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DEMOCRACY, FREEDOM, AND POWER:
A STUDY OF THE MUNICIPAL ELECTION IN THE CAMEROON
(1987-1993)

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AFRICANA

DEMOCRACY, FREEDOM, AND POWER: A STUDY OF MUNICIPAL ELECTION IN CAMEROON (1987-1993)

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An investigation of the contemporary problems surrounding the municipal institution in Cameroon must begin by grapsing the specificity of its historical origin. Imported from Europe by colonial authorities on June 25, 1941 for the French-speaking Cameroonian territory and ten years later, in 1951 for its english-speaking part[1] [2], the raison d'etre of the municipal institution was to provide a local tier for the colonial administrative project. The imitation of European republican institutions might also justify the adoption of the municipality.

The district is to be understood, not only as an association by which inhabitants living in an area govern and protect themselves, and satisfy material and moral needs which generate the neighbourhood[3], but also as the smallest administrative unit of a country. In this context, its creation from above raises some questions about the purpose and the running of this institution in the Cameroonian context.

This paper will examine the relationship between two conflicting logics which operate upon municipal government in Camaroon; elective power from below and intervention by central Administration from above. Hence the title "Democracy, Freedom and Power: a Study of the Municipal Election in Cameroon (1987-1993)".

Defined as a form of government in which the people are sovereign[4], democracy signifies a total identification between the governed and the governing; the citizen occupies both categories of governer and governed.[5] It is, however, of interest to point out that the absolute character of the notion

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[1]Binyoum, Joseph, Administrative Law, duplicated lecture notes, University of Yaoundé.

[2]After the First World War, the German colonial presence in Cameroon was supplanted by the double British and French presence which explains the present linguistic partition of the territory.

[3]Dictionary Hachette de notre Temps, 1990, p 308.

[4]Dictionary Le Robert, Paris, 1988, p 341

[5]Aristote in Lexique de politique, Dalloz Editions, Paris, pp 120 and 121.

of democracy makes difficult its implementation and explains why most political régimes which claim to be democracies are only its approximation.

Democracy is first of all based upon dialectic relationships between power and freedom, and freedom means "the possibility given to political Man to do everything that does not harm others"[6] . In the context of a society governed according to the law, freedom may be considered as the power to act in accordance with laws and regulations of the state[7]. In contrast, power may be defined as the elicitation of consent from an agent or a group by means of coercion; ie, eliciting an action from an agent which he/she would not have embarked upon spontaneously.[8]

In the history of political societies, power has appeared under different forms of social and political organisation. The dominant form in the twentieth century is the democratic model based on the principles of freedom and equality. The problems analysed in this study occur within the rubric of global environment, an environment constitued by the antagonism between Freedom and Power. Thus, in regard to the mechanism of renewal of municipal government in Cameroon, it is a matter of reflecting about the effect of unavoidable antagonistic dynamics which bring into conflict institutional political power and local popular demands. In other words, it is a question of analysing the evolution of the organisation of municipal elections in Cameroon for the above period. What are the factors at the origin of the evolution of the rules of the game? What are the accepted practices related to the organisation of electoral rules? And globally how pervasive has elective democratic practice been?

My hypothesis is that the democratic opening of municipal elections (1987-1993) remains an initiative taken by the tutelary political authorities, an initiative of democratisation from above. It is therefore restricted to a "domesticated" political framework. Moreover, it is not clear that the Administration's adherence to its own rules in this regard has been beyond reproach. Finally, after having anticipated popular demands, the government has been little inclined to confer upon them legal title.

It is essential to start by defining the paradigm of analysis. According to the Cameroonian law No 74-23 of December 5, 1974, the district is a decentralised public community endowed with juridical personality and financial autonomy[9]. It goes without saying that the spatial environment will be Cameroon and the time

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[6]1789 Declaration of Human Rights, Article 4.

[7]Lexique Politique op. cit. p 215.

[8]Ibid. p 300.

[9]Article 1er de la loi No 73/23 du 5 Décembre 1974 portant organisation communale au Cameroun.

we are speaking of is from June 1987 to December 1993; 1987 being the year of the first pluralistic municipal elections in Cameroon and December 1993 symbolizing somewhat the probationary period to new municipal elections, initially announced by the head of the state, master of the political game, for the beginning of 1994[10].

