

The Protection of Service Users from the Maladministration of Local Council Authorities in Cameroon: A Legal Appraisal

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Abstract

This paper sets out to examine the protection of service users from the maladministration of municipal council authorities in Cameroon. Notwithstanding the legal and institutional framework put in place to ensure that council authorities respect their ethical obligations, a lot of them still fail to do so. The consequence has been dissatisfaction from service users, causing a floodgate of litigations. The objective of this paper is to critically examine the mechanisms for the protection of service users in Cameroon from the poor administration of council authorities. In order to attain this objective, we employed the doctrinal research methodology which makes use of both primary and secondary data sources. Legal instruments related to the topic served as primary data sources while books, articles and reports related to the field of study were credible enough to constitute our secondary sources. Our findings reveal that, in spite of the measures aimed at preventing violation of the rights and freedoms of users by the council administrations in Cameroon, these abuses still persist. We however recommend that, the oversight role of the Ministry of Decentralization and the representatives of the state should be strengthened to improve accountability, transparency and the respect of ethical obligations by council authorities in Cameroon.

Keywords: Protection, Service Users, Maladministration, Decentralization, Local Authorities, Local Councils, Cameroon.

Introduction

There are three main types of Councils in Cameroon, including Councils, City Councils, and sub-divisional Councils. These local collectivities have varying degrees of autonomy, with some having more areas of intervention than others.

Councils lack the status granted to City Councils. All Councils are headed by a directly elected Mayor who is supported by a team of Councilors. The number of Councilors depends on the population size. The Council can appoint Commissions to work on any relevant issues, and membership can include non-councilors who must be convened during the Council's first year. Typically, their remit would include planning, public works, education, markets and other facilities as well as health.

City Councils serve urban areas and their territory overarches that of sub-divisional Councils. They are headed by Government Delegates appointed by the President of the Republic who mirror all the duties and powers of Mayors. They are assisted by an executive team composed of persons appointed by order of the President. The deliberative body of the City Council comprises the executive team,

the sub-divisional Council Mayors and one additional Councilor designated by each of the sub-divisional Councils.¹

Sub-divisional Councils are Council areas created within any City Council area. Most City Councils have two or three sub-divisional Council areas, but Yaoundé and Douala have seven and six respectively.² The sub-divisional Councils are headed by directly elected Mayors.³ However, for the sake of this paper, all three Council types will be generically referred to as “Councils”.

Table1: Table representing the distribution of Councils in Cameroon.

REGIONS	COUNCILS	CITIES
Adamawa	22	1
Centre	71	1
East	33	1
Far North	48	1
Littoral	34	3
North	22	1
North-West	35	1
West	41	1
South	21	2
South-West	33	2
TOTAL	360	14

Source: Commonwealth Local Government Forum, 2005 Census and the National Institute of Statistics population estimates.

1. Rights and Obligations of Councils and Service Users in Cameroon

In order to have a proper understanding of the legal protection of users against the maladministration of Council authorities in Cameroon, it is germane for the rights and obligations of the Councils and service users Vis a Vis one another to be spelled out.⁴ It is worth noting that, in the relationship between service users and the Councils, the rights of one are often mirrored by the obligations of another. This reciprocal dynamic ensures mutual respect, fairness, and balance.

From the Philosophical point of view, Jean-Jacques Rousseau in “The Social Contract, 1762” posited that, “Individuals surrender some rights to a governing authority in exchange for protection and security, creating reciprocal obligations.”⁵ In addition, on a Human Rights Framework, universal rights imply corresponding obligations for governments, institutions, and individuals to respect, protect, and fulfill those rights.

Looking at the real world application, the Constitution of Cameroon in its preamble outlines citizens' rights, while corresponding laws and regulations define government obligations.⁶ In the domain of

¹ Section 241 of Law No 2019/024 of 24 December 2019 instituting the General Code of Regional and Local Authorities in Cameroon.

² *Ibid.*, Section 250.

³ http://www.clgf.org.uk/default/assets/File/Country_profiles/Cameroon.pdf Last visited 11/13/2024.

⁴ Harold Laski defines Rights as those conditions of social life. Without which no man can seek, in general, to be himself at his best. Justinian codification defines obligations as legal ties which binds us to the necessity of making some performance in accordance with the laws of our state.

⁵ Social Contract Theory remains a foundational concept in political philosophy, shaping our understanding of governance, individual rights, and social responsibility.

⁶ Law No 96/08 of 18 January 1996 on the Constitution of Cameroon. The preamble is part and parcel of the constitution by virtue of section 65 of the same constitution.

Contract Law, when contractors get into agreements with Councils, these contracts specify mutual rights and obligations between them both. This is due to the fact that, Private law contracts of local authorities are concluded in accordance with ordinary law.⁷

These reciprocal rights and obligations create a balance of relationship between both parties. In effect, the Councils have rights and owe obligations to users and the users have rights and obligations towards the Councils as well.

