

**Compliance and Breach of Non-Refoulement Norm by the Cameroonian  
Authorities against Nigerian Refugees in the Conflict-Ridden Far North Region of  
Cameroon, 2010-2019**

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**Abstract**

This paper looks at the extent to which Cameroon conformed to Articles 33 of the 1951 Refugees Convention of non-refoulement which led to the influx of Nigerian refugees in the Far North Region, orchestrated by violent extremism by the Boko Haram Islamic Sect. It argues that, Cameroon complied to the non-refoulement norm by providing assistance to the Internally Displaced Persons (IDPs), providing settlement sites and free education to refugees, providing counseling and legal assistance, as well as water, sanitation and security services. The findings reveal that, the lack of a historical consensus on fanatic acceptance of non-refoulement obligation, as an international refugee customary law, resulted to the breach of the non-refoulement norm by Cameroon State authorities. This was followed with the forcedful return of Nigerian refugees to the Nigerian-Far North Regional borders and forced repatriations between 2016 and 2019 against the Abuja Tripartite Agreement (ATA) of 2017 that was signed by Nigeria, Cameroon and the United Nations Refugee Agency. However, this paper based on primary and secondary sources, concludes that, the forceful repatriation of Nigerian refugees and asylum seekers by Cameroon Security Forces has strained relations between Cameroon and Nigeria.

**Key Words:** *Compliance, Breach, Non-Refoulement, Conflict, Nigerian Refugees, Cameroon*

**Introduction**

Humanitarian assistance provided in recent years by state authorities in Africa has saved hundreds of thousands lives. Since the advent of the twenty-first century, humanitarian crises have been on geometric increase in Africa, while international humanitarian instruments that preclude states from returning refugees where they might be tortured or face persecution have been disrespected by state parties. Cameroon as a sovereign state has ratified international Conventions and Protocols relating to the status of refugees and this was reflective in Articles 33 of the 1951 Refugee Convention on “the non-refoulement of refugees” which had been internationally considered as a *Jus Cogens* norm

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in the protection of refugees. According to the International Organisation for Migration (IOM), the non-refoulement principle of international refugee law, prohibited States from returning refugees in any manner, what so ever to countries or territories in which their lives or freedom may be threatened (IOM, 20105: 3). Cameroon authorities breached this principle by going contrary to previously signed agreements and by violating international laws protecting refugees and asylum seekers. This was very glaring in the Far North Region of Cameroon, where violent extremism orchestrated by the Boko Haram Islamic Sect obliged the Cameroon government to breach the non-refoulement norm by forcing the Nigerian refugees to return to Nigeria. However, this was contrary to the 1951 law Relating to the Status of Refugees, ratified in 2005 and “An Open-Door Policy” Cameroon adopted from 2008 on how to tackle the challenges posed by Nigerian refugees in the Far North Region of Cameroon. These challenges, coupled with other factors have attracted the attention of historians and other scholars.

Few scholars have written on non-refoulement and refugees’ related issues in different areas. Based on reviews, Aoife Duffy illustrates the circumstances under which a refugee may be forced to his/her country as a result of crimes against laws of the host nation (Duffy, 2008). Bruine and Wouters (2006) state that, in case of acts of terrorism noticed, a refugee may be forced against non-refoulement in the recipient country. In the same spirit, Lauterpacht and Bethlehem defined the spatial and concessional operational frames upon which the principle of non-refoulement is legally applicable (Lauterpacht and Bethlehem, 2003). The UNHCR as a UN-refugees’ organ craft out the legal bases of integration of refugees after benefiting from non-refoulement law as articulated in international humanitarian law (UNHCR, 2017). Hans and Mafany came out with a theory that defines the extent to which a refugee is integrated into a host community (Hans and Mafany, 2020). More so, Mafany illustrates the paradoxes of humanitarianism towards the central African refugees in the East Region of Cameroon. He argues that humanitarian actions are wrapped with a lot of complexities (Mafany, 2018). In addition, Gorlick outlines the different protocols and conventions relating to non-refoulement and the protection of refugees (Gorlick, 1999) and stresses on the concept of non-refoulement of refugees as one of the basic principles defining refugees’ protection. Based on the

aforementioned reviews, the current article takes a scale on the level of compliance and derogation of non-refoulement norm on the side of the Republic of Cameroon towards Nigerian Refugees in the Far North Region of Cameroon.

