

CAMEROON ANGLOPHONE CRISIS PEACE POLICY PAPER

MANAGING DUAL OFFICIAL LANGUAGES

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SECTION I: REGULATING OFFICIAL LANGUAGE USE BY STATE ENTITIES, EMPLOYEES, AND CITIZENS IN PUBLIC SECTOR INTERACTIONS

I.1 Official language obligations of State employees

A first qualitative check on the official language regulation law (Law No. 2019/019 of 24/12/2019 on the Promotion of Official Languages in Cameroon) is whether it sets up *precise obligations for State/public employees* on the use of these languages, and *corresponding clear entitlements for users of public services* or persons interacting with public entities. The relevant provision states:

Section 13: (1) English and French shall be the official working languages in public entities. (2) State employees shall be **bound to render services in any of** the official languages. [French version : « Les agents publics ont **l'obligation de rendre service dans l'une ou l'autre** langue ».] (3) Users shall have the *right to ask* to be rendered service in any of the official languages. [French translation : « Tout usager a le *droit de demander* à être servi dans l'une ou l'autre langue officielle »].

A first questionable drafting choice lies in Section 13(2). In binding State employees to render services in "any" of the official languages, does the legislator mean that State employees have the obligation to render services in **either** English or French, indiscriminately? Oxford Languages Dictionary defines the term "any" as expressing "a lack of restriction in selecting between one of a specified class" or "whichever of a specified class (of) options may be chosen". In its current form, a monolingual State employee who decides to render service in one specific official language (despite the public service user's expressed preference for another) would *not be failing to meet his/her individual obligations* under Section 13(2). By strict legal inference, a mandatory requirement to do <u>either</u> A <u>or</u> B constitutes a clear prohibition from doing C, but not a requirement to do <u>both</u> A <u>and</u> B.

Alternative formulations could have bound State employees to render services in "both" official languages, or in "either official language, depending on the choice of the public service user". These formulations would have made for a clearer obligation of bilingualism on the State employee, with the latter emphasizing that the public service user's official language choice prevails. The current Section 13(2) does not specify whose choice (State employee or service user) defines the official language used in a given transaction. A literal interpretation of Section 13(2), buttressed by its French version (obligation de rendre service dans l'une ou l'autre langue) is that its plain – and somewhat redundant – meaning is to require State employees to use the official languages (and not other traditional languages) to render services.

If the legislator's hesitation was that existing bilingualism levels in the public sector workforce did not permit a more audacious obligation on *individual State employees* to render services in "both" official languages, then Section 13(2) could have been dropped, in favour of a provision focussing on public entities – which would have the responsibility to configure their staff to ensure their entity's ability to render services in both languages. Such a provision would have required that the *operational services, departments, and units* of public entities shall be bound to render services in <u>both</u> official languages, depending on the choice of the public service user.

I.2 Official language entitlements of users of public services

Since public entity communications are two-way transactions, the corresponding entitlement of the public service user should be examined to ensure it reflects the obligation on the State employee or their unit, department, or service. The user's entitlement is expressed thus:

Section 5. (2) Specifically [this law] seeks to: (b) guarantee the right of every citizen to obtain information and official documents in the language of their choice; (c) guarantee the right of every citizen to freely communicate with the Public Administration, and to obtain the services they desire therefrom in the language of their choice. Section 13. (3) Users shall have the right to ask to be rendered service in any of the official languages. [French version: « Tout usager a le droit de demander à être servi dans l'une ou l'autre langue officielle »]. Section 15: Users of public entities shall have the right to communicate and interact with the latter in either official language.

It can immediately be observed that there is a mismatch between the individual State employee's obligation, and the public service user's entitlement. While the user has the right to communicate, and to obtain services in the official language of their choice, the State employee has the obligation to render services in "any" of the official languages, which means in either official language: English or French. The "public administration" whom the user can interact with and obtain services from in the language of their choice, expresses itself through its employees, whose "obligation" is however to use whichever official language they prefer.

Admittedly, the legislator emphasizes the public service user's right to ask to be rendered service, and to communicate/interact in a specific official language (Sections 13.2 and 15). However, one is at pains to find the specific corresponding duty on State employees or the administration. Section 13(2) provides an important shield to *individual* public employees, so long as they work in one of the official languages. The user's right to insist on language-specific services would in principle not generate an *immediate corresponding duty* on the public employee before them, but potentially to wait in the queue, while the concerned *unit*, *department*, *or service* locates a language-proficient employee to attend to them. A holistic reading of the law's above-cited provisions is that (a) they do not require *individual Cameroonian State employees* to be bilingual, but (b) require that *State entities/departments* should have within them, language capacities to render services in both official languages.

The mismatched framing of the public service user entitlement, and State employee duties on service provision in official languages, could continue the situation where Cameroonian "bilingualism" meant that citizens and public employees could each use their separate official languages of preference within the same communication. To a citizen complaining about not receiving service in their official language of preference, the official's response would be that "Cameroon is bilingual" meaning that the citizen could speak in official language (OL) A, while the State employee responds in OL B: with all the attendant risks of miscommunication.

Recommendation 1: Review and re-draft Sections 5, 13, and 15 of the Official Languages Law to specify the official language-of-service obligations of individual State employees, and of State entities units, departments, and services; ensuring these obligations match the entitlements of public service users.

I.3 Structural measures for a bilingual State, public service workforce

To apprehend the broader structural environment for State / public employees in Cameroon to achieve competency and serve the public in both official languages, it is necessary to examine the recruitment criteria, training content, in-service incentives, and other personnel policies relevant to requiring official language bilingualism from State employees. Apart from the Official Languages Law of December 2019, another innovation was introduced through Decree No. 2018/240 of 9 April 2018 reorganizing the National School of Administration and Magistracy, as follows:

Section 52. (1) Students of ENAM shall have the status of Civil Servants-in-training, and as such are subject to the provisions of the General Regulations governing the Public Service. (2) In the context of their educational training, they are under an obligation of military service, subject to any dispensations that may be granted by the Director General of ENAM, *and an obligation to practice bilingualism*. [Our translation].ⁱ

The National School of Administration and Magistracy trains key segments of Cameroon's senior *civilian* public administration, including in the following domains: Civil/General Administration, Labour Administration, Parliamentary Administration, Health Administration, Economy/Finance, Price/Weight/Measure Units Control, Customs, Tax, Treasury Administration, Stores Accounting, Magistracy, and Court Registrars. Through this 2018 Decree, ENAM's administrators-in-training who have the status of probationary civil servants, *are now subject to an obligation of French-English bilingualism*. This new requirement is included in the same provision enunciating their obligation of military service, which has been a long-standing requirement of its students.

On its terms, this provision compels ENAM's administrators-in-training to practice bilingualism within the framework of their studies but does not extend to their professional activities once graduated and deployed as administrators. However, its inclusion as a compulsory requirement in the legal instrument organising the school suggests that dual official language proficiency testing as a pre-requisite for graduation from ENAM would conform to the text. It should be borne in mind that while it trains segments of the State's senior, managerial administrators, several other State / public employees are trained through other schools, or directly recruited into their respective corps. This holds true for uniformed security and associated corps which interface frequently with the public, namely the Police, Gendarmerie, Penitentiary Administration, and Forest/Fauna Guards.

The 2018 ENAM decree is a signal on the imperatives of bilingualism for persons aspiring to become State / public employees. In the absence of a requirement for bilingualism achievement among *all citizens*, processes for recruitment of State personnel likely will continue to receive candidates who – despite being otherwise technically qualified – lack required proficiency in both official languages. Given the State's policy impetus to deploy civil servants anywhere in the country (including areas with high demographic concentrations of one or the other official language, since citizens themselves are not *required* to be bilingual), it needs to ensure its personnel are thoroughly language-trained during their preparatory training, language-tested before employment through direct recruitments, or given in-service language training to enable them meet job-specific language requirements.

In this regard, the legal frameworks governing eligibility for competitive examinations for State employment, namely Decree No. 2000/696/PM of 13 September 2000 establishing the overall framework for Competitive Examinations for State employment (*Régime Général des Concours Administratifs*), and the duties and entitlements of civil servants, Decree No. 94/1999 of 7 October 1994 on the General Rules and Regulations of the Public Service (*Statut Général de la Fonction Publique*) will likely need to be updated to reflect the bilingualism obligations of aspirants to, and employees of the public service.

In other officially multilingual States such as Canada, specific public service positions are profiled based on their language requirements, as *posts which specifically require bilingualism*. This could be a useful approach for Cameroon's State workforce, starting out incrementally with roles which require interaction and communication with public service users. Presently, the *annual performance evaluation criteria* for Cameroonian State employees do **not** include bilingual official language proficiency. At a minimum, this would need to be included for posts/roles designated as requiring bilingualism, actually evaluated, and in-service training provided to enhance performance.

