

# The implementation of the Kampala Convention in Cameroon: trends, challenges and opportunities

Steve Tiwa Fomekong\*

<https://orcid.org/0000-0003-2097-0568>

**ABSTRACT:** This contribution examines the implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) by relevant actors in Cameroon. It highlights the fact that there is a considerable gap between the legal provisions of the Kampala Convention and their practical application in Cameroon. On this basis, it argues that there is an urgent need to take necessary measures to reduce or close such a gap and thus improve the plight of the more than a million civilians who had been internally displaced as a result of deadly attacks by non-state armed groups in the far North region, growing violence in the English-speaking North-West and South-West regions and natural disasters. The approach envisaged to achieve this demonstration is articulated in three stages. First, the article sheds light on the huge scale of internal displacement in Cameroon and on the precarious situations of those who are victims of it. Then, through a critical approach, it discusses the limitations and difficulties that prevent the Kampala Convention from fully contributing to the improvement of the lot of IDPs in Cameroon. Finally, with an approach centred around making suggestions for law reform, the article puts forward possible solutions aimed at strengthening the implementation of the Kampala Convention in Cameroon.

## TITRE ET RÉSUMÉ EN FRANCAIS:

### La mise en œuvre de la Convention de Kampala au Cameroun: réalités, défis et opportunités

**RÉSUMÉ:** La présente contribution analyse la mise en œuvre de la Convention de l'Union africaine sur la protection et l'assistance aux personnes déplacées en Afrique (Convention de Kampala) par les acteurs concernés au Cameroun. Elle soutient qu'il existe un écart considérable entre les dispositions juridiques de la Convention de Kampala et leur application concrète au Cameroun. Partant de ce constat, l'article pose qu'il est urgent de prendre les mesures nécessaires pour réduire ou combler cet écart et, partant, améliorer le sort des plus de un million de déplacés internes du fait des attaques meurtrières de groupes armés non étatiques dans la région de l'Extrême-Nord, de la violence croissante dans les régions du Nord-Ouest et du Sud-Ouest et des catastrophes naturelles. La démarche retenue pour réaliser cette démonstration s'articule autour de trois points. L'article met d'abord en lumière l'ampleur colossale du déplacement interne au Cameroun, ainsi que la situation précaire des personnes qui en sont victimes. Ensuite, à travers une approche critique, il analyse les limites qui empêchent que la Convention de Kampala contribue pleinement à l'amélioration du sort des victimes de déplacements internes au Cameroun. Enfin, dans une démarche de proposition de réforme du droit, l'article formule des pistes de solutions visant à renforcer la mise en œuvre de la Convention de Kampala au Cameroun.

\* LLB (Buea) MA (Yaounde) PhD (Quebec), Lecturer at the Faculty of Law of Université Laval, Postdoctoral Fellow Université de Montréal; [stevemartial@yahoo.fr](mailto:stevemartial@yahoo.fr) / [steve.tiwa-fomekong@fd.ulaval.ca](mailto:steve.tiwa-fomekong@fd.ulaval.ca)

**KEY WORDS:** Kampala Convention, implementation, internal displaced persons, Cameroon, human rights

**CONTENT:**

1	Introduction.....	94
2	The plight of persons affected by internal displacement in Cameroon.....	96
3	Flaws in the implementation of the Kampala Convention .....	101
3.1	The inconsistency of Cameroon’s legal framework on internal displacement .....	101
3.2	Incomplete and insufficient assessment of the needs of people affected by displacement.....	103
3.3	The lack of sufficient resources and various other constraints .....	105
4	Improving implementation of the Kampala Convention .....	107
4.1	Strengthening the national legal framework on internal displacement.....	107
4.2	Promoting better respect for human rights .....	108
4.3	Widespread dissemination of the Kampala Convention .....	110
4.4	Strengthening the implementation of measures adopted for victims of internal displacement .....	112
5	Conclusion .....	115

**1 INTRODUCTION**

Internal displacement<sup>1</sup> is one of the most daunting humanitarian issues of our time.<sup>2</sup> To address this issue, from which it suffers more than any other region in the world,<sup>3</sup> Africa has, under the auspices of the African Union, adopted in 2009 ‘the first ever international treaty for the protection and assistance of IDPs’:<sup>4</sup> the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

The Kampala Convention, which entered into force on 6 December 2012, provides an unprecedented legal framework to address the structural factors that cause internal displacement in Africa.<sup>5</sup> Besides, in addition to the fact that it is the first legally binding instrument on internal displacement worldwide, the Kampala Convention is unique in its comprehensiveness. Drawing on international human rights law (IHRL) and international humanitarian law (IHL),<sup>6</sup> it sets out provisions to protect IDPs’ rights during and after the displacement.<sup>7</sup> It

1 Internal displacement is defined as ‘the involuntary or forced movement, evacuation or relocation of persons or groups of persons within internationally recognized state border’. See Kampala Convention, art 1(l).

2 In 2020, it was estimated that over 50.8 million people were displaced worldwide, with Africa alone accounting for more than a third of these people. See IDMC, *Global report on internal displacement 2020*, (2020) 1-26. For details on the numerous challenges to which they are confronted, see, for example, ICRC, *Strengthening legal protection of victims of armed conflicts* (2011) 20-24.

3 IDMC (n 2); C Beyani ‘Recent developments: the elaboration of a legal framework for the protection of internally displaced persons in Africa’ (2006) 50(2) *Journal of African Law* 189.

4 J Kellenberger ‘Root causes and prevention of internal displacement: the ICRC perspective’ (2009) <https://www.icrc.org/en/doc/resources/documents/statement/displacement-statement-231009.htm> (accessed 9 July 2021).

5 A Bilak ‘L’Afrique face à ses déplacés internes’ (2016) 1 *Politique Étrangère* 39.

6 S Ojeda ‘The Kampala Convention on internally displaced persons: some international humanitarian law aspects’ (2010) 29(3) *Refugee Survey Quarterly* 58-61.

7 Kampala Convention, art 2.

also governs all types of internal displacement, including, without being limited to, internal displacement resulting from armed conflict and other situations of generalised violence, disaster-induced displacement, and development-induced displacement.<sup>8</sup>

However, it is widely acknowledged that any treaty, no matter how relevant, 'is merely a piece of paper'<sup>9</sup> if the provisions it contains are not implemented as expected.<sup>10</sup> Indeed, '[t]he legal norm is alive and its history does not end with its birth' (our translation).<sup>11</sup> On the contrary, once it has been adopted, it is important to implement it in order to ensure that the objectives it pursues are fulfilled.<sup>12</sup>

This contribution examines the implementation by Cameroon of the Kampala Convention which it ratified in 2015.<sup>13</sup> It highlights the fact that there is a considerable gap between the legal provisions of this Convention and their practical application in Cameroon. On this basis, it argues that there is an urgent need to take necessary measures to reduce or close such a gap and, thus, improve the plight of the more than 1 052 591 civilians who had been internally displaced as a result of deadly attacks by non-state armed groups in the Far North region, growing violence in the Northwest and Southwest regions (NW/SW regions) and natural disasters.<sup>14</sup>

The approach envisaged to achieve this demonstration is articulated in three stages. Firstly, the article analyses the plight of victims of internal displacement in Cameroon, including IDPs, returnees (former IDPs) and host communities, in order to highlight the sheer gravity of their situation, their precarious existence and vulnerabilities. Secondly, it critically discusses the limitations that prevent the Kampala Convention from fully contributing to the improvement of the lot of IDPs whose numbers are growing alarmingly and who continue to be victims of violations of their fundamental rights. Finally, with an approach centered around making suggestions for law reform, the article puts forward possible solutions aimed at strengthening the implementation of the Kampala Convention in Cameroon. The proposed solutions stem not only from the highlighted limitations in the implementation of the Kampala Convention, but also from some good policies and practices that have been tried, tested and observed in other contexts and whose application in the Cameroonian context could, in our view, contribute to improving the situation of IDPs in this country.