As of 2019, the Far North Region of Cameroon has hosted more than 280.000 refugees from Nigeria forced out of their origins by Boko Haram Islamic Sect operating in Kano, Borno, Yobe and Adamawa states. Violence extremism and insecurity in this region as a result of the presence of Nigerian humanitarian migrants, caused over 530.500 indigenes to flee their homes for safety. According to the UN-Fact sheet, the total number of Internationally Displaced Persons within the region, stood approximately at 770.500 by 2018 (UNHCR, 2018:1). This crisis also had a negative bearing on the host communities who shared their already scarce resources and basic social services with the new arrivals. This paper examines the refugee crisis in Cameroon's Far North Region, focuses on efforts by Cameroon's authorities to comply to non-refoulement norm, and highlights areas where Cameroon's authorities have breached the principle of non-refoulement in the Far North Region.

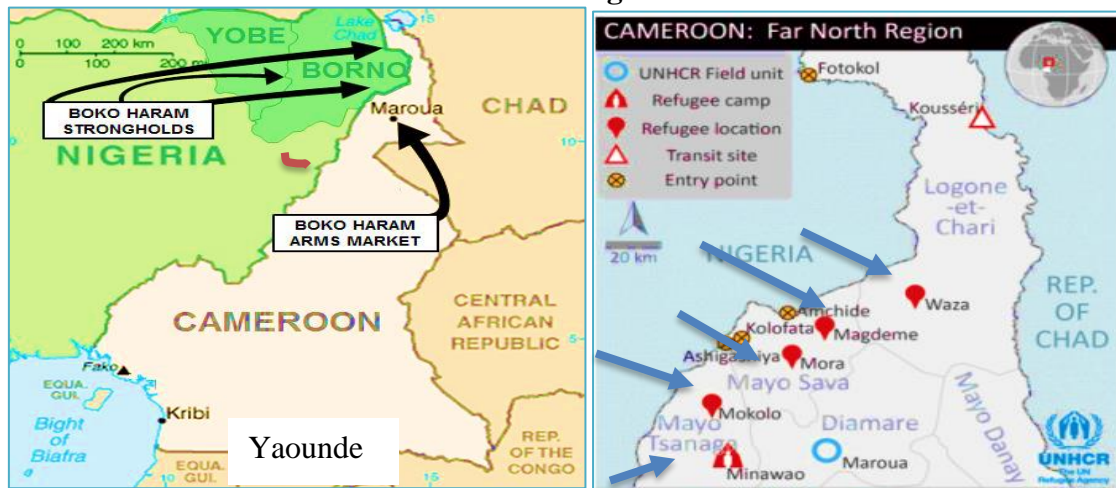
## **2. Background: Refugee Crisis in the Far North Region of Cameroon**

A brief description of the Far North Region would provide essential information for better understanding of the ways in which Cameroon complied to international non-refoulement norm. The region borders the North Region to the South, Chad to the East, and Nigeria to the West. The capital is Maroua. It is one of Cameroon's most culturally diverse regions. Over 50 different ethnic groups populate the area, including the Shuwa Arabs, Fulani, and Kapsiki (Fanso). Most educated inhabitants speak French and the Fulani language, and Fulfulde, is a common lingua franca. All the international, continental and national instruments, capitalise on the non-refoulement of forced migrants (Mafany and Budi, 2019 :12). With the outbreak of increasing violent extremism caused by Boko Haram as from 2013 in the Northern States of Nigeria, the government of Cameroon reacted in strict compliance to non-refoulement norm.

The first Map below, indicates the trends of refugees' movements. The second, shows main entries, transit sites and main camps allocated due to the compliance to non-refoulement by Cameroonian authorities in the Far North Region of Cameroon.

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Maps 1 & 2: Boko Haram Strongholds and Refugees Camps and Sites in Far North Region



Source: Mafany and Dang, 2020: 21.

The Far North Region of Cameroon by 2013, sheltered **more than 95,000 Nigerian refugees** who fled Boko Haram violence in their country (UNHCR, 2018 :1). Sixty-five per cent of Nigerian refugees in the Far North Region of Cameroon by 2016, were settled in the Minawao refugee camp, the only official refugee camp in the region created in 2013. More than 60 percent of the population of the camp since its creation was dominated by Nigerian refugees with ages, ranging between 1 to 18 (IRIN, 2013 :2). The camp had a hosting capacity of 20,000 but research indicated it hosted over 70,000 by 2019 (UNHCR: 2018). This was as a result of the geometric increase in the number of attacks by Boko Haram group in North Eastern Nigeria which went in juxtaposition with the compliance to non-refoulement norm.