Within the civil service, access to managerial posts (which involve supervising multilingual staff), to job profiles requiring bilingualism, and to career grade promotions and advancements therein, would need to include official language bilingualism proficiency as a criterion. Given evidence on the preponderance of official language use between Regions, a pre-posting review of official language proficiencies should be required prior to periodic State employee appointment and transfer decisions. Since these decisions are prepared in batches affecting multiple staff of a given Ministerial department, State agency, or public entity, organization-wide reviews of language proficiency are feasible. They can be effective in ensuring that the entity maintains an appropriate language balance among staff in all parts of the country. Finally, an incentives regime could reward State employees who have successfully served tours of duty in roles working primarily beyond their first official language.

Recommendation 2: As incentives for public service bilingualism, initiate pre-graduation bilingualism proficiency requirement for ENAM and other State schools leading to public service employment; include bilingualism proficiency among annual performance evaluation criteria for civil servants; evaluate bilingualism proficiency for access to managerial posts; and institute pre-posting review of official language proficiencies prior to periodic Ministry/Entity wide appointment and transfer decisions.

I.4 Supranational instruments issued beyond Cameroon's national institutions

The Official Languages law provides in Section 24 that "legislative and regulatory documents of a general nature shall be published in the two official languages throughout the national territory". This provision applies to laws adopted and regulations issued by Cameroon's legislative and executive branch authorities.

However, an important area that this provision does not reach, are enforceable legal and regulatory instruments issued by supranational institutions, notably within Cameroon's immediate sub-region (the Central African Economic and Monetary Community, CEMAC, and its offshoot entities). CEMAC is Cameroon's principal sub-regional economic community (same currency, banking regulations, common tariffs, financial markets); therefore, all its domains of inter-State convergence are high priority areas, regulations thereof being often

immediately applicable within Cameroon. Instruments emanating from it form the increasingly important body of Community Law (*droit communautaire*) applicable in Cameroon, covering fields such as banking law, supervision, and regulation; financial and payment systems, electronic transactions; anti-money-laundering controls; and commercial shipping, and civil aviation.

Article 59 of the Revised Treaty (of 2008) establishing CEMAC makes *French*, *English*, *Spanish*, *and Arabic*, *the working languages of the Community*. However, there has historically been a time-delay between the adoption of various instruments (codes, regulations, and directives) by these sub regional bodies, and their official translation into and availability in English, where this has been done at all. A spot-check reveals a mixed situation, with some institutions making efforts toward document availability in English, while others still lag behind.ⁱⁱ

The requirement to publish laws in both official languages in Cameroon is not only based on legislation (Section 24 above) but required by Section 31(3) of the Constitution ("Laws shall be published in the Official Gazette of the Republic in English and French"). The current discrepancy between the availability in both languages of (a) laws adopted by Cameroon's own Parliament, and (b) instruments from sub-regional bodies Cameroon is bound under Treaties to apply, is that instruments adopted by sub-regional bodies can become applicable in, or have effects in Cameroon, without fulfilling what is required of laws adopted by Cameroon's own Parliament - namely that they be published in both official languages in the Official Gazette.

Although the availability in English of the said sub-regional texts does not directly depend on the Cameroonian Legislator, the increasing range of domains covered by supranational, or community laws and regulations suggests that Cameroon's framework on official languages should recognize this dimension. This could be achieved through an explicit commitment under its sub-regional integration policy, to ensure that all enforceable supranational normative and regulatory texts are available as expeditiously as possible, in both official languages.

Recommendation 3: Establish a dedicated National technical unit to monitor issuance of all *rulemaking, normative* Community law instruments and decisions by sub regional organs primarily within CEMAC, and earmark funds to expedite their availability in both of Cameroon's official languages. Comprised of: MINREX (Central Africa sub-region/ CEMAC sub-directorate; Directorate of Legal Affairs and International conventions), MINFI (Legislation/Codification unit - Treasury, Financial, Monetary Cooperation Directorate), MINJUSTICE (Directorate of Legislation)

I.5 Official language use in Court proceedings, rendering judgments, and pre-trial police interrogatories

The Official Languages law provides as follows:

"Section 26: (1) English and French shall be used *indiscriminately* in ordinary law and special courts. (2) Court decisions shall be rendered in any of the official languages, depending on the choice of the litigant." French version: Article 26. (1) L'anglais et le français sont *indifféremment* utilisées devant les juridictions de droit commun et spéciales. (2) Les décisions de justice sont

rendues dans l'une ou l'autre langue officielle, en fonction de la langue de préférence du justiciable.

Pursuant to the principle of legislative interpretation to construe laws to enable their application, the law's requirement of "indiscriminate" use of both official languages in Court proceedings should be read benignly as meaning that both official languages can be used "equally" or without distinction in Court proceedings across the national territory. (Alternative readings of the term "indiscriminately" to mean randomly or without any systematic pattern, would connote an intent for the official languages to be used in a manner inconsistent with language cohesion and mutual comprehension between the actors in court proceedings).

This interpretation, in consonance with the term used in the French version (*indifféremment*), tends to flow from the general legislative option, *to make both official languages of equally permissible* use, in all official proceedings and transactions, before all the *arms of Government* (Executive, Legislative, Judiciary) across *all regions* of the country. This interpretation of the law cannot also be separated from the context of its adoption (the Anglophone crisis), where one of the conflict-inducing questions it sought to answer was whether judicial personnel (presiding Magistrates or Officers of the State Legal Department) could conduct proceedings or plead in French, in judicial cases in the NW and SW regions.

Section 26, sub-section (1) in essence extends or re-affirms the principle of nationwide permissibility of use of either official language, since English and French can be used "indiscriminately" before any State body or institution (not only the Courts) in Cameroon. Outside the Court system, the rules on language use in the public administration (Sections 13 to 15, OL Law) enable State employees and citizens to use either official language, but also entitle the public service user to ask to be rendered service in the official language of his/her choice.

For court proceedings however, the combined effect of Sections 26 (1) and 26 (2) is to restrict this entitlement when the public entity in question is a court of law. This is because Section 26(2), following the previous subsection that relates to the language of court *proceedings*, specifies that (only) *Court decisions (judgments)* shall be rendered in either official language, *depending on the choice of the litigant*. The plain meaning is that while *any of the official languages may be used by participants in a Court proceeding* (Judge, Registrar, State Legal Department, parties, Counsels) only the *judgment/ decision* must be rendered in the official language preferred by "the litigant". In principle, unless a party or litigant raises an *additional* legal basis for it (notably the *Criminal* Procedure Code) a litigant does not have the right to ask for proceedings to be conducted in a specific official language, or for language interpretation to be provided. Following the maxim that a specialized provision ousts a general one, Section 26 (language use in Courts) appears to constitute a notable exception to Section 13(3) (user's right to ask to be served in a specific official language, before public entities as a whole).

The OL Law does not resolve the issue of what will prevail when there is dissonance in use/understanding of two official languages by the participants in a Court proceeding, such as the presiding Magistrate/Judge, Court Registrar, State Legal Department or Prosecutor, plaintiff, defendant, accused person, and Legal Counsels. In so doing, it creates grounds for contestation over court-room language of proceedings, diffuses the responsibility for ensuring translation and interpretation services, and ultimately requires (all) judicial

personnel to acquire the language competencies to follow proceedings in both languages, or else risk discarding meritorious legal claims or defences.

Differential situation of language use between civil and criminal cases

Where there are dissonant official languages between the parties to **civil cases** and the parties file written submissions or make oral pleadings in different languages, the Law would imply that *each party bears the cost of securing translation and interpretation* services, if they do not understand the language of the other party. Where one party is manifestly unable to follow the legal contentions, arguments, and positions of the other, they bear the brunt for same, and can lose their otherwise meritorious case or forfeit their rights (since the adverse party is within their rights to use *either* official language of Cameroon). Bilingual litigants could necessarily/ systematically prevail over monolingual ones by tendering their submissions and pleadings in the language not mastered by the other party. It would also appear contrary to the principle of "indiscriminate use" (equal permissibility) of the official languages for a presiding Magistrate in a civil case in Cameroon, to request that a *document tendered in one of the official languages*, be translated into the other, at the expense of the litigant.

The Official Languages law *must conform to Constitutional principles* that "the law shall ensure the right of every person to a fair hearing before the courts", and that in criminal matters, guilt can only be established "during a hearing conducted in strict compliance with the rights of defence" (Preambular Principles 10 and 11, read together with Section 65 of the Constitution). Even in the adjudication of *civil matters*, where the fundamental rights of the litigants are involved (such as personal status, divorce, custody cases), or their equal protection under the law (e.g., property, housing eviction cases), having a "fair hearing" is required. In *criminal trials*, the inability of an accused person to understand the nature of the charges proffered against them and to present their defence (which can be hampered by the language used in the proceedings) can lead to a conviction being overturned on appeal due to the lack of a fair trial.

