

The registration of refugees in eastern Cameroon

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***Prima facie* recognition of refugees claiming to be from the Central African Republic depends on establishing their link to the Central African Republic. This is a difficult task, and one that also highlights the vulnerabilities of those who are at risk of statelessness.**

From 2002 onwards, populations facing recurrent socio-political unrest in the Central African Republic (CAR) have sought refuge in neighbouring countries, including Cameroon. This peaked in 2014, with the registration of almost 120,000 Central African refugees in the eastern part of Cameroon (East, Adamawa and North administrative regions).¹ In this part of the country, recognition of refugee status and registration is the sole responsibility of UNHCR since, apart from in the capital city of Yaoundé, the State is yet to set up the required mechanisms to carry out refugee status determination.

Faced with these very large numbers of arrivals, it was necessary to take a *prima facie* approach (implying group recognition of refugee status) to Central African refugees, on the basis of the 1969 OAU Convention.² Before registering refugees UNHCR officers must first make sure that the applicants are indeed of Central African nationality or, if it is not possible to do so, must gather evidence that they were habitually resident in CAR. The difficulties that staff encounter in establishing and evidencing this link highlight the

fact that among these populations are people who are at risk of statelessness.³

The *prima facie* approach

Group recognition under the *prima facie* approach is generally done in “situations ... in which entire groups have been displaced under circumstances indicating that members of the group could be considered individually as refugees”.⁴ There are two principal elements to note here. Firstly, it must be established that there are objective circumstances that justify flight, such as conflict, occupation, massive human rights violations, widespread violence or events seriously disturbing public order. And secondly, there must be a massive influx of people, making it almost impossible to conduct a thorough analysis of individual cases.

The situation of generalised conflict and violence in CAR was widely known, providing objective reasons for flight. Given the large number of arrivals, plus the urgent need to provide international protection and UNHCR’s shortfall in resources, it was



UNHCR/Xavier Bougois

Refugee women from the Central African Republic in Ngarissingo refugee site in eastern Cameroon.

not possible to apply formal refugee status determination procedures. UNHCR staff in the field were therefore called upon to conduct concise, semi-structured interviews with applicants, the objective being to establish that they belong to the identified group, namely nationals or residents of CAR who had fled as a result of the prevailing circumstances.

The task was all the more complex because the border is relatively porous; communities which belong to the same tribes and which share cultures and religion live on both sides. The work of identifying newly arrived people was therefore done in collaboration with border law enforcement authorities, with village chiefs and with leaders of already-settled refugee communities; monitoring of these identification mechanisms took place to limit the risks of abuse or fraud.

Establishing Central African nationality

The first element in establishing nationality is verifying possession of CAR identity documents (such as birth certificate, national identity card or passport). If the claimant has such a document and the document appears to be genuine, the officer has only to establish that the claimant has left his country or cannot return because of known circumstances. There has to be an alternative, however, to having to present documents

because most often the circumstances in which people have left their country mean they do not have these documents in their possession.

In the absence of identity documents, the officer must rely on the applicant's testimony. Such a testimony must have a reasonable degree of coherence and must make it possible to establish the person's history, knowledge of their country (history, geography, culture and so on) and the circumstances behind their flight. In

the context of registering Central African refugees in Cameroon this is not easy because many applicants come from rural regions and are illiterate, often arrive traumatised, and sometimes have little general knowledge of their country. The officer is therefore called upon to create an environment of trust that can enable sufficient information to be gathered, and to be sensitive to comprehension problems that may be linked to literacy levels or cultural differences. Moreover, he must bear in mind that refugee law derogates somewhat from the general principle of law that the burden of proof rests with the claimant; this is instead a process that should be conducted jointly by the applicant and the examiner.

Establishing residence, avoiding statelessness

In many cases, it is difficult to establish the nationality of the applicants accurately because most of the rural population of the Central African subregion lack the culture of civil documentation, birth registration and identity cards. They are unaware of the importance of civil registration, and civil registration services are also often limited and inaccessible. Moreover, the vast majority of applicants are nomadic people of the Peuhl ethnic group who are in search of pastures,

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travelling with their herds across several countries of the subregion – Cameroon, CAR and Chad. In addition, CAR has over decades received large numbers of migrants from neighbouring countries, most of them keeping little or no contact with their country of origin.

Where an applicant does not have identity documents and when their story indicates time spent in several countries or that they originate from a neighbouring country, the officer must check whether the applicant has the nationality of one of these other countries, thus making him eligible for that country's protection. This is always done by listening carefully to the applicant to better understand their links with each of the countries and the possibility of claiming the nationality of one of these countries – above all, to make it possible for the applicant to claim the rights conferred by that nationality. Those who are entitled to claim a different nationality can no longer claim international protection. However, for a population with little education, the procedures for claiming a nationality can appear complex and costly and therefore in practice inaccessible. If it is not possible to establish that the applicant actually has or can claim another nationality, they will find themselves in a situation of *de facto* statelessness and it will therefore be necessary to explore the possibility of granting them status based on usual residence in CAR.

Statelessness seems to be a problem affecting girls and women in particular. Many children are given birth certificates when these are needed in order to continue their education. However, because the schooling of girls is less prioritised, girls are more frequently deprived of their only chance of having a birth certificate and, later, a National Identity Card. In addition, the social status of most rural Peulh women is such that they are not always permitted to register a birth without the agreement and presence of their husband, father or brother.

For claimants who appear to be *de facto* stateless persons, and who are recognised as refugees on the basis of their usual residence in CAR, the Tripartite Agreement for the Voluntary Repatriation of Central African

Refugees Living in Cameroon undertakes to ensure that these people upon their return can have access to naturalisation procedures.⁵ Furthermore, in cases where nationality is disputed, the Central African government, in consultation with the Cameroonian government and UNHCR, will presume that the individual has the nationality declared at the time of their registration as a refugee, unless there is tangible proof to the contrary. These Tripartite Agreement provisions appear to be positive steps in the fight against statelessness, although their implementation should be closely followed since implementing them will require significant resources.

Addressing this problem of the population at risk of statelessness goes beyond the management of the current refugee crisis by UNHCR. This is a problem that requires a concerted and flexible approach between several countries in the subregion, such as Cameroon, Chad, CAR and even Nigeria. One such step could be for these countries to create a joint commission that would work to develop their birth registration and nationality laws so that they take the experiences and needs of nomadic people fully into consideration. This same entity could also have the function of settling complex cases of nationality determination with the aim of avoiding people falling into statelessness.

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The views expressed in this article are those of the author and do not necessarily reflect the views of UNHCR.

1. For statistics on refugees in Cameroon see <https://data2.unhcr.org/en/country/cmr>.
2. UNHCR (1969) 'OAU Convention Governing the Specific Aspects of Refugee Problems in Africa' bit.ly/OAU-Convention
3. See also FMR 32 www.fmreview.org/statelessness
4. UNHCR (2015) *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status* bit.ly/UNHCR-Guideline11
5. UNHCR (2019) *Tripartite Agreement for the Voluntary Repatriation of Central African Refugees Living in Cameroon between the Government of the Republic of Cameroon, the Governments of the Central African Republic and UNHCR* bit.ly/TripartiteAgr-CAR-Cameroon-2019