

# **Cameroon's National Dialogue on the Anglophone Crisis – State & Nation Building and Political Engineering in a diverse country: attending to specific Regions' peculiarities while obtaining the larger Nation's buy-in**

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*“ That is why I have decided to convene, from the end of this month, a major national dialogue that will, in line with our Constitution, enable us to seek ways and means of meeting the high aspirations of the people of the North-West and South-West Regions, but also of all the other components of our Nation. The dialogue in question will mainly concern the situation in the North-West and South-West Regions. Since it will focus on issues of national interest such as national unity, national integration and living together, it is obvious that it will not concern only the population of these two regions. The dialogue will therefore rally all the sons and daughters of our beloved and beautiful country, Cameroon, to reflect on values that are dear to us, namely: peace, security, national unity and progress.”*

President of the Republic,  
Speech to the Nation, 10 September 2019

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As Cameroonians hold their breath in anticipation of a National Dialogue convened to seek solutions to its Anglophone crisis, it is a critical time for specialists in the fields of political science, mediation of political conflicts, and comparative constitutional frameworks, to offer the best advice they can, to help unblock Cameroon's quandary. At the outset, we base this note on some predictive analyses, for which we take entire responsibility. Our prediction is two-fold:

- 1) **Prediction 1:** That given the right organization, delegates from the two most-concerned Regions, and a cohort of Anglophone advocacy entities (including in the diaspora), buoyed by selected national political parties, will highlight the crisis' root causes, and impress upon the proceedings that given the reality of a separatist or pro-independence armed insurrection underway, a *federal* solution remains the only acceptable compromise solution. And this, faced with a counterforce (independentist / separatist) which has low tolerance for federalist solutions, and roundly condemns them for settling on a federalist position.
  
- 2) **Prediction 2:** That the rest of delegates at the Dialogue, or broader national constituencies outside those two regions will examine and empathize with several of the concerns and frustrations expressed by Anglophones or persons from the two regions, which have resulted in the crisis. They will be willing to adopt recommendations which placate those concerns in order to abate the violence affecting those regions, and its national effects. However, they will balk at federal solutions because: (i) their constituency base has not forcefully requested same, (ii) they have not had time fully to brief themselves or educate their public on its implications, (iii) they dread a 'chaotic' scenario of up to ten (10) regional mini-Governments emerging under federal arrangements, unleashing fierce competition and overheated politics, and (iv) it contradicts the firm precepts of the political actor who holds the country's widest electoral office (the President).

In essence then, a mediator or facilitator seeking to effect a rapprochement between these positions is faced with the challenging question: given that the Dialogue bears on and is driven by a crisis that is specific to two (2) out of ten (10) regions, but which may have implications for the rest of the Nation, how does the mediator balance *addressing the concerns* of the former, with *allaying the apprehensions* of the latter? The

Dialogue and especially its aftermath will constitute a political exercise in mediating different forms of voice and agency, which are expressed in *raw terms through caucusing, majorities, building of consensus, and – if it comes to that – voting*. **A few premises as to Cameroon’s political system and predictive analyses on group dynamics on the Dialogue**, clarify the likely scenarios.

- a) Cameroon operates a ‘dominant party’ political system. Writing in the Georgetown University Journal of International Affairs in 2005, German Professor of Political Science and Research Fellow at the Institute of African Affairs in Hamburg, *Matthijis Bogaards*, a foremost expert on the political effects of dominant parties, defines ‘dominance’ as a situation in which ‘a single party has won a parliamentary majority in three consecutive multi-party elections’ and for presidential systems of government, ‘one in which the party captures the executive office for three consecutive terms’. Using most thresholds employed by political scientists, Cameroon no doubt harbours a dominant party system. A carefully built up network through which the party permeates the State administration, State-owned enterprises, para-public institutions, the private sector, and major traditional chieftaincies means it is difficult to assemble a political consultation in Cameroon without ripple-off effects of this dominance.
  
- b) In this context, there has been a clear marker expressing disapproval of the posture adopted in Prediction 1 (pro-federalist reforms) from the highest official who doubles as: a) Chair of the dominant party, and b) President of the Republic. The effect of party discipline and caucusing, combined with the requirements of Executive-branch loyalty (in a firmly Presidentialist system, in which the President is one of the only elected officials to serve in an executive, managerial function – everyone else is appointed), mean that for many delegates, they are implicitly barred from considering the options in Prediction 1, *unless* the Party and Executive-branch hierarchy gives them express permission to do so. Therefore, they cannot engage or endorse those solutions – they require a go-ahead, to do so. It appears unlikely that further guidance will be forthcoming, other than the contours of the 10/09/2019 speech. Wise caution will therefore counsel that no positions have changed – and that the pro-unitarist position remains in place.

