



HOUSING AND LAND RIGHTS NETWORK
Habitat International Coalition



**Collectif Interafricain des Habitants
(CIAH)—Cameroon**

Urgent Action:

Demolition in Mfandena (Yaoundé) for the Celebration of the Fiftieth Anniversary of the Cameroon Independence CAM-DN-150710



I/ Summary:

According to information received from Collectif Interafricain des Habitants-Cameroun (CIAH), a Member of HIC-HLRN, the populations of Cameroon, and especially those of Yaounde, surely will never know true respite. Meanwhile, the demolition operations have just been completed in the Messa district, at a place known as Collège Lissouck, displacing approximately 300 people. The authorities decided to clear the place for a parade along May 20 Boulevard to the Mfandena District, on the side of the OmniSports Stadium.

As recalled from the eviction operations in the quarters of Nkolbisson Tsinga (behind Combattant), Ntaba Nlongkak, Briqueterie, Emana and very recently at Messa, place Lissouck (February 2010), these operations are always painful for the victims. However, the Cameroonian political decision makers pretend not to notice. The proof is this nth administrative decision that undoubtedly brings about these demolitions with all their corollaries such as homelessness, unemployment and more-serious injury and death (e.g., the death of an indigenous octogenarian of Ntaba Nlongkak in

2008). In spite of the complaints, the protests and the pressures aiming at the State to find another place for the parade on an unoccupied site and at the edge of the capital city, work nonetheless started on 23 February 2010 with the presence of heavy equipment of the contracting company charged to carry out work.

II/ The Victims

According to the Cameroonian daily newspaper *Le Jour* (N° 635, 24 February 2010, stakes are planted on the axis Texaco-Oilibya and according to a construction company employee named John, "We are in the process of adding 12 meters of road in order to widen it on both sides." Our visit to the site enabled us to observe that even the prolongation of the station Oilibya (Omnisport-Cemetery) is concerned with work. At least 200 people are likely to be affected by this operation. To this number, one will have to add tens of families who started to leave the district already, once the Municipality of Yaoundé launched its operation a few days ago. The majority of the victims are hawkers and vendors, merchants, hairdressers, store owners, the beauty school and training salons, administrative workers, families with children still going to the school, young people and even elderly people.

III/ The perpetrators

These demolition operations are the consequence of the decision by the authorities to prepare parade grounds for commemoration of Cameroon's fiftieth anniversary of independence.

The Yaoundé Municipality, the responsible institution, is marking crosses on the dwellings to be destroyed.

IV/ Events, developments and consequences

On 7 March 2010, the populations of the Ngousso Texaco-Omnisport-Cemetery road arteries started to move their personal effects, others tore the siding off their dwellings. Indeed on 2 March, the agents of the Yaoundé Municipality came to affix crosses on constructions to be destroyed, giving the tenants an 8-day deadline. That followed a meeting of the authorities in which they determined to make the Mfandena quarter the site for the festivities marking the fiftieth anniversary of independence.

Paradoxically, on 8 March, International Woman's Day was observed worldwide with the slogan: "Equal rights, equal opportunity: progress for all." The decision to target their neighborhood particularly agitated the Mfandena residents, who sought to avoid coming face to face with the Yaoundé Municipality bulldozers. They started to carry their belongings and flee. The Cameroonian daily *Le Jour* (N°644) of 9 March 2010 ran a story entitled: "They lived 8 March in pain." In that same issue of *Le Jour*, the testimony is given by the women of the Mfandena quarter in full exodus. Among them was Dame Clarisse Shou, an ice-water saleswoman who says she want to return to her village Bamenda (northwest Cameroon) after 15 years living in the district, and of lady Therèse Magne, 48 years old, who is compelled to work as an itinerant vendor in order to be able to feed her children.

While waiting for the heavy equipment of the Municipality of Yaoundé, which will not hesitate to crush everything in their path, the population of Mfandena have activated themselves to recover the maximum possible of their belongings. A number of dwellings currently have had their windows and siding removed, waiting to be destroyed by the bulldozers.

VI/ The Official Reasons

On 22 February 2010, Cameroonians, and especially the populations of Yaoundé, had learned via the national daily newspaper *Cameroon Tribune*, that the traditional site of the 20 May (national holiday of Cameroon) parade was going to be moved with the Mfandena district, which also hosts the Omnisport Stage. However, an agent of the municipality asserted in the columns of *Le Jour* on 24 February 2010 that “this ground belongs to the State. It was envisaged to build the parking lots for the stadium visitors.”

But how is it possible that people have continuously invested in their homes and the State comes to claim the people’s inheritance, while administrative documents attest that the inhabitants are the owners?

