

CORI

Country of origin research and information

CORI Research Analysis

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Issues: (1) Regions where Traditional Heads maintain strong authority over the population

(2) Relationships between the Government and local Traditional Heads (whether an individual may be arbitrarily arrested and/ or detained by the authorities for personal motivations held by Traditional Heads, and whether there are any legal protective measures which are effective from which a person can benefit), such as:

-What is the relationship between local Traditional Heads and the central/local Government and the judiciary?

-What type of power or authority, local traditional heads have; i.e. can they be linked to local authorities; do they have (official or unofficial) authority to order police to arrest individuals and/or have prosecutors try individuals in court, and if so, would the federal authorities intervene (for example if the traditional head manipulates the authorities to arrest, falsely charge try individuals in trials which lack due process guarantees)

-Can the local traditional heads exert their power beyond their own/ local areas, for example to the capital city?

(3) In the event a power struggle among Traditional Heads, including a fight to take over the Traditional Headship, occurs in particular regions, whether the central/ regional Government would be able to exert control, including through administrative regulations, legislative activities and/or exercise of judicial/police authority. In other words, can the federal or local authorities protect an individual from threats by non-state agents who want to take over the role? Would the Traditional Head themselves be able to protect an individual appointed as the next Traditional Head from non-state agents wanting to take over the role?

CORI research analyses are prepared on the basis of publicly available information studies and commentaries and produced within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issue however as Country of Origin Information (COI) is reliant on publicly available documentation there may be instances where the required information is not available. The analyses are not and do not purport to be either exhaustive with regard to conditions in the country surveyed or conclusive as to the merits of any particular claim to refugee status or asylum. Please read the full text of each document referred to using the URL provided in the footnote.

(1) Regions where Traditional Heads maintain strong authority over the population

In April 2013 the *Global Press Institute* reported concerns that traditional practices were in decline,

"Village elders lament the decline of traditional practices in Cameroon as youth move to urban areas to pursue education. The rise of monotheistic religion has also eroded traditional beliefs, as Christians decry them as witchcraft."¹

In August 2012 Cameroonian online newspaper, *The Eye Newspaper*, reported that Emmanuel Fuh Neba, Chief Executive Officer of the Cameroon Council for Reunification, stated that traditional leaders powers had been significantly reduced,

"Emmanuel Fuh Neba was very frank to tell the fons in their faces that "*Cameroon's traditional authorities - fons, chiefs, sultans and lamidos (emirs) were once the indisputable custodians of the nation's tradition, culture and identity. They represented a true reflection of the legitimate aspirations of the Cameroonian people. They discharged their functions and delivered judgment with neither fear nor favor and were seen as embodiments of wisdom and character*". But he regretted that 50 years after independence and reunification, Cameroon's once revered traditional authorities are helplessly watching their power progressively shrinking and their institutions teetering on the brink of collapse. "*Their powers are eroding, palaces collapsing, and there are virtually little or no stipends for them. In fact, they have been shamefully relegated to the hallmarks of 'royal beggars'*."²

In 2000 Professor Charles Nach Mback stated that "traditional institutions have lost their role as a check on the powers of modern institutions and have been relegated to the rank of mere consultative organs".³

In 2013 and 2012 respectively, *Freedom House* and the *United States Department of State (USDOS)* reported serious abuses by traditional leaders in the north. [See qu.2 below]⁴

(2) Relationships between the Government and local Traditional Heads (whether an individual may be arbitrarily arrested and/ or detained by the authorities for personal motivations held by Traditional Heads, and whether there are any legal protective measures which are effective from which a person can benefit), such as:

-What is the relationship between local Traditional Heads and the central/local Government and the judiciary?

-What type of power or authority, local traditional heads have; i.e. can they be linked to local authorities; do they have (official or unofficial) authority to order police to arrest individuals and/or have prosecutors try individuals in court, and if so, would the federal authorities intervene (for example if the traditional head manipulates the authorities to arrest, falsely charge try individuals in trials which lack due process guarantees)

-Can the local traditional heads exert their power beyond their own/ local areas, for example to the capital city?

