

An Evaluation of Decentralization in Cameroon: A Historical **Appraisal Since1996**

Vitalis Yamsa Song, Ferdinan NgombaVevanje

Department of History, University of Buea, Cameroon

*Corresponding Author: Vitalis Yamsa Song, Department of History, University of Buea, Cameroon

Abstract: The decentralization paradigm of Cameroon has been a much debated topic among scholars and in the field of political science. Given the fact that decentralization in Cameroon is a specification of Cameroon Law No. 96-6 of January 18, 1996, the process has failed to attain [real] success. It is in this context that, this paper drawing from primary and secondary sources and employing a critical approach analyses some of the loop – holes in Cameroon's decentralization paradigm. The paper contends that contrary to constitutional and legal recommendations, the form of decentralization favoured by Cameroon's law makers operates in such a way that the powers professedly federalized to regional and local governments are hemmed in by an invasive and omnipresent central Government. The findings reveal that Cameroon's decentralization process from 1996 to 2020 has suffered lapses, among them is lack of collaboration between Regional and Local Authorities, capacity deficiencies, lack of political will, lack of texts of application, limited autonomy to locals councils, false/questionable autonomy of Regional and Local Authorities (RLAs), the (over -) centralization of the state which have not given room for effective decentralization, delays in policy implementation, the questionable autonomy of the Public Independent Conciliator.

Keywords: Decentralization, Texts of Application, Autonomy, Regional Councils.

1. INTRODUCTION

Generally speaking, decentralization can be defined as the transferal of public authority, resources, and personnel from the national level to sub-national jurisdictions, has been a recurrent theme in African countries since independence. The wave of decentralization has gained prominence as an expressed goal or as an actual programmatic pursuit in the context of or as a consequence of two prominent movements affecting the African state in the last three decades. The predatory structural adjustment programs that sought to reform the public sector starting in the 1980s and the ongoing transition towards more democratic and competitive politics remain key mechanisms towards decentralization in Africa. As a matter of fact, many African countries" structures of local administration exist but are often subordinated in their legal creation, mandate, and operation to the central state, especially the executive. As elsewhere in the developing world, political and economic liberalization have opened possibilities or at least revived claims for greater decentralization.¹

Cameroon like many African countries is currently in the process of decentralizing significant functions, previously exercised by the central administration, to local governments. This is in line with the 1996 Constitution, which transformed the country into "a decentralized unitary state" comprising a central government and several autonomous" sub-national governments.²A lot has been written on the decentralization process in Cameroon³. This written literature in existence on

¹ Ndegwa Stephen N., Decentralization in Africa : Emerging Trends and Progress. Africa Region

Findings & Good Practice Infobriefs (No. 229. World Bank, Washington, DC. © World Bank 2003)

NdivaKofele-Kale, Local Governance under Cameroon"s Decentralization Regime: is it all sound and fury

signifying nothing? (Common Wealth Law Bulletin Volume 37, 2011) ³ Pamela NganchiNyemile, "A Social Impact Assessment of the Decentralization Process in Tiko Municipality, South West Region, Cameroon" (Master of Sciences Thesis, Department of Sociology and Anthropology, Faculty of Social and Management Sciences University of Buea, Cameroon, July 2014), 6.

decentralizationinCameroonarescholarlyworksofbothCamerooniansandnon-Cameroonians alike. Cameroonian authors/scholars that have made efforts to research on decentralization in Cameroon are: Victor Julius Ngoh, NdivaKofele - Kale, Oben Timothy Mbuagbo, Ngam Confidence Chia, Venantius Kum Ngwoh, Nicodemus Awasum and Ettangondop, KaseTindo Narcisse Saturnin, Young Chantal Nkeneh, Kah Henry Kam, Banlilion, Athanasius Amungwa, and Wilibroad Dze - Ngwa, to name but these. Non - Cameroonians have also made efforts to research on developments in the process of decentralization in Cameroon. Some include: Frank Stark, Piet Konings and the International Crisis Group, inter alia. Their research works captures issues, like: the history of decentralization in Cameroon, decentralization and the development of traditional institutions in Cameroon, the advantages and disadvantages of decentralization, stymieing factors of decentralization in Cameroon, making an assessment of policies and actions undertaken for decentralization, the missing links and the prospects. Some of the works of these authors are consulted to sustain the argument: irrespective of the fact that the Government has adopted some policies to fast track decentralization, some loop – holes have remained inherent in the decentralization process over time.

The stride of the manner of decentralization in a given context inescapably is determined by the degree of favorableness of the legal milieu and the dynamism of stakeholders (especially of local authorities, the state, development cooperation partners and civil society). Cameroon's decentralization process has moved on with different policies in place but, since 1996, some loop – holes slowed down the acceleration rate of the process and made the attainment of success difficult. These loop – holes are certainly inherent in policy formulation and implementation, *inter alia*. Policy formulation and implementation cannot become a reality without human capital investment in the form of qualified manpower and empowered institutions in place. The issue of whether local councils in Cameroon have qualified staff or not, were and are still pre – occupying to Government, experts in the field of decentralization and policy makers. This pre - occupying situation necessitates the application of correctives to curb it. Manpower is a sine qua non element in the establishment of institutions. Per the 1996 revised constitution of Cameroon, Sections 20 (1) states that the senate shall represent the regional and local authorities. Also, section 46 states that the constitutional council shall have jurisdiction in matters pertaining to the constitution. It shall rule on the constitutionality of laws. It shall be the organ regulating the functioning of the institutions. Section 57 (2) states that the regional council shall be the deliberative organ of the region..... The senate, constitutional council and regional council were not in place until after two decades. Furthermore, Laws No. 2004/017 on the Orientation of Decentralization, 2004/018 to Lay Down the Rules Applicable to Councils and 2004/019 to Lay Down the Rules Applicable to Regions all of July 22, 2004 are policies which have given due consideration to the enhancement of local development. On the contrary, the applications of the laws have tended to be either stymied or partial. This explains why there are some missing links in the decentralization process in Cameroon.

