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Risk of Statelessness in Cameroon: A Legal Appraisal

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ABSTRACT

Over the years, statelessness has been considered as a complicated legal issue that has devastating consequences to persons. This study examines the risk of statelessness in Cameroon. Cameroon lacks a Statelessness Determination Procedure (SDP). The Nationality Code does not provide for the determination of statelessness. The study makes use of the qualitative research methodology and the method adopted is content analysis of primary and secondary data. Conflicts such as the dispute between Cameroon and Nigeria over the Bakassi Peninsula, the Crisis in the North West and South West Regions and the Boko Haram war in the Far North of the country are the risk factors of statelessness in Cameroon. It is recommended that Cameroon should ratify the Convention on the Status of Stateless Person 1954 and the Convention on the Reduction of Statelessness 1961 so as to make the reduction of stateless persons and the protection of their rights a legal obligation.

Keywords: Risk, statelessness, legal, appraisal.

I. INTRODUCTION

Life would be difficult for a person in a country who is not legally identified with that country². The person will be deprived of rights over possessions or ownership of land, access to education or healthcare, and passport or right to vote.³ The obvious implication is that children born will be stateless. Such a person will suffer from exclusion in the society and be considered an illegal immigrant everywhere he/she goes. If this happens to a person in every country in the world, then the person is a stateless person. Such a person belongs nowhere.⁴

A stateless person is therefore someone “who is not considered as a national by any state under the operation of its law”.⁵ A person without nationality does not benefit from the attached rights

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² Nationality provides a tangible, durable and unshakable legal link with a state and infuses a sense of belonging and worth greater than the individual. Most importantly, nationality provides citizens with access to employment, ownership of property, the right to euro their children in school, to seek medical attention, to freely go out and reenter their country, to elect and be elected for government positions to name a few. S., Essong, The protection of Stateless Persons in Africa: The Legal Framework, Master Thesis, University of Douala, 2017, p.2.

³ A., Monograph, The Social and Political Consequences of Another Stateless Generation in the Middle East, p.viii, available at <https://www.hsd.org/?view&did=804618>, visited, 9/07/2023.

⁴ *Ibid.*

⁵ The World's Stateless, Institute on Statelessness and Inclusion, Wolf Legal Publishers (WLP) December 2014, p.4.

or duties, thus, is without protection. This lacuna in protection almost always results in violations of international human rights law.

Over the years, statelessness has been considered as a complicated legal issue that has devastating consequences to persons. It is undisputable that statelessness cannot be seen or addressed in isolation. It is interdisciplinary especially as it impacts and at the same time is impacted by other issues and disciplines such as international development, humanitarian affairs, human rights, children's rights, economics, healthcare, democracy, peace and security and forced migration. It therefore goes without saying that an integrated approach that takes into consideration all these disciplines is the best approach in addressing statelessness.

In recent times, statelessness has attracted more attention at the international level.⁶The phenomenon first attracted international attention during the European refugee crisis in the 1920s, when the international community had to respond to the 800,000 Russians displaced in the aftermath of the Russian Civil War⁷ who became stateless refugees after Lenin revoked their citizenship in 1921.⁸

The Human Rights Commission (HRC) in December 1947, highlighted the need for development in international law geared towards the protection of refugees and reduction of statelessness. In consequence, states who constitute the major subject of international law negotiated and adopted two different treaties for refugees and stateless persons⁹ to wit: the 1951 Convention relating to the Status of Refugees ("1951 Convention") and the 1954 Convention relating to the Status of Stateless Persons ("1954 Convention").¹⁰

It has been observed that Africa accommodates hundreds of thousands of stateless persons.¹¹

⁶ *Ibid.*

⁷ The Russian Civil War, which started in 1918 shortly after the October Revolution, was fought mainly between the "Reds," led by the Bolsheviks, and the "Whites," a politically-diverse coalition of anti-Bolsheviks. The Russian Civil War, available at <https://courses.lumenlearning.com/suny-hccc-worldhistory2/chapter/the-russian-civil-war/>, visited, 09/07/2023.

⁸ A., Omar, Identity Without Citizenship Towards a Global Uniform Registration System for the Stateless, PhD Thesis, Queen's University Belfast, 2020, p.4.

⁹ T., Temprosa, Statelessness as Rhetoric: The Case for Revisioning Statelessness in Our Statist World, available at, Statelessness as Rhetoric - Berkeley Law, [https://lawcat.berkeley.edu/38.2\(71\)Temprosa.pdf](https://lawcat.berkeley.edu/38.2(71)Temprosa.pdf), visited, 09/07/2023.