The legal status of traditional rulers is governed by Decree No.77/245 of 15 July 1977 to organise chiefdoms.⁵ The Decree describes traditional leaders are 'auxiliaries of the administration.'⁶ In

¹ Global Press Institute, Coronation of village chief reveals decline of tribal traditions in Cameroon, 5 April 2013, <http://www.globalpressinstitute.org/africa/cameroon/coronation-village-chief-reveals-decline-tribal-traditions-cameroon/page/0/0>, accessed 10 July 2013

² The Eye Newspaper, In reaction to President Biya's call: CAMCORE (UK Diaspora) storms Cameroon, makes own contribution to consolidate peace and unity, 30 August 2012, cameroonlatest.blogspot.co.uk/2012/08/in-reaction-to-president-biyas-call.html, accessed 10 July 2013

³ Charles Nach Mback, Africa Development, Volume XXV, No's 3 and 4, 2000, available from <http://www.peoplesawa.com/downloads/31.pdf>, See also Comas Cheka, Africa Development, Volume XXXIII, No. .2, 2008, pp67-89, www.codesria.org/IMG/pdf/AD_33_2_2008_4_Cheka.pdf, accessed 10 July 2013

⁴ United States Department of State, Country report on human rights practices, 2012; Cameroon, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dld=204097>, accessed 10 July 2013; Freedom House, Freedom in the World 2013: Cameroon, <http://www.freedomhouse.org/report/freedom-world/2013/cameroon>, accessed 10 July 2013

2009 the *UN Human Rights Committee* reported that Article 19 of the Decree stipulates that chiefs are duty bound to carry out any mission that is assigned to them by the local authority,

“Under the authority of the Minister of Territorial Administration, the role of chiefs shall be to assist administrative authorities in guarding the people”;

“They shall be responsible for transmitting the directives of the administrative authorities to their people and ensuring that such directives are implemented”;

- helping, as directed by the competent administrative authorities, in the maintenance of law and order;

- in addition to the aforementioned duties, the chiefs must carry out any mission that may be assigned to them by the local administrative authority.”⁷

In 2009 the *UN Human Rights Committee* reported that "Some of these traditional rulers have frequently been at the centre of controversy relating to the issue of their submission to the law and respect for human rights."⁸ In April 2013 the *Global Press Institute* reported that the government used chiefs to implement policy at the local level,

"Cameroon's government also engages traditional leaders as they implement policy at the local level."⁹

In April 2013 the *Global Press Institute* reported that chiefs "manage" their communities, working directly with government officials and liaise between the people and the state,

"Government officials also work to ensure that the country's traditional rulers, such as the new chief of Iboko, retain their significant place in civic life.

Nganda Valentine Beyoko, the mayor of Toko Rural Council, the local administrative body that governs Iboko, says the state recognizes the importance of tradition.

"That is why the state takes active role in installation of traditional rulers," he says. "Traditional rulers are installed by divisional officers or senior divisional officers of a subdivision and division respectively."

Once installed, traditional rulers take an active role in the management of their people, Beyoko says. Chiefs work directly with local government officials.

"The chiefs represent their people in administrative meetings, organized at district level by state officials," he says. "They take messages from their people to the state and also take

⁵ United Nations, Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant, Fourth periodic reports of States parties, Cameroon, CCPR/C/CMR/4, 31 March 2009, available from ccprcentre.org/doc/HRC/Cameroon/CCPR.C.CMR.4AUV.doc, accessed 11 July 2013

⁶ Comas Cheka, Africa Development, Volume XXXIII, No. .2, 2008, pp67-89, www.codesria.org/IMG/pdf/AD_33_2_2008_4_Cheka.pdf, accessed 10 July 2013

⁷ United Nations, Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant, Fourth periodic reports of States parties, Cameroon, CCPR/C/CMR/4, 31 March 2009, available from ccprcentre.org/doc/HRC/Cameroon/CCPR.C.CMR.4AUV.doc, accessed 11 July 2013

⁸ United Nations, Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant, Fourth periodic reports of States parties, Cameroon, CCPR/C/CMR/4, 31 March 2009, available from ccprcentre.org/doc/HRC/Cameroon/CCPR.C.CMR.4AUV.doc, accessed 11 July 2013

⁹ Global Press Institute, Coronation of village chief reveals decline of tribal traditions in Cameroon, 5 April 2013, <http://www.globalpressinstitute.org/africa/cameroon/coronation-village-chief-reveals-decline-tribal-traditions-cameroon/page/0/0>, accessed 10 July 2013

state messages back to their people. They are the mouths and ears of their people and the state."¹⁰

In 2000 Charles Nach Mback, cited in an English translation in a blog by Divine Metiege, an Examining and Presiding Magistrate at the Mbengwi court of First Instance in Momo division in the North west region, reported that chiefs are state appointed and selected to best serve the administration but that the local community participates in selecting the candidates,

