2015 Report on the Situation of Environmental Defenders in Central Africa

Rapport 2015 sur la situation des défenseurs de l'environnement en Afrique Centrale

UNDER THE RADAR: A BRIEF OVERVIEW OF THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA 2015

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REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA This report is produced as part of the project "Greening the Respect for Human Rights in the Congo Basin." The project, implemented by four organizations (Center for Environment and Development in Cameroon, Congolese Observatory of Human Rights in Congo, Brainforest in Gabon, House of Children and Pygmy Women in the Central African Republic), funded by the European Union, aims to improve the respect for human rights in the context of natural resource exploitation and land use in Cameroon, Gabon, the Central African Republic, and the Republic of Congo. The goal is to create synergy between traditional human rights defenders (generally unaware of the rights violations generated by natural resource exploitation) and NGOs active in the field of natural resource and land management (aware of rights violations but less familiar with the rules, tools, and mechanisms for protecting human rights). This cross-fertilization between the two groups of CSOs is hoped to produce optimal protection of the rights of communities and their defenders. Project funded by: Project implemented by: 02 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015

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This report, produced as part of the project "Greening the Respect for Human Rights in the Congo Basin," aims to draw the attention of governments, national and international public opinions to the violations and threats of violations faced by environmental defenders in Central Africa, specifically in the Congo Basin. The ultimate goal is to enable a synergy of actions for better consideration of the rights of local communities in projects related to natural resources and development in Central Africa. As this report is the first of its kind on the issue of environmental defenders, it relies on two studies conducted as part of the project. The first focuses on the legal framework for the protection of environmental defenders in Central Africa. This study, conducted primarily in four countries (Cameroon, Congo, Gabon, and the Central African Republic), reveals a dense and varied legal framework, relying on both international and domestic legal norms. Central African states have indeed ratified almost all international instruments for the protection of human rights at both universal and regional levels and are parties to the most important instruments concerning the protection and defense of the environment. Internally, the protection of human rights, particularly the right to a healthy environment, is subject to the highest guarantee, notably through its inclusion in the fundamental law of each country. Almost all countries in the region have a law aimed at the protection of the environment. The second study focuses on the consideration of the rights of communities in Central African countries. The study, whose main conclusions are summarized in this report, shows that the rights of communities and local populations are insufficiently taken into account both upstream in the process of granting rights and preparing for exploitation, and downstream during exploitation and the organization of sufficient economic benefits for the benefit of local communities. These shortcomings are caused or stem from a land regime that does not sufficiently take into account, in many countries, the customary rights of local and indigenous communities. It is because they demand better respect for the rights of communities, particularly the protection of the living environment of communities, that many defenders face various violations and pressures. Based on denunciations that have led to thorough investigations, this report summarizes the main cases of violations of the rights of environmental defenders in the Congo Basin up to December 31, 2015. Executive Summary 05 Executive Summary Executive Summary Executive Summary Executive Summary REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015

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The preparation of the 2015 report on the situation of environmental defenders in Central Africa was based on the work of two studies conducted as part of the project "Greening the Respect for Human Rights in the Congo Basin." Experts indeed worked in several countries on the legal framework for the protection of environmental defenders on one hand, and on the consideration of the rights of local and indigenous communities in natural resource exploitation and/or development projects on the other hand. A group of experts from diverse backgrounds then reviewed the various country reports to identify major convergences and, where applicable, specificities for each country. The results of each study were then summarized and synthesized

for publication in this report. Regarding the identification of cases of violations, data collection was carried out with partner NGOs and experts based in the localities where the events occurred. Once gathered, the project team dispatched missions to ensure the veracity of the facts and allegations and to gather the opinions of all stakeholders. Methodology 06 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Methodology Methodology Methodology Methodology Methodology

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An environmental defender? What is it? This usual question was systematically asked during this first year of implementation of the project "Greening the Respect for Human Rights in the Congo Basin." The answer is quite simple: the environmental defender is primarily a human rights defender; indeed, they are the defender of a particular category of human rights. According to the United Nations High Commissioner for Human Rights, the term "human rights defender" refers to "any person who, individually or in association with others, works to promote or protect human rights. Human rights defenders are primarily recognized by what they do, and the best way to explain this term is to present their action and some of the contexts in which they work, understanding that the list of their activities is not exhaustive." A human rights defender is someone who defends any fundamental right on behalf of a person or a group of people. Human rights defenders seek to promote and protect civil and political rights as well as to promote, protect, and implement economic, social, and cultural rights. Thus, the environmental defender is this defender whose action of promotion and protection focuses on the environment. The environmental defender can act to defend their rights, those of a community, a group of people, or even nature itself (biodiversity, species Introduction 08 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Introduction Introduction Introduction Introduction Introduction

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protected...), both at the local, national, and regional levels. The defender can thus carry out a wide variety of actions: collecting and disseminating information, raising awareness, and mobilizing public opinion... There is no precise answer to the question of who is or can be a human rights defender. It can be any person or group of people who is involved in promoting and protecting the right to a healthy environment, ranging from intergovernmental organizations based in major cities to individuals active in their communities. What best characterizes an environmental defender is neither their title nor the name of the organization they work for, but rather the nature of the work they do. It is not essential that they are known to be a “human rights or environmental activist” or that they work for an organization whose name is recognized in the field of human rights or the environment. Many people act as environmental defenders outside of any professional context. Thus, a resident of a rural community who organizes a demonstration of community members against the degradation of their agricultural land by industrial waste is an environmental defender. The right to a healthy environment being a recognized and protected human right by major human rights instruments, its defenders are part of the larger family of human rights defenders and benefit from the same protections and unfortunately face the same risks and dangers. It is important to specifically protect these defenders in Central Africa where they play a crucial and primary role in promoting and protecting the rights of local communities. It is worth emphasizing the difficult establishment of a tradition of respect for human rights in the countries of the Congo Basin and Central Africa, even though there are noted efforts from public authorities and support from cooperation

agencies. The situation remains concerning in certain regions or countries with numerous cases of flagrant violations, due to war (CAR) or the development of security threats (North and East Cameroon). When human rights are mentioned, one mainly thinks of these known, spectacular violations that make headlines in the media. However, there are others that feature ordinary people showing extraordinary determination to protect their environment because their lives depend on it. These daily struggles put communities at odds with investors or the State. Unfortunately, these conflicts do not attract enough attention and do not make the headlines of major media outlets. They are somewhat the “struggles of the poor.” Even though the survival of populations, and sometimes of centuries-old cultures, is at stake, they unfold in general indifference. Introduction 09 Introduction Introduction Introduction Introduction REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 -- 9 of 60 -- Introduction 10 The situation in almost all Central African countries unfortunately corresponds to all the criteria established by the United Nations Declaration on Human Rights Defenders for a situation where human rights are most threatened: limitation of the right to freedom of association; limitation of the right to peaceful assembly; limitations on the right to freedom of expression, information, and communication; a threatening environment (death threats, executions, kidnappings); obstacles to the right to a fair trial and treatment. The tradition of human rights violations in each of these countries has been attested by recurring findings made by reports from national and international organizations: Amnesty International's 2013 report on the state of human rights in the world, the U.S. State Department's report on the state of human rights in the world, 2013, Human Rights Watch reports on the state of human rights in Cameroon, etc. In a communication in 2011, the Director of the United Nations Sub-regional Centre for Democracy and Human Rights, referring to the state of human rights in the sub-region,

noted that “generally speaking, the state of human rights in the Central African sub-region remains quite precarious.” Since that date, the situation has significantly deteriorated, particularly with the coup in CAR in March 2013. Specifically, the Congo Basin is experiencing a strong growth in the number of permits for the exploitation of natural resources (timber, wildlife, mining, oil, and increasingly, carbon, and land for agro-industrial plantations) and land acquisitions are becoming more numerous, particularly in the four target countries of the project (Cameroon, Congo, Gabon, CAR), which cumulatively have a land demand representing more than 2 million hectares for agro-industrial plantations. All these projects are developed on spaces occupied by communities, and the difficult coexistence due, among other things, to the difficult access to resources by these communities often leads to conflicts between the two parties. In this struggle for subsistence, the populations living near the projects see their rights violated. The populations of the four target countries are more than 60% rural and are characterized by a strong dependence on natural resources for their daily survival. Restrictions on access to spaces and resources thus have a significant impact on their quality of life, justifying the resistances often witnessed in rural areas against the operations of companies exploiting natural resources. In recent years, there has been an intensification of harassment against communities defending their rights and, especially, individuals and organizations defending the rights of communities in the areas of environment and access to land and natural resources. REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Introduction Introduction Introduction Introduction Introduction -- 10 of 60 -- 11 Introduction The purpose of this report is to draw the attention of governments, national and international public opinions, as well as other stakeholders to the violations or threats of violations faced by environmental defenders in order, on the one hand, to enable mobilization around the need to protect environmental defenders, and, on the other hand, to encourage better consideration of the rights of local communities in projects related to natural resources and development in

Central Africa. Intended to be produced annually, the Report on the situation of environmental defenders' rights in Central Africa will first be a directory of the cases of violations recorded over the course of a year. For the 2015 issue, which constitutes the zero edition, the Report reviews the legal framework for the protection of defenders' rights in Central Africa, and more specifically in the four target countries of the project: Cameroon, Congo, Gabon, and CAR. Introduction Introduction Introduction Introduction Introduction REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 -- 11 of 60 -- REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA 2015 -- 12 of 60 -- LEGAL FRAMEWORK PROTECTION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA Part 1 -- 13 of 60 -- The legal framework for the protection of environmental defenders in Central Africa is very dense and varied. It relies both on international and regional instruments as well as on a more or less comprehensive national legal framework. In terms of content, this protection can be based on standards related to fundamental rights, environmental protection, and a specific framework dedicated to the protection of human rights defenders. 1- Adherence to numerous relevant international instruments The international instruments ratified by Central African countries and relevant for the protection of environmental defenders relate to the protection of the right to a healthy environment, environmental protection, and the protection of human rights defenders. Central African states are thus party to almost all international instruments for the

protection of human rights, notably the African Charter on Human and Peoples' Rights, which enshrines the right to a healthy environment in its Article 24. The right to a healthy environment is a right protected in all these states on par with other rights proclaimed in the Universal Declaration of Human Rights: right to life, right to a fair trial... Moreover, there is a close link between the right to a healthy environment and other human rights. Part 1 14 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Legal framework protection of environmental defenders in Central Africa -- 14 of 60 --