By 2019, roughly 110,000 refugees from Nigeria were found in the Far North Region of Cameroon, due to Boko Haram-related violence extremism (UNHCR, 2015). The UNHCR by 2017, had registered over 87,600, (UNHCR, 2017) 30,000 additional living in villages surrounding the Minawao camp and have made up the bulk of the forced return by 2019 (UNHCR, 2019). The government of Cameroon by 2017, permitted many to settle in the villages of Zhélevet, Doubie, Tchakarmari and Madaga, whilst others came directly from the villages of Mubi, Agappalawa, Banki, Maiduguri, Pulka and Chinene in Nigeria, seeking family reunion, as well as protection and assistance due to difficult living conditions and the fear of Boko Haram incursions (Karimbhoy, 2017 :12).

In response to the needs of people affected by the Boko Haram activities, the Cameroon Red Cross opened one of its offices in April 2017 in the Far North Region of Cameroon (CRS, 2012). Since then, they responded to the urgent needs of displaced persons and host Communities in the Far North Region of Cameroon. Another Sub Office was opened in the South West Region in June 2018 and a Sub-Office in North West Region in March 2019 (CRS: 2017). They provided emergency assistance to Internationally Displaced Populations, both in the Far North and in other Regions faced with the presence of IDPs.

### **3. Non-Refoulement Norm as an International Refugee Customary Law**

The non-refoulement theory constitutes the cornerstone of international refugee protection (UNHCR, 2007:3). It has existed for the past five decades as a prominent legal law before it was codified during the Post-Second World War period (Goodwin-Gill, 2003:14). Throughout these early years, some exceptions to the law were acknowledged, but never in a consistent or comprehensive way. Non-refoulement theory relating to the status of humanitarian migrants was formally codified in Geneva, in the 1951 Convention Relating to the Status of Refugees. Article 33, paragraph 1 and 2, provide that:

No contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of the territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country (Article 33 of the 1951 Convention).

This theory is broad in scope, offering expansive legal protection to international humanitarian migrants (Weissbrodt and Hortreiter, 1999:12). Alice Farmer elaborates on the scope, reiterating that the phrase “expel or return a refugee in any manner whatsoever” has been taken to prohibit any act of removal which may be in terms of rejection, expulsion, deportation and return that would place the individual at risk, regardless of the formal description of the act given by the removing state (Farmer).

The principle of non-refoulement applies to a wide spectrum of people, including those seeking asylum as well as those already granted asylum, regardless of whether the individual entered the host state legally. Furthermore, the theory of non-refoulement is

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commonly regarded as a right in international law, governing refugees which extend through time, applying to the individual as soon as he or she arrives and throughout his or her stay in the country of refuge (Durieux and McAdam, 2001: 23).

Article 1 of the 1967 Protocol Relating to the Status of Refugees also makes allusion to the theory of non-refoulement in its general provisions. It states that “the states parties to the present protocol undertake to apply Article 2 to 34 of the 1951 Convention Relating to the Status of Refugees.” It revisits the 1951 Convention and confirms its essential terms, among them, the definition of non-refoulement. After the reunification of British Southern Cameroons with *La Republique du Cameroun* on 1 October 1961, Cameroon became state party to the 1951 Convention on 23 October 1961, and on 19 September 1967, a member state to the 1967 Protocol Relating to the Status of Refugees (UNHCR, 1967: 1). The implementing executive unites from UNHCR and United Nations General Assembly Resolutions have repeatedly concluded and re-affirmed the fundamental legality and importance of non-refoulement within the scheme of the protection of internationally displaced persons (Mafany, 2019: 94).

Some countries have consistently maintained that normal immigration controls and visa policies do not account to non-refoulement, whereas others have countered that the refusal of admission at the border for purely administrative reasons vitiates the principle of non-refoulement (Guy Goodwin-Gill, 1996:12). In the same light, the Universal Declaration of Human Rights (UDHR: 2005) states that “Everyone has the right to seek and enjoy in other countries asylum from persecution” (Ngwa and Chenwi, 2014: 139) and that, the right to asylum is synonymous to the non-refoulement act. In addition, in pursuant of the non-refoulement of refugees, Paragraph 3 of the 1959 OAU Convention states clearly that:

No party shall be subjected by a member state to measures such as rejection at the border, return or expulsion, which should compel him to return to or remain in a territory where his or her life, physical integrity or liberty would be threatened for the reason set out in Article 1, and 2 (The 1969 OAU Convention).

