CONFERENCE REPORT

Sub-regional conference on:

“Citizenship and the Right to nationality in Central Africa”

Yaoundé, 30th September – 1st October 2015
Map of 10 ECCAS Member States
(Economic Community of Central African States – source: TDRP)
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INTRODUCTION AND CONTEXT

On 30th September-1st October 2015, the Cameroon-based association Citizens Governance Initiatives organized a Sub-regional Conference on "Citizenship and the right to nationality in Central Africa" in Yaoundé, Cameroon.

The Conference, which was made possible with financial support from Africa Regional Office of the Open Society Foundations (AfRO-OSF) and technical support from the Open Society Justice Initiative (OSJI), was organized within the framework of the Coalition for the Right to Nationality in Africa (CRAI).

The conference discussed national and regional frameworks of citizenship and the right to nationality in the central African sub-region, with a particular focus on statelessness and the risk of statelessness, inspired by the African Union (AU) call to respect the right to a nationality, which it affirmed is the human right of every African; and the United Nations Agency for Refugees (UNHCR)’s global campaign to end statelessness over the next decade.

1. Background to the Coalition on the Right to Nationality (CRAI)

All over Africa, thousands of people, including children, are denied the right to belong, often in the only country they have ever known.

People without a nationality or whose nationality is questioned are often denied deliverance of national identification papers and do not exist as citizens. What may at first seem like a simple issue of documentation often hides a number of discrimination. The excluded are denied the right to register their children at birth, to enter school or university, sit official exams or enter the public service. They are often forced to work without a permit, or are unable to obtain travel documents or move inside their country of residence. They are also side-lined from political processes, unable to vote or stand for office.

Disputes over national and local belonging and differing conceptions of citizenship are at the heart of many of the most intractable conflicts in Africa.

Conscious of the problems posed by the fact that the right to a nationality is insufficiently recognised in Africa, the African Commission on Human and Peoples’ Rights (ACHPR) at their 53rd ordinary session adopted a resolution on the right to a nationality in which they reaffirmed that:

“The right to nationality of every human person is a fundamental human right implied within the provisions of Article 5 of the African Charter on Human and Peoples’ Rights and essential to the enjoyment of other fundamental rights and freedoms under the Charter”.

The Commission called on Member States of the African Union (AU) to respect that right. In April 2014, the ACHPR adopted a Resolution on the Drafting of a Protocol to the African Charter on Human and Peoples’ Rights on the Right to Nationality in Africa. The ACHPR also called on “civil society and other stakeholders” to give their “full support”.

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1 Excerpt from the CRAI description booklet
Against this background, the Coalition for the Right to Nationality in Africa sought and received support from the Open Society Foundation’s AfRO Programme to end the continuing impoverishment of the peoples of the African continent, induced by conflict over the right to belong, insecurity and exclusion or citizenship-related persecution on the basis of race, religion, ethnicity, colour, sex, political opinion, or status.

2. Coalition Work in Cameroon and the Central African Sub-region

The Citizens Governance Initiatives (CGI) joined the Coalition as a member and Focal Point for the Central African Sub-region. As part of its mission within the Coalition, CGI is mandated to promote the right to nationality in Cameroon and Central Africa, and raise awareness about risks of statelessness, against the sub-regional geo-political, social and cultural contexts.

Cameroon and its neighbouring countries of the Central African sub-region, as well as Nigeria, are witnessing a resurgence of conflicts due to the rise of terrorism, but also nationalisms and border conflicts. The sub-region, which also includes the Lake Chad Basin, is additionally prone to climate-related disasters (including insecurity) of unprecedented scales. These situations often lead to movements of populations and difficulties relating to the identification of citizens originating from the concerned areas.

Since 2013, Cameroon has had to deal with an exceptional increase in the flux of refugees originating from neighbouring countries, principally from Nigeria, Chad and the Central African Republic. At national levels in countries within the Central African sub-region, populations have been forced into internal displacement, mainly in the Northern-belt part of the country in the case of Cameroon. In addition, questions relating to the nationality of several residents of the Bakassi Peninsula after its retrocession to Cameroon following the conflict opposing it to Nigeria, have not been completely resolved. Registration of births in rural as well as urban areas remains a major issue in most countries of the central African sub-region, thereby weakening the right to nationality of many citizens.

Against this background, the Conference on Citizenship and the Right to Nationality in Central Africa held in Yaoundé, sought to achieve the following objectives:

- Identify and analyse the legal framework of the right to citizenship in selected central African countries;
- Examine the risks and barriers to the realization of the right to nationality in the central African sub-region;
- Discuss issues pertaining to the right to nationality in view of current security challenges in the central African sub-region and in Nigeria;
- Identify the most vulnerable groups in terms of access to citizenship in the sub-region, with a special attention on children, women, minorities and indigenous populations, as well as migrants and victims of conflicts and insecurity (IDPs and refugees in particular);
- Compile a multi-stakeholder database of organizations, individuals and institutions in central Africa whose work has an impact on the right to nationality and the prevention of statelessness, insecurity and conflict.

The Conference was attended by over 80 participants drawn from local civil society organizations in Cameroon; invited civil society representatives from Chad, Central African Republic, Gabon, Congo, and Democratic Republic of Congo; representatives of diplomatic missions from Central African countries; and representatives of Cameroon’s public administration, the National Assembly and the Judiciary.

3. Conference Proceedings

On the First Day, the Conference was opened by the Representative of the UNHCR Country Office in Cameroon, who provided the Keynote address, focusing on the risk of statelessness in Cameroon for refugees and IDPs. Thereafter, participating representatives of NGOs and associations from selected central African countries made brief presentations on the state of citizenship and the right to nationality in their respective countries. They focused on the issue of statelessness through the rights of vulnerable groups, notably children, women, IDPs, refugees, migrants and indigenous populations. The representative of the International Refugee Rights Initiative (IRRI) presented statelessness from the perspective of peace, security and conflict, while the representative of the Open Society Justice Initiative (also Chairperson of the National Human Rights Commis-

sion of Nigeria) spoke about the situation of Bakassi residents.

On the Second Day, representatives of various Cameroonian public administrations were given the opportunity to discuss issues pertaining to citizenship and the right to nationality in the country. Discussions under this panel mainly dealt with clarifications of the government’s interpretation of risks of statelessness and the effectiveness (or lack thereof) of statelessness in Cameroon, based on the country’s legal and policy frameworks for the right to nationality and citizenship, as well as the government’s responses to these issues.

The representative of the UNHCR’s Country Office in Cameroon then presented the UNHCR’s global campaign to eradicate statelessness. It was recalled that statelessness affects about 10 million people worldwide, mostly refugees and IDPs. The UNHCR’s global campaign titled “I Belong” seeks to eradicate this phenomenon over the next decade. A comparative analysis of activities carried out within the framework of the campaign in the West and Central African sub-regions respectively was provided, stressing that activities were more advanced in West Africa, through the work of the UNHCR’s regional office and the United Nations regional Office for West Africa (UNOWA). This may be justified by the fact that the phenomenon is more pronounced in this sub-region, with Côte d’Ivoire alone said to account for about 700,000 stateless persons, while statistics for Central Africa are not really known. It was also clarified that the UNHCR’s work on statelessness at the regional level for the central African sub-region falls
within the mandate of the UNHCR’s office in Kinshasa, DRC, and not that of the Cameroon country office.

Thereafter, the representative of the Coalition for the Right to Nationality in Africa, of which CGI and IRRI are members, presented the Coalition’s work. The final activity was carried out through Group work and presentations, and closing remarks.

4. Conclusion

In total, the 2-day Conference was attended by over 80 people (participants’ list attached).

It was generally observed that in the Central African sub-region, it is preferable to speak of risks of statelessness, as this is a better reflection of countries’ situations at national levels. Risk of statelessness is also the UNHCR’s preferred terminology and approach.

The sub-regional Conference provided participants from diverse backgrounds with the opportunity to discuss, on the basis of their respective experiences and organizational focus, possible strategies and solutions to address risks of statelessness at national and sub-regional levels.

The Conference ended with conclusions and recommendations on ways to reduce or eradicate statelessness in the sub-region, within the framework of the Coalition for a right to nationality in Africa’s continental campaign, and the UNHCR’s global campaign.

**DETAILED CONFERENCE PROCEEDINGS**

**OPENING SESSION AND KEYNOTE ADDRESS**

The Conference was opened by Ms. Olivia Bueno, who also introduced the keynote speaker. Ms. Bueno is the Associate Director of the International Refugee Rights Initiatives (IRRI). IRRI is a member-organisation of the Coalition on the Right to Nationality in Africa and acts as the Coalition’s Focal Point for Communications. The Presenter welcomed participants and praised them for their large attendance, then briefly presented the work of the Coalition, and recalled the Conference’s objectives. She then introduced the Keynote Speaker, who represented the UNHCR Country Office in Cameroon.

The Keynote address was delivered by the UNHCR Country Office in Cameroon. In the absence of the Country Director who sent apologies, the Keynote address was presented by the Country Director’s representative, Mr. Masaki Miyoshi.

In the Keynote address, Mr. Miyoshi started by congratulating the Conference organizers for their commitment to fight against statelessness, and the participants for their willingness to participate in discussions aimed at identifying solutions and strategies to prevent and eradicate statelessness in the Central African sub-region.

According to the UNHCR, the phenomenon of statelessness has always existed, and the problem is as old as the concept of nationality itself. Today, at least ten (10) million people are nega-
tively affected by statelessness worldwide. Stateless persons are constantly denied the rights and services that a country normally offers its citizens and legal residents. However, possession of the host country’s nationality is essential for full participation in its public affairs. Stateless people are deprived of freedom of movement, and are condemned to a life without proof of existence. Statelessness is a situation that affects not only refugees, but also other at-risk populations such as migrants, women, children, indigenous peoples and cross-border populations. States deny granting nationality to some individuals on the basis of ethnic, racial, religious or gender discriminations. Despite efforts made towards improving legal and policy frameworks for access to nationality, there are still 27 countries around the world that do not allow women the right to pass their nationality to their children. Ending statelessness will not only rectify these wrongs, but it will strengthen societies and countries where statelessness is found. Addressing statelessness may have a direct impact on a country or region’s stability. Despite positive trends, new risks of statelessness have continued to emerge with the recent growing number of conflicts around the world. Today, new situations have exacerbated the risk of statelessness worldwide. They include instability in Syria and Central African Republic (CAR) for example, where internal unrest has led to rising numbers of IDPs and refugees. In these situations, many children are born in exile and therefore have an uncertain future regarding their belonging to a State.

The Central African sub-region has consistently demonstrated hospitality, openness and humanism towards refugees and IDPs, and in relation to questions of migratory flows generally. This is the case of Chad, which is open every day to thousands of migrants from the neighbouring country of Sudan. Cameroon also has a long tradition of hosting thousands of displaced persons from the CAR, Chad and Nigeria.

The UNHCR representative included a brief presentation of the statelessness campaign launched by UNHCR in November 2014 in his address. He indicated that the “I BELONG” campaign is grounded on a global action-plan, whose general objective is the eradication of statelessness within the next ten (10) years. The action-plan proposes ten (10) guidelines and measures to be undertaken to effectively fight against the phenomenon of statelessness, solve the existing problems and eradicate its root causes. Participants in the Conference were made to understand that the “I BELONG” campaign has been conducted in partnership with the fashion brand United Colours of Benetton. An open letter available on the Campaign’s website is a petition which seeks to collect ten (10) million signatures from supporters to end statelessness worldwide within 10 years.

The “I BELONG” campaign has already started to bear some visible fruits worldwide. For example in Africa, a remarkable benchmark has been created between the UNHCR and the Economic Community of West African States (ECOWAS), with the organization of a regional conference on statelessness in Abidjan on 23-25th February, 2015. At the end of the Conference, a document titled “the Abidjan Decla-

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2 www.citizenshiprightsinafrica.org
RATION” was adopted. The Declaration focuses on the prevention, reduction and elimination of statelessness. In all, 25 commitments were made and signed for regionally concerted efforts for its resolution and adoption.

SESSION 1:
OVERVIEW OF NATIONAL CITIZENSHIP CONTEXTS AND THE RIGHT TO NATIONALITY IN SELECTED CENTRAL AFRICAN COUNTRIES

Due to budgetary constraints, it was not possible to invite representatives from all ten countries of the Central African sub-region3 to the Conference. Furthermore, difficulties in identifying participants in all countries, as well as travel complications, notably the cost of travel tickets within the Central African sub-region, made it difficult to have all countries participate in the Conference. A decision was therefore made to give priority to countries with a border with Cameroon (Chad, Gabon, Central African Republic, and the Republic of Congo) due to the impact of their geopolitical context on the country. The Democratic Republic of Congo was also selected due to the similarities it bears with other countries in the sub-region with regards conflicts, citizenship and right to nationality issues. In addition, Nigeria, which shares a border of over 2,000 km with Cameroon, was represented at the Conference. The closing of Bangui Airport following civil unrest in the country a few days before the Conference prevented the CAR representative from travelling at the last minute. The invited organisation from CAR nevertheless sent a written communication, which was presented by CGI staff. The Senegalese organization invited to provide comparative examples of work in West Africa cancelled their participation and there was insufficient time left to invite another organisation from West Africa.

The first session of the Conference provided an opportunity to hear the different countries’ representatives briefly present on the geopolitical, social and cultural context of their respective countries, and how such affected citizenship and the right to nationality.

It should be noted that very few organizations in countries of the central African sub-region currently work on the issue of statelessness or the right to nationality specifically. Efforts were made during the Conference preparations, to link citizenship and the right to nationality laws with statelessness or risks of statelessness. In this regards, a particular emphasis was put on countries currently affected by conflicts or insecurity and their consequences, notably displacements of populations (refugees and IDPs principally). Other issues examined included children’s rights, specifically the right to nationality, women’s rights (notably the right to transfer nationality to their children), and the special case of indigenous communities. The rights of migrants were also examined, as were the effects of climate challenges and climate change on movements of populations across the Central African sub-region.

Each organization was requested, prior to the meeting, to present a context overview of citizenship and the right to nationality in their respective countries, including the legal, policy

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3 The Central Sub-region is defined under this Project as one of the five (5) sub-regions recognised by the African Union comprises countries of the Economic Community of Central African States (ECCAS), namely: Angola, Burundi, Cameroon, Central African Republic, Chad, the Republic of Congo, the Democratic Republic of Congo, Equatorial Guinea, Gabon, and Sao Tome e Principe.
and institutional background. Country presentations included communications from Chad; DRC; Gabon; CAR; the Republic of Congo and Cameroon. Presentations mainly addressed issues of the right to nationality, including how it is acquired (at birth or through transmission) and lost; they also examined the question of dual nationality.

1. COUNTRY PROFILES AND OVERVIEW

In the subsequent paragraphs, a brief description of the six (06) countries present at the conference is provided (in alphabetic order). It should be noted that additional information on countries’ historical and socio-economic in this report were included by the Citizens Governance Initiatives (CGI) after the meeting, as part of the report. Errors thereof are the organisation’s responsibility and not that of the countries’ representatives present at the Conference.

1.1. CAMEROON

- Historical background

The first inhabitants of Cameroon are the Baka people. With the arrival of Bantus who migrated to the North of Cameroon from Nigeria, Baka peoples were forced to move deeper in the interior parts of the forest. Europeans are said to have invaded Cameroon in the 15th Century. They came, first as explorers, then as traders and later as political figures in the 19th Century with the ambition to impose the European rule and system in the territory. The first Europeans to settle in Cameroon were the Portuguese led by Fernando Po in 1472. They were closely followed by the British in the same period and later Germany, which annexed the territory in 1884 and formalized its claim during the Berlin Conference of 1884-1885. After World War I, Cameroon became a Protectorate of Britain and France under the League of Nations.

The French part of Cameroon gained independence on 1st January 1960 and Ahmadou Ahidjo was installed as President of the Republic. On 1st October 1961, Southern Cameroon, then under British rule, voted to join the French-speaking part of Cameroon; the country then became the Federal Republic of Cameroon. In 1972, both French and English speaking Cameroonians became a Unitary State. After twenty-two (22) years in power, President Ahmadou Ahidjo resigned from power on 4th November 1982 on grounds of ill-health, and his then Prime Minister, Paul Biya, became President of the Republic on 6 November 1982. As elsewhere in the Continent, the fall of the Berlin Wall in 1989 paved the way for multipartism in the country, leading to the development of parties opposing the one-party system.