Part 1 15 In fact, it is often easier to address environmental issues through other human rights than through the right to a healthy environment, which is not yet well defined. The deterioration of the environment affects the right to life, to health, to work, and to education, among other rights. Pollution of lakes and rivers in many countries has seriously affected the ability of fishermen to access a decent life through their traditional work. Health problems caused by air and water pollution, resulting from emissions from nearby (or distant) factories, have been well documented. It has been proven that lead poisoning from paint, diesel, and other substances affects the intellectual capacities of children. Furthermore, environmental degradation caused by economic activities is often accompanied by violations of civil and political rights, such as the public's lack of access to information, the non-participation of citizens in decision-making, and the non-respect of freedoms of expression and association. In many cases, when industrial development and resource exploitation (mining, oil) impact communities, those who question the negative effects of development activities are subject to harassment by the government or the authorities responsible for the projects. The African Commission on Human and Peoples' Rights reaffirmed in the case of the Ogoni people the interdependence and indivisibility of human rights. The Commission concluded in this case that Nigeria had violated fundamental human rights, namely the right to food and the right to a healthy environment, by failing to prevent an oil company from polluting water resources. (Social Affair and Economic Rights Action Centre and Centre for Economic and Social Rights v. Nigeria). The environment is an internationally protected human right, and its defenders meet the definition of a human rights defender provided by the United Nations High Commissioner for Human Rights, that is, any person who, individually or in association with others, works to promote or protect human rights. As such, environmental defenders consequently enjoy the international protection

framework established by international instruments. Thus, following the terms of the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Human Rights and Fundamental Freedoms Universally Recognized, adopted by UN General Assembly resolution 53/144 on December 9, 1998, the protection of environmental defenders primarily falls to States. Central African States thus have the obligation to adopt legislative measures, Legal framework for the protection of environmental defenders in Central Africa REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015

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16 administrative and other necessary measures to ensure the effective guarantee of the rights and freedoms of environmental defenders in their respective countries. States must take all necessary measures to ensure that the competent authorities protect environmental defenders, individually or in association with others, from any violence, threat, retaliation, de facto or de jure discrimination, pressure, or other arbitrary action in the legitimate exercise of their rights. Environmental defenders must thus be able to, in each of the Central African countries: - meet and assemble peacefully; - form organizations, associations, or non-governmental groups, affiliate with them, and participate in them; - communicate with non-governmental or intergovernmental organizations. - hold, seek, obtain, receive, and retain information on the right to a healthy environment or the protection of the environment, including access to information on how these rights are effectively implemented in the national legislative, judicial, or administrative system; - publish, communicate to others, or freely disseminate ideas, information, and knowledge on the right to a healthy environment and the protection of the environment; - study, discuss, assess, and evaluate compliance, both in law and in practice, with the right to a healthy environment and the protection of the environment and, by these means and other appropriate means, draw public attention to the issue; - file complaints when their rights are violated and have their complaints examined promptly in a public hearing by a judicial authority or any other authority established by law that is independent, impartial, and competent, and obtain from that authority a decision, made in accordance with the law, granting them redress, including compensation, when their rights or freedoms have been violated, as well as the enforcement of the decision and any judgment, all without excessive delay; - complain about the policies and actions of officials and state bodies that have committed violations of the right to a healthy environment or the protection of the environment, through petitions or other appropriate means, to the competent national judicial, administrative, or legislative authorities or any other competent authority established according to the state’s legal system, which must render its decision without excessive delay; Part 1 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Legal framework for the protection of environmental defenders in Central Africa

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Part 1 17 - attend hearings, procedures, and public trials to form an opinion on their compliance with national legislation and applicable international obligations and commitments; - offer and provide qualified professional legal assistance or any other relevant advice and support for the defense of the environment or the right to a healthy environment; - address without restriction the competent international bodies generally or specifically to receive and examine communications related to the protection of the environment or the right to a healthy environment, and communicate freely with these bodies; - participate in peaceful activities to fight against violations of human rights and fundamental freedoms; - be effectively protected by national legislation in the event of a peaceful reaction against activities and acts, including those resulting from omissions, attributable to the state and leading to violations of the right to a

healthy environment or the protection of the environment, as well as against acts of violence perpetrated by groups or individuals that hinder the exercise of human rights and fundamental freedoms. 2- A Dense and Lacunar National Legal Framework At the national level, States have adopted numerous instruments aimed at the protection of the environment and the establishment of the right to a healthy environment. Most of the constituents of Central African States proclaim the human right to a healthy environment. It was in the wake of the advent of democracy in the 1990s, driven by human rights defense movements and international donors, that Central African countries equipped themselves with new constitutions through which they recognize certain fundamental human rights, among which is the right to a healthy environment. This right has thus been inserted year after year either into the body of the constitution or through the preamble of it. The constitution of the Democratic Republic of the Congo adopted by referendum in May 2005, for example, proclaims through its article 53 that "Everyone has the right to a healthy environment conducive to their full development. They have the duty to defend it, and the State ensures the protection of the environment and the health of the populations". Similar provisions can be found in the body of the text or the preamble of the constitutions of other States. Moreover, all the States in the region are monist tradition countries with primacy of international law; this means that international conventions, once ratified, have supra-legislative value and annul any contrary legislative provision. Based on the constitution and ratified conventions, the protection of environmental defenders thus takes the character of a fundamental value in the legal orders of the targeted States and, as such, enjoys special protection. Thus, lower texts (laws, decrees, regulations, orders...) should not undermine the rights of defenders. Alongside this constitutional and international framework, almost all States have a dense legislative arsenal dedicated to the protection of the environment and the right to a healthy environment. Almost every country has an environmental law that enshrines this right for citizens: law n° 96/12 of August 5, 1996, establishing the framework law on environmental management in Cameroon, law n° 16/93 of August 26, 1993, relating to the protection and the improvement of the environment in Gabon, law n° 07.018 of December 28, 2007, establishing the environmental code of the CAR, law n° 11/009 of July 9, 2011, relating to fundamental principles regarding the protection of the environment in the DRC. Regarding the exploitation of natural resources, consideration of environmental considerations and thus the preservation of the living environment of local communities is taken into account before and after the implementation of the project. Before the implementation of the project, the Environmental Impact Study is now a prior obligation in all countries. Thus,

under article 3 paragraph 3 of decree n°2013/0171/PM setting the modalities for conducting environmental and social impact studies, the implementation of a project cannot start in Cameroon before the relevant environmental and social impact study. The same requirement is found in articles 19 and 21 of the law of July 9, 2011, in the DRC, and 87 of the environmental code of the CAR. The impact study is an analysis and forecasting tool aimed at identifying, evaluating, and avoiding adverse, direct and indirect impacts of construction projects, works, or developments on health, environmental quality, natural resources, and ecological balances. This study has, in some countries, a social component, which allows for the evaluation of the impact that the project to be undertaken will have Part 1 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Legal framework for the protection of environmental defenders in Central Africa

Part 1 19 on local communities and consequently the actions and activities planned to address them. Environmental studies now integrate any changes or modifications that a project could cause to the environment and to the rights, customs, or traditional practices of village

communities (Article 2 of Decree n°000539/PR/MEFEPEPN of July 15, 2005 regulating environmental impact studies in Gabon. In Cameroon, criminal sanctions are provided for carrying out a project without an impact study, which according to the terms of the law would require such a study (Article 79 of the framework law on the environment). While penal provisions can be found in other countries in the sub-region, it is regrettable that the discretionary power granted in certain cases to ministers, particularly in Gabon, and especially endemic corruption paralyze and effectively deprive a commendable legislative and regulatory framework of any effectiveness. The protection of the environment and the living conditions of local and indigenous populations also implies that at the end of natural resource exploitation works, there must be a restoration of the living conditions of the populations. This idea can be found, for example, in Articles 128 and 129 of the Congolese mining code, which require the rehabilitation of the surface of soils and other spaces adjacent to mines, as well as the restoration of forests and other areas whose integrity has been compromised due to mining activities by the titleholder. The same requirement is found in Article 280 of the mining code of the DRC, which obliges the titleholder or the lessee to repair the damages caused by the works, even if authorized, that they carry out within the framework of their mining activities. Moreover, anyone conducting mining or quarrying operations is required to establish a financial guarantee for rehabilitation. Legal framework for the protection of environmental defenders in Central Africa REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015

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20 of the environment to ensure or cover the cost of environmental rehabilitation measures; a guarantee that can be confiscated in case of failure by its holder to meet its obligations (Articles 410 to 414 of Decree n°038/2003 of March 26, 2003 on mining regulation). This same approach is followed in Cameroon, where an environmental rehabilitation account is opened, which will be held in an escrow account in a bank approved by the monetary authority. This account is opened for each mining operation in the name of the titleholder of the exploitation permit, who is responsible for funding it, and serves as a guarantee for the rehabilitation and closure of the site. In case of insufficient funds for final rehabilitation, the additional works are the responsibility of the operator. However, this legislative and regulatory framework remains lacking in specific protection for human rights defenders in general. The United Nations Declaration and the Resolution of the African Commission on Human and Peoples' Rights place on States the obligation to take legislative and regulatory measures to ensure the protection of human rights defenders within their legal framework. So far, however, no State has taken such measures to strengthen the protection of human rights defenders and thus of environmental defenders on their territory. Part 1 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Legal framework for the protection of environmental defenders in Central Africa

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STATE OF CONSIDERATION OF THE RIGHTS OF ENVIRONMENTAL DEFENDERS IN DEVELOPMENT PROJECTS AND THE EXPLOITATION OF NATURAL RESOURCES IN CENTRAL AFRICA Part 2

