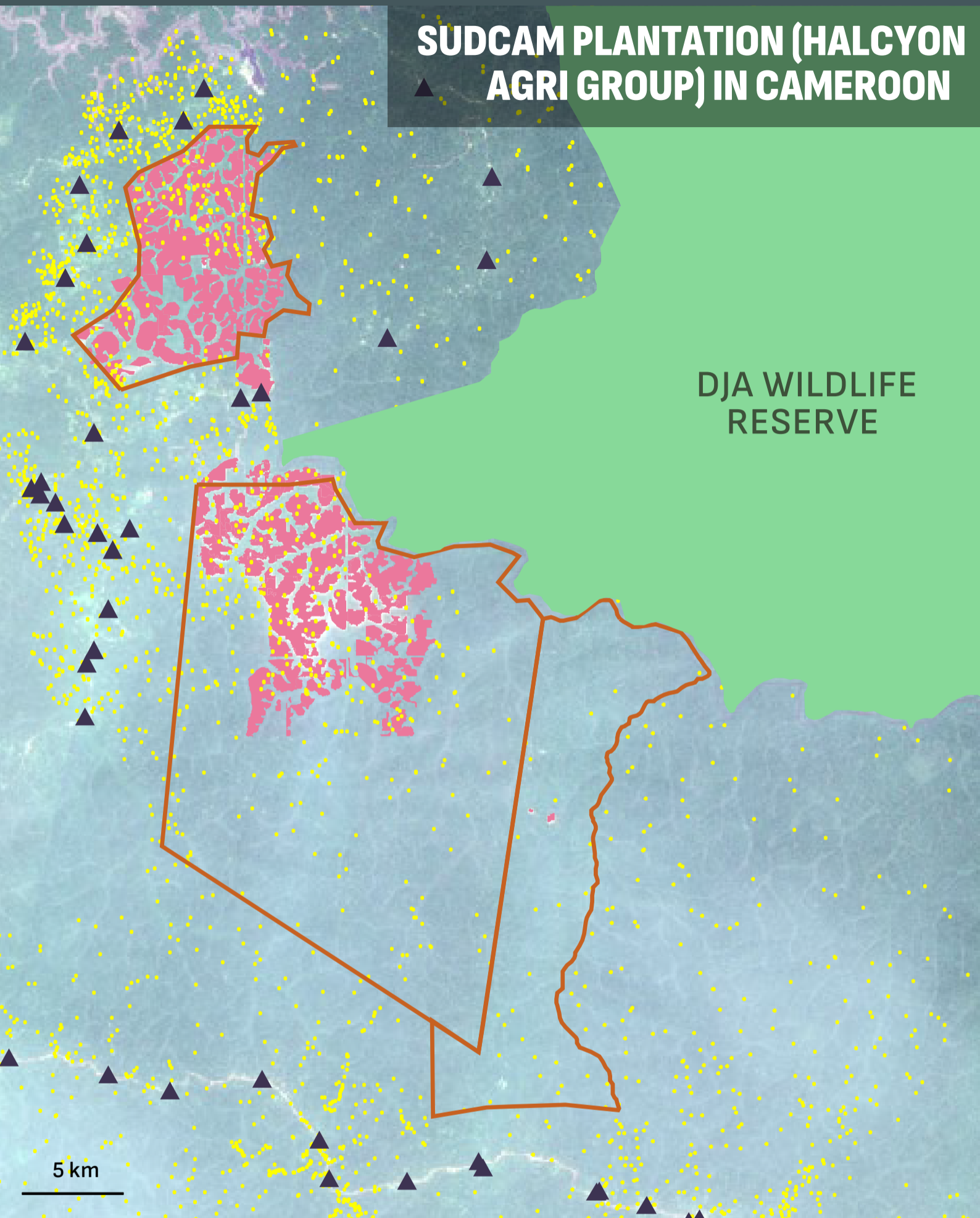


# HALCYON AGRI'S SUDCAM PLANTATION: The long way of suffering for Indigenous Peoples and local communities in Southern Cameroon

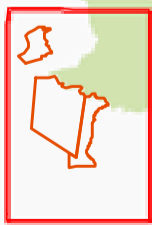


# SUDCAM PLANTATION (HALCYON AGRI GROUP) IN CAMEROON



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.

