



**NATIONAL DEMOCRATIC INSTITUTE  
FOR INTERNATIONAL AFFAIRS**

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**DEMOCRATIZATION IN CAMEROON  
INTERNATIONAL DELEGATION REPORT**

**October 1991**

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## **PREFACE**

Democracy carries with it considerable responsibilities. Its quality and effectiveness are directly related to the care taken to develop an environment in which pluralism is nurtured. Equally important as the written rules under which a democracy functions is the spirit of tolerance and compromise that is at the heart of the principle of government by the consent of those governed.

It is not an easy task in any country to develop a political culture that permits the full exercise of the competitive forces that are at the heart of multiparty democracy while at the same time respecting dissenting viewpoints. This is especially true in countries where years of political authoritarianism have resulted in the creation of intense pressures for rapid political change. In such circumstances, reformist governments carry a special responsibility for understanding the need for a truly pluralistic environment with a strong and viable opposition. Meanwhile, those outside of government urging democracy need to consider the perspective of those in power who are undertaking the democratization process -- with all the uncertainties of the future that it entails -- while maintaining governmental authority.

In recent years the spread of democracy around the world has resulted in a growing role for the international community in helping to foster the democratization process. Organizations such as NDI are becoming increasingly active in this regard. In 1990 for example, NDI sponsored an international delegation to assess the Senegalese electoral code, the fairness of which was the object of an increasingly bitter debate between the government and the opposition. The delegation's conclusion was that the code, while meeting international standards for democratic elections, should be modified to enhance confidence in the fairness of the system. The National Commission on Electoral Reform subsequently created by President Abdou Diouf, and which comprised most of the legally-recognized political parties, adopted most of the NDI mission's recommendations. The draft electoral law developed by the Commission was adopted by the National Assembly without change. It is in the same spirit of nonpartisanship that NDI sponsored the September 1991 international delegation that assessed the democratization process in Cameroon. Its report and recommendations -- which are written not only for Cameroonians but for the international community as well -- are contained herein.

## INTRODUCTION AND BACKGROUND

The tide of democratic change that has swept through Latin America, Eastern Europe and Asia in recent years is also reverberating throughout Africa. A generation of African rulers and one-party regimes is passing away and multiparty democratic systems have begun to emerge. Cameroon, for many years a *de facto* one-party state, is attempting to join this regional democratic movement. As a signatory to the African Charter of Human Rights and the U.N. Covenant on Civil and Political Human Rights, Cameroon has also committed itself from an international legal standpoint to create the conditions under which democratic development can take place.

The Republic of Cameroon was a federal state from independence in 1961 until 1972, divided between the western anglophone provinces (formerly a British protectorate) which contain approximately 20 percent of the country's population and the east, south and north provinces of the country, which are primarily francophone (East Cameroon, formerly a French protectorate). Cameroon maintained a multiparty system until 1966 when President Ahmadou Ahidjo directed the absorption of the existing opposition parties into a single party, the then-Cameroonian National Union (UNC).<sup>1</sup>

In 1972, a new constitution transformed federal Cameroon into a unitary state. The ruling party contended that a federal arrangement was divisive and impeded the development of national integration and economic progress. Opponents asserted that this move was merely a further accretion of direct presidential power and an attempt to silence opposition political activity in anglophone western Cameroon.

Strict one-party rule continued until 1982 when President Ahidjo retired and was succeeded by Prime Minister Paul Biya. President Biya initiated a cautious political opening, but a nearly-successful coup attempt in 1984 led to a period of political retrenchment and continued emphasis on one-party rule.

The fall of totalitarian regimes in Central and Eastern Europe greatly influenced Cameroon as well as many other single-party African states. An economic recession, which originated in 1986 with a significant decline in the terms of trade of Cameroon's major primary export products, also fostered internal pressures for political change.

In 1989, Yondo Black, a Cameroonian lawyer, attempted to establish a political party. He was quickly arrested, an act that sparked wide-scale protests led by the

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<sup>1</sup> Since 1985, the name of the ruling party has been the Cameroonian People's Democratic Movement (CPDM, or Rassemblement Democratique du Peuple Camerounais, RDPC).

Cameroonian legal community. In April 1990, Black was convicted of sedition. On May 26, opponents of the government held a mass meeting in Bamenda (one of the main cities in western Cameroon). Six young men returning to their homes from the meeting were shot and killed by security forces, an event that marked the birth of the organized opposition movement in West Cameroon.

In the context of rapidly increasing pressure for political change, President Biya announced at a party congress in June 1990 that Cameroon would begin a process of political opening involving the establishment of political pluralism. In July, the government formed a special commission (the commission on legislative reforms concerning public liberties), which was assigned the task of drafting laws for a process of political liberalization. In November, the commission completed its work. By the end of the year, a number of new laws bearing on the political process had been promulgated, including a law that envisaged the creation of new political parties.<sup>2</sup>

Pursuant to the new laws, a number of political parties registered in early 1991, including parties that had existed before the imposition of one-party rule. Among the more prominent parties are: the Social Democratic Front led by Ni John Fru Ndi, a new party that originated in the anglophone community; the Union des Populations du Cameroun (UPC) led by Prince Dika Akwa, which has a long history of opposition to the ruling party; the Union Nationale pour la Democratie et le Progres (UNDP) led by Samuel Eboua, a former close aide of President Ahidjo; and the Union Democratique du Cameroun (UDC) led by Amadou Ndam Njoya, a former cabinet minister in the Ahidjo government.

These four parties, together with a number of the other newly-formed opposition parties, joined together in April of 1991 to form an opposition coalition. The purpose of the coalition is to present a unified challenge to what many in the opposition perceive as an attempt by President Biya to manipulate or even subvert the democratization process. A number of the smaller opposition parties either did not join the opposition coalition or subsequently left it, criticizing its tactics. Some of the parties outside the coalition have cast themselves as "moderates" who seek a middle path between the government and the opposition. However, their political strength and, in some cases, their independence from the government is uncertain.

