RESOLVED, That the American Bar Association urges the United States to i) take all necessary and proper actions within its power to end the ongoing armed conflict in the Northwest and Southwest regions of Cameroon, and ii) specifically promote consensual change in Cameroon's electoral process by:

1) Passing S. Res. 292, 116th Cong. (2019) calling on the Government of Cameroon and armed separatist groups to respect the human rights of all Cameroonian citizens, to end all violence, and to pursue an inclusive dialogue to resolve the conflict in the Northwest and Southwest regions;
2) Making use of available foreign policy tools to sanction Cameroon over human rights abuses;
3) Urging the United Nations to conduct an International Commission of Inquiry on Cameroon; and
4) Urging Cameroon to reform its electoral process, and ask the European Union, the United Kingdom, and the African Union to join in the effort.
REPORT

In 2016, the Government of Cameroon violently repressed peaceful protests by teachers, students and lawyers in the Anglophone Northwest and Southwest regions of Cameroon who were demanding that the government hear their voices and bring an end to marginalization and suppression.1 Peaceful demonstrations ended in bloodshed, and by 2017, escalated into a full-blown armed conflict.2

Today, the conflict in the Northwest and Southwest regions of Cameroon has caused over 3,000 deaths, 500,000 internally-displaced persons and 40,000 refugees in Nigeria, and has deprived more than 700,000 children of school.3 The Norwegian Council places Cameroon on the top of its list of most neglected countries in crisis.4

In addition to the humanitarian crisis, the presidential election of 2018, which was “marked by irregularities, including intimidation of voters and representatives of candidates at polling sites, late posting of polling sites and voter lists, ballot stuffing, voters with multiple registrations, and alleged polling manipulations,”5 underscored the need for systemic reform in the electoral process. (Emphasis added.)

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1 Radina Gigova, Rights Groups Call for Probe into Protesters’ Death in Cameroon, CNN (Dec. 15, 2016), https://www.cnn.com/2016/12/15/world/cameroon-protesters-deaths/index.html; Amindeh Blaise Atabong & Commentary, Cameroon’s Anglophone Crisis Isn’t About Language, but Economic Deprivation, QUARTZ AFR. (Oct. 9, 2017), https://qz.com/africa/1097892/cameroons-anglophone-crisis-is-danger-of-becoming-a-full-blown-conflict/ (explaining that the Cameroon crisis “goes far beyond the French/English language divide” and is rooted in economic deprivation and lack of government representation); see also Doris Toyou, Commentary: International Treaty and Constitution: Contradictions of Cameroon, JURIST (Feb. 3, 2017), https://www.jurist.org/commentary/2017/02/doris-toyou-contradictions-of-cameroon/ (describing one aspect of discrimination through language: while the Constitution of Cameroon proclaims that the country is bilingual with both English and French having the same authoritative status, the government has often failed to translate international treaties it has ratified).


3 Cameroon’s Anglophone Dialogue: A Work in Progress, INT. CRISIS GROUP (Sept. 26, 2019), https://www.crisisgroup.org/africa/central-africa/cameroon/cameroons-anglophone-dialogue-work-progress. Note that President Biya triggered the constitutional mechanism of a national dialogue in October 2019. Representatives of different social groups, cultures and other stakeholders were invited to participate and the National Dialogue adopted a number of resolutions, some of which are yet to be implemented.


Following the presidential election results, the government of Cameroon suppressed the right to protest and arrested any person who did, including main opposition leader, Maurice Kamto, who placed second in the election according to official results. More than a year after the presidential election, the political situation is still unsettled, as President Biya himself acknowledged during his traditional New Year’s message to the nation.

I. The U. S. Senate should pass S. Res. 292 on Cameroon

The U.S. Senate should pass S. Res. 292, 116th Cong. (2019) currently pending in the Senate. The Senate resolution espouses the same principles as the ones passed by the U.S. House of Representatives and the European Union, both of which call for an inclusive dialogue to resolve the armed conflict in the Northwest and Southwest regions of Cameroon.

II. The United States should make use of available foreign policy tools to sanction Cameroon over human rights abuses

The United States, working together with Congress, can make use of foreign policy tools to sanction the Government of Cameroon, non-Government armed groups and perpetrators of human rights violations.