2. CONCEPTUAL FRAME WORK

Even though the concept of decentralization has received extensive treatment in the literature, (Maddick, 1962; Fesler, 1965; Kaufman, 1969; Laubadere, 1973; Kochen & Deutsch, 1980; Cohen et al, 1981; Rondinelli, 1981; Convers, 1983; Smith, 1985; Gonidec, 1985; Adamolekun et al. 1990), there is as yet no consensus as to its precise meaning and content either within academic or professional circles. Forje⁴, Ngam et Al.⁵, Cheka⁶ and Kofele Kale⁷ assert that decentralization is giving powers to the people for the management of their local affairs. They all pinpoint that decentralization enhances promotes democracy, good governance and development at the grassroots. Ngam et Al. further postulate that the concept is important in both stable and conflict ridden societies and can play a role

⁴ John W. Forje, The Challenges of Administrative Political and Developmental Renewal in Africa: Essays on Rethinking Government and Reorganization (New York Nova Science Publishers Inc., 2009), 6. ⁵ Ngam Confidence Chia, KazeTindo Narcisse Saturnin & Young Chantal Nkeneh, "The Cameroon

Decentralization Process: Tool of Conflict Resolution or Seeds of Discrepancies in the Governance of a Heterogeneous State" EAS Journal of Humanities and Cultural Studies, Vol. 2, Issue 3, May – June 2020, 106

⁶ CosmasCheka, "The State of the Process of Decentralization in Cameroon"Africa Development Vol. XXXII, No. 2, 2017, 1.

⁷ NdivaKofele- Kale, "Cameroon"s Decentralization Regime: Is it all Sound Fury Signifying Nothing?" Commonwealth Law Bulletin, Vol. 37, Issue No, 2011.

in post conflict situations. Kofele – Kale pinpoints that the highest stage of decentralization is Federalism. But For je goes further to argue that it is not all about giving powers to the people but equal opportunities for all which constitutes a level playing ground for all to be participants and partners in the development process. It is imperative for the state with its centralized administration to relinquish some of its inherent powers to the people, local communities and private sectors in order to enhance and accelerate quality service delivery to better improve the living standards of the population. For je also argues that there are some missing links in the decentralization process in Cameroon. Chekacorrobates For je by insinuating that there are missing links in Cameroons decentralization process.

3. DECENTRALIZATIONIN CAMEROON: A CRITICAL ASSESSMENT

After the reunification of British Southern Cameroons with French Cameroon in 1961, a federal system was created. Ahmadu Ahidjo, President of the Cameroon Republic, (East Cameroon), became President of the Federal Republic of Cameroon and instantaneously instigated and embarked upon the implementation of a policy of excessive political and administrative centralization. At the time of reunification in 1961, there were three political parties in West Cameroon - The Kamerun National Democratic Party, (KNDP); The Cameroon People's National Convention, (CPNC) and the Cameroon United Congress, (CUC); and only one political party in East Cameroon, the Union Camerounaise

(UC) that was headed by Ahidjo. On the 1st of September 1966, Ahidjo merged all these political to form a single national party called the Cameroon National Union, (CNU) and became its national chairman. In 1972 Ahidjo through a nationwide referandum abolished the Federal Republic of Cameroon and created the United Republic of Cameroon. the creation of the Unitary state made him not only President of the Republic, Head of State, but also Head of Government, Commander-in-Chief of the Armed Forces, Head of the Judiciary, and National President of the single political party in the country⁸. Some lapses were evident in Cameroon's decentralization Process from 1996 to 2020. In 1996, the Cameroon constitution adopted the decentralization Law. This was to ensure the empowerment of local governmental authorities in order to reduce over centralization. Since the 1996 decentralization law in Cameroon, a series of lapses bedeviled the effectiveness and efficiency of the process.

3.1. Lack of Collaboration

The lack of collaboration between Regional and Local Authorities (RLAs) was a lapse in Cameroon's decentralization process. RLAs in Cameroon failed to really work in synergy toward the management of transferred resources. These resources include: material, human and financial⁹. It would have been suitable if RLAs coalesced for the effective management of technical, material, financial and human resources. But this synergy in the management of competences transferred was far-fetched. It can be posited beyond some reasonable doubt that from 1996 onwards, synergy among RLAs was elusive to fuel the much needed sustainable sports, health, education, cultural, transport and human development in the different regions in Cameroon. Some reasons which could have accounted for this include tribalism, nepotism, egoism, differences in political party ideologies, and the capacity constraints.

3.2. Capacity Deficiencies

Capacity constraints can severely limit the effectiveness of local authorities and undermine the process of devolution of powers¹⁰. Law No. 2004/017 gives Regional and Local Authorities the right

⁸ Etonga M. 'An Imperial Presidency: A study of Presidential Power in Cameroon', in NdivaKofele-Kale (ed.). An African Experiment in Nation Building: The Bilingual Cameroon Republic since Reunification, Westview Special Studies on Africa, Ch. 5, (1980):13 3 -155.

⁹ A Press Conference by IssaTchiroma, Former Minister of Communication, Cameroon, on the Theme: "*Decentralization Process: An Evaluation of the Path Covered and Prospects*" in the Conference Hall of the Ministry of Communication in Yaoundé, April 11, 2017 broadcast over Cameroon Radio Television (CRTV) – TV.