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4 See annex 2, Conference Agenda.
5 The Baka are people living in the forest area. They are generally referred to as Forest People or Pygmies.
6 Bantu is a general term used to describe over 400 different ethnic groups found across Africa from Southern Africa to West and Central Africa, and Eastern Africa, united by a common language family (the Bantu languages) and in many cases common customs. How they spread throughout such a wide area has been the focus of numerous studies and theorizing. It is generally accepted that the Bantu-speaking peoples originated from West Africa around 4,000 years ago, although there is less consensus on the exact reasons for and course of their expansion. Prior to that time, the southern half of Africa was believed to have been populated by Khoisan speaking people of Southern Africa.
7 See : History of Cameroon http://www.123independenceday.com/cameroon/history.html
8 The Europeans who came to Cameroon in the 15th Century settled as either traders of slaves and goods or missionaries.
10 See : History of Politics on http://go-cameroon.org/about-cameroon/history-of-cameroon/
12 The League of Nations was created after World War I, on 10 January 1920 by Allied powers, namely Britain, France, the United States of America, and Italy. (also known as the Big Four) to provide a forum for resolving international disputes over the disposal of former German colonies in Africa and the Pacific, as well as the several non-Turkish provinces of the Ottoman Empire. The principle adopted at the Paris Peace conference of January 1919 was that the aforementioned territories be administered by different governments on behalf of the League of Nations. After the signature of the Treaty of Versailles on 28 June 1919 between the Allied powers and Germany, the latter’s colonies in East, South East and West Africa were divided between France and Britain mostly. France obtained the lion’s share in the West and part of Central Africa, and Britain obtained colonies in the South West and East Africa. See: Post war colonial administration (Africa) http://encyclopedia.1914-1918-online.net/article/post-war_colonial_administration_africa
13 The Cameroon People’s Democratic Movement (CPDM), French: Rassemblement Démocratique du Peuple camerounais, RDPC) is the ruling political party in Cameroon. Until 1985, it was known as the Cameroon National Union (French Union National camerounaise UNC), and had dominated Cameroon politics since independence in 1960 under President Ahmadou Ahidjo. The National President of the CPDM is Paul Biya. See: http://www.rdcpcm.cm/presentation/missions. The leading opposition party to CPDM is the Social Democratic Front (SDF). It was formed on 20th May 1990 to challenge the one-party CPDM. The plans to form the SDF were formalised in 1989 when the then Study Group 89, a think-tank on the issues of marginalisation of the Anglophone minority was transformed into a non-sectarian political party. The party held its Constitutive Assembly on February 3, 1991 and elected its National Executive Committee with Ni John FruNdi appointed President of the party. http://www.cameroon-tribune.cm/index.php?option=com_content&view=article&id=89761:25th-anniversary-who-created-the-party&catid=1:politique&Itemid=3
The first democratic elections in Cameroon were held on 11 October 1992, and saw the election of Paul Biya as President of the Republic, following highly contested polls. On 18 January 1996, the National Assembly adopted Law N° 96/06 modifying the 1972 Constitution. The new Constitution extended the President’s term to seven (07) years (article 6-2). The new Constitution of 1996 also instituted the principle of separation of powers (article 4) between the Executive, headed by a President of the Republic with overwhelming powers, assisted by (article 5) a Cabinet led by a Prime Minister, Head of government (Article 11); the Legislative power, is exercised by both the Upper (Senate) and the Lower (National Assembly) Houses of the Parliament (article 14); and the Judiciary through the Supreme Court, Courts of Appeal and Tribunals (Article 37). Parliament comprises a Senate with 100 seats and a National Assembly with 180 seats. Senators and Members of Parliament are elected for a 5-year mandate each. The first Senators in the history of Cameroon were elected and appointed in 2013. Current Members of the National Assembly were also elected in 2013. The renewal of both the Senate and National Assembly should coincide with Presidential elections in 2018.

- Socio-economic background

The current population of Cameroon is approximately 22.77 million people. Cameroon has about 240 ethnic groups, including over one million indigenous peoples of Bakas (Pygmies) and Mbororos (Pastoralists) ethnic groups.

Cameroon’s climate varies from tropical along the coast (Littoral, South and South West Regions) to semi-arid and hot in the north (the Adamawa, North and Far-North regions). The coastal belt includes Debundscha, one of the wettest places on earth. While the central and western Regions (located within the Sanaga river Basin) are dominated by high mountains and plateaus, the southern and eastern Regions are enveloped by the Ntem and the Congo Basin respectively. Cameroon shares extensive forest cover in the Congo Basin, alongside the Central African Republic (CAR), the Democratic Republic of Congo, the Republic of Congo, Equatorial Guinea, Gabon and Sao Tome e Principe. The Adamawa Region on its part is dominated by features of both the Sanaga and Benue basins. It constitutes the main watersheds of Cameroon’s drainage system. The North and Far North Regions on the other hand are dominated by the Benue and Lake Chad Basin.

Cameroon’s climate and geographical distribution of natural resources greatly impact minorities. Thus, the Far-North, which is part of the Sahel and Lake Chad Basin areas, is mainly dry with increasing encroachment of the desert, and its populations are more inclined to migration. The Far-North also borders the North-east of Nigeria and Chad, both engulfed in internal unrest and large movements of populations, particularly since the insurgent group Boko Haram resumed terror attacks in the area around 2013. As a result, the Far-North has been hosting the country’s largest refugees and internally displaced groups. According to the UNHCR, Cameroon is hosting 248,920 refugees (including 44,808 in the Minawao Refugee Camp) and 30,000 internally displaced persons (IDPs).

Similarly, the Eastern Region, which shares an 832 km-border with the Central African Republic, is home to 233,890 refugees from CAR. The Eastern region is also home to about 40,000 Bakas and an undetermined number of Cameroon’s nearly one (01) million Mbororos (indigenous pastoralists) live in the country.

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14 http://www.data.worldbank.org/country/cameroon. It should be noted that Cameroon’s last population census was carried out in 2005 (and results proclaimed in 2010). Adjustments have been made on the basis of projections ever since.
15 See https://www.prcm.fr/fr-le-cameroun/presentation
16 Cameroon-Tour.com. geography/climate.html
17 File:///C:/Users/IGC/Downloads/ProfilCampMinawao12082015.pdf
19 See http://www.unhcr.org/pages/4a03e1926.html
20 See http://www.iwgia.org/regions/africa/cameroon
Unequal distribution of wealth and the lack of a national food security policy and strategy put the Far-North and Eastern regions in a greater situation of poverty. Populations in these regions represent some of the least developed and least educated in Cameroon. The remoteness of the forest zones in Cameroon impact greatly on the right to nationality and citizenship of indigenous people given that decentralized civil registry centres are not close enough. In addition, extensive logging in forest zones forces indigenous communities its occupants to move further into the forests\(^\text{21}\), making their access to public institutions more difficult. Populations from the Far-North and the Eastern Regions of Cameroon thus have some of the greatest prevalence of undeclared birth registration in the country, and are therefore among the most vulnerable with respect to statelessness and denial of their citizenship rights.

Cameroon is surrounded by six countries, namely Nigeria to the west and Far-North; Chad to the north-east with which it shares its Sahel belt; the Central African Republic to the East; and Equatorial Guinea, Gabon and the Republic of Congo to the South. Current instability in CAR, Chad and Nigeria accounts for the massive movement of people into the country, and increases the risk of people becoming stateless\(^\text{22}\). A pocket of statelessness is also found in the South-West Region, where nationality issues pertaining to residents of the Bakassi Peninsula were not completely addressed following the retrocession of the territory to Cameroon in implementation of the ICJ ruling of 2002\(^\text{23}\) and the Greentree Agreement of 2006.

- **Legal, policy and institutional framework on the right to nationality, citizenship and statelessness**

The international framework governing the right to nationality and the prevention of statelessness comprises principally the 1954 UN Convention on the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Stateless. Cameroon is not party to either convention. It has however signed the 1951 Convention Relating to the Status of Refugees and has acceded to its 1967 Protocol.

At the continental (African Union, hereafter AU) level, several instruments adopted and ratified by Cameroon protect (directly or indirectly) the right to nationality of vulnerable groups such as children, women, refugees, IDPs, migrants and indigenous peoples, or prevent them from becoming stateless. They include the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa ratified in 1985, the 1981 African Charter on Human and People’s Rights ratified in 1989, the 1990 African Charter on the Rights and Welfare of the Child ratified in 1997, the 2003 Protocol to the African Charter on Human and

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\(^{21}\) [http://www_survivalinternational_organisat_projects_pygmies](http://www_survivalinternational_organisat_projects_pygmies)

\(^{22}\) [http://unhcr_organisat_commons_pages_4a03e1926.html](http://unhcr_organisat_commons_pages_4a03e1926.html)

\(^{23}\) [http://unowa_unmissions_organisat_default_](http://unowa_unmissions_organisat_default_)

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[Screenshot of a person with the word 'Stateless: A person who is not considered as a national by any State under the operation of its law']

At the national level, Cameroon’s Constitution addresses the question of nationality and citizenship under article 26-2, which grants power to Parliament to adopt the relevant legislation on this issue. Specifically, article 26 states that (…)

(2) The following shall be reserved to the Legislative Power:
(a) The fundamental rights, guarantees and obligations of the citizen:
(…)
(b) The status of persons and property ownership system:
1. Nationality, status of persons, matrimonial system, succession and gifts;

This requirement is fulfilled by Law No. 1968-LF-3 of the 11th June 1968 establishing Cameroon’s Nationality Code. The Code reinforces the principle of the superiority of international instruments duly ratified by Cameroon over national laws, as it states that:

Provisions regarding nationality contained in international treaties or agreements duly ratified and published shall have effect in Cameroon even though contrary to the provisions of Cameroon internal legislation (article 3)

Considering that the Code was adopted in 1968, this provision has now been given constitutional value under the 1996 Constitution (amended in 2008), which provides under article 45, that

Duly approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement.

Article 65 of the 1996 Constitution (amended in 2008) also affirms under article 65 that:

The Preamble shall be part and parcel of this Constitution

The Preamble of the 1996 Constitution states that:

We, the People of Cameroon, (…) affirm our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and the African Charter on Human and Peoples’ Rights, and all duly ratified international conventions relating thereto, in particular, to the following principles (…).

The 1968 Nationality Code of Cameroon governs access and loss of Cameroonian nationality.

In addition, Decree N°. 1968 DF-478 of 16 December 1968 establishes rules of procedure under the Nationality Code. It addresses procedures for the acquisition of nationality, conditions for the examination of applications for naturalisation and restoration, and mechanisms to prove nationality before the courts.

Under the Code, Cameroonian nationality is attached to birth (article 1). With respect to accessing Cameroonian nationality, the law distinguishes between nationality of origin and acquisition of nationality.

(1) Nationality of Origin

Under Cameroon’s nationality Code, nationality of origin is attached to affiliation. It concerns persons who may claim Cameroonian nationality by descent or by birth.

Nationality by descent concerns children born of Cameroonian parents or on the Cameroonian territory. The Law addresses the case of legitimate children (born to married parents) and illegitimate children (born to parents that are not married together at the time of the child’s birth).
Legitimate children may be born of:

- Both Cameroonian parents
- Cameroonian father or mother
- Cameroonian mother and a father of no or unknown nationality

Illegitimate children may be children:

- Whose natural parents are both of Cameroonian nationality
- With one parent a Cameroonian national
- One parent Cameroonian, if the other is of no or unknown nationality

Nationality by birth concerns:
- children born in Cameroon of unknown parents
- new-born children found in Cameroon (they are presumed to have been born in Cameroon under article 10 of the law)
- legitimate children born of foreign parents, if both the child and his father or mother were born in Cameroon
- illegitimate child born of foreign parents, if both the child and the parent to whom affiliation was first established were born in Cameroon

It should be noted that these provisions do not apply to children born in Cameroon to foreign diplomatic representatives or career consuls (article 12), who may nevertheless claim Cameroonian nationality by declaration under the conditions of article 20 of the law. Acquisition of nationality by birth however extends directly to any person unable to claim any other nationality of origin if that person was born in Cameroon.

(2) Acquisition of Cameroonian nationality

Cameroonian nationality is acquired by marriage, by declaration, by naturalization and by restoration.

Acquisition of Cameroonian nationality by marriage

Acquisition of nationality by marriage applies to a foreign woman marrying a Cameroonian man who, by express request, may acquire Cameroonian nationality at the moment of celebration of marriage (article 17)

Acquisition of Cameroonian nationality by Declaration

Acquisition of Cameroonian nationality by Declaration concerns:

- any person born in Cameroon of foreign parents who may claim Cameroonian nationality within six (06) months before attaining majority (21 years of age). The law requires however that at such date, the claimant has his domicile or residence in Cameroon for at least five (05) years (article 20)
- an adopted child of a Cameroonian national who may declare that he claims Cameroonian nationality within six (06) months before the age of majority (21 years of age)
- married minor children or major children of a parent restored to Cameroonian nationality, wherever they were born or whatever their residence, may claim Cameroonian nationality by declaration.

Acquisition of Cameroonian nationality by Naturalisation

Cameroonian nationality may be conferred by Decree on a person requesting it.

Nationality may not be conferred if the applicant falls under the following (article 25):

- has not attained the full age of majority (21 years)
- cannot show residence in Cameroon
for five (05) consecutive years leading to the request
- does not have their main interests based in Cameroon at the time of signature of the naturalization decree
- is not of good character and morals; suffered conviction of an offence against ordinary law not expunged by rehabilitation or amnesty
- has not been found to be of sound body and mind.

Exceptions to these are attached to:

- children born in Cameroon or a person married to a Cameroonian wife
- a person who has rendered exceptional services to Cameroon or whose naturalisation would be highly advantageous to Cameroon (article 26)

Acquisition of Cameroonian nationality by restoration
Acquisition of nationality by restoration refers to instances where a person who had initially lost such nationality (loss or renunciation) chooses to reclaim the lost nationality (restoration is not however defined in the Code).

Acquisition of Cameroonian nationality may occur without condition provided proof can be shown that the applicant was formerly a Cameroonian and can show residence in Cameroon at the moment of the restoration (article 28).

It should be noted that a person who forfeited their nationality under the conditions of article 34 may not be invested with any elective office for a period of five (05) years from the date of naturalization (article 29), except if s/he has rendered outstanding services to Cameroon (article 30-2) or if naturalisation is of exceptional interest to Cameroon (article 30-3).

(3) Loss of Cameroonian Nationality
Cameroonian nationality may be lost by loss or forfeiture

Loss occurs in the following cases:
- an adult who wilfully acquires or keeps a foreign nationality (article 31-a)
- renunciation (article 31-b)
- any person occupying a post in a public service of an international or foreign body who retains this post notwithstanding injunction by the Cameroonian government to resign it (article 31-c)
- a Cameroonian woman marrying a foreigner and expressly renounces her Cameroonian nationality at the moment of marriage (article 32-1)
- Forfeiture of Cameroonian nationality is governed by article 34 of the 1968 nationality Code and occurs when a foreigner who has acquired Cameroonian nationality forfeits it:
- If convicted of an act defined as criminal or an offense against internal or external security of the State
- If s/he has committed acts harmful to interests of the State
Forfeiture may be pronounced only within 10 years of commission of the act (article 35).

(4) Protection against statelessness under the Cameroonian nationality Code
Under the nationality Code, some articles are indirectly protective of persons, and ensure that acquisition or loss of nationality does not result in loss of all nationality and therefore does not render the concerned person stateless. These include:

- child born in Cameroon of unknown parents, who shall be deemed to never have been a Cameroonian, but only if his affiliation is established with regard to a foreign parent and if in accordance with the national of his foreign parent, he has the nationality of the latter (article 9)
- Acquisition by birth extends automatically to any person unable to claim any other nationality of origin (but only if that person was born in Cameroon) (article 12)
- The foreign woman marrying a Cameroonian may declare at the time of celebration of marriage that she declines Cameroonian nationality, but only provided that her national law permits her to retain her nationality of origin (article 18).

At the institutional level, the government set up the Ministry of Territorial Administration and Decentralization under Decree No. 2005/104 of 13 April 2005 to organize the Ministry of Territorial Administration and Decentralization. Article 1, paragraph 2 (a) gives power to this ministry to organize and control registry centres all over the territory which are administered by registrars assisted by secretaries. It has committed to create more centres in rural areas to enable every child born to have a birth certificate.

1.2. CENTRAL AFRICAN REPUBLIC (CAR)

- Historical and political Background

In 1875 the Sudanese Sultan Rabihaz-Zubayr governed Upper-Ubangi, which included present-day Central Africa Republic (CAR). European penetration of Central African territory began in the late 19th Century. In 1946, Barthélémy Boganda was elected Member of the French Parliament for the Oubangui-Chari region of the French Equatorial Africa. Under his influence, the French territory Oubangui-Chari was transformed into a State renamed “Central African Republic” in 1958, providing the new State with a flag, a motto and an anthem. Boganda set up the Movement for the Social Evolution of Black Africa (MESAN) in

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1950. He died in a plane crash on 29 March 1959. After independence on 13 August 1960, his cousin, David Dacko, became interim President of the Republic (14 August-12 December 1960). With the active support of France against his rival Abel Goumba, David Dacko became the first President of Independent Central African Republic (1960-1965).

On 31st December 1965, Dacko was overthrown by Colonel Jean-Bédel Bokassa, who suspended the Constitution and dissolved the National Assembly. In September 1979, Bokassa, self-proclaimed Emperor, was in turn overthrown and Dacko returned to power (1979-1981). Dacko was again overthrown in a bloodless coup by General André Koldingba on 1st September 1981. André-Dieudonné Kolingba was the fourth president of the CAR (1981-1993).

After the Fall of Berlin Wall, France began to support the transition to democracy in its former colonies. As a result, CAR witnessed its first democratic elections in October 1992. The second round of elections took place in 1993, and saw the election of Ange Felix Patassé and his Mouvement pour la Libération du Peuple Centrafricain (MLPC), by a simple majority. Kolingba’s supporters accused the Patassé government of a witch-hunt. A new Constitution was approved on 28 December 1994 and promulgated on 14 January 1995. Nevertheless, public distrust in the government continued to grow amid accusations of corruption and, in 1996-1997, mutinies against the Patassé government intensified. This led to internal conflict followed by the Bangui Agreements of January 1997, which provided for the deployment of an inter-African military mission to Central Africa. It was later replaced by the UN Peacekeeping force in CAR (MINURCA).

In spite of strong public discontent, Patassé won a second term in the 1999 presidential elections.

On 28 May 2001, Patassé survived an attempted coup and suspected François Bozizé to be behind the failed coup. In fear of retaliation, the latter fled to neighboring Chad with loyal troups. In March 2003, Bozizé launched a surprised attack, and succeeded in overthrowing Patassé who was out of the country. Bozizésuspended the Constitution and named a new cabinet. The inclusion of most opposition parties and the setting up of a broad-based Transition National Council to draft a new Constitution appeared to create a positive image. However, the country politics remained highly unstable despite the signing of peace agreements (Syrte and Birao Peace Agreements in February and April 2007 respectively). Bozizé was reelected President in 2011 amid accusations of fraud. In December 2012, fighting resumed between different factions, leading to massive population displacement in 2013 and 2014. Michel Djotodia took over as President in May 2013.

On 11 January 2014, Michel Djotodia and his Prime Minister, Nicolas Tiangaye, resigned as part of a deal negotiated at a regional summit in neighboring Chad. Nguendet succeeded Djotodia for a few days (10-23 January 2014). Catherine Samba-Panza was elected Interim President by the National Transitional

26 Idem.

The Constitution adopts the principle of separation of powers between the Executive, the Legislative and the Judiciary. The Executive power is exercised by the President of the Republic (article 22); the Legislative power is constituted in a single chamber, namely the National Assembly (Article 49). The Judiciary is described under article 78

“Justice constitutes a Power Independent of the Legislature Power and of the Executive Power. Justice is rendered on the territory of the Central African Republic in the name of the Central African People by the Court of Cassation, the Council of State, the Court of Accounts, the Tribunal of Conflicts, and the Courts and Tribunals.”

