

Prospects and Challenges of the Protection of Humanitarian Relief Workers in the Underway Armed Conflicts in the Northwest and Southwest Regions of Cameroon

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ABSTRACT

The protection of humanitarian relief workers in armed conflict cannot be overemphasized, this protection existed many decades ago although it became known and universally recognized only with the emergence of landmark conventions like the 1864 Geneva Convention, the Hague Conventions of 1899 and 1907, the Four Geneva Conventions of 1949 and a plethora of other conventions geared at protecting humanitarian relief workers. The purpose of the study is to unravel the prospects and challenges of the protection of humanitarian relief workers in the Anglophone Cameroon Armed Conflicts and giving possible recommendations geared at improving the protection mechanism. The study uses the qualitative research methodology, employing primary data sources from vital conventions like the 1864 Geneva Convention, the 1949 Geneva Conventions with a host of other conventions. Secondary data came from textbooks, journal articles, reports, and newspapers. The study is underpinned by the triple-pronged theory and the human needs theory. The findings in the study reveals blatantly that the protection of humanitarian relief workers in the Anglophone Cameroon armed conflicts is abysmal and needs serious intervention irrespective of the fact Cameroon has ratified all the relevant conventions in the protection of same. As a corollary, there is need therefore to reinforce the government institutions, improve security and a host of other measures geared at improving the protection of humanitarian relief workers in Cameroon.

Key Words: Prospect, challenges, Protection, Humanitarian Relief, Anglophone Cameroon, Armed Conflicts

INTRODUCTION

The Anglophone Cameroon armed conflict is a political conflict that emerged from legal and educational grievances in 2016 and escalated into a secessionist movement, the conflict is rooted in Cameroon's troubled colonial history and marginalization of the Anglophone minority¹ and the conflict escalated into an armed secessionist movement in 2018, with the Ambazonia republic declaring independence.² The imposition of French language and economic exploitation, neglect of Anglophone regions fueled tensions³ and the Anglophones felt marginalized in education, law and in government.⁴ The Anglophones feel excluded from political power and decision-making processes.⁵ The conflict has led to a humanitarian crisis, with reports of human rights abuses, displacement, violence and the conflict is seen as one with a complex emergency, with multiple factors contributing to the crisis, including political instability, conflict, social inequities, violence and underlying poverty.⁶ The conflict has received international attention, with United Nations calls for dialogue, a peaceful resolution, human rights monitoring, efforts by African Union and regional organizations encouraging dialogue/peaceful resolution and response from NGOs and humanitarian organizations providing

¹ Eyoh Dickson, "The Anglophone Problem in Cameroon." *Journal of Contemporary African Studies*, vol.16, 1998: pp.179-198, p.182.

² Henry Ngenyam Bang *et al*, "Cameroon's Anglophone Crisis: Conceptual Analysis of a Looming Complex Disaster Emergency", *Journal of International Humanitarian Action*, vol.7, 2022: pp.2-25, p. 5.

³ Mukete Y, "The Political Economy of the Anglophone Crisis in Cameroon", *Journal of African Security Review*, vol.26, 2020: pp.147-162, p.148.

⁴ *Ibid*.

⁵ Konings Piet *et al*, "The Anglophone Problem in Cameroon", *Journal of African Affairs*, vol.102, 2003: pp.63-83, p. 65.

⁶ *Ibid*.

aid/humanitarian assistance, advocating for human rights and protection. The conflict is consistent and as a corollary, the provision of humanitarian relief assistance in the conflict is crucial and germane.

Incidents and cases involving humanitarian relief workers in Cameroon who were victims of some forms violence and accidents as they carried out their tasks and responsibilities as aid workers to communities and were trapped in a series violence involves for example, on July 6th 2020, separatists shot a Doctors Without Borders community health worker in the South West region and on June 8th 2022, the Mamfe District Hospital was burnt down to ashes by combatants.⁷ Nurse Nancy Azah and her husband Ngong Paddisco were shot by the military while on their way to attend to the wounded civilians in Mbengwi in the North West region of Cameroon in 2018 and also Dorothy Veranso, a laboratory technician in Batibo alongside her friends were beaten by the military for attempting to treat five wounded separatists fighters who came to their health unit for treatment; the five wounded separatists fighters were all taken out of that health unit to an unknown destination by the military.⁸

Over the years, efforts have been made since ancient times to protect individuals and humanitarian relief workers from the consequences of war. The rules of conflict or war although believed to have first been documented in 1863 after the battle of Solferino,⁹ slightly existed and was practiced from the beginning of human race¹⁰. The concept of the protection of humanitarian relief workers/personnel in armed conflicts has evolved significantly over time. From ancient time, the concept of humanitarian law generally has its roots in ancient civilization¹¹ while the protection of humanitarian relief workers has its origins in religious and cultural norms.¹² The concept of the protection of humanitarian relief workers in armed conflicts has its roots in religious teachings, such as the principles of humanity, impartiality, and neutrality.¹³ The protection of humanitarian relief workers in armed conflict is important in that, it ensures access to vulnerable populations; prevents harm to humanitarian personnel; maintains neutrality and impartiality; upholds international humanitarian law; and preserves humanitarian space. More so, the protection of humanitarian relief workers is essential to ensure the delivery of aid to vulnerable populations in armed conflicts.¹⁴ Humanitarian workers are not just passive victims of violence, but also active agents of protection and assistance.¹⁵ The purpose and significance of this work is to ensure safety and security (that is, to protect humanitarian relief workers from physical harm, violence, and threats); to ensure respect for international humanitarian law and humanitarian principles;¹⁶ to prevent exploitation, that is, to protect humanitarian relief workers from being used as tools for political or military gain;¹⁷ to reduce or minimize the risks of kidnapping, injury, or death;¹⁸ promote accountability, that is, to ensure that perpetrators of violence against humanitarian workers are held accountable;¹⁹ to facilitate effective aid delivery;²⁰ and to preserve neutrality, that is, safeguard their

⁷ Human Rights Watch Report, July 27th 2022

The burning down or an attack on a hospital is a blatant violation of article 19 and 20 of the Geneva Convention (I) which prohibits attacks of any nature against fixed establishments and mobile medical units of the medical service may in no circumstances be attacked, but at all moments be respected and protected by the Parties to the conflict.

