

# The Application of International Human Rights and International Humanitarian Laws in Armed Conflict: Appraisal of the Armed Conflict in Anglophone Cameroon

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## Abstract

Cameroon has been projected as a peaceful country since achieving independence in 1960. However, since late 2017, an armed conflict broke out in the Anglophone regions of the country following the government's brutal repression of the protests of lawyers, teachers, and University of Buea students in late 2016, and subsequently in September and October 2017 with the violent clampdown of the general protests in Anglophone Cameroon. The violence of the armed conflict has led to several thousands of deaths, several hundred of villages razed, hundreds of internally displaced persons and refugees in neighboring Nigeria. According to analysts, there has been an unprecedented violation of human rights and humanitarian laws by the belligerents in their conduct of hostilities, with devastating consequences on the civilian population, in total disregard of international norms. To this end, this paper examines the violations of human rights and humanitarian laws recorded in the conflict-torn Anglophone regions of Cameroon and assesses the obligations of the belligerents, the defense and security forces of the state on the one part and the Anglophone armed separatist groups on the other, to respect these norms during the prosecution of the war in the country.

**Keywords:** international human rights law, international humanitarian law, armed conflict, Anglophone armed conflict, anglophone regions

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## 1. Introduction

The dramatic reality of contemporary conflicts and related violent crisis is the heavy toll of armed violence on the civilian population. In the twenty-first century, violence and conflict

continues to be at the heart of some of the worst human rights and humanitarian violations across the globe. Increasingly and devastatingly targeted by the perpetrators of violence, the civilian population accounts for the vast

majority of the victims of the world's conflicts, a toll which falls heaviest on women and children. Most contemporary conflicts of the twenty-first century are caused by the systematic perpetration of violence on the civilian population as a changing nature of conflict and this constitutes serious violations of human rights and humanitarian norms (Carrasco et al., 2014: 12). In recent decades, armed conflict has blighted the lives of millions of civilians and serious violations of international humanitarian and human rights laws are common in many armed conflicts. In certain circumstances, some of these violations may even constitute genocide, war crimes or crimes against humanity (United Nations, 2011: 1).

The Anglophone regions of Cameroon have been the theatre of an armed conflict since late 2017 due to government's violent repression of the peaceful strikes of Anglophone lawyers, teachers, and the University of Buea students in late 2016. The turning point of the crisis appears to be on the 22<sup>nd</sup> of September and on the 1<sup>st</sup> of October 2017, when hundreds of thousands of peaceful protesters were shot by government security forces with live bullets leading to several deaths and many wounded. At the same time, several armed groups were formed and started attacking and killing government forces and destroying state property and emblems. By November 2017, the situation quickly degenerated into an armed conflict between government forces and armed separatist groups. The armed conflict has caused the death of several thousands of people, hundreds of thousands of internally displaced persons, tens of thousands of refugees in neighbouring Nigeria and hundreds of villages, houses and property razed and destroyed. Several human rights and humanitarian organizations have indicted the belligerents, the Cameroonian defense and security forces and Anglophone armed separatist groups, for the perpetration of heinous atrocity crimes, which constitutes serious violations of human rights and humanitarian laws in the conduct of hostilities in the armed conflict. According to these organizations, these violations have reached the

scale of war crimes and crimes against humanity.

This paper appraises the violations of international human rights and humanitarian laws in the armed conflict in Anglophone Cameroon and examines the application of these norms in the conflict. To this end, it reviews the concepts of international human rights and humanitarian laws and their applicability in the armed conflict. It is divided into four sections. Section 1 explores the introduction and the methodology that inform the findings of the study. Section 2 provides an overview of concepts of international human rights and humanitarian laws and their applicability in armed conflicts, not least in the armed conflict in Anglophone Cameroon, while section 3 documents the numerous violations of these norms recorded in the war in Anglophone Cameroon. Section 4 deals with conclusion of the study.

### *1.1 Methodology*

The paper adopts the qualitative research methodology and employs several research methods, among which is the reliance on primary and secondary sources in the collection of data. The paper is essentially a case study. For primary sources, data was obtained from the interpretation of legal sources including the relevant human rights and humanitarian law conventions. Secondary sources involve desk research method where reliance was placed on books, monographs, journals etc. Another method of data collection was through the distribution of questionnaires and conducting unstructured interviews in the field. The paper made use of the purposive and random sampling techniques as sampling methods. A total of 25 questionnaires was administered to respondents with a return rate of 22 questionnaires and 5 selected persons were interviewed. The biodata of the questionnaire respondents is as follows: 12 men, 9 women and 4 youths living in the Anglophone regions and in other parts of Cameroon. In terms of interviews, 2 men, 2 women and a male youth were also interviewed.