1.1. Obligations of Councils Towards Service Users

Whilst City Councils and Councils have similar responsibilities and powers for service delivery, the sub-divisional Councils have a modified set of powers. Council responsibility for service delivery often includes water supply, sewage and waste disposal, town planning and urban development, municipal roads and public transport, births, marriages and deaths registration, community health and safety, social services, primary education and literacy, sport, culture and leisure.⁸ The obligations of local collectivities towards the users/citizens stem from the various domains of interventions bestowed upon them by the law. These include:

- Economic Development;
- Environment and Natural Resources Management;
- Town Planning and Housing;
- Health and Social Development;
- Education, Sports and Cultural Development;
- Youth Affaires, Sport and Leisure.⁹

1.1.1. Economic Development

Municipal Councils in Cameroon have a crucial responsibility to ensure economic development alongside the state. The Councils play an important role in managing resources including Inter-Council as well as farm to market roads maintenance and development. This is however challenging due to Cameroon's difficult terrain especially during the rainy seasons. An example is in areas like the South Region where maintaining and developing roads is daunting. This causes varying levels of transportation infrastructure development across Regions and Council areas in Cameroon. To address these challenges, the government has established a road fund, which allocates revenues from excise duties to Council's across the country to support the maintenance and development of Inter-Council roads.

Other duties in the domain of economic development includes constructing, equipping, management and maintenance of markets, motor parks and slaughter houses, organisation of local trade fairs such as mini agro pastoral shows as well as the development and management of Council touristic sites.¹⁰

1.1.2. Environment and Natural Resources Management

⁷ Section 64 of the General Code. Ordinary law here implies that the law of contract will apply.

⁸ Section 56(1) of the Cameroon Constitution.

⁹ Section 156-162 Law No 2019/24 of 24 December 2019 Instituting the General Code of Regional and Local Authorities in Cameroon.

¹⁰ Section 156 of the General Code of Regional and Local Authorities in Cameroon.

In the area of environmental and natural resources management, the local collectivities have as a responsibility to ensure that the municipality is clean. This is done via their garbage disposal schemes and the cleaning of constructed drainage paths.¹¹

They are also bestowed with the responsibility to provide potable water and to protect ground and surface water resources such as water catchments and springs. To summarise, we can say that the Council have as a responsibility to fight pollution and nuisance.¹²

1.1.3. Town Planning and Housing

Another important aspect which is the responsibility of the Councils is town planning and housing. In this domain, Councils have been given the responsibility to issue building permits to citizens for house construction projects, thereby preventing citizens from building in risky zones and ensuring the respect of the Town Master plans. In addition, they are responsible for providing public street lighting and facilitating electrification within their Council areas.¹³

The organisation and management of urban public transport is also another responsibility of the local authorities, they do so through the delivery or issuance of taxi door numbers, drivers badges, reflector jackets for motor bike riders and delimiting parking spaces.

1.1.4. Health and Social Development

The Management, maintenance and equipping of integrated health centres is another domain of intervention for decentralised authorities. They also have the mission to create, maintain and manage public cemeteries for the burial of corpses.

On the social domain, the local Council authorities have the mission of organizing and coordinating relief operations for the needy. In the event of a natural disaster such as severe floods, mudslides and severe fire out-break, the Council Police play a special role in the evacuation and protection of affected victims. The local councils are also responsible for the issuance of Civil Status documents.¹⁴ These documents include birth, marriage and death certificates and are issued free of charge.¹⁵

1.1.5. Education and Cultural Development

Regarding education, the local authorities are in charge of ensuring the smooth functioning of nursery and primary schools. They provide facilities such as benches and they also earmark and ensure the construction of new classrooms through funds provided by the Ministry of Basic Education. They are also actively involved in the acquisition of school supplies and equipment for Nursery and Primary Schools (didactic materials) in what is being referred to as the “Minimum Package”.¹⁶

¹¹ *Ibid*, Section 157.

¹² Nuisance is defined as the disturbance of quite enjoyment. It can either be caused by sound pollution in the form of noise, air pollution in the form of a pungent odor or water and food pollution. Nuisance in its aggravated form is when it has a direct link to the health of the citizens.

¹³ Section 158 and 159 of the General Code.

¹⁴ Section 160 (a) of the General Code of Regional and Local Authorities in Cameroon.

¹⁵ Section 4 of Law No 2024/016 of 23 December 2024 to Organize the Civil Registration System in Cameroon.

¹⁶ A form of government support delivered to government primary schools. This fund is donated by the Ministry Basic Education and meant to support schools especially in the provision of didactic materials. Though the Law provides that the minimum package be delivered to nursery and primary schools, it is currently being applied only to government primary schools at the moment.

In the areas of cultural development, Councils play an important role in the preservation of the cultural heritage of the people by preserving the cultural heritage for tourism and promoting them through community shows.¹⁷

1.1.6. Youth Affaires, Sport and Leisure

Apart from the aforementioned responsibilities, Councils also have the responsibility to promote and coordinate sports and youth activities including “Inter-Quarter competitions” as well as socio-cultural events for leisure purposes such as trade fairs and dance competitions. They are also responsible for the creation and maintenance of leisure parks.¹⁸

Table 2: Summary of service provision by different Councils forms Cameroon.

