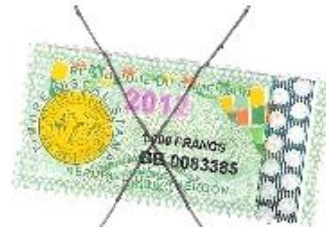


Kongfon Liuda  
COUR SUPREME DU CAMEROUN  
-----  
CHAMBRE ADMINISTRATIVE

-----  
GREFFE  
-----

REPUBLIQUE DU CAMEROUN  
Paix-Travail-Patrie  
-----



CERTIFICAT DE DEPOT DE RECOURS

Je soussigné, Maître BISSE ASSOMO ROGER Greffier en Chef de la Chambre Administrative de la Cour Suprême du Cameroun ;

Certifie avoir reçu de Maître Malle Adolf NANYA, Avocat B.P 28 Kumba, agissant au nom et pour le compte de Struggle to Economize the Future Environment (SEFE), une requête datée du 30 Mars 2012 et enregistrée au Greffe de la Chambre Administrative de céans le 03 Mai de la même année sous le numéro 582, requête tendant à l'annulation du Certificat de Conformité Environnementale du Ministre de l'Environnement de la Protection de la Nature et du développement Durable.

En foi de quoi le présent certificat de dépôt de recours est délivré à Maître Malle Adolf NANYA, pour servir et valoir ce que de droit. /-

YAOUNDE LE 04 MAI 2012

LE GREFFIER EN CHEF DE LA CHAMBRE ADMINISTRATIVE



*Me Bisse Assomo Roger*  
Administrateur des Greffes

TRÉSOR PUBLIC - PUBLIC TREASURY  
MINISTÈRE DES FINANCES  
CHAMBRE DES NOTES  
**103 000 1000**  
TIMBRE FISCAL - FISCAL STAMP  
CMR10185

**IN THE SUPREME COURT OF CAMEROON**  
**(ADMINISTRATIVE BEANCH)**  
**HOLDEN AT YAOUNDE**

**COUR SUPREME DU CAMEROUN**  
**CHAMBRE ADMINISTRATIVE**  
**GREFFE**  
Déposé Reçu le **10 3 MAI 2012**  
Enregistré le \_\_\_\_\_ S/N° **590**

CASE NO \_\_\_\_\_

**IN THE MATTER OF THE APPLICATION OF LAW NO 96/12 OF 5 AUGUST, 1996 RELATING TO ENVIRONMENTAL MANAGEMENT**

**IN THE MATTER OF THE APPLICATION OF DECREE NO 2005/0577PM OF 23 FEBRUARY 2005 LAYING DOWN MODALITIES FOR CARRYING OUT ENVIRONMENTAL IMPACT ASSESSMENT**

**IN THE MATTER OF THE INTERRETATION AND APPLICATION OF ARTICLES 15 AND 17(2) OR ORDINANCE NO 74/1 OF 6 JULY, 1974 LAYING DOWN RULS GOVERNMENT LAND TENURE**

**IN THE MATTER OF APPLICATION OF THE UNITED NATIONS DECLARATION OF RIGHTS OF INDIGENOUS PEOPLES, 2007**

**IN THE MATTER OF THE APPLICATION OF THE ROUNDTABLE ON SUSTAINABLE PALM OIL (RSPO), PRINCIPLES AND CRITERIA**

**IN THE MATTER OF 'A CERTIFICATE OF ENVIRONMENTAL CONFORMITY' DATED 18/09/2011 ISSUED TO SG SOC**

**BETWEEN**

STRUGGLE TO ECONOMIZE  
THE FUTURE ENVIRONMENT (SEFE) } ..... PETITIONER

**AND**

1. THE MINISTRY OF ENVIRONMENT,  
NATURE PROTECTION AND  
SUSTAINABLE DEVELOPMENT  
2. SG SUSTAINABLE OILS, CAMEROON (SG SOC) LTD } ..... RESPONDENT

## PETITION

Your Lordships,

The Petition of your Petitioner shows as follows:

1. The Petitioner is a duly authorized grassroot organization which is working for the protection of the environment with its headquarters in Toko Town in Toko Subdivision of Ndian Division, South West Region.  
**See Annexure 'A'**
2. The 1<sup>st</sup> Respondent is our Ministry in charge of the environment and protection of nature based at Yaoundé, the political capital of the Republic of Cameroon.
3. The 2<sup>nd</sup> Respondent is a privately owned company purportedly incorporated in Cameroon on 26/01/2009 at Buea but whose share capital is owned completely by a foreign company called SGSO Cameroon Holdings, Ltd based some where in the United States of America.
4. Some time in September 2009, the 2<sup>nd</sup> Respondent signed an "establishment convention" with the government of Cameroon in which she manifested her intention to carry out agro-industrial activities in many parts of Cameroon, some parts of the South West Region inclusive.
5. The acquisition of land on a large scale and particularly for growing an oil palm plantation raises many complex issues ranging from land rights, human rights, environmental concerns and the problem of balancing economic development and protection of the environment.
6. In the course of time the 2<sup>ND</sup> Respondent has focused her interest in Nguti Subdivision of Kupe Muanenguba Division and Toko and Mundemba Subdivisions of Ndian Division for the development of her intended oil palm plantation which they say will cover a total area of 70,000 hectares.

