

## **Addressing the armed conflict in Cameroon; constitutionally speaking**

*By Mwalimu George Ngwane\**

In 1945, a new constitution called the Richards constitution (named after its author Sir Arthur Richards) was drafted in the Nigerian polity with the following objectives:

- To promote the unity of Nigeria,
- To provide adequately within that unity for the diverse elements which made up the country and
- To serve greater participation by Africans in the discussion of their own affairs<sup>1</sup>

The Richards constitution came into operation in 1946.

The major setback of this constitution was that it never consulted with the citizens. Without a buy-in of the population, the Richards constitution came under heavy strictures. This led to the Sir John Macpherson constitution which came into effect in 1951 (five years after the demise of the Richards constitution). Though it was popular because 'it gave ample opportunity to ventilate all shades of opinion in Nigeria in its formulation, it collapsed on 31 March 1953<sup>2</sup>

Thereafter a series of constitutional conferences were held in 1953-54, and in 1957-58 culminating in the Independence of Nigeria on 1 October 1960. Another constitutional conference was held in 1963 which approved the Republican constitution. In all, Nigeria went through five constitutional conferences all in search of a legal framework that can provide unity, prosperity and development for Nigeria. These five constitutional conferences and their outcomes were predicated on two questions:

'Do we wish to see a fully centralised system with all legislative and executive power concentrated at the centre?'

Or

'Do we wish to develop a federal system under which each different region of the country would exercise a measure of internal autonomy?''<sup>3</sup>

---

<sup>1</sup> Obafemi Awolowo, Thoughts on Nigerian constitution, (Oxford University Press,1966) 4-5

<sup>2</sup> Ibid

<sup>3</sup> Awolowo, Thoughts on Nigerian constitution, 6-7

The underlying concern within these two questions is why one of these two types of constitution should be preferred over the other. According to Obafemi Awolowo the main thing which distinguishes a unitary from a federal constitution is, among other things, where the supreme legislative authority in the state resides. In a unitary constitution, the supreme legislative authority in the state is vested in one government whereas in the case of a federal constitution, the supreme legislative authority is shared between the general or central government and the regional, provincial or state governments, all of which are coordinates with and independent of one another in regard to the powers and functions expressly or by necessary implication vested in them by the constitution<sup>4</sup>. The fundamental glue that binds every country is the recognition of and respect for its diversity. Diversity is a rainbow magnet that pulls together the ethnic, religious, linguistic and national components which later on feed into the nation's holistic tapestry. The process involved in fashioning, making or engineering a constitution can earn a nation with either a people-centred or a politician-decreed supreme law of the land. Most constitutions today owe their relevance and sustainability to the fact that citizens hunger for micro-governance and bottom-up decision making. Another concern Awolowo raises about a unitary and a federal constitution is that a unitary constitution will not work in circumstances which warrant a federal constitution, and conversely that a federal constitution will fail where the circumstances only favour a unitary constitution. **SUITABILITY** (Emphasis added) is therefore the essence of any constitution.<sup>5</sup>

I have taken the liberty to present a brief overview of the constitutional processes in Nigeria so as to draw parallels and symphony with the Anglophone predicament within the Cameroonian context. For close to 70 years, Cameroon has also walked the journey of Suitability; a journey in search of a constitution suited to the political circumstances, cultural coloration and national aspirations that speak to an enduring policy of unity in diversity; a journey that seeks to involve the conscience of the nation through a physical sitting in the form of a constitutional conference. Though the Richards and Macpherson constitutions had some connection with the fate and future of the then Southern Cameroons, though a series of constitutional conferences with peripheral considerations on the state of Southern Cameroons were held in June 1949 (Mamfe), August 1953 (London Lancaster House Conference), January 1954 (Lagos constitutional conference, May-June 1956 (Bamenda conference), 1957 (London constitutional conference), 1958 (resumed London constitutional conference), it

---

<sup>4</sup> Ibid

<sup>5</sup> Awolowo, Thoughts on Nigerian constitution, 29

could be argued that all of them focussed basically on which political colouring Southern Cameroons should have within or outside its relationship with Nigeria. As for the future of Southern Cameroons in relationship with the Republic of Cameroon, there has only been one bilateral constitutional conference which is the Foumban conference of 17-21 July 1961. The rest have been unilateral consultations on constitutional reforms on a linguistic pedestal or on a national outreach, and others (that will not be discussed here) have been isolated Talks and meetings indirectly related to constitutional matters.

