

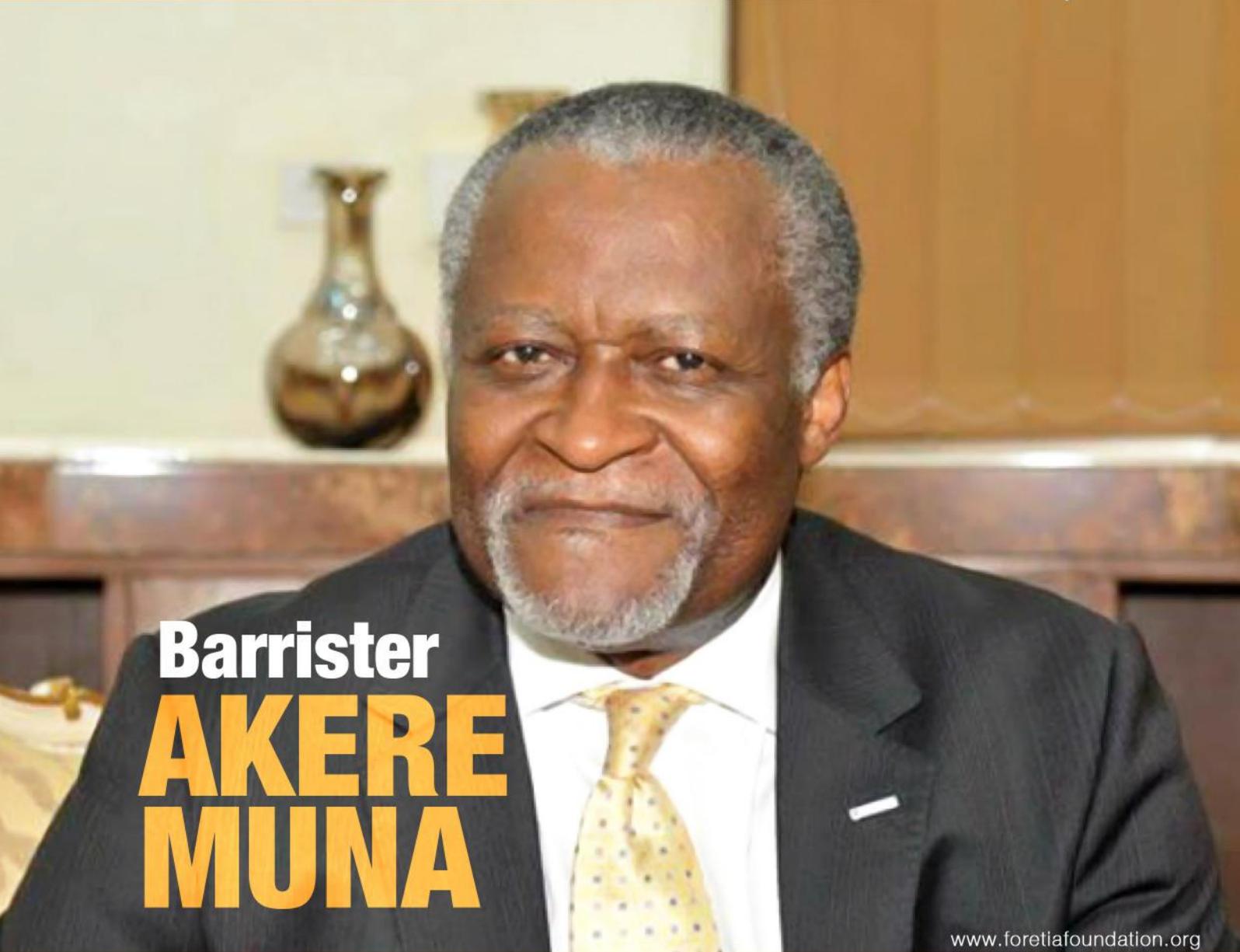
ARTICLE

# On Policy

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# THINGS FALL APART

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*Turning and turning in the widening gyre  
The falcon cannot hear the falconer;  
Things fall apart; the centre cannot hold;  
Mere anarchy is loosed upon the world...*

It is in these terms that Chinua Achebe starts his epic novel, *Things Fall Apart*, written in 1958. It is, in fact, an excerpt of the poem by W.B. Yates, “The Second Coming”. Chinua Achebe’s novel is more or less about the transition from colonial Nigeria to independence, viewed through the life of Okonkwo, an Igbo wrestler.

Cameroon is itself at the crossroads of a transition and, whether we accept it or not, the signs are glaring. A population, of which 70% is under 30 years and worried about its tomorrow, is slowly choking under the stranglehold of a group of oligarchs whose only worry is about today and their self-preservation, totally oblivious to the inevitable nature of change: that today is

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tomorrow’s yesterday, and tomorrow always comes.

