

# Evaluating the Growth and Challenges of Cameroon's Decentralisation Program

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DOI: 10.55662/LPR.2024.903

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## Abstract

This study aims to investigate the development of the decentralization program in Cameroon as well as the difficulties faced. In spite of the legal and institutional mechanisms put forth to ensure the smooth growth of the decentralization process, a handful of factors still beset its advancement. The goal of this work is to analyse the different stages in the growth of decentralization in Cameroon and the challenges it experiences. In attaining these objectives, we are guided by the doctrinal research method. Our findings reveal that the laws and institutions put in place to ensure decentralization in Cameroon are appropriate. However there exist a handful of underlying factors impeding its extension. It is however recommended that the executive arm of government should avoid unnecessary intrusion and over-control on the decentralized bodies to allow them operate freely as independent and autonomous entities.

**Keywords:** *Growth, Challenges, Decentralization, Local Governance, Financial Autonomy, Administrative Autonomy, Devolution, Deconcentration.*

## **Introduction**

The Law governing decentralization in Cameroon is Law № 2019/024 of 24 December 2019 Instituting the General Code for Regional and Local Authorities. Section 5 of this code defines decentralization as the transfer of special powers and resources to local authorities by the state.

To comprehend the decentralization process in Cameroon, it is essential to delve into the nation's history. From 1884 until the 1<sup>st</sup> world war,<sup>i</sup> Cameroon was a German protectorate.<sup>ii</sup> Following Germany's war defeat, Britain and France divided German Kamerun into two mandated territories of the League of Nations.<sup>iii</sup>

With the birth of the United Nations after the Second World War, the territories became administered as trust territories of the United Nations Organization.<sup>iv</sup> French Cameroun became independent in 1960. In 1961, the Northern part of British Cameroon voted to unite with Nigeria while Southern Cameroon voted to unite with French Cameroun which had gained its independent in 1960. The reunification of the British and French Cameroons in 1961 marked the establishment of the Federal Republic of Cameroon.<sup>v</sup>

On the 20<sup>th</sup> of May 1972, a referendum was held and a new Constitution was drafted in Cameroon which abolished the federal system and the country's name was changed to the United Republic of Cameroon.<sup>vi</sup>

However, it was only after the Constitutional amendments in 1996 that the notion of decentralization was mentioned in the Cameroon Constitution.<sup>vii</sup> The 1996 Constitution establishes Cameroon as a Decentralized Unitary State.<sup>viii</sup> This piece of Law dedicates Part X (five) to Regional and Local Authorities comprising of Regions and Councils and this is a clear manifestation of the zeal for decentralization.

The Cameroon Constitution makes provision for the duties, powers, composition and modalities for the functioning and suspension of decentralized collectivities.<sup>ix</sup> It can however be said without any restraint that the 1996 Constitution of Cameroon is an epitome of decentralization. This Constitution gave birth to Municipal, City and Regional Councils.<sup>x</sup> The Ministry of Decentralization and Local Development is responsible for government policy on territorial administration and local government.<sup>xi</sup>

In 2004, there was the enactment of Law № 2004/017 of 22 July 2004 to lay down the Guidelines for Decentralization, Law № 2004-18 of 22 July 2004 to lay down the Rules Applicable to Councils and Law № 2004/019 of 22 July 2004 to lay down the Rules Applicable

to Regions. The bills aimed at empowering residents to actively participate in defining and managing their Regional and Local authorities' affairs.<sup>xii</sup>

In 2018, the President established the Ministry of Decentralization and Local Development, formally a subsidiary of the former Ministry of Territorial Administration and Decentralization.<sup>xiii</sup>

However, the peak of decentralization is manifested in Law № 2019/24 of 24<sup>th</sup> December 2019 to Institute the General Code for Regional and Local Authorities. This law outlines the status, organization, financial regime, and special regulations for local authorities.<sup>xiv</sup>

Another milestone towards decentralization in Cameroon is the creation of the National School of Local Administration (NASLA) in 2020.<sup>xv</sup> The sheet anchor for the birth of NASLA is Decree № 2020/111 of 2 March 2020 on the Establishment, Organization and Functioning of the National School of Local Administration.<sup>xvi</sup> This again is a clear-cut sign that more impetus was being put on the issue of decentralization in Cameroon.

Through the General Code for Regional and Local Authorities, The North-West and South-West Regions have been granted a Special Status due to their unique Anglophone education and legal systems, recognizing their language, specificity, and historical heritage.<sup>xvii</sup>

The birth of the Public Independent Conciliators for the North-West and South-West Regions is a reflection of the provisions of section 3(2), section 327 and section 367 of the 2019 code for Regional and Local Authorities. Public Independent Conciliators have as their prime responsibility to amicably resolve disputes between users and Regional and Local Authorities through mediation.<sup>xviii</sup>

In 2020, the Regional Assembly of North-West and South-West Regions were created by Presidential Decree within the context of the Special Status of North-West and South-West Regions as provided for in the 2019 Code for Regional and Local Authorities and the 1996 Constitution of Cameroon.<sup>xix</sup>

The first Part of this article will visit the legal and institutional framework for decentralization in Cameroon while the second part will examine the factors that retard the decentralization process in Cameroon.

## **The Growth of the Decentralization Process in Cameroon**

The decentralization maturation in Cameroon dates back to the 1974 Law to Organize Councils in the United Republic of Cameroon and the 1996 Constitution. Continuous decentralization was propelled by a handful of laws as well as institutions bestowed with the responsibility for decentralization. However, there have always been factors preventing the nation from attaining complete decentralization void of limitations.

