

REPUBLIQUE DU CAMEROUN
Paix - Travail - Patrie

MINISTERE DE L'AGRICULTURE

CABINET

INSPECTION GENERALE

Tel : 223-11-90
223-94-98
222-50-91

REPUBLIC OF CAMEROON
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MINISTRY OF AGRICULTURE

CABINET

GENERAL INSPECTORATE

Yaoundé, le 06 JUN 2003

Min^o 1178 /MINAGRI/CAB/IG.3

THE MINISTER OF STATE,
IN CHARGE OF AGRICULTURE

SUBJECT : Affaire BAKWERI
LAND CLAIMS
COMMITTEE : Etat
Du Cameroun à la
CADHP.

TO :
THE MINISTER OF STATE,
IN CHARGE OF EXTERNAL RELATIONS
YAOUNDE

Excellency, Mr. Minister of State,

In acknowledging receipt of your fax message of 09/05/2003, on the above stated subject, permit me to contribute a few ideas that could be considered in elaborating an answer to the issue of BAKWERI LAND CLAIMS Committee (BLCC) against the State/Government of Cameroon :

1. THE PROBLEM OF THE BAKWERI LAND CLAIMS COMMITTEE :

The BLCC accuses the State/Government of Cameroon for violating the provisions of Articles 14, 21, 22, 7 (1) (a) and 56 (5) of the AFRICAN CHARTER of Human and Peoples right. Without going into too much details, the BLCC Claims that the State of Cameroon has refused to recognise the right to Private Property of the BAKWERI PEOPLE on the lands occupied and exploited by the CDC since 1947, and not taking into account their grievances on the PRIVATISATION of the CDC. According to the BLCC the problem is further exacerbated by the transferring to a third party through Privatisation of CDC lands occupied by the TEA PRODUCTION LINE, without any recourse/allusion to the "rightful" owners of this PRIVATE-LANDED PATRIMONY.

The BLCC asserts that the CDC-OCCUPIED LANDS were surveyed and demarcated before being registered in official records as PRIVATE PROPERTY, and all this took place prior to the entry into force of the 1974 LAND TENURE LAW. According to BLCC, since these lands were ONLY ON LEASE to the CDC, only the true and legitimate owners - the BAKWERI PEOPLE - have the right under the Land Tenure Act to dispose of these lands. Consequently, the sale or Privatisation of the assets of CDC does not include the lands on which these plantations stand.

2. ANY VALIDITY IN THE BLCC CLAIMS ?

Before the Cameroon-Nation State came into being tribal and/or ethno-cultural entities or groups existed as NATIONALITIES, with territorial limits. Such seemed to have been the case with the BAKWERI PEOPLE who in their claim of landed patrimony got into conflict with the German/British Colonialists with respect to the CDC-occupied lands. The Colonial occupiers/authorities seemed to have finally accepted and acknowledged their claim, and entered the BAKWERI NATIVE LANDS into the GRUNDBUCH (German Land Register) as PRIVATE LANDED PROPERTY.

It is noteworthy that the Cameroon LAND TENURE LAW of 1974 (which is in force) distinguishes between NATIONAL LANDS and PRIVATE LANDS. Part II, Article 2 of the Land Tenure Act further identifies 5 categories of land that are subject to the right of PRIVATE PROPERTY as follows :

- * Registered Lands
- * Lands acquired under the transcription system
- * Lands covered by a final concession
- * Lands entered in the GRUNDBUCH (German Land Register).

Drawing, therefore, from both the 1974 Land Tenure Law and the Colonial German Land Register (GRUNDBUCH), the BAKWERI NATIVE LANDS constitute PRIVATE LANDED PATRIMONY, apparently having been well mapped out and demarcated before being entered into the GRUNDBUCH.

3. PROPOSAL/RECOMMENDATION :

If the assertions/analyses in N°2 above (VIS-à-VIS the BLCC Claims in N°1) cannot be irrevocably contested, then the State/Government of Cameroon risks being found guilty of violating the BAKWERI People's rights over Private landed patrimony. If the chances of the State of Cameroon losing the case are high and looming, then it would be more decent, Prudent and honourable for the Government to withdraw the matter from the court of arbitration in BANJUL for out-of-court negotiation/settlement.

Once withdrawn, the State of Cameroon applies what seems to be a universally acceptable principle - the PRINCIPLE OF DERIVATION whereby ROYALTIES are negotiated and paid in CASH and/or KIND to the Bakweri People over the CDC occupied lands.

If the State of Cameroon can come to terms with the fact that CDC-occupied lands are Bakweri Private Property then the suggestion of negotiating the payment of ROYALTIES would evidently be acceptable to the BLCC. It is my humble opinion that if the full process of arbitration is allowed to go through the BANJUL COURT and the Cameroon Government happens to lose, then the consequences and ramification would be far more grave for the State of Cameroon.

Accept, Mr. Minister of State, my highest regards.

Le Ministre d'Etat



Augustin Frédéric KODOCK