The first unilateral consultation on constitutional reforms was the Mamfe Plebiscite conference of August 1959. According to Victor Julius Ngoh, this conference had two major preoccupations in the event of holding a Plebiscite that would determine whether Southern Cameroons should join Republic of Cameroon or not.<sup>6</sup> The two preoccupations were:

- 1) What questions should be put to the voters
- 2) Who should vote in the Plebiscite<sup>7</sup>

What followed later on was the adoption of a Resolution by the Fourth Trusteeship Committee of the UN General Assembly. Resolution 1352 (XIV) of 16 October 1959 spelt out two questions in the Plebiscite as follows:

Do you wish to achieve Independence by joining the Independent Federation of Nigeria?

Or

Do you wish to achieve Independence by joining the Independent Republic of Cameroon?<sup>8</sup>

The second unilateral consultation was the Bamenda All-Party constitutional conference of 26-28 June 1961. According to Anthony Ndi, John Ngu Foncha wanted in this consultation to ‘specifically ensure that they (Southern Cameroon delegates) went to Foumban speaking with

---

<sup>6</sup> Victor Julius Ngoh, The “third option” and the Anglophone problem, 1959-2022: A historico-conflict study, (Presprint Limbe, 2023) 77

<sup>7</sup> SCIS, B, “Full Text of an Address by the Chairman of the Summit Conference, Sir Sidney Phillipson, at Mamfe on Monday August 10th 1959, “Press Release No 422, 11th August 1959, NAB.

<sup>8</sup> Victor Julius Ngoh, The “third option” and the Anglophone problem, 1959-2022: A historico-conflict study, (Presprint Limbe, 2023) 87

one voice which would strengthen their position in the face of the East Cameroon delegation led by Ahmadou Ahidjo’<sup>9</sup>

Some of the constitutional proposals from this consultation included a bicameral Federal legislature; ceremonial not executive head of state; a Governor as head of each state with a Prime Minister, political capital moved to Douala and recognition of different legal systems.

Before I go on with the third unilateral consultation, I would like for the sake of historical coherence and unity, mention the only constitutional conference that has been both bilateral and national within the Cameroonian context. It is the Foumban constitutional conference of 17-21 July 1961. It is so far the only constitutional conference that aimed at finding a common constitutional ground between two partners (Southern Cameroons led by Premier John Ngu Foncha and Republic of Cameroon led by President Ahmadou Ahidjo) In his opening speech at the conference, Ahmadou Ahidjo declared inter alia:

*You know that even before the referendum (plebiscite), and since then during our talks with Mr. Foncha we chose a FEDERAL framework. It was so because LINGUISTIC administrative and economic differences do not permit us to envisage seriously and reasonably a state of the UNITARY and centralised type. A Federal structure, therefore would be the ONLY one which SUITS our particular situation<sup>10</sup> (All Emphasis added).*

And John Ngu Foncha responded inter alia:

*Our main task is therefore to produce a FEDERAL form of government, taking into consideration the PECULIAR circumstances in which we have found ourselves<sup>11</sup>*

And so out of the Foumban constitutional conference was born a FEDERAL constitution.

The third unilateral consultation came as a unilateral announcement from the President of Cameroon, Ahmadou Ahidjo. Addressing the Parliament on 6 May 1972, Ahidjo gave reasons why the federal structure of 1961 (10 years of its existence) should be abolished for a unitary state. He said:

---

<sup>9</sup> Anthony Ndi, *Southern West Cameroon*, 137.

<sup>10</sup> Cited in Ngho, *The “third option” and the Anglophone problem, 1959-2022: A historico-conflict study*, (Presprint Limbe, 2023) 139.