- c) An important threshold issue is that of balancing attention to the specific concerns and peculiarities of the *Northwest/Southwest regions*, and the wishes and aspirations of the *wider national body politic*, including the eight (8) other regions. The National Dialogue is emphatically convened in order to pay attention to the crisis in the Northwest/Southwest regions but is also placed within a national context. While the exact make-up or composition of the Dialogue's delegates is to be determined, proposals or resolutions emanating from it (in response to the Northwest/Southwest's peculiarities) which have a direct bearing on the other regions, necessarily make the latter a constituency whose voice deserves to be heard (in political terms) before such proposals can be implemented or take effect.
- d) If one is correct to assume that the *intensity and scope* of the wish for self-management of some of their affairs is different in the Northwest/Southwest regions, from the other 8 regions, the Dialogue *process and solutions need to be structured in a manner that does not set these 2 regions' aspirations against the others'*. The solutions identified for the NW/SW regions, while responding as fully as possible to those regions' aspirations, should ideally not have effects on the other regions of the country, which are *not* wished for by their own constituencies.
- e) Mediating or finding *national* common ground in this context therefore assumes a delicate character. If a nationwide, majoritarian 'democratic' approach to decision-making is taken, it may well systematically override any proposals or posture supported by constituencies in the Northwest and Southwest, which are the regions *directly affected* by the crisis. In political logic, a nationwide, 'egalitarian' approach would be tantamount to introducing out-of-constituency voters in polls within a local electoral precinct. At the same time however, the solutions and resolutions adopted, while resolving problems specific to the Northwest/Southwest, need to resonate with, and bear meaning to the rest of the Nation.
- f) Based on recent census data (2015 projections) from Cameroon's General Population and Housing Census, the Northwest (1,968,578 inhabitants) and Southwest (1,553,320 inhabitants) regions constitute respectively 8.9 percent, and 7 percent of Cameroon's population, making for a total of 15.9 percent of

its population (of 22, 179,707 inhabitants). The two regions hold respectively 20 and 15 seats (total of 35) in Cameroon's demographically weighted lower legislative house, out of a national total of 180 MPs. In the last Presidential elections (which were marked by voter absence in both regions) they held respectively 9.2% and 5.6% of the total number of registered voters in the country, giving a total electoral demographic weight of 14.8 %. It must also be borne in mind that even those regions' stakeholders are not likely to adopt a uniform, common posture, as inherent view-point differences exist.

In this setting, there is probably no tool more important in the mediator or political process facilitator's toolbox than the art of seeking *third options*, or a *third way*. If political actors or parties are pitted in a *binary antagonism* between two options (let us assume them to be *unitarism* versus *federalism*), it behoves the facilitator to help them transcend their entrenched postures and embrace new options. It should be borne in mind that actors in political dialogues or peace negotiation processes want to 'take something back' which their respective constituencies can embrace or digest, as a reasonable outcome from their participation. Political entrepreneurs can make or break their careers through the public's perception of their ability or inability to secure results (for their respective constituencies or bases) at such negotiations.

A political Dialogue process fortunately, is not a knock-out stage football match, which must end in a victory for one side or the other. Rather, it should or must end in a tie, with each party able to argue to its supporter base that it was the better team, while the *larger populace claims the real victory*, which is peace. Here below is our most **cogent summary of how the Cameroon National Dialogue's process can help find that third way**, which creates middle ground that the respective parties can occupy, and each go home, claiming victory.

- i. It must be impressed upon proponents of exclusively 'federal' solutions that their biggest challenge lies not in 'opposition' but in 'indifference' on the part of those holding the other view. Etymologically, the word federalism comes from the Latin expression, '*foedus*', which means *treaty, pact, or covenant*. Therefore, the first core element of federal arrangements is that they require an agreement, a contract, a meeting of the minds between two or more entities (the federating units) to form a common federal structure. And that pact *always* has as a key element, an agreement to handle certain matters at regional level *exclusively*, and to handle others at a collective, federal level *exclusively*.

Federalism cannot be done as a solo dance: it is a tango. You cannot 'federalize' one region of a country, without simultaneously changing the relations of all its other constituent units, with the centre. And therein lies in challenge.

