

CORRUPTION IN CAMEROON

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Tél: 22 21 29 96 / 22 21 52 92 - Fax: 22 21 52 74
E-mail : fricdrich.ebertcameroun@camnet.cm

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CO-ORDINATED BY
Pierre TITI NWEL

Corruption in Cameroon

Study

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Translated from French by :
M. Diom Richard
Senior Translator - MINDIC

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PREFACE

The need to talk about corruption in Cameroon was and remains very crucial. But let it be said that the existence of corruption within a society is not specific to Cameroon alone.

In principle, corruption is a scourge which has existed since human beings started organising themselves into communities, indicating that corruption exists in countries in the World over.

What generally differs from country to country is its dimensions, its intensity and most important, the way the Government and the Society at large deal with the problem so as to reduce or eliminate it.

At the time GERDDES-CAMEROON contacted the Friedrich-Ebert-Stiftung for a support to carry out a study on corruption at the beginning of 1998, nobody could imagine that some months later, a German-based-Non Governmental Organisation (NGO), Transparency International, would render public a Report on 85 corrupt countries, and Cameroon would top the list, followed by Paraguay and Honduras.

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Already at that time in Cameroon, there was a general outcry as to the intensity of the manifestation of corruption at virtually all levels of the society.

Consequently, it did not take much for GERDDES-CAMEROON to convince the Friedrich-Ebert-Stiftung as to the pertinence of such a study. Its devastating consequences for the society, the economy and, on the behaviour of citizens in general were and still cannot be overemphasised.

Besides, it is not the first time that the Friedrich-Ebert-Stiftung has lend support for such an endeavour, with the objective to help in the fight towards the elimination of this «drawback» to democracy.

By way of example, Friedrich-Ebert-Stiftung organised from the 16th to the 17th of February 1995, in Berlin, a conference on corruption in Germany. The conference papers were later published under the heading : «Corruption in Germany : its causes, its manifestations and strategies to fight against it»

This publication attracted a high level of attention in the German Media and in the German society as a whole.

So, it is the fervent wish of the Friedrich-Ebert-Stiftung in Cameroon that the present study on Corruption in Cameroon be taken as a working instrument by all those who are in-charge of running both the Civil and Political affairs of the country, to help them in locating and analysing, etc., the «Corruption Syndrome» towards taking the necessary measures to fight to reduce, why not, eliminate it.

In my opinion the empirical part of the study describes the problem in a very concrete and vivid way.

I wish to express my gratitude to GERDDES-CAMEROON, the co-ordinator of this study and to all those who in one way or the other, contributed in making this study available for Reading and for the eventual putting into use of it.

Dr. Harald Bammel
Resident - Representative

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This survey on corruption in Cameroon is based on empirical data collected from all the provinces of the country, it is analysed and processed using the socio-anthropological approach. This work could not have been carried out without the invaluable financial assistance of the Friedrich Ebert Foundation to which we owe our sincere gratitude.

In this endeavour, Bendegue Jean-Marie, Nkolo Ayissi Ernest, Talla Jean-Bosco and Zinga Valentin assisted us, all members of Gerddes-Cameroon. They participated in all the phases of the survey : investigations on the field, moderation of workshops, writing of reports. etc.

Mr Taguem Fah conducted investigations in the North and Far North Provinces. Since he is resident in Ngaoundéré he was not been able to work with us throughout the whole study. They should all consider this as the fruit of their efforts.

The provincial survey teams to which we give special thanks were made up of: Messrs. Nsangou Seidou, Houna Ayena,

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We also owe thanks to the hundreds of Cameroonians, both men and women who patiently and kindly answered our questionnaires.

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Finally we say thank you to all whom in one way or the other enabled us to carry out this study through to the end.

Pierre TITI NWEL

INTRODUCTION

This study was carried out as part of a research project on corruption initiated by Gerddes-Cameroon in conjunction with the Friedrich Ebert Foundation. Towards the end of 1997, Professor Fabien Eboussi Boulaga, Chairman of Gerddes-Cameroon submitted a national research project on corruption to the Friedrich Ebert Foundation for Funding. It was only towards the end of July 1998- then, I was acting Chairman of Gerddes-Cameroon- that the partnership between the Foundation and Gerddes on the project effectively came into being following the vast awareness campaign against corruption carried out by the Cameroon government between March and April of that same year. Besides evaluating the impact of this campaign, it is necessary to understand the nature, causes and effect of corruption, and the ways and means by which this evil can be checked.

1. The problem

Corruption (in commission or omission) is punishable under sections 134 and 134 (a) of the Penal code of Cameroon: « Any public servant or government employee who for himself or for a third party solicits, accepts or receives any offer, promise, gift or present in order to perform, refrain from performing or postpone any act of his office» or who receives any reward «as remuneration for having already performed or refrained from any such act» shall be punished. The corrupter who is also punishable under section 134 (a) is any person who makes promises, offers, gifts and presents in order to obtain either the performance, postponement or abstention from an act.

Corruption is the violation of the obligations of probity, fidelity and impartiality in the exercise of a public service, to the detriment of the user. Corruption is said to have taken place when an individual is paid to perform or refrain from performing his duty either with gifts, promises or presents ; corruption is also deemed to have occurred when an individual pays a compliant professional to do his work or to refrain from doing so.

In his presentation during the workshop on corruption organised by Gerdes-Cameroon on 24 March 1999, Mr. Garga Haman Adji considered that «corruption is the result of a conscious act generally for money, performed outside legal, social and moral or spiritual norms: the corrupter and the corrupted violate these norms in a pre- meditated manner for their own concrete or abstract interests ... Corruption is legally, morally and socially condemned because it is a denial of the constitutional or legal principles of the equality of citizens in rights and duties, of the free rendering of public services, of the promotion of the right to property and of the subjection of public employees and

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officials to the law and not the reverse. The society endeavours in this way to maintain the value of man not for what he has but for what he is.

During the first half of this decade, several cases of corruption (following the definition above) made headlines in Cameroon.

In 1991, the army was sent into the university campus to forcefully stop protest demonstrations by university students. This violent suppression reputedly resulted in several deaths. These rumours were categorically denied by the then Minister of Information and Culture Prof. Augustin Kontchou. The government set up an ad-hoc committee headed by Chief Endeley with Lawyer Odile Mbala Mbala as rapporteur to inquire into these events. This committee confirmed the Minister's point of view but failed to convince the general public. After discovering the sudden movement of funds in Lawyer Odile Mbala Mbala's bank account during the time she was rapporteur of the committee, the private press accused the lawyer of having been strongly and financially motivated with large sums of money not to tell the truth about the events that had taken place at the university.

Because of the political atmosphere in 1992, political parties of the opposition decided to boycott the legislative elections of that year. In order to lend a semblance of credibility to its peculiar democratisation process, the government decided to encourage some opposition parties to take part in the elections by placing at their disposal a sum of 500 million francs. This was viewed by a section of public opinion as an act of political corruption.

In October 1993, the semi-final football match between Olympic of Mvolye and Leopard of Douala ended in defeat for the latter. The public immediately accused the referee Mr. Tomota of partiality. After he was summoned and judged by Fecafoot,

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Tomota lost his position as national referee for life. In a document written by him, Mr. Tomota accepted that he had received 200 000 Frs before and 10 000 Frs after the match from the president of Olympic to see to it that the other team lost the match.

These few examples are an illustration of acts that are punishable under sections 134 and 134 (a) of the Penal Code.

However, what is perceived as corruption in our society today goes far beyond the limits of the phenomenon as defined by the law. Corruption no longer involves just the request, a mere solicitation, the offer and reception of gifts and promises in order to perform or to refrain from performing or to postpone any act, nor is it just reward for an act performed or refrained from. In daily practice the civil servant or government employee no longer waits passively to receive gifts for services rendered; he demands that these gifts be offered before he acts or refrains from acting, that the person requesting his services make a «gesture». This «gesture» in general is well known in advance that this or that amount of money has to be paid by any candidate wishing to enter a professional school, or by a driver without insurance document or a driving licence at a police check point; it is common knowledge that a certain percentage has to be paid to the treasurer before payment of any bills are made etc. To Cameroonians, corruption is also perceived in the non-payment into the public coffers of all the taxes collected from tax payers: the government employee who represents the state, pockets part or all of the proceeds.

These corrupt practices are carried out openly. Because of this, the government decided to act, and at the beginning of March 1988 through the official press launched a campaign against corruption entitled «Corruption kills the nation». Resource persons were invited by the Minister of Communication

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to co-operate with journalists and answer questions in interviews, newspapers, round table discussions, etc. «The aim of this campaign» the minister wrote «is to sensitise and draw the attention of Cameroonians to the harm that this practice would do to the nation if it continues, and to invite every Cameroonian to participate in the eradication of this evil».

For about four weeks, the government media actively denounced acts of corruption in all sectors of public and private life including the mass media. Cameroon Tribune (the National Daily) examined inter alia the inflation of bills in administrative services, graft in educational establishments, the Police and the Army, Customs, health institutions, Post and Telecommunications services, the railway company etc. It also looked into the sports domain and as well as into sports and the sensitive area of government contracts for major works. C.R.T.V-Radio interviewed a highly placed official at the Douala Treasury on the practice of withholding 30 % or on the fifty-fifty arrangement, ..Here are some of the excerpts from Cameroon Tribune (CT).

In the CT issue of 9 March 1998 Luc Angonla Nanga (Journalist with this Daily) interviewed Mr. Ibrahim Jean Ngou, President of the transporters' syndicate on corrupt practices in the sector who said : « At the beginning only the Police force was tainted. Now, the Gendarmerie has entered into it because the practice of harassing urban and inter-urban transporters is very lucrative. We are obliged to give bribes whether our documents are in order or not. The degree of corruption here has slowed down our activity, because every month we have to share our profits with the Police and the Gendarmes. The transporter is obliged to comply with their demands because any refusal to give a bribe automatically entails the confiscation of car documents and at the next checkpoint, the car is immediately

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impounded». « Again in the event of an accident, the attitude of the law and enforcement officer responsible for drawing up the accident report is the same,» he continues. «It all starts with moving the officer from the police station to the scene of the accident: money must change hands. Before drawing up the accident report negotiations have to be made. Again, forwarding the file to court will only be done after a bribe has been paid, failure to do this will result in incomplete documents reaching the court ; this in turn will cause the judge to adjourn or dismiss the case. Some cases concerning accidents that resulted in deaths have been awaiting trial for more than 20 years».

Accusing fingers were also pointed at the Post and Telecommunications service, which is considered as «the biggest milking cow». In the CT issue of 13 March DNT declared the P and T to be a State within a State. This ministry functions with a parallel budget. Because of this the civil servants and government employees working there did not undergo salary cuts and their salaries are paid on time. They have many fringe benefits: allowances, free telephone, service cars with special car registration numbers, etc. yet they are not satisfied, maintains D.N.T. One has to wait for close to two years for a telephone line to be connected: «your zone has no problem’. one is invariably told. «The only problem is lack of equipment. deliveries are imminent, you just have to be patient». When someone shows you whom to tip (bribe technicians with 60 000 frs) you are immediately connected.

A report on the inflation of bills carried in the CT issue of 26 March indicates that the sector commonly called «supply of office equipment’, is the best if one wants to get rich quickly: «the method used is that during the award of contacts. priority is given to suppliers who will accept to cheat ...In this way the unit

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price of an ordinary pencil is fixed at 800 frs and that for a packet of envelopes is 600 frs» (Luc Angoula).

Journalists of the official press did not stop at denouncing acts of corruption; they examined ways to eradicate it. One of these was to punish those guilty. There are sections in the Cameroon Penal Code under which they can be punished. The 1996 constitution, in its article 66 provides that all persons holding high office in the Republic of Cameroon should declare their assets at the time of taking office. Who should punish offenders ? wonders Badjang ba Nken (Journalist CT of 1 April). Authorities and institutions exist for the implementation of this battery of laws.

- The intelligence services provide information on all cases of corruption to enable the opening of investigations;
- Officials of the Judicial Police carry out investigations when cases of corruption are reported or when it is discovered that an individual is living far above his income;
- Magistrates can, with or without a complaint, start legal proceedings when a case of corruption is suspected.

It is obvious that none of this really obtains. Badjang ba Nken concludes by quoting a member of government who during an interview on the radio programme «*Cameroon Calling*» said: *«those who are responsible for punishing persons guilty of corruption generally fail in their responsibilities, that is, if they themselves are not actively involved in it. Some officials in the Supreme State Audit who are entrusted with the responsibility of overseeing the proper financial management of public and para-public institutions have practically been bought over by these institutions (offers of fuel, payment for car maintenance,...) to a point where they can only write positive reports in order not to fall out of favour with the heads of the enterprises that they control ».*

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What is surprising and new about these analyses on acts that are commonly known is the fact that the outcry against these practices come from the mouths and pens of people who for the most part are openly in support of the Cameroon Peoples Democratic Movement (CPDM), the party in power. They all describe acts of corruption suffered by victims of administrative and parapublic services and arrive at the same conclusion: the guilty must be punished.

If the cause of corruption is the impunity enjoyed by those guilty of it why stop at this stage and not seek to know the origin of this cause? During the radio interview of an official in the Douala Treasury, justification, which could be read in between the lines, was given for the systematic deduction of 30 % before the payment of bills at the treasury. He blamed this conduct on the low salaries earned by the employees of the treasury. The interview ended on a note of commiseration on the plight of treasury employees. Now why do these workers not address their problem to the State instead of holding the public ho stage and obliging it to «increase» their salaries?

Cameroonians followed the campaign with great interest. They waited for the reaction of heads of opposition parties invited by the Minister of Communication on the subject. The Chairman of the Social Democratic Front refused to honour the invitation but proposed through one of his militants, the Honourable Fopoussi Fotso, SDF parliamentarian, that an «impartial, independent institution, endowed with adequate legal and financial autonomy, as well as with investigative and coercive powers, be set up and entrusted with the audit and the facilitation of the emergence of a State of Law particularly by giving real independence to the judiciary and making it apolitical» (in Le Messenger N°745 of 27 March 1998. Mr. Garga Haman Adji,

Chairman of the Alliance for Democracy and Development (ADD) received a C.R.T.V-Television crew in his home for an interview which was never broadcast.

The campaign ended in early April with a firm promise from the Minister of the Public Service and Administrative Reform Mr Sali Dairou that the government would from then onwards take sanctions against all acts of corruption (CT N. 6575 of April 1998).

How did Cameroonians react to this extensive media campaign against corruption? What was its impact on the phenomenon itself? This study will examine all these questions in detail.

2. Methodology and reasons for this survey

The study was conducted in three phases: a national survey; the organisation of workshops by Gerddes-Cameroun in order to analyse the results of the national survey and. Finally, a survey of the different sectors of activity.

A. The national survey

This survey was conducted in seven provinces: Centre, East, Far-North, Littoral, North, Northwest and West. It Comprised:

(a) a quantitative phase consisting of a questionnaire with 16 questions (see appendix). This questionnaire was administered to 560 persons (men and women whom 50 % were civil servants and employees of para-public institutions and 50 % users of these services) distributed as follows:

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Provinces	Centre	East	Far North	Littoral	North	North West	West
Number polled	90	50	100	90	80	75	75

(b) a qualitative phase with the assistance of a moderator (see appendix 2) devoted to opinion leaders (politicians, magistrates, officials of the Territorial Administration. Spiritual leaders, teachers, journalists, members of the forces of law and order). It was planned to individually interview 12 in the Centre Province, 7 in the East, 15 in the North, 10 in the North West and 10 in the West.

A team was formed to carry out this survey on the field. It comprised a general co-ordinator, four head investigators each co-ordinating a group of six investigators. These head investigators were :

- Messrs NKOLO Ayissi Ernest: East and Littoral Provinces
- Talla Jean Bosco: West and North West Provinces
- Taguem Fah: North and Far North Provinces
- Titi Nwel Pierre: Centre Province and General Co-ordinator of the study.

Before the survey started, each head investigator made a trip to the field to choose people who were most likely to give an authoritative opinion on the question under study. Appointments were arranged with such persons to this effect. At the end of the field trip each head investigator submitted to the general co-ordinator the duly filled questionnaires along with a report on his «field». Using all these reports, the general co-ordinator wrote out a report of about 30 pages.

The investigations were conducted in the month of August and in the first half of September 1998 just days before

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Carneroonians learned in the morning of 22 September that Cameroon had finally reached top position in the world corruption list up by Transparency International. In part two of this study a text by Jean- Bosco Talla describes the reaction of Cameroonians following this declaration by transparency International.

By July there was no longer any indication that the government had, just a few weeks earlier, denounced acts of corruption in the country. Law enforcement officers at checkpoints along inter-provincial highways, inside towns as well as on the suburban roads plied by bush taxis called «clandos» continued to demand bribes as if nothing had been said against such practices by government authorities. It was decided therefore that it was necessary to carry out a study to see if other services had also turned a deaf ear to the denunciations, injunctions and treats made by the State. The beginning of the new school year in early September with its attendant problems such as the enrolment of children into nursery, primary and secondary school furnished us with the perfect opportunity. The team decided to find out if employees and users of health institutions had understood and retained the message contained in the awareness campaign against corruption.

Because of the cultural and geographical diversity in Carneroon the team decided to conduct this study according to Province or geographical region. It was hoped that in this way the team would discover, through different types of relations between individuals, the various relationships between man and material possessions in general and money in particular, the nature and extent of corruption. The Grand North (the Adamawa, North and Far North Provinces) practises mainly the Moslem and traditional religions. This area also shares long boundaries with Nigeria and Chad. It is here therefore that shady transactions and trafficking are rife.

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In the Littoral and East provinces major financial transactions are carried out: Douala (Littoral), full of businessmen, is the economic capital and port of entry and exit for the country's riches; Bertoua (East) has a subsoil that is rich in precious stones and the most sought after timber in Central Africa is felled in or transits through it. The Centre Province is the very heart of the political life of the country, and Yaounde has the largest number of social institutions especially health, and Secondary school, and university institutions. The Centre and the Littoral have a large Christian population. The West and North West Provinces are characterised by a well organised chiefdom structure.

The Adamawa, the South and the South West were not included in the survey, but they can each be assimilated into one or the other of the geo-political regions. Again, although the results have been obtained from seven of the ten provinces which make up Cameroon, it can be concluded, based on the responses to questions asked that there is almost no difference in the perception and practice of corruption from one region of the country to the other. The team is convinced therefore that the results obtained from the seven provinces are valid for the whole country. A kind of cultural integration is taking shape and growing in Cameroon.

B. Workshops

The report resulting from the analysis of the data collected during the national survey was distributed to persons chosen by Gerddes in the following sectors : the media, justice, the social sector (health education, telecommunications, SNEC, NGOs) and political and opinion leaders. Gerddes wanted in this way to enable these persons to give their educated opinion on the method

of work adopted and on the interim conclusions. Each sector had seven participants one of who had to present a paper on corruption in the sector concerned.

On 23 and 24 March 1999, four workshops (each lasting about half a day) were organised at the head office of the Freidrich Ebert Foundation located in the Bastos neighbourhood in Yaounde. The programme of this event comprised the presentation of the report by the general co-ordinator of the survey, the presentation of a paper on corruption by an invitee, discussions and proposals both on the report and on the paper. During the workshop, participants, who had all read the report took their work very seriously as can be seen in the frank and open manner in which discussions took place and in the clarity of the proposals on ways to fight corruption. The opinions and suggestions made by participants are included in this study.

C. Survey according to sector of activity

The aim of the national survey was to find out, using the quantitative and qualitative approach, what Cameroonians of all works of life think of the burning issue of corruption. The survey by sector of activity on the other hand has as main objective to complement previously collected data with sectorial data collected from people working in certain sectors that are more prone to corruption.

In this regard, GERDDES conducted surveys, one in Douala in the Economy-Finance-customs domain, another among the forces of *law* and order, a third in the domain of government contracts and the fourth in the economy and Finance administration in Cameroon. In each interview, a specific set of questions were asked:

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- (a) How in your view does corruption manifest itself in your sector of activity ?
- (b) What do you think are the real causes of this phenomenon ?
- (c) What in your opinion are the consequences of corruption in your sector of activity ?
- (d) What strategies would you propose to efficiently fight against corruption in your sector both at the individual and institutional levels ?

The personalities who accepted to be interviewed welcomed the team warmly and answered the questions asked honestly and openly. Some of them requested complete anonymity.

3. Observations recorded during the national survey

The investigators who were sent to the Centre Province worked in the Mfoundi, the Mefou and Afamba, the Mefou and Akono and the Mbam and Inoubou Divisions. There they met and discussed -with persons interested in the problem and willing to talk. They also met people who were suspicious and who openly asked to know the hidden reasons behind the undertaking. One highly placed civil servant even told the investigators that he would have to get authorization from his minister before answering the questionnaire.

In the East and Littoral, the survey was conducted in Bertoua, Belabo and Douala. Their two kinds of attitudes were portrayed :

- Suspicion and reserve on the part of the political and administrative elite who went on the defensive when faced with the questionnaire, and who were sceptical as to the impact of such a study :

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- Enthusiasm and readiness to express an opinion on the part of users of administrative services and political leaders.

In the west and Northwest provinces investigators went to Bafoussam, Baham, Bandjoun, Dschang and Bamenda. Here they had the impression that they were looked upon as secret agents of the government trying to unearth possible opponents of the regime. In Bamenda, the investigators declared that they were secretly followed for several hours. For fear that their answers might be distorted, some respondents took pains to till the questionnaires themselves. Some of them also demanded «beer» from the investigators before answering the questionnaires.

However, the personalities who had earlier been contacted during the qualitative phase were not reticent. They answered questions readily and freely.

The investigators who worked in the North and Far North Provinces, although residing in the region are natives of other parts of the country. Here they faced a language barrier because French is not commonly used. Consequently some of the interviews were conducted in national languages. Unfortunately, no reliable interpreters who could faithfully render ideas from one language to the other were available.

Some people might complain that attention was focused only on the urban areas. However, it is a well known fact that apart from the provincial capitals, most of the villages are considered towns only because of the presence there of administrative and public services.

It is only when the villagers go to these services that they encounter this phenomenon of corruption.

The figures in the tables show the percentages of answers in relation to the persons interviewed. Since abstentions were not counted, the totals in these percentages do not always correspond to a hundred.

4. Plan of survey

This work is divided into two parts. The first analyses the data collected from the national and sectorial surveys. It also takes into account the opinions of the participants in the Yaounde workshop of 23 and 24 April 1999 on corruption. The second part is made up of all the pluridisciplinary contributions on the theme. Two of these contributions: Those of Messrs Garga Raman Adji and Lingo Celestin are papers they presented during the workshop.

Part One

**OBSERVATION AND INTERPRETA-
TION OF THE PHENOMENON**

Chapter I

PERCEPTION OF THE CORRUPTION PHENOMENON

«Backdoor», «pushing of files», oiling of palms» «soya», «beer» are some of the expressions used by Cameroonians to describe the act of bribery and corruption. The practice of corruption has become a widespread phenomenon today : according to the teams findings, before an employee renders any service in the public or private administration he must be given or will most probably expect to receive from the person requesting this service payment whose amount would depend on the issue at stake. Various gifts are offered. Even sex is offered : women are expected to offer themselves before obtaining what they want ; for this reason, parents send their daughters, men their wives or girlfriends to those in positions of authority in order to win contracts or gain promotion. However the most common bribe offered is money. In response to some questions, those interviewed said :

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«money can open all doors»
 «money is the key to life»
 «with money you can buy a woman’s love’.
 «if you have money, you will have the whole world at your feet»
 «in government administrative services if you do not give money, your file will not be processed : documents will even be removed from them in order to render a file incomplete.»
 «If you do not ‘talk well’ your file will be sat upon, your child will not go to school, the magistrate will send you to prison».

Table 1: Corruption, a common phenomenon

Frequently	Centre	East	Littoral	North west	Far North	North	West	Total
Common	34.44	08	14	21.47	22	34.33	22.50	22.43
Very common	65.55	92	84	76.76	78	64	77	76.75
Rare	00	0.75	00	1.75	00	00	00	0.42
Very rare	00	00	00	00	00	00	00	00

Source: our survey

Only 0.42% of those interviewed (2 to 3 only out of 560) think that corruption is a rare phenomenon (see table 1). For all the others however, bribery and corruption are commonly practised in daily life. In the west province it was alleged that even wills left by deceased persons are sold out to the highest bidder. This is even more disquieting considering that such an act is taking place in a region reputed for having great respect for traditional values and above all for the last wishes of a deceased person.

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«the phenomenon is so common now that to be honest is considered criminal»

« Any person who does not practise it is considered a fool or worse a pariah»

«there is no place in this country where you can get what you deserve by right without giving a tip»

«corruption is no longer practised in secret, it is now considered legal»

However not all persons interviewed stated categorically that this phenomenon is commonly practised. Consequently some of their comments may be modified by saying that when you need a service from a government or parapublic administrative service, you should always be ready to pay something for it ; this is because not all the employees of these services are corrupt, although most of them are. It should be noted that the above-mentioned conclusion was arrived at after most of the officials of the government and parapublic services, who constituted more than half of the sample population surveyed, confessed to the «very common» practise of bribery and corruption in their various services. All sectors of the national life are affected by this evil, starting from the helm of the state, which buys our consciences during election periods with drink, food, money and appointments or reappointment to positions of responsibility .Even religious institutions are not free of this evil. Some persons interviewed considered that sometimes, sacraments and appointments to some church positions of authority are bought. However, some of them conceded that not all members of the clergy are corrupt; there are some who took orders because they had the true «vocation» and these ones are honest; there are some who went into this life of material considerations.

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«one has to pay to study doctrine, for requiem mass to be said». «positions as church elder are bought».

Sacraments are sold either through receiving more money than normal or by giving them to those who have not attended doctrine classes as required.

On the basis of the answers received, one can say that the practice of bribery and corruption is not as common in some provinces as it is in others. This is not really the case, because the survey did not give the criteria, which can differentiate between that which is «common» and that which is «very common». The criteria used in the survey was very subjective. However, when the average per province of the headings «common» and «very common» is calculated, the result is always above 98%, indicating that the level of corruption is about the same in all the provinces of the country.

One would have thought that Yaounde, being the seat of State institutions, would have highly placed political «personalities» capable of having files «freely» processed. Such «personalities» exist or are likely to exist everywhere : Bayart (1989 : 9) quoting Cameroon Tribune of 9 February 1985 gives an illustration of this in the North :

«In 1984, in Garoua, in the north of Cameroon, Djoda, an employee of a major textile company realised that his rents had suddenly doubled. Pressed for money, he had himself introduced to a traditional ruler in that town as a special envoy of the President of the Republic. This ruler was completely taken in and received by with all the honours due such an envoy. When the impostor asked for land, the ruler offered him one and an already equipped house in a rich neighbourhood. Coming back *from* an imaginary journey to Yaounde where he had had a no less imaginary discussion with the head of state, our special envoy

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informed the traditional ruler that the president had promised to appoint members of his family as mayor of Garoua and as Divisional section president of the single party. Still convinced that Djoda was a genuine envoy this ruler did not show any surprise when the said Djoda asked for the sum of one million francs to use in buttressing the candidacy of his proteges. Shortly afterwards again, he requested this same traditional ruler to ask one of the rich traders of the region to give him a new car. This was done. It was only after he had received a new wife that his game was uncovered».

Table 2. Can one have anything, become anything with money ?

	Centre	East	Littoral	North west	Far North	North	West	Total
Yes	81.11	69	71.40	77	73.33	88	66.24	75.15
No	17.78	25	24	21.47	22.33	12	31.99	22.08

Source: our survey.

When asked whether in Cameroon one can have anything or become anything with money , the vast majority of those interviewed everywhere answered «yes» (see table 2) ; this was especially the case in the Centre Province (81.11%). This question 2 could be answered with a «yes», a «no» or «yes , but» followed by an explanation. The investigations also noted this down :

« An illiterate tycoon cannot use money to become a doctor or a professor in the University».

«not everybody has money»

«human relations count for something too»

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«with money, we can have access to material possessions but not to spiritual things»

«One can have everything but one cannot become everything with money»

In all the provinces, money is the most common thing used as payment for services rendered (see table3). The next common thing is a gift. Under this heading of «gift» some persons interviewed included sex and political loyalty. Many others consider this to be wrong:

«a simple thank you for a service rendered is enough»

«a gift must not be demanded as a pre-condition. it should be offered freely as a sign of recognition for a job well done»

«except the bad laws and corrupt attitudes of this country are changed no good services will be rendered?..

Table 3 : What is usually offered in exchange for a service ?

	Centre	East	Littoral	North west	Far North	North	West	Total
Money	72.22	37	39	68.51	41.66	65	58.49	54.55
A service	37.78	24	26	21.11	25.66	25.66	52.19	29.43
A gift	38.89	27	26	16.22	26.33	26.33	49.45	28.50

Source: our survey.

However, according to some Cameroonians, not all can be bought with money. Moral and spiritual values can never be bought; things such as happiness, love, life, intelligence, good health, knowledge and eternal life can never be bought.

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Cameroonians, know that even though one can use underhand method, to obtain a certificate, that person will never become a skilled professional in his job. They also know and have declared (84.93%) that *person* who have bought either diplomas or administrative positions, are generanlly incompetent When it comes to performance in the field (see table 4)

Table 4: Performance of those who bought diplomas/ Positions

	Centre	East	Littoral	North West	Far North	North	West	Total
Also competent	2.39			2.97	15.33	27.33	12.98	12.20
incompetent	76.67			96.46	72.33	72.66	86.52	84.93

However,this does not take the educational establishment and administrative service, into consideration because, according to those interviewed, it is possible to acquire the necessary skills on the job»

«If the work to be done requires technical and specialized knowledge, performance will be poor but if the skills necessary can be acquired on the job, then such a person may do well»

«A certificate does not immediately signify competence, it is only through experience in the field that one can master the profession»

However corruption in this domain, is encouraged by the administration because some of the respondents pointed out, people are obliged to buy certificates or posts even if they are competent. This is because when candidates are admitted into professional schools on the basis of their certificates (and in the absence of a veritable competitive entrance examination), or

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when the profile for a position of responsibility is not known, the only means to enter such a school or to be appointed to a high post is to resort to bribery and corruption.

For some 50.59% of persons interviewed, the only way one can obtain a certificate or be appointed to a position of responsibility which he or she deserves by right is through bribery (see table 5). Some users of administrative services pay for services simply because they have no time to waste. The majority of those interviewed declare that a file does not «move» from office to office on its own, it must be «pushed». This file will «move» very fast if the person «pushing» it has the means. If one has no money, then chances are that he will wait for a very long-time, with the possibility even of losing everything in the end.

Table 5: Reasons for paying for free service.

	Centre	East	Littoral	North west	Far North	North	West	Total
Everyone does	27.78	34	23	13.85	31	61	26.28	30.98
There is no option	57.78	50	51	79	45.66	24.33	46.36	50.59
No time to waste	28.89	20	25	16.44	18.33	14.66	53.21	25.22

Source: our survey.

There are some people who give bribes (30.98% of those sampled) who, without being asked, offer gifts, money and other things in order to obtain service to which they are entitled. For these people, corruption has ceased to be considered as a social evil, it has become a way of life a social act that has become so much a part of them that they perform it spontaneously. In

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Cameroon today, bribery and corruption are fast becoming what anthropologists call the basic trait, or personality of a society. The government authorities in this country realised this deviation from morality in just about time. What impact did the government campaign against corruption have?

2. Impact of government campaign against corruption.

Table 6 : Opinion of the population on the anti-corruption campaign

	Centre	East	Littoral	North West	Far North	North	West	Total
Good initiative	52.22	37	14	35.11	39.66	47.33	53.66	43.56
Initiative was imposed	13.33	17	11	11.19	18.66	20.33	10.85	14.62
Dust in the eyes	26.67	38	46	52.16	31.66	29.66	34.52	36.95
Was Pointless	7.78	5	5	1.51	8.38	2.66	3.26	4.86

Table six shows that only very few (4.86%) Cameroonians think that this campaign should not have been carried out. Cameroonians are now waiting for the government to take steps to stop this evil. However, for almost one out of every seven (14.62%) Cameroonians this action was imposed from outside. Is it true that pressure was put by donor institutions? It would seem that Cameroonians have become so accustomed to seeing their leaders being pushed around by the international funding institutions that they have lost confidence in the ability of the government to take the smallest initiative in favour of its people without being forced to do so.

«Good initiative» (43.56%) for some and «dust in the eyes of Cameroonians» (36.95%) for others, the difference is not

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great. This can be explained by the fact that the initiative never had any lasting impact. «The campaign never reached Bafia « one interviewee complained «because the police and medical staff have remained as corrupt as ever».

Tables 7,8 and 9 show, in figures, that the operation «Corruption kills the Nation» failed woefully. The practice did not reduce anywhere as a result of the Campaign, be it in the police and gendarmerie forces or in health units.

In fact the situation has worsened. The reasons for this according to some of those surveyed are two-fold. First of all the government spent all its time talking and not taking any action against those guilty of the practice and secondly, those who are most guilty of corruption are all highly placed persons in the regime.