8 Kampala Convention, art 1(k)(l).

9 The expression is borrowed from S Cessouma, in her preface to the African Union Transitional Justice Policy (2019).

10 L Robert *La contribution de l'Union européenne au droit international des droits de l'homme* (2014) 10.

11 Robert (n 10).

12 Union académique internationale, *Dictionnaire de la terminologie du droit international* (1960) 47.

13 In accordance with Decree 2014/610 of 31 December 2014.

14 UNHCR, Cameroon Multi-Country Office (MCO) global statistics - August 2021 <https://data2.unhcr.org/fr/documents/details/88518> (accessed 10 October 2021).

The proposed contribution which is at the confluence of law and sociology is of both scientific and social interest. Indeed, while there are many studies on the Kampala Convention,<sup>15</sup> almost nine years after its entry into force, there are still very few that are specifically devoted to analysing its implementation by states parties. Regarding Cameroon in particular, to our knowledge, no study specifically analyses the implementation of the Kampala Convention in this state. This contribution therefore aims to fill this gap in the literature. Moreover, in a context where the number of IDPs in Cameroon is constantly growing, there is an urgent need to draw the attention of policymakers to the plight of these vulnerable people.<sup>16</sup> In addition, this study is part of efforts to disseminate the Kampala Convention, in the hope of enabling IDPs to effectively enjoy the protections and guarantees offered to them by this Convention. But before undertaking the analysis, it is important to stress that the following discussion will mainly focus on actions taken by Cameroon because, although the Kampala Convention also imposes obligations on non-state actors,<sup>17</sup> the primary responsibility for its implementation rests with the state.

## 2 THE PLIGHT OF PERSONS AFFECTED BY INTERNAL DISPLACEMENT IN CAMEROON

Throughout its history, Cameroon has been confronted with the phenomenon of internal displacement on several occasions.<sup>18</sup> However, since 2013, the forced displacement of populations within the Cameroonian territory has reached unprecedented levels.<sup>19</sup> As of August 2021, more than 1 052 591 internally displaced persons and 466 578 returnees (ex-IDPs) were registered in Cameroon.<sup>20</sup> With these figures, Cameroon appears to be the second country in the Lake Chad Basin region most affected by internal displacement.<sup>21</sup> Moreover,

15 M Taddele Maru 'The Kampala Convention and its Contributions to International Law' (2011) 1(1) *JID* 91-130; L Groth 'Engendering protection: an analysis of the 2009 Kampala Convention and its provisions for internally displaced women' (2011) 23(2) *International Journal of Refugee Law* 221-251; A Abebe *The emerging law of forced displacement in Africa: development and implementation of the Kampala Convention on internal displacement* (2018).

16 IDMC, *Out of sight: Cameroon's downward spiral of violence and displacement* (2021) <https://www.internal-displacement.org/media-centres/out-of-sight-cameroon-downward-spiral-of-violence-and-displacement> (accessed 9 July 2021).

17 For details on actors involved in the implementation of the Convention, R Adeola, 'The protection and assistance of internally displaced persons under the Kampala Convention: an institutional approach' (2020) *Refugee Survey Quarterly* 1-30; K Ridderbos 'The Kampala Convention and obligations of armed groups' (2011) 37 *FMR* 36-37.

18 G Waté Sayem 'La question des déplacés forcés de la "Crise Anglophone" au Cameroun depuis 2016' (2020) 14(2) *Journal of the African Literature Association* 308.

19 Waté Sayem (n 18) 308.

20 UNHCR, Cameroon - statistics - August 2021 (2021) <https://data2.unhcr.org/fr/documents/details/88520> (accessed 10 October 2021).

21 Visit <https://gho.unocha.org/fr/cameroun> (accessed 10 October 2021).

these figures, which continue to increase over time, would be higher if we consider that insecurity, the refusal of some IDPs to register and the lack of coordination between agencies and institutions dealing with IDPs registration sometimes hinder the efforts to register victims of forced displacement in Cameroon.<sup>22</sup> These large population movements are the result of repeated attacks by the armed group Boko Haram in the far North region (341 535 and almost 123 489 returnees), hostilities between Cameroonian defence and security forces (DSF), and armed groups in the NW/SW regions (711 056 IDPs and 333 900 returnees) and, to a lesser extent, natural disasters<sup>23</sup> (116 000 in 2020).<sup>24</sup>

Whether it is the ongoing armed conflict with Boko Haram in the far North region or the crisis in the NW/SW regions, human rights violations are the main cause of the internal displacement associated with these two major security challenges that Cameroon is facing.<sup>25</sup> The catalogue of violations committed against the population in the framework of these security crises is particularly long, that they cannot all be mentioned here.<sup>26</sup> Nevertheless, it can be noted that in the period January to November 2019 alone, 275 cases of homicides, including 225 cases against civilians were recorded in the far North region.<sup>27</sup> This figure, which relates solely to the violation of homicide, indicates that the civilian population is the primary target of the abuses committed in the context of this conflict. Similarly, in the NW/SW regions, members of armed groups scour villages and rural areas where they kill, rape and pillage the civilian population.<sup>28</sup> It is estimated, for example, that in the first half of 2018 alone, more than a hundred properties were destroyed by armed separatists.<sup>29</sup> The multiple violations of the right to education are also to be deplored. Schools have suffered and continue to suffer repeated attacks by armed gangs. In 2018, more than 120 schools were burned in the NW/SW regions, thereby depriving thousands of children of their right to education.<sup>30</sup>

22 C André *Why more data is needed to unveil the true scale of the displacement crises in Burkina Faso and Cameroon* (2020) <https://www.internal-displacement.org/expert-opinion/why-more-data-is-needed-to-unveil-the-true-scale-of-the-displacement-crises-in> (accessed 10 October 2021).

23 OIM, *Rapport sur les déplacements: région de l'Extrême Nord Cameroun Cameroun-Round 22* (2021) 10.

24 André (n 22).

25 OCHA, *Cameroon: humanitarian response plan* (2021) 24-25.

26 *Emergency humanitarian assistance plan for the North-West and South-West Regions (2018-2019)* (2018) 4-10.

27 Amnesty International, *Cameroon: victims of Boko Haram attacks feel abandoned in the far North* (2019) <https://www.amnesty.org/fr/latest/news/2019/12/cameroon-victims-of-boko-haram-attacks-feel-abandoned-in-the-far-north/> (accessed 9 July 2021).

28 *Emergency humanitarian assistance plan for the North-West and South-West Regions* (n 26) 9.

29 *Emergency humanitarian assistance plan for the North-West and South-West Regions* (n 26) 9.

30 *Emergency humanitarian assistance plan for the North-West and South-West Regions* (n 26) 4.