The fact escapes no one that the Mfandena quarter demolitions are premised on the celebration of Cameroon’s fiftieth anniversary, and that the authorities wish to stage pomp and innovate the ceremonies apart from the old celebration site. Indeed, slashing this neighborhood aim at releasing space for the widening of the road and the official construction penetrating the north of Yaoundé. Moreover, on 23 February 2010, a delegation made up of several ministers, generals and agents of the engineering departments of the Yaoundé Municipality visited the building site.

VI/ Violations of the Human Rights to Adequate Housing

At the national level, the Constitution of Cameroon, in its preamble, safeguards each individual’s right to land and housing. However, it should be said that the Cameroonian land code does not envisage compensation in the event of demolitions for development of state-owned property and in at-risks zones.

Precisely the case of the Mfandena quarter does not fall under this jurisdiction. They are demolitions due to urban rebuilding and public utility.

Until now no measure has been taken for the families to give up their corresponding right. Under both domestic and international law, the authorities are violating the inhabitants’ rights to housing and resettlement.

At the international level, the State is violating Articles 8,12,13,17,19, 23 and 25 of the Universal Declaration of Human Rights, Articles 2,4,11, 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR, ratified by Cameroon on 27 September 1984), and the General Comments 4 and 7, Articles 1, 2,17,19, 21, 22, 25 of the International Covenant on Civil and Political Rights and other legal instruments. Precisely, Article 11 of ICESCR stipulates that “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living

for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions..”

In most circumstances, forced evictions are *prima facie* a violation of international law. The current cycles of *en mass* evictions in Cameroon grossly violate the human right to adequate housing, including the entitlements applicable in the case of eviction. These expulsions also have an impact on the congruent rights of the inhabitants connected to the adequate dwelling, like their human right to food, the right to water, the right to health, the right to education and of the right to the means of subsistence. The Cameroon authorities have violated, in particular, the following elements of the affected people’s human right to housing adequate: security of tenure and freedom from dispossession; rights to information, participation and self-expression. By its ratification of ICESCR, the State of Cameroon and its agents at all levels are supposed to uphold their treaty-bound obligations to respect, protect and fulfill the human right to housing.

These rights, like elements of the right to housing, are also detailed in General Comments No. 4 (1991) and No. 7 (1997) of the Committee of the United Nations of Rights Economic, Social and Cultural (CESCR), which recognizes that “that forced evictions are *prima facie* incompatible with the requirements of the Covenant” and that “The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions” (GC 7, paras. 1 and 8).

The norms impose certain requirements that the States Parties to the Covenant must respect, by including the need to inform the people affected well in advance, to agree with them on a plan, and provide adequate compensation. In the case of Cameroon, the State did not only violate its obligations under this treaty, but also failed to inform the affected population and did not provide durable alternatives, neither in the form of monetary compensation or alternate dwelling.

The UN Special Rapporteur on adequate housing has stressed that “forced expulsions carried out in this manner would constitute a gross violation of human rights, in particular of the right to adequate housing, as indicated by the UN Commission on Human rights unanimously adopting resolution E/CN.4/RES/1993/77. In general, women and children always are affected by forced expulsions, especially while living under already vulnerable conditions (like the widows, orphans, etc).

In addition to ICESCR, Cameroon also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDaW) on 22 September 1994, and ratified the CEDaW Optional Protocol on 7 January 2005. The Convention on the Rights of the Child, which Cameroon ratified on 10 February 1993, requires especially that the States protect the right of children to adequate housing (Article 27.3). The International Convention on the Civil and Political Rights, ratified by Cameroon on 27 September 1984, prohibited cruel, inhuman treatment and degrading treatment and/or punishment (Article 7) and the arbitrary use of force (Article 17).

In addition to the fact of violating all these international standards, current expulsions by Cameroon in this Mfandena district reflect a continuing pattern of human rights

violations against its own citizens. In its 1999 in Concluding Observations on Cameroon, CESCR recorded its concern by noting “high incidence of forced evictions in the rural areas of Cameroon, which have not been addressed in the written replies by the State party,” and urged “urges the State party to implement laws and policies to combat the problem of forced evictions, in accordance with General Comments Nos. 4 and 7 of the Committee.” Moreover, the use of Cameroon of violence and torture like the instruments of intimidation and fear was recognized by the Committee against Torture as questions of major concern (Conclusions and Recommendations of the Committee against Torture: Cameroon, CAT/C/CR/31/6, 5 February 2004).

At the regional level, the African Commission on the Human and People’s Rights also established that the authorities must explore alternatives and options with the affected community before eviction, including to provide adequate notice and information, to ensure the availability of replacement housing, as well as an opportunity to appeal an eviction order. As in Comment General No. 7, African jurisprudence affirms that nobody is to be homeless as a result of eviction.