**Table 1.** The applicability of international human rights and humanitarian laws in the armed conflict in the Anglophone regions

No	Main Themes Raised by the in the Questionnaires	SA	A	SD	D	NO	Total
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1	The violence in the Anglophone regions amount to an armed conflict	8	6	4	3	1	22
2	International human rights and humanitarian laws apply in the armed conflict in the Anglophone regions	6	5	5	4	2	22
3	The belligerents are to be held accountable for violating international human rights and humanitarian laws in the armed conflict in the Anglophone regions	10	7	3	2	0	22
	<b>Total</b>	<b>24</b>	<b>18</b>	<b>12</b>	<b>9</b>	<b>3</b>	<b>66</b>
	<b>Percentage Average</b>	<b>36.36%</b>	<b>27.27%</b>	<b>18.18%</b>	<b>13.64%</b>	<b>4.55%</b>	<b>100%</b>

Source: Authors 2022.

### 1.2 Key Findings

Table 1 shows that a total of 25 questionnaires with 3 questions each, making a total of 75 questions, were distributed to 25 respondents. 22 questionnaires were returned, scoring a return percentage rate of 88%. On the thematic issues raised, 24 respondents strongly agreed, making a total of 36.36%. 18 respondents agreed, making a percentage rate of 27.27%. 12 respondents strongly disagreed, scoring a percentage rate of 18.18%. 9 respondents disagreed, providing a percentage rate of 13.64%. Finally, 3 respondents gave no opinion, making a total percentage rate of 4.55%. As per the interviews, 3 interviewees agreed, while 2 interviewees disagreed with the questions posed making a percentage rate of 60% and 40% respectively.

## 2. Human Rights and Humanitarian Law: Applicability of Concepts in Armed Conflicts

International human rights law and international humanitarian law are interrelated with the former providing protection to individuals against rights violations and the latter only becomes applicable in situations of armed conflicts. Some scholars have argued that human rights law and international humanitarian laws are applicable in different settings, nonetheless, grave human rights violations in situations of war are often criminalized in terms of violations of international humanitarian laws. Seemingly, both laws are mutually reinforcing, and recent scholarship suggests that, like international humanitarian law, human rights are applicable in armed conflicts.

### 2.1 International Human Rights Law (IHRL)

The United Nations' Charter (1945) in its preamble asserts that international momentum to establish a legal order that would prohibit state-sponsored human rights abuses surged during World War II, as the scope of the Nazi atrocities became known (United Nations' Charter, 1945). This led to the adoption of the Universal Declaration of Human Rights (UDHR) with the objective to address human rights concerns across the world by emphasizing the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. According to the UDHR, human rights are rights that human beings are entitled to simply because of their humanity. These rights apply universally to all people, at all times, and under all circumstances. Human dignity and the equal and inalienable rights of all people are fundamental for freedom and justice (Dicklitch, 2002: 154). These rights are explicated in international legal frameworks such as the Universal Declaration of Human Rights, and other human rights conventions, treaties, and protocols, which are the foundations of modern international human rights law.

Modern human rights scholars generally classify the contents of human rights in accordance with their evolution in modern international law. The two main international human rights covenants — the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) — together with the Universal Declaration of Human Rights (UDHR) and the Optional Protocols to the ICCPR and the ICESCR constitute the so-called "International

Bill of Rights”, which encompasses an expanding range of personal, legal, civil, political, subsistence, economic, social, and cultural rights (Walters, 1995: 10). These instruments therefore constitute the compendium of customary international legal framework commonly referred to as international human rights law.

International human rights law is a system of international norms designed to protect and promote the human rights of all persons. These rights, which are inherent in all human beings, irrespective of nationality, place of residence, sex, race, colour, religion, language, or any other status, are interrelated, interdependent and indivisible. They are often expressed and guaranteed by law in the form of treaties, customary international law, general principles, and soft law. International human rights law lays down the obligations of states to act in certain ways or to refrain from certain acts, in order to promote and protect the human rights and fundamental freedoms of individuals or groups. In addition to the ‘International Bill of Rights’ other core universal human rights treaties are The International Convention on the Elimination of All Forms of Racial Discrimination; The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; The Convention on the Rights of the Child and its two Optional Protocols; The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; The International Convention for the Protection of All Persons from Enforced Disappearance; and The Convention on the Rights of Persons with Disabilities and its Optional Protocol (United Nations, 2011: 5).

As a form of international law, international human rights law is primarily made up of treaties and agreements between states intended to have binding legal effect between the parties that have agreed to them; and customary international law. Other international human rights instruments, while not legally binding, contribute to the implementation, understanding and development of international human rights law and have been recognized as a source of political obligation. International human rights law prescribes

obligations, which states are bound to respect and through ratification of international treaties, governments undertake to put into place domestic measures and legislations compatible with their treaty obligations. By becoming parties to international treaties, states assume obligations and duties under international law to respect, protect and fulfill human rights (Diakonia, 2010). These obligations and duties are applicable in situations of peace and as well as in situations of armed conflict.

