

An Appraisal of the Efforts Made by Cameroon Towards Achieving Transitional Justice

Wemba Miracle¹

¹ Ph.D. Research Fellow, English Law Department, FLPS, University of Buea, Cameroon
Correspondence: Wemba Miracle, Ph.D. Research Fellow, English Law Department, FLPS, University of Buea, Cameroon.

doi:10.56397/SLJ.2025.02.01

Abstract

This study examines the efforts made by the government of Cameroon toward achieving transitional justice in the context of its conflict recovery and nation-building process. Transitional justice refers to the set of judicial and non-judicial measures adopted by countries to address past human rights violations, promote reconciliation, and prevent future conflicts. Cameroon, with its history of internal conflicts, political instability, and human rights challenges, has made various efforts to address these issues. This appraisal explores the legal, institutional, and political steps taken by the government, including truth commissions, reparations, judicial reforms, and community-based reconciliation initiatives. The study critically assesses the effectiveness of these measures in promoting justice, accountability, and healing, as well as the challenges faced in implementing a comprehensive transitional justice framework. The study adopts the qualitative research methodology with the use of the doctrinal method alongside observation. Through an analysis of relevant policies, reports, and case studies, the paper highlights the successes, in Cameroon's pursuit of transitional justice. It concludes by offering recommendations for strengthening the transitional justice process to foster sustainable peace and national unity in the country.

Keywords: appraisal, efforts, government of Cameroon, transitional justice

1. Introduction

Transitional Justice (TJ) as an operative concept, has ancient roots but is also a modern phenomenon greatly influenced by more recent events including inter alia a legacy of large-scale human rights abuses occasioned by widespread armed violence and political transformations (Roht, A M & Javier, 2006). Before the end of World War II, transitional justice attempts took two different forms. They largely focused on extensive amnesty policies to empower societies

to move on from past legacies of gross human rights violations, but also on immediate retribution through exiles and executions (Charles Call, 2004). In the aftermath of World War II, transitional justice drastically shifted its attention from responsibilities on a national landscape to policies that focused on individual victims and perpetrators (Lutz, 2006).

The modern concept of transitional justice was founded in the aftermath of World War II. The allies decided to through the International

Military Tribunal at Nuremberg to hold individuals criminally liable for their participation in gross human rights violations (Kritz & Neil J, 1995). This was done in order to manifest the democratic view of justice to the world. The shift from collective repercussions to individual responsibility is likely to have been due to the fatal consequences of forcing Germany to collectively pay for the reparations caused by their involvement in World War I. The International Military Tribunal at Nuremberg established the juridical concept of crimes against humanity which became the foundation of today's international criminal law. The shift from collective guilt to individual criminal responsibility was again brought up in the international arena after the end of the Cold War.

The descriptive term transitional justice was developed somewhere in the late 1980s to the beginning of the 1990s (L. Davis, 2009).¹ The term was a description of the different ways countries in Latin America, the Balkans, Eastern Europe and sub-Saharan Africa dealt with their large-scale gross human rights violations committed by their predecessors in their transition from being under authoritarian rule to becoming a representative democracy (Rachel & Mobekk R, 2007). More recently the term has also been extended to post-conflict situations. During the 1970s and 1990s over 50 countries started transitioning from authoritarian rule to democracy. These transitions are generally referred to as the 'third wave' of democratisation.

TJ emanated from third wave of democratisation, offering insights on how the new democracies in Latin America and East and Central Europe will address serious human rights violations committed under previous authoritarian regimes (S. Huntington, 1991). Since then, the concept of TJ has developed enormously. Contemporary studies have demonstrated that TJ can contribute substantially towards peace building (B.L. Laplante, 2008). It is also proven to be an efficient method of re-examining justice processes to address human rights violations, and more broadly, to address the root causes of conflict in ways that do not necessarily intend to occasion a political transition.

As a growing discipline, transitional justice does not only apply to post-conflict, where large scale violations have ended but no attempt has been made to address the violations that occurred (T. Hansen, 2017). It now also applies in contexts where human rights violations are still ongoing (E. Lyombe, 2003). This helps to answer the question of when TJ should start and end and what kind of transition should be put in place (K McEvoy & L McGregor, 2008).

From 1994, transitional justice appears to have a fully formed set of practices including prosecutions, reparation programmes, truth-seeking bodies and reform initiatives. The measures emerged from the transitions that took place during the 1980–1990s (D. Gairdner, 1999). In the new democracies where the old regime had either been defeated or significantly weakened there was, in general, a more ambitious attempt to come to terms with the past atrocities through criminal proceedings (W. A. Schabas, 2001). In other countries where the old regime was still strong the old regimes negotiated their shift from power which resulted in amnesty laws.

Due to this and the notion that amnesties were necessary for democratisation and stability, many countries started to use other mechanisms, instead of criminal trials. The mechanisms were used in order to both address the needs of the victims and at the same time achieve a lower level of accountability for the victimisers. During these decades the overall focus of the transitional justice processes were the victims, since the countries feared that holding perpetrators accountable could lead to instability.

After the Cold War and in the processes of dealing with the horrors that took place in former Yugoslavia and in Rwanda, a new approach to international justice was formed, or rather, the old view of international justice from the International Military Tribunal at Nuremberg was once again topical. Two international tribunals, the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda were created. In conflicts where there was some sort of international intervention due to different violations, the UN started to provide hybrid-tribunals which consisted of domestic and international judges in order to enforce the rule of law at a national level. In 1998 the Rome

¹ L., Davis. (2009). Transitional justice and security system reform. Initiative for Peace building Paper. (New York, NY: International Centre for Transitional Justice).

Statute of the International Criminal Court¹ was adopted, creating a permanent court with jurisdiction over genocide, crimes against humanity and war crimes. The creation of the court was a consequence of a global normative shift towards criminal accountability for human rights violations (Reiter & Kathryn Sikkink, 2002).

There are several different historical contexts and time periods one can look at when discussing transitional justice. As has been noted that transitional justice measures have been used for a long time. Ruti G. Teitel describes transitional justice as having gone through three different phases and how Teitel describes phase II and III can presumably be seen as a description for how transitional justice is generally understood today. It is also in this context that transitional justice is examined in this thesis.² Phase II is the way transitional justice developed after Cold War, post-Cold War transitional justice, also known as the third wave of democratisation. In Phase II multiple perceptions of what is considered to be justice emerged and the discourse moved beyond the understanding of merely holding the perpetrators of the past regime accountable. In other words, it moved beyond retributive justice.

Instead, the process of transitional justice started to include the striving for the healing of a whole society as well as reconciliation and peace; aspects that earlier had been seen as external to the process. Transitional justice became overall more connected to nation-building. According to Teitel, Phase II was influenced by restorative justice and moved from individual accountability towards favouring a communitarian approach.

The reason for this change is that, according to Teitel, during Phase II criminal trials were seen as equally important as the promotion of the rule of law and modernisation in the striving for both building up the nation again and legitimising the new government. Since the aim was to promote the new regime as legitimate, the considerations of justice were shaped by

both pragmatism and political flux, as well as the scale of the predecessor regimes' crimes.

