



# HOUSING AND LAND RIGHTS NETWORK

## Habitat International Coalition



**La fondation des femmes actives pour la promotion de l'éducation de la femme et de l'enfant (FAPEFE-Cameroun)**

**URGENT ACTION APPEAL : CAM-FEDN 120715**

**DEMOLITION IN MAKÉPÈ-MISSOKÉ QUARTER, DOUALA, THE ECONOMIC CAPITAL OF CAMEROON : 397 FAMILIES IN DISTRESS :**

### **I. Summary**

Despite the recommendations of the UN Committee of Economic, Social and Cultural Rights (CESCR) at its 42<sup>th</sup> Session at Geneva, Switzerland, in November 2011, a wave of evictions still continues in Cameroon. This time, Douala, the economic capital, is under the spotlight.

Evoking the argument that recent flooding in the city has affected drains and waterways where people live, the Cameroon authorities, including ministers of Housing and Urban Development, and Property and Land Affairs, as well as regional and local authorities in the Prefect of Douala and the government delegate to the Douala Urban Community (the patron of the city), took the final decision to demolish 397 homes in several neighborhoods of the District V of Douala. The destruction took place without delay, and without any appeal proceedings and any support for the victims.

Despite protests from the concerned inhabitants, the press, civil society, lawyers and other activists for human dignity, the authorities started demolishing the houses of the people of Maképè-Missoké on Monday, 6 July 2015, plunging many families in distress and desolation. It should be noted that other areas of the same district are involved in this vast demolition operation. Already, in May of this year, similar operations were announced to take place at another place called PK 14-17, in Douala.

### **II. The Victims**

According to the daily [Cameroon Tribune](#) (official newspaper) of Tuesday, 7 July 2015 (No. 10878/7077), the [eviction](#) operation began in an area of water drainage from the City of Douala at 06:30 with a delegation from the Urban Community (municipality) and fifty gendarmes positioned on the approaches to the bridge over the Tongo River to Bassa. This was the implementation of the decision taken by the political authorities with agreement of the delegate of the Urban Community of Douala Mr. [Fritz Ntonè Ntonè](#).

The exact number of victims is certainly difficult to estimate at this time, but it must be recalled that about 397 families are involved. The number of persons affected by this operation totals some 1,985 people, who will be left homeless if the action continues. The worst of all is that the deadlines set by the authorities have not allowed the residents to leave the area before the demolition begins.

The victims are mostly hawkers, shopkeepers, hairdressers, workers in low- and middle-income jobs, families with children still attending school, young people and even seniors. For now, these victims have no assurance of alternative accommodation, let alone compensation. The authorities have remained elusive, if not silent on the reparations issue.

### **III. Perpetrators of the Violations**

Demolition of the Maképè-Missoké district is a decision of the ministers of Housing and Urban Development, and Property and Land Affairs, the person in charge of regional and local authorities in consultation with the local representative of the Douala Urban Community, who felt that the recent floods are the result of constructions on drains and wetlands. Thus, the Douala Urban Community bears responsibility for destroying the makeshift homes and even permanent structures in the Maképè-Missoké area.

### **IV. Events, Developments and Consequences**

The population has invested in these neighborhoods and has built their homes there for fifteen years. As revealed by the daily *Emergence* (No. 537, Wednesday, 8 July 2015), the majority of these people hold land titles and even building permits issued by the Urban Community, while these areas are also declared to be a public utility by the state. This same newspaper goes even further by reporting that the minister of Property and Land Affairs [Jacqueline Kong à Bessike](#) was offended that land in the area of the state can be sold to third parties by authorities responsible for issuing building permits.

In response, officials have said that these land titles are not listed in the land records and the building permits were issued by corrupt officials of the Urban Community, which exposes the issue of corruption in the administration of land tenure in Cameroon. *Dominus*, the information and entertainment weekly (No. 036, 1–15 July 2015), has gone so far as to say that “a land title was quashed by the Supreme Court with the notation ‘not subject to appeal’.”