⁸ Arison Tamfu, Anglophone Cameroon Uprising: Horror of a War the World Ignores. Available online at: www.dw.com/medical-staff-target (Accessed on 26th January, 2023)

⁹ Sam McFarland, "A Brief History of An Unsung Hero and Leader-Jean Henry Dunant and the Founding of the Red Cross at the Geneva Conventions", *International Journal of Leadership and Change*, vol. 5, Issue 1, pp. 42-46, 2017. DOI 10.18844/IJLC.C.V5I1.2733

¹⁰ Mohammad Saidul Islam, "The Historical Evolution of International Humanitarian Law (IHL) From the Earliest Societies to Modern Age", *Beijing Journal of Law*, Vol.9, Issue 1, pp294-307, 2018. DOI 10.1163/22218181-00901005

¹¹ Kalshoven Fritz, *The Origins of Humanitarian Law*, Oxford: Oxford University Press, 2013

¹² Emmanuela-Chiara Gillard, "The Protection of Humanitarian Workers", *Journal of International Humanitarian Legal Studies*: vol.1, Issue 2, pp. 23-45, 2013. DOI.10.5235/204267813807551143

¹³ *Ibid.*

¹⁴ Hugo Slim, "Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster", New York: Hurst and Company, 2015

¹⁵ *Ibid.*

¹⁶ Article 71 of Geneva Convention IV 1949

¹⁷ Donini Antonio, "The Golden Fleece: Manipulation and Independence in Humanitarian Action" Virginia: , Kumarian Press, 2012

¹⁸ Stoddard Amanda, "Being Prepared: The Humanitarian Imperative in the Face of Uncertainty", New York: Feinstein International Center, 2011

¹⁹ United Nations General Assembly, "Protection of Humanitarian Personnel in Conflict Zones", New York: United Nations Publications, 2018

impartiality and independence.²¹ The specific hypothesis tested reveals unequivocally that, the protection of humanitarian workers enhances the effectiveness of humanitarian response and reduces the risk of aid diversion in Cameroon;²² increased protection measures for humanitarian workers lead to improved access to affected populations in the Cameroon armed conflict;²³ the presence of humanitarian workers with adequate protection reduces the risk of violence against civilians in conflict-affected areas of Cameroon; attacks on humanitarian workers and facilities in Cameroon are correlated with decreased aid delivery and increased civilian suffering; and humanitarian worker's perception of safety and security influences their ability to provide affective aid in the Cameroon armed conflicts.²⁴ The current state of protection for humanitarian relief in the armed conflict in Cameroon is a pressing concern.²⁵ The conflict has led to a significant increase in humanitarian needs, with 4.7 million people requiring assistance and protection.²⁶ However, humanitarian access is severely restricted, and aid workers face attacks and kidnappings. The United Nations has called for increased protection measures and respect for international humanitarian law.²⁷

An Overview Of The Concept Of Humanitarian Relief Workers In Armed Conflicts

A humanitarian relief worker is someone who is dedicated to providing assistance and support to people affected by disasters, crises, conflicts, or other emergencies. These professionals work for various organizations, both governmental and non-governmental, to deliver aid and alleviate suffering in regions that have experienced significant upheaval or hardship.²⁸ Humanitarian relief workers are individuals who provide humanitarian aid to those affected by crises, with the aim of saving lives, alleviating suffering, and maintaining human dignity.²⁹ A relief worker is person who provides humanitarian aid, such as food, shelter, and medical care, in response to a natural disaster, armed conflict, or other crisis.³⁰ Relief personnel are persons assigned exclusively to render relief services or duties, whether such assignments are permanent or temporary. Such relief purposes include: the search for, collection, transportation, diagnosis, or treatment-including first aid treatment of the wounded, sick, and shipwrecked; the preservation of disease; the management and administration of medical units or means of transportation.³¹

Here are some key aspects of the concept of a humanitarian relief worker:

- **Purpose:** Humanitarian relief workers operate with the primary aim of saving lives,³² alleviating suffering,³³ and maintaining human dignity in the face of crises and disasters.³⁴ They help meet the basic needs of affected populations, such as food, shelter, medical care, clean water, and sanitation.
- **Responsibilities:** Their responsibilities typically include assessing needs on the ground, coordinating with other relief agencies and local authorities, distributing aid supplies, providing medical care, setting

²⁰ Harvey P, "Towards Good Humanitarian Government: The Role of the Affected State in Disaster Response", London: 2009

²¹ International Committee of the Red Cross (ICRC), "International Humanitarian Law and the Protection of Humanitarian Relief Personnel", Geneva: International Committee of the Red Cross Review, 2019

²² Minear Larry, "Humanitarian Action in Protracted Crises", Medford, Feinstein International Center, 2011

²³ *Ibid.*, at p.25

²⁴ Hugo Slim, "Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster", London: Hurst Publishers, 2015

²⁵ United Nations Office for the Coordination of Humanitarian Affairs, Cameroon Humanitarian Needs Overview 2023. Available online at: <https://www.unocha.org/publications/report/cameroon/cameroon-humanitarian-needs-overview-2023-march-2023> (Accessed on Thursday 22nd August, 2024)

²⁶ Eyong C, "Protection of Humanitarian Workers in Cameroon: A Legal Perspective", *African Journal of International and Comparative Law*, vol.27, Issue 2, 2019

²⁷ *Ibid.*

²⁸ Mandy k. Cohen, Humanitarian Aid Workers. Available Online at: <https://wwwnc.cdc.gov/humanitarianaidworkers>. (Accessed on June 17th, 2024).

