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### CAMEROON'S ANGLOPHONE CRISIS : CONTEXT, SCENARIOS, AND SUGGESTED INTERVENTION STRATEGIES

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#### EXECUTIVE SUMMARY

This policy briefing provides a situational analysis of Cameroon's Anglophone crisis. Its objective is to furnish elements of analysis, and to suggest areas for intervention – by public authorities, political actors, civil society stakeholders, and development partners – to address the situation in the immediate and near term. It is comprised of two parts. *Part I* traces elements of the **political, security, and humanitarian context**, and projects short and medium-term scenarios for its evolution, including flash-points to be averted or mitigated. *Part II* charts potential path-ways towards resolution of the crisis and to attenuate its effects. It identifies three strands of action: a **political track** for broader conflict resolution, a **development response** to address the sources of discontent that are drivers of the crisis, and a **humanitarian track** to contain and mitigate its effects on the population in the affected regions.

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## PART I: CONTEXTUAL OVERVIEW AND SCENARIOS

The last quarter of 2017, and the first quarter of 2018 have witnessed two major developments in Cameroon's Anglophone crisis. The first is the emergence of a clearly pro-separatist Anglophone element (after the events of 1 October 2017), and the pursuit by groups associated with separatism of repeated armed attacks on Cameroonian territory, in particular against security forces and State emblems in the Northwest and Southwest regions. The second is Government's deployment of a diplomatic, military, and security response to contain the separatist element, namely through securing the arrest and transfer of pro-separatist leaders from neighbouring Nigeria, and military and security operations to dislodge the armed separatist actors and secure both regions. Against this backdrop, a number of scenarios could depict future trends in the crisis.

In the **short-term security outlook**, the arrest and transfer of the pro-separatist leaders to Cameroon has had an effect on the nature of armed activity pro-separatist elements. In the month since the transfer of those leaders to Cameroon, pro-separatist groups have tended to more affirmatively adopt a posture of undertaking what they term 'self-defence' actions. Their vocal armed elements have stated that their objective is to make those regions 'ungovernable' or unbearable for administrative officials and security forces thereto deployed. This has translated into attempts to disrupt administrative, political, economic, and educational processes in both regions. There has been an increase in activity by pro-separatist groups or cells claiming allegiance to them, including kidnapping of some public officials and hostage-takings, in exchange for either meeting of political demands or ransoms.

In this regard, attention may need to be paid to flash-point events, as the armed elements' asymmetrical tactics may lead to attempts to disrupt or react to major events. Flash-points to anticipate and monitor during the year include: developments in the handling of pro-separatist leaders transferred in January 2018 or persons previously arrested in 2016 and 2017; the conduct of elections (municipal, legislative, and presidential elections are scheduled for 2018); significant dates or events (such as May 20<sup>th</sup>, which commemorates the referendum transforming Cameroon from a federal to a unitary State, or 1 October); and major educational events – such as the May/June English secondary education examinations (since these groups emphasized school boycotts as a civil disobedience tactic).

These groups' ability to sustain armed tactics will likely depend on: the effectiveness of the Government's security response including through regional collaboration with Nigeria in pre-empting and disrupting their operations, their ability to recruit, train, and support fighters (including among displaced and refugee communities), and the sustainability of their funding and supply lines. The heterogeneous and splintered nature of the pro-separatist groups will have a bearing on the crisis' evolution, accelerated by the dislocation and transfer into detention in Cameroon, of their erstwhile political leadership based in Nigeria.

On the one hand, since the fourth quarter of 2017, the attacks committed by separatist elements in both border and in-land locations across the Northwest and Southwest regions (Kembong, Otu, Agborkem, Mamfe, Ekok, Dadi, Kumba, Kwakwa, Mbonge, Nguti, Bangem, Mundemba, Lebialem, Jakiri, Bamenda, Mbingo, Batibo) suggests the presence of small dispersed groups in various locations *within* those regions, capable of staging attacks, given the means and opportunity to do so. On the other hand – at a *political* level, the shifting

leadership, factional in-fighting, and difficulty in finding a rear base outside Cameroon will complicate the pro-separatist groups' constituting a unified political front and cohesive leadership, which they attempted in 2017.

While this may render difficult the fundraising, communications, and coordination work previously undertaken by its political leadership, it also portends further dispersal of the pro-separatist element, rendering its actors more nebulous, and more inclined towards asymmetrical or disruptive actions. As such, in their most recent actions, the armed pro-separatist elements have appeared to act more often as local groups, with lower levels of central coordination and resources. This may lead to a situation in which these groups act based on local agendas without a cohesive politico-military strategy or direction, and at greater risk of infiltration by local criminal elements. Given nonetheless their potential to disrupt educational, administrative, commercial, infrastructural development, and political activities in both regions, it can be expected that a security response will be maintained to prevent their activities.

In the **medium-term security and humanitarian outlook**, the lack of a unified political leadership, but rather the presence of small cells of pro-separatist armed elements, and the security forces' operations to root out these elements, stem their in-flow, and block their supply routes and incursions, suggest that sporadic armed incidents could be expected in the Northwest and Southwest regions. Such incidents will in turn attract a military riposte. The immediate prospect is that the regions may be faced with low-intensity conflict. Of particular concern will be locations where any attacks are committed against State emblems, administrative, or security personnel, and how the latter respond: as the resulting security operations in those areas may provoke flight and displacement among the civilian population.

In this scenario, there will be immediate humanitarian and human rights needs across both regions: to monitor the actions of pro-separatist elements, to verify human rights compliance by security forces, attend to the internally displaced and refugee outflows, and to stem the vulnerability of youths to truancy or recruitment for armed activity. A heightened casualty level or toll on civilians may result in efforts by specialised institutions to engage with the parties to ensure that humanitarian relief is available to affected populations.

The intensity of armed activities, and in particular the extent to which its spill-over effects on neighbouring countries can be contained (refugee outflows and ability of the concerned States to curb arms or supply flows and recruitment by pro-separatists), will determine the level of regional or international pressure for a prompt solution to the crisis. It can be expected that States of the sub-region will be watching trends in its evolution, attentive to the risk of cross-border effects on regional security, considering the sub-region's history of security risks off the Gulf of Guinea coast (such as maritime piracy and oil bunkering). The medium-term outlook will also depend on whether and how the armed pro-separatist elements attempt to re-constitute their means of supply or whether – faced with increased regional inter-State cooperation – their tactics and modes of operation change.

A significant portion of the funding, mobilisation, lobbying, communications, intellectual under-pinning, and political leadership on the Anglophone issue was developed among segments of Anglophone Cameroonians in the diaspora, large communities of whom live in Nigeria, South Africa, Belgium, the United Kingdom, and in North America amongst other locations. Therefore, in addition to the two predominantly Anglophone regions *within*

Cameroon, it is important to follow developments in this constituency *outside* Cameroon – as they constitute a significant influencer group on the crisis. Their willingness to provide continued intellectual, material, and moral support to the movement will tend to determine its viability and outcomes.

The **political context and outlook** on the Anglophone crisis is likely to be marked by two factors. First, the definition of *which entities will constitute viable interlocutors* that can continue to articulate or represent the aspirations and concerns of the Anglophone community, in the process of finding a space to resolve the underlying issues (around devolution, group specificities, equality, and non-discrimination). Second, how the issue gets absorbed into Cameroon's *broader political process*, specifically how diverse political actors propose to resolve the crisis, including through the *2018 electoral process* and how it unfolds nationally and in the affected regions.

The issue of **political agency, leadership, and articulation** of the concerns of the Anglophone community will continue in the medium term to constitute a key determinant of, and precursor to resolution of the crisis. Due to its galloping nature since it began in October 2016, the crisis has witnessed frequent mutations in the principal groups seeking to obtain from Government, concessions or responses on articulated demands. This has included: (i) sectoral trade union leaders, especially those representing teachers and lawyers in the Anglophone regions, (ii) a (banned) attempt at federating a broader spectrum of social and civic forces in those regions into an umbrella movement, (iii) the consolidation of a more radical political movement driven by the rekindling of fragmented and latent *pro-separatist* groups, principally in the Anglophone diaspora, (iv) pro-separatist elements resorting to armed attacks, and (v) uptake of the issue by mainstream political parties in Cameroon, linked to their existing political platforms about governance and the ordering of State institutions.