Many of the opposition parties have been highly dissatisfied with the conditions in which they have been allowed to operate, citing harassment, restrictions and

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<sup>2</sup> No constitutional amendment was necessary for the legalization of new political parties because the Cameroonian constitution, unlike the constitution of many other one-party African states, did not explicitly stipulate the existence of only one permissible political party.

intimidation by the government. As a result of these sentiments and public demands for political liberalization, the opposition coalition in June initiated "Operation Ghost Towns," or, in French, "Operation Villes Mortes." This action has been a combination of strikes, refusals to pay taxes and other acts of civil disobedience. While initially the opposition may have thought it could quickly force the government's hand, this has not proved to be the case. The opposition has declared that "Operation Ghost Towns" will continue until President Biya agrees to hold a sovereign national conference similar to these held in a number of other African countries, in which the fundamental ground rules and institutions of Cameroonian political life would be rewritten and reconfigured.

President Biya and Prime Minister Sadou Hayatou have rejected the call for such a conference, questioning its ability to represent the Cameroonian people and its costly expense, among other concerns. Initially, Biya suggested that parliamentary elections be conducted before the end of 1991, but in a speech to the nation in mid-October, he said the elections would be held on February 16, 1992. Biya invited all political parties to meet to discuss the ground rules under which the elections would be held. Opposition leaders accepted this offer, and the meeting began on October 30.

The government had previously issued a draft electoral law and requested comments from the opposition on the draft. The opposition coalition, however, had maintained that elections would be meaningless under existing conditions and that a sovereign national conference must be a precondition to any electoral process. This impasse, which emerged with the initiation of Operation Ghost Towns in June, has continued ever since and remains the dominant feature of the Cameroonian political situation, although the discussions currently underway may provide a breakthrough in this regard.

In July 1991, Prime Minister Hayatou invited NDI to send a delegation to Cameroon to examine the draft electoral law specifically and the democratization process generally (see letter of invitation, Appendix 1). After consulting with several of the major opposition parties to make certain that they favored such a mission (see Appendix 2), NDI sponsored an international delegation to Cameroon from September 9-17 (*i. e.*, prior to the Presidential announcement of the date for legislative elections). The delegation, which was led by Keba Mbaye, former chief of the Supreme Court of Senegal, included: Francois Frison-Roche, Director, Democratie Sans Frontieres, France; Gail Schaffer, Secretary of State, New York, (USA); Esteban Caballero, Director, Center for Democratic Studies (Paraguay); Edward McMahan, NDI Program Coordinator; NDI Advisor Thomas Carothers; and NDI Program Assistant Nadereh Chahmirzadi. The delegation met with government officials, opposition leaders, journalists and intellectuals in Yaounde, Douala, Bamenda and Garoua (see Appendix 3).

The mission's purpose was not to provide a blueprint for democratic development in Cameroon, or to otherwise impose a set of procedures from the outside. Rather, its aim was to present an expert and independent commentary from an international perspective. To this end, under the terms of reference of the mission (see Appendix 4), the delegation set out to examine three main aspects of the Cameroonian democratization process:

- 1) the constitutional issues relevant to the development of multiparty democracy;
- 2) the draft electoral law; and
- 3) the draft decree on access by political parties to radio and television.



# **I. CONSTITUTIONAL ISSUES RELATED TO THE DEVELOPMENT OF DEMOCRACY IN CAMEROON**

## **A. Objectives of a Democratization Process**

Although no two democratization processes are identical, and every country must find its own particular path in this regard, there are certain common goals. These include:

- The creation of a multiparty system with respect for the right of association.
- Respect for freedom of expression, freedom of movement and other universally accepted political and civil rights.
- Respect for the right to political participation in particular, the right to free and fair elections.
- An independent judiciary.
- Acceptance of the principle of the alternation of power.

### **1. Multiparty system and the right of association**

The government of Cameroon has taken important initial steps toward achieving a multiparty system, primarily the legalization of opposition parties and the initial planning for an electoral process in which those parties would participate. According to opposition parties with which the delegation spoke, however, serious problems remain with respect to the establishment of a working multiparty system. They complain of many limitations on their freedom including police harassment and surveillance of party leaders and workers, difficulty in obtaining official permission to hold public meetings, and police violence directed against public meetings. In addition, a number of civic and human rights associations have been banned by the government in recent months. Significant differences of opinion exist regarding the development of an electoral code, which are outlined below.

### **2. Freedom of expression, freedom of movement and other political and civil rights**

The situation in Cameroon with respect to freedom of expression is an improvement over previous years but still falls well short of democratic standards. As discussed in Part III, there is greater freedom of the press than before but considerable

limitations still exist. The radio and television networks remain under strict government control. Individuals are still being arrested in some cases for speaking out against the government.

Freedom of movement is inhibited by frequent police checkpoints on roads between cities. The purpose of these checkpoints has not been clearly articulated by the government, and they are perceived by many people as an attempt to restrict the movement of opposition party activists.

### **3. Right to free and fair elections**

As discussed above, no elections have been held since the initiation of the democratization process. Free and fair elections are the stated goal of all the parties and political actors with which the delegation spoke.

### **4. Independent judiciary**

The Cameroonian judiciary is dominated by the ruling party. Questions about its independence from the executive exist, and no tangible process of reform has yet been undertaken that specifically aims to establish the independence of the judiciary.

### **5. Acceptance of the principle of alternation of power**

The government claims that the goal of the opposition is to gain and keep power. Many of the opposition parties, conversely, contend that the ruling party, although professing adherence to democratic ideals, has not accepted the principle of alternation of power and envisages no scenario in which it would cease to be the ruling power.

In summary, although a democratization process is underway in Cameroon, much work remains for the vision of a fully functioning democracy to be realized.

## **B. Means to Attain the Objectives of a Democratization Process**

### **1. Prerequisite conditions**

In order for a country to move peacefully from a one-party system to a multiparty democracy, it is necessary that a national *consensus* on the ends and means of a democratic transition be clearly formed. The major societal groups and forces must agree on the basic forms of the transition if the process is to hold together through the inevitably difficult transformations, dislocations and rivalries that will complicate the process. In addition to consensus, another fundamental prerequisite of a peaceful

democratic transition is *confidence* -- the public at large, the government and the opposition must have confidence that the other players are prepared to adhere to the basic rules of the democratic game as they are developed. Without such basic confidence, the process may degenerate into a series of increasingly serious conflicts.