<sup>11</sup> *Ibid*

*“The cumbersome Federal structure of the Republic affected the development efforts of the Cameroonian government. The maintenance of resources of three governments and four Assemblies involved considerable expenditure solving which could have been used in the economic, social and cultural problems of the country”<sup>12</sup>*

Ahidjo declared that the change to a unitary state would have many advantages, to wit, a better definition and rational allocation of responsibilities; a more rapid dispatch of public affairs; an elimination of duplications, bottlenecks and overlapping within administrative channels; and finally the transformation from federal to unitary would result in substantial savings in consequence of the abolition of numerous administrative structures.<sup>13</sup>

To come to the main reason for this address in the Assembly on this fateful 6 May 1972 Ahidjo concluded:

*“In these conditions where the federal structures appear as a handicap to the rapid development of the country.... the time has come to go beyond the federal organisations of the state. I have therefore, aware of my responsibilities towards the nation and in front of history decided to CONSULT by REFERENDUM the sovereign people of Cameroon and master of their destiny the immediate institution of a unitary state.”<sup>14</sup>* (Originally voiced in French but with subtitles in English on the video).

The 20 May 1972 Referendum was therefore a follow up of the address in Parliament which was as noticed not on any constitutional talks but on a change of the form of state (immediate institution of a unitary state). After the vote in favour of the unitary state (with massive endorsement by some key political elites of the then West Cameroon), the government alone drafted a constitution that it tabled at the National Assembly as a bill. On 2 June 1972, President Ahmadou Ahidjo issued Decree 72-270 bringing the new document into law.

The fourth unilateral consultation was the Tripartite Talks held in Yaounde from 30 October to 15 November 1991. Indeed, on October 11, 1991, President Paul Biya announced that a tripartite meeting between the government, opposition parties and members of the civil society would take place to discuss the draft electoral code as well as the draft decree on

---

<sup>12</sup> George Ngwane, *The Mungo Bridge* (Cosmos Educational Publishers,)

<sup>13</sup> *Ibid.*

<sup>14</sup> [www.facebook.com, là-où-tout-a-commencé-revivez-le-discours-du-premier-président](https://www.facebook.com/là-où-tout-a-commencé-revivez-le-discours-du-premier-président), 23 May 2023

access of political parties to the official media. However, during its deliberations, the conference demanded that a new constitution be drafted for Cameroon. The conference then designated an eleven-person Technical committee to draft a new constitution and then adjourned, expecting to be reconvened to receive, debate and adopt the draft constitution prepared by the Technical committee.<sup>15</sup> Among the eleven-person Technical committee were four Anglophones, Dr Simon Munzu, Prof Carlson Anyangwe, Barrister Simon Ekontang Elad, and former Minister Benjamin Mutanga Itoe.

According to Simon Munzu, the government chose not to reconvene the tripartite conference which would have turned into a constitutional conference but instead resorted to a tele-conference akin to the making of the Macpherson constitution of 1951 under the Nigerian polity. The tele-conference requested citizens to submit their constitutional issues to government by phone or fax. These issues submitted to the Technical conference in the form of a Report were further reviewed in a constitutional consultative committee that was created by President Paul Biya. However, three of the Anglophones in the Technical committee boycotted the deliberations of the consultative committee for two main reasons but I would like to state the more relevant case which is:

The seven francophone members of the Technical committee totally rejected all proposals by the Anglophone members that had to do with a return to Federation. In other words, the document that was going to be examined by the committee did not reflect what the Anglophone members advocated in the committee.<sup>16</sup>

After boycotting this consultative deliberation, the three Anglophone members convened a unilateral consultation conference to prepare the Anglophone Cameroon position for any impending constitutional conference. The outcome was to be fed into the proceedings of such a conference.

