract he entered into with the HRH Joseph Meh Buh II and the Esu people. Due to the transfer of cattle from his ranch in Ndawara which he later converted to a tea estate, to the Elba ranch in Esu and the continuous multiplication of his cattle, he now occupies 10,000 hectares of land which he doesn't want to return to the villagers.

In the past years, several complaints were made by inhabitants of the Esu village alleging El Hadji Baba Danpullo of harassment, brutalisation, and destruction of their homes and properties on several occasions. This was clearly stated in the complaint written by members of the Ewo-Weneghi neighborhood, addressed to the Senior Divisional Officer of Menchum Division, on 1st March 2001. On 2nd March 2001, he ordered for the detention of Mr. Kpwe Chrysantus, Neh Freeboy, Geh Small, and Kah Julius for two days. The same petition testified that, El Hadji Baba



Danpullo and his workmen went into the farms of villagers, destroying fences and setting others on fire, on 3rd March 2001. Specific example was given on the clearing down of maize that was planted in Mr. Peter Kum's farm.

Another complaint made by the ECUDA (Eso Cultural and Development Association) addressed to the Prime Minister on 7th July 2001, clearly explained how El Hadji Baba Danpullo, destroyed the houses of some villagers in Ewo, who sought refuge in the house of the Fon. The then Senior Divisional Officer of Menchum brought in gendarmes who molested some villagers; beating some, making others to lie down facing the sun with their eyes wide open and causing others to crawl on their knees.

30 years have gone by and El Hadji Baba Danpullo insists on occupying 75% of the village land for his ranch. As a result of El Hadji Baba Danpullo's extended occupation, 200 people have been evicted from the Ewo (neighbourhood of Eso village adjacent to the area on which he was granted grazing privileges) quarter. Some youths in the village confirmed that; there were markets, farmlands, grazing land, shrines and families living there, which have now been uprooted and

dispersed. The Esu people have lost access to income-generating resources such as raffia palms, sand, stones and oil palms on that area.

In November, villagers from the Esu community complaint of a wooden fence erected by El Hadji Baba Danpullo around the Elba ranch, blocked access to the river Imieh which youths from the village usually extract construction sand from and sell for their subsistence. The sandpit served until then the only privileged source of income of the Esu people due to increasingly limited land for farming. Chemicals used for the treatment of cows in the Elba ranch are also emptied in the same river, which contains fish and crocodiles and serves as the basic source of drinking water in the community, leading to health hazards.

The Fon said: *"All we want is for Baba to come and point to us exactly where the former Fon showed him to graze his cows. We don't want to drive him out of the village,"* Wright now, El Hadji Baba is constructing buildings and planting life plants on the land. Moreover, original occupants and farmers of the land which El Hadji Baba has expanded wished to return and farm on them.

These farmers made preparations for this farming season on that land and built huts which were destroyed by workers of the Elba Ranch. Continuous effort to dialogue with Mr. Danpullo has failed but instead has sought to impose an injunction banning the Esu population from trespassing on his supposed land. Followed by this injunction, four youth leaders of the Esu Youths Development Association (Philip Kwe, Dyfred Abue, William Meh and Oumarou Bouba) were arrested and detained at the Wum public security post on the instruction of the Senior State Counsel for Menchum; Bunett Bekono Ebe. Their arrest was due to a complaint made by the manager of the Elba ranch because they were keeping watch day and night so Baba does not plant pillars on the land. They were released upon a protest carried out by hundreds of Esu villagers from Esu to Wum in front of the Senior Divisional Office.

In 2001, ECUDA solicited from the Prime Minister a proper compensation of the families concerned. They wanted those families to be resettled around the shrines of their departed ones, and to remove the Elba ranch from farmlands. Even though some evicted persons where compensated sums varying from 20,000F CFA to 150.000F CFA, it was not clear if payments were for the demolished houses, or crops. ECUDA wished that peace and justice reigned.

Presently, the Esu community collectively need their land for farming, for feeding and trading, building houses and for the present and future generations. They also wish to have the freedom to have access to their shrines and river Imieh for worship and to extract sand, found within the area El Hadji Baba Danpullo has occupied. Moreover, they wish to comfortably use water from the river contaminated by chemicals used for the treatment of cattle in the Elba ranch. The inhabitants of the

village are especially contesting the fact that a single person claims 75% of the village surface area.

El Hadj Baba, made a complaint to the High court of Wum stating that, he do not have a peaceful enjoyment over the occupied land because of contestations from Esu community. As a result, on Friday, 26th June 2015, justice NGUEM NGUTE Paul, president of the Wum High court, passed a restraining order in the absence of the representative of the Esu community, banning the Esu population from trespassing on the disputed land. This is an action against the law because inaccessibility to a disputed land must concern both parties and not one sided. Thus the right of the Esu people to just and fare trial and equality before the law has been violated. Moreover, Press conferences and other public events of Esu community have been regularly prohibited.

d. Cameroon-Upper Sanaga : Land Grabbing, Degrading Treatment, Judicial Harassment (Mr. FA'A EMBOLO Joseph)

The Upper Sanaga division is located in the Centre Region of Cameroon and is known for its fertile soil. Because of the fertility of its soil, yet unused and therefore suitable for agriculture, the Upper Sanaga is part of an agro-industrial zone project developed after independence. This is a project that stretches from the town of Obala in the Lékié Division right to Belabo, in the Lom and Djerem Division.

Agricultural enterprises, like SOSUCAM (Société Sucrière du Cameroun), are already installed in this area. The interest shown by the large farming enterprises for this area tends to undermine the historical rights of local populations on "*the lands of their ancestors*". Between land grabbing and serious environmental damages due to exploitation activities, including underemployment, communities in the Upper Sanaga face major challenges.

It was in this context that on 12 August 2002, Mr. FA'A ÉMBOLO JOSEPH, from Nanga Eboko, created an association called APEDHO (Association for Environmental and Human Rights Protection), whose goal is to denounce environmental abuses in Upper Sanaga and Human Rights violations, and to carry out independent monitoring of forests. The climax of this now usual opposition between Mr. FA'A and the authorities of his Division was reached in 2009 when a project of the Ministry of Agriculture and Rural Development (MINADER) for the establishment of a Chinese company called IKO partly overlapped his lands in block 5 of his Village Akak.

The latter is in fact made up of 5 blocks, namely Ekomba, Akak, Loum, Engane and Walla. Mr. FA'A owns cocoa farms in this last block, and access to his plantations is through a road from the national road N°1 to the bank of the Sanaga River.

This road was constructed by EFOB (Entreprise Forestière Bekale) who was awarded a forest concession in 2007. The ownership title for this access road is an attestation given to Mr. FA'A in 2011 by Mr. Gilbert BEKALE ETOU'OU, the General Manager of the company.