Human rights' violations are not solely attributable to armed groups. Cameroonian DSF, as well as members of the vigilance committees used by Cameroon to face security challenges, have also been accused on several occasions of committing exactions against the population, even though the Cameroonian government has always tended to refute such accusations. One striking example is the Ngarbu massacre, in the context of which DSF were accused of killing 21 civilians, including 13 children and a pregnant woman in Ngarbuh neighbourhood, setting fire to five houses, looting dozens of other properties and beating up residents.<sup>31</sup> The Cameroonian authorities, from the outset, denied any responsibility on the part of their DSF. However, the conclusions of the Commission of Inquiry set up by the President of the Republic later confirmed that members of the FDS and a local vigilance committee had indeed committed multiple abuses against civilians.<sup>32</sup> This is not an isolated case.<sup>33</sup>

These numerous violations committed by the various armed actors involved in the ongoing crises in Cameroon have forced many people to flee their homes to find refuge not only in other towns and villages of the concerned regions, but equally in other regions of the country particularly the West, Centre and Littoral regions. The needs faced by these populations during their displacements are so many and acute that they cannot be analysed exhaustively here. An analysis of the reports of humanitarian organisations active in the field shows that the most urgent needs include basic necessities, such as food, water, shelter and medical care.<sup>34</sup> In order to survive, displaced populations are very often forced to consume cheaper food. Some families are forced to send members of their household to live elsewhere with relatives even if the conditions are not suitable<sup>35</sup> – they just need to find a place to live – while other family members engage in prostitution in order to meet the family's basic needs.<sup>36</sup>

Gender based gender-based violence (GBV) is another important protection need to which IDPs in Cameroon are confronted. Indeed, although Cameroon has a comprehensive legal framework to fight against GBV,<sup>37</sup> recent surveys show that displaced women and girls in Cameroon are exposed to multiple forms of violence,<sup>38</sup> including sexual exploitation, sexual violence, and assault against young girls particularly. To address this issue, Cameroon, in collaboration with

31 I Allegrozzi 'Renewed attacks on aid workers in Cameroon' (2020) <https://www.hrw.org/news/2020/06/04/renewed-attacks-aid-workers-cameroon> (accessed 9 July 2021).

32 HRW *Cameroon: massacre findings made public* (2020).

33 T Agbahey 'Cameroun: le procès des militaires de Zelevet, une occasion de mettre fin à l'impunité' (2020) <https://www.jeuneafrique.com/899916/societe/tribune-le-proces-des-militaires-de-zelevet-une-occasion-de-mettre-fin-a-limpunite/> (accessed 9 July 2021).

34 OCHA (n 25).

35 Sayem (n 18) 314.

36 J Kouagheu 'Au Cameroun, le calvaire des déplacés des régions anglophones' (2019) [https://www.lemonde.fr/afrique/article/2019/08/05/au-cameroun-le-calvaire-des-deplaces-des-regions-anglophones\\_5496573\\_3212.html](https://www.lemonde.fr/afrique/article/2019/08/05/au-cameroun-le-calvaire-des-deplaces-des-regions-anglophones_5496573_3212.html) (accessed 9 July 2021).

humanitarian actors, has defined a multifaceted assistance strategy built around the following elements: 'social cohesion areas for women' with the aim of offering assistance to victims in complete discretion, the establishment of dialogue, counselling and referral centres for victims of GBV and the provision of cross-sectoral care for victims with a view to their rehabilitation.<sup>39</sup> As important as these measures are, they are still insufficient as they are not systematically implemented and their territorial coverage does not extend to all the regions and localities where victims have sought refuge.

The right to education of children, who make up over 51 per cent of the IDP population in Cameroon,<sup>40</sup> is also seriously affected. Although there are no up-to-date statistics in this regard, an analysis of reports produced by humanitarian organisations shows that a significant proportion of displaced children are not enrolled in school due to lack of money from parents and lack of interest.<sup>41</sup> Of those who have been enrolled, some do not eat enough before going to school because the amount of food available is not sufficient for the household, while others do not have all the necessary school supplies.<sup>42</sup> Moreover, schools and teachers continue to be attacked by armed groups,<sup>43</sup> leading to the overcrowding of classrooms in areas hosting displaced children and, therefore contributing to a decline in the quality of education offered.

In addition, the persistence of attacks and hostilities in crisis areas prolongs the duration of displacement of these populations and thus prevents their return to their localities of origin. For example, in 2020, it was estimated that about 10 000 IDPs were able to return to their homes.<sup>44</sup> This figure represents only about 32 per cent of the number of people who had been forced to flee their homes in that region.<sup>45</sup> Moreover, once returned to their homes, these people still face pressing needs due to the destruction of their properties and the lack of economic opportunities resulting from the ongoing violence in their places of residence.

37 Cameroon has recently strengthened its legislative framework for the protection of women through the adoption of a new Penal Code that has broadened the range of offences against women. Such newly introduced offences include, for example, female genital mutilations, prevention of growth of an organ, sexual harassment sanctioned by the provisions of sections 277(1), 277(2) & 302(1).

38 OCHA (n 25) 24.

39 *Single report comprising the 4th, 5th and 6th periodic reports of Cameroon relating to the African Charter on Human and People's Rights and 1st reports relating to the Maputo Protocol and the Kampala Convention* (2020) 133.

40 OCHA, *Aperçu des besoins humanitaires-Cameroun* (2019) 8.

41 APDEL, *Evaluation des besoins des déplacés internes dans le Département de la Menoua* (2018) 7-12.

42 APDEL (n 41); Ministry of Basic Education and UNICEF, *Évaluation des besoins d'éducation des enfants des populations déplacées internes dans quelques arrondissements des régions de l'Est, Adamaoua et Extrême-nord du Cameroun* (2017) 4-17.

43 OCHA, *Cameroon humanitarian dashboard*, January to June 2021 (2021) 3.

44 OCHA (n 25) 7.

45 OCHA (n 25) 7.

Even though in some parts of the country the government and its humanitarian partners are busy distributing sleeping materials and foodstuffs, observers agree that the humanitarian assistance provided to IDPs remains largely insufficient.<sup>46</sup> We will come back to this later. Moreover, many IDPs feel neglected and ignored in the provision of humanitarian assistance to people in need in Cameroon.<sup>47</sup> Indeed, it has been reported that many IDPs accuse the government of Cameroon of being more sensitive to the situation of refugees while minimising their own.<sup>48</sup> The following words of an IDP from the village of Zamay in the Far North region are illustrative in this respect: '[w]e are living a paradox here. People who come from far away from Nigeria are treated better than us. People who created and exported Boko Haram are given more attention than Cameroonians'<sup>49</sup> (our translation). It is in this sense that the phenomenon of internal displacement in Cameroon has been described as one of the world's most neglected displacement crises.<sup>50</sup>

Stuck in this situation of vulnerability and precariousness, IDPs often find salvation in the camps where they hope to benefit from the services of humanitarian actors. Many others prefer to settle in host communities that have demonstrated a great capacity and sense of hospitality and solidarity towards IDPs. The host communities of IDPs are nonetheless also adversely affected by internal displacement. The influx of IDPs and their prolonged stay host localities put considerable pressure on local resources, basic social services, and thus on the resilience of host communities.<sup>51</sup> In fact, in a context already marked by resource scarcity, the frequent displacements of populations put further and unexpected pressure on the capacities and resources of the host communities, and consequently contributes to increasing their vulnerabilities and specific needs. Similarly, massive flows of IDPs have destabilising effects on host communities: the resulting rapid depletion of resources can lead to social tensions between IDPs and host communities. These tensions in turn fuel local violence, which can be exploited by armed extremist groups to recruit from the local population and increase their attacks.<sup>52</sup> Field studies also reveal that some host populations consider IDPs to be undisciplined actors, vectors of insecurity and disorder.<sup>53</sup>

46 A Lamarche & A Fox *Crisis denied in Cameroon: Government refusal to recognise suffering in NWSW deter donors* (2019); Sayem (n 18); A Mahamat *Déplacés et réfugiés au Cameroun: profils, itinéraires et expériences à partir des crises nigériane et centrafricaine* (2021) *Revue canadienne des études africaines* 11; W Samah & E Sunjo *Tata Straddled between government forces and armed separatists: The plight of internally displaced persons from the Anglophone regions of Cameroon* in R Adeola (ed) *National protection of internally displaced persons in Africa: beyond the rhetoric* (2021) 73-92.