Teitel describes Phase III as the steady-state phase which started around the year 2000. This phase is characterized by the normalisation of transitional justice at the international level. Transitional justice and its measures have become a permanent component of the global society's response to human rights violations. This can also be seen through how significantly the UN has started to perceive transitional justice. Transitional justice is now regarded as a key component in the UN's work with strengthening the rule of law, human rights protection and peace building. Title states that transitional justice has been normalized due to the contemporary political conditions, such as weak states. The most famous symbol of this normalisation is the establishment of the International Criminal Court (L. Wendy, 2009).

This understanding of transitional justice also coheres with how the ICTJ, as well as the scholars Paige Arthur and Andrew G. Reiter, view the matter. ICTJ claims that during the past 20–30 years a paradigm of transitional justice has been developed. This paradigm includes a specific set of measures even though one can question whether this should be the case such as truth seeking, reparations, reform of institutions (guarantees of non-recurrence) as well as prosecutions (N Arriaza & J Mariezcurrena, 2012). ICTJ claims that this paradigm has emerged from and has been influenced by the processes that took place in the Southern Cone of Latin America, South Africa, as well as Eastern and Central Europe.

Under the African human rights system, the African Commission on Human and Peoples' Rights (African Commission) is mandated to respond to any serious and massive violations of human rights.³ This directive serves as the basis for operationalising the framework for protection during massive violations of human rights. As a primary human rights body in Africa, with a broad quasi-judicial mandate, the African Commission has the responsibility to use different mechanisms at its disposal to significantly deal with conflicts and other serious human rights violations.

TJ provides an opportunity to address serious human rights violations resulting from conflicts.

¹ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002).

² Phase I circulates around how justice and transitional justice was viewed in the immediate aftermath of World War II. To further explore the ancient roots of transitional justice, see e.g. M. Cherif Bassiouni. (2009). Perspectives on International Criminal Justice. *Virginia Journal of International Law*, 33, pp. 5-9 at 6.

³ Charter on Article 58 (1) of the African Human and Peoples' Rights 1986.

The undercurrents of TJ and the resort to some forms of TJ processes by many member states has pushed the African Commission to act on its mandate,¹ by passing a resolution on Transitional Justice in Africa.² The resolution, “called for a study to be undertaken on TJ in Africa with the purpose of; identifying various existing TJ mechanisms in Africa; identify TJ legislative framework, in accordance with the African Commission’s mandate to promote and protect human rights in Africa; determine the African Commission’s role in implementing the African Union Transitional Justice Policy (AUTJP); analyse the opportunities and challenges of the African Commission in encouraging and supporting TJ processes and mechanisms in Africa, and analyse the possibility for the establishment by the African Commission, a special mechanism on TJ in Africa”.

A well developed and implemented TJ mechanism offers an avenue for countries gradually coming out of conflict situations, to design and implement policies to address the root causes of the conflict and rollout redress and reconciliatory procedures. The African human rights system presents both a legal and institutional framework for exploring TJ processes with the hope of rebuilding from the conflicts.³

The development and origin of TJ processes within the African human rights system is therefore aimed at responding to serious human rights violations and the attendant injustices in societies emerging from armed conflicts, such as the ‘Anglophone Conflict’ in Cameroon. This can be achieved by establishing an inclusive political and socio-economic system that is able and willing to enforce human rights (African Commission on Human and Peoples’ Rights, 2019).

Cameroon has been facing a violent conflict in its English-speaking regions since October 2016 following a protest by lawyers and teachers from the English-speaking region against the erosion of the Common law and Anglo-Saxon system of education practised in those regions of the country. The conflict in the North West and South-west regions, otherwise known as the

‘Anglophone Conflict’ in Cameroon (P Konings & F Nyamnjoh, 1997), is a consequence of the deep-rooted divergence in political stance regarding how the reunified Cameroon should be administered, and a question to the foundations laid during the colonial administration of the territory. This deep-rooted divergence has been referred to as the ‘Anglophone problem’ in Cameroon (C. Okereke, 2018).

What was considered the ‘Anglophone problem’ or the ‘Anglophone question’, took a drastic turn as violence erupted, provoking arguably Cameroon’s biggest crisis today. English-speaking lawyers called for a return to federalism. They declared that the state exercises its constitutional duty to protect the Anglophone minority and, by so doing, preserve the history, heritage, education and cultural values.

The crisis escalated in 2016 following a brutal crackdown on protesters calling for an end to the French systems’ acculturation and obliteration of the English cultures (International Crisis Group, 2017). Teachers and common law lawyers staged peaceful protests and demonstrations to denounce the attempt to erode the English subsystems of education and the common law practice by the French subsystem of education and civil law practice. They denounced the appointment of French magistrates to the courts in North West and South West Regions and French-speaking teachers who did not have a mastery of the English language.

The advent of the conflict in Cameroon has been characterised by the wanton destruction of property and loss of lives. Numerous reports indicate that hundreds of villages and their inhabitants have been incinerated (Centre for Human Rights & Democracy in Africa, 2020). This has led to the homelessness of many with their homes erased through arson attacks from both the state forces and non-state armed groups (Centre for Human Rights & Democracy in Africa, 2020). Many others have fled to neighbouring countries with women and children forming the majority (Cameroon situation, 2019). The worsen conflict has led to a dysfunctional economic, political and social sector scaling up a full humanitarian crisis (Frnace24, 2018).

By June 2019, over 1.3 million people in the conflict regions needed humanitarian aid. Based

¹ Article 45 (African Charter).

² Resolution 235 on transitional justice in Africa-ACHPR/Res. 235(LIII) 2013.

³ Ibid.

on the report of the United Nations High Commissioner for Refugees (UNHCR) operations data portal lastly updated on 31 July 2021, there are an estimated number of 711,056 internally displaced persons (IDPs) from the Northwest and South regions and over 60,000 refugees in Nigeria (United Nations High Commissioner for Refugees, 2021).

At least 4000 people have been killed since 2017, including soldiers, police officers, separatist fighters and civilians.¹ During peaceful protests and demonstrations in the Bamenda and Buea, state security forces used live ammunition against protesters in the streets, stormed into villages and private homes and shot unarmed civilians (Centre for Human Rights & Democracy in Africa, 2019). Several reports implicate the Cameroon military for burning alive unarmed civilians in the English-speaking regions while setting fire on villages (R Maclean, 2018). The population in the English speak regions have been most at risk to torture facing violent attacks from both the Cameroon military and armed separatist.

From 2018 to 2020, human rights monitors have reported torture in detention centres perpetrated by security forces without fear of repercussion (Human Rights Watch, 2019). Cameroon has recently been dragged to the UN Committee against Torture for acts of torture perpetrated by security forces (World Organisation Against Torture (OMCT), 2021). The victim in this case is one of many English-speaking Cameroonians tortured and accused of complicity with armed separatist groups.²

More than 1,000 people were arrested during the 1 and 22 of October 2017 riots in the two English speaking regions, 125 of whom were held in Yaoundé Central Prison, 400 more detained in other prisons (International Crisis Group, 2017). Thousands of others have been arbitrarily arrested and detained often incommunicado all across the country. They are mainly accused of terrorism, secession, and rebellion. Some have been detained for years, and others tried in military courts, and a majority remain in detention without charge or trial under very horrible conditions.

¹ International Crisis Group report on Cameroon. Available at: <https://www.crisisgroup.org/africa/centralafrica/cameroon> (accessed on January 22nd 2023).

² Ibid.