## *2.2 The Application of International Human Rights Law (IHRL) in Armed Conflict*

The applicability of human rights law in armed conflict has been the subject of extensive discussion over the past few decades. Much of this debate centers upon the question of whether human rights law continues to apply once we enter the realm of armed conflict. While the International Court of Justice (ICJ), in its nuclear weapons Advisory Opinion, did state the applicability of human rights law, the use of the term *lex specialis* might have been construed as support for a claim that whereas human rights law then does not disappear, it nevertheless is in effect displaced by International Humanitarian Law (IHL). The more recent Advisory Opinion on the Wall, together with the views of United Nations human rights bodies, have clarified that human rights law is not entirely displaced and can at times be directly applied in situations of armed conflict. While there might still be pockets of resistance to this notion, it is suggested here that the resisters are fighting a losing battle and should lay down their arms and accept the applicability of human rights law in times of armed conflict (Lubell, 2005: 1-2). As such, international armed conflicts — and non-international armed conflicts — have progressively found their way into the case law of human rights bodies in recent years (Kolb, 2012: 8).

In situations of armed conflict, the jurisprudence of the International Court of Justice, which the Court’s Statute recognizes as a subsidiary means for the determination of rules of law, is increasingly referring to states’ human rights obligations in situations of armed conflict. These decisions have provided further clarification on issues such as the continuous application of international human rights law in situations of armed conflict. In the context of the implementation of human rights obligations, the human rights treaty bodies established to



monitor the implementation of core human rights treaties, such as the Human Rights Committee or the Committee on Economic, Social and Cultural Rights, regularly provide general comments, which interpret and clarify the content and extent of particular norms, principles and obligations contained in the relevant human rights conventions (United Nations, 2011: 11-12). While international human rights law, ordinarily, applied only in peacetime, it is now widely accepted that it applies to situations of armed conflict or in times of belligerent occupation. Regional instruments such as the European Convention on Human Rights (ECHR) are increasingly important in expanding the applicability of IHRL norms in the theatre of war, for instance, in respect of extra-territorial application (Vine et al., 2014: 1).

In principle, international human rights law applies at all times, i.e., both in peacetime and in situations of armed conflict. However, some IHRL treaties permit governments to derogate from certain rights in situations of public emergency threatening the life of the nation. Derogations must, however, be proportional to the crisis at hand, must not be introduced on a discriminatory basis and must not contravene other rules of international law — including rules of international humanitarian law. Certain human rights are never derogable. Among them are the right to life, prohibition of torture or cruel, inhuman or degrading treatment or punishment, prohibition of slavery and servitude and the prohibition of retroactive criminal laws (ICRC, 2003: 1). Indeed, it is widely recognized nowadays by the international community that since human rights obligations derive from the recognition of the inherent rights of all human beings and that these rights could be affected both in times of peace and in times of war, international human rights law continues to apply in situations of armed conflict. Moreover, nothing in human rights treaties indicates that they would not be applicable in times of armed conflict (United Nations, 2011: 5-6). In addition, it should be noted that while international human rights law applies both in times of peace and in times of armed conflict or war, however, it is exercised in times of armed conflict or war concurrently with international humanitarian law.

### *2.3 International Humanitarian Law (IHL)*

International humanitarian law (IHL) is a set of rules that seek to limit the effects of armed

conflict on people, including civilians, persons who are not or no longer participating in the conflict and even those who still are, such as combatants. To achieve this objective, international humanitarian law covers two areas: the protection of persons; and the restrictions on the means and the methods of warfare. International humanitarian law finds its sources in treaties and in customary international law. The rules of international humanitarian law are set out in a series of conventions and protocols. The following instruments form the core of modern international humanitarian law: The Hague Regulations respecting the Laws and Customs of War on Land; The Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; The Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; The Geneva Convention (III) relative to the Treatment of Prisoners of War; The Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War; The Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and The Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (United Nations, 2011: 12).

International humanitarian law (IHL) is a set of international rules established by treaty or custom, which are specifically intended to solve humanitarian problems directly arising from armed conflicts. It protects persons and property that are, or may be, affected by an armed conflict and limits the rights of the parties to a conflict to use methods and means of warfare of their choice. IHL main treaty sources applicable in international armed conflict are the four Geneva Conventions of 1949 and their Additional Protocol I of 1977. The main treaty sources applicable in non-international armed conflict are Article 3 Common to the Geneva Conventions and Additional Protocol II of 1977 (ICRC, 2003: 1-2). The Hague Regulations are generally considered as corresponding to customary international law, binding on all states independently of their acceptance of them. The Geneva Conventions have attained universal ratification. Many of the provisions contained in the Geneva Conventions and their

Protocols are considered to be part of customary international law and applicable in any armed conflict (Henckaerts & Doswald-Beck, 2005).

The International Committee of the Red Cross (ICRC) has a special role under international humanitarian law. The Geneva Conventions stipulate that it will visit prisoners, organize relief operations, contribute to family reunification, and conduct a range of humanitarian activities during armed conflicts. The International Committee of the Red Cross has a recognized role in the interpretation of international humanitarian law and is charged with working towards its faithful application in armed conflicts, taking cognizance of breaches of that law and contributing to the understanding, dissemination, and development of the law (United Nations, 2011: 13-14).