Services	Delivery Authority	
	City Councils/Councils	Sub-divisional Councils
-General Administration		
Civil status register	Yes	Yes
Statistical office	Yes	Yes
Electoral register	No	Yes
-Housing and town planning		
Housing	Yes	Yes
Town planning	No	Yes
-Environment and Public Sanitation		
Water and sanitation	Yes	Yes
Refuse collection and disposal	Yes	Yes
Cemeteries and crematoria	No	Yes
Slaughterhouses	No	Yes
Environmental protection	Yes	Yes
-Culture, leisure and sports		
Theatre and concerts	Yes	Yes
Museums and libraries	Yes	Yes
Parks and open spaces	Yes	Yes
Sports and leisure	Yes	Yes
-Economic		
Agriculture, forests and fisheries	Yes	Yes
Local economic development promotion	Yes	Yes
Trade and industry	Yes	Yes
Tourism	Yes	Yes

Source: Country Profile 2019, Local Government System in Cameroon.

1.2. The Rights and Obligations of Citizens Towards the Councils

1.2.1. The Rights of Users towards the Councils

The rights of users towards the Councils in Cameroon include the right to information and participation in local governance, right to access council services, right to consultation and engagement, right to make complaints and provide feedback.

1.2.1.1. The Right to Information and Participation in Local Governance

One of the foremost and principal rights of users of Council services is the right to participate in local governance. As per the provision of the General code of Regional and Local Authorities, any

¹⁷ Section 161 (a), (b) & (c) of the General Code.

¹⁸ *Ibid.*, Section 162.

natural or legal person may propose to the Council or Regional executive any measures aimed at fostering the development and/or improving the functioning of the local authority concerned.¹⁹ This right is accompanied by another very important right which is the right to access information. In effect, the General Code of Regional and Local Authorities provides that, citizens have the right to access general information about Council activities, decisions, budget, and plan at the expense of such a user.²⁰ This right extends to the access, correction, and erasing of personal data held by Councils.

1.2.1.2. The Right to Access Council Services

Citizens have the right to access routine Council services such as the acquisition of Civil Status Documents, obtaining building permits, taxi door numbers, market spaces, healthcare, education, waste management, and transportation. However, this cannot be possible if users are not given access to Council premises. In effect, this right encompasses the right to accessibility into Council premises.

1.2.1.3. Right to Consultation and Engagement

Local Councils are often required to consult with citizen on key decisions that may affect the community. They are therefore encouraged to organize regular town-hall meetings with community stakeholders and users in order to create avenues for engagement.

1.2.1.4. Right to Make Complaints and Provide Feedback

If a citizen feels that their rights have been violated by the actions of Councils, they have the right to seek remedy or solutions through the appropriate channels, such as the Offices of the Public Independent Conciliators in the North-West and South-West Regions or the Law courts.

In Cameroon, citizens commence by making a pre-litigation compliant to the Council Authority involved with the dispute (Mayors) it is after this authority does not provide a favorable outcome for the petitioner, or remains indifferent, the petitioner may seek redress from the Court or if located in the North-West or South-West Region, from the Offices of the Public Independent Conciliators.

In the North-West and South-West Regions where Special Status have been granted, the Public Independent Conciliators use mediation to resolve and amicably settle disputes between users and the Councils. This right helps in the protection of citizens from discrimination and other work malpractices by Council administrations.

1.2.2. Obligations of Users/Citizens of Councils Services

The obligations of Users/Citizens towards Councils include the obligation to pay Council Taxes, comply with regulations, participate in the democratic process, report issues, responsible use of public utilities and property maintenance.

1.2.2.1. The Obligation to Pay Council Taxes

One of the primary obligation individuals have towards their local Councils is to pay local council taxes, levies, or any other dues as provided by the law. Cameroon's high centralised revenue level, primarily collected by the state, creates a structural imbalance in revenue composition, which can be addressed through gradual increase in local revenue.²¹ The state does not give decentralised

¹⁹ Section 40 (1) of the General Code of Regional and Local Authorities.

²⁰ *Ibid.*, Section 40 (2).

²¹ Enowbechem Agbortanyi., (2017), "The Paradox of the Implementation of Decentralization Policy in Cameroon: Case study of Limbe II Council", Bachelors Research Project, Faculty of Political Science and Public Administration, University of Buea.

authorities the power to collect taxes from giant institutions or companies and very little or no part of the proceeds from the exploitation of natural resources within territories are granted to them. In this line, Users/Citizens are obliged to pay the little taxes which have been left under the authority of the Councils, allowing them to meet their obligations and projects. This is in line with the provisions of the Cameroon Constitution.²²

1.2.2.2. The Obligation to Comply with Council Regulations

Users are expected to adhere to Municipal regulations and by-laws set by Councils. The list of Council regulations is an in-exhaustive one. However, some important rules includes building codes which are specified in building permits and used to identify areas of potential disasters, noise ordinances to avoid nuisance, waste disposal guidelines, parking and non-space regulations, dressing codes for bike riders, appropriation of door numbers for taxi drivers, the respect of market spaces, just to name a few.

1.2.2.3. The Obligation to Participate in the Democratic Process

These includes aspects such as voting in elections, attending public meetings, providing feedback on proposed policies which are all very essential for a healthy democracy.