It was very apparent to the delegation that both of these prerequisites -- consensus and confidence -- need to be developed in present-day Cameroon. There is no consensus on the means of a transition. As discussed above, the government wants to hold legislative elections but much of the opposition insists that a national conference be held. The lack of consensus on the basic question of how to move beyond the initial political opening has resulted in a near-total impasse in Cameroon. Hopefully, the discussions currently underway will provide a mechanism for unblocking this impasse, but it is too early to draw any conclusions in this regard.

With respect to the issue of confidence, it appears that the government has lacked confidence in the opposition; the government fears that the opposition is not interested in a true democratic outcome but only in an outcome in which the ruling party is ousted and the opposition enthroned. At the same time, however, the opposition has also doubted the good faith of the government with respect to a democratic transition. The opposition fears that the liberalization process is merely a maneuver by the government to relieve accumulated pressures for political change without fundamentally restructuring the political order.

It should be noted that political reform in Cameroon is taking place against the backdrop of serious ethnic tensions. Both the government and the main opposition coalition have expressed the belief that their counterparts' actions are motivated primarily by ethnic considerations, and that the other side has a vested interest in fanning the flames of ethnicity. This is a demonstration of the lack of trust and confidence that currently exists in the Cameroonian body politic.

## **2. Transition options**

The delegation heard a variety of suggestions from Cameroonians concerning the proper means of moving forward in the democratization process. The government holds firmly to its view that legislative elections should be held, preceded by a series of consultations between the government and opposition parties to work out the details of the electoral law for those elections. This approach has the advantage of being logistically feasible and easily understandable, and it parallels the successful transition processes in much of Central and Eastern Europe. Opponents question whether their views would carry sufficient weight and whether limiting the agenda to specific elections-related issues would result in polling taking place under free and fair conditions. They

also question the right of the government to conduct these consultations, given its perceived lack of impartiality and interest in furthering itself in power.

The opposition coalition holds equally firmly to its call for a sovereign national conference, similar to those held in Benin and the Congo. Such a conference, proponents argue, would serve as a national catharsis and provide a historical context from which the national democratization process could make a fresh beginning. Opponents of this idea claim that it lacks a legal basis. They also argue that this concept is unwieldy, unworkable and, pointing to the expense of the Congo National Conference, too costly. The issue of whom to invite has also been cited as a potential problem.

In addition to these two positions, the delegation also heard individuals and various political parties express the following scenarios as possibilities:

- Limited sovereignty national conference: A national conference that has sovereign authority only with respect to a limited number of well-defined areas. This could lead to a more focused and directed conference, but might not meet the concerns of those who believe that the conference should have powers not only to conduct a full review of democratization-related issues, but also to take action in this regard.
- "Etats généraux" on specific subjects: A series of simultaneous "etats généraux" on specific subjects such as the electoral code, the media, the economy and the judicial system. The idea corresponds to French political tradition and may also result in a clearer delimitation of the subjects to be covered. It would also avoid what some fear would be a fractious and undisciplined environment. Detractors would probably view in this a government attempt to "divide and conquer" or otherwise avoid taking comprehensive action on democratization issues.
- Non-sovereign national conference: Such a forum would serve to bring into public debate the key issues from the perspective of the participants. However, the conference's lack of empowerment in the executive sphere would reduce its attractiveness to the opposition coordination.
- Government of national unity: The formation of a transitional government that would include some major opposition figures

and would have the limited mandate of overseeing a transition to an elected government. A national unity government is not in and of itself inherently democratic, and may serve to confuse political identities in the minds of the public. It would serve the practical purpose, however, of bringing a greater sense of cooperation and common mission to a highly polarized political environment. In general, such an arrangement should be considered to be transitional and temporary in nature.

The delegation does not recommend one course over another. Whichever framework Cameroon settles upon to resolve the current impasse, however, at least two issues will need to be negotiated and agreed upon: an electoral code and a set of constitutional reforms. An electoral code is necessary to establish a legitimate legal framework for the presidential, legislative and local elections that would logically follow agreement on the transitional process. As discussed in Part II below, the code must be a complete set of rules that establishes not only a set of clear *procedures* for free and fair elections but also establishes a system of overall *control* of the electoral process that will garner the confidence of all interested parties.

With respect to constitutional reforms, it is apparent that a full-scale democratization process will require significant revisions to, or perhaps even the replacement of, the present constitution. The necessary constitutional reforms might be directly worked out in whatever transitional process Cameroon decides upon. Given the difficulty of working out detailed constitutional reforms in a short-term transitional procedure, however, another option may be to form a constituent assembly, either through elections or by appointment from some kind of transitional body or government. Such an assembly would draft a new constitution and present it to the Cameroonian people for their acceptance through a public referendum. A constituent assembly carries with it the advantage of clear-cut legitimacy. It would also be able to make constitutional changes more efficiently than would the National Assembly, as the legislature must conduct other business, and its rules for constitutional change may be more complicated.

## **II. ELECTORAL ISSUES**

### **A. The Draft Electoral Law**

The government of Cameroon has put forward a draft electoral law to replace the existing law (law 72/CF/6 of June 1972). While the draft law is useful as a point of departure for discussion concerning the development of an electoral code, it is incomplete in a two areas. First, the draft only addresses legislative elections; it has no provisions for presidential or local balloting. Second, it does not contain provisions on all the issues that need to be addressed in an electoral code. The major sections of the draft law can be briefly summarized as follows:

*Section 1* -- Composition of the National Assembly: 180 members with five-year renewable terms.

*Section 2* -- Voting System: Single-round majority vote system; single or multi-member constituencies.

*Section 3* -- Voter Eligibility: 21-year minimum age; various disqualifying conditions.

*Section 4* -- Conditions of Eligibility for Candidates: 23-year minimum age; various other conditions.

*Section 5* -- Incompatibilities: Various conditions that disqualify individuals from being candidates.

*Section 6* -- Presentation of Candidacies: Procedures for declaring candidacies; requirement of 50,000 CFA deposit (approximately \$200).

*Section 7* -- Campaign Publicity: Rules concerning campaign activities.