CAR remains politically unstable, and several sources of tension have led to the migration of many CAR citizens. These include the non-payment of civil servants’ salaries, democratic deficit, the country’s poor economic performance and the underrepresentation of Muslims and minorities in Government (though religion is not considered among the root causes of conflict). Moreover, years of corruption and violence have undermined trust in the overall political machinery of CAR.

Since 2014, CAR has been governed by the National Transitional Council (CNT). The Council has the mandate to prepare a smooth transition of power and organize presidential elections. The latter were previously scheduled for 18th October 2015 but were cancelled due to political instability. The CNT’s mandate was prolonged until March 2016 with the mandate to come up with a solution to this problem.

- Socio-economic background

The population of CAR as of 1 January 2015 was estimated at 4,822,698 inhabitants. The nation is divided into over eighty (80) ethnic groups, including various groups of indigenous forest peoples. The largest indigenous people’s group is the Baka people, estimated between 8,000-20,000 people. Baka people initially lived in the forested areas of the south-west, gaining livelihoods through hunting and gathering; local residents and traders regularly buy meat and other produce from them. Today, they and other forest peoples have been displaced by logging and forestry activities. They remain discriminated against and marginalized from society.

CAR covers a land area of about 620,000 square kilometers, with a tropical climate. Despite its significant mineral deposits and other resources, Central African Republic is among the ten poorest countries in the world based on the gross domestic product (GDP). Agriculture is dominated by the cultivation and sale of food crops. The annual real GDP growth rate is just above 3%. Public education in Cen-
tral African Republic is free and is compulsory from the age of 6 to 14. However, approximately half of the adult population of the country is illiterate. Women constitute a majority of the population (50.7%) but usually find themselves at the bottom of the ladder when it comes to employment, education, income and status.

The failure of the system of Government has had a serious effect on the basic social services (Education and Health), which are discontinuously paralyzed by strikes. By the end of 2014, thousands of civilians had been killed by both the Muslim Séléka forces responsible for the 2013 coup and Christian militias known as anti-Balaka groups, and over 800,000 people displaced from their homes; an estimated 415,000 people, many of them Muslim, took refuge across the borders in neighboring countries. In April, the United Nations Security Council authorized a new peacekeeping mission for the Central African Republic, known as MINUSCA, to protect civilians, facilitate humanitarian access, and monitor, investigate, and report on human rights abuses. The continuous instability in the country has generated the massive movement of many CAR nationals into neighboring Cameroon for either refuge or asylum, with more than 190,000 Central African refugees having fled to Cameroon. The UN High Commission for Refugees (UNHCR) estimates that there are now more than 200,000 refugees from the CAR in Cameroon, thus exposing them to the risks of statelessness.

- **The Legal, policy and institutional framework for citizenship, nationality and statelessness**


**At the African (AU) level**, the CAR is party to the 1969 AU Convention Governing Specific Aspects of Refugee Problems in Africa ratified in 1975; the 1981 African Charter of Human and People’s Rights ratified in 1986; the 2009 AU Convention on Protection and Assistance to IDP in Africa ratified in 2010. CAR has signed but not ratified the following conventions:


**At the national level**, the CAR’s Constitution of August 2015 does not address the issue of nationality, except to mention that the President of the Republic must be a Central African national (article 24).

The Constitution however refers to the law, listing “nationality” as one of the issues that fall into legislative domain. The relevant law is

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35 "Central African Republic – Statistics"- UNICEF
36 http://countrymeters.info/en/Central_African_Republic
37 www.un.org/womenwatch/.../centralafricanrepublic
38 www.unhcr.org/pages/4a03e1926.html
40 http://www.unhcr.org/pages/4a03e1926.html
Law N°.1961.212 of 20 April 1961 on the Code of the Central African Nationality. Article 3 of this law provides that,

*The provisions relating to nationality contained in international treaties or agreements duly ratified and published, apply as provided by Article 39 of the Constitution, even if they are contrary to the provisions of internal legislation in CAR*

**Access to Central African nationality is granted by origin or by acquisition.**

**1) Nationality by origin**

CAR’s nationality is attributed by origin to:

- A person born in CAR (article 6); but a person born in CAR whose two parents are foreigners is not entitled to Central African nationality, although s/he may, during the time of being a minor, acquire Central African nationality by declaration (art.7)
- A child born out of CAR but of Central African parent
- A child born of unknown parents and found in CAR is presumed to be Central African, unless proven otherwise (art.10)

**2) Nationality by acquisition**

CAR’s nationality can be acquired by entitlement, declaration, and decision of public authorities.

**Acquisition of nationality by entitlement**

This provision applies to:

- A child adopted by a Central African national (art. 12)
- The minor child whose father or mother acquires Central African nationality upon death of either parent (article 43).
- A foreign woman who marries a Central African national acquires Central African nationality at the time of celebration of marriage before the civil registry officer (article 13)
- A woman whose national law enables her to retain her nationality, has the right to declare Central African nationality at the time of celebration of marriage

**Acquisition of nationality by declaration**

This applies when:

- A minor child born of foreign parents in CAR may claim Central African nationality by declaration in accordance with articles 55, if on the date of his statement he has been living in CAR for at least five years.
- Children born in the Central African Republic of diplomatic or consular agents with a foreign nationality, can claim the Central African nationality by declaration (article 21)
- A child adopted by a Central African may, at the age of majority, claim the Central African nationality by declaration (article 22).
Acquisition of nationality by decision of public authorities

The Central African nationality can be acquired by decision of public authorities through naturalization and restoration (article 25).

Nationality by naturalization

This provision is granted by presidential Decree following an investigation (article 26) and applies to:
- A foreigner who justifies his habitual residence in the Central African Republic for a period of thirty-five (35) years preceding the application on condition that the individual has either sufficient property investments or agricultural investments turned into sustainable cultures or has received a national honor after 1966.

The law provides that the Central African nationality without qualifying the period to:
- Minor children born outside CAR of a parent who acquired Central African nationality while the other spouse is still alive
- A minor child of a foreigner who acquired the Central African nationality and on condition that the child was not entitled to it
- A woman and a minor child of a foreigner who acquired the Central African nationality
- A foreign who has attained the age of majority and has been adopted by a Central African
- The foreigner who has rendered outstanding service to the CAR

In addition, a minor child who has attained the age of majority may request Central African nationality without authorization (article 31).

Nationality by restoration

Restoration in CAR is conferred by Decree and on request (article 34) (article 32) on any person who can demonstrate that they had previously possessed Central African Nationality. It can be acquired at any age without conditions of residence (article 33-1), although the concerned person must have their residence in CAR at the moment of restoration (article 33-2). Restoration does not apply to persons forfeited, except when they have benefited from judicial rehabilitation in the case loss of nationality occurred following a condemnation for a criminal offense (article 35) or when the applicant rendered outstanding services to the CAR or if the restoration has an exceptional advantage (article 36).

Incapacities

It should be noted that the CAR nationality law includes incapacities attached to acquisition of nationality by naturalization for foreigners, although they are only incapacitated for a limited probation period (article 41), notably:

- Inability to vote for a three-year period, when Central African nationality is a requirement to register for vote
- Inability to run for elective office for a five-year period, when Central African nationality is a requirement for such.
- Inability to hold a position in the Central African public service, to be a member of the Central African Bar or to be appointed Minister of government, for a period of three-years. Incapacities may be waived persons who have rendered the Central Africa Republic exceptional services (article 42).

(3) Loss of nationality

Central African nationality is lost by forfeiture

Loss occurs in the following cases:
- Central African who at the age of majority acquires voluntarily a foreign nationality or claims another nationality (article 46)
- Central African minor child, who is de facto a dual citizen, may request to renounce his nationality by declaration
- Central African woman who renounces her nationality by declaration before celebration of the marriage to a foreigner
- Central African who works in the public service of a foreign state or army, notwithstanding the injunction by the Central African government to renounce such (article 51), except if it can be established that s/he was absolutely unable to do so.
- Central African national who behaves de facto like a foreign national may be declared to have lost his Central African nationality by decree; this measure may be extended to his spouse and children, if they are themselves foreign nationals. It may not however extend to minor children if it is not also extended to the spouse (article 50).

The Law protects the woman who renounces her Central African nationality from becoming stateless, by requesting that she be able to acquire her husband’s nationality prior to renunciation of her Central African nationality (article 49-3); it equally protects the minor child who request to renounce his nationality by the effect of being dual national.

Forfeiture of Central African nationality

A person who was granted Central African nationality may be forfeited by decree (article 52). Forfeiture occurs in the following:

- An individual is convicted for an act constituting a crime or offense against the internal or external security of the state
- An individual is convicted for an act constituting a crime or offense against public institutions
- An individual who has carried out acts incompatible with the interests of the CAR in the benefit of a foreign country
- An individual who is convicted in CAR or abroad for an offense defined as crime under CAR’s law, when the offense resulted in a sentence of at least five years of imprisonment

It should be noted that forfeiture may intervene only when the situations leading to forfeiture occurs within 10 years starting from the acquisition of the Central African nationality (art. 53-1). Forfeiture may not be pronounced within 2 years from the date of commission of the reprehensible acts (art. 53-2).

Forfeiture may extend to minor children, provided that they are of foreign origin (article 54-1). It may extend to minor children only if it also extends to the spouse (article 54-2).
1.3. CHAD

- Historical and Political Background

The Sao hunters and pastoral societies are said to be the first known people to settle in Chad\(^{41}\). While European interest for the country is traced to the 19th Century, the country was conquered by France in 1920 and incorporated as part of French Equatorial Africa\(^{42}\). During its rule, France concentrated its activities in the Southern part of the country. Upon independence on 11 August 1960, François Tombalbaye assumed the position of first President of Chad. He was then elected President of Chad during the 1962 elections. From 1966, he began cumulating functions within government, assuming the position of Head of State, Head of government and Minister of several portfolios. He was re-elected President in 1969. In 1971, he foiled a coup attempt and henceforth initiated a campaign of African “authenticity” similar to the “zaïrisation” of Mobutu Sese Seko. He changed his Christian name to Ngartan (meaning “true leader”) in 1973, and the city of Fort-Lamy became N’Djamena. In 1972, Tombalbaye broke relations with France and Israel, in favour of Sudan and Libya, so that they could stop supporting the opposition group FROLINAT. He also turned to the United States of America for oil exploration. In December 1972, he signed an agreement with Libya for the occupation of the Aozou strip by the latter. The cultural and economic disparity between the Islamized north and the Christian south resulted in conflicts that hindered the development of the country\(^{43}\). Throughout the 1970s, Tombalbaye’s criticism of the army irritated young officers, who staged a military coup on 13 April 1975, leading to his assassination. The former commander of Chadian National Army, Félix Malloum, became Interim President and resumed support to Chadian rebels. Malloum was the President of Chad for four years (1975-1979) and, following unrest in the country, he left Chad to live in exile in Nigeria. He was succeeded by Goukouni Oueddei (1979-1982). The latter, announced the fusion of Chad with Libya, provoking international outrage. He was overthrown by Hissene Habré in December 1981. Hissene Habré ruled Chad from 1982 to 1990. During Habré’s tenure, terror increased in the South of the country. Habré was in turn overthrown on 1st December 1990 by General Idris Déby.

Déby was designated President of the Republic of Chad on 28 February 1991 by the National Conference, with the principal task to adopt a Constitution.

In 1996, Chadians approved a new Constitution by Referendum. This Constitution granted the President a five-year term, eligible once (article 61). Idris Déby was elected President of Chad in 1996, and then re-elected in 2001. The 1996 Constitution was revised on 15 July 2005. The revised Constitution grants the President unlimited terms to power (article 61). President Déby subsequently was re-elected in 2006 and in 2011. Chad will hold Presidential elections in 2016.

Chad’s Constitution provides for the principle of separation of power between the Executive, the Legislative and the Judiciary. The Executive power is exercised by the President of the Republic (article 60); the Legislative power by the upper (Senate) and Lower (National Assembly) Houses of Parliament while the Judiciary is overseen by the Supreme Court, Courts of Appeal, Tribunals and the Constitutional Council.

- Socio-economic background

Chad’s population is estimated at 10,146,000 inhabitants. This vast country is found at the heart of Africa, forming a wide crossroads of

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\(^{41}\) [http://www.sahistory.org.za/places/chad#hash:MAaJaRLLdpuf]

\(^{42}\) The federation of French colonial possessions in Central Africa, extending northwards from the Congo River to the Sahara

\(^{43}\) [http://www.everyculture.com/8o-Co/Chad.html]
civilizations between North Africa and sub-Saharan Africa. Chad is made up of ten (10) ethnic groups, namely Sara 27.7%; Arabs 12.3%; Mayo-Kebbi 11.5%; Kanem-Bornou 9%; Ouaddai 8.7%; Hadiarai 6.7%; Tandjile 6.5%; Gorane 6.3%; Fitri-Batha 4.7% and others 6.4%. Among the non-Muslim indigenous peoples, the most important (and the largest single group in Chad) are the Sara people, who account for about 30 percent of the population. They live in the valleys of the Chari and Logone rivers and are mostly farmers.

Chad is characterized by four (04) main climatic zones which are Lake Chad basin, Sahelian zone, Saharan zone and the Sudanese zone. The Lake Chad Basin embraces a great range of tropical climates from north to south which tend to be dry throughout the year, causing its inhabitants, especially nomads, to migrate to the south. The Saharan Region covers roughly the northern part of the country. It receives only traces of rain a year and on occasion, strong winds from the northeast produce violent sandstorms. The Sahelian Region on its part (transition zone between the desert and the southern Sudanese zone) is divided into a rainy season (from June to early September) and a dry period (from October to May).

Due to climatic constraints, more than half of Chad’s population is concentrated in the humid Sudanese zone where over 80% of the population relies on subsistence farming and livestock breeding for their livelihood. Over 46.7% of the total population falls under the poverty line.

The constant movements increase the risk of statelessness, as the concerned populations often fail to register their children’s births, or lose their identification documents. In addition, current attacks of the Islamic Group Boko Haram also lead to movement of populations.

While some are heading out of the country, those from neighbouring Nigeria and CAR seek refuge in Chad thus creating an atmosphere of insecurity at the borders. There are currently 1,960 Chadian refugees in Cameroon and the CAR, while at the same time Chad is hosting 1,500 Nigerian refugees.

Chad is bound by Libya to the North, Sudan to the East, Niger, Nigeria and Cameroon to the West, and the CAR to the South. Literacy in Chad remains low, with only 40.2% of the total population being literate (able to read and write French or Arabic); the literacy rate is particularly low for women, with an estimated literacy rate of 31.9%, against 48.5% for men.

The Indigenous non-Muslim Sara people’s activities are mainly based on fishing and animal husbandry (chicken, dwarf goats,

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44 https://www.cairn.info/revue-outrc-2007-3-page-263.htm
45 Chad’s ethnic groups, CIA World fact Book, consulted on 04 November 2015
46 See: http://www.geography-site.co.uk/pages/countries/climate/chad_climate.html
47 http://data.worldbank.org/country/chad
49 See : http://www.unhcr.org/pages/49e645c226.html
horses\textsuperscript{51}. They represent some of the most vulnerable groups at risks of statelessness, due notably to the remoteness of their location from urban and civil registration centres.

- The Legal, policy and institutional framework on the right to nationality, citizenship and statelessness.


At the national level, the issue of nationality is first addressed at the constitutional level. Under Chad’s 1996 Constitution (revised in 2005), the following provisions relate to the question of nationality:

The conditions for the acquisition and loss of nationality are determined by Chadian law (article 11)

This provision is complemented by article 125 of the Constitution, which invests Parliament with the responsibility to adopt the relevant legislation on nationality. The requirement is fulfilled by Ordinance No. 33 of 14 August 1962 creating the Nationality Code\textsuperscript{52}. The Code reinforces the principle of the superiority of international instruments duly ratified by Chad over national laws. It states that:

Provisions regarding nationality contained in international treaties or agreements duly ratified and published shall prevail over those of the present Code (article 3)

The 1962 Nationality Code of Chad regulates access and loss of Chadian nationality. With respect to accessing Chadian nationality, the law distinguishes between nationality of origin and acquisition of nationality, thus:

(1) Nationality of Origin

Under the Chadian nationality Code, nationality of origin can be obtained by affiliation, place of birth and state possession.

Nationality by affiliation

It applies to:

- Legitimate or illegitimate child born of two Chadian parents
- Legitimate or illegitimate child born in Chad and who has a Chadian descendant
- Legitimate or illegitimate child born abroad with a Chadian ascendant can request Chadian nationality on provided that the child has attained the age of majority (18 years of age)

\textsuperscript{51} http://www.encyclopedia.com/topic/Sara.aspx
\textsuperscript{52} Ordonnance N°. 33 du 14 août 1962 portant Code de la Nationalité
Nationality by virtue of the place of birth

This law applies to:
- Legitimate or illegitimate children born in Chad with no other nationality
- Children born in Chad of unknown parents
- Children born in Chad and who have no other nationality
- Children born in Chad of unknown parents
- Children born in Chad of foreign parents and whose ascendant have the same nationality

Nationality by possession of status (de facto enjoyment)

Nationality by possession of status\(^{53}\) applies to individuals of African descent who have enjoyed possession status in Chad for fifteen years. This provision concerns an individual who is well known and is fully assimilated to a community that lives on the territory of the Republic, has been and continues to be treated as a Chadian publicly by the population and Chadian authorities, and is of good morals and conduct. It is worth noting here that the possession of Chadian nationality can be denied by decree.

(2) Nationality by acquisition

Chadian nationality can be acquired through marriage, reintegration, naturalization and adoption of a child, and the reintegration or naturalization of parents.