In effect therefore the fifth unilateral consultation was convened by the three Anglophone members of the Technical committee in Buea from April 2-3, 1993, under the umbrella name of the All Anglophone Conference (AAC). The purpose of convening was for Anglophones to arrive at a common set of proposals for asserting and safeguarding Anglophone interests, to be submitted and defended at any impending national constitutional talks announced by the

---

<sup>15</sup> Interview with Simon Munzu, U.S.A, 11 December 2023

<sup>16</sup> Ibid

President. The AAC was massively attended, hugely representative and immensely successful and federalism was adopted as the form of the state to be proposed by Anglophones at the announced national constitutional forum. In fact, the AAC went as far as to produce a draft FEDERAL constitution as their positional document in the event of any constitutional conference. Unfortunately, the positional document was not considered, as the consultative constitutional committee, whose deliberations the three Anglophone members boycotted, came out with amendments to the 2 June 1972 constitution that was further passed into Law No 96-06 of 18 January 1996 as the Cameroon constitution. Part One, Section 1(2) of this constitution states clearly:

The Republic of Cameroon shall be a DECENTRALISED UNITARY (Emphasis added) State. It shall be one and indivisible, secular, democratic and dedicated to social service. It shall recognize and protect traditional values that conform to democratic principles, human rights and the law. It shall ensure the equality of all citizens before the law.

It can therefore be seen that from 1961, Cameroon's constitutional evolution has crossed the trajectory of Federal, Unitary, and decentralised unitary; just as the name of the country has mutated from Federal Republic, United Republic to the Republic of Cameroon.

In recent development, there have been clamors especially by Anglophones for some form of a constitutional dialogue. On May 9, 2015, some 700 Common Law Lawyers met in Bamenda to "discuss the security and future of the common law in Cameroon". At the end of the meeting the lawyers came out with eight proposals for a new direction in the justice sector in Cameroon. One of the proposals read:

*We demand that the state should exercise its constitutional duty to protect the Anglophone minority and by so doing our history, heritage, education and cultural values. Consequently for the better protection of the minority Anglophone Cameroonian and the common law heritage we strongly demand a FEDERATION<sup>17</sup>*

Since then, teachers, clergymen, elite Associations, civil society organisations, party leaders, and leaders of thought have raised their voices on the form of state (unitary, unitary decentralised, federation, confederation etc.) they would like the state to adopt but few have

---

<sup>17</sup> Resolutions Made at the Inaugural All Cameroon Common Lawyers' Conference", Bamenda, 9 May 2015; The Post, NO. 01849, Monday, 04, September 2017,3

suggested the process this should take. It is generally accepted that discussions on the form of state are embedded and processed in a constitutional conference or a referendum or both. In an article I wrote titled “The Reunification Referendum” I made this conclusion:

*So if the future of Southern Cameroons was decided through a Referendum (Plebiscite) on 11<sup>th</sup> February 1961, and the future of West Cameroon was determined through a Referendum on 20 May 1972, is it not logical that the future of Southern Cameroons, West Cameroon or the Anglophone regions and they only, should be consulted through another Referendum?<sup>18</sup>*

In another article which I wrote, I hinted:

*This is the time for the leadership in Cameroon to religiously record the twitter feeds of Anglophone advocacy groups, to meticulously take the sound bites of the restive Anglophone community and to judiciously engage the Anglophones in another Fouban, another Referendum and in another Federalism<sup>19</sup>*

In an end of year (2016) speech the then National Chairman of the Social Democratic Front (SDF) Ni John Fru Ndi called for an All-Party CONSTITUTIONAL CONFERENCE (Emphasis added)

On September 10, 2019, President Paul Biya convened as a response to the escalating Anglophone crisis, a Major National Dialogue which later took place from September 30-October 4, 2019. In his opening speech during this dialogue and specifically on 30 September 2019, Prime Minister Chief Dr Dion Joseph Ngute stated:

*The Major National Dialogue convened by the President of the Republic to bring together Cameroonians of good will in the same place and space, offers us the unexpected opportunity for a collective start, aimed at finding concrete and pragmatic solutions, far from petty squabbles, to the problems that have separated us physically and intellectually in recent years.<sup>20</sup>*

Taking the floor later, Sultan Mbombo Njoya stated:

---

<sup>18</sup>. [www.gngwane.com](http://www.gngwane.com) The Reunification Referendum, 18 February 2014

<sup>19</sup> [www.gngwane.com](http://www.gngwane.com) Another Fouban, Another Referendum, Another Federation, 19 July 2015

<sup>20</sup> [www.nationaldialogue.cm](http://www.nationaldialogue.cm), 2019

*The only remedy that could cure this evil is the revision of the CONSTITUTION<sup>21</sup>*

Was the Major National Dialogue conceived to accommodate constitutional Talks? No. Was it the right forum to have included the theme on constitutional Talks or to replace the theme with the theme on Committee 4 -Decentralisation and Local development? Perhaps.