*Section 8* -- Preparatory Operations for the Voting: Rules concerning election date, number of polling places and voter registration cards.

*Section 9* -- Polling Place Operations: Procedures for the operation of the polling place.

### **B. Issues Concerning an Electoral Code**

When Cameroonians begin consideration of a new electoral law -- through whatever process or forum is ultimately agreed upon -- they may wish to draw from the experience of other countries that have recently adopted electoral codes for transitions to a multiparty

system. Drawing upon the varied experiences of the NDI delegation members, the following are major issues relating to democratic electoral codes and commentary on provisions of the draft law.

## **1. Control of the electoral process**

Perhaps the most important factor in promoting a free and fair electoral environment is the establishment of a system for administering the elections that will command the confidence of all the participants in the process. Government control of the electoral machinery may be the most simple and traditional system. However, in countries where a one-party system has been in place for many years, it is highly unlikely that consensus will exist within the body politic regarding the neutrality and fairness of these administrative authorities.

In such situations, two alternative solutions are the most common: 1) elections administered by a multiparty national commission that includes significant representation of the opposition parties; or 2) elections administered by an independent national commission made up of individuals who are recognized as being politically neutral. The delegation realizes that in a country that had been for many years under a *de facto* single-party system, it is not easy to find the latter types of people. Nonetheless, under either system, the principle of multiparty or independent electoral control must be applied to every step of the electoral process -- from the beginning of the electoral campaign to the proclamation of results to post-election investigations of alleged irregularities. To that end, not only must the national electoral commission be multipartisan or independent, but all provincial or local commissions must be similarly constituted.

## **2. Voter eligibility**

One issue concerning voter eligibility currently under discussion in Cameroon is the voting age. Article 8 of the draft law stipulates that a voter must be at least 21 years old. A number of the opposition parties would like to lower the voting age to 18. They argue that Cameroon has a young population and that passage of Article 8 would exclude a sizable sector of the population from the political process.

Setting the minimum voting age below 21 years would be consistent with the worldwide trend. In many countries, the voting age has shifted downward during the last two decades. Nonetheless, several longstanding democracies retain the 21-year voting age.

As an NDI delegation noted when faced with this same issue in the Senegalese context, there is no right or wrong rule on voting age. In determining whether to set the minimum age below 21 years, several factors might be considered: 1) the obligations

currently imposed on those between 18 and 21 (*e.g.*, military service, responsibility for contracts, etc.); 2) the degree of political interest and involvement evidenced by those between 18 and 21; and 3) the cost of denying the franchise to this age group in terms of disaffection and involvement in activities that may undermine the political process.

A second issue regarding voter eligibility concerns Cameroonian citizens living outside the country. A number of democratic nations permit citizens living abroad the right to vote. The draft law does not contain any specific provision on this point; current law does not allow citizens living overseas to cast absentee ballots.

A third issue concerns various conditions that can render a citizen ineligible to vote. Article 9 of the draft law, which excludes those convicted of criminal activities and the mentally incapacitated, conforms to standard democratic practices.

### **3. Electoral lists and voter identification**

Without valid electoral lists, the entire electoral process is undermined; they are crucial to free and fair elections. The draft law does not address the issue of electoral lists, and such provisions will need to be included to ensure completeness of the law.

In order to ensure confidence in the electoral rolls, the lists should be drawn up by commissions that either have a multipartisan or independent character. In addition, the lists should be made public at the local level before each election in order to permit public scrutiny and challenges. It would also be advisable to establish clear means of recourse for people who find that their names have been left off of the lists.

Voter identification should be made as simple as possible. The use of various identity documents and/or indelible ink should be considered to avoid problems and the expense associated with the issuance of separate voter identification cards.

### **4. Eligibility of candidates**

Article 25 of the draft law states that within 24 hours of declaring his or her candidacy, each candidate must make a deposit of 50,000 CFA (approximately \$200). The delegation recognizes the need to require some deposit as a means of discouraging frivolous candidates. However, in recognizing the costs to a small party that is considering putting forward a number of candidates, the 50,000 CFA figure may be somewhat high.

Article 13 of the draft law specifies that ineligible candidates include those who "on their own accord, put themselves in a situation of dependence vis-a-vis another power or



foreign state." This provision, in particular the notion of "dependence," is vague and should probably be fully justified or dropped altogether.

## **5. Electoral campaign**

The draft law does not specify the length of the electoral campaign. It is important that an electoral code address this point. In deciding upon the appropriate campaign period, it will be necessary to take into account the need to provide the political parties -- many of which are new -- sufficient time to make themselves and their platforms known to the public. The very short campaign period characteristic of some established democracies -- such as the 14-day period in France -- may not be appropriate, given the fact that most of the political parties in Cameroon are not yet widely known within the country.

Supervision of campaign-related issues, such as political rallies, the disposition of alleged irregularities and media access, should be in the hands of a respected judicial body or an independent or multipartisan commission.

## **6. Voting method**

Article 3 of the draft law states that a single round majority system shall be used for the legislative elections. However, the code does not include provisions for local or presidential elections. Many of the opposition parties expressed to the delegation a preference for a two-round majority system. Given the importance of this issue and the divergence of views, there will clearly be a need for dialogue on this crucial issue during the process of revising and completing an electoral law.

This report is not intended to provide a detailed analysis of the pros and cons of the various voting systems for the legislature. Nonetheless, given that the type of system selected has a direct bearing on the future political life of the country, a number of salient features of different systems should be noted. A majority system has the advantage of permitting voters to cast their ballots for a person, as well as a party. It therefore creates a more identifiable sense of accountability and democratic participation. Moreover, the simplicity of this system may lead to more stable governmental majorities. Due to the existence of single-member constituencies, however, it could fuel regional or ethnic political candidacies and movements. Critics also argue that it favors larger, more established parties, and works against smaller parties, many of which would thus forfeit their chances for future growth and representation in Cameroon's political institutions.

Conversely, a proportional representation system would permit a more national representation of political parties, depending on the size and number of electoral districts

created. According to the specific system chosen, a proportional representation system could also permit representation of a wide spectrum of political sentiment. On the negative side, it allows party leadership considerable sway in choosing who the candidates would be, and what their relative positions would be on the party lists. For comparative purposes, it is worth noting that proportional representation does not figure prominently in either the French or the British political traditions.