Citizens have a responsibility to stay informed about the issues that affect their community, including local policies, budgets, and decisions made by the Council. They must also participate in local elections which includes, voting for Council members and other local officials. By fulfilling these obligations, citizens can contribute to a more participatory and inclusive democracy, and help ensure that Councils are accountable to the community they serve.

1.2.2.4. The Obligation to Report Issues

Citizens have a moral obligation to report to the Council of any issues that may be affecting them e.g. damaged infrastructure, illegal activities, environmental concerns, such as pollution and issues with waste management, public transportation and community facilities. In the absence of such fit-backs, the Council may not be able to take prompt or necessary actions. Reporting can be done through Council phone numbers, Council websites and emails or in person.

1.2.2.5. The Obligation to Responsibly use Public Utilities and Maintain Public Property

Citizens have an obligation to use public resources provided by Councils responsibly. This includes public taps, market stores, public spaces and public toilets, etc. Citizens may equally have the obligations to maintain their properties according to certain standards set by Councils to ensure the neighborhoods overall upkeep.²³

2. Legal Framework for the Protection of Service Users Against the Maladministration of Council Authorities in Cameroon

²² The constitution provides in the preamble that every person shall share in the burden of public expenditure according to his financial resources.

²³ This is not yet fully applicable in the context of our towns or cities but will become imperative as our communities evolve.

The laws regulating the protection of service users against the maladministration of decentralized council authorities in Cameroon are principally the Cameroon Constitution, and Law No 2019/024 of 24 December 2019 on the General Code of Regional and Local Authorities in Cameroon.

2.1. The Constitution of Cameroon

The Constitution of Cameroon is Law No 96-06 of 18th January 1996 on the Constitution of Cameroon. The Constitution Guarantees fundamental rights and freedoms, including protection against arbitrary actions by local administrations. This body of law outlines citizens' rights, while corresponding laws and regulations define government obligations.

The preamble of the Cameroon Constitution declares that the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights and affirms the attachment of the Cameroon people to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, The African Charter on Human and Peoples' Rights and all duly ratified International Conventions relating thereto.

These International treaties play a crucial role in protecting citizens from the potential abuses of power by Council Administrations. For example, the International Covenant on Civil and Political Rights ensures citizens' rights including freedom of speech, assembly and association.

These rules ensure that Council Administrators are responsible for their actions and decisions and are open and transparent in their decision-making processes and also that citizens participate in decision-making processes that affect their life.

As per the provision of the Constitution, the preamble is considered as part and parcel of the Constitution.²⁴ The Constitution also provides that, duly approved or ratified treaties and International Agreements shall, following their publication, override National Laws, provided the other party implements the said treaty or agreement.²⁵

The Constitution of Cameroon recognizes the sovereignty of the people and the principle of democratic governance.²⁶ It also guarantees the equality of all citizens before the law²⁷ and protects the right to freedom of expression, association and assembly.

Another important aspect dealt with in the Constitution is the protection against abuse of power. The Constitution prohibits arbitrary arrest and detention and also guarantees the right to a fair trial. Citizens are also protected against torture and cruel, inhuman and degrading treatment.

Accountability and transparency are also dealt with by the constitution of Cameroon. It requires that the government and local authorities be transparent and accountable in their management of public resources.

2.2. The General Code of Regional and Local Authorities in Cameroon

This is Law No 2019/024 of 24 December 2019 Instituting the General Code of Regional and Local Authorities in Cameroon. This body of legislation empowers local authorities to become active players in governance while ensuring that they are accountable to their constituents. It specifies decentralized principles and lays emphasis on local autonomy and accountability.

²⁴ Article 65 of Law No 96-06 of 18th January 1996 on the Constitution of Cameroon.

²⁵ Article 45 of the Cameroon Constitution.

²⁶ *Ibid.*, Article 1.

²⁷ *Ibid.*, Article 2.

Chapter III of the code is titled “Liability of Local Authorities”. It provides that, local authorities shall be solely liable for the timeliness of their decisions, in compliance with laws and regulations. It also states that, they shall be represented by their heads of executive in civil life and in court. These provisions are a clear-cut indication of the protection of service users from the poor administration of Council Authorities. It makes Council Authorities liable for their actions and gives citizens the power to take legal actions against them in case their rights and freedoms are violated or discriminated against.

The functioning principles of local authorities is found in chapter two of this law which provides that, local authorities shall carry out their missions in accordance with the Constitution as well as laws and regulations in force.²⁸ It prohibits local authorities from deliberating outside their statutory meetings, or on matters outside their jurisdiction or cases which undermine State security, law and order, national unity or territorial integrity. If they act in a contrary manner, their decisions are rendered null and void and if possible, penalties enforced on them.²⁹

Article 40 and 41 of the General Code handles participation of citizens in the actions of Councils and Regions. As per article 40, any natural or legal person may propose to the Council or Regional executive any measures aimed at fostering the development and/or improving the functioning of the local authority concerned.³⁰ Any inhabitant or taxpayer of a local authority may also at his expense, request the disclosure or obtain a complete or partial copy of the reports of deliberative organs, the budget, draft and annual performance reports, development plans, accounts or orders, under the conditions laid down by regulation.³¹ This is a clear indication that, the law drafters contemplated on the protection of citizens from any arbitrariness of Council Administrations. This participation guarantees transparency and accountability.

