

## **A Memorandum to the President of the Republic**

**Subject: Participation of Independent Candidates in the Electoral Process in  
Cameroon**

**Submitted by the *Committee for the Participation of Independent Candidates in the  
Electoral Process in Cameroon***

## **Introduction**

His Excellency

The President of the Republic of Cameroon

**0.01.** At your invitation, a team of Commonwealth Experts (including an Expert from Francophone Africa) met from the 20- 22 February 2006, with the Ministerial Committee designated by you to examine modalities for the establishment of an Independent Election Management Body in Cameroon. The meeting agreed to proceed on the basis of your vision relating to the establishment of a new and Independent Election Management Body with responsibility for the entire election management process in Cameroon.

The Cameroonian side expressed its desire to pursue further consultations in a number of other countries with a view to conducting a comparative study of the terms and conditions of functioning of Independent Election Management Institutions. With an Independent Election Managements Body in Cameroon, there would obviously be the need for a new Electoral code in Cameroon.

It is in this regard that we, concerned citizens, united under the platform of *Committee for the participation of Independent Candidates in the Electoral process in Cameroon* are submitting this memorandum to you with a view that Independent candidates be allowed to participate in the 2007 Municipal and Legislative Elections and conditions for the participation of Independent candidates at Presidential Elections be reviewed.

## **I. Background**

**1.01.** Between 1945 – 1966, individuals stood as Independents for elections in Cameroon in both what was then West and East Cameroon. In fact the case for Independent candidates was justified by the then Prime Minister of Cameroon Ahmadou Ahidjo in his address to the 4<sup>th</sup> United Nations General Assembly on 25<sup>th</sup> February 1959. He had this to say:

Alongside political parties could and should exist a public opinion; this public opinion could place confidence in men it appreciates for their know-how, their competence, and their human qualities. What is more normal, more in conformity with democratic traditions than this confidence of the voter for the elected? This democratic usage is in any case in conformity with the profound traditions of the Cameroonian people. Will we want Cameroon to blindly copy the political system in other countries by putting its destiny entirely on political parties, or rather in a single party?

**1.02.** The development of the electoral system in the then French Cameroon could be divided into two phases: the period of colonial democracy stretching from 1946 – 1960, and the period of post – Independent multi-party democracy stretching between 1960 and 1966.

Article 5 of Law No 46 – 2151 of 5 October 1946 related to the election of members of the National Assembly for instance stipulated that:

Candidates of a list in an electoral district are expected to make a declaration accompanied by their legalized signatures. These declarations of candidates should indicate the name of the list presented.

So, the 1946 election though based on a list system was non-partisan.

Under Ordinance No. 60 – 21 of 4 March 1960 on elections into the National Assembly, which governed the April 1960 Legislative elections, the participation of Independent candidates in the electoral process was maintained.

**1.03:** The electoral system in the former Southern Cameroons between 1946 and 1961 was regulated by legal instruments, which made running as Independent highly permissive. For example Article 46 of the Electoral Regulations of 17 May 1951 favoured the participation of Independent candidates, with simple conditions like providing:

- (a) The name, address and description of the candidate;
- (b) The name, address and description of the nominators of the candidates;
- (c) Statements by the candidates that they were willing and qualified to stand for election; and
- (d) Deposit of 10 pounds to be returned if nomination is withdrawn, as election not contested, or if contested, they obtain more than one-tenth of the total votes.

**1.04.** The timid introduction of partisan politics in Cameroon between 1962 and 1966 went almost unnoticed. The main reason being that the laws between West and East Cameroon were not harmonized. For instance, the law on partisan politics was prescribed for Presidential elections in 1962, made optional for Federal legislative elections and made compulsory for Legislative elections only in 1964.

**1.05.** With the coming of the one party system in 1966, the electoral laws were harmonized, and law No. 66/LF/17 of 21<sup>st</sup> December 1966 for elections into West Cameroon House of Assembly was enacted, which was similar to that of Law No 65/LF/1 of 28<sup>th</sup> April 1965 for the East Cameroon House of Assembly. In this regard between 1967 and 1982, there was no room for the exercise of political independence in Cameroon and the participation of Independent candidates in the electoral process was proscribed by various legal instruments regulating the various elections.

## **II. Independent Candidate participation in the New Deal Multi-party Democracy:**

### **1990 – 2004**

**11.01.** Since 1990, your New Deal multiparty democracy has practised a complete partisan system but a partial Independent candidate system where by the various electoral laws recognized the eligibility of Independent Candidates to run for Presidential elections but not for Legislative and Municipal elections.

**11.02.** With regard to Presidential elections, Law No. 92/010 of 7 September 1992 fixing conditions to fill vacancies in the Presidency of the Republic in its Articles 55 and 57 stipulates that nominations for Presidential elections could either be by political parties or independent candidates.