In **criminal trials**, the specialized law governing these proceedings (Criminal Procedure Code, CPC) will override the December 2019 OL Law, in conformity with the principle that a specialized law (governing language use in *criminal trials*) ousts a general law (governing language use in *Court proceedings* generally). For criminal trials, the CPC provides that where an accused person speaks a language other than one of the official languages understood by the members of the court, or where it is necessary to translate any document produced in court, the Presiding Magistrate shall of his/her own motion appoint an interpreter, who shall take oath to interpret faithfully the testimonies of persons speaking in different languages or faithfully translate the document in question. (Section 354. 1). The CPC also provides that where a witness testifying during a preliminary inquiry (committal proceedings that precede a trial) or in a criminal trial does not speak one of the official languages which the Registrar, the Examining Magistrate, or members of the Court understand, the Magistrate in charge of the proceeding shall call on the services of an interpreter. (Sections 183.1.a, and 333).

In principle, criminal proceedings offer stronger safeguards to the parties and witnesses testifying, that interpretation shall be provided where they are in a situation of language dissonance with the Court's composition. The CPC's position differs from the OL Law (Section 26) which in allowing the indiscriminate use of both official languages in <u>civil</u> Court proceedings (without further specification as to the burden of translation of documents

tendered, or interpretation) leaves it up to the Court's discretion to ensure it understands the language of proceedings.

Although it is usual that language guarantees are stronger in the conduct of criminal cases, the effects of language dissonance in civil, commercial, or labour litigation should not be under-estimated. For instance, in a commercial law case turning on the interpretation of clauses of a business contract (which may itself not have been translated into both official languages) matters of *interpretation of contractual language* can become litigious. This can be enhanced by language dissonance between the parties, or between some of them and the Judges, thereby generating unending appeals, and distancing the parties away from resolution of the dispute. This could render Cameroon's civil courts a less favoured jurisdiction (as opposed to arbitration or other choice of law destinations) to resolve commercial disputes.

Court Judgments: Section 26(2) of the OL Law states that "Court decisions shall be rendered in any of the official languages, depending on the choice of the litigant": this provision also raises further nuances. Most legal proceedings involve more than one litigant, notably a plaintiff and a defendant, or the State (Prosecutor) and an accused person. In these situations, both parties to the proceeding are "litigants". In the event of a firm language dissonance between the two parties (each of whom is equally entitled to judgment in their official language of preference), the Court will need to render its decision or judgement in both official languages – which has implications for translation services available to the judiciary, and for the timeliness of availability of judgments.

Judicial police investigations and interrogatories conducted prior to proffering criminal charges in Court, are another area where language guarantees are relevant in multilingual settings. Cameroon's Criminal Procedure Code provides that "when all or part of a written Police investigation report is devoted to *the recording of statements from or to the confrontation of persons*, the said persons shall, after the reading <u>and, where necessary, interpretation of the statements</u>, initial each sheet of the report and all erasures, alterations, and interlineations therein. The <u>interpreters</u> shall also initial each sheet of the report and all erasures, alterations, and interlineations not initialled shall be inadmissible." (Section 90.3). It also provides that any person asked to sign a report or statement register may make any necessary reservations thereon before signing it. Such reservation shall be explicit and unambiguous. (Section 90.7).

Dissonance between the language in which a judicial Police investigator prepares their report (e.g., French) and the language understood by the person making the statement to an investigator (e.g., English) is a common occurrence in Cameroon's context, given overall bilingualism levels among the citizenry and the Police/Gendarmerie, the corps which provide judicial police investigators and officers. Interrogatories may also be conducted in a non-official language, and then reduced or transposed into one or the other official language.

The CPC allows an element of *appreciation* ("where necessary") in making the decision to resort to interpretation for police interrogatory reports. Neither is it an explicit *entitlement of the* person giving the statement to have its recordation by the police, interpreted to him/her. While pre-trial statements can later be challenged at trial, serene dispensation of criminal justice would call for a language alignment between Police investigators and persons from whom statements are taken, or for routine interpretation where a language dissonance exists. Given the last census' data that at least 70 percent of Cameroonians can use one or the other

official language, it is important that where required, *interpretation* of statements (between the two official languages) during police investigations should become the norm.

Recommendation 4: MINJUSTICE – Issue (interim) civil Court practice guidelines, and eventually new rules of <u>Civil</u> Procedure, clarifying the responsibilities and burdens for translation/interpretation of the parties and the Court, where participants use different official languages, without mutual comprehension.

Recommendation 5: MINJUSTICE – Issue Court practice directives to clarify the rules on language of Judgments in situations where the litigants elect (choose) different official languages.

Recommendation 6: MINJUSTICE (DGSN, SED) – Issue guidelines on the conduct of judicial Police interrogatories to generalize interpretation (to the concerned party) of statements recorded in an official language different from that used by the statement-maker.

SECTION II: DEVOLUTION, SPECIAL STATUS, TERRITORIAL REGULATION, AND PROTECTION-REGIME FOR OFFICIAL LANGUAGES?

II.1 Why does territorial or spatial use of Official Languages matter in Cameroon?

A second area of analysis of the December 2019 laws, is whether and how they regulate the use of the two official languages territorially, meaning in regions of the country in which either official language has had historical and contemporary predominance of use. This is important in countries such as Cameroon where the introduction, prevalence, and patterns of use of the (foreign, exoglossic) official languages was not uniformly dispersed across the national territory, but rather followed geographically differentiated patterns.

In Cameroon, French and English were introduced *simultaneously in different zones of the country* from 1919 until 1960/1961, while being administered as separate mandate and trust territories prior to independence. An interesting contrast to Cameroon is Mauritius where French and English were introduced as languages *successively over different time periods across the entire country*. The entire territory of Mauritius was first under administration by France (1710 – 1810) and then by Britain (1810 to 1968), resulting in its sequential, nationwide acquisition of the two languages/cultures. It therefore does not have a similar English / French *territoriality* problem, within its internal boundaries.

Separate from the issues addressed earlier on *nationwide* official language regulation and bilingualism, the issue of "territoriality" arises in *contexts where official languages have* spatially and geographically established patterns of use. Cameroon's official demographic data attests to the existence of clear patterns of predominance of use of the official languages. The last official census shows that on proportion of users, French outnumbers English by a factor of 5: 1 in the eight (8) regions which were under France's administration pre-independence, and English outnumbers French by a factor of 5: 1 in the two (2) regions previously under Britain's administration pre-independence (the present South-West and North-West regions). See the last two columns of the Table below:

Cameroon: Distri	bution of the Populat	ion <u>aged 15</u>	years and old	ler, by regior	n, and liter	acy level in t	he Official La	inguages (OL)		
Source: General F	Population and Housi	ng Census, 2	005.								
REGION	French &	English	French	Illiterate in	Not	TOTAL	Literate	%	%	% using	% using
	English	only	only	OL	declared		in OL	bilingual	illiterate	French (+	English (+
								in OL	in OL	bilingual)	bilingual)
ADAMAWA	30,864	7,809	151,924	260,934	10,181	461,712	190,597	7%	57%	40%	8%
CENTRE	378,114	57,611	1,281,149	162,188	7,142	1,886,204	1,716,874	20%	9%	88%	23%
EAST	27,437	2,930	240,942	139,885	2,843	414,037	271,309	7%	34%	65%	7%
FAR NORTH	63,595	8,399	393,032	1,048,153	19,227	1,532,406	465,026	4%	68%	30%	5%
LITTORAL	300,494	88,973	1,129,205	111,644	5,274	1,635,590	1,518,672	18%	7%	87%	24%
NORTH	39,973	4,463	249,831	542,173	22,026	858,466	294,267	5%	63%	34%	5%
NORTHWEST	81,210	576,487	39,896	254,534	4,327	956,454	697,593	8%	27%	13%	69%
WEST	99,040	23,571	584,384	213,074	7,139	927,208	706,995	11%	23%	74%	13%
SOUTH	47,340	11,034	286,902	42,809	542	388,627	345,276	12%	11%	86%	15%
SOUTHWEST	96,939	502,631	44,068	134,270	6,867	784,775	643,638	12%	17%	18%	76%
TOTAL	1,165,006	1,283,908	4,401,333	2,909,664	85,568	9,845,479	6,850,247	12%	30%	57%	25%

It should be noted that historically, from reunification (in 1961) of the former French and British administered territories, the principle adopted was that of a reunited country with two official languages, and *no formal, legal provisions* governing which official language could be used for what transactions in either *de facto* geo-linguistic zone/sphere. The 1961 Constitution establishing the Federal Republic of Cameroon did not assign prerogatives on official language use to the Federated States. This was consistent with the principle of national unity, under which the post-independence leadership sought to consolidate a single Nation, including a new unified *federal* civil service (bringing together civil servants from West and East Cameroon federated States) whose employees could be assigned anywhere on the national territory.