The impact of the conflict has been felt disproportionately by women and children. There are records of unattended violations against women in the course of the conflict. For instance, women in the conflict-hit regions have occasionally spoken out on sexual assaults and violence perpetrated by military personnel and armed separatist (Aljazeera News Report, 2021). On 1 March 2020, Human Rights Watch reported that the Military raped over 20 women during the March 2020 attack in Ebam in the South West region (Human Rights Watch, 2020).

Children have equally been left to face the brunt of the conflict as armed separatists continue to use them as bargaining chips with a series of kidnappings. For instance, over 170 students were abducted by armed separatists in Kumbo in the Northwest region to force a shutdown of all schools.³ Unidentified gunmen equally stormed a private school in Kumba Southwest region on 24 October 2020, killed seven children and injured at least 13 others. Cameroon's dire human rights situation calls for prompt action by all relevant stakeholders, both national and international, to seek peace and human rights protection and promote accountability through TJ.

The government of Cameroon has responded through a panoply of cosmetic measures intended to limit the extent of the gruesome consequences emanating from the armed violence. However, these measures have failed in meeting the human rights needs of victims and charting the path for sustainable peace.

2. Legal Framework Guaranteeing Transitional Justice in Cameroon

2.1 Constitution of the Republic of Cameroon⁴

The Constitution of the Republic of Cameroon its preamble recognizes the fundamental human rights of everyone without distinction as to race, sex or belief. The preamble also affirms its attachment to the Universal Declaration of Human Rights, the Charter of the United Nations, the African Charter on Human and Peoples' Rights, and all duly ratified international conventions. It also goes on to

³ Human Rights Watch. (2019). Residents caught in the outbreak of violence in Cameroon; separatists abduct students, security forces burn homes and shops. Available at: <https://www.hrw.org/news/2019/02/20/residents-caught-outbreak-violence-cameroon>. Accessed 15 February 2023.

⁴ Law No. 96/06 of 18 December 1996.

outline the right to education, fair hearing and presumption of innocence.¹

According to Article 45 of the Cameroon constitution, “Duly approved and ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement.” Based on this provision of the constitution, all international human rights instruments, including international humanitarian law, international refugee law, and international criminal law ratified by Cameroon have primacy over national laws following their publication. Consequently, where there exists any conflict between a national law and a duly ratified treaty, the ratified treaty overrides the national law.

2.2 *The Cameroon Criminal Procedure Code*²

The Criminal Procedure Code (CPC), is the principal legal instrument when it comes to criminal litigation in Cameroon. With accountability through criminal trials being one of the main TJ mechanisms, it is indisputable that perpetrators will be subjected to criminal trials. However, the procedures laid down in the CPC must be rigorously adhered to. The CPC clearly articulates the right of suspect to be presumed innocent until his guilt has been legally established in the course of a trial where he will be given all necessary guarantees for his defence.

Apart from the right to be presumed innocent, there are other procedural guarantees that must also be observed like Preliminary Inquiries as provided in Sections 142-156 of the CPC. The main aim of a preliminary inquiry is to ascertain whether the pieces of evidence labelled against the suspect are capable of making him culpable for the alleged crime. Consequently, even though accountability through criminal trials stands out as a major TJ mechanism, this must be done following due process.

2.3 *The Military Code of Justice*³

The military code of justice lays down the organization of military justice and the rules of procedure applicable before Military Tribunals.

This law provides that Military Tribunals shall be courts of special jurisdiction.⁴ The code goes further to designate the competence of the military tribunal by outlining the different which fall within the jurisdiction of the court as follows;

- (a) military offences and war crimes;
- (b) crimes against humanity and crimes of genocide;
- (c) offences relating to acts of terrorism and the security of the State;
- (d) offences of piracy and unlawful acts against the safety of maritime navigation and platforms;
- (e) offences committed by servicemen or civilian personnel serving in the defence forces, with or without civilian co-offenders or accomplices, in a military establishment or in the exercise of their duties;
- (f) offences against the law governing 1st 2nd 3rd and 4th category weapons, as specified in the law to lay down general weapons and ammunition regulations in Cameroon;
- (g) offences committed using the weapons falling under the categories referred to in Section 8 (f) above;
- (h) armed robbery;
- (i) offence involving servicemen or persons considered as such, committed in wartime or in an area subjected to a state of emergency;
- (j) offences committed by civilians in a military establishment affecting military equipment or installations, prejudicial to the physical integrity of a serviceman, or disrupting normal service;
- (k) offences relating to the purchase, importation, sale, production, distribution, wearing or keeping of military effects or insignia as defined by the regulations in force;
- (l) all other offences related to those referred to above.⁵

Pursuant to the code, minors aged 18 (eighteen) years who are offenders, co-offenders or accomplices in the cases referred to in Section 8 above shall fall within the jurisdiction of courts dealing with juvenile delinquency. In such cases, the State Prosecutor shall refer the case files to the competent legal department after separation of the proceedings, as appropriate.

¹ Article 65 provides that the preamble shall be part and parcel of the Constitution.

² Law No. 2005/007 of 27 July 2005 to institute the harmonized Criminal Procedure Code.

³ Law No. 2017/012 of 12 July 2017 to Lay Down the Code of Military Justice.

⁴ Section 2 of the Military code of Justice.

⁵ Section 8 of the Code Military code of Justice.

In relation to offences committed by foreigners who are offenders or co-offenders or accomplices in the cases referred to in Section 8 above shall, subject to international conventions that provide for exemption from jurisdiction or rules relating international conventions that provide for exemption relating to diplomatic immunities, fall within tribunal.¹

3. Measures Adopted to Ensure Transitional Justice in Cameroon

Several efforts have been put up by the government of Cameroon towards achieving TJ. These measures, a majority of which are restorative rather than retributive have to an extent contributed to human rights protection and peace building in Cameroon though with limitations. Prominent amongst these measures includes; the establishment of the Disarmament, Demobilization, and Reintegration Centres in the South west, North west and North Regions of Cameroon, the creation of the National Commission for Bilingualism and Multiculturalism, the holding of the Major National Dialogue, and the Presidential Plan for the Reconstruction and Development of the North west and South west Regions of Cameroon.

3.1 The Ad Hoc Commission of January 2017

On November 6th 2016, in Bamenda, six professional English-speaking teachers' trade unions sent a notification of a strike action to start on November 21st, 2016, to parents, teachers and students. The notification contained eleven grievances which include: inequality of Anglophones in Professional schools in comparison to Francophones, Anglophones who read medicine are sent to Francophone Universities, where operating becomes a serious challenge, Transfer of Francophone teachers who lack mastery of English Language to schools English speaking regions of Cameroon, compelling Anglophone students to write *CAP, probatoire* and *Baccalaureate*, increase in unemployment of university graduates, little subvention for lay private secondary schools and the request for a separate Educational Board to manage the needs of each sub-system.

After receiving and studying the memorandums containing these grievances of the Teachers' Union the government set out to address the sources of the discontent. The Head of State

instructed the Prime Minister Head of Government to set up a dialogue with all the stakeholders examine the grievances raised and propose concrete solutions to the decision-making bodies. The Prime Minister created an Inter-Ministerial Committee by Order No. 118/CAB/PM of November 8th, 2016 charged with studying the concerns raised by the teachers in the English-Speaking regions of Cameroon. The first meeting held on Friday, November 18th 2016, in Yaoundé under the auspices of the Minister of Higher Education, the Ministers of Secondary Education, Basic Education, Sports and Physical Education. However, the teachers of the English-speaking sub-system of education boycotted the meeting and embarked on an indefinite strike on November 21st, 2016.