"The administration's authority to appoint chiefs is preceded by a preliminary process that enables the local community to participate in the naming of the person they want as their chief. That naming process involves a number of steps designed to ensure the candidate's bond to his community. Furthermore, in the appointment process of a traditional chief, the Cameroon Chieftaincy Law enacted on July 15, 1977 served with Decree No 77/245, which organizes chieftaincy states that, "in principles, traditional chiefs are chosen from families that are customarily called upon to carryout traditional leadership role." []

The appropriate administrative authority selects the new chief from the candidates who meet those criteria. The process of appointing a traditional chief is set out in section 10 and 11 of the 1977 decree and is described as follows:

The appropriate administrative authority undertakes the necessary consultations to appoint a new chief. The authority must consult the appropriate customary public figures. Those consultations take place during meetings called by either the Senior Divisional Officer (S.D.O) or the Sub Divisional Officer (D.O)."¹¹

In the consultations, the various candidates are reviewed and the new chief is chosen. The administrative authority incharge draws up the minutes and sends them along with a complete file of the candidate to the central authorities. The file contains a police clearance (Non Conviction), a copy of the candidate's birth certificate, a medical certificate and as required, a copy of the certificate confirming the vacancy at the head of the chieftaincy (death certificate, medical report on disability, or disqualification, letter of resignation or decision to dismiss the predecessor. The appropriate administrative authority has only to ratify the selection. Although public figures are consulted, their views are not necessarily taken into account. The administrative authority may supersede the local decision and selects a candidate whom he believes could serve the interest of the administration."¹²

In 2000 Charles Nach Mback, cited in an English translation in a blog by Divine Metiege, an Examining and Presiding Magistrate at the Mbengwi court of First Instance in Momo division in the North west region, reported that chiefs are agents of the state,

"Chiefs have both political and special duties to lead their communities. Hierarchically, Traditional Chiefs are directly below the State representatives in their Electoral Districts and their means of appointment, responsibilities, financial status and disciplinary approach makes them agents of the state."¹³

¹⁰ Global Press Institute, Coronation o f village chief reveals decline of tribal traditions in Cameroon, 5 April 2013, <http://www.globalpressinstitute.org/africa/cameroon/coronation-village-chief-reveals-decline-tribal-traditions-cameroon/page/0/0>, accessed 10 July 2013

¹¹ Charles Nach Mback, Africa Development, Volume XXV, No's 3 and 4, 2000, available from <http://www.peoplesawa.com/downloads/31.pdf>, cited with English translation on <http://nanjcreativethinking.blogspot.co.uk/2012/08/chieftaincy-law-organizing-chiefdoms-in.html>, accessed 10 July 2013

¹² Charles Nach Mback, Africa Development, Volume XXV, No's 3 and 4, 2000, available from <http://www.peoplesawa.com/downloads/31.pdf>, cited with English translation on <http://nanjcreativethinking.blogspot.co.uk/2012/08/chieftaincy-law-organizing-chiefdoms-in.html>, accessed 10 July 2013

¹³ Charles Nach Mback, Africa Development, Volume XXV, No's 3 and 4, 2000, available from <http://www.peoplesawa.com/downloads/31.pdf>, cited with English translation on <http://nanjcreativethinking.blogspot.co.uk/2012/08/chieftaincy-law-organizing-chiefdoms-in.html>, accessed 10 July 2013

In August 2012 *The Eye Newspaper* reported that Emmanuel Fuh Neba, Chief Executive Officer of the Cameroon Council for Reunification, stated that some chiefs are corrupt and that politicians manipulated traditional authorities,

"in a bid to survive, many traditional rulers have chosen to scheme, abet fraud and betray their subjects - even at the detriment of their people and country. We have witnessed venerated sultans and Lamidos humiliated by their people, once respected fons pelted with rotten tomatoes, some burnt to death, others arrested and jailed for murder, theft, embezzlement, drunken fights over alcohol and women and illicit land sales. Some palaces have been ransacked and set ablaze.