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In general, the consideration of the rights of communities in Central African countries is neither sufficient upstream of exploitation (identification and protection of rights in the process of granting rights and preparing for exploitation) nor downstream (protection of rights during exploitation, and organization of sufficient economic benefits for the benefit of neighboring communities). Investors are generally foreign, and the remedies available at the national level are limited (due to gaps in the law regarding the protection of human rights, the attitude of the administration that does not give particular importance to the respect of human rights, etc.), and

the only solutions to ensure the consideration of rights often lie in recourse to international or regional human rights protection mechanisms, or before bodies set up by funding agencies to ensure compliance with the investments they support (World Bank, IFC, AfDB, OECD). One of the first violations of community rights is related to their land rights. In principle, however, the internal legislation of Central African countries enshrines a right to land for both individuals and communities. Thus, for example, paragraph 10 of Article 1 of the Gabonese Constitution dedicated to fundamental principles and rights affirms that: "Every person, whether alone or in community, has the right to property. No one may be deprived of their property, except when public necessity, legally established, requires it and under the condition of fair and prior compensation." With some nuances, a similar provision can be found in the Constitutions of other Central African States. The prerogative thus recognized grants its holder the right to enjoy and dispose of their land in the most absolute manner, including the right to oppose any intrusion or any transaction in accordance with international instruments relating to human rights, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, or the African Charter on Human and Peoples' Rights. These internal and international measures also protect an individual's property against the State, which can only rely on a public utility cause to deprive a person or community of their property, provided that the expropriation is accompanied by "fair and prior compensation." This protection of community property against third-party encroachments is, due to obstacles related to costs, the complexity of the procedure, and its unsuitability to the context of rural communities in Central African countries where it applies, ineffective. There are very few rural communities with registered land rights or formally recognized customary property in the Congo Basin. The situation is different when the investment takes place in urban areas or crosses urban zones. This is the case, for example, in Cameroon, where the company Rodeo (now Gaz du Cameroun) operates a gas field in Ndogpassi, in the northern outskirts of the city of Douala. The project is intended to improve the country's energy supply to meet the demand of companies located in one of the industrial zones of the economic capital of Cameroon. The gas exploitation site is located in a popular neighborhood, and the implementation of the project has resulted in numerous expropriations (a community of more than forty families, in the gas extraction site). This is also the case in Gabon, in the Essassa area, on the outskirts of Libreville, which will host the special economic zone. In reality, the majority of rural populations in Central African countries find themselves in a situation of simple possession; they have been settled for time immemorial on lands on which the texts do not recognize their right to property, but only simple rights of use. In some countries like the DRC, where the State is the sole owner of the land, possession is the only prerogative recognized to individuals over the land. While it does not constitute property, possession is not

devoid of legal effects; it allows individuals who have peacefully occupied land for a long time to exploit it and to oppose anyone's entry onto these spaces. In all cases, whether they are owners or possessors, the victim (individual or community) should be protected against the REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 State of consideration of the rights of environmental defenders in development projects and the exploitation of natural resources in Central Africa

24 loss of land rights, unless for reasons of public utility and subject to just and prior compensation. An analysis of the texts from Central African countries reveals, however, the organization of the loss of the populations' prerogatives over their lands, without respect for the requirements established by international law and the Constitutions of these countries. When the land is not subject to either a title of ownership or development, the State can make a

decision to allocate the space for the use desired by the investor. Congolese law No. 25-2008 of September 22, 2008 provides for the possibility of allocating lands, even those owned by communities, to agro-industrial activities. Its article 4 indeed states: "The State holds the lands of the rural domain; it ensures their use and development in accordance with development plans and management programs. The lands of the rural domain are registered in the name of the State." It can therefore classify them in the forest domain or allocate them for the use of investors without regard for the property rights or possession of the populations. In the same vein, in Cameroon, the ordinance of 1974 setting the terms for the management of the national domain and the forestry law of 1994 allow the State to grant portions of unregistered land either for land concessions or for forestry concessions, without concern for the compatibility of these cessions with the rights of the communities over these spaces. They can only receive compensation for the loss of their developments (crops or constructions). The same idea is found in the land or forestry legislation of the sub-region. For example, Chadian law No. 24 of July 22, 1967 on "Land Ownership and Customary Rights" states in its article 13: "Any unregistered land is deemed vacant and ownerless, unless proof to the contrary is provided." And the consequence of this finding is drawn by article 15 of the same law: "The State may register in its name vacant and ownerless lands." The question here is whether customary possession is sufficient to prove that a land is not vacant. The most spectacular solutions for the loss of property rights over land are found in the mining sector. The mining legislation of the countries in the Congo Basin formally states that all lands are available for the allocation of mining titles. Thus, the Cameroonian mining code of 2001 provides in its article 4: "Unless legally exempt, every land, including the water extending over said land, is available for the allocation of mining titles." The mining legislation of Gabon, the Central African Republic, the Republic of Congo, and the Democratic Republic of Congo contains similar provisions. These solutions automatically deprive populations of their prerogatives over lands as soon as they present an interest for mining exploitation. Part 2 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 State of consideration of the rights of environmental defenders in development projects and the exploitation of natural resources in Central Africa

Part 2 25 Laws formalize this situation by allowing the mining concessionaire, "in the exploration or exploitation phase, both inside and outside its title, to occupy or have occupied the lands necessary for the execution of research and exploitation works, related works, housing, hygiene, and care for the personnel assigned to the sites" (article 128, Gabonese mining code of October 12, 2000). Moreover, the recourse to the expropriation procedure for reasons of public utility deprives the communities holding rights of any possibility of negotiation regarding the location of the lands to be ceded, their extent, or the amount of compensation. What prevails in this transaction is indeed the interest of the investor, not that of the victims. Certainly, States compensate populations, but they do so based on a scale that bears no relation to the value of the losses suffered by the expropriated or displaced populations. In the context of expropriations for reasons of public utility, the State can determine a scale for compensations, as is the case in Cameroon. This scale is fixed, and there are no mechanisms for updating costs (indexation on inflation, for example, or recourse to the market value at the date of expropriation or the payment of compensation). The application of compensation scales for reasons of public utility to private commercial projects penalizes property owners a second time: having been unable to decide whether they wanted to cede their lands in the interest of the project, they are forced to accept the terms of compensation. Generally, the terms of compensation present at least four significant gaps in Central African countries: • the elements taken into account do not represent the totality of the victims' losses. Thus, for example, the compensation scale only considers the economic value of the destroyed property, and not its

sentimental value, for instance; • the amounts provided are lower than the market value, and do not allow victims to reconstitute their assets at least identically; REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 State of consideration of the rights of environmental defenders in development projects and the exploitation of natural resources in Central Africa

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26 • the payment of compensations is made in cash, and the technical services of the State do not provide support for the beneficiaries of compensations: they are forced to dispose of their assets, but do not receive the necessary attention to ensure that they reconstitute their assets identically; • in some cases, it is the State that carries out the assessment of the extent of the damages for compensation purposes. In these cases, it is both judge and party, with the final assessment prior to payment being carried out by its services in charge of agriculture and domains. Thus, the State declares the public utility of the investment, unilaterally sets the amounts of compensations and compensations, and carries out the assessment of eligible properties. These weaknesses of compensation often lead o a pauperization of the victims, who generally cannot replace the assets from which they have been dispossessed. Finally, communities do not have the possibility to oppose the projects envisaged on the lands they occupy or exploit, considering themselves as legitimate owners. The texts, however, almost always provide for a consultation of the victim communities, which appears as a mere formality, without impact on the opportunity and conduct of the project. At least two hypotheses are considered in the laws of Central African countries: negotiation concerning the opportunity for the issuance of the exploitation title, access to the lands of the owner, and consultations on the implementation modalities of the natural resource exploitation project. The country that establishes a drafted consultation right is the Democratic Republic of Congo. In forestry matters in this country, no forestry concession contract can be awarded to an investor unless the latter provides proof of a negotiated and signed agreement with the local communities and/or indigenous populations to which the forest to be conceded customarily belongs. The texts provide that these agreements are only valid under a double condition: they must have been negotiated according to a framework translated into a practical guide describing the negotiation process and must comply with a model set by an order of the Minister in charge of forests. In the Central African Republic, article 72 of the mining code prescribes that "the holder of a mining title can only access or occupy the area on which his mining title is created for the purpose of carrying out his activities when he has (1) concluded an agreement with the landowners regarding the amount, periods, and modalities of compensation and that this agreement has been recorded and (2) paid the amount of the compensation as determined by this agreement." Part 2 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 State of consideration of the rights of environmental defenders in development projects and the exploitation of natural resources in Central Africa

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Part 2 27 In the absence of an agreement, access to the site could therefore be blocked, at least temporarily. This is a protective solution for populations that could be generalized; but this assumes a prior recognition of the customary ownership of the populations over the concerned spaces. Generally, the consultation of communities only concerns the implementation modalities of the projects, and not the opportunity for its conduct, nor its localization. In terms of establishing land concessions, the texts in force provide in certain countries (Cameroon and DRC for example) for a consultation of the communities prior to the allocation of land rights to the investor. This consultation is only valid for non-appropriated lands, and does not concern lands belonging to the private domain of the State. The question posed is not that of the opportunity

of the project, but rather of its localization, and the potential impacts on the rights and livelihoods of the victims. In all other cases (forestry concessions and extractive resource exploitation projects), the consultation only occurs after the decision. It thus takes place either during the environmental impact study (Cameroon, Gabon, DRC, Republic of Congo), or during the preparation of the management plan for forestry concessions (Cameroon, DRC, Gabon, CAR, Republic of Congo). REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 State of consideration of the rights of environmental defenders in development projects and the exploitation of natural resources in Central Africa

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MAIN CASES OF VIOLATIONS Part 3