²⁹ *Ibid.*

³⁰ Bryan A. Garner, Black's Law Dictionary, 12th Edition, 2024, p. 1434

³¹ The 1949 Geneva Conventions and their Additional Protocols 1977

³² Barnett Michael, "Empire of Humanity: A History of Humanitarianism", New York: Cornell University Press, 2011

³³ *Ibid.*

³⁴ *Ibid.*

uptemporary shelters, and implementing programs for long-term recovery and development. One of their responsibilities is to promote humanitarian principles: neutral, impartial, and independent aid delivery, prioritizing needs over political or military interests.³⁵

➤ **Qualifications:** Humanitarian relief workers often have diverse backgrounds, including medicine, public health, logistics, engineering, social work, and more. While specific qualifications vary depending on the role, common skills include adaptability, cultural sensitivity, problem-solving, teamwork, and resilience.

➤ **Challenges:** Working in humanitarian relief can be extremely demanding and challenging. Relief workers often face risks to their own safety and security, as well as emotional distress from witnessing human suffering. Remote and dangerous environments, logistical complexities, and limited resources are also common challenges.³⁶

➤ **Ethical considerations:** Humanitarian relief work is guided by the principles of humanity, neutrality, impartiality, and independence. Relief workers strive to ensure that aid is delivered based on need alone, without discrimination or political considerations.³⁷

➤ **Coordination:** Effective coordination among various relief agencies, governments, and local organizations is crucial for maximizing the impact of humanitarian efforts and avoiding duplication of services.

➤ **Long-term impact:** Humanitarian relief work aims not only to address immediate needs but also to contribute to building resilience in communities and promoting sustainable development over the long term. Humanitarian relief workers can also enhance the resilience and preparedness of populations, making it more sustainable in the long-term.³⁸ At first glance, this may seem contradictory, as humanitarian aid is often conceived to be a short-term action and the concept of sustainability suggests a more long-term thinking. However, sustainability has a central role in the humanitarian sphere and is key to thinking about humanitarian action as a first step in contributing to more peaceful societies.³⁹

In summary, humanitarian relief workers play a vital role in responding to emergencies and supporting vulnerable populations around the world. Their work is essential for ensuring that assistance reaches those in need and that affected communities can recover and rebuild their lives in the aftermath of crises.

Legal Framework Of The Protection Of Humanitarian Relief Workers In Armed Conflicts

United Nations Resolutions

United Nations resolutions are formal expressions of the opinion or will of United Nations organs. They generally, but not invariably, consist of two clearly defined parts: a preamble and an operative part. The preamble generally recites the considerations on the basis of which action is taken, an opinion expressed, or a directive given. The operative part states the opinion of the organ or the action to be taken. The term “decision” is used to designate formal decisions, other than resolutions, dealing with non-substantive or routine matters such as elections, appointments, the time and place of meetings and the taking note of reports.⁴⁰ They are sometimes used also to record the adoption of a text representing the consensus of the members of a given organ on a question. The United Nations General Assembly (UNGA) and the United Nations Security

³⁵ Weiss Thomas, “*Humanitarian Business*”, Polity Press, Australia: 2013

³⁶ *Ibid.*

³⁷ These principles are all succinctly reflected in the preamble of the Statutes of the International Red Cross and Red Crescent Movement, adopted by the 25th International Conference of the Red Cross at Geneva in 1986, amended in 1995 (by resolution 7 of the 26th International Conference of the Red Cross and Red Crescent at Geneva) and 2006 (by resolution 1 of the 29th International Conference of the Red Cross and Red Crescent at Geneva).

³⁸ Alice Debarre, “*Humanitarian Action and Sustainable Peace*”, New York: International Peace Press, 2018

³⁹ *Ibid.*

⁴⁰ Luis Acosta, “*Legal Effect of United Nations Resolutions Under International and Domestic Law*”, Netherlands: *The Law Library of Congress*, 2015

Council (UNSC) are permitted by the United Nations Charter to issue a variety of resolutions. These resolutions that they issue, have varying legal effects on member countries. Some of these resolutions don't only have the force of law but are legally binding under international law especially those that are sanction-oriented.⁴¹

Resolution 1502, adopted in 2003, is a United Nations Security Council resolution that condemns violence against humanitarian workers and United Nations personnel, calling for states to ensure accountability for such attacks.⁴² The resolution expresses strong condemnation of violence against humanitarian workers, including murder, rape, intimidation, and looting of property.⁴³ It also urges states to ensure that crimes against humanitarian personnel do not go unpunished and to comply with international law, including international humanitarian law, human rights law, and refugee law.⁴⁴ Additionally, the resolution requests the Secretary-General to address the safety and security of humanitarian personnel and UN personnel in country-specific situation reports and to explore ways to enhance their safety and security.⁴⁵

The Hague Conventions of 1899 and 1907

The Hague Conventions of 1899 and 1907 are a series of international treaties and declarations negotiated at two international peace conferences at the Hague in the Netherlands along with the Geneva Conventions, the Hague Conventions were among the first formal statements of the laws of war and war crimes in the body of international law.⁴⁶ Cameroon is a signatory to the Hague Conventions of 1899 and 1907, Cameroon signed the conventions on September 20th, 1961. The First Hague Conference came from a proposal on 24th August 1898 by Russian Tsar Nicholas II.⁴⁷ Nicholas and Count Mikhail Nikolayevich Muravyov, his foreign minister, were instrumental in initiating the conference. The treaties, declarations, and final act of the conference were signed on 29th July of that year, and they entered into force on September 4th, 1900. What is referred to as the Hague Convention of 1899 consisted of three main treaties and three additional declarations: Convention for the Pacific Settlement of International Disputes; Convention with respect to the Laws and Customs of War on Land; Convention for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 22nd August, 1864; Declaration concerning the Prohibition of the Use of Bullets which can Easily Expand or Change their Form inside the Human Body such as Bullets with a Hard Covering which does not Completely cover the core, or containing indentations; Declaration concerning the Prohibition of the Use of Projectiles with the sole object to spread Asphyxiating Poisonous Gases and Declaration concerning the prohibition of the discharge of projectiles and explosives from balloons or by other new analogous methods.