### ***The Legal Framework for Decentralization in Cameroon***

Culminating from the Constitution of 18<sup>th</sup> January 1996, other pieces of legislations directly related to decentralization in Cameroon includes the 1974 Law to Organize Councils in the United Republic of Cameroon which gave birth to the notion of decentralization in the Cameroon judicature, The 1977 Decree Creating and Organizing the Local Government Centre (CEFAM), the 2004 Decentralization Laws,<sup>xx</sup> Decree No 2018/449 of 1<sup>st</sup> August 2018,<sup>xxi</sup> Decree № 2018/635 of 31<sup>st</sup> October 2018,<sup>xxii</sup> the 2019 Law on the General Code for Reginal and Local Authorities, Decree № 2020/111 of 2<sup>nd</sup> March 2020 on the Establishment, Organization and Functioning of the National School of Local Administration.

Today, decentralization in Cameroon is governed by Law № 2019/024 of 24 December 2019 on the General Code for Regional and Local Authorities which repeals and complements other existing laws in the domain of decentralization. The 2019 code has so many innovations of which include the granting of a Special Status to the North-West and South-West Regions of Cameroon.

- **The Cameroon Constitution**

The 1996 Constitution of Cameroon is Law № 96/06 of 18<sup>th</sup> January 1996 on the Cameroon Constitution. The provision of Article 1(2) of the Constitution is to the effect that, the Republic of Cameroon shall be a Decentralized Unitary State.<sup>xxiii</sup> This provision is a clear-cut indication that the law drafters had contemplated on decentralization when drawing up the bill for the ground norm.

In addition, Article 55 to 62 of the Constitution lays more impetus on the aspect of decentralization in Cameroon.<sup>xxiv</sup> Article 55 provides that, Regional and Local Authorities shall comprise of Regions and Councils which shall be public law corporate bodies having administrative and financial autonomy in the management of their affairs with the duty to promote the economic, social, health, education, cultural and sports development.

The Constitution provides that, the organs of the Regions shall comprise of the Regional Councils and the President of the Regional Council. The Regional Councils shall be the deliberative organs of the Region and shall comprise divisional delegates elected by indirect universal suffrage and representatives of traditional rulers elected by their peers. President of the Regional Council shall be the executive organ. Regional Councillors shall have a five (5) year term of office.<sup>xxv</sup>

Article 61 of the Constitution names the 10 Regions of Cameroon,<sup>xxvi</sup> while Article 62 states that decentralization rules apply to all Regions, but may consider specificities in certain regions' organization and functioning.<sup>xxvii</sup>

- **The 1974 Law Organizing Councils in the United Republic of Cameroon**

The history of decentralization in Cameroon dates as far back as 1974. Even before the 1996 Constitution, there was Law № 74/23 of 5 December 1974 to Organize Councils in the United Republic of Cameroon.<sup>xxviii</sup> This law gave birth to the notion of decentralization in the Cameroon judicature. It provided that councils shall be decentralized public collectivities with a legal personality.<sup>xxix</sup> It stated that, these councils shall either be urban councils or rural councils.<sup>xxx</sup>

They were special urban councils headed by government delegates, special rural councils headed by mayors and rural councils headed by municipal administrators.<sup>xxxi</sup> It provided for the functioning of municipal councils, their competences as well as their dissolution. The municipal councils were deliberative organs of the council while the mayor acted as executive organs.

One of the most outstanding features of this law is that, it made provisions for the creation of Municipal Syndicates. In effect, councilors could group themselves to form a syndicate and achieve their goals as provided in article 154-171 of Law № 74/23 of 5 December 1974 to Organize Councils in the United Republic of Cameroon.

It should be worth noting that, this law created FEICOM which is a public economic and financial establishment. It has been organized several times in the years 2000 and 2006 with the most recent organization being that of 31 October 2018.<sup>xxxii</sup> The mission of FEICOM is to contribute to the harmonious development of all Regional and Local Authorities on the basis of national solidarity and inter-regional and inter-council balance in collaboration with the administration concerned.

- **The Creation and Organization of the Local Government Centre (CEFAM)**

These are the likes of Decree № 77/418 of 24 October 1977 Creating and Organizing the Local Government Center (CEFAM). The Local Government Training Center was created in 1977 in Buea and was made up of toe cycles.<sup>xxxiii</sup> CEFAM is however history today as it has been replaced by the National School of Local Administration (NASLA) which graduated the last batch of trainees from Cycle 1 and 2 of CEFAM in 2019. We can conveniently say that, NASLA is launching a new era after the collapse of former CEFAM.

- **The Decree Organizing the Ministry of Decentralization and Local Development**

This is Decree № 2018/449 of 1<sup>st</sup> August 2018 to organize the Ministry of Decentralization and Local Development. This text repeals all contrary provisions in particular those of Decree № 2005/104 of 13<sup>th</sup> April 2005 Organizing the Ministry of Territorial Administration and Decentralization and those of Decree № 2008/377 of 12 November 2008 setting the attributions of the heads of administrative districts and relating to the organization and operation of their services in particular article 35 and 50.

The 2018 Decree established the Ministry of Decentralization and Local Development, responsible for developing, monitoring, implementing, and evaluating the government's decentralization policy and promoting local development.<sup>xxxiv</sup> This Decree has a total of seven parts touching on different aspects on decentralization and local development.

- **The 2004 Decentralization Laws**

The year 2004 marked a turning point in decentralization. This gave birth to three decentralization laws including Law № 2004/17 of 22<sup>nd</sup> July 2004 on the Orientation of Decentralization, Law № 2004/18 of 22<sup>nd</sup> July 2004 to lay down the Rules Applicable to Councils and Law № 2004/19 of 22<sup>nd</sup> July 2004 to lay down the Rules Applicable to Regions.