At the onset of the crisis late in 2016, an initial posture was to circumscribe the issues at stake (predominance of French language use and institutions nationally, including in the predominantly English-speaking regions) as purely *sectoral concerns* raised by trade unions of teachers and lawyers – to which specific responses could be provided. However, the historical weight of concerns within the Anglophone community (which had emerged in waves during the 1970s, 1980s, and 1990s) and the initial approach to managing the crisis resulted in the mobilisation of a wider front or lobby. The articulated demands expanded to *political organisation of the State*, possibly as a means to secure entrenched changes that would forestall the recurrence of any future lapses in the management of diversity. Faced with a widening school strike and civil disobedience, and unwilling to have a 'political' negotiation determine the resumption of schools and civic life, the Government banned this expanded platform of demands. Incidentally, this led to the baton passing to a more radical form of demand (*pro-separatist*) which would further distance the parties from the possibility of a negotiated solution.

Over a year into the crisis, improved understanding of the underlying concerns, and the galloping spiral towards conflict have created more tolerance of addressing the underlying political issues around better ordering of the State's institutions to accommodate all of its constituent groups. All of Cameroon's key development partners, key sub-regional, continental, and multilateral peace and security institutions, and its global affinity groups,

have called for ‘dialogue’ as a means of resolving the crisis.<sup>1</sup> The spectre of *separatism* aside, the country’s wider political class is arguably more amenable to seek ways to ensure peaceful co-existence within the country. Given the pursuit of armed attacks by pro-separatist elements and security operations against them, it remains to be seen what role this segment could play in an eventual political track to diffuse the crisis. Absent a dramatic escalation and the inability of State authorities to contain and prevent it from threatening regional peace and security, international pressure to induce talks with armed insurgents would remain unlikely.

In this context, the question of how, and through which interlocutors the issues underlying the crisis are articulated and resolved will remain important. The constitution and preservation of a ‘dialogue space’ within which these issues are discussed will be primordial. An important first step is to overcome – despite the problem’s persistence – the temptation to suppress or negate articulation of group specificities (Anglophone and Francophone), as some public authorities did at the onset of the crisis. Acceptance that these group specificities exist (and overly with multiple other ethno-regional specificities in the country) enables public authorities better design how to accommodate, manage, or transform them, within the State.

Such acceptance also prevents the tendency for these specificities to become swept under the carpet *into underground or clandestine* movements – which may recede into latency, but later resurge whenever a diversity crisis appears. Historically, for the two decades since the All-Anglophone Conferences of the early 1990s which formulated proposals for better diversity management between the English and French heritages, virtually all Anglophone activist groups were clandestine and explicitly *separatist* – operating on the fringe of national politics, yet capable within just a year to resurge, and radicalise the current Anglophone crisis. It would serve the country and enhance the prospects for peaceful management of diversity through dialogue, *to have lawful advocacy channels, and mainstream interlocutors, to articulate Anglophone concerns within Cameroon.*

**The uptake of the Anglophone crisis into Cameroon’s broader political process, and the conduct of and dynamics around the 2018 electoral cycle** are also to be borne in mind, for resolution of the crisis. Through its prolonged nature, the crisis has entered into mainstream discussion, attracted saturation media coverage and analysis, and drawn commentary from across Cameroon’s political spectrum – including from within the ruling party. Its unfortunate descent into armed activity, and the loss of lives, places it among the more intense home-grown political crises the country has faced since: post-independence conflict in the 1960s, the difficulties of political succession in the early to mid-1980s, and the early years of return to multi-party rule at the start of the 1990s. Political actors and aspirants therefore understand that voters expect the leadership to find some form of lasting solution.

Cameroon’s electoral demographics mean that the Northwest and Southwest regions (as well as Anglophone concentrations outside those regions) constitute approximately 20 percent of the voter fold. Both regions combined are represented by 35 seats in the 180-person lower legislative house (19.4 percent of seats in the National Assembly), and 20 per cent of seats in the Senate, the upper legislative house. Recent data from the election management body

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<sup>1</sup> This includes amongst others: the United Nations, the African Union, the European Union, the Francophonie, the Commonwealth, and the Governments of France, Nigeria, and Equatorial Guinea.

(ELECAM) indicates that registered voters in both regions constitute 16 per cent of overall voters.

In addition to attending to constituents in both regions, the national dimension of the crisis (especially the deployment of the military and the loss of life) mean that political actors across the spectrum have begun taking positions on the underlying issues of State ordering (including centralisation, levels of autonomy of regional or decentralized entities). At the same time, they need to balance the specificities and concerns raised with other regional and national realities. As in other States with significant heterogeneity of their constituent parts and with a serious crisis at hand, political actors may be expected to look *beyond direct majoritarian democratic politics* (in which Anglophones constitute a numeric minority) in seeking solutions to restore peaceful national coexistence.

The *conduct of the 2018 electoral cycle* in the affected Northwest and Southwest regions is also an important indicator of the medium-term political outlook. The combination of incidents of disruption of civic life (calls for civil disobedience), population displacements due to security incidents, and possible attempts by pro-separatist armed elements to disrupt the elections (an early indication of which were threats directed at the opposition SDF party's pre-election national convention in Bamenda in February 2018) may have implications for the electoral cycle in both regions.

Yet, at the current juncture where identifying those with *political agency and leadership for the Anglophone community* (to engage in dialogue with the wider polity and State institutions) is critical, it will be essential to ensure that there is no further disconnect between the population in those regions and established institutions. This is a critical role played by elected representatives, and underscores the importance of the electoral process in the affected regions. Ensuring security of voters, that they remain mobilized to participate in the process, and handling registered but displaced voters in both regions will be among the key challenges. Given the underlying security context, it is critical that all levels of elections (Municipal, Legislative, Presidential) be conducted fairly and free of threats, undue inducements, or insecurity from any quarters – as such incidents can escalate tensions during the electoral period.

Lastly, the electoral cycle and its outcomes may have an impact on calls for measures towards national reconciliation and appeasement in the wake of the crisis. In the event of a fair electoral process whose outcomes are widely accepted, it could be expected that the post-election leadership (whatever its political leaning) would take *measures with a view to appeasing and diffusing tensions generated by the crisis*, and setting the stage for its resolution. Possibilities could include an amnesty or rehabilitation measure, in particular for persons arrested in the crisis who have not been linked with violent crimes, especially attacks against persons and their physical integrity. Such political measures could be aimed at fostering reconciliation, and could serve to reduce radicalisation.

## PART II: SUGGESTED INTERVENTION STRATEGIES

In proposing intervention strategies to respond to the different dimensions of the crisis, this Policy Brief takes a long-range view of the problem. Faced with the rapid escalation of the crisis, including armed attacks against security forces and administrative authorities, security forces' deployment and operations, resulting population displacements, and disruption of livelihoods in the affected regions, there may be a tendency to view the crisis in the short-term through a largely 'security' or 'humanitarian' lens. This paper however argues that while the sequencing of interventions requires the front-loading of immediate security and humanitarian actions, the ability to move the crisis towards resolution and to mitigate its effects over the long-term, requires the pursuit of *three (3) mutually reinforcing tracks*.

- A **strategic, political track** should focus on resolution of the broader conflict: opening the spaces for dialogue between State authorities, various Anglophone constituencies, and wider concerned stakeholders. It should aim at increasing national stakeholders' capacity to undergo a strategic, political exchange over better ways to manage national diversity and co-existence, and to frame over-arching national rules and arrangements on same.
- A **sectoral, development track** should focus on supporting national actors, especially State institutions, to implement the multiple commitments already made in the critical areas of equal use of official languages (bilingualism policy), strengthening bi-juralism (various new institutions to strengthen application of the common law legal practice culture), and education sector policy. These sectoral interventions would operationalise the Presidential, Prime Ministerial, and legislative measures taken in 2017 to address the crisis. Bringing their results on-stream in a short time-frame would be a confidence-booster in resolving the crisis.
- A **humanitarian and human rights track** should focus on mitigating the impact of the crisis on those most affected: civilians in both regions, displaced persons, and youths at risk of truancy or recruitment into armed activity. It should also prioritize monitoring of the human rights and humanitarian situation, ensuring all actors respect the basic rules of human rights and/or humanitarian law applicable in such situations.