Supervision of local authorities by the state is also another major means by which the 2019 General Code aimed at protecting citizens from any form of abuse by Council authorities in Cameroon. Section 72 on the General Code provides that the State shall exercise supervisory authority over local authorities by controlling legality through its representatives. It should be noted that, these control mechanisms are aims at reducing the maladministration of Council authorities. The supervisory authorities for councils in Cameroon are the Minister of Decentralization and Local Development and the Senior Divisional Officers whilst the Minister of Decentralization and Local Development and the Governors act as the supervisory authority at the regional level. They ensure that the rights and freedoms of citizens are protected and that Council Administrations respect their ethical obligations.

The General Code also provides a handful of obligations on Council Authorities including the following:

- Obligation to serve and to devote himself to his duties;
- Obligation of residency;
- Obligation of selflessness;
- Obligation of confidentiality and reserve.³²

²⁸ Section 39(1) of the General Code of Regional and Local Authorities.

²⁹ *Ibid.*, Section 39(2),(3).

³⁰ *Ibid.*, Section 40(1).

³¹ *Ibid.*, Section 40(2).

³² Section 142-146 of the General Code of Regional and Local Authorities.

In a verge to ensure and encourage accountability and transparency, a finance controller is appointed to the Mayors by the Minister of Finance³³ with the responsibility of controlling budget execution operations. He gives his opinion on the accuracy and sustainability of expenditure commitment plans. In this case, the finance controller may make rejections which shall be reasoned.³⁴

2.3. The Law Organizing the Civil Status System in Cameroon

This is Law No 2024/016 of 23 December 2024 to organize the Civil Registration System in Cameroon, which repeals Ordinance No. 81 – 02 of 29 June 1981 on Civil Status Registration in Cameroon. This law makes provision for the free issuance of Civil Status Documents in Article 4 which has always been a problem in Cameroon. This is not however a novelty as similar provision was found in article 17(1) the 1982 Civil Status Registration Ordinance.³⁵

Service users in Cameroon always face extortion in the delivery and issuance of civil status documents which is a violation of their civic right. In his regard, the 2024 Law criminalizes extortion and bribery in a view to ensure that Civil Status Documents are issued to all citizens without discrimination. Registrars are now also prohibited from drawing up certificates concerning their direct relations.

3. Institutional Mechanisms for Protection Service Users Against the Maladministration of Decentralized Local Authorities

There are a handful of institutions charged directly or indirectly with the protection of citizens from the abuses of Council Authorities in Cameroon. These include the National Commission of Human Rights, the Ministry of Decentralization, the Administrative Courts, the Offices of the Public Independent Conciliators of the North-West and South-West Regions, the National Anti-Corruption Commission (CONAC) and the Supervisory authorities of Local Councils.

3.1. The National Commission of Human Rights

3.1.1. The Mandate of the Cameroon Human Rights Commission

The Cameroon Human Rights Commission has an important role to play as far as the protection of citizens from the abuses of Council Administrations in Cameroon is concerned. It has as its mandate to promote and protect human rights, prevent torture and investigate any human rights violations. In order to effectively carry out its activities, the commission has the powers to request reports from the Council Administrations conduct investigations and make recommendations to them. The Cameroon Human Rights Commission has Regional branches which enables the commission to function in all the Regions of Cameroon, hence being at the service of Council service users.

3.1.2. The Protection Mechanisms of the Cameroon Human Rights Commission

The protection mechanisms used by the Cameroon Human Rights Commission are threefold including:

- Receiving and investigating complaints;
- Conducting visits to places of detention;
- Providing recommendations and guidance.

The Cameroon human rights commission receives complaints from citizens whose rights and freedoms have been violated by Councils and investigates all allegations thereof. The Commission

³³ *Ibid.*, Section 436(1)(2).

³⁴ *Ibid.*, Section 436(3)(4).

³⁵ Section 4 of Law No 2024/016 of 23 December 2024 to Organize the Civil Registration System in Cameroon. and section 17 of Ordinance No. 81 – 02 of 29 June 1981 on Civil Status Registration in Cameroon.

strives to process all received complaints within 30-60 days. However, this period may be reduced or increased depending on the complexity of each case. In a situation where Councils illegally cause the detention of a citizen, the National Human Rights Commission visits the detention center to monitor the condition and ensure that detainees are humanely treated.

3.1.3. Requirements for Submitting a Compliant with the Cameroon Human Rights Commission

The compliant tabled against a Council Administration must provide a clear description of the alleged violation of human rights. If there are any documents or information to support the arguments, they must also be attached to the complaint. The complainants are also required to provide their contact information including their names, addresses, phone numbers and email addresses.

3.1.4. The Compliant Treatment Procedure at the Cameroon Human Rights Commission

Upon reception of any compliant filled by a citizen against a Council Administration, the compliant is registered and assigned a unique reference number. This registration is followed by an assessment to envisage if it falls within the competence of the Human rights commission.