The scary fact is that, in less than a year, those who govern us have effectively leveraged the diversity of Cameroon into a tool to divide our nation. By preventing citizens – Common Law lawyers and Anglophone teachers – from exercising the basic right to demonstrate which is enshrined in our Constitution, they set off a spark and today, months later, we find ourselves in a situation where things seem to be falling apart. We are now divided between secessionists, federalists and those seeking decentralization. We are divided between Francophones and Anglophones. We are divided between North Westerners and South Westerners. We are divided between Bamilekes and Betis. We are even divided

between Ewondos, Bulus and Etons; between the Bamouns and the Bamilekes. The non-homogenous nature of regions makes them tailor ready for division. You find the Mbam in the Centre Region, the Bassa in the central region, people of the Sawa origin in the southern region, people of Sancho in the Menoua Western, and so on. Muslims and Christians in the north live together as one and seeds of discord are sown at convenience. The list goes on. This is the delicate balance on which our country sits. If we are to survive and thrive, we must listen to each other and constantly engage in honest dialogue about the future of Cameroon. Any form of arrogance and reckless discrimination, regardless of the nature, instigator or perpetrator, can only threaten this delicate balance.

The visit of the prelate from Douala who is the head of the Episcopal Conference was either ill-advised or ill-conceived, or maybe even both. So here we are; the church that was the rock and only survivor of this quagmire with the chance to be a moral voice and a strong

mediator is now weakened by the perception that it too is now divided. The “Eglise Evangelique” has also gotten its taste of the virus of division favored by a climate in which we now tend to concentrate on what divides us than on what we have in common. The Bishop of Bafia

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was found dead on the shores of the River Sanaga, a couple of days after his car was found on the Ebebda Bridge over the Sanaga. The strange thesis of suicide was immediately proclaimed even before the body was found. Now it is clear from the declaration of the Episcopal Conference, that the venerated Bishop was the victim of a callous crime. So, whither are we bound?

As regards what is now known as the “Anglophone Problem” (I always use this appellation with hesitation because I have never understood whether it means the Anglophones have a problem, or that Anglophones constitute a problem, and if so for whom?)

certain measures have been announced as an answer to the complaints that were put forward by the teachers and lawyers. The simple fact is that an academic year has been lost, lawyers are still on strike, many Anglophones have been forced to escape into exile and others remain in prison. Internet that was disconnected was brought back after 93 days and an outcry that was echoed over the whole world against such a collective form of punishment. We emerged from the saga with a world record of the longest-running Internet blackout – a record in which some have taken pride as proof of power, with some even expecting the deprived regions to feel grateful for the reconnection.

Anglophone prelates from all the oldest churches of Cameroon (Baptist, Catholic and

Presbyterian Churches) have now been dragged to court. An unfortunate atmosphere has been created in which being an Anglophone now constitutes the first indices of being a secessionist, a troublemaker or a potential terrorist. I speak with the certainty of one of those who have been so classified. That is what it has come to, for those who worry for the country, seek equality, equity and dialogue. That is what it has come to, a situation in which, when one makes concrete proposals after factual and reasoned analysis of the facts, one can be branded a potential enemy of the nation. If the ever-increasing trend of bad governance is not reversed very soon, we will wake up in a country that none of us recognize. The first step will be to reverse certain unfortunate results of the knee-jerk approach we have had in response to the outcry of our Cameroonian brothers and sisters. National healing is the primary guarantee for national dialogue.

## SO WHAT SHOULD WE DO TO START THE HEALING?

### *On the Matter of Ongoing Criminal Proceedings:*

It is generally accepted that the

release of all those arrested will boost the goodwill and pave the way to dialogue. The law actually allows for this. As regards the detainees and the different trials going on in the Military Tribunal Regions as well in the courts in the Anglophone regions, against citizens, clerics and prelates, it is important to recall the provisions of Article 64 (1) of the Criminal Procedure Code which states:

*“The Procureur General of a Court of Appeal may, by express authority of the Ministry in Charge of Justice, enter a nolle prosequi, at any stage before judgment on the merits is delivered, if such proceedings could seriously imperil social interest or public order.”*

This provision of the law describes the exact situation we are in. It is applicable to the ordinary courts. An equivalent provision exists for the proceedings instituted before the Military Jurisdictions. **This is section 12 of the Law No.2008 of December 2008 Organizing**

**Military Justice** Anyone talking about peace and reconciliation in good faith should immediately resort to these provision, to put a halt to the current situation, which is accelerating the country's glide towards division and conflict. I remember assisting my brother, Batonnier Bernard Muna, in drafting the Amnesty Law that was proposed to the then Secretary General of

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the Presidency of the Republic of Cameroon, Mr. Sadou Hayatou, for the attention of the Head of State. It was sent to Parliament and adopted in the interest of peace and reconciliation. A telex message was even sent from the Presidency congratulating Bernard for his patriotic spirit. Today, here we are, Cameroonians, asking for this.

International organisations and NGOs have joined the chorus. We should heed these calls and save our nation from further division. Those who sought refuge in arrogance and repression must certainly realize that this is choking the country.

*On the Matter of Common Law Magistrates and Judges:*

I have read that a Common Law section has been opened at the School of Magistracy and that exams will be scheduled. It is good that concrete solutions are being proposed, but we can and should go further than that. The above action will take at least four years to start producing results. The law does already provide us with a solution that will produce almost immediate results and cause us to start conforming not only to the Common Law training but also to the Common law culture and tradition: Section 14 of Decree No. 2004/080 from the 13th of April 2004, lays down a procedure for lawyers and other categories of trained jurists to be integrated into the Magistracy at different grades depending on their years of experience. This is the Common Law tradition.