## **7. Voting and vote-counting procedures**

While the draft law addresses voting and vote-counting procedures, its provisions on those issues are not complete. The delegation did not attempt to elaborate detailed recommendations with respect to these procedures, but chose to emphasize three broad principles:

a) *Specificity*: It is important that the provisions of an electoral code concerning voting and vote-counting be detailed and specific. They should make clear every step of the voting process for the voters and for elections officials at the polling stations. The provisions should cover every aspect of the process from the time a voter enters a polling station to the time he or she leaves that station. In addition, the vote-counting provisions should specify what is required of the polling officials from the moment the polls close to the time the stations report their results. The code should definitely contain provisions for party representatives to be present at the polling place, as is contained in the draft electoral code.

b) *Transparency*: The provisions on voting and vote-counting should be written in such a manner as to make the voting and vote-counting process as open to public scrutiny as possible. Given the lack of experience with democratic elections in Cameroon and the contentious relations among the competing political forces, only a transparent process will be able to garner public confidence. Election monitoring, by domestic and possibly international observers, is an important component of the process and is treated separately in this report.

c) *Neutrality of polling place administration*: As discussed earlier, the establishment of an impartial system for administering the elections can significantly enhance confidence in the process. Such administrative controls are particularly important during voting and vote-counting. The delegation also recommends that any accredited pollwatchers -- either from political parties or civic groups -- also receive an official copy of the tally sheet of each polling station.

Results from each polling station should be transmitted directly to a provincial or national commission under independent or multiparty control.

## **8. Dispute resolution**

The draft law does not specify how disputes regarding the electoral process should be resolved. In general, a judicial or elections commission should be responsible for resolving such disputes; it is imperative, of course, that the organ accorded this authority possess credibility as a politically independent body. It is also necessary that disputes be resolved in a timely manner, and that the procedures be accessible to those filing complaints.

## **9. Proclamation of results**

The draft law does not have any provisions pertaining to the official proclamation of results. The delegation recommends a two-stage announcement of results: first, a preliminary proclamation by the national commission in charge of the elections, and then, following an official tabulation, an official declaration of results. Timely announcement of election results is important to quell suspicions of vote manipulation.

## **10. Penalties**

The draft electoral law does not set out penalties for the violation of the law. Such penalties are a usual part of an electoral code in a civil law system.

## **11. Civic Education and domestic election observation efforts**

The level of interest in political issues appears to be very high in Cameroon. A concomitant effort should be made to ensure that voters are aware of their rights and responsibilities in a democracy. Such a civic education campaign should also help educate the citizenry on the mechanics of voting.

The latter point involves issues such as the design of a ballot; the proper procedures for marking a ballot; the significance of casting a secret ballot; the number and functions of polling site officials; and procedures to follow in case a name is omitted from the voter list. Civic education can also educate voters of the need to balance partisan displays of support with the need to abstain from actions that could intimidate other voters.

Cameroonians should also consider promoting neutral intermediary organizations that are an integral part of civil society in a democracy. Cameroonian society is highly polarized. There appears to be a lack of nonpartisan organizations that can help to provide fora for communication and the interaction of diverse interests and viewpoints that are so crucial to the development and maintenance of a democratic political culture. The creation

of domestic civic organizations, which could serve to educate Cameroonians about democracy and organize election monitoring projects, should be encouraged.

## **12. International observers**

In recent years, it has become common practice for international observers to be present at national elections in different regions of the world, particularly in countries undergoing transitions to democracy. The delegation recommends that the electoral law contain a provision regarding international observers. The delegation believes that in the Cameroonian context, international observers could help enhance confidence and encourage participation in an electoral process. The observers would also be able to report in an objective manner to the international community on the Cameroonian electoral process.

### **III. THE MEDIA**

#### **A. The Print Press**

##### **1. Importance of a free press**

A free print press is a cornerstone of a democratic society. It offers a rich exchange of political, economic and social ideas, and plays a critical role in the transition to and consolidation of democracy. A vigorous, active press, composed of numerous newspapers and magazines representing the full range of political opinions, ensures that the public will be politically informed. It also acts as a means of monitoring governmental actions.

##### **2. The situation in Cameroon**

During the past generation of one-party rule in Cameroon, the press was dominated by publications directly linked or strongly sympathetic to the government. The political liberalization process initiated in 1990 has led to the emergence of a number of newspapers and other publications critical of the government. These papers, however, have been subject to suspensions and bannings.

Moreover, independent or opposition newspapers face a number of serious obstacles to publication and distribution. The government owns the only large, modern printing facility in the country. Unless a newspaper can locate resources to print abroad (which is expensive) or accepts the serious limitations of small presses within Cameroon, it must be printed at the government presses. Having to use the government printing press puts independent and opposition newspapers at a disadvantage in terms of timing and quantity of publication. Newspapers can also be more easily suspended if control of the printing facilities is left in government hands.

An additional obstacle is the censorship law. All newspapers must be submitted to the government for approval several hours before publication, and the government may forbid the publication of any material that it determines would constitute a threat to public order. Pursuant to these censorship laws, the government has in the recent past suspended a number of independent newspapers including *Le Messenger*, the oldest and probably the most widely-distributed independent publication.

The censorship law represents a serious obstacle to the country's transition to democracy. The requirement that all newspapers undergo pre-publication government

review leads to self-censorship. And suspensions of newspapers pursuant to the very broad concept of threats to public order are direct curtailments of the fundamental right to a free press.

## **B. The Electronic Media**

### **1. Current situation**

Radio and television are closely controlled by the Cameroonian government and strongly favor its point of view. If these media are to be part of the democratization process in Cameroon, it will be necessary that they air a greater variety of political viewpoints and strive for objectivity and independence in reporting the news.

### **2. Draft decree on access to radio and television**

The Cameroonian government has recently put forward a draft decree regulating access by political parties to state-controlled radio and television. This draft decree provides that the state-controlled radio and television channels must assure equal access to all points of view and public opinion, while respecting public order and local customs. They must also recognize in their programming the activities of all legally-constituted political parties.