Table 7: Situation in Education Establishment

	Centre	East	Littoral	North West	Far North	North	West	Total
Has improved	14.44	18	5	6.30	7.66	9	14.74	10.73
Remained the same	61.11	52	62	55.28	53	43.33	68.59	56.47
Has worsened	22.22	26	28	32.80	29	47.61	13.61	13.42

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Table 8: Gendarmerie and Police Forces

	Centre	East	Littoral	North West	Far North	North	West	Total
Have not changed	52.22	54	51	64.62	57	39	77.80	59.92
Have changed positively	7.78	30	4	1.75	7.33	18	6.30	9.16
Have become worst	40	16	38	32.09	31	43	15.87	28.39

Table 9: Situation in Health Units

	Centre	East	Littoral	North West	Far North	North	West	Total
Has improved	18.89	6	11	18.19	8	7	23.83	13.27
Remained the same	18.89	48	51	52.15	47.66	21.66	61.01	47.19
Has worsened	40	42	33	26.36	43	71.33	11.47	38.16

Source: our survey.

It should be pointed out here that the government had no intention of digging into the past ; «we are not going to divert attention by going into files which are ten, twenty or thirty years old» warned the Minister of the Public Service in an interview on 9 April. Because no measures were taken to arrest those guilty since the campaign started, people gradually became convinced that the government had finally put an end to the matter. As a result the situation worsened, and those in the socio-professional fields most involved took even more actively to corruption.

The sectorial survey on the practice of corruption in key areas of economic and social life in Cameroon, conducted from January to April of 1999 as well as the conclusions of the 23-24 March workshop confirm this view.

Chapter II

MANIFESTATIONS OF CORRUPTION

This chapter examines corruption in daily life. The data found here was collected during the sectorial survey on the key sectors of economic and social life of Cameroon, particularly in the areas of government contracts, insurance, customs, the police and armed forces, justice and also as concerns the election process. Corruption is manifest in the many abusive practices perpetrated at various levels of economic activity. According to James Onobiono «operations involving the import of raw materials, litigation in courts, taxation, etc always give the opportunity to those who hold positions of authority within the administration to attempt to abuse: those powers to the detriment of enterprises or the State» (interview of March 1999). In addition to this, there is the common practice of inflating bills, administrative and police harassment of economic operators and other mal-practices that are carried out in these sectors. These will be examined later on.

1. Corruption in the award of government contracts

Laws and decrees rigorously control purchases, services, supplies and works billed to the State. These activities which are generally carried out within the framework of what is called «Government Contracts» provide a very fertile ground for corruption in the country .

According to Decree N° 79-35 of 2 February 1979 and its subsequent amendments, « A government Contract is a written agreement with a public community, public establishment or semi-public organisation whereby a person governed by public or private law undertakes to carry out a construction work on their behalf or under their supervision or to supply goods and services in return for a price» a contract brings two groups or persons together these are :

- A supplier/contractor (supplier of goods, services or works)
- a public or parapublic institution represented by a person or a commission, a vote holder, the stores accountant and the paymaster.

The corrupter is always the supplier or contractor and the corrupted is always the representative of the public or parapublic institutions or beneficiary of the service being supplied.

According to the provisions of the rules, the representatives of government institutions work individually or in commission. The commitments of funds on behalf of the public institution/client is done in one of the three written forms below and according to the amount to be paid:

- a purchase order, for commitments under five million francs CFA

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- an order note for commitments ranging from five million to under twenty million
- a contract for twenty million and above.

For any of these three documents to be signed, money must change hands. The person who wins the contract has to secretly pay a previously agreed amount of money as tip to the one who does the signing (this is generally the vote holder). We shall show here how corruption comes into play in the six stages involved in the carrying out of government contract.

Stage One: **Placing of Purchase Order**

Funds are committed after an order has been placed for the supply of services. This order is usually made following the publication of a call for tenders, or in exceptional cases by direct award or by mutual agreement. These vote holders get round the rules by breaking up the funds to be committed into small lots in order to avoid making a public call for tenders, this gives him the latitude to go for a person to person agreement. They circumvent the most controlled procedure and statutory limitations of their powers in this manner.

a. Call for Tenders

In general, government contracts are awarded following the results of a call for tenders. This call for tenders is either open or restricted to a number of companies if the work to be done requires specialized skills. Since the law requires that the tenders of at least three candidates be examined, what usually happens is that the same person bids for the tenders through two or even

three different and at times non-existent companies. This is often done with the complicity of the vote holder who then identifies the bidder he wants for the contract. The lucky bidder then very secretly pays over the previously agreed amount of money.

b. Approval as contractor or supplier

It is not any contractor or supplier that can enter into transactions with the state or public institutions. In most cases, Only suppliers who have been previously approved are allowed to bid for tenders. Now even during this prior formality which involves the mere submission of an application to which identification documents and tax payment receipts have been attached, the aspiring supplier or contractor must dip his hand into his pocket to be sure that the vote holder will look favourably on him in future. In government institutions, and under the pretext of examining the premises of the applicant, the stores accountant is asked to conduct a visit to the head office of the applicant. Such a visit is usually followed by offers of «gifts» and «money for fuel» to the stores-accountant. On

his return to the office the latter presents a report to the vote holder and gives him his own «small beer» which often amounts to tens of thousands of francs. All of this at the expense of the aspiring contractor.

c. The File for teners

At this stage, the supplier, corrupter by necessity, is only at the start of a long road full of obstacles. He has to fulfil two formalities before bidding for the contract : his file must contain an attestation of solvency issued by the registry of the court of 1st Instance. This document which should normally cost only

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the 500 frs fiscal stamp affixed on it sometimes costs ten times this amount since money must change hands under the table before the document is signed. The second formality is registration. This is done in order of arrival at the mail office of the public institution sending out the call for tenders. Here too, the mail clerk must be given his own share of the beer.»

Stage two: **The Award of Contracts.**

This is another very fertile ground for corruption. Contracts are awarded by :

- The commission in charge of public contracts in the parapublic institution or supervisory ministry;
- The provincial commission in charge of contracts of the governor's offices;
- The central commission in charge of public contracts at the Presidency of the Republic.

The first and second commissions can award contracts of up to 50 million francs, meanwhile only the Presidency can award for more than 50 million frs.

The commission examines all the bids before awarding a contract. At this level, the normal rules of competition are slanted as those who have agreed to pay a bribe receive information before hand on the maximum prices and thus are able to propose the lowest rates acceptable. The bidder, with the complicity of the vote holder, bids as more than one person through several fictitious companies. In this manner he increases his chances of being chosen. Within the commission itself, and where the contract is split up into lots, the members enter into agreement to support such and such a candidate during the

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selection process in exchange for money or promises they have received. It is not by chance that one becomes member of a contract award commission. Very often, corruption originates from above. In the award of contracts by mutual agreement, corruption is conducted with more ease because of the latitude given to the vote holder to choose the contractor. The decision on how much will be given to whom is arrived at in a more serene manner.

Stage three. **The signing of the contract**

The purchase order which commits funds for this kind of contract is drawn up and signed both by the vote holder and his accounts keeper (head of the financial affairs service). At this level, the head of the financial affairs service's signature is «bought» for a sum slightly lower than that paid to his boss. The commitment of expenditure documents for the order note and the contract are signed and later on registered at the department of Taxation and stamp Duty. In each commission, every representative who signs for the government or parastatal institution «receives gifts» from the contractor. These officials have other ways, besides their indispensable signatures, of putting pressure on the businessmen. This is due to the fact that after signing the contract, they will have to still sign the order to start implementing the contract or delegate the powers of signing this order to an official working under them. This official in turn receives his own share of gifts.

Stage 4 : **Implementation of the contract**

Here corruption comes into play at two levels. First there is the technical control level, and the main person involved is the engineer in charge of this control. In building construction or

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other civil engineering works, this engineer is by law supposed, at the end of each phase of work, to attest to the respect by the contractor of all the technical specifications prescribed. Very often, these engineers, after receiving bribes from contractors simply gloss over all the technical irregularities in their reports. Some of these scandals have made headlines in this country.

The second level where corruption is common is at the end of the work. Here, it is one vote holder who has to ensure that the statutory guarantee by the contractor remains in the accounts of the former. In principle, the statutory amount deducted as guarantee is at most 10% of the total sum *to* be paid. But, thanks to the latitude given to the vote holder to reduce the amount withheld, money often changes hands between him and the contractor.

Stage 5 : **Technical Reception and delivery of Supplies**

In Cameroon the law provides that, in matters of public finances, payment is done only when the work has been completed and not before. The formality, which certifies that the work completed has been carried out within accepted standards, is the technical reception committee. Here, the contractor must dish out money in order to avoid bottlenecks or a last minute rejection. The most important official in this committee is the stores accountant who signs the report of the technical reception committee's findings. In spite of the oath he has taken, this official is often most receptive to bribes celebrated cases have been known where fictitious roads, buildings and other services on paper have been declared in duly signed technical reception reports as having been completed and have been paid for by the Ministry of Finance. There are always many of such

cases in the course of every financial year. Many of them make headlines in newspapers.

Stage Six: **Payment of Bills or Debit notes**

It is at this final stage of the implementation of a government contract that corruption reaches its zenith. Before receiving payment, the supplier contractor must accept that 30% of the Sum to be paid be deducted. It is at this stage that corruption is most decried. It is practised very openly. All our respondents recognised the existence of this practice : «it manifest itself in different ways»,c onceded one official in the Yaounde Central Treasury «but the most widely known method is the 30% reduction that is very often practised in our treasuries and sub-treasuries. In these treasuries, the customer must come into an agreement with a ‘facilitator’ that a certain amount be deducted from the sum to be paid before a bill or voucher is paid quickly. It should be noted here that these ‘intermediaries’ come from various levels, (Senior officials and clerks from the Ministry of the Economy and Finance). Another very common practice in financial circles concerns the powers given to the taxation department employees working in the field to collect taxes. Many of them receive bribes in cash and even in kind from defaulting tax payers. Again, it should be pointed out that at the level of the Ministry of the Economy and Finance itself, the palms of the workers there must be greased before an advancement decision or an absorption decree is processed diligently. This has resulted in the emergence in this ministry of a new breed known as «canvassers» who help to «push» files for a fee. In addition to these various forms of corruption, a network specialized in the production of counterfeit vouchers, fiscal

stamps and payment orders has been set up with the complicity of some highly placed officials of CENADI (the National Centre for Computer Development), the Departments of Salaries and Treasury. These fake vouchers are paid through some corrupt employees of the treasury. In so doing, they drain several thousand million francs from state coffers» (interviewed in May 1999).

2. Corruption in the insurance sector

Corruption in this sector is cunningly practised in various ways to the detriment of the customers and competitors. Dishonest insurance agents operate in the following manner :

Over-evaluation : policies are overvalued in order to extort a much higher amount from the customer than would have been the case. If the customer wants the cost to be revised, he must agree to pay something in return. Very often, the employee representing the corporate body so that he can then get a share of the surplus amount requests where the customer is a corporate body governed by public law, this over-evaluation.

Dumping: this is the opposite of over evaluation, and consists in selling services for a price which is so low that they in turn would not be able to meet all their various commitments and undertakings. Very small unreliable insurance companies with a view to attracting customers who would normally never have come to them often do this. Dumping results in discrimination in the processing of claims files: the victim of an accident will have to give a bribe for his claim to be paid.

Forgery: this consists in issuing fake insurance policies to a compliant customer to enable him fulfil some administrative or private formality. This service is also paid for

3. Corruption in the customs service

Customs officials immediately go on the defensive when asked questions about corruption: «everywhere you turn» one of them complained last March «you hear that 90% of customs officers are corrupt». He was right because all the people whom we interviewed pointed an accusing finger at the customs services. They are all accused of the following exactions :

Lien on and abusive seizure of goods : the customs agents consider Every declaration of goods at the customs as false. The latter, in the manner of a police officer examining the car documents of a taxi driver, carries out a long and painstaking search for abnormalities. This harassment will go on till the customer gives a tip to the official.

The use of false documents: Our respondents informed us that the same stamp «bon à enlever» which certifies that the goods can be taken out of the port is used for several goods. Bills of lading or other ownership documents are divided into many tiny units to facilitate the clearance of goods imported. After the illegal splitting up of the bill of lading, the payment of custom duty is divided into very small amounts. This is not done for free. The beneficiary must pay something in return.

SPECIAL WAIVERS: Waivers are strictly controlled by customs legislation (Code and rules and regulations). In principle,

these waivers are for the import of essential goods and exceptionally for imports by diplomatic missions. The grant of exceptional waivers by the Minister of Finance is, in principle forbidden. These illegal waivers include the grant of the use of the temporary registration (Immatriculation Temporaire, IT) for cars not entitled to it. Only cars imported under the heading «admission temporaire» or temporary admission by a certain category of workers in diplomatic missions and international organization can use this registration. Importers in Cameroon who cannot immediately pay the necessary duties give bribes for their goods to be considered as «temporary admissions». This is renewed every six months. Today, most business people pay bribes for their goods to be placed under this category.

4. Graft in the army and in the forces of law and order

«It all begins with entry into the National Advanced Police School» declares one of the respondents ; «to enter into this school, you must pay a lot of money. or have a godfather. The way a candidate enters into this school has a great influence on his attitude when he later on comes out as a police officer. If a candidate goes into this school through the offices of a godfather, he is obliged upon graduation to be completely loyal and obedient to his benefactor who more often than not forces him into sordid and degrading practices. If the candidate had to pay money to get into this school, he will do everything once he is on the field to recover his money. This may be the explanation for the graft that is observe everyday on the roads» (interviewed in April 1999)

«As is common in all administrative services,» said a superintendent of Police, «not all appointments in the police force are made on the basis of merit and moral integrity of the

aspirants. This person is appointed into this position of responsibility either because he belongs to that ethnic group, because he has paid money or because he is a diehard supporter of the regime in power. This way of doing things has resulted in generalised indiscipline within the force. The actions of police officers can no longer be checked, with everyone doing what he likes. In the police force, one of the reasons for this indiscipline is the fact that abuses and unethical conduct very often go unpunished» (interviewed in April 1999). A colonel in the Air Force scoffs at the conduct of police officers on the roads. To him the real problem does not lie there : «Look but at the contracts for the supply of arms, military hardware and equipment. You will be shocked if you were to try to look into this area. You will see, but after that you will be eliminated. Some of the most unscrupulous businessmen are found among our military bosses». (idem).

5. Corruption in the justice department

According to most people interviewed, corruption has taken root and is flourishing in the justice department in Cameroon, though not all actors in this domain participate in it. It is practised both between clients and members of the judiciary and among the officials of the judiciary themselves.

a. Corruption practised between clients and members of the Judiciary

Everyday you find clients on the corridors of the legal department. In order not to lose a case against an adversary or to show him that one is more powerful, and in order not to lose ones freedom or that of a relative, or again in order to be granted

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damages in cases which one would normally have lost you must offer bribes in cash or kind to employees of the legal department. At times, you find magistrates who deliberately seek out a business person to «say hello» to him. More often than not it is to inform this businessman

of a suit against him or against one of his relatives. In return for this discrete information the Magistrate receives many gifts both in the form of money and fuel coupons. To be granted bail or be released, the prisoner has to give a tip of a predetermined amount to the Prosecutor or to the Judge. The plaintiff pays money to have his adversary thrown into prison and boast about it to his friends. The graft practised by magistrates has now become banal and commonplace. They spend their time, some say in extorting and collecting money for their services. The first thing that a client does, before discussing his case with his lawyer is to give him an «envelope» for him to hand over to the President of the Court. It is very rare today to see a case where money did not change hands between the person subject to the law and a member of the Judiciary.

b. Corruption among members of the judiciary

Bribery is also rife among members of the judiciary. Strangely, it has been noticed that a member of the judiciary is often obliged to bribe a colleague before he can be rendered a service, which ordinarily is free of charge. The evil has eaten so deeply into the fabric of this society that it does not spare even the corrupt persons themselves. After winning a case the magistrate is obliged to pass something under the table before the court decision is signed. This happened to a magistrate who after waiting for four months for the decision to be issued found

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himself obliged to pay 50 000 frs to the court registrar for him to draw up the decision. This testimony from one of the participants of the workshop on Justice was confirmed by many. Ordinarily, bailiffs, in the conduct of their duty have to be accompanied by a judicial police officer, a police officer or a gendarme after receiving authorization from the State Counsel. This service is provided for in Decree N° 79/448 as amended by Decree N° 85/235 of 22 February 1985. However, in real life, the bailiff has to give money to the police superintendent and to the police officer .

For Magistrates of the Bench, the Head of the Court sells his power to Magistrates placed under him : The President of the Court of First Instance signs summary order injunctions and distributes them to his subordinates. Generally, files with considerable financial stakes are handled by the President himself. In the case where one of these files is assigned to another Magistrate, the latter, in order not to be left out next time, feels obliged to express his gratitude to the Head of the Court by giving him a tip.

Magistrates of the Legal Department who serve as the prosecution trade their favours and weigh down heavily on Judicial Police Officers and bailiffs by abusively quashing their cases after being corrupted by litigants. Sometimes, a litigant invites an auxiliary of justice to pick up the phone and listen to the State Counsel himself give him, the order to immediately stop legal proceedings. The auxiliary of justice is bound to give in, thereby indirectly encouraging corruption. The Magistrates in the Legal Department and the public Prosecutor sign bailiffs emolument statements. Envelopes exchange hands before and after these statements are signed.

6. Political corruption

During the workshop which brought together political and opinion leaders, the problem of corruption in the electoral process was discussed exhaustively. Participants talked about the sale of voting cards, rigging by administrative authorities, etc. Other stages of the electoral process were also examined. The nomination of candidates during the 1997 elections resulted to serious financial scandals. This was especially the case with the CPDM in the Lekié and Grand Mbam Divisions. Again, candidates distributed food and drinks to voters. There was even the case of a minister's son giving out 1 000 frs notes to voters. Some voters demanded to be paid cash before voting. The mandate of the representatives of political parties in polling stations is constantly sold for money to an official of a rival party. Mention was also made of bribes that were paid to members of the electoral commission.

Chapter III

THE CAUSES

Corruption belongs to the category of phenomena which Durkheim (1960 : 47-75) described as «Pathological» which should not be confused with those considered as «normal». Since these last phenomena are «all what they have to be» the researcher observes, describes and analyses them with the sole objective of knowing them as they are. The study of the former, that is «that which is supposed to be other than it is» would obviously be incomplete if it stopped at knowing a reality, which is not what it should be. The researcher seeks to understand a pathological phenomenon with a view to knowing it in order to correct it, to straighten it out, and make it to become what it should be.

One might be tempted to say that the researcher is going beyond his competence if he decides to make himself the judge of things he observes. Such a view is wrong because it does not

recognise the fact that the pathological aspect of a phenomenon is an observable fact : it is not an «idea» in the researcher's mind, it is a «thing» which he ascertains through the findings of a survey in the field. If after reading the foregoing pages, one were to declare that corruption is the «not yet» of what is supposed to be, the flip side of a coin, one would not be making a value judgement, one would be giving expression to the collective conscience of all the people surveyed. An officer on the road entrusted with the implementation of the principles governing public transport who, instead of booking all drivers who break the law and leaving the others to move about freely, allows everybody to go through a checkpoint after exacting a «toll» for himself from the law breakers, is not doing his duty. This is an observation. Should one stop at this observation, in the name of scientific impartiality, one would, as Durkheim (id.; 48) says, be robbing science of its practical purpose and its *raison d'être*.

«Even through our aim is to study reality» he wrote (1967 : 28-29) it does not mean that we should not try to seek ways to improve it ; we think that all our efforts would be completely worthless if they were only of academic interest». Of what interest would scientific research be to the researcher or to society if it did not go beyond the mere observation of an abnormality or of a social problem? Have great thinkers and men of science from Bacon to today not always aspired to understand and know nature in order to be able to dominate it? Does dominating nature not involve modifying, transforming and making it become what one would want it to be? The search for ways and means to root out corruption is one of the stages in the scientific study of corruption.

Corruption is a result or consequence or a cause of prior events. Logically therefore, any action taken on the cause will have an impact on the effect, and any modification of prior events

will also have an effect on the consequence. For this reason, it would be proper to first of all start with examining the causes of corruption before going into the search for solutions to the problem. We shall in turn examine the historical origin and its sociological causes.

1. Historical causes

We cannot lay the blame for the present day practice of corruption in Cameroon on its historical origin, and leave out the data collected during our survey. However, since this sort of explanation has been given in many works on the political and sociological phenomena in Africa, we shall examine it here in the light of our objectives :

According to Bayart, (1989) the refusal to recognise a complete and integrated historical societies in African societies results in the poor understanding of the repercussions of historical factors on the present day political situation and on the attitudes of contemporary social actors. The idea here is not to equate the present day situation with that of yesterday, but to proceed by using « a genealogical approach which brings out the strategies that were used by social actors in the past to build up the State» (p. 143). This is because the «the positions of power as in yesterday and day before yesterday can be used for predatory purposes» (p. 106), consequently, to understand today's socio-political environment one must first examine its colonial and pre-colonial past. The corrupt practices in Cameroon today did not start from nothing ; they are partly a consequence of our past socio-political history. Olivier de Sardan (1996) also considers that what he calls the «logic of predatory authority» has its origins in history. According to the philosophy behind

this «logic» any person wielding power considers it his right to exact dues from his subordinates or from the people he is supposed to serve, or help himself to the funds he is called upon to manage on behalf of society. «Is it not possible that this generalisation of extortion is merely the extension of some pre-colonial political attitudes (raids, tributes, wars which formed part of social life in those days)»? This may be the case, but the socio-political environment today is so different (the modern African State, in spite of all that is being said has little to do with the chiefdoms, kingdoms and emirates of old) that one would rather have to look for causes in the colonial period proper, starting from the military rulers after the conquest or from the all « powerful Commandants» to the white administrative heads appointed by the colonial authorities to the «indigenous» auxiliaries who all had excessive arbitrary powers (pp. 106-107)

If a historical explanation shows that there is some similarity between a present day phenomenon and a phenomenon in the past, it does not explain logically the process by which one act or event led to the others or the impact that these happenings had on each other. What is the relationship between the behaviour of the District Officer (D.O) for the Sanaga Maritime today and that of the D.O. of the same locality in 1946? Some would say that the link can be found in the peaked cap of command that both wear. Considering that the D.O. is no longer viewed by the people in the division he controls in the same way as these same people looked upon their colonial masters, the cap of command can no longer have the same impact on today's population as it had on the «indigenous» populations of old. The D.O. can no longer conduct himself in the manner of the long gone era of the «Commandant» because he no longer has the absolute power over the people that the «Commandants» of old had over the

«indigènes». The D O's hat, symbol of power, does not have the same effect from one historical period to the other for the simple reason that the nature of power has changed. Even if the hat alone still has the power to compel people to behave in a certain way, it does not follow that the D.O. can then act like a «Commandant» or a Regional Head. If the actions of man today were only determined by those of the past, the people of today will be completely helpless to determine the course of their lives. For how can we modify the effect if we cannot have any influence over the cause? The past can never be changed. Consequently, although it may give us some insight, a historical explanation is of no use to us in our endeavour to combat contemporary pathological phenomena. Our refusal to lay the blame on historical causes is neither a rejection of history or of the explanation in history. While the future, made up of the unknown, is a blank page, the present, on the contrary, comprises relics of the past. But these relics of the past can only affect us if they are «reactivated» by contemporary social occurrences. When Mobutu, in the 1970s, believed that he had the right to do what he liked, claiming that African rulers had absolute power. (sic), it was not a relic of the past, let alone the historical reality of the past, that led him to become a dictator, but the national and international social context of the period. This context having changed on the eve of the 21 st century, Mobutu was chased from power in spite of the glorious past of the « African chieftdom» and the persistence of its memory in the collective conscience.

Contemporaries can modify the contemporary social environment. If the tree of corruption is fed by the humus of the present time, then we might be able to uproot it ; but if its roots are buried in time forever gone and beyond our reach, what

can we do against it? Explaining corruption by history conveys, in our view, a kind of fatalism: so were our ancestors, so are we and so shall we be.

2. Causes of corruption according to the findings of the national survey

To answer the question as to what the causes of corruption are in Cameroon, our respondents were required to choose one item only from among the four proposed : low salaries, impunity, the desire to acquire wealth at all costs, people not knowing their rights. While none of the items were pointed at massively by the people surveyed, (cf. table 9), two items stood out: impunity (35.5%) and low salaries (30.98%). The qualitative poll (interviews with opinion leaders), confirms this choice. For the majority of opinion leaders, the best way to fight corruption is to punish the culprits on the one hand, and to increase the salaries of civil servants and state employees, on the other .

Table 10: Causes of corruption

	Centre	East	Littoral	North West	Far North	North	West	Total
Low salaries	32.22	27	25	34.64	34.33	35.33	28.34	30.98
Impunity	33.33	31	40	43.5	30.66	39.33	30.68	35.5
Desire to get rich at all cost	13.33	26	19	.11.43	19.66	20.33	22.51	18.89
Ignorance of rights	5.55	16	13	8.88	14.66	15	16.92	12.85

Source: our survey.

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It was pointed out earlier on, that for Cameroonians, the anti-corruption campaign was merely a wasted effort since government had not taken any measures against the corrupted and the corrupters. Respondents are of the opinion that the State machinery protects corrupters and the corrupted, and that because of this impunity, «corruption is a sea serpent neither the head nor the tail of which we can see». It is felt that had the first «gentlemen of 30%» been punished, corruption would not have been institutionalized».

As concerns the problem of salaries, those Cameroonians interviewed had a lot to say. They feel that given a minimum level of well-being, corruption would reduce on its own. For them, « people don't actually need to be Rockfellers, rather, they need to be able to assert themselves just a little more in society». That is why, if we want to fight corruption, it would be a good idea to provide each Cameroonian with «the main pillars of life: a house, a car, access to healthcare, education, and the possibility to get married». The salary slash, the economic crisis and the devaluation have succeeded in turning Cameroonians into «beggars» who have all the difficulties in the world in making ends meet. Several respondents pointed out that corruption existed before the economic crisis, but that the crisis only aggravated it, so that the only way for a civil servant to survive is by swindling others. «Before the 1970s one's salary enabled one to have the vital minimum. Today, one needs to be a man of integrity to process a file worth a million francs when one's salary is so pathetic». «For seven years now» State employees who are married and have children, no longer receive family allowances : they cannot say no to corruption».

3. Causes of corruption according to the findings of the sectorial survey

Since the phenomenon of corruption does not change even when perceived from the sectorial angle, one should not expect that its causes here would significantly differ from what we have just observed. Given that individuals in specific areas of activity talk about their day to day life, it is most likely that they would talk in more detail in their social environment. We will take a look at the following sectors : Justice, Customs, Insurance and the Media.

A. Justice

The judicial personnel also single out the reduction of their purchasing power as a cause of corruption. For sure, the salaries of magistrates were raised following a number of demands and in view of the electoral stakes at a period feared by the regime in power, but a big portion of judicial personnel who are not magistrates were not granted the same benefit. Bailiffs and court clerks still remain paupers in their present status. Among the bailiffs, apart from those who have practices, clerks and pupil bailiffs make up the majority and they are subject to the same conditions, in which other Cameroonians live and work. Those who are waiting for practices wait for long periods before being appointed, the pupil bailiffs receive no remuneration, and their situation gives rise to poverty, hence the lack of probity. Penniless and faced with a very high demand for their services, the judiciary personnel get involved in the illegal trading of such services to the highest bidders.

It was discovered that corruption works in networks : everybody does the same thing to have access to judicial service

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that is normally free of charge. In order to move up in his professional career, each individual is obliged to act as the other; he does not fool around with the constant interventions of his corrupt superiors.

In this pervasive atmosphere of nepotism, he who has no one to «intervene» on his behalf, has only to resort to his purse to offset the numerous interventions that distort the course of justice to the detriment of the poor. In a system where any refusal to obey might be construed as violating the duty of respect to the authorities, as a sign of dishonour, and sanctioned as a professional disciplinary offence, the judicial auxiliary is powerless against the mafia networks woven by his «bosses» and the «feymen»

The power of corruption networks, which include the hierarchy of corruptors and the agents who are supposed to render services to the very hierarchy feeds the system to the point of making it impenetrable. The individual thus made powerless has no choice other than to yield to the system or to actively make use of it.

Corruption in the judiciary also results from the lack of equipment and insufficient human resources. Conditions of work are obsolete using old typing machines, no computer, nor even electric typing machines, the personnel work with no smiles on their faces in a dirty milieu surrounded by dusty files since there are no filing cabinets for the files. Hence the difficulties increasingly encountered in drafting judicial decisions. Faced with a high demand and thousands of cases to be handled, the court clerk is inclined to offer his services to the highest «bidders». Human resources are limited and the few available personnel are required to put in more effort than is physically possible hence the influence peddling which those seeking judicial services have become victims of.

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As concern corruption within the customs services, our respondents had this to say Customs bottlenecks: These generally reflect administrative red tape .By introducing indirect channels in customs clearance procedures or by prolonging these procedures as much as possible, the customs officer creates tensions and delays, thus forcing the busy operator to «negotiate»

Customs duties: These remain extremely high on some products, in spite of the improvements brought by the customs reform. Such is the case with computers and vehicles. Computers which today are a necessity in the area of bussiness and industrial management, are classified under the fourth category («current consumption products») and consequently have a customs duty rate of 30%, which is really too high. Customs duty on a new vehicle is as high as 54% and 42% for new commercial vehicles. Rates this high naturally encourage fraud, negotiation and corruption ;

Poor work conditions: Efforts are currently being made by government to provide customs officers with decent conditions of work. The cleanliness of the place and the neatness of the furniture strike any person visiting the Customs Headquarters in Douala. But it goes without saying that for the customs officers, the essential has yet to be done. This essential of course has to do with the remuneration, and the socio-judicial status of the customs officers.

a) Remuneration : This is considered insufficient. «Customs officers are better paid than the other civil servants, but less than magistrates, the military and police»; this is the sentiment generally expressed in customs circles. In principle, customs officers are entitled to monthly overtime allowances and other quarterly emoluments. Besides, the litigation quota (20%) is given to the customs inspector at 1/5 (4%) ; a good transaction can

yield 5, 7 or even 10 million Frs. for an inspector. Unlike the allowances reserved for the chiefs, emoluments are given to all the personnel, from the lowest officer to the director. «This is money earned honestly, says a customs officer, but only in theory, because in reality, the most basic of these benefits disappeared a long time ago». Besides, it is not every customs officer, even inspectors, who earn millions from handling certain transactions. It is only in exceptional cases. How therefore can one explain the extravagant way of life of customs officers in general? Maybe «jobbing» has got something to do with this?

b) Social status : According to customs officers, the issue of financial benefits goes side by side with the low esteem in which they are held. The contract that government signed with the «Société Générale de Surveillance» (SGS) is proof of this low esteem. Customs officers can hardly stand this «control» by the SGS, whose shortcomings they witness everyday. They feel that if government gave them the means given to SGS, they would do their work better .

c) Judicial status : Customs officers complain of having neither a special status nor career profile. One can be director today and be nothing the next day. Occupying a post is thus an essentially precarious situation, which must therefore be exploited to the maximum.

C. The insurance sector

According to our respondents, corruption in the insurance sector can be attributed to the following causes :

Lack of professionalism : Many operators involved in this field are unable to honour their commitments. This was the reason why the authorization to operate was withdrawn from some of

them. These shortcomings are sometimes due to the fact that large amounts of money are taken out from their coffers to use in paying bribes. Now market conditions are such that this practice cannot be carried out with impunity. According to Protais Ayangma (Director of an Insurance Company), «70% of what an insurance company receives from its client must be earmarked for the payment of claims ; if, ifrom the remaining 30% hush money has to be taken out, then the consequences would be very serious» (interviewed, March 1999). The insurer who is not capable of honouring his commitments will try to bring his clients to «negotiate» in order to obtain some satisfaction.

Clients: They are, in most cases, at the origin of corruption. Some are looking for preferential treatment, while others are of bad faith. Private enterprises and multinationals pose fewer problems to insurers than public administrative services and State enterprises whose officials often ask for an over evaluation.

Lack of communication: Proper communication would have helped reduce ignorance on the part of insurance clients who do not always know their rights. But this is not the case, and so the chaff can freely mix with the wheat.

The media

For the participants at the workshop on the media, corruption in this sector can be attributed to the non-respect of the code of ethics governing journalism. There is a problem of organisation in this profession good journalists are outnumbered by those who claim to be journalists and who have no interest in working towards improving the image of the profession. Wherever they can create confusion, they do not hesitate. This is often the case when they accept offers to do whatever any reader asks them to do.

Poverty seems to be one of the reasons pushing journalists into corruption. According to one journalist, one cannot talk of a real media enterprise in an environment of generalised poverty. This would be like asking an unemployed person to be a good citizen. To talk therefore of a real press enterprise pre-supposes that journalists are provided with proper working conditions. When we examine the attitude of newspaper publishers towards journalists and the methods of media management, says a journalist, it is obvious that the idea of a media enterprise is, for the moment, only an inaccessible ideal.

