

# IDRL & Auxiliary Role Advocacy Fact Sheet, Cameroon



## 14 FEBRUARY 2023 Marburg Virus Response

Version 1, 14 February 2023

*This document is intended to provide: (i) key information to humanitarian actors (including the Red Cross and Red Crescent Movement network and Operations) relating to the regulatory and policy environment applying to the entry of incoming disaster relief (IDRL) in Cameroon to respond to the Marburg Virus outbreak that has impacted portions of Cameroon, Equatorial Guinea and Gabon in the beginning of February 2023. This disaster exacerbates a context marked by a decade of humanitarian and migration crisis in the region where millions of vulnerable and displaced people are already relying on humanitarian aid and assistance; (ii) advocacy messages around the special facilities to be requested to the Cameroon authorities to enable humanitarian access; and (iii) advocacy messages around the auxiliary role of the Cameroon Red Cross.*

*Note that a legal mapping was conducted by IFRC Disaster Law Africa on the [International Disaster Response Laws, Rules and Principles in Cameroon](#) (2021)*

## Institutional and policy framework

- The governmental authority responsible for DRM in Cameroon is the National Council for Civil Protection (CNPC) whose composition and powers are determined by [Law 86/016](#).
  - The role of the CNPC is an advisory body that assists the President of Cameroon in the exercise of his prerogatives in the field of civil protection. The CNPC proposes appropriate preventive measures to the President, and it coordinates the means implemented for civil protection, in particular relief, rescue, logistics and the use of auxiliary forces and auxiliary corps.
  - The CNPC is chaired by the Secretary General of the presidency, and its members include representatives from the ministries of territorial administration, defence, public health, foreign affairs, finances, justice, communication, transports, social affairs, environment, domestic security, as well as the President of the Cameroon Red Cross (CRC).
  - The [National Contingency Plan \(PNC\)](#) of 2011 provides a general framework to guide the actions of institutional partners, agencies and other civil protection actors in Cameroon.
  - [Decree 2002/209](#) establishes the organization of the Ministry of Public Health. Article 29 states that, under the authority of a Deputy Director, the Sub-Directorate of Health Care Organization is responsible for, among others, the coordination of care for disaster victims and non-epidemic emergencies. Furthermore, article 107 provides that under the authority of a Head of Division, the Cooperation Division is responsible for:
    - monitoring technical cooperation with foreign countries and international organizations; and
    - the elaboration, coordination and follow-up of partnership agreements with national and international non-governmental organizations, in conjunction

with the Legal Affairs and Legal Affairs and Litigation Division and the other departments concerned;

- Although not explicitly related to disaster management, the fact that the Ministry of Health in Cameroon has a specialized unit for cooperation with international partners, organizations and NGOs, can contribute to better preparedness when responding to a disaster, including public health emergencies.
- **As a focal point**, [Decree 2005/104 establishes the organization of the Ministry of Territorial Administration and Decentralization \(MINATD\)](#). The central administration of MINATD is composed by various bodies, including a Civil Protection Directorate (DPC). Placed under the authority of a Director, the DPC is responsible for:
  - the general organization of civil protection throughout the territory, in conjunction with the administrations concerned;
  - relations with national and international civil protection organizations;
  - the coordination of the means implemented for civil protection, in particular relief, rescue, logistics, the use of auxiliary and auxiliary forces;
- Cameroon is a party to the [Revised Kyoto Convention](#) on customs procedures. It requires parties to simplify and expedite the processing of relief consignments.
- Cameroon is a party to the [African Charter on the Rights and Welfare of the Child \(ACRWC\)](#), it provides that states take all appropriate measures to ensure that refugee children who have been internally displaced, including by disasters, receive appropriate humanitarian assistance.
- Cameroon is also party to the [African union Convention for the protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\)](#), which provides in article 5(7) that state parties are obligated to facilitate the coordination of international relief and allow rapid and unimpeded passage of humanitarian relief to internally displaced persons.
- The [Cameroon Red Cross Society \(CRC\)](#) is recognized as an association of public utility, as a voluntary as well as auxiliary relief organization to its public authorities.
- IFRC has a legal status agreement (LSA) in Cameroon.