#### *2.4 The Application of International Humanitarian Law (IHL) in Armed Conflicts*

The law of armed conflict, also known as the *jus in bello* or international humanitarian law (IHL) is the legal framework that governs the limitation of the effects of 'armed conflict' (a term of art in international law). The law of armed conflict is replete with rules, often divided into two branches, so-called 'Hague' law, that finds its origins in the Hague Conventions of 1899 and 1907, concerned with the regulation of the conduct of hostilities, tactics and usage of weapons; and 'Geneva' law following the Geneva Conventions of 1949 and the two 1977 Additional Protocols to those Conventions, concerned with the protection of the victims of armed conflicts (Carrasco et al., 2014: 26). IHL also referred to as "the law of armed conflicts or the law of wars, designed to balance humanitarian concerns and military necessity". IHL subjects warfare to the rule of law by limiting its destructive effect and mitigating human suffering. As adumbrated, the aim of international humanitarian law is to protect human beings and to safeguard the dignity of man in the extreme situation of any armed conflict (Nkatow, 2020: 14).

International Humanitarian Law (IHL) is applicable in times of armed conflict, whether international or non-international. International conflicts are wars involving two or more states, and wars of liberation, regardless of whether a declaration of war has been made or whether the parties involved recognize that there is a state of war. Non-international armed conflicts

are those in which government forces are fighting against armed insurgents, or rebel groups are fighting among themselves. Because IHL deals with an exceptional situation — armed conflict — no derogations whatsoever from its provisions are permitted. IHL binds all actors to an armed conflict: in international conflicts it must be observed by the states involved, whereas in internal conflict it binds the government, as well as the groups fighting against it or among themselves. Thus, IHL lays down rules that are applicable to both state and non-state actors. IHL aims to protect persons who do not, or are no longer taking part in hostilities. IHL also protects civilians through rules on the conduct of hostilities. For example, parties to a conflict must at all times distinguish between combatants and non-combatants and between military and non-military targets. Neither the civilian population as a whole nor individual civilian may be the object of attack. It is also prohibited to attack military objectives if that would cause disproportionate harm to civilians or civilian objects (ICRC, 2003: 1-2).

The four Geneva Conventions have achieved universal applicability as they have been universally ratified. The Additional Protocols, however, have yet to achieve near-universal acceptance. IHL does not only apply to cases of armed conflicts but to all actors in armed conflicts. IHL distinguishes between international armed conflicts and non-international armed conflicts with much more limited range of written rules applying to the latter. In accordance with Article 1(1) of Additional Protocol II, the protocol is to apply to all armed conflicts not of international character and which takes 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 concerned military operations and to implement the protocol (Nkatow, 2020: 14-15).

It is clear from the above that armed conflicts must take place between the armed forces of a High Contracting Party and dissidents' armed forces or other organized armed groups, and shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature. By every standard, the crisis in the Anglophone regions of Cameroon that

took the form of an armed conflict by 2017 conformed in context with Common Article (3) to the 1977 Geneva Convention and Additional Protocol (II) of the Geneva Convention of 1949 to be described as “intrastate armed conflict” (Nkatow, 2020: 16). International humanitarian law is often confused with international human rights law, this should not be because the latter applies at all times, whereas the former applies only in situations of armed conflicts. Both laws complement each other since it is aspects of human rights that when breached in situations of armed conflict, will amount to crimes against humanity, the crime of genocide or war crimes (Fangmbung et al., 2020: 2).

### **3. The Armed Conflict in Anglophone Cameroon in Perspective**

The armed conflict raging in Anglophone Cameroon is a product of the country’s colonial legacy. Having been split into two separate territories under French and British administration after WW11, the territory was reunified following a plebiscite conducted on February 11<sup>th</sup>, 1961. Since becoming a single territory, Anglophone Cameroonians have decried their marginalization and the suppression of their culture by the dominant French speaking majority.

The Geneva Academy (2021) states that in October 2016, peaceful protests started in the Anglophone North-West and South-West Regions of Cameroon against perceived structural discrimination and requests for more autonomy in the regions. The government responded by deploying its armed forces, which employed live ammunition from low-flying helicopters into crowds and arrested dozens of activists under terrorism charges. Accordingly, strikes and violent riots ensued; protestors resorted to armed resistance, with the first wave of attacks on state targets by armed militias reported in September 2017. As a result, since late 2017, Cameroon’s armed forces, including an elite combat unit, the Rapid Intervention Battalion (RIB) in its French acronym (BIR), have been involved in armed confrontations against a number of separatist groups operating in these regions, in particular the Ambazonia Governing Council (AGC) and its military wing the Ambazonia Defense Forces (ADF) and the Interim Government of Ambazonia (IG) and its military wing the Ambazonia Self-Defence Council (ASC), among others.

#### **3.1 Are IHRL and IHL Applicable in the Armed Conflict in Anglophone Cameroon?**

For years, it was held that the difference between international human rights law and international humanitarian law was that the former applied in times of peace and the latter in situations of armed conflict. Modern international law, however, recognizes that this distinction is inaccurate. Indeed, it is widely recognized nowadays by the international community that since human rights obligations derive from the recognition of inherent rights of all human beings and that these rights could be affected both in times of peace and in times of war, international human rights law continues to apply in situations of armed conflict. Moreover, nothing in human rights treaties indicates that they would not be applicable in times of armed conflict. International human rights law and international humanitarian law share the goal of preserving the dignity and humanity of all (United Nations, 2011: 1-5). It is precisely during armed conflict that the inherent rights of human beings are violated the most.