¹⁰ The 1954 Convention on the status of stateless persons has as main aim to improve the legal status of stateless persons and to ensure to stateless persons their fundamental rights and freedom without discrimination. The convention was adopted to cover those stateless person who are not refugees covered by the 1951 Convention relating to the Status of Refugees. <http://www.unhcr.org>. Organisation. A glaring anomaly in today's world statelessness dramatically. UNHCR, visited, 02/03/2021.

The 1961 Convention on the Reduction of Statelessness is concerned with avoiding statelessness primarily through safeguards in nationality laws, thereby reducing the phenomenon over time. The 1930 Special Protocol concerning Statelessness, which came into force in 2004, does not address standards of treatment but is with specific obligations of the previous State of nationality. This Protocol has very few States Parties.

¹¹ S., Essong, The Protection of Stateless Persons in Africa: The Legal Framework, Master's Thesis, University of Douala, 2017, p.2.

Kenya for example is home to a stateless population of 100,000 while Ethiopia hosts around 15,000 stateless Ethiopians of Eritrean descent.¹² Nubians have lived in Kenya for more than a century, but are not considered Kenyan nationals. Consequently, they are discriminated upon and denied access to basic amenities like health care and education. In the case of *Nubian minors v. Kenya*,¹³ the second class status of Nubian children was challenged. Conscripted into the King's Africa Rifles by the British in 1922, the people of Nuba, in Sudan, fought wars.

In recognition for their work as colonial soldiers, Nubians were offered land on the outskirts of Nairobi, now called 'Kibera' and ever since Kenya became independence in 1963, Nubians have been denied basic citizenship rights. Their status as British Protected Citizens combined with their Arab appearance and customs made the post-independence government view them as foreigners; a relic of the colonial past, and they were soon made stateless.

Cameroon just like other African states hosts a good number of stateless persons. Internal turbulence such as the conflict with Nigeria over the Bakassi Peninsula, the war against Boko Haram and the crisis in the North West and South Regions are risk factors of statelessness in the country. Also, Cameroon hosts refugees from Central African Republic other neighbouring countries who are at risk of statelessness.

II. LEGAL FRAMEWORK FOR STATELESSNESS IN CAMEROON

(A) Constitution of Cameroon

A constitution is a set of fundamental legal-political rules that are binding on everyone in the state, including ordinary law-making institutions and regulates the structure and functioning of the governmental institutions, political principles and the rights of citizens.¹⁴ It enshrines the content of the political set up of a state (that is, it sets out the basic structure of the government and also declares and defines the rights and duties of citizens.

The Constitution is very instrument in the protection of human rights. The Preamble of the constitution has provided a myriad of rights. As per the Constitution, it is the duty of the State to provide all its citizens with the conditions necessary for their development.¹⁵ The Cameroon Constitution does not expressly provide for the rights of stateless persons but protect persons in general, that is, civil and political, economic and economic social and cultural rights.¹⁶ It can

¹² *Ibid.*

¹³ Communication 317 / 2006.

¹⁴ E., Bulmer, *What is a Constitution? Principles and Concepts*, (Stromborg: International Institute for Democracy and Electoral Assistance, 2017, 2nd edition), p. 2.

¹⁵ Preamble of the Constitution of Cameroon.

¹⁶ These rights are contained in the preamble of the Constitution of Cameroon.

be understood that stateless persons in Cameroon, are entitled to these rights.

Article 1 of the Constitution of Cameroon 1996 as amended in 2008 states: “all persons shall have equal rights and obligations. The State shall provide all its citizens with the conditions necessary for their development”. One can understand from this provision that all persons including stateless persons in Cameroon have equal rights and obligations. Technically it may seem the second safeguard in article 1....provide all its citizens with the conditions necessary for their development.. is not applicable to stateless persons because they are not citizens of Cameroon.

(B) Nationality Code of Cameroon¹⁷

The Nationality Code of Cameroon provides for the acquisition and loss of Cameroonian nationality. Section 1 stipulates that Cameroonian nationality attaches at birth, as the nationality of origin, by operation of law. Cameroon nationality is acquired or lost after birth either by operation of law or by the decision of a public authority under the law.¹⁸

Nationality is conveyed primarily by descent (*jus sanguis*), while nationality conveyed by birth (*jus soli*) is restricted to cases where the nationality of one or both parents is unknown. The methods for the acquisition of Cameroonian nationality are a) acquisition or retention of a foreign nationality b) voluntary renunciation of Cameroonian nationality, and c) Government decree.