Following the birth of the Cameroon federation in 1961, (Fanso, 2017: 332), Cameroon participated in the conference of heads of government at Addis Ababa in 1969 to adopt



the instrument on universal international refugee. The country through her Lower House of Assembly on Tuesday 12 July 2005, came out with internal set of Bills Relating to the Status of Refugees in Law No.777/PJL/AN of 2005 (Article 7 of 2005 Cameroonian Law). This bill in its Chapter three (3), in Section 7, paragraph 1 states that:

No person shall be turned back at the border, nor subject to any measures, whatever, that may force him to return to or remain in a territory where his or her life, physical integrity or freedom is threatened by any of the reasons mentioned in Section 2 of this law (Article 7 of 2005 Cameroonian Law).

Section 7, further stressed on the principle of non-refoulement and stated that in no occasion, shall an Internationally Displaced Person (IDP), be forced back at the international borders of the Republic of Cameroon. The 2005 Cameroon's internal set of bills customizing the theory of non-refoulement, has emerged as a *jus cogens* norm governing how states have to react to refugees or IDPs.

#### **4. Cameroon's Compliance to Non-Refoulement**

Cameroon's government complied to the non-refoulement norm by providing assistance to the IDPs, provision of settlement sites, providing free education, information, counseling and legal assistance, provision of water, sanitation and hygiene promotion, livelihoods and food security. All these shall be examined below.

##### **4.1 Provision of Settlement Sites and Shelters**

The increasing number of Nigerian humanitarian migrants fleeing Boko Haram violent extremism created great need for shelter in the Far North Region of Cameroon due to the early conformity to the non-refoulement norm by Cameroonian authorities along the Far North Region-Nigerian borders by 2013. The UNHCR provided emergency shelters for displaced populations in informal settings during acute phases of an emergency in 2016. The plates below show the Minawao refugee camp, allocated to provide assistance to the Nigerian refugees, coordinated by Cameroon authorities under the supervision of the UNHCR in the Far North Region of Cameroon.

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**Plates 1 & 2: The Minawao Refugees Camp in the Far North Region of Cameroon**



**Source:** Photos by Authors, 10 April 2020.

The Republic of Cameroon through her partners provided material supports, constructed permanent shelters for returnees whose homes were destroyed during the conflicts or during some of the attacks that were launched by the Nigerian sect in the Far North Region of Cameroon (Karimbhoy, 2017: 23).

#### **4.2 Free Education to Refugees**

The Government of the Republic of Cameroon through UNHCR and her partners supported local authorities in facilitating access to basic education for Nigerian refugees. Through the efforts of the Catholic Relief Service (CRS) as one of Cameroon's humanitarian outreach partners to the refugees, primary school teachers were trained in the domain of psychosocial. They also rehabilitated and equipped classrooms, and distributed learning materials to teachers and school children. By 29 March 2015, over 6.000 of the 15.000 primary and secondary school-aged Nigerian refugee pupils in the Minawao camp in Far Northern Cameroon were enrolled in the schools that were opened around the refugees' sites and camps in the Far North Region of Cameroon. Of the 33.326 Nigerian refugees on UNHCR registration Data Roll, half of them were children who spent a greater part of their lives fending for daily subsistence and loitering in the camps and their environs. Cameroon authorities and partner aid agencies grappled with a complex emergency situation. Getting enough classrooms, teachers, and child friendly environments and also providing psychosocial care to both Nigerian refugee pupils and children of other IDPs who were dotted in different localities in region.



Formal learning in the Minawao refugee camp was in shifts. The two shifts were in the morning and the afternoon sessions. As refugees kept drifting in, response gap in the camp kept growing. Although education is a priority for most aid agencies, the Nigerian refugee pupils needed much more than just classroom teachers to forget the trauma and images of atrocities they saw with extremisms committed by the Boko Haram Islamic Sect in their country. From field works carried out within the Far North Region, we discovered that the schools setup by the implementing partners of UNHCR were over populated. In some classrooms there were over 200 Nigerian refugee pupils with two teachers who had to cope with Nigeria refugee pupils, coming from very difficult and diverse backgrounds.

In 2016, efforts were made by the Government of Cameroon to send seventeen teachers to the Far North Region to boost teaching staff effort, while 34 locally recruited teachers were later added to increase the number of teachers. One of the teachers whom we met, stated that “I have an obligation to help these children forget their bad past for the moment. They had opportunity to study in Cameroon unlike back in Nigeria.” In addition, most of the families come in with no family records and had very little information to enable placement of their children in the schools. Some at school going-age have seldom been to school and a majority of the children were unable to speak and understand English (Jean-Claude, 2019).

