

**Special Rapporteur on Minority Issues:**

*Call for input: Report to the UN General Assembly on institutional arrangements of States that enable minority rights to flourish*

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## **ABBREVIATIONS**

**CSO:** Civil-society organisation

**HRD:** Human Rights Declaration

**ICO:** International Communities Organisation

**NW:** North-West Region

**R(n):** Respondent

**SW:** South-West region

**UNRes:** United Nations Resolution

## **INTRODUCTION**

International Communities organisation (ICO) is a global, neutral and independent international organisation working for the protection and empowerment of minority rights in conflict affected settings. ICO is committed to promoting global peace and reconciliation, with a specific focus on global conflicts rooted in the mistreatment, exclusion, and marginalisation of minority groups.

### ***1. Methodology***

1.1. International Communities Organisation’s report illuminates insights from key CSO, NGOs, and legal/ constitutional experts in Cameroon. Through a range of qualitative surveys and desk-based secondary research, ICO presents the results of our investigation into the institutional arrangements of States that enable minority rights to flourish. The context of Cameroon has been chosen for this submission because the institutional infrastructure is both a symptom of - and in itself generative - of the undermining of minority rights for the state’s Anglophone population. ICO would like to extend special thanks to Blaise Chamango (Human is Right) for their collaboration and insights for this submission.

1.2. All respondents were given comprehensive information about how and for what purpose their survey responses would be utilised. On this basis, respondents provided consent for their names to be featured in this submission, and where consent was not granted, their responses are included in an anonymised format.

### ***2. Cameroonian context***

2.1. The citizenry of Cameroon are joined from two former United Nations Trust Territories – French Cameroon and British Southern Cameroons. As of 2024, the Anglophone population currently comprises approximately 20% of the population.<sup>1</sup> Anglophone and Francophone groups are not only linguistically and culturally distinct from one another, but are territorially defined. The Anglophone population is predominantly located within the North-West and South-West regions of Cameroon, with the Francophone population comprising the majority in the rest of the state’s localities.

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<sup>1</sup> International Crisis Group (2017)

2.2. The entrenched issues with the institutional arrangements to protect minority rights in Cameroon, find their roots in the pre-colonial settlement, ‘after Francophone Cameroon gained independence from France in 1960, UN Resolution 1608 (1961) called for dialogue between the new Francophone Cameroon authorities, the British government, and Southern Cameroons authorities to negotiate and finalise terms of the union between Southern Cameroons and Francophone Cameroon [but] the dialogue promised under Resolution 1608 was never realised.’ (R1)

2.3. UNG Res 1608 v: “Invites the Administering Authority, the Government of the Southern Cameroons and the Republic of Cameroon to initiate urgent discussions with a view to finalising, before 1 October 1961, the arrangements by which the agreed and declared policies of the parties concerned will be implemented. 994th plenary meeting, 21 April 1961.” (R1)

2.4. The failure to adhere to the ‘guidelines provided by the UN Res1608 that was meant to protect the People of the former British Southern Cameroons (Anglophones) from marginalisation and assimilation by the Majority French speaking People of French Cameroon,’ (R1) created the enabling environment for institutional prejudice against minority groups in the present-day Republic of Cameroon. Indeed, ‘the constitutional conference in finalising the Union was not conclusive, with the representatives of the Southern Cameroons having little or no input into the emerging 1961 Federal Constitution following the conference [yet] it forms the bases for which all laws or constitutional amendments in Cameroon took the cue, legality and legitimacy.’ (R1)

2.5. Since the 1990s, there have been grievances concerning the lack of free and meaningful minority representation which culminated in first protests, and subsequently an ongoing armed insurgency against separatist groups and the Republic of Cameroon state forces. The initial peaceful demonstrations in 2016 by teacher, students and lawyer’s unions in favour of a ‘two-state federation that would protect the Anglophone legal and educational systems from being subsumed by their Francophone counterparts’ (Willis 2021) sought to address these grievances. The protests should be understood as a symptom of wider, historic practices of favouritism and exclusion, which coupled with the violent state government response (‘the Cameroon state responded with disproportionate force...hundreds of anglophone civilians were injured, killed, and unlawfully arrested’ (Willis 2021)) explains the enduring nature of the conflict. The security context of NW and SW Cameroon - entering its seventh year as an active conflict - remains volatile. The Anglophone region has experienced tremendous loss of human life, displacement and destruction of critical assets, limiting access to health, education, and food security. 1.7 million people are in need of humanitarian assistance<sup>2</sup> and more than 600,000 have been Internally Displaced.