The Code provides in section 30 (1) that: “The acquisition of Cameroonian Nationality implies enjoyment from the same date thereof of all the rights attached to nationality.” The lacuna in the Code is that, it does not state the legal implication of having Cameroonian nationality.

According to the Code, the age of majority in Cameroon for the purpose of acquiring the Cameroonian nationality is 21 years. Section 9 provides that Cameroon nationality attaches to every child born in Cameroon of unknown parents provided that, if during his minority, his affiliation is established with regard to a foreign parent and if in accordance with the national law of this foreign parent, he has the nationality of the latter, he shall be deemed never to have been a Cameroonian.¹⁹

Section 12 states that “the acquisition of Cameroon nationality extends automatically to any person unable to claim any other nationality of origin if that person was born in Cameroon. It

¹⁷ Law No. 68-LF-3 of 11/6/68, “To set up the Cameroon Nationality Code.

¹⁸ *Ibid.* Section 2.

¹⁹ Going by section 10, a new-born child found in Cameroon will be presumed prima facie to have been born in Cameroon.

is the researcher's view that the Code in this provision reduces the possibility of stateless persons in Cameroon caused by displacement. This is so because children beget by refugees in Cameroon can acquire Cameroonian nationality.²⁰

Acquisition of Cameroonian nationality by marriage is stated in section 17. It is to the effect that a foreign woman marrying a Cameroonian may, by express request, acquire Cameroon nationality at the moment of celebration of the marriage.

Cameroonian nationality can be acquired by declaration by any person born in Cameroon of foreign parents. It suffices for the person to claim Cameroon nationality within six months before attaining his majority by declaration in the manner prescribed by sections 36²¹ of the Code provided that on such date he has had his domicile or residence in Cameroon for at least five years.²²

Cameroonian nationality can also be acquired by naturalization. The Code provides the conditions under which a person can acquire the nationality by naturalization. Section 24 of the Code provides that: "Cameroonian nationality may be conferred by decree on a foreigner requesting it."

This implies that a foreigner may only acquire Cameroonian nationality by expressly requesting the nationality. The application for the naturalization is addressed to the Minister of Justice, keeper of the seals.²³ The person applying must state expressly the reason why he wishes to acquire the Cameroonian nationality. The applicant has to attach the following documents to the application: a) a curriculum Vitae b) a copy of his birth registration c) a copy of a marriage certificate or civil booklet where it applies d) a copy of birth certificates of his children who are minors and unmarried. e) any other document which ascertains the full knowledge of the facts which may support his application.

It is said that the Code discriminates against children out of wedlock.²⁴ The Code distinguishes between 'legitimate' and 'illegitimate' children. There is discrimination against the latter in terms of their access to Cameroonian nationality. Article 6 of the law provides that

²⁰ Section 13(1) gives effect to section 12. It states "A child having Cameroon nationality under the provisions of this Chapter shall be deemed to have be Cameroonian from birth even if the conditions required by law for the attachment of that nationality are not satisfied until later".

²¹ It states: Any declaration acquiring, declining or renouncing Cameroon nationality, or abandoning the right to renounce it under the circumstances prescribed by law, shall be signed before the Judge or President of the Civil Court at the chief/town of the subdivision in which the declarant resides.

²² Section 20.

²³ *Ibid.*

²⁴ The Committee on the Rights of the Child 75th Pre-Sessional Working Group (03 October - 07 October 2016) Cameroon Civil Society Submission on the right of every child to acquire a nationality under Article 7 CRC 1 July 2016, p.7.

“Cameroonian nationality attaches to (a) a legitimate child born of Cameroonian parents; (b) an illegitimate child whose parents are both Cameroonians”. Children not born of a valid marriage just like those born in lawful wedlock have access to Cameroonian nationality. However, the code imposes conditions for them to acquire nationality. As Article 7 further elaborates:

Cameroon nationality attaches to: a) A legitimate child born of a Cameroonian father or a Cameroonian mother; b) An illegitimate child born of parents of whom one is Cameroonian, when his affiliation to that one is first established, though the other be foreign; but subject in either case to the minor's right to renounce Cameroon nationality within six months before his majority, either if he was born out of Cameroon or if, according to the national law of the foreign parent, he is able to avail himself of that nationality.

Having Cameroonian nationality is not a permanent status especially as it can be lost. Pursuant to section 31, Cameroonian nationality is lost and forfeited by Any Cameroon adult national who willfully acquires or keeps a foreign nationality; renunciation under this law; any person who, occupying a post in a public service of an international or foreign body, retains that post notwithstanding an injunction by the Cameroonian Government to resign it.