Government held talks with the striking teachers but no compromise was arrived at. On November 25th and 26th, 2016, the Prime Minister chaired the talks in Bamenda. After lengthy deliberations between the Prime Minister and the Union representing the teachers from the English speaking subsystem of education the parties unanimously agreed on the following; that an Ad Hoc Committee will be put in place to look into the problems raised by teachers of the English sub-system of education; the Ad Hoc Committee will be enlarge to include all Anglophone stakeholders (parents, Cameroon Education Forum, Agencies-Catholic, Presbyterian, Baptist, lay Private, Islamic, Apostolic and Full Gospel). The resolutions were submitted to the Prime Minister Head of Government within a week of the deliberations and that when at least one request is granted on or before the November 30, 2016, the strike shall be suspended and the suspension can be revoked at any time.

Government responded by meeting two of the grievances of the strike notification. The Head of State ordered for the recruitment of 1.000 young science and technical teachers and the setting up of a special subsidy of two billion francs CFA to lay private and professional schools. This did not lead to the calling off of the strike. The Ad Hoc Committee requested by the English-speaking teacher's union was created on November 29, 2016 and held its first session on December 27, 2016 in Bamenda. At that session, the teachers' trade union gave two conditions for the working session to start. The first was that the representation of the Southwest Region on

¹ Section 9 of the Code of Military Justice.

the Ad Hoc Committee be increased, and the second was the unconditional release of all those arrested during the protest.

The Ad Hoc Committee acquiesced to the first condition but made it clear that the second condition was not within the ambits of their competence. This led to the withdrawal of the unionist from the negotiations. The government did not relent in its efforts to find a peaceful resolution to the conflict. It invited all members of the Ad Hoc Committee to another to another session on January 12 and 13, 2017 in Bamenda. During this session the teachers' trade union increased their demands from eleven points to eighteen points and then to twenty-one points. Each of the 21 points were discussed in a calm and disproportionate manner. But when it was time to sign the press release calling of the strike the teacher's union requested for time to concert amongst themselves before signing the Press Release.

When they returned to the negotiating table, they declared their inability to call of the strike because "their hands were tied". They then added two more conditions for the negotiations to resume. The first was the unconditional release of all persons arrested in connection with arson and other acts of lawlessness, and the establishment of a federation as the form of the state. The Chairperson of the Ad hoc Committee, reiterated the fact that the two conditions were out of the area of competence of the Ad Hoc Committee. A stalemate ensued and the Chairperson was left with no other alternative but to dismiss the session. This was followed by a Press Conference in Yaoundé to inform all national and international communities of the state of the dialogue process.

From the above, the government has demonstrated the willingness to resolve the grievances of the teachers of the English-speaking sub system of education through initiation of a dialogue and assenting to all the request within the competence of the Ad Hoc Committee in view of a return to peace and development within the English-speaking regions of the country. However, the government can be faulted for always responding late to worries raised by the teachers. For instance, a strike action by teacher's union or Lawyers union was not necessary for the government to respect the specificities of English sub-system of education through redeployment of teachers who lacked

mastery of the English language and recruit 1000 teachers with a mastery in the English language. This negligent act of the parties led to civil disobedience, burning down of schools and property which undermine the right to development in the English-speaking regions of Cameroon.

3.2 The Creation of the National Commission for the Promotion of Bilingualism and Multiculturalism

Cameroon has over two hundred ethnic groups with different languages, cultures, beliefs and ways of life. Apart from this, the influence of colonialism also led to the importation of the French and British cultures resulting in two official languages which obtains till date. Even though the Constitution of Cameroon specifies that English and French shall have equal status, many English-speaking Cameroonians believe English language is being side-lined. It is in a bid to address this grievance that the Commission for Bilingualism and Multiculturalism was created. However, how effective it has been in promoting bilingualism in Cameroon is a subject for debate.

After the banning of CACSC and the SCNC, the National Commission for the Promotion of Bilingualism and Multiculturalism was created. This Commission was created by Decree No 2017/013 of 23rd January 2017. Its objectives include inter alia: submitting reports and recommendations on issues relating to the protection and promotion of Bilingualism and Multiculturalism to the President of the Republic; monitoring the implementation of constitutional provisions establishing English and French as two official languages of equal status, and especially ensuring that they are used in all government services; and performing any other tasks assigned to it by the President of the Republic, including mediation. Despite the well-articulated objectives of this Great Commission, it seems to have gone on vacation while little or nothing has been done by it to bring an end or better still manage the conflict in the two English speaking regions of Cameroon.

3.3 The Disarmament, Demobilization, and Reintegration (DDR) Centres

The DDR Committee was established in 2018 by Decree No 2018/719 of 30 November 2018. Created on November 30, 2018,¹ the committee

¹ Available online at <https://www.prc.cm> > news > decrees. (visited on February 3, 2024).

has as mission to organize, supervise and manage those who wish to lay down their arms, particularly in the Anglophone regions of Cameroon. Pursuant to the decree establishing the DDR,¹ the Committee shall be responsible for organizing, supervising and managing the disarmament, demobilization and reintegration of ex-fighters of Boko Haram and armed groups in the North-West and South-West Regions willing to respond favourably to the Head of State's peace appeal by laying down their arms. Consequently, the committee shall be responsible for: Disarmament,² Demobilization,³ and Reintegration.⁴ The committee is comprised of the Management Board, the National coordinator and regional centres. The Management Board chaired by the Prime Minister, Head of Government, is responsible for defining the strategic guidelines and ensuring the monitoring and evaluation of the disarmament, demobilization and reintegration programme. The National Coordinator is responsible for the implementation and operational management of the Programme for the Disarmament, Demobilization and Reintegration of Ex-fighters,⁵ while the regional centres are responsible for discharging the duties of the Committee at local levels.

According to President Paul Biya, the DDR is "an honourable way out for these ex-combatants and a prospect for social reintegration." Even though many ex-combatants are reported by the Committee to have dropped their weapons, there are still several combatants in the bushes

of the North-West and South-West regions, conducting hostilities especially in remote villages and some towns of the two regions. However, the DDR is plague particularly with financial challenges in the smooth functioning of its activities. The regional coordinator for the Buea centre expressed that the lack of sufficient funds to equip the training facilities and pay trainers restrains the plan of action of the centre. Way back in 2022, the ex-fighters took to the streets to publicly decry the unfair treatment and poor living conditions in the Buea DDR centre. In the Bamenda regional centre, the coordinator complained of the lack of infrastructural facilities to contain the ex-fighters.

This study contends that data from the field demonstrates a lack of the political will from the government to respect its engagement towards the ex-combatants as evident in the limited funds available to provide infrastructural and financial resources to train and improve on the conditions of ex-combatants to facilitate their re-integration in the society.⁶

3.4 Grant the Status of Economic Disaster Areas to the North West and South West Regions

According to Article 1 of the decree, the status of economic disaster areas is accorded to the Northwest, Southwest and Far North Regions, pursuant to the provisions of section 121 and 121(a) of the General Tax Code. According to this decree, potential investors will benefit from a three-year tax exemption if they invest in any of the three regions. Article 1, paragraph 2 of the decree defines which areas are benefiting from the status of Economic Disaster Zones. This is limited to the areas whose economic activities have been perturbed by insecurity or natural disaster such as flood, famine and drought. The decree also spells out the fact that the status of Economic Disaster Zones can be withdrawn when the effects of the disaster have been contained.