Investigations are later carried out if the compliant passes the admissibility test and is deemed to fall within the competence of the Commission. The purpose of this investigation is to gather more information and evidence regarding the issue.

Recommendations are then made to the Council Administration in question and the complainant and the commission follows up the implementation of these recommendations to ensure that the citizens' rights are respected by the Council.

3.2. Monitoring Bodies

The Ministry of Decentralization oversees local authorities, ensuring compliance with laws and regulations. The ministry is responsible for overseeing the implementation of decentralization policies and ensuring that Councils work within prescribed rules.

Monitoring bodies are also provided by the law. They include:

- The National Decentralisation Board which is responsible for the monitoring and evaluation of the implementation of decentralization.³⁶
- An Inter-Ministerial Committee on Local Services vested with the responsibility of preparing and monitoring the devolution of powers and resources to local authorities.³⁷
- The National Committee for Local Finance responsible for the optimum mobilization of revenue of local authorities as well as for the sound management of local funds as provided for in the 2019 General Code.³⁸
- The Inter-Ministerial Committee on Decentralised Cooperation is set up to monitor and evaluate decentralized cooperation.³⁹

The organisation and functioning of the first two bodies is laid down by Presidential Decree while that of the last two bodies is laid down by a Decree from the Prime Minister as provided in section 89 and 92 of the 2019 Code of Regional and Local Authorities in Cameroon.

³⁶ Section 87 of the General Code of Regional and Local Authorities.

³⁷ *Ibid.*, section 88.

³⁸ *Ibid.*, section 90.

³⁹ *Ibid.*, section 91.

Sections 93 of the General Code states that Parliamentarians shall take part in the proceedings of the monitoring bodies mentioned above under the conditions laid down by regulation.

Legislation passed in 2003 provides for an Audit Bench ('CC') under the Supreme Court to enforce proper standards in the collection and use of Council taxes and accounting procedures. Decree 2004/099 provides for an Audit Office (*Brigade de Contrôle des Collectivités Territoriales Décentralisées*) to monitor the functioning of Local and Regional authorities.⁴⁰

3.3. The Offices of the Public Independent Conciliators of the North-West and South-West Regions of Cameroon

The General Code of Regional and Local Authorities provides that the North-West and South-West Region shall have a Special Status in accordance with the provisions of article 62 of the Constitution.⁴¹ Section 327(2) stipulates that, "The Special Status shall confer on the North-West and South-West Regions a specific organizational and operational regime based on the historical, social and cultural values of these Regions".

The Office of the Public Independent Conciliator is therefore one of the offspring of the Special Status that was granted to the North-West and South-West Regions of Cameroon, taking into consideration their historical background, linguistic differences, educational background and their legal history. It is for this reason that this Offices operate in the North-West and South-West Regions of Cameroon only, as provided in section 367(1) of the General Code of Regional and Local Authorities.⁴²

It should be understood that the Office of the Public Independent Conciliator known in most countries as the "Ombudsman" is an institution with origins in Anglo-Saxon cultural and institutional practices.⁴³

On the 24th of December 2020, the President of the Republic of Cameroon caused Decree No 2020/773 of 24th December 2020 to lay down Conditions for Discharge of the Duties of Public Independent Conciliator in the North-West and South-West Regions.

The core missions of the Office of the Public Independent Conciliator include the following:

- Examining and amicably settling disputes between users and Regional and Council administrations;
- Defending and protecting rights and freedoms in the relationship between citizens and the Region or Councils of the Region;
- Designing and implementing measures to prevent and combat any direct or indirect discrimination against users of regional or the council services;
- Ensuring that persons serving in the Regional or Council administration fulfil their ethical obligations;
- Conducting any investigation on the functioning of regional or council services at the request of 5 (five) parliamentarians or 5 (five) regional councillors;

⁴⁰ http://www.clgf.org.uk/default/assets/File/Country_profiles/Cameroon.pdf.

⁴¹ Section 327 (1) of the General Code of Regional and Local Authorities.

⁴² *Ibid.*, Section 367(1), "A Public Independent Conciliator is hereby established within the Special Status in the North-west and South-west Regions.

⁴³ This culture is practiced in countries such as Sweden, UK, Canada, New Zealand, Denmark and Australia.

- Preparing an annual report on the state of relations between citizens and Regional and Council services.⁴⁴

3.3.1. Who Can Bring A Complaint Before the Office of the Public Independent Conciliator?

A complaint can be brought to the Public Independent Conciliator by Any natural or legal person who considers that his rights and freedoms have been infringed by the functioning of the Regional or Council administration. Complaints can also be brought by any person who considers him/her to be a victim of direct or indirect discrimination prohibited by law or an international commitment to which Cameroon is a party.⁴⁵

3.3.2. The Territorial and Material Competences of the Public Independent Conciliators.

Concerning the territorial competence of the Public Independent Conciliators, the office of the Public Independent Conciliator of the North-West Region is located in Bamenda, Mezam Division and that of the South-West Region in Buea, Fako Division. The Public Independent Conciliators are also required to reside at the place where their offices are located.⁴⁶