In the face of calls for the root causes of the Anglophone problem rather than the Anglophone crisis to be addressed;

Cognisant of the fact that relative calm is being noticed in some areas in the Anglophone regions;

Aware of the fact that an asymmetrical conflict cannot solely be won through weapons of mass destruction;

In the genuine attempt to win the war constructively and conquer the causes permanently;

In agreement with Nouck Protus' statement that a constitution should be a practicable document which seeks to find solutions to past problems, as well as attempts to forestall any structural hitches that may impede national development in any foreseeable future<sup>22</sup>;

I submit that there is a merit in exploring a multilateral Constitutional Convention in Cameroon.

A constitutional convention is a body that brings people together to draw up a constitution or make changes to existing constitutional arrangements. It is a means of broadening and diversifying democratic involvement on key issues.<sup>23</sup>

Conditions that trigger a constitutional convention range from a society in the throes of conflict, threat to national unity, shrinking space for national development, to the ultimate need for peacebuilding. In most cases the written constitution emanating from the convention is presented to Parliament or/and approved in a Referendum. Constitution making has become a cornerstone of peacebuilding efforts in conflict and post conflict societies thereby contributing to peace. According to Charlotte Fielder, writing a new constitution reduces the

---

<sup>21</sup> <https://newsdaycameroon.wordpress.com> › 1 October 2019

<sup>22</sup> Protus Nouck, To be united or not to be, Cameroon Life magazine, July/August 1993,9

<sup>23</sup> Desai, P. (2020) Briefing Paper: Constitutional Conventions and Citizens' Assemblies: power to the people? House of Commons Library, Number 07143, 17 January 2020 75

risk of conflict recurrence as long as the root causes of the conflict are frontally addressed.<sup>24</sup> Fielder also argues that post-conflict constitution-making processes that take longer are more beneficial for peace because the trust-building effect of constitution-making only occurs when enough time enables bargaining and the development of a broad compromise.

Little doubt that constitutional conventions and/or constitutional referendums have been the recipe for social cohesion in some African countries quite recently. The cases of Mali in 2023, Central Africa Republic in 2023, Chad in 2023, and Guinea Conakry to be held in 2024 come to mind.

In a letter written to James Madison from Paris just after the French Revolution had broken out, Thomas Jefferson (1743-1826) argued that any constitution expires after 19 years and must be renewed if it is not to become “an act of force and not of right”<sup>25</sup>

In another letter to Samuel Kercheval in 1816, Thomas Jefferson wrote:

*Some men look at constitutions with sanctimonious reverence, & deem them, like the Ark of the Covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well: I belonged to it, and labored with it. (...). I am certainly not an advocate for frequent & untried changes in laws and constitutions ... but I know also that laws and institutions must go hand in hand with the progress of the human mind.*<sup>26</sup>

Yes, there is always a risk in any constitutional convention, but countries should be endowed with the national will to take the risk for to quote Clay Jenkinson ‘the risk of trying to bandage a current system back together is greater than the risk of a thoughtful reboot.’<sup>27</sup>

I am confident that having manifested the national will in unpacking some of the layers of the Anglophone predicament, our government can take what some might consider the risk of making a constitutional convention a political reality.

*\*Mwalimu George Ngwane is writer and policy Advocate; author of a new book ‘Protecting Minority Language Rights’ (2023) Spears Books, Denver, CO, U.S.A, www.gngwane.com.*

---

<sup>24</sup> Charlotte Fielder, Why writing a new constitution after conflict can contribute to peace, Briefing Paper, No 11/2019

<sup>25</sup> <https://oll.libertyfund.org> › quote › thomas-jefferson-...

<sup>26</sup> Cited from ‘Jefferson Quotes and Family letter’ Thomas Jefferson Foundation, 2024

<sup>27</sup> Clay, S, Jenkinson ‘Is it time for a new constitutional convention?’ 24 July 2022

## REFERENCES