With the effective implementation of this measure in the Northwest, Southwest and Far North economically stricken areas, the state

¹ Article 2 (1) of the November 2018 Decree to establish the National Disarmament, Demobilization and Re-Integration Committee.

² This is receiving and disarming ex-fighters of Boko Haram and armed groups in the North-West and South-West Regions; collecting, listing and storing weapons and munitions voluntarily handed over by ex-fighters taking appropriate measures to destroy the said weapons, munitions and explosives, in conjunction with other relevant government services.

³ This deals with setting up and managing cantonment sites for ex-fighters; supervising ex-fighters, providing multifaceted assistance to ex-fighters to prepare them for a return to civil life.

⁴ With this measure the committee takes the necessary steps to de-radicalize ex-fighters; sensitizing and providing multifaceted assistance to home communities to facilitate the reintegration of ex-fighters; helping to reintegrate ex-fighters into civil life, particularly by organizing, training and providing them with tools and means of production and assistance for the creation of income-generating activities.

⁵ Article 6 of the November 2018 Decree to establish the National Disarmament, Demobilization and Re-Integration Committee.

⁶ As a matter of fact, one of the ex-combatants interviewed at the Buea DDR centre on March 8th 2024, revealed that the promises made by the government for vocational training programs to fast track their reintegration to normal life have not been kept. The ex-combatant equally revealed the suffering and misery they go through which has even contributed to the death of some of his peers.

intends to offer various incentives to companies wishing to invest in the areas affected by insecurity. This incentive is intended to revamp the economy of these zones through job creation and improved financial flows. The taxes concerned by this measure include: contribution of patents, value added taxes on acquisitions of goods and services, registration on real estate transfers related to the implementation of the project, taxes on land ownership on affected buildings of the project. However, investigation in the field at the treasury depicts that the same cost for products before the conflict have been the same. As a matter fact, the advent of the crises has increased the prices of goods and services thus, defeating the purpose of the decree.

Article 2 of the decree outlines the modalities of enjoying tax exoneration. The investments in any of the three regions must: Induce the creation of at least 10 direct jobs, use the raw materials produced in the said zone. According to paragraph 6 of Article 2 however, specifies that in case of non-compliance with the validated investment program, the company loses the tax benefits. In addition, it will be obliged to pay the unpaid taxes, without prejudice to penalties and interest of delay. This measure is reparative in nature and it is intended to boost the economy of the regions affected by protracted armed violence for close to a decade now. However, the investigations on ground reveals that in spite of this measure, the prices of commodities remain unchanged and, in some cases, have increased.

3.5 The Holding of the Major National Dialogue

On September 10, 2019, the Head of State His Excellency President Paul Biya contrary to his traditional addresses to the state, gave a speech during which he promised the holding of a Major National Dialogue from September 30th to October 4th at the Yaoundé Conference Centre to be chaired by Prime Minister and Head of Government, Chief. Dr. Joseph Dion Ngute. The Head of State in his speech highlighted 8 items to be discussed during the event. These subjects included: Bilingualism, Cultural Diversity, and Social Cohesion; Educational system; Judicial system; the Return of Refugees and Internally Displaced persons; Reconstruction and Development of Conflict-Affected areas; Disarmament, Demobilization and Reintegration of Ex-combatants; the Role of the Diaspora in the crisis and in the country's Development; and

Decentralisation and Local Development.

At the end of the Major National Dialogue, a plethora of recommendations specifically highlighted by the General Rapporteur of the Major National Dialogue, Felix Mbayu as presented by the different commissions include inter alia; Grant Special status to the Northwest and Southwest regions¹; Take specific measures to ensure the equality of English and French in all aspects of national life; Reinforce the supremacy of Decentralised Local Entities; Improve upon the infrastructure of judicial services throughout the country; Strengthen Humanitarian Assistance Program to better serve internally displaced persons, and Institute a special plan to reconstruct the conflict-affected areas. The recommendation that caught the attention of many was the recommendation to grant special status to the Anglophone regions of Cameroon.²

To the government of Cameroon, awarding "special status" to the English-speaking regions will give the Anglophone minority greater supremacy over local affairs and will go a long way to settle historical grievances. However, some political actors hold a contrary view.³ The bill creating the "special status" contemplates the creation of Assembly of Chiefs, Regional Assemblies and Councils. Besides, economic, health, social, educational, sports, and cultural development affairs to be placed under three commissioners. More to that, the bill proposes that more powers be given to elected mayors to recruit hospital staff and teachers.⁴

Senator Henry Kemende⁵ speaking in line with the "special status" stated that: "It is too little, coming too late" Senator Kemende goes on to opine that: "Anglophone Cameroonians are

¹ This recommendation is in conformity with Section 62(2) the Cameroon Constitution.

² In the last week of 2019, the bill granting "special status" to the Anglophone regions was approved by parliament

³ According to Maurice Kamto, the country's opposition leader, "direct talks with the political representatives of the armed groups that control the terrain." He went further to state that "The grand national dialogue does not seem to have brought a new and lasting solution to the demands of the Anglophones regarding the shape of the state", while influential separatist chief, Julius Ayuk Tabe who was sentenced to life imprisonment by a military court in Yaounde, dismissed the dialogue as a "non-event".

⁴ Available online at <https://www.amp.dw.com/cameroon-anglophone-s-special-status-too-little-to-late/>. (visited on February 3, 2024).

⁵ Barrister at Law and Social Democratic Front (SDF) Senator for North-West region.

people who want to be in control of their destiny without guidance from somewhere else with foreign mindsets that don't suit their local realities." ¹ According to Nick Ngwanyam a politician, social critic, and CEO of St Louis University Institute stated that the government has not taken the tools necessary to bring a long-lasting solution to the table. The politician articulates that: "If you have a piece of meat and you want to cut it, you use a knife. A knife has a sharp and blunt end, and using the blunt one would take a lot of time. Why don't we use the tools that work?"

Another landmark recommendation which as a result of the Major National Dialogue is the Presidential Plan for the Reconstruction and Development of the North-West and South-West regions (PPRD-NWSW) headed by Mr. Paul Njukang Tasong, Minister Delegate to the Ministry of Economy, Planning and Regional Development.² Minister and his delegation are to restore about "350 school, 155 health centers, 40 bridges, 400 power points, 600 km rural roads, 45 markets, 12,000 houses, 25,000 hectares of farmlands, livestock lot by grazers, the reestablishment of close to 3,000 personal documents lost in conformity with the human needs theory."³

Despite these projects for the reconstruction and development of the North-West and South-West, hostilities, destruction, loss of lives, and displacements are yet to cease in the two English speaking regions of Cameroon. One is tempted to assert that there is a lack of a political will to resolve the conflict while some other stakeholders are bent on seeing the conflict continue as a result of the financial interest they have as a result of the conflict. Based on this, civil society activists, human rights groups as well as locals believe preference be given to a ceasefire and a peaceful resolution of the conflict before reconstruction and development.