4. Interpretation of the corruption phenomenon

There is need to put some order in the different findings of the survey. How many causes of corruption are there, and of what nature? Are we facing the same phenomenon everywhere or are there different types of corruption, according to sectors of activity, for instance? Are we supposed to draw up a model which would enable us to understand the corruption phenomenon. in other words should we draw up a set of proposals which would take into account all the various ‘types» of corruption?

A review of the causes of corruption as proposed by our respondents gives us an idea of what J.-P. Oliver de Sardan(1996: 99) calls the «corruption complex», which includes, besides «corruption in the strict sense» other practices such as «nepotism, abuse of power, unjustifiable meddling ...» (Id). Indeed, lack of professionalism in the insurance sector and in the media is not corruption perse, it is simply a case of fraud. The same goes for lack of communication: it is because they want to deceive their customers the more that insurance companies refuse to inform

them of their rights. Customs bottlenecks also participate in the «negotiation logic» (id.p. 100). There is clearly a case of «influence peddling» when a member of the judiciary acts under pressure from his superiors. Customs duty, far from being a cause of corruption, might be classified, according to J. P. Olivier de Sardan, (p. 109), under the category of «facilitator», i.e. a factor likely to lead to corruption.

To sum up, in the sectorial survey we retained the problem of low salaries and that of poor working conditions as the main causes of corruption, The survey also indicated that impunity is another cause of this evil. What is the weight of these causes with regard to the sociological analysis? Why has the national judicial machinery not been used to hunt down corruptors and the corrupted? Is the practice of corruption justified by poverty and poor working conditions?

a. A critical look at the problem of impunity

One might think that on matters of corruption, the Cameroon Penal Code is silent on the case of members of parliament, members of government and other persons who are neither civil servants nor state employees. Under section 134, the corrupt person is the civil servant. Thus, exempted from this provisions, following the general rules and regulations of the public service, are public employees under special rules and regulations such as magistrates and policemen. There would therefore be a considerable portion of corrupt individuals who might never be brought to justice. Electoral corruption actually does exist in Cameroon : election candidates give food and drink to people. This act is punishable under article 116c of law N° 91-020 of 16 December 1991 governing the election of Members of

Parliament into the National Assembly. The same text stipulates that «Except in the case of flagrant delicto, no criminal proceedings may be taken against a candidate for infringement of the provisions of this law before the proclamation of the election results.(art. 119).

Before looking into what effectively happens to national election candidates who break the law, let us remember that section 131 of the Penal Code provides that any judicial or legal officer, any law officer, any employee of the state or of any other corporate body governed by public law or of a corporation or semi-public corporation, any armed forces or Gendarmerie serviceman, any employee of the National Security or Prison Administration and any other person charged, whether continuously or occasionally with any public duty mission or task. while acting in discharge of his office shall be punished if guilty of corruption. Thus any person assuming any public office which is likely to be paid for and who uses it for purposes contrary to the obligation of probity, whatever his position in the hierarchy. be it a nationally or locally elected official may be prosecuted under Cameroonian law. The problem, under the present electoral law is to know what can be the result of an action brought against an elected official for offences committed in the course of an electoral process.

Section 120 of law N° 91/020 of 16 December 1991 stipulates that «any legal action contesting the final results of elections to the National Assembly shall not be admissible before the Court», this section should not be taken in isolation, because section 47 (new) of law 97/013 of 19 March 1997 to amend and supplement some provisions of law N° 91/020, effectively modified the electoral litigation rules relating to legislative elections, by making the constitutional council the competent

organ in this area. Section 47 (new) clearly stipulates that : «(..), claims or disputes initiated by any election candidate may, within a maximum period of four (4) days from the date of the closure of the polls, be directly addressed to the constitutional council which may, if deemed necessary, hear any candidate, any political party having taken part in the election within the constituency, any person in the capacity of government agent for the election in question, and/or demand the submission of proof, against a receipt. Claims and litigious action are therefore possible after the poll. It is only when the constitutional council has proclaimed the results that any litigation becomes impossible. This is all the more normal given that a claim is of value only when it is addressed to an organ or a judicial authority endowed with the power to call into question the decisions of the initial organ. In the present state of the judicial hierarchy in Cameroon, the constitutional council, whose prerogatives are currently being assumed by the Supreme Court, is the highest judicial authority.

But is it at least possible to initiate criminal proceedings in spite of the finality of results after proclamation by the constitutional council? Section 10 of law N° 91/020, on penal and miscellaneous provisions, enumerates a series of offences liable to receive criminal or repressive sanctions. No specific restriction against claims is provided for, except that of article 199, which stipulates that «except in the case of flagrante delicto, no criminal proceedings may be taken against a candidate for infringement of the provisions of this law before the proclamation of the election results». Legal proceedings are therefore authorized both before and after the proclamation of results. The problem here is not that it is impossible to institute proceedings, rather it is the impact of these proceedings on the results, given that the results are final once they have been

proclaimed by the Constitutional council. But are those elected persons prosecuted for corruption at least liable to sanctions under the law? Theoretically, this is possible before the mandate of such persons are validated or after the lifting of their parliamentary immunity. In practice, it is impossible. The National Assembly alone can validate a mandate or lift parliamentary immunity. Experience on these points however show that both the validation of mandates and the lifting of parliamentary immunity are always subject to political bargaining and compromise. The proclamation of results is therefore, in practice, as good as a validation (for those of the elected who so request) and this validation confers «complete» immunity on the members of parliament. As a conclusion, these proceedings which neither affect the results nor the elected candidates are therefore useless. Our electoral law has been designed in such a way that election candidates can openly buy their mandate through corruption, with impunity.

If the people's representatives are protected in this way because of their status, why is it that other members of the Cameroonian public are rarely punished for acts of corruption? The «legal point of view on corruption» which is found in the last part of this survey, particularly the comments of Alain-Didier Olinga on the working of our legal system in the area of corruption, says a lot on this problem : «corruption prospers (...) in the loopholes of the legal system ; it delights in the excessive formalism of procedures, in the complexity of the law, in unending delays, in the grey areas of the law ; it thrives on the appreciation margin of some persons, and on the discretionary powers of other, on the timelines of criminal proceedings, on the modulation of sanctions, on banking secrecy, on the possibility of exceptional promotion, on various geographical

proportions and balances to be preserved». One would have thought that at a certain level of the political hierarchy, there exists an authority capable of indiscriminately subjecting everyone to the law. Our political system as described by Médard 20 years ago, leaves us with no illusions on this point. In 1978, Médard applied to the Cameroonian case the concepts of «strong State» and «weak State».

At the end of the 1970s, Cameroon was a «strong state» because the strong personality of the President of the Republic had a powerful impact on the whole political structure of the country. As Head of State, the President of the Republic was also, as Chairman of the single party, head of the Legislature ; it was the Central Committee of the party, with him as chairman, which nominated candidates for elections, this means that in reality, it was he who appointed members of parliament to the National Assembly. The judiciary was in his hands. As for the fourth power, it was non-existent. The intelligence network infiltrated every level of the society. The president ruled the people and ran the affairs of the nation as he wanted. Paradoxically, this «strong State» , almighty as it was, was also a «weak State» unable to concretely implement the proposals and intentions of the hierarchy.

A «weak State» is one in which there is a deficiency in the implementation and in the respect of the law. This is particularly evident in that a network of personal relations links the social actors and hinders the impartial application of the law: the civil servant who demands gifts before rendering a service, does so with the blessing of his service head, who himself is the «brother» of the director who in turn is the friend of the Inspector General, etc.

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Today we find ourselves in a situation similar to that of 20 years ago, with the peculiarity that relations linking the corrupt officials are not as prosaic as those described by Médard. To the natural tribalism of yesteryears has been added an interethnic pact for the perpetuation, at all costs, of the political regime in power. In the days of the single party, elections were purely formal and everybody knew it. Today, with multiparty democracy and increasing discontent, if elections are free and fair the party in power will be sure to be beaten in them. The party in power thus makes sure, in self defence, that all the social categories and individuals likely to play an important role in the electoral process, are treated in the same way : magistrates, Dos, the forces of law and order, the army, officials of public and private institutions, the business elite, traditional rulers. It is in this way, considering only the political aspect that we have «democratically» (through elections), returned to the single party system. During the presidential election of 1997, the score in favour of the president - candidate came close to 100%, just like in the days of the single party. By way of legal instruments and other processes, the party in power is assured of victory, whatever the election. Having thus defeated the opposition, this party can then rule the state as it pleases. Then we have a «strong State». But paradoxically, this «strong State» is also «weak». Its inability to check the phenomenon of corruption is proof of this.

Impunity is not therefore the immediate cause of corruption. There is impunity because on one side, the law is conceived in a manner that would make it inapplicable in certain cases, and on the other side, because were the political power in place to start punishing corrupt persons, it would be sawing off the branch on which it is sitting.

b. Do poverty and poor conditions of work account for or justify corruption?

Society is organised in such a manner that individuals who occupy certain positions and who play a specific role, benefit from a particular social status which includes remuneration and where applicable other benefits in kind (housing, car or transport allowances, free water and electricity, air-conditioned offices, programmed increments and promotions, etc.). This status is fixed by society and more concretely, by the authorities. If then an individual feels that he has been cheated of his rights, considering his services rendered to society, he only has to turn to the authorities and demand that his status be improved. To be more effective, this has to be done in consultation with people of the same status as him. Every well-organised society allows individuals the right to form trade unions so as to better fight for their rights.

The existence of trade unions in Cameroon is a reality and three basic instruments govern the legal organisation of unions :

- Law N° 68/LF19 of 18 November 1968 on professional associations or trade unions not governed by the labour code ;
- Decree N° 69/0F/7 of 6 January 1969 to lay down the implementation modalities of the above mentioned law and to lay down the conditions for the organisation and approval of professional associations and trade unions not governed by the labour code ;
- Decree N° 93/574 of 15 July 1993 to determine the form of professional trade unions accepted for the procedure of registration.

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It must however be mentioned that these laws have a rather limiting effect on freedoms and are backward compared to the laws of December 1990 on freedoms. It should have been amended after the laws of 1990, but this was not done.

The rigidity of the 1968 instrument does not encourage civil servants to form trade unions. The January 1996 constitution is of no use in this area because it still needs a new legal framework (implementation laws and decrees) to become functional. In practice, civil servants that want to write and claim their rights, have to pass through associations. We can name as examples, the journalists strikes, the strike by magistrates, and specifically the strike of the TAC (Teachers' Association of Cameroon) which resulted in a brilliant victory; resulting in the creation of a GCE(General Certificate Education) Board with full powers on examinations in the Anglophone system.

As concerns the non-civil service sectors (except members of the armed forces and the police who, because of their special status, cannot undertake a strike) the Labour Code of 14 August 1992 introduces, in comparison with the code of 1974, the freedom of trade unions and the right to strike. But Cameroonians, civil servants or not, do not know how to take advantage of the small openings provided them to rally and fight for their rights. They feel that by cheating the public. they are recovering their rights. This situation does not worry the authorities who, protected by this state of affairs, sit back and quietly watch the show in which members of the society go for each others throat. Individuals can thus mutually settle scores, while those in power remain outside the deadly arena.

The salary slash, the poverty of the people and the poor conditions in which they work, can neither be the cause of, or the justification, for corruption. Corruption exists because

individuals whose purchasing power has dwindled have not acquired the habit to fight for their rights. To compensate the losses sustained, they fall on those whom they are called upon to serve.

c. The cause of corruption

To summarise the preceding arguments, we can say that the immunity enjoyed by the corrupted and the corrupters, the degradation of the living conditions of workers, are not the real causes of corruption. We do not question the effectiveness of punitive action against corruption and we do not underrate the social impact of measures taken to improve the living conditions of the public in general and of public and private-sector workers in particular. But the analysis of data gathered on the field shows that there is need to look beyond the causes given by our respondents.

Before the reduction in salaries, corruption existed, though not on a large scale. Today, magistrates, customs officers, the military and other public law and order officials, all of these persons whose remuneration was maintained, or even increased in spite of the ravages of the structural adjustment plans, are no less corrupt and corruptible than the other members of the Cameroonian society who are victims of the economic crisis. But each and all are dissatisfied with their economic conditions. This dissatisfaction should normally -as it is the case in developed countries have pushed them to turn to the political authorities whose role is to provide the conditions for a decent life for each and every citizen. Unfortunately, Cameroonians have not yet acquired the habit of rallying together to claim their rights from those whose duty is to guarantee them the political

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authorities. This collective mobilisation is in itself a political act, a result of democracy, because it is a form of dialogue between the summit and the base. It is because their political and democratic culture is still in an embryonic stage that Cameroonians get lost in corruption. This is why the cause of corruption is rather political (lack of a culture of democracy) than economic (salary slash, poverty, poor conditions of work).

But our argument might be thrown back at us by demonstrating that corruption has intensified since Cameroon embarked on the path of democratisation. The rough analysis of the electoral process that we have just made leads us to believe that the Cameroonian type of democracy is a constant quest by the political authorities to preserve the assets of, one party rule, meaning the absence of alternance in power. To succeed in this, the political authority does everything it can, draws up legal instruments in its favour, grants benefits to the institutions in charge of conducting and validating elections (the magistracy, territorial administration), and to the military and forces of law and order, in order to forestall any popular dissent and uprising. In so doing, the political authority acquires its legitimacy not from the people, but from a minority of individuals it appoints and maintains. Consequently, it loses its roots and becomes weak. As a result, it falls short of ways to impose its will on its accomplices and spur new behaviours in the face of social disorder. Impunity therefore comes from the failure of the democratic process. Corruption, once more, has a political cause.

Chapter IV

CONSEQUENCES OF CORRUPTION

The survey shows that corruption weighs heavily on the working of justice and the economy, and is a serious handicap to the harmonious functioning of society.

A. Consequences of corruption on justice

Corruption simply annihilates the value of justice and its men. Justice becomes diluted, partial and unjust. Judgement rendered is no longer equal for equal causes. Researchers into law have discovered that corruption diminishes the law. The corrupt judge pronounces judgement decisions in which the offences have no bearing on the sentences. Interpretation of instruments becomes incorrect, hence the lack of development in legal science.

In the absence of confidence in justice, people resource to other means to obtain satisfaction. It is because of this that certain practices such as mob justice have developed. Summary execution through lynching of robbers, direct settling of scores between individuals in conflict, etc.

Corrupt justice promotes ostracism and actual exclusion of honest magistrates who end up being marginalised by the system. Society thus loses competence and upright magistrates ... The judge who renders justice according to the size of the purse of a party further loses his independence. There is no longer any possibility for his conscience or the law to play a part in the decisions he takes. Legal insecurity then gradually becomes part of the society.

B. Consequences of corruption on the economy

The following excerpt of an interview granted by Mr Sali Dairou, Minister of Public Service and Administrative Reform, presents the consequences of corruption on the economy:

«The State loses a lot because of this corruption. Contracts awarded, either to nationals or expatriates, always come about as a result of envelopes left in the various contract award, payment and control channels. All what is thus paid into the pockets of officials have repercussions on the global cost of the contract. Thus a project that should have cost one billion, is billed at two billion or two and a half billion «(Cameroon Tribune of 9 April 1998).

This is what Isaac Tamba, in his contribution to this survey, refers to as «the K% rule». « According to this rule, he writes, every bidder for a government contract should take into account this K% in evaluating the costs of the project. Corruption thus

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obliges the State to pay more than it should for each contract awarded to a private contractor». Isaac Tamba also points out the losses suffered by the State in the area of public revenue, when the public official asks someone to give to him, as payment for an expected service, part of the money that person was supposed to pay into state coffers.

At times even, the user of a service is exempted by the official from any payment at all into state coffers. While the state loses completely in this way, its representative on the field is keeping for himself part of what the user should have paid into the public treasury. These daily and constant bribes constitute a real source of monthly income for the public servant. «In 1974, writes Bayart (1989: 108), the regional commissioner of Shaba was receiving per month 100,000 dollars from bribes when his salary was 2,000 dollars.»

More recently, a postgraduate dissertation in social sciences defended at the Catholic University of Central Africa, through much light on the predatory practices of the Cameroonian forces of law and order.

In the major cities of Cameroon, there exists a category transport vehicles commonly known as «Clandos», coined from the word «clandestine». These are vehicles whose owners do not have an authorization to carry out the business of public transportation, and who do so «clandestinely» to the knowledge of everyone. The reason for this paradox is that these vehicles, in most cases, serve peripheral neighbourhoods where regular taxis would not go because of the bad roads. These «clandos» thus render an appreciable service to the people, albeit under very uncomfortable conditions, because since this is the only means of transport available to them, the people accept to board, in numbers of 6, 7 or 8, rickety vehicles normally designed for

five persons, vehicles which at times do not even have an insurance. Because, of their so called social role, 'these «clandos» deliberately stay out of the legal framework.

Out of 10 «clando» drivers interviewed, the author of the above mentioned dissertation found that none had the «carte bleue», the road transport licence, parking card, automobile insurance, transport business licence, or certificate of road worthiness ; 5 of them had the vehicle registration card, 7 had a driving licence, 8 had bought the windscreen tax (cf.pp. 40-41).

How do the traffic police officers, whose role it is to ensure that road transport norms are respected, carry out their controls?

1. TITI NWEL, R : transport clandestin dans la ville de Douala Dissertation submitted for the award of a Maîtrise in social sciences, Yaoundé, 1997/1998 Academic year, 71 pages.

Here, are some of the answers that he got from the 'clando» drivers to the question (cf.pp.46-47) :

«The policemen know us. We are «clandos'», and so when they see us, there is no need for them to control us. We have no right or authorization to carry out public transport, so rather than regularising our situation, we prefer to operate clandestinely».

«Nowadays, policemen neither control the vehicle nor the driver. They do not care to find out whether it is a stolen vehicle or not. In a short while, you will see, the police shall stop me. I shall leave the papers inside the vehicle and go out with 300 CFAF then we shall continue our journey without any problem. At times we have to give a little more than 300 CFAF when the policeman decides to do a normal check».

« As concerns the police, there is nothing I can say that is not known to everybody. In order to work, we have to pay a «toll fee» of 300 CFAF or 500 CFAF in the case of motorcycle mounted policemen. Some policemen ask us: «when we stop

you, why do you bring us the papers of the vehicle? Can one buy a beer with that?».

«If you do not give 300 CFAF on the road, your vehicle is impounded and then you will have to pay 6,000 CFAF .The policeman who impounds your vehicle takes the car papers with him, and when you go to the police station, you cannot find the policeman. They will make you run up and down for nothing and when in the end your car document is handed back to you, you would have wasted both time and money. 300 CFAF is the riddance price. You cannot complain to any one. In front of the commissioner, you can not be in the right, because he is the one who sends out his men to the road «it was established (cf. p. 48) that a clandestine driver gives to the forces of law and order a minimum of 1500 CF AF a day as «right of passage.» For the ten ..clando» drivers plying the Texaco Mokolo/Oyom-Abang/Nkolbisson line, this gives the sum of 5,400,000 CFAF a year. If we add to this the quota from the other tour similar routes Mvog-Mbi/Nkomo, Mvog-mbi/Mvan, Poste Central/ Mendong, Marché Essos/Mimboman) in the hypothesis of 10 drivers per route, we come up with the sum of 27 million CF AF that Yaounde clandos give to the forces of law and order each year. These figures neither take into account the «clandos» circulating inside the town, nor regular taxis and other drivers who get into the clutches of the forces of law and order.

Besides, it is known (p. 48) that to be correct, that is to have all the official papers, each driver has to spend 300,000 CFAF a year. On the transport routes shown above, the State therefore loses 15 million CFAF a year in Yaounde. Its agents pocket almost twice that amount. On an individual level, the illegal driver prefers to give to the forces of law and order 45,000 CFAF (1,500 x 30) per month, being 540,000 CFAF per year, instead of paying

the 300,000 CF AF that the State demands from him. The drivers concerned give three reasons for this :

1) In a context where obtaining a loan is difficult, it is not easy to satisfy at a blow the demands of the State. But the economic context is no less rigorous for regular taxi owners. The reason for illegal transport activities is elsewhere.

2) Before a taxi driver, even one who is in order, a policeman is all-powerful : he can seize the car documents, charge the driver of whatever he wants (example : «driver looks drunk»), and «drag him up and down» to make him lose time and money. «There is no point in arguing with them, says a driver. Rather than letting your vehicle to be impounded and paying more afterwards, it is better to pay immediately and less. Policemen never lack a reason, we are always at fault (...) before the police» (p. 47).

3) The third reason given by «clando» drivers, which seems to be of remarkable economic irrationality is, in reality, the expression of a situation of despair. If we acquire legality, why would we need to ply the poor roads of peripheral neighbourhoods? It is better to have a small job which can enable us to survive, even if a greater part of what we earn goes into the pockets of policemen and gendarmes. Indeed, if «clandos» opt for legality and desert the outskirts, a number of public and private services will be paralysed for lack of workers and many children will not go to school. «Clandos» have in their hands a force whose weight they do not know .But they cannot even use it, busy as they are In an Individual, struggle for life.

In a system where most of the fabric is rotten, where each one gains from cheating: it is not surprising that the whole country has continued to sink deeper. An engineer charged with the technical control of a work that lets himself to be corrupted, allows the wrecker of the economy to prosper with impunity.

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Because it reduces the volume of national revenue, corruption renders the state incapable of playing its role towards its people: schools, health facilities and roads cannot be provided. They were very correct when many respondents felt that corruption was a violation of human rights, because by preventing people from enjoying the fruits of economic growth, it is the permanent negation of the right to development.

In the quarterly journal «Banques d' Afrique» (issue n° 17 of July 1998), we read the following : «Corruption increases the costs of transactions as well as uncertainty. It generally leads to inefficient economic performance. It is harmful to foreign and domestic investment in the long-term, results in a poor distribution of talents in favour of research activities and as well as in the choice of technological projects (public contracts for major defence projects receiving preference over the building of dispensaries in rural areas for preventive healthcare). It draws firms into the underground economy, which diminishes public revenue, such that heavy taxes are increasingly levied on fewer tax payers. The state then becomes incapable of providing the essential collective services. and especially ensuring the rule of the law. This can result in a vicious circle of growing corruption and illicit economic activities. Corruption is unjust. It imposes a regressive tax, which is particularly heavy on the commercial activities and services of small enterprises. Corruption undermines the legitimacy of the State'. (p. 19).

C. Consequences of corruption on society

a. On the social structure

Corruption does not only kill the nation economically. It also has a "sociocidal" effect because it prevents the building of a solid society, founded on the valorisation of the individual. Individuals are born with equal rights in a society where social functions are distinct and complementary, and where society offers each of its members, through training equal chances of acceding to roles and titles through personal effort ; it makes a mockery of the social principle of equal opportunities ; it also makes a mockery of the role assigned to the training structure. It cares very little for the fundamental capital that the individual personality constitutes, an asset that is consolidated and enriched as it is moulded. Corruption opens to anyone, the door to any position, with the faint hope that the necessary skills will be acquired «on-the-job». Unfortunately, the miraculous acquisition of these skills never occurs.

Schools lose their value. Those of young people who value work become discouraged. Children, the most vulnerable members of society, adopt as a way of life, and as the only way to succeed, the practice of intrigues, cheating, corruption of teachers etc. A teacher who, as a student, corrupted his teachers to pass from one class to the other, sees nothing abnormal in the solicitations of his students. The school thus hatches a society of incompetence, ill-prepared to face the international intellectual competition of the third millennium.

Similarly, like the educational institutions, the corrupt administration does not play its role. By ensuring the equal application of the rules and procedures of life in society to

everyone, the administration plays the role of creator of the republic and the spirit of citizenship. Through its action, it builds in each individual the sentiment of belonging, along with all the others, to the same country. Now we can understand why the sentiment, known elsewhere as the collective will to live together is still eillbryonic in our country: «corruption kills the nation», it was high time the government admitted it.

b. Impunity, a most serious crime against the nation

A nation is defined as a collective will to live together. But the collective will to live together or the solidarity among members of one nation is not a thing to be left to the fortunes of individual desires or customary habits. The law governs it. For there to be solidarity, there must be a number of things that individuals must do, and others that they must not do. These things to be done and those not to be done are codified in the law. «Social life, wherever it exists in a durable manner», according to Durkheim (1967 : 29), «inevitably takes on a given form and organises itself, and the law is nothing than this organisation in its most stable and specific stage.» The law as rule of conduct is of necessity accompanied by a sanction, most often, a negative one: whoever breaks a rule of law shall be punished with a specific penalty.

The breaking of a rule of law causes a rupture in social solidarity. This rupture is all the more serious, and of far more reaching repercussions on the whole group if the infringement is criminal in nature, that is to say, it is felt in a particular way by all the members of the group. Although the sentiment of solidarity gives individuals the desire to come together, there is much more to this inclination. This would be because these

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members share the same norms of social life and the same ideals. Consequently, the other members of the society would be collectively shocked if a member strays from these accepted norms and ideals. The punitive sanction inflicted on the delinquent restores the peace of the society.

This argument can be illustrated by a concrete example. Football is a sport governed by rules that are not only known to the players but also to the spectators. Matches between teams are directed by a referee who sees to it that the players play in conformity with the rules and regulations of this sport. When the referee does not play his role and when, as a result of the disregard for the rules of the game, one team beats the other, the public, including the cheated team, reacts violently. The referee has to be sanctioned and the match replayed, for there to be peace again. If punitive measures are not taken, and the players and the public realize that the referee and the bad players always go unpunished, the game will lose both its appeal and its role as a rallying factor of consciences and moulder of national solidarity.

The absence of punishment for a crime undermines national solidarity more than the crime itself. This is a verifiable fact in Cameroon today. Because of the widespread corruption and the impunity enjoyed by those guilty of it, Cameroonians do not agree on anything that can unite them as a single people: acceding to positions of power, exploitation and distribution of the country's wealth, education of youths. It is not a matter of the acceptance or not of political liberalism, the differing perception of ideologies and economic systems (capitalism, socialism, communism), nor a matter of debating whether to give our children lay or religious education. There is a general disagreement among Cameroonians on the electoral code, the

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organisation and conduct of elections, the influence of foreign corporations on the national economy, the common good and the obligation for everyone to work for it, the love for hard work or the desire for intrigues and easy gain that the youth today has acquired. If there is disagreement on all of these points, then there is no national conscience. The national conscience has been stifled by the impunity enjoyed by corrupters and the corrupted.

Chapter V

**WAYS AND MEANS TO CURB
CORRUPTION**

(Pierre TITI NWEL)

Many cures for corruption were proposed by our respondents : drawing up of appropriate laws and ensuring their effective implementation, taking of dissuasive and punitive measures against the offenders, more determined and sincere involvement of the highest authorities of the State in the fight against corruption (examples come from above), organisation of the journalism profession and creation of a real press enterprise, improvement of workers' conditions, simplification of customs procedures, education of the citizens on their rights and obligations.

The democratisation of the political structures of the country will also play a major role in curbing this practice.

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In one of the questions of the national survey, eight socio-professional categories were listed and the respondents were asked to indicate, in decreasing order of importance, the first five, which can help reduce corruption. Table 10 shows the answers of the respondents.

In the Centre Province, for instance, respondents consider that it is first of all the government that can reduce corruption (1st choice), followed by magistrates (2nd choice), and teachers, etc. The East Province feels that it is first of all magistrates, then members of government, followed by religious authorities, etc.

The table presents the following classification :

1st choice : Members of government

2nd choice : Magistrates

3rd choice : Teachers

4th choice : Locally elected officials

5th choice : Journalists

Table 11: Who can help reduce corruption?

	Centre	East	Littoral	Far North	North	North West	West
1 st choice	Members of government	Magistrates	Members of government	Members of government	Members of government	Members of government	Members of government
2 nd choice	Magistrates	Members of government	Youths	Clergy	Magistrates	magistrates	Clergy
3 rd choice	Teachers	Clergy	Journalists	magistrates	Journalists	Teachers	Magistrates
4 th choice	Clergy	Journalists	Locally elected officials	Locally elected officials	Teachers	Locally elected officials	Teachers
5 th choice	Journalists	Locally elected officials	Politicians	Journalists	Youths	Journalists	Journalists

Source: our survey.

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The preceding analyses agree with the choice of the respondents. The solution to the problem is first of all in the hands of politicians, provided they are legitimate in the eyes of the people. They must have been chosen by people whom they serve and who can control them. In turn, they will have the necessary authority to get things done, give instructions, prohibit, punish or reward. They would then have the latitude to implement the programme they had advertised during their campaigns.

In the absence of an independent electoral commission, and in a situation where the electoral process has been vitiated at the base by an electoral code that allows the ruling party to be re-elected indefinitely, where persons who have been corrupted by the authorities in power do their best to make sure that the regime remains in power and where the helm of the State and the politicians all owe gratitude towards the DOs, magistrates, civil servants, and other officials of public and private services who «validate» approve and support the various fraud schemes in the electoral process.

A real democratisation process that leads to free and fair elections starts with the revision of the electoral code. This can only be done smoothly if the ruling Head of State is no longer personally interested in future elections. The revision of the electoral process is a moral act in the noble sense of the word: Cameroonian politicians, irrespective of their political inclinations, realise and admit that power comes from the people. Political power is not taken by force, and is not maintained through cheating or violence. It is given, for a time, and the giver controls it. The problems we now have in this country arise from the fact that the single party for a long time undermined these truths, consequently, the time has come for these truths to be asserted honestly both in word and in deed.

These political preconditions will have to be followed by a complete reform of legal texts, which would give magistrates the power to apply the law freely and impartially. In this way, the action of the media on a public to which the politicians have thus become accountable will bear fruit.

The action of church leaders and teachers

Religious leaders on the other hand do not have to wait for these socio-political reforms to take place before they act. However, their action has to be concrete and decisive, targeting not corruption in the abstract sense, which in fact is an idea against which it is very difficult or even impossible to fight, but specific acts of corruption carried out by well identified socio-professional groups. Christians in this regard have a model in the person of Christ who did not limit himself to condemning wrong doing, but went further to speak out against the wrongful practices of what we might call the socio-professional groups of that time -the scribes, Pharisees and tax collectors. Talking to the latter, John the Baptist said (Luke 3, 13-14) «Exact no more than that which is appointed to you» and to soldiers he said «do violence to no man and be contented with your wages»

Preachers should actively condemn the bad practices of those social actors whom the public considers as more easily prone to corruption: law enforcement officers, magistrates, teachers, health personnel, customs officers, vote holders as well as citizens who have reconciled themselves to it. Like Ezekiel (33, 7-9), preachers are the «watchmen» that God has sent on mission with the warning, «when I say unto the wicked, «O wicked man, thou shall surely die, if thou does not speak to warn the wicked from his way, that wicked man shall die in his iniquity ; but his blood

will I require at thine hand. Nevertheless, if thou warn the wicked of his way to turn from it: if he does not turn from his way he shall die in his iniquity, but thou hast delivered their soul».

Corruption has become such a normal practice in Cameroon today that we find corrupt persons and corrupters of otherwise strong faith among the thousands of people who attend mass and services in our churches, temples and mosques. In order to open their eyes and prepare the way for them to turn back to the right path, the preacher should, like John the Baptist, point out to them that what they are doing is wrong and tell them what to do.

It is surprising (although this paradox is not very obvious) that the Christian who prays fervently and daily for the kingdom of God to come should always look for the easy way out through acts of corruption, and in so doing promote the kingdom of the Anti-God. The Kingdom of God as Isaiah (II, 6-8) is a world in which «the wolf shall dwell with the lamb, the leopard shall lie down with the kid, the calf and the young lion, the fatling together, a little child shall lead them. And the suckling child shall play on the role of the asp and the weaned child shall put his hand on the cockatrices den». The world of corrupters and the corrupt is the exact opposite of that kingdom. It is made up of men who are like vipers to other men, of employees who, not being content with their wages shamelessly exact dues from the public, of heads of public and private institutions who, without any consideration for others, take for themselves what belongs to all, or power hungry politicians who use government money to buy the consciences of the hungry.

The word of God can only attain its goal if it awakens the conscience of the individual and transforms him, that is, makes him respect his neighbour and teaches him to work not only for personal gain but for the well being of all. This reference to

religious morality might surprise some readers considering that Cameroon is a lay State. Would it not have been better to talk about the principles of rational morality voided of all religious connotations like Durkheim (1992/1974) did? According to this author, «morality is a system of rules of action which predetermines conduct» (id: 21). These are rules not invented by the individual, but he must submit to them. It is said that these rules originate from the rational mind ; but in fact, they originate from society and because of this they transcend the individual. The faithful believer who has become used to submitting his will to the authority of the revealed Word should not find it difficult to accept the rules laid down by society if such rules do not go against his faith. There is no religion in Cameroon today which does not advocate honesty, probity, the respect for duty and the spirit of discipline.

Accepted religions that are being practised contribute in the forging of a social morality that can be taught. In this regard, it is a powerful weapon in the fight against corruption.

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Part II

**VARIOUS VIEWS ON CORRUPTION
IN CAMEROON**

CORRUPTION IN CAMEROON : THE MEDIA'S VIEWPOINT

By

Valentin Simeon Zinga

Journalist (GERDDES)

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Introduction

This work is subdivided in two parts with different but complementary centres of interest.

