

“We were told not to go to our forest anymore”

Sudcam's assault on human rights

GREENPEACE



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Photo front cover: cleared landscape inside the Sudcam concession,
July 2018, © Greenpeace.

INTRODUCTION

The Congo Basin forest forms the second largest block of rainforest on Earth. Spanning six countries, it is home to millions of people whose livelihoods depend directly on forest resources and whose cultural and spiritual practices are closely linked to the forest. More than 60 billion tons of carbon are stored in its trees and soils, half of it in recently discovered peatlands.¹ The Congo Basin forest plays a key role in regulating the subregional and global climate and provides important ecosystem services such as soil protection, water filtration and the maintenance of biodiversity.²

With approximately 20 million hectares of dense humid forests,³ Cameroon comprises about a tenth of the Congo Basin forest. Its forests are among the most species-rich of the region. Despite their crucial role, they are being systematically sold off for industrial logging, agribusiness plantations and mining. Under the guise of “development,” these activities are serving narrow economic and political interests, while threatening the global climate, biodiversity and communities whose lives depend on forests.

A case in point is the rubber plantation of Sud Cameroun-Hévéa, SA (“Sudcam”), carved out of dense rainforest between 2011 and 2018. Sudcam is located on the traditional territories of indigenous Baka communities, lands which were expropriated by the Cameroonian government for this purpose without their consent, and without fair compensation. Indigenous peoples’ and local communities’ rights to their lands receive very limited recognition under Cameroonian law. The government often hands out their lands to private companies in violation of international human rights law.

In March 2012, inspectors evaluating the threats to the Dja Faunal Reserve, a Unesco World Heritage site adjacent to Sudcam, were refused access to the concession “for so-called security reasons.”⁴

For years, international organisations and NGOs have raised concerns that Sudcam is undermining the rights and livelihoods of local communities and placing increased pressure on the Dja Reserve.⁵

Sudcam’s parent company is London-based rubber company Corrie MacColl Limited (“Corrie MacColl”), a subsidiary of Halcyon Agri Corporation Limited (“Halcyon Agri”), which despite the multiple concerns raised about human rights violations and environmental damage, acquired Sudcam in 2016. Corrie MacColl describes itself as the “global leader in sustainable natural rubber” and “a sustainable model corporate citizen [...] extensively invested in ecological conservation, economic growth and social development.”⁶

In July 2018, Greenpeace published [Ruinous Rubber](#), a report documenting the extent of the environmental damage caused by Sudcam as well as the systematic violations of national and international norms throughout the plantation’s roll-out.⁷

The current brief looks more closely at violations of indigenous peoples’ rights that have resulted from the Sudcam plantation. It documents the forced displacement of Baka communities from their traditional lands and the destruction of their forest resources and settlements inside the concession. It focuses on two Baka communities (Bitye, Edjom) whose lands have been partly destroyed for the plantation, and one community (Nyabibete) whose lands are within the concession, but have not yet been cleared. The cases of these communities are indicative of the situation of other indigenous groups directly or indirectly affected by Sudcam, like the Baka communities of Ngoue, Ndjikom, Memvae, Mintima, Melen, Oding, Bikoula, Emvieng I and Akom Ndong. The brief is based on interviews and focus group conversations held during field trips in July 2017, July 2018 and July 2019, complemented with a literature review.

The brief concludes with specific recommendations for the immediate remediation of the situation of the indigenous communities and broader policy recommendations to shift towards sustainable community-based forest management by strengthening rights.

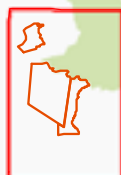
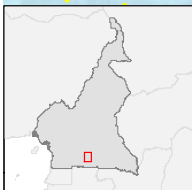


Logging operations inside the Sudcam concession, July 2017, © Greenpeace

SUDCAM PLANTATION (HALCYON AGRI GROUP) IN CAMEROON

DJA WILDLIFE RESERVE

5 km



Livelihood activities of Bantou and Baka local communities:
farming, gathering, fishing...

Villages

Forest clearance for plantation development (since 2011):
more than 11 600 ha

SUDCAM concessions

CONCESSION: Forest Atlas of Cameroon 2018, WRI. LIVELIHOOD ACTIVITIES: Rainforest Foundation UK/MappingForRights, APIFED. FOREST CLEARANCE: Greenpeace, based on Landsat 7/8 (NASA) & Sentinel 2 (ESA) images. BACKGROUND IMAGE: Sentinel 2, 4/01/2018, ESA. MAP PRODUCTION: Greenpeace, 19/11/2019.

