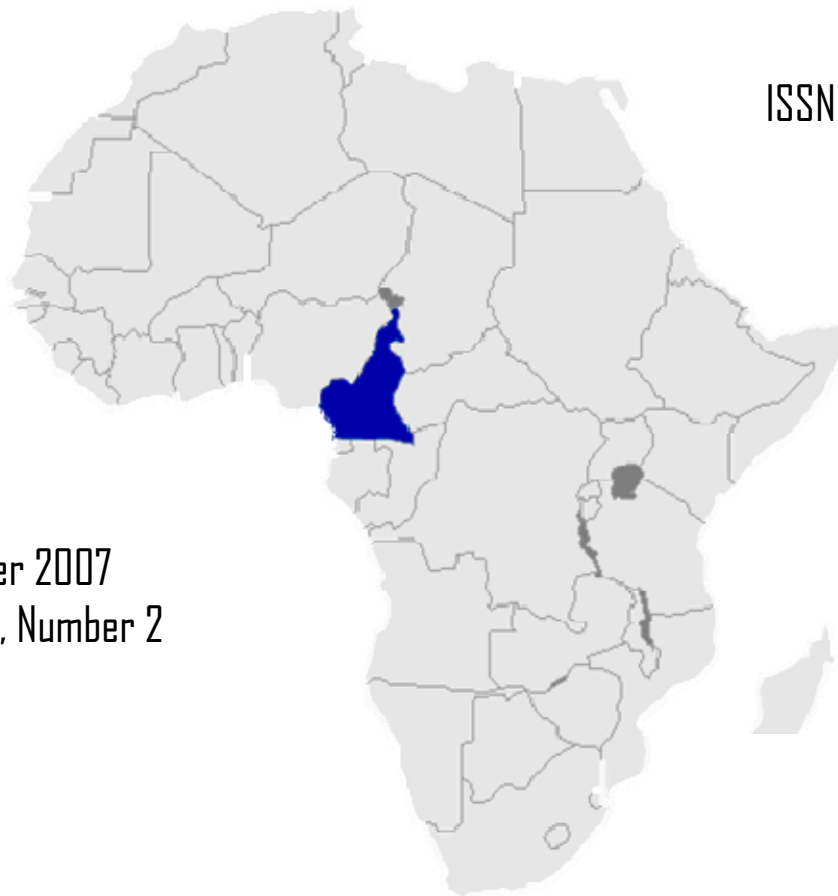


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## ELECTIONS IN CAMEROON: GOVERNMENT BANKRUPTCY

Prof. Tazoacha ASONGANY\*

Elections that were held on 22 July 2007 looked very similar to the others that were held in Cameroon in the recent past. Like in the past, government ministers and high state functionaries were quite competitive about inventing methods of election fraud in their various areas of origin to honour their stations in government with victory. They spent huge sums of money bribing people to engage in multiple voting, buying administrative officials, buying NEO agents or buying court decisions. Yet we are told fighting against bribery and corruption is one of the cardinal engagements of the government! Would a government that tolerates and even encourages bribery and corruption so openly ever help society to recover from corruption? Would elders that so openly engage the youth in bribery and corruption ever earn the respect of the youth of this country?

It is usually said that you know exactly where you are with a burglar or a murderer, but you never know where you are with a liar. Government officials parroted the lie about free and fair elections, and gave the impression that all was being done to ensure this through computerisation, the uprightness of administrative officials and the alacrity of NEO... The naïve only know now – after the fact - that it was all a big lie to send them to sleep for the field to be left wide open. Going to sleep because of such assurances and reassurances over a lie that had been told in 1996, 1997, 2002 and 2004 is a reflection of naivety and helplessness. Only the foolish get fooled twice; the wise change tactics to force adversaries to act on their own terms. But what with the truth pitifully expressed by Shakespeare that the world is a “great stage of fools”? What with Hitler’s line that no matter how big the lie, repeat it often enough and the masses will regard it as truth?

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These big lies are usually sugar coated by foreign voices. One of such foreign voices has been that of the Commonwealth! The Commonwealth observed Parliamentary elections in Cameroon and issued a report that they assumed to be a source of improvements to the electoral system. Following a long wait, the Secretary General appointed a special envoy to Cameroon to help with an electoral system the government seemed determined to maintain. This was followed by a flurry of activities, many comings and goings that left the perception that the system would change. The famous 31 October 2003 meeting in London chaired by the special envoy of the Secretary General of the Commonwealth, ended with a report that informed public opinion that the government of Cameroon “presented to international partners its agenda for wide-ranging reforms in the areas of elections management...” for which friends of Cameroon “undertook to provide significantly enhanced financial and technical assistance...” Then the comings and goings resumed, but failed to cause the Cameroon government to budge! The famous ELECAM was put in place, and political parties were called to Yaounde for consultations and camaraderie with the government over computerisation, ELECAM, registration and all! And so all the stakeholders went to sleep, except the government!