The draft decree states that each political party shall have up to one hour on the radio and 30 minutes on the television to express its viewpoint (the draft decree does not make clear if those time periods are allotted weekly and does not specify if they are to apply only during electoral campaigns). It further states that the total air time for political parties will not exceed two hours per week on the radio and one hour per week on the television, and the time will be divided equally between the parties of the majority on the one hand and the parties of the opposition on the other.

This draft decree represents a positive step forward in making the radio and television more politically diverse. For example, the decree explicitly stipulates that there should be equal access to the media by different political viewpoints. The delegation believes, however, that the 50/50 allocation of air time between parties of the government and of the opposition leaves unanswered a number of questions. In the transition period leading up to the first democratic elections, such a division would result in the government party receiving half the allotted time and each opposition party receiving a very small fragment of time (given that there are over 40 legally-constituted opposition parties). In addition, questions remain regarding the allocation of time within the opposition bloc, the quality of air time, news coverage of the opposition and access outside of campaign periods.

A more equitable distribution of air time might be considered. One alternative would be to grant each party an equal amount of time in the transition period and then after elections to allocate time in proportion to the electoral base of each party.

#### IV. SUMMARY RECOMMENDATIONS

The delegation recommends that the government of Cameroon make every effort possible to carry forward the democratization process that it has initiated in order to reach the fundamental objectives in the establishment of a democratic political system.

-- Respect for the right of associations: The delegation recommends that the government of Cameroon make every effort possible to guarantee that political parties and civic associations operate freely in Cameroon and to ensure that no direct or indirect harassment or intimidation of political parties and civic associations occurs.

-- Respect for freedom of expression: The delegation recommends that all impediments to the freedom of expression be removed. The delegation believes that limits on the freedom of expression such as bannings and suspensions of newspapers have had the effect of increasing political tensions and have contributed to the lack of confidence and trust in the government's democratization program.

-- Achieving just and equitable representation in the executive and legislative branches: This goal should be reached through the implementation of an effective electoral law.

The delegation offers the following issues for consideration during deliberations on a new electoral law:

a) *Promoting the principles of accountability, transparency, and neutrality in election administration.* These principles must be applied during all stages of the process - registration, balloting, vote counting, proclamation of results and resolution of any election-related disputes, so that the system is perceived as being fair and not structured to benefit one particular party.

b) *Extending the voting franchise as broadly as possible.* Serious consideration should be given to lowering the voting age.

c) *Guaranteeing transparency and accountability in the establishment of voter's lists.* Independent or multi-party commissions could perform this function. Lists should be fully accessible to the public for scrutiny and revision, if necessary. The issue of voter identification should be simplified to avoid even the appearance of partiality in the distribution of voter ID cards.



d) *Facilitating procedures for candidates seeking office.* Consideration should be given to lowering the amount of deposit required, and to possibly eliminating the ineligibility clause.

e) *Extending the electoral campaign period.* Sufficient time must be made available to enable parties to make their views known to the citizenry.

f) *Commending the importance of civic organizations.* Nonpartisan civic groups play a vital role in the transition process by helping to educate the citizenry on its rights and responsibilities in a democracy. Such groups can also organize voter education and election monitoring programs, thereby enhancing confidence and participation in the electoral process. The development of civic groups should be encouraged and they should be permitted to observe all phases of the electoral process.

g) *Providing access to international observers.* International election observation has become common practice throughout the world. Many election codes have include provisions that welcome outside observers and provide them access to the voting and vote counting process.

h) *Affording access to the electronic media.* The delegation recommends that the government consider issuing a special code for the transitional period, spelling out the equality of all parties and their right to gain access to the media prior to elections. Attention should be paid not only to a fair distribution of time, but also to such issues as the timing of broadcasts and the content of news coverage.

## V. CONCLUSIONS

As the government and political parties seek to resolve contentious issues relating to the transition process, the delegation urges that they reflect upon the basic tenets of a democratic system. In most democracies, parties lose power regularly. These parties, however, can play a vital role as opposition parties, and they will have the opportunity to regain power in future elections. There is no reason to lose power permanently, just as it should not be expected to be gained permanently.

The delegation is confident that all political parties -- the government party and the opposition parties alike -- will devote themselves to finding a way out of current impasses. Neither side can achieve all of its demands and a spirit of conciliation and compromise will be necessary.

It is not within the competence of the delegation to take a position on the issue of which modality would best serve the transition to democracy in Cameroon. The delegation has heard many different ideas, including a sovereign national conference, elections, a coalition government of transition and individual *etats généraux*. Given this range of options, it should be possible to reach an agreement.

The delegation was impressed by the desire of the Cameroonian people for peaceful democratic reform. The parties and their leaders must now assume the primary responsibility for building the foundation of a new political system based on democratic values, practices and institutions. The delegation hopes that its findings and recommendations will contribute to this effort.

Services du Premier Ministre

APPENDIX 1

Prime Minister's Office

CABINET

Letter from Prime Minister Hayatou  
to Brian Atwood

CABINET

Réf. : \_\_\_\_\_

Yaoundé, le \_\_\_\_\_

N° \_\_\_\_\_ CAB/PM

Le Premier Ministre  
Chef du Gouvernement  
The Prime Minister  
Head of Government

Objet : \_\_\_\_\_

Subject :

à Mr. J. Brian Atwood

to President  
National Democratic Institute  
1717 Massachusetts Avenue N.W., Suite 503  
Washington, D.C. 20036*Dear Mr. Atwood,**We know that NDI has been following with great interest the process of democratization in African countries. Members of my staff have reviewed the analysis and recommendations that your institute provided to the Senegalese government on its electoral law and found your approach useful.**As you may know, my country is in the midst of a political transition to a more pluralist polity. In December 1990, the Cameroonian Parliament passed a series of laws aimed at insuring both economic and political liberties. Most notably, laws were adopted to foster a freer press, a multiparty political system, and a more vibrant associative life. Further, a law was adopted establishing a National Commission on Human Rights and Freedoms. In April of this year, in an extraordinary session of Parliament, a general and unconditional amnesty law was passed freeing all political prisoners thus allowing the return of Cameroonians in exile who believed that they could not return to their country because of their political beliefs and activities.**Although President BIYA and I are opposed to a "national conference", an undefined new trend which has and is occurring with varying degrees of usefulness and expense among our neighboring states, we are firmly committed to the democratization of Cameroonian society. Our position is that the Cameroonian electorate should vote its preference.**To that end we are trying to prepare the best possible conditions for legislative elections.**./...*

in the near future. We have drafted both an electoral code and a media access regulation which the government has submitted to the opposition parties for criticism, comment and recommendations. We are hoping to have their comments soon so as to take them into account

It is important to us during this time of transition to attempt by all means to insure the fairness of the process and to overcome the skepticism and cynicism about the good faith of the government's efforts. We hope that NDI can play a role of catalyst and objective analyst as we traverse this heretofore uncharted territory.