Over the years, the General Assembly of the United Nations, the Commission on Human Rights and, more recently, the Human Rights Council have considered that in armed conflict, parties to the conflict have legally binding obligations concerning the rights of persons affected by the conflict. Although different in scope, international human rights law and international humanitarian law offer a series of protections to persons in armed conflict, whether civilians, persons who are no longer participating directly in hostilities or active participants in the conflict. Indeed, as it has been recognized, *inter alia*, by international and regional courts, as well as by United Nations organs, treaty bodies and human rights special procedures, both bodies of law apply to situations of armed conflict and provide complementary and mutually reinforcing protection (United Nations, 2011: 1-5). However, it is important to determine whether the sociopolitical crisis that erupted in the Anglophone regions of Cameroon in late 2016 and the escalation into an armed violence in late 2017 now amount to an armed conflict.

Schindler (1979: 147) points out that from a legal point of view, in order to determine whether international humanitarian law applies to situations of violence, it is necessary to determine as a precondition whether the

situation amounts to an 'armed conflict' (Schindler, 1979: 147). An armed conflict exists whenever there is resort to armed force between states or protracted armed violence between governmental authorities and organized armed groups or between such groups within a state (ICTY, 1995). International humanitarian law is therefore applicable whenever a situation of violence reaches the level of armed conflict (ICRC, 2003: 8). Akande (2012: 35) further posits that the distinction between international and non-international armed conflicts is also relevant for the purposes of the application of international humanitarian law because of the differences in the content of the applicable law to the different types of armed conflict (Akande, 2012: 35). An armed conflict is international (external or interstate) if it takes place between two or more states (ICTY, 1999). A non-international (internal or intrastate) armed conflict is when government's armed forces are fighting against one or more organized armed groups within the territory of a single state (Peljic, 2011: 5-7).

There are major differences between internal (intrastate) and international (interstate) conflicts, and they should therefore be analyzed separately. A fundamental difference is that in traditional international wars, the power of the state tends to increase as a result of war, and nationalism can contribute to greater social cohesion. In contrast, civil wars tend to reduce the control of the state over its national territory and lead to societal disintegration, implying additional types of costs (Stewart & FitzGerald, 2001: 3). In this light, it is also important to note that international humanitarian legal conventions and treaties governing international (external or interstate) armed conflicts and non-international (internal or intrastate) armed conflicts are equally slightly different, so too are their application.

Two criteria need to be assessed to establish whether the violence meets the threshold of non-international armed conflict: first, the level of armed violence must reach a certain degree of intensity that goes beyond internal disturbances and tensions. Second, in every non-international armed conflict, at least one side in the conflict must be a non-state armed group, which must exhibit a certain level of organization in order to qualify as a party to the non-international armed conflict. Government forces are presumed to satisfy the criteria of organization. Various

indicative factors are used to assess whether a given situation has met the required intensity threshold, such as the number, duration and intensity of individual confrontations; the types of weapons and military equipment used; the number of persons and types of forces participating in the fighting; the number of casualties; the extent of material destruction; the number of civilians fleeing and the involvement of the United Nations Security Council (Geneva Academy, 2021).

Going by the above criteria, there are strong arguments to support the assertion that the situation in the Anglophone regions amount to an armed conflict, albeit a low intensity armed conflict. The violence in the armed conflict has reached a degree of intensity that is beyond an internal ruckus by virtue of the numbers of deadly attacks and combats. The armed groups involved in the armed conflict have demonstrated a certain degree of organization and coordination in the conduct of hostilities and have known leaders at home and abroad. The armed conflict has been raging since late 2017 with the deployment of almost all categories of government forces and also a large number of armed separatist groups and fighters on the other side. The parties to the conflict are using modern lethal weapons of war, such as motorized armored vehicles armed with machine guns, helicopter gunships, tanks, AK 47 rifles on the part of the government forces, and locally made guns, AK 47 rifles, rocket launchers, grenades and Improvised Explosive Devices (IEDs) on the part of the armed separatists, which has led to several thousands of people killed (civilians, government forces and armed separatists), wanton destruction of property, villages and houses, and hundreds of thousands of refugees and Internally Displaced Persons (IDPs).

*Cameroon Magazine* (2019) states that a Francophone Newspaper, *Emergence*, of the 29<sup>th</sup> of November 2019, reports that about 12,000 civilians were killed, 400 villages burnt and 769 defense and security forces also lost their lives in the armed conflict (*Magazine*, 2019). As of January 2020, nearly 900,000 children were impacted by the conflict and did not have access to education in the Anglophone regions of Cameroon (UNICEF, 2019). By the end of January 2020, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) put the number of Internally



Displaced Persons to 679,000 and 52,000 refugees in its Situation Report No. 15 of the 31<sup>st</sup> of January, 2020. However, by March 2021, UNOCHA reported a total number of 705,000 Internally Displaced Persons and 63,235 refugees in Nigeria. Moreover, these numbers kept increasing exponentially as the armed conflict raged on throughout 2021 and into 2022.

