

October 12, 2000

TO WHOM IT MAY CONCERN

Re: An Open Letter to All Prospective Buyers of CDC Plantations

The Cameroon Government (“Government”) has recently issued a call for tenders for the sale of the Cameroon Development Corporation (“CDC”). It is rumored that your corporation is among those that have expressed an interest in acquiring some of CDC’s property. As Counsel for the Bakweri Land Claims Committee (“BLCC”), the accredited agents of the Bakweri people, it is my duty to advise you to think twice before you commit the resources of your shareholders in a venture that is still mired in controversy and whose promised financial and economic rewards may prove to be illusory in the long run.

Should you succeed in your bid to acquire any of the CDC plantations up for sale, it would in all likelihood be on terms that include some form of leasehold on the land. This presents two serious problems for you or any other prospective buyer(s). First, the almost 104,000 hectares on which stand the vast plantations developed by CDC since its creation in 1947 are private lands, held in trust by Government for the Bakweri, an indigenous minority people who have occupied or used these lands since time immemorial. Second, these private lands were leased to the CDC for a term of 60 years to expire in 2007. The Bakweri landowners who grudgingly consented to this arrangement in 1947 have not been consulted this time around by Government to ascertain their future intentions regarding their ancestral lands.

As you must have discovered in your “Due Diligence” investigations of CDC holdings, the Bakweri were forced in the 1880s by a ruthless German colonial administration to give up their most fertile lands to private German planters without compensation for value lost. At the close of two successive world wars during which Germany lost all her overseas territories, these privately-run German estates were declared enemy property and placed under the custody of a Custodian of Enemy Property. In 1946 these enemy estates were repurchased by the British colonial administration and declared by statute as “Native Lands” to be held in trust

for the Bakweri people. We note, parenthetically, that this declaration was resoundingly endorsed in a special resolution on “Bakweri Lands” adopted at the Sixth Meeting of the United Nations Trusteeship Council in March of 1950. These developments settled once and for all Bakweri claims to a pre-existing legal right to these expropriated lands.

Nothing has happened in the last half century to defeat Bakweri title to these lands. Indeed, Government has implicitly acknowledged that Bakweri land rights, founded on original sovereignty, were never extinguished through the subsequent surrender to the British Crown for the purpose of a lease to the CDC in 1947. The 1974 Land Law (Ordinance No. 74-1 of 6 July 1974 to establish rules governing land tenure) does in fact ground this right in positive law in its classification of all “land entered in the *Grundbuck*” (the case with all CDC leased lands) as “land . . . subject to the right of private property.” Yet, in violation of its own legislation not to mention every existing international human rights instrument protecting minority land rights, Government has now embarked on a process of alienating land which by the clear, plain and express language of the 1974 Land Law is not national land to be administered by the State but land subject to private property rights. Worse, Government is negotiating away Bakweri land rights without even the courtesy of consulting the titleholders and in callous disregard of a fiduciary obligation owed the Bakweri people.

Your company should not allow itself to become a party to this horrible injustice about to be committed on a peace-loving and defenseless minority group by its own Government. Should you, however, decide to go forward with a bid to purchase some of CDC’s plantations, it would only seem fair to remind you that any negotiations entered into with Government on the continued use and occupancy of private Bakweri lands, which exclude these landowners who stand to lose the most from the privatization exercise, will be entirely at your own risk. Furthermore, you are also being put on notice that any engagements resulting from such *ex parte* discussions will be vigorously challenged in law courts in the jurisdictions where you do business.

FOR THE BAKWERI LAND CLAIMS COMMITTEE

Ndiva Kofele-Kale, Esq., Professor of Law

Of Counsel

cc:

Secretary-General, BLCC

Press

Copyright © 2000 by [Bakweri Land Committee]. All rights reserved.