TV. ¹⁰ MunaNdulo, "Decentralization: Challenges of Inclusion and Equity in Governance" in *Democratic Reforms in Africa: Its Impact on Good Governance and Poverty Alleviation, (Ed.) MunaNdulo, (Oxford: James Currey Ltd & Athens: Ohio University Press, 2006), pp. 95.*

to freely recruit and manage staff. Section 19 (1) of the said law states that Regional and Local Authoritiesshallfreelyrecruitandmanagestaffneededfortheaccomplishmentoftheirmission,in accordance with the Laws and Regulations in force.¹¹ Regional and Local Authorities therefore needed qualified manpower (qualitative human resources) and a considerable proportion of staff to accomplish their mission (quantitative human resources).Thus, these authorities could not function optimally due to capacity deficiencies both qualitative and quantitative. Qualitatively, inadequacy of well trained and qualified staff was an eminent characteristic. For instance: some of those voted into council legislature were not qualified to act as municipal councillors they were not either professionally trained or

receive little/limited enlightenment on their responsibilities. Qualitatively, some Local Governments were understaffed, while others were overstaffed. This was aggravated by the near absence of pension benefits, fringe benefits, low and delayed remuneration. In addition, payment of remuneration proved challenging.¹³

For example: in 2009, during the First Ordinary Session of Buea Council, Councillor Ngenye Henry Kulu wondered aloud what one hundred and thirty (130) workers were doing in the council, when they (the 130 workers) could not raise income for self – sustainability of the council. Obviously, the council was overstaffed. Gainsay, in 2018 the Minister of Decentralization and Local Development – George Elanga Obam, in a circular ordered the non – recruitment of staff in the year 2019 by Mayors because of the anticipated holding of the legislative and municipal elections in Cameroon. Observers saw that the order was a move to circumvent in the interest of politicians at the detriment of the population as local elections approached. But the order deprived councils from exercising their legal right to recruitment of staff as provided for in Section 19 (1) of Law No. 2004/017 on the Orientation of Decentralization. The issue of capacity deficiencies was a product of lack of genuine political will by Government to have administration effectivelydecentralized.

3.3. Lack of Genuine Political Will

Government''s commitment to the decentralization process was necessary for effective decentralization to ensue. Gainsay; in Cameroon the implementation of all facets of decentralization policy have suffered from the absence of genuine political will. The seriousness of Government¹⁸ in ensuring effective decentralization has lived less to be desired. Until 2020, the seriousness of Government toward the effective implementation of the decentralization agenda was not trusted at the level of the grassroots. The grassroots population knew that the patrons in Yaoundé could not just let go power just like that. This compounded by the great influence of Government restrictive Francophone "Jacobin" Administrative state construct with its recentralization tendencies, like powers given on the one hand and a considerable share taken with another.¹⁹

The decentralization laws of 2004 set the pattern for the exercise of powers by local authorities which represents the framework for governance and democratic practice. The transfer of powers such as

¹¹ Law No. 2004/017 of 22 July 2004 on the Orientation of Decentralization.

¹² The issue of training became paramount and a call for concern to Government and the Cameroonian citizenry.

¹³ NdivaKofele – Kale, "Cameroon"s Decentralization Regime: Is it all Sound and Fury Signifying Nothing?"

Commonwealth Law Bulletin, Vol. 37, Issue 3, 2011. https://doi.org/10.1080/03050718.595149.

¹⁴ Minutes of the First Ordinary Session of the Buea Council held at the Buea Council Chambers on August 21, 2009.

¹⁵ MaxcelFokwen, "Government Bars Mayors from Recruiting Workers in 2019" The Post Weekender, No. 01971, Friday December 21, 2018, p. 7.

¹⁶ Law No. 2004/017 of 22 July 2004 on the Orientation of Decentralization

¹⁷Lantum V. Charles. "Implementation of the Decentralization Process in Cameroon: Appearance versus Reality" *International Journal of Arts, Humanities and Social Science, Vol. 02, Issue No. 02, February 04, 2021.*

¹⁸ Usurpation of authority especially in Local Government with opposition leadership, low financial allocations to Local authorities and administrative speed breaks, were all indications of Government's lack of political will and commitment to effective implementation of decentralization policies in Cameroon.

¹⁹Banlilion V. Tani, James ArreyAbangma and Ambe M. Bruno, "The Dilemmas of Implementing Decentralization Policies in a Centralized State Construct: Evidences from some municipalities in the North West Region of Cameroon." *African Journal of Social Sciences, Volume 3, Number 2, June. July, 2012, 97 & 110.*²⁰CommerChelen, "The State of the Presence of Decentralization in Compresent," *CODESPLA African Journal of Social Sciences, Volume 3, Number 2, June. July, 2012, 97 & 110.*

²⁰ CosmasCheka, "The State of the Process of Decentralization in Cameroon," *CODESRIA Africa Development, Vol. XXXII, No. 2, 2007, 184.*

the power to carry out our sports, educational, cultural and socio – economic development as a whole was delayed. This was because from 2004 onwards, it took the state of Cameroon six years to begin the effective transfer of powers to local authorities. This was a clear indication of absence of legal instruments of application. The absence of legal instrument was a significant hindrance to effective decentralization in Cameroon.²¹The year 2004 saw the promulgation into law of some decentralization laws. These were laws No. 2004/017 on the Orientation of Decentralization, 2004/018 to lay down the Rules Applicable to Councils and 2004/019 to lay down the Rules Applicable to Regions. These laws create an environment that represent an irreversible forward step toward the process of decentralization but these laws were not immediately accompanied by legal instruments of application.²²Thereof, policy implementation was lagging.