## I. Encourage actions and build capacity at the Political level to resolve the underlying conflict.

There has been unison from Cameroon's bilateral partners, and regional and multilateral groupings, on the need to resolve the crisis within the framework of a *dialogue* process.<sup>2</sup> However, the near-term feasibility of same has been sorely tested by the radicalisation and distancing of viewpoints during 2017, leading to the unilateral manifestations of pro-separatism on 1 October 2017, and the emergence of an armed pro-separatist element. This has shifted the focus to a security response designed to restore order and prevent disruption of daily activities in the two affected regions. In a long-range perspective however, Cameroon's ability to manage its dual or multiple heritages sustainably over time without getting to the brink of conflict, will require the production and formulation of political and policy solutions, which the various stakeholders can accept as a shared basis for participating in the national project.

A first cluster of interventions would seek to **restore a climate conducive to resolution of the crisis, and steer the actors towards confidence-building measures that help attenuate it**. Comparative experience shows that even in countries where low-intensity and almost intractable separatist conflict has prevailed for several decades, such as in *Angola* (Cabinda), *Senegal* (Casamance), or *Turkey* (Turkish Kurdistan), the military and security response has always been interspersed with, or followed by efforts at achieving non-violent resolution of the conflict. This has sometimes been at the initiative of State authorities, and despite the improbability that the insurgent groups could achieve their objectives through armed force. In conflicts such as those mentioned above, although State authorities generally controlled the military situation, a combination of national and international outrage at the suffering of the civilian population, and fatigue with a protracted conflict in which the Government could win the war but not secure the peace – made the parties willing to consider alternatives to an exclusively military strategy and outcome.

Even in the absence of talks between the actors involved, on non-violent resolution of the crisis, institutions with significant moral authority and expertise could intermedicate, and prevail upon them bilaterally to take voluntary measures that diffuse tensions and mitigate the impact on civilians. Such measures could include: *agreeing to unilaterally or mutually cease armed attacks (hostilities) even temporarily, agreeing to no-hostilities zones where the civilian population will be spared of attacks, releasing hostages held, decreeing amnesty measures, and consequently releasing detainees*. The latter measures could be directed at persons arrested or detained in connection with the crisis but not held for violent crimes, or on humanitarian grounds due to their age, infirmity, or medical condition.

While such measures would in themselves neither constitute, nor open a dialogue or negotiation process to end the conflict, they would at a minimum reduce the intensity of armed activities and insecurity, and *create space for various peace initiatives* to attempt to

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<sup>2</sup> See: [Statement attributable to the Spokesman for the U.N. Secretary-General on Cameroon](#) (28/09/2017), [The African Union urges for restraint and dialogue to resolve the situation in the North West and South West of Cameroon](#) (04/10/2017), [Cameroun - Le ministère français des affaires étrangères parle de la crise anglophone](#) (16/12/2017), [Commonwealth Secretary General calls for peace and non-violence in Cameroon](#) (02/10/2017), [Cameroun: La Secrétaire générale de la Francophonie exprime sa vive préoccupation face aux tensions dans les régions du Nord-Ouest et du Sud-Ouest du pays](#) (10/2017), [European Union: Statement of the spokesperson on the situation in Western Cameroon](#) (30/09/2017), [Equatorial Guinea's president urges dialogue to solve southern Cameroon crisis](#) (24/01/2018).

bring the respective positions closer. They could also reduce or delay the risk of further escalation or degradation, such as mutation of the crisis into sustained, intense hostilities between Government security forces and an organised, fully-fledged separatist force.

A second critical area of need for conflict resolution, is to **augment significantly the space for and articulation of constitutional governance models which Cameroon could consider over the long-term, in order better to manage its diversity** – for this constitutes the core of what an eventual dialogue process must deliberate upon and resolve. Since the independence and reunification of Cameroon in 1960 / 1961, the country has witnessed in each decade, moments of relative intensification of discontent among Anglophones. This occurred in the late 1970s (Cameroon Action Movement), in the mid-1980s (over secondary education reforms), in the early 1990s (the All Anglophone Conferences), re-emerged in the 2000s (recurrent small-scale separatist protests, and disputes over University admissions), and boiled over in 2016 (over language use, and handling of the English-based legal and educational systems), bringing the country to the brink of conflict.

The recurrence of these issues suggests that the country's political class, specialists, and partners need to keep in mind the country's dual French-English heritage as one of its key specificities, which calls for long-term solutions on diversity management. The events from 2016 to date have also led to increased calls for *re-thinking the current relationship between centralised State institutions (the Centre) and the country's regions and local governments (the periphery)*.<sup>3</sup> There is an increasing body of knowledge and comparative experience from States around the world on managing regional, linguistic, or other particularisms. Similarly, States on all continents are attempting different models of devolution or transfer of responsibilities (as well as revenue generation and expenditure) to regional or local authorities. As States grapple with their diversity and centre-periphery relations, the mix of constitutional models for their organisation has increased, including: (i) unitary centralised States, (ii) unitary decentralised States, (iii) federacies (where one or several sub-national units, such as autonomous regions, enjoy considerably more autonomy than other sub-national units), (iv) asymmetric federations (in which the prerogatives of the constituent federated States are different, reflecting their specific needs), and (v) fully federal systems of Government.

Among different models of centre – periphery relations, some countries have devised models which allow for greater autonomy of specific regions over matters such as *education policy*: in response to the impracticability of a single, centrally-managed national education system. Where matters such as linguistic diversity determine the differences between education systems, there is often a strong impetus for management of the education system by those most familiar with that system. Even where not devolved on a *regional or territorial* basis, States may in some instances, in order to accommodate their diversity, allow certain public functions (such as the education system) to be run along *separate but nationally cohesive* lines. Cameroon's own experience has an important example of such arrangements. Faced in

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<sup>3</sup> The Government Cabinet re-shuffle of 02/03/2018 creates for the first time a stand-alone ministerial portfolio in charge of Decentralisation and Local Development. At the inaugural meeting of the new Cabinet on 15 March 2018 outlining its priorities, the President stated: '*Across the country, our population has time and again, expressed the wish to be more closely involved in the management of their day-to-day affairs. The creation of the Ministry of Decentralisation and Local Development is intended to provide a prompt response to this recurrent demand. I will expect, as soon as possible, detailed proposals and a timeline to fast-track the on-going decentralisation process*'.

the early 1990s with strikes by teachers of the English-speaking education sub-system over the organisation at central level of the secondary school examinations (General Certificate of Education, GCE), the Government resolved the matter by *devolving* the organisation of secondary school examinations from the central Ministry of Education to two boards: one each for the French (*Office du Baccalauréat*) and the English educational sub-systems (GCE Board).

There is a need for Cameroon's political class and specialists to offer a wider range of options to the public – to inform the constitutional, legislative, or administrative reforms that help respond to the crisis; and for them to have the *political space* to do so. Cameroon's Constitution underwent review leading to its revision in 1996, in response to the new dispensation arising from the challenging years of transition from single to multi-party politics. It can safely be asserted that the country's next process of constitutional review will, *among other issues*, have to examine the Anglophone crisis, in order better to ascertain what features of its current constitutional arrangements (or their implementation or non-implementation) did *not* work optimally to regulate political society.<sup>4</sup>

It is necessary *through multi- and non-partisan fora*, to increase the capacity and confidence-levels of actors in the civic and political class, to apprehend the various forms of ordering or organising State institutions. Forty-five (45) years have elapsed since 1972, when Cameroon ended its first attempt at federal government. Decentralised government proposed in the 1996 Constitution is yet to be implemented, that is, the transfer to regions of certain prerogatives over their 'economic, social, health, educational, cultural and sports development', and the election of regional assemblies, and a regional Executive. Capacity for alternative institutional design and implementation of *sub-national governance* therefore needs work. Current and future local government actors (councilors, Mayors) and other regional and local stakeholders need to develop the incentives to push for effective devolution of responsibilities, and the capacity to manage same once devolved.<sup>5</sup>

While it is for Cameroonian stakeholders to make the constitutional, political, or administrative design choices that enable them better accommodate their common diversity, there is significant regional, comparative, and global expertise to help increase their capacity to do so. There are multiple organisations and networks that can help strengthen this capacity, such as the bodies affiliated to global political parties (Friedrich-Ebert-Stiftung, Konrad-Adenauer-Stiftung, National Democratic Institute, International Republican Institute), and the International Institute for Democracy and Electoral Assistance (IDEA).