The Second Hague Conference, in 1907, resulted in conventions containing only few major advancement from the 1899 Convention.

Article 15 provides that:

“Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane

⁴¹*Ibid.*

⁴² Wirth Silke, “UN Security Council Resolution 1502: A New International Approach to Protecting Humanitarian Workers”, *International Review of the Red Cross*, vol.86, Issue 854, pp.255-272, 2004. DOI 10.1186./S41018-020-00086-0

⁴³ Heintze Hans-Joachim, “Protection of Humanitarian Assistance: The New UN Resolution of the United Nation Security Council (1502)”, *Humanitares Volkerrecht-Informationsschriften*, vol.17, Issue 3, pp.13-141, 2005. DOI:10.1017/S1816383107000449

⁴⁴ Dormann Knut, “The Protection of Humanitarian Workers under International law”, *International Review of the Red Cross*, vol.87, Issue 859, pp.395-414, 2005, DOI: 10.1017/S1816383100180444

⁴⁵ Larissa Fast, “The Protection of Humanitarian Personnel in Conflict Zones: Lessons from Resolution 1502”, *Journal of Conflict and Security Law*, vol.12, Issue 1, pp.37-54, 2007. DOI: 10.1093/jcsl/krm001

⁴⁶*Ibid.*

⁴⁷ Lectures delivered before the Johns Hopkins University in 1908 on the Hague Peace Conferences of 1899 and 1907

task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue".⁴⁸

The Fourth (IV) Geneva Convention of 1949

Cameroon is a signatory to the Four Geneva Conventions of 1949, Cameroon acceded to the Geneva Conventions on January 14th, 1964, and ratified the Additional Protocols I and II on June 16th, 1983.⁴⁹ The Geneva Convention relative to the Protection of civilian Persons in Time of War, more commonly referred to as the Fourth Geneva Convention and abbreviated as GCIV, is one of the four treaties of the Geneva Conventions. It was adopted in August 1949 and came into force in October 1950.⁵⁰ While the first three conventions dealt with combatants, the Fourth Geneva Convention was the first to deal with humanitarian protections of civilians in war zone. There are currently 196 countries party to the 1949 Geneva Conventions, including this and the other three treaties.⁵¹ The Additional Protocol I to the Geneva Conventions (AP-1) was completed in 1977.

Article 2 of the fourth Geneva Convention 1949, makes provision of the application of the Convention acknowledging amongst others that States that are signatories to the Convention are bound by the provisions of the convention both in war, armed conflicts where war has been declared, and in an occupation of another country's territory.⁵² Article 3 makes provision of conflicts not of an international character. Even where there is not a conflict of international character, the parties must as a minimum adhere to minimal protections described as: non-combatants, members of armed forces who have laid down their arms and combatants who are hors de combat (out of the fight) due to wounds, detention, or any other cause shall in all circumstances be treated humanely, with the following prohibitions:

- ❖ (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- ❖ (b) taking of hostages;
- ❖ (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- ❖ (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.⁵³

Medical personnel exclusively engaged in the search for or the transportation of, or the transportation of, administration of medical units or establishments, shall be respected and protected in all circumstances. They shall not be arrested, prosecuted or punished for loyalty to the adverse Party, or for activities which are solely medical in character.⁵⁴ The protection to which medical ships and hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming in all appropriate cases a reasonable time limit, and after such warning has remained unheeded.⁵⁵ Article 36 of Geneva Convention III and article 51 of Geneva Convention IV 1949 have also made plausible provisions on the protection of humanitarian relief workers in armed conflicts.

⁴⁸ Article 15 of the Hague Convention 1907 on the Regulations Respecting the Laws and Customs of War on Land

⁴⁹ United Nations Treaty Collection Database 2020

⁵⁰ Convention (IV) Relative to the Protection of Civilian Persons in Times of War, Geneva, 12th August 1949

⁵¹ Geneva Convention (IV) on Civilians, 1949. Treaties, state parties and commentaries.

⁵² Article 2 of the Fourth Geneva Convention of 1949.

⁵³ Article 2 of the Fourth Geneva Convention 1949.

⁵⁴ Article 24 of Geneva Convention I 1949

⁵⁵ Article 26 of Geneva Convention II 1949

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, 8th June 1977 (Protocol I)

Cameroon is a signatory to Additional Protocol I (AP I) of the Geneva Conventions and Cameroon ratified Additional Protocol I ON June 16thg, 1983.⁵⁶

Article 17 of Additional Protocol I makes provision for the protection of relief workers under the sub-heading, ‘the role of the civilian population and aid societies’. This provision is quiteelaborate and extensive. The said Article 17 provides thus:

“Article 17(1), the civilian population shall respect the wounded, sick and shipwrecked, even if they belong to the adverse party, and shall commit no act of violence againstthem. The civilian population and aid societies, such as national Red Cross (Red Crescent, Red Lion and Sun) societies, shall be permitted, even on their own initiative, to collect and care for the wounded, sick and shipwrecked, even in invaded or occupied areas. No one shall be harmed, prosecuted, convicted or punished for such humanitarian acts.