3.4. Policies Formed, Implementation Delayed?

Cameroon has (very) good policies, but policies formed have to a greater extent remained "paper tigers". By "paper tigers" it therefore certainly implies that, the policies have being authoritative, powerful and impressive on paper, whereas actual implementation was or is (still) delayed. At times, implementation of some of these policies was partial and remains partial. For example: Per the 1996 constitution of Cameroon, Section 20 (1) created the Senate, Section 46 created the Constitutional Council and Section 57 (2) created the Regional Council, ²³but in 2006, two presidential decrees promulgated into the rules on the elections of Regional Councilors²⁴ and the rules on the election of senators²⁵. Even though these rules were promulgated into law, the delay in implementation was eminent. This is because it took the Cameroon Government seven years to implement the rules on the election of senators and 14 years to implement those on the election of Regional Councilors. The Regional and Constitutional Councils and the Senate are provided for in the Constitution but they were actually realities on the ground shortly after 20 years. It should be underscored that prior to the year 2013, the Regional Councils, the Senate and the Constitutional Council existed in theory. Their theoretical existence constituted an inherent missing link in the institutional environment in Cameroon and in the decentralization context in particular. In the decentralization context in Cameroon, local council autonomy has remained an issue of concern.

3.5. Limited Autonomy to Local Councils

Autonomy of Local Government comprises the ability to make binding decisions and policy choices within a legally stipulated framework: the ability to allocate resources and provide services other than those of the Central Government. Autonomy goes with self – reliance. A local Government cannot be autonomous unless it has a reasonable measure of self – reliance. It cannot also be self – reliant unless it has a reasonable level of autonomy in the mobilization, allocation and management of resources. Most African local Governments have limited autonomy. Precisely, local councils in Cameroon have suffered from the issue of limited autonomy in decision – making. The reliance of local councils on state subvention have accounted for this stalemate. This is in line with the fact that the more reliant the local councils become on Central Government subsidies, the greater the likelihood of them losing autonomy. And by this criterion, most African local Governments have limited autonomy²⁸. Limited Autonomy of Local Government in Cameroon was obviously a missing link in the decentralization process post – 1996 period in need of filling. Filling the lacuna could definitely not be satisfactorily done as the form of state in place could rarely ever allow.

²¹ NjieMbonde Albert, "An Evaluation of the Stakes and Challenges in Cameroon's Decentralization Process" Cameroon Calling, August 2, 2019, Cameroon Radio Television (CRTV) – National Radio Station Yaoundé.
²² Enowhacher Acher "The Decent and Cameroon Radio Television (CRTV) – National Radio Station Yaoundé.

²² EnowbachemAgbor, "The Paradox of Decentralization in Cameroon" (Human Rights and Legal Research Centre, HRLRC), October 11, 2019.

²³ Law No. 96-6 of 18 January 1996, to Amend the Constitution of 2June 1972.

²⁴ Law No. 2006/04 of 14 July 2006 on the Election of Regional Councilors.

²⁵ Law No. 2006/14 of 14 July 2006 on the Election of Regional Councilors.

²⁶ Samuel Stephen Mushi, "Strengthening Local Government in Africa: Organizational and Structural Aspects" in *Seminars on Decentralization in African Countries, Banjul, 27 – 31 July 1992.*

 ²⁷ GuyYakanaYombi, MountonChouaibou&LucieYakanaAgoume, "Decentralized Territorial Communities andthe Implementation of Public Policy: The Case of Cameroon" Peer Review Chapter, Reviewed: July 31, 2018; Published: October 23, 2019, DOI: 10.5772/intechopen80617, www.intechopen.com, Accessed: June 7, 2021.

²⁸ Op. Cit

National unity and integration are all terms used in Cameroon to ward off calls for other forms of state, especially the federal model associated with separatism or secession. To circumvent calls for a federal model, the Constitution of Cameroon was revised in 1996 prescribing decentralization. Decentralization cannot be effectively practiced in a centralized state construct like Cameroon where all decisions come from the headquarters and are imposed on councils. Certainly, it remainsimpossibility within the current state of affairs for councils to be decentralized and autonomous. This is because the elected Local Government officials (mayors) are being over – checked by the Senior Divisional Officers (SDOs), inter alia³⁰. The SDOs are appointed by the President of the Republic of Cameroon. Generally, the President of the Republic had and still has very wide powers of appointment and transfers across the growing civil service and control over all state financial resources.³¹Certainly, these powers in the hands of the President instead led to the entrenchmentof the centralized state constructand deprivation of local authorities from realautonomy.

3.6. False Autonomy to Regional Councils

Sections 277 and 278 of Law No. 2019/024 of 24 December 2019 Bill to Institute the general code on regional and local authorities, empowers the Regional Councils to work as deliberative organs. That is, to deliberate on matters of regional interest, lay down its standing rules, the development plans and programmes, budget, administrative and management accounts, the management of areas of regional interest, inter alia.³²Per the law, it can be argued that Regional Councils are to foster LRD using the autonomy given to them. But,Nda, Njodzeka and Adams, assert that false autonomy has been given to Regional Council Sessions take place;the law empowers them to "shut down" council sessions if they discuss what are "illegal".³³Therefore, if false autonomy has been given to Regional Councils, then how can they ensure LRD within the context of the SpecialStatus?