The first part is a review of «cases» of corruption as reported by the media from 1990 to 1997. From these various cases we realise that this evil has not spared any sector of social life. Corruption is political, as shown by what the Head of State himself initiated during the 1992 legislative elections. It affects sectors as sensitive as the magistracy, as shown by the «Ombgassema affair» in which incidentally a Minister of the Republic was involved. Another member of government is involved in a shady privatisation deal in which he is «suspected» to have taken bribe. Many people are surprised by the fact that after leaving government, this Minister was appointed adviser to the Head of State. A promotion one might say.

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But corruption is even more common in an area that arouses the wildest greed : sports, Stories about corruption in football reveal this evil practice in and out of football fields: schemes between club officials and referees involving envelopes with sometimes ridiculous sums of money. The main thing about the «Tomota affair» is that the guilty party himself gave a written confession of his crime.

Because of the widespread practice of this evil, international donor agencies pushed the reluctant Cameroonian authorities to react. At the end of the first quarter of 1998, the Prime Minister launched what was described then as a «vast campaign against corruption». This immediately drew the attention of the media. What was their reaction?

These reactions will be found in the second part of this report.

Cameroon Tribune puts «the pen in the sore» : for weeks on end, the government daily, examined in detail every sector of social life and denounced all the various forms of corruption practised therein. Le Messager did the same thing, but in lesser detail.

Mutations (another by-weekly), on its part, wondered about the campaign ; «what can Mafany Musonge do against corruption?». The ironic tone of the question showed the paper's scepticism as to the success of the operation. But at least all these papers benefited from the campaign : government to get its «corruption kills the nation» bought advertising space message through.

I Corruption in Cameroon from 1990 to 1997

Several scandals made big news headlines during the period that ran from 1990 to 1997. These scandals captured the attention of observers in varied degrees. The most surprising aspect of these scandals was that serious evidence was made public.

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A. Sports: an arena full of corruption

a. The «eked affair»

The affair so designated, is named after the main actor in the scandal. On October 1995, in Nkongsamba a first division match was played between the local side, Aigle Royal and Tonnerre of Yaounde. The stakes were high since the two teams were at the bottom of the league table; the loser of this match was automatically going to be relegated to the second division. The match ended in a draw : one goal each way. But a number of Spectators accused the referee, Alexandre Bougea Eked of impartiality. This was confirmed by the match commissioner who euphemistically said that the referee had exhibited a lack of mastery of the match. A few days after the match, the Littoral section of the Cameroon Football Referees Association. (ANACAF) wrote a strongly worded petition to the national president of the Association : «(...) in fact, wrote the Littoral referees, during the match of the 29th day of play, played at Nkongsamba between Aigle Royal of Nkongsamba and Tonnerre of Yaounde, it was established and admitted by the concerned party and his linesmen that the referee Bougea Eked Alexandre received the sum of 500,000 CF AF (five hundred thousand) from the officials of Aigle Royal of Nkongsamba the day before the match, with the aim of making that team win. « And the letter continued : «The officials, not pleased with the result of the match, demanded that Mr Eked reimburse all the money he had received. In the presence of his linesmen, the gentleman reimbursed the money ...».

The provincial branch of ANACAF, which had reported the case to the national president of the association, requested that

Mr Eked be stripped for life of his title as referee. It recalled in this same correspondence that the said referee had previously been guilty of the same crime and had been dismissed for life five years previously, but had been rehabilitated, the letter went on, without first consulting ANACAF .

B. The tomota affair

It derives its name from the surname of the referee, Tomota Christophe. In October 1993, Olympic Mvolyé, a club based in the capital of Carneroon, had to play a second leg semi-final encounter against Leopard of Douala in the Amadou Adhijo Stadium in Yaounde. The stakes were obvious. Mr Tomota who was the referee of the match did not hide his bias for the club from the capital. It was unanimously agreed that it was through his fault that Leopard lost the match. Some observers asserted that based on the performances of both teams on the pitch, the team from Douala should have won favourite. Mr Tomota's performance did not leave spectators indifferent and they decided to have his head. Mr Tomota left the stadium under police escort because projectiles, curses and insults were thrown on him. The referee tried to justify his poor performance as resulting from inexperience when he faced the Cameroon Football Federation's (FECAFOOT) national homologation and disciplinary committee (CNHD) a day after the encounter. Some people talked of incompetence. FECAFOOT'S disciplinary board meted out a stiff sanction against Mr Tomota : he was dismissed for life. Some people still thought the decision was an exaggeration. However, the accused gave the final word on this matter in a truth report legalised by the police. Following is the report in extenso written by Mr Tomota himself : «On Wednesday 27-10-

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93, I received a phone call from Mr Kaham Michel who suggested that we should meet at Luna Park (a rather discrete hotel at Obala, located at about forty kilometres from Yaounde) around 10 a.m. When I arrived there at the expected time, Mr Kaham (coach) said that he had come on behalf of the President of Olympic, Mr Mbarga Mboa Philippe; he gave me the sum of 200,000 FCF A and insisted that I should do everything for Olympic to win the match. I took the money sent for the first time. The match, which had to be played on 27-10-93, was played on 29- 10-93. I regret my impartial behaviour during this match. During the second half and at extra time, the second linesman Mr Zambo 'Roger told me not to worry. He informed me that Mrs Mbarga had called and told him that her husband was waiting for us at home after the match. After the match Zambo and I effectively went to Mr Mbarga's home. The president of Olympic was waiting for us. He told us not to bother about our career. He gave me 10,000 frs for my return trip and we parted.»

All through this scandal, many observers noticed and denounced the laxity of Fecafoot's disciplinary organ, which singled out only Mr Tomota and left the presumed corrupter in peace. Moreso, the CNHD decided to have the disputed match replayed. A disappointing option for those who had thought that Leopard would be declared winner. In any case, the Douala-based club refused to play the match against Olympic Mvolyé. And finally, Philippe Mbarga Mboa' s team refused to play the finals of the Cup of Cameroon for that year in favour of Leopard Douala.

a. The ombgassema affair

In 1989 Mrs Ombgassema was dismissed from the National Reinsurance Fund (CNR) headed by Mr Louis Antoine Ntsimi.

The unfortunate woman, however, did not forget that the secretary of the Managing Director of CNR owed her a sum of 195,000 CFAF. According to her, she went to her debtor's office to be reimbursed.

But there, events took a different twist. The Managing Director in person violently took her to task and ordered her to leave the premises. Based on the private prosecution issued by lawyer Jean Rameau Lekagne hired by Mrs Ombgassema it was revealed that

Mr. Antoine Ntsimi ordered her «to leave, without giving her the possibility to explain the reasons for her presence at the premises».

« Furthermore, «she was pushed by Mr. Antoine Ntsimi and she fell in the lift». As a result of all this violence she had vaginal bleeding, epistaxis, cranial trauma with temporary loss of memory, nose bleeding and traumatism of the left eye, an injured globe and left ankle,» according to a legal medical certificate issued by Dr Nzhié Robert on 28 March 1989, that is forty eight hours after the assault.

Mrs Ombgassema who wanted to have the wrongs she suffered redressed, referred the matter by private prosecution to the Court of First Instance Yaounde, on 13 March 1990, which found Antoine Ntsimi not guilty, non-suited the plaintiff, and ordered her to pay costs. This judgement which surprised many observers, was partially due, nonetheless, to the lack of witnesses ; most CNR employees apparently refused to be witnesses for fear of being shown the door. Almost all of them took this stance. However, one of them, Gbenkom Jean-Paul, a driver in the enterprise, distanced himself from the attitude of his colleagues, and declared in court that he saw the plaintiff take the lift up on the said day and then ! come out of it shortly afterwards, holding

one shoe in her hand and limping. After these allegations, the court to which the matter had been referred on appeal declared that the defendant was guilty of the offence of «violence on a pregnant woman». Even then, Antoine Ntsimi did not give up because he referred the matter to the Supreme Court, which reversed the judgement rendered by the Court of Appeal on 22 July 1993 after referring the matter to the Court of Appeal of Bertoua.

It is alleged that the Magistrate, Pierre Kamto to whom the matter was referred contacted the former managing director who had left CNR and had become the Minister of Finance. It would appear that the two men came to an agreement: the former proposed to the latter that as compensation for a judgement in his favour, the Ministry of Finance would pay the salaries of Legal and Judicial Officers of this jurisdiction. This version of facts is more reliable because it is confirmed by certain Legal and Judicial Officers of the Bertoua Court of Appeal. On the 20th of December 1993, the counsel for the Minister of Finance insisted that the matter be heard and determined in camera by a panel. Some people interpreted this request as an attempt to involve all the judges in the orientation to be given to the judgement. Nonetheless, on this same day, the court granted this request by rendering an interlocutory judgement (*II*). The matter was heard and determined in camera by a panel comprising the president of the Court of Appeal, Pierre Kamto, the First Vice-President, Mevongo Pierre, the second Vice-President Ebengué Jean and a Judge Louis Lambert Bolko. These magistrates confirmed the judgement of the Court of First Instance of Yaounde : the plaintiff was nonsuited and ordered to pay costs. A disturbing occurrence happened : well before this sentence was handed down, money from the Ministry of

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Finance was suddenly released in Yaounde to pay all the salaries and arrears of Legal and Judicial Officers of the Court of Appeal of Bertoua with the exception of Registrars' and certain staff of the jurisdiction. Observers' hold that the link between the court's decision and the gesture made by the Ministry of Finance was obvious : corruption of magistrates.

C. The 1992 cellucam affair

In 1986, the Société Cellulose du Cameroun (CELLUCAM) was placed under liquidation. The transaction was entrusted to a chartered account, Benoît Atangana, a barrister, Mr Nkoto Toco and a «Government commissioner», Mr Francis -Xavier Mbayoum. On 25 April 1992, CELLUCAM was effectively liquidated and renamed **Cameron Pulp and Paper Company**. The new owner was the Indonesian group Gudang Garam headed by Rachman Halim.

In 1991, a company, the Cameroon Trading Company (CAMTRACO), was set up. Officially, one Mr Raynold Hult headed it. Apparently therefore, the setting up of CAMTRACO had nothing to do with the liquidation of CELLUCAM. However, some events, which occurred subsequently, revealed disturbing facts. As soon as CAMTRACO was set up, it encountered functional difficulties. It needed to bring in the following goods to Cameroon :

- 20,000 tonnes of rice ;
- 20,000 tonnes of flour ;
- 500 vehicles ;
- 50 ten seater minibuses ;
- 30 11,000 kg lorries.

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Everybody was surprised to see that it was Cameroon 's Minister of Industrial and Commercial Development, the supervisory authority in charge of the liquidation of CELLUCAM and the Hydrocarbons Price Stabilization Fund (CSPH) who was personally involved in convincing the CSPH to lend the sum of 600 million CF AF to CAMTRACO. The request of the authorization sent to the Prime Minister for this transaction to be undertaken is proof of the minister's commitment. This member of government was so close to CAMTRACO that he wrote a letter on 24 March 1992 to the Chamber of Commerce, Douala asking it to put public warehouses at the disposal of this company. Such enthusiasm shown by the member of government in helping CAMTRACO was suspicious. For observers and the press, Mr René Owona was not illustrating disinterested activism. He had connived with the liquidators to enable the Indonesian group to take over CELLUCAM under conditions considered very favourable to the buyers of the Cameroonian company. He was said to have received kick-backs in compensation. Seemingly, both parties agreed that the Indonesians would offer goods and foodstuffs instead of money. It was necessary therefore to set up a company which could receive these gifts presented as goods. The loan worth 600 million CFA F for which the minister was struggling had to serve officially for the importation of products from Indonesia.

The link was therefore established between the liquidation of CELLUCAM, the setting up of CAMTRACO and the import transactions. Again, observers were astonished by the fact that Mr Kalm, one of the buyers of CELLUCAM had guaranteed the loan granted by the State of Cameroon to CAMTRACO.

Mr. Raynold Huot, Mr Halim's partner in the Cameroon Paper and Pulp Company (CPPC) was also presented in the official documents as Delegate Chairman of CAMTRACO.

After the revelations and press analyses, Mr René Owona went on the offensive. During a press conference in August 1992 in Edea, where CELLUCAM is located, the Minister of Trade and Industrial Development said he was «surprised» and «shocked» by the way the press had handled the issue of CELLUCAM's liquidation. He equally expressed his surprise over what he considered a mix-up of the liquidation of CELLUCAM and a marketing transaction, which had nothing to do with it. Obviously, those who expected the minister to powerfully illustrate his allegations were unsatisfied.

D. 1992 Legislatives elections

Members of Parliament elected during the single party era in 1987 had completed their term of office. Fresh elections initially programmed for 16 February 1992 were postponed to 1 March 1992.

For various reasons related mostly to the electoral law in force, considered undemocratic, opposition political parties decided to boycott the elections. The government conscious of the impact of the absence of the major political parties in this election, which constituted the first major proof of Cameroon's entry into the democratic era, did all it could to lend a semblance of credibility to the elections. The regime had to ensure that political parties participated massively in the elections. In this regard, a confidential letter that the Prime Minister Sadou Hayatou sent on 29 January 1992 to the Secretary General of the Union des Populations du Cameroun (UPC) is of significance. The Head of Government wrote to Augustin Frédéric Kodock (SG) whose decision to participate in the elections was decried by other eminent members of the party, as follows : «(...), in

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reply to your letter of 8 January 1992 with regard to financing political parties for the elections, I confirm to you that the State is likely to grant some money to political parties which have presented candidates for the elections of 1 March 1992 to cover organisation costs for participating in the said elections.»

Some days earlier, during an interview over state television, Mr Paul Biya had personally announced to Cameroonians that a sum of 500 million CFA francs had been released and placed at the disposal of political parties who would participate in the elections. All a party needed to do was present a candidate in order to be eligible for a share in this fortune, which was distributed by the Prime Minister.

Given the context at that time and the controversial nature of the operation, it could not have been a disinterested assistance by the administration to political parties. It was obviously an act of political corruption.

E. The 1991 Odile MBALA affair

In 1991 there was a general social revolt against the regime in power. Students in the University joined with the rest of the country in protest against the administration. The latter took to the offensive. Soldiers were sent to the university to silence rioting. It was reported that in its brutal and merciless attacks some students were killed. The government through Mr Kontchou Kouomegni Augustin, the then Minister of Information and Culture, reacted very strongly declaring that «nobody died at the University of Yaounde.» This declaration did not convince many people. Public opinion requested a commission of enquiry to look into the events, which had occurred at the University. The administration gave in and set up the said commission. Its

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composition was criticised because it was considered biased, but it remained unchanged. Mrs Odile Mbala Mbala was its chairperson. In her report she confirmed that no one died at the university as a result of the deployment of troops there. This set tongues wagging. Mrs Odile Mbala Mbala was particularly suspected of being the advocate of lost causes and for having simply acted as a government ally.

Obviously, she defended herself. While the usual accusation

- refusal game was going on, it was rumoured that unusually large sums of money had been placed in the accounts of the chairperson of the commission with regard to the university events. Initially, this information was circulated in tracts before being relayed by the press, which published, documents showing that :
- she withdrew 38,545,000 CFAF on 8 July 1991 from her account N° 6860-402240-13 in a bank in Yaounde with cheque N° 48637.65,
- on that same day, the account was credited with, the sum of 41,000,000 CFAF from a payment order.

Mrs Mbala Mbala, over national television rejected the insinuations that her report on the events at the university had something to do with the movement of funds in her account. This reaction obviously did not convince journalists of the private press who investigated the matter .

The chairperson of the commission on the university events did not give any justification for the movement of funds in her account just as she failed to give any reasons for her sudden departure to France shortly after. Without pulling any punches Benjamin Zébazé of Challenge Hebdo newspaper Wrote that : «If we share a common thought, you would undoubtedly

understand why one can talk unconvincingly over television about «zero dead» no doubt with bulging pockets.»

II. What do newspapers in cameroon say?

Cameroon Tribune (The National Daily

«Corruption kills the nation.» This column of Cameroon Tribune was devoted everyday to corruption. Cameroon Tribune N° 6564 of Monday, 23 March 1998 informed us that the media is not spared from the phenomenon of preferential treatment and bribery. The media, the newspaper explained, has been tainted by the quest for easy money (gombo). This, the newspaper added «is the most common form of corruption in the world.» And the newspaper declared that corruption has been «institutionalised» in the media. Journalists who are otherwise considered as the promoters of moral rectitude. «openly blackmail» and «imperiously» demand «envelopes» from an individual or «perdiems» during seminars. «It is clearly said that if no «gesture» is made the article will not be published.» The practice has a serious consequence. One is no longer dealing .with a journalist but with a «consultant in communication who helps in building one's image» emphasises Cameroon Tribune. The lust for money thus takes precedence over the duty to inform. The journalist chooses only «juicy» events. This is the reason why «some columns or specific programmes are thinly disguised advertorials. The publishers of these papers or press organs receive no payment for these adverts. Cameroon Tribune concluded by saying that «press organs no longer inform. They permanently advertise and sometimes take to political propaganda.» Cameroon Tribune condemned corrupt journalists who according to barrister Denis Ekani are punishable by

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«imprisonment for from one to three years and a fine of from fifty thousand to five hundred thousand CF A francs.»

«Overbilling becomes the rule». This was the front page headline of issue N° 6567 of Thursday, 26 March 1998. This phenomenon, wrote Cameroon Tribune which has a negative impact on public finance has given the nation «wealthy people whose only merit has been sometimes to fix the unit price of a pencil at 800 CFAF.» Two factors account for the ruthless corruption in the supply of office equipment : «The transfer to private homes of regularly received office supplies and the greed of some dishonest officials who have become suppliers and clients at the same time. Their bills are handled with more diligence.» This was revealed by the study carried out in 1994 in Cameroon by Jérôme Anatole, a French management consultant. Cameroon Tribune quotes, «money generated by these transactions is redistributed at all levels of decision-making and this obviously speeds up payment procedures.» For this reason, the governmental daily explains, financial services give all suppliers the following advice : «double the prices of all pro forma invoices.» Corruption here is thus based on the inflation of bills.

Issue N° 6568 of Friday 27 March 1998 examined corruption in the execution of major works in Cameroon. «Mr Paul Biya, President of the Republic, is highly concerned with shady transactions in the award and execution of contracts,» The paper reports. It goes further to say that he has asked ministers to send «control missions in the field to effectively establish that classrooms, health centres, farm-to-market roads, rural electrification lines for the 1996-1997 financial year were constructed. « Why does the President limit himself only to the 1996-1997 financial year? the paper questioned. If one were to go back «five or ten years in time. one would uncover some serious

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scandaIs» the daily suggested and precisely stated that the Head of State's prescription should match the «estimated cost» with the «real cost.» «This would enable the authorities to know the extent of over billing. « The newspaper also deplors the consequences of the non execution of major works «in the social sector such as health, roads, water supply and rural' electrification, which seriously endanger development and the well- being of the masses. Barrister Frédéric Kissok holds that : «the defaulting entrepreneur should be prosecuted.»

The issue of 31 March 1998 states that for any campaign to be worthwhile « actions must speak louder than words.» This is a difficult step for the State of Cameroon to take because «its back is on the wall» given that ,»the reign of impunity has caused people not to pay heed to such campaigns which they consider as literature» or «entertainment» According to a *vox pop* carried out by this newspaper, Cameroonians did not expect much from this anti-corruption campaign. They were sceptical. For example, Mrs Atchangny Monica, a primary school teacher said : «I am one of those who think this campaign is a waste of time. Corruption is an old evil in Cameroon.» For this lady «it requires a strong political will and firm laws».

In issue N° 6575 of 9 April 1998, the government of Cameroon agrees with the advocates of exemplary sanctions. In an interview, the Minister of Public Service, Sali Dahirou announced that «the government shall henceforth punish all acts of corruption.» But what about «classified disciplinary files?» «We are not going to disrupt the operation by looking into files of the past ten, twenty or thirty years» the Minister of Public Service stated.

Le Messenger (a Tri-Weekly)

Le Messenger N° 736 of 6 March 1998 was critical of the anti-corruption campaign. According to Pius Njawa's paper, «those who propagate corruption and condemn it during this campaign tell themselves «ah Musonge is making a mockery of himself.» The newspaper stated that if by any chance the government presented «some scape-goats to celebrate its victory over corruption, the status quo will be maintained,» due to the existence of pally networks, protection and impunity.

Issue Na 737 of the same newspaper moderated its tone and wished the Prime Minister, Peter Mafany Musonge, good luck. But it remained sceptical saying «hopefully it wouldn't be like Don Quichotte storming wind mills.» For Le Messenger, this media campaign orchestrated by the government against this hydra-like corruption will most certainly end up in drawers which are already full of other unfruitful campaigns, missions and commissions of enquiry.»

Issue N° 744 25 of March 1998 attempted to explain why «Musonge was helpless.» The newspaper described corruption as an omnipresent canker worm found even in the National Assembly and in «the Magistracy which often receives gifts from the government and litigants.» Pius Njawa's paper deplored the extent of the evil by saying : «even the press which would have been this fourth power that stops the other powers has been equally diverted and encircled by the octopus.» It expressed indignation to the fact that corruption is openly «practised on the streets by police officers who publicly extort money from drivers and shamelessly issue Cameroonian identity cards to Nigerians.» Corruption has equally taken root in classrooms. «Principals, (...) receive 50,0 00 CF AF» for the enrolment of a student. As regards entrance examinations into professional

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schools, Le Messenger states that «each school henceforth has its own known price. The Military Academy : 700,0 00 CF AF , The National School of Administration and Magistracy (ENAM): 1,0 00.0 00 CFAF, etc,...»

Corruption is therefore omnipresent. «The Prime Minister's will alone is insufficient to put into gear the big machine that will crush corruption.» Besides, Le Messenger thinks that «Peter Mafany's initiative is insufficient (...), shock therapy is required» and wondered if «this same government which owes its «electoral victory» to the corruption of voters and to massive fraud can saw off the branch on which it sits.»

In the same issue, the newspaper proposes the solutions listed or tried by the German based Non Governmental Organisation, Transparency International to fight against corruption. It involves the «enclave» or «island or integrity» approach which for example consists in asking all those who bid for tenders to sign, «an undertaking stating that they will desist from offering bribes.» The headline, which appeared on the front page of issue N° 745 of 27 March, may have surprised some people. It read, «the Anti- Corruption Campaign : The Government Calls Fru Ndi to the Rescue.»

Indeed, the newspaper revealed the contents of a letter by the Minister of Communication to the Social Democratic Front (SDF) to request its support for the campaign against corruption. It was unequivocal : «I have the honour,» René Ze Nguelé wrote to Fru Ndi «to inform you that as part of the national campaign against corruption initiated by the government and launched by the Prime Minister (...) you have been designated as a resource person of the said operation.» But what did the government expect from the Social Democratic Front? «(...) journalists of the official

press will contact you when the need arises for interviews, press articles, and round table conferences,» the Minister of Communication continued.

In the same article, the newspaper published the reply of the SDF rejecting the request by government. «We regret to inform you that because the SDF is not a member of the CPDM government, it cannot participate in such a campaign,» wrote Mr Fopoussi Fotso, SDF member of parliament and National Communication Secretary. The SDF went ahead to examine the problem saying that «corruption stems from the absence of transparency and responsibility,» and went further to propose solutions notably the putting in place of «an impartial and autonomous institution with adequate legal and financial autonomy charge with investigative and coercive powers carry out audits.» The SDF also requested that the promotion of a state of law be facilitated notably by granting real independence to the judiciary and making it apolitical»

Le Messenger examines, this request for help from the government to the SDF saying : «The campaign is tough. The government calls for reinforcement (...) the ordinary man does not feel concerned, not more than the people in authority. Everyone doubts the ability of the present government to really fight against corruption of which it is the main promoter (...) Consequently, the more people talk about corruption the more it takes root in society. Faced with these difficulties government is calling for reinforcement and trying to rally troops even from the ranks of the opposition in an attempt to create a united front against this scourge...»

Mutations (a by-weekly)

What can Musonge do against corruption?» asked issue N° 92 of 02 March 1998. The columns of this newspaper gave extensive coverage to the anti-corruption campaign. «Will Musonge be the first person to implement the provisions of the penal code?»

For Haman Mana's (Editor-in-chief) newspaper, «it is merely a media game to amuse the crowd since the real problem has been put aside». The newspaper continues «it is common knowledge that the greatest corruption networks remain at the helm of the State while subordinates pick up the crumbs». There is visibly nothing to expect from this anti-corruption campaign because «legal instruments exist but the government refuses to implement them». The newspaper quotes Article 66 of the Constitution which nobody applies : «The President of the Republic, The Prime Minister, the Members of Government and persons ranking as such, the President and members of the Bureau of the National Assembly, The President and members of the Senate, Members of Parliament, Senators, all holders of an elective office, Secretaries-General of Ministries and persons ranking as such, Directors of the Central Administration, General Managers of public and semi-public enterprises, Legal and judicial Officers, administrative personnel in charge of the tax base, collection and handling of public funds, all managers of public votes and property, shall declare their assets and property at the beginning and at the end of their tenure of office.» Similarly, the Prime Ministerial release on «the transfer of agents and authorities who have held a' post for more than five years» has been ignored. Haman Mana's newspaper identifies and condemns the vague and shady transactions involved in the award of government contracts. «It is Ali Baba's cave.» One gets in poor and leaves rich.

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For Mutations, «the award and the management of government contracts appear to be the main area of corruption (...) Curiously, the government has failed to mention it in its fight. Nevertheless, State Control exists but Mutations regrets the fact that it has rather become a «political weapon» used to crack down on adversaries instead of judging vote-holders.

This newspaper ends up by questioning the real reasons for this campaign by the Head of Government : «Was it to have a clear conscience, to avoid further harassment or sanctions from the Bretton Woods institutions that the Prime Minister launched this anti-corruption campaign?»

La Nouvelle Expression (a tri-weekly) La nouvelle Expression in its issue. N° 249 of 16 March 1998

Highlighted «actions, Which are in contradiction with the campaign.» These are «the illegal maintenance of the plurality of functions, the intensification of lobbying and the inefficient management of public affairs.»

Finally, to conduct the national campaign against corruption, the government of Cameroon and notably the Minister of Communication conceived and broadcast over radio and television messages and adverts inviting citizens to fight against corruption. In the written press, and without consideration for the editorial policy, the Ministry of Communication conceived the following message: «Corruption kills the nation. Public Service are free and not to be sold.»

The Point of View of: Célestin Lingo *Journalist, Le Messager*

Some years ago, a friend of mine, a renowned industrialist in Douala, had to give a press conference in Yaounde on the difficulties his enterprise faced in getting supplies and on the

problems encountered with the Administration, his suppliers and competitors. My newspaper had often covered and analysed these problems.

The friend called me and said : «Elder brother, I would like you to be the moderator of the press conference I will give at Hilton. Could you play this role?»

Generally I do not like to play this type of role, but after hesitating I accepted in order not to disappoint this long-standing friend who was like a family member .

An hour before the crowd pulling press conference at the Hilton started, the industrialist called me once more. I thought he wanted me to finalise the organisation of the ceremony and look at the main lines of the topic to be developed.

No! He wanted to inform me that the head of the team designated by CR TV -TV to cover the event had threatened not to cover it if he is not the moderator of the press conference.

A major catastrophe! For, it is known that if an event is not covered by television in Cameroon, it is as good as not having taken place. This is also true of State affairs, activities of the private sector and those of the common man. This medium is used to tell truths as well as to propagate lies. ..Thus cornered, my «junior brother» made the right choice, and asked me to be understanding. I did not mind. Blackmail had worked.

As a matter of fact, I was relieved because as earlier said, I dislike being in the spotlight. But it was also a good deal, especially for my colleague and secret rival from CRTV. Thus, he pocketed the second «gombo» for that evening. I did not know this until after. He pocketed all of it alone, because the first gombo had to be shared among the whole T. V. crew as is the custom at Mballa II (The Headquarters of CRTV).

The «gombo» charter

Indeed, it is an open secret that this gombo is given to workers at all levels of our national CRTV. It is the «tiger in its engine», to plagiarize a famous advert. If there is no «ear» there will be no report and consequently no broadcast of the event, no «invitation» to appear in some radio and television programmes. This state of affairs has reached such an extent that most «invitees» are always asked questions like «how much did you pay?» or «who was your contact?» from their friends if they fail to inform them spontaneously.

It is now obvious to many people that practically all radio and especially television prime time programmes, including the news are merely thinly disguised advertorials or adverts. One has to pay at all levels, except perhaps, when the super gifted General manager and/or his choir are involved in one way or the other . Consequently, many organisers of important events do everything to involve them in order to be sure of free coverage or to have it at a lower cost.

There is an unwritten «gombo charter» at CRTV. It is a norm of professional corruption that is even more scrupulously respected than the ethics of journalism professed elsewhere.

Here are some of the canons selected at random :

«The unseen goes unseen.» That is, you should be present when the «gombo» is given or you will not get your share.

«Gombo is not pocketed» Should it get into the pocket, its exact amount will not be known to everyone and the keeper could manipulate it at will What is handed under the table must be counted and distributed on the table

«Gombo does not spend the night» There could be a hold-up, a kidnapping or another «accident» Therefore, it must be shared forthwith

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«Gombo knows no rank» It is not graded like assignment allowances it must be equitably distributed to all the 'beneficiaries» because everyone faces the same rank.

At the Radio and Television Corporation, this «forbidden» fruit that facilitates» work, like vegetable, which enables fufu to slip down the throat, is taken seriously. In Côte d'Ivoire this «facilitating» process is mundanely dubbed «help-us-help-you» the print media is not left out.

Radio and Television are not the only ones that have gone down the path of media corruption.

The Print Media has also taken to it albeit in a less active manner. This Media is not as active in this practice because of its plural and «elitist» nature, which makes it less accessible. Again, it is not as spectacular and captivating as Television and the Radio.

Most newspapers in the market today are only published with occasional financial assistance.

A general manager, a party boss or some other personality in the political, economic and social scene may want to promote a given idea, protect a community, deny any allegation or reply to an attack against him in another media considered inaccessible or circulated through gossip or rumour. He looks for a newspaper (or is sought out by a publisher) pays the publishing cost and sees to it that in the next issue it gives his point of view and speaks highly of him in an arranged interview, here, a properly edited «dossier» announces on the front page in big headlines things like : «Who wants to do away with?» or «S group of people want the head of the GM of B».

The paper that has been bought in this manner tries as best it can to repair the damage done to its benefactor and taints itself in the process ...

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Another form of corruption is practised in the Print Media even in renown, regular and apparently solid manner.

In Newspapers here, the trick is to give good coverage to controversial politicians and businessmen by highlighting their points of view and generally promoting their image in exchange for a service or money received or expected.

In the event that they are not forthcoming financially, they are again dragged in the mud.

Another form of corruption is blackmail. This consists in threatening to publish a real or supposedly compromising dossier. The so called journalist informs the «accused» of the imminent publication of the dossier. He of course does everything to kill the article. Again the journalist may show the article to an «enemy» of the person accused in the dossier who will be all too happy to see to it that the article is published. The highest bidder wins out. However, these blackmailing tactics do not always succeed ; some end up in court and others in the settlement of scores in various ways.

Praise singing journalism which is common both in the official and private print and audio visual media is what might be described as a kind of give and take corruption. When a person is involved in a «compromising issue» or is interested in a high-level duty post, the journalist gives him good coverage. Some editorials, which engage in bootlicking and high level toadying, are hard put to conceal their quest for pardon or for promotion to be granted to their client. Impunity and appointments thus compensate submission and unfailing attachment to the regime. In this case, one corrupts to be corrupted. It pays for a long time, but not indefinitely. Several examples prove this.

The causes and the consequences

Those are some of the ways in which corruption is practised in the media in Cameroon. I have deliberately refrained from mentioning influence peddling, which is as much, if not the more practised : village, clan, religious, brotherhood, and political influence. This is a whole area, which could be examined subsequently.

The causes of corruption in our media are both general and specific.

1) The deterioration of the Cameroonian society is known the world over. There is a general moral decay. In this negative climate, everyone is looking out for himself. This has become the rule, and an honest person runs the risk of being considered as delinquent and excluded. Why should I not become rich and prosperous through corruption like others? Why should those of us press men be left behind?

Faymania (swindling) for all by the year 2,000. This is more successful than similar UNO slogans isn't it, ?

2) Salaries of the sector are not motivating. Journalists of the public service are not better off than other State employees. In para-public enterprises conditions are better. In the private sector they are paid piece-meal while expecting that perhaps one day their newspapers will become real profitable enterprises.

With such empty pockets, journalists are still expected to maintain the position, which their families and the public at large consider to be very high with regards to the important people that they frequently meet and talk to. Their reputations are inversely proportionate to their incomes. Bribes (in the literal and figurative sense) can therefore help them financially through a whole month and uphold their bluster .

3) The love for easy money and the venality of these adventurers of the pen who get involved with the press because they think it is easier and more accessible, are well known. Printed paper is sold together with consciences as one would sell cigarettes, second hand clothes, illicit gin and drugs.