Before the beginning of 2014/2015 School Year, 130 affected schools had been closed in the Logone and Chari, Mayo-Sava and Mayo-Tsanaga departments of the Far North Region, Communities which were located across the border with Nigeria’s North-Eastern nucleus of Boko Haram. Some of these displaced Nigerian refugees’ students and pupils were scattered across Communities providing refuge to the displaced families. These families and relatives were encouraged by the government of the Republic of Cameroon and Partners of UNHCR to enrol children in public schools, in order to enable them continue the School Year but challenges abound. In 2018, over 200 Nigerian refugee pupils were enrolled at the Maroua Doualare I Public Primary School. According to Moumine Aloa:

The Nigerian refugee population have come to add to the existing challenges that we already face but the displaced have more peculiar and urgent needs than the old students and pupils. Many come in with no books, report cards and placements test and class performances are very poor. They need extra classes and perhaps

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psychosocial care to effectively study with other Fellow Students (Interview with Moumine, 2019).

These present the types of difficulties the teachers and other implementing humanitarian educational partners of UNHCR, were going through with the presence of the Nigerians in the Far North Region of Cameroon.

#### **4.3 Provision of Counseling, Water and Sanitation Services**

The Government of the Republic of Cameroon identified challenges related to civil documentation and provided free information, counseling and legal assistance to the displaced migrants, returnees and host populations. In collaboration with the Civil Status Registration Department of the Far North Region of Cameroon, agents of the UNHCR visited communities and registered cases and counselled the Nigerian humanitarian migrants who lacked identification documents and birth declarations. The UNHCR through her Cameroon partners organized group information sessions, supported the Nigerian refugees who encountered administrative hurdles in accessing civil documentation. They also supported registrars' offices with birth certificate registers. This was to facilitate the transcription of birth certificate records. Also, they trained local entities involved in child birth registration and led working groups on civil matters (Romeo, 2019).

The Government of Cameroon allocated space in conformity to non-refoulement norm. Agents of UNHCR identified challenges related to access to Housing, Land and Property (HLP) rights for affected populations. They also visited Communities to register HLP-related cases and counselled the displaced Nigerian refugees in the region on their HLP rights. They also trained humanitarian NGOs on HLP rights as cross-cutting issues, trained local authorities on HLP rights and Collaborative Dispute Resolution and led working groups under HLP coordination. All these were to ensure that HLP were integrated as cross-cutting, but also provided technical support to the humanitarian community.

Concerning the provision of Water, Sanitation and Hygiene (WASH), the UNHCR through her Cameroon partners, supported local authorities in operating and maintaining water systems by providing drinking water. Some of their activities at the Minawao camps concerned the distribution items like soap and cloth for filtering water, distribution of menstrual hygiene kits to women and girls, distribution of waste bins in schools that were opened by CRS around the camps and some of the refugee host communities. In addition, the repair of broken boreholes and construction of new ones were carried out to relief the Nigerian refugees from their vulnerability (CRS, 2019: 7). The International Medical Corps (IMC) also trained and supported Water Management Committees, supported councils with spare parts and borehole maintenance toolkits, constructed emergency, institutional and family latrines and conducted hygiene promotion activities within the different camps and host communities (IMC, 2018: 6).

#### **4.4 Livelihoods and Food Security**

In the domain of livelihood, the WFP provided assistance to the displaced Nigerian refugees in the Far North Region of Cameroon. This was intended to improve on their state of food security and revive their livelihoods. Between 2013 and 2018, the refugees in the Minawao camp were supplied over 250 tons of rice by the WFP (Eza, 2019) as indicated in the plates below.

#### **Plates 3 & 4: Fight against Food Insecurity in Refugees Camps in the Far North Region**



**Source:** Album No.2 of WFP-Far North Region of Cameroon, 2019: 55.

Apart from the distribution of rice to the Nigerian refugees, the UNHCR also made Cash Based Transfers (CBTs) to the Nigerian refugees through Cameroon authorities worth 250.000.000 USD between 2015 and 2018. This was intended to ensure that each

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displaced had food (Archive WFP, 2019: 2). More so, Cameroon authorities conducted marketed monitoring surveys, distributed small livestock to the herders, seeds and agricultural inputs to the humanitarian migrants who were interested in agriculture, which was geared at ensuring their self-reliant.