7 Republic of Cameroon, Presidency of the Republic, Head of State’s New Year Message to The Nation (Dec. 31, 2019), at 5, available at https://www.prc.cm/en/multimedia/documents/8040-head-of-state-s-new-year-message-to-the-nation-31-12-2019 (alluding to the latest presidential election of October 7, 2019, President Biya declares that results of free and fair elections “must be recognized and accepted by all” and adds that election results cannot be changed through social media, news outlets, “illegal protests, violence and personal or hate-filled attacks”).


On October 31, 2019, the President of the United States notified Congress of his intent to terminate the designation of Cameroon as a beneficiary of the African Growth and Opportunity Act (“AGOA”) under section 104 of the Act due to “gross violations of internationally recognized human rights”\(^\text{10}\) and concerns about “persistent gross violations of human rights being committed by the Cameroonian government against its own citizens.”\(^\text{11}\) (Emphasis added.) As a result of the President’s determination, Cameroon stands to lose substantial trade preferences granted under the Act.\(^\text{12}\)

The U.S. has other considerable leverage it can impose on nations and on individuals committing “gross violations of internationally recognized human rights.”

First, the Secretary of State can sanction foreign officials responsible for corruption and human rights violations under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019.\(^\text{13}\)

Based on credible information of (a) “involvement in significant corruption, including corruption related to the extraction of natural resources,” or (b) “a gross violation of human rights,” the Secretary of State can deny foreign officials and their immediate family members entry into the United States.\(^\text{14}\) The law requires the Secretary of State to


Section 7031(c)(1) reads as follow: (c) Anti-Kleptocracy and Human Rights.— (1) Ineligibility.—

(A) Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.

(B) The Secretary shall also publicly or privately designate or identify officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

\(^\text{14}\) Id. at (c)(1)(A).
publicly or privately designate such foreign officials and immediate family members who have been denied entry into the U.S.

Pursuant to Section 7031(c), the Secretary of State has publicly designated the Inspector General of the Cameroon Gendarmerie as ineligible for entry into the U.S. due to his involvement in significant corruption related to wildlife trafficking. The Secretary of State should make the same designation for Cameroonian officials when credible information exists of involvement in corruption and human rights violations in the conflict in the Northwest and Southwest regions, and in the fight against Boko Haram in the Far North.

In the last few years, a series of horrific crimes has been committed in Cameroon, but the Government has failed to undertake credible investigations, to conduct fair and transparent trials, or to bring perpetrators to justice. Crimes include the murders of Charles Wesco and Florence Ayafor.

Although often confronted with clear evidence of military involvement, the Government of Cameroon has acknowledged its responsibility for crimes, such as the extrajudicial killing of women and their children, only under the weight of international pressure.

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16 The President’s decision to terminate Cameroon’s rights as a beneficiary under AGOA was based on the determination that Cameroon “engages in gross violations of internationally recognized human rights”. See also Dionne Searcey, Eric Schmitt & Thomas Gibbons-Neff, U.S. Reduces Military Aid to Cameroon Over Human Rights Abuses, N.Y. Times (Feb. 7, 2019), https://www.nytimes.com/2019/02/07/world/africa/cameroon-military-abuses-united-states-aid.html (Regarding the reduction of military aid to Cameroon, American officials state that “the United States does not assist security forces credibly accused of gross human rights violations”). See also Gen. Thomas Waldhauser & Adm. Craig Faller, Remarks at Senate Armed Services Committee Hearing on AFRICOM and SOUTHCOM (Feb. 7, 2019), transcript available at https://www.africom.mil/media-room/transcript/31504/transcript-gen-thomas-waldhauser-and-adm-craig-faller-remarks-at-senate-armed-services-committee. (When questioned regarding a 2017 U.S. State Department report listing significant human rights violations and abuses by the Cameroon Government, Gen. Waldhauser, leader of United States Africa Command, confirmed that the U.S. Government has curtailed certain military assistance programs due to issues with “atrocities” and “law of war issues,” and the failure of the Cameroonian Government to investigate. Gen. Waldhauser opined that even though Cameroon has been a good counterterrorism partner in fighting Boko Haram, the U.S. cannot ignore alleged atrocities).


18 BBC NEWS AFRICA (@BBCAFRICA), TWITTER (Sept 24, 2018, 4:26 AM) https://twitter.com/BBCAfrica/status/1044186344153583616 (graphic video showing the brutal murder of women and children, including a toddler, murdered by Cameroonian soldiers based on suspicion that they
Thus, the Secretary of State should publicly designate high-ranking Cameroonian military and government officials based on credible information of crimes against civilians, human rights abuses or corruption, and hold them accountable.