Acquisition of nationality by marriage

- The foreign spouse of a Chadian national (male or female) conserves his/her nationality of origin, unless s/he expressly request to acquire Chadian nationality at the time of celebration of marriage, and provided that his/her national law permits such. However, this disposition takes effect on marriages celebrated in Chad. The Chadian government can oppose the acquisition of Chadian nationality one year after the celebration of the marriage (article 17).

Acquisition of nationality by restoration

Restoration of Chadian nationality may be conferred by Decree on individuals who once had the Chadian nationality (article 19). There are no age requirements for restoration, although the concerned individual must demonstrate that s/he once possessed Chadian nationality.

It should be noted that a person who forfeited their nationality under the conditions of article 27 of the Code may not be granted restoration, unless s/he subsequently rendered exceptional services to the Republic of Chad (article 20).

Acquisition of nationality by naturalization

Chadian nationality can be conferred by Decree upon request on an individual (article 21). Under article 22, Chadian nationality may not be conferred if the applicant falls under any of the following categories:

- Has not attained the full age of majority (18 years of age)
- Cannot show residence in Chad for fifteen (15) consecutive years leading to the request
- Has not been found to be of sound body and mind.
- Is not of good character and morals; suffered conviction of an offence against ordinary law not expunged by rehabilita- tion or amnesty

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\(^{53}\) Possession of status is a legal term under family law. It is the legal presumption that enables the establishment of a person’s affiliation on the basis of certain facts observed by the person’s family or entourage, in relation to links that have existed between such person and the person s/he claims to be the child of. Given France’s influence on Chadian law, this is largely borrowed from French law.
Acquisition of nationality by adoption of the child and reintegration or naturalization of parents

This applies to:
- A minor child adopted by a Chadian national who acquired his nationality at the time of the adoption. At the age of majority, the child can request to decline the Chadian nationality (article 24)
- Minor children of reintegrated or naturalized Chadians in accordance with articles 19 and 23 of the Code may acquire or retrieve their Chadian nationality at the same time as their parents (article 25)

Loss of Chadian Nationality

Chadian nationality may be lost or forfeited

Loss occurs in the following cases:
- Individuals who decide to repudiate their Chadian nationality
- The Chadian national (male or female) who marries a foreigner and expressly declares intention to acquire the nationality of his or her spouse.

Forfeiture of Chadian nationality occurs when:
- Individuals who obtained naturalization by fraud, notably by producing forged documents or by misleading authorities responsible for the investigation
- Individuals convicted of an act defined as criminal or an offense against internal security of the State
- Individuals who occupy a position in a foreign country, a foreign army or an international organization, and retain such employment notwithstanding injunction by the Chadian government to resign it.
- Individuals who carry out activities deemed incompatible with the quality of a Chadian citizen or punishable by the State.

At the institutional level, civil status in Chad is governed by Ordinance 3/INT/ADG/1961 regulating civil status in the country. Article 9 of this instrument regulates the setting up of registry centres with the mandate to register births in the concerned jurisdiction. Organic Law 2/PR/2000 on the status of regional and local authorities provides for the decentralization of public organs all over the territory. Unfortunately, this is not yet applicable in the country. Civic Registry centres are still concentrated in large cities thus making it difficult for persons living in remote areas to travel to town for registration. This increases the risk of children becoming stateless in the country.

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54 Shabilir AHMED, Irina DINCU, Evaluation du système d’etat civil (enregistrement des naissances au Tchad) et Recommandations pour améliorer le système (Assessment of Civil Registration System (birth registration in Chad) and recommendations to improve the system), Section Protection, UNICEF Chad, Juin-Juillet 2009, p. 17. See http://www.unicef.org/evaldatabase/files/CHD-2009-001-1.pdf
55 http://www.unicef.org/evaldatabase/index_68198.html
1.4. REPUBLIC OF CONGO

- Historical background

The Bambuti people of the Congo rainforest are said to be the earliest inhabitants who settled in the Republic of Congo followed by the Bantu. The first European explorers were the Portuguese who arrived in the Congo in 1484. Congo Brazzaville was colonized in 1891 by the French, and remained a French colony until acceding to Independence on 15th August 1960. Upon Independence, Fulbert Youlou became the first President of the country. Youlou ruled for three years and resigned on 15 August 1963 at the wake of political riot orchestrated in the country by Mouvement National de la Révolution (MNR-National Revo-

olutionary Movement). He was succeeded by Alphonse Massamba-Debat. Unable to reconcile national interest with that of MNR, he was forced to resign on 4th September 1968 following a military coup. Captain Marien Ngouabi assumed power on 1st January 1969. He changed the name of the country to People’s Republic of Congo in December 1970. He also changed the name of the MNR to Parti Congolais du Travail (PCT- Congolese Labour Party). Despite numerous efforts by Ngouabi to restore stability in the country, his seven-year rule was tainted by coups that led to his assassination on 18 March 1977. Colonel Joachim Yombi-Opango came to power, abrogated the 1973 Constitution. He resigned on 5th February 1979 and was succeeded by Colonel Denis Sassou-Nguesso.

The rise of Sassou-Nguesso to power did not ease the insecurity in the country. In 1991, a National Conference was organised and an interim government was established with André Milongo as Head. The first presidential election under the multiparty system was organized in 1992, and saw the election of Pascal Lissouba of the Union Panafrique pour la Démocratie Sociale (UPADS-Pan-African Union for Social Democracy) as the first democratically elected President of the Republic of Congo. On 2nd May 1993, legislative elections were held sending the country into political unrest because of controversial polls. To avoid the outburst of a civil war, a second-round of legislative elections were organized under the auspices of the now defunct Organisation of African Unity (OAU now African Union) and the then president of Gabon, Omar Bongo. Lissouba’s UPADS won 69 out of the 125 seats in the Parliament. Between 1993 and 1997, the Republic of Congo continued to witness political instability with armed forces loyal to Lissouba fighting against forces loyal to Sassou-Nguesso. This conflict finally led to the defeat of Lissouba and Sassou-Nguesso’s return to power in 1997. President Sassou-Nguesso replaced the 1992 Constitution with a Fundamental Act, and set up a broad-based

56 The Bantu in the Republic of Congo identify themselves as the Kongo people. Other groups are the Ubangi people, the Gabonese Bantu (Teke and the Sanaga) and the indigenous people. See: republic of the Congo http://www.britannica.com/place/Republic-of-the-Congo
58 “A national conference (or national debate, as it is referred to in some countries) is a public forum, held over an extended period, at which representatives from key political and civic groups are invited to discuss and develop a plan for the country’s political future, preferably on a consensus basis.” Michael Lund and Carlos Santiso, National Conference. See http://peacemaker.un.org/sites/peacemaker.un.org/files/DemocracyAndDeepRootedConflict(Chap4NationalConference)_IDEA1998.pdf
60 Idem
government that included members of the opposition. In 2002, Sassou-Nguesso was reelected President and suspended the 2000 Constitution, resulting in renewed instability in the country. A new Constitution adopted by referendum in 2002 returned to the earlier model of a seven-year presidential term (Article 57) renewable once and a bicameral Parliament (Article 89). Sassou-Nguesso was re-elected in 2009 for a last seven-year term. In 2015, he organized a Referendum for the amendment of the Constitution, which removed the age limitation introduced in the 2002 Constitution, which would have prevented him for running for a new mandate at the 2016 elections. The 2015 Constitution returns to a five-year mandate renewable once. Presidential elections will be held in the Republic of Congo in 2016.

The Republic of Congo is governed by the Constitution of 25 October, 2015. Like all countries in the sub-region, the Republic of Congo, under its Constitution, recognizes the principle of separation of powers between the Executive, the Legislative and the Judiciary (Titles IV, V, VI, VII). The Executive power is vested in the President of the Republic (Title IV, Sub-title I, articles 97) and the Prime Minister, Head of Government (Title IV, Sub-title II, and articles 98-106). The Legislative Power is under the responsibility of Parliament, composed of two chambers, namely the National Assembly and the Senate (Title V, articles 107-137). The National Assembly has 153 members, elected for a five-year term renewable (article 129, 2015 Constitution). The percentage of women elected in parliament was 7% under the current Legislature as of 2014. The Senate has 66 members, elected for a six-year term by district, local and regional councils.

The Judiciary is independent from both the Executive and Legislative powers (article 168). It is exercised by the Supreme Court, Audit and Disciplinary Budget Offices, Courts of Appeal and other national jurisdictions (Article 166, 2015 Constitution).

- **Socio-economic and demographic background**

The Congolese population is estimated at 4,504,962 inhabitants. It comprises more than 40 tribes divided into four major ethnic groups - the Kongo (48%), Sangha (20%), Teke (17%), and M’Bochi (12%) and a minority Pygmy population of approximately 1.4% of the population. The country is divided into ten (10) Regions that are subdivided into Divisions (prefectures) and one commune (Brazzaville). The Republic of Congo is classified as a developing country included in the Highly Poor Indebted Country Initiative (HIPC).

Three (03) types of climates are found in the Republic of Congo, namely Equatorial in the North, humid tropical in South West, and sub-equatorial climate in the Plateau and Cuvette regions. Expenses on education accounted in 2010 for 6.2% of the Country GDP. Despite the abundance of natural resources, the malnutrition rate is estimated at 37%. Republic of Congo GDP is estimated at 15,100 million US$, with 3.3% accounting for agriculture in 2013. The gross enrolment into primary school is estimated at 109%.

The Republic of Congo is hosting about 46,210 refugees, including 20,000 from Central African Republic; 17,650 from the DRC; 8,100 from Rwanda; and 460 from other countries.

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61 Ibid.
62 Despite wide protests from the public and the Opposition, incumbent President Denis Sassou Nguesso’s Referendum to amend the 20th January 2002 Constitution was adopted by 92.96% of votes on 25th October, 2015. The Constitution was promulgated on 6 November 2015.
64 See : http://data.worldbank.org/indicator/SP.POP.TOTL
65 See Republic of the Congo, op.cit.
68 http://www.unhcr.org/pages/49e45c442.html
The Republic of Congo is a member of the Economic Community of Central African States (ECCAS) and the Economic and Monetary Community of Central African States (CEMAC) at the Central African sub-regional level.

- **Legal, policy and institutional framework on the right to nationality, citizenship and statelessness**


**At the national level**, the 2015 Congolese Constitution makes several references to nationality and citizenship. Thus, it provides Congolese citizens with immunity from extradition or remand to any foreign country or power, except in the event of loss or deprivation of nationality (article 10). The Constitution also specifies that Congolese citizenship is guaranteed by law and any Congolese citizen is entitled to change their nationality or acquire a second one (article 19). With respect to political office, the Constitution provides that no person may be candidate to the Presidency of the Republic if they do not possess Congolese nationality (art. 66-1); and similarly requires Members of Parliament (MPs) and Senate candidates to be of Congolese nationality (art. 132-2 and 137-1 respectively). Questions pertaining to citizenship and nationality are within the domain of the legislator (art. 125).

At the legislative level therefore, Law N°35-1961 of 20 June 1961 relating to the nationality Code of the Republic of Congo describes modalities for the acquisition or loss of nationality in Congo. The Nationality Code reinforces the principle of the superiority of international instruments duly ratified by the Republic of Congo over national laws. It states that

*Provisions regarding nationality contained in international treaties or agreements duly ratified and published shall have effect in Congo even if they are contrary to the provisions of Congolese internal law (article 5)*

Considering that the Code was adopted in 1961, this provision has been given constitutional value under the 2002 Constitution (amended in 2015), which provides under article 223, that

*Treaties or agreements regularly ratified or approved have upon publication, an authority superior to that of national laws, provided the other party implements the said treaty or agreement.*

Article 243 of the 2002 Constitution (amended in 2015) also affirms under that

*Treaties and international agreements, laws, ordinances and regulations currently in force, when not inconsistent with the present law, continue to apply as long as they are not specifically amended or repealed.*

The law governs accession and loss of Congolese nationality. Under the Code, Congolese nationality is a legal bond that connects individuals to the state (article 1). With respect to accessing Congolese nationality, the law
distinguishes between nationality of origin and acquisition of nationality, thus:

(1) **Nationality of Origin**

Under Congolese nationality Code, nationality of origin is attached to affiliation. It concerns Children (legitimate or illegitimate) born of:

- Congolese parents
- Parents born in Congo
- at least one Congolese parent and the other born in Congo
- a new-found infant born in Congo

It should be noted that children born of foreign parents can apply for Congolese nationality at the age of majority (21 years). In addition, no one can repudiate Congolese nationality if s/he cannot prove affiliation by birth to a foreign country, and, where appropriate, that he has fulfilled his military obligations imposed by the law of that country, subject to the provisions of international agreements (article 15). It is also worthy to note that this law is not applicable to children born to diplomats in Congo.

(2) **Acquisition of Congolese nationality**

Congolese nationality may be acquired by law through marriage; and birth and residence in the country, by decision of public authorities through naturalization and by restoration.

2.1. Acquisition of Congolese nationality by law

**Through marriage**

A foreign woman who marries a Congolese acquires Congolese nationality after five years of joint residence in the Congo, starting from the registration of marriage in the civil status registry (article 18).

**By virtue of birth and residence in Congo**

Any person born in Congo of foreign parents acquires Congolese nationality at majority (18 years) if at that date s/he has, in the Congo, residence and he had since the age of sixteen (16), habitual residence in Congo (art. 20).

It is worth noting that in both cases the concerned can renounce their Congolese nationality, before the five (05) years of joint residence (article 19) for the married woman and one (01) year before the age of majority for the child who acquired nationality by virtue of being born on Congolese territory.

2.1. Acquisition of Congolese nationality by decision of public authorities

**Naturalization**

Congolese nationality may be conferred by Decree after an investigation has been carried out on a person requesting it (article 27-30). It concerns:

- A foreigner who has lived in the country for ten (10) years prior to the deposition of his or her application (article 29)
- A minor child born to a parent who acquired the Congolese nationality and who do not benefit from the collective effect attached to this acquisition, a foreign woman and a minor child who acquires the nationality and a child with a parent who ceased to be Congolese to causes beyond its control (article 30)
- The foreigner who was the subject of a deportation or arrest is likely to be naturalized as if this was reported in the forms which it is given. The residence in the Congo during the term of the aforementioned administrative action is not taken into account in calculating the qualifying period provided for in Article 29 (art. 31)
Nationality may be denied if the applicant:
- Has not attained the full age of majority (18 years)
- Has not been found to be of sound body and mind.
- Does not suffer from a serious physical or mental disability whose cause is not the result of a service performed on behalf or in the interest of the Republic of Congo or an act of devotion in favor of a Gabonese national
- Is not of good character and morality;
- Suffered conviction of an offence under ordinary law
- Cannot show residence in Congo for five (05) consecutive years leading to the request
- Does not have his/her main interests in Congo at the time of signature of the naturalization decree

Restoration
Reintegration into Congolese nationality is granted by decree after inquiry (article 36) that s/he had once held Congolese nationality (article 38). Reintegration can be obtained at any age and without qualifying period. However, no one may be reinstated if s/he does not live in Congo at the time of reinstatement (article 37).

(3) Loss of Congolese Nationality
Congolese nationality may be lost by loss or forfeiture

Loss occurs in the following cases of:
- Conviction for an act constituting a crime or offense against the internal or external security of the State
- Repudiation of previously acquired Congolese nationality
- Failure to repudiate a foreign nationality while also holding Congolese nationality

Forfeiture of Congolese nationality occurs:
- If convicted of an act defined as criminal or an offense against internal or external security of the State
- If convicted of an offense under felony or misdemeanor and punished by Articles 109-131 of the Penal Code
- If convicted of evading his/her obligations to the law on army recruitment
- If s/he was sentenced in Congo or abroad for an act constituting a crime under Congolese law and that resulted in a sentence of at least 5 years' imprisonment
Forfeiture may be pronounced only within 10 years of commission of the act.

1.5. DEMOCRATIC REPUBLIC OF CONGO

The DRC is a country located at the heart of the Central African sub-region. It has had several names, including Zaire between 1971 and 1997. The DRC is Africa’s second largest country, and shares borders with nine countries to its North, East, South. The DRC’s first inhabitants were forest tribes commonly called Pygmies, notably the Bayaka and the Bambuti, among others. They were followed by the Bantu who settled on the Coast, South and East Plateaus of DRC. Between 1874 and 1877, British explorers came to Equatorial Africa and reached the Congo River. At the Berlin Conference in 1885, King Leopold made the land his private state and renamed it “Etat independent
In 1908, the Congo Free State became a Belgian colony under the authority of the Belgium. After a long period of colonialism, the Belgian Congo gained its independence on 30th June 1960. The first President of independent Congo was Joseph Kasa-Vubu (1960-1964). In May 1960, the Mouvement National Congolais (MNC party) led by Patrice Lumumba, won the parliamentary elections, and Lumumba was appointed Prime Minister. Joseph Kasa-Vubu of ABAKO was elected President by Parliament. Following a constitutional referendum in 1964 the country was renamed the "Democratic Republic of the Congo", and in 1971 it was changed again to "Republic of Zaire".

The Belgian Congo was renamed to Republic of Zaire (1971–1997) by Mobutu SeseSeko. In 1972, Mobutu renamed himself Mobutu SeseSeko Kuku NgbenduWaZaBanga. Following the collapse of the Soviet Union, international and internal pressure mounted on Mobutu to engage reforms in the country. This atmosphere contributed to Mobutu declaring the Third Republic in 1990, through notably the adoption of a new Constitution that was aimed to pave the way for democratic reforms. He was also forced to introduce multi-party elections, in line with the rest of the continent.

This move turned out to be largely cosmetic, and Mobutu’s rule continued. In 1994, Congo became embroiled in the Rwandan crisis, notably with the massive influx of persons fleeing the Genocide and seeking refuge in the Eastern part of Congo. Mobutu created camps in the area, but they were deemed to have failed to offer protection for refugees. From 1996, Congo became the terrain of civil wars that have endured until present. The government of Mobutu Sese Seko was toppled by a rebellion led by Laurent-Désiré Kabila in May 1997. Kabila returned the country’s name back to the Democratic Republic of Congo, as Zaire was deemed to have strong connection to Mobutu. Kabila’s former allies soon turned against him however, and his regime was challenged by a Rwandan and Ugandan-backed rebellion in August 1998. Troops from Zimbabwe, Angola, Namibia, Chad, and Sudan intervened to support the new regime in Kinshasa. Kabila was assassinated in 2001 and was succeeded by his son Joseph Kabila.