4) The State's monopoly of the audio-visual media remains for us the major cause of corruption of the media. At CRTV, coverage, interviews and other invitations (debates, show biz, concerts) are sold in the same way as SONEL, SNEC and Telecommunications workers sell their services in private to potential clients and to subscribers. If you do not want to pay into private pockets then you will not be served or you might get disconnected without any hope of a rapid and free reestablishment.

Despite the existence of the Law to liberalise the audio-visual media since 1990 -nine whole years -no new radio or TV stations have been set up. It is sufficient to know the prestige and audience of radio and television in our countryside where illiteracy, poverty, oral discourse and the did-you-see-me mentality are rife to know that one should not skimp. *Gombo* is given in the same way as service exchange programmes, contracts and advertisement forms are avidly signed for CRTV.

These journalists of the State owned radio and television Corporation who toe the government line operate with confidence because they know that they cannot have any problems with the authorities. In fact, they are viewed positively (both literally and figuratively) by their superiors. Consequently, all CRTV workers, irrespective of rank, think they are stars and take advantage of it to do some blackmailing and harvest *gombo*.

What should be done?

The methods that can be used to fight this scourge are both general and specific, complementary and inexhaustible. The methods are linked to the origins of the evil.

1) A healthier Cameroonian society where values are respected, where the «mighty» preach by example, a society that banishes impunity and where «*feymanian*» is not a model and does not constitute excellence. Such a society will curb (if not eradicate) corruption and the love for the easy way out that it generates and nurtures. The press stands to benefit from such a less polluted atmosphere.

2) There is need for all the partners of communication (professionals, public authorities, consumers) to help the profession to organise itself and do some cleansing : establish who is who and who does what, supervise behaviour, draw up and institute career profiles and make the profession less beggarly.

3) If newspapers could function less like bread factories and more like real profitable enterprises, they would find economic autonomy. They would be able to provide their managers and collaborators with the social autonomy that brings about pride and liberty and banishes frustration and temptation.

4) The audio-visual media ought to be effectively liberalised and liberated. Pluralism is what is needed to fight the *gombo* blackmail and create competition in this domain, which up to now has been politically and professionally stifled. The moral deviations that are being condemned here are a result of this stifling.

The death of *gombo*

At the ceremony or presentation of the 1999 new year wishes in his Ministry , the Minister of Communication is said to have declared that this year would witness «the death of *gombo*». We

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would like to think that he knew the stakes involved and that he knew what he was talking about. We wish him a lot of courage and endurance in his endeavour to kill this practice. However, we have no reason to be optimistic. As long as the causes of corruption continue to prosper nothing much can be done. Even if the conditions and remedies suggested here were to start being implemented, eradication would be difficult to achieve because the gangrene has already eaten too deeply into the fabric of the profession.

THE JURIST'S POINT OF VIEW

By

Alain-Didier Olinga and Jean-Marie Bendegue

General Introduction

The jurist's viewpoint refers to the opinion of professionals of law with regard to corruption. This opinion is not univocal. That explains why the need arose to involve two rather than one jurist. This opinion is not abstract since the fundamental framework of analysis within this context remains the legal norm and its satellites (sayings, maxims, principles, etc.) and instruments.

It goes without saying that these jurists provided the essence of the contributions that will follow. They first examined the relationship existing between the law and corruption, especially the antimony of their reciprocal missions, and concluded that the law was relatively unadapted to efficiently fight corruption. Such a conclusion is in the second presentation in which a causal

relationship will be established between the impotence of the law and the magnitude of corruption today in Cameroon. In both cases, the moral foundations of the law is examined together with the fact that it is circumscribed (*ubi societas, ibi jus*) and limited, and proposals are made for its improvement.

The convergence of views is remarkable. The complexity, omnipresence and elusiveness of corruption are evident. This equally applies to the limited scope of Cameroonian law especially the Penal Code and the special criminal laws, which arise from it. This law excludes a considerable population of potential corrupters who escape the criminal sanction without any valid reason. The legal factors that explain the spread of corruption are more or less the same: the porosity of the legal system, confused and irrational procedures, discretionary power, non-dissuasive nature of sanctions, improbability, impunity, etc. The proposed remedies are equally similar, independence of the Judiciary, civic education, the setting up of independent institutions to fight corruption, etc.

These contributions were not lacking in originality. The brevity of the first belies its comparative wealth. Apart from French law, abundant recourse has been made to international laws with regard to the definition, the prevention and the fight against corruption. Borrowing from abroad was also suggested, for instance «the misuse of social property», or «the judicial enquiry « within the second contribution. However it deals at great length on the Cameroon society and Camroonian law: the Penal Code is examined meticulously with regard to its provisions against corruption. The causes of impotence are closely examined. Specific orientations and solutions are proposed and analysed, amongst which were: the drawing up of an ad hoc legislation, the setting up of an observatory or better still the reversal of the burden of proof corruption.

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There is therefore agreement over the essentials, and complementarity and divergence over the details. This only goes to reinforce the credibility and interest of the points of view expressed. JMB.

The Point of view of Didier Olinga

Doctor of Law, Lecturer at IRIC, University of Yaounde, II

«Moreover the law entered, that the offence might abound. But where sin abounded, grace did much more abound»-St Paul, to the Romans 5:20

«and I say unto you, make to yourselves friends of the mammon of unrighteousness; that, when ye fail they may receive you into everlasting habitations» -St Luke 16:9

The spontaneous reflex of the man of law faced with the phenomenon of corruption is *not* fundamentally different from that of the moralist, the guardian of ethical values and dignity, namely condemnation, reproof and repression. The law and corruption are first and foremost two diametrically opposed categories since the law cannot tolerate the destructive logic of corruption and corruption is not welcome where the law is strictly applied. In this perspective, it should be understood that «the law, all of the law, even in its most technical aspects is always dominated by moral law in its normative function»¹, that no distinction should be made between the technique of laws and the ethics of law; that, all things being equal, to overcome the «trashy formalism»² behind which all kinds of deviations have taken refuge, the law is bearer of a human and social project, of an ethical and moral dimension that renders it intransigent to corruption as a matter of principle. This intellectual definition

¹ Diener Pascal, *Ethiques et droit des affaires*, Dalloz, 1993, 3^e cahier p17

² idem.

should not however overshadow other more «neutral» perceptions, which consider the law to be first of all a technique, an available instrument capable of governing all forms of matter in total disregard for ethics. This means that it is not an easy task to give «the jurist's point of view» on corruption. What kind of jurist is concerned here? Because, it is evident that the normativist, the commentator or exegetist, the objectivist, the diehard positivist or the sociological positivist (the most concerned about bringing law into its context of statement and application) would not treat the topic after the same fashion. Besides, what society should the jurist's point of view reflect? One of the first maxims taught to law students (is ubi societas, ibi jus). Law can only exist within a given society that makes it possible to understand it and perceive its coherence. Law is not an abstract entity or ethereal phenomenon completely divorced from the sociological substratum that it serves. With regard to corruption, it is likely probable to paraphrase a famous dictum, that depravity in the pyrenees may pass for a virtue elsewhere. Indeed it was observed that there exists «a historical and cultural relationship between ethical and/or legal norms and the definition of corruption. Not only do the definitions vary according to the laws but the various manifestation differ depending on the society»³. The analysis should be carried out each time in relation to concrete historical and social situations.

The relationship between the law and corruption are complex. Although the law is an anti-corruption agent, it may

³ Médard, Jean-Francois, *La corruption politique et administrative et les différenciations du public et du privé: une perspective comparative* in Borghi, M; Meyer-Bisch, P., *la corruption, l'envers des droits de l'homme*, Fribourg, Suisse, 1995, pp. 37-46.

happen that in spite of itself it becomes a factor of corruption. From a purely theoretical perspective, there are four possible relationships between these two realities. First of all, there is the law against corruption that holds the evil in check; the law efficiently contains corruption. Secondly, there is the law of corruption: here, corruption defies the law but the latter persists in its function of regulation and supervision so that the whole system should not be affected. Thirdly, there exists the corruption of the law where the norm is infested with the logic of corruption, which keeps the law in check. Finally, there is the «corrupted law», to put it that way.

Here corruption overcomes and replaces the law and prevents it from performing its role of regulating the system; structural corruption becomes the norm and can no longer be distinguished from the law.

The topic at issue is extremely complex but for method sake, law will first be treated as a useful element for defining the phenomenon of corruption, and then the law will be examined as a relatively inadapted instrument for fighting corruption.

1. The law as an instrument to circumscribe the phenomenon of corruption

The law has as objective in such a situation where both morals and law are involved to define the notion of corruption only the law can define corruption. Corruption only exists in relation to a given law that prohibits it. The issue now is to find the link between the normative approach to corruption and the sociological perception (or the reality) of corruption. The notion of corruption will be discussed together with the legal perceptions of corruption.

A. The notion of corruption

What does corruption mean to the jurist ? We shall limit this notion to definitions proposed in national and international legal instruments.

The Cameroon Penal Code in its Section 134 and 134(b) deals with corruption. Section 134 provides as follows:

(1) Any public servant or government employee who, for himself or a third party, solicits, accepts or receives any offer, promise, gift or present in order to perform, refrain from performing or postpone any act of his office shall be punished with imprisonment from five to ten years and with a fine of from two hundred thousand to two million francs.

(2) The term of imprisonment shall be from one year to five years and the fine from one hundred thousand to one million francs where the act does not lie within the competence of the person corrupted but was however facilitated by his office.

(3) Any public servant or government employee who solicits or accepts any reward in money or kind for himself or for a third party as remuneration for having already performed or refrained from any such act shall be punished in like manner as under the foregoing subsection (2).

Section 134(a) states that:

(1) Whoever makes promises, offers gifts and presents or yields to requests liable to result in corruption in order to obtain either the performance, postponement or abstention from an act or on of the favours or benefits defined in the foregoing section shall be punished in like manner as under the foregoing section 134 (1) whether the corruption produced its effects or not.

(2) Whoever makes gifts and presents or yields to requests for the remuneration of an act which has or has not been performed shall be punished in like manner as under the foregoing section 134 (2).

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Taking a look at foreign legislation such as the French, for instance, some differences are noticeable. There, corruption means «the fact of proposing, directly or indirectly, offers, promises, gifts, presents or any other benefits to obtain from a person who is not entitled to them and who is depository of public authority, in charge of a mission of public service or invested with a public elective mandate... that he should accomplish or abstain from accomplishing an act of his function, his mission or his mandate or facilitated by his function, his mission or his mandate»⁵. Naturally, ceding to such proposals is equally punishable.

From these definitions, the jurist first notices that corruption only concerns relations between citizens and public structures, since interpersonal relations are not concerned by this offence.

Cameroonian law, contrary to French law leaves out the corruption of holders of an elective mandate into public office, and even holders of ministerial positions who strictly speaking are neither civil servants nor state employees. That leaves out a considerable population from the implementation of the rule to sanction corruption without a valid reason. Corruption can either be active or passive depending on whether we solicit or offer the pact of corruption or whether we accept it. The attempt to corrupt by itself constitutes an offence of corruption. The practice of «thanking people» for services rendered in Cameroon is corruption. The legal definitions mentioned above equally highlight the distinction between corruption *per se* and other

⁴ Benoit, F. P. Notions et concepts, instruments de la connaissance juridique. Les leçons de la philosophie du droit de Hegel, in *Mélanges en l'honneur de Gustave Pieser*, Pug 1995 pp 23-38.

⁵ See Section 433 (1) of the new Penal Code.

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related offences, such as misappropriation (the fact of illegally extorting a sum of money from users), interference (the fact of being in collusion with interests that one is in charge of controlling), the misuse of public property, favouritism, etc. These distinctions in name are important even if to minds they all contribute to guarantee the dignity of the public administration. Cameroonian law stands to gain by including provisions such as the abuse of public property if we hope to effectively fight corruption in this country. From these legal definitions, corruption appears not as a misuse of the law but as an action outside the law, an action liable to be associated either with the accomplishment of a normal administrative duty or with the normal obtaining of a service. The French Code emphasises on the fact of proposing or ceding to an official who without being entitled demands payment. It is in relation to what the law allows or does not allow to be demanded, or what the law imposes or forbids in a situation that the act of corruption is established. The objective of corruption is to frustrate the law.

As for the methods of corruption⁶, they are diverse. It might involve the offer of a sum of money, the offer to cancel a debt, percentages on contracts awarded, favourable attestations, food offers, gifts and sexual relationships as long as these offers are made with the intention to corrupt.

Corruption is not restricted to the confines of States. International law has been trying for some years now to circumscribe and define it. As such, the draft convention of civil servants adopted in Cancun on 21 November 1993 provides in its Article 2 that corruption is «a) a promise or offer of illicit

⁶ Fougère, L. Les voies et moyens de la corruption. In *Pouvoirs*, N° 31, 1984, pp. 13 - 18

payment, such illicit payment or any other economic benefit conferred on a civil servant or for his benefit in any form in order to obtain from him in the performance of this duty an act or omission».

c) the request or the reception by a civil servant of illicit payment or any other economic benefit, in order to obtain an act or an omission» or from him in the performance of his duties. Of course, the participation, association, instigation, attempt, easing and all forms of participation constitute the act of corruption. Mention should equally be made of the recommendation of the OECD Council on Corruption within the framework of International Trade Transactions [SG/PRESS (94) 36]. This shows that the avenues for corruption are multiple and need to be examined.

B. The legal domains of corruption

Although at first glance one would think that corruption is taken into account by those branches of the law dealing with money. it should be noted that all the sectors of the law or nearly all of them are potentially concerned by the offence of corruption as it is defined⁷. The law on public contracts where colossal amounts are often at stake has not been spared; this equally applies to business law. Fiscal law, banking law, developmental law, with regard to the management of public aid for development. Social law as concerns the management of social insurance. Administrative law has not been spared especially the law governing the public service (increments,

⁷See Borghi, M. *Droits de l'homme: fondement universel pour une loi anti-corruption, le cas de la Suisse* in Borghi M; Meyer Bise, P. op. cit. p3-33.

marks. appointments and even access); the same applies for the press law which should attack «gombo» practices, medical documents⁸ and the legal repercussions especially the spread of complacent acts, the law of sports, the law of procedure and commercial law. Even Cameroon's new electoral law deals with the issue in Articles 116(c) and (d) of the 1991 law with regard to election of members of parliament. This article sanctions candidates who influence votes through gifts, presents, favours, promises of jobs in the public and private sectors and any other special benefits, as well as the voters who make demands for and receive such offers. For the objective observer of election campaigns in black Africa, it is not strange to find large scale corruption practices, if one were to go by the legal definition; the perception of the experience lived by the protagonists naturally is the result of some other problems⁹. Constitutional law equally deals with corruption, which in some States may lead to the impeachment of the Head of State for high treason¹⁰. No explicit provisions that have been made in the Cameroon law. International Public Law especially the law of treaties deals with the corruption of State representatives within the conventional process».

The objective of this paper should not be misunderstood. The law is not a promoter of corruption; however, the

⁸ Kitio, E. Valeur actuelle des actes médicaux a caractère judiciaire devant le juge répressif Camerounais. In *Juridis périodique* N° 27 1 July-August-September 1996 pp. 91-98.

⁹ See Decraene, P. *La corruption en Afrique noire*. In *pouvirs* N°331, 1984, pp.95-104.

¹⁰ Cario, R. *La responsabilité des hautes autorités politiques. et de l'Etat quant aux actes accomplis dans l'exercice de leurs fonctions. Le cas de la France*. In *Revue internationale de criminologies et de police criminelle* 1995/1 p. 24. Also see Article 66 of the Constitution of Cameroon.

protagonists of corruption may find within the law areas in which they can thrive, unsuspected by people of good faith. Corruption prospers because of the shortcomings of the legal system. It flourishes as a result of the extreme formalism of procedure, the complexity of the law, elastic delays, cowardly qualifications; it thrives on the latitude given to some actors, on the discretionary powers of others, on the timeliness of criminal action¹², on the modulation of sanctions over a long interval for the judge, on banking secrets, on the possibility of getting exceptional promotion and on various balances to be preserved. These elements are however useful in regulating the social system and are ill-disposed to accept trial by error and «maximum» supervision, as public law specialists would call it, such supervision is however necessary in order to curb corruption. It is in those areas of society where power and too much power, rights and privileges, debt and liberality are difficult to dissociate that corruption is rife. Let us take the case of a police officer that accepts a one thousand franc note in order not to book a driver, for breaking the law. The police officer that solicits or receives a benetit. which he is not entitled to and fails to book the driver. commits an act of corruption. At the core of this exchange is the legal instrument (the highway code) which is generally known by both parties, and the implementation of which the police officer possesses a wide margin of appreciation. It is

¹¹ See Article 50 of the Vienna Convention on the law of treaties of 23 May 1969 : «If the expression of a State's consent to be bound by treaty was obtained through the corruption of its representative by the direct or indirect action of another State that participated in the negotiations, the State may invoke such corruption as having tainted its consent to be bound by the treaty».

¹² In countries like Italy where there is the will to fight corruption, the principle of legal action is imposed on public prosecution agents. See Colobo, Co, *Les enquêtes de la magistrature italienne*.

up to him alone at that point to decide whether the driver's action is punishable or not, and the latter knows it perfectly. It is because the possibility of an arrangement exists other than the existing rule that such a conduct is difficult to eradicate. If the possibility of such arrangement is legally recognised and covered, the situation becomes even more complex. After all, the Cameroonian judge has a considerable room to manoeuvre in cases of corruption. He could sanction from between 5 to 10 years of imprisonment and between 200,000 and 2,000,000 frs as fines. Five years of personal restraint and a margin of 1,800,000 frs as fines provide enough incentives for bargaining and are consequently objective factors of corruption.

On the whole, as paradoxical as that may sound, corruption in order not to appear as such, needs laws, forms, while at the same time avoiding its fundamental constraints, those that hinder and check its spread. By relieving the law of its constraining force while at the same time betraying the fear that in spite of everything the law inspires corruption demonstrates the difficulties that many be encountered in fighting it with the law.

II. The Law, a Relatively unadapted Instrument for the fight Against Corruption.

The law when confronted with corruption becomes confused and overcome by the criminal vitality and ingenuity of man. Social customs, political consideration, etc also hamper its effectiveness.

Generally, although the law is able to fight isolated and specific acts of corruption, it is powerless in structural and systematic corruption situations. The law may, punish persons guilty of corruption but it is not equipped to shake the «structure

of corruption». It would be advisable therefore to first of all examine the difficulties in curbing corruption and then look for ways to efficiently fight against it.

A. Difficulties inherent in curbing corruption

Corruption is as elusive as it is visible and omnipresent. Everybody talks and complains about it ; but how do we see it ? The first difficulty in curbing corruption is that of lack of evidence. Those involved very often do not commit themselves in writing or even in verbal proposals; often in public offices especially, the user is induced to propose on his own without being asked to do so by the public employee, a benefit to which the latter is not entitled. This is indicated in the general attitude displayed by the employee who shows clearly that in the absence of such a benefit, the service will not be rendered or will only be rendered after an unjustifiable delay. This type of unexpressed and quiet corruption is probably the most difficult to prove but other forms are not any easier to prove either, even the glaring acts of the corruption practised by drivers and policemen in a city like Yaounde.

In addition to the difficulty of obtaining proofs, we have the peculiarities of certain rules. How do we fight corruption in the banking sector without breaking the rule of banking secrecy ? Some laws also tend to weaken those prohibiting corruption. For example, Article 119 of the Cameroon Electoral Law of 1991 weakens the previous article 116. Article 119 stipulates that «safe in case of flagrante delicto, no criminal action against a candidate for infringement of the provisions of this law may be taken before the proclamation of the results of the poll! This means that a candidate may corrupt or be corrupted with

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impunity and be elected without any problem. When we know that legal action concerning in any way the results of a legislative election is inadmissible in public courts, chances are that corruption within this particular area will remain unpunished.

The second problem is the severity of the punishment one is liable to in case of corruption. There are doubts as to the real dissuasive nature of the punishment especially for a certain category of corrupting and corrupt persons. The rational calculation that an actor might make between the benefits of corruption and the inconveniences of its punishment is not always favourable to the norm, which prohibits corruption. If an actor receives billions as kickbacks to facilitate the award of a road contract to an enterprise, a fine of 2.000.000 francs and 10 years imprisonment (which he is not even certain, thanks to the corruption money, of spending all behind bars that is, if he goes there at all) alone will not deter him.

The third difficulty is that of the hierarchical level of commission of the corruption offence. In certain societies where the judiciary is not independent, the less powerful people are the first targets; those in power are more often spared for as long as they remain there. Generally, we can say that the law stops where State corruption, corruption in the higher interest of the State or corruption in the interest of dominant groups in the State begins.

The fourth and last difficulty is that of the versatile, inconsistent and opportunistic attitude of public opinion. It tends to criticise corruption when it does not directly or indirectly benefit from it and to endorse it when it benefits from it. This is often because they do not generally understand the danger of corruption for the state. In this regard, the slogan «corruption kills the nation» chosen by the Cameroonian government for its

campaign (now turned down) against corruption may be controversial. Indeed, what nation is being referred to? It is obvious that corruption is far from killing all the levels of the Cameroonian nation; others effectively die of it whereas others feed fat on it. In the Cameroonian nation, just like in the Platonic State, there are two nations: that of the powerful and untouchable, and that of the weak and vulnerable. In order to establish minimum confidence in a legal order that has become tainted with corruption, appropriate measures have been suggested here.

B. Some ways of contributing to the fight against corruption

Vigorous and constant measures must be taken to fight this social evil because it undermines the principle of all being equal before the law in society. Naturally, the normative supervision of activities most open to corruption practices¹³ should be reinforced in order to avoid getting into a real vicious circle. It would probably be necessary to institutionalise the fight against corruption by setting up, following the French model, a central service for the prevention of corruption placed under the Ministry of Justice. In any case, the draft convention for the prevention and fight against international corruption of public servants requires each State to set up an independent anti-corruption administrative authority. Obviously, we really need an independent and uncorrupt judicial machinery to fight corruption.

¹³ Like France courageously did with the Sapin Law of 29 January 1993 on the prevention of corruption and the transformation in economic life and public procedures.

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The criminal approach alone certainly cannot have the pedagogic value expected by the legislator ; in fact, it has never had it. Citizens must understand that corruption has a negative effect on the law in general, and on their rights in particular. An effort must be made to educate citizens in this direction. Socio-anthropological work must also be initiated on the social perception of corruption in Cameroon so as to understand the collective tolerance vis-à-vis the most glaring and serious cases of corruption and to link these studies to the process of legal socialisation of the people within a democratisation context ¹⁴. The greatest misfortune, in praising those who succeed in deceiving the state and those who are good in cheating, would certainly be that the most beautiful politico-legal structure, namely the State of law, would also become the best vector and ally in the democratisation of corruption endowing it with rules which protect is fundamental rights, harass victims and absolves the guilty and those who plunder. The rational jurist can only hope that such views remain at the intellectual level because, in the face of corruption, authority must always remain...with the law.

¹⁴ Cohn, Ellen S. f. white, S.O., *The effects of legal socialization on democratisation*. RISS, lune 1997, N°152, pp.167-189.

The point of view of

Bendegue Jean-Marie Vianney

Jurist, GERDDES

Introduction

It is an embarrassment to have to give only «a jurist's point of view» on a phenomenon as entrenched complex and social as that of corruption: the phenomenon has very much invaded all of society to such an extent that Cameroon has been declared the number one corrupt country in the world¹⁵.

But is the law not the expression of society, its virtues and evils, its specificity and originality (*ubi societas ibi jus*) ? Is it not simply the translation into norms in the technical language of codes, of the legal instruments» principles and forms of the political and social thought of a people at a given moment of its history ?

The people do not only have the rulers they deserve. They design the norms, which govern them and at the same time generate and perpetuate the evil of which they are victims : the philosopher once said that in an unjust world even the just are unjust.

Corruption is one of the great evils of humanity around or against which the ethics of nations and peoples are built. The law is only a medium, an instrument used to describe what is good or bad in formal and abstract terms. It is also used to define, through codification, the interests, responsibilities and punishment ; to transform the moral code into a legal code, through techniques and institutions, which ensure its applicability and respect.

¹⁵ world corruption perception index, published on 22 September 1998 by the German Organisation, Transparency International.

Thus, a society, which abhors corruption, does not come to terms with it. It draws up and defends itself with a protective, advanced and coercive law. A corrupt society necessarily has a corrupt, if not unsuitable or inconsistent law.

This causality rationale may largely be applied to the situation in Cameroon where the growth, generalisation and popularisation of the corruption phenomenon are partly due to the legal inefficiency or to the disparity between the law which governs it and its ideals of probity, transparency and merit (I). It is essential to correct this discrepancy immediately by instituting relevant reform (II).

1. Cameroonian Law in the way it is structured and practised at present cannot deal with the thorny problem of corruption

This acknowledgement of impotence can simply be deduced from reality, characterised by an unprecedented spread of the corruption phenomenon. A good understanding of the foundations and mechanisms of this impotence requires an examination of its factor (1) and its manifestation (2).

1. Factors of impotence

These factors are many and are linked mainly to the elusive nature of the corruption phenomenon (A), to the relative lethargy characterising certain sectors of activity and social relations (B), and to the lack of a dissuasive provision in the law to fight corruption (C).

A. Elusiveness of the corruption phenomenon

This elusiveness is mainly as a result of its complexity and impenetrable nature.

a. Complexity

The complexity is due to the polymorphic and indefinite nature of the corruption phenomenon.

- Indefinite nature

The notion of corruption in its literary and primary meaning refers to a change, a deformation, and a deterioration. On a strictly moral level, corruption refers to cheating, or better still to depravation as regards morals. Corruption is also interpreted as an instrument, a means used to circumvent, divert somebody from his duty.

This semantic fluidity and several other factors, which we will examine later, make the legal definition of corruption difficult. In Cameroon law this definition is rather implicit ; the legislator has rather opted for a description depending on the circumstances or the actors of corruption.

Thus, even if it carries a common semantic content, the notion of corruption in Cameroon law has several variations and implications depending on whether it concerns an election, an employee or a civil servant. The result is fragmentation and dispersion, which makes understanding and assimilation difficult, especially for the lay man. This is especially so as the various provisions enacted to curb corruption are disseminated in several national and international legal instruments.

This is the reason for which we have excluded, from the scope of this work, the notion of «corruption of youth» which is effectively provided for by the Penal Code (Section 344) but which seems to relate more to acts of debauchery and perversion perpetrated against minors than to acts of corruption as known presently by the law and public opinion. Thus, in our opinion, corruption as an offence is governed by the Cameroon Penal Code¹⁶ in its sections 123, 130, 134, 134 (a), 161, 132 and several others supplementing or relating to them. The principal idea behind all these provisions is that corruption is a reprehensible behaviour by which offers, promises gifts or presents are requested, accepted or received for purposes of carrying out or abstaining from an act and obtaining particular favours or benefits¹⁷. Thus, corruption is said to be passive when it arises from the corrupted (the person who gives in and allows himself to be corrupted) and active when it is the work of the corrupter (the person who causes or is at the origin of the offence).

This is especially the substance of sections 134 and 134 (a) of the Penal Code (Law N°77/23 of 06 December 1977) concerning civil servant corruption¹⁸.

However, the peculiarity here is that «conversely. ...the principal offender is the person who allows himself to be corrupted, in this case the civil servant, whereas the person corrupting is an accomplice...»¹⁹

¹⁶ Law N° 67-LF-1 of 12 1967, amended and supplemented several times

¹⁷ This brief definition is borrowed from *Lexique des Termes Juridiques* by Raymond Guillien and Jean Vincent, published by the Editions Dalloz, 7th edition 1988.

¹⁸ Section 134« (1) Any public servant or government employee who, for himself or for a third party, solicits, accepts or receives any offer, promise, gift or present in order to perform, refrain from performing or postpone any act of his office shall be punished with imprisonment for from 5 to 10 years and with a fine of from 200,000 to 2,000,000 francs.

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«(2) The term of imprisonment shall be from 1 to 5 years and the fine from 100,000 to 1,000,000 francs where the act does not lie within the competence of the person corrupted but was however facilitated by his office.

«(3) Any public servant or government employee who solicits or accepts any reward in money or kind, for himself or a third party as remuneration for having already performed or refrained from any such act shall be punished in like manner as under the foregoing subsection (2).

Section 134(a)

«(1) Whoever makes promises, offers, gifts and presents or yields to requests liable to result in corruption in order to obtain either the performance, postponement or abstention from an act or one of the favours or benefits defined in the foregoing section shall be punished in like manner as under the foregoing section 134 (1) whether the corruption produced its effect or not.

These provisions need to be related, for a better distinction, to section 161 (Law N°77/23 of 06 December 1977) of the Penal Code relating to procuring influence²⁰, which deals not with an act in the office of the person solicited, but with an act which his status enables him to accomplish more easily.

The distinction made is not, however, obvious at first sight and seems to be more so in electoral matters where the relevant provisions on the issue²¹, do not only mention «gifts», «promises» or «benefits», but also «assault, acts of violence or threats» which

«⁽²⁾ Whoever makes gifts and presents or yields to requests for the remuneration of an act which has or has not been performed shall be punished in like manner as under the foregoing section 134(2)».

¹⁹ Section C. 134 (1), Par. 1

²¹

are used to directly influence the vote. Reference should again be made to the circular of implementation of the penal code (section 161 (4) so as to get the precision according to which «procuring influence does not exist when the benefit is obtained from an ordinary person or from a private service», The result is therefore the same because, in all cases, the beneficiary obtains a fraudulent benefit.

These subtleties, even though complex for the lay man, are not without interest. They originate from the need for legal precision and clarity, which can enable a proper interpretation and understanding of the facts and phenomena. But the same might not be said of the option of circumstantial and sectorial definition previously mentioned.

The legislator, by proceeding on a case-by-case basis depending on the context or the actors (civil servant, employee, and user), in order perhaps to avoid the risks of amalgamation and to give a more concrete content to the law, has taken a double risk:

1°. He has not defined (limiting himself to describing reprehensible behaviour on a case-by-case basis) corruption which consequently remains fluid and vague, and as a result,

2°. He has more or less voluntarily circumscribed it to the above-mentioned cases and thereby limited its scope.

The situations expressly referred to by the law correspond perhaps to historical priorities. But it should be acknowledged that they are now obsolete, meaning that the phenomenon of corruption cannot be placed in its present reality and extent.

A critical examination of Section 312 of the Penal Code comes to support this acknowledgement. This provision concentrates on the corruption of the employee and completely

ignores that of the employer. But social activity is full of cases where the employer can, in his interest or in order to benefit from certain advantages, indulge in acts of corruption: such is the case of the owner of a newspaper who accepts, after receiving bribe, to publish information, with the aim of injuring another person or with an aim other than the mere intention of informing, even if the said information could be founded. Such is also the case of an employer who can craftily get a commitment from his employee whom he quite obviously has under control. There are several of such cases.

Thus, the legislator has not made a sufficient effort of abstraction to give the notion of corruption an exhaustive and autonomous content. By using the same word several times to designate complementary or analogous, but, on the whole, different realities, he has more or less voluntarily brought about confusion and amalgamation. We could even say that by so doing he has implicitly encouraged the expansion of the corruption phenomenon, the preceding examples of which only illustrate some facets.

Polymorphic nature

The relative legal vagueness of the corruption phenomenon is much less as a result of its polysemic than its polymorphic nature.

The preceding lines have enabled us to have an idea about this polymorphic nature, which is determined mainly by the multiplicity, variety and subtlety of corruption forms. These forms are perpetuated by practice and public opinion has categorised and classified them. They depend on the instrument, technique or medium used to commit the offence. They take the patterns of the elements of the offence and also take into account the result of the latter .

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There is thus the habit of distinguishing small scale corruption, that which concerns gifts and promises of little value²² and results in service or benefits of relatively slight importance or incidence, from average and especially high scale corruption whose instruments and financial or other stakes are definitely higher and the techniques more refined. And if there is the tendency to tolerate, to understand and even justify small-scale corruption²³ to a certain extent, high scale corruption, on the other hand, is vigorously decried and stigmatised.

These patterns as perpetuated by practice and opinion are not admissible in law. The law does not take into account the above- mentioned categories and is satisfied, sofiewhat arbitrarily as previously underscored, with determining and dealing with presumptions (not all) of corruption on a case basis, There is no concern for grading or classification within the said presumptions. The provisions relating to civil servant and employee corruption or even to electoral corruption thus apply almost invariably to the actors involved in each of the cases concerned. Variations based on the status (SDO, civil servant, etc.) of the victim or the State employee and not the consequences of the offence, are slight and exceptional. The corrupted and the corrupter are in the same boat, which does not facilitate denunciations. The accepted principle remains that of uniformity .

²² Appellations abound such as « beer », « coffee », « taxi », « Kola », « Makala Pati » etc.