III. THE PROBLEM WITH THE LEGAL FRAMEWORK

Cameroon is not party to the 1954 UN Convention on the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Stateless.²⁵ A recommendation to accede the latter Convention was noted during the 2nd Universal Periodical Review cycle. Cameroon has however signed the 1951 Convention Relating to the Status of Refugees and has acceded to its 1967 Protocol. Cameroon is also a party to core human rights treaties that include provisions related to statelessness and/or nationality, such as the International Covenant on Civil and Political Rights (ICCPR, 1966), the Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), the Convention on the Rights of the Child (CRC, 1989) and the Convention on the Rights of Persons with Disabilities (CRPD, 2006).²⁶

Cameroon has a Nationality Code but it is not without problems in relation to statelessness.

²⁵ Institute on Statelessness and Inclusion Submission to the Human Rights Council at the 30th Session of the Universal Periodic Review Cameroon, p.2., available at https://www.upr-info.org/sites/default/files/documents/201804/isi_upr30_cmr_e_main.pdf, visited, 05/08/2023.

²⁶ As a party to the Convention on the Rights of the Child, with no reservations in place, Cameroon is obliged to ensure every child's right to acquire a nationality in accordance with Article 7 of the Convention and the Convention's Guiding Principles of non-discrimination, best interests of the child, the child's right to participate and the right to life, survival and development of the child. The CRC also prohibits denial of the child's right to right to a nationality as a result of discrimination against the child or his or her parents or guardians, on all prohibited grounds including gender, race and disability. *Ibid.*

The Nationality Code risks statelessness in its provision relating to ‘deprivation of nationality’. By allowing for the deprivation of nationality of a person “who is not of good character and morals, or has suffered conviction of an offence against ordinary law, not expunged by rehabilitation or amnesty”²⁷ the law fails to protect the children of such persons, who may not be able to access nationality through their affiliation.²⁸

It can be observed that the Nationality Code of Cameroon does not provide for Statelessness Determination Procedure (SDP) nor is there any legislation in Cameroon to that effect. SDP is an administrative or judicial process meant to determine whether or not a person or a population is considered as national of any state under the operation of its law, so as to look for lasting solutions for the affected person or population.²⁹ The absence of a dedicated SDP entails a serious risk that stateless persons are not properly identified as such.³⁰ Without proper identification of stateless persons, it is unclear whether they are accorded appropriate treatment in line with states’ obligations pursuant to international treaties.³¹

Even though Cameroon has not ratified the Convention on the Status of Stateless Person 1954 and the Convention on the Reduction of Statelessness 1961, it does not mean the government is not obliged to protect this category of persons. Following the natural law theory, an individual enters into the society with certain basic rights and no government can deny these rights.³² In this light, human right instruments such as the Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights 1966 (ICCPR) and the International Covenant on Economic, Social and Cultural Rights 1966 guarantee the protection of natural rights. Cameroon as a party to these conventions is therefore obliged to identify and protect all persons within its territory.

IV. RISK FACTORS OF STATELESSNESS IN CAMEROON

(A) Conflict

“Conflict is a perfectly natural phenomenon and inevitable in all aspects of human endeavours, and it is a natural element in the process of change and development”.³³ As Immanuel Kant³⁴

²⁷ Section 25 (d)).

²⁸ *Ibid.*

²⁹ O., Seghale, “Statelessness Determination Procedures: Towards A Bespoke Procedure for Nigeria”, *Statelessness & Citizenship Review*, 2020, pp.87-110:88.

³⁰ *Ibid.*

³¹ *Ibid.*

³² P., Sadish, Theories of Human Rights, Available at <<http:// www. slideshare. Net >> Accessed on the 16/07/2023.

³³ R., Holmboe, “Conflicts and Conflict Response in Africa” in Conflicts, Human security, Governance and Development in the Developing World”, *Institute for History, International and Social Studies*, 2005, p.22.

³⁴ I., Kant, *Toward Perpetual Peace*, in *Kant: Political Writings*, (Cambridge: Cambridge University Press, 2nd

aptly puts it, man is conflict prone by nature and peace is therefore bought or constructed to help in harmonizing a society through justice.³⁵ It goes without saying that disputes and their eventual resolution or efforts towards resolving them are not new. Conflicts continue to occur leaving devastating consequences.