## State of emergency & request of humanitarian aid and assistance

- **From the research conducted, there has not been a State of Emergency** declared as yet:

### Potential issues & recommendations:

- *NO OFFICIAL LIST OF NEEDS* seems to have been issued by the Government as yet. Therefore, it is unclear how the CNPC or the MINATD is coordinating offers from international donors. Importantly, uncoordinated efforts may lead to the receipt of unsolicited goods (unsolicited bilateral donations or UBD).
  - **We recommend IFRC to offer technical support to the Government to prepare the List of Needs**, based on IDRL best practices.
- *SPECIAL IDRL FACILITIES* for eligible international humanitarian actors: Importantly, Cameroon subscribes to the monist approach to international law, according to which international agreements automatically become part of domestic law as soon as they are ratified and published. Therefore, the agreements that Cameroon are state party to include:
- **The Chicago Convention**, which provides procedural guidance for customs, immigration, agriculture, and public health clearance of aircrafts containing humanitarian assistance in response to disasters, including passengers, goods, and mail

- **Convention on the Facilitation of International Maritime Traffic**, which mandates parties to facilitate the entry and exit of vessels engaged in natural disaster relief work and facilitate the entry of persons and cargo related to natural disaster work.
- **Kyoto Convention** Annexe B.3, which aims to simplify and harmonize customs clearance procedures for the importation of goods, specifically recommending states to exempt goods, including foodstuffs, medicaments, clothing, and blankets.
- **Kyoto Convention** Annex J-5, which provide guidelines to expedite the clearance of relief consignments intended to assist those affected by disasters.
- **International Health Regulations**;
- **African Charter on the Rights and Welfare of the Child**; and
- **The Kampala Convention**.

In any case, provided that these facilities do exist (under the law or special announcements), THE INFORMATION IS NOT CLEARLY AVAILABLE TO DONORS.

- **We recommend IFRC to reach out to the CNPC to offer technical assistance to prepare an IDRL Decree of Emergency to clearly plan for the granting of IDRL facilities.**

<p>Entry of humanitarian personnel</p>	<ul style="list-style-type: none"> <li>• <a href="#">Law 97/012</a> determines the conditions of entry, stay and exit of foreigners in Cameroon.</li> <li>• Although there are no provisions explicitly related to international disaster assistance, a number of provisions were found to be indirectly relevant. Article 4 highlights that the provisions of the Act do not apply to career diplomatic agents and consuls, recognizing their privileges in terms of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. This could potentially facilitate the entry of any disaster assistance actors which enjoy diplomatic privileges and immunities in Cameroon.</li> <li>• Furthermore, although there are no specific provisions included in this law regarding visa types that might apply to international assisting actors, such as temporary stay visa, courtesy visa or diplomatic visa, <a href="#">Decree 2007/252</a> prescribes the manner in which Law 97/012 above is to be implemented. Article 2 states that apart from foreigners in transit, the categories of temporary visitors include, among others, people on mission. This category is defined as foreigners who come to Cameroon in an official capacity as part of their professional activities. Although the law does not explicitly refer to international assisting actors, the category of people on mission could potentially apply as international relief personnel.</li> </ul>
<p>Registration of International Assisting Actors</p>	<ul style="list-style-type: none"> <li>• The law does not appear to provide expedited procedures for international actors to register in Cameroon and therefore it appears that the normal rules and procedures would apply.</li> <li>• Importantly, the <a href="#">General Tax Code</a> does provide in article 337 a list of entities which can be registered in Cameroon free of charge, which includes, generally, international organizations. <ul style="list-style-type: none"> <li>○ <b>We recommend IFRC to request the CNPC to activate special visa facilities for IFRC assisting personnel to be announced by the Government (e.g. through adoption of an IDRL Emergency Decree).</b></li> </ul> </li> </ul>
<p>Recognition of professional qualifications</p>	<ul style="list-style-type: none"> <li>• The Labor Code of Cameroon does not appear to establish specific procedures for the recognition of foreign professional qualifications of international disaster assistance personnel, and no other relevant laws could be located for the purposes of this review.</li> </ul>