3.7. Sham Special Status

Law No. 2019/024 of December 24, 2019 accords a special status to the people of the North West and South West Regions of Cameroon. The Special Status is highlighted in Section 3 and elaborated upon in Part V. Section 3 (1) states "The North West and South West Regions shall have a special status based on their language specificity and historical heritage". While Section 3 (2) explains, "The Special Status ...shall be reflected with regards to decentralization, in specificities in the organization and functioning of these two regions." Section 3 (3) adds concurrently, "The Special Status shall also entail respect for the peculiarity of the Anglophone education system and consideration of the specificities of the Anglo-Saxon legal system based on commonlaw."³⁴

Prior to the promulgation of this law, the Special Status was criticized by some Cameroonians, among them Honourable Joseph MbahNdam of the Constitutional Laws Committee of the National Assembly who purported: "The so – called Special Status is a sham. It will not give Anglophones the autonomy they want. The representative of the state at the Regional level is still the appointed Governor. The problem would have been solved if the draft law provides for elected Governors. . . . ". Also, Barrister Henry Kemende, a member of the senate criticized it for being a sham. We have a sham Special Status³⁵ in Cameroon. Looking at the Special Status option as it is in the Code on Regional and Local Authorities, one may deduce that the Government made up her mind

²⁹ Emmanuel YenshuVubo, "A New Federalism: Cameroon's Unique Chance for Survival (1)" *The Rambler, Edition No. 0035 Monday, December 19, 2016, p. 10.*

³⁰ The SDOs have delegated powers which supersede that of the elected council mayors.

³¹ Victor Julius Ngoh, "Cameroon: Fragile State?", Crisis Group Africa Report, No. 160, May 25, 2010, 8.

³² Law No. 2019/024 of 24 December 2019 Bill to Institute the General Code

³³ Hope Nda, DanhatuNjodzeka&Bouddih Adams, "False Autonomy as Appointed Governors Remain In Charge." The Post Weekender, No. 02151, Thursday, December 31, 2020.

³⁴ Law No. 2019.024 of 24 December 2019 Bill to Institute the Code on Regional and Local Authorities.

³⁵ The enshrinement of the Special Status in the code of Regional and Local Authorities lack the element of time bound for the evaluation of its implementation. The Special Status given lacks the fuel to spur sustainable

Localo-regional development. That is, development at the local level which respects all worthwhile community values and norms then spill-over to sustained [able] and sequential regional transformation to improve the livelihood of [every] *Tom, Dick and Harry.* If all [worthwhile] community values and norms are not respected then localo-regional development can never be attained.

toward the entrenchment of insufficiency in autonomy to Regional and Local Authorities.Government decision to put Regional Governors as supervisory authorities over local authorities and PIC as settler of disputes between councils and council users, made popular opinion have the perception of a sham Special Status given.

4. QUESTIONABLE INTEGRITY, OBJECTIVITY AND INDEPENDENCE OF PIC³⁶

In a bit to continue state control, the Special Status has given room for the post of the PIC. The PIC is established in the Special Status for the North West and South West Regions, as an independent regional authority to be a highly experienced personality with reputed integrity and proven objectivity. This is according to Section 367 (1) and (2) of Law No. 2019/024 of December 24, 2019. The responsibilities are in Section 367 (3) of the law. Some of the responsibilities are: examining and settling disputes between users and regional and council administrations, defending and protecting rights and freedoms with regards to the relationship between citizens and the regions or the councils thereof, designing and implementing measures to prevent and combat direct or indirect discrimination that may affect users of both regional and council services.³⁷The authors argue that the possibility of PIC to be a highly experienced personality is high but, the prevalence of patron – clientelism, elite capture, ethno-regionalism, corruption and the politics of the belly in Cameroon cannot allow for reputed integrity and objectivity to be manifested by the official, *stricto-cento*'. Definitely subjectivity will be manifested byPIC in this context. Section 368, of the Law gives the President of Cameroon the authority to appoint PIC. Just the fact that PIC is appointed by the President renders his independence questionable because, PIC will definitely pay allegiance toHim.

It is but certain that from 1996–2020, a lot of loop – holes stymied the state of the process of decentralization in Cameroon. The examination of some lacunae has being done. It should be underscored that the lacunae inherent in the decentralization process was indicative of failure instead of success. This stalemate could not in any way afford to stimulate the lofty agenda of decentralization toward sustainable development in grassroots communities. To mitigate these gaps from widening, the efforts of some stakeholders came intoplay.

4.1. Measures Taken to Fill Existent Lacunae

The Cameroon Government and some foreign bodies were and are aware of the loop-holes inherent in Cameroon's decentralization process. The Government through the executive and legislative has put their hands on deck to address the lacunae inherent in the decentralization process in Cameroon. Foreign bodies, like UN system, Germany, France, United Kingdom, have been committed to help Cameroon address the lacunae situation in her decentralization process. Some of the measures taken by either Government or foreign bodies to fill existent Lacunae in Cameroon's decentralization process is under discourse in this section of this paper.

4.2. Measures Taken by Government

As a step toward policy implementation, was the operationalization of the Senate which started in 2013. The institution in 2013 had a membership of one hundred. Thirty of this number was appointed by the President of the Republic while 70 were elected by indirect universal suffrage.³⁸According to Section 14 (2), the mandate of parliament is to legislate and control Government action. ³⁹The emerging senate of 2013 had to make sure that it legislate and controls Government action. Doing some basic mathematical calculation, it becomes clear and resultant that it took the Government twenty – seven years or so, to have the Senate operationalized. Within the five years of the Senators'' mandate (from 2013 to 2018), the Senate could be seen in the spotlight playing its role of legislation and dominion on Governmentaction.

Another step taken toward policy implementation was the functioning of the Constitutional Council. Entrenched in the Cameroon Constitution of 1996, this institution only went fully functional in 2018. In the interim, the Supreme Court thus sat in for it on matters concerning the mitigation of conflict

³⁶ PIC stands for Public Independent Conciliator

³⁷ Law No. 2019/024 of 24 December 2019 Bill to Institute the Code on Regional and Local Authorities.

