

Observations on the Bill on the Promotion of Official Languages in Cameroon

04 December 2019

- The Bill continues an approach which suggests that Cameroon wants to achieve “bilingualism”, meaning the use of its two official languages by Cameroonians *everywhere in the country*. There are several implications of this approach. First, that **Cameroonian policy (through the proposed legislation) is blind or indifferent to existing, current, and actual patterns of use, and the predominance of those Official Languages in different regions of the country**. Cameroon’s Government collects that data, and its last General Population and Housing Census (conducted in 2005) showed clearly what the patterns of predominance in the use of those languages is, between its regions. (See below) Cameroon’s census data can be accessed here: <http://www.statistics-cameroon.org/news.php?id=18>

Cameroon: Distribution of the Population aged 15 years and older, by region, and literacy level in the Official Languages (OL)											
Source: General Population and Housing Census, 2005.											
REGION	French & English	English only	French only	Illiterate in OL	Not declared	TOTAL	Literate in OL	% bilingual in OL	% illiterate in OL	% using French (+ bilingual)	% using English (+ 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%

Cameroonian bilingualism: Urban/Metropolitan vs. Rural (GPH Census, 2005)								
	French & English	English only	French only	Illiterate in OL	Not declared	TOTAL	Literate in OL	% bilingual
Urban Cameroon	925,318	663,684	2,877,125	685,655	23,912	5,175,694	4,466,127	18%
Rural Cameroon	239,688	620,224	1,524,208	2,224,009	61,656	4,669,785	2,384,120	5%
Mfoundi (Yaounde)	298,837	46,171	784,371	53,563	4,827	1,187,769	1,129,379	25%
Wouri (Douala)	253,909	64,818	901,944	53,558	1,757	1,275,986	1,220,671	20%

2. The proposed law therefore continues on the path of the same policy Cameroon has implemented for the past 50 years in the domain of its official languages, meaning it wants: (a) that both languages be used inter-changeably across the entire country, and (b) that its citizens should acquire bilingualism. As the data above shows, the **first objective had only been marginally attained 45 years after it was started** (1961 – 2005). On the second objective, the same 2005 Census data showed that **only 12% of Cameroonians were bilingual in English and French. Of the Cameroonians who could read or write at least one official language, 83% of them could use only one, but not both official languages.** So, 83% of literate Cameroonians (as at 2005) could use only one official language. (See below) The concern therefore is that **there is no significant policy shift. The law proposes to do “more of the same” while expecting different results.**

Cameroon: Overall Usage of Official Languages: Persons aged 15 years and above - (General Population and Housing Census, 2005).			
French only		4,401,333	45%
English only		1,283,908	13%
French and English (Bilingual)		1,165,006	12%
Neither French nor English		2,909,664	30%
Undetermined		85,568	1%
Total French users (incl bilingual)		5,566,339	57%
Total English users (incl bilingual)		2,448,914	25%

3. In handling or addressing Regions of the country, referred to as Regional and Local Authorities, **the law treats all Regions of the country exactly the same for purposes of how the said Official Languages will be used there.** Section 3 makes the Law applicable to “regional and local authorities”, and the law includes them in the definition of “public entities” (Section 7), which subjects all the Regions to the obligations of use and access to services in both official languages (sections 13 to 26).
4. This **Bill is tabled barely a few weeks after the Major National Dialogue to resolve the Anglophone crisis proffered as one of its principal recommendations, the crafting of regional Special Status** for the Northwest and Southwest regions. That recommendation was made “*on account of their historical specificities*”, the specificity being that those regions were historically under British administration and acquired certain Anglo-Saxon systems. Part of the constitutional enabling environment for Special Status is Section 62(2) of the Constitution, which provides that legislation “*may take into account the specificities of certain regions with regard to their organization and functioning*”.

When the Bill on Official languages purports to require of, and in all Regions (regional and local authorities) the same quota of delivery of services in both official languages, it appears to be circulating out of orbit, from an important national consensus towards resolving the Anglophone crisis.

5. The Bill does not make the important distinction between **centrally-provided services delivered by national institutions** (so operating at national level), and **public services provided within Regions of the country** (operating at regional level – whether as Delegations of central institutions, or as the administration of Regions and Local authorities). As such, it misses a critical, important opportunity to have articulated a clearer norm for access to services in the official languages, and one that is attainable.
6. In a context such as Cameroon where there are **clear trends of regional preponderance of the Official Languages** (more English in NW/SW, more French in the other 8 Regions), and **a combined population mix with 25% who can use English, and 57% who can use French** (bilinguals included, per 2005 Census data above), Government has 2 challenges: (a) to provide at *national or central level* (for those services or functions performed at that level), equality of access to them in either official language (since it has citizens coming from different language backgrounds who need to access central State services equally), and (b) to provide *within its Regions*, a level of access to public services in each official language that is suitable to, or reflective of the level of need, meaning of effective use of the said official language.
7. What purpose does it serve to require that “State employees shall be bound to render services” (equally) in the English language (section 13(2)), **for instance at a government Integrated Health Centre in Mora or Kolofata, Far North Region of Cameroon, where the percentage of residents who could use English was only 5% (see above census data)?** The same could be said of the North or East regions with similar levels of English language use. The question from a standpoint of feasibility, cost-effectiveness, and optimal targeting of policy, legislation, and (scarce) resources to address specific problems, is whether it is a judicious use of public resources to require all public structures, even delivering services at the smallest unit in all Regions of the country, to in effect have the *same capacity to offer services in both languages*.
8. The argument that since there are “some” users of English even in the above locations who (no matter how few) would deserve their “equal” treatment in terms of language access, is **an unfortunate consequence of attempting at all costs to mask the reality of regional language use preponderance**. It risks

setting up expectations which central Government and Regions and Local authorities will not have the means to deliver, and misdirecting resources away from where the need is highest.