Many traditional authorities have been used as toys by politicians, making them to desecrate their throne, and to be ridiculed and openly challenged by their people. Cameroonians even called for the abolition of traditional institutions".¹⁴

In May 2010 *the International Crisis Group* also reported that the central government manipulated traditional chiefs,

"In many circumstances, good traditional chiefs have played an important role in resolving local conflicts, for example over land. However, as their credibility has declined due to political manipulation from the centre, so has this conflict-resolution capacity. Added to this is a widespread feeling that the politicisation of local identities is sapping the national fabric and undermining the rule of law, reversing the gains made in the state-building period of the 1960s and 1970s. From the local to the national level, there is an increasing ethnicisation of issues such as state employment."¹⁵

In 2009 the *UN Human Rights Committee* reported that under the 1977 Decree sanctions for traditional rulers included being called to order, a warning, simple reprimand, warning with suspension of all allowances for a period not exceeding three months and dismissal.¹⁶

In 2009 the *UN Human Rights Committee* reported that chiefs were prohibited from punishing or extorting their subjects,

"Article 29 of the Decree of 1977 implicitly prohibits traditional rulers from punishing or extorting from their "subjects". Any violation of this provision moreover is a cause for dismissal. The most recent example is the case of the Group Head of Foreke-Dschang, (second class chieftom based on the nomenclature evoked herein above) who was dismissed for "inertia, inefficiency and extortion on the masses" by Order No. 111-CAB – PM of 22 August 2005 by the Prime Minister, Head of Government."¹⁷

In 2009 the *UN Human Rights Committee* reported that the government has taken steps to address impunity for human rights abuses, listing the following cases in which chiefs were prosecuted,

"In other cases, they may be prosecuted and punished in accordance with the law as illustrated by the following cases:

¹⁴ The Eye Newspaper, In reaction to President Biya's call: CAMCORE (UK Diaspora) storms Cameroon, makes own contribution to consolidate peace and unity, 30 August 2012, cameroonlatest.blogspot.co.uk/2012/08/in-reaction-to-president-biyas-call.html, accessed 10 July 2013

¹⁵ International Crisis Group, Cameroon: Fragile State?, Africa report No. 160, 25 May 2010, <http://www.crisisgroup.org/~media/Files/africa/west-africa/cameroon/160Cameroon%20Fragile%20State.ashx>, accessed 11 July 2013

¹⁶ United Nations, Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant, Fourth periodic reports of States parties, Cameroon, CCPR/C/CMR/4, 31 March 2009, available from ccprcentre.org/doc/HRC/Cameroon/CCPR.C.CMR.4AUV.doc, accessed 11 July 2013

¹⁷ United Nations, Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant, Fourth periodic reports of States parties, Cameroon, CCPR/C/CMR/4, 31 March 2009, available from ccprcentre.org/doc/HRC/Cameroon/CCPR.C.CMR.4AUV.doc, accessed 11 July 2013

- the paramount Chief of Bafoussam was sentenced by the High Court of Mifi to five (05) years imprisonment suspended for five years and a fine of one million francs for depredation by band, arson, disturbance of quiet enjoyment and trespass on 6 May 2005;
- the Lamido of Tcheboa, was charged with false imprisonment and forced labour, convicted and sentenced to one year imprisonment on 24 August 1993 by the High Court of Benoue. A bench warrant was issued against him;
- the Lamido of Douroum, was charged with extortion on his people, convicted and sentenced in two separate cases:

- * defamation and abuse in which he was sentenced to one month imprisonment and a fine of one million one hundred thousand francs on 7 May 2003;

- * disturbance of quiet enjoyment, destruction of property in which he was sentenced to two years imprisonment by the High Court of Mayo Louti on 13 August 2003.

- the traditional ruler of Bantoum III (Bangante in the West Province) was sentenced to one (01) year imprisonment and a fine of ten thousand francs, for false arrest, by the Court of First Instance, Bangangte. A bench warrant was issued against him;
- the Paramount Chief of Balatchi Mbouda in the West Province) was charged for oppression, but discharged and acquitted by the Court of First Instance, Mbouda;
- the Chief of Bamengam (Mbouda in the West Province) was charged with false arrest but acquitted by the Court of First Instance, Mbouda;
- the Second Class Chief of Foulou (Lamidat of Mindjivin, Far-North Province) was sentenced to six months imprisonment, suspended for three years and 50,000 francs damages by the Court of First Instance for theft, false arrest as a co-offender and accessory in the theft;
- the Lamido of Bagana (Far-North Province) was sentenced to two years imprisonment, suspended for three years and two hundred and fifty thousand francs damages by the Court of First Instance Yagoua for false arrest and accessory after the fact;
- the Chief of Mbouasoum village (Melong) was given a suspended sentence of three years and ordered to pay a fine of fifty thousand francs for oppression and ninety thousand francs as damages on 4 January 2005 by the Court of First Instance, Nkongsamba;
- Bidjeke Mathias, third class quarter head, was charged with oppression by the Court of First Instance, Edea;
- the Fon of Awing in the North-West is being prosecuted for whipping and undressing of a church minister; and
- Docto Aboh, Quarter Head and Gaga Ndozeng Michel Second Class Chief are being prosecuted for false arrest and accessory before the Court of First Instance, Bertoua.¹⁸