³⁸ ChoforChe Christian Aime, "An Analysis of Decentralization under the 1996 Constitution of Cameroon" LLD Thesis, Department of Law, University of Pretoria, March 2019, 34 – 35.

 $^{^{39}}$ Law No. 96 – 6 of 18 January 1996 to Amend the Constitution of 2 June 1972.

between the state organ responsible for decentralization and the constitutionality of the law.⁴⁰The functionality of the Constitutional Council basically put an end to the Supreme Court sitting in for it. Thus, the Constitutional Council could perform its functions as the Constitution rules: The Constitutional Council shall have jurisdiction in matters pertaining to the constitution. It shall rules on the constitutionality of laws. It shall be the organ regulating the functioning of the institutions – Section 46. All the functions of the Constitutional Council are in Part VII, Sections46 to 52 of the Constitution.⁴¹Another step toward policy implementation was the operationalization of Regional Councils which saw the limelight after the December 6, 2020 Regional Elections.⁴²The Regional Councils have a purely deliberative role as it is in the Code on Regional and Local Authorities. The regional Council shall settle regional matters by deliberation. It shall express an opinion whenever it is requested by the laws and regulations or at the request of the representative of the state. It may express wishes through deliberations on all matters of regional interest. This is in Section 277 (1) - (3).⁴³

4.3. Texts of Applications

Some texts of application are in place in Cameroon completing aspects of organization and functioning of decentralized local authorities as provided for by the constitution of 1996 and the decentralization laws of 2004. In 2010, the pioneer effective transfer of powers as clearly spelt out in Law No. 2004/17 on the Orientation of Decentralization especially from Chapter II; Section 19 (1) was done. Councils to some extent were empowered financially to undertake sports, cultural, health, educational, and social development as a whole.⁴⁴The law provides that councils are to receive financial assistance from the state to invest in community development. Section 23 (1) instituted a Common Decentralization Fund. It should be underscored that the Law on the Orientation of Decentralization fund. This therefore warranted that this provision – Section 23 (1) becompleted.

Subsection 2, of the Law also states that each year, the finance law shall fix on the recommendation of the Government the portion of the state revenue to be allocated to the Common Decentralization Fund referred to in the preceding subsection.⁴⁵But the General Code on Regional and Local Authorities specifies on the fraction of state revenue to be allocated to the Common Decentralization Fund. The fraction which may not be less than fifteen per cent as Section 25 (3) holds. Also, the code expounds on the organization and functioning of Regional and Local Authorities. For instance: Section 52 (1) reads: Local authorities may, by resolution of their deliberative organs, either acquire shares of companies or bonds of companies responsible for operating local services, upon the prior approval of the state supervisory authorities, following the maximum participation level set under this law which is thirty three per cent – Section 56. By implication, local authorities have the right to go in for companies bonds following unanimous deliberation. In addition, to exercising supervisory authority over local authorities as Part IV, Sections 66 - 77 of Law No. 2004/017 assumes, the state shall provide support and advice for the effective exercise of the powers devolved and ensure the balance development of local authorities on the basis of national solidarity, regional and council potentials interregional and inter-council balance. This provision of support and advice to local authorities is Section 72 (2) of the Code on Regional and Local Authorities.⁴

4.4. Addressing Local Council Autonomy

The year 2010 in Cameroon marked a turning point in the decentralization process with the effective transfer of competences and resources of some selected ministries to local Councils.⁴⁷For example:

⁴⁰ Op. Cit.

⁴¹ Law no. 96-6 of 18 January 1996 to Amend the Constitution of 2 June 1972.

 ⁴² Hope Nda, Danhatu Njodzeka & Bouddih Adams, "False Autonomy as Appointed Governors Remain in- charge" The Post Weekender, No. 02151, Thursday, December 31, 2020.
 ⁴³ Law No. 2019/024 of 24 December 2019 Bill to Institute the General Code on Regional and Local

⁴³ Law No. 2019/024 of 24 December 2019 Bill to Institute the General Code on Regional and Local Authorities.

⁴⁴ Decree No. 2010/1375/ PM to Adopt the Budgetary Nomenclature of Regional and Local Authorities.

⁴⁵ Law No. 2004/17 of 22 July 2004 on the Orientation of Decentralization.

⁴⁶ Law No. 2019/024 of 24 December 2019, Bill to Institute the Code on Regional and Local Authorities.

⁴⁷Tedd Eyong, "Editorial" in Buea Public Dialogue on Decentralization Conference Brochure, p. 5.

the transfer of competences and resources with regards to public health particularly to build, equip, maintain and manage Integrated Health Centers.⁴⁸The state still continued to transfer some significant resources to RLAs from 2010 hence. With regards to financial resources, the state envisaged for the period 2010 to 2015, some 251 billion CFA Francs as taxes to be transferred to RLAs. With regards to taxation, the state transferred the commonly called "wind screen license" royalties to regional and local authorities, the local development tax, a proportionate share of the supplementary municipal tax, as well as a proportionate share of the annual forestry royalty. The proceeds of all these taxes collected by the Public Treasury and donated to municipalities by the Special Council Support Fund for Mutual Assistance amounted to approximately 337 billion CFA Francs from 2010 to 2015. In total, in five years (2012 to 2017), the state repaid almost 600 billion Francs CFA to Regional and Local Services within the framework of transfer of powers.⁴⁹

As of December 31, 2015, sixty of the sixty three competences devolved to twenty ministerial departments were effectively transferred by the state to local and city councils. The transfer of the remaining three powers was made effective by the decrees signed by the Prime Minister, on December 16, 2016.⁵⁰These transfers were necessary to address the issue of delays in the transfer of competences and limited autonomy of localcouncils.

