

## JAUNDICED LAWS AND THE 2007 TWIN ELECTIONS IN CAMEROON

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Here comes another twin election for parliament and the councils and another moment to reflect with fellow folks on the management of elections in our beloved country. Will the opposition accept the verdict of Ministry of Territorial Administration and Decentralisation (MINATD) or will it still be the usual lament that victory had been stolen? No one can of course dispute that we are amongst the few nations who adhere to the right of the people to have the opportunity to choose their leaders in periodic elections. Agreed, this is the bright side to the story but what is in this right if the people cannot guarantee the protection of the outcome of the exercise? Further still, what if some poor folks are excluded from the elections as has been the experience in the past?

MINATD is at it again disqualifying candidates of opposition parties across the country while turning a blind eye on the CPDM list containing the names of people who did not as much as even present themselves for primaries in their constituencies! The signs are ominous that there will be significant disputes concerning the transparency of this election. Although I respect NEO and its publicity obsessed Ntumfor who has been boring us with empty newspaper declarations, most Cameroonians doubt the credibility of this organization. Why has NEO never ever brought any legal action to sanction any election official for violating the electoral law in spite of the expertise it has in a lawyer clothed with authority from the Fons and the state?

Election remains such a source for concern that contri-people need to receive legal advice on what needs to be done in case of any eventuality. Why? Because Law No. 2006/010 of 2006 (Election Law) which asserts that the results of the

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elections can be challenged by any voter, candidate as well as a representative of the government gives the average Cameroonian a strategic role in determining the destiny of this country. Excellent liberal provision you may say! Wait a minute because it may not be as glistering as it seems at first sight.

This same Law says that every Cameroonian aged 20 years and above has a right to vote at the elections. However, as you go to check whether your name has been posted as a registered voter at the D.O.s office, you may wish to trim your expectations as this right has been seriously curtailed. The law which gives you the right to vote at the same breadth allows the electoral officers to decline to register you for a matter as simple as the fact that a warrant of arrest has been issued against you! Indeed, a businessman declared by a court as bankrupt (poor and or incapable of paying his debt) may be refused the right to vote. Strange when compared to a country like South Africa where convicts are registered to vote.

Candidates, political parties and ordinary voters could from a broad interpretation of section 77 of the 2006 law object to a variety of irregular actions of electoral officials. Good in principle but of what use is a complaint by someone who has been refused registration by a district officer to a commission under this same officer's influence? Getting results for protest over election irregularities is no easy task in this country. Lawyers in Kumba will for ever remember how their case challenging the administration in the town's high court for insisting that potential voters get a certificate of residence from a local chief was conveniently "adjourned" for hearing after the election.

Some will cite examples of successful petitions at the Supreme Court annulling fraudulent elections in the past as evidence of the democratic strength of our system. Although this may well be the case, there are problems with this kind of thinking. Recall the drama in 1996 involving the refusal of government to surrender three councils in Yaounde won by the SDF in spite of the court's

decision affirming the party's victory? Howsoever you see the Supreme Court's inability to ensure respect for its decision, this impotence by a court which openly concedes that its "hands are tied" does not inspire confidence in the electoral process.

Added to the above disturbing feature is the strange requirement that the petitions be brought at the court in Yaoundé within five days from the publication of the result being challenged. Can a candidate who feels that the results of an election conducted somewhere in a council in Maroua is fraudulent be said to have a realistic opportunity to challenge the exercise in five days? When will the facts supporting the fraud be collected? How about the actual preparation of the petition by his/her lawyer and the trip by road and rail from the Far North to file the petition in Yaounde?

Besides, the idea of having the case done at the Supreme Court is rather suggestive. It runs counter to the need to ensure that an election dispute be resolved in the court of the place where the people voted. In real democracies even within Africa, challenges to undo election results that have been challenged are heard in local courts or tribunals where the people directly involved will be in a position to appreciate how their vote has been ultimately determined. Does this read like a pen bashing outburst against our particular brand of advanced democracy? You are entitled to your views in the same way as an individual voter whom the law expects to travel from Akwaya to complain about a fraudulent publication of result in Yaounde is deserving of his nightmare.