The 2006 Constitution adopts the principle of separation of powers between the Executive, Legislative and Judiciary powers. The President of the Republic is elected for a five (05) year term, renewable once (article 70). The Prime Minister is Head of government and is appointed by the President of the Republic (article 90-2). Both personalities constitute the Executive power. The Legislative power is exercised by a Parliament composed of two Chambers, the National Assembly and the Senate. The Judiciary is independent from the Executive and Legislative powers (article 149). The current President is Joseph Kabila Kabange who took over from his father, Laurent-Désiré Kabila, upon the latter assassination in 2001.

DRC has known a long period of instability marked by civil war and conflicts (many internal and ethnic-based), as well as cross-border disputes. The conflicts have led to violence principally in the Eastern part of the country (Kivus, Oriental Province, Katanga and Maniema). Over the past twenty years or so, the crises in DRC have led to millions of civilian deaths, and an unprecedented humanitarian crisis.

Thus, as of August 2014, internally displaced persons (IDPs) within the DRC were estimated at over 2.7 million, and approximately 430,000 refugees from the country were established in neighboring countries (Burundi, Rwanda, Uganda and Tanzania).

DRC also hosts refugees from the CAR who fled insecurity and violence in their country; Angolan refugees who did not opt for voluntary repatriation following the application of the cessation clause or those who have been exempted; Rwandan refugees in the eastern DRC and Congolese (DRC) returnees who have been repatriated from neighboring countries, particularly Burundi, CAR, Congo and Uganda.

- Socio-economic and demographic background

The population of the Democratic Republic of Congo is estimated at 74.88 million inhabitants. The country counts over 200 African ethnic groups, of which the majority is

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70 http://www.ciaworldfactbook.us/africa/democratic-republic-of-the-congo.html
Bantu. The four largest groups are the Mongo, Luba, Kongo (Bantu) and Mangbetu-Azande (Hamitic) and make up 45% of the population. Indigenous Peoples, namely Pygmy people, constitute between 1% (official government estimate) and 3% (civil society organizations) of the Congolese percent, representing between 600,000 and 2,000,000 people. They are found in ten of the country’s eleven Provinces and are divided into four main groups, namely the Bambuti (Mbuti), the Baka, the Batwa (Twa) of the West and the Batwa (Twa) of the East.

DRC is divided into ten (10) geographical regions called Provinces. In the 2006 Constitution, the number of Provinces was increased from 10 to 25. The Constitution provides in this respect that “the DRC is composed of the city of Kinshasa and 25 Provinces with legal personality” (art. 2-1), and Kinshasa has the status of a Province (art.3). Under art. 226, provisions pertaining to article 2 were to enter into force 36 months after the effective setting up of political institutions provided for by the Constitution.

Located on the Equator line, the DRC is composed of an equatorial hot and humid climate at the Centre, and the tropical climate in South. Climatic variations in the country determine diverse ecosystems and a rich biodiversity. Half of the territory corresponds to the central cuvette and is covered by forest. The other part, which is close to the tropics, is dominated by savannahs (plateaus and high plateaus). DRC has two peak rainy seasons in a wet period that can last up to seven months. Regions lying to the south of the equator experiences frequent heavy rains between October and May, and extend between April and November for northern areas. Climate deeply affects livelihoods in the DRC and threatens the way of life of indigenous communities mainly. This explains the massive population movements from peripheral zones to the centre. The DRC is one of the African countries that are rich in natural resources, principally diamond, copper, cobalt tin and petroleum. It possesses the world’s second largest reserve of copper, as well as 50% of African forestry reserve and 17% of the World’s reserves. The country’s GDP was 96.32 billion in 2014. Unemployment rate in DRC was estimated at 7.2% in 2012, and primary school enrolment rate at 52%.

- Legal, policy and institutional framework on the right to nationality, citizenship and statelessness

At the international level, the DRC adhered to the 1951 UN Convention relating to the status of refugees and its 1967 Protocol in 1965 and 1975 respectively. It has neither signed nor ratified the 1954 and 1961 UN conventions on statelessness.

At the continental (African Union) level, the DRC is party to the following conventions: the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa ratified in 1973; the 1981 African Charter on Human and Peoples Rights ratified in 1987 and the 2003 Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa. It signed the 1990 African Charter on the Rights and Welfare of the Child in 2010, but has not ratified it yet. The DRC has also signed

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73 See CIA World Factbook, the Democratic Republic of Congo, available online at : https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html
75 See: http://r4d.dfid.gov.uk/PDF/Outputs/MediaBroad/02-Democratic-Republic-of-Congo-Talks-Climate.pdf Retrieved in November 2015
the 2009 AU Convention on the Protection and Assistance of Internally Displaced Persons in Africa, also called the Kampala Convention (signed in 2010), but has not yet ratified it. The DRC has signed but not yet ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights.

At the national level, the DRC’s 2006 Constitution addresses questions of nationality in its Article 10, which states that,

“Congolese nationality is one and exclusive. It cannot be detained concurrently with any other one. The Congolese nationality is either of origin, or by individual acquisition. Is Congolese of Origin, every person belonging to ethnic groups whose peoples and territory constitutes what is known as Congo (presently Democratic Republic of Congo) at independence. An organic law determines conditions or recognition, acquisition, loss or recovery of Congolese nationality.”

Congolese nationality is also referred to in the Constitution with respect to electoral office (the President of the Republic must possess Congolese nationality at origin, article 72-1). In addition, it states that matters relating to (...) nationality (article 202-3), extradition, immigration, migration and delivery of passports and visa fall into the exclusive competence of the central government (article 202-4). The Constitution reiterates the requirement for the adoption of a law to determine rules pertaining to nationality in article 122-5.

At the legislative level, nationality is governed by Law N° 197 of 2004, modifying and completing the Law N° 81-002 of 29th June 1981 on Congolese nationality. The Law affirms in its explanatory statement that it strives to meet modern standards of the right to nationality law, and standards of international conventions, particularly those pertaining to the Convention on the reduction of statelessness, in order to avoid the resurgence of some situations that developed due to legal instruments that were condemned during the Inter-Congolese Dialogue talks.

The law clearly states under article 1 that Congolese nationality is exclusive and may not be held concurrently with any other nationality. This provision was reaffirmed in article 10 of the 2006 Constitution (see above). It also affirms equality of all Congolese ethnic groups (all ethnic groups whose territory and people constituted what has become the Congo, now the DRC, at independence) in accessing to Congolese nationality

The Nationality law’s explanatory statement section also affirms that Congolese nationality may be attained by origin or by acquisition.

(1) Nationality of Origin

Under Congolese nationality Code, nationality of origin is attached to belonging, affiliation and legal presumption.

Nationality by belonging
- is Congolese by origin, any person who belongs to ethnic groups and nationalities whose people and territory constituted what became Congo (now the Democratic Republic of Congo) at the time of independence (article 6)

Nationality by affiliation
- Child born of a Congolese father or mother. Nationality by virtue of affiliation may only be established while the child is still a minor

Nationality by virtue of legal presumption
This applies to:
- infant found in the DRC of unknown parents
- child born in the DRC of stateless parents
- child born in DRC of parents whose
nationality cannot be passed on to the child due to the law of parents’ country of origin, where the country only recognizes jus soli or where natural affiliation does not have effect on nationality (article 9).

(2) **Nationality by acquisition**

Acquisition of Congolese nationality may occur by virtue of naturalization; option (express declaration); adoption; marriage and birth or residence in the DRC.

**Acquisition of nationality by naturalization**
The Congolese nationality may be conferred by Decree approved by the National Assembly by naturalization (article 11). May be naturalized:
- Any foreigner who has rendered outstanding services to the DRC or whose naturalization constitute a real interest for the DRC with real visible impact

**Acquisition by virtue of option**
Option may occur to:
- A child born in the DRC or abroad of at least one parent who once held Congolese nationality
- A adopted child where at least one of the adoptive parents acquired or was restored Congolese nationality

It should be noted that “option” is subject to conditions, namely:
- At least five (05) years of residence in the DRC
- Ability to speak at least one of the Congolese languages
- Submission of a statement committing to repudiate any other nationality

The declaration of option must intervene at least six months prior to the child attaining the age of majority (18 years). Government may oppose the acquisition of nationality by virtue of option in case of indignity of the applicant.

**Acquisition of nationality by virtue of adoption (article 17)**
Adoption concerns a minor child:
- Who has been legally adopted by a Congolese
- Of which at least one of the adoptive parent acquired the Congolese nationality
- Whose adoptive parent voluntarily recovered Congolese nationality

An adopted child may renounce the Congolese nationality conferred on to him up to six (06) months after majority, provided that he can demonstrate that he already holds a foreign nationality.

However, a legally adopted child can, during the six months of age, give up his Congolese nationality according to the provisions of this Law, provided to establish that it has acquired foreign nationality.

**Acquisition of nationality by marriage**
Under the Congolese nationality Code, marriage has no effect on Congolese nationality. Similarly, termination of marriage does not affect nationality (article 20).

Nationality is passed onto the foreign national who marries a Congolese national only after seven (7) years of marriage, provided that the marriage has not ended at the time of filing the naturalization request. The Congolese national is also required to have retained his/her Congolese nationality (article 19).

**Acquisition of nationality by virtue of birth or residence in the Congolese territory**

This applies to
- Any child born on the territory of the DRC of foreign parents who, from the age of eighteen (18) years, expressly (in writing) declares his intention to acquire Congolese. The applicant is required to provide proof of permanent residence in DRC at the time of application (article 21).
The 2004 Law on Nationality of the DRC attaches conditions to accession to nationality by accession. Conditions include:
- Has attained the age of majority (18 years of age)
- Express submission of an individual statement
- Submission of a written statement of commitment to renounce to any other nationality
- Ability to speak at least one Congolese languages
- Be of good character and morality
- Have resided in the DRC for at least seven (07) years at the time of application of nationality by acquisition

Loss and recovery of Congolese Nationality

Congolese nationality may be lost by loss or forfeiture. Forfeiture occurs when:
- A person retained their foreign nationality after acquiring Congolese nationality
- Acquired Congolese nationality by fraud
- Engaged in acts of corruption during the acquisition procedure

1.6. GABON

- Historical and political background

Portuguese explorers came into the territory of contemporary Gabon in the 15th Century. From the middle of the 19th Century, France progressively occupied the territory, following the signature of treaties between France and Gabonese coastal chiefs. Gabon became an independent country on 17 August 1960, with Leon Mba as its first President. Gabon has had three Presidents since Independence, namely Leon Mba (1961-1967), Omar Bongo (1967-2009) and Ali Bongo (2009-Present). In the early 1990s, Gabon was introduced to a multi-party system and a new democratic Constitution.

Gabon is a Republic with a presidential form of government under the 1961 Constitution revised in 1975. In 1991, a new Constitution was written, to integrate the requirements of multipartism and democratic institutions. The

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1991 Constitution was revised in 2003. Under the new Constitution of Gabon, the President is elected by universal suffrage for a seven-year term (article 9). The 2003 constitutional amendment removed presidential term limits. Gabon has a bicameral legislature with a National Assembly and Senate (Article 35). The National Assembly has 120 Members of Parliament (MPs) who are elected for a 5-year term. The percentage of women represented in the Parliament as a whole was 15% in 2014. The Senate is composed of 102 members who are elected by municipal councils and regional assemblies and serve for 6 years. The current senators were elected on 13 December 2014. The next presidential elections in Gabon are due in 2016.

Gabon’s administrative map comprises nine (09) Provinces, which are subdivided into 50 Divisions. The President appoints Provincial Governors, Divisional Officers (D.O) and Sub-divisional Officers (S.D.O’). At the sub-regional level, Gabon is a relatively stable country, compared to other countries in the Central African sub-region. Gabon played an important role in efforts towards stability of Central Africa sub-region, notably through involvement in mediation efforts in Chad, the Central African Republic, Angola, and the Republic of the Congo, the Democratic Republic of the Congo (D.R.C.), and Burundi. Gabonese armed forces were also an integral part of the Central African Economic and Monetary Community (CEMAC) mission to the Central African Republic. However, Gabon is one of the countries that do not allow free movement of persons within the CEMAC zone.

- Socio-economic background

As of 1st January 2015, the population of Gabon was estimated at 1,732,447 inhabitants. The Gabonese population is composed of about 50 ethnic groups. The Fang are the largest in numerical terms (32%), followed by the Mpongwe (15%), the Mbede (14%), the Punu (12%) and the Baka. The Baka are said to be the country’s original inhabitants. Only about 3,000 of them remain, scattered in small groups in the heart of the Congo basin rainforest. The fact that this group lives in a space that is shared by Cameroon, Gabon and Chad explains why they are mentioned once again in this country. There are nearly fifty languages in Gabon, with 32% of the people claiming Fang as their mother-tongue. Although equal under the law, most of Gabon’s several thousand indigenous Baka people live in extreme poverty in isolated forest communities and are often exploited as cheap labor.

The law provides for gender equality in education and employment, but women continue to face discrimination, particularly in rural areas.

Gabon is located in central Africa, crossed by the Equator, with a total surface of 267,670 km². Almost 800 km of its littoral gives it access to the Atlantic Ocean. Gabon shares its northern boundary with Equatorial Guinea and Cameroon, the east and south boundaries with the Republic of Congo.

Like most countries in the Central African sub-region, Gabon is located at the heart of the Congo Basin, and boasts an extensive rainforest with rich forestry and biodiversity, and mineral-rich soil. Gabon is the ninth largest oil producer in Africa (240,000 barrels per day) and the world’s thirty-seventh (37th), oil producer country.

Gabon’s climate is primarily equatorial, and people activities are affected due to climate change and local communities living in these...
areas will need to migrate. Gabon’s GDP is estimated at USD 22 billion, with the agricultural sector accounting for only 3.6% of the GDP, against 63.9% for industry, and 32.5% for services.

Gabon faces significant challenges in economic and social development, despite its high GDP. The country remains dependent on oil and mining resources, which represent 90% of exports and 45% of the country’s GDP.

In Libreville and Port-Gentil, nearly 20% of people live below the poverty line and precarious conditions. The socio-economic issue is weakened by unemployment, estimated at 19.6%. These conditions make the country prone to emigration of its citizens. On the other hand, Gabon is also home to a large immigrant population from West Africa and neighboring central African countries. Discrimination against African migrants is however widespread, who are frequently harassed or expelled.

Gabon hosts a small number of refugees. As for the 30th of June 2014, the country had just over 1000 refugees, coming from neighboring countries. The UNHCR office in Gabon was closed in January 2013, but it continues to operate in the country with a small unit under the supervision of the UNHCR Regional Office in Kinshasa. The country also hosts 1,860 asylum seekers, essentially from the Republic of Congo, CAR, the DRC and Chad.

**- The Legal, policy and institutional framework for citizenship and nationality**

**At the international level,** Gabon adhered to the 1951 UN Convention relating to the status of refugees and its 1967 Protocol in 1964 and 1973 respectively. It is not party to the 1954 UN Convention on the Status of Stateless Persons nor the 1961 UN Convention on the Reduction of Statelessness.


**At the national level,** Gabon’s Constitution does not address the issue of nationality. It simply states in article 47 that except for cases expressly provided by the Constitution, the law sets the rules concerning nationality, status of foreigners and immigration policies.

The other reference to nationality in the Gabonese Constitution is in art. 10, which states that

> Are eligible to the Presidency of the Republic, all Gabonese of both sexes who enjoy the full benefit of their civic and political rights, aged 40 years of age at the minimum

Any person who acquired Gabonese nationality may not run for office of the Presidency of the Republic. Only his descendents who have remained in Gabon without discontinuity may do so from the fourth generation.

> The modalities of application of the present law are determined by an organic law.
Citizenship and the Right to nationality in Central Africa,
Gabon’s nationality is governed by Law N° 37/98 of 20thJuly 1998 relating to nationality code. Article 4 of the law provides that

*Nationality provisions contained in international treaties or agreements duly ratified and published, take precedence over those of this law, and shall apply even when they are contrary to it*

Gabon does not exclude dual nationality, but provides that

“Any person, who in addition to the Gabonese nationality, claims another nationality, may claim whilst in Gabon, only Gabonese nationality” (article 7)

Gabonese nationality may be acceded to by virtue of origin (Title I) or by acquisition after birth (Title II).

**(1) Attribution of nationality by virtue of origin**

Gabonese nationality by attribution may be obtained by virtue of birth, of affiliation or of recognition. Gabonese law provides a retroactive attribution of nationality, as it allows persons falling under this category to be deemed to have always held Gabonese nationality from birth (article 16).

**Attribution by virtue of birth in Gabon**

This applies to:
- A child born anywhere of at least one parent of Gabonese nationality (art.11-1)
- A child born in Gabon of unknown or stateless parents. The child is however deemed to never have been Gabonese, if it is later (while s/he is a minor) established that his/her affiliation is attached to foreign parents (article 11-2)
- A legitimate child born in Gabon of foreign parents if one of them was born in Gabon
- An illegitimate child born in Gabon of foreign parents if one of them was born in Gabon
- A new-born child found in Gabon is presumed to have been born in Gabon (article 12).

**Attribution by virtue of affiliation**

It applies to:
- A legitimate child born of at least one Gabonese parent
- Illegitimate child when at least one of the parents to whom his/her affiliation is attached is Gabonese (article 13).

**Attribution by virtue of recognition**

- Any person born in Gabon of foreign parents who declares their intent 12 months prior to attaining the age of majority (21 years). S/he is however requested to have had his/her residence or domicile in Gabon for at least five (05) consecutive years prior to his/her application.
- Any person born in a border zone that is within twenty-five (25) km radius from Gabonese territory, may declare their intent at least 12 months prior to attaining the age of majority (21 years of age), provided they have been domiciled or resident in Gabon for at least ten (10) consecutive years.
- Any person raised in Gabon by the public assistance or by a person with Gabonese nationality before the age of fifteen (15) years
- Any person who lost their Gabonese nationality by the effect of renunciation while still a minor.