Cameroon authorities also trained women's groups in income generating activities and provided them with cash grants each worth 50.000 FCFA for start-up of an economic self-reliant activity, trained women in food processing techniques, trained men and women in improved agricultural techniques and in food processing (Archive WFP, 2019: 2). Out of the above mentioned self-reliant programmes, over 37.620 of the Nigerian refugees in the Far North Region of Cameroon by 2019 benefited from education, 3.317 benefited from food security programme, while 50.813 benefited from shelter programme around the Minawao sites. Over 7.733 benefited from judicial claims and 98.286 rip from WASH services from the implementing partners of the UNHCR (Archive WFP, 2019: 2).

##### **5. Breach of the Non-Refoulement Norm by Cameroon Authorities**

Cameroon since 1967 shredded her reputation as a generous refugees' host country *par excellent* within the Sub Region (Mafany and Budi, 2019: 12). From 2016, Cameroon witnessed the apex of massive influx of refugees from Nigerian, along the Nigerian-Far North Regional border of Cameroon. Due to the uncontrollable situation, the Security Officers in the Far North Region of Cameroon between 2016 and 2020 tarnished the reputation of Cameroon by going against the principle of non-refoulement guaranteeing the lives of refugees from danger, stated in most international, regional and national instruments governing the legal status of refugees. This was shown through forced repatriation of over 20.000 refugees from Nigeria out of the Far North Region of Cameroon (HRW, 2017: 12). The breach of non-refoulement by Cameroonian authorities in the Far North Region of Cameroon was as a result of security challenges and was also amplified by the rise in prices of basic food commodities in the area in the Far North Region of Cameroon. In addition, Article V, Paragraph 1, 2 and 3 of the 1959 OAU Convention on asylum clearly states that:

The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his/her will. The country of asylum, in collaboration with the country of origin, shall make adequate arrangements for the safe return of the refugees who requested repatriation (OAU Convention, 1969). Forced repatriation of Nigerian humanitarian migrants from Far North Region of Cameroon as from 2016 was a flagrant breach of the principle of non-refoulement, binding on Cameroon, under Cameroon's national instrument of 2005, as well as Article 33 of the 1951 International Convention and law governing victims of armed conflicts. This was also being carried out in complete defiance of the 2016 UNHCR plea to all governments of the Lake Chad Basin Commission, stating that "not to return anyone to North Eastern Nigeria until the security and human rights situation has improved considerably" (UNHCR, 2017: 5). The act of forceful return was in total contradiction of Article 5 of the OAU Convention. Since early 2016, Cameroon's army in the Far North Region of Cameroon has been carrying out identification screening towards migrants from Nigeria fleeing Boko Haram violent extremisms. This subjected many refugees to torture and other forms of human rights abuses at the border villages of Amchide, Ashigashy, Magdeme, Kolofata, and Banki and informal refugees' settlements. This policy of hindering asylum seekers from seeking protection in the Far North Region of Cameroon, facilitated the deportation of Nigerian refugees by Cameroon Security Officers. This was flagrant breach of the principle of non-refoulement. According to Cosmos Suh "between April and May 2017, 13.000 Nigerian refugees were forcefully returned from Kolofata to Nigeria, some of whom were killed in early September after Boko Haram attacked the Banki displacement camp" (Romeo, 2019).

Still in continuation with the flagrant breach of the non-refoulement norm, between June and July 2017, HRW carried series of Focus Group Discussion with some sixty-one Nigerian refugees and asylum seekers in the Far North Region of Cameroon on the abuses they were exposed to. The Nigerian refugees in or near Kolofata and Mora, spoke of shocking levels of physical violence perpetrated by Cameroonian soldiers between early 2015 and April 2017. They described how soldiers tortured and assaulted them and dozens of others on arrival and during screening procedures, accused them of belonging to Boko Haram or being "Boko Haram wives" (HRW, 2017 :12). One of the humanitarian migrants from Nigeria in this region said "soldiers closely controlled their daily movements, beating and extorting money under threat of detention and deportation as

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they tried to collect firewood” (Ibid). UNHCR Sub Office of the Far North Region reaffirmed that, they received similar reports from asylum seekers living along the border areas (UNHCR: 2007).

Since early 2015, the Cameroonian authorities forcefully deported 100.000 Nigerian refugees living in remote border areas back to Nigeria’s Borno State (HRW, 2017: 23). At least 4.402 were known to have been deported in the first seven and a half months of 2017 (Ibid). In carrying out these deportations, Cameroonian security officers used extreme physical violence. Some, including children, suffered malnutrition after living for months or years without adequate food and medical care in border areas. By 2018, Cameroon had over 370.000 refugees, 100.000 of whom were Nigerians according to the UNHCR. In 2019, 9.000 people fled to Cameroon after an attack on a military base and aid buildings in the town of Rann in North Nigeria’s Borno state. The attack was blamed on the Islamic State of West African Province (ISWAP) faction of Boko Haram, which carried out similar raids against troops in July 2019. The upsurge in violent extremism forced tens of thousands of people to flee, including Internally Displaced Persons who have returned home after previous attack.

