

# CAMEROON CENTER FOR DEMOCRACY AND HUMAN RIGHTS

## "CCDHR POLICY PAPER"

### CAMEROON NEEDS AN INDEPENDENT ELECTORAL COMMISSION: ELECAM IS NOT THE ANSWER

#### **1. Introduction**

Cameroon Center for Democracy and Human Rights (CCDHR) is calling for the establishment of an Independent Electoral Commission in Cameroon to be setup and be in charge of organizing and managing elections, beginning with the 2011 presidential elections in Cameroon. While the Cameroon government is 'officially' subject to the will of the people through elections, the validity of electoral results in Cameroon have been significantly compromised by severe irregularities. The 2007 Municipal and Legislative elections provide a prime example of this, with widespread reports of voter disenfranchisement through complex registration processes; extensive rigging and violence; and the use of administrative officers and security forces to defend election fraud. Compared to traditional democratic norms, the Republic of Cameroon exhibits a government apparatus profoundly unresponsive to the political will of the people.

#### **2. Electoral Failures in Cameroon**

In keeping with the title of Republic that is enshrined in their nation's title, the citizens of Cameroon hold a fervent desire and firm expectation to play an active, democratic role in determining the fate of their country. For such expectations to reach legitimate fulfillment, the most pivotal of democratic institutions – elections which are free of coercion, untainted by intrigue, and representative of the people's will must be vigilantly protected. Given the potential for biased interpretation in the face of political influence, the integrity of democratic elections must be safeguarded not just by the letter of the law, but by a robust and independent body that stands apart from the bias of any political organization, and holds the preservation of free elections, and thus the good of the nation, as its sole objective.

The need for such an electoral protectorate exists in all democracies, but given the history of electoral malfeasance in Cameroon, a robust and resolute force for unbiased elections is especially essential. Unfortunately, recent history suggests that in Cameroon, this need remains to be met. Until the first multi-party elections in 1992, the nation functioned essentially as an autocracy, and the elections since have been beset by questions of political tampering and rigging. This dubious pattern emerged with the presidential elections of 1992 in which the narrow reelection of President Paul Biya was declared despite the presence of severe irregularities and amidst broad charges of fraud. After persistent calls for an independent electoral commission – including the main opposition boycott of the 1997 presidential election – the National Elections Observatory (NEO) was created in 2000. With NEO's establishment, it was hoped that validity could be restored to the democratic process and the nation would truly function as a Republic subject to its citizens' will.

Regrettably, the events of this decade have shown these hopes to be fruitless. Though foreign bodies have noted some minor improvements, the elections which the NEO was supposed to supervise remained clouded by severe questions of interference and malpractice. Outside observers of the 2004 presidential election reported widespread problems of voter disenfranchisement due to inadequate management of the voter registration rolls. The 2004 presidential election was additionally marred by numerous instances of failures to utilize indelible ink, a basic prevention against voter fraud that outside observers have repeatedly stressed as a necessary measure to ensure electoral accuracy. Despite the prominence of such irregularities in the 2004 election, little corrective action appears to have been taken, for the electoral system exhibited the same problems in the 2007 parliamentary and municipal elections. Reports of

irregularities abounded, with widespread voter registration issues and a prevalent absence of indelible ink in many areas. The persistence of such basic and significant flaws in the electoral system despite NEO's apparent supervision demonstrated NEO's blatant ineffectiveness and highlighted the need for a truly independent and effective electoral commission.

Chief among NEO's failings was its inherent lack of authority over how elections were executed. With electoral operations relegated to the Ministry of Territorial Administration and Decentralization (MINATD), the electoral system lay firmly under the sway of the executive-branch, and thus fully subject to the distorting influence of the presidential office. Consequently, NEO lacked the power to do little more than comment on MINATD's handling of the elections. Even here though, NEO failed to dutifully execute its responsibilities. Though NEO did note the presence of irregularities in the 2004 and 2007 elections, it nonetheless reported its overall satisfaction with the electoral process. In doing so, NEO showed itself to be no more unbiased than MINATD and suggested the insincerity of the government which created it.

### **3. The Urgent Need for an Independent Electoral Body**

Considering the notable failure of NEO to establish the credibility of the Cameroonian electoral process, the creation of a new electoral commission with an expanded mandate was initially viewed with hope for the significant change needed to improve transparency and accountability of elections in Cameroon. The citizens of Cameroon saw the creation of this new electoral commission as a fresh opportunity to place the clearly troubled electoral system under heightened scrutiny, which could restore integrity to the democratic process; rekindle the people's faith in their political system; overcome the prevailing effects of voter apathy; and transform Cameroon into a truly free and democratic country.