Specifically, the Cameroonian government would appreciate a review of its proposed electoral code and the recommendations made by the opposition. Second, the Cameroonian government would like for NDI to send several experts knowledgeable about the process of transition to pluralist systems to Cameroon to discuss with both the government, the academic community and even the new political parties leadership effective methods of negotiating, breaking impasses, and educating the electorate on political platforms and civic responsibility.


We believe that an institution such as yours will benefit from its reputation of impartiality and rigorous analysis in our current context which is highly impassioned. Our goal is not intervention from foreign governments but rather a neutral framework which will highlight comparative analyses of the democratization process which is an ongoing current in the new world order. We want to profit from the experience of others while developing a truly Cameroonian solution to our political development. I would also mention the utility of having some of your colleagues from other nations participate in this seminar.

Since my government believes that the opposition leaders must move from being de facto self-declared leaders to elected leaders as soon as is reasonable, we hope that you will appreciate the time sensitive nature of this request. We believe that a newly elected Parliament which reflects the various political leanings represented by the new parties is the institution best empowered to address the constitutional and political issues confronting our country. President BIYA advocated the presence of election observers when he was in the United States this spring and I, too, have done so on numerous occasions.

I am sure that there are many details which need to be discussed to satisfy this request, you may wish to discuss these details with Madame Vicki ASSEVERO, our consultant in Washington.

I am looking forward to your response and thank you in advance for your consideration.

Sincerely

A handwritten signature in black ink, appearing to read "A. A. A.", is written over a horizontal line. The signature is stylized and somewhat cursive.

## APPENDIX 2

### Letters from Opposition Parties to NDI

UNION DES POPULATIONS DU CAMEROUN  
U . P . C .

EXECUTIVE BUREAU (DOUALA)

National Democratic Institute  
for International Affairs  
c/o US CONSULATE  
Douala, Republic of Cameroon

Douala, August 14 1991

Gentlemen,

I took great pride and joy in presenting the NDI project to the National Executive Bureau of our Party, and even more so in receiving unanimous, enthusiastic approval from them.

As you must know by now, our country is resuming the democratic school experiment after 30 years of one-party system, and a proposal such as yours could only be highly beneficial to all of us, especially those in opposition parties.

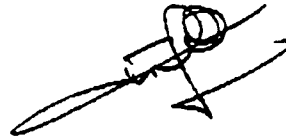
Our needs are direst in political party and legislative training as well as election process, that represent the challenge of the hour. And your experience in and assistance to Senegal drew everyone's attention out here.

So, pending further information from you as to the terms and conditions and projected schedule, the UPC Party is specially looking forward to receiving you amongst us at a time of your convenience.

And in this expectation, we are

Very warmly yours.

Prince DIKA AKVA NYA BONAMBELE  
UPC National President.



**REPUBLIQUE DU CAMEROUN**  
PAIX - TRAVAIL - PATRIE

**REPUBLIC OF CAMEROON**  
PEACE - WORK - FATHERLAND

**UNION DEMOCRATIQUE DU CAMEROUN**  
**U.D.C.**  
**LIBERTE - JUSTICE - PROGRES**  
B.P. 1638 YAOUNDE  
TEL. : 22 46 20

**CAMEROON DEMOCRATIC UNION**  
**C.D.U.**  
**LIBERTY - JUSTICE - PROGRESS**  
P.O. Box 1638 YAOUNDE

**30 JUL 1991**

Yaoundé, le \_\_\_\_\_

To **Mr Ned McMahon**  
**Program Coordinator**  
**National Democratic Institute**  
**for International Affairs**  
**Suite 503, 1717 Massachusetts**  
**Avenue, N.W. Washington, D.C. 20036**

**UNITED STATES OF AMERICA**

Nos Réf. : 1711PNIUDC/91

Dear Mr MacMahon,

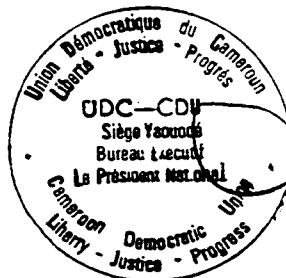
Thank you for your letter of July 23, 1991 informing us of the activities of the NDI and the various opportunities it offers for international cooperation in the strengthening of democratic institutions.

The Cameroon Democratic Union attaches great importance to international cooperation involving both governmental and non-governmental organizations. Your interest in promoting democracy in Africa, in general, and Cameroon in particular thus coincides with ours.

The Cameroon Democratic Union shares, with most opposition parties in Cameroon, the view that discussion devotes on important issues like the electoral code can take place only within the framework of a Sovereign National Conference. However, we believe that the NDI can usefully contribute to the development of democracy in Cameroon by sending the proposed international team of experts in the near future. We believe this team could work to contribute to prepare conditions for elections (e.g. advice on electoral code, mechanics of balloting, fraud prevention, etc.). We hope this work could later lead to the NDI becoming involved in ensuring that the elections themselves are free and fair, perhaps by providing training to election commission officials and furnishing a significant number of election observers.

We deeply appreciate your concern for Cameroonians in their struggle to build sound democratic institutions and look forward to cooperating with the NDI in a not too distant future

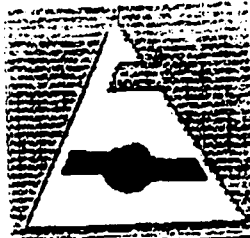
Yours sincerely,



**Adamou NDAM NJOYA**

PARTI POLITIQUE  
UNION NATIONALE POUR LA  
DEMOCRATIE & LE PROGRES  
U.N.D.P.