Broadly speaking, conflict refers to: “perceived incompatibilities or discrepant views among the parties involved”.³⁶ It means to be in opposition to one another. It refers to disagreement between people or members of organisations.³⁷ The disagreement is embedded in relationships between all human beings.

(B) The Bakassi Conflict

The Bakassi conflict was a conflict between Cameroon and Nigeria over the Bakassi Peninsular.³⁸ The conflict is rooted in the arbitrary manner in which the colonial masters demarcated the borders between Cameroon and Nigeria. The primary cause of the conflict was the discovery of natural crude oil in the region. It is noted that long before the discovery of oil in Bakassi, Cameroonians and Nigerians in the region lived in harmony although few squabbles were registered.³⁹ Both countries did not pay attention to Bakassi because it was a remote area inhabited by people considered to be inconsequential.⁴⁰ However, when oil and other natural resources and minerals were discovered in the Peninsula, attention from both countries and also from their colonial connections was ignited thus creating tension, argument and in some cases death.⁴¹

Following the skirmishes in Bakassi, the Cameroon government instituted legal action against Nigeria in the International Court of Justice (ICJ) in 1994 claiming sovereignty of the territory. Nigeria on its part argued that Bakassi formed part of its territory. The ICJ in a landmark

ed., 1991), p.1.

³⁵ A. Okonwo, *op cit*, p.11.

³⁶ K., Jehn and C., Bendersky, “Intragroup Conflict in Organizations: A Contingency Perspective on the Conflict-outcome Relationship”, *Research in Organizational Behavior*, 2003, vol. 25, p. 189.

³⁷ D., Thakore, “Conflict and Conflict Management”, *IOSR Journal of Business and Management*, 2013, vol.8, Issue 6, p.7

³⁸ The Bakassi Peninsula covers a total area of approximately 1000 sq. km and is located on the extreme eastern end of the Gulf of Guinea between latitudes 4°25' and 5°10'N and longitudes 8°20' and 9°08'E. It consists of a number of low-lying, largely mangrove covered islands covering an area of around 665 km². It is largely made up of a cluster of low-lying, swampy and mangrove covered islands with a population estimated between 150,000 to 300,000 inhabitants. The inhabitants are predominantly of the Efik tribe, who consider themselves as part of the Federal Republic of Nigeria. K.N. Che, “Understanding the Bakassi Conflict. a Showcase of Conflict Prevention in Practice”, *European University Center for Peace Studies Research papers*, 2007, p.6.

³⁸ *Ibid*, p.2.

³⁹ Tarlebbaa *et al.*, “The Cameroonian and Nigeria Negotiation over the contested Oil Rich Bakassi Peninsula” *Journal of Alternative Perspectives in the Social Sciences*, Vol.2, No 1,2010,2008, p.203.

⁴⁰ They were considered inconsequential due to the fact that they were mainly fishermen and the principal activity in the area was fishing.

⁴¹ N., Tarlebbaa, *op cit*.

judgement awarded the Bakassi Peninsula to Cameroon.⁴²

There is risk of statelessness in Bakassi. There have been problems in establishing recognition of nationality both for those Bakassi residents who remained in their homes in Cameroon, and for those who relocated to the Nigerian side of the border, all of whom are at risk of statelessness.⁴³ Many residents in the Peninsula do not have identification documents, due to difficulties they face in obtaining them. Unofficial reports indicate that children born there are not being registered at birth as a practice, for fear of them claiming Cameroonian nationality when their parents' loyalties lie with Nigeria. The extent to which such discriminatory attitudes prevail and undermine the child's right to a nationality are unclear.⁴⁴

Even though the Green tree Agreement⁴⁵ guaranteed the protection of the rights of the inhabitants of Bakassi including Nigerians living there, they still face discrimination and rejection. In Akwa which is part of Bakassi, most of the inhabitants were not allowed to take part in the 2011 Presidential Elections in Cameroon, although the Government had offered free issuance of National Identity Cards between June and August 2011.⁴⁶ Amongst these inhabitants, only a few were found eligible to receive the new Identity documents. As a result, most of them could not take part in the elections. Nearly all of Akwa's populations are unsure of where they actually belong. This is therefore an evident case of avoidable Statelessness.⁴⁷

(C) The Boko Haram conflict

Boko Haram is a militant Islamist group in Nigeria which was founded by Mohammed Yusuf in 2002.⁴⁸ The group has caused devastations via series of bombings, massacres, suicides and major destructions of infrastructure. The activities of the group have negatively affected the social and economic activities in Nigeria, Cameroon and neighbouring countries.⁴⁹

The first signs of the presence of Boko Haram in Cameroon can be traced as far back as 2009,

⁴² See *Case Concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria): Equatorial Guinea Intervening*, ICJ Report 2002.