Cameroon is thus asserted to have applied the *personality principle* of bilingualism, meaning that its two official languages were to be acquired and used by its progressively *bilingual citizenry* everywhere in the country. This contrasts with the *territoriality principle* of bilingualism, under which a country accommodates two or more official languages, spoken by often *monolingual citizens* with stable predominance of each language in specific regions.ⁱⁱⁱ Despite this formal option, in practice, for 4 to 5 decades after independence, Cameroon's approach implicitly *recognized each language system's de facto spheres of influence*. Hence, key drivers of language use such as the educational sub-systems (through teaching in either official language) retained their predominance in each sphere.

Beyond bilingualism practices at national level and by supranational bodies, *questions as to territorial use of the official languages in the NW and SW regions* were part of the complaints that led to the spill-over into a crisis from 2016. The most vocal protests were over the progressive disappearance of an *unspoken or tacit gentleman's agreement*, under which a geographic language balance had been maintained with English remaining the predominant language of use in the NW and SW regions, even after the dissolution of federal arrangements in 1972 which hitherto delineated the French and English-influenced geo-linguistic spheres. Given the minority demographic status of English, this unstated arrangement had the effect of preventing an otherwise possible radical transplantation of majority French-based systems

into the NW and SW. State employee postings were calibrated such that English prevailed as the dominant language in the two regions; Common Law/Anglo-Saxon legal approaches remained in use in both regions; and even State-owned educational institutions (given the 2 language-in-education subsystems) were created in a proportion reflecting a dominant prevalence of the English sub-system in the NW and SW. iv

These policies which accommodated a predominance of English-based systems in the 2 regions would begin to give way after the Millennium (2000), and would intensify in the years leading up to the crisis, notably through: high levels of primarily French-using civil servant appointments to the 2 regions, including in substantively language system differentiated domains, such as 40% of Magistrates, cross-placement of French first language teachers to conduct teaching practice in English sub-system schools, and increasing use of French by public officials at formal events, in and in judicial proceedings in All these measures would draw sharp criticisms which were harbingers or forewarnings of the wider crisis looming.

II.2 Territorial dimensions of official language use: cross analysis of the Official Language Law, and Special Status provisions of the General Code on Regions & Local Authorities

The above explains why in addition to their regulation of official languages at national level, the new laws need to be assessed on how they regulate use of the languages at subnational level – in the NW-SW, and in the rest of the country. Additionally, the new official language legal regime was developed simultaneously with legal reforms on devolution to subnational tiers of government (Regions and Councils), marked by intended asymmetry of devolution to the NW and SW (a Special Status regime), through features differentiating them from the other 8 Regions. The new Devolution Code, Law No. 2019/024 of 24/12/2019 to Institute the General Code of Regional and Local Authorities, states as follows in its Opening Chapter (Book) pertaining to the prerogatives of the NW and SW regions:

Section 3: (1) The North-West and South-West Regions shall have a special status *based on their language specificity and historical heritage*. (2) The special status referred to in sub-section (1) above shall be reflected with regard to decentralization, in specificities in the organization and functioning of these two regions. (3) The special status shall also entail respect for the peculiarity of the *Anglophone education system* and consideration of the specificities of the *Anglo-Saxon legal system* based on common law. (4) The content of the specificities and peculiarities referred to in subsections (2) and (3) above *shall be specified in separate instruments*.

An important observation is that the legislator found it necessary to specify the basis or the raison d'être for the Special Status arrangement (differential treatment, or asymmetry in devolution) for the NW and SW regions. The reason is specified in Section 3(1) as "based on their language specificity and historical heritage". What "language" is the legislator referring to, on which the NW and SW have specificities? It should be noted that in terms of the composition of endogenous, local languages in Cameroon, the NW and SW regions have significant differences, as they lie within the Grassfields/highlands versus Coastal/forest cultural zones of the country. Read together with Sections 3.3 (referring to Anglophone education and Anglo-Saxon legal systems) and 328 (which grants the Regions consultation rights/options in the above two domains), the legislator is clearly referring to a "language specificity" pertaining to the English language.

The above interpretation is reinforced by the second basis for the said Special Status, which is the "historical heritage" of the said Regions. What do those two Regions share – separate from the rest of Cameroon – as a heritage common to them? It is their administration by Britain as a mandate and a trust territory (1919 to 1961) and having constituted the territorial remit of the West Cameroon Federated State under the Federal Republic of Cameroon (1961 to 1972). Government's Introductory Statement presenting to Parliament the December 2019 Bill on the General Code of Regional and Local Authorities, was explicit that it entailed "the creation of a waiver status for the North-West and South-West Regions, pursuant to the provisions of Article 62(2) of the Constitution and in accordance with the recommendations of the Major National Dialogue."

A first observation is that while the NW-SW are granted special status based on a language specificity which is attached to one of Cameroon's 2 official languages (English), the Special Status provisions of the Devolution Code create no specific arrangements for the beneficiary regions in the domain of official languages. Regulation of official language use is not among the powers devolved upon Regions in general (Sections 2676 to 273). While the legislator starts out in Section 3(1) by basing Special Status on a language specificity, they subsequently in Section 3(3) confine the functional domains which form an integral part thereof, to respect for the specificities and peculiarities of Anglophone education and Anglo-Saxon legal systems. Did the legislator imply that respect for the English language itself or its linguistic tradition falls outside the purview of the Special Status? That reads like a conspicuous omission, only two sub-sections below the acknowledgment of (an English) language specificity.

A partial answer to this textual incongruence within the Devolution Code, lies in the Official Languages law, which shares the same birth/promulgation date as the former text – and both of which were adopted in the same wave of legislative enactments at the end of 2019 to address the Anglophone crisis. That law, which was sent to and voted in Parliament before the contents of the Special Status arrangements had been revealed, sought to re-affirm the policy option of deployment of the 2 official languages across Cameroon without consideration of any internal territorial demarcations or spatial prerogatives as to the prevalence of their use.

The official language law applies to all "regional and local authorities" (Section 3); includes Regions/Municipal Councils across the countries as language-regulated "public entities" (Section 7.b), whose employees can render services in "any" of the official languages (section 13.2), and before which users can request services in any of the said languages (section 13.3). Furthermore, being "constitutional organs" (section 7.e), deliberations of Regional/Local Councils across the country (NW, SW inclusive) can be conducted in either official language. Therefore, beyond the deconcentrated State services in the regions, *Regional and Local Authorities* across the country are "subjects" of the full dual, equal use obligations on the 2 official languages.

The Official Language law having sought to pre-empt the thorny question of pre-eminence of use of official languages within public entities territorially (notably English use in the NW-SW) which was a contentious crisis trigger, the Devolution Code appeared to skirt round the issue of *use*, *regulation*, *or pre-eminence of official languages* within the Special Status disposition, even though a language specificity was the *basis* for the said status. The result is *internal incoherence* of the Devolution Code. Notably, Part V of the law which spells out the Special Status attributes of the NW and SW regions, makes no reference to attributes pertaining to the official or working languages:

Section 328: (1) In addition to the powers devolved on [all other] regions by this law, the North-West and South-West regions shall exercise the following powers: participating in the formulation of *national public policies relating to the Anglophone education sub-system*, [...] (2) The North-West and South-West regions may be consulted on issues relating to the formulation of *justice public policies in the Common Law subsystem*.

Recommendation 7: to ensure consistency between the basis for Special Status in the Devolution Code, and the Official Language law, amend the December 2019 Law on Promotion of Official Languages, to state that on account of their Special Status based on *language specificity*, special derogation regulations shall be enacted to govern the primary working languages in public entities in the NW-SW, while respecting the constitutional principle of bilingualism.

II.3 Official language policy and bilingualism: the missing link in Special Status regions' additional prerogatives

The incongruence between Sections 3 and Section 328 is that the latter recognizes for the NW and SW Special Status regions, the prerogative or option of being consulted when national public policies are being formulated on (1) the Anglophone *education* system, and (2) *justice* policies in the Common Law system. However, as we have seen from analysis of Section 3(1), Special Status is itself based on (3) a "language" specificity, which incidentally resides in an official language: English. The question then is why the formulation of Cameroon's national policies in the areas of *official languages*, *bilingualism*, *and language regulation* was not included as a domain where the NW, SW Special Status regions would enjoy an identical prerogative or option of consultation? If Special Status rests on the three pillars of "language specificities" (Section 3.1), Anglophone education system peculiarities (Section 3.3), and Anglo-Saxon legal system specificities (Section 3.3), how come the prerogative/option to consult the NW and SW regional institutions is confined to the latter two?