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<sup>4</sup> This would not be the first attempt at accommodating Cameroon's French – English heritage diversity through reform of constitutional arrangements. During the process which led to Cameroon's 1996 Constitutional overhaul, a bloc of 4 Anglophones within the 11-person Technical Committee tasked with preparing a draft Constitution, submitted proposals for reverting to a federal system of Government. These proposals were rejected by the Committee, in favour of a decentralised, unitary State that would include elected regional assemblies and regional Executives, working under central Government tutelage. The current crisis and the likely greater understanding of the underlying challenges may have increased the pre-disposition to examine alternatives in this regard.

<sup>5</sup> Some work has been done to build capacity on decentralisation and local government reform, such as through strengthening the local councils' association, the [Communes et Villes Unies du Cameroun \(CVUC\)](#), and the preparation of Communal Development Plans (CDPs) by most of the 360 local government councils across the country, under the National Community Driven Development Program ([Programme National de Développement Participatif \(PNDDP\)](#)). The German, French and other multilateral cooperation partners have supported these efforts.

Work on 'ideation' (formation of concepts and ideas) can also be done with Universities, Cameroonian think-tanks, and CSOs.

A third area of intervention at the political level is to **support the articulation of claims by Anglophone stakeholder groups on legally-protected platforms within Cameroon, and responses by Government that protect minority rights**. There are two inter-related considerations: *first*, about how matters that relate to Anglophones will be articulated or expressed in the medium-term in the wake of this crisis, and *second*: about who will be able to articulate them, and to do so within the law.

Cameroon has not for several decades witnessed an internal crisis in which national groups attempted to organise to resist State authority including through the use of force. The onset of violence and security incidents is likely to shape public opinion and perception in the foreseeable future over the French-English heritage. On the one hand, in the near term, recollection of *triggers* of the crisis will keep attention focused on ensuring that its immediate causes are addressed (such as improved bilingualism, respect for the linguistic-cultural differences in sectors such as education and justice). However, over the medium-term, this may give way to lassitude or unease whenever new or different concerns are raised regarding equal treatment of the official languages or language communities.

While it is necessary for national political and civic institutions to be empowered to manage diversity, the spectre of *violence and conflict from the current crisis may make it more difficult for the French-English heritage's co-existence to be freely evoked in the future*. Faced with a recurring fault-line whose mishandling could threaten peaceful national co-existence, there may be a policy impulse to adopt measures which diminish the fault-line's existence as much as possible.

At the onset of the current crisis, a key threshold question which posed a challenge for Government, was whether it would base policy on recognising the existence of two official language *communities* (Francophone and Anglophone), as such. While there are multiple arguments on how to ground policy in this domain (possible mutability between the linguistic categories, national aspirations to achieve official language bilingualism among all Cameroonians, versus the socio-cultural reality of self-identification along these lines) Government's approach on the question was initially un-uniform. It may however be said, in retrospect, that the official response that emerged was to *re-affirm the equal standing of both official languages*, and to *recognize institutions* (such as Common Law legal practice) *deriving* from these language heritages.

Effective diversity management requires as a starting point, recognition (and not suppression) of the underlying differences, as their non-recognition may violate minority rights. In addition to affirming bilingualism as a *constitutional* principle (to ensure no-one is impaired in their development due to unequal treatment of the official languages), policy-makers must be empowered to recognize sectoral areas where the language-based traditions differ (such as in *legal practice and education*), and to manage them conscious of these differing traditions. This requires allowing, and not suppressing, discussion of these differences.

There are *exogenous factors* which may weigh on how official policy in respect of the official languages evolves in the near-term. The acquisition of second official language skills is an increasing priority for younger Cameroonians, especially those in formal education and

employment. Driven by *globalisation*, this provides a significant impetus and incentive for primary French speakers to acquire English language skills – which historically, has been a challenge. Similarly, increasing *regional integration* of Cameroon into sub-regional bodies (in Central and West Africa) means primary English language speakers need French language skills to function in the country’s immediate sub-region. Public policies may, while keeping both language-derived systems firmly in place, encourage access to them *across* the historical territorial or regional divides. While this would over time diversify the historical *origination* of Cameroon’s primary English and French speakers, the chances of its implementation without fracas would depend on respect for the constitutional commitment to keep both language systems firmly viable.

The second element is organisational, and underscores the importance of having *entities that may over time, articulate or advocate for the concerns of linguistico-cultural groups (in particular the Anglophone minority) on a platform that is legally-protected within Cameroon*. A key indicator of the organisational gap in articulating concerns of the Anglophone community is that for close to a quarter-century since the mid-1990s (after the All Anglophone Conferences), the organisations and entities that have sought to raise Anglophone concerns were *explicitly pro-separatist*, and hence were banned or went underground. It is these latent groups that were able, after the onset of the current crisis, to re-constitute themselves into a separatist bloc. When an attempt was made in 2016 to form a non-separatist coalition of Anglophone groups to insist on a *political* dialogue (as opposed to sector-specific reforms), the national authorities were clear they would not engage it as an interlocutor.

It will remain important for there to be organisations or entities that may articulate concerns of the Anglophone minority (or primary users of English as an official language) and do so while being legally-protected, in the exercise of their rights to freedom of association, and to political participation.<sup>6</sup> Such entities or associations should be strengthened to have the capacity to *conduct better equal rights monitoring*, in order to fulfil their advocacy role more effectively. They should also be well-funded and professional organisations – since they constitute an important barometer on how State institutions are performing, on their constitutional commitment to treating both official languages equally.

Such entities also need to be able to function legally, in particular under the laws governing voluntary associations and political parties. Under the currently applicable December 1990 laws governing these entities, no association may exist whose purpose is to undermine ‘the integrity of the national territory, national unity, [or] national integration’.<sup>7</sup> Similarly, no political party may exist if it ‘undermines territorial integrity, national unity, the republican character of the State, national sovereignty and national integration, in particular through any type of discrimination based on tribe, province [region], *linguistic group*, or religious

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<sup>6</sup> It should be recalled that this conversion from pro-separatist groups to political organisations articulating their views *within* Cameroon was one of the principal recommendations of the African Union’s Human Rights Commission, when it decided a case in 2009 before it, alleging violations of the rights of the Anglophone minority. See: [Kevin Mgwanga Gunme et al v. Cameroon](#) (Communication No. 266/2003, decided at the Commission’s 45<sup>th</sup> Ordinary Session, from 13 – 27 May 2009). The other recommendation of the Commission was for the Government to enter into a ‘constructive dialogue’ with the complainant organisations, ‘to resolve the constitutional issues, as well as grievances which could threaten national unity’.

<sup>7</sup> Section 4, Law No. 90-53 of 19/12/1990 relating to freedom of association.

denomination'.<sup>8</sup> Advocacy for equal treatment of the official languages and their principal users (Anglophone / Francophone) *presumptively* should not threaten either national unity or integration, when it does not entail advocacy for *separatism or secession*. Advocacy for autonomous, devolved, decentralised, federal or forms of Government, involving varying degrees of autonomy and prerogatives for sub-national entities *within* the country, also *presumptively* should not undermine the integrity of its territory, its republican character, or sovereignty. Neither should it dis-unite the nation, *provided* that it does not serve as grounds for regional or group 'nationalists' to promote separatism.

## II. **Support Development interventions that operationalise diversity policy in conflict-prone sectors (official bilingualism, justice, and education sectors).**

In addition to the political track which seeks to re-assure all concerned actors that the political and governance structures are inclusive, and responsive to their demands, a *development track* of interventions is needed to ensure that the type of sectoral grievances that erupted into a crisis in 2016 are detected and managed – and that response to them is built into the mandate of mainstream institutions. Comparative experience in officially multi-lingual States where the population does not master both or all official languages, indicates that there are precise areas, such as *equal use of the official languages in access to public services, management of education, and the legal system* which are particularly prone to tensions over how the official languages relate to each other.

The trajectory of how this iteration of the Anglophone crisis (and its predecessors) came about should serve as a key reminder to national actors and to Cameroon's development partners that *these sectoral interventions are important in preventing, managing, and resolving conflict* which can arise due to Cameroon's dual linguistic-cultural heritage. Since they address potential conflict-foyers or drivers, strengthening the country's ability to use its official languages equally, accommodate the legal system's bi-jural nature, and maintain the dual educational system heritage, are important long-term *conflict prevention interventions*, albeit taking place within sectors typically considered as development interventions.