- ii. Why does this exist? It exists because the needs and specificities of the two Anglophone regions, which flow from their historical heritage, are unique to them. All the other eight (8) regions do not have this same specificity. Consequently, while the other regions may well want to see more proximate forms of local government, more local involvement in development activities, and control and spending of public funds by regional and local authorities, *their needs are different* from those of the Northwest and Southwest.
- iii. It must, on the other hand, be impressed on the wider constituencies from the other (8) regions of the country, or with less exposure to the education systems, language use, and legal practice cultures deriving from the English tradition, that there do exist specificities in these two cultures (continental/French, Anglo-Saxon), including through the history of Cameroon's own encounter with them. The trajectory of the setting up of educational institutions (missionary societies vs. publicly created), the nature of the public administration (direct governance vs. through the intermediary of traditional authorities, elected local governance vs. centrally appointed *Prefectorale*), and even the levels and patterns of use of the official languages across Cameroon (predominance of English in NW/SW, and vice-versa for French in the other 8 regions) are pointers to specificities for Anglophones, or communities in NW/SW. Increasing second official language acquisition including switching to education in it (especially English) is a reality well-to-do for urban learners, but elusive for most Cameroonians. 2005 Census Data put *official language bilingualism for persons aged over 15 years at a mere 12%* of the general population. Even if it has tripled in the 15 years since (to 36%) it would still mean *only 1 in 3 Cameroonians are bilingual* in the official languages.
- iv. It should therefore be impressed upon the wider national body-politic, that it constitutes no reduction, or compromise on Cameroon's sovereignty, to recognize a unique status for the Northwest/Southwest regions, under which they would be conferred with special attributes or competencies – meaning the ability to run certain areas of their affairs in a devolved manner, and different from what obtains in the other 8 regions. This flows logically from the preceding points. The argument

must be used, again and again, that *the drafters of Cameroon's current Constitution, as far back as 1996, had already anticipated that certain regions of the country may need to be handled differently* (in terms of empowering their Regional and Local Authorities). The Dialogue process is not inventing this concept – it is simply giving it new expression and life, in a context where it may be vital to resolving a serious national crisis. The last article (Article 62, Sub-Section 2) of Part X of the Constitution, devoted to the regions, reads as follows:

‘Without prejudice [to the previous provisions of this Constitution governing the regions], the law **may also take into consideration the specificities of certain Regions with regard to their organisation and functioning.**

- v. The importance of this approach is that it charts for the facilitator, a route to head out of an *impasse*. Here is why: **(a)** conferring Special Status regional arrangements upon the Northwest/Southwest regions *does not ‘force’ or coerce the rest of Cameroon’s eight (8) regions into an unwilling type of relationship they did not seek with the centre of the State. Special Status arrangements can apply exclusively to the regions concerned, (b) Special Status regions are possible, and have been used across the world in both Unitary, and in Federal States.* In Cameroon’s context, if there is significant reticence, or popular indifference to federalising reforms (in the rest of the country outside the affected regions), then a Special Status region arrangement can prevail as a fall-back option, which preserves the State’s unitary character, but responds to the needs of the concerned regions. This option therefore *responds to the concerns of the one* (carving out specificities for Anglophones/ NW-SW where sought), while *allaying the apprehensions of the other* (about dramatically dispersing power centres across the entire country, as fully federal reforms would).
  
- vi. It is of perennial importance in order to steer the discussion towards this outcome, to lay emphasis on what the *package or content should be, that constitutes the ‘offer’ in the Special Status arrangements.* This means, if the Northwest/Southwest regions are to gain management, or greater control of certain facets of their day-to-day existence, what would these be? Comparative constitutional experience with the use of special status regions indicates that this ‘offer’ is always a key part of the negotiations. It has to reflect what the public will and demand in the concerned regions considers as most essential

to their way of life. In the context of the Anglophone crisis, it can be posited – subject to delegates deliberations thereon, or even subsequent constituent polling – that the ‘package’ will bear on: (a) *the use of official languages in the 2 regions (in what proportion), (b) management of the educational system/sub-system in English, and of schools, (c) the composition of the proximate public administration (elected / appointed), and (d) accommodation of the common law legal practice culture.*

- vii. A misconception about the negotiation of, or triggers for regional, centrifugal pressures for increased self-management is that these are mainly driven by the search for political space by regional political entrepreneurs, or economic resource control. While these factors (and especially the resource issue) do feature in these processes, comparative constitutional literature on managing diverse societies and handling such centrifugal pressures shows that it is often these rather ‘cultural’ questions bordering on group or sub-group identities (such as language use, and education systems) that trigger some of the most challenging regional tensions or demands.
- viii. The facilitator’s calculated bet in such a process would be as follows: **(a)** that the stand of what is clearly a significant constituency in Cameroon’s establishment for unitarism, and against federalizing the entire country and hence profoundly altering the form of the State will feel vindicated, in the event Special Status arrangements are afforded within the Unitary State’s dispensation. That ‘form’ of the State therefore remains intact. **(b)** that for genuinely concerned Anglophone/NW-SW constituencies that have engaged the Dialogue process to find workable solutions, they will look to the *substance* of the Special Status arrangements, and what has been conferred to those regions, and assess whether it meets their aspirations, and **(c)** that Cameroon’s wider population, and the country’s partners will see in the proposed Special Status arrangements, an innovative new way forward, and a concession by all sides, to try something new, and to give peace a chance.
- ix. An important addendum on Special Status arrangements, is that the *due process requirements* to operate them are almost as important as the areas of self-management afforded to the beneficiary Regions. Comparative constitutional guidance shows that it is best to *embed such arrangements in a high legal norm or instrument (Constitution)*, indicating their seriousness, and insulating them from cursory repeal. It is also important that *approval or ratification of such*