THE SUDCAM PLANTATION

Between 2008 and 2015, the Cameroonian government awarded more than 75,000 hectares of densely forested land to Sudcam to create a rubber plantation in the South Region.⁸ The land is only seven kilometers from the Mvomeka's mansion, security compound and airstrip of Cameroon's president Paul Biya⁹. In 2015, CIFOR-researchers reported that "an influential member of the Cameroonian political elite" apparently owns 20% of Sudcam's shares (see Box 1: Who owns Sudcam?).¹⁰

More than 30 communities live in and around the area allocated to Sudcam, including indigenous Baka communities. The concession overlaps significantly with their traditional lands. Participatory maps show the multiple uses of the forest in this area, including farming, fishing, gathering and hunting.¹¹ The plantation has had, and continues to have, profound impacts on their livelihoods and their rights.

In 2011, the government granted Sudcam long-term tax exemptions and protection against legal challenges.¹² Shortly after, the company started clearing the forest in its concessions. Between 2011 and December 2018, it destroyed over 10,000 hectares, an area the size of Paris, to replace it with a monoculture rubber plantation.¹³ The resulting emissions have been estimated at 11 million tonnes of CO₂,¹⁴ the equivalent of burning more than 60,000 railcars of coal.¹⁵

Under pressure from NGOs, in November 2018 Halcyon Agri announced a number of initiatives, including a "Sustainable Natural Rubber Supply Chain Policy" and the creation of a "sustainability council" mandated to monitor its implementation.¹⁶ In December 2018, following a period of intensified deforestation in the concession, Halcyon Agri also declared a suspension of all forest clearing.¹⁷ Our analysis indicates that no further deforestation has taken place since then. However, while its policies state the company will respect customary land tenure rights and prohibit land grabbing, the reality

on the ground remains grim. Communities whose land was grabbed have not seen the remaining uncleared land returned to them, communities whose lands have already been cleared haven't received any compensation, and no community has received reparations for the violations of their rights and the damage inflicted upon them. Additionally, while the company has announced that a 25,000 hectare area will be set aside for communities, it is unclear who will have which rights in that area, what its boundaries are and whether it corresponds fully with the traditional lands expropriated for the concession.¹⁸



Mbil Thomas, which includes sacred sites and was used as a basis for hunting and gathering, inside the Sudcam concessions. Currently a restricted area for the Baka, July 2019 ©, Greenpeace

BOX 1: WHO OWNS SUDCAM

Sudcam is 80% owned by Société de Développement du Caoutchouc Camerounais, SA (SDCC), which was acquired by Singapore-based and -listed rubber company Halcyon Agri Corporation Limited (Halcyon Agri) in 2016.¹⁹

After acquiring UK-registered rubber trader Corrie MacColl Trading Limited in early 2018, Halcyon Agri changed the name of this new subsidiary to Corrie MacColl Limited and brought its entire non-tyre and specialty tyre business, including its Cameroon plantations, under Corrie MacColl's ownership and management.²⁰

The remaining 20% of Sudcam is held by a private Cameroonian company called Société de Production de Palmiers et d'Hévéa, SA (SPPH). In a 2015 study CIFOR researchers reported that "according to a local representative of the Ministry of the Environment, the President of the Republic's family owns the company," adding "However, we have learned only that an influential member of the Cameroonian political elite, whose identity we do not know, apparently owns 20% of the Company's shares. Still, it is likely the Cameroonian shareholder influenced the allocation of the temporary concession near a World Heritage site without regard to existing land designations and relevant regulations."²¹

In a September 2018 email, Corrie MacColl's CEO Robert Meyer claimed not to know whether Sudcam had "ties to the government." In a follow-up email he claimed not to know SPPH's registration number in Cameroon's trade register.²²

INDIGENOUS PEOPLE'S RIGHTS IN CAMEROON

Hunter-gatherer indigenous peoples are estimated to make up approximately 0.4% of the population of Cameroon.²³ These forest peoples include the Baka (estimated at 40,000 people), the Bagyeli/Bakola (estimated at 4,000 people), and the Bedzan (estimated at 300 people).²⁴

Cameroon is party to various binding international instruments that require the State to respect and protect indigenous peoples' rights, including their rights to own, occupy, manage and use their territories.²⁵ Cameroon also voted in favour of the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. Under these instruments, where indigenous peoples have been forcibly dispossessed of their lands, they also have the right to have their lands returned to them, or, where that is impossible, to receive alternative lands of equal size and quality.