47 Mahamat (n 46) 11-12; Sayem (n 18) 315-318.

48 Mahamat (n 46) 12.

49 Mahamat (n 46) 12.

50 Visit <https://www.nrc.no/news/2019/june/cameroon-tops-list-of-most-neglected-crises/> (accessed 10 October 2021).

51 Sayem (n 18) 318-319.

52 A Davies *IDPs in host families and host communities: assistance for hosting arrangements* (2012) 7-11.



Thus, people affected by internal displacement in Cameroon, and in particular IDPs, are in a particularly worrying situation of vulnerability. This is indicative of weaknesses in the implementation of the Kampala Convention, which aims to prevent arbitrary displacement and improve the lot of those affected by it.

### **3 FLAWS IN THE IMPLEMENTATION OF THE KAMPALA CONVENTION**

Cameroon's ratification of the Kampala Convention has opened up new prospects for the prevention of forced displacement in this country and the protection of persons who are victims of it. However, more than five years after its entry into force for Cameroon, it is regrettable to note that the Kampala Convention is still slow to produce its full effects in this country, particularly in view of the mass forced displacements that continue to be observed there and the critical situation in which the people who are victims of these displacements find themselves. The following discussion identifies and analyses the main limitations to the full achievement of the objectives of the Kampala Convention in Cameroon.

#### **3.1 The inconsistency of Cameroon's legal framework on internal displacement**

The Kampala Convention requires state parties to incorporate their obligations under the Convention into domestic law by enacting or amending relevant legislation on the protection of, and assistance to IDPs.<sup>54</sup> Despite having ratified the Kampala Convention more than six years ago, Cameroon still does not have specific national legislation on internal displacement. In its initial report on the implementation of the Kampala Convention, Cameroon mentions a long list of national laws and decrees that are said to form part of the national legal corpus on internal displacement.<sup>55</sup> However, after due analysis, it appears that none of these texts specifically deal with internal displacement.

In recent years, important national instruments have been added to the legal framework for the protection of human rights in Cameroon. These include Law No 2016/007 of 12 July 2016 on the Penal Code (revised Penal Code), Law No 2017/12 of 12 July 2017 to lay down the Code of Military Justice (Code of Military Justice) and the National Action Plan for the Promotion and Protection of Human Rights in Cameroon (2015-2019). While these major texts contain specific provisions in favour of certain categories of vulnerable persons such as children and women, it is regrettable to note that none of them provides for special protections in favour of IDPs who also have specific

53 Mahamat (n 46) 4.

54 Kampala Convention art 3(2)(a).

55 *Periodic Reports of Cameroon* (n 39) 157-158.

protection needs and vulnerabilities that are not yet adequately covered by national legislation. The drafting of these texts could indeed have been an appropriate opportunity to include in Cameroonian national legislation the provisions set out in the Kampala Convention. Moreover, the revised Penal Code and the Code of Military Justice criminalise and reinforce the punishment of many acts that may cause arbitrary displacement,<sup>56</sup> but regrettably, they do not specifically criminalise arbitrary displacement per se as required by the Kampala Convention.<sup>57</sup>

It is true that the Cameroonian legal system being a monist system,<sup>58</sup> the Kampala Convention automatically became binding domestic law when it entered into force for Cameroon. Yet, despite this fact, there is still a need for specific regulatory measures related to internal displacement for several reasons. Firstly, some provisions of the Kampala Convention are not self-executing and therefore require that legislative incorporation measures be adopted in the first place. This is particularly the case with the penal provisions of the Kampala Convention, which leave it to each state to define the appropriate penalty to be applied in case of violation of the prohibition of arbitrary displacement and the specific protections granted to IDPs.

The adoption of national measures can also be a great opportunity to go beyond the protections set out in the Kampala Convention by providing more generous protection measures that take into account the specificity of internal displacement in Cameroon.

Additionally, domestic law is relevant for establishing institutions and mechanisms responsible for ensuring implementation of and compliance with the Kampala Convention. Domestic instruments are indeed the ideal frameworks within which to clearly define the responsibilities of the different governmental entities that would be involved in managing situations of internal displacement, as well as the modalities for the provision of assistance by international agencies.<sup>59</sup> In the same vein, a national instrument can also serve as a basis for effective cooperation and coordination of all parties concerned. It is for this reason that the Kampala Convention requires states to designate an authority or body, responsible for coordinating activities aimed at protecting and assisting IDPs and, and for cooperating with relevant

56 For example, the new Penal Code has consolidated protection of the physical integrity of the person. The scope of the criminal responsibility of the author of torture has notably been extended to include traditional leaders (Section 277(3)). It also contains new provisions on child and women protection against violence. Henceforth, the following offences are provided for and punishable under the corresponding sections of the Penal Code: interference with the right to education and training (Section 355(2)), genital mutilation (Section 277(1)), and prevention of growth of organ (Section 277(2)). As for the Code of Military Justice, it clearly establishes the jurisdiction of Cameroonian military courts to try genocide, war crimes and crimes against humanity as defined in the international instruments ratified by Cameroon.

57 Kampala Convention art 4(6).

58 See art 45 of the Constitution of Cameroon.

59 ICRC, *Translating the Kampala Convention into practice: a stocktaking exercise* (2006) 38.

organisations and stakeholders.<sup>60</sup> However, this has not yet been undertaken by Cameroon. Prevention of internal displacement, as well as the protection and assistance to IDPs are currently provided by a multitude of government actors whose actions are uncoordinated, fragmented and *ad hoc*. This is not conducive to effective planning of state activities and attribution of priorities in terms of prevention of internal displacement and support to IDPs. For example, in accordance with the provisions of the Kampala Convention, which requires states to devise early warning systems in areas of potential displacement in order to prevent population displacement,<sup>61</sup> Cameroon has an early warning system whose purpose is to anticipate forced displacements, or to mitigate as far as possible the risks of them occurring. This system includes the National Council for Civil Protection, the National Risk Observatory, the Emergency Flood Control Project, the National Contingency Plan, the National Platform for Disaster Risk Reduction and the National Observatory on Climate Change. However, it is regrettable that the existence of such a comprehensive system has not made it possible to prevent, or at least mitigate, the consequences of the recurrent natural disasters observed in Cameroon in recent years. The overlapping of competences and the absence of a real synergy between these multiple actors can explain this.<sup>62</sup>

### 3.2 Incomplete and insufficient assessment of the needs of people affected by displacement

In order to ensure that the needs of IDPs and their host communities are duly taken into account and met as effectively as possible, it is essential that they be previously identified and assessed in a clear, adequate and rigorous manner.<sup>63</sup> The availability of solid data on internal displacement leads to more effective and targeted responses, translating into better assistance and protection for the displaced.<sup>64</sup> The Kampala Convention adequately addresses this issue, which further demonstrates its progressive nature and the practicality of its provisions. In particular, it requires state parties to ‘assess or facilitate the assessment of the needs and vulnerabilities of IDPs and host communities, in cooperation with international organisations or agencies’.<sup>65</sup>

In practice, however, the needs of IDPs and their host communities in Cameroon are not always fully and systematically assessed. When assessments are undertaken, they are very often focused either on

60 N Krynsky Baal L Kivelä & M Weilmayer, ‘Improving IDP Data to help implement the Guiding Principles’ (2018) 59 *FMR* 21.