**11.03.** However, the controversial condition for Independent candidates to participate in Presidential elections is that *such a candidate must produce 300 legalised signatures from the electoral college (voters) who should be members of the National Assembly, Consular Chambers, Councilors, and First class Chiefs (special high profile voters) from all the Provinces, making 30 per Province.*

**11.04.** Between 1992 and 2004, there have been three Presidential elections. First was the October 1992 Presidential Election in which all the candidates were sponsored by recognised political parties. There was no Independent candidate.

**11.05.** The first attempt at Independent candidate participation in the New Deal multiparty Democracy was in the 1997 Presidential election which saw the Yaounde – based lawyer Onana Nouma Marcus depositing his candidature to contest as an Independent. His candidature was disqualified on the basis that he could not produce 300 signatures from the 10 Provinces.

**11.06.** The second attempt at Independent candidature was in the 2004 Presidential election in which six candidates deposited their files as Independents. All six candidates were disqualified for various reasons among which were the inability to furnish 300 signatures from the 10 provinces.

### **III. Constraints of the 300 signature condition**

**111.01.** We of the *Committee for the Participation of Independent Candidates in the Electoral process in Cameroon* are of the opinion that the 300 signature condition is:

- (a) Discriminatory, in the light of the constitution which determines the fundamental rules with regards to elections;
- (b) Unrealistic, considering the prevailing situation in Cameroon where some Provinces cannot produce 30 of such “special high profile voters”;
- (c) Unconvincing, because none of these “special high profile voters” is Independent enough to endorse an Independent candidate. Almost all of them are members of parties who would rather maintain party discipline or toe party line.

### **IV. Other Experiences elsewhere**

**IV.01.** For more than forty years of political Independence and democratic transitions in Africa, candidate-based electoral processes have been experimented with remarkable successes. Let us make mention of a few, in recent times,

- (a) In Cote d’Ivoire, the municipal election of 25 March 2001 saw 38 of the 195 local councils being grabbed by Independents. Independents were now recognised as the third political force in the country. In 2000, Rwandese local government election was candidate-based.
- (b) Since 1990, Independent candidates have run and won legislative elections in countries like Mauritania, Central African Republic, Cote d’Ivoire, Ethiopia, Gabon, Zambia, Zimbabwe, Egypt, Mauritius, Ghana, Algeria, Congo Republic, Madagascar etc.
- (c) In the September – October 1993 legislative election in the Kingdom of Swaziland, all the 30 members of the Senate were elected as Independents.
- (d) The most conspicuous practice of Independent candidature in Africa was the ‘no party democracy movement’ in Uganda where between 1986 – 2006, legislative and municipal elections were conducted essentially through Independent candidates.
- (e) Independents have also made an impact in some Presidential elections in Africa between 1990 – 2006. Independents have run in countries like Algeria, 1999) Cote d’Ivoire (2000), Guinea Bissau (2000), Senegal (2000), Sudan (2000) Cape Verde (2001) Sao Tome (2001),

Zimbabwe (2002 and 2005), Mauritania (2003).

Independents have won Presidential elections in some African countries for example Marc Ravalomanana who swept 51.5% of the votes during the 16 December 2001 in Madagascar; Ahmadou Toumani Toure who won 64.4% of the votes during the April – May 2002 Presidential elections in Mali; and quite recently the spectacular victory of Yayi Boni who won 74.51% of the votes during the March 2006 Presidential elections in Benin.

- (f) In Ethiopia, Parliament passed Proclamation 255/94 in 2001 stipulating that only Independent, non-partisan Parliamentarians are eligible for election to the position of President of the Republic.

**IV.02.** We are happy to note that four of the African countries that have been included in the Commonwealth Delegation to make reforms in our Electoral process are still experimenting the Independent candidature system. We are confident that these four countries (Benin, Mauritius, Kenya and South Africa) will draw from their experiences to propose a more humane and realistic modus operandi for the participation of Independents in elections in Cameroon.

## **V. 10 Reasons for Independent Candidate participation in Elections in Cameroon**

- (i) Article 2.1 of the 18 January 1996 Constitution prescribes that “*National Sovereignty shall be vested in the people of Cameroon (...) no section of the people shall arrogate to itself the exercise thereof*”.
- Making eligibility for election conditional only to membership in political parties is excluding a great section of the people since political parties represent only a section of the people.
- (ii) Article 2.2 of the 1996 Constitution stipulates “*the authorities responsible for the management of the state shall derive powers from the people through elections*”. People can organize themselves as parties or Independents since parties are only one of the ways through which universal suffrage can be expressed. To reduce elections merely through parties is to penalise citizens who do not belong to political parties.
- (iii) Part II, chapter 1, Article 5.5 of the 1996 constitution says “*Candidates for the office of President of the Republic must be Cameroonians by birth*”.
- Article 20.3 says *Candidates for the post of Senator and personalities appointed for the post of a senator by the President of the Republic...(...)*..., In both cases the word “Candidate” is not specific to party candidates; it could therefore be extended to cover

Independent candidates. Moreover, the same constitution through Article 48.2 reads “Any challenges in respect of the regularity of one of the elections (...) may be brought before the Constitutional Council by any candidate, political party that participated in the election in the constituency concerned”.