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Part 3 29 a. Cuvette-Ouest, Congo: Assaults, death threats, violation of the right to justice (Mr. AKeY Guy) The Cuvette-Ouest is one of the twelve departments of Congo Brazzaville. The region is particularly rich in natural resources: forest mass with abundant diverse wildlife, solid mines... The region also hosts the Odzala-Kokoua National Park (PNOK), which extends over the northern part of the department and is listed on the indicative list of UNESCO World Heritage. Located in the Cuvette-Ouest Department, the village of Ebana borders the Odzala-Kokoua National Park and stretches from the Likouala-Mossaka River to the Laye stream along the Itoumbi-Mbomo axis. For the villagers, numerous ponds rich in fish resources, as well as natural clearings, notably Djébé and Tatbou, which contain diverse species of flora and fauna, are sacred. The community has established an NGO, VAPE-Conservation, whose mission is to protect their living space through the conservation of local biodiversity, the defense of community interests, and the preservation of ancestral culture as well as the protection of sacred sites. Furthermore, the organization engages in agricultural activities to cope with the decline in food resources linked to the presence of the park. For some time now, the organization has been the main interface between the Ebana community and partners. The protection of local resources, particularly VAPE-Conservation's fight against illegal artisanal exploitation and the protection of vital wildlife species for the community, has drawn the wrath of artisanal wood exploiters. These individuals, who illegally exploit wood, cause the flight of wildlife species and the disappearance of certain medicinal trees and edible herbs. Following the actions taken by this NGO for the conservation of the Ebana heritage, artisanal exploiters are increasingly finding it difficult to access the resource. On December 21, 2011, at 10 a.m., Mr. AKEY Guy, President of the VAPE association, was assaulted and beaten by a group of artisanal exploiters, some of whom are clearly identified. It was thanks to the intervention of people who witnessed the scene and managed to free him from his attackers that Mr. AKEY Guy's life was saved. He emerged with serious injuries. After being treated and recovering, Mr. AKEY filed a complaint at the Mbomo gendarmerie, which, after investigation, forwarded the case to the territorially competent court. Since then, the procedure has not progressed despite numerous efforts made by Mr. Akey. More than four years after this incident, he still sees his right to justice and reparation effectively denied. This situation is also likely to create a sense of impunity and, consequently, to encourage such attacks to intimidate him and other members of his organization. Even today, Mr. AKEY continues to receive numerous death threats. b. Cameroon-Figuil: Judicial harassment, intimidation, death threats (Norbert Bouba). Figuil is a district in the Mayo Louti department in the northern region of Cameroon. It is known for the richness of its soil and subsoil, particularly in terms of mineral resources. Aware of the economic profits that mining companies can derive, two multinational companies have been established there for over half a century. These are the Cameroon Cement Company (CIMENCAM), a cement production company, and ROCAGLIA, established respectively in 1963 and 1943. The activities of these two companies have, since the exploration phase, had

countless negative impacts on the environment and, by extension, on the health of the surrounding populations. As for CIMENCAM, the harmful effects of its activities are notably manifested through the release of immeasurable amounts of dust into the city, polluting the environment and exposing animals, residents, and travelers to various diseases. However, it should be noted that the advocacy campaign initiated by the Monitoring and Protection Cell for victims of mining activities in

the Figuil district (CELPRO), a local environmental defense organization created to defend the rights of local communities affected by these projects, received a favorable response. Indeed, on October 14, 2014, after 43 years of cement production, CIMENCAM installed a filter on its factory chimney, crucial for retaining dust emissions. Generally speaking, however, it remains that the aforementioned companies, driven by the spirit of “excessive capitalism,” feel safer when the ignorance of the populations is absolute and view any attempt to awaken the communities' consciousness regarding their rights and the social responsibility of companies very unfavorably. For several decades, ROCAGLIA has conducted its activities without carrying out any Environmental and Social Impact Assessment (ESIA). Given this observation, CELPRO launched a denunciation campaign, one of its major objectives being to secure their quarries, which have become deadly. The campaign was launched after the drowning death of a 9-year-old child that occurred on August 27, 2012, at the ROCAGLIA quarry located in the village of Biou, which has no safety device, notably a fence to protect the communities. Concerned about the “lack of will and non-compliance with regulations” by ROCAGLIA, the organization, led by its Coordinator, Norbert Bouba, intensified its pressure wave through campaigns consisting of advocacy with administrative authorities (Sub-prefect of Figuil, Departmental Delegate for Mines, Departmental Delegate for the Environment, Prefect of Mayo Louti), denunciation letters addressed to government members, claims for the ad valorem tax owed to the populations, and the production and dissemination of video recordings. In this context, in 2012, a video recording was made by CELPRO to denounce the insecurity of ROCAGLIA's quarries, the massive deforestation resulting from the need to supply their site with charcoal, their blast furnaces for making marbles, and pollution. As soon as this video was disseminated on the internet, Mr. Norbert BOUBA faced numerous threats and pressures. Complaints were filed against him at the Figuil Special Police Station, the Figuil Gendarmerie, and the Special Police Station of the Mayo Louti department by Pierre Rocaglia, General Director of ROCAGLIA. The first two led to a series of interrogations on November 12, 15, and 16, 2012. He was also served a summons by the Judicial Research Brigade and the fight against organized crime of the Gendarmerie Headquarters of the 3rd region. During the various hearings to which he was subjected, he was accused of filming the quarry without authorization. At the research brigade, he was accused of having written anonymous letters to the President of the National Assembly, the Minister of Mines, Industries and Technological Development (MINMIDT), as well as to the Minister of Environment, Nature Protection and Sustainable Development (MINEPDED). During the interrogation, Mr. BOUBA acknowledged that CELPRO had written to the Minister of Finance (MINFI) with a copy to MINMIDT to claim the 10% royalties owed to the populations. Due to lack of evidence, the investigators dismissed this complaint. ROCAGLIA also supported the illegality of the organization; this accusation was abandoned after presenting the founding documents of the association to the investigator. Finally, the Sub-prefect of Figuil sent a message ordering the Brigade Commander to arrest and bring Norbert BOUBA before the Guider Prosecutor for “incitement to uprising, public disorder...”. Thanks to the support of the Cameroonian coalition “Publish What You Pay,” the administrative pressures on Mr. BOUBA somewhat subsided. The suspension of CELPRO's activities imposed by the Prefect of the Department was lifted in July 2015, seven months after it began in January 2015. However, between insults and death threats, as well as an attempted poisoning, Mr. BOUBA lives a daily life filled with fears and uncertainties

and must

surround himself every day with a thousand precautions to protect himself, his collaborators, and their respective families. c. Cameroon-Fungom: Land grabbing, threats, violation of freedom of expression (Esu community). The village of Esu is located in the Fungom district, about 25 km from Wum, the capital of the Menchum Department in the North-West region of Cameroon. This community of 35,000 inhabitants has been under the reign of Fon Albert Kawzuh Kum A Chuo II since 2008. The main means of livelihood for the population are agriculture, palm wine production, small-scale cattle ranching, and small trade with neighboring villages in Cameroon and Nigeria. The incursion of El Hadji Baba into the village of Esu dates back to 1986. Arriving in Esu to request temporary grazing for part of his cattle, Baba Danpullo was introduced to the Fon of the time, Joseph Meh Buh II, by Fai Yengo, who was the Prefect of the Menchum Department, with the promise of providing electricity, drinking water, and creating jobs for the youth and others. His Royal Highness, Joseph Meh Buh II, Supreme Chief of Esu and Guardian of all communal lands, verbally granted temporary grazing rights to Mr. Baba Danpullo over an area of about four square kilometers at Ibiy Wundele for his cattle. It was understood that the people of Esu would continue to carry out their subsistence farming activities and exploit their raphiales in the lands.

surrounding areas. Over the decades that followed, Mr. Danpullo violated the terms of the verbal contract made with His Royal Highness Joseph Meh Buh II and the people of Esu. Due to the transfer of cattle from his Ndawara ranch, which he then converted into a tea plantation, to the Elba ranch in Esu and the permanent growth of his cattle, he now occupies 10,000 hectares of land that he does not want to relinquish to the village inhabitants. In recent years, several complaints have been filed by the inhabitants of the village of Esu accusing El Hadji Baba Danpullo of harassment, brutality, and destruction of their homes and properties on multiple occasions. This was clearly mentioned in the written complaint by the residents of the Ewo-Weneghi neighborhood, which was addressed to the Prefect of the Menchum department on March 1, 2001. On March 2, 2001, he ordered the detention of Messrs. Kpwe Chrysantus, Neh Freeboy, Geh Small, and Kah Julius for two days. According to the same complaint, El Hadji Baba Danpullo and his workers entered the villagers' plantations and destroyed some fences while setting fire to others on March 3, 2001. A specific example cited was the destruction of corn in Mr. Peter Kum's plantation. Part 3 33REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA -2015 Main cases of violations Main cases of violations

Another complaint, written by ECUDA (Association for the Culture and Development of the Esu Community) and addressed to the Prime Minister on July 7, 2001, clearly explains how El Hadji Baba Danpullo destroyed the homes of some residents of the Ewo village, who took refuge in the Fon's house. The Prefect of the Menchum Department at the time came with gendarmes who assaulted some villagers. They beat some and forced others to lie face down in the sun with their eyes wide open or to crawl on their knees. Thirty years have passed, and El Hadji Baba Danpullo still wants to occupy 75% of the village land for his ranch. As a consequence of El Hadji Baba Danpullo's prolonged occupation, 200 people have been expelled from the Ewo neighborhood (Neighborhood of the Esu village adjacent to the land where he was granted grazing rights). Some young people from the village confirmed that there were markets, agricultural lands, pastures, sanctuaries, and families living there who are now uprooted and scattered. The inhabitants of Esu have lost access to income-generating resources such as raphiales, sand, stones, and oil palms in this area. In November, the residents of the Esu community complained about the wooden fence erected by El Hadji Baba Danpullo around the Elba ranch, which blocked access to the Imieh River where the village youth typically extract construction sand and sell it

for their livelihood. This activity had previously been the only source of income for the Esu people due to increasingly limited agricultural land. The chemicals used for treating cattle at the Elba ranch are also dumped into the same river, which contains fish and crocodiles, and is the main source of drinking water for the community; posing health risks. According to the Fon, he stated, "All we want is for Baba to come and show us the exact place where the former Fon allowed him to graze his cows. We do not want to chase him out of the village." At this moment, El Hadji Baba is building structures and opening factories on this land. Furthermore, the original occupants and farmers of the land that El Hadji Baba has scattered wish to return and cultivate the land. These farmers have prepared for this agricultural season on these lands and built huts that were destroyed by the workers of the Elba Ranch. Sustained efforts to establish dialogue with Mr. Danpullo have failed. On the contrary, he has attempted to impose an injunction prohibiting the Esu population from encroaching on his supposed land. Following this injunction, four young leaders of the Association for the Development of Youth in Esu (Philip Kwe, Dyfred Abue, William Meh, and 34 Part 3 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Main cases of violations Main cases of violations