Without being exclusive, the historical method will be intensively used in this analysis. The study will not at all be devoted to a factual history but rather, to a reaserch throughout the history, of relationship of causality between different events. This analytic approach will be supported by documentary sources composed of juridical texts, official sources, specialised documents, and press articles. Moreover, the topic bearing on the recent history, the personal experience of the author as well as the fruit of various discussions on the subject will help to reinforce the envisaged methodological structure.

This historical approach will, if the need arises, be reinforced by a juridical one.

Finally, the analysis will be tackled following two movements. Firstly, it will be a question of measuring the contribution of the October 1987 municipal election to democratic progress in light of the legislation which had prevailed in this matter until that time. Secondly, it will be a matter of exploring the conditions of the next 1994 municipal election stakes in the light of the new political climate generated by the recent events in Eastern Europe and the establishment of political pluralism in Cameroon in 1990[11].

1. 1987, A REQUIRED OPENING

In examing the nature of the district in Cameroon, one should understand its historical origin; likewise, to apprehend the democratic evolution of this institution from 1987, it is of interest to know the nature of the Second Republic in Cameroon[12]. If originally the local district in Cameroon was not grounded on popular sovereignty, the democratic opening experienced from 1987 ensues not only from an anticipation by authorities of political demands, but also from the government option decided by the second President of Cameroon.

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[10]The end of year discourse of the head of state to the Nation, 1993.

[11]Adoption of a new legislation which is more liberal about the creation of political parties.

[12]1982...

1.1 The Cameroonian Law of 1987 related to the District Organisation.

A. Mode of Designation of District Official.

According to the terms of the article 2 of the Constitution of the Republic of Cameroon modified by the law No 91/21 of 12 December 1991, the authorities in charge of the state get their power from direct or indirect suffrage elections. Consequently, mayors and municipal councillors are elected (article 3, paragraph 1 of the 1974 Law)[13].

This principle faces, however, serious extenuations when it comes to consider the juridical nature of different categories of districts in the Cameroonian context. Indeed, the 1994 law consacrates two systems of district namely, urban and rural [14], as well as a third system called the "special" system[15]

Concerning rural districts and those which by the decree of the President of the Republic have been subjected to the special system[16], the municipal administration and the Delegate of the Government who respectively take on the traditional functions of Mayors and heir deputies are ostensibly appointed through regulation procedure. This intrusion of the governing political authority in the designation of district officials beyond pertinent constitutional provisions seriously affects the principle of democratic freedom.

B. Form of Ballot

Chapters I and II of the title II of the 1974 law determine the form of municipal election in Cameroon. They stipulate that, elected for five years through direct and secret universal vote, municipal councillors form the municipal council which can be considered as the breeding ground in which are chosen Mayors. Their number is set by the article 13 of the law in accordance with the demographic importance of the district determined in the

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[13]The urban district is conducted by a mayor elected within the municipal council, assisted by deputies who are also elected.

[14]Article2: the urban district is that whose the territorial competence is restricted to an urbanized area. The rural district is that whose the territorial competence extends at the same time on urbanized or non and rural zones.

[15]Title VI of the 1974 Law.

[16]Article 177 Ibid: The President of the Republic may, by decree, subject an urban or rural district, following its importance and its level of development, to the provisions of the present Title (VI).

last official census preceding elections[17].

Municipal councillors are fully renewed on the same date, each district being an electoral area. The election takes place by list system with an unique round and the list which obtains the majority of valid votes is proclaimed elected.

As for the electoral ability and the elegibility conditions, the law has foreseen that the provisions of electoral law of the National Assembly members would be valid.

Finally, it is of interest to note that the district territorial boundaries may be modified by decree. According to the importance of its consequences, such a modification can lead to the partial or total renewal of the municipal council.

These provisions of the 1974 law, without being affected by substantial upheavals, have been improved in prelude to the October 1987 municipal election.