²³ For Prof. Mbouï Joseph, a socologist «It is nothing but a micro regulation of society», in the face of poverty and misery .Read Le Messenger N°833 of 28 October 1998, p.8

b. Secrecy

Apart from complexity, secrecy better characterises the corruption phenomenon. It arises in practice from the subtlety of the methods, techniques and networks (occult, mafia or underground) used to cover up to fraudulent acts, operations and activities,²⁴ and expresses itself in coded language²⁵. This, from the legal point of view, brings about two types of difficulties: difficulties in qualifying and in proving the offence.

Difficulties in qualifying the offence

Qualification (6) is defined as an operation of the intellect consisting in linking an act, a matter, and a legal situation to an already existing group'(legal concept, category, and institution). In criminal law, this is the definition or identification of the offence by the legislation or the judge.

The difficulties inherent in this undertaking are obvious from the preceding lines.

Moreso, corruption is almost never an autonomous offence, which finds in itself its result. It is a link, and even the key link in the process of a principal offence, just like embezzlement of funds. In his description of the «techniques of misappropriation of public funds» in Cameroon, F .X. MBOUYOM²⁷ makes constant allusion to more or less enticing «rewards», to «gifts

and promises of presents», to «sharing of the booty», to «sums of money, etc. destined to motivate «accomplices» or «secret interventions», without, however, expressly mentioning corruption, whereas the constitutive moral and material elements of this offence are fully assembled in the cases cited as examples. Such an attitude from an experienced professional of law and justice smacks of embarrassment, discretion and prudence. The latter moreover willingly acknowledges that the techniques generally used (for embezzlement of which corruption is an important link) take forms and channels which elude habitual processes of evidence.

Difficulties in proving the offence

«The whole problem of corruption is that of evidence.» This assertion which is readily repeated like a refrain by specialists, indicates the difficulty involved in ensuring the adequate legal treatment of an issue that is as elusive and subtle as corruption.

As a classical offence, corruption results from the combination of two fundamental types of elements : the moral element of the offence which concerns the will and intention of the offender or the employee, and the material element relating to the constitutive acts, deeds and/or consequences of the corruption offence. This requirement arises from the conditions of criminal responsibility expressly provided for by section 74 of the Penal Code, subsection 2 of which clearly stipulates that *«criminal responsibility shall lie on him who intentionally commits each of the ingredient acts or omissions of an offence with the intention of causing the result : which completes it.»*

Even if the psychological and material elements are strictly required for the corruption offence to be constituted or committed, it is not at all easy to establish the evidence of the two elements.

1) The material element which seems to be the easiest to determine mainly concerns, in accordance with the definition adopted here, «offers», «gifts», «presents», «promises», «favours» or «benefits» solicited or effectively received by the offender or the agent of the said act. The difficulties inherent in proving the existence of the said elements, except in rare cases of *flagrante delicto*, are due to the unavowed nature of the latter: the person who offers or receives a gift (or other), who grants or benefits from an advantage ...does not publicise it. He takes the pains to carefully conceal it, systematically refutes the acts or protects his accomplices. He would do any thing rather than confess *ipso facto* his complicity and thereby expose himself to criminal action. Recourse should consequently be made to efficient procedures and means of inquiry (traps for example) which are quite costly in terms of resources for a relative efficiency. These difficulties in establishing evidence are further compounded in the face of acts or behaviour whose relative improbability (sexual act) are well-known or which are mysterious (magic, witch-craft), affective (love, pity, sympathy), spiritual (ideological or religious convictions) and moral.

2) With regard to the moral element, the fundamental question is that of knowing whether the said attitude or acts were «voluntarily» perpetrated and «with the intention» of committing the offence. In other words, this is to know whether the offender or the agent of the attitudes in question acted with the full intention of circumventing or deviating from the norm. But how do we do this efficiently and with what procedures in a community-based sociocultural milieu (African solidarity is said to be legendary), given that immaterial intention is naturally unfathomable ?

3) It should moreover be noted that the legal system of evidence in Cameroonian law in principle respects the rights of the defence. Most certainly, evidence can be established by all means possible and the judge, in the last resort, is justified to rely on his deep conviction in deciding on a matter. But the free nature of evidence and the deep conviction of the judge must respect norms, which are aimed at protecting the accused. The latter benefits from the presumption of innocence: he is therefore not bound to collaborate in the procedure and he benefits where there is doubt. Thus and as a general rule, *«it is the duty of the public prosecutor and the prosecuting party to establish the material and moral existence of the embezzlement as well as its imputability to the accused.»* (C.S., No.314 P. of 14 April 1977). This is naturally difficult to transpose and apply in the area of corruption where the scope and means of evidence are considerably limited. If it is practically rare to get a confession, statements of witnesses, except in certain cases where several persons give evidence, should rather be subject to caution and verification so as to avoid false evidence. Briefly, corruption is not easy to prove owing to its secret dimensions and ramifications. But impenetrableness and secrecy should not by themselves, justify improbability, which also draws its strength and resources from social disorder.

B. Social Lethargy

Corruption is a characteristic phenomenon of the jungle situation where the law of the strongest, the powerful or the rich reigns and where social rules are openly turned into ridicule.

Cameroon, which is said to be a State of law, is certainly not a jungle. But if the corruption phenomenon has prospered there

to the extent of «eating deep into the fabric of the society» as certain persons put it, it is because certain jungle characteristics are found there : on the one hand, lack of vital resources has brought about competition in the society (a); on the other, lack of norms and social organisation has encouraged the multiplicity of «wild» situations where lax controls have encouraged and somewhat recognised debauchery (b).

a. Poverty

Poverty encourages social disorder and instability. It increased greatly in Cameroon at the end of the 1980s because of the worsening economic crisis, which led to the collapse of several enterprises and consequently to increased unemployment. It reached its zenith in 1993 with personnel lay-offs and the reduction by up to 70% of public service salaries; the devastating effects were further worsened by the devaluation of the CFAF in January 1994. This led to generalised «resourcefulness» and unrestrained competition, which ineluctably led to corruption.

Resourcefulness is another name given to fighting for survival by all means. In administrative circles it is interpreted as the act of discreetly profiting from the skills and privileges linked to the activity of the employee. It aims firstly at filling the gaps of an underequipped public service or at supplementing the low income of civil servants burdened with many social responsibilities. The phenomenon is however growing and taking root. Users are openly and illegally called upon, to contribute in cash and in kind to the smooth-running of the public service: in addition to considerably increased official school fees, parents have to again provide money and materials (reams of paper, toilet tissue, brooms, benches, etc.) for their children's schooling ; in the

classrooms and amphitheatres, there is an increasing trade in lessons and notes; hospitals and dispensaries are becoming places of indifference and death for those patients who cannot motivate the medical personnel, by paying something in addition to the required official fees ...We, therefore, pass rapidly from a tolerable economic situation; from small scale corruption, we glide towards average and high scale corruption considered as the bastion of illicit enrichment and competition.

* Wild or unrestrained competition also increased with impoverishment, and in so doing exacerbated the vice and weakened the Administration in charge of controlling it. Unfair competition both in the economic and socio-political domain has never prospered as well as it did during these times of economic crisis and structural adjustment, whose coincidence with the advent of liberalisation and democratisation was not at all auspicious.

b. Lack of norms

This lack is both qualitative and quantitative. At the quantitative level, it is characterised by a certain institutional vacuum, which is the source of many disorders in an increasing number of sectors of social life. At the qualitative and technical level, it is seen in the inadequacy of certain rules, especially of control, which are not adapted to the present context of social relationships.

- Institutional vacuum

The vacuum is the consequence of the disparity between a backward institutional mechanism and the expectations of a

dynamic reality. Corruption has evolved and developed in its forms and practices. Institutions on the other hand have remained amorphous and static. They did not follow the movement and have consequently been left behind.

At the general level, it may seem exaggerated or excessive to talk of a vacuum since the Penal Code represses corruption and a number of international instrument protective of the rights of the person, expressly condemn it.

It should however be noted that the present development of the phenomenon is not antecedent to this legislation but rather subsequent to it. The Penal Code, as previously underscored, seems to have repressed only certain forms of corruption, allowing the other forms to exist in implicit impunity. Corruption is treated in it generally, which contrasts greatly with the currently established complexity and extent of the phenomenon and its elusive nature; this is at the origin of the difficulties inherent in proving it without which its judicial qualification and repression are not easy. We are therefore bound to question the current laxity observed in the setting up of the institutions that have been newly-created by the Constitution, especially: the effective institution of an Audit Court and the implementation of Art. 66 on the declaration of the assets of members of government and higher staff of the Administration. We notice moreover that in Cameroon, contrary to what in some countries or areas to address some acute social issues such as employment and toxic wastes, no specific laws nor institutions have been created with the precise aim of checking or limiting corruption.

The anti-corruption campaign launched by the government in March 1998, despite its obvious interest, appeared to public opinion rather like beating the air because of its ephemeral nature and the absence of a structure likely to take over from it and ensure a permanent and adequate follow-up.

This refusal to address corruption as a specific ailment requiring special treatment, and the reluctance to take all the necessary measures to stop its progression have resulted in the propagation of the evil. Corruption, which yesterday was limited to sensitive sectors, especially financial services, has today extended to formerly virgin areas. An in-exhaustive analysis of these new sectors of corruption reveals that nothing or little has effectively been done to prevent or stop the development of the ill. This assertion can be supported by the following selected examples :

1) In the area of education, a particularly decried phenomenon is that of the selling of places in schools. This is not a new phenomenon and has increased considerably because of the economic crisis and the growing disparity between the number of available school establishments and the ever-increasing number of applicants. It is normal, in such a situation where demand is far higher than supply, for unfair competitive practices to take root and grow stronger. But what has been done (at the institutional level) to prevent or limit them ? Have enrolment criteria into public establishments for the said enrolments evolved ? What has been done to ensure merit, prevent fraud and ease the constitution of evidence where the need arises ? What has been done with the resolutions of the National Forum on Education ? We have instead continued with the same institutions headed by the same persons. It is quite obvious that only the provisions of the Penal Code dealing with civil servant corruption can efficiently check the corruption phenomenon in this specific sector. If it is materially difficult to prove that a pupil was enrolled in a school through fraudulent means, it is on the other hand easier to prevent fraud by instituting adequate mechanisms and criteria.

2) More and more complaints have been made about the disconcerting ease with which drivers' licences are obtained. Focus is on the fraudulent means with which the licences are issued without trying to know the fundamental causes of such an evolution. The objection of the drivers' licence is to ensure road safety through the selection of persons capable of driving. It is obvious that the number of applicants for drivers' licences was going to increase inexorably with the development and evolution of the society: the number of persons who can buy a car have increased considerably compared to the previous years because of the growing vehicle acquisition facilities; just like the average age of owners and drivers has dropped considerably. It is therefore normal that to realise their aspirations, citizens who can more and more easily acquire vehicles obtain the driving document, with the same ease. What has therefore been done to make it easy for citizens to realise their aspirations to drive, given that road safety does not really depend on the drivers' licence as such but more on learning how to drive? What has been done to ease this training and make it accessible to everybody ? Should not a citizen not be capable of driving now that the car has become a modern day necessity? ...Has there been any reflection on training costs and the means to reduce them ? What has concretely been done to popularise training ? ...Emphasis was rather unfortunately laid on procedures whose complication only aggravated the problem : procedures having been given precedence over training, it was obvious that an increasing number of citizens aspiring to drive should run away from «driving schools» to obtain drivers' licences through fraudulent means if necessary .

3) The method of funding political parties is too vague. Apart from the express prohibition of external funding which appears

oh the law on political parties, there is no specific law dealing with the delicate issue of funding political parties. The Head of State may therefore, at his discretion, decide to grant funding to political parties or not. But depending on varying contexts and stakes, such a gesture may or may not be considered as political corruption. Thus, it was observed that 500 million CFAF were made available to interested political parties to enable them participate in the legislative elections of March 1992, whereas nothing was given to candidates in the September 1992 presidential election.

4) The practice of fraudulent increments common in the public service is due to the absence of watertight procedures in the processing of related files. By allowing individuals to interfere in the channelling and processing of increment files, the way has just been paved for secret and illicit dealings.

Examples of this nature abound and a case by case study is imperative. They clearly show the destructive nature of discretionary power in the development of fraud, which at present is encouraged by the absence of limiting criteria, counter-powers and appropriate control mechanisms.

Lax controls

Lax controls especially in the Administration, from a general point of view, is the laxity and complacency observed in the verification of the regular application of administrative work norms and the punishment of misdemeanours and deviant behaviour. Lateness, absence, irregularity at work, non-assiduity, casualness, indiscipline, etc ...are the many breaches of the rules which, quite apart from the fact that they affect efficiency, have spread in a globally permissive environment characterised by the relative immediacy of increments and the inefficiency of the principal instrument of assessment (the mark sheet).

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As previously underscored, anomia and disorder are indeed the intensifying factors of fraud and corruption.

In addition to the institutional vacuum, one of the factors contributing to this fraud is the absence of control mechanisms which is evident as concerns embezzlement of public funds whose connection with corruption practices is almost inescapable, this is because side by side with a jurisdictional control of unprecedented brutality has developed a secret administrative control which functions almost at the discretion of members of government and the President of the Republic. Talking about the budget and Accounting Discipline Council which is the main organ for the judgement and punishment of public managers, a disenchanted observer above makes this very caustic comment: «Not only are its deliberations held in camera, the files are marked secret which makes them unlikely to be exploited. Who is being protected by putting the seal of secrecy on the files? Certainly the enemies of the society! What an unimaginable practice²⁹ in a state of law!»²⁸. In addition to this secrecy, there is discrimination since ministers and other members of government are in practice safe from any prosecution, hence the conclusion according to which. «On the whole, be it sentences passed by the above-mentioned council or by the judge, the impression which emerges is that of «class justice» where the small man is more mercilessly pursued and punished.»³⁰

²⁸ Manga Ph., *Finances Publiques*, Duplicated lecture notes, university of Yaounde, FDSE, 1991, p. 2312.

²⁹ This is not an automatic privilege since ministers and members of government are subject to trial by the Court of Impeachment. It is due fundamentally to the institutional and functional deficiencies of the said court. To know more about this, read BEGOUDE J.P., «Le Président de la République et le droit pénal au regard de la Constitution Camerounaise du 18 Janvier 1996», *Juridis-Info*, January-February- March 1998, pp. 41-63.

³⁰ MANGA Ph., *Ibid*, p. 243.

C. Dissuasive weakness of the repressive mechanism

This weakness is much less due to the light fine (a) than to the socio-political bottleneck (b) that stand on the way of such mechanisms.

a. System of fines

Given that corruption is an offence, the attendant punishment is essentially repressive and the eventual application of administrative fines is generally done notwithstanding any criminal action that may be taken against the agents.

The punishment varies according to the nature and the domain of application of the offence. This punishment is mainly of two types : imprisonment and fines to which forfeitures are added, if need be.

Imprisonment

Imprisonment terms range from 3 months to 10 years. The lowest terms concern electoral corruption (from 3 months to 2 years, a term that is doubled exceptionally when an Electoral College is involved) and the heaviest concern civil servants and their accomplices whom the law punishes with imprisonment terms of from 1 to 10 years. The variations in this case are based mainly on the prerogatives of the agent and the time of the offence. Thus, the civil servant who directly commits the offence may be subject to imprisonment for from 5 to 10 years whereas a person who only facilitates the commission of the said act (sect. 134, subs. 2) or the person who yields to corruption subsequently to the commission of this act (sect. 134, subs. 3) will be liable only to a 1 to 5 years imprisonment term. The scale

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of punishment is almost similar in the case of procuring influence (2 to 10 years). The imprisonment terms and the fines may be cumulative (civil servant corruption) or exclusive (electoral or employee corruption).

Fines

Payment of fines is done in a variable manner, in proportion to the imprisonment terms. As fixed by the Penal Code and ratified by special criminal provisions, the amounts of the fines are as follows:

- electoral corruption: 10,000 to 100,000 FCFA;
- employee corruption: 50,000 to 500,000 FCFA;
- Civil servant corruption: 200,000 to 2,000,000 FCFA.

Forfeitures

They are incidental in principle but have been made compulsory or potential as regards corruption.

Appraisal

The impression, which emerges from the penalties described above, is that of inadequacy or lack of proportionality between some forms of punishments, especially financial and the gravity of the corresponding offence. Since corruption has an essentially instrumental nature, its stakes and induced consequences inevitably vary, not only according to the domains but also to the nature of the operations. If criminal law is globally satisfactory as concerns penalties involving personal restraint, it is on the other hand weak as regards the grading of fines.

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1) As concerns imprisonment terms, they put the corruption offence in the category of misdemeanours (offences punished with penalties involving personal restraint or with a fine when such a penalty is above 10 days and does not exceed ten years or when the maximum fine is above 25,000 FCFA) and their proportion seems to be reasonable in nature. However, the limitation of penalties to some specific cases also limits their scope.

2) The fines are globally quite low, especially as concerns electoral corruption and civil servant corruption. If the minimum fine in the first case is 10 000 FCFA, which is really ridiculously low, the maximum fine in the second case is only 2,000,000 FCFA which is quite irrational, considering the material implications of some types of corruption whose financial stakes are increasingly considerable.

3) The system of forfeitures is paradoxical. «To a sentence for misdemeanour, and where so authorised by the law, the court may, for reasons to be recorded in the judgement, add, for not more than five years, one or more of the forfeitures prescribed by the last preceding section» (sect. 31, subs. 4, Penal Code). Forfeitures in principle are not automatic as regards misdemeanours, and must not only be expressly provided for by the law, but must also be justified by the judge. They have nevertheless been made compulsory as regards the application of section 134 (civil servant corruption) and potential as concerns electoral corruption by means of sections 130 and 133 respectively of the Penal Code. It would nevertheless be advisable that with regard to electoral corruption whose important stakes do not escape anybody, that forfeitures be made automatic with duration proportionate to the gravity of the incident.

This relative suppleness in penalties (with the exception of penalties involving personal restraint) is in practice worsened by laxity in different forms.

a. Socio-political laxity

Socio-political laxity exists in different forms and also accounts for the inefficiency of the present repressive mechanism. Beyond the immunities, which, as a matter of fact, protect the «untouchable», one of the fundamental causes of the perpetuation of the corruption evil is to be found in the mentalities of people.

Immunities

An immunity is an exception, provided for by the law prohibiting the condemnation of a person who is found in a well-defined situation. Immunity is neither a justificative fact nor an absolving excuse.³¹

From a functional point of view, immunities aim at protecting representatives or holders of certain mandates during the performance of their duties. This is the case with diplomatic, parliamentary and political immunities expressly sanctioned by Cameroon law. The Penal Code *«shall punish with imprisonment of from 1 to 5 years the magistrate or judicial police officer who contrary to the laws on immunities pursues, arrests or judges a federated or federal member of Government or of federal or federated assemblies»*³². The ministers and members of government are normally subject to trial by the Court of Impeachment, which exercise a personal

³¹ Lexique des termes juridiques, op cit.

³² Art. 127 of the Penal Code.

competence with regard to them for all crimes and misdemeanours committed in the performance of their duties. But the inadequacies of this jurisdiction both from the point of view of organisation and functioning have ended up by confirming and justifying the widely shared opinion according to which «*ministers enjoy a real immunity*». An immunity which, in all likelihood «is really pushed too far» in Cameroon.³³ These immunities go well beyond the classical jurisdictions since Ministers and Vice Ministers are not subject to trial by the Budget and Accounting Discipline Council during the performance of their duties³⁴.

Immunities in principle are not arbitrary. They are determined by the law and arise from a concern for efficiency, the objective being to shelter the holder of the high function from certain extra professional harassment so as to enable him devote himself entirely to his function.

Immunities however, and that is the aching thing, are difficult to withdraw: the withdrawal of diplomatic immunity depends on politico-diplomatic considerations, that of parliamentarians is essentially based on the good will of the National Assembly, especially the bureau, while that of members of government immunities is subject to the resignation or dismissal from government of the member in question.

In practice, these immunities are like a protective shield for big criminals, and experience has shown that they are not always from the lower classes. The result is an invulnerability and a psychosis of impunity which is, to say the least, detrimental to judicial serenity and equity in the fight against corruption.

³³ BEOUDE J.P., op cit, ibid, p. 59

³⁴ Section. 15 of law N°. 74/18 of 05/12/1974 relating to the control of authorizing officers, managers and vote holders of public credits and of state Enterprises amended by law N° 76/4 of 8 July 1976.

The issue of immunities also raises that of the independence of the magistracy. Officially granted by the President of the Republic, in accordance with related provisions of the Constitution, this independence is limited when all is said and done. This explains the crisis of confidence, and even of distrust towards the judiciary. Side by side with official immunities as examined above, unofficial immunities or those made tacit by the licentious, offhand but unpunished behaviour of certain individuals subject to the law, are thus developing in concentric circles from the summit to the base.

Mentalities

*«Social behaviours, types and structures are not easily established. Once formed; they persist, sometimes for centuries».*³⁵ If corruption, just like prostitution, is everlasting, it is because it finds the foundations of its perpetuation in the mentalities and milieu. It is even recognised and justified : small corruption, as underscored by professor MBOUI, is a macro-regulation of society. The civil servant who alone has to take on tell to fifteen persons will naturally resort to it to smooth things over. Besides, it is an open secret to public opinion that civil servants constantly resort to expedients of this nature in order to «make both ends meet». And the more important the position occupied by the civil servant, the more the facilities and fallout are expected to be numerous.

In the do main of politics, this conception is transformed into clientelism. The administrative or government position is considered on the one hand as a compensation, an allegiance

³⁵ Joseph SCHUMPETER, an Austrain economist cited in Le Monde Diplomatique, October 1998, p.18

allowance and the other hand as a tribal representation mandate, the holder having been put there to serve first the interests of the tribe consequently feels obliged to protect him, that and in so doing protect its share of the cake. Any act is therefore permitted in order to get a position and any act is in return authorised in order to benefit from the position and to distribute emoluments to psychopants and supporters of the chief. The primary justification of palliatives against misery therefore gives precedence to politicking allegations.

But corruption also finds its legitimacy in accommodation, habit, the liking for that which is easy, the unrestrained desire to accumulate wealth and to look and do like others, so long as these aspirations are widely shared.

To this should be added jurisdictionallaxity which, far from being taken in isolation, must be integrated into all the serious problems affecting justice in Cameroon : under-equipment, lack of qualified personnel, congestion and lateness.

Along the same lines, the fact those citizens are ignorant and lacking in civic education should not be disregarded. Many of them perpetuate a tradition of solidarity and charity, not knowing that any gift or compensation offered to a state employee might be an act of corruption. What is even more serious is that many of them « do not know that *«neither ignorance olthe law nor motive shall be material to criminal responsibility»*³⁶

Repressive as the law may be, it loses even the capacity to create an illusion, in a system where the society as a whole is consciously or unconsciously a party to the process of corruption. This explains the general feeling of resignation and powerlessness.

³⁶ Article 75, penal code.

2. Manifestation of Impotence

The manifestation of corruption and the impotence of the institutional apparatus are so well known that we do not need to comment on them any longer. They result mainly from the factors examined above and constitute basically the following trilogy: inflation, inertia, and impunity.

Inflation

Inflation, as an expansion and a generalisation of the corruption phenomenon is the clear indication of the inefficiency of the present institution to fight it. Efficient institutions are those, which have it themselves the mechanism that, guarantee their smooth running.

Corruption which was yesterday limited to some sensitive sectors, as the selective qualification of the criminal law seems to testify, has today been expanded, systematically and popularised. It has gradually left its secret channels and even institutionalised itself, to the extent that practices which were considered yesterday as infrequent have come to the forefront: fiscal fraud and tax evasion have become common place; a 30% practice has been institutionalised in the settlement of public payment orders; various banks have collapsed because of bad debts; embezzlement of public funds and capital flight have increased as well as examinations' fraud and traffic in certificates ; registration on the electoral lists and the distribution of electoral cards have been subject to a lot trafficking during elections...

From a legal point of view, and especially from a human rights point of view and expansion of corruption has led to a considerable increase in inequalities with the poorest being

increasingly grounded down by the rich. Such widespread cheating and injustice will in future only obstruct the smooth running of the regulating institutions and mechanisms of the State.

Inertia

The inertia of State institutions faced with the corruption phenomenon is obvious. The present extent of the phenomenon cannot be otherwise explained. Inertia is also considered as the expression of the contradictions of a clientelist and corrupt system which cannot efficiently abandon corruption without first of all calling itself into question.

At the level of the law and especially of the jurisdictional system, this inertia expresses itself in the forced silence of the judge, who does not however hesitate to punish where the need arises³⁷, confronted with the absence or the scarcity of «good cases», the few cases coming to him being mostly of less importance. We should however at this level deplore the apathy of the magistrates of the legal department who do not fully use the prerogatives given to them to pursue corrupt individuals.

This inertia is also seen in the corporative quarrels and antagonisms, which endanger and undermine harmony in government and administrative action. It is for this purpose

³⁷ Cameroon Tribune in its issue of Friday 6 March 1998 mention the condemnation of a certain Mr. K.B. with a one year suspended imprisonment term and 400.000F damages for attempted corruption at the office du Bac. Along the same lines, the presiding judge felt that the civil servant corruption offence constituted a gross misconduct likely to lead to the dismissal of the guilty employee, even if the latter is a staff (C.S. Decision N° 24/5 of 9 December 1993. University of Yaounde a FOUDA Louis).

significant that a judicial inquiry, according to information made public by some local private newspapers, was opened against some C.R. T. V journalists who were said to have made statements considered licentious against magistrates within the framework of the anti-corruption campaign. This reaction by its significance is likely to open the sluice gates of impunity.

c. Impunity

Impunity is a factor as well as a consequence of impotence. It is the explanation for as well as the result of the phenomenon. It is neither general nor absolute but appears to be selective from a legal point of view. Encouraged by the absence of evidence or protected I by supposedly secret connections, the biggest offenders, especially those responsible for serious misappropriations of funds. the «whales», seem at present to be the least pursued and disturbed, whereas the small fry get caught. quite often through carelessness and naivety, and receive the heaviest penalties.

The EDZOA Titus (a one time Secretary General at the Presidency of the Republic) case, even though relating to embezzlement of funds and influence peddling, could have been an invalidating example. But the politico-juridical context and circumstances in which the said case took place reduced, if not spoiled its symbolic significance.

Reforms are therefore indispensable in order to check or at least control the various disorders and imbalances which contribute to corruption and its spectacular expansion.

II. Appropriate reforms are necessary for solving the current crisis and restoring the law in its preventive and coercive functions

The underlying principle of reforms is to correct and restore. The urgency of the required improvements has been established above through ascertaining the inability of the present Cameroonian judicial system to stop or contain the ravages of corruption. It should be stressed right away that there is no panacea or, even less, a miracle cure for it. Reforms should be adapted to time and space, embracing realities that are suited to their scope of implementation. It is within this framework that the avenues or proposals for reform have been explored below. They are aimed at solving the problems previously presented and examined within an equally systemic framework. Corruption, as an offence, calls for solutions of a punitive nature¹). But beyond punishment or coercion besides, which are, insufficient, corruption is a social phenomenon, which requires eminently social solutions. (2)

1. Punitive measures

If criminal law is increasingly preoccupied with the socialisation of the offender, it has not however abandoned its retributive and original punitive nature. In the punitive fight against corruption, the role of the judge, and the actual prerogatives he enjoys must be re-examined in the light of the present status of the judiciary. The success of punitive measures, depend for the most part, on magistrates who are urged to make good use of the «*judicial power*» that the Constitution now bestows on them. A moral and intellectual revolution must necessarily

be part and parcel of the reform process, and it is important to extend it, especially as concerns the fight against corruption: invoke all legislative measures likely to reinforce the penalties in force; and then take all useful measures to pursue and to rapidly and severely punish individuals who will be found guilty of this offence.

Enacting appropriate laws

The reform of the Cameroonian criminal legislation as concern corruption must be done through the combination of its repressive mechanism with a good definition of the offence of corruption.

a. Anti-corruption law

The advantage of having a single law is that it will unify the existing repressive mechanisms that are presently dispersed in legal instruments of various kinds. In this respect, it would be necessary to harmonise the special criminal provisions against corruption in some of its dimensions, with those provided for by the Penal Code which is the fundamental instrument in this respect. But the Penal Code, as has been emphasised at length, has shortcomings, top most among them being its restricted scope. Given that the offence of corruption has now been generalised and systematised, it is now indispensable to introduce specific legislation, which will not be geared solely towards the prescription of penalties. Its main objective, like those of may other laws, would be to make a right qualification or definition of the punishable offence.

b. Working definition of the corruption offence

The present flaw in the Cameroonian Penal Code is not so much the absence of a definition as that of a complete definition, which can be applied to the corruption phenomenon in its reality and totality.

In our previous pages, we analysed the limited scope of the corruption repression system as laid down by the Cameroon Penal Code. Only public servants, state employees and their accomplices are expressly targeted. Employers have been left out, yet special emphasis has been laid on the public servant. It is true that the notion of civil servant here has been used in its broadest sense as spelt out in section 131 of the Penal Code which states that « *For the purposes of any criminal law, a public servant shall include any judicial or legal officer, any law official, any employee or official of the State or of any other body corporate governed by public law, or of a corporation of semi-public corporation, of a law*»

It should however be pointed out that despite its broad scope, such a definition does not cover all individuals involved in daily practice of corruption. A number of questions certainly come to mind: can a medical officer who owns a clinic and who is bribed to falsify a diagnosis or violate professional secrets be considered public servants? Can the proprietor of a private school who issues fake or compromising information be considered a public servant? Can a former member of government turned businessman who leaks State secrets or compromising information be considered a Public Servant? These questions lay bare the shortcomings of a circumstantial qualification corruption offence and the great need to work out a legal definition of the corruption phenomenon itself.

The formulation of such a definition is certainly without risks, but for lack of exhaustivity, a legislative qualification of the corruption offence would, at least, permit a better understanding of the majority of cases. The limiting of criticisms only to some facets or categories of corruption helps in the growth and consolidation of pockets of anarchy and impunity.

In order to eliminate such impunity, penalties should be determined without any indulgence whatsoever.

Reinforcing penalties

The system of penalties discussed above is not at all old fashioned. But in the face of the rapid spread and generalisation of the corruption phenomenon, there is urgent need to reinforce penalties. Such reinforcement must be significant so as to clearly show the legislator's will to fight this sprawling evil. It should be based on, or correspond to practical guidelines such as the grading of penalties and the equally progressive increase in fines.

a. Grading of penalties restricting personal liberty

The grading of penalties is a key aspect of the Penal Code. The principles relating to it are mainly: on the one hand, the reinforcement or doubling of fines for civil servants, authorities, recidivists (repeat offenders) or depending on the gravity of the circumstances of the offence ; and the scale of the penalties on the other .

However, a rather loose scale of penalties should henceforth be replaced by a tighter and more explicit one which takes into consideration the rank or status of the offenders as well as the impact of the offence. Given that the financial stakes of

corruption are becoming more serious as time goes by, those found guilty of glaring embezzlement should henceforth be subject to exemplary punishment.

It would therefore be advisable that the law becomes more rigid, drawing inspiration, (as concerns the grading aspect only) from the provisions of section 148 of the Penal Code on the embezzlement of public funds.

Increasing fines

Reforms should be directed more towards increasing fines rather than reinforcing penalties involving restriction of personal freedom. If it is necessary to render offenders harmless, then they should equally and especially be forced to restore the earnings or the undue acquisitions of their corrupt practices.

In this regard, it is curious that only a ridiculous amount of CFA 2 million francs was provided for as the maximum fine for cases of corruption involving public servants.

A quick increase in rates would therefore be welcome. But in order to guard against arbitrariness such increase must be done within a graded framework, which, as specified above, must be clear, explicit and rigid.

However, the interest of the above mentioned measures is dependent on the solution of a more serious and delicate problem, which is that of evidence.

C. Improving the conditions of investigating and constituting evidence

If the «entire problem of corruption is that of evidence», then it is necessary that the fight should be devoted to looking for evidence and facilitating the conditions for getting them :

What makes the situation rather difficult in Cameroon today is the problem of structures and efficient means of investigation.

Structures

If the anti-corruption campaign left a feeling of incompleteness in the minds of Cameroonians, it is because it was carried out in a rather disorderly manner, without a coordinating body capable of efficiently relaying and harmonising the Governments directives and ensuring the concrete and permanent monitoring of the measures undertaken. Given that corruption has become an absolute and general social phenomenon, it is necessary to set up structures which take into account the specificity and complexity of the phenomenon. Some proposals tending towards the setting up of a *«police of the police»* or of an observatory are, in this respect, worth examining.

La police des polices (Police supervisory unit)

The very name of such a body calls for no comment. Information published by the press³⁸ makes mention of a draft law to that effect that has been pending since 1994.

Such a proposal, ties in with that of those who think that it is necessary to re-institute the secret police, which will be better, placed to fight the secret manifestations and realities of the corruption phenomenon.

These proposals, however, do not advocate for innovations. They remain, essentially geared towards a past whose horrors constitute a sad memory and should be handled with all the

³⁸ Cameroon Tribune N°6552 page 2.

necessary care. It should however, be taken into account that increasing the police force has its shortcomings : if today we need a police of the police, perhaps tomorrow we might need another police for the police of the police.