9. The solution countries with these same dynamics use, is to **regulate the provision of official services at Regional level, as a function of or, or in proportion to the users of the said Official Language**. That is not difficult to achieve. It means access to public services *within given Regions* (whether by the central State's delegations or services there, or by the Regional authorities) *is regulated with reference to demographic language use data* (which Cameroon does have available). Is it possible to regulate the "supply" of State services in each of the official languages, e.g. in hospitals, tax offices, police stations? Yes, it is. This requires for each concerned public unit to **have language assessments of its personnel, and to ensure (for instance, to attain 25% English language services) that it has at least that ratio of English-speaking and English-using staff across all its key departments**, especially in roles interacting with the public.
10. Considering the Special Status recommendation from the National Dialogue process, **in many Special Status Regions around the world, the language most widely used by its residents is formally designated as the "working language" of the Region**. Meaning both English and French are official languages of Cameroon, but **in the Special Status Region, the principal or working language, required for use in official transactions, documents, and proceedings, would be English**. Proportionality arrangements can also accommodate the "lesser-used" official language in each Region, by ensuring that a core of public services, or a percentage of personnel able to provide services in that language is available in the said Region.
11. Sections 26 (1) and (2) of the proposed Law also appear out of orbit with the country's current context, the National Dialogue, and assumes the country as one even plain in which the two languages are used indistinguishably (which the State's own data shows it is not). That Section provides as follows:

Section 26: (1) Either English or French shall be used before ordinary law and special courts. (2) Court decisions shall be rendered in either of the official languages.

It is important that coming during the intense search for measures to resolve the crisis with a follow-up process under the auspices of the Prime Minister, this legislation should not be seen as instead reversing, or being insensitive to the myriad concerns that triggered the crisis in the first place. **In a context of**

Special Status arrangements, the official language of use in court proceedings, deliberations, and judgments, would have to reflect the said Regions' principal language of use, which is English.

12. The proposed Law also has a major blind-spot. It 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”*. **The blind spot consists in considering that Laws (adopted by Cameroon’s Parliament) and Regulations (such as texts of application issued by the Executive) constitute the only or principal source of normative laws, regulations, and texts applicable in Cameroon. A large number of applicable directives, regulations, instruments, and laws which are enforceable in Cameroon are adopted by sub-regional bodies, or by groupings of States in Central and West Africa to which Cameroon belongs.**
13. The instruments they adopt become **directly applicable** in Cameroon: they do not come to Cameroon’s Parliament in order to get adopted in French and English. This includes bodies such as CEMAC, the Central African Banking Commission (COBAC), and OHADA, the former two of which are constantly issuing regulations, texts, and directives. While CEMAC and OHADA have English as an official language, in practice *both bodies are quite far from being fully functional in English*, which creates difficulties for English-speaking Cameroonian citizens or users to access them effectively.
14. For CEMAC, there exists an often **significant time delay between the adoption of certain important regional texts and the availability of their translation into English** (examples are the [CEMAC Commercial Shipping \(Maritime\) Code](#) and the [CEMAC Civil Aviation Code](#) both adopted in 2012). *The Official Gazette of CEMAC in which regionally adopted instruments are published to take effect in member countries is not a bi or multilingual publication and appears in French only.*¹ For OHADA, while its substantive law (Uniform Acts) that govern most aspects of business and commercial law in Cameroon are available in English, those texts constitute only a *fraction of the entire repository* of OHADA law. The Judgments of the highest supranational appeal court (the OHADA Court of Justice and Arbitration based in Abidjan, Cote d’Ivoire) which hold important interpretations of OHADA law, are not available in English.
15. Cameroon has advocated within CEMAC and OHADA for greater consideration of English, as an official language. However, it *has not undertaken a significant investment of national resources, to mitigate the access difficulties faced by its*

¹ See: [Bulletin Officiel de la CEMAC 2017](#); [Bulletin Officiel de la CEMAC 2018](#)

English-language users in accessing these regional norms. A special program of mitigation measures can be put into place, likely within the Special Status region framework, under which significant investments would be made to render these sub-regional and supranational texts into English. **Cameroon's legislator should therefore have included sub-regional, supranational texts and regulations among those that have to be available in both official languages, as a national responsibility and expense** (section 26).

Author:

Barrister Paul N. Simo, Esq
Constitutional – Public – International Law
Bali, Douala, Cameroon