Law № 2004/17 of 22<sup>nd</sup> July 2004 on the Orientation of Decentralization was peculiar in that it contained innovations. These laws made powers devolve exclusively to the local and regional authorities though government services could exercise such powers only under certain conditions. This re-echoes the administrative and financial autonomy of decentralized collectivities.<sup>xxxv</sup> The main issues handled by this law included the transfer of competence,<sup>xxxvi</sup>

the organization and functioning of territorial collectivities,<sup>xxxvii</sup> guardianship over territorial authorities,<sup>xxxviii</sup> monitoring organs,<sup>xxxix</sup> and miscellaneous, transitional and final provisions.<sup>xi</sup>

Law № 2004/18 of 22<sup>nd</sup> July 2004 on its part lays down the rules applicable to councils in accordance with the provisions of the law on the orientation of decentralization.<sup>xli</sup> This stipulated that councils shall be headed by Mayors and city councils shall be headed by Divisional Delegates. At the level of the councils, the council organs provided in this law included the Council and the Council Executive headed by Mayors and their deputies.

The council on its part is the deliberative organ of the council areas comprising of elected councilors.<sup>xlii</sup> This law established the duties of the different organs, the modalities for their suspension and termination as well as replacement. The city councils on their part comprised the city councils and the government delegates.<sup>xliii</sup> The city council shall be made up of sub-divisional councils.<sup>xliv</sup> Unlike the mayors, the government delegates are appointed by the President of the Republic via Presidential Decrees.<sup>xlv</sup>

The law also treated issues of inter-council cooperation and solidarity<sup>xlvi</sup> as well as council unionism.<sup>xlvii</sup> It would however be grave injustice if legislators ignored local administration at the regional level. In this light Law № 2004/19 of July 22, 2004 was enacted to lay down the Rules Applicable to Regions in accordance with the provisions of the Law on the Orientation of Decentralization.<sup>xlviii</sup>

Unlike the Law laying down the Rules Applicable to Councils, this piece of legislation handled decentralization at the regional arena. This law provided that Regions may carryout activities to supplement those carried out by the state and may also propose to councils under their jurisdictions all measures to foster development and investment action.<sup>xlix</sup>

Just like the Constitution, this law circumscribed their area of competence to areas of education, health, culture, sports and social activities. It provides rules for the management and use of private property of the state, public property of the state and national lands.

As already explained, the law emphasized on the organs of the Regions comprising of the Regional Council and the President of the Regional Council. It made provision for their election and functioning as well as their suspension and dissolution. Article 83 and 84 of the law is on inter-regional cooperation and solidarity. Financial provisions regarding regional councils are discussed in articles 85-88 of same.

- **The Establishment, Organization and Functioning of NASLA**

The Law governing the establishment, organization and functioning of the national school of local administration is Decree № 2020/111 of 2 March, 2020. As per this law, NASLA shall ensure professional training in areas of local administration. It shall be organized to have a Board of Directors and a Directorate General.<sup>i</sup> The institution has both non-teaching and teaching staff.<sup>ii</sup>

Article 34 of this law provides that NASLA shall comprise three cycles with admission into them through competitive entrance examination.<sup>iii</sup> Today, NASLA has been given jurisdiction to train Municipal Police Officers. The first batch of trainees graduated on 11 July 2024, in the presence of the minister of decentralization and local development.

The law also makes provisions for the creation of consultative bodies including the pedagogic council which is the advisory body responsible for issuing opinions and recommendations on the pedagogic activities of NASLA.<sup>iiii</sup> On the 11 July, 2024 there was the twin ceremony for the official launching of the 1<sup>st</sup> batch of basic training in municipal policing and the inauguration of the NASLA administrative and pedagogic block which took place at the Amphi theatre of NASLA.

The Teacher's Council which is the advisory organ in charge of supporting the Directorate General<sup>liv</sup> and the disciplinary council whose mission, composition and operation is established by the internal rules and regulations of NASLA.<sup>lv</sup>

The institution's financial resources are public funds managed in accordance with the current laws and regulations. Each year, a draft annual budget, a performance plan and a NASLA investment plan is prepared by the Director General and adopted by the Board of Directors. The Board of Directors monitors the management and evaluates the performance of NASLA. In effect, they have powers to monitor, manage and control the activities of NASLA.<sup>lvi</sup>

- **The Special Status of the North-West and South-West Regions of Cameroon**

The legal backing for the Special Status in the North-West and South-West Regions are principally the Constitution of Cameroon, the General Code for Regional and Local Authorities and the 2020 Decree on the modalities for the Discharge of the Duties of the Public Independent Conciliators for the North-West and South-West Regions while the mother institutions of the Special Status are the Offices of the Public Independent Conciliators for the North-West and South-West Regions and the Regional Assemblies of North-West and South-West Regions.



**i. The General Code for Regional and Local Authorities**

The Law governing decentralization in Cameroon today is Law № 2019/024 of 24 December 2019 on the General Code for Regional and Local Authorities. This Law was adopted in December 2019. It complements and repeals all other legislations regarding decentralization in Cameroon. According to Mr. Fonju Bernard,<sup>lvii</sup> the 2019 code is the “Decentralization Bible” which is a practical guide for any citizen interested in aspects of decentralization in Cameroon.

In 2019, the Cameroon government granted special statuses to the Anglophone Regions, acknowledging their unique identity. Law № 2019/024 of 24 December 2019 on the General Code for Regional and Local Authorities is the sheet anchor for the granting of special status to these regions. This law handles the common provisions applicable to local authorities, the status of local elected officials, the rules governing the organization and functioning of local authorities, their financial regime and special regulations applicable to some of them.<sup>lviii</sup>

The 2019 general code provides that, the North-West and South-West Regions shall have a Special Status in accordance with the provisions of article 62 of the Constitution, based on their language specificity and historical background.<sup>lix</sup> This has been reflected in the organization and functioning of decentralized services in these Regions. The aspects taken into consideration include the Anglo-Saxon educational system, the Common Law legal system as well as the language of the English speaking Regions.