Governments' creation in 2017 of the National Commission for the Promotion of Bilingualism and Multiculturalism (NCPBM), the measures ordered to strengthen bi-juralism and the learning and practice of English-based Common Law, and the on-going review of concerns raised in the education sector, are the principal over-arching responses provided by Government in this direction. These processes need support in order to get off to a good start. Their performance in the medium and long-term, also be used as a yardstick to measure the quality and effectiveness of Government's response to the crisis.

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<sup>8</sup> Section 9, Law No. 90-56 of 19/12/1990 relating to political parties. There has been jurisprudence from the Courts interpreting Section 9 of the 1990 law, in cases where the authorizing Ministry (Ministry of Territorial Administration) objected to the registration of a political party based on its title or statutes which were deemed to violate any of this section's prohibited grounds for discrimination. Under current law, there will be challenges over registration of political parties that affirmatively appeal to persons based on specific *regional, linguistic, or ethnic* origins. Political parties or associations that are *pro-separatist* would – on the face of the December 1990 laws – be prohibited. Political scientists have noted the risk associated with *regionalist* parties, in the absence of democratic *countrywide* parties, as they can serve to mobilise ethnic/regional nationalists. See, Alfred Stepan, *Federalism and Democracy: Beyond the U.S. model*, Journal of Democracy, 10.4 (1999) 19-34.

## Support to Official Language Use Policy

A first important set of interventions should be directed at Cameroon's official bilingualism policy, both as it relates to performance of *the public administration* in the provision of services in both official languages, and to levels of bilingualism attained by the wider *populace*. There are a number of policy tools the NCPBM should be encouraged to develop and implement, including through the use of its powers to issue reports and to recommend draft legislation to apply the Constitutional bilingualism principle.

A hall-mark of the public administration in States with more than one official language is the **effectiveness of the corps of language translators and interpreters**. They need to be well-trained, adequately resourced with specialised reference materials in the technical fields they cover, and assigned in numbers and in a ratio commensurate to the size and work volume of the departments they serve. Binding guidance may need to be issued in this regard to public sector bodies. As the pinnacle of multi-lingual professionals, their professional and contractual terms of service should be commensurate to their importance. It should be borne in mind that demand for translators-interpreters means that Cameroon (being a multi-lingual State with long-standing expertise in that domain) is a net exporter of translation/interpretation expertise to regional and multilateral bodies, such as the U.N., A.U., and development banks. Closely linked to this is the **overall budgetary spend on bilingualism** by public sector bodies and entities (such as through the number of translation/interpretation staff available to Ministries in their recurrent expenses budget).<sup>9</sup> A baseline should be established, and then monitored progressively to ascertain that the concerned entities are effectively making provision for expenditure to improve their bilingualism.

The NCPBM needs to develop the tools to assess the practice of bilingualism across different public sector bodies. In addition, it needs to be able to communicate publicly the achievements, impediments, and performance of various public institutions in this regard. The importance of public reporting and accountability in discharging its mandate, cannot be over-emphasized. In this regard, it may follow the experience of the National Anti-Corruption Commission (CONAC), whose annual reports are made public. Like all other independent Commissions, its work needs to be accepted by all public sector entities as necessary to achieve constitutional objectives (bilingualism and multiculturalism), and it should receive full political support and protection when it seeks to ensure that a specific public entity under its review effects corrective measures.

While the translator-interpreter corps is critical to ensuring that the most important legal and administrative texts, documents, tenders, notices, examination questions, and other sensitive materials are available in both official languages, it cannot replace the **attainment of a broader bilingual civil service corps**, in providing services to the public, or in

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<sup>9</sup> Illustratively, guidance for preparation of the 2018 State budget does not highlight the need to review bilingualism-related resource implications (such as translation and interpretation personnel, or staff bilingualism training) within Government ministries, departments, and institutions. See *Circular No. 001/CAB/PRC of 20 June 2017 on preparation of the budget for 2018*, and *Report on the Current and Prospective Economic, Social, and Financial situation of the Nation*, November 2017. The budgetary allocation in 2018 to the National Commission for the Promotion of Bilingualism and Multiculturalism (3.4 billion XAF, i.e., 2.7 billion in recurrent and 0.7 billion in development expenditure) thus constitutes the principal budgetary response to the issue of bilingualism. Over time, this needs to be better reflected as a priority across the budgets of Ministerial departments and public entities.

discharging their duties in both official languages. This requires a two-track approach: extensive enrolment in language training classes for current civil servants and State employees who presently only use one official language at work, and an introduction of second-official language training for all persons going through the myriad State-run professional institutions of learning, especially those from which the State directly recruits its employees. Incentives linked to career management for State employees should be used to drive up the bilingualism quotient among them.

While Cameroon's policy is to encourage bilingualism among the *entire population*, it should be noted that *public officials have a special onus* to ensure that they are bilingual. The existing guidance on the subject (Prime Ministerial Circular No. 001/CAB/PM of 16/08/1991 on bilingualism in the public administration) makes clear that although State employees may (in their daily work) use the official language of their choice without it affecting their careers, *when they interact with a public service user, the burden is on the public employee to ensure that he/she is understood*. It does not suffice, faced with a mono-lingual citizen, for the public employee to retort that the 'country' is bilingual. Implicitly, *a higher level of bilingualism is expected of the public employee*. All civil service and public sector corps with significant interaction with the general public (such as civil administrators, police, gendarmerie, the postal service) should monitor data on their workforce bilingualism levels, and have in-house plans to boost the number of bilingual staff.

Additionally, an important planning measure is to **articulate an up-to-date national bilingualism policy, with current benchmarks and targeted levels of bilingualism sought among the general population**. The 3<sup>rd</sup> General Census of 2005 collected bilingualism data, and placed the effective bilingualism rate at 12% of the population over the age of 15 (i.e., in 2005 – 1,165,006 out of 9,845,479 inhabitants over age 15 were bilingual in French and English). More extensive and disaggregated data collection and analysis can help drive relevant policies, such as knowing age-segments during which the second official language is acquired, and the reasons for doing so.

A further language-use related intervention (not highlighted enough in the search for responses to the crisis, but critical to the grievances of 2016) is the need to **adapt the imperative of regional integration within Central Africa (CEMAC) and other inter-State groupings in Francophone Africa, to Cameroon's constitutional French-English bilingualism**. While this issue has been examined *in extenso* in previous briefing papers, it suffices to state here that in the context of increased regional integration, intended to spur more sub-regional and intra-African trade, reduce trade barriers, and align national business laws and practices to global standards, Cameroon is increasingly receiving instruments of regional (community) treaty law and standards to be applied domestically. Yet, some of these instruments emanate from regional groupings (among primarily Francophone African States) which do not yet fully operationalize English as an equal working language. Reconciling the imperatives of regional integration with Cameroon's constitutional bilingualism will require some additional effort: to identify the most sensitive regional (community) treaty norms, and to devise a mechanism at national or regional level to systematically render those instruments into English.



