

# The Anglophone Dilemma in Cameroon

## The Need for Comprehensive Dialogue and Reform

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The teachers' and lawyers' unions have joined together and insist on a two-state federation in Cameroon as the best way to guarantee their demands. (Photo: Education International)

In recent months, the “Anglophone problem”<sup>1</sup> has dominated politics in Cameroon, following strike action initiated by lawyers and teachers in the two English-speaking regions of the country. On 11 October 2016, Anglophone lawyers commenced a sit-down strike after having petitioned the government to address their grievances, without success.

Cameroon inherited two legal systems when areas controlled by Britain and France joined to form a single state after the colonial powers withdrew. Civil law was practised in the French-speaking part and common law was practised in the English-speaking region during colonisation.

The Anglophone lawyers on strike asked the government to hold an emergency session of the Higher Judicial Council and redeploy all civil law magistrates from the two Anglophone regions, among other demands. They also requested a return to a two-state federation, as the best framework to guarantee the coexistence of both legal systems.



Teachers in the English-speaking regions joined the lawyers on 21 November 2016, after their own demands were also not met. Anglophone teachers fell out with the government for its

continued deployment of Francophone teachers to Anglophone schools. They claimed that the teachers taught in broken English and, as a result, many students did not perform well in their final examinations. They also maintained that Francophones disproportionately outnumbered Anglophones in the Anglophone universities of Buea and Bamenda. Ordinary citizens later joined in the protests, decrying the poor state of infrastructure and difficulty in accessing basic necessities.

## Historical Origins of the Problem

Cameroon (Kamerun) was a German colony from 1884 to February 1916, when the Germans were defeated and ousted from the territory during World War I by joint Anglo-French and Belgian forces. Britain and France decided to set up a joint Anglo-French administration in the newly conquered territory, but the initiative was short-lived. As a result of the failure of this cooperative, Britain and France, through the Simon-Milner agreement, decided to divide the country in 1919 along the Picot Provisional Partition Line, to permit each of them to administer their own territory separately. With the establishment of the League of Nations, the separated territories became mandates of Britain and France.

Each territory was governed according to the administrative system of Britain or France. This meant that the legal, educational, monetary and even political arrangements were significantly different in the two territories.<sup>2</sup>

With the creation of the United Nations (UN) in 1945, the territories changed in status from mandated territories of the League of Nations to trust territories of the UN. A very significant ramification of this change of status was that the trust territories were to be administered in preparation for self-government.



President

Paul Biya of Cameroon. (Photo: International Monetary Fund)

The territory administered by France (French Cameroun), got its independence on 1 January 1960 as the Republic of Cameroun. Nigeria got its independence from Britain on 1 October 1960. The territories administered by Britain (British Southern Cameroon and British Northern Cameroon), which were semi-independent territories administered as part of Nigeria, were to decide, through a plebiscite, to get their full independence by joining either Nigeria or French Cameroun. On 11 February 1961, the plebiscite took place. British Northern Cameroon voted to join independent Nigeria, while British Southern Cameroon voted to gain independence by joining the already independent Republic of Cameroun. There was no third option for self-governance for these territories.

British Southern Cameroon and the Republic of Cameroun agreed on a two-state federation, and drew up a federal constitution that effectively guaranteed independent administration of the states under a central federal authority. The federal constitution came into force on 1 October 1961, and the entity became the Federal Republic of Cameroon.

However, on 20 May 1972, President Ahmadou Ahidjo called for a constitutional referendum, which saw a 98.2% voter turnout voting 99.99% for a unitary constitution.<sup>3</sup> The country thus changed from the Federal Republic of Cameroon to the United Republic of Cameroon. On 4 February 1984, the current president, Paul Biya, passed a decree changing the country's name from the United Republic of Cameroon to the Republic of Cameroon. As such, many people felt that it was a return to the appellation of French Cameroun when it got its independence in 1960.

Another constitution was drawn up on 18 January 1996, making the country a decentralised unitary state. Yet, political watchers have observed delayed or cautious implementation of the decentralisation process.

With these changes (no matter how well intentioned) and their unforeseen effects on the fortunes of Cameroonians, many of the recently protesting Anglophones felt that their cultural and historical uniqueness was trounced in the union.

## **Are Anglophones Marginalised in Cameroon?**

A few state officials have denied claims of the Anglophone problem. Some stated that the recent protests were political and revealed the uncompromising ethos of extremism clawing for any gains against more moderate voices; others asserted they were social, fomented from abroad and fed by an explosive blend of economic odds and anger over lack of access to basic services. Yet other voices reiterated that this was part of an insidious attempt by separatist movements to divide a country that remains "one and indivisible".