It is therefore clear that the 18<sup>th</sup> January 1996 constitution is Independent candidate – friendly. The real problem lies with an Electoral code (Law) that should provide humane and realistic conditions for the participation of Independent candidates in elections in Cameroon as from 2007.

- (iv) The OAU during its 38<sup>th</sup> session in Durban on 8<sup>th</sup> July 2002 resolved that:
- Individuals and political parties shall have the right to freedom of movement to campaign and to express political opinions with full access and information within the limits of the laws of the land.
  - Every individual and political party participating in elections shall recognize the authority of the Electoral Commission.
  - The emphasis here is on the two carefully separated words of “individuals” and “political parties”
- (v) Article 21(1) of the United Nation Declaration on Human Rights states that “*everyone has the right to take part in the government of his country, directly or through freely chosen representatives*”.
- These representatives can therefore be chosen either through party–centered electoral system or through candidate-based electoral system or both
- (vi) A candidate – based electoral system would enhance competition and expand the democratic space that is already being narrowed by party-centered system in Cameroon.
- (vii) In addition to a party – based system, a candidate – centered election would permit the electorate to focus on individual merit and independent philosophical or political opinions.
- (viii) Independent Candidature would act as a buffer to party candidates who, out of their veiled personal interest or contradictory party ideology are obliged to defect from one party to another.
- (ix) So far party – centered elections have only favoured an old generation that has monopolized the political arena in Cameroon. Independent candidature would therefore provide the young generation with the opportunity of bringing a new vision and fresh agenda to the body-politic of our country. Indeed Independent candidature is now regarded as an antidote to gerontocratic politics and a rite of passage to generational democracy.

- (x) Through Independent Candidate participation, the process of building a consociational democracy based on power – sharing not only among political parties, regions and ethnic groups, but also between the state society and the civil society will be enhanced.

## **Conclusion**

His Excellency

The President of the Republic,

**C.01.** In the light of the foregoing, we the under mentioned members of the *Committee for the participation of Independent Candidates in the Electoral process in Cameroon*, urge the Commonwealth Expert Team, the High Level Ministerial Committee on Cameroon Electoral Reform as well as all patriotic Cameroonians and development partners concerned with our democratic process and electoral code to positively consider our request for:

- (a) The nullifying of the 300 signature condition that obtains for Independent candidates wishing to stand for Presidential election,
- (b) The participation of Independent candidates at both the legislative and municipal elections as from 2007.

**Buea, 25 May 2006**

*Mwalimu George Ngwane*

*Spokesperson of the Committee*



## **Members of the Committee**

- [Mwalimu George Ngwane](#): Writer/ Executive Director, AFRICAphonie, Buea.
- **Churchill Ewumbue-Monono**: Writer/Director, The Center for Research on Democracy and Development in Africa (CEREDDA), Buea.
- **Barrister Chief Charles F. A. Taku**: Lead Counsel, United Nations International Criminal Tribunal for Rwanda (UNICTR), Arusha –Tanzania.
- [Dr. Bate Besong](#): Poet, Playwright, President PEN Buea chapter, Cameroon.
- **Simon Nkwenti**: Secretary General Cameroon Teachers' Trade Union (CATTU), Bamenda.
- **Martin Fon Yembe**: Director, Global Information Network, Bamenda.
- [Aloysius Ntemfac Ofege](#): Journalist
- **Barrister Agbor Felix Nkongho Esq.**: Executive Director, Center for Human Rights and Democracy in Africa, - United States of America.
- **Dr. Kinni Yen Kinni**: Curator, Afhemi Museum, Yaounde.
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### **C.C:**

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- His Excellency Jean Marie Atangana Mebara, Minister of State, Secretary – General of the Presidency/representing the Government of Cameroon in Cameroon's Electoral Reform Committee,
- His Excellency Alpha Oumar Konare, President of African Union Commission, Addis Ababa, Ethiopia,
- H.E. The President of the National Assembly, Cameroon
- His Excellency Minister of state for Territorial Administration and Decentralisation, Cameroon,
- His Excellency Minister of Communication, Cameroon.

- Samuel Mutua Kivuitu, Chairman of Electoral Commission of Kenya and Member of the Commonwealth Team;
- H.E. the Ambassador, United States Embassy, Cameroon,
- H.E British High Commissioner, British High Commission, Cameroon
- H.E French Ambassador, Cameroon
- H.E South African High Commissioner, Cameroon
- The President, Cameron Bar Council
- The President, National Elections Observatory, Cameroon