1.2 The 1987 Reform to the District Law of 1974.

Over and beyond the pronounced Jacobin character of the state in Cameroon, the Second Republic contrasts with the first one in its conception of the management of public affairs. Whereas during the First Republic the centralisation was considerably implemented, the presidency of the Republic playing a major role in the management of the state's affairs, in the second one, there has been a larger decentralisation at the level of competences. The presidency of the Republic without losing its central and driving role, aims at passing off its responsibilities on the management of public affairs to different administrations. "The daily problems will no longer be submitted to the President of the Republic"[18] "Every man to his own responsabilities"[19].

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[17]The number of municipal councillors is determined according to the board hereafter:

10,000 inhabitants.....15	councillors.
From 10,001 to 20,000 inhabitants.....20	----
From 20,001 to 30,000 inhabitants.....25	----
From 30,001 to 40,000 inhabitants.....30	----
From 40,001 to 50,000 inhabitants.....35	----
From 50,001 to 60,000 inhabitants.....40	----
Over 60,000 inhabitants.....45	----

[18]Paul Biya, President of the Republic, Discourse to the National Assembly on December 3, 1990 aiming at enacting a new legislation about liberties.

[19]Ibid.

A Reforms related to the Mode of Designation of District Officials

The main reform lies on the mode of district officials designation. Indeed, there is a noticeable difference between the 1974 legislation and that of 1987. The latter, contrary to the first one, expressly establishes the possibility of several electoral lists.

For understanding the importance of this democratic opening, it is necessary to note that in 1987 Cameroon was still in the grip of the single party rule. The dominant electoral practice was that of the nomination of candidates and lists by the party hierarchy. It is a question of procedure aimed at selecting and consequently at controling candidates to different elective mandates within the party. This practice is analysed as a real safeguard to the advantage of the party in the context of political closing.

However, if the principle of electoral list plurality has been introduced, it is still restrictive. One may evoke the practices of *panachage* - voting for candidates from different parties instead of for the list of one party - as well as the tendency towards gerontocracy consecrated in the article 4 (new) of the law No 017 of 15 July 1987 modifying some povisions of the 1974 law related to the district organisation[20].

B. Reform of Electoral Area

An innovation of the 1987 law comes to limit the equity of the ballot. The paragraph 2 of article 14 of the above law stipulates that "each district constitutes an electoral area. However, because of their particular situation, some areas may be divided". Such a provision allows the Administration to unilaterally change the electoral importance of any district.

Other provisions have been decided in order to divide electoral areas. Hence the law of 15 July 1987 related to the creation of urban communities. This new juridical category in the domain of districts in Cameroon is close to districts subjected to the "special" system concerning the designation of officials and differs from the latter because it is a district with a second level which heads up many other districts subjugated to its jurisdiction. The direct consequence of the creation of such a juridical category is the division into many districts and therefore into many electoral areas of the pre-existent district space.

Finally, the article 13 of the law No 017 of 15 July 1987 determines a new dispatching of municipal councillors which is supposed to take into consideration the demographic increase of

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[20]Article 14 (new): "in case of equality between lists, a second round is organised. If the equality subsists, the list which has the highest average age is proclaimed elected".

the population[21].

1.3 25 October 1987 Ballot

Conceived and administrated by the powerful RDPC[22], the ruling single-party, the October 1987 municipal elections took place without other political parties. They went off peacefully. Our interest does not bear on this aspect of the ballot. However, the post-1987 period is characterized by several political events which may allow more competition and larger democratic opening in the future.

II A DREADED OPENING

In contrast with the 1987 municipal elections which were a simple political exercise, those announced for 1994 seem to be uncertain. In the face of political demands of the people, galvanized by the democratic virus from Eastern Europe, the government appears to reserve itself, yielding to popular pressures only by homeopathic doses of spaces of freedom, aware that liberty always calls for more liberties[23]. It is of interest to note that the early 1990s is in Cameroon that of all elections: legislative, presidential, and municipal elections. Moreover, in 1988 the President of the Republic inaugurated national television. Henceforward, the entire population in the national territory is potentially the audience of an electoral debate. The contest promises to be firey.