The corruption observatory

A corruption observatory has been set up in some states which like Cameroon. were greatly hit by this scourge. This is the case of Algeria where the National Observatory for the Monitoring and Prevention of corruption (ONSPC) set up in July 1996, equally responds to a United Nations Commission resolution on the fight against criminality, of which Algeria is a member³⁹. Set up by decree and headed by a former Minister of Justice, its role is theoretically to follow up and, study the corruption phenomenon and to inform the Government.

The setting up of such an organ in Cameroon would not be unnecessary. It would be necessary to set up such an organ in Cameroon which would, enable through centralisation and follow up, a better handling of the issue of corruption which to say the least, is becoming insolvable. Instead of limiting itself to a purely consultative role, the corruption observatory could be granted real investigative and examination powers, similar to those of the judicial Police.

The setting up of a body with wide ranging powers charged with studying the problems of corruption elaborately have been studied and discussed, (whose especially as concerns its status and mode of functioning) is capable of effectively contributing

³⁹ cf Le Monde Diplomatique, September 1998, p.21

to solving the several problems inherent in the fight against corruption, especially that of evidence. This organ should be given all the necessary means for it to accomplish its tasks.

a. Means

Cameroon law, as mentioned earlier, provides for the principle of freedom of evidence and the judge's deep conviction: all means of evidence are somehow accepted and the judge takes the final decision. The accused person, protected by the sacrosanct principle of presumption of innocence, can enjoy the benefit of the doubt and can in no way be bound to contribute to the procedure.

This legal system as applied to the corruption phenomenon whose ramifications are not evident, somewhat contributes to hampering the search for and the obtaining of evidence. Perhaps, it can be eliminated, within reasonable proportion, by reinforcing the inquisitorial nature of criminal procedure as far as corruption is concerned so as to enable the judge, as in administrative procedure to overturn the burden of evidence. If the circumstances so demand. It is worthwhile saying that, as concerns corruption, the State is not always the stronger party, but sometimes, the accused whose right to remain silent is capable of destroying a case which is however skilfully built.

In this same vein, similar procedures like that of subjecting someone to investigation practised in other countries could be integrated into the Cameroon legal system. Indeed, subjecting someone to investigation is not a new procedure. It is simply a new appellation of an old procedure, which in Cameroon is known as indictment. Most certainly again, subjecting someone to investigation has proven its weaknesses in a country like France where the procedure is being reformed and replaced.

However, there is one characteristic that differentiates subjecting someone to investigation from indictment and makes it attractive, flexible and progressive: the accused is left free but the judge has the right to monitor him and carefully investigate his case. Incidentally, from a psychological point of view subjecting someone to investigation constitutes a significant counter balance to presumption of innocence. The State employee or the accused that is anxious to maintain his dignity must cooperate fully with the law, and avoid legal misconduct, so that his case can be rapidly clarified. This fascinating method could be adapted and improved upon.

But it is in perfecting the means of probation that the main solution to the problem of evidence lies. This perfection will depend on highly competent personnel and efficient equipment that's funding should be ensured.

However, we should not lose sight of the fact that although carried out with the help of efficient structures and means, the real chances of success in the fight against corruption will be possible only if preliminary measures of order and organisation are put in place.

2. Social and preventive measures

It will be unrealistic to claim to be able to efficiently fight corruption using only the judicial system. Incidentally, as E.A. Ross⁴⁰ aptly states « *It is not the crime ' that are punished but those that are prevented which should serve as a measurement for the value of the law*» The latter, in principle as a product of the collective will,

⁴⁰ E.A. Ross, *Social Control*, new York, Macmilan, 1961, p.125 quoted by Edwin H. SUTHERLAND & Donald CRESSEY in *Principes de Criminologies*, p. 305 and quoted again by F.X. MBOUYOM, *Ibid*, p. 203.

only has a real influence on the social corps if it effectively comes from the society and expresses, in clear terms, its condition and its major or dominant aspirations. Given the context and the current problems examined earlier, coercion alone will not be sufficient to curb the corruption phenomenon and its accompanying implications. Besides, coercion will only have legitimacy and impact if the circumstances and the chaos that fueled the spread of this corruption evil are brought under control before hand, through preventive measures. This is because the causes of corruption should be treated alongside its effects. These measures should therefore be both technical and social depending on whether they are applied directly on the population (A) or to institution (B).

Social measures

Social measures are those that are applied to causes that are of a general and social nature notably poverty and the lack of civic responsibility.

a. The fight against poverty

The fight against poverty is most certainly a long and exacting task but no effort can be spared when confronted with a phenomenon like corruption, which results largely from socio-economic factors. If raising living standards involves very high cost, the loss caused by pauperism both on the moral, financial as well as economic levels cannot be overlooked either. On this last point especially, specialists are less and less of the opinion that opting for structural adjustment policies imposed by the Bretton Woods institutions which result in the drastic cut in social

budgets and in the reduction of state employees' salaries to the barest minimum is the best solution for a country whose industrialisation is still at the embryonic stage and depends greatly on foreign input. Far from stimulating growth the deflationist nature of such strategies worsens the economic crisis and causes widespread, misery which is said to be the major cause of the upsurge in corruption. From this perspective, an increase in salaries, especially for State employees who are harder hit than those of the private sector would be most advisable. Such a measure would revive economic growth by boosting local consumption, since the Cameroon public Service still remains the main employer. It would also, on the moral and social levels (especially if the increase is substantial). invalidate the argument that the public service is corrupt because State employees are poor. Incidentally, real action as concerns employment and social services in such sensitive sectors as education and health are likely to diffuse social tensions and greatly reduce the pressure or temptation of corruption which is presently quite strong and somewhat accepted.

Poverty as a justification for corruption has obvious limits, which are fundamentally of an ethical nature. The other aspect of the fight against corruption should therefore consist in convincing public opinion on the justification of such a fight.

b. Civic Education

Contrary to small-scale corruption that is usually caused by the need to make ends meet, the reason for medium and high level corruption is basically the lack of civic responsibility. We cannot otherwise justify fraud and economic delinquency tax evasion, embezzlement of State funds etc. All Cameroonians,

young and old must be constantly educated on the nature and consequences of their actions.

The education of citizens on their rights and obligations must also have as objective to lessen the evils of a backward mentality and ignorance. If ignorance does not absolve one of responsibility, it is only because the entire legal edifice is built on the fiction that «Ignorance of the law is no excuse».

Cultivating virtue, however, does not go without restrictions since the fear of the law is the beginning of wisdom. Control modalities and mechanisms, which restrict arbitrariness, must be constantly upgraded by filling the institutional vacuum both at the global and sectorial levels.

Technical instruments

The aim of technical instruments is to reinforce supervision and ensure institutional protection in areas where there is a vacuum or a loophole.

The formulation and optimum implementation of these instruments require an inventory and an exhaustive examination of vulnerable points. Such an examination has been carried out in the following paragraph in the form of a discourse. It analyses the difference between instruments of a general impact and those of a restricted impact.

a. General measures

These must, as a matter of priority, aim at reinforcing transparent financial management and improving the efficiency of the Public Service.

Transparent management of public funds

Public funds can be managed in a transparent manner if necessary measures are taken. These measures include :

- * voting a law to lay down the modalities for the implementation of Article 66 of the Constitution ;
- * voting a law on the funding of political parties ;
- * setting up an audit court endowed with wide-ranging powers to handle cases of misappropriation of State funds.

Such measures would bring more order and clarity in the system of financial transactions concerning political and public personalities. Even if their incidence, as concerns corruption is indirect, the contribution of such measures to the fight against corruption can be great, especially concerning the search for evidence or indices of evidence likely to ease the judicial handling of the corruption issue.

Public service efficiency

Today, the Public Administration is considered as the main strong hold of corruption. Consequently, it constitutes a priority area of action in the fight against corruption. The measures to be taken here are of several types and should be aimed at ensuring the security of the State employee as well as that of the users. These will include :

- setting deadlines for the processing of administrative files so as to avoid the abusive retention which brings about secret dealings ;
- eliminating, while raising salaries, all pernicious inequalities which characterise the structure of the incomes of state

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employees given that such inequalities give rise to unhealthy frustration liable to greatly upset the harmony and balance necessary for a good public service;

- instituting or reinstating allowances, emoluments, advancements or any other form of gratification likely to compensate or encourage output;
- setting up of career profiles aimed at guaranteeing a minimum of rationality in the promotion of state employees and substantially reducing arbitrariness in this process in order to avoid cases of early enrichment which are most often justified by the desire for social security;
- reducing the length of time for holding key administrative positions.

These measures of a general nature must be complemented and reinforced by measures specific to each sector .

a. Sectorial measures

These measures demand constant and consistent work, for each of the sectors in the interpretation of laws and practice, which will enable the formulation of appropriate reforms compatible with the need for efficiency.

Many sectors of activity have, to this day, been subject to reform studies or projects liable to being improved or handled in depth on the theme of corruption, and whose implementation is either under way or pending. That is the case with :

- education (cf. Report on National Forum) ;
- the media (see Report on the National Forum on Information) ;
- universities (cf. Studies on University Reform) ;

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- customs (cf. Report of the Commission on fiscal reform) etc. Studies of this nature could be extended to other sectors of activity (Health, Insurance, Police, Army, Public Contracts etc). It is on the systematic implementation of all these reforms that the success or failure of an efficient policy to fight corruption will depend.

**Presentation on corruption in Cameroon
By a Political Figure**

Mr. Garga Haman Adjii, *President of ADD*

Gerddes-Cameroon has asked me to present, to you, a «Paper on the phenomenon of corruption in Cameroon» which falls within my area of competence.

The date and time chosen for my presentation of today have made me to understand that this «area» is reserved for «political and opinion leaders». We can deduce that my paper will dwell on corruption in the political domain - quite a broad topic !, given that politics tends to be at the centre of everything, at the very least, affecting or infecting everything. But in this case, it is rather corruption in its dimensions that we are going to attempt to situate in the domain of politics, after having identified its nature and causes.

Corruption, by its nature, is the result of a conscious act of deviation, generally for financial gain, from legal or social, moral or spiritual norms : the corrupter and the corrupted violate these norms in a premeditated manner for their concrete or abstract interests.

Corruption mainly feeds on greed, mercantilism and materialism. Most certainly, its causes are explained in religion and in habits and customs ; but it is the State of law and laws that have given corruption its perverse, immoral and illegal connotation.

It is because it constitutes a denial of the constitutional or legal principles of equality of citizens in rights and obligations, of the gratuitous nature of the Public Service, of the protection of rights and property and of the submission of State employees and authorities to the law that corruption is criminally, morally

and legally punished, and not the reverse. Society thus wants to uphold the value of Man for what he is and not for what he has.

During the period of venality of office, buying a post or privileged social position was done openly and even conferred some «legitimate» pride on the buyer. When taxation was not personal in its base, its generating ability and the modalities of its recovery, taxpayers «could be deceived and subjugated at will».

The supremacy of law over the natural status of persons has instilled in each citizen the fervent need to fully enjoy his rights while compelling him to fulfil his obligations, which have been clearly and previously defined. Eluding this in a legalist society will expose the recalcitrant citizens to the «side glance» of his peers. Jean -Paul Sartre's «L'enfer c'est les autres» («hell is the others») finds apt expression here.

It is only when one can ignore or despise the presence of others, without the society radically punishing such deviant behaviour that corruption can take root and flourish. It is then manifested in the desire to look for the easy way out which is frustrating to many loyal and law-abiding citizens. It is because money, which can only be considered as a purveyor of temporary enjoyment tries to take precedence over the perennial values of Man, that it becomes the opium of upstarts, the weak-minded and the amoral. Both the corrupter and the corrupted enter into an illusory world and live like people who drug themselves so as to create for themselves artificial happiness.

If politics were not rife with corruption in all its forms, it would have been the favourite field for the judicious and enlightened choice, only of men and women grounded in the art of leading and successfully managing social, community, national and international relations.

But the vermin of corruption has seriously, weeviled the Cameroonian political edifice which is still under construction. The discovery of cheating and fraud during elections masterminded in high quarters does not worry, much less disturb anybody, «*Watergate is for others!* Nixon is mad: why resign? What good does it do?» The bitter repudiation of a people? «And after! In the name of what democratic principles should these people not be governed at will against their wish? Certainly, it is they who pay taxes for arms to be bought for the State. But under what principle can these arms be used against them? In order to subjugate them and silence them once and for all, eventually «spraying» the so-called patriots so as to send them to hell. So why not change the number of votes obtained by one for the benefit of the other after an election, be it presidential? Why not buy over a worrisome so-called political leader of the opposition and, in addition, offer him one or two ministerial positions, and thereby render his virulent attacks illusory and turn his former obscene insults into ridicule? De Gaulle resigned because he sensed some sort of popular repudiation after a referendum which he could have done without. Perhaps that is what killed him. Why such a sacrifice on the altar of popular sovereignty? After all. Cameroon is not France!»

Thus, the alliance between corruption and politics in Cameroon appears to be quite successful. Here, one can buy the voting of the electoral law and let some members of parliament of a certain party which was opposed to it during a greater part of the debates vindicate it over the radio (Prof. Thomas Meloné); why not that of the Constitution and make the person who obstructed deliberations to declare that «it is a good Constitution» without having any of this proposed amendments adopted (Bouba Bello Maigari)

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At the Supreme Court, money is given to members of the General Vote Counting Commission, but no receipt is issued and much less signed by the beneficiaries.

Territorial Administration at divisional level is not spared. Registration on electoral lists is commercialised ; same with the distribution of voters' cards, (CFA 400,000F given by a Minister to a Divisional officer to register people and obtain extra voters' cards) during the 1996 Municipal elections. Most of the documents for candidates' files are bought, either to conceal fraud or to speed their issue so as not to be disqualified. The nomination of candidates by some parties (especially CPDM, SDF) is bought and at times at the expense of the client' s life. Even the electorate if it is influential, is corrupted with money, corn beer here, palm or raphia wine there, red wine, beer or in some cases, even salt.

Politics, being the domain of compromise par excellence, this often easily ends up in surrender as soon as the object of transaction ceases to be the general interest and aims instead at fetching money. In this vein, parties, which have participated or are participating in these «coalition» governments are hardly free of corruption. That explains why their leaders are treated with disdain and offuandedness by those in power especially after their calculated expulsion from Government.

So, should one lose hope as concerns the political future, or in short, the future of this country? The response is affirmative, unless the powers in place want to change direction and objectives so as to resolutely implant democracy in Cameroon like President Paul Biya once hinted in an interview with the late Yves Mourousi.

As for the Cameroonian people, they do not appear ready to take up the political struggle again. They are burdened with the

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struggle for survival. But nothing can stop the explosion of overheated magma and its transformation into a volcano.

A law that is commensurate with its magnitude, and that is executed as strictly as possible on the field can only really conquer corruption, as a deformation of the State of law. But the example must come from above. If the political will is there and if the President of the Republic wants it, corruption can be crushed through dissuasive and preventive measures, packaged in a well-refined national strategy. And if I say that corruption can be eradicated without any insurmountable difficulty and within a relatively short time, it is because I think so, because I have tried it both at the departmental and ministerial levels.

I never failed. I can say, without false modesty that I was on the verge of succeeding but the means at my disposal were insufficient.

Corruption and its economic effects in Cameroon

By Isaac Tamba. Centre, for Research on sustainable Development in Africa (CREDDA) -Yaounde.

Introduction

Corruption is defined, from the perspective of the corrupted subject that is from the point of view of demand, as the abuse of public trust for personal gains. From the perspective of the corrupter. or of supply, it is the act of inducing holders of public authority to such abuse.

Corruption, thus conceived, is a sprawling phenomenon in modern societies, given that state employees almost always have some discretionary powers and some monopolistic advantages. Incidentally. governments are, at times incapable of exercising close control over its employees.

In recent years, corruption has attained alarming proportions in developing countries, becoming one of the obstacles to progress in these countries. That explains the interest that national and international public opinion has on corruption.

Bodies like Transparency International draw up corruption perception indices in order to direct the choice of Direct Private Foreign Investments (PFI). The latest report of this institution placed Cameroon as the country in which the state is doing the least to fight corruption.

Corruption is therefore one of the greatest obstacles to development in Cameroon. This justifies our interest in it so. Our study will enable us determine its economic and social costs. This exercise calls for some preliminary light to be shed on some of the ways corruption is manifested(I) and its foundations(II). An overview of its economic incidence will then be given(III).

I The manifestation of corruption

Corruption is present in almost all areas of activity that the State participates in. It manifests itself in different ways and according to sector of activity.

1.1. Awarding public contracts

Corruption greatly influences the process of awarding government contracts. State employees responsible for carrying out this process give priority to their personal interests and distort fair competition, which should characterise the award of such contracts. In Cameroon, the regular phenomenon has become a rule, «the K % rule ». According to this rule, any party that bids for contracts must have to take the K % into consideration in evaluating the cost of the work. Corruption therefore makes the State to pay more than it should for each contract awarded to private entrepreneurs.

1.2. Granting public benefits

The granting of public benefits by the state is another area par excellence where corruption rears its ugly head. State employees are prepared to pay the maximum monetary value so as to get these benefits. This maximum price is called Marginal Readiness to Pay.

1.3. Government revenue

Corruption is carried out in every office dealing with government revenue. Here, there is a secondary market for government services ; the aim being to reduce the real price of

government services to the public and the spoils divided between the state employee and the user of the public service. The end-result is a drop in government revenue.

1.4. Lack of information

One of the factors that encourages the growth of secondary markets for public services and corruption is the lack of information which is characteristic of most users of public services in relation with state employees. In Cameroon, a greater part of the public does not know their rights and the official price of services as well as the obligations of the state employees at their service. The state employee or his middleman who masters the procedure and the official rates, sells information to the public. Either the price is inflated in case the member of the public is completely ignorant, or the user of the service is served through the secondary market. If in the first case the civil servant makes a lot of profit from the public, in the second case, both of them benefit at the expense of the treasury.

1.5. Disruption of the legal and statutory process

Corruption makes the state incapable of clamping down on illegal practices (drug trafficking, for example). Given that state authority has been whittled, corruption leads the disruption of the legal system. For the Cameroonian businessman, and according to the World Bank (1997), 90% of cases relating to the late payment or non payment of bills by clients are settled out through negotiation. Only 36 % of these settlements are considered satisfactory yet businessmen prefer, to settle their disputes this ways rather than go to court.

II. The foundations of corruption

Corruption is an extremely complex social phenomenon. Some of its causes are economic, political and social.

II.1. The economic causes of corruption.

The economic causes of corruption exist both from the perspective of demand, that is, state employees who abuse their powers in order to obtain unjustified benefits as well as that of supply, that is, users of public services who give bribe or use under hand methods to gain special favours.

a. From the demand perspective

The prime economic cause on the demand side is due to the monopolistic position of public servants. In nearly all public administrative units world wide, the public servant is a kind of lord.

He wields more or less discretionary powers in carrying out his duties. Without proper control from his superiors from the central powers, he will be tempted to use the power conferred upon him by the state for his own personal ends. The state is therefore constantly in a state of «moral uncertainty» in relation to the public servant, just like a «master» is in relation to his «subject».

This tendency is more acute in undemocratic countries where there is no opposition to counter the ruling authorities and as a consequence, where good governance is increasingly becoming a vague notion.

In addition, corruption equally stems from the low level of public servants salaries compared to that of the private sector. In fact, the importance of the duties carried out should instil pride in public servants, they should not have any inferiority complex vis-à-vis their counterparts of the private sector. Studies have shown that corruption is less rampant in countries where the difference between civil servants' salaries and those of the private sector is not great. In the case of Cameroon, this disparity is one of the biggest in Sub-Saharan Africa. Already below the ratio in the 1980s, the gap between the salary of the Cameroonian public servant and that of an employee of the private sector, having the same abilities and training, increased even more with the salary cuts in the Cameroonian public service in 1992 and 1993. The civil servant growing poorer and poorer as compared to other groups of the society, believes more and more that he is obliged to indulge in corruption to increase his available monthly income.

b. From the supply perspective

The main cause of corruption under this section is the existence of possibilities of profit. Corruption is a constant search for a guaranteed income. For it to exist, there must be existing income either where the state does not interfere or where the laws are discriminatory. Studies have shown that corruption can be reduced if trade restrictions are fewer and if industrial policies do not favour anybody. But in Cameroon, trade and industrial policies are essentially made to favour some people. Import licences exist for several products. Even the exploitation of some natural resources like the forest is subject to the obtaining of different types of authorisations from the State. Cameroon's fiscal policy is discriminatory. With regard to industrial policy,

the Investment Code, for example favours some categories of businesses. The search for gain in this system of potential favouritism gives rise to the corruption noticed every where.

II.2. The political causes of corruption

The most corrupt countries of the world are those that in which democracy is not fully practised. Weak political competition encourages corruption. In fact, weak political competition helps to weaken good governance. The politician wields absolute powers and this stops him from improving the political system and public decisions in general, and thereby, pushes him further from the interests of the population who, in a multiparty state should determine the nature of political decisions.

The politician's monopoly of power, coupled with that of the civil servant, makes the citizen a stranger to the public service, which theoretically, should be at his service.

Political competition, therefore, improves governance and helps to reduce corruption.

II.3. The social causes of corruption.

Many social parameters encourage corruption. Among these factors are the acute poverty in Cameroon, the collapse of the social security system and the low incentives for public work.

For some years now, a great majority of Cameroon public servants have shown very little interest in serving the public. This progressive lack of interest is partly due to the salary cuts which, since 1993 are well below the productivity potential of the public employee. This lack of interest in the public service

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explains the upsurge in competing networks that offer the same services on private basis, at a rate agreed upon by both the civil servant and the user of the public service. This explains the appearance of a new type of economic sector, that of middlemen who facilitate contacts between the user seeking the service and the civil servant in this secondary market where both make enormous profits at the expense of the State.

Generalised poverty in Cameroon is one of the main social causes of corruption. In 1984, less than 1 % of the rural population was considered poor but in 1987, the poverty rate grew. In 1993, the Government after reducing salaries twice, in January and in November, caused the purchasing power of civil servants to drop by 60 %. This drop was followed by a reduction of salaries in the private sector and consequently a drop in revenue in the informal sector.

Poverty has increased and since 1997, it affects more than 50 % of the population. The daily struggle for survival has given rise to all types of practices ; economic activities are collapsing without the informal sector and this promotes a climate of corruption.

Another cause of widespread corruption is the collapse of the social security system. The obsolescence of the National Social Insurance Fund (NSIF) and the exhaustion of the classical solidarity system have brought about deviant attitudes in individuals who strive only for personal gain.

III. The economic and social effects of corruption

The effects of corruption on the national economy are varied: The most important ones will be treated below.

III.I. The increase in transaction costs

Faced with corrupt civil servants that hold powerful positions, users of public services spend more time and waste more resources than they would in a less corrupt system. These time and money costs paid by the user for a given service is what constitutes transaction costs. These tend to be higher in corrupt systems.

In Cameroon, the cost of public services is one of the greatest obstacles to development. The World Bank (1997) reveals that transaction costs have slowed down the growth of more than 50 % of Cameroonian businesses.

b. The reduction in investments

Studies show that corruption reduces economic growth. Economic growth has slowed down because investments have dropped. In fact, corruption acts as an additional tax, and it equally increases investment uncertainty. This explains the low growth rate of Direct Foreign Investment (DFI) in Cameroon. For instance, between 1990 and 1995, DFIs rose from \$ 1,044 million to \$ 1.271 million, or a growth rate of only 22% in relative terms in five years. As concerns private national investments, corruption equally slows down its growth. It is held that a country which reduces corruption, moving from 6 to 8 on the index that runs from 0-10, will have an increase of 4 percentage points on its investment rate and a growth half a percentage point on its Gross Domestic Product (GDP) per head. In the case of Cameroon, corruption is the fifth obstacle to the growth of private investment. After lack of credit facilities (about 53%), lack of demand (about 44%), price control (about 20%), nearly

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17% of Cameroon businessmen cite corruption amongst the obstacles to investment. The fact that corruption reduces private investment accounts for more than a third of its negative effects.

Corruption and uncertainty are such obstacles to private national investment in Cameroon that there is no sure path to follow, since the justice department is one of the most corrupt in the public sector. According to the World Bank. (1997) 83% of businessmen complain about the excessive length of time that legal procedures take. Corruption is the major factor that explains such lengthy procedures, because, for 69% of businessmen, courts are vulnerable to corruption and manipulation The report shows. as a result, that 85% to 95% of disputes between business enterprises are settled through negotiation, a situation brought about by the lack of confidence in the justice department.

As for DFIs, this phenomenon gathered steam after the Second World War, fueled by the urge for world economic integration. Countries are competing for DFIs and international investments, but foreign investors attach importance to stability, predictability, and honesty by national authorities. They are the main clients of institutions like Transparency International which study the level of corruption in the different host countries of DFIs and other foreign investments. This is why the predictable effects of Transparency International's report are negative as concerns the DFI's destined for this country.

c. Poor allocation of resources and factors

One of the negative effects of corruption on economic growth is that it brings about a poor allocation of resources and factors of production.

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Widespread corruption encourages, as mentioned above, the emergence of a new type of economic sector, that which is in search of free benefit. Able persons indulge themselves in this search instead of carrying out real productive activities. Public expenditure is equally misdirected, since government officials are more concerned with maintaining their positions instead of promoting economic growth in a context of corruption and generalised instability. For instance, the government will prefer to spend heavily for the army and police at the expense of schoolbooks and improving the lot of teachers. It has been shown that expenditure on education promotes economic growth more than that on the army. Several studies have demonstrated that a country that reduces corruption, moving from 6 to 8 on the same index as the one above, generally increases credits for national education by 12 % of GDP, a really substantial variation. The relationship is linear. This means that in a country in which corruption is high, there is a reduction in State expenditure on education in proportion to the GDP .

d. Economic inefficiency

Corruption automatically leads to inefficiency in the economic management of the country. This inefficiency is manifested in the failure of economic policies adopted by the State. In fact, it is the general tendency worldwide to decentralise the administration, and the implementation of economic policies is becoming more and more important. The context of high corruption leads government officials to use their discretionary powers to satisfy their personal interests at the expense of those of the general public.

c. Accelerating the informal nature of the economy.

Corruption encourages informal economic activities. In 1989, the activities of the informal sector in agriculture, handicrafts, services and trade was already employing 80 % of the working population and contributed to 40 % of Cameroon's GDP. But taking into account the known characteristics of the informal sector it is not advisable to allow the economy to go completely informal because this will have serious negative effects on state revenue.

Underground activities are equally being carried out alongside the informal sector, encouraged by the generalisation of corruption. These underground activities are those banned by the State, as opposed to those of the informal sector whose main characteristic is that they escape State control, without being banned. The marketing of public services is an underground activity. It has grown considerably in Cameroon in recent years.

III. 2. The social effects of corruption

Corruption, as mentioned earlier can be regarded as the search for easy profit. ...this comparison is important in order to determine the social cost of corruption, given that economists have provided a system of analysing the social effects of the search for profit.

According to Hillel Rapoport 41 the search for profit leads, among others, to the setting up of certain monopolies. The social cost of such monopolies can be measured by the variation of the consumer surplus that results from it. This social cost is higher in undemocratic developing countries than in classical

democracies of the developed world. In fact, in developed countries, governments collect huge sums of money in the form taxes from monopolies to help finance transfers to social groups that are victims of such monopolistic excesses.

In many developing countries where there is no good governance, several elements compete in the perpetuation of corruption. Among these are :- the absence of democracy which has rendered trivial the notion of collective well being in the eyes of its leaders; poverty, at times breeds corruption.

For these reasons, the cost of the different monopolies on the general well-being owing to corruption is high in developing countries in general and in Cameroon in particular. The most vulnerable and poorest social groups of the country are increasingly marginalised.

Conclusion

Everything being equal, corruption has just added to the number of cyclical and structural problems (adjustment, external debts, environmental degradation, unemployment, and poverty) which Cameroon has been facing for more than a decade now. Such problems compromise the fight for sustainable development in the quasi-institutionalisation of the illegal marketing of public services by those very people who are in charge of these services. It is irrefutable that the fight for socio-economic development equally requires that new bold anti-corruption measures be worked out and implemented together with other measures of economic policy.

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Transparency International and Cameroon

*By Jean Bosco Talla.
GERDDES - Cameroon*

Introduction

In 1987, although conscious of the economic crisis hitting the nation. Cameroonian authorities said arrogantly that Cameroon would not go to the International Monetary Fund (IMF), that is, that it was not to subject itself to the demands of the structural adjustment programme. This declaration distinguished them and exposed the anachronism, which characterised economic policies and encouraged the policy, or better still, the philosophy of autarchy and ultra-conservatism⁴² applied by the government of Cameroon at that time.

A few years later, having understood that economic principles are never ignored, Cameroon committed itself to international financial institutions and submitted itself to their drastic economic programmes, one of whose stated objective was the reduction of poverty in the world. In its endeavour to reduce poverty, foreign donors launched a vast campaign fight against corruption, a real «canker worm» that has eaten deep into the fabrics of economies and hampered the smooth economic take-off of «emerging» countries. They then started to condition the disbursement of funds on the basis of the efforts made by the borrowers to reduce this ill.

It was in a bid to please the World Bank and the IMF and to benefit from their «favours» that at the beginning of March 1998, the Government of Cameroon without a real will to change launched a national crusade against corruption.

⁴² J .B. Talla, De la langue de bois à la réalité; Génération N° 40, of 5 to 11 June 1995, p.9

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To carry out this campaign, it conceived and broadcast this message through all press organs: «Corruption kills the nation. Public services are free of charge and not sold.»

This campaign, considered by a section of the population as blindtolding, a mere window-dressing, came at a moment when (almost) everybody was convinced that corruption was the most natural thing in Cameroon even if it kills the nation.»

Six months after this anti-corruption campaign was launched, (on September 22 1998) Transparency International, a German based non-governmental organisation (NGO) published its Corruption Perception Index (CPI) which «constitutes a survey carried out through several surveys with contributions from many expert studies as well as from public opinion in general, on the magnitude of corruption in several countries all over the world...»⁴³ Peter Eigen, chairman of this German-based NGO pointed out that the objective of the publication is to sound an alarm in order to eradicate, or at least reduce this ill in countries where it is causing great harm. Frank Vogt, vice President of Transparency International also emphasised that *«the CPI results by giving a shocking image of the situation in many countries, considered as infested with corruption, will push Transparency International to become even more determined in its search for initiatives aimed at democracy, alleviating poverty and human suffering as well as a promoting investments and trade are, for most developing countries as well as for some countries in Central and Eastern Europe, directly depending on curbing corruption»*⁴⁴.

This ill is not only peculiar to Cameroon, or Africa for that matter. The fact that it is a generalised problem can be seen in

⁴³ of Press Release published by Transparency International.

⁴⁴ Idem

the great financial scandals that the Western media publishes and broadcast, together with the various investigations carried out almost everyday in developed countries. Many Asian and European countries also occupy dishonourable positions in the 1998 CPI.

It was certainly not to discourage the countries which have already begun the fight against corruption but which are classified among the most corrupt countries that Professor Larnbsdorff stated that : *«The result obtained in 1988 Index may perhaps disappoint some Governments, especially those countries where real efforts to bring corruption under control have been undertaken. In this regard, we must admit that the CPI classification may not completely reflect the important initiatives taken recently to fight corruption in these countries. We are therefore calling on researchers to consult other sources of information in order to complete the CPI classification before drawing conclusions as to the degree of corruption existing in these different countries.»*⁴⁵

It can be understood why the German-based NGO draws the attention of the press when it comes to the CPI classification. To this organisation, *«it will be improper ,for the press to publish big headline that such and such a country figuring on the Index is the most corrupt in the world because we do not have data on all countries in the world.»*⁴⁶

It is worth while emphasising that the data that enabled the publication of the 1998 CPI was that of 1997 and the aim of this report is not to show that such and such a country occupies the number one position. Rather, it is to show that the practice exists and that it is an obstacle to the economic development of the country concerned.

⁴⁵ Idem

⁴⁶ Idem

These precaution taken by Transparency International did not stop Cameroonians and the national press (one of the parties, at least) from considering their country, after the publication of the Index, as the «world corruption champion».

Our aim here is first of all to chronicle the reactions of Cameroonians following the publication of the IPC 98, on September 22, 1998, before analysing such reactions so as to try and understand the Cameroonian political system.

I Controversy surrounding a communique

In the morning of September 23rd, 1998, regular listeners of Radio France International (RFI) were awoken by the news according to which Cameroon was topping the world corruption charts. This information was culled from a press dispatch published by Transparency International (TI). Cameroonians immediately made capital of this news item as if they had been expecting it. Soon it was on everyone's lips. The news whipped up several commentaries, strong criticisms and reactions of indignation. It became a topic for public debate between two opposing camps: the «antipatriots» meaning «those supposed not to love their country because they delight in seeing their ailments diagnosed by foreigners»⁴⁷, and the «patriots», that is, «the morally corrupt supporters of the regime who dare talk of «tarnishing our country' s good name».⁴⁸ The latter react very often and exclusively through the public media (the national radio and television, and Cameroon Tribune, the government daily).