**(2) Nationality by acquisition after birth**

Gabonese nationality may be acquired through marriage; adoption of a child and restoration or naturalization of parents

**Acquisition through marriage**

Under the Code, marriage does not provide any automatic entitlement to Gabonese nationality (article 20). Similarly, termination of marriage does not have any effect on the
nationality of children born in the marriage (article 21).

Acquisition of Gabonese nationality applies to the following:
- A foreign person who marries of Gabonese nationality, upon express request, three years after the date of the marriage and if that marriage has not been dissolved (article 23)

Acquisition by adoption of a child and restoration or naturalization of parents
This applies to the minor child:
- Adopted by a Gabonese national acquires Gabonese nationality upon adoption. The child may however repudiate his/her nationality by a within twelve months after attaining the age of majority (article 25)
- Even adopted, of restored or naturalized persons, may acquire or regain Gabonese nationality (article 26).

Acquisition by restoration
Restoration of Gabonese nationality is pronounced by decree, without any age requirement or probation period, if the person concerned provides evidence that they once held Gabonese nationality and have their residence in Gabon at the time of application (article 27). Acquisition of Gabonese nationality by restoration is never an entitlement. An individual may not be reintegrated if their nationality has been forfeited, unless they have rendered outstanding services to the Republic of Gabon (article 28).

Acquisition by naturalization
Naturalization is granted by presidential Decree after investigation and upon an expressed request by the concerned individual (article 30). It is never an entitlement. Naturalization may not be granted when the applicant falls under the following categories:
- Has not reached the age of majority (21 years)
- Has not had their residence in Gabon for at least five consecutive
- Does not have investments in Gabon
- Did not retain residence in Gabon at the time of signature of the naturalization decree
- Is not of good character or morality
- Suffers from a serious physical or mental disability whose cause is not the result of a service performed on behalf of Gabon or an act of devotion in favor of a Gabonese national
- Has not been convicted of an offence against ordinary law not expunged by rehabilitation or amnesty.

Incapacities
The Gabonese Nationality Code states that naturalized persons are ineligible to elective office after ten (10) years following their naturalization. This may be reduced by half (05 years) if exceptional services have been rendered to Gabon or in the interest of Gabon.

4. Loss of nationality
Gabonese nationality can be lost by loss of forfeiture
Gabonese nationality is lost by voluntary renunciation (article 34).

Forfeiture of Gabonese nationality occurs when:
- Naturalization was obtained by fraud (notably by producing forged documents or by misleading investigative officials)
- An individual who, having acquired Gabonese nationality, has been convicted for an act constituting a crime or offense against the external security of the State
- An individual who, within seven years after the acquisition of Gabonese nationality, is convicted in Gabon or abroad for an act held as an offense or a crime under Gabonese law, resulting in a condemnation of at least five years imprisonment.
2. COUNTRY BACKGROUND SUMMARY

It can be observed from the above that acquisition and loss of nationality vary from country to country across the Central African sub-region, but there are great similarities among Francophone countries, whose Constitutions and nationality Codes generally contain the same provisions, sometimes word for word.

Countries of the Central African sub-region also have similarities in their historical and political backgrounds, as well as social and economic contexts. Thus:

- Countries acceded to independence in 1960-1961

- They went through long periods of political turmoil, and some countries are still affected by the consequences of their pre and immediate post-independence political history to date

- All countries in the Central African sub-region have abundant natural resources, but their natural wealth fails to translate into availability of services and wellbeing for their citizens

- Countries are affected by high levels of youth unemployment, which exacerbates political unrest and risk of conflict, and therefore voluntary or forced displacement (migrations, internal displacement and refugees) and risks of statelessness

- In many countries, tradition and poor education increase risk of statelessness and hinders equal right to a nationality for all citizens (men are often advantaged over women)

- The question of nationality and citizenship remains very sensitive in the majority of countries of the sub-region, and countries tend to favour exclusive nationality over dual or multiple citizenships.

- Countries in the sub-region are however generally welcoming of vulnerable groups such as refugees, and inter-country migrations are significant. However, regional integration in the sub-region is not effective, and this affects movements and hosting of vulnerable groups. The prospect of central African citizenship also remains a distant reality.

- All countries in the sub-region have minority indigenous communities, whose numbers generally oscillates between 1% and 5% of the country’s total population. The situation of indigenous people remains problematic, as they remain marginalised and without alternatives to the forced change to their ways of life. They remain of one the groups most vulnerable and at risk of statelessness, and whose citizenship rights are denied.

Among the countries present at the Conference, it can be noted that nationality is generally acquired by origin (affiliation at birth) or by acquisition after birth.
# Citizenship and Nationality in Central Africa

## Countries

### Cameroon
- Born of one or both Cameroonian parents
- Illegitimate child born of one or both Cameroonian parents
- Born of a Cameroonian mother and whose father is stateless
- Born of unknown and stateless parents

Does not allow dual citizenship

### Central African Republic
- Born of one or both Central African parents
- Adopted by a Chadian
- Born of unknown parents

Allows dual citizenship to naturalized citizens only

### Chad
- Legal or illegitimate child born to one or both Chadian parents
- Legal or illegitimate child to a Chadian descendant
- Born of unknown parents
- Any child adopted by a Chadian national

### Congo-Brazzaville
- Born of one or both Congolese parents
- Born of unknown parents

Law on nationality in conflict with the Constitution on the issue of dual citizenship

### Democratic Republic of Congo
- Born of one or both Congolese parents
- Born to stateless parents
- Born in DRC with a Congolese ethnicity
- Born to foreign parents whose nationality law adopts the jus soli
- Adopted child by a Congolese

Does not allow dual citizenship

## Citizenship by Birth

### Other Central African Countries
- Through marriage (a woman marrying a Cameroonian man only)
- Reintegration
- Cumulative conditions applicable to any foreigner
- Beyond the age majority which is twenty-one (21) years
- After a period of residence of 5 years
- Must have sufficient investments in the country
- Centre of interests in Cameroon, good conducts and morals
- Good physical and mental health

### Cameroon
- At the age of maturity which is eighteen (18) years
- Through marriage, men can automatically pass citizenship to their spouses
- After a period of residence of 35 years
- Must have sufficient investments, agricultural properties and have received a national honour

### Chad
- At the age of maturity which is eighteen (18) years. It applies to legal or illegitimate children born in Chad with no other nationality; a child born to unknown parents and a child born to parents with a foreign nationality
- Through marriage, equal rights between men and women
- Reintegration
- Cumulative conditions addressed to any African individual
- After 15 years of residence
- Good conducts and moral, no conviction, Good mental health

### Congo-Brazzaville
- At the age of majority which is eighteen (18) years applies to a child born of foreign parents
- Through marriage, only men pass on nationality to spouses after a period of 5 years of marriage
- Cumulative conditions applied to any foreigner
- After a period of residence 10 years

### Democratic Republic of Congo
- At the age of majority which is eighteen (18) years
- Through marriage equal rights (10 years)
- Cumulative conditions applied to any foreigner
- Have attained the age of majority
- After a period of residence of 7 years
- Speak one of the Congolese language, must have strong attachment with DRC, Good conduct
<table>
<thead>
<tr>
<th></th>
<th>Citizenship and the Right to nationality in Central &amp; Principe (Equatorial Guinea)</th>
<th>Gabon</th>
<th>Other Central African Countries</th>
</tr>
</thead>
</table>
|           | - At the age of majority which is twenty-one (21) years applies to a child born in Gabon to foreign parents and who justifies a five year residence in the territory | - Born of one or both Gabonese parents  
- Born of from unknown or stateless parents.  
- New-born baby found in Gabon  
Allows dual citizenship to all | - After a period of residence for migrants or asylum seekers (10 years)  
- Depending on the civic and moral guarantees of integration into society  
- Through marriage, equal rights (after 5 years) |
| Angola    | - Born in the territory  
- Born of unknown parents  
- Born of stateless parents  
Allows dual citizenship to all | | --After a period of residence for migrants or asylum seekers (10 years)  
- Attachment to Burundi and assimilation with Burundian citizen, Good conducts and moral, no conviction.  
- Through marriage, only men pass nationality after 5 years |
| Burundi   | - Born of unknown parents  
- Born of one of both Burundian parents  
Allows dual citizenship to all | | |
| Equatorial Guinea | - Born of one or both Guinean parents  
- Only men pass automatically nationality to spouse  
Does not allow dual citizenship | | --At the age of majority which is eighteen (18) years  
- Through marriage, only men pass nationality  
- After a period of residence of 10 years  
- Residence requirement can be reduced to 5 years if important services and investments have been recorded |
| Sao-Tomé & Principe (STP) | - Born of one or both Sao-Tomé parents  
- Born of stateless parents  
- Born of parents who are legal residents  
Allows dual citizenship to nationals from birth only | | - Through marriage, equal rights  
- After a period of residence of 5 years  
- Knowledge of Portuguese, civic and moral guarantees, relevant services provided to the country |
THE RIGHT TO NATIONALITY IN CENTRAL AFRICA: COUNTRIES SUMMARY

Generally speaking, to be recognized as a citizen in the sub-region, one’s parents should be native (nationals) of the said country (all). It should be noted however that no country requires that both parents be nationals of the country.

Five (05) countries in the Central African sub-region (Burundi, Cameroon, CAR, Republic of Congo, and Equatorial Guinea) allow only men to pass their nationality onto their spouses, while women cannot pass their nationality onto their foreign husbands through marriage.

Five (05) countries allow automatic granting of citizenship by marriage, namely Angola, Sao Tome e Principe, the DRC, Gabon, and Chad.

Conditions imposed for naturalisation are generally similar in most countries, but some criteria, notably the probation period of residence or domicile required varies greatly from country to country. Thus, it varies from (05) years in some countries (Cameroon, Gabon and Sao Tome e Principe), to seven (07) years (Democratic Republic of Congo), ten (10) years (Angola, Burundi, Equatorial Guinea and Republic of Congo), fifteen (15) years (Chad) and up to thirty-nine (35) years in the CAR.

Four (04) countries in the sub-region do not allow dual citizenship (Cameroon, CAR, DRC and Equatorial Guinea), while the six others permit dual citizenship (Angola, Chad, Republic of Congo, Gabon, Rwanda and Sao Tome e Principe).

Gabon is the only country that takes into consideration the peculiar situation of border communities, and allows for the naturalisation of persons born near its border (within a 25km radius) under defined criteria.

SESSION 2: SECURITY AND CONFLICTS IN THE CONTEXT OF THE RIGHT TO NATIONALITY.

The speaker in this session, Dr.Chidi A. Odinkalu, introduced the issue of nationality from the historical perspective of artificial border creation in Africa.

He noted that the issue of nationality in Africa is closely tied to the continent’s history of colonization. Thus, nationality in Africa is linked to origins, ancestry and historical past of the continent’s peoples.

Before colonization, the current African States lived without borders and moved freely. In this respect, populations living in borders of both Chad and Sudan, Burundi and Rwanda, or Cameroon and Nigeria for example, moved, grew and even founded families regardless of territorial delimitations. In contemporary central African sub-region, some examples illustrate such very well:

- The current President of Chad, Idriss Déby, is a descendant of the Zaghawa ethnic group of Sudan, which is why he added ITNO to his name, even though he does not hold Sudanese nationality.
- The Mbororos of Cameroon and the Fulanis of Chad are of the same ethnic group, even though they now live in separate countries. 89

With divisions related to past colonial occupations, several African territories have been dislocated. Barriers have been put in place, and borders were installed without consideration of the people living in these territories. In contemporary legal history, this is also the case of Cameroon and Nigeria, as stressed by Dr. Odinkalu.

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89 In fact, Fulanis (to which the Mbororos in Cameroon belong) are nomadic and pastoralists populations who span across the Sahelian belt, and can be found in about 15 African countries in West Africa, and also in Chad, CAR, Soudan, and in Cameroon.
The border dispute concerning sovereignty over the territory of Bakassi is a strong illustration of the problem of border demarcations and their consequences on the lives of people living within shared territories.

Under the Greentree Agreement of 2006, it was concluded that the nationality of the inhabitants of Bakassi would be respected. People of Bakassi were made to choose between receiving Cameroonian nationality and maintaining Nigerian nationality. They also could opt to stay in Bakassi as Cameroonian or aliens under Cameroon’s immigration laws, or move to Nigeria. From a human point of view however, the difficulty of requesting people who have their origins in a place to leave that land as a result of a border dispute was not taken into consideration. In addition, from a legal point of view, applying the Greentree Agreement would have required a census of all Bakassi residents, to identify those with clearly established nationality and those with uncertainty over their nationality, as well as a change in Cameroon’s nationality law. To date, it is impossible to determine the exact population of the Bakassi Peninsula, and the nationality of its residents. Unverified statistics estimate that the population is composed of a majority of Nigerians, who are said to make up over 90% of the population. Indeed, in the resolution of the border dispute between Nigeria and Cameroon, the human aspect was not taken into account.

Bakassi people continue to suffer from poor access to basic services and documentation that would allow them to assert their citizenship rights. Currently, access to public services remains a challenge for Bakassi residents as they are physically isolated from the rest of Cameroon because of poor road infrastructure. In fact, it is easier for a resident of Bakassi, who is for instance a fisherman, to sell his products in Nigeria than in Cameroon. To reach Mundemba by road coming from Bakassi is still problematic; this causes inflation in the cost of transportation and other products for inhabitants of that zone, even though they have some of the lowest revenue in the country.

Another example is the Banyamulenge people of the Great Lakes Region of Africa, as indicated by Ms. Olivia Bueno, who emphasized the impact of history and conflict on State security, nationality and citizenship rights.
The Banyamulenge, also called “Congolese Tutsis”, are a minority group concentrated in the High Plateau of South Kivu in the Eastern Region of the Democratic Republic of Congo (DRC, formerly called Zaire from 1971 to 1997), along the Burundi-Congo-Rwanda border. They migrated from Rwanda, settling in the higher regions “Mulungu Hills” (their name’s origin), because of the climate and to feed their cattle. The term “Banyamulenge” is often used interchangeably with “Banyarwanda”. Both are Rwandan migrants, known for the role they played in the beginning of the civil war in Congo, and their protest for citizenship recognition in Congo. The difference between Banyamulenge and Banyarwanda is based on the historical context of migrations from Rwanda to Congo. While the Banyamulenge, pastoralist migrants, settled in South Kivu in the Eastern Congo in the early 1880s, the Banyarwanda migrated to Congo during the colonization, and have for a long time bee considered as foreigners.

After the independence of Zaire on 30th June 1960, many contradictions and conflicts emerged between Rwandan migrants and the indigenous populations in Congo. These conflicts revolved around land issues, high political involvement and economic prosperity of Rwandan migrants, especially the Banyamulenge. The acquisition of nationality for Banyamulenge under the 1965 constitution* and their linguistic links with other Rwandan migrants also became a source of dispute. During the Rwandan Tutsi refugee crises of 1959 and 1970, some political sections reinforced by ethnic group’s rivalries, and began to identify Banyamulenge as Rwandans, because of the common language (Kinyarwanda) with Rwandan refugees.

In order to solve these conflicts, efforts have been made to find legal solutions. In 1972, under Law N° 002 relating to Zairian nationality, Zairian citizenship was granted to all Rwandan and Burundian natives who had settled in Zaire from 1959 to 1963**. With this law, the Banyamulenge were protected from being confused with Banyarwanda foreigners, since the latter were also eligible for the Zairian nationality. But the law was abolished by that of 2nd June 1981 relating to Zairian nationality***. In 1996 after the civil war in Rwanda that spilled over to Zaire, the Banyamulenge rebelled against the government, fighting for citizenship and freedom from persecution. This is considered as one of the triggers of wars in Zaire.

The most recent law on Congolese (DRC) nationality (2004) affirms in Article 6 that

“All persons belonging to ethnic groups or nationalities, whose peoples and territory became the Congo at the time of independence, are Congolese by origin”.

However, it seems unclear whether the 300,000 to 400,000 Banyamulenge people living in the DRC can obtain nationality documents or rights as citizens. The key concern here is that, determining which groups are authentic under this provision remains a difficult process, given the contested and complex history of migrations in DRC.

* Article 15 of the citizenship decree provided that: “Persons originating from Ruand-Urundi established in the province of South Kivu before the 1st of January 1960, and who established residence there since in Republic of Zaire until the law come into force, have acquired Zairian nationality on the date of 30th June 1960” PabanelJean Pierre, La question de la nationalité au Sud KIVU, available online at: consulted in http://www.politique-africaine.com/numeros/pdf/041032.pdf

** The 1965 Zairian constitution provides that as of June 30, 1960, is Congolese of origin, “any person whose descendant is or has been a member of one of the tribes established in the territory of the Democratic Republic of Congo in its limits to August 1, 1885, such modified by subsequent agreements.” Ebauche de la constitution de la RDC, http://www.ethnonetafrica.org/data/rcd/const_eb.htm#const.

*** Article 22, restricts the rights of Banyamulenge in these terms: “The foreignerwhobecame Zairianby virtue of option is subjected to the following disability: 1. He cannotbeinvested of politicalfunctions” Pabanel, Jean Pierre, La question de la nationalité au Sud Kivu, Op.Cit.
Session conclusion & recommendations

As illustrated by the two cases above of the Bakassi people of Cameroon and Nigeria, and the Banyamulenge of DRC and Rwanda, the human aspect is often neglected in border dispute resolutions. Nationality laws must be reviewed in the concerned countries, to take into account the history of African people, particularly where groups share the same ancestry and origins across borders. The case of Banyamulenge in DRC shows how historical aspects of migrations are closely linked to nationality and citizenship in Africa. Policies on nationality should take into consideration such aspects by clarifying the state of belonging to a country in relation to history.