Today is rich with attacks and repartees. “You cheated!” “So what? I won!” Such exchanges go on daily between opposition leaders and members of government, between civil society leaders and high state functionaries. These are all people we are supposed to look up to in society as models of good behaviour and good example. The public has the right to expect a certain standard of behaviour from those supposed to be members of the government that runs the affairs of the nation on their behalf. It has the right to a certain standard of behaviour from those we depend on, to make Cameroon a place to live a fulfilled life.

A government needs authority before it can preach virtue. Such authority is gained through the occupation of the moral high ground. It is lost through repeated moral failings. Government morality has been sacrificed on the alter of

crooked electoral victories that have led to the loss of the respect of the people. Turning around to preach against corruption would only be comparable to a drunken person preaching temperance!

A special symbolism is always attached to the vote of the Head of State, President of the Republic during elections. Symbols are usually a theatrical part of government used to communicate political value, ideals and specific world views. Symbols constitute coded messages. They can have a clear plot structure, serve a practical argument and appeal to citizens. The vote of the Head of State is supposed to symbolise trust in the electoral system through the plot laid down by his political communicators. But if such communicators exist at all, they failed woefully during this election, like they did in the past.

In the past, the voting station where the Head of State voted was lined with CPDM party colours and ballot papers, against the constraints of the law. The coded message sent across to the citizens was that of flawed elections! This was always taken to mean that his political communicators are mindless party zealots. The unfortunate outing of the Head of State during the 22 July elections symbolised by his fulfilment of his civic duty at the polling station, the brief campaign tour of the city and his partisan utterances, took him and his communicators to the height of political arrogance and zealousness! Again, the coded message was about flawed elections! A President may want a big majority to continue to govern and ask the people to give it to him; that is his right. But when a President starts giving messages in symbols and codes that the people have become irrelevant to his rule, something is certainly very wrong!

It is James Madison who said that if all men were angels, governments would not be necessary. After such electoral debacles, one can turn around and say that if governments were like our own, governments would not be necessary! The Administration, under the authority of the Head of State is responsible for organising elections. The Head of State is therefore entirely responsible for all

the irregularities and fraudulent manoeuvres that characterised the twin elections of 22 July 2007. Historical reputation is hostage to future events. Whether historians and public memory will emphasise the gains or the setbacks of the presidency of Mr. Biya will depend on the course of events after he has left office, meaning the next five, ten, twenty or even thirty years. Presently, we are in the presence of what is usually referred to as the unpredictable past.

## **FROM PRESIDENT TO EMPEROR: HOW PAUL BIYA PLANS TO DO ILLEGALITY LEGALLY**

Eric NGONJI NJUNGWE\*

By all accounts, the next move of President Paul Biya and his CPDM cronies seem apparent. The July 2007 elections were a clear indication that Mr. Biya does not intend to leave power in Cameroon anytime soon, or at best, would not leave without putting in place a real confidant, who will grant him protection and immunity for his atrocities on Cameroonians and assault on the country. While preparing a confidant to take over after him is likely, the sweetness of power is more tempting and the possibility that Mr. Biya would die in power is a more likely possibility.

Military appeasement, arbitrary arrest and detention, forced disappearance, torture, citizenry intimidation, and much more have been the hallmarks of Biya's 25 years grip over Cameroon. The year 2011 seems to be the most awaited year for most Cameroonians. Surely, the reason for the anxiousness is that Cameroonians badly want an end to the rule of President Biya. But even if Biya steps down in 2011 as the current constitution provides, would this mean an end to Biyaism? By Biyaism, I mean a government with all the patronizing facets that have characterized Biya's rule, such as dictatorship, corruption, violation of human rights, suppression of democratic reforms, favoritism, tribalism, nepotism, embezzlement, etc.

In most countries, it has been the President's proposition to seek an amendment to the constitution so as to run for extra presidential terms. In Cameroon however, the most likely scenario would be for a secretly pre-planned scheme whereby Mr. Biya would play outsider while his buddies, through the fraudulently

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elected parliamentarians table a bill to amend the country's constitution to enable him run for elections even after his mandate officially ends in 2011. This explains why despite having enough time to set up Elections Cameroon (ELECAM) which I consider a farce, President Biya still would not take any chance of making this institution operational before the July 2007 elections. The meticulous but diabolical job that was put into the drafting of Law N° 2006/011 of 29 December 2006 creating ELECAM could be found in its section 42 (3) which states that:

“As and until Elections Cameroon is effectively put in place, over a period which should not exceed 18 (eighteen) months, the National Elections Observatory (NEO) and other relevant electoral state bodies shall continue to carry out their respective electoral duties”.