(2) the Parties to the conflict may appeal to the civilian population and the aid societies referred to in paragraph 1 to collect and care for the wounded, sick and shipwrecked, and to search for the dead and report their location’ they shall grant both protection and the necessary facilities to those who respond to this appeal. If the adverse Party gains or regains control of the area, that Party also shall afford the same protection and facilities for so long as they are needed.⁵⁷

Article 71(1) of Additional Protocol I Relative to the Protection of Victims of International Armed Conflicts provides that:

“Where necessary, relief personnel may form part of the assistance provided in any relief action, in particular for the transportation and distribution of relief consignments; the participation of such personnel shall be subject to the approval of the Party in whose territory they will carry out their duties.

(2) Such personnel shall be respected and protected.

(3) Each Party in receipt of relief consignments shall, to the fullest extent practicable, assist the relief personnel referred to in paragraph 1 in carrying out their relief mission. Only in case of imperative military necessity may the activities of the relief personnel be limited or their movement temporarily restricted.

(4) Under no circumstances may relief personnel exceed the terms of their mission under this Protocol. In particular they shall take account of the security requirements of the Party in whose territory they are carrying out their duties. The mission of any of the personnel who do not respect these conditions may be terminated.⁵⁸

The respect and protection of relief personnel is undisputed under this protocol I.⁵⁹

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts 1977 (Protocol II)

Cameroon is a signatory to Additional Protocol II (AP II) of the Geneva Conventions and Cameroon ratified

⁵⁶ United Nations Treaty Collection, Status of Treaty: Geneva Conventions and Additional Protocols, Retrieved in 2020.

⁵⁷ Article 17(1)(2) of Additional Protocol I 1977

⁵⁸ Article 71(1)(2) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to theProtection of Victims of International Armed Conflicts 1977 (Protocol I)

⁵⁹ Article 71(2) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to theProtection of Victims of International Armed Conflicts, 1977 (Protocol I)

Additional Protocol II on June 16th, 1983, that is, the same day ratified Additional Protocol I.⁶⁰

International humanitarian law contains two different legal frameworks dealing with non-international armed conflicts. On the one hand, Protocol II to the Geneva Conventions provides that the Protocol applies to armed conflicts “which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol”.⁶¹

Article 18 of Additional Protocol to the Geneva Conventions of 12th August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts 1977 (Protocol II), establishes the right of humanitarian relief, imposing on the parties to the conflict the obligation to accept humanitarian aid essential to the survival of the population.⁶²

Article 18 of Additional Protocol II provides thus:

“(1) Relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red lion and Sun) organizations may offer their services for the performance of their services traditional functions in relation to the victims of the armed conflict. The civilian population may, even on its own initiative, offer to collect and care for the wounded, sick and shipwrecked.

(2) If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as food-stuffs and medical supplies, relief actions for the humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.”⁶³

Article 3 Common to the Geneva Conventions 1949 (Common Article 3)

Common Article 3 to the Geneva Conventions provides thus:

“In the case of armed conflict not an international character occurring in the territory of one of High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) Violence to life and person, in particular murder of kinds, mutilation, cruel treatment and torture;⁶⁴
- (b) Taking of hostages;
- (c) Outrages upon personal dignity, in particular humiliating and degrading treatment;

⁶⁰ United Nations Treaty Collection, Status of Treaty: Geneva Conventions and Additional Protocols, Retrieved in 2020.

⁶¹Article 1 of the Protocol Additional to the Geneva Convention of 12 August 1949 and Relating to the Protection of Victims of Non-international armed conflicts 1977 (Protocol II).

⁶¹Article 18 of Additional Protocol II, 8TH June 1977

⁶³ Article 18(2) of Additional Protocol II 1977 of the Geneva Conventions 1949

⁶⁴ Article 3(1a) of Common Article 3 of the Geneva Conventions 1949

- (d) The passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and the sick shall be collected and cared for.⁶⁵
- (3) An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.
- (4) The Parties to the conflict should further endeavor to bring into force, means of special agreements, all or part of the other provisions of the present Convention.
- (5) The application of the proceeding provisions shall not affect the legal status of the Parties to the conflict.”

Marten Clause

The Marten Clause is considered a part of customary international law because it reflects a general principle of humanity and protection of human life; has been widely accepted and applied by states and international tribunals; and is considered a fundamental principle of international humanitarian law.⁶⁶ Therefore for the Marten clause to be considered as a customary international law, Cameroon is obliged to respect the provisions of the clause as the case may be. The Marten Clause has formed part of the laws of armed conflict since its first appearance in the in the preamble to the Hague Convention (II) with respect to the laws and customs of war on land:

“Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulation adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result in the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience.”⁶⁷

The clause was based upon and took its name from a declaration read by Professor Von Marten, the Russian delegate the Hague Peace Conference 1899.⁶⁸ Martens introduced the declaration before delegates at the Peace Conference failed to agree on the status of civilians who took up arms against an occupying force. Large military powers argued that they should be treated as francs-tireurs and subject to execution, while smaller states contended that they should be treated as lawful combatants.⁶⁹ Although the clause was originally formulated to resolve this particular dispute, it has subsequently reappeared in various but similar versions in later treaties regulating armed conflicts.⁷⁰ The Marten clause serves as a reminder that customary international law continues to apply after the adoption of a treaty norm,⁷¹ a wider interpretation is that, as few international

⁶⁵ *Ibid.*

⁶⁶ Meron Theodor, “The Marten Clause and the Laws of War”, *International Review of the Red Cross*, vol.82, Issue 1, pp.125-134, 2000.DOI 10.1017/S0020860400064215

⁶⁷ Preamble of the Hague Convention (II) 1899

⁶⁸ Von Pustogarov, “Fyodor Fyodorovich Martens (1845-1909)- A Humanist of Modern Times” *International Review of the Red Cross (IRRC)*, Vol. 10, Issue 312, pp. 300-314, 1996.DOI 10.1017/s002086040089890