61 Kampala Convention art 4(2).

62 E Ziemine Ngoumou ‘Prévention des catastrophes: les techniques s’affirment’ <https://www.cameroon-tribune.cm/article.html/26834/fr.html/prevention-catastrophes-les-techniques-saffirment> (accessed 9 July 2021).

63 Kampala Convention art 5(5).

64 ICRC (n 59) 38.

65 OCHA (n 25) 8.

sectoral needs, or on the needs of IDPs who have taken refuge in a locality that is in the same crisis-affected region. Yet many displaced populations have taken refuge in other major cities in regions other than those experiencing crisis.<sup>66</sup> As a result, the IDPs whose needs are generally addressed and met are mainly those in localities surrounding the crisis areas. IDPs in other areas, however, also face urgent and significant humanitarian needs.<sup>67</sup> Though efforts are being made by a multitude of actors, including host communities, to assist these people, it must be recognised that the responses to the challenges they face are largely *ad hoc*, fragmented and uncoordinated because they are insufficiently planned.

Moreover, the assessments undertaken are sometimes fragmentary, piecemeal and inaccurate in some respects. For example, the Emergency Humanitarian Assistance Plan for the North-West and South-West Regions does not provide an estimate or figures on the quantity of water and sanitation, health care and shelter needs of IDPs.<sup>68</sup> The needs for which estimates are provided are not accompanied by information on how the resources to be mobilised will be distributed according to the sites or departments in which IDPs are located. Nor is there a distribution of people in need and targeted by status, gender and age. In addition, it is not clear whether IDPs communities were properly consulted in the assessment of their humanitarian needs. Furthermore, it is regrettable that no detailed and coherent information on the monitoring of the implementation of this plan is available in the public arena, especially as states are obliged to monitor and evaluate the effectiveness humanitarian assistance provided to IDPs.<sup>69</sup>

Several factors could explain these shortcomings, including the absence of an institutional mechanism with an explicit mandate, and the human, technical and financial resources required to undertake and carry out needs assessments and monitoring of responses. In addition, insecurity generated by the activism of armed groups, as well as the advanced state of disrepair of the main and secondary roads, hinders access to the areas where IDPs are located, which does not facilitate the assessment of the needs of these people on the ground.<sup>70</sup>

Humanitarian organisations in Cameroon, and in particular the specialised UN agencies, are doing their best to support the state of Cameroon in assessing the humanitarian needs of vulnerable populations. The Displacement Tracking Matrix (DTM) tool launched in November 2015 by the International Organization for Migration (IOM) with the aim of providing regular, accurate and up-to-date information on displaced populations in the Far North region of the country is to be commended in this regard.<sup>71</sup> However, the assessments

66 OCHA (n 25) 8.

67 For a review of their needs OCHA (n 25) 8.

68 *Emergency humanitarian assistance plan for the North-West and South-West Regions* (n 26) 18.

69 Kampala Convention art 9(2)(m).

70 OCHA (n 25) 5.

conducted through this mechanism, as well as other assessments undertaken by other humanitarian organisations, still focus far too much on the needs of IDPs in the Northern regions of Cameroon, and in particular those in the Far North, to the detriment of those in other regions.

### **3.3 The lack of sufficient resources and various other constraints**

The effective management of internal displacement in Cameroon is hampered by insufficient resources and various other bottlenecks. From the outset, it should be noted that, in addition to the issue of internal displacement, Cameroon is currently facing several other humanitarian challenges, all of which are equally important.<sup>72</sup> The resources available to respond to these challenges are however largely insufficient. For example, in 2020, of the \$391 million required in the revised 2020 Humanitarian Response Plan to reach 3.4 million people in need of humanitarian assistance, including IDPs, only 50 per cent was funded.<sup>73</sup> This situation makes the UN coordinator in Cameroon, M Naab, say that '[i]f the chronic underfunding of the humanitarian response in Cameroon is not addressed, millions of people will continue to be left without vital humanitarian assistance and protection'.<sup>74</sup>

The reconstruction project, which would facilitate the return and resettlement of IDPs, is also undermined by the lack of resources. For example, the provisional budget for the Plan for Reconstruction and Development of the North West and South West was estimated at \$161 535,000. Of this budget, only \$18 876,000 were collected a year later to finance the implementation of this plan.<sup>75</sup> It goes without saying that this reality is delaying the implementation of rehabilitation and reconstruction activities that are supposed to promote the safe, and voluntary return of IDPs to their regions of origin as required by the Kampala Convention.<sup>76</sup>

The delivery of humanitarian assistance also faces significant challenges in practice. These include the volatility of the security situation, which creates significant logistical constraints, such as intermittent and unpredictable access to populations in need, damage to roads and infrastructure through which humanitarian aid should be delivered, rising prices in the transport market, the continuous use of improvised explosive devices which exposed humanitarian actors to high risks and hindered their free movements, attacks and abductions

71 Visit <https://dtm.iom.int/cameroon> (accessed 9 July 2021).

72 For details in this regard, see OCHA, *Cameroon: humanitarian needs overview 2021* (2021).

73 OCHA (n 25) 5.

74 OCHA (n 25) 5.

75 CRTV televised Newscast of 18 May 2021.

76 Kampala Convention art 11(1).

of humanitarian actors, as well as reluctance of IDPs to receive humanitarian assistance for fear of reprisals by armed groups.<sup>77</sup>

Delays in the operationalisation of mechanisms in charge of implementing measures for IDPs are also to be deplored. In order to restore peace in the crisis areas, and therefore facilitate the voluntary and safe return, integration or resettlement of IDPs, the Government of Cameroon organised from 30 September to 4 October 2019, a Major National Dialogue whose objective was to find ways and means to silence the arms in the NW/SW regions in particular, and in Cameroon in general. At the end of this Major National Dialogue, it was decided to set up a committee charged with the follow-up of the implementation of the recommendations of this important national meeting, including those related to the protection of IDPs. However, it took almost six months for the Decree laying down the establishment, organization and functioning of this committee to be issued.<sup>78</sup> After the adoption of this Decree, it took another six months for the committee to meet for the first time.<sup>79</sup> Moreover, according to the same Decree the said committee 'shall meet at least once every six months and as when convened by its chairperson'.<sup>80</sup> However, the second working session of this Committee, which has just ended,<sup>81</sup> was held more than one year after the first,<sup>82</sup> that is six months late than the periodicity set by the abovementioned Decree. These long delays are not conducive to regular and effective monitoring of the implementation of the major national dialogue's recommendations, including those relating to IDPs.