As the details regarding the new body emerged however, it became clear that Elections Cameroon (ELECAM) was likely to retain many of the problems of the previous MINATD/NEO regime. As established in Law No 2006/011 of December 29, 2006, ELECAM contains structural weaknesses that make it subject to the same pro-government pressure that affected the MINATD/NEO election operations. Despite this inherent flaw, ELECAM still holds sufficient power to positively impact the quality of Cameroonian elections if adequately neutral and if independent and upstanding individuals were chosen to compose its body of commissioners. It is thus with great alarm and severe disappointment that the citizens of Cameroon greet the list of individuals appointed to the Electoral Board of ELECAM, for they are anything but the neutral, impartial individuals called for by Law No 2006/011. The newly appointed ELECAM members instead carry a firm mark of party bias and skewed allegiance that suggests ELECAM will be yet another implement of government malfeasance masquerading as reform.

### **4. ELECAM as a Major Disappointment**

Although ELECAM does include the important improvement of extending the electoral supervisory body's authority from pure observation to direct organization and management, it still retains a structural dependence on the President that prevents its true independence. To start, the members of ELECAM are chosen essentially by presidential decree. While Section 8 (3) of Law No 2006/011 states that the President should consult with the political parties represented in the National Assembly and civil society regarding the suitability of his proposed appointees, such consultations are non-binding and thus provide no true opportunity for the people's representatives to veto inappropriate appointments. Moreover, individuals appointed to ELECAM may serve indefinitely providing that the President renews their mandate every four years. This offers particular incentive to the ELECAM members to maintain a pro-government line in order to retain

their position of authority. Similarly, the President has multiple avenues for removing ELECAM members who fail to maintain the party line, either by forcing resignation or by having a majority of ELECAM members declare the individual to be physically incapacitated or acting in breach of oath. While ELECAM is less dependent than an executive branch body like MINATD, it still falls far short of the true independence necessary for an electoral commission to effectively safeguard the democratic process without fear of political influence or reprisal.

With such clear dependence on presidential favor apparent in the very law defining ELECAM's creation, it becomes especially critical that the members appointed to ELECAM follow the dictates of impartiality also contained within the law if the body is to hold any credibility with the citizens of Cameroon. In this regard, President Biya has not made even a half-hearted attempt at following the selection guidelines laid out in Law No 2006/011, for the individuals he has appointed to ELECAM are neither reputed for their neutrality nor their impartiality; flagrantly violate the anti-party bias clauses with their histories as resolute CPDM supporters; and often hold dubious records of infringement upon the democratic process. Given such blatant disregard for the stated selection criteria of ELECAM members, the structural weaknesses making ELECAM dependent upon presidential favor are only amplified and the integrity and utility of ELECAM all the more clearly degraded.

Despite the clear proclamation in Section 8(2) of Law No 2006/011 that members of ELECAM shall be "reputed for their .... neutrality, and impartiality", the inaugural ELECAM appointees are clearly biased towards the Biya administration. Many of the appointees have served as members of the Biya government for extended durations, with several individuals having held top posts in administration careers spanning decades. The appointed ELECAM chairperson, Dr. Samuel Fonkam Azu'u offers an unabashedly visible example of the close ties that many appointees hold with the Biya regime, for he has acted as Assistant Secretary General within the CPDM-dominated National Assembly for the past five years, after 11 years as Technical Adviser to President Biya, preceded by several years as a ranking official within MINATD. Thomas Ejake Mbonda extends this trend with decades-long career spent in positions of authority in the Biya regime as Governor of the Center and South West Provinces, including his most recent position as Inspector General of MINATD. Unfortunately, these are only the most flagrant instances of disregard for the neutrality condition defined for ELECAM members. Dr. Dorothy Njeuma spent a decade as Vice Minister of National Education, Cécile Bomba Nkolo served as Minister of Social Affairs and Abdoulaye Babalé served as both Minister of Town Planning and, later, Higher Education. Considering the close alignment that these individuals have held with the Biya administration, any claim to well established public neutrality are inherently false and rob ELECAM of the crucial impartiality necessary for the body to play any positive role in bolstering the Cameroonian democracy.

This infringement upon public neutrality finds further violation in the clear ties that a majority of ELECAM appointees have to the ruling CPDM political party. While the prohibition against political party membership contained in Section 13 of Law No 2006/011 technically applies once individuals are executing ELECAM duties, the conjoining requirements of neutrality and impartiality clearly indicate that highly partisan individuals are inappropriate candidates. The appointment of such politically biased individuals does ELECAM, and the citizens of Cameroon, a great disservice by casting significant doubt on the inherent objectivity of a body so heavily composed of one political party. Here Dr. Fonkam Azu'u again highlights the problem, for he is not only a CPDM member, but resided on the CPDM Central Committee until his appointment to ELECAM. Similarly, Dr. Dorothy Njeuma and Cécile Bomba Nkolo both served in the CPDM

Political Bureau, while Jules Mana Nschwangele, Thomas Ejake Mbonda, and Abdoulaye Babale have all held government office as CPDM members. Thus, a full half of ELECAM members are publicly recognized ardent CPDM affiliates in an organization where motions are carried by a simple majority and the Chairperson – a former CPDM Central Committee member – casts the deciding vote in the event of a tie. Even if the notable CPDM skew to this body’s membership is not malicious or improperly conceived, the appearance is so intensely suspect that it engenders distrust among a citizenry which must have ultimate faith in the integrity of its elections – and its electoral watchdog. The immense political bias of the bulk of ELECAM appointees consequently further degrades the legitimacy of an already flawed organization.