The state wants these specificities to be factors of unity with the eight other Regions rather than factors of separation and strife. Hence the Special Status should be regarded as a unifying factor rather than a divisive one.<sup>lx</sup> The Special Status is however a direct response to a handful of Anglophone grievances including those relating to the Anglo-Saxon parliamentary tradition and low participation in decision making.

One of the innovations of this law is the creation of the Offices of The Public Independent Conciliators in the North-West and South-West Regions of Cameroon.<sup>lxi</sup> The duties of the Public Independent Conciliators are spelled out in Section 367(3) of the 2019 General code. In addition, the Regional Assemblies of the North-West and South-West came to light which reflect the Anglo-Saxon parliamentary tradition were the regional house is made up of the house of divisional delegates and the house of chiefs.

For the purpose of this law, local elected officials include Municipal Councillors, Regional Councillors, City Councillors, Union Board Members, member of local authority bodies representing traditional rulers and designated ex-officio.<sup>lxii</sup> This law provides for the status of these officials severing their rights and obligations.

**ii. The Discharge of The Duties of The Public Independent Conciliators for the North-West and South-West Regions of Cameroon**

The discharge of the duties of the Public Independent Conciliators of the North-West and South-West Regions is governed by Decree № 2020/774 of 24 December 2020 to lay down the Conditions for The Discharge of The Duties of The Public Independent Conciliators for the North-West and South-West Regions. This Decree comes into play mindful of article 371 of the 2019 Code which provides that a separate law shall lay down the conditions for the discharge of the duties of the Public Independent Conciliators in the North-West and South-West Regions of Cameroon.

As per this law, the Offices of the Public Independent Conciliators for North-West and South-West Region shall be located in Bamenda and Buea respectively.<sup>lxiii</sup> As per the provisions of Article 3(3), the Public Independent Conciliator must reside at the place where the office is located.

Article 4 of the same law lays down the duties of the Public Independent Conciliator. According to article 4(2), the Public Independent Conciliator may propose statutory and regulatory amendments to the president of the republic with a view to improving the quality of regional and council services.

In a nutshell, this Decree handles a variety of issues including general provisions,<sup>lxiv</sup> appointment and framework for the discharge of the duties of the Public Independent Conciliator,<sup>lxv</sup> referral of matters to and the procedure before the Public Independent Conciliator,<sup>lxvi</sup> the office of the Public Independent Conciliator,<sup>lxvii</sup> financial provisions<sup>lxviii</sup> as well as miscellaneous and final provisions.<sup>lxix</sup>

## **Challenges Plaguing the Decentralisation Program in Cameroon**

For one reason or another, the decentralization process in Cameroon has not been speedy as expected. There are a handful of factors which have hindered the decentralisation process including the states continues interference in the activities of decentralised administrations.

### ***The Impinging of Local Authorities by the State***

Section 17 of the 2019 Law Instituting the General Code for Regional and Local Authorities provides that, the state shall devolve to local authorities the powers necessary for their economic, social, health, educational, cultural and sports development.

Despite this provision and other laws to this effect, the intervention of the state in the affairs of decentralised administrations serves as a barrier to their administrative and financial autonomy. The state does not only have the power of control and supervision them, but can also dissolve these administrations and dismiss local administrators. A clear example is the fact that, the state is the supervisory authorities of the council administrations.

- **Power of Control, Supervision and Appointment of Decentralised Authorities by the State**

This power can be traced to the Constitution of Cameroon as provided in article 55(3). This section provides that the state shall exercise supervisory power over regional and local authorities. It however suppresses article 66(1) of the same constitution which states that the state shall transfer to regions, jurisdiction in areas necessary for their development.

In addition, the fact that the Constitution allows the President of the Republic to appoint a delegate at the Regional Council, with authority to supervise and coordinate civil state services in the region is a sign of undue interference.<sup>lxx</sup>

The Constitution also gives the President of the Republic the power to modify the geographical boundaries of decentralised collectivises, change their names or even create new regions. A similar provision is found in Law № 74/23 of 5 December 1974 to Organise Councils in Article 7.<sup>lxxi</sup>

Law № 74/23 of 5 December 1974 to Organise Councils provided in article 12(3) that, concerning management and use of public coast-lands and waterways the management instrument issued to the mayor should be submitted for approval by the representative of the state and then forwarded to the council for information. This is a clear sign of control and supervisor.

Normally, the powers to convene meetings in the council are vested on the mayor. However, the 2004 Law Laying Down Rules Applicable to Councils provided that, the representative of the state may request the mayors to convene an extra-ordinary session of the council and may also sign convening notices as well.<sup>lxxii</sup> This is a clear indication of the impinging of the decentralised administrators by the state.

Furthermore, during sessions to examine the administrative accounts of the mayors, the council elects a proterm chairman. However, Article 35(2) of the 2004/18 law is the effect that, the proterm chairman shall directly forward the decision by way of report to the state representative. We can also conveniently conclude that, Law No 2004/18 is in contradiction of the Constitutional provision that provides for election of decentralised executives.

Section 115 of the 2004 Law Laying down Rule Applicable to Councils provided that, a government delegate is appointed by Presidential Decree to exercise the duties and power of the mayor at the head of a City Council. To my opinion, this is an exercise of over-control and supervision on decentralised collectivises by the state.<sup>lxxiii</sup>

Part IV of the 2019 Code is titled ‘‘Relations between Organs of the Region and Representatives of the state. It comprises sections 325 and 326. Section 325(1) provides that the representative of the state or his representative shall as of right take part in Regional Council meetings and whenever they request, they shall take floor in such meetings. Section 325(2) is to the effect that the representatives of the state who is unable to attend the sessions may request the postponement of the session under the conditions laid down by regulation.