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Oumarou Bouba) were arrested and detained at the Wum Public Security Post on the instructions of the Public Prosecutor at the Menchum courts, Bunett Bekono Ebe. Their arrest followed a complaint filed by the Administrator of the Elba ranch because they were guarding day and night to prevent Baba from planting pillars on the land. They were released during a protest organized by hundreds of Esu villagers who marched from Esu to Wum, in front of the prefecture. In 2001, ECUDA requested adequate compensation for the affected families from the Prime Minister. The members of the Association wanted these families to be relocated around the sanctuaries of their deceased and for the Elba ranch to be removed from agricultural lands. Even though some expelled individuals received compensation ranging from 20,000 to 150,000 FCFA, it is unclear whether the payments were for the destroyed homes or crops. ECUDA's wish is for peace and justice to prevail. Currently, the Esu community collectively needs its land for agriculture, food, trade, housing construction, and for current and future generations. The inhabitants also wish to have the freedom to access their sanctuaries and the Imieh River (for worship and for extracting sand) which are located in the area occupied by El Hadji Baba Danpullo. Additionally, they wish to comfortably use the water from the river contaminated by chemicals used for treating cattle at the Elba ranch. The village inhabitants especially contest the fact that a single person claims 75% of the village area. El Hadji Baba filed a complaint before the Wum Court of First Instance stating that he does not enjoy peaceful possession of the land he occupies due to the claims of the Esu community. Consequently, on Friday, June 26, 2015, the Magistrate NGUEM NGUTE Paul, President of the Wum Court of First Instance, issued an order in the absence of a representative of the Esu community, prohibiting the Esu population from entering the disputed lands. This is a decision that goes against the law as the inaccessibility of a disputed territory should concern both parties and not just one party. Thus, the right of the Esu people to a fair and equitable trial and to equality before the law has been violated. Furthermore, press conferences and other public demonstrations by the Esu community are regularly prohibited. d. cameroon-high Sanaga : Land grabbing, degrading treatment, judicial harassment (Mr. FA'A emboLo joseph) The High Sanaga department is located in the Center region of Part 3 35REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA -2015 Main cases of violations Main cases of violations

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Cameroon and is renowned for the fertility of its soil. Due to the fertility of this soil, which is often still untapped and therefore conducive to agriculture, the High Sanaga is part of an agro-

industrial zone project developed in the aftermath of independence. This is a project that extends from the city of Obala in the Lékié department to Bélabo, in the Lom and Djerem department. Agricultural companies such as the Cameroon Sugar Company (SOSUCAM) have already established themselves in this area. The interest shown by large agricultural exploitation companies tends to undermine the historical rights of local populations over "the lands of their ancestors." Between land grabbing and serious environmental damage resulting from exploitation activities, along with underemployment, the communities of the High Sanaga face major challenges. It is in this context that on August 12, 2002, Mr. FA'A EMBOLO Joseph, originally from Nanga Eboko, created an association called "Association for the Protection of the Environment and Human Rights" (APEDHO) whose purpose is to denounce the environmental violations in the High Sanaga and the violations of human rights, as well as to conduct independent forest monitoring. The climax of this classic opposition between Mr. FA'A and the authorities of his department was reached in 2009 when a project from the Ministry of Agriculture and Rural Development (MINADER) in favor of the establishment of a Chinese company called IKO would cover part of his lands located in block 5 of his village Akak. This block is indeed made up of 5 blocks; namely Ekomba, Akak, Loum, Engane, and Walla. Mr. FA'A owns cocoa fields in this last block; and access to his plantations is made possible by a road leading from national road No. 1 to the edge of the Sanaga. This road was built by the Bekale Forestry Company (EFOB) which benefited from a forestry concession in 2007. The title of ownership of this access road is a certificate issued to Mr. FA'A by the Director of the company Mr. BEKALE ETOU'OU Gilbert in 2011. By order No. 00475 of March 24, 2009, from the Ministry of Domains and Land Affairs (MINDAF), works for the realization of an agricultural project (rice cultivation) have been declared of public utility over an area of approximately one hundred (100) hectares in the High Sanaga department. This space covers six (06) villages (Nkoteng, Ndjoré, Akak, Bifogo, Ndokoti, and Boundja) and constitutes a particularly rich place in resources (the populations gather caterpillars, mushrooms, termites, etc. for consumption). In the village of Akak, the project should only have affected the block bearing the same name. However, following a field visit by the Commission of observation and 36 Part 3 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Main cases of violations Main cases of violations

In an evaluation conducted on July 17, 2009, it was found that the initially targeted location was inaccessible for the implementation of the project; hence its relocation to the Walla block, on the lands of Mr. FA'A. The advantage of these lands is the existence of an access road leading to the site chosen for the agricultural project. According to a report from the Prefect, who was in office at the time and dated May 23, 2011, a team from the Special Works Brigade was dispatched by the MINDAF to correct the errors made in the process of topographic surveys. Disputing this prefectural report, Mr. FA'A argues that the objective of this commission was to demarcate the lands by including lands not listed on the sites identified by the Minister of Domains; something that was done 'without informing the populations.' After unsuccessfully calling out to this team during their passage, and after several attempts to discuss with local administrative authorities, Mr. FA'A blocked, as a sign of protest, the access road of which he holds the title of ownership. The Sub-Prefect, having arrived on site and having noted the obstruction, ordered the arrest of Mr. FA'A on May 24, 2011. He was taken to a gendarmerie station where he was subjected to administrative custody. On May 31, 2011, accompanied by Mr. ZE EVINA, Mr. FA'A was taken to the main prison of Nanga Eboko where he remained in detention for four (04) months without being tried, until September 28, 2011. During this stay in prison, Mr. FA'A lived in appalling and inhumane conditions. In this criminal prison (according to Mr. FA'A, various acts of torture led to the death of 6 people during his 4 months of detention, and 10 people are said to have lost their

lives in the previous 2 years), Mr. FA'A was not spared from the abuses: absence of bedding (despite the payment of an amount of 30,000 CFA francs upon his arrival), being invited to photograph himself in an absolutely indecent outfit, being invited to clean the latrines without any protection, meals not respecting any standards, etc., filled his daily life. Shocked by this state of affairs, Mr. FA'A produced a six-page report regarding the conditions of detention which he sent to the National Commission on Human Rights and Freedoms (CNDHL) on February 9, 2012. This report reached the Ministry of Justice, Keeper of the Seals, and was forwarded by the Minister to the Public Prosecutor of Nanga-Eboko for investigation in October 2012. To date, the results and conclusions of the investigation have never been made public or communicated to Mr. FA'A. After Mr. FA'A's arrest, the Commission continued its work on the ground. The Head of the departmental cadastre service of Haute Sanaga, according to a situation plan dated June 13, 2011, incorporated a plot of 1015 hectares into the private domain of the State; ten times more than what was indicated in the decree of declaration of public utility. Opposing this, Mr. FA'A was prosecuted by the Public Ministry for three charges: rebellion, obstruction of a public road, and illegal logging. Following an interminable procedure, he was sentenced to a one-year prison term with a suspended execution for a period of 3 years; and to costs amounting to ninety-five thousand eight hundred forty-nine (95,849) CFA francs. He appealed this decision on February 21, 2012, requesting its annulment, the restoration of his criminal record, and the restitution of the sum of ninety-five thousand eight hundred forty-nine (95,849) CFA francs. This procedure is particularly slow, and the appeal trial has already been postponed 5 times for reasons such as the Court of Appeal not having the complete file, even though Mr. FA'A has paid since January 17, 2014, the sum of fifty thousand (50,000) CFA francs for the reproduction costs of the file. During the hearing held on January 22, 2016, the case was once again postponed to March 25, 2016, due to irregular composition of the Court.

In this request, the trial of Nasako began in March 2014. Furthermore, two employees of the company to whom he was awarded ten million in damages accuse Nasako of being the author of the campaign that led to the suspension of the company's activities and resulted in their technical unemployment. In summary, after a campaign of physical assaults, administrative pressures, and judicial harassment, on November 3, 2015, Mr. Nasako BESINGI, who was the subject of a series of defamation complaints filed by the company SGSOC (HeraklesFarms) and by two of its former employees; and after several adjournments, was heavily sentenced to pay a fine of 1,000,000 CFA francs, or a prison sentence of 3 years. He will also have to pay damages of 10,000,000 CFA francs to the two civil parties, as well as costs of about 200,000 CFA francs. This sentence is all the more surprising as the prosecution, throughout the ongoing trial, produced indirect evidence, notably copies of emails that were allegedly printed from Nasako's inbox, contradictory testimonies... Me Adolf Malle, Nasako's lawyer, expressed surprise and shock that the decision rendered chose to retain only certain testimonies that it mentions, while forgetting others that showed the inconsistency of the case against him. f. cameroun-mouloundou: threats, intimidation, violation of the freedom of association (Fusion nature and Michel Ndoedje) Moloundou is a district located in the Extreme Southeast of Cameroon, in the Boumba and Ngoko department, Eastern region. Covering an area of 15,000 km^2, Mouloundou borders the Congo, separated by the Ngoko River. The main characteristic of Moloundou lies in its dense evergreen forests and its swampy raphia forests; and on the other hand, in the diversity and abundance of its wildlife housed in the Lobéké, Boumba Bek, and Nki national parks. This wealth places Moloundou at the heart of various, more or less noble, interests. Indeed, Moloundou is partly known for the extent of trafficking and other violations of biodiversity that it witnesses. A recent illustration of the fact that no category of society escapes the temptation to engage in trafficking in Moloundou was what has come to be called "the case of the 49 ivory tusks and 1003 war munitions seized in Moloundou" in which a poacher was apprehended, then released

under pressure from certain local authorities. This situation, which has outraged environmental defenders, particularly the "Fusion Nature" association based in Moloundou, led the latter, through its Coordinator, Mr. Michel NDOEDJE, to write a letter denouncing the situation, which has since resulted in notable violations of many of its rights and freedoms. Since the dissemination of the denunciation letter 0012/SG/SGA/DH/CG/AGM/FNEC dated June 11, 2015, produced by the NGO Fusion-Nature and concerning the operation carried out by the elements of the Lobéké National Park under the leadership of the Sub-Prefect of Moloundou, the life of the members of this NGO, particularly its coordinator, has never been the same. Indeed, informed of the involvement of certain administrative and military authorities of Moloundou (namely the Sub-Prefect, a member of the gendarmerie, and a member of the Motorized Infantry Brigade (BIM) in the case of the diversion of ivory tusks, Mr. Michel NDJUEDJE, whose NGO is part of the Regional Group of Actors for Sustainable Development in Central, Eastern, and Western Africa (GRADD-ACEO), reported the facts to the Prefect, the Governor, the Minister of Forests, and various organizations involved in conservation. In his letter, he denounced the release on May 27, 2015, at 4 p.m. of a certain Amadou AWOULOU, alias Nourou, arrested on May 26, 2015, around 7 p.m. by the 132nd Motorized Infantry Company (CIM) and the elements of the Ministry of Forests and Wildlife (MINFOF) on duty at the Lobéké park) and held in the gendarmerie cell of Moloundou. The individual was illegally in possession of 49 ivory tusks and more