### ***3. The extent to which the interests of persons belonging to minority groups are appropriately taken into account in Cameroon***

3.1. The perception that the interests of the Anglophone minority have not been ‘appropriately taken into account’ underlie the ongoing armed conflict and humanitarian crisis. The failure to tackle the corruption underpinning this issue, is depicted as an active collusion to suppress the Anglophone population and assimilate the Anglophone legal and education systems into the central Francophone system. Many assert that routine ethno-racial discrimination means they are ‘denied professional jobs and opportunities due to their Anglophone background.’ (Willis 2021)

3.2. Examples of systemic bias include the widespread appointments of ‘Francophone professionals...reports emerged of judges, unable to speak English, ruling on the common law, and

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<sup>2</sup> OCHA 2024

teachers, without knowledge of Anglophone curriculums, appointed in Anglophone schools.’ (Willis 2021) These appointments in Anglophone regions acted as a catalyst for discontent in 2016, as they compounded existing fears of cultural assimilation and gradual erosion of regional identity and heritage.

3.3. It is important to note that the grievances of the Anglophone population about the disintegration of the social contract are shared across the North-West and South-West regions (World Bank 2021), but are nuanced in their detail. In the North-West ‘in 2014, the poverty incidence in the NW hovered at 55%, exceeded only by the North and Far North,’ (World Bank 2021:11) in the South-West ‘which hosts the country’s main known offshore oil deposits and has a developed agro-industry...only had a higher poverty incidence (at 18%) than the capital Yaoundé and the economic hub Douala.’ (World Bank 2021:11) Further, ‘the NW also had the third-highest regional incidence of child mortality (64/100,000 births) and the third-least-educated population, while SW was bested in both categories only by the country’s two major cities.’ (World Bank 2021:11) Such distinctions also underlie differences in institutional preferences to protect minority rights, ‘South-Westerners appear to prefer a ten-state federation to a two-state federation - North-Westerners’ preferred horizon - and insist upon local decentralisation even in any future grouping with the NW.’ (World Bank 2021:11)

#### ***4. The institutional arrangements that guarantee (or facilitate) effective political representation of persons belonging to minorities in Cameroon***

4.1. Institutional reforms to better protect minority rights were suggested as both of the Swiss and Canadian peace processes. (R2) After the National Dialogue of 2019, ‘the following efforts were made by the government of Cameroon within the legal dimension: Translation of all legal instruments into the two official languages, English and French; Enactment of the law on hate speech in Cameroon; Creation of a common law bench at the supreme court in Cameroon; Creation of a common law section at the National School of Administration and Magistracy; Creation of the office of the independent conciliator in the North-West and South-West regions.’ (R2)

4.2. The most significant outcome however, was LAW Part V of 2019/024 of 24th December 2019 which stipulates the NW and SW regions should have “a special status” in accordance with Article 62(2) of the 1996 Cameroon constitution to take “into consideration the specificities of certain Regions with regards to their organisation and functioning.” (R1) ‘Special status for the Anglophones is also provided in the Code. Section 327(1) states: The North-West and South-West Regions shall have a special status in accordance with the provisions of Article 62 of the Constitution (2) The Special Status referred to in Sub-section (1) above shall confer...a specific organisational and operational regime, based' on the historical, social and cultural values of these regions, with due respect for the primacy of the State and national unity and solidarity. This law gives the North-West and the South-West Regional Councils additional powers to wit: Participating in the formulation of national public policies relating to the Anglophone education sub-subsystem, setting up and managing regional development authorities, and participating in defining the status of traditional chiefdoms.’ (R2) Special Status was presented as the central government response to the Anglophone protests for better protection of their minority rights, in particular the desire for a greater degree of self-governance and political decentralisation.