Section 326 of the general code provides that the representative of the state shall hold a harmonisation conference at least twice a year on the investment programme of the state and the region and that such meeting must be attended by the Regional Council President and the Bureau Members. This is a blow to the financial autonomy of local administrations

As per the 2019 Law, the council is bound to seek the authorisation of the regional executive to initiate projects of local interest in the public maritime domain and inland waterways and the decision shall be subject to approval by the representative of the state.

Part V of the 2019 code is on supervision, support and advice. It provides in Article 73 that, under the authority of the president, the minister in charge of local authorities and the representative of the state in the local authority shall exercise state control over local authorities and their establishment. The Governors are the representatives of the state in the regions and

the Senior Divisional Officers are the state representatives in the divisions. The control mechanisms and the effect of control are set out on Articles 74-83 of the 2019 Code.

Monitoring bodies are also provided for in the law including the National Decentralisation Board,<sup>lxxiv</sup> an Inter-Ministerial Committee on Local Services,<sup>lxxv</sup> the National Committee for Local Finance<sup>lxxvi</sup> and an Inter-Ministerial Committee on Decentralised Cooperation.<sup>lxxvii</sup> The organisation function of the first two bodies is laid down by Presidential Decree while that of the last two bodies is by the decree off the Prime Minister as provided in section 89 and 92 of the 2019 Code for Regional and Local Authorities.

- **Power of Suspension, Dismissal and Dissolution of Decentralised Authorities by Executive Arm of the Government**

Not only does the state exercise the power to control and supervise local administrations, it also has the power to suspend and dissolve local administrations and dismiss local administrators.

The Regional Council or the President of the Regional Council may be suspended by the President of The Republic where they carry out activities contrary to the Constitution, undermining the security of the state or endangering the state's territorial integrity. It also provides that, other cases for suspension shall be laid down law.<sup>lxxviii</sup> In addition, the Regional Council may be dissolved and the President of The Regional Council dismissed under the same condition provided for in case of suspension.<sup>lxxix</sup>

The Constitution also bestows upon the President of the Republic, the power to replace these organs in Article 59(3) and 60(3) of the Constitution. The issue with these provisions lie in the fact that, the Constitution is vague as to what activities will be qualified as being contrary to the constitution, hence giving wide discretionary powers for the authority to decide.<sup>lxxx</sup>

Other traces were found in Law No 2004/18 which provided that; the council may be suspended by reasoned order of the Minister in Charge of Regional and Local Authorities.<sup>lxxxii</sup> The conditions for suspension under this head are same as those provided in the Cameroon Constitution. However, such suspension may not exceed two months.<sup>lxxxii</sup>

While the minister has the power of suspension, the power of dissolution is bestowed on the President of The Republic alone as provided in Article 47 of Law No 2004/18. This is a remarkable difference with the Constitution which bestows both power of suspension and

dissolution to the President of the Republic only.<sup>lxxxiii</sup> In time of war, the President of the Republic may suspend the activities of councils by Presidential Decree and appoint an ad-hoc body to make decisions on behalf of the council.<sup>lxxxiv</sup> Just as in councils, suspension is done by the minister while dismissal is the prerogative of the President of the Republic.

Law № 2004/19 gives this prerogative only to the President of the Republic. This law provides that, the Regional Council may be suspended by Presidential Decree on the recommendations of the minister in charge of regional and local authorities.<sup>lxxxv</sup> At the level of the Regional Councils, the minister only makes recommendations, unlike in Municipal Councils where the minister exercises the power to suspend. The President of the Republic may also dissolve the Regional Council by Decree but this must be on the recommendations of the Constitutional Council.<sup>lxxxvi</sup> The President of the Regional Council can be suspended by the President of the Republic and even dismissed by him after consultation with the Constitutional Council. He can be dismissed along with his bureau members. At this instance, the suspension of the Regional Council President does not warrant the consultation of the minister. It is only at the level of dissolution that the Constitutional Council is consulted.<sup>lxxxvii</sup>

Similar provisions are made in the 2019 Code in section 186 and 187 on suspension and dissolution of Council Boards and section 225 and 226 on suspension and termination of the duties of the Council Executives. The novelty of the 2019 law is that, it provides a new scenario where the council executive can be dismissed for embezzlement of public funds. Provisions for suspension and dissolution of the Regional Councils are made in section 296, 297 and 298 of the 2019 Code, and those for the suspension and cessation of the duties of the President of the Regional Council in section 314 and 313 of same.

- **The Extension of the Mandate of Mayors and Municipal Councillors in July 2024**

Cameroon's National Assembly approved a bill extending the mandate of the Mayors and Municipal Councillors until 2016.<sup>lxxxviii</sup>

The reasons for the extension are based on the premise that it aims to lighten the electoral calendar and avoid congestion of elections in 2025 as Cameroon is to undergo Presidential, Parliamentary, Municipal and Regional Council Elections the same year.

In my opinion, it is a violation for the term of elected officials to be extended and it is an undue interference of local authority affairs by the National Assembly. This extension may complicate opposition parties' eligibility to contest the 2025 presidential elections.

- **Financial Dependency of Decentralised Authorities in Cameroon**

The 2019 Law Instituting the General Code of Regional and Local Authorities provides that, local authorities shall be public law bodies with administrative and financial autonomy in the management of regional and local interest.<sup>lxxxix</sup> A clear elaboration of financial autonomy is provided by section 11 of the 2019 Code.<sup>xc</sup> There is however a paradox in the implementation of the policy of financial autonomy in Cameroon.

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 authorities.<sup>xci</sup> The state does not give decentralised 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.