II 1. 26 May 1990

The date of May 26, 1990 is recognised as a major symbol of the country's evolution towards a more democratic organisation of political structures and process. That day, the SDF[24] leader, Mr John Frundi decided to organise a march in Bamenda, chief town of the Northern West province, to mark the launching of its party. At that period, political pluralism was not yet legally authorised and although within the juridical architecture of that

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[21]Article 13 (new): the number of municipal councillors is determined in accordance with the following board:
Over 200,000 inhabitants.....60 municipal councillors
Over 100,000 inhabitants.....45 municipal councillors
Over 40,000 inhabitants.....35 municipal councillors
Under 40,000 inhabitants.....20 municipal councillors

[22]The state-party Democratic Gathering of the Cameroonian people. It has succeeded the UNC, the party of the first President of the Republic which ruled from 1958 to 6/11/1982.

[23]Declaration of the President of the Republic on December 3, 1990 op.cit.

[24]Social Democratic Front (SDF)

time some cracks would have allowed the creation of political parties, the government was not ready to accept such an evolution which would be contrary to its will. Thus, on May 26, 1990, in order to prevent any political manifestation within the Bamenda town in accordance with the Governor decree, the police opposed the crowd. Six people were killed in the incident; a painful birth for a party.

A. Cases Yondo, Ekane, and Djeukam.

During the period from April to December 1990 political energies will revolve round the birth of political plurality. The cases of Me Yondo Black, former President of the Cameroonian Bar; Djeukam Tchameni, a young manager of a computer company; and Mr Anicet Ekane. The first and the last were reproached to attempt to create a political party. Mr Djeukam, in turn was accused of subversion[25]. This offset a campaign by the Cameroonian Bar to defend one of its members against what was considered as the arbitrary behaviour of the state.

Arrested in Douala on November 11, 1988, Mr Djeukam was sentenced on March 28, 1990 by the military tribunal of Yaoundé to 3 years's imprisonment for subversion. In the same way , on April 5, 1990, the military tribunal of Yaoundé sentenced Me Yondo to 3 years'imprisonment, Mr Anicet Ekane to 4 years'imprisonment for subversion and outrage to the head of state. Several accused were sentenced to similar or light punishment for the same reasons[26].

In order to relax the political atmosphere, the President of the Republic reduced the punishment on August 11, 1990. Moreover, taking into consideration the evolution of the political arena in the country, the National Assembly still exclusively composed of RDPC's MPs, following the government initiative, adopted some laws aimed at the liberalisation of the political and economic domains. An important step was the scrapping of the symbolly charged 1962 law related to the subversion[27].

B. Social Agitation.

In a parallel direction to political events, there were some situations which also contributed to the instability of national political life. These agitations have mainly taken place in the

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[25]The old decree No 62-OF-18 of 12 March 1962 related to the repression of subversion enacted during the pacification of maquis in the country, and more and more judged anachronic, still allowed the Government to adopt, in 1990, such a charge.

[26]In Le Messager, Cameroonian weekly newspaper, Nos 181, 182, 194, and 195.

[27]this point of view remains valid even if reserves may be raised about it.

university milieu, the English-speaking insurgents in the Northern West part of the country, the business milieu of Douala, the principal economic city and accessorily those of Douala, the political capital. Also, the peasants in western Cameroon were attained by the contestation as well as the idle youth of the North. This important agitation reached its paroxysm with the watchword of "stayaways" launched by the opposition and aimed at the near total ceasing of activities in the country in order to lead the government to accept its demands.

The trial brought by the state against Mr Pius Njawe, manager of Le Messager newspaper, and Célestin Monga, author of pamphlets against the policy of the President of the Republic, provided the opportunity for some leaders to revive a permanent climate of agitation. For the first time, there was no condemnation. It was in 1991.

The University of Yaoundé, which is forced to receive four or five times more students than its capacity, has to face insistent demands from students. This was another chapter, another battle in 1991.

The real motivation for this increasing agitation is of course the watchword of "stayaways" launched by the opposition. It was the era of the maxim "when Yaoundé breathes, Cameroon lives" [28]. The entire country being asphyxiated, only the capital still functioned under a less regular rythm.

Such an agitation leads the power to attempt to insulate itself. Thus the envisaged democratic opening which was carefully implemented in 1987 for the first municipal elections, was reviewed. While the government had only extended a one finger, it nearly lost its arm. Hence, its renewed caution following the events of 1991.