There are several armed groups fighting against state forces, though the level of coordination of these armed groups remains unclear. The ongoing hostilities show a collective character and have forced the government to deploy its armed forces, including its elite combat unit, the Rapid Intervention Battalion (RIB). Between November and December 2017, 17 members of the security forces were killed during armed confrontations with separatist groups. Since May 2018, hostilities intensified between security forces and Anglophone separatist militants, as the latter started extending their military operations to new areas, such as Buea and Limbe. As the opposition groups became more aggressive, state troops reacted with attacks on fighters and civilians. In 2018, armed separatists clashed with government forces 83 times that year, compared to 13 times in the previous year. The spokesman for the Cameroonian military, Colonel Didier Badjeck, confirmed that around 170 Cameroonian troops had been killed as at November 2018. In 2019, the instances of armed hostilities increased. For instance, only in February alone, clashes caused the death of at least 100 separatists, military, and civilians. In mid-March, at least 30 armed confrontations resulted in the death of 26 civilians and 7 members of the security forces. Meanwhile, violence intensified between January and March 2021. In February 2021, several armed confrontations took place between separatist forces and the state army and continued throughout 2021 (Geneva Academy, 2021).

As a result of the above, the Geneva Academy (2021), asserts that all the parties to the conflict are bound by Article 3 Common to the 1949 Geneva Conventions, which provides for the minimum standards to be respected and requires humane treatment without adverse distinction of all persons not or no longer taking active parts in hostilities. It prohibits murder, mutilation, torture, cruel, inhuman and degrading treatment, hostage taking and unfair trials. All parties are also bound by customary

international humanitarian law applicable to non-international armed conflict. Customary international law consists of unwritten rules that come from a general practice accepted as law. In addition to international humanitarian law, international human rights law continues to apply during times of armed conflict. Under human rights law, the territorial state has an obligation to prevent and investigate alleged violations, including by non-state actors. Non-state armed groups are increasingly considered to be bound by international human rights law if they exercise *de facto* control over some areas.

The contentious question is whether with the gratuitous violence and human rights violations during these confrontations, the situation in the Anglophone regions meets the threshold of a non-international armed conflict in which international humanitarian law is applicable. In this light, the Geneva Academy (2021), argues that in spite of the armed confrontations and atrocity crimes committed, it is not possible to conclude that the violence between the separatist groups and the government meets the threshold to be considered a non-international armed conflict (Geneva Academy, 2021). However, the reality on the ground and several reports from human rights groups adduced by eyewitnesses' accounts, pictures, videos and satellite images rather points to intense armed violence and egregious violations of international human rights and international humanitarian laws in the conflict in the Anglophone regions by government forces and armed separatists.

### *3.2 Violations of IHRL and IHL Recorded in the Armed Conflict in Anglophone Cameroon*

Lekha Sriram et al. (2014: 5-6) argues that human rights violations emerge primarily because of violent conflicts and contemporary conflicts are characterized by a growing trend of 'one-side violence', which is inflicted on civilians. In the majority of occasions, it involves a conscious choice to harm civilians, although it can have other objectives beyond just injuring or killing civilians because it may be intended to terrorize the population. Human rights violations may include torture and disappearances, but also frequently include war crimes, crimes against humanity, and even genocide (Lekha Sriram et al., 2014: 5-6). Human rights are violated when actors (either state or non-state) abuse, ignore or deny basic rights

(including civil, political, cultural, social, and economic rights). Violations of human rights also occur when a state or non-state actor breaches the Universal Declaration of Human Rights treaty or other international human rights or humanitarian law (Tendon, 2018: 10). It has been established by several human rights groups that there have been serious violations of human rights and humanitarian laws in the Anglophone regions of Cameroon perpetrated by the Cameroonian defense and security forces and armed separatist groups in the conduct of hostilities in the armed conflict.

In this regard, Amnesty International (2018: 5) points out that since late 2016, Cameroon's Anglophone regions — whose grievances date back to the early 1960s — have endured turmoil and violence in what has become a human rights crisis with eyewitness reports of violence and human rights violations committed by government's security forces and by armed separatists (Amnesty International, 2018: 5). The U.S. House of Representatives, in its Resolution H. Res. 358 of the 7<sup>th</sup> of May 2019, states that numerous credible reports from human rights monitors, including the United Nations High Commissioner for Human Rights, have documented the excessive use of force by government security forces against civilians living in the Anglophone regions, including the burning of villages, the use of live ammunitions against protesters, arbitrary arrest and detention, torture, sexual abuse, and killing of civilians, including women, children, and the elderly (U.S. House of Representatives, 2019: 2).