## Support the Justice sector for effective bi-juralism, especially institutions established in 2017 in response to the crisis

A legacy of Cameroon's dual official language and heritage systems is that it is, in law and in fact, a *bi-jural* country. *Bi-juralism* refers to the co-existence of more than one of the major global legal systems, within a given country. Countries around the world like Cameroon that are *bi-or multi-jural* – due to their respective historical heritages – include Canada (common law and civil law), South Africa (common law and Dutch civil law), Scotland (where Scots' law blends elements of the common law and civil law), the Philippines (a combination of Common law, Roman / civil law, customary usage, and Islamic law), and Mauritius, where common and civil law do not just co-exist, but have actively been blended into a single system incorporating features of both, owing to its being under successive French rule (from 1710 to 1810) and British rule (from 1810 up to its independence in 1968). In a global cartography of legal systems, it can be said that civil (or romano-germanic) law predominates in continental Europe, the Russian federation and former Soviet States, and South America, while common law prevails in most of North America, Australia, and the U.K (minus Scotland). Many countries across Africa and southern Asia are *hybrid* or *mixed* legal systems anyway: they combine one of the major global legal systems, with either local customary law or religious (Islamic) law.<sup>10</sup>

Where a country has to enable the *co-existence of two or more of the major global legal systems*, a special effort is required for this to be harmonious – and for citizens and users of the law anywhere in the country to feel the same impact from the laws and regulations adopted, whatever the legal practice culture they find themselves in. In Canada for instance, the Ministry of Justice has undertaken a number of initiatives to accommodate the country's bi-jural nature. This includes legal dualism (allowing both legal cultures to be taken into account when interpreting legislative and other legal texts) and co-drafting or legislative bijuralism (intended to ensure that Canadian national/federal law – which is common law tainted – is consonant with the minority civil law system in operation in Quebec, and hence has the same effect in Quebec as elsewhere in Canada).<sup>11</sup>

In particular when *civil law and common law* systems need to co-exist, the country's legal stakeholders need to grasp the differences between these legal practice cultures, in order to ensure they both have the support systems and structures to function. More extensive reviews of the extent to which Cameroon has or has not accommodated its bi-juralism have been made elsewhere.<sup>12</sup> Suffice it to say though, that Cameroon's legal system architecture and the training of its legal community, make for continued use of the civil law and common law principles (unless otherwise specifically repealed by newer national laws). Successive Cameroon Constitutions carry forward legislation (from 1924 and 1955 respectively) which introduced common law and civil law principles into Cameroon; these constitute the scaffolding with which the country's legal system is built.

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<sup>10</sup> See Wikipedia, [Map of Legal Systems of the World](#) (accessed March 2018).

<sup>11</sup> See: Canada: Department of Justice, [Legal Dualism and Bilingual Bisystemism](#), (accessed: March 2018), and France Allard (General Counsel, Legislative Services, Department of Justice), [The Supreme Court of Canada and its impact on the expression of bijuralism](#) (accessed March 2018).

<sup>12</sup> See: Charles Manga Fombad, *Cameroonian Bijuralism at a Critical Crossroads*, in [Mixed Legal Systems, East and West](#), Vernon Palmer, Mohamed Mattar, Anna Koppel (eds.), Routledge Publishers, New York, 2016, pp 101-122.

One important take-home principle from the measures adopted by Government to address concerns raised by legal practitioners of primarily English expression during the crisis, is that these measures recognize Cameroon's bi-juralism. In the absence of a bright-line legal rule stating that civil (romano-germanic) law and common law constitute the legal system's source cultures, or of very specific policies in the justice sector addressing same,<sup>13</sup> some doubt could have existed on the role of these residual legal practice cultures. Some questioned whether Cameroon was not closer to a 'harmonised', unified, or mono-jural national legal practice culture, which would already have superseded its bi-juralism. Among the reform measures announced by the Minister of Justice on 31<sup>st</sup> March 2017, were:

Establishing a Common Law Section within the Judicial Bench of the Supreme Court; identifying senior English-speaking Magistrates to be assigned to the Supreme Court; creating a Common Law section at the National Magistracy School, increasing its number of English-speaking lecturers, and structuring its entrance examination to test both currently uniform areas of national law, and common law or romano-germanic law depending on the candidate's background; evaluating language competency, and mastery of the Common Law and romano-germanic law by Magistrates which would lead to their re-deployment to regions based on their competencies; maintaining the teaching of Common law in areas not yet subject to uniform Cameroonian laws; creating Departments for the teaching of English private law in four primarily French-based public Universities; introducing 'droit public' as a legal learning area in the English-based Universities of Buea and Bamenda, and on-demand training for Anglophone judicial personnel to enable them work in administrative courts (State litigation) and audit courts (review of public expenditure accounts); and establishing a working group supervised by the Ministry of Justice to clarify Universities' law curricula leading to legal careers, and the judicial careers curriculum at the National Magistracy School.

Prior to this decision, in November 2016, the Minister of Justice, in a meeting with the leadership and lawyers of the Cameroon Bar, remarked that: *'it is good for Cameroonian Magistrates, both francophone and anglophone, to become steeped in the legal methods influenced by principles of common law, as well as those of romano-germanic (civil) law because internationally, and at this time, both of these skills are required'*. The Minister also noted the increasing internationalisation of areas of law previously governed by national laws.<sup>14</sup>

In order to strengthen Cameroon's ability to manage its bi-juralism, three areas are particularly deserving of support. They are: (i) legal education policy, especially in dual or comparative legal studies, to enable the country strengthen the capacity of its legal professionals across the board to accommodate both systems; (ii) common law legal practice – to enable the minority system build its support infrastructure for law reporting and practice cohesion, and (iii) improved teaching and dissemination *in English* of regional or community treaty law for which legal learning and practice resources are vastly more available in French than in English.

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<sup>13</sup> Cameroon's Justice Sector Strategy and Action Plan (2011 to 2015) does not identify bi-juralism as a specific sectoral constraint. It does note the need to take into account bi-juralism in the drafting of a new Civil Code and Civil Procedure Code, intended to be applicable nationwide. See: *République du Cameroun, Stratégie Sectorielle du Sous-Secteur Justice et Plans d'Actions 2011 – 2015*.

<sup>14</sup> See : [Communication de Monsieur Laurent Ezzo, Ministre d'Etat, Ministre de la justice, garde des sceaux à l'occasion de la concertation avec l'ordre des avocats](#), Yaoundé, 22 novembre 2016.

**First, support should be provided for increased cross-systemic and comparative legal education in Cameroon**, which constitutes a key thrust of the measures announced by the Minister of Justice in March 2017. The legal education measures announced include University-level education (expansion of English law teaching in primarily French public Universities, cross-systemic teaching of ‘droit public’ or administrative law, review of Universities’ law curricula leading to legal and judicial careers); professional legal training for Magistrates (creation of a Common Law section, improved candidate testing, and additional English-speaking lecturers at the National School of Administration and Magistracy); and judicial personnel in-service training (to strengthen Anglophone judicial personnel to serve on *specialised Courts* tasked with administrative litigation and review of public expenditure accounts – neither of which are typical to common law systems).

In addition to making bi-juralism viable by strengthening training for Common Law / English language trained Magistrates, a broad policy objective in these measures is to *increase bi-systemic capabilities among Cameroon’s lawyers*, that is, their grasp of both civil or romano-germanic, and common law legal methods. Due to its obvious importance for Cameroon, the learning of *comparative law* – the study of how legal systems relate to each other – should be actively supported at University level, as well as in pre-admission and in-service legal training for both Magistracy and the Bar. Legal professionals with bi-systemic awareness or skills are critical to preventing tensions over the legal practice cultures in place.

**Second, support should be provided to measures intended to render viable, the Common Law legal practice culture**; in order to render effective the Common Law Section established within the Judicial Bench of the Supreme Court.<sup>15</sup> Of note, following an assessment of their competency and mastery of the common law and romano-germanic (civil) law, judicial personnel were re-deployed between regions of the country based on their competencies. **To the extent that the common law practice culture has to be preserved, two accessory initiatives deserve support: establishing a formal and sustainable judicial case-law reporting program; and empowering the Supreme Court’s Judicial Bench, through its Common Law Section to ensure judicial practice cohesion among lower courts working under the common law legal culture.**

There is probably no greater distinctive feature of the Common law as a legal practice culture – especially when compared with romano-germanic or civil law systems – than *its reliance on judicial precedent, or case-law*. While legal adjudicators in virtually all legal systems pay some attention to how similar cases, disputes, or matters of law have been resolved in the past, the Common law pays significant attention to legal rules crafted or developed by Judges. This feature of common law-inspired legal cultures is different from civilist or romano-germanic legal cultures, where the starting point for legal adjudication are legal rules defined in Codes. The tensions and points of convergence between these old legal traditions are not new to Cameroon: in Europe and in international legal circles today, civilists and common law lawyers still harbour these differences, even as – under the weight of globalisation – the major legal systems across the world interact more than ever with each other.

For the viability of the Common law legal practice culture in Cameroon, a functioning case-law reporting system is fundamental. Judicial case-law reporting enables the traceability of

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<sup>15</sup> The Section was created by Law No. 2017/014 of 12 July 2017, which modified the previous Supreme Court organisation law (Law No. 2006/016 of 29 December 2006).

reasoned court judgements, rendered especially by the High Courts, Courts of Appeal, and Supreme Court. Without law reporting the notion of judicial precedent – meaning that courts have to apply, distinguish, or overrule prior judicial precedents – simply withers. To date in Cameroon’s predominantly English-speaking regions, judicial case-law reporting is unpredictable. Individual lawyers or firms have made attempts to collect and report judgements – yet the coverage, consistency, and sustainability of these efforts is wanting.

