

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

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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.