By Decree N°00475 of 24 March 2009 of the Ministry of State Property and Land Affairs (MINDCAF), the construction works of an agricultural project (rice farming) were declared of public utility on an area of about one hundred (100) hectares in the Upper Sanaga Division. This area covers six (06) villages (Nkoteng, Ndjoré, Akak, Bifogo, Ndokoti and Boundja) and is a particularly resource-rich area (the population collect caterpillars, mushrooms, termites, etc. for local consumption).

In Akak village, the project would have affected only the block bearing the same name. But, following a visit in the field by the Report and Evaluation Commission on 17 July 2009, it was noticed that the originally proposed site was inaccessible for project implementation; hence its move to the Walla block, on the land of Mr. FA'A. The advantage of these lands is the existence of an access road leading to the site chosen for the agricultural project. According to a report by the former SDO, a team of the Special Works Brigade was dispatched on 23rd May 2011 by the MINDCAF to correct the mistakes made in the survey process. Opposing the SDO's report, Mr. FA'A argues for his part that the purpose of this commission was to limit land, including those out of the sites identified by the MINDCAF, and this was done *"without informing the populations."* Following several unsuccessful attempts to approach this team, and to discuss with the local administrative authorities, Mr. FA'A blocked, in a sign of protest, the access road for which he has ownership title.

The SDO visited the site and having taken note of the obstruction, ordered the arrest of Mr. FA'A on 24 May, 2011. He was led to a gendarmerie post where he was subject to an administrative custody. On 31 May, 2011, accompanied by Mr. ZE EVINA, Mr. FA'A was taken to Nanga Eboko main prison where he spent four (04) months without trial until 28 September 2011.

During this stay in jail, Mr. FA'A lived in appalling and inhumane conditions. In this crime-encouraging prison (according to Mr. FA'A, various acts of torture led to the death of 6 persons during his four months of detention, and 10 others are alleged to have lost their lives during the previous 2 years), Mr. FA'A was not spared abuses: no bedding (despite the payment of a sum of 30,000 CFA francs on his arrival), invitation to snap in a completely indecent outfit, invitation to clean out the latrines without any protection, meals not respecting any standards, etc., all these on a daily basis. Flabbergasted by this situation, M. FA'A produced a six-page report on the conditions of detention which he addressed to the National Commission on Human Rights and Freedoms (NCHRF) on 9 February 2012.



This report reached the Minister of Justice, Keeper of the Seals, returned by the Minister to the State Prosecutor of Nanga Eboko for investigation in October 2012. So far, the results and conclusions of the investigation were never made public or disclosed to M. FA'A.

After the arrest of Mr. FA'A, the Commission continued its work in the field. The Divisional Head of Land Surveys in the Upper Sanaga, according a localization map dated on 13 June 2011, incorporated a plot of 1,015 hectares in the private domain of the State; i.e. 10 times more than indicated in the decree declaring public utility. Because he opposed this, Mr. FA'A was being prosecuted by the public prosecutor for three charges: rebellion, obstruction of a public road and illegal logging. Following a long procedure, he was sentenced to a one-year conditional imprisonment with suspension of operation within 03 years; and costs awarded to ninety-five thousand eight hundred forty-nine (95,849) CFA Francs.

He appealed against this decision on 21 February 2012 by requesting the cancellation, the reinstatement of his criminal record and the restitution of the sum of ninety-five thousand eight hundred forty-nine (95,849) CFA francs.

This procedure is particularly slow and the appeal trial has already been adjourned 5 times for reasons such as non-possession by the Court of Appeal of the Centre of the entire record, whereas Mr. FA'A, since 17 January 2014, paid the sum of fifty thousand (50,000) CFA francs being the reproduction costs of the record. At the hearing held on 22 January 2016, the case was once again adjourned to 25 March 2016 for irregular composition of the Court.

e. Cameroon-Mundemba : Land Grabbing, Threats, Intimidation, Judicial Harassment (Mr. Nasako BESINGI)

Mundemba is a subdivision in Cameroon, at the border with Nigeria, located in Ndian division, in the South West Region of Cameroon. Stretching over 1,557 km², Mundemba is characterized by a rich ecosystem and is particularly conducive for agriculture. Its high rainfall levels make it particularly favorable for oil palm cultivation. It is these characteristics that encouraged the company named Sithe Global Sustainable Oils Cameroon (SGSOC), the Cameroonian subsidiary of the American company Herakles Farms, to solicit the locality to install its oil palm nurseries. In 2009, SGSOC indeed obtained from the Ministry of Economy, Planning and Regional Development (MINEPAT) a 73,000-hectare concession in the South West Region of Cameroon, in the localities of Toko, Nguti and Mundemba, to install oil palm plantations and a refinery.

But very soon the project raised many issues including land grabbing faced by local populations who neither agreed nor received any compensation. Environmental and Human Rights defenders, anxious to restore affected communities in their rights, rose up against Herakles Farms and involved administrations. In Mundemba, the struggle is particularly embodied by Mr. Nasako BESINGI, an environmental activist, defender of the rights of communities and Director of the NGO Struggle to Economize Future Environment (SEFE), an organization committed, among others, in advocacy and capacity building, supporting local populations towards the precepts of sustainable development.

In 2009, while the entry into force of the Establishment agreement between Cameroon government and SGSOC was conditioned by the signing of a decree by the President of the Republic, the US multinational launched its activities in 2010 by illegally destroying forests and installing its nurseries. This challenge to the established legal order reached its climax with failure by Herakles Farms to comply with a court order issued by the Court of Mundemba seized by the local populations. This affront was somehow mitigated by the suspension imposed on Herakles Farms by the Cameroonian Minister of Forests and Wildlife (MINFOF) in May 2013.



On 25 November, in that same year, the President of the Republic issued three decrees granting Herakles Farms a "*provisional license*" for a period of three years renewable over 19,843 hectares of land in Nguti, Toko and Mundemba subdivisions (South-West Cameroon) at a cost of 3,333 FCFA per hectare per year, and an obligation to invest nearly 260 billion CFA francs in the area.

Right from the first hours of the project, there was already opposition under the sign of protest against serious threats to the environment in an ecologically and hydrologically sensitive forest area; and objections to violations of communities' rights, including the right to food in a context where the project moved about 25,000 people and endangering many others who depend on the land from which they were expelled for their livelihood (agriculture, hunting, forestry, etc.). On 12 September 2011, Mr. Nasako BESINGI sent an open letter to the Roundtable for Sustainable Palm Oil (RSPO) and World Wildlife Fund (WWF).

On 14 November 2012, Nasako BESINGI, was arrested along with four of his associates, namely Mrs. Theresia EKPOH MALINGO, Mr. Gabriel Isele Ngoe, Mr. MOSONGO Lawrence and Mr. NAMASO NWETE JONGELE. The operation was conducted in the premises of SEFE by more than 15 heavily armed gendarmes led by the Commander of the local gendarmerie brigade.