For internal coherence of the Devolution Code, it is important that it be amended to incorporate a prerogative to consult the NW, SW Special Status regions on national policies pertaining to official language use, regulation, and bilingualism. The value of such a provision is not only to ensure structural parallelism within the Code. The proposed amendment will go a long way to establish in law, that the State recognizes that regulation of the official languages and bilingualism, notably how they affect the English language and or its predominant/historical users in Cameroon, is a matter of legitimate interest for the NW and SW regional institutions.

The Devolution Code has laid to rest any doubts as to the legitimacy of the NW and SW regions' special interest in the fate of the *Anglophone education system*, and the *Anglo-Saxon legal system*. It has affirmed those two areas as integral to the Special Status they are granted (Section 3.3) and given them consultation prerogatives/options thereon (Section 328). However, the legislator has left undefined whether these regions have a special interest in Cameroon's *official languages and bilingualism policies*. This is a weighty omission given the genesis of the crisis the Special Status regime seeks to address, and that *official language use* is a distinct policy area from *education* and *justice*. It should be remembered that the Official Language Law (the most recent national language regulation) was adopted amidst

contentious debates, with many legislators from the NW-SW objecting to it, and significant dissent in Parliament even from ruling party legislators.^{ix}

Recommendation 8: To recognize the NW and SW Regions' interest in public policies on official languages and bilingualism in the same manner as the Anglophone education and Anglo-Saxon legal systems, amend Section 328 of the Devolution Code to include a prerogative of consultation of the NW-SW Regional institutions, in formulation of national policies in that domain.

II.4 Official language specificity and "regional interests" of the NW, SW regions

There is an important additional reason why respect for the preponderance of English as the primary working language should have been included in Section 3(3) of the Devolution Code's Special Status provisions for the NW-SW, and why national policymaking on official languages, language regulation, and bilingualism should have been included in Section 328 among domains in which they would enjoy a prerogative of consultation. As argued consistently across this Peace Policy Paper series (see the Paper on the Devolution), one of the legal effects of the Special Status provisions of the 2019 Devolution Code, is to render the domains in which the NW and SW have recognized specificities and peculiarities, legitimate "regional interests" of the said Regions, within the meaning of Cameroon's Constitution, notably under Article 47 (2).

There are implications to the finding that the functional domains on which Special Status rests are *matters of interest* for the beneficiary regions. A first implication would be that a deliberation by the NW-SW Regional Assemblies pertaining to these subject matters would be within the said Assembly's remit. Section 277 (3) of the Code provides that the Regional Council (Assembly) "may express wishes through deliberations on all matters of regional interest". Furthermore, establishing the regional interest inherent in these domains would shield the Regional Assembly deliberating thereon, from the charge of acting *ultra vires*, or outside its powers – which attracts a stiff sanction under Section 289 of the Code.

A second implication is that under Article 47 (2) of the Constitution, "Presidents of Regional executives may refer matters to the Constitutional Council whenever the interests of their Regions are at stake". The overall jurisdiction of the Constitutional Council includes "the constitutionality of laws, treaties, and international agreements", and "conflict of powers between State institutions; between the State and the Regions, and between the Regions" (Article 47.1). Article 47 of the Constitution is an important mechanism for institutional regulation within the Cameroonian State configuration ordered by the January 1996 Constitution, namely one which includes Regions as a constitutionally recognized tier of subnational entities, with elected institutions, domains of competence, and interests.

In the case of the Special Status NW, SW Regions, being able to articulate or defend those regions' interests as to the "basis" and core components of the said status is an important safeguard. Because those Regions are recognized to hold those specificities and peculiarities, who best, within Cameroon's constitutional arbitration process, to advocate for those specificities? Illustratively – and here *constitutional regulation takes on all its importance* – assume the Special Status Regional institutions were in place in the years preceding 2015–2016, while the trigger contentions raged over languages used in public entities in the NW-SW, teacher deployments in the English sub-system, or Magistrate postings and their grasp of

Common Law. The NW-SW Regional Assemblies should have been the proximate institutions to be aware of these complaints (since they touched on regional specificities), examine them, and secure a national policy review, or request the arbitration of the Constitutional Council – basically using an orderly institutional process to resolve the dispute, and avoid the conflict we are now witnessing.

Recommendation 9: Given that language specificity is one of the "bases" of the Special Status, amend the Devolution Code to *add the subject of official languages and bilingualism within the Region*, to matters on which the Special Status Regions' Assemblies may deliberate, in addition to the list in Section 278 of the Code.

II.5 Should an English language protection regime have been created for the NW and SW regions?

A combined reading of the Official Languages Law and the Devolution Code shows that in wake of the current crisis, the legislative approach to *spatial regulation* of official languages has been to allow the *undifferentiated and non-calibrated use of both languages across the entire national territory*, including the NW and SW regions. This is accompanied by a continuation of official policy to *seek* greater bilingualism among Cameroonians, but without an *obligation or duty* on either State / public employees or citizens, to be bilingual. While the NW-SW regions are recognized to have a legacy grounded amongst others, on their (English) language specificity, there is *no legal provision mandating its use as a primary official or working language*, there.

In this section, we question whether a holistic political, historical, contextual, and prospective reading of events should have called for a *language protection regime* for the NW-SW regions. In other words, was there an appropriate basis for a language balancing policy that would have recognized for the NW-SW regions, a *special* (but not exclusive) interest in the English language?

A language protection regime for the NW-SW would ideally have two dimensions: a *first dimension, internal* to both regions would take the form of a proportion or ratio of preferential English language use in the *provision of public services, within public entities, by State / public employees deployed to, and in official proceedings, deliberations, and transactions within the two regions. A <i>second dimension of nationwide reach* would afford the NW-SW regions a stake and say in the formulation of national policies pertaining to regulation of the official languages, language planning, and bilingualism - since the language is also appropriated by the wider country, including its national institutions.

This stake would be materialized through granting consultation prerogatives to the Special Status regions on national policymaking in the above domains – similar to prerogatives granted them in policymaking pertaining to the English education sub-system, and the Anglo-Saxon legal system based on common law. A pragmatic reason for the national dimension is that given higher English language use demographics in these two regions, *their residents* constitute proportionally, a significant bloc of Cameroonians who may experience challenges in the implementation of equal use of both official languages at national level – including outside the said regions. Given that the immediately preceding sections of this paper have laid out the arguments for Special Status regions to have a specific stake in

national policies on official languages, we explain further the rationale for an internal language protection regime applicable within the NW, SW regions.

A core rationale for the language protection regime lies in *prospective planning on the demographics* of official language use. Under the 2019 laws as adopted which enable unrestrained use of either official language everywhere in the country and given *census data which shows a demographic predominance of French nationally*, the purely unrestrictive approach could lead to a progressive displacement of English (in favour of French) as the official language predominantly used in the NW, SW regions, through the natural course of demographics and migration. Enabling factors for this trend would include: (i) civil service recruitments and appointments (e.g., teachers, police, other State departments), (ii) outmigration of historical English speakers from the two regions in search of professional mobility / opportunities, and (iii) the tendency for the population (public service users) to gravitate towards the official language that enables them to obtain more prompt service from State entities/administration, and in other official transactions.

As such, while being *nominally or potentially* of equal use by law, the *actual functional value* of the two languages (e.g., within the public administration, to interact or obtain services from it) would be different, with a demographic advantage in favour of French language use – a trend documented by prior extensive studies on language use in the public domain in Cameroon.* The language demographics between regions of the country have been presented in an earlier table, showing a 5:1 English predominance in the NW, SW regions, and viceversa in the other 8 regions. The table below presents the nationwide aggregate of users of one or both official languages. The columns on the left show the number/percentage of their users *as part of the entire population* (including the 30% who use neither official language), while the columns on the right show the number/percentage of users in the official-language literation population, i.e., *the 70% who can use at least one official language*. It is this latter statistic that best portrays the *rapport de forces* between the official languages.

Cameroon: Overall Usage of Official Languages: Persons aged											
15 years and above - (General Population and Housing Census, 2005).											
Entire Population			Official Language	Literate only							
Official Language Used	Number	% Total Pop	Number	% OL Users							
French only	4,401,333	45%	4,401,333	64%							
English only	1,283,908	13%	1,283,908	19%							
French and English (Bilingual)	1,165,006	12%	1,165,006	17%							
Neither French nor English	2,909,664	30%									
Undetermined	85,568	1%									
Total	9,845,479	100%	6,850,247	100%							

Following the analysis that highly-used languages tend to attract more speakers (more useful in the public administration, used by decision-makers, in official transactions, or to obtain key public services) even where other languages are officially permissible, it is plausible that in many communication settings, French monolinguals (64%) and French/English bilinguals (17%) will tend to use French, giving it an 81% weighting, compared to 19% which is the default minimum percentage for English – used by its monolinguals. Putting aside language use choice by bilinguals, as a raw measure of the "statistical value" of a language, i.e., the quantity of gainful interactions that could be achieved by its speakers in the aggregate, the total

percentage of French users (French monolinguals + bilinguals) is 81%, and of English users (English monolinguals + bilinguals) is 36%.