⁶⁹ *Ibid.*

⁷⁰ Preamble, 1907 Hague Convention (IV) respecting the laws and customs of war on land

Reprinted in A. Roberts and R. Guelf, “Documentations on the laws of war”, Oxford: Oxford University Press, 1989

⁷¹ Yves Sandoz et al, Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949, Geneva: ICRC/Marinus Nijhoff, 1989

treaties relating to the laws of armed conflict are ever complete, the clause provides that something which is not explicitly prohibited by a treaty is not ipso facto permitted. The interpretation is that conduct in armed conflicts is not only judged according to treaties and custom but also to the principles of international law referred to by the clause.⁷²

Convention on the Safety of United Nations and Associated Personnel, 1994

Cameroon is a signatory to the Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly on December 9th, 1994 and according to treaty collection, Cameroon signed the Convention on August 15th, 1995, and ratified it on November 29th, 1996, therefore, Cameroon is bound by the provisions of that convention.

The Convention on the Safety of United Nations and Associated Personnel is a United Nations treaty that has the goal of protecting United Nations peacekeepers and other personnel.

1(a) “United Nations personnel” means:

- i. Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;
- ii. Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;

b. “Associated Personnel” means:

- i. Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;
- ii. Persons engaged by the Secretary- General of the United Nations or by specialized agency or by the International Atomic Energy Agency

Persons deployed by a humanitarian non-governmental organizations or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic operations and United Nations and associated personnel or the responsibility of such personnel to respect such law and standards.⁷³

Challenges In The Protection Of Humanitarian Relief Workers In The Anglophone Cameroon Armed Conflicts

Humanitarian relief workers usually risk their lives to provide critical aid and support to vulnerable populations caught in the midst of armed conflicts; despite their neutral and impartial status, these courageous individuals face numerous challenges include:

Inadequate Safety and Security Measures

Security risks and targeting of aid workers with kidnapping and violence continues to be a concern for the humanitarian community. Risks to staff are not uniformly distributed across the humanitarian landscape, however.⁷⁴ Ongoing surveillance of violence directed against humanitarian aid and disaster relief workers continues to demonstrate that most of these events occur in a few insecure locations, including

⁷²Rupert Ticehurst, “The Martens Clause and the Laws of Armed Conflict”, Cambridge: Cambridge University Press, 2010

⁷³Article 20(a) of the Convention of the Safety of the United Nations and Associated Personnel 1995

⁷⁴Sean Kivlehan *et al*, Humanitarian Aid Workers. Available online at: <https://www.collegessidekick.com>s...>(Accessed on April 4th, 2024)

Afghanistan, Cameroon, Central African Republic, Democratic Republic of the Congo, Ethiopia, Mali, Nigeria, Somalia, South Sudan, and Syria. Injuries and motor vehicle accidents are common risks for travelers, including humanitarian aid workers, throughout the world. Aid workers should be sensitive to their surroundings and carefully select the type of transportation and hour of travel, if possible. Humanitarian aid and disaster relief workers who will be deployed to insecure areas, including active conflict zones, should undergo specialized security briefings by the deploying agency or private sources. Reputable and free resources should exist for basic security training. As a way forward to this particular challenge, in situations associated with damage or destruction to local services and facilities, humanitarian aid workers should anticipate and plan for limited accommodations and logistical and personal support. Humanitarian aid and disaster relief workers destined for low-resource areas or situations can benefit from pre-travel training and counseling regarding the moral complexities of providing service in these environments.

Depression and Mental Health Challenges

Studies suggest that aid workers returning from humanitarian missions, particularly missions characterized by high or chronic stress, have increased symptoms of anxiety, depression, and posttraumatic stress disorder. People with preexisting mental health issues, including anxiety and depression, could be predisposed to worse outcomes. Generally, humanitarian aid and disaster relief workers demonstrate considerable resilience and adapt to the stressful environments, but elevated and chronic stress can lead to deterioration in mental health and decompensation in some people. Pre-deployment briefings can increase an aid worker's ability to cope with highly stressful environments; data are lacking, however, on the effectiveness of post-deployment debriefings to decrease adverse mental health impacts of deployment. A detailed evaluation of risk factors (e.g., preexisting mental illness, family history of mental illness, history of alcohol or substance use disorder) might identify previously unrecognized chronic mental health conditions. Identifying alcohol or substance dependence or underlying mental health issues (e.g., depression) is particularly important because stressful humanitarian environments frequently exacerbate these conditions, which are often the reason for emergency repatriation.

Careful attention to pre-travel evaluation, both physical and mental health, can reduce the likelihood of illness and the need for emergency repatriation of humanitarian aid workers. Comprehensive medical and—for those planning long-term assignments—dental evaluations can prepare aid workers by identifying previously unrecognized conditions, enabling treatment before travel. Medical illness or injury among deployed staff, particularly serious conditions that require repatriation, are not only burdensome and potentially dangerous for the affected staff member, but these events redirect limited organizational resources from the intended.

Government Restrictions and Regulations

As the crisis in the Anglophone areas continues to increase, the state of humanitarian efforts has been continuously jeopardized, negatively bringing the previously achieved milestones to a declining trend. One of the main causes for such disruption and hindrance to the continuous provision of aid is the restrictions and regulations imposed by the government.

Undeniably, the government of Cameroon has involved itself in enacting various regulations that include restrictions towards accessing the conflict-affected areas, delays in obtaining permits and authorizations, and bureaucratic hurdles. In terms of placing regulations relating to bureaucratic delays imposed on the humanitarian actors, these delays have led organizations to offer assistance to those requiring urgent needs effectively. Additionally, the government has been involved in the erection of roadblocks and checkpoints, which have acted as a form of restriction towards accessing conflict-affected regions.⁷⁵ On other occasions, lockdowns have led to complete denial of access, thus making humanitarian actors not offer their interventions.