Anglophone common law lawyers claimed they were appalled by the gradual phasing out of common law principles in Cameroon's legislation. (Photo: Shawn Calhoun)

However, many Cameroonians, especially those from the English-speaking regions, strongly deplore any of these claims that disparage the Anglophone problem. They reference cases of marginalisation, including under-representation in strategic positions of government and downright exclusion from others.

For instance, although the government acknowledged in a statement made by the Minister of Justice, Laurent Ezzo, on 22 November 2016, that the problems of Anglophone lawyers were the same as problems faced by lawyers everywhere else in Cameroon, Anglophone common law lawyers challenged this position. The lawyers claimed they were appalled by the gradual phasing out of common law principles in Cameroon's legislation, especially through the recent harmonisation of the Criminal Procedure Code, the Organisation for the Harmonisation of Business Law in Africa (OHADA) Uniform Acts and the Inter-African Conference on Insurance Markets (CIMA) Code. They feared that the same phenomenon would be observed in the Civil Code and the Commercial and Civil Procedure Code, which are being drafted. They blamed the government for their inability to organise under a separate Common Law Bar, because the law actually proscribed the existence of any Bar separate from the Cameroon Bar Association, which could permit them to cohere and defend their interests as common law lawyers. They also asked for the creation of a Common Law Bench at the Supreme Court.

The Anglophone lawyers raised issues of representation and the recruitment of legal personnel. In his statement, Ezzo mentioned that there were 1 542 active magistrates, including 91 in service at the Ministry of Justice, 1 412 in service in the courts and 39 on secondment. This group included 1 265 French-speaking magistrates and 227 English-speaking magistrates.<sup>4</sup> As for judicial officers, there were 514 in total – 499 Francophones and 15 Anglophones. Of the 128 magistrates practising in the North West region, 67 (52.3%) are

French speaking with a civil law background. Of the 97 magistrates in the legal services, 64 (65.9%) are Francophones. Of the 27 magistrates in the legal services in Bamenda, there are 21 Francophones (77.8%).<sup>5</sup> A similar trend is observed in the South West region.

With regard to the claims made by the Anglophone lawyers, the government has stated that efforts were being made to address problems that affect lawyers throughout the national territory. Regarding the fears of the gradual phasing out of common law in Cameroon with the drafting of the Criminal Procedure Code and the OHADA Uniform Acts, the government has maintained that the drafting of those documents drew extensively from common law principles. The government has maintained, with regard to the deployment of Francophones to Anglophone regions, that the Francophone lawyers' competence is not questionable and that they were able to dispense of their duties. The government has also maintained that insufficiency in the number of lawyers recruited was a national problem that was not particular to the Anglophone regions.

Anglophone teachers, on the other hand, called for the redeployment of French-speaking colleagues from Anglophone regions, and maintained that the election and appointment of authorities in the Anglo-Saxon universities of Bamenda and Buea should be in strict compliance with Anglo-Saxon norms. They demanded better access for students of Anglophone origin to the professional opportunities in the Anglophone universities because, as they put it, "our children who graduate from the university cannot get jobs."<sup>6</sup> They also stated that lay, private and professional schools were doing much to support the education sector in Cameroon, but received little or no subvention from government.

Because the government did not address these issues when they were raised, teachers' and university lecturers' unions issued a call to strike and suspended classes on 21 November 2016. They grounded education in the English-speaking regions in Cameroon.

## **Are Current De-escalation Efforts Effective?**

Given that they had similar issues, the teachers' and lawyers' unions joined together to form the Cameroon Anglophone Civil Society Consortium (CACSC) to dialogue with the government. A commission was created to this effect to look extensively into the problems of Anglophone lawyers and teachers and propose appropriate solutions.

The government proposed a 2 billion CFA franc subvention to confessional schools and promised the recruitment of 1 000 bilingual teachers. The government also produced an English version of the OHADA Uniform Act, which existed only in French.



Anglophone teachers called for the redeployment of French-speaking colleagues from Anglophone regions. (Photo: Global Partnership for Education)

The CACSC remained implacable and refused to lift the call to strike, insisting on having a two-state federation as the best way to guarantee their demands. In addition, they called for civil disobedience and a shut-down of all economic activities in the two Anglophone regions.

