

BLCC Note of Caution to *Pacific Inter-Link of Malaysia ("PIL")*

November 24, 2003

Ndive Kofele Kale
Southern Methodist University - Dallas, Texas
Graduate Legal Studies
Dedman School of Law
Chair and Professor of Law

Mr. Marwan Ahmed Hayel Saeed
General Manager
Pacific Inter-Link SDN BHD
futra World Trade Centre
45, Jln Tun Ismael
50480 Kuala Lumpur, Malaysia

Tel: +603 4042 3933

Fax: +603 **40413939**

+603 4042 8088

Dear Mr. Saeed:

Re: Acquisition of the Cameroon Development Corporation's Palm Oil Plantations

The attention of the Bakweri Land Claims Committee ("BLCC"), the accredited agents of the Bakweri people, has been drawn to a news item that appeared in the government-owned *Cameroon Tribune* of 18" November 2003 indicating that *Pacific Inter-Link of Malaysia ("PIL")*, a member of the Yemeni-based Hayel Saeed Anam Group of Companies, is interested in acquiring the oil plantations of the Cameroon Development Corporation "CDC"). In the same newspaper report your representative for West and Central Africa, Mr. Yasir H. AGITOUL, is mentioned as having recently visited Cameroon for

talks with various Government officials in connection with your expressed *interest in the* CDC properties.

I have been instructed by my client, BLOC, to advise you to think twice before you commit the resources of PIL and the 14SA Group of Companies 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 oil palm, plantations up for sale, it would in all likelihood be on terms that include some form of leasehold on the land. This presents three serious problems for PIT. 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, are 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.

Finally, PIL must also contend with the pending legal action against the Government of Cameroon for breach of landownership rights of the indigenous Bakweri people currently before an *international* tribunal, the African Commission on Human and Peoples' Rights ("African Commission"). This matter is registered as *Communication No. 260/2002: Bakweri Land Claims Committee v Cameroon* and both parties have filed written pleadings with, and made oral submissions before, the African Commission on two separate appearances (in May 2003 during its 33rd session in Niamey, and only last week in Banjul during the 34th session where Cameroon was represented by its Minister Delegate in charge of Commonwealth Relations).

If the Government has not already done so, allow me to inform you that at its 33rd session in May 2003, the African *Commission* took the extraordinary step of *enjoining* the Government of Cameroon to "*suspend the alleged detrimental alienation of the disputed Cameroon Development Corporation (CDC) lands in the Fako Division, pending a decision on the matter before the African Commission.*" The Commission has not lifted this injunction and it is still in effect as to all CDC plantations on Bakweri land including most, if not all, of the palm oil plantations PIL is interested in acquiring.

In the circumstances, it is my duty to advise your Group against entering into any *ex parte* negotiations with the Government of Cameroon while this matter *is sub judice* and without the prior consent of the Bakweri landowners.

Salaam Alaikom,

FOR THE BAKWERILAND CLAIMS COMMITTEE

Ndiva Kofele KALE, Esq., Barrister-at-Law
Professor of Law and Counsel for BLCC

Tel:+237 780 96711332 21 83

Fax: +237 332 21 831332 22 02

Email: mo_kale@yahoo.com

cc: Mr. Germain Baricako, Secretary to the African Commission
Mola Njoh Litumbe, BLCC Secretary-General
Tel:+237 950 77 091Fax:+237 332 22 02