While the authorities of Cameroon claimed that these expulsions are founded on the requirements of law; however, they are being carried out by the cruel use of force. They also have thus violated the Code of Conduct for Law Enforcement Officers (Article 3), which the UN General Assembly adopted in resolution 34/169, 17 December 1979, as well as violated the UN Basic Principles on the Use of Force and Firearms in accordance with the civil servants law currently in force (1990). The African Charter and the law of nations affirm these same principles, in particular under Article 6.

VII/ Actions Already Taken

The only actions at the present time against the demolitions with the Mfandena district concern the denunciations of organizations for the defense of human rights and certain media (newspapers, radio and private television channels).

ACTION!

We suggest you writing please with the authorities in Cameroon, recommending that they:

- immediately cease mass evictions and demolitions occurring in this district;
- provide reparations for the population already parts of the district proceed and who are now without shelter.
- take urgent measures to guarantee the adequate alternate housing;
- engage in a frank dialogue with the affected communities in accordance with the principles of human rights, especially CESCR General Comment No. 7;
- uphold all obligations in accordance with the international law with respect to the rights of all citizens and residents, including respecting, protecting and fulfilling the human right to adequate housing, the right to the participation and of expression; and of integration.

Address letter to the following authorities:

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H.E.. M. Jean Simplicie Ndjemba Endezoumou, Ambassador, Permanent Representative

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Sample letter

Dear XXXX:

We are extremely concerned to learn about another series of mass evictions in Cameroon, part of a wide pattern of violations against citizens' human right to adequate housing. According to information received from Collectif Interafricain des Habitants-Cameroun (CIAH), a Member of HIC-HLRN, especially the population Yaounde are undergoing demolition operations. The latest operation has been completed in the Messa district, at Collège Lissouck, displacing approximately 300 people.

As recalled from the eviction operations in the quartiers of Nkolbisson Tsinga (behind Combattant), Ntaba Nlongkak, Briqueterie, Emana and very recently at Messa, place Lissouck (February 2010), these operations are always painful for the victims. However, the Cameroonian political decision makers appear to dismiss the human and other costs of their actions. In this case, the authorities had decided to clear the

place of residence for a parade along May 20 Boulevard to the Mfandena District, on the side of the OmniSports Stadium, for the upcoming 50th anniversary of Cameroon's independence.

As recalled from the eviction operations in the quarters of Nkolbisson Tsinga (behind Combattant), Ntaba Nlongkak, Briqueterie, Emana and very recently at Messa, place Lissouck (February 2010), these operations are always painful for the victims. However, the Cameroonian political decision makers pretend not to notice. The proof is this nth administrative decision that undoubtedly brings about these demolitions with all their corollaries such as homelessness, unemployment and more-serious injury and death (e.g., the death of an indigenous octogenarian of Ntaba Nlongkak in 2008). In spite of the complaints, the protests and the pressures aiming at the State to find another place for the parade on an unoccupied site and at the edge of the capital city, work nonetheless started on 23 February 2010 with the presence of heavy equipment of the contracting company charged to carry out work.

At least 200 people are likely to be affected by the operation now along the Texaco-Oilibya road. The majority of the victims are hawkers and vendors, merchants, hairdressers, store owners, the beauty school and training salons, administrative workers, families with children still going to the school, young people and even elderly people. The Yaoundé Municipality is responsible for carrying out the eviction and demolition operation.

Paradoxically, on 8 March, International Woman's Day was observed worldwide with the slogan: "Equal rights, equal opportunity: progress for all." Meanwhile, Mfandena residents activated themselves to recover the maximum possible of their belongings ahead of the bulldozers.

On 22 February 2010, Cameroonians learned via the *Cameroon Tribune* that the authorities decided to move the traditional site of the 20 May parade was going to be moved to the Mfandena district, which also hosts the Omnisport Stage. An agent of the Yaoundé Municipality asserted that "this ground belongs to the State. It was envisaged to build the parking lots for the stadium visitors."

But how is it possible that people have continuously invested in their homes and the State comes to claim the people's inheritance, while administrative documents attest that the inhabitants are the owners?

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We urge Your Excellency and all authorities in Cameroon to:

- immediately cease mass evictions and demolitions occurring in this district;
- provide reparations for the population already parts of the district proceed and who are now without shelter.
- take urgent measures to guarantee the adequate alternate housing;
- engage in a frank dialogue with the affected communities in accordance with the principles of human rights, especially CESCR General Comment No. 7;
- uphold all obligations in accordance with the international law with respect to the rights of all citizens and residents, including respecting, protecting and fulfilling the human right to adequate housing, the right to the participation and of expression; and of integration.

Your Excellency, We look forward to hearing of your diligent efforts to apply the human rights obligations of the State of Cameroon by protecting its citizens from violation of their right to adequate housing.

Yours sincerely,

[your name and organization]