On 17 January 2017, after the ad hoc commission submitted its report to the government, the Minister of Territorial Administration and Decentralization signed a ministerial order banning all the activities of the CACSC and the Southern Cameroon National Council (SCNC) throughout the national territory. The government proceeded to arrest some key leaders including Nkongho Agbor Balla (barrister and president of the Anglophone Consortium), Fontem Neba Aforteka'a (University of Buea), Paul Ayah Abine (Supreme Court justice) and Mancho Bibixy (leader of the Coffin protests in Bamenda). Other leaders fled the country or went into hiding. On the same day, the government also shut down Internet services in the two Anglophone regions. The regions went for 93 days without Internet, until 20 April 2017 when the services were restored. The Internet blackout greatly damaged the economy of the country, and Internet service providers incurred big losses. Businesses were ruined, distance learners were put offline and social bonds were broken. Some called themselves "Internet refugees" as they had to travel hundreds of kilometres to "digital sanctuaries" in French-speaking regions to access the Internet. If anything, the suspension of Internet services greatly reinforced the sense of exclusion in the Anglophone community.



The

#BringBackOurInternet campaign was a protest against the government-sanctioned Internet shut down in Cameroon.

On the day of the ban, the Consortium transferred its operations abroad, where others continued to organise and lead anti-government protests and give directives to the population to engage in civil disobedience.

## Charting the Way Forward – Dialogue and Reform



Anti-

government demonstrators block a road in Bamenda, Cameroon (8 December 2016). (GALLO IMAGES/REUTERS)

The crisis has outgrown the less-complicated demands that originally led to the strike action initiated by teachers and lawyers. Ordinary citizens have joined the protests, which have increasingly become suffused with burgeoning clamours for independence. To diffuse the crisis through heavy crackdowns only seems to justify the cause of the protesters. And the more resolute both parties get, the more the conflict seems to crystallise into a clash between peace and justice. Bringing appropriate and lasting solutions to the current crisis in Cameroon will thus be a challenge, necessitating trade-offs and compromise from both sides. Nevertheless, it is important to highlight a few important steps that seem relevant to the process of bringing lasting solutions:

## 1. Trace the historical origins of the crisis and identify the gaps

If we were to go by the words of British poet laureate John Masefield, historical change isn't just the occurrence of "one damn thing after another".<sup>7</sup> Effects follow from actions. It is therefore always necessary to analyse how particular conjunctions of material circumstances and human activity contribute to shape the fortunes of men.

Modern Cameroon began as a federal state. The federal experiment lasted barely a decade, and the country transitioned to a unitary state. The ongoing crisis seems to be a corollary of that alteration. The situation beckons the current generation to provide an answer as to why the transition ushered feelings of discontent across a section of the country's population over time. Providing an answer may mean reimagining a 21<sup>st</sup> century society where everybody who comes with their own uniqueness, is guaranteed a means of celebrating and preserving it and, at the same time, feels that they belong to the larger nation.

Among the arguments made at the time the country transitioned into a unitary state was that the federation was a very costly system to manage. Yet, lawyers and teachers called for a return to the two-state federation to permit for some level of local autonomy and control. While

tenable, at the moment this demand seems to be a no-go option for many in the current government.

A few other voices are calling for a 10-state federation in Cameroon – a proposal which also raises many more delicate questions about costs. Others are clamouring for outright self-government for the Anglophone regions. However, the president has declared unequivocally that the government will spare no efforts to counter any such voices seeking to divide the country.<sup>8</sup>

The 1996 Constitution describes the country as a decentralised unitary state. Many indicate that for over 20 years now, no effort has been made to achieve the decentralisation prescribed by the Constitution. In 2012, the World Bank described Cameroon's legal framework on decentralisation as “overlapping, cumbersome and contradictory, and in many respects open to different interpretations as decentralized functions are ill-defined and not distinct from ‘deconcentrated’ operations of the central government”.<sup>9</sup> The World Bank also stated that the president had not passed a decree of application regarding the format for the implementation of the decentralisation process. Common law lawyers remained fearful that even in a decentralised state, civil law will continue to dominate, and their particular concerns will remain unsolved.

The key takeaway from the crisis is the need for subsidiarity and more localised control of decision-making in Cameroon. Vertical and horizontal localisation of political and economic power will increase people's stake in development and the preservation of national stability. The central authority should be performing only those tasks that cannot be performed at a more local level. Whether it is called a federation, an effectively decentralised state, or another appellation, it will be important to de-escalate current tensions by guaranteeing more local control of decision-making. However, if federalism or decentralisation is to work, there must be a real commitment to the centre, as well as to the individual units. The institutions that implement this must be strong and sustainable. As the former Soviet Union and Yugoslavia demonstrate, federalism does not provide a means of keeping together people who don't want to stay together.