<p>Freedom of movement of international assisting actors during a disaster response</p>	<ul style="list-style-type: none"> <li>• There do not appear to be any provisions that explicitly facilitate the free movement and access of international assisting actors in Cameroon.</li> </ul>
<p>Customs</p>	<ul style="list-style-type: none"> <li>• In terms of customs, as indicated above, Cameroon is a party to the revised Kyoto Convention, and its annexes. Accordingly, Annexe B3 recommends as practice that states exempt goods, including “foodstuffs, medicaments, clothing and blankets sent as gifts to an approved charitable or philanthropic organisation for distribution free of charge to needy persons by the organisation or under its control”; and Annexe J5 provides guidelines to expedite the clearance of relief consignments intended to assist those affected by disasters.</li> <li>• In terms of other customs arrangements, the <a href="#">Customs Tariff Code of the Economic Community of Central African States (CEMAC)</a> establishes in article 276 that the following shall be admitted free of import duties and taxes, by decision of the Director of Customs and Excise of the State concerned: <ul style="list-style-type: none"> <li>○ donations offered to Heads of State,</li> <li>○ materials and products provided free of charge to Member States by foreign States or international organizations,</li> <li>○ shipments intended for Ambassadors, diplomatic and consular services and foreign members of certain official international organizations sitting in them, and</li> <li>○ products intended for the Red Cross and similar works of assistance or national relief specially designated by the Minister of Public Health of the State concerned.</li> </ul> </li> </ul> <p>Goods imported or exported by Member States or on their behalf are not subject to any immunity or derogation, except in the cases provided for in Article 276.8</p>

<p>Customs arrangements for specialized goods and equipment</p>	<ul style="list-style-type: none"> <li>• The Cameroon <a href="#">General Tax Code</a> provides that the following may import passenger vehicles duty and tax free: <ul style="list-style-type: none"> <li>○ diplomatic missions, consular posts and international organizations for the needs of their services; and</li> <li>○ members of their diplomatic, administrative and technical staff who are not Cameroonian for their private use.</li> </ul> </li> <li>• Although not directly related to international disaster assistance, this provision may be of relevance to international assisting actors who enjoy privileges and immunities under Cameroonian law.</li> <li>• Furthermore, as indicated above, Cameroon is a party to the Chicago Convention, Annexe 9, which provides procedural guidance for customs, immigration, agriculture, and public health clearance of aircrafts containing humanitarian assistance in response to disasters, including passengers, goods, and mail.</li> </ul>
<p>Cash Donations</p>	<ul style="list-style-type: none"> <li>• There does not appear to be any information available on cash donations.</li> </ul>
<p>Importation of telecommunication</p>	<ul style="list-style-type: none"> <li>• With regards to communications, <a href="#">decree 2005/124</a> establishes the organization of the Ministry of Posts and Telecommunications. Article 58 establishes that placed under the authority of a Head of Service, the Emergency Telecommunications Service is responsible for: taking all necessary measures to acquire the telecommunications equipment and services required for emergency response operations; defining the role of telecommunications operators in emergency telecommunications, in liaison with the administrations concerned; the design and implementation of telecommunications emergency plans, in liaison with the relevant departments of the administrations in charge of disaster prevention and crisis situations; and the training of the various committees with regard to emergency telecommunications.</li> <li>• However, no provisions are provided on simplified procedures for the import of telecommunications equipment as part of international disaster assistance.</li> </ul>

<p>Flights</p>	<ul style="list-style-type: none"> <li>• As indicated above, Cameroon is a party to the Chicago Convention, Annexe 9 of which provides procedural guidance for customs, immigration, agriculture, and public health clearance of aircrafts containing humanitarian assistance in response to disasters, including passengers, goods, and mail; as well as the Convention on the Facilitation of International Maritime Traffic, which mandates parties to facilitate the entry and exit of vessels engaged in natural disaster relief work and facilitate the entry of persons and cargo related to natural disaster relief work. This may facilitate the entry of international disaster assistance in Cameroon.</li> <li>• In terms of domestic law, the <a href="#">Civil Aviation Law</a> provides the civil aviation regime in Cameroon, applying to all areas of civil aviation in accordance with international conventions, treaties and agreements ratified by Cameroon. The law does not include specific provisions on the landing rights of international flights carrying humanitarian assistance. Importantly, Article 93, states that aircraft flights of countries having concluded reciprocal agreements with Cameroon and search and rescue flights authorized by a competent body shall be exempt from the air traffic terminal services charge.</li> </ul>
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## Advocacy messages and recommendations

- Considering the above, we recommend IFRC and the CRCS to jointly request the Presidency or the CNPC, the granting of the following IDRL special facilities AND the adoption of an IDRL emergency decree beneficial to CRCS:
  - Exemptions of visas requirements;
  - Exemption from restrictions on transferring cash;
  - Speedy registration of vehicles;
  - Priority access for vehicles to cross borders;
  - Simplified and expedited customs clearance;
  - Exemption from customs duty, tariffs or fees;
  - Authorisation to import and use specialised goods and equipment; and
  - Priority landing of airplanes carrying humanitarian cargo.