4.3. Yet, there are multiple issues with the institutional arrangement of Special Status, concerning both (1) design AND (2) implementation. Concerning design:

4.3.1. Although special status is ‘a formal or institutional recognition by the state of Cameroon that the NW and SW have unique Linguistic, historical, educational, legal and cultural specificities...it provides fails to preserve this unique region but seeks to further integrates its instituting a form of bilingualism that equates French to English, despite the fact that this region

is predominantly English and needs to preserve its linguistic identity.’ (R1) ‘The status claims that in 2017 the president instructed the recruitment of 1000 bilingual teachers specialised in science and technology. [However] the concept of bilingualism...only further creates room for marginalisation.’ (R1)

4.3.2. Furthermore, the intention of Special Status is not aligned with the grievances of the Anglophone population - ‘the purpose of the special status as stated in its declarations is for a better integration of the Anglophones into a French dominated governing system as opposed to the preservation that safeguard the uniqueness of the people concerned.’ (R1)

4.4. The deficiencies of Special Status further extend to de facto implementation:

4.4.1. An outcome of Special Status has been the creation of NW and SW Regional Assemblies, these ‘Regional Assemblies [are] a local governance institutions created by a Presidential Decree within the context of the special status of the Regions as provided by Article 62 of the Constitution of Cameroon. The Regional Assembly is composed of 70 representatives from the seven Divisions of the Region and 20 traditional rulers elected by their peers in the House of Chiefs.’<sup>3</sup> (NWRA 2024) The Regional Assemblies in themselves purportedly signal a move towards decentralisation and devolution of governance however, the institutional relationship between the Assemblies and the Governor in the Regions (state-appointed) is not clarified.

4.4.2. Further, whilst the linguistic, educational, legal, cultural specificities of the NW and SW regions are institutionally recognised via the Special Status declaration, ‘by placing them under a centralised ministry, it defeats the purpose of empowering the regions from exercising or expressing its uniqueness.’ (R1)

4.5. Positive developments in the institutional protections to protect minority groups have occurred since 2019, however they often fail to address core grievances. Concerning devolution law and local governance, ‘the Senate approved the devolution law which would allow the Anglophone Northwest and Southwest Regions to develop their own education and justice policies. This step aims to enhance local governance and address specific regional needs’ (R2) instances of its use include ‘the creation of the French modern letters department in ENS is a positive step but the problem is preservation of the language identity of the English people against the danger of French assimilation.’ (R1) Further cases include ‘the creation of ENSET higher institute of engineering and technology (Polytechnic Bamenda) is a positive step...but again the recruitment process is still reliant upon a French dominated central government.’ (R1)

4.6. ‘The Law on Decentralisation article 3(1) enshrines the mission of councils: “Councils shall have a general mission of promoting local development and improving the living conditions of their inhabitants”. To supplement their own resources [they may] request assistance from the population, civil society organisations, other regional and local authorities, the State and international partners.’ (R2) ‘However, this privilege is common to all councils in the national territory rather than specific to ‘Anglophones...there are no specific provisions that go to the heart of the preservation of the elements that comprise the distinctive Anglophone identity.’ (R2)

4.7. ‘Section 9(2) of the 2004 of the Law also included the progressiveness or gradualism principle, which has partly determined the slow pace of decentralisation. According to that principle, ‘transfer of authority is spread over time and is done in packages or levels.’ (R2) This is exacerbated by the ‘lack of a local governance and participatory democracy culture...which stymie participatory democracy...mak[ing]

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<sup>3</sup> North-West Regional Assembly (2024)

for a decentralisation process that does not accord the devolved units meaningful autonomy to address the issues that are of concern to them.’ (R2)