*arrangements* should go through the relevant national and (when eventually set up) regional legislative/deliberative Council bodies, so that they leave no doubt as to their legitimacy.

- x. A challenge to expect over Special Status arrangements within a Unitary dispensation (no matter how *comprehensive in scope and constitutionally-embedded* the grant of areas of self-management are) will be strongly held views among proponents of federal solutions, that the only viable solution, is a legal and historical entitlement to return to a *status quo ante* in mid-1961 (in what we term the ‘decolonisation’ process). The intent would be to *re-negotiate* the bases upon on which the two former trust territories were reunified. This view invites three remarks:

a) First, there is little dispute in the specialist literature from the fields of political history, comparative politics, and constitutional law that there were *due process* limitations in the 1961 negotiations, including not reducing their outcomes into a stand-alone legal agreement, and not securing joint ratification by the federating entities’ respective legislative houses. There is also little dispute in the specialist literature, that the *resulting arrangements* failed to meet any comprehensible definition of a ‘federal’ system, notably: (i) the non-separation of the constituent units from the federal layer, through officials in one layer cumulatively holding posts in the other, (ii) the lack of a revenue-sharing arrangement, resulting in the dependence of the federated States on the Federal Government for subsidies, and (iii) the adoption of a territorial organisation for the country that super-imposed itself on the two federated States.

b) Having acknowledged the above, it must also be borne in mind that the reunification arrangements (bringing as it did, two entities) were the outcome of a decolonisation process, restoring to the entity and its inhabitants, sovereignty and control over their affairs, after periods of successive foreign tutelage – which itself accounts for the dual heritages. The argument that Cameroon finds *no other legal expression* as a State, than through the integrity of mechanisms for its reunification in 1961 (following its separation by foreign fiat) stands out against history, logic, and natural justice. That is, unless foreign

tutelage is viewed as a neutral or beneficial process, which is at odds with the worldview that prevailed after World War II, which hastened the decolonisation process.

- c) Furthermore, it is open to question – and a ‘federalising’ approach *invites this question* by changing the relations of all parts/regions of the country with its centre – whether 100 years after the dislocation (the 1919 Simon-Milner line), and 58 years after the end of foreign tutelage, the ‘sole’ and *only* expression or articulation possible of Cameroon’s territorial organisation and its constituent units would be along the lines of this partition. Viewed as a whole with the country’s eight (8) other regions, there are cogent alternative bases from which these sub-national constructs can be articulated, be they ethno-demographic, geographical, linguistic (national language), or cultural. An often-used articulation is that between the Fang/Beti (Centre-South-East regions), Grassfields (West, Northwest regions), Sawa (Littoral, Southwest regions), and Sudan-Sahelian (Adamawa, North, Far North regions).
- d) Without a doubt, the dual English/French heritage is an *important socio-cultural and political marker* on the Cameroonian experience, but it is not the *only* marker upon which Cameroonians can find expression as to their regional/local affairs. In this regard, a process that ‘only’ engages Cameroonians in a discussion over their relations along the English/French markers loses an important opportunity to ‘update’ the expression of the country’s *political geography* to the present. By contrast, an emphasis on Special Status arrangements applicable specifically to the Northwest/Southwest, and appropriately legally and constitutionally embedded, corrects the historical negotiation problems, while leaving it open for the rest of the country, through a gradual or iterative process, to perfect its centre – periphery relations.

In the spirit of sharing resources which may help in unlocking the crisis, enclosed are some materials, which respectively:

- a) Show specifically how Special Status arrangements (sometimes referred to as 'federacies') are used *in Unitary States* to manage such situations – the authors, notably Professors Alfred Stepan and Juan Linz are foremost experts in this field.
- b) Show how countries across the world (both Unitary States and Federal) contend with the issue of asymmetry: meaning how their constituent parts may not all be handled identically, for purposes of governance at, or by the sub-national tiers.

We remain at your disposal to share additional or complementary resources in this regard.

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