By this provision, government has until June 2009 to get ELECAM operation. In effect, this law, which was drafted by the government and rubber-stamped by the country's docile and applauding parliamentarians, bestowed upon the government the latitude to legally manipulate the organization, management, and supervision of the July 2007 elections without having to set up ELECAM. This scheme was shamelessly realized when the Ministry of Territorial Administration and Decentralization (MINATD) manned the rigging machinery in the July 22, 2007 Municipal and Legislative elections. It should be mentioned that the Minister of MINATD is both an appointee of Mr. Biya and a Political Bureau Member of Mr. Biya's party. Under such circumstances, it is doubtful how MINATD could be expected to organize even the semblance of a free and fair election in Cameroon.

Now that MINATD has fraudulently given Mr. Biya absolute victory in the Municipal and Parliamentary elections, his complete control of the National Assembly will then set in motion the other elements of the “Grand Agenda”. This will include an amendment to the country's constitution to satisfy President Biya's insatiable quest for power. Part XI of the Cameroon Constitution (Law No. 96-6 of 18 January 1996) deals with amendments.

Article 63 states as follows:

**(1)** Amendments to the Constitution may be proposed either by the President of the Republic or by Parliament.

**(2)** Any proposed amendment made by a Member of Parliament shall be signed by at least one-third of the members of either House.

**(3)** Parliament shall meet in congress when called upon to examine a draft or proposed amendment. The amendment shall be adopted by an absolute majority of the members of Parliament. The President of the Republic may request a second reading; in which case the amendment shall be adopted by a two-third majority of the members of Parliament.

**(4)** The President of the Republic may decide to submit any bill to amend the Constitution to a referendum; in which case the amendment shall be adopted by a simple majority of the votes cast”.

Article 64 states that:

“No procedure for the amendment of the Constitution affecting the republican form, unity and territorial integrity of the State and the democratic principles which govern the Republic shall be accepted”.

According to Article 6(2) of the constitution:

“The President of the Republic shall be elected for a term of office of 7 (seven) years. He shall be eligible for re-election once”.

In sum, article 63 gives the President or the Parliament the power to propose an amendment to the constitution. Such an amendment could include anything not prohibited under article 64. An amendment to extend the term of office of the President is not prohibited under article 64. Any proposed amendment would just require a majority vote of the Members of Parliament (which is fraudulently dominated by Mr. Biya’s party). With their current Parliamentary majority, an amendment to Article 6 of the Constitution is effortless.

Cameroonians may just have to wait for the term of office of the President of the Republic to be extended *legally* giving Paul Biya the opportunity to run for office at the end of what is supposed to be his last term in 2011. The likelihood of this

scenario lies in the fact the survival of most corrupt politicians and pro-ruling party business persons is highly dependent on maintaining the status quo. Their whole machinery will crumble in the absence of the Paul Biya apparatus. Accordingly, they may proactively engage in getting him to stay longer than required because it is in their interest to do so.

Cameroonians should be cautioned that neither Mr. Biya nor “Biyatism” (departing with a crony in power) is an acceptable proposition for Cameroon. Cameroonians all have the right to a descent life free of poverty, torture, suppression and oppression; free of intimidation, targeted killings, silent abduction and disappearances. For the last quarter century, Mr. Biya’s government has woefully failed to create a favorable environment for Cameroonians to achieve their aspirations. Therefore, the struggle for democracy in Cameroon should not be limited to getting one person out of the way of development and progress of the country. It should be holistic and focused on dismantling the entire corrupt autocratic apparatus that has been sinking the country into despair for the past quarter century.

It will be a stark insult and provocation to Cameroonians to initiate any move to change the constitution for the sole purpose of giving Mr. Biya the possibility to run for extra presidential term. Cameroon definitely needs a New Constitution. An amendment that limits the term of the President of the Republic to two 4 or 5 year terms would certainly be commendable; however such should not allow a Biya rerun. It is not democratic and is not supported by any fair governmental principle. In other words, it would be an illegal move (constitutional change to satisfy Mr. Biya’s greed) - that is embarked through a legal means (implementation of article 63 of the constitution) - made possible by an illegality (election fraud). In sum, extending Mr. Biya’s Presidential Mandate is UNACCEPTABLE.

## LEGAL AVENUES FOR WORKERS IN CAMEROON TO SEEK PAY RAISE

Dr. Michael A. YANOU\*

### 1. Overview

The Heavily Indebted Poor Countries (HIPC) Completion Point is an interesting episode in Cameroon. Government is understandably obsessed with putting a positive spin on it while armchair sceptics are bent on reading all sorts of malevolent intent into it. Yet, very few will deny that it marks a significant socio-economic development in the country. Optimism or scepticism aside, it seems appropriate to reflect on the question of how this HIPC stuff will mix with an important straightforward legal question. Put simply, since we have collectively been declared poor, beggarly, and indebted, how do workers, for instance, ensure that the spoils (money) of HIPC enter their poor pockets?