Second, the Global Magnitsky Human Rights Accountability Act is another foreign policy tool available to the United States Government.\(^\text{19}\) The Global Magnitsky Act allows for the imposition of sanctions based upon “credible evidence” of human rights abuses or corruption.\(^\text{20}\) With respect to human rights abuses, the Act requires “gross violations of internationally recognized human rights,” defined by reference to the Foreign Assistance Act of 1961.\(^\text{21}\) Gross violations of internationally recognized human rights include torture, cruel, inhuman or degrading treatment, prolonged detention without charges or trial, forced disappearance of persons, or flagrant denial of the right to life, liberty or security.\(^\text{22}\)

The Global Magnitsky Act empowers the U.S. Government to sanction foreign persons responsible for extrajudicial killings, torture or other gross violations of human rights committed against individuals in any foreign country who seek to expose illegal activities of government officials or to promote internationally-recognized human rights or freedoms.\(^\text{23}\) The sanctions apply not only to perpetrators but also to their agents.\(^\text{24}\) The Global Magnitsky Act also authorizes sanctions against government officials and their senior associates who engage in corruption.\(^\text{25}\)

Sanctions include denying entry into the United States and blocking transactions in all property interests of a foreign person within U.S. possession or control, including

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\(^{20}\) Id. at §1263(a).


Section 502B(d)(1) states: “(d) For the purposes of this section— (1) the term “gross violations of internationally recognized human rights” includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person.”

\(^{22}\) Id.

\(^{23}\) Global Magnitsky Act, supra note 19, at § 1263(a)(1).

\(^{24}\) Id. at § 1263 (a)(2).

\(^{25}\) Id. at § 1263 (a)(3)(4).
asset freezes for funds held in U.S. banks.\textsuperscript{26} Thus, the Act can effectively block an individual’s access to the U.S. financial system.\textsuperscript{27} Implementation of the Act is entrusted to the Secretary of Treasury in consultation with the Secretary of State and Attorney General.\textsuperscript{28}

Human rights organizations have long documented the multiple violations committed by the regime of President Biya against its own people. These include extrajudicial killings, torture and incommunicado detention, forced disappearances,

\textsuperscript{26} Global Magnitsky Act, supra note 19, at § 1263(b)(1)(2). See Hdeel Abdelhady, \textit{Global Magnitsky: The Swiss Army Knife of Sanctions}, LAW 360 (Aug. 7, 2018) (noting that as of the article’s date, 78 persons had been sanctioned under the Global Magnitsky Act for corruption and human rights abuses, including the justice and interior ministers of Turkey, a NATO member state).

\textsuperscript{27} \textit{Implementation of the Global Magnitsky Act: What Comes Next?} COL. L. CENTER FOR THE ADVANCEMENT OF PUB. INTEGRITY (Sept. 20, 2018),


sexual violence, and attacks on journalists.\(^{29}\) In the conflict in Anglophone Northwest and Southwest, armed separatist groups are also accused of committing atrocities.\(^{30}\)

\(^{29}\) For reports on extrajudicial killings:


For reports on forced disappearance, incommunicado detention and torture of detainees:


For threats on journalists:


The United States should impose further targeted sanctions against Cameroon military, government officials, authorities, and armed groups under the Global Magnitsky Act for crimes committed in the Anglophone regions and in the fight against Boko Haram in the Far North region, and for other violations of human rights in Cameroon.

III. The United States should urge the United Nations to conduct an International Commission of Inquiry on Cameroon

The United Nations High Commissioner of Human Rights visited Cameroon in May 2019. While in Cameroon, the High Commissioner of Human Rights met with President Biya, government officials and certain civil society leaders. However, the High Commissioner of Human Rights has not visited the conflict zones, nor has the High Commissioner of Human Rights issued a report as of December 2019.

The United States should urge the United Nations High Commissioner of Human Rights to establish an International Commission of Inquiry on Cameroon, with the mandate to conduct a fact-finding mission, and investigate violations of international human rights in order to determine whether acts of genocide or internationally-recognized human rights violations have taken place and to identify the perpetrators of such violations.

(expressing alarm over armed separatist groups’ kidnapping of local officials and parliamentary candidates); Cf. Congressional Letter supra note 5 (While acknowledging that armed group are responsible for horrific crimes, Bass states that Cameroonian government security forces are “responsible for most of the violence”).