# HALCYON AGRI'S SUDCAM PLANTATION

## The long road of suffering for Indigenous Peoples and local communities in Southern Cameroon

### Introduction

Sud-Cameroun Hévéa ("SudCam"), a giant monoculture rubber plantation and a Cameroonian subsidiary base of Halcyon Agri Corporation Limited ("Halcyon Agri") has come under intense scrutiny and criticism due to the severe human rights violations and threats to biodiversity inflicted upon the surrounding Indigenous Peoples, local communities and workers<sup>1</sup>. Investigations from non-governmental organisations (NGOs) have provided compelling evidence of the detrimental impact and transgressions perpetrated by SudCam, shedding light on the grave implications at the local, national, and international levels<sup>2</sup>.

The SudCam company has been operating in Cameroon since 2008, when they officially requested a concession from the state of Cameroon to cultivate rubber trees. Following this request, presidential decrees 2008/380 and 2008/248 granted two provisional concessions to SudCam in Southern Cameroon: 8,200 hectares (ha) in Meyomessala and 36,998 ha across Meyomessala, Meyomessi, and Djoum. In 2011, the company started demarcating the sites in Meyomessala. Based on the presidential decree 2013/089 signed on 19 March 2013, SudCam received two land titles (respectively number 2426 and

1 Greenpeace Africa. Sudcam's assault on human rights, 2019: [www.greenpeace.org/static/planet4-africa-stateless/2019/11/cd29dfdc-englishv7.pdf](http://www.greenpeace.org/static/planet4-africa-stateless/2019/11/cd29dfdc-englishv7.pdf)

2 Global Witness, Rubbed Out, 2022: [European rubber imports are driving the destruction of African forests | Global Witness](#)

2427) for the provisional concessions mentioned above. These two sites were ancestral land where the Indigenous People and local communities used to live. It meant that they lost access to part of their fields and the forest, where they used to fish, hunt, and practice rituals, as they were taken by the company without any Free Prior and Informed Consent (FPIC).

Subsequently, the presidential decree 2015/011 signed on 14 January 2015 granted an additional provisional concession of 30,408 ha of ancestral land from the subdivision of Djoum, for a duration of three years. This decree stipulated that SudCam was supposed to invest 47,663,200,000 Central African CFA Franc (XAF) to develop its activities on this site and pay a land fee of 304,084,906 XAF to the national authorities. On 9 February 2018, a new provisional decree 2018/112 was signed, modifying the 2015 decree to reduce the land allocated to SudCam to 13,713 ha. This was justified by the company in a letter sent to the Minister of Lands Affaires in April 2019. The letter stated that the social and environmental impact study, along with the High Conservation Value (HCV) assessment, indicated that the project would have negative social and environmental effects, primarily due to its proximity to the Dja Biosphere Reserve. Due to these reasons, which led SudCam to refrain from investing in new operations on the land, the company decided to return the 13,713 ha to the State of Cameroon in 2021.

Ever since SudCam began operations in the area in 2011, the communities have been claiming access to their land directly from the company, which resulted in them blocking access to the plantation for the company's employees on multiple occasions. However, SudCam rejected the communities' claims, asserting that they had received a land title for the two areas from the state of Cameroon. After several years of disputes, the company appointed a local organisation (APIFED - *Appui à l'autopromotion et l'insertion des femmes, des jeunes et des désœuvrés*) in 2018 to identify the needs of the people and present a local development plan for each village. Thereafter, SudCam set up several social projects, including financial support for local nurseries and primary schools, as well as the hospital in the area. They also arranged, for example, buses for children attending

school and for community members travelling to local markets. However, the communities considered that these investments did not sufficiently compensate for the impact of the company on their lives and ultimately renewed their claims. In this context, the company requested that the communities propose an alternative local development plan. A convention outlining the needs of the local populations was developed and signed by 23 chiefs in December 2022. To date, SudCam has not signed the convention.