⁴³ Institute on Statelessness and Inclusion Submission to the Human Rights Council at the 30th Session of the Universal Periodic Review Cameroon, p.2., available at https://www.upr-info.org/sites/default/files/documents/201804/isi_upr30_cmr_e_main.pdf, p.3, visited, 05/08/2023.

⁴⁴ *Ibid.*

⁴⁵ This Agreement was signed between Nigerian President Olusegun Obasanjo and Cameroonian President Paul Biya on 12 June 2006. The subject matter of the Agreement was the withdrawal of troops and transfer of authority in the Peninsula.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ A., Adejoh and A., Fada, "Evaluating the Impact of Boko Haram Terrorism on Yankari Game Reserve as a Tourist Resort in Bauchi State, Nigeria", *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)* Vol. 19, Issue 2, Ver. IV (Feb. 2014), p.57.

⁴⁹ O., Faluyi, *An Assessment of Nigeria's Counterterrorism Policies Against Boko Haram*, Masters Thesis, University of KwaZulu-Natal, 2017, p.5., available at <https://researchspace.ukzn.ac.za/handle/10413/14762>, visited, 08/08/2023.

when members of the group fleeing Nigerian security forces settled in the border areas between Cameroon and Nigeria, specifically in Fotokol, Mora, Maroua, Kousseri, Amchidé, Kerawa, Djibrilli, Bornori, Tolkomari, Kolofata.⁵⁰ From 2014, serious clashes have occurred between the Cameroonian military and Boko Haram which have taken the form of conventional attacks, guerilla or asymmetrical warfare.⁵¹

In the Far North Region where Boko Haram operates, Internally Displaced Persons (IDP) adults and children who never had or have lost documents, have difficulties obtaining proof of their nationality and, in the case of new born children, registering birth and confirming their nationality in the volatile security situation.⁵² Also, persons formerly resident in Nigeria who have returned to the Far North of Cameroon claim to be of Cameroonian nationality, but have no documents to prove this and therefore are at risk of statelessness.⁵³

V. THE CRISIS IN THE NORTHWEST AND SOUTH WEST REGIONS

The conflict in the North West and South West Regions emerged after the independence of Cameroon. From 1990s, Anglophones in the South West and North West regions, who make up only about 20% of Cameroon's 25.88 million population, have felt marginalized by the Francophone-dominated government in the political, economic and socio-cultural spheres.⁵⁴ Accusations have been raised by the Anglophones against the government for marginalizing the two English-speaking regions over Cameroon's other eight administrative regions. Politically, some argue that there is an under-representation of the Anglophone minority in key government positions as well as other government services.⁵⁵

There has been some periodic expression of Anglophone discontent since independence. The most recent phase of discontent began in October 2016 when Anglophone lawyers and teachers protested about the growing number of Francophone judges and teachers in the Anglophone regions.⁵⁶ The Government responded by deploying troops, including using live ammunition. On 1 October 2017, separatists declared an independent state called the 'Republic of

⁵⁰N., Ebode Joseph, *The Boko Haram conflict in Cameroon Why is peace so elusive?*, Peace and Security Series, 2017, p.8.

⁵¹ S., Mukete, *The Legal Framework for Combating Terrorism in Cameroon*, PhD Thesis, University of Buea, 2020, p.34.

⁵² Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 30th Session, Republic of Cameroon, p.3.

⁵³ *Ibid.*

⁵⁴ Cameroon Conflict Insight, *Peace & Security Report*, 2020, Vol. 1, p.4.

⁵⁵ *Ibid.*

⁵⁶ Country Policy and Information Note Cameroon: North-West/South-West Crisis Version 2.0 December 2020, p.8, available at <https://www.justice.gov/eoir/page/file/1345186/download>, visited, 07/08/2023.