Certainly, this angle to HIPC may not equate with the need to construct the deplorable road network in the country, but it is nevertheless important for many reasons, not least because officially our minimum wage in the private sector is still in the region of 23,000 frs CFA a month. What with university lecturers in Cameroon earning less than administrative clerks in South African universities and journalists of the private press receiving what can be best described as a slave wage? The examples can in fact be multiplied infinitely. There are deliberations as to whether workers could seek better pay through law suits or whether this is an objective that could be achieved only through a strike.

### 2. Challenge Employer

I thought it a smart idea to share my street legal opinion with my fellow country people in the hope that their subsequent contributions would enrich the debate. I

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observed to my curious friend that there are two distinct types of workers (public employees and private sector workers), with each regulated by different laws.

In principle, an aggrieved worker in both categories should be able to challenge his employer in court for whatever remedy he perceives himself entitled to including, of course, the claim to a pay rise. In practice, however, a worker in the private sector seeking a pay rise or insisting on being paid the prescribed minimum wage through the courts will be confronted with two formidable obstacles.

Under Cameroon's Labour Code, last revised in 1992, such a worker must depend on the good will of the Labour Inspector to go to court. This antic Code continues to vest the discretion on the Labour Inspector to prepare the relevant statements of non-conciliation or partial conciliation with which all labour actions are commenced. The question may be asked: Given the prevalence of the one party mentality among government employees, what if the Labour Inspector deliberately declines to endorse these statements? If this happens, then too bad - unlike in the past where he could be compelled by mandamus, this is no longer possible after the monstrous Judicial Organization Act of 1989 took away this priceless tool for dealing with official arbitrariness in the English legal culture.

The second obstacle has to do with the nature of employments. Ordinarily, pay results from the expressed or implied agreement of the parties. In theory, except if it is arrived at by dubious means, the courts would ideally not interfere with such agreements. This principle applies with equal force to both public and private sector employments. Flowing from the above, it will be interesting to examine the options for a CDC/PAMOL labourer who does backbreaking work at a ridiculous salary of about 20,000 frs CFA a month. Very little indeed! If he succeeds in getting to court at all, he will have to grapple with the obvious question, "Why not leave if the pay is not right?" Would the response that HIPC money has made the question unnecessary be a fitting answer?

The case of the public employee is only marginally different. He could technically sue the state for a pay rise, breach of statutory right (like the one to further training) etc. However, the rules are bureaucratic and unfriendly. Section 40 of the 1996 constitution, for instance, vests the determination of all disputes of this nature involving the state and other public authorities in the Administrative Bench of the Supreme Court in Yaounde. Can the poor and heavily indebted civil servant in Akwaya, for instance, be said to have a realistic possibility of challenging the state in Yaounde? Even if there was a remote possibility, would this still be so during the wet seasons when the roads become something else? Your guess may be better than mine!

### **3. Strike Option**

It seems reasonable to conclude that the strike weapon may be the most reliable strategy in any enterprise for workers to grab their own fallouts from the HIPC Completion Point. This will, however, depend on who, at the moment, has the president's ear. Experience with the lone union of teachers of higher education, SYNES, at the University of Buea has shown that politburo heavy weights tend to see all strikes as foolhardy impudence fit only to be crushed by the sacking of all those who participate in them.

## **CAMEROON APOCALYPTIC DEMOCRACY: CONCERNS ABOUT THE JUNE 2007 ELECTIONS**

Joseph TANYI MBI\*

Prior to 1990 multi-party politics in Cameroon was a dream until Law No. 90/053 of 19th December 1990 on Freedom of Association legalized the formation of political parties in Cameroon. On May 26, 1990, Ni John Fru Ndi fiercely launched the Social Democratic Front (SDF) against threats from the Centralist Government officials of Mr. Paul Biya that led to the death of six armless militants allegedly killed by the forces of Law and order. Thereafter, other political parties were formed and lunched. In March 1992, the first ever multi-party legislative elections were held though highly boycotted by the main opposition parties on grounds that the rules did not guarantee for free and fair elections and that their militants needed time to register for the elections.

The creation of an independent electoral commission to supervise elections in Cameroon has remained the pro-occupation of the main opposition parties in Cameroon. The National Elections Observatory (NEO) set up by the regime has the status of observer only. The above notwithstanding, Law No .2006/011 of 29 December 2006 has created Elections Cameroon (ELECAM), which is suppose to be an independent body responsible for the organisation, management and supervision of elections in Cameroon. Just as the New Criminal Procedure Code, it has to become operational only after 18 months from the 29<sup>th</sup> of December 2006.

The Cameroon Peoples Democratic Movement (CPDM) under the helm of President Paul Biya has remained in power for closed to 25 years and has used its position to restrict political access and activities of the main opposition parties

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making the movement toward political liberalization a nightmare. If Parliamentary and Council elections were to be organised today then the Ministry of Territorial Administration and Decentralization (MINAT), which is answerable to the chairperson of the CPDM, will organise the elections while NEO will continue its role of observer. Unfortunately, the main opposition parties will continue to protest the status quo but the offshoot is that they have to wait until after 18 months for ELECAM to become operational.