⁷⁵Agwanda, B. Nyadera *et al*, "Cameroon and the Anglophone Crisis", *The Palgrave Encyclopedia of Peace and Conflict Studies*, vol.2, Issue 1, pp.1–11, 2020. DOI 10.1007/978-3-030-11795-5-115-1

The reasons for taking such measures have often been centered on rising security concerns and the dire need to maintain control. Still, it has exacerbated the suffering of people in areas that are placed under such restrictions, thus limiting the potential for sustainable change that humanitarian actors push for.⁷⁶

Insecurity and Violence in Conflict Areas

According to Ketzmerick, the Anglophone crisis has led to a rise in insecurity and violence which have hampered the various efforts carried out by humanitarian actors due to the volatility these issues create on the environment.⁷⁷ In particular, with the conflict characterized by incidences of human rights abuses, extrajudicial killings, and destruction of crucial infrastructures, these actions have led to the increased risk of insecurity in the affected regions, which has thwarted humanitarian efforts. In particular, armed groups, the separatist and government forces in the conflict-prone regions, have made constant threats of violence characterize these regions, thus putting the humanitarian personnel at risk as they may become targets for attacks majorly from the separatists. As such, the well-being of the various aid personnel is being compromised due to fear of abduction, assassination, robberies, and kidnappings; these have led to an elevated sense of fear and uncertainty, thus compromising the humanitarian effort. For instance, a recent research conducted in 2022 by Niba et al,⁷⁸ indicates that due to concerns relating to insecurity, workers in the region experienced panic and uncertainty, thus hindering them from effectively operating in their tasks and duties. Additionally, with these actors heavily reliant on the assistance of local volunteers and staff familiar with the regions and affected populations, the insecurity and violence have hampered their endeavors to engage in volunteer recruitment and retention. Altogether, the violence and insecurity have undermined fostering cooperation and trust, thus hindering the humanitarian actors' establishment of meaningful relationships with the affected populations.

Inadequate Community Engagement Strategy and Trust

Humanitarian actors in the Cameroon Anglophone crisis also face the significant challenge of low community engagement and trust. Majorly the erosion of trust has been widely felt between the government and communities affected majorly due to the government utilizing measures that have further led to the escalation of the crisis.⁷⁹ As such, humanitarian actors have been at the receiving end of these issues since they have often been perceived as allied to the government, thus further hindering their interventions. In particular, with the cruel nature of the conflict, humanitarian efforts have to be centered on the establishment of community engagement to ensure they are fully capable of addressing the various needs people in the affected regions have. Community engagement which primarily relies on trust, has therefore been met with great resistance over the years as the actions of humanitarian personnel have been questioned and considered suspicious.⁸⁰ The reason for this view has been the continuous actions of separatist and government forces through their continuous use of violence, human rights abuses, and targeted attacks, which have made external actors met with remorse and communities refraining from cooperating. Therefore, humanitarian actors have been forced to intensely build trust through inclusive engagement with community leaders and local organizations as a sign to the affected populations, demonstrating their bi-partisan commitment to meeting their needs and concerns.

Funding Limitations and Resource Constraints

The whole nature of humanitarian efforts and interventions is backed by the need to ensure significant financial resources to ensure the operations run without stoppage and delays. However, insufficient funding is a major concern for the humanitarian actors operating in the Cameroon Anglophone crisis as they lack enough

⁷⁶ *Ibid.*

⁷⁷ Ketzmerick Maria, "The Anglophone crisis in Cameroon: local conflict, global competition, and transnational rebel governance", *Small Wars & Insurgencies*, vol. 34, Issue 1, pp.1–32, 2023. DOI

⁷⁸ Niba et al, "Conflict, healthcare, and professional perseverance: A Qualitative Study in a Remote Hospital in an Anglophone Region of Cameroon", *PLOS Global Public Health*, vol.2, Issue 11, pp.1-18, 2022. DOI 10.1371/journal.pgph.000145

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

financial resources, thus limiting the scale and scope of their interventions.⁸¹ With the scale of internal displacement in Cameroon surging daily due to the conflict, it necessitates having a wide pool of resources to back the various interventions required to wholly meet the needs of the affected populations in the region. However, the escalating nature of the conflicts has scared away donors who might pose concerns relating to the security issues in the areas affected and growing mistrust in the accountability and transparency of local authorities in managing and utilizing the resources effectively.

Additionally, humanitarian actors have been faced with impediments that limit their access to funding from international sources as they may fail to recognize the crisis as requiring urgency and attention.⁸² Also, another cause of worry is the revelation which indicates that the global humanitarian system is overstretched. As such, it is not easy to meet all humanitarian efforts' needs. The issue has exponentially led to a rising unsustainable nature of the various assistance efforts; thus, vulnerable populations are left out of receiving aid. As such, this is the case for some of the humanitarian actors in the vital. Good coordination means fewer overlaps and gaps in the humanitarian organizations' work as the efforts are streamlined to be need-driven rather than capacity-driven.⁸³ However, in the Anglophone crisis in Cameroon, humanitarian actors have, over time, had challenges relating to poor coordination, which overall have hampered their approach to working together to realize better collective results. In particular, the various actors, such as NGOs, local civil society groups, and international organizations in the region, pose as having differing mandates, approaches, and priorities, which have approached working together difficult. This lack of coordination has led to poor sharing of resources, information, and practices, thus making the various efforts met with inefficiencies and gaps in service delivery. Additionally, the lack of coordination has sometimes led to the duplication of efforts leading to the interventions being carried out lean on the ineffective side. The duplication of efforts, in particular, has led to ramifications that involve the affected populations still experiencing resource constraints and their needs not being fully met.