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Some lawyers with revered experience and with reputations for moral rectitude could be selected to become judges.

Not only would this provide an almost immediate solution, but also, it would be applying the Common Law tradition whereby a large number of members of the judiciary are recruited from the private Bar. To date only one person seems to have benefited from this tradition. That is the late Chief SML Endeley who started out as a Barrister before becoming the Chief Justice of West Cameroon. A reminder of this fact was the strong showing of the Bar at his historic funeral in Buea.

In a country where there is a total lack of trust towards a

government that is long on promises and short on delivery, there are many who do not see any of the proposed measures bearing fruit anytime soon. Instead, they are viewed as yet another ruse – another dilatory tactic. Decentralization is contained in the 1996 Constitution, and over twenty years later, the Regions are yet to elect a

President. A measure that was promoted as the equivalent of a federation in 1996 has since 2004 been watered down to a structure in which elected officials are under the control of political appointees. Even in that watered down form, 13 years after, nothing has happened. I am afraid that in the present climate, any attempt at decentralization under the current legal framework will not address any of the substantial issues that are now being raised.

*On the Matter of the Lost Academic Year:*

If all the measures outlined above implemented, to show the government's good faith in addressing the issues at hand, further steps can then be taken to address the interrupted school

year. Specifically, intensive courses could be offered over the long vacation, along with a special second session of all the exams that have been disrupted. The start of the next academic year may even be slightly delayed, but we would have gone a long way in making amends. I hear there is an African proverb which says “when an adult falls, he stand up looks back; and when a child falls, he stands up looks forward”. The way to peace, dialogue and unity cannot be paved by the arrogant use of power and retributive justice. Even after 27 years of suffering, Mandela harnessed the wrath of a downtrodden people, who had witnessed the subjugation and murder of their own by an imperious few on the basis of race. In this present juncture the powers that be, have to decide on which side of history they choose to take their place.

I will conclude with a few lines on the Commission for Bilingualism and Multiculturalism. The biggest problem in policy nowadays is enforcement. Given this fact, anytime an institution is created with only advisory prerogatives,

we might as well forget about the capacity of such an institution to be a tool to assist in the resolution of pressing issues. The Committee will have to provide advice, which can be accepted or rejected. Even if such advice is acquiesced, it must be followed by policy development, which in turn would need to be implemented effectively. If we are taking over 21 years, and still counting, to implement settled Constitutional provisions, we are kidding ourselves when we point to this Commission as the solution to any of the current issues. If you add to this equation the nature of its mandate, then we might just begin to understand the nature of the farce.

The time wasted weaving this

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web of division in which we unfortunately find ourselves distracts us from other seething issues that must be considered with the same amount of urgency.

First among these is the problem of the management of landed property in our country. The preamble of our constitution affirms, “*The State shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law*”; we should remember that according to article 65 of the same constitution, the preamble is part of the constitution.

The opacity in which the mining of minerals is managed in the Eastern Region of Cameroon in total absence of any discernable governance principles is saddening. The consequence of this on the lives of the “indigenous population” will come to haunt us. The management of lands in Kribi is not accompanied by any policy that is aimed at protecting the indigenous populations. The management of the returned land in Fako from the CDC to the rightful indigenous population is fraught with all

manner of mismanagement. In the Extreme North a war is raging on perpetrated by a group of terrorists and bandits attempting to pass for religious fanatics. All international assessments have concluded that, the dire economic situation of the population has exposed them and they have fallen prey to the enticements and threats from these charlatans who unsuccessfully try to hide under the cover of a respectable religion.

As we tread forward, we must be ignited again by the spirit of a time when our country was poised for true greatness and distinction, not in spite of our differences, but precisely because of them. A time when the synthesis of Anglophone and

Francophone cultures meant that we would be able to draw on the best of both parts. A time when we were convinced that we would be more competitive on the global stage because we could do business in the world's major languages. A time when we knew that, even through our music, we would be able to appeal to many more. To borrow words from one of our founding fathers, Um Nyobe (also at a time when Cameroon was at a crossroads), the first step in moving Cameroon forward is by actively combating tribalism, and creating a system that is based on the best each of us have to offer. It is time for better governance that is in tune with the ideas and solutions proposed by those who love this country, and not one that seeks to silence

the voices that disagree with the status quo. It is never too late to do the right thing.

In Chinua Achebe's "Things Fall Apart", he makes a savvy use of proverbs from the Igbo people. One that comes to mind is: "the lizard that jumped from the high Iroko tree to the ground said he would praise himself if no one else did". Like the lizard, some are marching all over the country, monopolizing the public media in self-praise, while everyone else watches in complete stupefaction. They see that the center can no longer hold because things are falling apart. However, it is not too late to change our course.



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By Barrister Akere Muna

*Catalyzing Africa's Economic Transformation*