4.5. Building Capacities

To address the issue of capacity deficiency, Government ministries as the Ministry of Territorial Administration and Decentralization and the Ministry of Decentralization and Local Development organized some capacity building fora aimed at the empowerment of Local Government personnel. For instance: From September to December 2010, the Minister of Territorial administration and Decentralization organized a series of nation- wide training seminars intended to sharpen the skills and ensure the effective contribution of all actors in the decentralization process.⁵¹On May 11, 2016, the Minister of Territorial Administration and Decentralization – Rene Emmanuel Sadi organized a workshop, to train Local Authorities (LAs) on decentralization and effective transfer of powers and resources to LAs in Cameroon. This conclave brought together municipal mayors, Secretary Generals of Councils and Senior Divisional Officers (SDOs).⁵²

Also, a three day Regional Capacity building workshop for stakeholders of the decentralization process in Cameroon began in Buea on May 25, 2016. It was officially opened by the [Former] Minister Delegate in the [then] Ministry of Territorial Administration and Decentralization, in-charge of Territorial Collectivities – Jules Doret Ndongo. This workshop came amidst prevalent issues, such as persistent complains by mayors decrying administrative bottlenecks, opacity in contract award and inadequate financial support in the implementation of power devolution to LAs. Municipal mayors, SGs of Councils, SDOs from both the North West and the South West Regions attended the workshop. Presentations during the workshops centered on: follow-up and evaluation of transferred powers and allocated resources, technical support of councils by the state, local finance governance, partnership and local development and funding of International and Council projects by the Special Council Support Fund for Mutual Assistance.⁵³

The Government created the Local Government Training Centre (LGTC) Buea to train LAs. LGTC Buea helped to build the capacities of these LAs through training. For example: medium term and inservice training. Municipal Councilors, Secretaries General of Councils, benefited from these until

⁴⁸ Prime Ministerial Decree No. 2010/0246/PM of 26 February 2010, to Lay Down Conditions for the Exercise of Some Powers Transferred by the State to Councils Relating to Public Health

⁴⁹ A Press Conference by IssaTchiromaBakary, Former Minister of Communication, Cameroon, on the theme: *"Decentralization Process: An Evaluation of the Path Covered and Prospects"* in the Conference Hall of the Ministry of Communication in Yaoundé, April 11, 2017, broadcast over CRTV – TV.

⁵⁰ Ibid

⁵¹ VenantiusKumNgwoh, "The Relevance of Indigenous Core Cultural Values to Decentralization in Cameroon: The Case of Traditional Chieftaincy" *African Journal of Social Sciences, Vol. 2, No. 3, November 2011, 148.*

 ⁵²Mbinglo Gilles Yumo, "Half – Hearted Decentralization: Mayors end another Workshop" *The Rambler Edition No. 0006, of Monday 23, 2016, P.5.* ⁵³ "Buea Decentralization Confab: Mayors Decry Inadequate Finances, Opaque Contract Awards" The

⁵³ "Buea Decentralization Confab: Mayors Decry Inadequate Finances, Opaque Contract Awards" The Rambler, Edition No. 0007, Monday, May 30, 2016, p.5.

2020, when the decree creating the LGTC Buea was repealed. LGTC was replaced by the National School of Local Administration (NASLA) Buea on March 2, 2020 by a presidential decree. Article 4 of the decree places NASLA Buea⁵⁴ under the technical supervision of the Ministry in-charge of RLAs and under the financial supervision of the MINFI⁵⁵. Article 5 (1) states that NASLA Buea shall ensure professional training in areas of Local Administration. To guarantee professional training, NASLA is structured into cycles A - C. Cycles A for executives of local administration. Cycle B for middle level staff of local administration and cycle C for specialized workers of local administration. The duration of training in the cycles is two years and a Diploma issued by the Minister in-charge of RLAs. Per articles 35 – 36 NASLA Buea provides in-service training of not more than six months to locally elected officials, officials exercising state supervision on RLAs, officials in-charge of technical and/or social services in devolved state services, civil status officials, staff of associations, organizations or any other groups acting on behalf of local councils.⁵⁶The Government measures to address some of the challenges were complemented by those of foreign bodies. The contributions of these bodies were necessary inputs to the decentralization process.

4.6. Measures Taken by Foreign Bodies

Cameroon's decentralization agenda have won the support of varied foreign bodies, like United Nations (UN) System, Germany, France, Canada, the European Union, the Dutch and the Swiss Government. The UN system assisted in the elaboration of training for elected councilors for country - wide use. The European Union and all of the bilateral stakeholders supported the strengthening of capacities of local actors either at the level of the ministry in-charge of decentralization or at the level of specific local councils.⁵⁷For example: The Netherlands Development Organization (SNV) and the Local Government Training Centre (CEFAM) Buea engaged a joint action in 2001 to develop training manual and trainers guide on "roles and responsibilities of councils and partners in local governance in Cameroon." Coming up with the training manual and trainers" guide was a whole process. The process entailed conducting baseline studies and the development of a simple and practical training manual with inputs from the local capacity builders in the domain of council support.⁵⁸

5. WAY FORWARD

In order to forge a realistic and practical decentralization in Cameroon, the role of Local and regional authorities should be reviewed. This is because their roles are overlapping. Such a situation will by no means breed discord among the regional and local authorities. The advent of this discord warrants that the PIC comes to resolve the conflicts. Conflicts will instead distract the regional and local authorities from pursuing meaningful sustainable development in domains like sports, culture, roads, health, education, and tourism. Reason being at one point instead of discussing ways of promoting local and regional development, they will speed precious time discussing conflicts. The resolution of these conflicts will definitely become paramount so, that a peaceful scenario is established which can provide for the involvement of all and sundry in the decentralization process.