Despite these international standards, indigenous peoples in the country continue to suffer widespread discrimination and dispossession of their lands and natural resources. Lack of adequate recognition by the Cameroonian government of distinct socio-cultural characteristics of indigenous peoples is a serious barrier for improving their situation. Another key problem is the absence of legal recognition for indigenous and local communities' customary land rights. Forests traditionally occupied and maintained by indigenous communities have been handed out by the government as protected areas, logging concessions, large-scale plantations and mining concessions. Because their land rights receive limited recognition in law, concessions of this nature are generally handed out without consultation with affected indigenous communities, without obtaining their free, prior and informed consent, and without any payment of compensation.²⁶ There are many reports of human rights violations, arbitrary punishments, destruction of homes, camps, personal property, torture of indigenous peoples by wildlife guards.²⁷

The primary obligation to respect, protect and fulfill these human rights rests with the State of Cameroon. However, the UN Guiding Principles on Business and Human Rights recognise that businesses also have a responsibility to respect human rights – i.e. to ensure their activities do not undermine human rights.²⁸ Sudcam, Corrie MacColl and Halcyon Agri have clearly not respected human rights in their operations to date, as the next section shows.

TRAMPLING ON BAKA'S RIGHTS

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
(Article 10 UNDRIP)

From its very start, the Sudcam plantation has been a mockery of respecting indigenous peoples' rights to their lands and resources. The principle of free, prior and informed consent means that indigenous peoples and other forest-dependent communities are entitled to be consulted and give or withhold consent to a project that may affect them or their land. Once they have given their consent, they can also withdraw it at any stage.

Although the Cameroonian government allocated two initial blocks amounting to more than 45,000 hectares of land to Sudcam back in 2008, testimonies from the Baka of Edjom and Bitye suggest they were informed only four years later. They were never asked for consent. *“Sudcam arrived and entered the forest without asking for anyone’s opinion. We just learned they were already there,”* according to testimony from Bitye. *“They never met with me. We have not talked. I only heard rumours.”*

Baka from Bitye said the divisional officer (DO) of Meyomessala finally informed the village chief in 2012 and told him to ask the community not to enter the forest any more. One member of the community recalled bitterly: *“We were told not to go to our forest camps any more.”*

“Sudcam arrived and entered the forest without asking for anyone’s opinion.”

The same year, the Baka communities of Bitye and Ngoe wrote to the senior divisional officer (SDO) of Sangmélina, emphasizing the forest was their principal source of subsistence. They asked to move the concession boundary eight kilometers to the East, in order to save their forest camp Mbil Thomas and their sacred sites, and requested proper compensation for the rest.²⁹ None of this happened.

Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
(Article 26 UNDRIP)

Despite their explicit request to save Mbil Thomas, the Baka of Bitye say they were told to abandon the camp, as well as another forest camp called Kou’ou. They claim Kou’ou, which included sacred sites, was razed to the ground with the surrounding forest to make way for a village for Sudcam plantation workers. Mbil Thomas, which includes graves, remains abandoned in the uncleared forest area inside the concession. Although community members occasionally pass through Mbil Thomas, they say they have no right to visit the graves of their ancestors or to collect forest products in this forest that became the private property of Sudcam.

The Baka of Edjom abandoned Bingou, a forest camp where they used to grow cocoa and collect mangos, oranges and medicinal plants, as well as engage in other activities. Mbout, another camp of the Baka of Edjom inside the concession, remains in use, but the community is worried it could be expelled from it at any time.



Bingou, inside the Sudcam concessions. Until the arrival of Sudcam, the Baka used to grow and collect fruits and medicinal plants here. July 2019 © Greenpeace

BOX 2: FOREST PRODUCTS

Forests are a key source of products traditionally used for food, medicine, and construction, and constitute a major contributor to the economy.

Non-timber Forest Products (NTFPs) are goods of biological origin (plant, fungi and animal) from natural, modified or managed forested landscapes.³⁰ They include fruits and nuts, vegetables, fish and game, medicinal plants, resins, essences, fuel wood and barks, and fibres such as bamboo, rattans and other palms and grasses. NTFPs are used for food, forage, utensils, tools for construction, medicine, aromatic products and colorants, and objects of ornament, art and cultural value.³¹

Moreover, they can be traded in markets, allowing diversification in household income.³² High-value NTFPs such as bush mango (*Irvingia gabonensis*), eru or fumbwa (*Gnetum* spp.), honey and wax, gum arabic, raffia (*Raphia farinifera*), kola nut (*Cola acuminata*), safou (*Dacryodes edulis*) and pygeum (*Prunus africana*) provide on average 42% of annual income for harvesters' households.³³

*Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
(Article 20 UNDRIP)*

“We were told not to go to our forest camps any more.”

*Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources
(Article 29 UNDRIP).*

Although the Baka of Bitye and Edjom have long lived alongside the Bantu in these villages, their livelihood is almost entirely based on the forest. Before 2012, they used to reside part-time in the forest camps now destroyed and abandoned. The camps served as their bases for hunting, fishing and gathering in the forest. They harvested wild honey, wild mangoes, djansang (the fruit of a tree, *Ricinodendron heudelotii*, used as a spice) and medicinal plant in the forests. These products served for subsistence and as a source of income.

The closing off and destruction of part of their forest has reduced the area in which these communities can undertake their economic activities and their access to resources. “They’ve planted [rubber, GP] wherever the people used to collect bush mango seeds, according to testimony from Bitye. Where the forest still stands, restrictions apply: “Access to it and the way we used it isn’t the same as before. You can enter, but you don’t have the same things you found before. Even hunting has become complicated. You can encounter the guard and he can arrest you,” we were told in Edjom.

The Baka of Nyabibete said they have one forest camp inside the Sudcam concession, called Menguenye. They also have a sacred site outside of it. As the company hasn’t started operating in this part of the concession, the camps remain accessible. However, the community lives in constant fear of losing them. Moreover, they consider the forest remaining outside of the concession insufficient for gathering forest products, the income of which allows them to send their children to school.

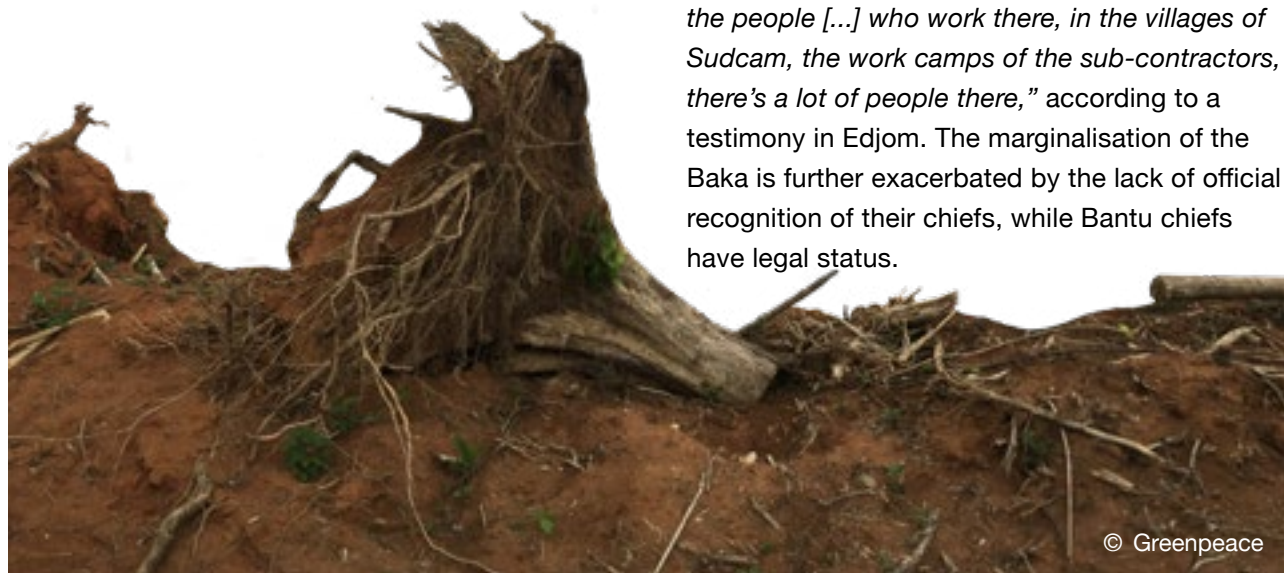
Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

(Article 28 UNDRIP)

Neither the Cameroonian government nor Sudcam provided the Baka of Bitye and Edjom with just and fair compensation for the land and resources that were expropriated for Sudcam's concession without consent. Baka in Bitye claimed only two community members received anything at all. Under Cameroonian law, compensation is not provided for unregistered customary land, only for recognized "improvements" such as planted crops. This means indigenous peoples' loss of forest resources which they use sustainably - without destroying or "developing" the land, or leaving traces - is as a general rule entirely uncompensated. One of the two beneficiaries said Sudcam paid a mere 800,000 CFA francs (€1,200) to compensate for the loss of cocoa trees on a plot a little under one hectare in size. A cocoa farm of one hectare could generate profits of more than 15,000 euro over its lifetime.³⁴