So amid polemics of homing trials among populations affected by the demolition operations and political authorities that from this Monday, July 6, the agents of the Douala Urban Community began the eviction process in neighborhood Maképè-Missoké in the District V of the city of Douala, forcing many families to wander, to cohabit, for those who are lucky with their relatives or friends or to sleep in the open with children and young people who are just taking their school or academic holidays.

### **V. Official Rationale**

On the night of 21–22 June 2015, the city of Douala had experienced heavy rain followed by damage, especially the loss of human life with three dead children from the [Bepanda](#) and Maképè-Missoké neighborhoods in the district of Douala V.

The ministers of Housing and Urban Development, Property and Land Affairs, the Ministry of Territorial Administration and Decentralization, together with the prefect of Douala and the appointed government delegate to the Urban Community of Douala, conducted once a downhill terrain, and concluded that the cause of the flooding is the construction on drains and swamps. The authorities believed that the forced evictions and demolitions would make the flooding stop.

Several concerned residents have presented land titles obtained there over fifteen years, as well as building permits issued by the competent authorities. That is, neither long-term residence, land title, nor building permits were taken into account when it came to decide to demolish the Maképè-Missoké neighborhood. The most urgent need was to clear out the people in violation of their dignity and their rights. The perpetrators have made no promise or commitment compensation, compensation or any resettlement.

Beyond the problems of flooding and damage, state officials have followed a six-step administrative procedure in issuing the land titles and building permits. This includes a field visit, in order to verify whether or not the particular plot falls within the state property or is classified as a high-risk zone.

## **VI. Violations of the Human Right to Adequate Housing**

Regardless of the official reasons to evict residents of their location, their treatment under the expulsion cannot be considered legal except in the presence of certain safeguards and provisions as preconditions. Forced eviction without consultation in advance with the locals; their consent; due process; protection against abuse, including ensuring to no one becomes homeless; and/or other protections of the state would be a gross violation of human rights.<sup>1</sup> These expulsions also have an impact on the human rights related to the right to adequate housing, such as the right to food, the right to water, the right to health, right to education and the right to the means of subsistence. Cameroon has assumed the obligation to respect, protect and fulfill the right to adequate housing by its ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR), on 27 September 1984 (Article 11).

At the national level, the Constitution of Cameroon of 18 January 1996, in its preamble, pledges to “harness our natural resources in order to ensure the well-being of every citizen without discrimination, by raising living standards, proclaim our right to development as well as our determination to devote all our efforts to that end.” The preamble to the Constitution also promises that “The State shall provide all its citizens with the conditions necessary for their development” and that “the home is inviolate. No search may be conducted except by virtue of the law.” However, the Cameroonian land code does not provide for compensation in the case of demolition on state land and risk areas. So far, no action has been taken to indemnify the evicted families and/or those yet to be evicted.

Internationally, the state is violating Articles 8, 12, 13, 17, 19, 23 and 25 of the Universal Declaration of Human Rights, Articles 2, 4, 11, 15 of the ICESCR (ratified

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<sup>1</sup> UN Commission on Human Rights, resolution 1993/77, 10 March 1993, para. 1, at: <http://www.hlrn.org/img/documents/ECN4199377%20en.pdf>.

by Cameroon in 1984) and the General Comments No. 4 and No. 8. In addition, Cameroon is violating sections 1, 2, 17, 19, 21, 22, 25 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Cameroon also on 27 September 1984, and other legal standards. Specifically, Article 11 of the ICESCR states that “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

In addition to ICESCR, Cameroon ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDaW), on 22 September 1994, and acceded to the Optional Protocol to the Convention on the Elimination of All Forms Discrimination against Women on 7 January 2005.

The Convention on the Rights of the Child, which Cameroon ratified on 10 February 1993, specifically requires states to protect the right of children to adequate housing (Article 27.3). The ICCPR also prohibits cruel, inhuman and degrading treatment and/or punishment (Article 7) and the arbitrary use of force (Article 17).