He was actually preparing a peaceful demonstration against Herakles Farms in the margin of the visit of the Governor of the South West region who came to install the Ndian Senior Division Officer. About fifty people gathered at the headquarters of SEFE had just received T-shirts for this demonstration. Nasako and four of his colleagues were accused by the government of organizing "*an undeclared public meeting.*"

The same year, while serving as guide to a team of TV journalists making a documentary on conflicts between Herakles Farms (SGSOC) and communities in Mundemba subdivision in South West Cameroon, Nasako Besingi was violently attacked by a group of people, in the presence of many witnesses. He then wrote a report of the event, on which SGSOC relied to sue him for slander. Moreover, the company was accused of having ordered the report produced and broadcast on France 24 TV channel.

On 31st December, 2013, Nasako was summoned at the request of Herakles Farms for "*publishing false information on the internet.*" The lawsuit filed by Herakles was based on an email sent by Nasako in August 2012, where he said he had been attacked by a group of men he identified as subordinate managers of Herakles Farms. His physical integrity was safe thanks to a team of French journalists of the France 24 TV channel that followed Nasako that day. When their truck appeared, the men left Nasako and ran away. Herakles Farms will later admit that the men who attacked Nasako were "*local service providers.*" Concerning this claim, the trial of Nasako began in March 2014. In addition, two employees of the company to which it was granted ten million in damages also accused Nasako of being responsible for the campaign which led to the suspension of the activities of the company and therefore to their layoff.

In short, after a campaign of physical assaults, administrative pressures and judicial harassment, on 3 November, 2015, Mr. Nasako BESINGI, who was sued by SGSOC (Herakles Farms) and by two of its former employees in a series of cases for slander, and after several adjournments was heavily sentenced to pay a fine of 1 million CFA francs, or to serve a 3-year prison term. He also had to pay damages of 10 million CFA francs to both civil parties and costs of about 200,000 CFA francs. This decision was particularly surprising given that the prosecution throughout the trial produced indirect evidence, including copies of emails allegedly printed from Nasako's mailbox, contradictory testimony ... Barrister Adolf Malle, Nasako's lawyer, said he was also surprised and shocked that the decision rendered chose to retain only certain testimonies it mentioned, ignoring others that showed the inconsistency of prosecution claims.

f. Cameroon-Moloundou : Threats, Intimidation, Violation of Freedom of Association (Fusion Nature and Michel NDOEDJE)

Moloundou is a subdivision located in the Far South-East of Cameroon, in the Boumba and Ngoko division, East Region. Covering an area of 15,000 km², Mouloundou shares the border with Congo, from which it is separated by the Ngoko River. The main feature of Moloundou lies partly in its dense evergreen forest and raffia swamp forests; and secondly in the diversity and abundance of its wildlife in the Lobéké, Boumba Bek and Nki national parks. This wealth places Moloundou at the heart of various, more or less noble envies.

In fact, Moloundou is well known for the extent of trafficking and other biodiversity abuses targeting the locality. A recent illustration of the fact that no social category defeats the illegal temptation to engage in trafficking in Moloundou was the so-called "*case of 49 ivory tusks and 1003 war ammunitions seized in Moloundou*", in which a poacher was arrested and released in response to pressures from some authorities. This situation shocked defenders of the environment and in particular the association "*Nature Fusion*" based in Moloundou, the latter through its Coordinator, Mr. Michel NDOEDJE, wrote a letter to denounce this situation which has been causing him notorious abuses of many of his rights and freedoms.

Since the release of the denunciation letter 0012/SG/SGA/DH/CG/AGM/FNEC of 11 June 2015 written by Fusion Nature NGO on the operation conducted by the agents of Lobéké National Park under the supervision of Moloundou SDO, the lives of the members of this NGO, and especially that of its coordinator, have never been the same. In fact, informed of the involvement of certain administrative and military authorities of Moloundou (i.e. SDO, a member of the gendarmerie and part of the Motorised Infantry Brigade (BIM) in the case of ivory tusks hijacking, Michel NDJUEDJE, whose NGO is part of the Regional Group of Actors for Sustainable Development in Central, East and West Africa (GRADD-ACEO), reported the matter to the DO, the Governor, the Minister of Forestry, and various organizations involved in the field of conservation.

In his letter, he condemned the release on 27 May 2015 at 04:00 p.m. of a certain Amadou AWOULOU, alias Nourou, arrested on 26 May, 2015 around 07:00 p.m. by the 132th Motorized Infantry Squad (MIS) and elements of the Ministry of Forestry and Wildlife (MINFOF) on duty at the Lobéké Park and held in custody at Moloundou gendarmerie post. This individual was unlawfully carrying 49 ivory tusks and 1,003 war ammunitions. According to Mr. Michel NDJUEDJE, the SDO ordered the release of the latter, after receiving upstream the sum of 10 million CFA francs intended to corrupt the SDO and some of his direct collaborators, namely the Commander of the 132th Motorized Infantry Squad, the Brigade Commander of Moloundou and

an official of the local police unit. After the arrest of the alleged poacher on 26 May 2015, the ammunition and weapon in his possession were kept in Moloundou Gendarmerie while ivory tusks were transported to the DO residence. A report signed by the DO will later on state that he took only 4 tusks of ivory while the report of the LOBEKE National Park warden mentioned the seizure of 53 ivory tusks according to Fusion Nature

Since this denunciation occurred, Michel NDJUEDJE and the members of his association, like Moussa DAÏROU, no longer feel safe. The SDO, according to several witnesses, publicly pronounced death threats against him especially on 10 June 2015, sixty (60) kilometers away from Moloundou, at Mambele crossroads during a briefing and consultation meeting between various stakeholders in the protection of natural resources in the area. The presence of witnesses such as the DO, the MINFOF divisional Delegate, CIFED coordinator, municipal councilors, traditional rulers and FMO did not prevent the SDO from uttering threats. He has been reiterating these threats on various occasions before witnesses.

The residence of Mr. NDOEDJE located in the administrative neighbourhood of the city was burgled. The perpetrators only destroyed the property found in the compound, throwing his items outside and scattering them. In July 2015, Mr. NDOEDJE said he was assaulted and thrown into the Boumba River around 01:00 a.m.

A source of information from the DO office revealed the existence of a note, not made public, banning the activities of Nature Fusion for disturbing public order. This note was handed to the brigade commander who expected the first opportunity to arrest Mr. NDOEDJE and his colleagues. Following this turmoil, various local authorities have been heard, other were arrested or transferred. Despite this, Fusion Nature officials live in a permanent climate of fear.

g. Cameroon-Nguti : Violation of Freedom of Association, Threats, Legal Harassment (Nature Cameroon and Dominic ALEKEH NGWESSE)

Nguti is a subdivision of the Kupe Muanenguba Division in the South West Region of Cameroon. It occupies an area of 1444 km² and inhabits 67,218 people. The locality is characterized by rich biodiversity with hundreds of species, especially Etianguti, a cichlid fish species which is only known from the Nguti River (Ehumbve River). It is currently the only known member of its genus. The Nguti biodiversity is made up of hills, steep slopes, deep valleys, low lands, rugged, undulating surfaces, huge tropical forest mixed with secondary and primary forest (the forests are home to several types of primates especially the monkeys and also elephants).