Unité - Liberté - Justice



POLITICAL PARTY  
NATIONAL UNION FOR  
DEMOCRACY & PROGRESS  
N.U.D.P.

Unity - Liberty - Justice

N/Ref :  
Out/Ref

V/Ref :  
Your/Ref

Objc  
Object

*A l'attention  
de Mr Andrews  
D.*

MONSIEUR NED MCMAHON  
PROGRAM COORDINATOR  
NATIONAL DEMOCRATIC INSTITUTE  
FOR INTERNATIONAL AFFAIRS

WASHINGTON D.C.

August 16, 1991

Dear Mr MCMAHON,

I acknowledge receipt of your correspondence of July 23, and thank you very much. I am very sorry that it has taken a while for me to reply to it.

I will like to seize this opportunity to express my gratitude for the cordial reception during my visit at the National Endowment for Democracy offices in Washington and say how useful and enriching it was. My visit and the several discussions I had, added a new dimension to my political perspectives.

As regards the present democratisation process in Cameroon, we shall very much welcome your contributions which I am convinced shall help in the establishment of solid democratic foundations in our Country. This is the most propitious moment for such an endeavour which might help break the present deadlock between government and the opposition parties.

However, our final commitment with suggested pertinent issues to be addressed, shall only be communicated to you after the meeting of our Party Steering Committee.

While expressing my appreciation on behalf of UNDP for this initiative, we thank you for your continued interest in the democratisation process in our Country.

YOURS SINCERELY,

ISSA TCHIROMA BAKARY  
ADMINISTRATIVE CUM ORGANISING  
SECRETARY,  
UNDP.

## **APPENDIX 3**

### **MEETING SCHEDULE OF DELEGATION**

#### **GOVERNMENT**

Prime Minister Sadou Hayatou

Minister of Justice Moutome Douala

Minister of Information Augustin Kontchou Kouomegni

Minister of Labor (Acting Minister of Territorial Administration)

Alhadji Mahamat, Governor of the Northern Province

#### **MEDIA**

Maurice Djiomague  
Journalist, Cameroon Radio Television (C.R.T.V.)

Paul C. Ndembiyembe  
Directeur General Adjoint, SOPECAM/Cameroon Tribune

Pius Y. Njovens  
Directeur de Publication, Cameroun Affaires et Tourisme

Mr. Jean-Pierre Efouba Onana  
Journaliste, Cameroun Radio Television

#### **DIPLOMATS**

Ambassador Frances D. Cook  
U.S. Embassy

Ambassadeur Kande  
Embassy of Senegal

Daniel-Yves Taupenas  
Second Secretary, Embassy of France

Isabelle Roy  
Third Secretary, Embassy of Canada



## POLITICAL PARTIES

### RDPC/CPDM

Enoch Njoh Muelle  
Simon Munzu

Prof. Obenson  
Buea, Cameroun

### UNDP

Samuel Eboua  
Issa Bakary Tchiroma

Alex Taku  
Douala, Cameroun

Charles Taku  
Buea, Cameroun

### SDF

John Fru Ndi  
M. Ngala Nfoa

### MP (Mouvement Populaire)

Jean-Jaques Ekindi

### UDC

Amadou Ndam-Njoya  
Farikou Mamadou Amadou

### NDP (National Democratic Party)

Ambassador H. Fossung

### UPC

Prince Dika Akwa  
Augustin Frederick Kodock

### PAL

Celestin Bidzigui

### LDP (Liberal Democratic Party)

Gilbert A. Albunaro  
B.T.B. Foretia

### PDC

Louis-Tobie Mbida

Daniel Iyok  
Limbe, Cameroun

### RFP

Ema Otu

E.A. Mbiwan  
Limbe, Cameroun

## **CIVIC LEADERS**

Richard Akoulouze  
Directeur de l'I.P.A.R. de Yaounde  
Yaounde, Cameroun

Yondo Black  
Lawyer, Journalist  
Yaounde, Cameroun

John Ngu Foncha  
Conseille des Anciens  
Bamenda, Cameroun

Maitre Nico Halle

Ambroise Kom  
University of Yaounde

Lawrence le Bembe  
Yaounde, Cameroun

Celestin Monga  
Directeur, Agence BICIC-AKWA

Bernard Muna  
President, Cameroonian Bar Association

Gregoire Owona  
National Assembly Deputy

Richard Polog  
President, GECAM

Jean-Paul Sende  
Avocat  
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Charles Tchoungang  
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# NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

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■ FAX (202) 939-3166  
■ Telex 5106015068 NDIIA

## APPENDIX 4

### TERMS OF REFERENCE

The National Democratic Institute for International Affairs (NDI) is organizing a multi-national mission that will visit Cameroon September 9-17 to evaluate the democratization process. While in Cameroon, the mission will meet with government officials responsible for the democratization process, representatives of the political parties and civic associations, and other observers of the political scene.

The mission will be composed of four delegation members, assisted by two advisors and a logistical specialist. The team will spend the initial 4 days in Yaounde for introductory briefings and meetings. The group may then divide to visit Bamenda or Garoua and Douala prior to returning to Yaounde for further meetings.

The mission will examine three main aspects of the democratization process. First, it will analyze the draft electoral code and comments on the code made by the political parties and other observers. It will also perform the same function with the draft access to media code. Third, it will reflect upon constitutional law issues in Cameroon relevant to the development of multi-party democracies. The purpose of the mission is not to take sides on salient questions such as the debate over whether to convene a national conference, or attempt to mediate the Cameroonian political process, but rather to present an informed and comparative international perspective on the institutional aspects of democratization cited above.

The mission is technical in nature; its members are drawn from the ranks of elected political leaders, elections experts and constitutional law specialists. They bring to this mission experience in the democratization process relevant to the situation in Cameroon. The mission does not anticipate issuing any report or statement prior to its departure; it will issue a report in English within one month after the mission.

NDI recognizes that each country must find its own path in the development of democratic political institutions. It is, however, NDI's hope that by organizing this mission it may be able to contribute to the further development of a pluralistic and democratic political system in Cameroon.