Besides the fact to violate all international standards, current evictions of Cameroon in this area reflect a trend of continuing housing rights violations. In its Concluding Observations in 1999, CESCR has registered its concern at “the high incidence of forced evictions in rural areas of Cameroon, which have not been addressed in the written replies by the State party,” and urged “the State party to implement laws and policies to combat the problem of forced evictions, in accordance with General Comments No. 4 and No. 7 of the Committee.”<sup>2</sup> Furthermore, the use of violence and torture as instruments of intimidation and fear in Cameroon have been recognized by the Committee against Torture as matters of deep concern.<sup>3</sup>

Regionally, the African Commission on Human and Peoples' Rights also has established that authorities must explore alternatives and options with the affected community, provide adequate notice and information, ensure the availability of alternative accommodation, as well as an opportunity to appeal a deportation order before eviction. As in General Comment No. 7 of CESCR, African jurisprudence affirms the prohibition that no one shall be made homeless as a result of eviction.<sup>4</sup>

The Cameroon authorities have claimed that these evictions are based on law enforcement requirements. However, they constitute cruel use of force and also have violated the Code of Conduct for Officers of Public Order (Article 3), the which General Assembly adopted in resolution 34/169, 17 December 1979, as well as the UN Basic Principles on the Use of force and Firearms by Law Enforcement Officials (1990). The African Charter on Human and People's Rights asserts the same principles, in particular in its Article 6. In case of Cameroon, the state has not only violated its commitments to treaties and other international legal instruments, but also

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<sup>2</sup> Concluding Observations of the Committee on Economic, Social and Cultural Rights: Cameroon, E/C.12/1/Add.40, 8 December 1999, paras. 24, 41.

<sup>3</sup> Committee against Torture, “Concluding Observations: Cameroon,” CAT/C/CMR/CO/4, 19 May 2010, para. 20, at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsv07kjjQy53lGYOi8v5hl4iPn7l9lY1nExcKTtp%2fn5KadpS86vHpRPEYS5pHKHQssN9JgPJfGCeUTJhWft359dlhNZodnc%2b57Ph167S4NOMI>.

<sup>4</sup> *Social and Economic Rights Action Centre (SERAC) and The Centre for Economic and Social Rights (CESR) v. Nigeria*, 200, Communication No. 155/96, African Commission on Human and Peoples' Rights, 6 June 2001.

failed to consult the population affected, give sufficient advance notice, provide any sustainable alternative or remedy, monetary compensation or alternative housing.

## VII. Actions already Taken

The only actions at this time against the evictions of people in the district of Douala V have been denunciations of defending human rights and media organizations (print, radio and private television).

### Your Action!

We suggest you please write to the authorities in Cameroon, advocating that they:

- Cease immediately the mass evictions and demolitions occurring in this area;
- Immediately annul the decisions to clear out these neighborhoods in Douala;
- Provide reparations for populations already subject to eviction from the neighborhood and those who will find themselves homeless.
- Proceed to compensation for persons holding land titles and building permits. take urgent measures to ensure adequate alternative accommodation; undertake an open dialogue with affected communities in accordance with human rights principles, especially CESC General Comment No. 7;
- Respect their obligations under international law and respect the right of all citizens of legally protected tenure security, a prime element of the human right to adequate housing; the rights to participation and self-expression; and social integration without discrimination.

### What You Can Do:

Join this call for responsible development and respect for the right to adequate housing, immediately sending your letter of protest to be sent below, or send your letter automatically by the HLRN website: <http://www.hlrn.org/english/cases.asp>

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Please HIC-HLRN and the foundation of working women for the promotion of education of women and children (FAPEFE-Cameroon) any action you take to: [urgentactions@hlrn.org](mailto:urgentactions@hlrn.org), [franck01kouame@yahoo.fr](mailto:franck01kouame@yahoo.fr) et [info@fapefe.org](mailto:info@fapefe.org)

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## ***Your letter to the responsible authorities in Cameroon***

Monsieur ....:

Nous sommes profondément inquiets d'avoir appris par Le bureau de coordination du Réseau des Droits à la Terre et au Logement - Coalition Internationale pour l'Habitat (HIC-HLRN) et la Fondation des femmes actives pour la promotion de l'éducation de la femme et de l'enfant (FAPEFE-Cameroun) que les autorités du gouvernement central et local ont commencé à démolir les maisons des populations de Maképè-Missoké ce lundi 06 juillet 2015.