CONCLUSION AND RECOMMENDATIONS

The study reveals blatantly that the protection of humanitarian relief workers in the Anglophone Cameroon armed conflicts is abysmal and needs serious intervention irrespective of the fact Cameroon has ratified all the relevant conventions in the protection of humanitarian relief workers in armed conflicts. Undeniably, it is evident that the various humanitarian actors in the Cameroon Anglophone armed conflicts have been met with increasingly diverse challenges that have hampered the effectiveness of their responses and operations. The political challenges based on the research stand out as revolving around insecurity and violence, government restrictions and regulations and limitations to access of the affected populations. In particular, bureaucratic hurdles and delays in obtaining permits have all hindered the humanitarian actors from delivering aid promptly. Another major challenge has been socio-cultural dynamics, where certain factors such as language and cultural barriers have posed various problems relating to communication and enhancement of understanding of the various needs of the populations. Additionally, the research indicates that community support and cooperation have been impaired due to the erosion of trust since the government and the affected communities have been at loggerheads. Furthermore, there exists a challenge relating to the various gender and inclusivity issues, further hindering the effectiveness of the various mechanisms that the humanitarian actors have established.

Additionally, another issue the research points out to be a challenging factor is the lack of coordination among

⁸¹Fobi, A, Logistical Challenges to Supporting IDPs and Best Practices by Humanitarian Organizations in Cameroon's Anglophone Armed Conflict: A Case Study of South West Region of Cameroon. Available online at: <https://helda.helsinki.fi/download...> (Accessed on April 4th, 2024)

⁸² Georgieva, K. *et al*, High Level Panel on Humanitarian Financing Report to the Secretary General Too Important to Fail Addressing the Humanitarian Financing Gap. Available online at: <https://interagencystandingcommittee.org/system> (Accessed April 4th, 2024)

⁸³ *Ibid.*

the actors involved in providing humanitarian aid, which has led to a duplication of services. Comprehensively, logistic and infrastructure issues have been indicated to have lowered the delivery of aid in the various regions impacted by this crisis. Subsequently, the research indicates that addressing these challenges requires approaches that center on increased government engagement to handle the restrictions and regulations, heightened safety of personnel, inclusive engagement, and promotion of gender equality. Also, increased funding has been sighted to be a workable approach to handling operational challenges. Therefore, through the understanding and addressing of these challenges, humanitarian actors (humanitarian relief workers) can engage in efforts that pose as being more effective, thus altogether alleviating the suffering that the affected people face.

Recommendations

The analysis of the various challenges faced by humanitarian relief workers in the Cameroon Anglophone armed conflicts has brought about a dire need to establish effective intervention through various policy recommendations. As such, these recommendations include:

Strengthening of the Governance System

Weak governance is the most pervasive and damaging long-term effect of conflict on civil society. Corruption contributes to insecurity and weak political systems by undermining the legitimacy and stability of the state. It diverts resources needed for the delivery of public goods and feeds the political elite and their patronage networks. Civil society organizations face the challenge of building their capacities in the context of divided societies, competing agendas and scarce resources.⁸⁴ This calls for a collaborative governance approach that identifies and strengthens local competence and recognizes CSOs as development actors in their own right. Building trust and know-how takes time, but greater understanding of each other's way of operating is critical to development effectiveness.⁸⁵

Strengthen the security measures in the Cameroon Anglophone Armed Conflicts

One integral approach that can be adopted to ensure that humanitarian relief workers are provided with an environment that prioritizes their well-being is establishing security. One major way to strengthen the security measures is developing cooperation between the actors and local authorities through information sharing and coordination efforts and having joint security plans. Additionally, there needs to be efforts geared towards risk management and security training for the humanitarian personnel so as to ensure they are better capable of handling any security threats they face. This training should include conflict analysis, risk assessment, personal safety protocols, and crisis management strategies.

Strengthen Coordination and Collaboration among Actors

Of great importance is the need to ensure that humanitarian actors in the Cameroon Anglophone crisis are working together to achieve a predetermined common goal. One major way to ensure this coordination is through enhanced information management systems. There should be frameworks that ensure data gathering, analysis, and dissemination through accurate and timely ways that relate to the needs, capacities, and gaps of the various regions impacted by the Anglophone crisis. This approach ensures coordination, fosters resource allocation, and supports evidence-based decision-making. Secondly, another way to strengthen coordination can be through resource sharing and fostering partnerships. The humanitarian actors can engage in the pooling of resources and the sharing of expertise as well as best practices to ensure that they can realize maximum results and avoid duplication of effort. Also, this approach will make the resources and support they offer available to many people.

Maintenance of Civil Dialogue by the Government

⁸⁴Adele Poskitt *et al*, Civil Society Organizations in Situations of Conflicts. Available online at: <https://www.civicus.org> (Accessed on April 24, 2024)

⁸⁵ *Ibid.*

Governments should maintain civil dialogue during situations of armed conflicts like the current one in the Cameroon, recognizing Civil Society Organizations as an integral part of (democratic) society. More so, governments should enable participation of Civil Society Organizations (CSOs) in making policies, particularly regarding conflict reconciliation and peace negotiations. Governments should provide adequate security for CSOs during situations of armed conflicts and they should as well, ensure that human rights and international humanitarian law standards are upheld, especially freedom of expression and association. It is their duty to monitor human rights violations immediately after the conflict starts. Governments should encourage collaborative working between stakeholders, including government and CSOs.

Active Participation of International Civil Society Organizations in the Administration of Humanitarian Relief

International Civil Society Organizations (ICSOs) should monitor and pressure governments to provide an enabling environment for Civil Society Organizations (CSOs) and they should as well coordinate voices to lobby national policies, should support democratic transition and defend human rights and humanitarian law thereby including local civil society organizations in their strategies and provide political support for local initiatives. They should establish regional coordination networks and lastly, should create sustainable partnerships with local civil society organizations which enable the transfer of expertise and sharing of experiences not leaving out the importance working with local civil society organizations.

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