It is also regrettable that displaced populations and their host communities are not always systematically consulted and actively involved in decision-making processes on actions undertaken on their behalf. For example, the Committee to Follow up the Implementation of the recommendations of the major national dialogue does not include a representative of IDPs, whereas they are among the main actors concerned by the recommendations that the Committee is monitoring. Moreover, the Decree establishing the Committee provides that it shall 'record opinions and suggestions likely to facilitate the implementation of the recommendations of the major national dialogue'.<sup>83</sup> It is, however, not clear how these opinions and suggestions are to be collected or submitted. A concerned person who would like to make suggestions for better assistance to IDPs would

77 OCHA, *aperçu des besoins humanitaires-Cameroun* (n 40) 40; Kouagheu (n 36).

78 Decree No 2020/136 of 23 March 2020 to lay down the establishment, organization and functioning of the Committee to Follow up the implementation of the recommendations of the major national dialogue.

79 A Mbohohou 'Résolution du grand dialogue national: il y a du concret' (2020) <https://www.cameroon-tribune.cm/article.html/34713/fr.html/resolutions-du-grand-dialogue-national-il-y-du-concret> (accessed 9 July 2021).

80 Art 4 of the Decree.

81 The second meeting of this committee held on the 22 September 2021. For details, see E Teke 'Major national dialogue: Follow up committee charts parts to recovery' (2021) <https://www.crtv.cm/2021/09/major-national-dialogue-follow-up-committee-charts-path-to-recovery/> (accessed 4 October 2021).

82 The first meeting was held on 4 September 2020.

83 Art 2 of the Decree.

unfortunately not know clearly where to turn, especially since the Committee does not even have a Facebook or Twitter account. In this digital age, this can be seen as a lack of rigour.

## **4 IMPROVING IMPLEMENTATION OF THE KAMPALA CONVENTION**

By ratifying the Kampala Convention, Cameroon has voluntarily undertaken to implement it. Consequently, and in accordance with the principle of *pacta sunt servanda*, it is bound to carry out the provisions of this Convention in good faith.<sup>84</sup> In order to enable victims of internal displacement in Cameroon to effectively enjoy the protections due to them under the Kampala Convention, the limitations mentioned above must thus be adequately addressed. The following discussion analyses the main measures to be considered in this regard.

### **4.1 Strengthening the national legal framework on internal displacement**

Cameroon should transpose its obligations under the Kampala Convention into its domestic laws and policies. This implies that specific legislation relating to the status of IDPs be adopted, as was done several years ago for refugees, in application of the provisions of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.<sup>85</sup> At the same time, the content of some existing national legislation should be amended to include specific provisions related to the prevention of internal displacement and the protection of IDPs. This is the case in particular for the Penal Code and the Code of Military Justice, which should at least criminalise arbitrary displacement as defined by the Kampala Convention. Similarly, the future National Action Plan for the Promotion and Protection of Human Rights in Cameroon, which is currently being drafted, should include specific provisions that take into account the specific needs of IDPs. Clearly, Cameroon would have to adapt its internal legislation to the requirements of the Kampala Convention. The positive stakes of such an approach having already been mentioned above, we will not dwell on them here.

In order to have a comprehensive and effective national law on internal displacement, the Cameroonian authorities could seek support from the African Union Commission, which has developed a draft Model Law on the issue<sup>86</sup> and has already advised several states on its implementation.<sup>87</sup> In addition, it may be useful to seek the expertise of

84 See Vienna Convention on the Law of Treaties art 26.

85 Law No 2005/6 of 27 July 2005 relating to the status of refugees in Cameroon.

86 African Union model law for the implementation of the African Union Convention for the protection of and assistance to internally displaced persons in Africa (2018).

specialised international organisations such as Internal Displacement Monitoring Centre or Norwegian Refugee Council, which have also assisted many states in developing effective laws and policies on internal displacement.<sup>88</sup>

In addition to provisions for the protection of and assistance to IDPs, the legislation suggested here should establish a permanent body to coordinate action in favour of IDPs. The example of Niger could serve as a model in this regard. Through its Law No 2018-74 of 10 December 2018 on the protection and assistance to internally displaced persons, this country has created a National Coordination Committee for the protection and assistance to IDPs. The Decree establishing the organisation and functioning of this Committee describes in detail the mandate of this committee, the modalities for coordinating action in favour of IDPs at both national and local levels, as well as the modalities for financing these activities.<sup>89</sup> This approach could usefully be followed by Cameroon.

As it is widely recognised that national implementation of the Kampala Convention requires an inclusive approach,<sup>90</sup> it should be ensured that all relevant authorities and stakeholders are represented in this Committee. In the case of Cameroon, the Committee could be placed under the authority of the Ministry of Territorial Administration, as this is the line ministry responsible for civil protection activities. It would also include representatives of all other relevant ministries, representatives of the national early warning, representatives of civil society, international humanitarian partners including UNHCR as observers, and representatives of IDPs and their host communities. Such a composition would ensure the participation of all key actors in consultations, information sharing and decision-making. Ultimately, this would prevent delays in one or more points in the domestic implementation process of the Kampala Convention.

## 4.2 Promoting better respect for human rights

There is now some consensus that violence and violations of IHL and IHRL are among the main drivers of forced displacement.<sup>91</sup> Since the

87 ICRC (n 59) 24.

88 See, for example, IDMC *Workshop Report – Domesticating the Kampala Convention: Law and policy making* (2014) on supporting Liberia’s national process of ratification and implementation of the Kampala Convention.

89 Décret No 2020 297/PRN/MAH/GC du 17 avril 2020 déterminant l’organisation et les modalités de fonctionnement du comité de coordination nationale de protection et d’assistance aux personnes déplacées internes.

90 ICRC (n 59) 25.

91 V Amos ‘Preventing displacement’ (2012) 41 *Forced Migration Review* 4; ICRC, *Displacement in times of armed conflict: how international humanitarian law protects in war, and why it matters* (2019); S Healy & S Tiller ‘Be near a road: humanitarian practice and displaced persons in North Kivu’ (2016) 35 *Refugee Survey Quarterly* 56-78; K Ivashchenko-Stadnik *The Impact of the current military conflict on migration and mobility in Ukraine* (2015); PW Fagen *Refugees and IDPs after conflict: why they do not go home* (2011).



link between violations of the law and forced displacement seems obvious, it seems equally obvious to assume that respect for the law could significantly reduce or prevent forced displacement.<sup>92</sup> The Kampala Convention duly takes into account this reality by explicitly requiring states to respect and ensure respect for their obligations under IHRL and IHL, so as to prevent and avoid conditions that might lead to the arbitrary displacement of people.<sup>93</sup> In addition, it requires states to ‘refrain from, prohibit and prevent arbitrary displacement’.<sup>94</sup> Though the Convention does not go so far as to impose positive obligations on armed groups in this regard,<sup>95</sup> it also expressly prohibits them from carrying out arbitrary displacement.<sup>96</sup> The acts considered arbitrary and therefore prohibited include acts contrary to IHRL and IHL, most of which are classified as crimes against humanity, war crimes, or genocide.<sup>97</sup> The aim here is to address what analysts qualify as ‘immediate causes’ of internal displacement.<sup>98</sup>

Hence, if all parties involved in the ongoing crises in Cameroon respected the basic rules of IHRL and IHL, much of the displacement and suffering caused to IDPs and other affected people could be prevented. Preventing violations of these bodies of law is therefore, logically, the best means of preventing displacement from occurring in the first place. Similarly, better compliance with the rules of these legal frameworks can help to limit the level of destruction and deterioration of services during hostilities, and therefore facilitate the return of IDPs once peace is restored.