than 1003 war munitions. According to Mr. Michel NDJUEDJE, the Sub-Prefect would have ordered the release of this individual after having received in advance a sum of 10 million CFA francs intended to compensate him as well as some of his direct collaborators, namely the Commander of the 132nd Motorized Infantry Company and the Commander of the Moloundou Brigade, as well as a local Police Unit Leader. After the arrest of the alleged poacher on May 26, 2015, the munitions and the weapon in his possession had been kept at the Moloundou Gendarmerie while the ivory tusks had been transported to the Sub-Prefect's home. It would later be read in a report signed by the latter that he had only taken 4 ivory tusks while the report from the conservator of the LOBEKE National Park states that 53 ivory tusks were seized according to Fusion Nature. Since this denunciation, Mr. Michel NDJUEDJE and the members of his association, like Moussa DAÏROU, no longer feel safe. The Sub-Prefect has reportedly, according to several witnesses present, publicly made death threats, notably on June 10, 2015, 60 kilometers from Moloundou, at the Mambele crossroads during an information and consultation meeting between various stakeholders in the protection of natural resources in the area. The presence of witnesses such as the Prefect, the departmental delegate of MINFOF, the Coordinator of CIFED, municipal councilors, village chiefs, and the FMO did not prevent the Sub-Prefect from making these threats. He has since reiterated these threats on various occasions in front of witnesses. The home of Mr. NDOEDJE, located in the administrative district of the city, has also been the subject of a burglary: the assailants only destroyed the property present in the concession, threw his belongings outside, and created disorder. In July 2015, Mr. NDOEDJE, according to his statements, was assaulted and thrown into the Boumba River around 1 a.m. A source of information from the Sub-Prefecture revealed the existence of a note, not made public, prohibiting the activities of Fusion Nature for disturbing public order. This note would have been given to the brigade commander who would be waiting for the first opportunity to seize Mr. NDOEDJE and his collaborators. Following this uproar, several local authorities were heard, others detained or transferred. Despite this, the leaders of Fusion Nature live in a permanent climate of fear. g. cameroun-nguti: violation of the freedom of association, threats, judicial harassment (nature cameroon and dominic Alekeh ngwesse) Nguti is a district in the Koupé-Manengouba department in the South-West region of Cameroon. It has an area of 1444 km^2 and a population of 67,218 inhabitants. The locality is characterized by rich biodiversity with

hundreds of species, particularly the Etianguti, a species of cichlid fish, found only in the Nguti River (Ehumbve River). It is currently the only known species of its kind. The biodiversity of Nguti includes hills, steep slopes, deep valleys, lowlands, undulating and robust surfaces, and a vast mixed tropical forest of primary and secondary forest (the forests host several types of primates, particularly monkeys and also elephants). There are also bush pigs, porcupines, and various types of birds, including parrots. There are several protected areas in the locality, including the Bayang-Mbo wildlife sanctuary, Korup National Park, and Mount Bakossi. Other areas include traditional sites protected for cultural activities. There are several types of soils including lateritic, sandy, rich in humus, and clayey which are generally acidic and suitable for agriculture, particularly the cultivation of cocoa, coffee, banana, oil palm, rubber, and a wide variety of food crops such as plantain, macabo, yam, cassava, pistachio (egusi), corn, and pineapple. It is because of these characteristics of these soils that an American agribusiness company, called Herakles Farms, decided to invest in a plantation

project.

of oil palms in three villages in the South-West region of Cameroon, namely Mundemba, Toko, and Nguti. In each of these villages, the project was rejected by the local populations as it was implemented in disregard of its environmental, social, and economic impacts. In Nguti, the person who best embodies the opposition between these entrepreneurs and the local communities is Dominic Alekeh Ngwesse, Executive Director (CEO) of Nature Cameroon, an association under Cameroonian law authorized by decree n°46/A/G.42/162/Ps dated September 9, 2004, signed by the Prefect of the Koupé-Manengouba department. Nature Cameroon aims to implement environmental education activities in collaboration with the forest-adjacent communities and promote participatory management of natural resources. According to an establishment agreement signed in 2009, Herakles Farms obtained from the Ministry of Economy, Planning, and Territorial Development (MINEPAT) the right to exploit approximately 73,000 hectares of forest in the South-West region of Cameroon for the creation of an oil palm plantation and the installation of a refinery. However, the start of exploitation activities by the company depended on the promulgation of a presidential decree authorizing these activities. Without complying with this formality, the company began its activities in 2010 by illegally destroying the forests located in its area of operations and setting up its nursery. By ignoring the laws of the country, the company also endangered an area classified by Conservation International as one of the 25 most important areas in the world in terms of biodiversity ("Biodiversity Hotspot"). This disregard for the Cameroonian legal framework led to a court decision suspending the company's activities following complaints from local populations. It was in this context that the company was suspended in May 2013 by the Minister of Forests and Wildlife (MINFOF) to review the establishment agreement. On November 25, 2013, a third presidential decree was signed, granting Sithe Global Sustainable Oils Cameroon (SGSOC, a subsidiary of Herakles Farms) a temporary lease of three years renewable on 19,843 hectares in Nguti, Toko, and Mundemba (South-West Region, Cameroon) for an amount of 3,333 FCFA per hectare per year, and the obligation to invest nearly 260 billion FCFA in the region. Shocked by this invasion, which is considered land grabbing and an imminent environmental danger (it hinders sustainable development and destroys biodiversity) in the region in general and in Nguti in particular, the organization Nature Cameroon launched a campaign to raise awareness and inform the populations about their rights and the risks they would face if the project is indeed implemented. It thus conducted an awareness campaign among the people of Nguti to inform them about the ecological footprint of the project in a context where the food supply of local populations relies on forest products such as njansang, wild mango, eru, bitter cola, country onion, and pebè. Moreover, in Nguti, the populations primarily consume bushmeat as a source of protein. Additionally, Dominic Ngwesse has raised awareness among the villagers and all

stakeholders about the fact that the implementation of the SGSOC project will be a major source of conflict between the company and the local populations. This conflict will be inevitable because agriculture is the main economic activity carried out in Nguti with a wide range of cash crops such as cocoa, coffee, oil palms, and oranges, as well as many food crops such as plantains, macabo, bananas, cassava, peanuts, and pistachios (egusi). Based on this evident relationship between the local populations of Nguti and their environment, Nature Cameroon and several other environmental NGOs such as the Center for Environment and Development (CED), Greenpeace, and Oakland Institute, to name a few, advocate that SGSOC take relevant measures to mitigate the negative effects of its project

and effectively compensate the populations. Unfortunately, due to his commitment to giving a voice to the populations, Mr. Dominic Ngwesse began to be targeted by pressures from administrative and judicial authorities on the one hand, and Herakles staff on the other. Indeed, in September 2013, after organizing awareness meetings about the Herakles project in Nguti, Mr. Dominic Ngwesse received an official letter (Decision n°00196 of September 11, 2013) prohibiting his NGO from organizing a public meeting in the Nguti district. After this violation of his freedom of association, Mr. Ngwesse regularly received threats by phone. On May 6, 2014, an arrest warrant was handed down to him by the Chief of the Public Security Post of Nguti, issued by the Prosecutor of the High Court of Koupé-Manengouba in Bangem. In the end, it turned out that the aforementioned arrest warrant was a manipulation by the sub-prefect. Consequently, the Prosecutor of the High Court of Koupé-Manengouba and the Chief of the Public Security Post had to apologize to Mr. Ngwesse. h. cameroon-ngan'ha: Land grabbing, threats, (ngan'ha community) Ngan'ha is a district located in the Vina department, Adamaoua region of Cameroon. The locality is known for its fertile lands, its vast forest teeming with numerous varieties of medicinal plants, and its gravel quarry. Ngan'ha also has significant tourist assets such as caves, the mini-museum of the Chiefdom, the Tello and Bera waterfalls, and the annual Boum-Rianga arts and culture festival. Unfortunately, this district of 54 villages covering 2,625 km^2 also experiences endemic environmental destruction (anarchic tree cutting, abusive deforestation, and destruction of plants), road isolation, and difficulties in accessing electricity, healthcare, education, and drinking water. Agriculture is the main activity of the populations who derive their food and most of their income from it. In 2005, El Hadj HAMADOU OUSMANOU, alias Dorifi, requested from His Majesty Saliou SAOUMBOUM, Chief of the 3rd degree of the Ngan'ha village, a plot of land for periodic transhumance. The Chief of Ngan'ha welcomed the request favorably and effectively granted an area to Dorifi, not far from the Wamé-Grand village. Passive actors in the occupation of their lands and the destruction of their plantations by El Hadj Dorifi's cattle, the affected farmers, mostly poor and illiterate, were driven from the arable lands of the area called Yanguir, shared by many villages; namely Wamé-Petit, Laasèè, Nyassar, Gbang, and Ngarkou, Sockwa, Wamé-Grand, Rol, Foudoi, and Deuna. This situation, in a context where living conditions are already difficult, significantly affects the food and schooling conditions of farmers and their offspring. It also implies a massive rural exodus that hardly guarantees better living conditions. Faced with this situation, the farmers wanted, with funding from the National Program for Participatory Development (PNDP), to erect a protective barrier for the arable lands. They then encountered opposition from both El Hadj Dorifi's agents and the then Sub-prefect of Ngan'ha. The latter even invited the Chiefs of the villages Deuna, Foudoi, Nyassar, and Wamé-Grand to sign a document attesting to the cession of lands to El Hadj Dorifi by the populations. The Chiefs who refused to comply were subjected to intimidation and threats of destitution. His Majesty HAMADJOULDE LABBO, Chief of the Wamé-Grand village, informed the Prefect of Vina on April 8, 2013, about the situation and requested that the ongoing land conflict be resolved. A copy of the letter was sent to the National Anti-Corruption Commission (CONAC), which caused the Prefect to be offended and refuse to find a solution to the dispute. On June 27, 2013, the