II 2. The Interminable Municipal Mandates

According to provisions of the 1974 law related to the municipal organisation in Cameroon, still unchanged until today, the mandate for municipal councillors lasts five years. The last municipal elections in Cameroon being organised on October 25, 1987, the renewal of municipal personnel through elections should have taken place in 1992. Now, in April 1994, we note that the municipal mandates have been prolonged. Why the delay? Of course, the political agitation and the economic situation of the country may explain it. One cannot blame the governmental authorities for this delay.

A. Saturation of the National Political Space

One of the main demands of the opposition during the "stayaways" period (1990-1991) was the calling by the government of a

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[28]President Paul BIYA Discourse.

Sovereign National Conference (CNS) whose the task would be to rethink the country in all sectors of national activity.

The Congolese experience did not encourage the government to organise it. The CNS was perceived as an anarchical institution. However, in order to circumvent all the political ardours of that period in Cameroon, the government called at the end of 1991 the Tripartite conference composed of Opposition-Power-Civil Society. This instance precipitated a division among opposition parties over whether to participate in and accept the resolutions of this proposed body. This led to the end of "stayaways" movements.

The March 1992 legislative elections allowed different political parties to evaluate their political weight. Obviously, the authorities have been accused of frauds. The government's serenity following the Tripartite was the reason which had motivated the election boycott by the SDF[29].

In spite of contestations, the ballot took place. The RDPC obtained 88 seats in a parliament of 180 members[30]. In order to strenghten its majority, it formed an alliance with a small party established in the North of the country, the MDR[31].

After the elections for the legislature, the government called a presidential election to be held in the same year (1992). President Biya was re-elected, closely followed by SDF leader who had learned from the legislative boycott.

After these electoral contests, Cameroon was politically and economically exhausted. The pause was implicitly claimed. Municipal elections can wait.

B. Roll on the Municipal Elections!

According to the national electoral board, municipal elections should have taken place in October 1992 and the presidential ones in 1993. The strict respect of such a calendar would certainly have weakened the government, because whoever controls districts controls elections on the local level. The perspective of presidential elections in this circumstance did not rejoy the power. One can say that, combined with treasury problems, this is one of the reasons which have motivated the change in the electoral calendar.

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[29]SDF communiqué published in Le Messager on January 6, 1992 confirming the boycott.

[30]RDPC.....88 elected
UNDP.....68 elected
UPC.....18 elected
MDR.....6 elected

[31]Democratic Movement for the Defense of the Republic.

This change has scaled down the interest of all political parties in the next municipal elections. These elections are, however, very important, the district being the first link of the administrative chain. Is this why in some countries the district seems to be a "local state"? This importance has been understood by all political parties. All of them desire to participate to the renewal of the district personnel despite the delay which characterizes the organization of this election. Thus, though the date of ballot was not yet known, preparatory meetings organized by the ministry of Territorial Administration[32] have started. As every year, electoral lists are also constituted.

The juridical "arsenal" related to this election is progressively established, i.e. the decree No 93/322 of November 25, 1993 which modify some provisions contained in the decree No 77/203 of June 29, 1977 determining the districts and their territorial competence. This decree gives a special status to some districts whose demographic and especially political importance is proved[33]. In this context, it is of interest to note that the peculiarity of those districts subjected to the special system lies in the mode of designation of the Delegate of the Government and his deputies. They are appointed by the tutelary authorities instead of being elected within the municipal council.

In conclusion, these elections are needed by the incumbent as well as by opposition parties which are determined to open greater political space.

CONCLUSION

The reasercher may get profit from the Cameroonian experience of democratization from above. Initiated in a monolithic context, it faced a rare political ardour of the population. The concession made in the beginning by the government (plurality of municipal electoral lists), became extended through general popular pressures, liberty always calling for more liberty. The occasion of the 1992 legislative and presidential elections, has allowed the confirmation in the facts of a plurality which in the beginning was reluctantly initiated. Now, the burning issue is to strenghten and improve such a democratic earning through a new practice. Will the challenge be won? The answer belongs to the future that the actors of the Cameroonian political life have to forge in co-operation.

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[32]Ministry of Home Affairs.

[33]These districts are: Bafoussam, Bamenda, Ebolowa, Edea, Garona, Kumba, Lumba, Limbe, Maroua, and Nkongsamba.