The below outlines:

1. the arguments IFRC and CRCS can use to support their request;
2. how they can approach the Government;
3. how special legal measures can be introduced; and
4. what support is available from the Secretariat.

### 1. Arguments in support of special legal facilities

IFRC and CRCS will need to support their request for special legal facilities with convincing arguments. The following key points can be used.

- **Auxiliary Role:** Originally founded in 1960, the Cameroon Red Cross Society (CRCS) shares the fundamental principles of the International Red Cross and Red Crescent Movement of humanity, impartiality, neutrality, independence, volunteer service, unity and universality. It acts as auxiliary to the government in the humanitarian field. No other organisation has this special status. The auxiliary role means that CRCS is formally responsible for supplementing or substituting for public humanitarian services, including in times of armed conflict, crisis, or emergency.
- **Partnership with the Government:** The auxiliary role also means that it has a specific and distinctive partnership with the Government entailing mutual responsibilities and benefits. This is recognised by resolution 2 of the 30th International Conference of the Red Cross and Red Crescent.
- **Customs and tax privileges:** The [Customs Tariff Code of the Economic Community of Central African States \(CEMAC\)](#) establishes in article 276 that the following shall be admitted free of import duties and taxes, by decision of the Director of Customs and Excise of the State concerned: donations offered to Heads of State, materials and products provided free of charge to Member States by foreign States or international organizations, shipments intended for Ambassadors diplomatic and consular services and foreign members of certain official international organizations sitting in them Member States, and products intended for the Red Cross and similar works of assistance or national relief specially designated by the Minister of Public Health of the State concerned. Goods exported by the Red Cross or other solidarity works of national character can also be exempted from exit duties.
- **Speed, effectiveness, and efficiency:** The Red Cross and Red Crescent Movement is working around-the-clock to meet the urgent, huge and growing humanitarian needs caused by the virus outbreak. While humanitarian aid and assistance are expected to be received from several countries and major NGOs, special legal facilities and measures are necessary to ensure that eligible actors and the Red Cross and Red Crescent Movement can work as quickly, effectively and efficiently as possible.
- **Avoiding UBDs:** the development of the instrument relating to the granting of special legal facilities will allow to define (i) the eligibility criteria for those humanitarian actors allowed to benefit from them; (ii) the provisions that will allow the Government to keep control over the aid/assistance coming in to ensure it meets the real needs of the victims.

## 2. How to approach the Government to request special legal facilities

IFRC and CRCS can approach the Government by writing a letter and/or requesting a meeting. A **template letter** is available for this purpose. IFRC Disaster Law can assist in tailoring this letter to the circumstances.

Two different options could be considered to approach the Government:

- CRCS can approach the CNPC to discuss all the special legal measures it needs. It shall be able to instruct all other officials and ministries to provide those special legal measures.
- CRCS can approach each relevant government official or ministry one by one. For example, it could approach the Ministry of Finance in relation to cash transfers, and the Ministry of Transport in relation to priority access for vehicles to cross borders.

If it is feasible, the first option is preferable because it is likely to be more time efficient.

## 3. How special legal facilities can be introduced



There are different ways that special legal measures can be introduced:

- An **IDRL emergency decree or regulation** could be passed providing the above special legal facilities.
- The Government, CRCS and IFRC could enter a **Memorandum of Understanding (MoU)** or **agreement** providing the special legal facilities to the National Society and IFRC.
- A high-ranking government official could write a **letter** stating that the National Society and IFRC benefit from the special legal measures.
- A **new IDRL Law** could be passed providing the special legal facilities.

The first three options might be much faster. Given the magnitude of the disaster, the Decree/regulation should be privileged if the relationship with the Government is favorable. A new law usually takes a significant amount of time and is usually pursued after the initial response phase.

#### **4. Support available from IFRC**

IFRC has a dedicated Disaster Law Team with recognized expertise to advocate for the granting of these special legal facilities that need to be quickly adopted.

Disclaimer: Some legislation cited here are publicly available only in Portuguese and have been translated to English unofficially.

*For further information on the IDRL Emergency Fact Sheet, please contact:*

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