3.6 Grant of the Special Status to the North West and

¹ The Senator spoke with regard to the proposal to enable the North-West and the South-West regions participate in the formulation of national public policies relating to the English sub-system of education.

² He had already a twelve-day "Awareness and Sensitization Mission" which ran from June 22nd to July 3rd, 2020 under the high instructions of the Prime Minister and Head of Government, Chief Dr. Joseph Dion Ngute.

³ Available online at <https://www.legideon.org/cameronn-pprd-nws-amba-fighters-move-to-stall-reconstruction-with-lockdown-has-government-put-the-cart-before-horse?> (visited on February 4, 2024).

South West Regions of Cameroon

As part of its effort in pursuing Transitional Justice, especially in the English-speaking regions of Cameroon the government enacted the code on Regional and Local Authorities.⁴ This special status focuses primarily on the organization and functioning of these regions. This status upholds the Anglophone educational system and the Anglo-Saxon legal system based on the common law.⁵ The special status confers to the North West and South West Regions a specific organizational and operational regime based on the historical, social and cultural values of these regions, with due respect for the primacy of the State, national unity and solidarity. The code of local authorities provides that the state must consult and ensure that the North West and South West Regions participate in the formulation of policies which relates to their judicial and educational sub-system and can set up regional authorities to manage their affairs.

As part of the special status, the North West and South West shall be administered by elected organs such as the Regional Assembly and House of chiefs. The regional assembly of the North West and South West Regions shall have a deliberative capacity on economic development, social, health, educational affairs of the region. More to that, the North West and South West Regions have a Public Independent Conciliator, responsible for the following; Examining and amicably settling disputes between users and regional and council administrations; defending and protecting rights and freedom. With regards to the relationship between citizens and the region or the councils; designing and implementing measures to prevent and combat direct or indirect discrimination that may affect users of regional or council services; ensures that persons serving in the regional or council and administration comply with their ethical obligations; conduct investigation on the request of five (05) parliamentarians and five (05) regional councillors and prepare a report on the functioning of the regional council. This research opines that, the creation of the offices of the public independent conciliators is relevant as an

⁴ Section 3 of this law grants the North West and South West Regions a special status on the basis of their Language specificity and historical heritage.

⁵ The special status granted to the North west and South west regions is constitutionally established in Article 62 of the 1996 Constitution as amended in 2008.

institutional reform towards the resolution of conflicts and promotes the right to people to participate equally and enjoy in the developmental proceeds of their regions.

This law recognizes the specificities of the North West and South West regions of Cameroon however, the special status accorded to the English-speaking regions has not changed the management of the regions as findings reveal the Governor as the supreme administrative official of the region.¹ Moreover, recognition accorded by the special status is merely on paper and complete competences is yet to be fully devolved to the regions. The powers devolved on all the ten regions of the state are covered in the Bill Instituting General code of Regional and Local Authorities.² They include; defined competencies in the areas of economic development, health, social development, education, sports and cultural development In the area of culture and promotion of national languages, regions are empowered, inter alia, to collect and translate works of oral tradition with a view to facilitating their publication, to encourage functional command of national languages and to produce the regional linguistic map. In addition, they have powers to participate in the promotion of publishing and broadcasting in the national languages.

This is commendable in that the law explicitly attempts to reflect the specificities of the English-speaking regions in certain areas such as its distinct education system. In the education sphere, all other regions have a limited scope in determining education policies as their role is restricted to participating 'in drawing up and implementing the regional portion of the national school map'. Whereas, the local authorities in the English-speaking regions can participate in formulating national education policies that relate to the English sub system. The implication is that there is potential for local authorities to ensure the continued respect and the preservation of the English sub system of education through national policies and to

influence developments in that area. Regional authorities in the North West and South West Regions can also set up and manage local development initiatives that promote local economic development in their regions. For instance, the creation of a local produce marketing board as in the federal era when the West Cameroon Marketing Board existed to facilitate the marketing of local cash crops such as cocoa, coffee, tea and palm oil.³ The Law also recognizes the distinct legal tradition based on the common law system. Consequently, section 328(2) provides that the English-speaking regions may be consulted in the formulation of judicial policies in the common law subsystem. That recognition is novel as no other existing statute specifically vests consultative powers on any Anglophone representatives in the formulation of judicial policies relating to the common law. As such, there is some scope for the reinforcement of the equality of the common law system and its preservation, an aspect that has gained renewed significance since the onset of the crises in 2016. As discussed in previous chapters, as part of that recognition, a common law division was established in the Judicial Bench of the Supreme Court. In ENAM, a special section for the training of judicial officers with a common law background was established.

In spite of the apparent special powers granted to the regional authorities in the English-speaking region of Cameroon, in terms of devolution, they do not appear to go far enough to allow sufficient scope for the authorities to significantly influence the management and development of those features that are specific to their regions. For instance, although they can participate in the formulation of national policy relating to the English sub-system of education, to what extent can they influence the development, amendment or adoption of these policies? If the regional authorities, reflecting current public opinion, proposed to the relevant minister that teachers without training in the English educational system should not be routinely transferred to schools in the English-speaking regions, what weight would that proposal carry? The law only states that they shall participate but does not

¹ Section 328(2) of Law No.2019/024 of the 24 December 2019 Bill to Institute the General Code of Regional and Local authorities: It provides that the North West and South West regions may be involved in the management of public services in their various jurisdictions. This poses a problem to the right to participate in the management of the areas and undermines their right to participate which right is provided for in the 1996 constitution as amended in 2008.

² Sections 267 to 273 of the Bill Instituting General code of Regional and Local Authorities.

³ On the strength of section 328(1), such initiatives would be created at the behest of the local authorities and managed by them, taking into account issues that are specifically relevant to their local populations.

state in what capacity nor does it require the relevant national authority to be bound by the proposals emanating from the authorities in the English-speaking regions. Similarly, with respect to the formulation of judicial policy relating to the common law, the North-West and South-West regional authorities 'may' only be consulted.

This formulation raises two important questions. First, why 'may' the authorities be 'consulted' as opposed to a requirement that they should 'participate' in the formulation of national policy? The latter formulation is applied in the case of the formulation of education policy and provides more scope to influence policy in that area. Second, the use of the term 'may' indicate that consultation is not mandatory. Rather, it provides opportunities for national authorities to apply their discretion to exclude regional authorities from the formulation of policies in that area.

That approach can be contrasted with section 277(5), which provides, in relation to all regional councils, that they 'shall mandatorily be consulted' in the implementation of development projects in their region. It is curious that a similar approach was not adopted in the crucial area of formulating judicial policies in the English-speaking regions in the context of their 'special status'. An argument that the adoption of that less-meaningful approach was deliberate, may be compelling. In terms of devolution of powers, this does not go very far in attempting to vest regional authorities in the English-speaking regions with sufficient powers to control the development and preservation of the common law tradition, especially in the training of legal and judicial personnel and the administration of the court system. These aspects would continue to be regulated at the national level without a mandatory contribution from the regional authorities in the English-speaking regions. This study opines that these supposedly special powers, has given the North-West and South-West no influence in the development of education and judicial policies at the national level. Hence, the special status should empower the regions to determine policies in education and judicial administration and those relating to the legislative and the executive system, both at the national and the local level.