In its 2012 country report covering the events of 2011 the *United States Department of State (USDOS)* reported that the lamibe (traditional chiefs) were permitted by the government to temporarily detain persons and that some operated private prisons within palaces in which serious abuses occurred,

"Many citizens in the North and Far North regions turned to traditional chiefs, or lamibe, for dispute resolution, and the government continued to permit lamibe to detain temporarily persons until they transferred them to the police or gendarmerie and the judicial system. Such detentions could last several weeks or months, depending on the gravity of the offense, the distance to the nearest security office, and the availability of lamibe, security officers, complainants, and transportation. According to human rights defense groups, including Defense des Droits de l'Homme et des Consommateurs du Sahel, the Movement for the Defense of Human Rights and Liberties, and SOS Droits de l'Homme, allegations continued of private prisons that had reputations for serious abuse within the palaces of the

¹⁸ United Nations, Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant, Fourth periodic reports of States parties, Cameroon, CCPR/C/CMR/4, 31 March 2009, available from ccprcentre.org/doc/HRC/Cameroon/CCPR.C.CMR.4AUV.doc, accessed 11 July 2013

traditional chiefdoms of Rey Bouba, Gashiga, Bibemi, and Tcheboa. For example, jailors in these private prisons allegedly often tied some prisoners to a post with chains attached to their wrists and ankles."¹⁹

In its 2011 country report covering the events of 2010 the *USDOS* reported that Lamibe in the North claimed that private detention facilities did not exist despite people being detained in public sight,

"During an April 2010 visit in the North and Far North regions, lamibe claimed to foreign diplomats that such detention facilities no longer existed, although incriminated subjects were often held under the veranda of a hut and could be seen by passersby."²⁰

In 2013 *Freedom House* reported that in the north Lamibe had committed abuses against political opponents,

"In the north, traditional rulers (*lamibe*) operate private militias, courts, and prisons, which are used against political opponents."²¹

In its 2010 country report covering the events of 2009 the *USDOS* reported that a chief was imprisoned by the government for false arrest,

"During the year the government sentenced traditional ruler Jean Claude Enyegue Atanga to 20 years' imprisonment for false arrest."²²

In 2008 *Cosmas Cheka*, Senior Lecturer, Faculty of Law and Political Sciences, Yaoundé University II, stated that the Fon's (chief's) power extended to where ever his subjects were,

"The Fon is the paramount head of a community of values, customs and of a shared history with others (wherever they may be) in spite of the subjects being part of a nation. Territorialization of fondoms seems to smack of a misunderstanding of the ambit of the powers that traditional authorities wield over their subjects. The authority of the Fon is not limited to the 'territory' where his throne is found or where the majority of his subjects live. The Fon's authority pursues his subjects wherever they may be!"²³

(3) In the event a power struggle among Traditional Heads, including a fight to take over the Traditional Headship, occurs in particular regions, whether the central/ regional Government would be able to exert control, including through administrative regulations, legislative activities and/or exercise of judicial/police authority. In other words, can the federal or local authorities protect an individual from threats by non-state agents who want to take over the role? Would the Traditional Head themselves be able to protect an individual appointed as the next Traditional Head from non-state agents wanting to take over the role?

We did not find information relating to threats by non state agents wanting to take over a chieftaincy during the time frame of this research within the sources consulted.

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¹⁹ United States Department of State, Country report on human rights practices, 2012; Cameroon, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204097>, accessed 10 July 2013

²⁰ United States Department of State, Country report on human rights practices, 2011; Cameroon, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186173>, accessed 10 July 2013

²¹ Freedom House, Freedom in the World 2013: Cameroon, <http://www.freedomhouse.org/report/freedom-world/2013/cameroon>, accessed 10 July 2013

²² United States Department of State, Country report on human rights practices, 2010; Cameroon, <http://www.state.gov/documents/organization/160112.pdf>, accessed 10 July 2013

²³ Comas Cheka, Africa Development, Volume XXXIII, No. .2, 2008, pp67-89, www.codesria.org/IMG/pdf/AD_33_2_2008_4_Cheka.pdf, accessed 10 July 2013

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