There are also the bush pigs, porcupine, cutting grass, birds of assorted types including the parrot.

There are several protected areas in the locality, particularly the Bayang Mbo sanctuary; the Korup and the Bakossi Park. Others include village traditional protected sites for cultural activities. There are various types of soils ranging from laterite, sandy, humous and clay which are generally acidic and are suitable for farming especially the cultivation of cocoa, coffee, banana, oil palm, rubber and a great variety of food crops such as plantains, cocoyams, yams cassava, egusi, maize, pineapples.

It is based on these soils characteristics that an American agri-corporation called Herakles Farms decided to invest in a project of planting oil palms in three villages in the South West Region Cameroon, including Mundemba, Toko and Nguti. In each of those villages, the project has been rejected by the local populations as far as it was implemented with disregard to its environmental, social and economical impacts. In Nguti, the person that best represents the opposition between those entrepreneurs and local communities is Dominic Alekeh Ngwesse, the Chief Executive Officer (CEO) of Nature Cameroon, a recognized association under Cameroon law by virtue of an acknowledgment receipt N°46/A/G.42/162/Ps dated the 9th of September 2004 signed by the Senior Divisional Officer for Kupe-Muanenguba Division. The purpose of Nature Cameroon is to carry out environmental education, collaborating with forest adjacent communities, and promoting collaborative natural resource management.

According to an Establishment Convention signed in 2009, Herakles Farms has obtained from the Ministry of Economy, Planning and Regional Development (MINEPAT) the right to exploit about 73 000 hectares of forest in the South West region of Cameroon, in order to plant oil palm and install a refinery. However, the commencement of exploitation activities by the company depended on a presidential decree authorizing their activities to be issued. Without that formality being respected, the company launched its activities in 2010 by illegally destroying the forests in the areas of its activities and installing its nursery.

While ignoring applicable laws in Cameroon, the company was also putting at risk an area that is classified by Conservation International as one of the 25 most important in the world in terms of biodiversity (« *biodiversity hotspot* »). This contempt of Cameroon legal framework was later manifested in a Court decision suspending the company's activities as the local populations complained. It was in this context that the company was suspended in May 2013 by the Minister of Forests and Fauna (MINFOF) in order to review the Establishment Convention. On the 25th November 2013, came the 3rd Presidential decrees giving to Sithe Global Sustainable Oils

Cameroon (SGSOC, Herakles Farms' branch), a three-year renewable temporary lease on 19,843 hectares in Nguti, Toko and Mundemba (South West Region, Cameroon) for an amount of 3,333 CFAF per hectare, per year, and an obligation to invest almost 260 billion CFA F in the area.

Shocked by this invasion which is considered as land grabbing and an eminent environmental danger pose (hinder sustainable development and destroy biodiversity) in the region in general and in Nguti specifically, Nature Cameroon, launched a campaign of advocacy and information of the populations on their rights and the risks they will have to address in the case the project is effectively implemented. It thus conducted awareness raising campaign on the people in Nguti, informing them of the ecological footprint of the project in a context where local populations feeding depend on forests' products like Njansang, Bush mango, eru, bitter cola, country onion and pebbe.

Moreover, in Nguti, people essentially consume bush meat as their source of protein. Furthermore, Dominic Ngwesse raised the awareness of villagers and all the stakeholders on the fact that implementing SGSOC projects will be a great source of conflict between the firm and local populations.

This conflict will be inevitable because agriculture is the main economic activity carried out in Nguti with a wide range of cash crops including cocoa, coffee, palm trees and oranges and many food crops such as plantains, coco yams, banana, cassava, groundnuts and Egussi. Based on this evident relationship between the local populations of Nguti and their milieu, Nature Cameroon and many other environmental NGOs like the Centre for Environment and Development (CED), Greenpeace and Oakland Institute to mention a few, would advocate for SGSOC to make some pertinent arrangements to alleviate the negative effects of its project and efficiently compensate the populations.

Unfortunately, because of his commitment to make peoples voices heard, Mr. Dominic Ngwesse has started being the target of pressures from administrative and judicial authorities on one hand, and Herakles staff on the other hand. Indeed, in September 2013, after having organized some sensitization meetings about Herakles' project in Nguti, Mr. Dominic Ngwesse received an official mail (Decision No. 00196 of 11/September/2013) suspending his NGO from holding any public meeting in the Nguti Sub-division. After this infringement of his freedom to association, Mr. Ngwesse has regularly been the target of phone calls threats. On May 6, 2014, he was presented an arrest warrant by the Chief of Post for Public Security, Nguti, issued by the State Counsel of the High Court of Kupe-Muanenguba in Bangem. Finally, it appeared that the above-mentioned arrest warrant was a manipulation from the Divisional Officer. As a result, the State Counsel of the High

Court of Kupe-Muanenguba and the Chief of Post for Public Security had to apologize to Mr. Ngwesse.

h. Cameroon-Ngan'ha : Land Grabbing, Threats (Ngan'ha Community)

Ngan'ha is a subdivision located in the Vina division, Adamawa Region in Cameroon. The locality is known for its fertile land, its vast forest full of many varieties of medicinal plants, and its gravel quarry. Ngan'ha also has major tourist attractions such as caves, the chiefdom mini museum, Tello and Bera falls, and the Boum-Rianga cultural and arts festival. Unfortunately, this subdivision of 54 villages spreading over 2,625 km² is also prey to endemic environmental destruction (uncontrolled tree felling, excessive deforestation and destruction of plants), poor condition of roads and lack of access to electricity, health care, education and safe drinking water. Agriculture is the main activity from which the population derives their food and most of their income.

In 2005, El Hadj HAMADOU Ousmanou, alias Dorifi, requested from His Majesty Saliou SAOUMBOUM, 3rd class chief of Ngan'ha village a piece of land for periodic transhumance purposes. The Chief of Ngan'ha replied favorably to the demand and actually allocated some space to Dorifi, near WAME-Grand village. As passive actors of the occupation of their lands and of the destruction of their crops by the livestock El Hadj Dorifi, affected farmers, most of whom are poor and illiterate, were driven out of farming land in the area called Yanguir shared by many villages, namely WAME-Petit, Laasèè, Nyassar, Gbang and Ngarkou, Sockwa, WAME Grand, Rol, Foudoi and Deuna. This situation, in a context where the living conditions are already difficult, significantly affects the feeding and schooling conditions of farmers and their offspring. This also implied a massive rural exodus that hardly ensures better living conditions.