After the parliamentary elections, the CPDM as usual will maintain the highest number of seats in parliament, thereby giving them the opportunity to amend the constitution to permit the current Head of State to contest elections after his two terms. Elections organised by the Ministry of Territorial Administration and Decentralization are often marked by persistent irregularities, fraud, rigging, intimidation, harassment. It is prudent and honourable for the postponement of the upcoming elections just as they did for the harmonized Criminal Procedure Code in order to put ELECAM to test prior to Presidential elections.

The people are ignorant about their rights to freely choose their political representatives. Quite often registration of voters is carried out in camera by the administrative authorities. Even those who regularly register do have voting cards a technique used by the administration to technically prevent some people from exercising their civic rights. Electoral results are constantly manipulated by the regime in power. Some people are arbitrarily arrested and journalists subjected to inhuman treatment for exercising opinions contrary to those of the ruling party.

Cameroon is a signatory to the International Covenant on Civil and Political Rights (ICCPR) adopted by United Nations General Assembly resolution 2200A (XXI) of 16 December, 1966 and entered into force on 23 March 1976. Article 1 of the ICCPR states that:

“All people have the right to self-determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development”.

Electoral participation is the most popular means of democracy. It enables people without distinction to play an active role in government by electing representatives to act as their agents. Electoral participation in Cameroon is still far from guaranteeing political equality and perfection at all levels. Violence at polling stations and post election violence; official manipulations at the time of votes counting; rigging and the use of money to buying votes have disempowered the poor, women and minorities in making or determining their political choices. The poor and the woman hardly raise their voices or participate in active decision making in Cameroon. Post electoral violence has been an aspect of Cameroon's political culture and is use as a mean to limit, constrain, or exclude political participation.

Poverty is a social problem in Cameroon that directly affect the people's political will. Lack of basic necessities such as jobs, farm to market roads, potable water, food, etc makes it easy for the commercialisation of votes by the business class, elite political thieves, and embezzlers of state funds to continue to maintain themselves in power against the wish of the people. Commercialisation of votes is a human right violation because it influences the people's direct and objective assessment of the political candidates. Therefore any elections organized in Cameroon other than by ELECAM means the government has is a hidden agenda, which might push Cameroonians too far.

## THE ANGLOPHONE/FRANCOPHONE DICHOTOMY IN CAMEROON

Moses NJEI TIMAH<sup>\*</sup>

Why is it that even among identical twins in this country there is always some form of friction if one of them is Francophone and the other happens to be an Anglophone? This is a question I will use my personal experience to attempt to answer.

I happen to be one of the people who were used as a guinea pig in Ahidjo's experiment in national integration. Those of you who were educated at Bilingual Grammar School Man O War Bay/ Molyko in the sixties and seventies will readily understand what we went through in this unique experiment to build a united bilingual Cameroon. Typically, students were admitted based on merit between the ages of 12 and 14 and Anglophones and Francophones were equally represented numerically. On arrival in school, senior students usually subjected you to military style drills for weeks while the authorities looked the other way. Maybe that was a way of informing you that the school was different from others after all. Elaborate measures were taken so that while you were in the dormitory, refectory, classroom or playground the 'francos' and the 'Anglos' were always mixed so as to promote fellowship and acceptability of each other.

After some five odd years of living this experiment, I can look back and say it failed to achieve its result. Today, 23 years later, my relationship with my former Anglophone classmates is as strong as it was in school but that with the Francophones, which was casual, then is even more casual now. With hindsight I can say with confidence that the educational system is the main cause of the differences between us. In my opinion, the system of education bequeathed to the Francophones by the French is seriously flawed. In the Anglo Saxon

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\* **Moses NJEI TIMAH:** Freelance and feature writer; Pharmacist; Photographer; and Commentator on Cameroon, Africa and World Affairs.

educational system you are expected to learn to combine academic work with character formation. Morals, hygiene, etiquettes, orderliness, work ethics, respect for superiors and public property were and are still very important components of Anglo-Saxon education. The Francophones pay lip service to these cardinal ideals.

The Anglophone system of teaching and assessment is geared towards making the student to research and answer questions from an independent stand point. This is in sharp contrast to the Francophones whose system of education even at university level encourages cramming and dependence on the teacher. This system has made examination fraud its integral component, as students are often tempted to fraudulently reproduce the exact replica of the teacher's notes in order to score higher marks rather than reading to understand. I am not saying that Anglophones are saints but fraud is not embedded in their educational system as it is with the francophone system. In fact, they have come to accept it as normal after all "la fin justifie le moyen". So goes the saying. When you look at this issue critically you are tempted to conclude that the French deliberately put this system in place with the sole intention of bringing up people who can be easily manipulated. When somebody is devoid of principles and morals and is dependent, he/she becomes the easiest person to manipulate.