This is not to suggest that compliance with IHRL and IHL requirements alone would help put an end to internal displacements. Of course, effective and sustainable prevention of forced displacement requires a wide range of activities of a different nature to address both the immediate and root causes of displacement.<sup>99</sup> However, as situations of crisis and armed conflict are generally conducive to displacement, the immediate focus is on refraining from violations in order to reduce and contain the extent of displacement.<sup>100</sup> This does not preclude the identification, diagnosis and treatment, in the meantime, of the root causes of displacement, which can be long-term activities given their complexity.

To improve respect for human rights, and therefore limit forced displacement, it is important to strengthen the dissemination of human rights norms applicable in Cameroon, including those set out in the

92 ICRC (n 2) 19.

93 Kampala Convention art 4(1).

94 Kampala Convention art 3(1)(a).

95 Ridderbos (n 17) 36.

96 Kampala Convention art 7(5)(a).

97 Art 4(4).

98 JM Mangala ‘Prévention des déplacements forcés de population-possibilités et limites’ (2001) 83(844) *Revue internationale de la Croix-Rouge* 1077-1078; UNHCR *Les réfugiés dans le monde. L’enjeu de la protection* (1993) 23.

99 JM Mangala *Le déplacement forcé de population comme nouvelle dimension de sécurité: rôle et responsabilités de l’OTAN* (2001) 24-27.

100 Mangala (n 99).

Kampala Convention. We will come back to this later. In the meantime, it should already be noted that the considerable efforts made by Cameroon to strengthen the training of various national actors in IHRL and IHL should be continued, perpetuated and reinforced. Efforts undertaken in this regard should be extended to vigilance committees to which Cameroon resort to face security challenges. This could be done by setting up mobile teams, in collaboration with local organisations and other international partners, to provide basic human rights training to members of these committees.

The dissemination of human rights norms must be accompanied by the systematic sanctioning of violations of these norms. Indeed, although repressive measures come into play *a posteriori*, they are important, not only to deter others from committing violations, but also to highlight the reprehensible nature of the acts committed and thus to promote greater respect for the rule of law.<sup>101</sup> Hence, the sanctioning of abuses committed by both the DSF and members of armed groups can contribute to the dissuasion of other violations, and thus help prevent situations that could lead to the arbitrary displacement. In this sense, the recent initiatives that consisted in the sanctioning of some members of the DSF responsible of human rights violations are also to be welcomed,<sup>102</sup> even if the investigations that led to some of these sanctions were undertaken after much pressure from the national and international community. It is suggested here that there should be a move towards the implementation of a firm policy of zero tolerance which would consist of systematically investigating when violations occur and applying appropriate disciplinary, administrative, and judicial sanctions. The sanctions applied as a result of these procedures should also be widely disseminated in order to strengthen the deterrence of future violations.

### 4.3 Widespread dissemination of the Kampala Convention

Cameroon should take steps to increase awareness of the Kampala Convention among all relevant actors. Capacity-building activities in human rights have, admittedly, been reported.<sup>103</sup> However, such activities have so far been mainly conducted from a far too general perspective and only very rarely take into account specific rights. Even when specific rights are taken into consideration, the focus seems to be more on women's and children's rights.<sup>104</sup>

101 AM La Rosa 'Sanctions as a means of obtaining greater respect for humanitarian law: a review of their effectiveness' (2008) 70:870 *International Review of the Red Cross* 221-247; Robert Cryer 'The role of international criminal prosecutions in increasing compliance with international humanitarian law in contemporary African conflicts' in H Krieger & JL Willms (eds) *Inducing compliance with international humanitarian law lessons from the African Great Lakes region* (2015) 188-216.

102 *Periodic Reports of Cameroon* (n 39) 11.

103 *Periodic Reports of Cameroon* (n 39) 8-9.

It is true that by virtue of the principle of non-discrimination, IDPs are equally entitled to all the protections set out in all other human rights instruments as reaffirmed in the Kampala Convention. However, taking into account the specific needs with which IDPs are faced, the Kampala Convention sets out special protections for them, which Cameroon should disseminate, in accordance with its obligation to respect and ensure respect of the Convention.<sup>105</sup>

Therefore, relevant Cameroonian authorities should also undertake public education and capacity building activities specifically related to the Kampala Convention. This would help foster greater respect for the rights of IDPs. In this regard, the Department of Human Rights and International Cooperation of the Ministry of Justice should consider systematically including a specific rights-based approach for IDPs in its human rights awareness-raising and training activities for magistrates and prison staff.

Instruction of DSF, as well as military manuals, should also explicitly incorporate aspects related to the prevention of arbitrary displacement and the protection of IDPs. The specific integration of such aspects into military manual and practice could indeed have a positive impact on the field behaviour for example, through the issuance of doctrine, procedures that incorporate these aspects, legal advisers advising commanders on IDPs rights during military or peacekeeping operations, and training on internal displacement commensurate with individuals' military duties and responsibilities.<sup>106</sup>

The dissemination of the protection measures set out in the Kampala Convention should not be limited to the relevant public authorities. It must be extended on a wider scale to include the populations who are the main beneficiaries. It is indeed essential that these populations have a good knowledge of their rights in order to be able to claim them. Information on rights and services are especially important for IDPs, who find themselves in a new place, often deprived of their usual support network and without access to information that is essential for them to enjoy their rights and access basic services.<sup>107</sup> According to the information provided by Cameroon in its national report on the implementation of the Kampala Convention, as of December 2018, Cameroon's national courts had not yet been seized of any case of violations of the provisions of the Kampala Convention. This implies that, as of the date under consideration, the Kampala Convention had not yet been the subject of a case law, let alone perhaps, invoked in the context of national litigation related to the protection of

104 JC Tcheuwa 'Le cadre normatif et institutionnel national de promotion et de protection des droits des migrants au Cameroun: état critique des lieux et recommandations' (2012) <https://welcomebackcameroon.wordpress.com/2012/04/01/les-droits-des-migrants-au-cameroun-sont-garantis-par-notre-constitution-et-lois-selon-pr-jean-claude-tcheuwa/> (accessed 9 July 2021).

105 Kampala Convention art 3(1).

106 ICRC *Bringing IHL home: guidelines on the national implementation of international humanitarian law* (2021) 35-36.

107 A Cotroneo & M Pawla 'Local communities: first and last providers of protection' (2016) 53 *FMR* 38.

human rights. If we consider that victims of human rights violations do not seize the courts because, among other reasons, they are not aware of their rights and the remedies available to them,<sup>108</sup> it is possible to argue that the lack of case law in relation to the Kampala Convention can be explained by the fact that this Convention, as well as the protections it sets out, remain little known to the population as a whole, including judicial actors. Consequently, a wide dissemination of this Convention could contribute to reversing this trend and thus reinforcing the visibility and effectiveness of the Kampala Convention.

Several possibilities are available or can be envisaged to reinforce the dissemination of the Kampala Convention. The activities generally organised by both the Cameroonian Government and civil society organisations on the commemoration of international days and national holidays such as International Women's Day, International Day of the World's Indigenous Peoples, African Children's Day, Refugees' Day, or Youth Day could, for example, provide a great opportunity to raise awareness of the national community about the specific rights of IDPs. Similarly, the specific rights of IDPs could be duly taken into account in radio and television broadcasts, as well as in written material on human rights produced by certain ministries and the National Commission on Human Rights for the population. Furthermore, in the context of awareness-raising programmes on peaceful cohabitation between IDPs and host communities, emphasis could be placed on the rights of IDPs. This could be done by involving experts on the protection of IDPs in the teams responsible for implementing these activities. Finally, in the long term, the translation of the Kampala Convention into local languages should be considered.