Malgré les observations et recommandations du Comité des Nations Unies des Droits Économiques, Sociaux et Culturels (CDESC), lors de sa 42<sup>ème</sup> Session tenue en Novembre 2011 sur le performance du Cameroun ses obligations en exécution du Pacte International des Droit Économique, Sociaux et Culturels, et malgré les garanties de la Constitution du Cameroun pour la protection des droit de l'homme, les autorités ont commis des violations du droit de l'homme au logement convenable et autres droit humains en plongeant de quelques 400 familles pauvres (à peu près 1.985 personnes) dans la détresse et la désolation.

Évoquant la thèse selon laquelle les dernières inondations survenues dans la ville ont pour origine l'occupation des drains et des cours d'eau par les populations, les autorités du Cameroun à l'instar des ministres de l'habitat et du développement urbain, des domaines, des cadastres et des affaires foncières, de celui en charge des collectivités territoriales décentralisées accompagnés du Préfet de Douala et du Délégué du Gouvernement auprès de la Communauté urbaine de Douala ont pris l'ultime décision de procéder à des démolitions des habitations dans plusieurs quartiers de l'arrondissement de Douala V. Ça serait au mépris du respect des délais, de toute procédure et de toute prise en charge des concernés, des victimes.

Dans la nuit du 21 au 22 juin 2015, la ville de Douala a connu une forte pluie suivie de dégâts matériels surtout des pertes en vies humaines avec trois enfants décédés dont les quartiers Bepanda et Maképè-Missoké dans l'arrondissement de Douala V.

Selon le quotidien *Cameroon Tribune* (journal officiel) du mardi 07 juillet 2015 (N° 10878/7077), l'opération de déguerpissement et de drainage des eaux de la ville de Douala à débuté à 06h30 avec les engins de la Communauté Urbaine et une cinquantaine de gendarmes qui se sont positionnés sur les abords du pont sur le Tongo à Bassa. Il s'agit donc de l'exécution de la décision unilatérale prise par les autorités politiques an accord avec le Délégué de la Communauté urbaine de Douala Fritz Ntoné Ntoné.

Ces autorités ont estimé que les expulsions forcées et les démolitions étaient faites pour arrêter les inondations. Et ce, malgré la présentation par plusieurs concernés de leurs titres fonciers obtenus il y a depuis une quinzaine d'années de même que des permis de bâtir délivrés par les autorités compétentes. Autrement dit, la possession ou non de titres fonciers ou de permis de bâtir n'était pas prise en compte lorsqu'il a fallu décider de démolir le quartier Maképè Missoké. Le plus urgent a été de déguerpir les populations au mépris de leur dignité et de leurs droits car aucune promesse ni aucun engagement de réparation, ni de compensation, de dédommagement ou de recasement quelconque n'a été faite.

Au niveau international, avec ces déguerpissements, l'État camerounais viole les articles 8, 12, 13, 17, 19, 23 et 25 de la Déclaration universelle des Droits de l'Homme, des articles 2, 4, 11 et 15 du Pacte International relatif aux Droits Économiques, Sociaux et Culturels (PIDESC) et des Observations générales N° 4 et N° 7 qui y sont relatives, des articles



1,2,17,19,21,22,25 du Pacte International relatif aux Droits civils et Politiques et d'autres instruments légaux. Plus spécifiquement, l'article 11 du PIDESC (ratifié par le Cameroun en 1984) stipule que « Les États parties au présent Pacte reconnaissent le droit de toute personne à un niveau de vie suffisant pour elle-même et sa famille, y compris une nourriture, un vêtement et un logement suffisants, ainsi qu'à une amélioration constante de ses conditions d'existence. »