Since 2006, the Human Rights Council has mandated thirty-one commissions of inquiries, fact-finding missions and other bodies. For example, in 2017, the UN High Commissioner of Human Rights, pursuant to a Human Rights Council resolution, dispatched a team of international experts to the Kasai region of the Democratic Republic of Congo (“DRC”) to investigate and report on violence, human rights abuses and violations of international humanitarian law. The Council then issued recommendations to the DRC government to, among other things, intensify efforts to protect human rights, bring all who are responsible to justice, and promote reconciliation by addressing the root causes of the conflict. In 2016, the Human Rights Council established a commission of inquiry to investigate and report on human rights violations in Burundi for the purpose of holding responsible parties accountable for human rights abuses.

Thus, fact-finding missions in Cameroon could serve to advance peace and enforce justice by holding parties accountable for human rights abuses, and promoting reconciliation.

IV. The United States should urge Cameroon to reform its electoral process, and ask the European Union, the United Kingdom, and the African Union to join in the effort

The Presidential election of October 2018 resulted in a post-electoral crisis and crackdown on opposition leaders. The Cameroonian community, African Union, European Union and United States Government have all called for a consensual modification of the electoral process in order to fully implement a democracy. Following
the election, the African Union Election Observation Mission concluded that Cameroon’s legal framework requires strengthening “in order to safeguard the democratic principles of separation of powers, fairness, and independence and impartiality.” The United States Department of State, while not taking a position as to whether the irregularities affected the outcome, observed that such irregularities “created an impression that the election was not credible or genuinely free and fair.” It endorsed the African Union’s recommendation that Cameroon’s legal framework be strengthened. Accordingly, the United States should urge the Cameroon government to invite all political stakeholders to join in a consensual review of the electoral process, and should ask the European Union and African Union to join, along with the United States, in providing assistance to Cameroon to strengthen its electoral processes and reform electoral institutions.

Respectfully submitted,

Sheila S. Boston
President, New York City Bar Association

August 2020


See European Resolution, supra note 7, at Clause 9: “Urges the Government of Cameroon to build a genuine, representative and vibrant democracy; calls therefore on the Government to convene all political stakeholders for a consensual review of the electoral system, with the aim of ensuring a free, transparent and credible electoral process; calls for this process to take place before any further elections are held in order to promote peace and avoid post-electoral crises; calls for the EU to step up technical assistance to support Cameroon in its efforts to strengthen its electoral procedures and make them more democratic.” See also Senate Resolution, supra note 6, at “Resolved” Clause (4)(F) urging the Government of Cameroon to “improve election processes and reform electoral institutions.” See African Union, African Union Election Observation Mission to the 7 October 2018 Presidential Election in the Republic of Cameroon: Preliminary Statement (Oct. 9, 2018) [hereinafter AU Election Observation], at § 8 https://au.int/sites/default/files/pressreleases/35142-pr-final_preliminary_statement_-_english_version-09_oct_2018.pdf; Press Release, U.S. Department of State, Cameroon’s Presidential Election Results (Oct. 22, 2018), available at https://www.state.gov/cameroons-presidential-election-results/.

See AU Election Observation supra note 41.

Press Release, U.S. Department of State, supra note 41.

Id.
GENERAL INFORMATION FORM

Submitting Entity: New York City Bar Association

Submitted By: Sheila S. Boston, President, New York City Bar Association

1. Summary of the Resolution(s).

   The Resolution urges the United States to take all necessary and proper actions within its power to end the ongoing armed conflict in the Northwest and Southwest regions of Cameroon, and to promote consensual change in Cameroon’s electoral process by:
   1) Passing S. Res. 292, 116th Cong. (2019) calling on the Government of Cameroon and armed separatist groups to respect the human rights of all Cameroonian citizens, to end all violence, and to pursue an inclusive dialogue to resolve the conflict in the Northwest and Southwest regions;
   2) Making use of available foreign policy tools to sanction Cameroon over human rights abuses;
   3) Urging the United Nations to conduct an International Commission of Inquiry on Cameroon; and
   4) Urging Cameroon to reform its electoral process, and ask the European Union, the United Kingdom, and the African Union to join in the effort.