*The Voice New Paper*, No. 146 of 22 of January, 2019, outlined how alarming United Nation was, when thousands of Nigerian Boko Haram refugees who were running away from Boko Haram violent extremisms were sent back by Cameroonian authorities to North East Nigeria at the borders of the Far North Region of Cameroon. Filippo Grandi, the High Commissioner of UNHCR elaborated that, “this action by the Republic of Cameroon was totally unexpected and put lives of thousands of Nigerian refugees or Humanitarian Migrants at risk” (Ibid). The United Nation Refugee Agency on the same matter reiterated that between 15 and 20 January 2019, Cameroonians authorities forced back to Nigeria, thousands of refugees, including 27 of the humanitarian migrants on Wednesday 22 January 2019 (UNHCR, 2018:4). This was also in gross breach of the tripartite agreement signed between the government of Cameroon and Nigeria in 2017, which states clearly on voluntary repatriation and not the non-refoulement of refugees (Mafany and Budi, 2019).



In addition, the Institute for Security Studies states that “Cameroon has forcibly returned 385 refugees to Nigeria between May to June 2018 and, despite the country’s commitment as recently as 2017 in facilitating the safe return of Nigerian refugees fleeing Boko Haram violence (Institute for Security Studies, 2018: 5). This has been in complete violation of both national and international laws governing the voluntary refouler of refugees ratified by Cameroon. This also put the lives of the vulnerable Nigerian refugees at risk, which has eroded the effectiveness of protection frameworks and has tilted towards extremist narratives.

Equation of Nigerian nationals by the authorities of Cameroon with violent extremism was false and distracted attention of the “watch dog laws” from the real issues of refugee protection system. In November 2019, the government of Cameroon claimed that Nigerian refugees constituted a security and economic threat, but has provided no evidence that Nigerian asylum seekers or refugees have been involved in attacks in the Far North Region of Cameroon. Despite mounting evidence, Cameroon refuted deporting refugees and claims they have merely moved people to safer localities. The plates below show a chunk of the refugees stranded around the Cameroon-Nigerian border in the Far North Eastern border of Cameroon.

**Plates 5 & 6: Nigerian Refugees Forced to Return to Nigeria by Cameroon Security Forces**



**Source:** Album-UNHCR, Far North Region of Cameroon, 2018.

The plates above show forced return of Nigerian refugees at the borders of Far North Region of Cameroon with Nigeria in 2016. As a result of this, the UNHCR published two reports in May 2017 documenting over 90.000 forced returnees since January 2015

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(UNHCR, 2015: 17). The UNHCR since then formed a Tripartite Commission with Nigeria and Cameroon. This Commission had as objective to facilitate safe, voluntary returns which Cameroon has repeatedly violated in disrespect of international instruments.

In September 2017, the HRW claimed Cameroon deported more than 100.000 Nigerians, with evidence that soldiers tortured Nigerian refugees to comply against their will (HRW). Allegations of tortures and human rights abuses, including unlawful detentions, tortures and killings, have been lodged against the Cameroonian government. From 2017, Nigerian humanitarian migrants fleeing Boko Haram violent extremisms have been reportedly being aggressively screened, accused of being members or wives of Boko Haram, tortured and moved to remote locations away from UNHCR access. Gross abuses have been reported in the Minawao camp, including the lack of provision for food, water and healthcare and restrictions on refugees' rights to move freely against Chapter III, entitled "The Rights and Obligations of Refugees" in its Section 9 of the Cameroon's internal law governing the legal status of refugees in Cameroon's 2005 Law.

In addition, the UNHCR further expressed concern that forced returns of refugees from Cameroon's Far North Region to crisis gripped North Eastern Nigeria have continued despite the recent signing of a tripartite agreement which was aimed at ensuring the voluntary repatriation of refugees. Despite the efforts made by the Federal Government of Nigeria, the Republic of Cameroon according to the 2019 report forcefully returned over 2,600 refugees back to Nigerian border villages against their will. The UNHCR spoke person at the UN's Geneva Office still made it public in 2019, that "UNHCR was particularly concerned as these forced returns have continued unabated after the governments of Nigeria and Cameroon signed a tripartite agreement with UNHCR in Yaoundé on 2 March, 2017" (UN News Centre, 2019).