In a national dispensation of unrestrained use of both official languages everywhere in the country as endorsed by the 2019 laws, the above respective national weight of the official languages could spread to the NW-SW regions, over-turning the historic prevalence which entailed the reverse (English predominance). This would mean over time that French could overtake English in the number of speakers, and in rates of formal usage, in the NW, SW regions – aided by the fact that the language primarily used within the public administration and by decision makers tends to gain usage among the citizenry. It should be borne in mind that this concern underlay several expressions of discontent that preceded and have subsisted during the current crisis.

Notably: (1) lawyers in the North-West and the South-West regions expressed concerns about the rate of French language use in court proceedings in the NW and SW prior to the crisis (by monolingual judicial personnel assigned there) amidst a context of the rising percentage of Francophone judicial personnel posted to the 2 regions, (2) important leaders such as the traditional leader of Kumba (and Senator) had expressed concern over senior State officials delivering speeches in the regions in French, and (3) when the Official Languages Bill was tabled in Parliament, it faced bi-partisan opposition from legislators representing constituencies in the NW, SW – including Senate members from the ruling party who (in a rare showing of dissent within the ruling party) dissented to the Bill's admissibility and refused to vote for it. it.

A gradual, incremental displacement of English language predominance by French in the NW, SW regions would in no way offend the existing Constitutional or legislative rules on the official languages and bilingualism. The 2 regions would remain "bilingual" in that the use of both English and French would be fully permissible in them, in both the private sphere and in official domains. However, repeating a pattern observed nationwide in the half century since independence and reunification, the strength of numbers, or the *loi du plus fort* would aggregate more *status functions and uses* towards French (in the NW, SW), aligning those regions' linguistic demographics with the nationwide pattern.

In this way, the NW, SW – holding Special Status on account of a language specificity and historical legacy – could potentially over time, lose the said specificity by becoming part of a larger national *mélange* in which English would become the minority or lesser-used language, in its historical fief. In so doing the "language specificity" mentioned as the Special Status rationale would indeed become a "*historical* heritage", meaning with no relevance to current, actual language use patterns in the said regions.

And therein, lies the *gravamen*, the most significant language policy choice with bearings on the current crisis and conflict, and a key animus behind the mobilization around English-based institutions, which has crystallized and morphed into political movements and armed radicalization in the 2 regions. This is at stake in the crisis and is comparable to language-based struggles in other multilingual countries around the world. This risk or fear of loss of influence and weight by a linguistic community constitutes a potential tipping point, at which the said community contemplates forms of action to challenge or resist a trend which it considers as threatening its stature within the national societal fabric and politic.

II.6 Language balance policy: maintaining heritage elements, or allowing unrestrained national language demographic composition?

Ultimately then, a key inquiry on the linkage between the country's overall *diversity* management policies and its language legislation, is whether the authorities perceive at this particular juncture of the country's history (6 decades after independence and reunification) that the terrain is conducive to allow both official languages to function freely across the national territory, including potentially altering the language balance that had held in place in the NW-SW for 45 years since reunification (per census data from 2005)?

That constitutes an eminently important political option and choice, in the 100-year (century) trajectory of reunifying Cameroon since the Simon-Milner line of 1919 placed it under separate French and British administration. That period has entailed **40** years under separate foreign administration, **11** years under a reunified Federation with retention of some elements of differentiation between the West and East Cameroon federated States, and **44** years (1972 to onset of crisis in 2016) under a Unitary dispensation with nonetheless *salient features of recognition of English systems' pre-eminence in the 2 regions*. That *de facto* understanding on language zones of predominance under unitarism included the establishment of public Universities conceived in the Anglo-Saxon tradition in Buea (1993) and Bamenda (2010), and even language choice by the highest State officials during their visits to the said Regions.

It is very important to specify that an official language "protection regime" applied to the NW-SW would not be intended to *limit or pre-determine who could be assigned* to work in the 2 regions, notably in State/public service assignments. This is a sensitive issue in Cameroon, since the requirements of national integration policies mandate State/public employees to serve across the country. Public service recruitment is also carefully calibrated between all regions of the country through quotas. Rather, such a regime would mean that the provision of public services, and official transactions, proceedings and deliberations would be weighted to achieve English language predominance. Therefore, whoever is posted to those regions would need to be proficient in and use its primary working language.

To demonstrate the policy dilemmas in this area, it should be noted that shortly after the crisis' onset, at least one Cabinet Ministry issued a directive in 2017 to forbid the use of the expression "Anglophone regions" of Cameroon to refer to the 2 regions, directing that they be referred to as the "North-West and South-West" regions. This was a stark reminder of the dilemma over how to treat those regions' language heritage. Two years later, the said Regions would be afforded Special Status based on "linguistic specificities". The resulting overall picture is that their historical and contemporary linguistic affinity is known, but there is a policy hesitancy or dilemma over what to do with same.

A countervailing concern could be expressed that a language protection regime merely disguises a plan to curb or prevent the use of French in the NW, SW. The most appropriate response would be that a language protection regime necessarily boosts the viability of one official language (usually a minority or lesser used one) in its interaction with another. Hence, requiring English as the primary working language in the NW, SW regions would necessarily entail curtailing a stature French could assume, given its *demographic weight* nationwide, and rules permitting *unrestricted use of both* official languages everywhere in the country. In this regard, principles of proportionality will be important – a higher quantum of public services would be available in the two regions in English, while at the same time proportionality would

dictate (as prevails elsewhere in the country for English) that a quantum of French language services also be available in the NW and SW.

In opposition to language protection in the NW and SW as a conflict resolution measure, a number of arguments could be made: that English use and hence its status value in interactions has increased significantly since the last census 15 years ago, that the global strength of English will always retain its vitality in Cameroon, and that new arrivals in the NW-SW regions would be interested in English "immersion" and practice, as opposed to displacing its use with French. However, these arguments do not appear buttressed by the actual language patterns that emerged in recent years as the NW and SW received more French speakers in the civil service and wider community. And indeed, interest in language immersion would be strengthened, and not weakened by an English language protection requirement for both regions.

Recommendation 10: In creating a derogation regime for the primary working, official language of use in the NW, SW Regions per their Special Status and language specificity, ground its legislative establishment in a commitment to protect the *vitality of both official languages*, under which measures may be taken to protect *either* language, to ensure space for its long-term use within Cameroon.

SECTION III: LANGUAGE POLICY & PLANNING: CONTENT AND INSTITUTIONS, LANGUAGE CHOICE SHIFTS, LANGUAGE IDENTITIES & MITIGATING CONFLICT

III.1 Language Policy and Planning: the need for a national policy

Cameroon does not have an overall *Language policy* – that is, an overarching instrument guiding State policies in the domain of use, acquisition, learning, growth, preservation, and assignment of official and other valorising functions, to both the country's exoglossic (foreign-origin) official languages, and its local, indigenous languages. This situation has been a source of concern for a significant number of Cameroonian specialists in language policy, planning, and linguistics.

Their research – published in national and international peer-reviewed journals over the past two decades – tends to converge in the assessment that there is a lack of satisfactory language planning (for both the official languages, and its other languages) in Cameroon. And that this language planning void could constitute fertile terrain for future tensions or conflict in the country. They also observe that Cameroon has a dense linguistic landscape in which multiple languages (2 foreign, multiple local) compete for use in the same communication arenas; that the absence of language policies and regulation results in a survival-of-the fittest scenario in which the formal status and demographics of languages determine their *rapport de force* and the situation of their respective users; and that this situation breeds tensions.^{xv} It is remarkable that probably more so than any other field or discipline, *specialists in the area of language planning and policy* showed prescience, by very accurately predicting, as early as ten (10) years before the advent of the current crisis, that a problem was looming in the horizon.^{xvi}

To quote from an eminent Cameroonian linguist, linguistic diversity and multiculturalism are inherently prone to some problems such as misguided ethno-linguistic loyalties that can

create dissention, tension, and conflict (the so-called *guerre des langues*). However, such conflicts have little to do with language intrinsically but result from *lack of optimal management* of ethno-linguistic diversity and multiculturalism. Therefore, "the proper management of languages in a multilingual setting in accordance with well-known principles is therefore indispensable in stemming the potential tide of … polarisation within the nation's fabric and ensuring linguistic rights, national integration, and national development."^{xvii} Cameroon adopted its first formal law on the official languages in December 2019. However, the said **law** has *come before* and not after, the adoption of a language **policy**.