Local authorities are competent in waste disposal, markets, public lighting, public space usage, advertising, building permits, and waste supply, requiring organizational and personnel levels only found in larger local authorities. In the words of Dr. Soren David, small local authorities have no access to such resources.<sup>xcii</sup>

Most part of the budget at the disposal of local authorities is channelled to them through FEICOM which acts as a communal bank in distributing state resources and giving out loans to local authorities. However, this institution has been plagued by corruption and mismanagement over several years. In this light, FEICOM has faced a handful of reforms since 1974. It was re-organised in 2000, 2006 and the last re-organisation was done on the 31<sup>st</sup> October 2018.

Financial independence can only be possible when decentralised authorities are financially self-sustaining but this is not the case. There is said to be high level of financial immaturity because decentralised authorities still heavily depend on the state and its institutions that provide financing with conditions attached.<sup>xciii</sup>

As provided in section 415(1) and (2) of 2019 general code, the budget of local authorities shall be adopted and approved by a joint order of the Minister in Charge of Regional

and Local Authorities and the Minister of Finance. Likewise, section 426 of the 2019 Code provides that the budget of the local authority shall be approved by an order from the representative of the state within 15(fifteen) days. Such state representative may amend the budget as of right.<sup>xciv</sup> This goes same for revenue and expenditure authorisation.<sup>xcv</sup> From this point, we can see the control the state possesses on the adoption and approval of the budget of local authorities even to the extent of amending the budget. This is a clear manifestation that local authorities still depend on the central government for finance. Hence, financial autonomy is a myth.

- **Lack of Labour Force and skills in Decentralized Administrations**

Another major impediment to decentralization is the lack of labour force. As a result, there has been increase urban disorder in some municipalities because the municipal police to citizen ratio are low in different cities and this shortage does not end with municipal police officers. One of the major reasons for such lack is the fact that, decentralized administrations lack sufficient funds to recruit more staff.

Decentralized administrations lack staff, resulting in civil servants and government staff being seconded to local authorities who are however still governed by the public service code. In this light, mayors who cannot afford to hire new staff continue to request personnel from the state whose salaries are borne by the state.

In addition, most local authorities lack skills in various areas. This is coupled to the fact that some of them underwent little or no training before being elected into office. This causes some to lack the capacity to inspire and guide the community, fail to develop and implement effective long-term plans and unable to respond to changing circumstances and challenges.

## **Recommendations**

Recommendations are made regarding administrative autonomy and financial autonomy and the training of municipal administrators.

- **Administrative Autonomy and Competence**

In recent years, Cameroon have introduces reforms to clarify competencies of the central government and local administrators as well as areas of inter-governmental cooperation.



However, the laws are arranged in a manner as to give the state a legislative supremacy in the event of conflict and they also have exclusive jurisdiction in some functions. Notwithstanding the fact that the law is clear on issues of administrative independence, there is continues interference on the activities of decentralised administrations in the form of supervision, control and appointment of decentralised representatives.

It is however recommended that, the administrative independence of decentralised authorities be strictly respected so that they can function without too much external influence which hinders their sense of judgement. This would be a reflection of true decentralisation in Cameroon.

- **Financial Autonomy**

Special provisions have been made in a handful of legislations regarding financial authority of decentralised administrators. Notwithstanding these provisions, there is still a high degree of financial dependence on the state. It is however recommended that, the tax base allocated to decentralised administrations be increased.<sup>xcvi</sup> This is due to the fact that, these authorities have control over taxes with very little value and those with high value are paid directly to the state treasury.

Most part of the budget for local authorities is channelled to them via FEICOM and these authorities also depend on loans. If the competence of these authorities in the collection of taxes is increase, it will increase their financial autonomy and improve the decentralization process as a whole.

- **Training of Municipal Personnel**

It is recommended that municipal personnel should seek training and development opportunities. A special section of NASLA should be created to train mayors and their personnel after their election into office so that they can be more productive to their municipalities.

Mayors are also recommended to surround themselves with skilled advisors and staff, engage in mentorship programs and foster collaboration with other government organisations. By acknowledging and addressing these skill gaps, mayors can improve their effectiveness and better serve their communities.

## **Conclusion**

In a nutshell, the decentralisation process in Cameroon has been arduous and tough. Notwithstanding the roadblocks culminating from administrative control and supervision, appointment of decentralised authorities and the financial dependence of local authorities, the decentralisation process has been gradually progressing.

It would be improper for the local administrations to however be left unchecked, however, the degree of interference and control should be curtailed.

A couple of laws have been laid down by the state and several institutions have been put in place to implement these laws. If the problems that plague and beset decentralisation in Cameroon are handled judiciously, rationally and knowledgeably, Cameroon will witness great evolution in the domain of decentralisation. However, the unity of the state, its territoriality and integrity should be at the helm of the decentralisation process and should not be hampered in any manner.

## **References**

1. **Ngoh V. J.**, (1979) “The Political Evolution of Cameroon, 1884-1961” Masters Dissertation, Portland State University, Oregon USA.
2. **Cosmos Cheka.**, (2007), “The state of the process of decentralization in Cameroon”, *Journal of Africa Development*, Vol.32, No.2, July 2010.
3. **Aloysius N.N.**, (2014), “Local government infrastructure provision and sustainable development in Fako Municipality of Cameroon’s South-West Region 1866-2010”, *Journal of sustainable Development in Africa*. Vol.16, No. 5 PP.87-101.
4. **Enowbechem Agbortanyi.**,(2017), “The Paradox of the Implementation of Decentralisation Policy in Cameroon: Case study of Limbe II Council”, Bachelors Research Project, Faculty of Political Science and Public Administration, University of Buea.
5. **Rufian Lizano \$ Dolores Maria.**, (1993), ‘Financial Decentralisation’, *CEPAL Review Regular Publications*, PP 109-126.