With regards to the Material competence of the Public Independent Conciliators, they may only intervene in circumstances where the dispute is between a natural or legal person or a public employee and a Regional or Council service. The petitioner must have filed a prior appeal with the body involved in the dispute and no competent court must have ruled on the matter.⁴⁷

However, the law provides limits to the domain of intervention. As per the provisions of 11(4) Decree No 2020/024 of 24 December 2020 to lay down conditions for Discharge of Duties of the Public Independent Conciliator in the North-West and South-West Regions, The Public Independent Conciliator may not intervene in misunderstandings between private individuals, disputes between locally elected officials, disputes between private individuals and public services of the State and its branches or between these State services and their subordinate units and issues between the services of the Regional and City or Municipal Council Administrations.

3.3.3. Procedure for Filing a Complaint

The Public Independent Conciliator receives both written and oral complaints. Written complaints are made through a petition bearing the full names, occupation and place of residence of the complainant, the name of the accused official or service within the Regional Assembly or Council Administrations, a clear statement of the facts that justify the complaint, the argument put forward

⁴⁴ Section 367(3) of the General Code of Regional and Local Authorities and Article 4(1) of the 2020 Decree to lay down conditions for discharge of the duties of Public Independent Conciliator in the North-West and South-West Regions.

⁴⁵ Section 369 (1)(2) of the General Code of Regional and Local Authorities and Article 11(1)(2) of the 2020 Decree to lay down conditions for discharge of the duties of Public Independent Conciliator in the North-West and South-West Regions.

⁴⁶ Article 3 (1, 2, 3) of the 2020 Decree to lay down conditions for discharge of the duties of Public Independent Conciliator in the North-West and South-West Regions.

⁴⁷ Section 369(3) of the General Code of Regional and Local Authorities and Article 11(3) of the 2020 Decree laying down conditions for discharge of the duties of Public Independent Conciliator in the North-West and South-West Regions.

and where possible, exhibits or evidence submitted to back the petition.⁴⁸ Regarding oral complaints, they may be admitted if the Public Independent Conciliator permits. In this case, minutes shall be taken down by a Compliant Treatment Officer, read to the complainant, and if ok, the complainant will sign or thumbprint to confirm the statement thereof.

The complaint Treatment procedure at the Office of the Public Independent Conciliator is principally divided into seven stages. These stages include the following:

- Reception and initiation of action: (Time frame: 48hrs, maximum);
- Registration and Documentation: (Time frame: 24hrs maximum) ;
- Preliminary Examination (Timeline: 14 Days maximum);
- Complaint Examination Phase (Time frame: 21 days maximum);
- The Conciliatory Process (Time frame: 7 days maximum);
- Monitoring and follow-up;
- Case closure.⁴⁹

3.4. The Courts

Citizens can seek redress through the courts if they experience maladministration by decentralized authorities. The courts play a vital role in protecting citizens from the maladministration of Councils in Cameroon. As an independent arm of government, the judiciary is responsible for ensuring that the actions of Councils are lawful, reasonable, and in the best interests of citizens.

Courts have the power to review the decisions and actions of Councils to ensure they are lawful and reasonable. In addition, Courts protect the fundamental rights of citizens, including the right to life, liberty, and security of person, which may be threatened by maladministration and hold Councils accountable for their actions, ensuring that they are transparent and responsible in their decision-making. In this light, they provide remedies for citizens who have been affected by maladministration, including compensation, injunctions, and declarations.

Notwithstanding these roles, there are several challenges associated with using the courts to seek redress. The first is corruption, which is a significant challenge facing the judiciary, with some judges and court officials being susceptible to bribery and influence. In this line, the rich Council officials can easily bribe their way for favorable judicial outcomes.

The question that many ask in Cameroon is whether judicial independence in Cameroon is a reality or a myth? This is because the judiciary is not as independent as the law provides. The appointment, discipline and dismissal of judges are done by the President of the Higher Judicial Council who is the President of the Republic hence jeopardizing the independence of the judiciary in Cameroon. The executive arm of government interferes with the judiciary, undermining its independence and impartiality.

Thirdly, many citizens in Cameroon face significant barriers in accessing justice, including lack of awareness, limited financial resources, and inadequate legal representation. Even though the law

⁴⁸ Article 12 (1) (2) of the 2020 Decree to lay down conditions for discharge of the duties of Public Independent Conciliator in the North-West and South-West Regions.

⁴⁹ Rodrick N, Tambe C.B & Dairuh K.U(2024) Understanding the Role of the Public Independent Conciliators in Dispute Resolution Under the Decentralization Laws of Cameroon, *International Journal of Peace and Conflict Studies*, Vol. 9, No. 2 (Special Issue), PP. 33-50.

provides that access to justice is free of charge, citizens are not exempted from stamp duties and other cost. In addition, legal aid is provided for by the law, but the application process is daunting.

3.5. The Anti-Corruption Commission (CONAC)

The National Anti-Corruption Commission of Cameroon (CONAC) plays a vital role in protecting citizens from the maladministration of Council Authorities in Cameroon. CONAC's primary objective is to prevent and fight corruption, ensuring that public officials, including Council members, act with integrity and transparency.