By definition, a Common Law Section in the Supreme Court’s Judicial Bench needs to have an overview of how the lower courts (Courts of Appeal, High Courts) are deciding specific matters under the purview of Common law, and even how these courts are using principles of interpretation (often derived from Common law) to apply national legislation or regional / community treaty law. It also needs to develop (as part of the Supreme Court’s collection), its own jurisprudence. The presence of two Law Faculties at the Universities of Buea and Bamenda, including their offering of graduate law studies, provides stakeholders who – working in collaboration with judicial actors and the legal community – can be mobilised to conduct the work of tracing, indexing, and reporting Court judgments, including catching up on the backlog of unreported Court judgements.

Due to the significant role Judges play in common law practice cultures due to the principle of binding precedents, overall *cohesion in judicial practice* is important to common law practice. As such, the Supreme Court’s Common Law Section should have a role in enhancing overall coherence in the jurisprudence, rules of interpretation, and approaches used by Judges working in the regions where the common law is the principal legal practice culture, namely the Northwest and Southwest regions. As such, in addition to hearing appeals to the Supreme Court on matters bordering on the Common Law – as provided by Section 37(1) *new* of the Supreme Court Law – it could also be called upon to host *judicial practice conferences* with judges using the Common law from both regions, and consultations with legal practitioners and academics from that legal practice culture. These, and the *development of judicial practice guidelines* on matters pertaining to the Common Law, would serve as important vehicles for coherence, and clarification to the legal community.

**Third, specific support should be provided for increased teaching in the English language (at University level and in-service legal training), of regional or community treaty law.** As has been identified earlier in this paper and elsewhere, a specific challenge for the English-speaking legal community in Cameroon (and by extension, for Cameroonians of English expression) is the increasing applicability of various forms of sub-regional community treaty laws, regulations, and standards which emanate from groupings, such as CEMAC and OHADA. Based on the linguistic composition of these groupings, the availability of legal learning and practice resources on them is predominantly in French, rendering access to regional / community treaty law onerous for the primarily English-speaking legal practitioner. An effort with stakeholders such as the Law Faculties at the Universities of Buea and Bamenda to expand the teaching of these new areas of community law, *in English*, will be important. In this regard, partnerships with Universities such as Dschang (which already has a Centre developing expertise on CEMAC community / treaty law) and drawing on bilingual legal expertise will be useful.

## **Education sector and diversity / minority management policy**

As a development issue, it should be borne in mind that the education sector has over the decades, been an area of tension between the English and French heritages, and so deserves attention. While efforts have increasingly been made to offer forms of early bilingual education, the sector needs to pay attention to both language heritages. There is a need to ensure, *in a context where the two official languages – and not local languages – are the principal media of formal education and school instruction*, that educational system design is of a nature to accommodate students of both English and French primary expression, on equal terms.

Historically, the creation of separate, but cohesive and nationally-aligned education sub-systems – as opposed to a unified system in which minority language speakers feel disenfranchised – has generally been the more successful model. This is pertinent across educational tiers: primary, secondary, vocational, technical, and university education. Examples include the *GCE Board* and the *Office du Baccalauréat*, which run separately the English and French language secondary education system examinations respectively, and the creation of public Universities (such as the Universities of Buea and Bamenda) with specific charters to function ‘in the Anglo-Saxon tradition’, alongside the other six public Universities.

As a boost to the development interventions mentioned above, it will also be useful for Cameroonian stakeholders to engage with *persons who have significant and long-standing experience from other countries around the world, in managing the complex issues that arise with language diversity – including different official languages, legal practice cultures, and educational sub-systems*. Due to the uniqueness of its national formative experience in Africa (*two exogenous or exoglossic languages being adopted as official languages*), Cameroon has few neighbouring States with which to share experiences on this particular challenge – a situation which often compounds frustration and misunderstandings. Opportunities such as a country visit and engagement by the *United Nations Special Rapporteur on Minority Rights*, whose incumbent and broader mandate has extensive experience with handling language rights and linguistic minorities, could help to re-assure national actors that these challenges are global (faced in many countries around the world), and familiarise them with the types of policies used to manage diversity.

### **Understand and support constructive diaspora engagement with their country of origin**

Anglophones in the diaspora provided much of the funding, intellectual under-pinning, mobilisation, lobbying, communications, and political leadership on the Anglophone issue. Evidence for this includes the formation in 2017 – principally in the diaspora – of a united front among previously disparate and latent groups, and the large-scale rallies that were conducted in cities around the world in the lead-up to events of 1 October 2017.

Out-migration from Cameroon into the diaspora is not unique to Anglophones, since Cameroon – like other African countries – has witnessed the effects of emigration due to global work-force mobility, and brain-drain as persons seek better economic and professional opportunities abroad. However, real and perceived *additional* challenges for Anglophones to integrate into and succeed in professional or economic life within Cameroon may account for a higher propensity towards out-migration. This results in a large diaspora

community, at times including two generations of migrants, who are often naturalised citizens of their country of abode, and integrated into its professional and social life. Yet they remain connected to their country and regions of origin through family ties, visits, community and village development associations (with branches abroad), school alumni groups, and remittances sent to support extended family at home.

While its diaspora community is an asset – with professionals working in sophisticated global economies in fields ranging from medicine, information technology, and engineering – the opportunity that their skills represent needs to be effectively harnessed through spaces and channels for them to participate (remotely or directly) in their home country's development and growth. Yet relations between migrants and the home-country authorities have not always been cordial, impeding channels for such participation. Additionally, the adverse consequences of a strong representation in the diaspora may include a drop in the human resource base available to the community at home, and a tendency towards *extroversion*, which may result in the youth – with family role models or success stories abroad – counting on *out-migration* (sometimes illegal, or at great personal risk) as their only ticket to success.

The dynamics of political engagement, and in particular of political radicalisation among migrant communities in the diaspora regarding the situation in their home countries, warrant keen observation. There is increasing study in the field of political science on the impact of diasporas on political processes in their home countries. Examples of diasporas with a role in political conflicts or crises that unfolded in their countries include the Albanian (Kosovo), Jewish, Palestinian, Tamil (Sri Lanka), Eritrean, and Rwandan (Tutsi) diasporas. In a recent study on the process through which diasporas in countries facing crises or conflicts (especially separatist ones) may become radicalised, a researcher at the University of Amsterdam found that high levels of violence in the homeland, including reports, accounts, and images of human rights violations tend to generate greater radicalisation among diaspora communities. Such violence in turn, may contribute to 'group out-bidding', a process within which more radical elements displace moderates as having the most likelihood to achieve the community's aims. She also demonstrates that 'trans-nationalisation' of separatist causes is an increasing trend – especially when the diaspora is affluent, able to contribute, or located in countries deemed strategic for lobbying.<sup>16</sup>

A further dynamic to be averted is the risk of radical mobilisation among *individuals* in the diaspora. Recent conflicts elsewhere reveal instances where (often young) persons have been willing to be recruited, and leave their countries of naturalisation to take part in ideological conflicts abroad. At the onset of the Anglophone crisis, in a few instances, the Cameroon authorities apprehended individuals who had travelled from abroad, on suspicion of seeking to foment insurgent activity. A number of Cameroonian-born, naturalised citizens have also been either refused visas or entry into the country, likely on account of their activities abroad.

Against this backdrop, avenues for constructive (Anglophone) diaspora engagement with their home country should be expanded,<sup>17</sup> and an effort made to communicate accurately

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<sup>16</sup> See: Maria Koinova, [\*Four Types of Diaspora Mobilization: Albanian Diaspora Activism For Kosovo Independence in the US and the UK\*](#). Foreign Policy Analysis, (2013) Vol. 9, 433 – 453.