Language policy and planning, as a specialist field, provides an important frame of reference through which States can plan, project, and use their language resources to achieve the aims of national development and cohesion. Most language planning models do not only contemplate national-level *regulation of official languages*, but **also assign some functions to other languages**, **in cascading order to a country's subnational units**, for instance to widely used *indigenous vehicular languages* (at Regional level), and to *limited reach proximate languages* (at Local level).^{xviii} Language policy planning constitutes a sovereign function that is increasingly affirmatively exercised, and not exercised minimally or through *laisser-faire*. An observer on Cameroon has noted that its lack of an (implemented) policy on languages contrasts sharply with what prevails comparatively in other multilingual societies.^{xix}

Cameroon's status as an officially multilingual country (2 foreign languages) and marked by diversity of endogenous languages warrants more proactive, affirmative language policy planning than has been undertaken in the past. As historical episodes of tensions between its official language systems and the current crisis have demonstrated, language diversity is not to be assumed as constituting only an asset for greater external interaction with the world: it is also a *potential* source of internal tensions and conflict. Cameroon is not unique in that regard; experience around the world shows that when countries harbour this type of diversity, conflicts can and do occur. This has given rise to an entire domain of specialization combining *conflict analysis* and *contact linguistics*, known as "language conflicts", which arise from contact or competition between languages.** The experience of officially multilingual countries such as South Africa, Belgium, Spain, or Canada attest to this.

Recommendation 11: Initiate a professional-expertise driven process, informed by Cameroon's language policy and planning specialists, to develop a Language Policy for the country's official and indigenous languages, including their use and revitalization across the different tiers of the country (national, regional, local).

III.2 Language Policy and Planning: the need for dedicated institutional responsibility

In addition to a policy void, Cameroon faces an *institutional gap* in the locus of decision-making on language policy and planning, compared to established practices in officially multilingual States. To cite a specialist, in the domain of *policymaking*, Cameroon does not have a mandated "Central Language Authority in the form of a Language Institute, Language Centre, Language Academy, or Language Board" which would serve as its institutional nervecentre for language policy, planning, and management.^{xxi}

What obtains presently is dispersed institutional activity in the language domain, which includes the Bilingualism Program (Presidency), and Regional Linguistic (Training) Centres,

the National Commission for the Promotion of Bilingualism and Multiculturalism (which neither has overall language planning within its mandate, nor reflects same in its membership or structures), Ministries and public entities' Translation and Interpretation Units, an Advanced School of Translation and Interpretation, University Departments of Linguistics, and Regional & Local Authorities tasked with promoting endogenous (local) languages. This institutional constellation does include however a central language planning authority.

Section 27 of the December 2019 official language law provides that "the State shall ensure the monitoring and evaluation of national policy on the promotion of official languages through an advisory body set up by a separate instrument". This mandate looks similar to that already assigned to the NCPBM. However, if it monitors/evaluates bilingualism-related policies, which State institution has the expertise and institutional responsibility to formulate them? Given its substantial base of specialists in language policy planning and management, the critical need in Cameroon is to create the institutional space for sound language planning – and hence give voice to Cameroon's language policy specialists and linguists. To date, their extensive research appears to have found little uptake into mainstream policy making, which results in a paradox of a high-level of specialist production, and a paucity of policymaking in the domain.

A dedicated language planning function in Cameroon would amongst other beneficial impacts: (i) provide advice in the formulation of State language policies; (ii) commission and/or conduct prospective studies on trends and factors in language acquisition, use, preservation, and revitalisation; (iii) study new language acquisition trends notably the motivating factors, use patterns of the acquired languages, and the evolving composition of Cameroon's multilinguals (to equalize incentives for acquisition of new languages), (iv) recommend model language policies for State institutions and entities; (v) review the effectiveness of State language policies; (vi) aggregate and validate the best research in the area; and (vii) work complementarily with bodies such as the NCBPM to inform State policies to optimize the harmonious use, and minimize the conflict potential of (official) language diversity.

Recommendation 12: Conduct a scoping study to prepare a draft legal instrument pertaining to the mandate, functions, scope of responsibilities, technical expertise requirements, institutional supervision, modalities of functioning, and organigram of a permanent Language Policy and Planning entity for Cameroon.

III.3 Language shifts and increased English acquisition in the Millennium

Since the Millennium (2000) a trend has been discerned of increased acquisition of English by historical French speakers (Francophones) in Cameroon. This has been achieved mainly through a deliberate generational shift in which parents/families who primarily used French as their official language of communication, are cross enrolling their children into English medium schools of instruction. This trend has been observed at all educational tiers, as early as *nursery schools*, ^{xxiii} in the increasing availability of "double-diet" English and French instruction in *primary schools*, and cross-enrolment of children from historically French-using families into English *secondary schools* (nationwide, and in particular in the NW, SW regions before the crisis in 2016), ^{xxiii} and increased enrolment of students with previous studies in French, into the public *Universities* of Buea and Bamenda, created and functioning

in the Anglo-Saxon tradition. xxiv (This trend is examined more extensively in the Policy Paper in this series on Education Systems).

This phenomenon, which marks a significant change from the 1960 – 2000 period during which the English and French educational sub-systems attracted only limited entrants from learners from the "other" language background, has been studied by Cameroon's linguists, and specialists in language-in-education policies. Their research has examined (a) the motivations for this newfound interest in English education and use, (b) how the new English learners and users are coping in their new language-of-education environment, and (c) on the identities that are emerging among them: how they fit into, modify, or up-end the previous conceptions of "Anglophone" and "Francophone" identities in Cameroon.

Their research demonstrates that there is a changing perception of the status of English in Cameroon. From a historical minority and lesser-used official language to which less value was attached for interactions within Cameroon (compared to the dominant French language), English is acquiring increased status and value, especially as a vector of educational and professional mobility, notably for regional and global interactions outside Cameroon. This is accelerated by the advent of globalization, in which the global use-value, number of speakers, and resource-availability in English significantly outweighs that of French (1.3 billion global English users versus 270 million global French users). This new acquisition of English is also extroverted: its prime motive is not to interact "within" Cameroon as an official English - French bilingual country, but rather to harness the gains that English use accrues in international educational, professional, commercial, and business interactions.

While observing that new English learners have generally adapted well into their new language-of-learning environment, and rate very positively the quality of the English-medium education they receive within Cameroon, a drawback has been observed on how the "new English" (language-of-instruction shifters from French to English) perceive their interactions with Cameroon's historical Anglophones. Reflecting previous perceptions of social and functional status, "new English" users tend to establish a differentiation between their new language skills acquired, and Cameroon's historical Anglophones. Only few parents surveyed would consider their newly English-educated offspring as comparable to Cameroon's Anglophones (notably from the NW, SW), suggesting theirs had acquired of a form of English "superior" to the formers'. This results in a near hierarchisation between "local" English (identified with Cameroon's Anglophones), and "global" English – the more desired or sought-after brand of English associated with globalisation. **xxx**

As the subsequent sub-section (on competing language identities) demonstrates, the *impact* of perceptions or stereotypes attaching to language communities should not be underestimated. An important implication is that consideration needs to be given to introducing civic and national cohesion content to the acquisition of official languages. Grounding all learners/citizens in the strains and efforts it has taken for Cameroon to maintain and sustain its unity, and the viability of its 2 official languages – a fact learners should not take for granted.

Recommendation 13: In Cameroon's 4th General Population and Housing Census (authorized in 2015; field data collection under preparation in 2021), collect disaggregated data on the composition of official language bilinguals: their primary official language, geographic location (urban/rural), age, functions in which either official language is used, income group, and occupational sector (public/private/formal/informal) – in order to understand better, official language acquisition and use trends.

III.4 Different prevailing economic incentive structures for second official language learning, by primary French and English speakers

For purposes of balanced language planning, it is important to ascertain the differences in the structure of incentives to acquire the second official language, in Cameroon. Multiple studies have demonstrated a significant uptake in English language learning interest since the Millennium among primary French speakers. This interest is observable in adult enrolment learning in language programs but is most perceptible (and of demographic significance) in the wholesale "immersion" experiences, where students switch to enroll in the English educational subsystem at primary and secondary education levels.

It has been observed that this trend of language-of-learning and school subsystem migration is much higher among historical French users (Francophones), who are resorting more to English subsystem immersion, while the reverse is rarer. Fifteen years ago, a researcher observed that if this trend of one-way cross enrolment (by Francophones only) continued, "Francophones would certainly have an extra linguistic edge over Anglophones, since in addition to French many of them will equally be proficient in English. Consequently, the evolution of official language bilingualism would be tilted in favor of Francophones, a situation likely to further endanger the place of Anglophones as a linguistic minority in the country."xxvi

It has been noted that the prevailing motivations for full acquisition of English as a second language are instrumental and economic. This is also driven by the number of speakers and use value of a language in interactions for educational, academic, professional, employment, trade and similar interactions, not necessarily within Cameroon, but globally. **xvii* For instance, factors such as pursuit of further studies abroad, and employment with international organisations or multinational corporations feature prominently among incentives for primary French users to acquire English proficiency. In this regard, the global position of Cameroon's two official languages becomes important and has a bearing on the incentives of its citizens to acquire the second official language. **xviii*

With <u>1.3 billion</u> users globally and significant cross-continental geographic spread, English ranks along with Mandarin Chinese among the top of the world's most widely spoken languages. For Cameroon's primary French speakers, the drive to interact effectively for global educational, professional, and commercial purposes, provides *a very strong incentive* to acquire English proficiency. This has demonstrated itself into the strong demand for English language skills learning, most palpably demonstrated through direct "immersion" of children in the English educational system.