From observation in the field, the special status was introduced to devolve more powers to these

regions to end the crisis and enhance participation in the local affairs and contribution to the issues that concern them on a national level in the domain of education, judicial, legislative and executive system. The Regional Council is a reflection of changes in policy and administrative definitions but has no direct bearing on the local reality. This undermines the purpose of SDG goal 16 which promotes peace, justice and strong institutions to ensure responsive, inclusive, participatory and representative decision-making at all levels which has not been achieved by the special status. Hence, the persistence of the conflict bedevilling human rights protection and peace building in Cameroon.

3.7 The Presidential Plan for the Reconstruction and Development (PPRD) of the North West and South West Regions of Cameroon

On April 18th 2020, the Prime Minister and Head of Government, Chief Dr. Joseph Dion Ngute commissioned the coordinator and deputy coordinator of the Presidential Plan for the Reconstruction and Development of the North West and South West Regions. They were instructed to present their annual plan of action to the Head of Government. The target of the Presidential Plan for the North West and South West Regions is to build and rehabilitate 350 schools, 115 health centres, 40 bridges, 400 water points, 600 km of rural roads, 45 markets, 17000 private homes, 25000 hectares of farm, and grazing land and reconstitute over 300, 000personal documents.

The Presidential plan has already gone operational in the green areas where there is sufficient stability, peace and security to allow rehabilitation and construction to go on unperturbed. The plan, to cost some 89 billion CFA francs, is funded by the government of Cameroon and development partners.¹ The United Nations Development Program (UNDP) believes that it is their responsibility to ensure that all instruments are available for the projects to be carried out in all accountability, transparency and efficiency. The plan is expected to revitalise the economy and rehabilitate basic infrastructure destroyed during the socio-political crisis.

On March 28 and 29, 2023, the Steering

¹ The United Nations Development Program is a key stakeholder in designing and following up of the execution of the projects.

Committee of the presidential plan visited some projects in the North West Region including: The re-construction of a solar powered water point in Menteh, Bamenda III Sub-Division, the construction of a refectory and two fences at Full Gospel High School Nkwen, Bamenda, re-construction of two solar-powered water tanks and the rehabilitation of water catchment at Kiyak quarter Bamendakwe, reconstruction and equipping of a Multipurpose Women Centre in Santa, construction of two-floor classrooms at the St. Joseph Catholic School Big Mankon Bamenda, rehabilitation of four classrooms at Islamic Primary school Old-Town Bamenda and the construction of classrooms at CBC Primary School Complex, Nkwen-Bamenda.

The PPRD Steering Committee President, Balungeli Confiance Ebune equally visited projects realised in the South West Region including: construction of classrooms at Islamic Primary school Buea, Fako Empowerment Platform-Women and Youth Centre, construction of Perimeter Fence, construction of burnt down dormitory, rehabilitation of water point at St Joseph's College Sasse, rehabilitation of Wotutu Water Point, rehabilitation of Ewongo water Point and rehabilitation of Bakingili Integrated Health Centre.¹

As April 2023, 100 projects had been completed in the North West and South West Regions within the framework of the PPRD-NW with others on course. The President of the Steering Committee of the Plan, Balungeli Confiance Ebune visited the North West and South West Regions of Cameroon in March 2023 to evaluate the road covered so far where he left with encouraging statistics. In the South West Region, it emerged that between 2021 to December 2022, about 94 projects had either been rehabilitated or completed, among them health facilities, schools and water points. In terms of rehabilitation, more than 40 infrastructures have a facelift, among them 21 schools, 12 water points and 13 health centres. One of the beneficiary structures of the rehabilitations is the

Saint Joseph's College, Sasse with the reconstruction of the Saint Martin's dormitory which was set ablaze in 2021 as well as the construction of a 1,100m fence round the school, and a borehole. Other projects such as the Wotutu water and Ewongo water catchments have also been rehabilitated while the Bakingili Intergrated Health Centre has not also been left out.

The Fako Empowerment Platform in its vision to train and develop various skills of sets of youth and IDPs in Buea and Limbe has also received a push from the PPRD-NW/SW. "We started on a low scale, with limited materials and resources; the centre could only host about 10 to 15 learners. The situation got worse when the centre got dilapidated and shut down, due to the difficulty in our region," Sally Derval Lifanda, President of the Fako Empowerment Platform (FEP) said. "Access to these services has significantly rekindled confidence in the vulnerable youths and women; they now have the required skills, are economically empowered, and can take care of themselves, she added while pleading for more support. In other parts of the South West Region, the Plan has also been effective in restoring livelihood and revitalizing the economy. To that effect, a market has been rehabilitated and now fully operational in Wabane, Lebialem Division, while about 403 farmers in Kumba, Tombel and Bangem have received support in various forms to support their projects. Further in Muyuka, Mbonge and Mamfe, at least 27 cooperatives have been supported with the development of pilot agro-pastoral projects. Without being exhaustive, the PPRD-NW/SW has touched each Division in the South West Region with a number of projects ongoing or earmarked at various stages of implementation.

The fruits of the PPRD have equally been very visible in the North West Region with the population expressing a lot of satisfaction. In this part of the country, the Presidential Plan has reconstructed and equipped four women empowerment centres, organised seven socio-cultural events, supported four media houses amongst others. In infrastructure, 45 projects have been carried out among which 30 are the rehabilitation and equipment of schools, seven health centres and 8 water points powered by solar. The Plan has also revitalized livelihood as 200 farmers have had their farms rehabilitated, 37 women cooperatives and a host

¹ Above all the Major National Dialogue, staged in 2019, has been bearing fruits, the first being the liberation of some persons detained as a result of the Anglophone crisis. To accelerate local governance and decentralisation, Law 2019/024 instituted the General Code of Regional and Local Authorities. This law granted a Special Status for the North West and South West Regions. Special Status institutions like the Public Independent Conciliator and the Regional Assembly in both Regions have been burning the midnight oil to deliver results.

of poultry farmers have received support to get back their activities on the rails. Visiting Bamenda on March 29, 2023, Balungeli Confiance Ebune had a feel of some of these projects like construction and equipment of a modern Nursery and primary block at CBC Nkwen.

In Bamenda II, a number of schools are also back on their feet thanks to the Plan, notably the construction and equipment of Sacred Heart Nursery and Primary school, St Joseph Nursery and primary school and the Islamic Nursery and primary school Old Town Bamenda. In terms of livelihood, Nkwen water catchment has been extended, while a solar-powered water supply system has been constructed in the Bamenda I municipality. Leaving the two regions, the Steering Committee boss was satisfied at the level of implementation as he reassured the populations of more projects as he stated; “I am satisfied with the mission conferred on me by the Prime Minister, Chief Dr Joseph Dion Ngute. He instructed that we put the beneficiary population at the forefront so that they can appropriate these projects and that is what we are doing through the bottom-top approach. We also want to continue talking to our brothers and sisters still carrying arms to drop their weapons and join in nation building”.

3.8 The Creation of Military Tribunals¹

Prominent amongst government efforts to ensure accountability while averting the culture of impunity and gross human rights violations in Cameroon exacerbated by armed violence and terrorist extremism, is the creation of military tribunals. It is worth noting that one of the key mechanisms of transitional justice is accountability for human rights violations occasioned by armed conflicts. It is within this purview that military tribunals saw the light of day in Cameroon. In accordance to the law creating these tribunals, they shall be set up at the regional headquarter of each region².