## Endnotes

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- <sup>i</sup> The First World War was fought within a four-year period, from July 28 1914 to November 11, 1918.
- <sup>ii</sup> Cameroon was then called “German Kamerun” from 1884 to 1916.
- <sup>iii</sup> German Kamerun was administered as mandated territories. Britain and France ruled their respective portions of Cameroon as mandated territories from 1919-1945.
- <sup>iv</sup> As trust territories of the United Nations, Britain and France transcended their political and legal traditions to the respective Cameroon’s.
- <sup>v</sup> Ngoh V. J., (1979) “The Political Evolution of Cameroon, 1884-1961” Masters Dissertation, Portland State University, Oregon USA.
- <sup>vi</sup> See Law No 72/001 of 2<sup>nd</sup> June 1972 on the Cameroon Constitution.
- <sup>vii</sup> Law No 96/08 of 18<sup>th</sup> January 1996 on the Constitution of Cameroon which amended that of 2<sup>nd</sup> June 1972.
- <sup>viii</sup> *Op. Cit.*, Section 1(2).
- <sup>ix</sup> *Op. Cit.*, Section 55 to 62.
- <sup>x</sup> There are a total of over 374 councils in Cameroon, consisting of 260 municipal councils and 14 city councils. These councils are headed by mayors and municipal councillors.
- <sup>xi</sup> This ministry was created in 2018, as an independent ministry. Formally an adjoin of the ministry of territorial administration and decentralization which has been split. It is headed by H.E George Elanga.
- <sup>xii</sup> Cosmos Cheka., (2007), “The state of the process of decentralization in Cameroon”, *Journal of Africa Development*, Vol.32, No.2, July 2010.
- <sup>xiii</sup> Decree № 2018/449 of 1 August 2018 to Organize the Ministry of Decentralization and Local Development.
- <sup>xiv</sup> Section 1(2) of Law № 2019/24 of 24 December 2019 to Institute the General Code for Regional and Local Authorities.
- <sup>xv</sup> Herein referred to as NASLA.
- <sup>xvi</sup> Section 1 of Decree № 2020/111 of 2 March 2020 on The Establishment, Organization and Functioning of the National School of Local Administration.
- <sup>xvii</sup> Section 3 of the 2019 General Code. The legal system applied in English Cameroon is the Common Law system which differs from the Civil Law system applied in French Cameroon. See section 3(3) of the 2019 Code.
- <sup>xviii</sup> Section 369 and 370 of the General Code of Regional and Local Authorities.
- <sup>xix</sup> Article 62 of the Cameroon Constitution.
- <sup>xx</sup> There were three principal Decentralization Laws in 2004 including Law № 2004/17 of 22<sup>nd</sup> July 2004 on the Orientation of Decentralization, Law № 2004/18 of 22<sup>nd</sup> July 2004 to Lay Down the Rules Applicable to Councils and Law № 2004/19 of 22<sup>nd</sup> July 2004 to Lay Down the Rules Applicable to Regions
- <sup>xxi</sup> This decree is on the organization and functioning of the Ministry of Decentralization and Local development.
- <sup>xxii</sup> This decree organizes the Special Council Support Fund for Mutual Assistance.
- <sup>xxiii</sup> *Op. Cit.*, Part1 Article 1(2) of the Constitution titled the State and Sovereignty.
- <sup>xxiv</sup> *Op. Cit.*, Part X titled Regional and Local Collectivities.
- <sup>xxv</sup> *Op. Cit.*, Article 57.
- <sup>xxvi</sup> These regions include Adamoua, Centre, East, Far-North, Littoral, North, North-West, West, South-West and South regions.
- <sup>xxvii</sup> A perfect example is the case of the North-West and South-West Regions which have been granted a special status by the 2019 Code of Regional and Local Authorities. These two regions have special institutions such as the Office of the Public Independent Conciliators which are specific only to them.
- <sup>xxviii</sup> Signed by late President El Hadji Ahmadou Ahidjo, of blessed memory.
- <sup>xxix</sup> Article 1 of Law No 74/23 of 5 December 1974 to Organize Councils in the United Republic of Cameroon.
- <sup>xxx</sup> *Op. Cit.*, Article 2.
- <sup>xxxi</sup> Aloysius N.N., (2014), “Local government infrastructure provision and sustainable development in Fako Municipality of Cameroon’s South-West Region 1866-2010”, *Journal of sustainable Development in Africa*. Vol.16, No. 5 PP.87-101.
- <sup>xxxii</sup> See Decree No 2000/365 of 11 December 2000, Decree No 2006/182 of May 31 2006 as well as Decree No 2018/63 on the Organization of FEICOM.
- <sup>xxxiii</sup> Cycle 1 trained executives responsible for the management of councils and cycle 2 trained assistants.
- <sup>xxxiv</sup> Article 1(a) and (b) of Decree No 2018/449 of 1 August 2018 to Organize the Ministry of Decentralization and Local Development.
- <sup>xxxv</sup> Section 4 of Law No 2004/17 of July 22, 2004 on the Orientation of Decentralization.