7. The area of land which the 2<sup>nd</sup> Respondent is intending to acquire for its plantation includes many villages and individual farms of the people of the local communities.
8. Many local inhabitants of the proposed project area are very opposed to the project and have written many petitions against. **See Annexure 'B'**
9. That even the ESIA report which the 2<sup>nd</sup> Respondent hurriedly put together and submitted to government was as a result of the court action which was instituted at the High Court of Ndian Division by the Petitioner. **See Annexure 'C'**
10. The 2<sup>nd</sup> Respondent has also not conducted any studies to ascertain the present and future land needs of the inhabitants of their proposed project area, despite several calls to that effect.
11. Even the land which could be said not be in effective occupation, the members of the local communities have always exercised possessory rights thereon based on culture and custom and have been carrying on hunting fishing and extraction of non-timber forest products therefore for centuries.
12. To deprive these people from the use of these lands which they have been enjoying for many years is to take away from them their sources of earning their livelihoods and amounts to a denial of their right to life which is protected by our constitution.
13. The 2<sup>nd</sup> Respondent has not made any effort to properly survey the proposed project area and to expunge from their project area the lands which ought to be reserved for the use of the local communities. **See Annexure "D"**
14. Cameroon law on environmental management require that any organization or company which desires to carry out an activity like the one intended by the 2<sup>nd</sup> Respondent which is likely to have negative impacts on the environment must carry out an environmental and social

impact assessment in the project area and submit a report to the government for the latter's consideration.

15. In addition to Cameroonian law on the matter and, especially as it concerns the planting of oil palm plantations, the Roundtable on Sustainable Palm Oil (RSPO) lays down certain principles and criteria which must be followed by investors in the sector, and particularly the procedure to be followed in acquiring the land. **See Annexure 'E'**
16. From its own pronouncements, the 2<sup>nd</sup> Respondent is a member of the RSPO and is committed to follow its laid down criteria.
17. Furthermore, Cameroonian law provides that it is mandatory for an investor to obtain a certificate of environmental conformity before commencing any operations.
18. The 2<sup>nd</sup> Respondent submitted a report on 05/08/2011 to the 1<sup>st</sup> Respondent of what is purported to be an environmental and social impact assessment report allegedly carried out in the project area whereas in fact she had already commenced operations by clearing and cutting down large areas of forest in three locations in the proposed project area and began developing their palm nurseries in violation of the law.
19. A certificate of environmental conformity was issued by the 1<sup>st</sup> respondent to the 2<sup>nd</sup> respondent only on 18/09/2011.
20. The conduct and the published environmental and social impact assessment report by the 2<sup>nd</sup> Respondent has aroused a lot of concern, both nationally and internationally as the whole exercise is shrouded in a mystery. **See Annexure 'F'**
21. The said report produced by the 2<sup>nd</sup> Respondent has been widely denounced as false, incomplete, inaccurate, the legal procedures not respected and made to deceive the Cameroon government authorities on the actual negative impacts of the project.
22. Even the "certificate of environmental conformity issued to the 2<sup>nd</sup> Respondent by the 1<sup>st</sup> Respondent states that the 2<sup>nd</sup> Respondent had

carried out an environmental impact study in the South West Region without specifying the area in the South West Region where the exercise took place, if at all.

23. The local communities of Toko and Mundemba Subdivisions of Ndian division on 26/08/2011 wrote to the 1<sup>st</sup> Respondent protesting the illegal manner in which the public hearing procedures were being handled. See **Annexure 'G'**

24. On 12/11/2011, the Petitioner wrote a letter to the 1<sup>st</sup> Respondent to protest against the certificate of environmental conformity which had been issued to the 2<sup>nd</sup> Respondent despite all the irregularities observed in the process and requested that the certificate be withdrawn. See **Annexure 'H'**

25. The 1<sup>st</sup> Respondent has till date not reacted to the letter of the Petitioner even though properly served. See **Annexure 'I'**

26. Relying on the certificate of conformity issued to them the 2<sup>nd</sup> Respondent is continuing with acts which are greatly devastating and degrading the environment in the affected areas. See annexure 'J' and 'K'

By virtue of the foregoing your Petitioner prays as follows:

- a) That the certificate of environmental conformity issued to the 2<sup>nd</sup> Respondent by the 1<sup>st</sup> Respondent be declared null and void and of no effect whatever on grounds of gross misrepresentation of facts and for having been established in violation of the provisions of law No 96/12/of 05/08/96 on environmental management and its decree of application, Decree N<sup>o</sup> 2005/0577 pm of 23/02/2005.
- b) That the 2<sup>nd</sup> Respondent be condemned to pay damages for the damages which they have done so far in the project area
- c) That the 2<sup>nd</sup> Respondent be ordered to pay the costs of these proceedings.