The French language has <u>270 million users</u> globally, and so less in demographic terms than English globally (one-fifths of the latter's users).^{xxx} However, from a Cameroonian perspective, the French language is of particular significance because of the number of countries on the African continent which have French as an official, or widely used

language.xxxi Current data and future projections show that the majority of habitual French users will be in Africa.xxxii Furthermore, French use is most widespread in the Maghreb, and in West and Central Africa, the latter being proximate to Cameroon. This is important because of the density of trade exchanges, travel, regional economic integration, and other geo-political interactions Cameroon has with these French-speaking countries.

For the primary <u>English</u> speaker in Cameroon, proficiency in their first official language *alone* will provide them the multiple <u>global</u> use and interactions value that comes with its prominence. However, the ubiquity of French, both in their home country, and in subregional spaces (West/Central Africa) and wider African continent, counsels for the importance of French language acquisition. In terms of equating "extroversion" in a context of globalisation, the need to communicate effectively <u>continentally</u> in French if they plan to work in Africa (for anglophones) is the structural equivalent of the need to interact <u>globally</u> in English (for francophones). In effect, the most suited and apt profiles for job markets across much of Africa (in a context where skills, responsibilities, organisations, and interactions are increasingly multi-country) will <u>not</u> be persons mastering a single, important global language (English) but persons who master <u>both</u> the highly used global language (English) and the regionally and continentally significant language (French) – a point which research on Cameroon has already begun demonstrating. *xxxiii*

It will therefore be important that these varying incentive structures for language acquisition are well-analysed, and that parents, students, and graduates be well-informed on job market language needs. It is important that varied contextual incentives structures do not result in any demographic segment (notably primary English speakers) having lower 2nd official language acquisition.

Recommendation 14: Collate and update existing studies on the different incentive structures for acquisition of the second official language by Cameroon's primary French and English language users; undertake corrective stimulus measures to ensure a balanced set of incentives, to encourage Cameroonians with either primary official language background, to acquire the other, given national, regional, continental, and global language use/value trends.

III.5 Synthesis culture, new English acquisition, and avoiding official language confinement to historical zones of use

Cameroon's medium to long-term development planning instrument, the National Development Strategy 2020-2030 intends to promote a "synthetic cultural identity" which actively blends various experiences and departs from linguistic affinities. (Point 6.6.2) It can therefore be expected that whatever the motivations or challenges, national authorities will be keen to encourage the above cross-acquisition of official languages.

This may serve as an argument against a language protection regime, or recognition of a special regional interest in English of the NW-SW regions, which could be seen as "confining" English ownership to the said regions, instead of encouraging and benefitting from the professional, economic, and global integration gains of wider English uptake across the country. It could also be argued that *language protection*, *or special interest recognition* for English in the NW, SW may generate a backlash of unhelpful parallel, retaliatory measures to "protect" French use elsewhere in the country, including against the prospect of its being threatened by English's *global* dominance.

The policy challenge becomes: how can a language protection regime for the NW, SW whose effect is to (A) afford English primacy of usage (and necessarily curb French from demographically overtaking it there) sit with (B) a policy favouring increased English uptake nationwide? We argue that the two approaches are not inconsistent, if the prism of minority-use languages is used: a language protection regime is afforded to a language in a minority position. Cameroon history for decades demonstrates that English was in this position. As a result, in the absence of a language-systems protection regime, historical English speakers as a community engaged in cycles of mobilization at significant cost (strikes, protests, tensions) to secure better space for English in official domains, to defend the English educational system, its certification boards, establishing Anglo-Saxon University education, etc.

The tide of globalisation (by raising its use value, notably *internationally and for global transactions*) has startlingly removed an impediment for primarily French-using Cameroonians' acquisition of English, for their professional use and advancement. However, this has not (to date) *translated into a wider diffusion of English into all key social and professional strata – notably the State public service, police/gendarmerie forces, or other State corps where monolingualism continues to exist, and whose prevalence and projection into the NW, SW regions was one of the crisis' triggers.*

This situation where new English acquisition and bilingualism are increasing, but may remain sedimented in certain segments of society, without achieving a wider impact on the important State/public workforce and its institutional practices, needs to be closely examined – as it could be consistent with the motivations/incentives for new language acquisition, as researchers have documented. How then could the State/public sector ingrain its own incentives and intake structure to benefit from this trend of wider English uptake, in order to strengthen the bilingualism of its entire workforce?

Recommendation 15: Expand research into the demographic composition, language backgrounds, location, and dynamics of emerging official language acquisition – to better harness them for national cohesion.

III.6 Language Identities and societal conflict

There is sufficient specialist scholarship in Cameroon to establish that its two official languages constitute poles around which *identities are constructed* in Cameroon. The said identities are not exclusive, since they coexist with other endogenous, ethnic, or geo-cultural zone influences which shape collective identities in the country. Identity construction around the official languages is also not static – for instance, they have been rendered less stable by language switching, such as learners from historically French-using families transitioning into the English school system and emerging therefrom with command of both official languages.

Identity formation around one or the other official language is aided by the fact that for several decades, Cameroonians have cohabited while individually using primarily only one official language. After 45 years of reunification, per the last census in 2005, only 12% of the national population (1 in 8) was English-French bilingual, and only 17% of persons *literate in at least one official language* (1 in 6), could use both (83% of literate Cameroonians were monolinguals). Assuming that in the 17 years since the last census, the percentage of *bilinguals among the literate population* has doubled (to 34%) or even tripled (to 51%), two-

thirds or half of literate Cameroonians can still not communicate appropriately *across* the official language spectrum. Cameroon unlike other officially multilingual countries (Switzerland, Canada) does not territorially demarcate language zones (provinces, regions, cantons), meaning both official languages and their users intermingle across the country. In the absence of endogenous languages with vehicular status (such as Bambara, Wolof, Swahili, Hausa, or Yoruba serve in other national contexts) midway options such as Pidgin English or Camfranglais are used in daily communications.

Yet, for official language monolinguals (nearly *9 in 10* Cameroonians in 2005), users of the "other" official language constitute an "out-group" to which they do not have access. Language dissonance, misunderstandings, and linguistic insecurity (avoiding communication due to fear of errors) result in missed opportunities to know and understand the "out-group". They create a comprehension void which is filled by *perceptions*, *stereotypes*, *and clichés* on either side of the non-permeated official language barrier. During episodes of contestation over the English/French heritages, it is commonplace to find virulent exchanges involving primary users of either official language.^{xxxv} Anecdotal surveys have on occasion found that across the official language divide, respondents described the "out-group" as untrustworthy, corrupt, or devious.^{xxxvi} There exists an array of documented slurs and epithets used over past years and decades (notably when disputes emerge) to describe either "out-group" (Francophones or Anglophones) in derogatory terms.^{xxxvii}

The nature and intensity of the connotations ascribed to language identities are important predictors of the potential for conflict along these lines. While these tended to be subdued and limited to linguistic intolerance and verbal violence (e.g., in private interactions), their existence likely provided a springboard which could be capitalized upon, notably within the minority English segment. The tipping point being what was perceived by 2015-16 as a plan by the "out-group" to take over both regions, through the increased presence of primary French-speakers as State employees, teachers, and in trades in the NW-SW. The crystallisation of these "identities" has also meant that over time, language alone is not sufficient to access the "in-group" – as the new English users have found out.

As Cameroon continues to witness transformations in the make-up of its official language users, it will be important, among perspectives to resolve the NW-SW crisis, to continue monitoring language-based identities and the interplay between them. To accompany the evolving trends, training of language learners on linguistic tolerance, shared civic values, inter-group solidarity, and common national history are important, to foster inter-group comprehension – while ensuring that State language policies *reduce frictions* between those citizens who will continue to be monolingual in official languages.

Recommendation 16: Monitor evolving inter-group perceptions between users of official languages across various linguistic environments (monolingual, bilingual) in Cameroon, as part of wider monitoring of inter-group perceptions, to reduce/counteract predisposition to animosities. Integrate learning of civic and shared values, common national heritage, and the history of linguistic diversity, into contexts where there is significant flux in language-ineducation and language choice.

END NOTES

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