4.8. ‘The Law on the Promotion of Official Languages in Cameroon plays an embracing role in protecting the rights of the English speaking minority regions in Cameroon. The official languages according to section 2(1) of the law are English and French. These languages are given equal value.’ (R2) ‘The specific objectives [of the law] include: guarantee the systematic use of both official languages as working languages in public entities and services open to the public; a guarantee for the right of every citizen to obtain information and official documents in the language of their choice; a guarantee for the right of every citizen to freely communicate with the Public Administration, and to obtain the services they desire therefrom in the language of their choice; guarantee the simultaneous publication and dissemination of legislative and regulatory instruments in both official languages, each version being equally valid; promote the teaching of English and French in the educational system.’ (R2) ‘Section 6(1) [of the law] enjoins officials of government services and regional and local authorities to ensure the training of their staff in the use of English and French in the entities under their responsibility.’ (R2)

##### ***5. The protection of minority issues as insulated from (or not subject to) State authorities’ decisions (including the Parliament) in Cameroon***

5.1. ‘The preamble of the Cameroon Constitution expressly protects minority rights. It states: “all persons shall have equal rights and obligations. The State shall provide all its citizens with the conditions necessary for their development; the State shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law.” (R2) ‘The Constitution guarantees freedom and security to every individual, subject to respect for the rights of others and the higher interests of the State. It upholds the principle of equality regardless of religion, gender, race, creed, or belief. The constitution recognises inalienable rights and ensures their protection. These include rights related to privacy, fair trial, life, and freedom from torture or cruel treatment.’ (R2)

5.2. Article 47. of the 1961 Federal Constitution of Cameroon states that “Any proposal for the revision of the present Constitution which impairs the unity and integrity of the Federation shall be inadmissible.” “This Law was the guarantor and protection for the preservation of the rights of the Anglophones who enjoyed all the rights and freedoms expressed in the HRD.’ (R1)

5.3. Article 62 of the Constitution of Cameroon states: “.....Without prejudice to the provisions of this Part, the law may take into consideration the specificities of certain Regions with regard to their organisation and functioning” (R2)

5.4. The protections for minority populations in Cameroon which are Constitutional protected, are supposedly further entrenched by the ‘strict separation of powers between the executive, the legislative and the judiciary. Article 37(2) of the Constitution further appears to enhance the position of the judiciary by providing that ‘The judicial power shall be independent of the executive and legislative powers.’ (R2) However, there is a ‘constitutional provision that contradicts judicial independence in Cameroon is article 37(3). It provides that ‘The President of the Republic shall guarantee the independence of the judicial power.’ The crux of this provision is the appointment of judges by the President. This article provides that “the President shall appoint members of the bench and for the legal department. He shall be assisted in this task by the Higher Judicial Council which shall give him its opinion on all nominations for the bench and on disciplinary action against judicial and legal officers.” (R2) Hence, ‘the president who is the head of the executive can manipulate the executive and the judiciary to modify existing institutional protections from minorities in Cameroon through ministerial circulars and presidential decrees.’ (R2)

5.5. Moreover, the Special Status is seen as legally deficient and an ineffective protection for the rights of the Anglophone population as ‘it is not a constitutional affirmation that would adequately protect the Anglophone rights as it [is] within the discretion of the President of the Republic.’ (R1)

**6. *The legal, administrative or other barriers - at national and regional levels - that prevent persons belonging to minorities to participate effectively in cultural, religious, social, economic or public life in Cameroon***

6.1. ‘The institutions created including the special status have proven to be short of political and even legal power to ensure the political representation for minorities. It is evident from the functioning of these institutions that they do not enjoy the independence clamoured by anglophones because...the ruling party still have full control over these institutions and decisions are taken from Yaounde to determine their political and developmental agendas.’ (R2)

6.2. Anglophone’s face extensive barriers to genuine participation in cultural, religious, social, economic or public life due to linguistic discrimination (R2), and a lack of inclusion for English language, especially in political and public dimensions.