On 14 June 2016, 338 Nigerian Asylum-seeker, mainly women and children, were returned by the Cameroonian authorities of the Far North Region from Kolofata back to Nigeria. The incident occurred just days after Cameroon, Chad, Niger and Nigeria adopted the Abuja Action Statement on protection in the Lake Chad Basin crises, and

reaffirmed among others, the importance of the principle of non-refoulement (UNHCR, 2017). Being guilty of the atrocities and violation of the gospel truth of forced return of Nigerian refugees at the Far North Region of Cameroon-Nigerian border, the government of Cameroon repeatedly denied all the forced allegations of forceful deportation and border return of Nigerian refugees, though Cameroonian state authorities claimed, without proof, that the influx of people fleeing violent extremism orchestrated Boko haram had posed a security and economic threat to the economy of Cameroon and to the Far North Region since 2010. HRW in a related release, in September 2017, estimated that over 100.000 refugees from Nigeria were returned by Cameroon security forces in the Far North Region of Cameroon (HRW, 2017). Within the same year, the NGO recorded several instances of Cameroonian soldiers using violence and children being separated from their parents. More so, the UNHCR by 2015 consistently warned the government of Cameroon concerning its violation of the non-refoulement norm. Following the attack on 29 July, the body reaffirmed that:

This tragic incident was a disappointing testament of continuing forced returns (refoulement) of refugees and asylum-seekers from Cameroon, despite numerous appeals by UNHCR to the Government of Cameroon to respect its obligations. [...] (UNHCR).

The forced return of refugees and asylum-seekers was in violation of the principle of non-refoulement which constitutes the cornerstone of international refugee law to which the Cameroonian State is party (HRW).

Alarmed by the non-respect of the non-refoulement act, in March 2017, Nigeria, Cameroon and the UNHCR signed the Tripartite Agreement for the Voluntary Repatriation of Nigerian humanitarian migrants in the Far North Region of Cameroon. Article (2) paragraph 1-3, on “The Agreement on the Voluntary Character of Repatriation” States that:

The parties reaffirm that the repatriation of refugee from the Federal Republic of Nigeria living in the Republic of Cameroon will be done solely on the basis of their freely expressed will and on relevant and reliable knowledge of the prevailing situation in Nigeria including in areas of return. The Parties shall provide refugees with relevant and reliable information on conditions within the country of origin and the area of intended return on which they may base their decision to return. The parties agree that Nigerian refugees who decide not to avail themselves of voluntary repatriation under this Agreement shall not be directly or indirectly coerced to return to Nigeria and that their refugee status shall continue to be recognized by the Governments of Nigeria and Cameroon and by UNHCR and governed by the principles, norms

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and standards of international protection, enacted by the conventions and texts cited in the preamble (Tripartite Agreement on the Voluntary Repatriation of Nigerian Refugees Living in Cameroon).

In the same month the agreement was signed and more than 2.000 of those fleeing Boko Haram extremism were returned to Nigeria by the officials of Cameroon along the border of the Far North Region. By repatriating people fleeing Boko Haram, Cameroon forced vulnerable people into situations. Before the rise of the Islamist insurgency, Cameroon was known for its relative generosity in hosting tens of thousands of refugees from the Central African Republic, Chad, and Nigeria. But today, that image has shattered. By 2019, Cameroon no longer guarantees the freedom and safety of all those who have fled to its camps, thereby exposing Nigerian refugees to insecurity, hunger and poor sanitation challenges.

### **Conclusion**

This article has argued that, non-refoulement is the cornerstone of the international legal regime for refugees' protection and safety. Since the principle was enshrined in the 1951 convention, it has become an established principle of customary international law, and is universally considered as a fundamental norm. Since Cameroon is bound by this law, due to accession through ratification, she was bound to conform to the non-refoulement norm as a *jus cogens* norm. This article has examined the extent to which Cameroon complied with this codified customary and international laws. From the analyses made, we realized that Cameroon has been respecting the norm since her accession to independence by offering expensive sanctuary to migrants, refugees and asylum seekers. This was heightened at the end of the 20<sup>th</sup> century with the provision of a refuge ground to the Nigerian refugees from the Far North Eastern Nigerian states, fleeing violent extremisms and arsons orchestrated by Boko Haram Islamic sect. This was seen with the "Open Door Policy", adopted since 2010 with the rising violence in Nigeria. Through the efforts of Cameroon authorities, the refugees were provided with humanitarian and other assistance, despite the fact that, they were finally deported by Cameroon security forces due to security and economic threats.

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