Ambazonia'. Separatist groups then announced a boycott of schools.⁵⁷ By mid-2019 more than 80% of schools remained closed, mainly enforced through violence against teachers and attacks on school buildings by separatist armed groups. Around 850,000 children have been deprived of an education for the last three school years.⁵⁸

The crisis has been characterized by killings, torture and destruction of property from both separatist fighters and the military forces. These atrocities have caused refugee problem of Anglophone Cameroonians. Thousands of Anglophones Cameroonians, including men, women and children, from the crisis-hit North West and South West regions of Cameroon are refugees in Nigeria.⁵⁹

Refugees from Cameroon started arriving in Benue, Cross River, and Taraba States along the border region with Cameroon, in southeast Nigeria, in October 2017.⁶⁰ The protection environment is fragile, with numerous reports that Cameroonian security agents had pursued refugees inside Nigeria. By December 2017, there were 5,277 registered refugees in Nigeria.⁶¹ The number increased to 20,291 in March 2018, and by October 2018 had reached 27,877. As of end of December 2018, there were 32,600 registered Cameroonian refugees in Nigeria in need of urgent protection and assistance.⁶²

According to UNHCR Nigeria, the UN refugee agency in Nigeria, as of June 2021, a total number of 66,899 Cameroonian refugees were registered in Nigeria. Of this number, 50.5 percent are children and 28.7 percent are women.⁶³ While there, they live in resettlement camps spread across the states of Akwa Ibom, Benue, Cross River and Taraba, where most of them struggle to meet their basic needs such as food, water, healthcare and education amongst others.

Most of them while fleeing the conflict in the North West and South West regions of Cameroon

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ **Tazoacha and N., Ngonyam, State of Statelessness: Anglophone Cameroonians Born in Refugee Camps in Nigeria and the Identity Crisis**, available at <https://nkafu.org/state-of-statelessness-anglophone-cameroonians-born-in-refugee-camps-in-nigeria-and-the-identity-crisis/>, visited,07/08/2023.

⁶⁰ Cameroon Situation Responding to the Needs of IDPS and Cameroonian Refugees in Nigeria, available at <https://reporting.unhcr.org/sites/default/files/UNHCR%20Cameroon%202019%20Supplementary%20Appeal%20%28March%202019%29.pdf>, visited,08/08/2023.

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.* As of October 2018, OCHA estimated there were 437,000 internally displaced people (IDPs) in Cameroon, 246,000 of them in the Southwest Region, 105,000 in the Northwest Region, and 86,000 in the Littoral and West Regions. In addition to triggering internal displacement in the Northwest and Southwest Regions of Cameroon, the ongoing conflict has also forced over 35,000 Cameroonians to seek asylum in Nigeria. As the conflict persists in Cameroon, UNHCR anticipates that the influx into Southeast Nigeria will continue, with 20,000 refugees projected to flee in the coming months. This would result in an increase in the overall number of Cameroonian refugees to more than 50,000 by the end of 2019. Cameroon Situation Responding to the Needs of IDPS and Cameroonian Refugees in Nigeria, available at <https://reporting.unhcr.org/sites/default/files/UNHCR%20Cameroon%202019%20Supplementary%20Appeal%20%28March%202019%29.pdf>, visited,08/08/2023.

lost their identification documents, not to talk of those who even before then, had no identification evidence even while in Cameroon.⁶⁴For children born of Cameroon parents, especially, who had no birth certificates prior to escaping to Nigeria, the situation might even be worse. Given that Nigerian citizenship attributed by birth can only be acquired if there exist blood ties between the child and one of his/her parent or grand-parent and that Cameroonian citizenship acquired at birth *ius sanguinis* can only be legally proven by a civil registry in this case, a birth certificate there is a high probability for Anglophone Cameroon refugees in Nigeria to become stateless.⁶⁵

The Center for American Progress estimates that there are up to 40,000 non-citizen Cameroonians living in the United States 32,700 adults and 7,300 children who could be made eligible for protection by a TPS designation.⁶⁶Given the worsening crisis in Cameroon, various Black immigrants' rights advocacy organizations such as Cameroon Advocacy Network, Haitian Bridge Alliance, and UndocuBlack Network along with members of Congress have been advocating to temporarily protect them from deportation.⁶⁷

VI. REFUGEE CRISIS

Cameroon is host to some 259,000 refugees from the Central African Republic (CAR). Refugees left CAR in search for safety in Cameroon as a result of violence in the mid-2000s and a failed coup and communal violence in 2013.⁶⁸ The majority (70%) have settled in communities rather than refugee camps.⁶⁹

Cameroon hosts 4,209 asylum-seekers and 322,004 refugees as of 30 June 2017.⁷⁰ Additionally, Cameroon also has 223,642 internally displaced persons as of March 2017 and an estimated

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ THE URGENCY OF DESIGNATING CAMEROON FOR TEMPORARY PROTECTED STATUS, AVAILABLE AT [HTTPS://WWW.AMERICANPROGRESS.ORG/ARTICLE/THE-URGENCY-OF-DESIGNATING-CAMEROON-FOR-TEMPORARY-PROTECTED-STATUS/](https://www.americanprogress.org/article/the-urgency-of-designating-cameroon-for-temporary-protected-status/), VISITED, 08/08/2023.