6.3. ‘In the South-West region, presently 90% heads of services within the police, the national gendarmerie and the military are Francophones.’ (R2) Although there has been reform within the judiciary, ‘with more Anglophones being service heads’ (R2) largely, ‘this situation has not changed over the past 5 years.’ (R2)

**7. *The benefits of recognising and granting sectoral or territorial autonomy to minorities in Cameroon***

7.1. Granting sectoral autonomy over economic interests in the Anglophone region is tied to their ability to manage their own budget via royalties from extraction of resources from the region. Further, ‘transparency on how the government backs credit facilities in the region...[providing] these regions international authority to engage with other municipal authorities globally would enhance their potential for development.’ (R1) This should build upon the ‘5th session of the Follow-up Committee on the recommendations of the Major National Dialogue [which] urged the intensification of economic recovery measures for both local development and national growth...Ministries were urged to devolve powers to local authorities to enhance governance at the grassroots level. Regional assemblies in the North-West and South-West were called upon to actively support state initiatives and promote development.’ (R2)

7.2. Granting sectoral autonomy over the judiciary will ensure independence, neutrality and impartiality in legal judgements in the Anglophone region, this could be facilitated whereby ‘the common law should have exclusive jurisdiction over lower courts up to the appellate courts with the supreme courts in Yaounde maintaining jurisdiction over constitutional matters.’ (R1)

7.3. Granting further autonomy over the education sector would allow Anglophones to establish an ‘independent body’ (R2) for the Anglophone educational system, which prioritises English, in respect of their cultural identities, but ‘encourages bilingualism...through subject matter in the classroom.’ (R1)

7.4. Granting autonomy to implement direct elections for the positions of regional councillors, and restricting the candidacy requirements for only those persons resident in the region (R1) would enhance democracy within the North-West and South-West, and ensure the genuine agency of Anglophone populations toward self-governance.

## 8. *The challenges of recognising and granting sectoral or territorial autonomy to minorities in Cameroon*

8.1. ‘Decentralisation does not mandate regional authorities to make and implement policies at regional level without control or decision coming from the central government in Yaounde.’ (R2) This is particularly true when institutional bodies or appointments are made to counter, control or ‘check’ the move toward decentralisation. For example, ‘administrators such as the governor; the senior divisional officer; and the divisional officer have a strong control on the actions of local councils in making and implementing decisions.’ (R2)

8.2. ‘Another obstacle is funding, most running budgets of councils come from the central government through the special council support fund for municipal assistance. Funding from this institution is provided on a political affiliation basis, most councils managed by opposition political parties do not receive enough funding to [even] manage their councils.’ (R2) Funding for institutions must be independent of the central government, and standardised across the country, regardless of demographic populations within regions, as suggested in 7.1.

## **CONCLUSION**

9.1. ICO notes that in Cameroon it is evident how ‘states’ institutions and/or political traditions [do not] allow for the effective participation of persons belonging to national or ethnic, religious and linguistic minorities, in the promotion and guarantee of the highest possible fulfilment of their rights.’ (OHCHR 2024) and further that, ‘the institutional arrangement of a State is nonetheless a determining factor of societal cohesiveness, respect for human rights, and ultimately, a predictor of a state’s stability and risk of falling into conflict.’ (OHCHR 2024) In Cameroon, the consequences of institutional deficiencies to adequately protect and even recognise their legitimacy of minority rights, is a driver of the ongoing armed conflict in the country’s North-West and South-West regions and the accompanying humanitarian crisis which has further impaired rights protection for the Anglophone population.

9.2. ICO would like to draw particular attention to in Cameroon - and other similar contexts - the inadequacy of institutional reform alone to address issues of cultural, ethnic and political identities. Indeed, ‘the Special Status does not adequately address the symptoms of marginalisation and assimilation.’ (R1) Institutional protections granted in isolation are ineffective in the protection of minority rights, yet ICO notes they are a necessary prerequisite in achieving systematic change, as well as an important signal of parity. Hence, any alteration in institutional arrangements, political structures or constitutional protections in Cameroon must subsequently be accompanied by genuine desire to engage the Anglophone minority in both constructive dialogue, as well as meaningful and sustained participation in the decision-making processes and mechanisms which determine the future of their communities.



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## **ANNEXES**

- *Annex One: survey*  
[https://docs.google.com/document/d/1PyKsv88wh2CZs2mYNNcGGHyeSX\\_zMO-io6-h79ofbcA/edit?usp=sharing](https://docs.google.com/document/d/1PyKsv88wh2CZs2mYNNcGGHyeSX_zMO-io6-h79ofbcA/edit?usp=sharing)