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- xxxvi *Op. Cit.*, Part II, Article 15-28.
- xxxvii *Op. Cit.*, Part III Article 29-65.
- xxxviii *Op. Cit.*, Part IV, Article 66-77.
- xxxix *Op. Cit.*, Part V, Article 78 and 79.
- xl *Op. Cit.*, Article 80-89.
- xli Article 1 of Law No 2004/18 of July 22, 2004 to Lay Down the Rules Applicable to Councils.
- xlii *Op. Cit.*, Article 23 and 58.
- xliiii *Op. Cit.*, Article 112.
- xliiv *Op. Cit.*, Article 113 and 121.
- xliv *Op. Cit.*, Article 115.
- xlvi *Op. Cit.*, Article 131 and 132.
- xlvii *Op. Cit.*, Article 133-143.
- xlviii Article 1 of Law № 2004/19 of July 22, 2004 to Lay Down the Rules Applicable to Regions.
- xlix *Op. Cit.*, Article 7.
- <sup>1</sup> Article 2 of Law No 2020/111 of 2 March 2020.
- <sup>li</sup> Article 25-30 handles non-teaching staff while teaching staff is dealt with in article 31-33.
- <sup>lii</sup> Cycle A for senior executive local administrators; cycle B for mid-level staff and local administrators and Cycle C for specialized workers of local administration.
- <sup>liii</sup> Article 44 of 2020 Decree on the Organization and Functioning of NASLA.
- <sup>liv</sup> *Op. Cit.*, Article 40 and 50.
- <sup>lv</sup> *Op. Cit.*, Article 52.
- <sup>lvi</sup> *Op. Cit.*, Article 66 to 69.
- <sup>lvii</sup> Mr. Fonju Bernard is Research Officer No. 1 at the Office of the Public Independent Conciliator for the South-West Region.
- <sup>lviii</sup> Part 1 is on general disposition, Part II is on the special secretariate, Part III talks of the technical council, Part IV is on the general inspectorate, Part V handles the central administration, Part VI touches on the decentralized services which are the regional and divisional delegations, the last part handles the final and transitional dispositions.
- <sup>lix</sup> Section 3(1) of the 2019 Code.
- <sup>lx</sup> A presentation by the Director General of NASLA to the 2<sup>nd</sup> Ordinary Session of the Committee on the follow-up of the Implementation of the Recommendations of the Major National Dialogue, NASLA, Buea, 22 September 2021.
- <sup>lxi</sup> *Op. Cit.*, Section 367(1) of 2019 Code.
- <sup>lxii</sup> *Op. Cit.*, Section 115 of 2019 code.
- <sup>lxiii</sup> Article 3(1)(2) of Decree № 2020/774 of 24 December 2020 to Lay Down the Conditions for the Discharge of the Duties of the Public Independent Conciliators of the North-West and South-West Regions.
- <sup>lxiv</sup> *Op. Cit.*, Articles 1-4.
- <sup>lxv</sup> *Op. Cit.*, Articles 5-10.
- <sup>lxvi</sup> *Op. Cit.*, Articles 11-15.
- <sup>lxvii</sup> *Op. Cit.*, Articles 16 and 17.
- <sup>lxviii</sup> *Op. Cit.*, Articles 18-24.
- <sup>lxix</sup> *Op. Cit.*, Articles 25-29.
- <sup>lxx</sup> See article 55 of the Cameroon constitution of 1996.
- <sup>lxxi</sup> It provides that the president can decide for close up councils temporary or permanently by fusing them.
- <sup>lxxii</sup> Section 31(2)(4) of Law No 2004/18
- <sup>lxxiii</sup> This is a contradiction of the principle of free election of organs of local authorities enshrined in section 6 of the 2019 law to institute the general code of regional and local authorities. This exception of this principle is found in section 7 if the same law.
- <sup>lxxiv</sup> *Op. Cit.*, section 87. This body Monitors the evaluation and implementation of decentralisation
- <sup>lxxv</sup> *Op. Cit.*, section 88. This body is Responsible for preparing and monitoring the devolution of powers and resources to local authorities.
- <sup>lxxvi</sup> *Op. Cit.*, section 90. This body is Responsible for optimum mobilisation of revenue of Local Administration as well as sound Movement of local finance.
- <sup>lxxvii</sup> *Op. Cit.*, section 91. This body monitors and evaluates decentralised cooperation.
- <sup>lxxviii</sup> Articles 59(1) and 60(1) of the Cameroon constitution.
- <sup>lxxix</sup> Articles 59(2) and 60(2) of the Cameroon constitution.
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<sup>lxxx</sup> In this line, it is left for the President of the Republic to determine what behaviour is considered as being contrary to the Constitution.

<sup>lxxxii</sup> Known today as the Minister of Decentralisation and Local Development.

<sup>lxxxiii</sup> Article 46(2) of Law No 2004/18.

<sup>lxxxiii</sup> The Constitution have superiority over all other Laws and overrides them, in case of any conflict of laws, the Constitution shall prevail.

<sup>lxxxiv</sup> Sections 94-108 of Law No 2004/18.

<sup>lxxxv</sup> Section 48(1) of law No 2004/19.

<sup>lxxxvi</sup> Article 49 of Law No 2004/19.

<sup>lxxxvii</sup> *Op. Cit.*, Article 72 and 73 of the 2004 Law Governing Regions.

<sup>lxxxviii</sup> Decree № 2024/328 of 24 July 2024 Relating to the Extension of Term of Office of Municipal Councilors.

<sup>lxxxix</sup> Section 8 of 2019 Code of Regional and Local Authorities.

<sup>xc</sup> It provides that, they shall freely draw up and vote their budget, have their own resources, receive resources from state and other public entities, raise all or part of the proceeds from the exploitation of natural resources within their territory under the conditions laid down by law.

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

<sup>xcii</sup> Adviser to the union of cities and councils of Cameroon (UCCC).

<sup>xciii</sup> Rufian Lizano \$ Dolores Maria., (1993), "Financial Decentralisation", *CEPAL Review Regular Publications*, PP 109-126.

<sup>xciv</sup> Section of the 2019 Code.

<sup>xcv</sup> *Op. Cit.*, Section 430.

<sup>xcvi</sup> Decentralised administrators' competences are restricted to waste disposal, markets, public lighting, public space usage, advertising, building permits, and waste supply.