All the arguments/disagreements between the Anglophones and Francophones in this triangle called Cameroon will never end because the educational systems have produced very different people regardless of whether they originated from the same father. A francophone can hardly understand why an Anglophone will fight and die for principles. An Anglophone parent cannot understand why his francophone counterpart will cooperate with his child to influence the latter's teacher. A Francophone pupil is most likely to take it physically on his teacher than his Anglophone counterpart but an Anglophone pupil is more likely to challenge his teacher on ideas than a Francophone pupil will do. An average Francophone believes that cabinet ministers are more knowledgeable than him

while an average Anglophone believes that he too is qualified to be minister. Anglophones are more likely to socialize in groups like ex-students' associations while Francophones may not bother about their alma mater. We can go on and on but we must know that it is the educational system and not the individuals that are responsible for our differences.

Most Francophones know that their educational system has failed them but they lack the courage to openly admit it. Many know they cannot pretend for long. That is why they are withdrawing their children from francophone schools and overcrowding the few Anglophone schools they can find in their neighbourhood. In towns like Douala and Yaounde over fifty percent of children in some Anglophone public primary schools come from francophone homes. Their parents know that the type of education they had was a farce and they wouldn't like the children to suffer their fate. In contrast you can hardly find a single Anglophone parent sending his or her child to a francophone school when there is an Anglophone school available. This is the only face saving way our Francophone brothers are admitting failure without overtly exposing their deflated 'majority ego'.

## **RETHINKING ECONOMIC DECAY IN THE ECONOMIC AND MONETARY COMMUNITY OF CENTRAL AFRICAN STATES (CEMAC)**

Christophe DONGMO\*

The Economic and Monetary Community of Central African States (CEMAC) suffers from a lack of international competitiveness. Despite the fixed parity of the CFA franc to the Euro, the trade surplus has been on the decline. Employment in exposed sectors continues to decline than in any comparable African sub-regional setting, indicating that Central African industry has failed to maintain its outstanding competitive performance. In most countries, industrial wages are extremely low, a situation that has been worsened by inflation subsequent to the depreciation of the CFA franc in 1994.

For almost four decades, high unemployment has been combined with low participation in the labor market, resulting in a remarkably low rate of employment. The decline in low paid jobs in the public sector has been compensated by a slight growth in high skilled employment in the private sectors, resulting in an upgrading of the employment structure with only minor losses in the volume of employment. Nevertheless, there has been a severe and worsening employment problem, and it is here that an analysis of malfunction of the Central African economic institutions must begin.

Unlike most Western European- welfare- states, those living under the poverty line cannot be supported by comparatively liberal unemployment benefits or other forms of social benefits. As a result, many people are kept out of the labor market by extended period of education. Likewise, a low rate of female participation in the labor market has turned families into holding pens for those

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unlikely to find unemployment in a stagnant labor market. Here follow some intrinsic and extrinsic characteristics of social poverty in most African countries:

- An unsupportive policy environment and weak implementation capacity as expressed in both the content of the countries' externally initiated economic reform programs and these programs' evident failure to integrate poverty reducing elements into their operations.
- The failure of economic reforms to lead to robust and sustainable economic growth. The low level of economic growth in Africa has resulted in significant suppression of the productive sectors' output.
- Budgetary allocation patterns in many countries that have been biased against properly targeted and poverty-focused interventions that are pro-poor.
- Poor access to real assets due to, among other things, unfavorable land ownership laws and an unsupportive land tenure system that has worsened the productivity of the majority of the poor who depend on agriculture as the main source of their livelihood.

In *Creating Prosperity in Africa: Ten Keys to Get Out of Poverty* (Inkwater Press, 2006), Eugene Nyambal analyzes Africa's performance in the global economy. He also shows the shortcomings of current policies and explores in an unprecedented manner new ways of conducting reforms in Africa to create wealth. In this exercise, he tries to understand how rich nations were able to move from mass poverty to prosperity and what lessons Africa can learn from these experiences. Most importantly he shows how Africa can design its own future and create more wealth for its people, while abandoning the spirit of aid dependency. Also, he addresses the role of leadership in fostering economic development and argues for a new modus operandi for international financial institutions.

In most Central African states, economic growth continues to be inhibited by a large inefficient excessive public sector employment, growing defense and internal security expenditures, coupled with government's inability to collect taxes effectively. Trade policies favoring labor-intensive and agricultural based exports as substitute imports with domestic raw materials will disproportionately favor the domestic producers of these goods- mainly the poor rural masses. In *The African Economic Dilemma The Case of Cameroon* (Lanham: University Press of America, 1998), Cameroon's economist Ekema Jean Manga points out that, although the private sector is the most significant source of investment capital, incentive structures have not encouraged the private sector to take investment risks. On this ground, he suggests that state organs should increase production by relocating resources to improve the productivity of their own capital and by removing some of the existing disincentives to private sector investment. This implies that regulatory barriers to private investment constitute also a major obstacle to economic entrepreneurship. This, in turn, explains the burgeoning "Black Market" economy of people unwilling and unable to cope with state-imposed barriers to "economic self determination." Black market activities generate a substantial deadweight loss for public finances, thus hampering state's propensity to play its economic role and deliver accordingly. Needless to say, there is no doubt that forcing economic activities into black markets is nothing but the lost of development opportunities.