<sup>17</sup> Participation in Presidential elections is now possible for Cameroon's diaspora abroad, whereas the holding of dual nationality (a frequent diaspora demand) is not. Global practice on the latter is very disparate. Some countries with large émigré communities such as India and China do *not* allow dual

and holistically (including through the internet and social media) the situation in the country.<sup>18</sup> There are multiple avenues for increasing positive diaspora engagement, including giving persons the opportunity to contribute to development processes in their home communities. Possibilities include: (i) diaspora bonds, through which foreign-based professionals and entrepreneurs can invest in publicly-issued securities used to generate growth and employment in their home country – and hence give them a direct stake in its future, (ii) repertoires of diaspora skills and expertise, to map existing skill-sets and match them to critical professional or business, contracting or sub-contracting needs, (iii) increasing the availability of SME business advisory services and materials in English, (iv) encouraging volunteering and flexible modes of participation in various initiatives such as by visiting lecturers, medical staff, organisational mentors, and (v) expanded availability and communication of real-time information about development needs, trends, and opportunities including at local level (such as wider use of the information in Cameroon’s Community Development Plans, prepared under the National Community-Driven Development Program).<sup>19</sup>

### III. Anticipate and respond to Humanitarian and Human Rights concerns arising from the crisis, in the affected regions.

The third and final track of intervention to respond to the crisis is to anticipate and alleviate its immediate impact on the civilian population, primarily in the Northwest and Southwest regions. It is recommended that in order to do so, Cameroon and its partners should: (i) integrate a humanitarian response to the crisis in their near and medium-term planning frameworks, (ii) conduct and enable monitoring of the human rights situation in those regions, (iii) pay attention to youths at risk due to disruption of their activities and livelihoods, (iv) prioritise efforts to protect educational institutions and restore learning activities to relative normalcy, and (v) provide support to displaced persons and refugees.

**First, State institutions and Cameroon’s partners should integrate the response to the situation in the predominantly Anglophone regions into their planning frameworks and parameters.** Previously faced with a refugee influx from CAR (over 250,000 refugees) in the East region, and in-flows and internal displacement from the Boko Haram crisis in the North, the situation in these two regions, constitutes another situation in which humanitarian needs are arising. Its rapid on-set and the deterioration of the situation in particular since mid-2017 means concerned entities need to develop an understanding of the crisis’ dynamics, devise internal strategies, establish channels of communication thereon with national authorities, and mobilise resources to provide support.

**Second, human rights protection and monitoring should be conducted and facilitated in the Northwest and Southwest regions.** The security situation in both regions is

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nationality. Some CEMAC States (Equatorial Guinea, Gabon, Rep of Congo) also do not allow dual nationality; while other African States such as Senegal, Ghana, Kenya, and Nigeria, do.

<sup>18</sup> A positive example of outreach for positive engagement was done by the Cameroon Industrial Zones Development Agency (*Mission d’Aménagement des Zones Franches Industrielles*, MAGZI) – which in 2017, specifically emphasized the availability of the industrial zones at Ombe, Southwest region, and Nkwen, Bamenda, Northwest region, as priority locations to host new industries, given the saturation of the country’s largest current industrial zones in Bassa and Bonaberi, Douala. MAGZI specifically appealed to the Anglophone diaspora to engage in this industrial development process.

<sup>19</sup> For the full text of these plans, see: <http://www.pndp.org/plan-communiaux-developpement.php?dest=plan&crc=24#> (accessed: March 2018).

necessarily complex and portends risks for the civilian population. Armed individuals allied with pro-separatist groups have infiltrated localities and committed (often lethal) attacks against security forces' outposts, attracting in return a riposte from the security forces. Civilians tend to flee into displacement from locations where security forces have been attacked or killed, out of fear of reprisals, arrests, or destruction that may ensue. Attacks by armed actors have also targeted facilities such as a large number of schools, in clear violation of the laws of conflict. In this environment, and with the increased presence of the security forces in both regions, it is important to improve *civil-military relations and communication* between the civilian population and the security forces, in order to avoid misunderstandings.

Human rights monitoring and protection is of specific significance in both regions due to the deliberate use of exaggerated or distorted information as a propaganda tool in the crisis. The inflation of casualty numbers, distribution of false images and videos, and circulation of information about purported but unverified attacks against administrative and security forces has been widespread since the crisis' escalation in October 2017. Whether intended to stir sentiment among persons of Anglophones extraction or attract external attention, such disinformation is best countered through the availability of verified information on the prevailing situation. It is imperative for human rights and humanitarian actors to have access, and incumbent upon them to conduct their work objectively and impartially. In this regard, in addition to the role of the National Commission on Human Rights and Freedoms, *existing networks of human rights, legal, and faith-based organisations in both regions* should be strengthened – as they are closest to the ground.

**Third, specific attention should be paid to the youth population at-risk**, in particular due to disruption of their livelihoods or displacement. The focus on a school boycott, across all layers of education but mostly affecting learners in primary and secondary schools directly impacted on the youth. The involvement of youths in various protests or pro-separatist activities in late 2017 was apparent, as was their number among those arrested. As the crisis escalated, the resulting disruptions – such as security-related restrictions on the use of, and the destruction of commercial motor-bikes – have also had impacts on youths, especially those in already precarious livelihoods. Experience from other countries shows that combined with factors such as displacement, these pre-conditions may push youths out of productive, developmental activities into truancy, or joining insurgent actors. Targeted interventions aimed at reducing this vulnerability of youths at risk, are essential in both regions.

**Fourth, agreement should be secured on humanitarian principles governing the inviolability of schools and educational institutions.** The education sector was an area of discontent in the strikes that led to the crisis – making a *school boycott* one of the main strategies used by Anglophone activist groups. This degenerated into physical attacks against schools seen to be disobeying the boycott, including arson of school buildings and attacks on security forces posted to protect them. Whatever the underlying grievances, it is essential that the humanitarian principles be clearly communicated: that educational institutions are inviolable; and that *attacks against them during conflict constitute grave crimes*.

The effect of the crisis on the education sector deserves particular attention due to its legacy effects: if education infrastructure is destroyed or school enrolment recedes significantly in both regions, the effects will be felt over the long-term through lower school-completion rates, a lesser qualified work-force, and higher prevalence of truancy and crime, further complicating post-crisis recovery efforts. At the earliest opportunity, a *full inventory should*



*be conducted in both regions* of educational institutions – primary, secondary, and university-level – which have been targeted by arson attacks or other acts of vandalism. A transparently-managed, special subventions program should be put into place to enable the re-building of destroyed infrastructure in State-owned, faith-based, and lay private educational institutions.

It will be critical to **revamp the education fabric in both regions through avoiding slippage and decline in school enrolment, attendance, and performance**. One outcome of the school boycott and threats against educational institutions and learners has been slippage in school enrolment, attendance, and performance in both regions. This has been compounded by displacement and insecurity, and has affected both the economic viability of school systems (due to the drop in fees collected), and the future of learners (due to the higher school drop-out risk). Results of the disrupted 2017 session of the English-speaking secondary school certification examinations (the General Certificate of Education) show that *barely 1/4 of the expected number of students passed their secondary school completion exam, and 1/3 of the expected number passed their high school completion exam* (see Tables below): this constitutes a significant gap to be corrected at the earliest opportunity.

**GCE Ordinary Level [o + 11 years of English schooling : General Education]**

|      | No. Sat Exams | No. Passed | Percentage Pass |
|------|---------------|------------|-----------------|
| 2015 | 92,767        | 41,681     | 44.93           |
| 2016 | 102,857       | 63,951     | 62.17           |
| 2017 | 46,532        | 11,770     | 25.29           |

**GCE Advanced Level [o + 13 years of English schooling : General Education]**

|      | No. Sat Exams | No. Passed | Percentage Pass |
|------|---------------|------------|-----------------|
| 2015 | 48,058        | 29,031     | 60.41           |
| 2016 | 43,937        | 29,226     | 66.52           |
| 2017 | 33,037        | 11,670     | 35.32           |

**Finally, coordinated assistance should be provided to persons displaced due to the crisis.** At present, there is no specific framework in place for assistance to displaced persons, since they tend to leave to join family or acquaintances, seek temporary refuge away from their homes in precarious conditions, or have crossed international borders into Nigeria. A *mechanism for national authorities and partners engaged in humanitarian and relief work, to monitor, share information, coordinate, and deliver assistance to displaced or affected persons* is needed, given that security incidents and displacement are occurring across a broad geographic area. At the same time it should be borne in mind that these regions have a history of resilience, self-reliance, and community development. While providing immediate relief, the medium-term objective should be to restore them promptly to self-productivity and development, once security conditions permit.