The communities are simply and continually asking for better living conditions, restitution of their land and continued access to the forests, which are part of their spiritual and cultural heritage. The human rights violations documented in the NGO reports highlight SudCam's disregard for the well-being and fundamental rights of the local community since 2011. Evidence points to land grabbing on ancestral lands due to the absence of FPIC, despite the land titles being granted to the company, leading to the displacement of local communities. Additionally, they resulted in the extensive destruction of biodiversity and over 10,000 ha of dense tropical rainforest between 2011 and 2018, an area larger than Yaounde and roughly equivalent to the size of Paris<sup>3,4</sup>. These violations flagrantly contravene the international human rights principles<sup>5</sup>. The wanton disregard for human rights and biodiversity conservation stands in stark contradiction to Cameroon's official commitments under international agreements and conventions. The severity and gravity of these issues highlight the urgent need for transparency, accountability, and justice.

3 Greenpeace Africa. SudCam's assault on human rights: Greenpeace Africa, 2019: [www.greenpeace.org/static/planet4-africa-stateless/2019/11/cd29dfdc-englishv7.pdf](http://www.greenpeace.org/static/planet4-africa-stateless/2019/11/cd29dfdc-englishv7.pdf)

4 Rainforest Foundation UK, Palmed Off, 2019: [palmed-off-an-investigation-into-three-industrial-palm-oil-and-rubber-projects-in-cameroon-and-the-republic-of-congo.pdf](http://palmed-off-an-investigation-into-three-industrial-palm-oil-and-rubber-projects-in-cameroon-and-the-republic-of-congo.pdf)

5 Guiding Principles on Business and Human Rights, UN Human Rights Office, 2012: [Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework | OHCHR](http://www.ohchr.org/documents/E/huridocda/huridoca13_en.pdf)

Greenpeace Africa (GPAF)<sup>6</sup>, as well as other human rights and environmental protection organisations<sup>7,8</sup> have been at the forefront of exposing the violations caused by SudCam's operations and advocating for the rights of affected communities. Through detailed reports following on-the-ground investigations, these organisations aim to raise awareness, exert pressure for change, expose the critical situation faced by local communities and engage in negotiations to seek remedies for the affected communities.

This report delves into the intricate web of concerns surrounding SudCam, casting light on the gravity of the situation and calling for change. The evidence mentioned in this report is based on research, field investigation and data analysis around the SudCam plantation, which were carried out by Transparency International Cameroon (TI-C) and GPAF from 2018 to 2024.

6 Greenpeace Africa. SudCam's assault on human rights: Greenpeace Africa, 2019: [www.greenpeace.org/static/planet4-africa-stateless/2019/11/cd29dfdc-englishv7.pdf](http://www.greenpeace.org/static/planet4-africa-stateless/2019/11/cd29dfdc-englishv7.pdf)

7 Rainforest Foundation UK, Palmed Off, 2019: [palmed-off-an-investigation-into-three-industrial-palm-oil-and-rubber-projects-in-cameroon-and-the-republic-of-congo.pdf](http://palmed-off-an-investigation-into-three-industrial-palm-oil-and-rubber-projects-in-cameroon-and-the-republic-of-congo.pdf)

8 Global Witness, Rubbed Out, 2022: [European rubber imports are driving the destruction of African forests](http://European%20rubber%20imports%20are%20driving%20the%20destruction%20of%20African%20forests) | [Global Witness](http://Global%20Witness)

# 1 Status of land rights for Indigenous Peoples and local communities around SudCam

The preamble of the constitution of 18 January 1996 states “the state shall ensure the protection of minorities and shall protect the rights of Indigenous Peoples in accordance with the law”.

There are no specific land tenure provisions for Indigenous Peoples and local communities in Cameroon. However, the relevant land legislation protects them outside the constitution in the same way as other populations in Cameroon<sup>9</sup>. Two different communities are identified around the SudCam company: Indigenous People (Baka) and local communities (Bantu-Fang bėti), these communities have land rights, which include:

- The 1996 Constitution guarantees the right to property, regardless of any categorical consideration of belonging to a certain group or gender. Thus, Cameroonian land law recognises the same rights for men and women.
- Land law in Cameroon is characterised by the cohabitation of modern law and customary law.
- Cameroonian land law overlooks traditional ownership, even though it is widely recognised and respected by the majority of the population living in rural areas.