2. Approval by Submitting Entity.

   On February 4, 2020, the New York City Bar Association approved the resolution and report. On April 3rd, 2020, the New York State Bar Association Executive Committee unanimously approved the resolution and report.

3. Has this or a similar resolution been submitted to the House or Board previously? No.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption? This Resolution is consistent with the Association’s longstanding commitments to important international human rights issues.

   Important similarities exist between the proposed Resolution as it pertains to the situation in Cameroon and ABA Resolution 19A120 calling upon the United States and other countries to take measures in response to any crimes committed against the Rohingya by the Burmese military and to impose sanctions. Likewise, there are significant parallels between the proposed Resolution and ABA Resolution 05M106 calling upon the United States Government to take all necessary actions to end the ongoing genocide in Darfur. As set forth in the accompanying Report, serious allegations of genocide in Cameroon have surfaced, although genocide has not yet been independently confirmed. Regardless, it is indisputable that the violence in Cameroon has resulted in tragic loss of life and gross human rights violations that cannot be ignored, and warrant the attention of the ABA, and passage of this
Resolution.

5. **If this is a late report, what urgency exists which requires action at this meeting of the House? N/A**

6. **Status of Legislation. (If applicable) As of this date of July 2020, S. Res. 292, 116th Cong. (2019) is pending adoption in the U.S. Senate.**

7. **Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates. Passage of this Resolution by the ABA will provide much-needed recognition to the conflicts in Cameroon and help to foster solutions.**

   The ABA will urge Congress and the Executive Branch to take the concrete measures proposed in this Resolution.

8. **Cost to the Association. (Both direct and indirect costs) Adoption of this proposed resolution would result in only minor indirect costs associated with staff time devoted to the policy subject matter as part of the staff members’ overall substantive responsibilities.**

9. **Disclosure of Interest. (If applicable) N/A**

10. **Referrals.**
    ABA International Law
    ABA Center for Human Rights

11. **Name and Contact Information (Prior to the Meeting. Please include name, telephone number and e-mail address). Be aware that this information will be available to anyone who views the House of Delegates agenda online.)**

   Doris Toyou
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   Victoria Safran
   Phone: (212) 390 1718
   Email: vsafran@sentnersafran.com

12. **Name and Contact Information. (Who will present the Resolution with Report to the House?) Please include best contact information to use when on-site at the meeting. Be aware that this information will be available to anyone who views the House of Delegates agenda online.**

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EXECUTIVE SUMMARY

1. Summary of the Resolution.
The Resolution requests that the American Bar Association urge the United States Government to take all necessary and proper actions within its power to end the ongoing armed conflict in the Northwest and Southwest regions of Cameroon, and to promote consensual change in Cameroon’s electoral process by:
   1) Passing S. Res. 292, 116th Cong. (2019) calling on the Government of Cameroon and armed separatist groups to respect the human rights of all Cameroonian citizens, to end all violence, and to pursue an inclusive dialogue to resolve the conflict in the Northwest and Southwest regions;
   2) Making use of available foreign policy tools to sanction Cameroon over human rights abuses;
   3) Urging the United Nations to conduct an International Commission of Inquiry on Cameroon; and
   4) Urging Cameroon to reform its electoral process, and ask the European Union, the United Kingdom, and the African Union to join in the effort.

2. Summary of the issue that the Resolution addresses.
The resolution aims to bring much-needed international attention to the multiple crises facing Cameroon. The armed conflict between the Government of Cameroon and separatist groups has led to an unprecedented humanitarian crisis that has been decried as one of the world’s most neglected crises. The contested presidential election of October 2018 has further contributed to the destabilization of Cameroon, and has caused a growing political crisis. Consensual change in the electoral process is necessary in order to achieve true democracy in Cameroon. The United States can play an important role as an international leader to promote peace and foster stability.

3. Please explain how the proposed policy position will address the issue.
On many occasions, the United States has led the international community in voicing concern over the deteriorating situation in Cameroon. The Resolution urges the United States to use its leadership to put an end to the armed conflict in the Northwest and Southwest regions and encourage consensual change of the electoral process. As such, the United States Senate should pass S. Res. 292 currently pending in the Senate. The United States Government can make use of several foreign policy tools to sanction the Government of Cameroon over human rights abuses. It should also urge the United Nations to conduct an International Commission of Inquiry on Cameroon. Additionally, with its international partners, the United States Government should urge Cameroon to reform its electoral process before any other elections.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.
None received thus far.