SESSION 3: GOVERNMENT PERSPECTIVES ON CITIZENSHIP, THE RIGHT TO NATIONALITY AND RISKS OF STATELESSNESS IN CAMEROON

At the request of public administration and government representatives at the Conference, a session was organized to provide an overview of government perspectives with respect to citizenship and the right to nationality in Cameroon. It should be noted that this session included only participants from Cameroon. Considering that this session was a not initially scheduled, speakers essentially provided clarification on legal and policy frameworks, as well as administrative procedures regarding the right to nationality in Cameroon. They also provided overviews of the causes or consequences of the legal, policy and institutional frameworks of the right to nationality in Cameroon, particularly with respect to the risk of statelessness. Representatives of local and decentralized administrations from Akwa-Bakassi in the South-West, and Mora in the Far-North regions of Cameroon, were among the speakers in this session. For a list of speakers, see Final Conference Agenda in ANNEX.

1. ACCESS TO DOCUMENTATION, NOTABLY BIRTH CERTIFICATES

The non-possession of birth certificates, notably due to the non-registration of children at birth, was identified as one of the most common sources of statelessness or risk of becoming stateless in countries of the Central Africa's sub-region present at the Conference. Key factors in making this situation prevalent in the sub-region were identified as related to the level of education, poverty, and the social, economic and political situation of countries of the sub-region; these lead to migrations and movements of populations, forced or voluntary. With respect to birth registration specifically, the following factors were identified as preventing birth registration or putting people in situations where they do not have birth certificate and may not be able to prove their filiations in Cameroon:

- The remoteness of rural areas from civil registration centres reinforced by the poor state of roads, which further make access to civil registration centres difficult;
- Slowness in establishing or recovering civil status documents in case of loss;
- Ignorance of the necessity to establish birth certificates to children at birth as well as procedures thereof.

At the policy and institutional levels, a representative of the Ministry of Territorial Administration and Decentralization highlighted efforts currently being taken by the government to improve on the situation. The government of Cameroon is putting in place several measures to ensure that access to civil registry centres is facilitated all over the country. Such measures include:

- Training and capacity building of civil registry officers across the ten administrative Regions of the country. For example, a training of these officers took place on 21-29 September, 2015, in Yaoundé;
- The setting up of civil registry centres in each Sub-division in years to come;
- The creation of an office of civil registry that will allow computerization and centralization of civil registry data in order to facilitate procedures of establishment or recovery of civil documents.

2. RISKS OF STATELESSNESS IN THE FAR-NORTH

The Far North Region of Cameroon was created by Presidential Decree No. 83/392 of 22 August 1983, following the breakup of the former Northern Province into 03 distinctive Provinces. Its chief town is Maroua. The Far North Regions has six (6) Divisions (Diamare, Mayo Danay, Logone and Chari, Mayo Kani, Tsanaga Mayo, Mayo Sava), forty-seven (47) Districts and forty-seven (47) local governments (Communes).

With a population of about 3,709,691 inhabitants\(^90\), the Far-North Region remains the most populous of Cameroon. This Region has a predominantly young population, (under the age of 15 years) which represents 51% of the regional population (against 43.6% at the national level). It is worth noting that this population is predominantly rural (77.3%). Overall, population growth is high and sustained by a high rate of fertility (on average 6.8 children per woman aged 15-49). The urbanization rate is 19.7%, well below the national rate of around 40%. The population of the Far North Region is a mosaic structure which is composed of sedentary peoples and transhumants. The latter (mainly Mbororos) are nomads in search of pasture. They are found throughout the northern part of the region. Among the sedentary, the main groups are the following\(^91\):
- Guiziga, Moufou and Fulani in the Diamaré;
- Mandara, massive Mora, Podoko, Mada, Moyang, Zoulgoof Kanuri, and Mouktelé in Mayo Sava;
- Mafa and Kapsiki in Mayo Tsanaga;
- Moundang, Guiziga and Toupouri in Mayo Kani;
- Toupouri, massaged, Mousgoum and Fulani in the Mayo Danay;
- Kotoko, Arab and Mousgoumchoain in the Logone and Chari.

The Far-North Region of Cameroon contains one of Cameroon’s longest borders with Nigeria (approximately 2,000 kilometres or 1,250 miles\(^92\) ). The area has now become insecure due to frequent trans-border attacks from the Boko Haram sect. Since the beginning of the terrorist group’s activities in North-East Nigeria, most villages near the border (most notably in the Mayo-Sava Division) have been deserted, causing massive internal displacements of populations (the IDP population in the area is estimated at 96,042 in 2015\(^93\)). In addition, thousands of people from Nigeria have crossed the border to seek refuge in Cameroon\(^94\). Before the influx of Nigerian refugees, the region already faced human development challenges such as low literacy rates, poor health facilities, lack of infrastructures, as well as limited access to clean water and discrimination against women, among other challenges\(^95\). In many villages in the region, families use their children as farm labourers or cattle reapers, rather than sending them to school. Polygamy is also common in the region, causing women to be married early with little say in family decision-making. Many attribute this prevalence of early, child or forced marriage (ECFM) to religious practices or local traditions. The fact that most women in this region are illiterate means they are more likely to not register their children at birth, thereby increasing the risk of their children


\(^{94}\) http://www.unhcr.org/pages/4a03e3026.html

\(^{95}\) Presentation by Mr.Soukoulunga, First Assistant to the Senior Divisional Officer of the Mayo-Sava Division at the Yaoundé conference on “Citizenship and the right to Nationality in Central Africa.”
becoming stateless. Women unaware of the danger their children face if they do not have birth certificates, but they often do not have any say in their marital homes. Child delivery at home is prevalent in the region, because of the cost of delivery in hospitals or due to tradition that prevents women from undressing in front of males who are not their husbands, including male Doctors and Gynaecologists. Children born in such conditions are not declared at birth and, in most cases, are not declared at all within the statutory timeframe. Most children generally end up never having birth certificates. The National Institute of Statistics estimates that 30% of people in the Far-North Region do not have birth certificates.

3. CITIZENSHIP AND NATIONALITY IN THE BAKASSI PENINSULA

During the Scramble for Africa, Queen Victoria, signed a Treaty of Protection with the King and Chiefs of Akwa Akpa, known to Europeans as Old Calabar on 10 September 1884. This enabled the British Empire to exercise control over the entire territory around Calabar, including Bakassi. When Southern Cameroonians voted to join French Cameroon during the 11 February 1961 plebiscite, Bakassi remained under Calabar administration in Nigeria until ICJ judgement of 2002.

Among the many border disputes that Cameroon and Nigeria have had in the years since Independence, the Bakassi peninsula stands out very clearly as the most serious dispute of all. Bakassi, an oil-rich island, including submarine shoals rich in fish, is a peninsula on the African Atlantic Gulf of Guinea. It lies between the Cross River estuary, in the west, and the Rio del Rey estuary on the east. The peninsula lies between latitudes 4°25’ and 5°10’N and longitudes 8°20’ and 9°08’E. It consists of a number of low-lying, largely mangrove covered islands covering an area of around 665 km² (257 sq mi). The population of Bakassi is said to be roughly about 300,000 people. With the ICJ ruling in favour of Cameroon, the Bakassi peninsula became part of the South-West Region, precisely in the Ndian division.

The population of the Bakassi Peninsula is estimated to be constituted of 90% Nigerians. Bakassi inhabitants are mainly Oron, Cross River and Akwa Ibom people of Nigeria. To ease the integration of Nigerians into Cameroon following the ICJ judgment and the Greentree Agreement, it was suggested to the Cameroon-Nigerian Joint-Commission that the cost of residency permit by divided by four given the state of poverty in the area. In addition to this request, the Cameroonian government started building fishermen villages as well as schools that are operational in some villages in the sub-division.

With regards to Kombo Abedimo municipality, it was clarified that the Mayor issues birth certificates only, but birth certificates are not certificates of nationality. The Mayor indicated that the people of Bakassi do not consider themselves Cameroonians and, with the belief that the local government denies them nationality, they refuse to collaborate with the administration in place. To remedy the situation, the Mayor recommended that politicians and civil society should avoid using vulnerable people at the detriment of the locality. He further encouraged these actors to work with the government in finding sustainable solu-

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96 Idem
97 Under Cameroonian law, a child must be declared within 30 days following the deliverance of the child. Article 30 of OrderN°81/002 of 29 June 1951 relative to the organization of civil status and various provisions on the status of natural persons.
99 Nowo Omoigui, The Bakassi Story, Omoigui.com
100 http://www.postwatchmagazine.com/files/bakassi_notes.pdf
105 Price, Felicia, op. cit.
106 Presentation of the Divisional Officer of Kombo Abedimo at the Yaoundé conference on Citizenship and the right to Nationality in Central Africa
107 The residency permit in Cameroon costs 130.000 francs CFA, valid for two years
tions in Bakassi, and recommended that discussions on issues such as citizenship and nationality be organized in the areas most affected to enable the persons at risk understand the impact of the issue.

4. STATISTICS ON BIRTH REGISTRATION IN CAMEROON

The National Institute of Statistics (INS) is a public administration organ under the technical supervision of the Ministry of Economy, Planning and Regional Development (MINEPAT) in Cameroon. It has legal personality and financial autonomy. Every three years, the INS releases national statistics on birth rates in Cameroon and ensures that statistical data is available. With regards to birth registration, the main difficulty faced by INS is the non-availability of more accurate information on birth registrations at the level of Councils. While INS’ general practice is to collect information at the regional level, there is often no statistics or data available from Councils in Cameroon. This constitutes an important challenge. Nevertheless, participants were informed that about 30% of children below the age of five do not have birth certificates at the national level. For the Greater North (the 3 Regions of Far-North, North and Adamaoua), this number was estimated to be over 60 percent. The INS representative said that the institution is working towards ensuring that the government creates decentralized agencies to collect data in rural areas.

International and regional initiatives to address statelessness and the right to nationality:

The UNHCR Global Campaign to end statelessness and the work of the Coalition for the Right to a Nationality in Africa

1. UNHCR Global Campaign “I BELONG” to eradicate statelessness worldwide over the next decade

The UNHCR’s campaign is based on the two specialised treaties on statelessness:
- The 1954 Convention relating to the Status of Stateless Persons, which defines who is stateless (a person who is not considered as a national by any State under the operation of its laws) and enunciates rights and obligations of stateless persons. 86 countries have ratified the convention (in Africa, only seven (07) countries have ratified the Convention, and only Chad has done so in the Central African sub-region).
- The 1961 Convention on the Reduction of Statelessness, which regulates rules to be implemented in domestic nationality laws to prevent statelessness from occurring at birth or later in life. 64 countries (including Chad, Côte d’Ivoire, Niger, Nigeria and Senegal in Africa) have ratified this convention.

109 Presentation of the representative of INS Cameroon at the Yaoundé conference on ‘Citizenship and the right to Nationality.
111 Countries that have ratified the Convention in Africa are: Chad (Central Africa); Côte d’Ivoire, Guinea, Niger, Nigeria and Senegal (West Africa) and Uganda (East Africa).
There has been a remarkable increase in the number of State parties to the two Conventions in the past decade, a “positive signs of a shift in international attitudes towards statelessness” (See list is attached to this report).

According to the UNHCR, about 10 million people in the world are stateless. The reasons for which people are or become stateless vary from ignorance and negligence, to gender discriminatory laws to pass on nationality to a child and rejection of dual citizenship by countries, among other causes. Similarly, consequences of statelessness may include the inability to own identification documents and therefore inability to attend school or travel; job insecurity and exclusion from vote, among others.

The Executive Committee of the High Commissioner’s Programme (ExCom) Conclusion N°.78 on the Prevention and Reduction of Stateless Persons (1995) and UN General Assembly Resolution 50/152 (1995) mandated the UNHCR to:

- Promote accession to the 1954 and 1961 Conventions
- Provide legal advice on the preparation and implementation of nationality laws to all interested States
- Cooperate with States and other partners to facilitate speedy identification and resolution of statelessness problems
- Train government officials and UNHCR staff on statelessness issues
- Gather and share information on the problem of statelessness worldwide
- Report regularly to the Executive Committee of the High Commissioner’s Programme on its activities in this field

The “I Belong” Campaign in Africa: the case of West Africa

It was against the backdrop of this mandate that the UNHCR launched a global campaign titled “I Belong” in November 2014. The Campaign aims to end the problem of statelessness within ten (10) years. To achieve this goal, the UNHCR hopes to draw global attention to the devastating life-long consequences of statelessness. An Open Letter aiming to collect 10 million signatures in support of the campaign to end statelessness is available online at: www.ibelong.unhcr.org. The UNHCR also released a ‘Special Report on Statelessness’ to highlight the human impact of the phenomenon, as well as a Ten-point ‘Global Action Plan to End Statelessness’ to resolve existing situations and prevent new cases from arising.

The 10 points are:

1. Resolve existing major situations of statelessness
2. Ensure that no is child born into statelessness
3. Remove gender discrimination from nationality laws
4. Prevent denial, loss or deprivation of nationality on discriminatory grounds
5. Prevent statelessness in case of State succession
6. Grant protection status to stateless migrants and facilitate their naturalization
7. Ensure birth registration for the prevention of statelessness
8. Issue nationality documentation to those with entitlement to it
9. Accede to the UN statelessness conventions
10. Improve quantitative and qualitative data on stateless populations.

In line with the “I BELONG” global campaign, a Regional Ministerial-level Conference on

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112 The UN’s Economic and Social Council (ECOSOC) established the Executive Committee of the High Commissioner’s Programme (ExCom) in 1958 [Resolution 672 (XXV)] and the governing body formally came into existence on January 1, 1959. This was the result of the request of the UN General Assembly resolution [1166 (XIII)]. The ExCom is constituted of representatives of UN member States or members of any of the specialized agencies. It is specified that these representatives should “be elected by the Council on the widest possible geographical basis from those States with a demonstrated interest in, and devotion to, the solution of the refugee problem.” The ExCom functions as a subsidiary organ of the General Assembly and its documentation is issued in a General Assembly series while its report is submitted directly to the General Assembly for consideration in the Third Committee.

113 The ExCom Conclusion N° 78 of 20 October 1995 recognizes the right to everyone to a nationality, that statelessness may result in displacement and that the prevention and reduction of statelessness and the protection of stateless persons are important in the prevention of potential refugee situations. To this end, the ExCom encourages the UNHCR to continue its activities on behalf of stateless persons, as part of its statutory function of providing international protection and of seeking preventive action.

114 http://www.unhcr.org/546217229.pdf
Statelessness in West Africa was organised jointly by the UNHCR and the ECOWAS in Abidjan, Côte d’Ivoire, on 23-25 February 2015. The Conference aimed at addressing statelessness issues in more depth in the West African context and developing strategies to address statelessness in the region. At the end of the Conference, representatives of 15 member-States of the Economic Community of West African States (ECOWAS) adopted the Abidjan Declaration on the prevention, reduction and elimination of statelessness, containing 25 commitments. The principal commitments\textsuperscript{115} include that:

- Member states Shall guarantee every child to acquire nationality at birth; and access to late birth registration procedures to all
- Member States ensure that men and women have equal rights to acquire, change and retain their nationality and pass on nationality to their children
- Stateless persons should be restored their dignity, particularly by being given a legal identity and documentation
- Member States, who have not yet done so, shall accede to the 1954/1961 conventions, and review their nationality laws and related legislations to bring them in line with the conventions.

2. The Coalition for the Right to Nationality in Africa

At the continental (African level), the Coalition for the Right to Nationality in Africa was created with the objectives to ending statelessness and the arbitrary denial of citizenship in Africa. It responds to the challenge of guaranteeing peoples across Africa the right to live in the community of their choice, pursue livelihoods and participate in the government of their countries without interference with their right to belong. The Coalition works to end the continuing impoverishment of the peoples of the continent, induced by conflict over the right to belong, insecurity and exclusion or citizenship-related persecution on the basis of race, religion, ethnicity, colour, sex, political opinion, or social status. The Coalition seeks to attain these objectives by:

- Sharing information related to the right to nationality, relevant laws and the problems that they pose.
- Strengthening its capacities by mobilizing its members and others to promote the right to nationality in Africa;
- Promoting stronger collaboration between intergovernmental agencies, most notably the African Commission on Human and People’s Rights (ACHPR) and other partners, to respect the right to nationality for all African citizens.

\textbf{• Seeking African Standards}

Conscious of the problems posed by the fact that the right to a nationality is insufficiently recognised in Africa, the ACPHR at its 53rd session adopted a resolution on the right to a nationality\textsuperscript{116} in which it reaffirmed:

\begin{quote}
“that the right to nationality of every human person is a fundamental human right implied within the provisions of Article 5 of the African Charter on Human and Peoples’ Rights and essential to the enjoyment of other fundamental rights and freedoms under the Charter”
\end{quote}

They called on Member States of the AU to respect that right. The resolution also tasked the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants to “carry out in depth research on the questions related to the right to a nationality.” The ACPHR also called on “civil society and other stakeholders” to give their “full support” to this endeavour.

\textsuperscript{115} For a full list of commitments, see: http://unhcr.org/ecowas2015/ENG-Declaration.pdf

In April 2014, the ACHPR adopted a Resolution on the Drafting of a Protocol to the African Charter on Human and Peoples’ Rights on the Right to Nationality in Africa\textsuperscript{117}. African organisations and activists have an opportunity now to ensure that standards set at the regional level are most useful for regional activists.

- Citizenship resources online Platform: the CRAI Website

In an effort to support the work of activists working on citizenship, the right to nationality and statelessness issues across the continent and beyond, a database of citizenship resources at is available online at: www.citizenshiprightsinaffrica.org

The CRAI website seeks to create a platform for activists working on citizenship and statelessness issues in Africa, and particularly seeks to:
- Share information and documentation, including news articles, NGO reports, national legislation and other material.
- Mailing list for members, with two services that include 1) notifications of all new pieces added to the database; and 2) key updates including a quarterly Newsletter.
- Connect with other activists, by allowing the profiling of members’ work on statelessness.
- Call to join the campaign for African standards, notably through advocating with national governments to support the efforts of the African Commission for Human Rights and others.

The Coalition is a membership-based Coalition with evolving members from across the Continent. See List of member organizations in Annex.