As part of its mission, military tribunal in Cameroon have the jurisdiction to try offences such military offences and war crimes, crimes against humanity and crimes of genocide, offences relating to acts of terrorism and the security of the State; offences of piracy and unlawful acts against the safety of maritime

navigation and platforms; offences committed by servicemen or civilian personnel serving in the defence forces, with or without civilian co-offenders or accomplices, in a military establishment or in the exercise of their duties; offences against the law governing 1st 2nd 3rd and 4th category weapons, as specified in the law to lay down general weapons and ammunition regulations in Cameroon; offences committed using the weapons falling under the categories referred to in Section 8 (f) above; armed robbery; offence involving servicemen or persons considered as such, committed in wartime or in an area subjected to a state of emergency; offences committed by civilians in a military establishment affecting military equipment or installations, prejudicial to the physical integrity of a serviceman, or disrupting normal service; offences relating to the purchase, importation, sale, production, distribution, wearing or keeping of military effects or insignia as defined by the regulations in force; all other offences related to those referred to above.³

The Military tribunal is vital for this study due to the fact that, most of the persons arrested in connection with the conflict in the English-speaking regions of Cameroon, have been tried at the military tribunals. A landmark example is the case of *The People v. Nkongho Felix Agbor & others* on the 24th of May 2016, the accused persons were charged with offences of Acts of terrorism, Propagation of false information, revolution, secession civil war riot and hostility against the fatherland before the military court of Yaoundé presided by Justice colonels Abega Mbe Zoa, Sone Emmanuel Ngonge and Cesar Daniel Dinabell and the Commissaire du government (State Prosecutor) Engono Thadde Eric Constant. During one of the hearings on the 31st of August 2017, the state prosecutor produced a decision submitting for a nolle prosequi by virtue of decree No. 17272/DM/MINDEF/01. Signed by the Minister in charge of Military Justice submitted for a nolle prosequi on behalf of the accused persons. The Judges adopted his submissions for a suspension of proceedings against the accused persons by virtue of Judgement no. 107/CRIM of 31st August 2017.⁴

Another landmark case heard by the military

¹ Law No 2017/012 of 12 July 2017 to Lay Down the Code of Military Justice.

² Section 3(1) of the Military Code.

³ Section 8(a)-(i) of the Military Code.

⁴ It is important to mention that, discontinuance of criminal proceedings through a nolle prosequi, amnesty and presidential pardon are all part of the TJ acquis.

tribunal is the case of the people of Cameroon v. Tsi Conrad Mancho BiBiBy (Alias BBC) & others (2018).¹ The accused persons have been charged with hostility against the fatherland, rebellion, destruction of public property, terrorism, non-possession of their identity card and others. Before the Military Tribunal in Yaoundé presided by Justice Colonels Abega Mbe Zoa, Sone Emmanuel Ngonge and Cesar Daniel Dinabell and State Prosecutor, Engono Thadde Eric Constant. During a hearing on the 25th of May 2018, it was held that Awanatuo Zachaeus Kuambeh was found not guilty, Nguingah valentine, Awah Zeyancha Junior Thomas and Tah emile Agwe and Tazmngwa Aselecha Martin were found not guilty on some counts and guilty on others whereas, Mancho BiBiBy was found guilty on all counts and sentence to 15years in prison. As for Aselecha Martin and Tah Emile were found guilty of disrespect of civil authority, depredation of band, rebellion and destruction of public property and not guilty of propagation of false news. Consequently, they were sentenced to 13 years' imprisonment. In most recent times the Yaoundé military tribunal has established charges against prime suspects in the gruesome murder of radio journalist, Matinez Zogo. The trial of the 17-prime suspect by the military tribunal has rekindle a sense of hope in the people with regards to the fight against impunity and gross human rights violations in Cameroon especially freedom of the press. As far as TJ is concerned, accountability for gross human rights violations stand tall as a key mechanism and the military tribunal despite its infelicities is doing its utmost to ensure that perpetrators are prosecuted in strict compliance to the law.

Judgments at the military tribunal are delivered after a collective vote of the assessors and the trial judge. For crimes where the punishment is death, concerns are raised as to placing such huge responsibilities in the hands of laymen so to say. International human rights institutions through publication and reports have held that this is a violation of human rights. This is exacerbated by the fact that, two thirds majority is required to convict an accused in an inquisitorial system, whereas a unanimous verdict is the norm in an adversarial system.

Again, the assessors, apart from having neither knowledge of the law nor of counter-terrorism,

the accused in these cases does not have the opportunity to question them about possible bias. It is unheard of that people's right to fair trial can be undermined in a manner as despicable as letting them undergo life-determining trials under the Military Tribunal. However, the Military Tribunal is important to ensure accountability for gross human rights violations which serves a deterrent factor to potential perpetrators.

4. Conclusion

The efforts made by the Government of Cameroon towards achieving transitional justice have been multifaceted but also met with challenges. Although there have been positive steps in addressing the injustices of the past, particularly related to the Anglophone crisis and other human rights violations, these efforts remain incomplete and insufficient in terms of full reconciliation and accountability. While initiatives such as commissions of inquiry, some legal reforms, and the establishment of a National Commission for the Promotion of Bilingualism and Multiculturalism show a commitment to peace and justice, they have not been fully effective in healing the deep divisions within society.

Key obstacles include a lack of genuine political will to hold perpetrators accountable, limited public trust in the justice system, and a failure to address the root causes of the conflict. The slow pace of reform and the continued militarization of affected regions have also undermined the credibility of transitional justice processes. Furthermore, victims' voices and needs for reparation and truth-finding remain marginalized.

5. Recommendations

Based on our findings, this paper makes the following recommendation in a bit to enhance the realization of transitional justice in Cameroon.

Strengthening Accountability Mechanisms. It is essential for the Cameroonian government to prioritize the establishment of independent judicial bodies to investigate and prosecute individuals responsible for human rights violations. This would involve strengthening existing institutions and ensuring they are not politically compromised.

Truth and Reconciliation Process. A more robust, inclusive, and transparent truth-telling process

¹ Judgment No. 152/CRIM/018 of 25th May 2018.

should be implemented, giving victims and marginalized groups a platform to share their stories. This could be done through the creation of a dedicated truth commission that addresses both the Anglophone crisis and other historical grievances.

Inclusive Dialogue. A broad-based, inclusive national dialogue involving all stakeholders, including civil society, opposition groups, and victims, should be conducted. This dialogue should aim at addressing the root causes of the crisis, such as ethnic tensions, marginalization, and governance issues.

Comprehensive Reparations. Victims of human rights violations should be provided with adequate reparations, including compensation, rehabilitation, and the provision of social services. Reparations should be designed in consultation with victims to ensure that their specific needs are met.

Decentralization and Empowerment. To prevent future conflicts, the government should further decentralize power and provide greater autonomy to local communities, particularly in the Anglophone regions. This will help address the sense of marginalization that has fuelled discontent and violence.

International Support. The government of Cameroon should seek the assistance of international organizations, such as the United Nations or the African Union, in implementing these transitional justice measures. International support would help build capacity, provide technical expertise, and ensure that the process is both credible and effective.

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