Governor of the Adamaoua Region dispatched a team of investigators to the Ngan'ha district, who informed the populations about the registration procedure initiated by El Hadj DORIFI. To intimidate those who tried to oppose

this procedure, a rumor was spread suggesting that the cattle actually belonged to the wife of the Chief.

from the Cameroonian State, Mrs. Chantal BIYA. On June 28, 2013, through a letter registered at the Directorate of Presidential Security (DSP) on July 2, 2013, the Association of Residents of the Ngan'ha District (ARAN) appealed to the President of the Republic of Cameroon, seeking his intervention, and among other things, to inform him of the consequences of the situation: - Since the effective installation of Mr. DORIFI in 2005, the eight villages dependent on the disputed lands have produced 04 holders of a Certificate of Primary Education (BEPC), 03 high school graduates, and 02 degree holders; compared to about ten BEPC and five high school graduates in the previous five years. This can be explained by the difficulty for farming parents to finance their children's education due to lack of resources; - The villages of Gbang and Ngarkou, Sokwa and Rol have emptied due to the appropriation of the populations' lands. Along the Ngaoundéré-Toubouro axis, in the Adamaoua region, several heads of families have been condemned to nomadism, such as Ngop Rey, Rol Rey, Mbaka Rey, Homé Rey, and Yoko; - Before the installation of Mr. DORIFI, the best corn, yams, beans, peanuts, etc. came from Ngan'ha and were sold at the periodic market of Wamé-Grand, heading towards Ngaoundéré; which generated income for many farmers; - In a context where the district will have to accommodate the Warrack dam over 800 km^2, only 1825 will remain for 45,000 souls that the district counts. This area will be considerably reduced, and living conditions particularly difficult if a single individual were to take the bulk of this space; The frustration of the populations will reach its peak when a national daily, Le Jour, publishes in its edition No. 1497 of August 12, 2013, an article titled "Who wants Alhadji Hamadou Ousmanou?". This article praising Dorifi cast shame on the opponents of the land appropriation of which he is the author. In a letter dated the same day, ARAN sent a right of reply to the Director of Publication of the daily Le Jour, refuting all the allegations of the criticized article. As the situation persisted, on August 21, 2013, 327 farmers, sons and grandsons of farmers from the villages of Wamé-Grand, Nyassar, Wamé-Petit, Foundoï, and Deuna signed a petition in which they demanded "the immediate departure of Alhadji Hamadou Ousmanou from the arable areas located between the Wara and Yanguir rivers belonging to the farmers of the aforementioned villages". Part 3 47REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Main cases of violations Main cases of violations

This set of oppositions has strained the relations between the administrative authority and the villagers opposed to Mr. DORIFI. On August 26, 2013, the Sub-prefect of Ngan'ha sent a request for explanations to His Majesty HAMADJOULDE LABBO, Chief of Wamé-Grand, who received it on September 4, 2013. In this request for explanations, he reproached the latter for taking justice into his own hands by erecting a fence within the disputed area. On September 5, 2013, the Chief of Wamé-Grand sent his response to the Sub-prefect. On March 28, 2014, the Prefect of the Vina department issued an order suspending HAMADJOULDE LABBO from his duties as village chief for a period of 03 months; the reasons being non-compliance with the hierarchy and incitement to "rebellion". In response, on April 16, 2014, ARAN appealed to a multitude of institutions. First, the National Anti-corruption Commission (CONAC) to which it requested an investigation be conducted. Then, the Secretary of State for Defense in charge of the Gendarmerie, the National Commission on Human Rights and Freedoms, the Resident Representative of the United Nations Commission on Human Rights and Freedoms in Central Africa, the Ministry of Territorial

Administration and Decentralization, and the Ministry of Justice, Keeper of the Seals. So far, the results of these multiple requests are still awaited. 48 Part 3 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 Main cases of violations Main cases of violations

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1984 Accession on January 21, 1983 Accession on October 5, 1983 Accession on May 8, 1981 Accession on January 10, 1992 Accession on January 10, 1992 Accession on May 9, 1990 Accession on September 27, 1987 Accession on April 16, 1975 Accession on October 31, 1985 Accession on June 9, 1995 7.Optional protocol relating to the International Covenant on Economic, Social and Cultural Rights. New York, December 10, 2008 Not signed Not ratified Signature on September 24, 2009 Ratification on April 1, 2014 Signature on September 25, 2009 Not signed Not ratified Accession on September 24, 2013 Not signed Not ratified Not signed Not ratified Signed on September 23, 2010 Not ratified Not signed Not ratified Not signed Not ratified Not signed Not ratified Not signed Not ratified

conventions Cameroon Gabon Republic of Congo Central African Republic Angola Burundi Equatorial Guinea Democratic Republic of Congo Rwanda Sao Tome and Principe Chad 8.Convention against torture and other cruel, inhuman or d degrading treatment, New York December 10, 1984 entered into effect June 26, 1987. Accession on December 19, 1986 Signature on January 21, 1986. Ratification on September 8, 2000 Accession on July 30, 2003 Not signed and not ratified Signature on September 24, 2013 Not ratified Accession on February 18, 1993 Accession on October 8, 2002 Accession on July 17, 1980 Accession on December 15, 2008 Signed on September 6, 2000 Not ratified Accession on June 9, 1995 9.CAT-OP - Optional protocol to the Convention against torture and other cruel, inhuman or degrading treatment Signature on December 15, 2009 Signature on December 15, 2004 Ratification on September 22, 2010 Signature on September 29, 2008 Not signed and not ratified Signature on September 24, 2013 Not ratified Not signed Ratified on October 18, 2013 Not signed Not ratified Accession on September 23, 2010 Not signed Not ratified Not signed Not ratified Not signed Not ratified 10.Convention on the elimination of all forms of discrimination against women. UNGA Res. 2106 A(XX) on December 21, 1965. entered into effect on January 4, 1969 according to the provisions of art.19. Signature on June 6, 1983 Ratification on August 23, 1994 Signature on July 17, 1980 Ratification on January 21, 1983 Signature on July 29, 1980 Ratification on July 26, 1982 Accession on June 21, 1991 Accession on September 17, 1986 Signed on July 17, 1980 Ratified on January 8, 1992 Accession on October 23, 1984 Signed on July 17, 1980 Ratified on October 17, 1986 Signed on May 1, 1980 Ratified on March 2, 1981 Signed on October 31, 1995 Ratified on June 3, 2003 Accession on June 9, 1995 Summary table of the main international instruments relating to human rights and the environment ratified by the States of Central Africa

11. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women Membership on Jan. 7, 2005 Membership on Nov. 5, 2004 Signature on Sept. 29, 2008 Not signed and not ratified Membership on Nov. 1, 2007 November 13, 2001 Not ratified Membership on October 16, 2009 Not signed Not ratified Membership on December 15, 2008 Signed on Sept. 6, 2000 Not ratified Not signed Not ratified 12. Convention on the Rights of the Child. Adopted and open for signature, ratification, and accession by UNGA Res. 44/25 of Nov. 20, 1989. Entered into force on Sept. 2, 1990, in accordance with the provisions of Article 49 Signature on Sept. 25, 1990 Ratification on Jan. 11, 1993 Signature on Jan. 26, 1990 Ratification on Feb. 9, 1994 Membership on Oct. 14, 1993 Signature on July 30, 1990 Ratification on April 23, 1992 Signature on Feb. 14, 1990 Ratification on Dec. 1990 Signed on May 8, 1990 Ratified on Oct. 19, 1990 Signed on Jan. 26, 1990 Ratified on Aug. 20, 1990 Signed on March 20, 1990 Ratified on

Sept. 27, 1990 Signed on Jan. 26, 1990 Ratified on Jan. 24, 1991 Membership on May 14, 1991 Signed on Sept. 30, 1990 Ratified on Oct. 2, 1990 13. United Nations Convention Against Corruption, UNGA, Oct. 31, 2003 Signature on Dec. 10, 2003 Ratification on Feb. 6, 2006 Signed on Dec. 10, 2003 Ratified on Oct. 1, 2007 Membership on July 13, 2006 Signature on Feb. 11, 2004 Ratification on Oct. 6, 2006 Signature on Dec. 10, 2003 Ratification on Aug. 29, 2006 Ratification on March 10, 2006 Not signed Not ratified Membership on Sept. 23, 2010 Signature on Nov. 30, 2004 Ratification on Oct. 4, 2006 Signature on Dec. 8, 2005 Ratification on April 12, 2006 Not signed Not ratified 14. African Charter on Human and Peoples' Rights. Nairobi, Kenya, 1981 Signed on 23-07-1987 Ratified on 20-06-1989 Signed on 26-06-1986 Ratified on 20-02-1986 Signed on 27-11-1981 Ratified on 09-12-1982 Ratified on 20-04-1986 Signature on Jan. 27, 2012 Ratification on March 2, 1990 Signed on June 28, 1989 Ratified on July 28, 1989 Signed on Aug. 18, 1986 Ratified on April 7, 1986 Deposit on Aug. 18, 1986 Signed on July 23, 1987 Ratified on July 20, 1987 Signed on Nov. 11, 1981 Ratified on July 15, 1983 Membership on May 23, 1986 Signed on May 25, 1986 Ratified on Oct. 9, 1986 Summary table of the main international instruments relating to human rights and the environment ratified by Central African States

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 18. Charter of the Organization of African Unity, Adopted in Addis Ababa, Ethiopia, on May 25, 1963 and entered into force on September 13, 1963. Replaced in 2001 by the Constitutive Act of the African Union (hereinafter), during the succession of the OAU by the AU. Signed on 28/02/2001 Ratified on 09/11/2001 Signed on 02/07/2000