Tendon (2018: 10) further asserts that there have been many killings in communities in the Anglophone regions including children, women and the elderly, and homes completely burnt down. Some people are hiding in the forest, including babies, expectant mothers and the elderly. They live there, exposed to rain, snakes and danger from government soldiers, without food or medicine. The devastation and pain are unbelievable and the trauma, fear and hopelessness of the local population facing such atrocities are beyond description. As a result of these burnings, the military has caused mass displacement of people and refugees. Thousands of people have been rendered homeless, entire life investments destroyed, family members killed and hiding in the bushes for their dear lives (Tendon, 2018: 10). Far from resolving the conflict, the clampdown on any

form of dissent and the heavy-handed response by the Cameroonian authorities and security forces appeared to have empowered and created space for more radical and violent movements to emerge, with a focus on secession and armed struggle. The human rights violations committed by the Cameroonian security forces and authorities also contributed in creating a pervasive climate of fear, which some observers say led to a growing sense of alienation among the communities in the Anglophone regions (Amnesty International, 2018: 6-7).

During the conflict, Cameroonian military responded to protests with arbitrary arrests, torture, and unlawful killings, which were against the rules and regulations governing armed conflicts. In some cases, between 2016 and February 2020 during security operations, people were arbitrarily arrested, tortured, and detained in illegal detention facilities and in secret. Victims described being blindfolded and severely beaten with various objects, including sticks, ropes, wires and guns, as well as being electrocuted and burnt with hot water. There are numerous reports from human rights organizations and the press that alleged that security forces, in particular, the Rapid Intervention Battalion (RIB), engaged in a systematic campaign of terror against Anglophone communities in the North West and South West Regions. The most prominent example of this was the tactic of property destruction in which security forces have reportedly burnt down hundreds of structures such as homes of non-combatants, businesses and local government buildings in Jakiri, Kumbo, Batibo, Santa, Ndop, Bambili, Mbengwi, Bali, Mbonge, Konye, Kumba, Nguti, Mamfe, Kwakwa, just to name these few. All these aforementioned violations were in total contravention of human rights and against international humanitarian law (Nkatow, 2020: 22-23).

As a result of the above, Amnesty International (2018: 6-7) argues that Cameroon has the right and obligation to conduct law enforcement and security operations in any part of its territory in order to identify and detain suspected criminals, seize illegal weapons and protect the population. However, as documented case reports illustrate, its forces failed to uphold their obligations under international human rights law to only use lawful and necessary force, and particularly to use potentially lethal force only

in immediate defense of the right to life, and to respect and protect other human rights (Amnesty International, 2018: 6-7). Reacting on the situation of human rights violations in Cameroon, the United Nations High Commissioner for Human Rights, Michelle Bachelet, stated that

*as a former minister of defense myself, I recognize the difficulties and dilemmas faced by soldiers confronted with extremely violent armed groups moving in and out of civilian areas, committing atrocities as they go. Nevertheless, every violation committed by government forces is not only unlawful, but also counterproductive as it plays into the hands of the extremist groups, by feeding local resentment and aiding recruitment. The armed forces must win and keep the trust of the local populations, and to do so they must keep scrupulously within the framework of international law and standards (Relief Web, 2019).*

On human rights abuses and violations of humanitarian norms perpetrated by the separatist armed groups, Amnesty International (2018: 5-10) posits that since the beginning of the armed conflict phase of the separatist struggle in the English-speaking regions of Cameroon in 2017, separatist armed groups have perpetrated several human rights abuses on the civilian population, students, teachers, chiefs, civil administrators and elements of the defense and security forces (Amnesty International, 2018: 5-10). The U.S. House of Representatives, in Resolution H. Res. 358, also notes that human rights monitors have documented armed separatists killing traditional leaders and targeting civilians, including women, children, and the elderly, who were perceived to be supporting or working with the government of Cameroon, and reports indicate that armed separatists have killed scores of security force personnel (U.S. House of Representatives, 2019: 2). As a result of all the above-mentioned atrocities, there have been reported cases of murder, kidnapping, torture, extortion, arson, maiming, attacks on schools, students, teachers, chiefs, and government civil administrators perpetrated by armed separatist groups, which are against international law.

There are credible sources that separatist extremists attacked and murdered civilians during the conflict, even though, still in its course, particularly targeting those whom they

suspect of colluding with the government, breaking separatist-backed strikes or school shut-downs or criticizing separatist policies or actions. A notable tactic seemingly used by separatist extremists has been attacks on teachers and schools. One alleged strategy of extremist groups in the separatist movement has been to shut-down local schools, which was a violation of the rights to a child, which amongst the prominent, is the right to education. These attacks were not only confined to schools; separatist extremists also targeted both government and locally owned businesses, demanding boycotts and strikes from all businesses operating in certain areas of the two English-speaking regions. The pro-independence fighters, frequently targeted schools perceived to have disrespected the call for the lockdown of schools. In addition, Amnesty International has also documented five attacks on traditional chiefs, whom separatists accused of sympathizing with the government. The Deputy Director of Amnesty International in one of his utterances disclosed that

*the armed separatists repeatedly targeted the general population. This demonstrated a total disregard for human life, and was another example of the human rights threat faced by people in the Anglophone regions. (Nkatow, 2020: 18).*