Dans la plupart des circonstances, les expulsions forcées sont *prima facie* une violation du droit international. Les cycles actuels d'expulsions en masse au Cameroun ont gravement violé le droit humain des personnes au logement adéquat. Le Cameroun soutient les obligations de respecter, protéger et réaliser le droit à un logement adéquat avec sa ratification du PIDESC. Ces expulsions ont aussi un impact sur les droits congruents des habitants reliés à l'habitation adéquate, comme le droit aux aliments, le droit à l'eau, le droit à la santé, le droit à l'éducation et la prohibition, en aucun cas, qu'un peuple soit privé de ses propres moyens de subsistance aux moyens de subsistance. Les autorités du Cameroun ont nié en particulier les éléments suivants du droit humain à un logement suffisant : la sécurité légale de l'occupation et la protection contre l'expulsion ; le droit à l'information ; le droit à la participation et à l'expression de soi.

Au niveau régional, la Commission africaine des Droits de l'Homme et des Peuples a également établi que les autorités se doivent d'explorer des alternatives et des options avec la communauté touchée avant l'expulsion, de fournir un préavis adéquat et des renseignements, d'assurer la disponibilité de logements de remplacement, et aussi une opportunité de faire appel de l'ordre d'expulsion. Comme dans l'Observation générale N° 7 du CDESC, la jurisprudence africaine affirme que personne ne devra être sans foyer à la suite d'une expulsion (*SERAC and CESR v. Nigeria*, 2001).

Par conséquent, nous pressons les autorités concernées de corriger leurs pratiques et de respecter le droit à un logement convenable et aux obligations correspondantes, par le biais des mesures minimums suivantes : S'il arrivait que ces déguerpissements soient effectifs, au niveau international, l'État camerounais violerait les articles 8, 12, 13, 17, 19, 23 et 25 de la Déclaration universelle des Droits de l'Homme, des articles 2, 4, 11, 15 du Pacte International relatif aux Droits Économiques, Sociaux et Culturels (PIDESC) et des Observations générales N° 4 et N° 7 qui y sont relatives, les articles 1, 2, 17, 19, 21, 22 et 25 du Pacte International relatif aux Droits civils et Politiques et d'autres instruments légaux. Plus spécifiquement, l'article 11 du PIDESC (ratifié par le Cameroun) stipule que « Les États parties au présent Pacte reconnaissent le droit de toute personne à un niveau de vie suffisant pour elle-même et sa famille, y compris une nourriture, un vêtement et un logement suffisants, ainsi qu'à une amélioration constante de ses conditions d'existence. »

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Au niveau régional, la Commission africaine des Droits de l'Homme et des Peuples a également établi que les autorités se doivent d'explorer des alternatives et des options avec la communauté touchée avant l'expulsion, de fournir un préavis adéquat et des



renseignements, d'assurer la disponibilité de logements de remplacement, et aussi une opportunité de faire appel de l'ordre d'expulsion. Comme dans l'Observation générale No. 7 du CDESC, la jurisprudence africaine affirme que personne ne devra être sans foyer à la suite d'une expulsion (*Ibid*).

Par conséquent, nous pressons les autorités concernées de corriger leurs pratiques et de respecter le droit à un logement convenable et aux obligations correspondantes, par le biais des mesures minimums suivantes :

- cessent immédiatement les expulsions de masse et les démolitions survenant dans ce quartier ;
- annuler immédiatement les décisions de déguerpir ces quartiers de Douala ;
- procèdent à l'indemnisation des populations déjà parties du quartier et qui se retrouvent sans abris.
- procèdent à l'indemnisation des personnes détentrices de titres fonciers et de permis de bâtir.
- prennent des mesures urgentes pour garantir l'habitation alternative adéquate ;
- engagent un dialogue franc avec les communautés affectées conformément aux principes de droits de l'homme, surtout CDESC Commentaire général N° 7 ;
- respectent leurs obligations conformément à la loi internationale et respectent le droit de tous ses citoyens de la sécurité juridique incluant habitat adéquat, le droit à la participation et d'expression; et d'intégration.

Nous attendons impatiemment de recevoir des nouvelles de vos efforts pour satisfaire les exigences de la situation comme recommandé ci-dessus.

Respectueusement,