Ratified on 17/05/2001 Signed on 01/03/2001 Ratified on 18/02/2002 Signed on 17/07/2000 Ratified on 16/02/2001 Signed on March 1, 2001 Ratified on Sept. 19, 2001 Signed on July 12, 2000 Ratified on Feb. 28, 2001 Signed on July 12, 2000 Ratified on Dec. 26, 2000 Signed on March 1, 2001 Ratified on July 7, 2002 Signed on Dec. 7, 2000 Ratified on April 16, 2001 Signed on Dec. 16, 2000 Ratified on Feb. 27, 2001 Signed on July 12, 2000 Ratified on Jan. 16, 2001 19. Treaty on the Conservation and Sustainable Management of Forest Ecosystems in Central Africa and establishing the Central African Forest Commission (COMIFAC) Signed on Feb. 5, 2005 Ratified on April 25, 2006 Signed on Feb. 5, 2005 Treaty ratified by the Republic of Gabon Signed on Feb. 5, 2005 and ratified on Oct. 26, 2006 Signed on Feb. 5, 2005 and ratified - Signed on Feb. 5, 2005 and ratified Signed on Feb. 5, 2005 and ratified Signed on Feb. 5, 2005 Signed on Feb. 5, 2005 Signed on Feb. 5, 2005 and ratified 20. Bamako Convention on the prohibition of importing hazardous wastes into Africa and on the control of transboundary movements and management of hazardous wastes produced in Africa Signature ratification 1995-12-21 Approval on June 12, 2007 Approval on June 25, 1997 Signature on Jan. 30, 1991 Signed on Feb. 2, 2010 Signed on Jan. 30, 1991 Ratification on June 10, 2009 - Signed on Feb. 2, 2010 Ratified on Sept. 15, 1994 Signed on Aug. 26, 1991 Signed on Feb. 1, 2010 Signature on Jan. 27, 1992 Ratification on July 3, 2014

Summary table of the main international instruments relating to human rights and the environment ratified by Central African States conventions Cameroon Gabon Republic of Congo Central African Republic Angola Burundi Equatorial Guinea Democratic Republic of Congo Rwanda Sao Tome and Principe Chad 21. Vienna Convention for the Protection of the Ozone Layer Aug. 30, 1989 Membership on Feb. 9, 1994 Membership on Nov. 16, 1994 Membership on May 18, 1989 Membership on May 17, 2000 Membership on Jan. 6, 1997 Membership on Aug. 17, 1988 Membership on Nov. 30, 1994 Membership on Oct. 11, 2001 Membership on Nov. 19, 2001 Membership on May 18, 1989 22. United Nations Convention on the Law of the Sea Montego Bay, Dec. 10, 1982 Dec. 10, 1982 signature on Nov. 19, 1985 ratification on Dec. 10, 1982 signature on March 11, 1998 ratification on Dec. 10, 1982 signature on July 9, 2008 ratification on Dec. 10, 1982 signature on Aug. 14, 2009 ratification Signed on Dec. 10, 1982 Ratified on Dec. 5, 1990 Signed on Dec. 10, 1982 Signed on Jan. 30, 1984 Ratified on July 21, 1997 Signed on Aug. 22, 1984 Ratified on Feb. 17, 1987 Signed on Dec. 10, 1982 Signed on July 13, 1983 Ratified on Nov. 3, 1987 Signed on Dec. 10, 1982 Ratified on Aug. 14, 2009 23. International Covenant on Economic, Social and Cultural Rights opened for signature in New York on Dec. 19, 1966, entered into force on Jan. 3, 1976 in accordance with the provisions of Article 27 June 27, 1984 membership Jan. 21, 1983 membership Oct. 5, 1983 membership June 9, 1995 membership Membership on Jan. 10, 1992 Membership on May 9, 1990 Membership on Sept. 27, 1987 Membership on Nov. 1, 1976 Membership on April 16, 1975 Signature on Oct. 31, 1995 Membership on June 9, 1995 24. International Covenant on Civil and Political Rights New York, Dec. 16, 1966 Entry into force: March 23, 1976, in accordance with Article 49, for all provisions except those of Article 41 (Human Rights Committee); March 28, 1979 for the provisions of Article 41, in accordance with paragraph 2 of said Article 41. June 27, 1984 membership Jan. 21, 1983 membership Oct. 5, 1983 membership June 9, 1995 membership Membership on Jan. 10, 1992 Membership on May 9, 1990 Membership on Sept. 25, 1987 Membership on Nov. 1, 1976 Membership on April 16, 1975 Signature on Oct. 31, 1995 Membership on June 9, 1995

25. Convention concerning the protection of world cultural and natural heritage Adopted by the

General Conference at its sixteenth session Paris, 16 november 1972 07/12/1982

atification 30/12/1986

atification 10/12/1987

atification 23/06/1999

atification Ratified on 07 November 1991 Ratified on 19 May 1982 Ratified on 10 March 2010 Ratification on 23 September 1974 Accession on 18 December 2000 Ratification on 25 July 2006 Ratification on 23 June 1999 26. Convention on wetlands of international importance especially as habitats for waterfowl. Ramsar, Iran, on 2 February 1971 20/03/2006 Accession 30/12/198 Signature subject to

atification 18/06/1998 Accession 13/06/1990 Accession - Accession on 18 October 2002 Accession on 02 June 2003 Accession on 27 February 1996 Accession on 05 December 2005 Accession on 02 January 2007 Accession on 15 June 1990 27. Agreement on tropical timber 2006 It entered into force on 7 december 2011 and replaces the International Agreement on tropical timber from 1994. Signed on 13/02/2007 Ratified on 21/09/2007 Signed on 11/11/2008 Ratified on 11/11/2008 Signed on 31/07/2008 Ratified on 02/10/10 Signed on 01/05/2008 Ratified on 04/11/2014 - - - Signed on 21 July 2010 Ratified on 7 december 2011 - - - 28. Convention on the elimination of all forms of discrimination against women. Adopted and open for signature, ratification and accession by the UNGA in its resolution 34/180 of 18 december 1979. Entered into force on 2 Sept. 1981 in accordance with the provisions of art. 27 (1). Signed on 6 June 1983 Ratified on 23 August 1994 Signed on 17 July 1980 Ratified on 21 January 1983 Signed on 6 June 1983 Ratified on 23 August 1994 Accession on 21 June 1991 Accession on 17 September 1986 Signed on 17 July 1980 Ratified on 08 January 1992 Accession on 23 October 1984 Signed on 17 July 1980 Ratified on 17 october 1986 Signed on 01 May 1980 Ratified on 02 March 1981 Signed on 31 october 1995 Ratified on 03 June 2003 Accession on 09 June 1995 Summary table of the main international instruments related to human rights and the environment ratified by the States of Central Africa

conventions Cameroon Gabon Republic of Congo Republic Central African Angola Burundi Equatorial Guinea Democratic Republic of Congo Rwanda Sao Tome and Principe Chad 29. Convention on climate change New York, 9 May 1992 Entered into force: 21 March 1994, in accordance with paragraph 1 of article 23. Signed on 14/06/1992 Ratified on 19/10/1994 Signed on 12/06/1992 Ratified on 21/01/1998 Signed on 12/06/1992 Ratified on 14/10/1996 Signed on 13/06/1992 Ratified on 10/03/1995 Signed on 14 June 1992 Ratified on 17 May 2000 Signed on 11 June 1992 Ratified on 06 January 1997 Accession on 16 August 2000 Signed on 11 June 1992 Ratified on 09 January 1995 Signed on 10 June 1992 Ratified on 18 august 1998 Signed on 12 June 1992 Ratified on 29 September 1999 Signed on 12 June 1992 Ratified on 7 June 1994 30. Kyoto Protocol to the UN Framework Convention on Climate Change Accession on 28 August 2002 Accession on 12 december 2006 Accession on 12 February 2007 Accession on 18 March 2008 - - - - - - - 31. Doha Amendment to the Kyoto Protocol - - Accepted on 14 May 2015 - - - - - Accepted on 20 November 2015 - - 32. Convention on the conservation of migratory species of wild fauna Concluded in Bonn on 23 June 1979 Approved by the Federal Assembly on 14 december 1994 Signed on 10 June 1980 and ratified on 7 September 1981 -2008 Accession on 4 october 1999 -2000 2006 2011 2010 1990 2005 2001 1997 Summary table of the main international instruments related to human rights and the environment ratified by the States of Central Africa

59 REPORT ON THE SITUATION OF ENVIRONMENTAL DEFENDERS IN CENTRAL AFRICA - 2015 33. Basel Convention on the control of transboundary movements of hazardous wastes and their disposal Accession on 9 February 2001 Accession on 06 June 2008 Accession on 20 April 2007 Accession on 24 February 2006 - Accession on 6 January 1997 Accession on 7 February 2003 Accession on 6 october 1994 Accession on 7 January 2004 Accession on 12 November 2013 Accession on 10 March 2004 34. Convention on biological diversity concluded in Rio de Janeiro on 5 June 1992 Signed on 14 June 1992 and ratified on 19 October 1994 Signed on 12 June 1992 and ratified on 14 March 1997 Signed on 11 June 1992 and ratified on 1 August 1996 Signed on 13 June 1992 and ratified on 15 March 1995 Signed on 12 June 1992 and ratified on 1 April 1998 Signed on 11 June 1992 and ratified on 15 April 1997 Accession on 6 December 1994 Signed on 11 June 1992 and ratified on 3 december 1994 Signed on 10 June 1992 and ratified on 29 May 1996 Signed on 12 June 1992 and ratified on 29 September 1999 Signed on 12 June 1992 and ratified on 7 June 1994 35. Cartagena Protocol on the prevention of biotechnological risks related to the Convention on biological diversity Ratified on 20 February 2003 Accession on 2 May 2007 Ratified on 13 July 2006 Ratified on 18 November 2008 Accession on 27 February 2009 Accession on 2 October 2008 - Accession on 23 March 2005 Signed on 24 May 2000 and ratified on 22 July 2004 - Signed on 24 May 2000 and ratified on 1 november 2006 36. Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization, related to the Convention on biological diversity - Signed on 13 May 2011 and accepted on 11 November 2011 Signed on 23 September 2011 and ratified on 14 May 2015 - - Accession on 3 July 2014 - Signed on 21 September 2011 and rati- fied on 4 fé- vrier 2015 Signed on 28 fé- vrier 2011 and ratified on 20 March 2012 - - Summary table of the main international instruments related to human rights and the environment ratified by the States of Central Africa

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the environment ratified by the States of Central Africa