The juxtaposition of centralized economic planning and lack of "New Deal" political leadership, coupled with social problems has culminated in the CEMAC's development crisis. The growth of the population has nullified the benefits of increased production, creating new needs and multiplying energies without providing for them other outlet other than predation and strives. For the past ten years, reducing poverty has seen some positive moves in some countries but CEMAC finds itself behind in this fight. Current steps taken by the sub-regional organization do not address the policies that enable the poor to cope on their own, with respect to basic social facilities like education, health, and ecological

disasters. Structural reform policies imposed by the World Bank and the IMF are only aimed at preparing member states to pay back loans while sacrificing the health and education of the poor masses at the chauvinist alter of debts. It is clear from these definitions that poor people are socially excluded from the resource base and that this exclusion has not been overlooked. Since people want both development and economic prosperity, it becomes the function of CEMAC states to find mechanisms to implement and enforce development policies in the globalization era.

To conclude, in order to achieve sustainable growth, CEMAC's development policies should be oriented toward cooperative investment in some key sectors such as a viable interstate or regional road network, labor mobility, freedom of movement, human capital development, and private and foreign investment. In other words, poverty eradication should be the motive and the end of any form of regional development policies.

## REUNIFICATION AND THE ELEVENTH PROVINCE DILEMMA IN CAMEROON

Dr. Michael A. YANOU\*

The “Anglophone Problem”, a lucid coinage reflecting the unpleasant marginalisation of the Southern Cameroons, has become a dominant feature of the socio-political discourse in Cameroon. I have always watched with utter amazement the passion and frenzy that this issue attracts on both sides of the philosophical divide. While the sensitivity and obvious disgust of the average English-speaking Cameroonian to his marginalisation is perfectly understandable, there are certain aspects of this minority questions that defies rational analysis.

The problem of the English-speaking minority in the former West Cameroon is a complex one that has situated within its ambit many perplexing questions. Forty-five years after unification presents an ideal occasion to address what is obviously a raw nerve in the discourse on the Anglophone problem. The eleventh province syndrome has increasingly become an unpleasant topic to the protagonist on both sides in the philosophical divide of this discourse. Just what is this eleventh province stuff and why is it such an unpopular topic?

Basically, An Eleventh Province Cameroonian is a Cameroonian who though born in the former West Cameroon (Southern Cameroons) and of Anglo-Saxon culture has his ethnic roots in a tribe indigenous to the former East Cameroon (French Cameroon or La République du Cameroun). They are the hundreds of thousands of Bamilikies, Bassas, and Ewondos whose parents or grandparents moved to the former West Cameroon either as economic migrants or refugees from the French-inspired Ahidjo genocidal wars against the UPCists freedom

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fighters in the Bamilike grass fields and Bassa regions in the former East Cameroon.

Most Eleventh Province Cameroonians who have lived the humiliating experiences of being regarded as third-rate citizens in their fatherland see the occasion of the 45th anniversary of the reunification of Cameroon as one for very solemn reflections. A reflection that must inevitably translate into a lamentation about the individual and collective rape of a people whose forebears spilled their blood during the patriotic UPC war to liberate our country. A people whose ancestors toiled under dehumanising conditions to build the first plantations and rail infrastructure upon which are the foundations of the modern Cameroonian state. The dilemma of the Eleventh Province Cameroonian is his nightmarish double rejection by the Anglophone indigenous to the former West Cameroon and the Francophone government in Yaounde.

Hostility towards the Eleventh Province Cameroonian assumes various forms and is certainly more acute for the Bamilikes. Indeed, besides being contemptuously dismissed as opportunists clandestinely eyeing appointments meant for Anglophones, some (W.G. Nkwi 2004) have described the supreme sacrifices of the Eleventh Province gallant parents during the UPC independence struggle as terrorist acts. The unarticulated idea is of course that in the fierce tussle for political and economic space, putting the Eleventh Province, generally, and the Bami-Anglo in particular in the mould of a people with a terrorist ancestry is a deft way of making them uncompetitive. One does not need to be sophisticated to know that a system where merits count for nothing in appointing people to office encourages such xenophobic mudslinging.

I have heard otherwise respected people say things like "Well, you see 'W' at the CRTV is occupying the position meant for someone from either the Northwest or the Southwest Province" unashamedly. For them it would have been sacrilege were 'W' to be appointed General Manager of the CRTV for the simple reason

that "W" is a Bami-Anglo! Some have, for similar sentiments, mercilessly condemned any Eleventh Province Cameroonian who dares identify with his 'brothers' across the Mungo after an appointment regarding such acts as irredeemable treachery.