Beyond questions of neutrality and political bias, several appointees join ELECAM with histories of dubious involvement in the democratic process. Given that ELECAM holds ultimate and primary responsibility for maintaining high standards of ethics and accuracy, one would expect that if its members had previously been involved with voting operations, then their behavior would have been above reproach and their goals synonymous with the democratic ideal. Instead, several ELECAM members display quite the opposite. Justin Ebanga Ewodo joins ELECAM after serving in the ineffectual NEO since 2004, while Adamou Ali served both in NEO and the earlier Divisional Mixed Commission for the Supervision of Elections which sequentially supervised voting from 1992 onwards. Considering the dismal record of persistent irregularities in the elections throughout that period, this ostensible experience suggests a comfortable familiarity with inadequate and potentially improper electoral operations. Even worse, ELECAM electoral board appointees Thomas Ejake Mbonda and Abdoulaye Babale and Director General appointee, Mohaman Sani Tanimou all served as administration representatives in the National Vote Counting Commission which confirmed the notably flawed 2007 parliamentary election results. In sum, the common denominator of ELECAM members is that they are experienced participants of the election rigging machinery of the Biya regime. This abysmal record of electoral experience further discredits ELECAM as a viable safeguard of the democratic process.

## **5. Recommendations**

Individually, each of the flaws discussed above diminishes ELECAM’s potential to build a truly free and representative democracy in the Republic of Cameroon. Together, the combination of presidential dependence and committee members with clear histories of partiality, political bias, and electoral mismanagement render ELECAM a wholly useless and untrustworthy organization in its current state. Based on the limited, but telling evidence available, ELECAM appears poised to follow in the footsteps of MINATD/NEO and other failed electoral bodies that have proceeded, by posing more as an intentionally weak showpiece than a genuine institution with the power, initiative, and integrity to promote positive change in the deeply flawed Cameroonian democratic process. With this recognition, and with our profound concern for the lasting prosperity of the Republic of Cameroon, CCDHR is calling for the establishment of a truly independent, objective, and forceful electoral commission to conduct transparent, free, and fair elections in Cameroon, and enable a truly democratic Cameroon to emerge.

Towards this end, we ask specifically the following:

1. That an independent electoral commission be established through an act of parliament not a presidential decree in which:
  - a. Nominees to sit on the commission must be subject to approval by the parliament;
  - b. Nominations should be made by and be representative of all major political parties in parliament and the civil society;

- c. The National Assembly should retain the ability to remove commission members for breach of oath or failure to fulfill duty;
  - d. Commission members' terms of service should be limited in quantity and in allowable renewals to a total of no more than 8 years.
2. That this independent electoral commission be created as a matter of urgency following the suggested timeline:
    - a. Deliberation and enactment of law by parliament by December 2009;
    - b. Nomination and confirmation of members of the commission by March 2010;
    - c. Assumption of complete responsibility for the organization, execution, and supervision of elections no later than June 30, 2010.
  3. That prior to the establishment and inauguration of the independent electoral commission, ELECAM retain responsibility for supervision, organization, and execution of elections with the following required changes:
    - a. All current ELECAM members be removed from office;
    - b. Replacement ELECAM members be subject to approval by parliament;
    - c. The National Assembly should assume responsibility for disciplinary actions against commission members for breach of oath or failure to fulfill duty.

Without such drastic action, the state of Cameroon's democracy will remain one of rampant irregularities and ineffectual facades which leave the citizens of Cameroon powerless, disillusioned, and create the potential of a civil strife. For the Republic of Cameroon to truly assume the mighty and inspiring mantle which its name presumes, the citizens of Cameroon must trust that their voice will be transmitted faithfully into the actions of their government, and to earn this trust, there must first be trust that the safety and authenticity of that transmission is verified by a truly independent and objective guardian of the electoral process. For the people of Cameroon today, for the future of Cameroon tomorrow, the urgency of this action is paramount.

Done this day, **March 16, 2009.**

Presented on behalf of CCDHR,

**Eric NGONJI NJUNGWE.**  
**President/Executive Director.**  
**Cameroon Center for Democracy and Human Rights (CCDHR).**