<sup>9</sup> See:

- Section 745 of the Civil Code, which states that “The owner of land may use all ordinary and extraordinary means to prevent its ruin, even by disturbing neighbouring land”
- Ordinance no.74/01 of 6 July 1974, to establish rules governing land tenure
- Ordinance no.74-2 of 6 July 1974, to establish rules governing State Lands
- Decree no.76/165 of 27 April 1976, setting the conditions for obtaining a land title, as amended and supplemented by decree no. 2005/481 of 16 December 2005
- Decree no.76/166 of 27 April 1976, to establish the terms and conditions of management of national lands
- Law no.76/25 of 14 December 1976, to establish regulations governing cadastral surveys and records
- Law no.80/22 of 14 July 1980, on the repression of offences against landed property and State lands (Section 2)

- Cameroon's land tenure system makes a distinction between registered land (land that refers to private property rights) and land in the national domain that is unoccupied but developed by customary communities.
- Villages that already existed before the State was formed do not, in principle, have any land, as since the 1974 ordinance, land ownership in Cameroon has been evidenced by the possession of a land title.

The traditional forms of land appropriation have been abandoned in favour of the registration system since the 1974 ordinance, which makes registration the only proof of land ownership. However, in some cases, agreements give the local populations of the parks a right of use even without official land titles<sup>10</sup>.

In accordance with this law, the State of Cameroon recognises the right of SudCam's local communities to use forestry, wildlife and fishery products for personal use, with the exception of protected species. Notably, these communities fully exercised these rights prior to SudCam's arrival. However, SudCam's rubber plantation was established without consulting the local population. From one day to the next, they were denied access to a large part of their natural environment, in violation of Law 96/12 of 5 August 1996, the framework law on environmental management, and decree 2013/0171/PM of 14 February 2013, which both set out the procedures for carrying out environmental and social impact assessments. During the impact study, SudCam should have consulted the local population about the project to hear their grievances, even though these individuals do not have official land titles. However, the population claims that they were not consulted. At the end of the study, the State of Cameroon and SudCam were expected to agree on a set of terms detailing the company's social commitments as compensation for its impact on the local environment. Additionally,

<sup>10</sup> See:

- Articles 8 (1), 155 and 158 of Law no. 94/01 of 20 January 1994 on the forest, wildlife and fisheries regime
- Article 3 of decree no. 2001/101/CAB/PM of 19 March 2001 creating the Lobeke National Park establishes a zone for the exercise of the rights of use of the riparian populations, in particular for fishing, gathering and harvesting medicinal plants
- Article 7.5 Mambelé Convention



SudCam’s boundaries have not been clearly defined. Residents are left with boundary markers, sometimes placed behind their houses. To date, the impact study and these terms have not been made available to the public.



## 2 SudCam's actions are a continuous threat to workers, Indigenous Peoples and local communities

In July 2018 and November 2019, GPAF published respectively [Ruinous Rubber](#) and [SudCam Assault to Human Rights](#), both reports documenting the extent of the environmental damage caused by SudCam as well as the violation of national and international norms throughout the plantation's roll-out<sup>11</sup>, ranging from the destruction of sacred sites, camps, tombs, medicinal plants, farm lands, amongst others. From our recent investigations, it is evident that these issues have persistently increased in the different communities.

### 2.1 Promiscuity in housing, insufficient health coverage and education for impacted workers and communities

The development of SudCam's plantation led to the hiring of hundreds of workers in the area where their plantation is located. From the data collected by GPAF in 2021, living in the camps built by SudCam is often associated with poverty, overcrowding, and inadequate sanitation, which creates a breeding ground for the rapid spread of diseases. SudCam's plantation camps exemplify these challenges with cramped and basic living conditions, shared toilets, and overall poor sanitation facilities. Housing allocation criteria, biased towards professional classification rather than household size, disrupts intimacy and family dynamics, leaving larger households disoriented. However, it is worth noting that recent conversations between TI-C and the communities indicate that living conditions have improved for workers, as SudCam has constructed new accommodations for some of their employees. Nevertheless, the issues mentioned above remain.