Faced with this situation, farmers wanted, with funding from the National Participatory Development Programme (PNDP), to erect a barrier to protect farmland. They then faced opposition from the agents of El Hadj Dorifi and Ngan'ha SDO of the time. The latter even invited the chiefs of Deuna, Foudoi, Nyassar and WAME-Grand villages to sign a document attesting to the transfer of land to El Hadj Dorifi by the populations. The Chiefs having refused to comply were subject to intimidation and threats of deposition. His Majesty HAMADJOLDE Labbo, Chief of WAME-Grand Village informed the Vina DO on 8 April, 2013 of the situation and requested that the land dispute should be resolved. A certified copy of the letter was sent to the National Anti-Corruption Commission (NACC). The DO was offended and refused to find a solution to the dispute. On 27 June 2013, the Governor of the

Adamawa Region dispatched a team of investigators in Ngan'ha subdivision who informed the populations of the registration process initiated by El Hadj DORIFI. To intimidate those who tried to oppose this procedure, a rumor was disseminated suggesting that the cows actually belonged to the wife of the Head of State of Cameroon, Chantal Biya.

On 28 June, 2013, by a registered letter to the Presidential Security Division (PSD), on 2 July, 2013, ARAN (the Association of Citizens from Ngan'ha Subdivision) appealed to the President of the Republic of Cameroon, to solicit his intervention, and among others, to inform him of the consequences of the situation:

- Since the actual installation of Mr. DORIFI in 2005, the eight dependent villages impugned land have produced 04 holders of the BEPC (secondary school diploma), 03 graduates and 02 first degree holders; against ten BEPC holders and five high school diploma holders during the previous five years. This is explained by the difficulty of parents' farmers to fund their children's education, due to the lack of resources;
- Gbang and Ngarkou, Sokwa and Rol villages got emptied following the grabbing of land belonging to the populations. On the Ngaoundere-Toubouro road, in the Adamawa region, there are many family heads bound to nomadism like Ngop Rey, Rol Rey, Mbaka Rey, Homé Rey and Yoko;
- Before the installation of Mr. DORIFI, the best corn, yams, beans, peanuts, etc. came from Ngan'ha and were sold at WAME-Grand periodic market, towards Ngaoundere; this used to generate income for many farmers;
- At a time when the subdivision was expected to host the Warrack dam over 800 km², there would be only 1,825 remaining for the 45,000 souls living in the subdivision. This surface was considerably reduced, and the living conditions particularly difficult as a single individual had to own most of that space;

People's frustration reached its peak when a national newspaper, Le Jour, published in its issue n° 1,497 of 12 August, 2013, an article entitled "*Who has something against Alhaji Hamadou Ousmanou?*" This article for the apology of Dorifi cast aspersions on those who oppose land grabbing by the latter. In a letter dated the same day, ARAN sent a right of reply to the Director of the daily Le Jour by refuting all the allegations of the criticized article.

Everything being equal, on 21st August 2013, 327 farmers, sons and grandsons of farmers from WAME-Grand, Nyassar, WAME-Petit, Foundoï and Deuna villages signed a petition in which they demanded "*the immediate departure of Alhaji Hamadou Ousmanou from farming land between Wara and Yanguir rivers belonging to the farmers of the above mentioned villages.*"

This set of oppositions strained relations between the administrative authorities and the villagers opposed Mr. DORIFI. On 26 August 2013, the SDO of Ngan'ha addressed a query to His Majesty HAMADJOULDE Labbo, Chief of WAME-Grand who received him on 4 September, 2013. In this query, he blamed the latter for self-redress by erecting a fence inside the disputed area. On 05 September, 2013, the WAME-Grand chief sent his reply to the SDO. On 28 March, 2014, the DO of the Vina division signed a decision suspending HAMADJOULDE Labbo from his duties of village chief for a period of 03 months; the reasons being disrespect for hierarchy and incitement to "rebellion".

In response to this, on 16 April 2014, ARAN notified a multitude of institutions. Firstly, the CONAC (National Anti-corruption Commission) from which it requested that an investigation be carried out. Then the Secretary of State for Defence in charge of the Gendarmerie, the National Commission on Human Rights and Freedoms, the Resident Representative of the United Nations Commission for Human Rights and Freedoms in Central Africa, the Ministry of Territorial Administration and Decentralization and the Ministry of Justice, Keeper of the Seals. So far, the results of these multiple requests are still expected.



Part 4



SUMMARY TABLE OF THE MAIN INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS AND THE ENVIRONMENT RATIFIED BY THE CENTRAL AFRICAN STATES

MAIN INSTRUMENTS ON HUMAN RIGHTS AND THE ENVIRONMENT AND STATUS OF RATIFICATION

CONVENTIONS	CAMEROON	GABON	REPUBLIC OF CONGO	CENTRAL AFRICAN REPUBLIC	ANGOLA	BURUNDI	EQUATORIAL GUINEA	DEMOCRATIC REPUBLIC OF CONGO	RWANDA	SAO TOME AND PRINCIPE	CHAD
1. Universal Declaration of Human Rights Adopted and proclaimed by the UNGA (UN General Assembly) Resolution 217 A (III) of 10 December 1948.											
Customary content which binds all States											
2. The Charter of the United Nations. Signed in San Francisco on 26 June 1945. Entry into force on 24 October 1945	Adopted by State succession on 20 Sept. 1960	Adopted by State succession on 20 sept. 1960	Adopted by State succession on 20 sept. 1960	Adopted by State succession on 20 sept. 1960	Declaration accepting the obligations contained in the Charter on 1st December 1976	Declaration accepting the obligations contained in the Charter on 18 September 1962	Declaration accepting the obligations contained in the Charter on 17 September 1974	Declaration accepting the obligations contained in the Charter on 20 September 1960	Declaration accepting the obligations contained in the Charter on 18 September 1962	Declaration accepting the obligations contained in the Charter on 16 September 1975	Declaration accepting the obligations contained in the Charter on 20 September 1960
3. International Covenant on Civil and Political Rights New York, 16 December 1966	Accession on 27 June 1984	Accession on 21 January 1983	Accession on 05 October 1983	Accession on 08 May 1981	Accession on 10 January 1992	Accession on 9 May 1990	Accession on 27 September 1987	Accession on 1st November 1976	Accession on 16 April 1975	Accession on 31st October 1985	Accession on 09 June 1995

Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

4. Optional Protocol to the International Covenant on Civil and Political Rights. New York, 16 December 1966	Accession on 27 June 1984	Not signed and not ratified	Adhésion 05 oct. 1983	Accession on 08 May 1981	Accession on 10 January 1992	Not signed not ratified	Not signed on 25 September 1987	Not signed on 1er November 1976	Signed 06 on September 2000 not ratified	Accession on 09 June 1995
5. Second Optional Protocol to the ICCPR aiming at the abolition of the Death Penalty New York on 15 December 1989	Not signed and not ratified	Accession on 02 April 2014	Not signed and not ratified	Not signed and ratified	Signed on 24 September 2013 not ratified	Not signed Not ratified	Not signed Not ratified	Not signed Not ratified	Signed on 06 September 2000 not ratified	Not signed not ratified
6. ICESCR - International Covenant on Economic, Social and Cultural Rights	Accession on 27 June 1984	Accession on 21 January 1983	Accession on 5 October 1983	Accession on 08 May 1981	Accession on 10 January 1992	Accession on 9 May 1990	Accession on 25 September 1987	Accession on 1st November 1976	Signed on 31 October 1995 Not ratified	Adhésion 09 juin 1995
7. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. New York, 10 December 2008	Not signed Not ratified	Signed on 24 September 2009 Ratified on 1st April 2014	Signed on 25 September 2009	Not signed Not ratified	Accession on 24 September 2013	Not signed Not ratified	Not signed Not ratified	Signed on 23 September 2010 not ratified	Not signed Not ratified	Not signed Not ratified



Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

CONVENTIONS	CAMEROON	GABON	REPUBLIC OF CONGO	CENTRAL AFRICAN REPUBLIC	ANGOLA	BURUNDI	EQUATORIAL GUINEA	DEMOCRATIC REPUBLIC OF CONGO	RWANDA	SAO TOME AND PRINCIPE	CHAD
8. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment New York, 10 December 1984 Entry into force on 26 June 1987.	Accession on 19 December 1986	Signed on 21 January 1986. Ratified on 08 September 2000	Accession on 30 July 2003	Not signed and not ratified	Signed on 24 September 2013 Not ratified	Accession on 18 February 1993	Accession on 08 October 2002	Accession on 17 July 1980	Accession on 15 December 2008	Signed on 06 September 2000 Not ratified	Accession on 09 June 1995
9. APT - OPCAT - Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Signed on 15 December 2009	Signed on 15 December 2004 Ratified on 22 September 2010	Signed on 29 September 2008	Not signed and not ratified	Signed on 24 September 2013 Not ratified	Not signed Ratified on 18 October 2013	Not signed Not ratified	Accession on 23 September 2010	Not signed Not ratified	Not signed Not ratified	Not signed Not ratified
10. Convention on the Elimination of All Forms of Discrimination against Women. UNGA Res. 2106 (XX) of 21 déc. 1965. Entry into force on 4 January 1969 in accordance with the provisions of s.19	Signed on 6 June 1983 Ratified on 23 August 1994	Signed on 17 July 1980 Ratified on 21 January 1983	Signed on 29 July 1980 Ratified on 26 July 1982	Accession on 21st June 1991	Accession on 17 September 1986	Signed on 17 July 1980 Ratified on 8 January 1992	Accession on 23 October 1984	Signed on 17 July 1980 Ratified on 17 October 1986	Signed on 1st May 1980 Ratified on 02nd March 1981	Signed on 31 October 1995 Ratified on 03 June 2003	Accession on 09 June 1995

Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

11. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	Accession on 7 January 2005	Accession on 05 November 2004	Signed on 29 September 2008	Not signed and not ratified	Accession on 1st November 2007	13 November 2001 not ratified	Accession on 16 October 2009	Not signed	Accession on 15 December 2008	Signed on 06 September 2000	Not signed	Not signed
12. Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by the UNGA Res. 44/25 of 20 November 1989, Entry into force on 2 September 1990 in accordance with the provisions of Section 49	Signed on 25 September 1990 Ratified on 11 January 1993	Signed on 26 January 1990 Ratified on 9 February 1994	Accession on 14 October 1993	Signed on 30 July 1990 Ratified on 23 April 1992	Signed on 14 February 1990 Ratified on December 1990	Signed on 8 May 1990 Ratified on 19 October 1990	Signed on 26 January 1990 Ratified on 20 August 1990	Signed on 20 March 1990 Ratified on 27 September 1990	Signed on 26 January 1990 Ratified on 24 January 1991	Accession on 14 May 1991	Signed on 30 September 1990 Ratified on 2nd October 1990	
13. United Nations Convention against Corruption, UNGA, 31st October 2003	Signed on 10 December 2003 Ratified on 6 February 2006	Signed on 10 Dec. 2003 Ratified on 1st October 2007	Accession on 13 July 2006	Signed on 11 February 2004 Ratified on 6 October 2006	Signed on 10 December 2003 Ratified on 29 August 2006	Ratified on 10 March 2006	Not signed	Accession on 23 September 2010	Signed on 30 November 2004 Ratified on 4 October 2006	Signed on 8 December 2005 Ratified on 12 April 2006	Not signed	Not signed
14. African Charter on Human and Peoples' Rights, Nairobi, Kenya, 1981	Signed 23-07-1987 Ratifiée 20-06-1989	Signé 26-06-1986 Ratifiée 20-02-1986	Signé 27-11-1981 Ratifiée 09-12-1982	Ratifiée 20-04-1986	Signature 27 janvier 2012 Ratification 02 mars 1990	Signé 28 juin 1989 Ratifiée 28 Juillet 1989	Signé 18 août 1986 Ratifiée 07 avril 1986 Dépôt 18 août 1986	Signé 23 juillet 1987 Ratifiée 20 juillet 1987	Signé 11 novembre 1981 Ratifiée 15 juillet 1983	Adhésion 23 mai 1986	Signé 25 mai 1986 Ratifiée 09 octobre 1986	

Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

CONVENTIONS	CAMEROON	GABON	REPUBLIC OF CONGO	CENTRAL AFRICAN REPUBLIC	ANGOLA	BURUNDI	EQUATORIAL GUINEA	DEMOCRATIC REPUBLIC OF CONGO	RWANDA	SAO TOME AND PRINCIPE	CHAD
15. Protocol to the African charter on human and peoples' rights on the establishment of an African court on human and peoples' rights, adopted in Addis Ababa, Ethiopia, on 10 June 1998 and entered into force on 25 January 2004	Signature 27 Jul. 2006	Signature 09 Jun 1998 Ratification 14 Aout 2000	Signature 09 Jun 1998	Not signed and not ratified	Signed on 2nd January 2007 Not ratified	Signed on 9 June 1998 Ratified on 2nd April 2003	Signed on 09 June 1998 Not ratified	Signed on 9 September 1999 Not ratified	Signed on 09 June 1998 Ratified on 05 May 2003	Signed on 1st February 2010 Not ratified	Signed on 6 December 2004 Not ratified
16. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Adopted in Maputo, Mozambique on 11 July 2003 and entered into force on 25 November 2005	Signed on 25 July 2006 Ratified on 13 September 2012	Signed on 27 January 2005 Ratified on 10 January 2011	Signed on 27 February 2004 Ratified on 14 December 2011	Signed on June 2008	Signé 27 janvier 2007 Ratifiée 30 août 2007	Signé 03 décembre 2003 Pas ratifiée	Signé 30 janvier 2005 Ratifiée 27 octobre 2009	Signé 05 décembre 2003 Ratifiée 09 juin 2008	Signé 19 décembre 2003 Ratifiée 25 juin 2004	01 février 2010 Pas ratifiée	Signé 16 décembre 2004 Pas ratifiée
17. African Charter on the Rights and Welfare of the Child, Adopted in Addis Ababa in Ethiopia on 11 July 1990 and entered into force on 29 November 1999	Signed on 16 September 1992 Ratified on 05 September 1997	Signed on 27 February 1992 Ratified on 18 May 2007	Signed on 28 February 1992 Ratified on 8 September 2006	Signed on 4 February 2003	Ratified on 11 April 1992	Ratified on 28 June 2004	Ratified on 20 December 2002	-	Signed on 2nd October 1991 Ratified on 11 May 2001	-	Signed on 6 December 2004 Ratified on 30 March 2000

Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

18. Charter of the Organization of African Unity, adopted in Addis Ababa, Ethiopia, on 25 May 1963 and entered into force on 13 September 1963, Replaced in 2001 by the Constitutive Act of the African Union (below) during the replacement of the OAU by the AU	Signed on 28/02/2001 Ratified on 09/11/2001	Signed on 02/07/2000 Ratified on 17/05/2001	Signed on 01/03/2001 Ratified on 18/02/2002	Signed on 17/07/2000 Ratified on 16/02/2001	Signed on 1st March 2001 Ratified on 19 September 2001	Signed on 12 July 2000 Ratified on 28 February 2001	Signed on 12 July 2000 Ratified on 26 December 2000	Signed on 1st March 2001 Ratified on 7 July 2002	Signed on 7 December 2000 Ratified on 16 April 2001	Signed on 16 December 2000 Ratified on 27 February 2001	Signed on 12 July 2000 Ratified on 16 January 2001
19. Treaty on the Conservation and Sustainable Management of forest Ecosystems in Central Africa and to Establish the Central African Forests Commission (COMIFAC)	Signed on 5 February 2005 Ratified on 25 April 2006	Signed on 5 February 2005 Treaty ratified by the Republic of Gabon	Signed on 5 February 2005 and ratified on 26 October 2006	Signed on 5 February 2005 ratified	-	Signed on 05 February 2005 Ratified	Signé le 05 février 2005 ratifié	Signé le 05 février 2005	Signé le 05 février 2005	Signé le 05 février 2005	Signé le 05 février 2005 ratifié
20. Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of hazardous wastes within Africa	Signed and ratified on 1995-12-21	Approved on 2007-06-12	Approved on 25 June 1997	Signed on 30 January 1991	Signed on 2 February 2010	Signed on 30 January 1991 Ratified on 10 June 2009	-	Signed on 2nd February 2010 Ratified on 15 September 1994	Signed on 26 August 1991	Signed on 1st February 2010	Signed on 27 January 1992 Ratified on 3 July 2014

Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

CONVENTIONS	CAMEROON	GABON	REPUBLIC OF CONGO	CENTRAL AFRICAN REPUBLIC	ANGOLA	BURUNDI	EQUATORIAL GUINEA	DEMOCRATIC REPUBLIC OF CONGO	RWANDA	SAO TOME AND PRINCIPE	CHAD
21. Vienna Convention for the Protection of the Ozone Layer	Accession on 30 August 1989	Accession on 9 February 1994	Accession on 16 November 1994	Accession on 18 May 1989	Accession on 17 May 2000	Accession on 6 January 1997	Accession on 17 August 1988	Accession on 30 November 1994	Accession on 11 October 2001	Accession on 19 November 2001	Accession on 18 May 1989
22. United Nations Convention on the Law of the Sea on Wednesday 10 December 1982	Signed on 10 December 1982 Ratified on 19 November 1985	Signed on 10 December 1982 Ratified on 11 mars 1998	Signed on 10 December 1982 Ratified on 9 July 2008	Signed on 10 December 1982 Ratified on 14 August 2009	Signed on 10 December 1982 Ratified on 05 December 1990	Signed on 10 December 1982	Signed on 30 January 1984 Ratified on 21st July 1997	Signed on 22nd August 1984 Ratified on 17 February 1987	Signed on 10 December 1982	Signed on 13 July 1983 Ratified on 3rd November 1987	Signed on 10 December 1982 Ratified on 14 August 2009
23. International Covenant on Economic, Social and Cultural Rights, opened for signature in New York on 19 December 1966, entered into force on 3rd January 1976 in accordance with Section 27	Accession on 27 June 1984	Accession on 21 January 1983	Accession on 5 October 1983	Accession on 9 June 1995	Accession on 10 January 1992	Accession on 9 May 1990	Accession on 27 September 1987	Accession on 1st November 1976	Accession on 16 April 1975	Signed on 31st October 1995	Accession on 09 June 1995
24. International Covenant on Civil and Political Rights, New York, 16 December 1966, entered into force on 23rd March 1976 in accordance with Section 49, for all provisions except those of Section 41 (Human Rights Committee); 28 March 1979 for the provisions of Section 41, pursuant to paragraph 2 of that Section 41.	Accession on 27 June 1984	Accession on 21 January 1983	Accession on 5 October 1983	Accession on 9 June 1995	Accession on 10 January 1992	Accession on 9 May 1990	Accession on 25 September 1987	Accession on 1st November 1976	Accession on 16 April 1975	Signed on 31 October 1995	Accession on 9 June 1995

Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

25. Convention concerning the Protection of the World Cultural and Natural Heritage, Adopted by the General Conference of UNESCO at its Seventeenth session, Paris, 16 November 1972	Ratified on 07/12/1982	Ratified on 30/12/1986	Ratified on 10/12/1987	Ratified on 23/06/1999	Ratified on 7 November 1991	Ratified on 19 May 1982	Ratified on 10 March 2010	Ratified on 23 September 1974	Accession on 18 December 2000	Ratified on 25 July 2006	Ratified on 23 June 1999
26. Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, Iran, 2nd February 1971	Accession on 20/03/2006	Signature not subject to ratification on 30/12/198	Accession on 18/06/1998	Accession on 13/06/1990	-	Accession on 18 October 2002	Accession on 2nd June 2003	Accession on 27 February 1996	Accession on 5 December 2005	Accession on 2nd January 2007	Accession on 15 June 1990
27. Tropical Timber Agreement, 2006 It entered into force on 7 December 2011 and replaces the International Tropical Timber Agreement, 1994	Signed on 13/02/2007 Ratified on 21/09/2007	Signed on 11/11/2008 Ratified on 11/11/2008	Signed on 31/07/2008 Ratified on 02/10/10	Signed on 01/05/2008 Ratified on 04/11/2014	-	-	-	Signed on 21st July 2010 Ratified on 7 December 2011	-	-	-
28. Convention on the Elimination of All Forms of Discrimination against Women, Adopted and opened for signature, ratification and accession by the UNGA in its resolution 34/180 of 18 December 1979, Entry into force on 2nd September 1981 in accordance with provisions of Section 27 (1).	Signed on 6 June 1983 Ratified on 23rd August 1994	Signed on 17 July 1980 Ratified on 21st January 1983	Signed on 6 June 1983 Ratified on 23rd August 1994	Accession on 21 June 1991	Accession on 17 September 1986	Signed on 17 July 1980 Ratified on 8 January 1992	Accession on 23 October 1984	Signed on 17 July 1980 Ratified on 17 October 1986	Signed on 1st May 1980 Ratified on 2nd March 1981	Signed on 31st October 1995 Ratified on 3rd June 2003	Accession on 9 June 1995

Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

CONVENTIONS	CAMEROON	GABON	REPUBLIC OF CONGO	CENTRAL AFRICAN REPUBLIC	ANGOLA	BURUNDI	EQUATORIAL GUINEA	DEMOCRATIC REPUBLIC OF CONGO	RWANDA	SAO TOME AND PRINCIPE	CHAD
29. Convention on Climate Change New York, 9 May 1992 Entry into force on 21st March 1994 pursuant to paragraph 1 of Article 23.	Signed on 14/06/1992 Ratified on 19/10/1994	Signed on 12/06/1992 Ratified on 21/01/1998	Signed on 12/06/1992 Ratified on 14/10/1996	Signed on 13/06/1992 Ratified on 10/03/1995	Signed on 14 June 1992 Ratified on 17 May 2000	Signed on 11 June 1992 Ratified on 6 January 1997	Accession on 16 August 2000	Signed on 11 June 1992 Ratified on 9 January 1995	Signed on 10 June 1992 Ratified on 18 August 1998	Signed on 12 June 1992 Ratified on 29 September 1999	Signed on 12 June 1992 Ratified on 7 June 1994
30. Kyoto Protocol to the UN Framework Convention on Climate Change	Accession on 28 August 2002	Accession on 12 December 2006	Accession on 12 February 2007	Accession on 18 March 2008	-	-	-	-	-	-	-
31. Doha Amendment to the Kyoto Protocol	-	-	Accepted on 14 May 2015	-	-	-	-	-	Accepted on 20 November 2015	-	-
32. Convention on the Conservation of Migratory Species of Wild Animals Concluded in Bonn on 23rd June 1979, Approved by the Federal Assembly on 14 December 1994	Signed on 10 June 1980 and ratified on 7 September 1981	-2008	Accession on 4 October 1999	-2000	2006	2011	2010	1990	2005	2001	1997

Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

33. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Accession on 9 February 2001	Accession on 6 June 2008	Accession on 20 April 2007	Accession on 24 February 2006	-	Accession on 6 January 1997	Accession on 7 February 2003	Accession on 6 October 1994	Accession on 7 January 2004	Accession on 12 November 2013	Accession on 10 March 2004
34. Convention on Biological Diversity signed in Rio de Janeiro on 5 June 1992	Signed on 14 June 1992 and ratified on 19 October 1994	Signée le 12 juin 1992 et ratifiée le 14 mars 1997	Signed on 11 June 1992 and ratified on 1st August 1996	Signed on 13 June 1992 and ratified on 15 March 1995	Signed on 12 June 1992 and Accession on 1st April 1998	Signed on 11 June 1992 and ratified on 15 April 1997	Accession on 6 December 1994	Signed on 11 June 1992 and ratified on 3 December 1994	Signed on 10 June 1992 and ratified on 29 May 1996	Signed on 12 June 1992 and ratified on 29 September 1999	Signed on 12 June 1992 and ratified on 7 June 1994
35. Cartagena Protocol on Biosafety to the Convention on Biological Diversity	Ratified on 20 February 2003	Accession on 2nd May 2007	Ratified on 13 July 2006	Ratified on 18 November 2008	Accession on 27 February 2009	Accession on 2nd October 2008	-	Accession on 23 March 2005	Signed on 24 May 2000 and ratified on 22 July 2004	-	Signed on 24 May 2000 and Ratified on 1st November 2006
36. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity	-	Signed on 13 May 2011 and accepted on 11 November 2011	Signed on 23 September 2011 and ratified on 14 May 2015	-	-	Accession on 3rd July 2014	-	Signed on 21st September 2011 and ratified on 4 February 2015	Signed on 28 February 2011 and ratified on 20 March 2012	-	-

Summary table of the main International Instruments on Human Rights and the Environment ratified by the Central African States

CONVENTIONS	CAMEROON	GABON	REPUBLIC OF CONGO	CENTRAL AFRICAN REPUBLIC	ANGOLA	BURUNDI	EQUATORIAL GUINEA	DEMOCRATIC REPUBLIC OF CONGO	RWANDA	SAO TOME AND PRINCIPE	CHAD
37. Montreal Protocol on Substances that Deplete the Ozone Layer	Accession on 30 August 1989	Accession on 9 February 1994	Signed on 15 September 1988 and ratified on 16 November 1994	Accession on 29 March 1993	Accession on 17 May 2000	Accession on 6 January 1997	Accession on 6 September 2006	Accession on 30 November 1994	Accession on 11 October 2001	Accession on 19 November 2001	Ratified on 7 June 1994
38. Convention for the Safeguarding of the Intangible Cultural Heritage	Ratified on 9 October 2012	Ratified on 18 June 2004	Ratifiée le 16 juillet 2012	Ratified on 7 December 2004	-	Ratified on 25 August 2006	Ratified on 17 June 2010	Ratified on 28 September 2010	Ratified on 21 February 2013	Ratified on 25 July 2006	Ratified on 17 June 2008
39. Convention on International Trade in Endangered Species of Wild Fauna and Flora	Accession on 5 June 1981	Adhésion le 13 février 1989	Adhésion le 31 janvier 1983	Accession on 27 August 1980	Accession on 2nd October 2013	Accession on 8 August 1988	Accession on 10 March 1992	Accession on 20 July 1976	-	-	Accession on 2nd February 1989
40. Stockholm Convention on Persistent Organic Pollutants	Signed on 5 October 2001 and ratified on 19 May 2009	Signed on 21st May 2002 and ratified on 7 May 2007	Signed on 4 December 2001 and ratified on 12 February 2007	Signed on 9 May 2002 and ratified on 12 February 2008	Accession on 23 October 2006	Signed on 2nd April 2002 and ratified on 2nd August 2005	-	Accession on 23rd March 2005	Accession on 5 June 2002	Signed on 3rd April 2002 and ratified on 12 April 2006	Signed on 16 May 2002 and ratified on 10 March 2004