## **2. Reengage in dialogue**

Since the crisis started, the government opened up to dialogue, through both the prime minister and an ad hoc commission created to look into the problems posed by teachers and lawyers. However, the outcomes of the deliberations fell short of addressing the needs expressed. The continued engagement of the groups in civil disobedience is testament to this. A tour by the prime minister to the North West region – in an attempt to urge schools to resume, deep into what would be the second term of the school year – did not help to change the minds of parents, who continue to request the release of their sons from prisons, and sincere dialogue and reforms.

To deal with the current impasse, the government needs to reengage in more comprehensive dialogue, and also be more receptive to the problems raised and proposals made. Recently, the government created a National Commission on Bilingualism and Multiculturalism, which is to report directly to the president on matters affecting bilingualism and multiculturalism in the country. This is a positive gesture. The government also announced reforms, creating a Common Law Bench at the Supreme Court and common law departments in state universities in the French-speaking part of the country. These could improve the lot of Anglophone lawyers. However, the government could show further commitment by acknowledging that the Anglophone population as a whole – not just teachers and lawyers – has general challenges which need to be addressed. In addition, remedial measures requiring perpetual inviolability could be embedded in the Constitution.

### 3. Amnesty for protesters and the unconditional release of prisoners

The Constitution recognises the right of citizens to peaceful protest. This is also enshrined in the 1990 laws on freedom of association and assembly. The third preambular paragraph of the Universal Declaration of Human Rights underscores the importance and need to guarantee the protection of human rights by the rule of law, “if man is not to be compelled to have recourse to rebellion as a last resort against tyranny and oppression.”<sup>10</sup> Some of those incarcerated in connection with the crisis, such as Ayah, were arrested in violation of due process, and others have no lawyers for their defence. The trial of the leaders of the CACSC has been adjourned for the fifth time to 7 June 2017, without any rights to bail.

For the government to be more persuasive, it also has to be more receptive. The government should stop the use of force by military officers on the populace. This violence only serves to complicate matters, and time has shown that this method has not been effective in solving the crisis. If the calls of the people are legitimate, then ordinary civilians should not be arrested for exercising their constitutional rights. The UN Secretary-General’s Acting Special Representative, François Loucény Fall, who visited the country on 13 April 2017, asked for the unconditional release of those jailed in connection to the crisis. Their continued detention greatly mars renewed calls for dialogue. Protesters should also be granted amnesty by the government, so that they can continue to behave, feel, think and act like Cameroonians.

## Conclusion

The ongoing Anglophone crisis in Cameroon originates from history. In the wake of World War I, two men – British High Commissioner Alfred Milner and French Army General Henri Simon – representing two nations, Britain and France, in an agreement, confirmed the Picot-Oliphant Line of 1916, drawn to partition former German Kamerun into two asymmetrical territories. What was to follow after the famous Milner-Simon agreement of 1919 was the consolidation of British and French systems in the separated territories. This did not change after reunification in 1961. The post-reunification period has been interspersed with sporadic identity struggles in attempts to preserve the bicultural heritage of the country.

There were manifestations in the 1990s that led to all-Anglophone conferences to defend the status and standing of Anglophones in the country. The recent crisis – another escalation in that sequel – has revealed a number of gaps within the political system, which must be closed if Cameroon is to move forward as one nation. Existing institutions and leadership structures must be more responsive to the needs of citizens, and addressing this could mean more localised control of political and economic resources. Overly centralised power structures limit access and create disconnect with the population. On the other hand, the military needs to improve on its human rights record, as young people – who have since left school – are becoming increasingly radicalised. Civil society has a huge role to play in addressing these gaps.

The destruction of the landmarks of the old established order – such as the non-commemoration of unification day in greater parts of Anglophone Cameroon, in 2017 – seems to have instilled a fresh spirit of nationalism and self-determination among the English-speaking populace. John F. Kennedy once said regarding crisis: “The Chinese use two brush strokes to write the word ‘crisis’. One brush stroke stands for danger; the other for opportunity. In a crisis, be aware of the danger – but recognize the opportunity.”<sup>11</sup> This is an opportunity to remake Cameroon. Even as the country faces a very stark choice between the forces of conservatism and change, many in the country still express their conviction that a great destiny awaits Cameroon, provided that each person is willing to assume responsibility to find the best and most positive answers to these questions: Why are we Cameroonians? What makes us proud to be Cameroonians? What type of Cameroon do we want for our children?

## Endnotes

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