The active involvement of all and sundry both the grassroots population, the Central Government and foreign bodies should come into play for effective decentralization to ensue. The grassroots population should be given a chance to freely participate in the development of their varied communities. Without so, the decentralization process will never thrive, be a smokescreen or end up to be face-value. Cameroon is not in need of face value decentralization but of effective decentralization for sustainable Local Economic development. The Government and foreign bodies should not just articulate strategies with good intentions but should actively support the

⁵⁴ The emergence of NASLA Buea in 2020 was a recycling of the former institution – LGTC Buea. ⁵⁵ MINFI stands for Ministry of Finance.

⁵⁶ Decree No. 2020/111 of 02 March 2020 on the Establishment, Organization and Functioning of the National School of Local Administration.

¹ CosmasCheka "The State of the Process of Decentralization in Cameroon." Africa Development, Vol. XXXII,

No. 2, 2007, 185 ⁵⁸ BesongBakia, Anu Vincent & Max Song Mbang, "Joint Action in the Development of Capacity Building Tools for Councils in Cameroon: The Case of a Training Manual on Roles and Responsibilities of Councils and Partners" in NAB, Jb/a2004/1 Good Local Governance in Cameroon: Riding the Will Towards the Way by BesongBakia - 2004.

decentralization process without dragging local populations and their administrations into indebtedness. Indebtedness will only make the local population to be some sort of a "liability" to creditor bodies mostly foreign – who keep influencing policy orientation in the country.

Meaningful and frank policy debates should be organized by Government bringing together civil organizations, representatives of the local and Central Government. Such debates should not just be frank but inclusive discourse on policy issues, such as: policy orientation, formulation, implementation and dynamics. If such debates are organized, lapses in policies would be identified and possible ways of filling them arrived at. This therefore, will give room to policy progress and dynamics – which is essential for effective decentralization and governance. But on the contrary, Policy progress and dynamics can be stifled, if policy debates do not attain the intended goals set for the discourse due to egoism, portraying of party interests above country interests, resentment, and also conflict of ideologies which refuse to consummate into concord. So, policy debates are significant to policy progress and dynamics, but can also be insignificant, if not well planned and certain opinion polls/topic are consideredtaboo.

The Special Status should be reviewed to include real autonomy to Regional and Local Authorities. Without so, it will not be different from other policies which have face-value but fall short of content value. The content of the Special Status also gives room for a face – value democracy to manifest which seems as though it is real. In a democracy like Cameroon, the Special Status should have given room for the post of the PIC to be elective. The position and responsibilities of PIC are a clear indication of the prevalence of future conflicts between users and regional and council services over peace in the North West and South West Regions. Peace is certainly important for effective implementation of decentralization to ensue but to some extent a peace vacuum exists in the North West, South West and the Far North regions due to patches of sporadic terrorist activism which did not leave the decentralization process indifferent.

6. CONCLUSION

The decentralization process in Cameroon was characterized by a lot of missing links which denied it sustainable success, though just a few have come under examination in this paper. Among them, the lack of collaboration between RLAs, limited autonomy to local councils, the issue of text of application, the absence of a democratic and federal form of state, false autonomy to Regional Councils, questionable independence of PIC. This nevertheless, the Government and some foreign bodies (UN system, Germany, France and the Swiss Governments) employed some strategies towards filling the gaps. The Government to some extent addressed the issue of autonomy by carrying out the first effective transfer of powers in 2010 to regional and local authorities. From 2012 to 2017, the Government redistributed nearly Six Hundred Billion Francs CFA to Regional and Local Authorities. The Government took some steps toward policy implementation to start operationalizing the Senate in 2013, Constitutional Council in 2018 and Regional Councils in 2020. These are all institutions provided for in the constitution which were long awaited. To supplement Government endeavours, foreign donors such as the UN system, France, Germany, and the Swiss Government actively supported the decentralization process in Cameroon, financially and through the empowerment of local and regional capacities. This not wit standing the author argues that the gaps in Cameroon's decentralization process could not leave Government and foreign bodies indifferent but to employ efforts to filling the gaps as examinedhereby.

Right from the start, Cameroon's decentralization strategy was doomed to fail.Firstly, due to an atmosphere that is unfavorable and primarily characterized by a "centralization culture". Secondly, the development and implementation of a decentralization policy are not supported by the political culture and value orientations of the state/policy elites.The ambiguity and contradictions of the decentralization law gave the central bureaucracy a blank cheque in the implementation of the policy. Finally all these difficulties are compounded by the lack of administrative capacity.The examination of these gaps and measures toward filling them culminated to motivating the author to propose way forward that the role of Regional and local authorities be reviewed, many policy debates should be organized, and that the decentralization process should *ceteris paribus* encompass the active involvement of all and sundry in local development and that the Special Status be reviewed to prescribe real autonomy to local authorities. If this is given due consideration by Government, the future of the decentralization process will definitely be hopeful and faithful. In fact, the destiny will be bright, nodoubt.

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AUTHORS' BIOGRAPHY



Vitalis Y. Song, is a Doctorate student in the Department of History and African Civilizations of the University of Buea, Cameroon. As an incipient historian, he is harbouring curiosity in the field of political economy particularly the case of the Cameroons formerly under the United Kingdom Administration. He is equally a secondary school teacher and currently serves as the Head of History Department at Bishop Jules Peeters Memorial High School, Buea.



Ferdinan Ngomba Vevanje, is currently a holder of a Master's Degree in History from the University of Buea. He is also a Basic Technician Cycle - Town Planning Student of the National Advanced School of Public Works (NASPW) Buea Annex. He has a budding interest in the history of decentralization as well as culture with keen focus on the Bakweri Culture.

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