<sup>11</sup> Greenpeace Africa. Halcyon Agri's Ruinous Rubber. Johannesburg: Greenpeace Africa, 2018: <https://wayback.archive-it.org/9650/20200430161835/http://p3-raw.greenpeace.org/africa/Global/africa/Forests/Publications/Greenpeace%20Africa-SudCam-Report-2018-1.pdf>

Moreover, access to good quality healthcare has long been a persistent challenge in promoting equitable development, particularly for impoverished communities. As part of their social and environmental commitments, SudCam built a health centre within its compound that could benefit not only their workers, but also the surrounding communities. SudCam also supported an existing hospital situated in a locality next to the plantation, including paying the salaries of the health staff. However, the company stopped supporting the hospital a few years ago, which led to most of the medical staff leaving and a decline in healthcare quality. Additionally, community members who are not working for the company have reported a lack of empathy and professionalism from the health staff at the reception in both the hospital and the health centre. Workers have also mentioned a lack of financial support from the company in cases of severe illness, which exacerbates their suffering and compromises their well-being<sup>12</sup>.

Additionally, SudCam used to organise buses for the children attending schools around the plantation and paid for the rent, water, and electricity of these schools. However, the company's top management suddenly stopped these measures, creating an additional financial burden for the employees and causing their children to drop out of school. Our recent investigation on the ground shows that the situation has not improved over the past four years.

12 The position of the law is settled on the point that employees have the obligation to ensure occupational health and safety. The legislation in Cameroon also further obliges all establishments to provide medical and health services that will supervise conditions in respect of hygiene in establishments, the risk of contagion and the state of health of employees, spouses and children of those housed by the employer and take the appropriate preventive measures as stipulated in Order No. 039/MTPS/IMT of 26 November 1984 fixing the general rules of hygiene and safety at the workplace, Decree No. 84/909 of 26 July 1984.

## 2.2 Mistreatment and poor working conditions

Testimonies obtained by TI-C and GPAF in 2022 from former workers indicates that SudCam's leadership is violating several human rights conditions, which contradict the national Labour Law and the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work<sup>13</sup>. Local communities reported the use of physical and psychological abuse, harassment, persecution, the presence of armed guards in and around their homes and community dogs to oppress, dominate and instil fear in the plantation workers. They even mentioned being confined for up to 18 hours with dogs and gendarmerie patrols. This is a retaliatory measure against those who protest or refuse to accept their poor working conditions. Other measures include separating them from their relatives who are not members of the nuclear family.

Moreover, former workers, mainly unskilled labourers, have reported working at SudCam without a contract. These practices simply aim to deny labour protection to the workers and avoid costs that may include taxes and social security contributions (National Social Insurance Fund - NSIF), as well as other payroll benefits. This absence of legal framework also led to unfair dismissal, without any obligation to pay appropriate compensation. In this context, some workers have left the company to avoid poor working conditions.

It's also clear that workers' salaries are determined according to a non-transparent and subjective ranking system. Employees with the same professional skills, experience and position may earn different wages. Additionally, SudCam workers are obliged to join the SCB-Cameroun Bank, which considerably reduces their incomes due to high bank fees.

Nevertheless, in such a violent and unjust context, some former workers are taking the lead to organise and mobilise against this unfair treatment and disregard for the law on their land and lives, and are taking legal action by suing SudCam's manage-

13 ILO Declaration on Fundamental Principles and Rights at Work, 1998 (Amended in 2022): <https://www.ilo.org/media/343176/download>

ment for breach of contract. Between 2022 and 2023, several Cameroonian executives and managers resigned in protest against this unethical management and are currently suing the company, citing serious legal violations.

## **2.3 Permanent threat to the lives of Indigenous Peoples and local communities**

Forests and biodiversity, which are the source of traditional Indigenous and local values and the foundation of their economic and cultural resources, are literally being destroyed, thereby increasing their vulnerability and poverty. SudCam's large-scale plantations have an ongoing negative impact on the local food supply and production, making them increasingly vulnerable by drastically reducing their incomes. In addition to being frequently evicted from their farms, local farmers are often forbidden to cultivate near plantation boundaries as reported by communities. There is a continuous loss of forest utilities: traditional hunting, fishing, traditional rites, collection of Non-Timber Forest Products (NTFPs), arable ground, forcing communities to go further and further away in order to farm.