⁶⁷ *Ibid.*

⁶⁸ V., Barbele, Supporting Central African refugees in Cameroon Policy and Practice in Response to Protracted Displacement, HPG Working Paper, August 2017, p.2.

⁶⁹ There have been two major movements of forced displacement: the first in the mid-2000s and the second following communal violence in 2013 and 2014. The first movement of refugees settled in Cameroonian communities, in rural villages and to a lesser extent in urban and peri-urban areas. This group largely comprised people from the Mbororo ethnic group, which shared historical and ethnic ties, cattle-trading links and pastoral migration routes with local Cameroonian communities, including for some family ties through marriage. The second group of refugees was mainly from towns and cities, and settled in more urban or peri-urban areas, as well as in refugee camps. This group has a more diverse ethnic make-up, including Hausas and Bayas as well as Mbororos. *Ibid.*

⁷⁰ Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 30th Session, Republic of Cameroon, p.1.

120,000 persons at risk of statelessness.⁷¹ Refugees from the Central African Republic (CAR) constitute the largest population, with 228,384 individuals, the vast majority of whom (212,534) live in 7 managed sites and over 150 villages in the Eastern, Northern and Adamaoua regions, with the remainder living in urban areas such as Yaoundé and Douala. 88,570 Nigerian refugees live in the Far North region, of whom 57,977 in Minawao camp and the rest outside the camp in border regions.⁷²

A further 1,881 Nigerian refugees live scattered in rural villages in the North-West and Adamaoua regions. Finally, the remaining 3000 refugees are made up of over 20 nationalities, living mainly in urban areas. Around 57 percent of refugees are made up of children and 53 percent are female.⁷³

VII. CONCLUSION

It has been averred in this paper that in Cameroon, there is risk of statelessness of statelessness emanating from conflicts and refugee crisis. In relation to conflict, the Bakassi conflict, the war against Boko Haram and the crisis in the North West and South West Regions have caused displacement which have rendered Cameroonians without documents and access to identification papers. For example, there have been problems in establishing recognition of nationality both for those Bakassi residents who remained in their homes, in what is now Cameroon, and for those who relocated to the Nigerian side of the border, all of whom are at risk of statelessness. Many residents in the peninsula do not have identification documents, due to difficulties they face in obtaining them.

The triple pronged theory has been used to demonstrate the need of a legal framework for the protection of stateless persons in Cameroon. The adoption of laws in this venture such as the Constitution of Cameroon and the Nationality Code is an indication of Cameroon's triple pronged commitment. However, the risk factors casts doubt on government's endeavours to prevent statelessness coupled with the fact that Cameroon has not ratified the convention on the reduction of statelessness.

It is recommended that Cameroon should endeavor to ratify the 1954 and 1961 conventions for the status and reduction of statelessness respectively and ensure their enforcement in the national territory just as other states have done like the UK. In UK, according to paragraph 401 of the Immigration Rules, in order to be considered stateless, a person must meet the definition

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*

set out in article 1(1) of the 1954 Convention, namely he or she must be a ‘person who is not considered as a national by any state under the operation of its law’.⁷⁴

Given that Cameroon currently lacks a specific procedure for the protection, identification and prevention of statelessness. It is recommended that a provision be included in the Nationality Code on Statelessness Determination Procedures. This will help to prevent statelessness in Cameroon.

Also, the government should improve civil status registration. It is recommended the work of BUNEC⁷⁵ should be enhanced to enable civil status registration to children of born in the Bakassi Peninsula, internally displaced Cameroonians in the North affected by the war against Boko Haram and internally displaced persons from the North West and South West Regions. Many people in the bushes not taking part in the armed conflict in the North West and South West Regions needs to benefit from the good work of BUNEC. Measures by the government to bring BUNEC closer to them are therefore imperative.

⁷⁴ Immigration Rules para 401. This definition is in line with the internationally accepted definition of ‘stateless person’ as set out in the 1954 Convention.

⁷⁵ In an effort to preserve and secure civil status registration in Cameroon, the Presidential decree N° 2013/031 of 13 February 2013 on the Functioning of the National office for Civil Status (BUNEC) was adopted in 2013. The aim of its creation was to ensure greater efficiency and reliability of information and statistics relating to civil status registration in Cameroon. In recent years, thanks to BUNEC and the awareness of the risk of statelessness by the government, group issuance of birth certificates is being carried out in many parts of the country today.

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