Despite all the promises of "development", testimonies indicate the Baka have seen little or no benefits from the plantation for which their land was taken away from them and their forest destroyed. Many of the Baka children don't go to school and hardly any Baka have been employed by Sudcam. *"I don't see their usefulness since their arrival in 2012. Other than bringing some food and drinks for the children, just this little gesture, I don't see that Sudcam has been useful at all."*

The land grab was facilitated by a context of structural discrimination and marginalization of indigenous peoples and lack of recognition of customary land and land use rights in Cameroon. With the Baka displaced from their traditional lands, barred from access to their forest and driven to derive livelihoods from agriculture in adjoining Bantu villages, there is increasing pressure on the remaining land resources. The Baka are on the losing end. They don't have significant areas of agricultural land because farming is not the traditional basis of their livelihood. Local land allocations are generally determined by Bantu chiefs who consider the lands belong to the Bantu. In the villages the Baka have no rights over the land or other resources and in the forest, their resources are exploited by plantation workers and their families. *"It's especially the rivers and streams that are taken over. [...] One day when our women went fishing there, they found that the women of Sudcam had taken everything over. The wives of the people [...] who work there, in the villages of Sudcam, the work camps of the sub-contractors, there's a lot of people there,"* according to a testimony in Edjom. The marginalisation of the Baka is further exacerbated by the lack of official recognition of their chiefs, while Bantu chiefs have legal status.



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Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
(Article 12 UNDRIP)

The Baka also used their forest camps as the basis for rituals and their cultural and spiritual life. The destruction and restriction of access to the forest is having a serious negative impact on the transmission of traditions and knowledge, including the Baka language, which are already under threat from external influences.



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RECOMMENDATIONS

The Baka are guardians of the forest, which they have been using and managing sustainably for many generations. Like other indigenous peoples, they play a crucial role in protecting forests and combating climate change. At the core of many of the threats they face is a lack of recognition of their rights.

Recognizing the rights of indigenous peoples over the forest is not only a human rights imperative, but also a solution that can generate environmental benefits and halt detrimental industrial activities in the forest.

These activities threaten the forest's potential to contribute to the Paris Agreement's 1.5 degree limit, which Cameroon's president himself has pledged to support.³⁵

In the first section below, we set out recommendations for Sudcam that were raised by communities during our investigation. The second part includes recommendations by Greenpeace Africa and Apifed to other actors, to assist with a broader systemic shift in how Africa's rainforests are managed - moving away from the false pretense of "development" in the service of multinational corporations to people-led development through environmentally sustainable community-based forest management.

Recommendations from communities for Sudcam

- ☐ Seek free and informed consent from indigenous communities.
- ☐ Restore the destroyed forest.
- ☐ Pay just and fair compensation for loss of livelihood, as well as losses of cultural and spiritual value of indigenous peoples as a result of the Sudcam plantation.
- ☐ Return the remaining undestroyed forest inside the concession to the communities.
- ☐ Provide communities with regular and adequate information on the company's activities.

Recommendations for Halcyon agri investors



Engage with and put pressure on Halcyon Agri to ensure the above mentioned demands are met.

Recommendations For the UN agencies



Closely monitor the respect of human rights of indigenous peoples by the Cameroonian government and to formulate recommendations and proposals for remediation of past and ongoing alleged violations.

Recommendations For donors, including those involved in the Central African Forest Initiative (CAFI)



Allocate funds to support transition to community-based forest management in all Congo Basin countries.

Recommendations for the Cameroon government

- ☐ Declare a moratorium on new projects which would negatively affect indigenous peoples.
- ☐ Reform national land tenure and related laws and regulations to respect and protect indigenous people's rights to own, manage and use their traditional lands and territories, as well as to give or withhold their free, prior and informed consent to any activity that may affect their lands.
- ☐ Legally recognize indigenous community chiefs in accordance with the legal recognition of traditional chiefs in Cameroon.
- ☐ Recognize, protect and support traditional knowledge, livelihoods and sustainable resource management systems of indigenous peoples, and their role in sustainable resource management.
- ☐ Ensure effective participation and representation of indigenous peoples in all decision-making processes relating to lands, territories and resources affecting them.
- ☐ Recognize and respect, at all levels of governance, the intrinsic value of sacred natural sites and territories and insure that these places are no-go areas for industry.
- ☐ Simplify procedures for indigenous people to acquire land titles, grant such titles and support community-based forest management as well as community-led initiatives to maintain and promote Baka culture.³⁶

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