#### **4.4 Strengthening the implementation of measures adopted for victims of internal displacement**

A swift and effective implementation of the measures undertaken for the prevention of internal displacement, the protection of IDPs and the facilitation of their return or resettlement would contribute to improving the situation of these people. In this regard, and more broadly, the various plans, procedures and other mechanisms for IDPs should be fully operationalised and implemented, sufficient budgetary allocations should be devoted to their implementation, and the delays and other administrative burdens mentioned above should be reduced.

More specifically, four measures are suggested here to enhance the effectiveness of measures undertaken to prevent forced displacement and improve the plight of those who are victims of it. Firstly, the strengthening of the national early warning system, in order to improve the prevention and management of natural disasters and other crises. '[p]revention is, without a doubt, better than cure'.<sup>109</sup> 'There is some consensus that rather than waiting for a population to be displaced and

108 La Rosa (n 101) 238.

109 Kellenberger (n 4).

to have found refuge in another part of the country before taking action [...], the causes of displacement should be addressed' (our translation).<sup>110</sup> Strengthening the national early warning system in Cameroon will allow for better diagnosis of displacement risks, more accurate identification and monitoring of potential displacement areas, and timely transmission of relevant information to the competent authorities to facilitate the implementation of appropriate measures to prevent or contain forced displacement. Two specific measures could be considered to this effect. First, a review of the texts laying down the organisation, the missions and the functioning of the existing bodies and mechanisms mentioned above, in order to better articulate their fields of competence, and thus strengthen synergy, coordination and complementarity between their various interventions. Next, the finalisation of the operationalisation of the National Network of Emergency Operations Centres,<sup>111</sup> which will make it possible to have a functional national telecommunications network capable of ensuring better coordination of disaster preparedness and response operations. In addition to these measures, it is believed that the government of Cameroon and humanitarian organisations should assist populations in potential displacement areas to set up or strengthen their own local early warning systems and reduce some of the risks associated with flight, such as family separation and loss of essential documents. Such an approach has been successfully followed in other contexts similar to Cameroon. For example, in Irumu, Democratic Republic of Congo, where armed group incursions, violence and looting were common in 2011, traditional early warning systems included banging pots or using whistles when people became aware that bandits were near.<sup>112</sup> Also, in 2011 in Cauca, Colombia, the ICRC helped communities exposed to imminent displacement to preserve their belongings. Families were given boxes in which to store their most valuable possessions, which were then stored by a local NGO in a safe area.<sup>113</sup> The development and implementation of similar self-protection strategies in the Cameroonian context would contribute to empowering people to analyse and respond to threats and, as a result, reduce their exposure to risks and build their resilience.

Secondly, IDPs should be more extensively involved in the process of finding solutions for them. Taking into account the expectations and aspirations of these populations is indeed a guarantee for the success of measures envisaged in their favour, since they are best placed to know and describe their needs. To achieve this, the remarkable approach of Nigeria could be followed, by creating the functions of IDPs camp or community chairpersons through which IDPs would actively participate in decisions regarding the protection offered to them.<sup>114</sup> In

110 Mangala (n 98) 1071.

111 Of the 10 centres that are supposed to form this system, only two are currently operational, one in Yaoundé for the Centre region and the other in Douala, for the Littoral region.

112 R Nunn 'Effective community-based protection programming: lessons from the Democratic Republic of Congo' (2016) 56 *FMR* 41.

113 Cotroneo & Pawla (n 107) 38.

this regard, and considering specifically the situation of IDPs as a result of the crisis in the NW/SW regions, it is notable that the Organic framework for the implementation of the Plan for the Reconstruction and Development of the North-West and South-West Regions includes representatives of youth and women's associations.<sup>115</sup> However, it would be appropriate to make this Organic framework more inclusive by considering a modification of the Order establishing it so as to add to its composition representatives of IDPs communities, who constitute the critical mass of victims of this crisis. Alternatively, a mechanism could be put in place, albeit informal, for consultation between the regional coordinators of this Framework who are closer to the people. The regional coordinators could then convey the expectations and recommendations of the populations concerned to the Organic framework central authorities.

Thirdly, it would be important to strengthen the dissemination of information about measures put in place for IDPs in order to enable them to have continuous access to information on these measures and to make use of them. Television and radio stations should be more widely used to this end. In particular, the production of reports, documentaries or debates based specifically on these measures could be envisaged. Similarly, the opportunities for visibility offered by the new information and communication technologies should be more widely exploited. To this end, the various programmes and other mechanisms competent to deal with challenges that concern IDPs should have a Facebook and Twitter account.

Fourthly, ongoing cooperation with humanitarian actors and development partners should be strengthened. Increased cooperation with these actors offers more opportunities for the state to benefit from their experience and resources. It also helps to facilitate the coordination of interventions and improve access for the provision of humanitarian assistance to IDPs communities.<sup>116</sup> One of the priority areas where cooperation should be strengthened in this regard is that of IDPs needs assessment. As noted above, the adequate coverage of IDPs needs is largely dependent on their comprehensive and consistent assessment. In this respect, it is suggested that negotiations should be engaged with the IOM to explore the possibility of extending the operationalisation of the above-mentioned DTM tool to other regions where IDPs are located. In addition, calls for multi-, cross-, intra- and inter-sectoral partnerships should be increased in order to raise the resources needed to finance the various emergency plans developed to improve the situation of IDPs. Humanitarian partners already present in the field and who are fully aware of the inadequacy of available resources in the face of the scale of the needs of populations in distress should support Cameroon in this process in order to strengthen advocacy aimed at drawing the attention of funding partners and other

114 Cotroneo & Pawla (n 107) 39.

115 Order No 031/CAB/PM OF 03 AVR 2020 to lay down the organic framework for the implementation of the Presidential plan for the reconstruction and development of the North-West and South-West Regions, art 5 and 12.

116 ICRC (n 59) 41.

humanitarian actors to this situation. In a context of scarcity of available resources, the permanent pooling of contributions and energies is essential to meet the colossal challenge of protecting and assisting all people affected by internal displacement in Cameroon.

## **5 CONCLUSION**

This article has shown that much still needs to be done to ensure that the objectives of the Kampala Convention are fully achieved in Cameroon. Having established this, we argued that the dissemination of human rights standards, the incorporation of the provisions of the Kampala Convention into Cameroon's national legislation, and the strengthening of cooperation could go a long way to filling the gaps identified. But beyond these measures, it is first and foremost important to reinforce respect for the rules of IHRL and IHL. It cannot be said enough, if these rules were better respected, internal displacement could to a large degree be prevented from happening in the first place. Besides, the situation of internal displacement in Cameroon cannot be durably resolved until the challenges of effective humanitarian response and peacebuilding are adequately addressed, as both issues are interrelated. Without continuous commitment to tackle the root causes of situations of armed violence, there is a risk of repeated patterns of internal displacement and humanitarian crisis, and unless IDPs are effectively stabilised through adequate protection and assistance, there can be little hope of achieving sustainable peace in Cameroon.