\textbf{SESSION 4: GROUP WORK}

\textbf{SUMMARY}

The Conference on Citizenship and the Right to Nationality in Central Africa provided an opportunity to identify issues and challenges pertaining to citizenship and the right to nationality in the central African sub-region. To this end, it sought to use the diversity of expertise and experiences from civil society organizations from across the sub-region, government and international organizations.

\textbf{Group sessions} were therefore organized, with the view to allowing participants to share their experiences and identify challenges and opportunities to end statelessness and other citizenship-related difficulties at national and regional levels.

Participants were divided into four (04) working groups and were requested to identify issues from a sub-regional perspective and develop strategies to promote the Coalition’s work at national levels from the point of view of vulnerable groups. The following categories of groups were identified as most at risk of becoming stateless and facing issues of citizenship and nationality in Central Africa:

\begin{enumerate}
  \item Women
  \item Children
  \item Migrants & Dual Citizens
  \item IDPs, Refugees and People affected by Conflicts & Climate challenges
\end{enumerate}

\textbf{1. Women as a vulnerable and at risk category}

Issues identified:
- Women are unable to pass nationality onto their husbands or children in some countries
- Some unmarried women wait for the approval of the father of the child to issue a birth certificate.

\footnotesize{\textsuperscript{117} Resolution ACHPR/Res. 277 on the Drafting of a Protocol to the African Charter on Human and Peoples’ Rights on the Right to Nationality in Africa adopted at the 55th Ordinary Session held 28 April-12 May 2014 in Luanda, Angola. See: http://www.achpr.org/sessions/55th/resolutions/277/}
- Less educated women are not aware of the need to establish a birth certificate to their children across the sub-region
- Long and costly administrative procedures discourage women from establishing birth certificates to their children, particularly among uneducated and rural women.

2. Children as a vulnerable and at risk category

This group began by identifying the category of children at risk of becoming stateless as:
- Children internally displaced by conflict or natural disaster
  - Refugees
    - who run away from conflicts or disaster with their parents when they are still minor
    - who are born in the host country of their parents or in refugee camps
    - who travel alone
  - Indigenous children
  - Children victims of trafficking
  - Children not registered at birth
  - Children undeclared at birth
  - Children born at home
  - Vulnerable children (orphans, street children, children living in poverty, among others)

Issues and Challenges facing vulnerable and at-risk of statelessness children were identified as:
- The weakness of the rule of "jus soli", which does not allow any child born on the country’s territory to acquire the nationality of the country where they are born.
- Inaccessibility of civil registry centres, notably in rural areas
- Ignorance of administrative procedures
- Long and costly administrative procedures
- Negligence on the part of parents
- Child trafficking
- Child enslavement
- Increasing conflict
- Climate change

3. Migrants and dual citizenship

A migrant is defined as anyone leaving his/her home country for another country, voluntarily or involuntarily. Three categories of migration were identified:
- Voluntary migration for business or resettlement
- Involuntary or forced migration: a person forced to leave his/her home country to another host country for security reasons (conflicts, persecution, natural disasters etc.)
- Illegal migration

Relevant issues concerning migrants identified with respect to statelessness or risk of statelessness include:
- Loss of documents
- Voluntary destruction of personal documents
- Absence of legislation authorizing dual or multiple citizenship(s)
- Rigid laws on naturalization

4. IDPs, refugees and conflict

Conflicts, natural disasters, epidemics expose individuals to both internal and external displacement and consequently put them at very high risk of statelessness.

Identified issues concerning this group of persons:
- Ignorance of legal procedures to establish birth certificates to their children
- A refugee who loses his/her documents risks being stateless once s/he returns home
- Discrimination and reluctance of the host country to grant nationality to refugees and IDPs
- Rigid laws in countries with regards to dual citizenship
- Bad practices in terms of granting official documents (corruptions, fraud)

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118 See Table above
119 The United Nations defines migrant as an individual who has resided in a foreign country for more than one year irrespective of the causes (voluntary or involuntary), and the means (regular or irregular) used to migrate.
RECOMMENDATIONS

Recommendations made for the adoption of lasting solutions to problem of citizenship, the right to nationality and risk of statelessness as identified above, can be addressed to the following groups: vulnerable groups; lawmakers, policymakers and public administration; and civil society and development partners.

To Concerned vulnerable groups (women, children, migrants, IDPs and refugees)
- Parents should be encouraged to declare their children at birth
- Seek the support of an experienced person once a child is born to establish a birth certificate to the child
- Establish monitoring committees in refugee camps who will attest to a child’s affiliation to his parent(s)
- Promote unity amongst women so they can help those who are reluctant to take action with regards to establishing birth certificates to their children.
- Beware of child trafficking and kidnapping
- Individuals should avoid destroying their personal documents when heading to another country, notably in the case of illegal immigration

To Lawmakers, Policymakers, and Public Administration
- Comply with their international, regional (African Union) and national commitments on the right to nationality, citizenship and statelessness
- Promote registration campaigns for children undeclared at birth in health centres that are far from urban centres or civil registry centres, by meeting them in their homes (it should be noted that in Cameroon for instance, magistrates are already running campaigns in rural areas, which include judgments for late registration of births)
- Include sensitization on birth registration during pre-natal discussions
- Simplify procedures to issue birth certificates
- Computerize data on population census and statelessness and make them publicly available
- Update information and data on the situation of stateless people nationwide
- Identify categories of the population at risk of statelessness and update such periodically
- Decentralize civil registry centres to enable people living in areas with inaccessible roads to register their children
- Set up a platform of stakeholders (public administration, civil society, and parents) to discuss ways of avoiding statelessness
- Support parents in the process of acquiring a birth certificate once a child is born
- Use the International Women’s day and the Day of the African Child to sensitize women on the issue
- Strengthen the capacity of women in decision-making by encouraging them to establish birth certificates to their children and not to wait on the father of the child
- Review laws on access to nationality
- Openly disclose relevant procedures for the establishment of a birth certificate
- Governments should adopt measures or policies to enable nomads secure identification documents without changing their way of living
- Advocate for a partnership between public and private hospitals and local authorities so birth declarations could be transferred immediately to the Mayor’s office for the birth certificate to be established before the baby leaves the hospital.
- Advocate for laws that enable women to pass on nationality to their children and husbands

To civil society and development partners
- Carry out a comprehensive and holistic study on the legal, policy and institutional framework of the right to nationality, citizenship and statelessness in Central Africa
- Advocate for the amendment or updating of laws on nationality
- Involve the media, traditional and religious leaders in sensitization seminars and workshops on the risks and ill of statelessness
- Set up a platform of NGOs in Central Africa to exchange and discuss issues related to nationality, citizenship and statelessness
- Sensitize men and women on the need to register their children at birth in pre-natal discussions as well as family planning
- Support the State in carrying out sensitization nationwide on the dangers and negative consequences of statelessness
- Advocate for financial bankers to sponsor activities scheduled to end statelessness
- Use the International Women’s day and the Day of the African Child to sensitize women on the issue.
ANNEXES
ANNEX 1

List of instruments relevant to the study on Statelessness in Central Africa

At the international level

1951 UN Convention relating to the status of refugees and its 1967 Protocol
1954 UN Convention on the Status of Stateless Person
1961 UN Convention on the Reduction of Statelessness

At the regional (African Union) level

1969 OAU Convention on Governing Specific aspects of Refugee Problems in Africa
1981 African Charter on Human and People’s Rights

2003 Protocol to the African Charter on Human and People’s Rights on the Rights of Women
2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa
ANNEX 2

Final Agenda

Conference on Citizenship & Nationality in Central Africa

Yaoundé, Cameroon

30 September – 1 October 2015

DAY 1:

8:00-9:00 Arrival of participants

9:00-9:30 Keynote Address: UNHCR Representative (Masaki Miyoshi, Protection Officer, representing the Country Representative)

9:30-12:00 Country Presentations: overviews of citizenship & the right to nationality at the national level

Countries: CGI - Cameroon; Centre pour la Promotion des Droits de l’Enfant - Central African Republic; Association des Femmes Peuhles du Tchad - Chad; Avocats Verts –Democratic Republic of Congo; ONG Samba Mwana - Gabon; and Centre des Droits de l’Homme et du Développement/Azur Développement - Republic of Congo.

Presentations will address the following (as applicable to their respective countries):

- Political context & background (and consequences on displacement, migration and citizenship)
- At risk populations & socio-cultural context
- Laws on citizenship and the right to nationality (international, AU and national laws)

12:00-13:00 Discussion (questions, answers, comments, remarks)

13:00-14:30 LUNCH BREAK

14:30-17:00 Security & conflict perspectives

- Insecurity & threats to citizenship and the right to nationality (International Refugee Rights Initiative (IRRI))
- The case of Bakassi: statelessness after border dispute resolution (National Human Rights Commission of Nigeria)
- Discussions (Questions, Answers, Comments, Remarks)

17:00-17:30 Day one round up & close

19:00-21:00 Welcome dinner
DAY 2:

8:00-9:00 Arrival of participants

9:00-11:00 Government perspectives on Citizenship, the right to nationality and risks of statelessness in Cameroon
- Mr Eloundou Amougou, Division of Political Affairs, Ministry of Territorial Administration and Decentralization (MINATD)
- Ms. Dale Ngolle Anne, Division of legal affairs, Ministry of Territorial Administration and Decentralization (MINATD)
- Mr Sou Oudi Ibrahim, First Assistant to the Senior Divisional Officer of Mora
- Mrs Aboubakary, Executive Manager of the Women Centre, Mora
- Mr Emmanuel GNIE, Sub Divisional Officer, Kombo Abedimo (Bakassi area), Dian Division
- Mr Patrick ABOKO, Mayor of Kombo Abedimo (Bakassi area), Dian Division
- Mr Thomas Bikok Aiwie, National Institute of Statistics

11:00-11:30 International responses & initiatives on citizenship and the right to nationality
Presentation of the “I BELONG” campaign by UNHCR
Coalition for the right to nationality campaign (Coalition for the Right to Nationality in Africa representative)

11:30 – 13:00 Ways Forward: Group work
Thematic Groups: vulnerable at risk of statelessness in Central African countries
- Women
- Children
- Migrants and dual citizenship
- IDPs, refugees and conflict

13:00-14:30 LUNCH BREAK

14:30-16:00 Group work continued
Group question no. 2: Devising strategies to promote the Coalition’s work at national levels

16:00-17:00 Report back and exchange

17:00-17:30 Closing remarks

19:00-20:30 Farewell dinner
ANNEX 3

Presentation Note

Sub-regional Conference on Citizenship and the right to Nationality in Central Africa

30 September – 01 October 2015

Yaoundé-Cameroon

Context & Justification

Regional context (Africa)

All over Africa, thousands of people, including children are denied the right to belong, often in the only country they have ever known, because they are deemed “foreigners”. The reasons for their exclusion vary. They may be viewed with suspicion because they come from a group that straddles national boundaries, because they are not viewed as “indigenous”, because of gender-based discriminative laws that prevent their mothers from registering them or because they were not registered at birth. Failure to register children at birth is often the result of lack of education or related to the way of life of some groups, which presents obstacles to registration (for example nomadic peoples).

Viewed not to belong, people without a nationality or whose nationality is questioned are often denied deliverance of national identification papers and do not exist as citizens. What may at first seem a simple issue of documentation often hides a mountain of discrimination. The excluded are denied the right to register their children at birth, to enter school or university, sit official exams or enter the public service. They are often forced to work without a permit, and unable to obtain travel documents or move inside their country of residence. They are also side-lined from political processes, unable to vote or stand for office.

Disputes over national and local belonging and differing conceptions of citizenship are at the heart of many of the most intractable conflicts in Africa.

African Union

Conscious of the problems posed by the fact that the right to a nationality is insufficiently recognised in Africa, the ACPHR at their 53rd session adopted a resolution on the right to a nationality in which they reaffirmed “that the right to nationality of every human person is a fundamental human right implied within the provisions of Article 5 of the African Charter on Human and Peoples’ Rights and essential to the enjoyment of other fundamental rights and freedoms under the Charter”.

The Commission called on Member States of the AU to respect that right, and tasked the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants to carry out in
depth research on the questions related to the right to a nationality.” The ACPHR also called on “civil society and other stakeholders” to give their “full support”.

In April 2014, the ACHPR adopted a Resolution on the Drafting of a Protocol to the African Charter on Human and Peoples’ Rights on the Right to Nationality in Africa. African organisations and activists thus have an opportunity to ensure that standards set at the regional level are most useful for regional activists.

**The Coalition for the Right to Nationality in Africa - CRAI**

In response to this call, the Coalition for the Right to Nationality in Africa was created with the objective to ending statelessness and the arbitrary denial of citizenship. The Coalition responds to the challenge of guaranteeing for Africans the right to live in the community of their choice, pursue livelihoods and participate in the government of their countries without interference with their right to belong. The Coalition works to end the continuing impoverishment of the peoples of the continent, induced by conflict over the right to belong, insecurity and exclusion or citizenship-related persecution on the basis of race, religion, ethnicity, colour, sex, political opinion, or social status.

**Objectives of the sub-regional Conference for Central Africa**

Cameroon and its neighbouring countries of the Central African sub-region, as well as Nigeria, are witnessing a resurgence of conflicts due to the rise of terrorism, but also nationalisms and border conflicts. These situations often lead to populations’ movements and difficulties relating to the identification of citizens originating from the concerned areas. Since 2013, Cameroon has to deal with unprecedented flux of refugees originating from neighbouring countries, principally from Nigeria, Chad and the Central African Republic.

At the internal level, populations are often forced into internal displacement, mainly in the Northern belt part of the country in the case of Cameroon. In addition, questions relating to the nationality of several residents of the Bakassi Peninsula after its retrocession to Cameroon following the conflict opposing it to Nigeria, have not been completely resolved. The registration of births in rural as well as urban areas remains a major issue in countries of the central African sub-region, thereby weakening the right to nationality of many citizens.

The Conference of 30th September-1st October will seek the following objectives:

- Identify and analyze the legal framework of the right to nationality in Central Africa
- Examine the risks and obstacles to the realization of the right to nationality in countries of Central Africa
- Discuss questions relating to the right to nationality within the framework of current security challenges in Central Africa and Nigeria
- Identify the groups whose right of access to nationality is most vulnerable in Central African countries a particular attention will be paid to issues relating to civil registry, children’s rights, women’s rights, minorities and indigenous peoples’ rights, as well as migrations and victims of conflicts (internally displaced and refugees notably).
The Conference will seek to attain the following outcomes:

- Recall the two international convention of 1954 and 1961 relating to statelessness
- Introduce the Protocol on the right to nationality in Africa adopted in Addis Ababa in August 2015, as well as the Study on « the Right to Nationality in Africa »
- Showcase the work of the Coalition on the Right to Nationality in Africa to stakeholders from the Central African sub-region
- Set up a multi-stakeholder database of organizations, individuals and institutions from Central Africa whose work may have an impact on the right to nationality and the prevention of statelessness and conflicts.

Speakers (Invited and confirmed)

Participants in the Conference are civil society organizations from Cameroon, Central Africa and West Africa that work on issues relating to access to nationality, women’s rights, children’s rights, indigenous peoples’ rights, as well as the prevention of conflicts and the rights of migrants, refugees and internally displaced persons. The following organizations are invited to the conference:

- ONG Samba Mwana (Gabon)
- ONG Avocats Verts (Democratic Republic of Congo – DRC)
- Centre pour la Promotion des Droits de l’Enfant (Central African Republic - CAR)
- Association des Femmes Peuhles du Tchad (Chad)
- TBC (Republic of Congo)
- Association Sijil Jigeen (Senegal)
- National Human Rights Commission (Nigeria)
- UNHCR – West Africa Office (INVITED)
- UNHCR – Cameroon Office (INVITED)
- Plan International – Africa Bureau - Ethiopia (INVITED)
- Citizens Governance Initiatives (Cameroon)
- International Refugee Rights Initiatives-IRRI (US office)

Members of the Coalition for the Right to Nationality in Africa

- Association Mauritanienne des Droits de l’Homme – AMDH (Mauritania)
- Club Union Africain Côte d’Ivoire – ClubUACI (Côte d’Ivoire)
- Conscience International (Sierra Leone)
- Forum des Organisations Nationales des Droits de l’Homme –FONADH (Mauritania)
- Institute for Human Rights and Democracy in Africa- IHRDA (The Gambia)
- International Refugee Rights Initiative- IRRI (Uganda)
- Lawyers for Human Rights (South Africa)
- Legal Assistance Centre(Namibia)
- Nubian Rights Forum(Kenya)
- PLACE (Sudan)
- Rencontre Africaine des Droits de l’Homme – RADDHO (Senegal)
- School of Human Rights and Governance (Kenya )
- West African Refugees and internally Displaced Persons Network –WARIPNET (Senegal)
- Citizens Governance Initiative (CGI)
### Participants List

Sub-regional Conference on the theme « Citizenship and Right to Nationality »
Yaoundé, Cameroun. 30/09/15- 01/10/2015

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<th>N°</th>
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<td>Bisseck Raphaël</td>
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**CGI’S PARALEGAL OFFICERS**

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**SPEAKERS**

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<td>Congo</td>
<td>Azur Developement</td>
<td>Executive Director</td>
<td><a href="mailto:sylvie@azurdev.org">sylvie@azurdev.org</a></td>
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<td>Youssouf Idriss</td>
<td>M</td>
<td>Tchad</td>
<td>Association des Femmes Peuhles du Tchad</td>
<td>Project Officer</td>
<td><a href="mailto:youssoufaid@gmail.com">youssoufaid@gmail.com</a></td>
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<td>RDC</td>
<td>Avocat Verts</td>
<td>Lawyer</td>
<td><a href="mailto:maitremiano@gmail.com">maitremiano@gmail.com</a></td>
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<td><a href="mailto:chidiao@hotmail.com">chidiao@hotmail.com</a></td>
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<td><a href="mailto:cpndinga@yahoo.fr">cpndinga@yahoo.fr</a></td>
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<td>IRRI</td>
<td><a href="mailto:olivia.bueno@refugee-rights.org">olivia.bueno@refugee-rights.org</a></td>
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