The loss of access to land, and the deprivation of their means of subsistence and food remain a cause for concern. These issues generated by SudCam's presence are a tragedy for Indigenous Peoples and local communities and are getting even worse. In the midst of the food crisis and widespread inflation in Cameroon, selfish economic interests are always put first despite all the damage done to the communities. Based on the facts mentioned in this report and previous reports by GPAF and other NGOs, SudCam must be charged for its violations and abuses, and cannot continue to saw off the arms of the communities and the environment, as they have done enough damage already.

# RECOMMENDATIONS

For the stated goal of economic development, the Cameroon government is actively promoting rubber and palm oil as a commodity to compete on international markets. However, those plantations are also fostering violations of the law and human rights, unequal land tenure systems, deforestation and environmental destruction. All this is a source of abuse, prejudice, poverty, land grabbing, destruction of social and cultural systems, social conflict and much more. GPAF and TI-C are calling once more for this to be addressed.

The forceful displacement of Indigenous Peoples and local communities from their traditional lands and the destruction of their forest resources and settlements inside the concession have been done without Free, Prior and Informed Consent and remain unaddressed.

## To SudCam

- Engage in dialogue with Indigenous Peoples and local communities.
- Sign the convention developed in 2022 and provide a clear action plan to meet the demands of the communities.
- Hire community members in management roles to ensure a sustainable relationship with the communities.
- Improve the living and working conditions of their workers, in order for them to be able to live decently from their activity.
- Identify all cases of violations of community rights and give the right response.
- Allow communities to exercise their forest use rights such as fishing, hunting, and practicing rituals on the unused land of the plantation.

# RECOMMENDATIONS

## To the Cameroonian government

- Ensure the effective restitution of forests to communities that were displaced because of SudCam. The remaining part of the concession that was not cleared should be returned to the Indigenous Peoples and local communities.
- End forest attribution to industries in Cameroon and promote the protection of forest and biodiversity, in line with the communities' rights.
- Plan and put in place a sustainable development model of resources and an economy where forests are protected and generate income from activities like community forestry, ecotourism and processing of non-timber forest products.
- Clearly identify and make the boundaries of SudCam's concessions known to the communities.

## To donors and finance sector actors financing the exploitation of resources

- Divert funds from destructive projects like the SudCam rubber plantation and ensure sustainable support to community approaches of forest and land management.
- Put strong internal Environmental, Social and Governance (ESG) policies in place with due diligence processes, to avoid approving funds to the benefit of companies whose activities lead to forest destruction, loss of biodiversity and the violation of Indigenous Peoples and local communities' rights.





## **TRANSPARENCY INTERNATIONAL CAMEROON**

Transparency International-Cameroon (TI-C) is the Cameroonian chapter of Transparency International, a non-profit civil society organisation at the forefront of the fight against corruption and the promotion of good governance. Since its creation in 2000, TI-C has worked closely with the government, the private sector, civil society and technical and financial partners to develop and implement effective measures to curb corruption.

[www.ti-cameroun.org](http://www.ti-cameroun.org)

## HALCYON AGRI'S SUDCAM PLANTATION:

### The long way of suffering for Indigenous Peoples and local communities in Southern Cameroon

Since 2015, TI-Cameroon has been implementing the Land and Corruption in Africa project, under the supervision of Transparency International, in the South, Littoral, and East regions. TI-Cameroon has observed that land legislation in Cameroon is characterized by several shortcomings. These shortcomings are often the root cause of conflicts between communities, and between communities and industrial companies. In an environment where corruption tends to become widespread, local populations pay a heavy price, as they do not have effective means of defense against the power of money. For the past nine years, the Land and Corruption project has stood alongside these populations to defend their rights and facilitate multi-stakeholder dialogue through awareness campaigns, strategic consultation meetings and capacity building sessions for stakeholders, data collection, advocacy actions, and legal assistance.

[Land – TI-Cameroon](#)

SEPTEMBER 13, 2024