Government attitude towards the Eleventh Province has remained ambivalent over the years. On matters of appointment there is a palpable reluctance to touch them even with a pole a mile long! Why? Not too sure if it has anything to do with Nkwi's terrorist background or our "refugee status" as a friend once casually put it. Does the Bami-Anglo know anything? A fellow Bami-Anglo in our village in Fiango, Kumba, was particularly insightful when he identified the markets and farms as reserved for us and queried the mad ambitions that make some of us lust for appointments.

It was then it dawned on me that we dream if we imagine that the plumb appointments on the president's table could ever reach any of us, and delude ourselves if we think that one of us can be President or Prime Minister! Perhaps Banjul will help us someday.

## DEATH PENALTY CRIMES IN CAMEROON

Joseph TANYI MBI\*

A felony as defined in section 21 of the Cameroon Penal Code (penal code) is "an offence punishable with death or loss of liberty for a maximum of more than ten years". Offences punishable with death as provided in the penal code are classified into three categories; those against the External Security of the State (Treason and Espionage); those against the Internal Security of the State (Secession and Civil War); and those against Private Interest (Capital Murder and Aggravated Theft resulting in death.)

### **External Security of the State**

Section 102 of the penal code states that:

- (a) "Any citizen taking part in hostilities against the Republic shall be guilty of treason and punishable with death".
- (b) "Any citizen assisting or offering to assist the said hostilities shall also be guilty of treason and punishable with death".

The provisions dealing with Espionage are contained in section 103 (a-c) of the penal code which states that whoever:

- a) Instigate a foreign power to undertake hostilities against the Republic; or
- b) Surrenders or offers to surrender to a foreign power or to its agents any troops, territory, installations or equipment employed in the defence of the nation, or any defence secret, or who in whatever manner acquires such secret with intent to surrender it to a foreign power; or
- c) With intent to injure the defence of the nation, damages any construction, installations or equipment, or commits any malpractice liable to prevent their normal working or lead to an accident;

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Shall, if a citizen, be guilty of Treason and if a foreigner, be guilty of Espionage and shall in either case be punished with death.

### **Internal Security (Secession and Civil War)**

The Black's law dictionary 7th Edition loosely defines secession as, "the process or act of withdrawing from a religious or political association". However, section 111 (2) of the penal code states that:

Whoever, undertakes in whatever manner to infringe the territorial integrity of the Republic, in time of war, or in a state of emergency or siege, shall be punished with death.

Same punishment shall apply under section 112 to whoever provokes civil war by arming the people or by inciting them to take arms against each other.

The above notwithstanding, the penalties provided for above may be reduced to imprisonment for persons found guilty under section 102 and 103 (penalties under ordinary law) and same for those convicted pursuant to section 111(2) and 112 (political penalties) of the penal code.

### **Offences Against Private Interest (Intentional killing)**

Capital murder as opposed to murder is punishable under section 276 of the penal code. It is committed in the following instances:

- a) After premeditation; or
- b) By poisoning; or
- c) In the preparation, facilitation, or commission of a felony or misdemeanour, or to enable the escape or procure the impunity of the offender or an accessory to such felony or misdemeanour shall be punished with death.

Murder shall be deemed premeditated notwithstanding the identity of the victim or that the enterprise depends on the fulfillment of a condition.

The dichotomy between simple and aggravated theft lies in the mode of commission. It is aggravated theft when it is committed pursuant to the provisions of section 320(1) of the penal code by the use of the following:

- a) With the use force; or
- b) Bearing weapons; or
- c) By breaking in, by climbing in, or by the use of false key; or
- d) With a motor vehicle.

Section 320 (2) states that whoever commits a theft by the use of force causing the death of another or grievous harms as provided for section 277 and 279 of the penal code shall be punished with death. The death penalty either by shooting or hanging as shall be prescribed by the trial judge in his judgment in the worst scenario. However, the trial judge may passed a less severe sentence for convicts found guilty of the offences referred to above to a term of imprisonment only upon finding of mitigating circumstances.

In cases of felonies punishable with death, the penal code states in section 91(1) that upon a finding of mitigating circumstance in favour of any person convicted of a felony punishable with death, the sentence may be reduced to not less than ten years loss of liberty. Most importantly the Head of State reserves the rights to grant Presidential Pardon and Amnesty to convicts to principal penalties pursuant to the provisions of section 66 and 73 of the penal code.

It should be noted that Cameroon is yet to ratify Second Optional Protocol to the International Covenant on Civil and Political Rights, on the abolition of the death penalty (General Assembly resolution 44/128 of 15 December 1989). The above notwithstanding, there has been no public execution for the past decade though the Courts continue to sentence persons to death as per the provisions of the penal code.

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