The key functions of CONAC include:

- **Investigating Corruption Allegations:** CONAC investigates allegations of corruption and maladministration within Councils, holding those responsible accountable for their actions;
- **Promoting Transparency and Accountability:** CONAC works to promote transparency and accountability within Councils, ensuring that citizens have access to information and can participate in decision-making processes;
- **Providing Guidance and Support:** CONAC provides guidance and support to Councils on anti-corruption measures, helping to prevent maladministration and promote good governance.

CONAC's efforts have therefore led to significant improvements in the fight against corruption and maladministration in Cameroon. For instance, in 2020, CONAC's investigations led to the indictment of 27 individuals, with 12 found guilty of mismanagement. Additionally, CONAC's outreach programs have helped to raise awareness about corruption and promote citizen participation in local governance.

Overall, CONAC plays a crucial role in protecting citizens from the maladministration of Council administrations in Cameroon, promoting transparency, accountability, and good governance.

3.6. Divisional Administrators (The Senior Divisional Officers)

The senior Divisional Officers are appointed by the President of the Republic. They act as the president's personal representatives in their respective Divisions and wield considerable power in their divisions. They oversee local councils, ensuring that they operate within the bounds of the law.⁵⁰ Section 72 on the General Code provides that The State shall exercise supervisory authority over local authorities by controlling legality through its representatives. However, on several occasions, SDOs have been accused of abusing their power, suspending mayors and sealing council offices without proper justification or authority.

4. Recommendations

The oversight role of the Ministry of Territorial Administration And Decentralization should be strengthened. Services such as the Inter-Ministerial Committee on Local Services, the National Committee for Local and the Inter-Ministerial Committee on Decentralised Cooperation should effectively carry out the missions bestowed upon them to ensure quality service delivery from the Council administrations void of any sort of maladministration.

In addition, there should be an enhancement of capacity building for local authorities through training and workshops. A special section should be created at the National School of Local

⁵⁰ www.minepat.gov.cm.

Administration (NASLA) where municipal leaders can undergo training after their election into office.

There should also be an implementation of participatory budgeting and planning process to ensure public access to information on local authorities' activities, Councils must ensure to establish town hall meetings, strengthen internal and external audit mechanisms that allow citizen participation in the affairs of the councils. Citizens should be encouraged to take active participation in all stages including decision making, monitoring and access to information.

Users in the North-West and South-West Regions of Cameroon should also make effective use of the Offices of the Public Independent Conciliators located in their Regions. Due to the infant nature of these offices, sensitization has been continues over a period of three years and many citizens located in these Regions have become aware of the existence and missions of the offices.

Conclusion

The protection of service users in Cameroon from the maladministration of council authorities is a complex issue that requires a multifaceted approach. While there are laws and institutions in place to safeguard the rights of service users, challenges still persist in ensuring effective protection. One of the principal challenges is the lack of awareness amongst service users about their rights and the mechanisms available for them to seek redress. This knowledge gap can be bridged through sensitization programs and workshops that educate service users about their entitlements and the procedures for filing complaints to the appropriate quarters.

References

- Ekellem D. M., (2025), "The missions of the Office of the Public Independent Conciliator", Town hall meeting with community stakeholders of Tinto Municipality organized by the Office of the Public Independent Conciliator for the South-West Region, held in Tinto Council Hall-Manyu Division on the 13th of March 2025.
- Enowbechem A., (2017), "The Paradox of the Implementation of Decentralization Policy in Cameroon: Case study of Limbe II Council", Bachelors Research Project, Faculty of Political Science and Public Administration, University of Buea.
- Rodrick N, Tambe C.B & Dairuh K.U., (2024), Understanding the Role of the Public Independent Conciliators in Dispute Resolution Under the Decentralization Laws of Cameroon, *International Journal of Peace and Conflict Studies*, Vol. 9, No. 2 (Special Issue), PP. 33-50.
- Tambe C.B., (2024), Evaluating the Growth and Challenges of Cameroon's Decentralization Program, *Journal of Law and Political Review*, Vol 9, PP.68-88.
- Tambe, C.B., (2025), "The Obligations of Councils towards Users and the Rights and Obligations of Users of Councils Services.", Town hall meeting with community stakeholders of Tinto Municipality organized by the Office of the Public Independent Conciliator for the South-West Region, held in Tinto Council Hall- Manyu Division on the 13th of March 2025.
- http://www.clgf.org.uk/default/assets/File/Country_profiles/Cameroon.pdf Last visited 11/13/2024.
- http://www.clgf.org.uk/default/assets/File/Country_profiles/Cameroon.pdf.
- Law No 2019/024 of 24 December 2019 instituting the General Code of Regional and Local Authorities in Cameroon.
- Law No 96/08 of 18 January 1996 on the Constitution of Cameroon. Ordinance No. 81 – 02 of 29 June 1981 to Organize Civil Status Registration in Cameroon. Decree No 2020/773 of 24 December 2020 to lay down conditions for discharge of the duties of Public Independent Conciliator in the North-West and South-West Regions.