Moreover, since the poorly managed Anglophone crisis turned into an armed conflict in 2017, kidnapping of top government officials and civilians has been one of the human rights abuses orchestrated by separatist militias. Since October 2018, at least 350 people were kidnapped and ransomed by separatists' militias, many of which were school children, divisional officers, municipal councilors, mayors etc. Kidnapping was one of the tactical means that was used as a tool of intimidating local communities to keep schools closed to enforce the secessionist boycott on education. Summarily, the acts committed by the separatist fighters, which were against the norms of international humanitarian law and human rights norms were the killings of civilians and dismembering of security forces, torture, or maiming of civilians who appeared to be unsupportive of secession, kidnapping of civilians for ransom, kidnapping of teachers and students to enforce a school ban, enforced lockdowns, trapping of civilians in their homes for days, beating and raping of women and girls

etc. (Nkatow, 2020: 18-19).

The analyses suggest that these acts are in contravention of international humanitarian and human rights principles. Due to the dimension of the conflict, the U.S., the European Union, the African Union etc. have called on the government to call for a ceasefire and to carry out an inclusive dialogue without pre-conditions with the different parties (the separatists, federalists and the unitarists) to the conflict in order to resolve the root causes of the crisis that has turned into a deadly armed conflict (Nkatow, 2020: 25).

On the 18<sup>th</sup> of January, 2017, the African Union issued a press statement expressing concern over the situation in Cameroon and indicated its willingness to assist in its resolution. The ACHPR/Res. 395 (LXII), in its 62 Ordinary Session of April-May 2018, condemned the human rights abuses by the belligerents in the two English-speaking regions of Cameroon and called for an inclusive national dialogue without preconditions with the primordial aim of addressing the root causes of the problem (Nkatow, 2020: 27). The United Nations Security Council, in what is dubbed as a historic deliberation, held a two hours Arria-Formula meeting on the 13<sup>th</sup> of May, 2019, on the security and humanitarian catastrophic situation in the North-West and South-West Regions of Cameroon. During this meeting, the Under-Secretary-General for Humanitarian Affairs, Mark Lowcock, stressed that serious consideration should be given to the humanitarian crisis in the area, and that efforts should be made to address the root causes of the ongoing conflict. He also called on the United Nations Security Council members 'to influence all the parties to respect humanitarian law and grant access to those in need' and emphasized the need for ensuring accountability for violations of international humanitarian law and human rights law on both sides (Geneva Academy, 2021).

The European Union (EU) Parliament considered the situation in Cameroon as very serious and passed a resolution calling for an end to the cycle of violence, and in particular for the government to organize an inclusive political dialogue aimed at finding a peaceful and lasting solution to the conflict in the Anglophone regions. The EU council for its part, pointed out that serious violations of human rights continued to be reported and predatory crimes

have become widespread in the North-West and South-West Regions of Cameroon. The EU continued to state that it 'remained concerned and strongly condemned the continued violence and the level of insecurity' in the two regions. The EU further 'reaffirmed the need for all the parties in Cameroon to respect the rule of law and resolve the conflict peacefully through an inclusive dialogue', and vowed to continue its support for all efforts to settle the situation in coordination with its international and regional partners. In the same vein, as early as 2017, the African Union expressed its 'deep concern' regarding the 'continuous deterioration of the human rights situation' in the Anglophone regions (Geneva Academy, 2021).

Some foreign governments also began to pay keen attention and to take concrete measures regarding the conflict. For instance, the U.S. decided to scale down its military assistance to Cameroon and later in July 2019, the U.S. House of Representatives adopted Resolution 358 calling on both the government and the armed groups — among other things — to respect human rights and work towards resolving the conflict (Geneva Academy, 2021). However, all efforts from the national and international stakeholders to cause the belligerents to refrain from the violations of international human rights and international humanitarian laws, including an agreement to a ceasefire and cessation of violence, have so far remained futile as the armed conflict continued to rage on in the Anglophone regions of Cameroon, with devastating consequences on the civilian population.

#### 4. Conclusion

This paper reviews the concepts of international human rights and humanitarian laws and their applicability in armed conflict, specifically the armed conflict in Anglophone Cameroon. It records the numerous violations of international law by the belligerents in the prosecution of the war. From the forgoing, the paper finds that during their operations, government forces and armed separatists committed egregious atrocity crimes, which are in gross violations of international human rights and humanitarian laws. The violence and wanton violations of human rights have led to several thousands of deaths, hundreds of thousands have been internally displaced and tens of thousands have become refugees in Nigeria. Several houses, villages and property have been destroyed



rendering many people homeless and in a state of desolation. In the face of the above unprecedented humanitarian disaster, there is a lingering doubt whether the situation in the Anglophone armed conflict meets the threshold of non-international armed conflict in which international human rights and humanitarian laws are applicable. However, whether the situation meets the threshold of non-international armed conflict or not, the reality is that heinous crimes have been committed by the belligerents, which are to the scale of war crimes and crimes against humanity necessitating the arrest and prosecution of the perpetrators in an international tribunal.

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