⁴⁷ J.B. Sipa, Camerounais, Corrompus! Le Messenger, 819th edition, of September 25th, 1998.

⁴⁸ Idem

A. Me, most corrupt, never !

One had imagined that, given Cameroon's peculiar situation and political context, as well as the visible attitudes and behaviours of certain Cameroonians including some government officials that the government was going to keep a low profile following the broadcast of the Berlin-based NGO. That was without reckoning with old habits, the delirious zeal of some people who are ready to sell their souls to the devil to protect their selfish interests, as in the single -party era.

It all started on September 22nd, 1998, during the 1 o'clock radio news. In a special editorial, the announcer questioned the credibility of Transparency International, claiming that the classification was based only on information coming from some «foreign companies based in Cameroon»⁴⁹

The stance taken by radio Cameroon was clearly in sharp contrast to that of Cameroon Tribune, the main national daily newspaper. Although this newspaper spent the whole of the month of March describing all the various forms of corruption in the various sectors of national life, it did not go as far as pointing an accusing finger at the real perpetrator of the climate of corruption. In its September 24th, 1998 edition, Mve Mintsa (Journalist), without denying the existence of corruption in Cameroon, terms Cameroon's rating on the ICC as a «dishonour». According to him, «it certainly is not honourable for any country to feature on the disgraceful world corruption charts. Such a situation is rather embarrassing, the more so when you are right at the top»⁵⁰

⁴⁹ Idem

⁵⁰ Cameroon Tribune N° 6689, of September 24th, 1998.

The writer of the article, who did not doubt the credibility of the TI classification, further pointed out that before being rated first, Cameroon had come 10th and 6th in previous reports. This is, thus, an indication that the situation has gone from bad to worse. «This is not at all surprising. In fact, it is obvious that the problem of corruption is a major cause for concern even for State authorities.»⁵¹ he concluded.

This manner of presenting the situation by the pro-government daily, would undoubtedly have come as a surprise to government which immediately went on the air and demanded that the records be set straight. Which is what Paul Célestin Ndembiyembi, the publisher of the government daily did on October 9th, 1998, in an editorial, he tried to downplay the impact of the TI communiqué by showing that corruption has been endemic in the world since time immemorial and that western countries which control the world economy are the most corrupt.

«Those who control the media at global level, those who control the cultural industries, those who control consumption. are those at the helm of corruption.

On the tropics, we are far removed from these poles with their mean «motives». which are of course culpable and damned, so unappealing and so gross.

It is therefore ridiculous to imagine a poor third world country stealing the show (of corruption) from the great, the multinationals and the great countries of the world. For, corruption is at the root of all power inclination, all tendencies to dominate others, all manoeuvres to control the world.

Here as elsewhere, the strong remain strong, the great the greatest, the weak and the poor are no less affected. They are afflicted by it and they are conscious of this.

⁵¹ Idem

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It is yet another of corruption's terrible false pretences to claim that in this field, the poor are the strongest.⁵³»

This reaction will be analysed further on.

It is worth pointing out that the most paradoxical reaction came from the government which, after launching an anti-corruption campaign, six months earlier, thus confirming the existence of the scourge was the first to react by publishing a communiqué with the tone of a lampoon, insinuating that the German-based NGO was an enemy of the regime. The Deputy Secretary-General at the Presidency of the Republic, Mr. Inoni Ephraim wrote:

«The government has just learnt through the press that in its 1998 annual report, Transparency International, a German-based non governmental organisation, declares that Cameroon is the most corrupt of the 85 States studied by it.

For the past ten years, this organisation has been publishing similar reports, each time mentioning Cameroon as a corrupt country. The Government of Cameroon has so far not deemed it necessary to let itself be distracted by reacting to such allegations. as it is preoccupied above all by the economic recovery, pursuit of the structural reforms and the stabilisation of public finances, which are already bearing fruit.

Today, in view of the gross and ridiculous nature of these allegations, the Cameroon government protests strongly against what it considers a malicious political manoeuvre and a publicity operation to systematically denigrate our country with a view to tarnishing its image, and discouraging investors. The government is therefore intent on setting the records straight.

⁵³ Cameroon Tribune, N° 6700, of October 9th, 1998.

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In fact, since his accession to the supreme magistracy, the Head of State, His Excellency Paul Biya has included the moralisation of behaviours and fight against corruption among the priorities of his plan of action, for as we all know, corruption has become in this age of globalisation an endemic disease affecting all the world's economies. In order to nib this phenomenon in the bud, serious measures have been taken over the past decade to simplify administrative procedures, to dissolve, restructure or privatise public establishments and banks, and to improve inspections and methods of tax and customs duty collection.

Furthermore, the government periodically conducts public awareness campaigns which, without fuss and with due respect for the people's right to a fair hearing, is imposing administrative and judicial sanctions on State employees convicted of any impropriety.

This courageous policy, pursued with perseverance and method, has already yielded concrete results, some of which are the increase in public revenue, the stabilisation of the public and parapublic sector and the strengthening of the private sector's role in economic development. Today, these positive results are earning us a growth rebound and the renewed confidence of international finance institutions.

By dint of these achievements, Cameroon is determined to pursue its efforts and to be a party to all initiatives that could be taken in earnest by the international community to eradicate any gangrene sapping the world economy.

However, the Cameroon government strongly condemns the arrogance of certain organisations sponsored by small neo-colonialist groups, which are intent on marring the destiny of our countries, instead of supporting the efforts and sacrifices of our peoples.

Looking at it at close quarters, Transparency International seems to be no more than a young little-known organisation in search of credibility, and which has so far shown neither proof of its competence or of its impartiality. Further, there is not at present any set of scientifically relevant and universally accepted criteria for appraising with precision the corruption phenomenon in a country, not to talk of classifying the states of all the continents, that are so different from one another.

Under such conditions, it is clear that Transparency International is being manipulated by small groups which for unavowed reasons are dead set against our country with the intention of tarnishing its good name world-wide and thus, to frustrate our development efforts.⁵⁴

Whatever the case, Cameroon reserves the right to sue for defamation any physical or corporate entity that tarnishes its reputation and jeopardises the interests of its people».⁵⁵

This «lame-duck» defence by Mr Inoni Ephraim elicited various reactions from amongst those in power. Some barons among the ideologists and ardent supporters of the regime did not conceal their embarrassment. Paradoxically, Mr Paul Biya contradicted the Deputy Secretary General at the presidency, in his new year message broadcast on radio and television, in which he denounced certain attitudes particularly those of the forces of law and order. President Paul Biya deplored the situation in the following terms : «Taking advantage of the economic crisis that our country has been facing over the past ten years, certain abnormal attitudes have crept into our society. They have affected not only our social relations but also State organs, whose mission

⁵⁴ The italiques are ours.

⁵⁵ Cameroon Tribune, N° 6691, of 28-09-98.

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is to ensure that general interest and public morality are respected. The lure of gain and illicit enrichment has become the driving force behind the behaviour of many of our compatriots who are expert in cheating, fraud and swindling. The situation is unfolding in an alarming manner and we must put an end to it, not only because it tarnished our reputation but also because in the long run, it will threaten the cohesion of our society.

In this regard, I would like to speak to our magistrates whose duty is precisely to uphold the rules governing our society. There are still many cases where justice is not rendered as it should. that is with expediency, with impartiality and in strict conformity with the laws and procedures in force. This is intolerable. Although, I want to believe the majority of our magistrates are honest, the lapses that are being observed risk casting doubt on the entire institution. Now, this institution, endowed, as it is, with judicial «power» is under a special responsibility - it must ensure that its own code of ethics is observed.

I shall now turn to our forces of law and order whose work -I admit -is particularly difficult. The success achieved in the fight against organised crime and (highway robbery) deserve to be underscored and acclaimed.

However, there are still too many abuses of power, violations of citizens' rights, and aiding and abetting of crimes. for us to feel totally satisfied. Considerable efforts will have to be made so that we may regain the full confidence of our citizens (...).

Cameroonians are entitled to equitable justice and normal security for themselves and their property. We must strive to achieve this. As part of the programme of good governance. we shall conduct a vast campaign for moralisation and the fight against corruption⁵⁶.»

⁵⁶ Cameroon Tribune, N° 6759 of January 4, 1999.

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The above statements from Cameroon's «first magistrate» are a scathing disclaimer of the pretensions which some of the regime's psychopants take pride in, as they have always imagined that to prove the in-existence of a scourge and exercise it, it is enough to simply deny all evidence of its existence.

It should also be pointed out that it report does not seem to have caused Mr Paul Biya any sleepless nights, though, in this regard, the Cameroon Head of State affirmed that : (Transparency International) classification is evidently excessive. I know we all know that some neighbouring countries are more corrupt than Cameroon. But that is not the essential thing : corruption about which I spoke in my new year speech is an endemic evil against which I am fighting. Everyday, state employees of the public service are sanctioned, relieved of their duties. One of my closest collaborators who was equally my personal doctor was severely punished because of corruption⁵⁷ Could we have acted with such severity before? It is possible but only theoretically. If this merciless fight has been initiated when civil servants were suffering from the triple blows of salary cuts forced by adversity, lay offs suggested by foreign donors and the devaluation of the CFA francs, an uprising would certainly have almost been inevitable⁵⁸. It was necessary to wait for the economic situation to improve.⁵⁹

⁵⁷ Titus Edzoa former S.G. at the Presidency of the Republic who resigned from Gov't in 1997 as Minister of Public Health. The sanctions mentioned by Paul Biya have never been considered by a cross section of Cameroonians as due to the embezzlement of which he was accused. Because, as some specify, it was after Mr. Titus Edzoa's resignation that the gov't decided to take him to court, meanwhile when in power, he benefited from immunity. These people do not fail to mention the existence of some individuals who are plundering State funds and have not been bothered.

⁵⁸ The highlighting is by the author.

⁵⁹ Jeune Afrique N° 1990 of 3 March 1999.

The release therefore sparked off a self-defence reflex within government circles. And even if the Head of State does not deny the existence of this evil, he tried to downplay its magnitude and negative effects. It will be worthwhile trying to understand the worth of the window-dressing very often used by the powers that be to avoid addressing moral issues, especially that of corruption.

Its release and the government's reactions to it did not leave «the unpatriotic» indifferent. They spared no effort to show that Cameroon is really the most corrupt country in the world.

B. Disenchantment

When Paul Biya came to power in 1982, he promised the earth to Cameroonians. His plans for the society were quickly accepted by a cross-section of Cameroonians especially when he announced «the institution of merit (which) will put an end to the anarchy where anybody can find himself in any position but hardly the right person at the right place». He «fervently» hoped that his fellow countrymen would join hands «to build a healthy society, that is, a society made up of people who are happy in the company of others, instead of considering themselves as wolves at each others throats»⁶¹. He equally planned to encourage :

«True democracy which will not welcome «any form of oppression tyranny or civil or military dictatorship which even when they claim to serve the aspirations of the people, sacrifice them on the altar of order liberty and equality.»⁶²

⁶¹ Paul Biya, op.cit, p.101

⁶² Paul Biya, op. cit, p. 43

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«Real development» whose aim «will be to give man living conditions that will make him really feel like a free man capable of living a free life ; a free man free of all colonial prejudices(...) a free man who no longer lives under the spell of superstition and inhuman beliefs»⁶³ a principled man who refuses to accept lies and deceit and to live «in a regime of fear and ignorance»⁶⁴

This new more democratic, more humane society he painted was one in which no Cameroonian would need to go underground or on exile to express his ideas and opinions.

The slogans: «rigour, moralisation, national integration, highest stage of national unity » rallied Cameroonians who believed in them and looked to the future with a lot of optimism.

Quite early, however, they became disenchanted and the catalogue of reforms envisaged made remained at the level of promises. They discovered that «the moral values that the new deal was supposed to be promoting were sacrificed at the altar of mercantilism, corruption, favouritism, procuring influence, disregard for human life, humiliation as an instrument of dialogue, crime in all its dimensions, political anarchy etc. So much so that today, it is difficult, even for the new deal to show just one model of virtue with which it can identify itself.»⁶⁵ In short, moral values have been sacrificed on the altar of the evils of a decadent society, which has already started singing its swan song.⁶⁶

⁶³ Paul Biya, op. cit, pages 105-1 06

⁶⁴ Idem., p. 106

⁶⁵ Pius Njawe, Jouisseurs impenitents, La Messagère, n) 34 of 4 October 1995, p.2

⁶⁶ Allusion to Aime Cesaire's who holds that «It is a universal law that any class before disappearing must first of all dishonour itself completely and omnilaterally, and that moribund societies utter their swan-song with their heads buried in trash». Discours sur re colonialisme, présence Africaine, Paris, 1989, p.43

This has resulted in the «emergence of strange individuals of questionable abilities both within administrative and political circles as well as at the head of state-owned companies. The disastrous consequences of this are the shameless destruction of the industrial fabric through the systematic looting of resources, the wanton plunder of the economy, the catastrophic management of state funds etc. All these are carried out with an impunity characteristic of the new deal in the management of state property»⁶⁷

This explains why the slogans mentioned above have left a bitter taste in the mouths of Cameroonians. These slogans have become myths for fools⁶⁸ but to informed Cameroonians they are gospels preached by the supporter of the system but which only a handful of people (not even the propagandists) believe in.

In the early 1990s, when the democratic process was just beginning, «ghost towns and civil disobedience discredited institutions and created a sense of general cynicism as regards their purpose and functions.»⁶⁹

In Cameroon where to govern is synonymous to eating⁷⁰ and where those who have been appointed to head certain sectors know that they are managing privileged sectors that have been given to them for their personal benefit⁷¹, voices have always been raised to condemn the careless management of the human and natural resources that abound in the country. Such corrupt

⁶⁷ Pius Njawe op. cit. p.2

⁶⁸ Hiaire Sikounmo, *L'école du sous-développement ; gros plan sur l'enseignement secondaire en Afrique*, L'Harmattan, Paris, 1992, p. 193

⁶⁹ Eboussi Boulaga, *Lignes de résistance, clé*, Yaoundé, 1999, p.50

⁷⁰ J-M Ela. *Innovations sociales et renaissance de l' Afrique. Les défis du monde d'en-bas*, L'Harmattan, Paris, 1998, p.246

⁷¹ J.-M. Ela, op. cit., 279.

management results in increased poverty and general unemployment among the youths and in, the total dependence of the country on international financial institutions which have become «the real actors of political and economic activities in Africa, taking the place of the State whose only role is to publicise and implement their decisions.»⁷²

Transparency International's release, undoubtedly, is in accordance with this line of reasoning. This explains why it was welcomed by the «unpatriotic». One only has to listen to them to be convinced.

Le Messenger's headline story was entitled «The world's N° 1 corrupt nation: Paul Biya's country has outclassed the Nigerian narcocracy. It has now become more rotten than Russia, China, Pakistan, and Columbia, Mexico etc.»⁷³

In this country, corruption has been generalised and even institutionalised. It would need several volumes of a book to contain all the examples of corruption.»⁷⁴ And if the «gold medal» (was awarded to) the lions of corruption»⁷⁵ after Cameroon «improved its position in the world classification in a spectacular way»⁷⁶ it is because Cameroon, the absence of governance⁷⁷, has

⁷² J.-M. Ela op. cit. This author underscores the theoretical stakes follows as : «The moment every thing is thought out in Washington when it comes to drawing up strategies of overcoming the crisis, the future of African societies is subjected to criteria of analysis by which the vision if all of African can only take root its liberal tradition. Specifically, what is imposed on Africa from the intelligibly plans drawn up by IMF and World Bank experts is nothing but the «all market» dogma.

⁷³ JB Sipa op. cit.

⁷⁴ Idem

⁷⁵ mutation s. N° 153 of 25 September, 1998.

⁷⁶ Idem.

⁷⁷ Summarizes the numerous forms under which both public and private individuals and institutions run their businesses. It is a continuous process through an intermediary by which conflicting or distinction interests can be resolved and/or activities carried out in an atmosphere of cooperation» Samuel C.Nana -Sincam. Le Cameroun dans la globalisation -conditions et premisses pour un développement durable et équitable. Clé, Yaoundé, 1999, p. 114.

promoted corruption which has undergone an «exponential growth to the point of propelling(it) to the dishonourable position of world champion».

It is in Cameroon again and always where «the leaders (...) have set up a system of fraud and corruption whose scope, efficiency and ingenuity have bamed the best experts from international institutions. In some of the public services, which have dealings with these experts, an outsider will be hard put to understand the complexities of this mysterious world, which is destroying all national institutions. The observable part is only the tip of the iceberg; this dark world which has invisible pillars, means and networks is only accessible to a few initiated individuals. The manifestation of fraud and corruption in our national structures is just a small facet of a greater reality⁷⁸.

For this reason, no one should be deceived by the doctored information from the authorities published by the State media which excels in «the exhalation of the boss (presenting him as), a civilising and kind hero, who continuously wins all battles against all adversity through his ingenuity, foresightedness, spirit of abnegation and sacrifice and his love for the fatherland⁷⁹. And therefore, any semblance of weakness or failure sparks off anger and attacks against those who insinuate it or who believe in the insinuations⁸⁰», «an absentee president⁸¹» who calls himself «François Mitterand's best student».

⁷⁸ J. M. Ela, op. cit., p. 280

⁷⁹ Eboussi Boulaga, *Democratie de transit au cameroun*, l'Harmattan, Paris 1997 p. 352

⁸⁰ idem

⁸¹ Liberation of 16 February 1995 anoted by J. M. Ela op. cit., p. 267.

Therefore, only «the specialists of disinformation of the Cameroon public media can question the authenticity of the classification of Transparency International, a German-based NGO with an undisputable reputation which is the source of the information that is giving the authorities sleepless nights (...). Instead of listening to the indignant refutals of CRTV (Cameroon Radio and Television), Cameroonians should quickly acknowledge the fact that refusing the verdict of the thermometer does not drive away the reality of the fever. They should instead try to identify the disease to be able to efficiently cure it⁸².

If the Berlin-based NGO verdict is «disputable» and «raise worries and questions⁸³» it does not cancel the fact that it is «one of those movements for the defence of moral values whose credibility has been established and recognised throughout the world. The general classification made by this independent institution therefore cannot be disputed in any way, if the method used to carry out the study satisfies the rule of the game⁸⁴»

It is public knowledge that the main leaders never worry about the well being of their citizens. Squandering State funds has now become a virtue. These leaders, in varying degrees, make a mess of the State's financial and material resources openly and with impunity. The administration is packed full of untouchable plunderers who are clearing what is left of Cameroon's meagre potentials. The State's repressive machinery has been set in motion but with such a phenomenal slowness and impotence that instead encourage economic offenders⁸⁵.

⁸² Tsessue Daniel, le salaire du pouvoirisme, la Nouvelle Expression of 9, 12, 14 oct. 1998

⁸³ Dikalo of 24 September 1998

⁸⁴ idem

⁸⁵ idem

After all, says Tchop Tchop the comedian, if not of corruption Cameroon would never have won a world championship title. Since corruption is good, «if Cameroon breathes, corruption lives»⁸⁷ why then complain when the whole world knows that «corruption blossoms at all levels of the administration and of the State»⁸⁸ and that it affects the entire society of Cameroon.

However, «Transparency International's warning is a strong signal to Cameroonians and their leaders, calling their attention to the gravity of the evil of corruption in Cameroon»⁸⁹. Cameroon stands to gain by applying the solutions proposed and/or experimented by this NGO in the anti-corruption fight, instead of «making futile and unconvincing refutals like a child caught with his hands in the pot».

This appears to be the attitude adopted by authorities of Cameroon who «quietly invited the chairman of Transparency International to collaborate (in the fight against corruption). This attitude is the direct opposite of «the rather confrontational and clumsy approach adopted by Inoni Ephraim when the report on corruption was published»⁹⁰.

Thus, a bipolarized national press especially relay the press release containing the 1998 CPI. On the one hand was the public media sponsored by the regime in power and on the other, the independent or private press which, «despite its numerous weaknesses, its lack of professional exactitude, its sensationalism, its intellectual and even grammatical lapses, survived serious

⁸⁷ allusion to a speech made in the early 80s by the head of State Paul Biya during the protest periods.

⁸⁸ Canard Enchaîné quoted by J. M. Ela op. cit., p. 279

⁸⁹ Tsessue Daniel, Le Salaire. Nouvel Expression of 24 May 1998

⁹⁰ Valentin Simeon Zinga, Transparence-divergence à Berlin, La N. E. of 24 May

tribulations, seizures, bans and (others), constituted the «voice of democratic conscience, (which has always known how) to check dumb, animal and cowardly resignation in the face of savage brutality, plundering of state funds, ostentations hedonism and institutionalised lies»⁹².

Perhaps it would be necessary to analyse these reactions in order to show up the Cameroonian political system for what it is. Of what use then is this window-dressing to the government? Considering that corruption has been generalised and institutionalised are there pockets of dissidence where strategies of resistance and change in the Cameroonian society, are drawn up?

II. From same to same, pockets of resistance

Both in public and private circles, corruption is always mentioned and condemned. The authorities are constantly planning to eliminate or reduce it to reasonable proportions. Speeches made about this evil oscillate between fatality and utopia, resigned or skeptical «realism» and an «unbelievable» moralism. More often than not, these speeches are a confession of impotence.

In recent months, the Government of Cameroon, still without changing from the anachronisms inherited from the single party era, has made corruption its Trojan horse.

A. Subterfuge and window-dressing

Brainstorming about corruption in Cameroon means posing the problem of morals in the Cameroonian society, a society in

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which the most essential thing for some (especially for some of those governing) is to live without asking questions.

For those who have opted to live, without bothering themselves about moral issues, all life is worth living, especially a corrupt existence. They argue that morals do not make the world go round, and the world, the way it is going, is against morals. This appears to be the standpoint of the powers that be in Cameroon which are increasingly involved in subterfuge and window-dressing in order to avoid the examination of moral issues that plague the Cameroonian society, especially that of corruption.

This refusal (formal acceptance) to face the problem is a sign of the deep malaise that exists and that attempts are made to modestly hide it. It is equally a symptom of the malaise felt by the Government. By choosing not to talk or by pretending to talk about corruption, the Government wants, not only to please foreign donors, but hopes to exercise the scourge through talk.

Even when the Government recognises the existence of this evil, it is in order to better downplay its magnitude and reduce it to nothing: «But where does corruption not exist?». «It prevails everywhere in the world.» «some of our neighbouring countries are more corrupt than Cameroon» etc.

In upholding the hypothesis that «(corruption) is prevalent everywhere in the world», the government is trying to infer that this weakness is inborn in man, therefore it is common to all human beings.

In upholding such a hypothesis shows a lack of perception; it is always the person who has that corrupts. It is true that corruption is a worldwide phenomenon. It is equally true that it is difficult to believe that Cameroon is the most corrupt country. Cameroon (an underdeveloped country) can succeed in fighting

it. But even if Cameroon appears to be a victim, it must be admitted that the victim is harbouring the accomplice.

If corruption were inborn in man, what explains the fact that some people (to a certain extent, some countries) are not affected? It is not because corruption prevails everywhere that it should be made a natural weakness in man. It would be like concluding that since everybody wears clothes, clothes are consubstantial to him.

By adopting in this manner, the government is trying to confuse the argument. All the strategies worked out by the government follow the logic that «it would be better to defend oneself : and when one can do nothing about it, one should talk or pretend to change to that everything remains the same.

Moreover, by refusing (pretending to talk), the government is afraid of its reflection in the mirror, it is fighting against itself; because by distancing one from oneself, one has to be lucid, one has to overcome oneself and be able to judge oneself without bias.

Like a nurse who, in order to treat malaria, does not need to know the incidence of this disease in the world ; neither does he need to know if malaria constitutes a dangerous threat in Nigeria, Côte d'Ivoire or Brazil, the Government in power does not need to know whether it is more corrupt than the others, to face this evil squarely.

In any case. the attitude of the government in the face of corruption is not surprising to many. Instead of attacking imaginary enemies, the autocratic government of Cameroon should examine itself because the government «is its own worst enemy with its incoherence and contradictions, its excesses and its intelligence, its blind and exclusive confidence in brute force, bad faith and corruption⁹⁴.

⁹²Eboussi Boulaga, op. cit., p. 353

Its new strategy is no secret: divert attention from problems by simplifying them and making broad generalisations in order to hide the failures of previous planned solutions. Eboussi Boulaga looks at it this way : *«it is always a misdirection of the problem through excessive simplification in order to hide failures of previously attempted solutions. Instead of examining the situation 's history, and carrying out an un biais analysis of errors, confronting and comparing with other more successful experiences, they prefer fiery speeches based on accusations of plotting, sabotage and ill will. It becomes personal issues with diabolic undertones. Amongst the methods of simplification used are confusion and amalgamation. The effects are changed into the causes, the action becomes the reaction, the cyclical is uplified at the detriment of the structural, the accidental hides the essential just like the tree hides the forest. The most perverse reversal is that where the despoiler or the tormentor makes the victims the criminal and hands him over to justice »*⁹⁵.

In the heart of the Cameroonian society, however, social actors continue to struggle. They draw up strategies that take the government to task.

Mockery, Laughter and revolt

The laws and regulations in Cameroon, at this present state, cannot repair the damage done to its administration by the ravages of corruption. Eliminating, (at least reducing the effects) of this «canker-worm» constitutes a daily challenge to the socio-political actors in an environment of generalised misery where citizens are busy fighting to ensure their survival.

The man on the street no longer complains. Many of the political and /or opinion leaders who pass for members of the opposition have left the scene or joined the feast; their activism

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being only a ploy «to be seen by the government and be invited to the great feast where the national cake is shared. In these times of scarcity, reality requires negotiation which resolves the problem of material insecurity which one can hardly tolerate for long»⁹⁷

The popular demonstrations of the hot years are now an old memory. The people for whom they claimed to fight have been abandoned to themselves. They can now drown their worries in alcohol (locally brewed), chance games, sex, drug and football ⁹⁸.

Many Cameroonians have now become cynics : «what can we do ? Biya has outsmarted us». This confession expresses «the sentiment of weariness of the pressure groups which naively thought that the common man could take power in a matter of weeks or months»⁹⁹ and as time goes on, this power is being reinforced and consolidated.

Despite the resignation of some socio-political activist at a time «when speeches and the raised clenched fists of political leaders do not impress anybody»¹⁰⁰ «the world below», «the good for nothings» are organising resistance. Through songs and dance, with a style and language understood by everybody. they unmask the government by using the demystifying tool of laughter. The latest masterpiece of the humorist Tchop Tchop entitled «Makalapatie» corruption is self - revelatory. Lets listen to some part of the tape together :

»- [...] C'est la photo de mon nouveau fiancé. Je l'ai enfin trouvé.

«-[...] J'espère quand même qu'il remplit toutes les conditions.

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»- [...] Il est beau, chaud, sexy, élégant. Il remplit toutes les conditions papa.

»- C'est, ça qu'on mange? Va-y droit au but. Crache-moi le morceau.

»- Papa le problème c'est que je l'aime beaucoup. L'amour qu'il y a entre nous, je ne saurais l'exprimer papa.

»- Laisse tomber. L'a -quel- mour, *l'amour est dans le porte-monnaie*². Tu dis entre-vous, je n'ai entendu, je n'ai même pas entendu ce qu'il fait. Dis-moi, quel est son travail?

»- Papa, il est enseignant.

»- Ahan! Un foiré de plus; un foiré. [...] D'abord tu amènes un étudiant, ensuite un médecin chez moi. Maintenant comble de malheur, un enseignant. [...]

»- Mais, papa, si l'étudiant se cherche il va se trouver.

»- Et tu n'as pas honte d'amener un étudiant chez ton père comme fiancé? Depuis que tes frères sont là à la maison tous diplômés de l'enseignement supérieur, depuis qu'ils se cherchent, ça fait bientôt cinq ans qu'ils sont en chômage, ils ne se retrouvent que le soir pour se partager le pauvre lit qui est dans la chambre de dehors. Et ils se cherchent, ils vont se trouver? Comment?

»- Mais papa, n'est-ce pas j'avais aussi amené un médecin tu as refusé?

»- Ecoutez moi les bêtises. Quel médecin? Hein! Un médecin.

Ton foiré médecin de Meyonmessala³ que tu as amené ici? Ils ont combien de malades à Meyonmessala? Je t'ai dit: un médecin de l'hôpital Laquintinie⁴ ou rien.

¹⁰⁰ J.M.Ela, op. cit., p.303

² C'est nous qui le soulignons

³ Médecin qui travaille en campagne (zone rurale).

⁴ Établissement hospitalier situé au coeur de Douala, capitale économique du

»- Mais papa pourquoi de l'hôpital Laquintinie alors qu'ils ont le même salaire?

»- Le même salaire, mais pas les mêmes atouts. Ceux de Laquintinie ont une pléthore de malades. En plus ils ont plusieurs atouts. Regarde, va à Laquintinie maintenant ils ont posté des démarcheurs à l'entrée qui bondissent sur des malades comme des chats qui attrapent les souris. Et chaque malade verse 1000 francs⁵ à chaque démarcheur avant de rencontrer son médecin. Tu te rends compte avec la pléthore de malades de Douala, avec les « Ben skin⁶ » qui renversent les gens à tort et à travers. Ça fait au moins 50 visites par jour pour un médecin de Laquintinie. Ça lui fait 50 000 francs par mois. Il multiplie au moins par 20 son salaire mensuel. [...]

»- Ça papa, pourquoi cet appétit exagéré pour l'argent ?

»- Tu ne comprends rien. J'ai doté ta mère à 800 000. C'est le record de toutes les dots. » [...] Vois comment tes frères chôment à la maison. Il faut un gendre qui est riche, en contact permanent avec l'argent pour pouvoir sortir notre famille de la misère. [...]

»- [...] Si ma fille peut tomber sur un douanier. Ma fille, mon amour pour les douaniers, tu ne peux pas comprendre la chose. J'étais au port de Douala. Pour qu'un douanier pose la signature sur un document pour la sortie d'un container, c'est 500 000 pour l'inspecteur des douanes. Un douanier de zéro grade, c'est au moins 50 000 ma fille. Aussi petit qu'il soit, je ne connais pas le douanier qui ramène chez lui par jour moins de 400 000

»- [...] Bon, si tu ne veux pas de douanier, bon prends un policier.

Cameroun.

⁵ Au Cameroun la monnaie utilisée est le franc CFA.

»- Ah papa, pourquoi ce faible pour les hommes en tenue ?

»- Parce que c'est eux qui sont en contact permanent avec l'argent.

»- [...] Si tu ne veux pas le douanier, apporte un gardien de la paix ou un inspecteur de police.

»- Merde, un gardien de la paix? Qu'est-ce qu'ils ont? Ils ont quoi? Dis au moins un capitaine de l'armée.

»- Mais, je dis Euh! Le capitaine de l'armée n'a rien. Tous les officiers de l'armée, jusqu'au colonel, ils n'ont que le commandement. Alors que le gardien de la paix a son sifflet. Et un coup de sifflet ça coûte 300 sur la tête d'un taximan. Sur la tête d'un car de transport public, ça fait 500. Et n'en parlons plus. Lorsqu'il voit un expatrié, ça fait 5000.

»- [...] Bon! Si les hommes en tenue t'énervent tellement, vas au bureau des transports chercher ton fiancé. [...] Tu sais combien coûte un permis de conduire ?

»- Mais le permis de conduire s'obtient à l'auto-école.

»- [...] Le permis de conduire dans ce pays s'obtient au téléphone. L'auto-école, c'est après l'obtention du permis juste pour remplir les formalités.- [...]

»- Ah! Tout ça c'est des corrompus papa. C'est de la corruption. Tout ça va finir. D'ailleurs le premier ministre a lancé une campagne contre ces gens là.

»- [...] .Le premier ministre, il a fait quoi ? Il est où avec sa campagne?

Tu diras à ton premier ministre que depuis que le Cameroun est Cameroun, la corruption est là. Que s'il s'attaque à la corruption, il partira et notre corruption restera et tant que le Cameroun respire, la corruption vit. Dis lui que quand il se courbe pour regarder les fesses de quelqu'un, qu'il sache que celui qui

est derrière lui voit aussi ses fesses⁷. Comment ? D'ailleurs, si ce n'était pas la corruption, est-ce que nous devons avoir un titre mondial ? La corruption est un mérite ma fille⁸.

»- [...] Si tu les traites de corrompus, vas épouser un magistrat alors.

» [...] Le Chef de l'Etat lors de son dernier discours les a cités papa.

»- Laisse tomber ma fille. C'est la politique. [...]

»- [...] Prends un gardien de prison. [...] -Est-ce que tu as déjà entendu parler des évasions spectaculaires des criminels, c'est-à-dire ils sortent de l'audience pour revenir en prison; ils rentrent en nombre insuffisant. Ces évasions spectaculaires, tu penses que c'est comment? C'est les choses organisées.

»- Mon enseignant était encore mieux. [...] on devait le nommer proviseur.

»- L'entrée en 6è, c'est 100 000 par tête. Et il y a au moins 1000 enfants qui veulent entrer en 6è. [...]

What do we learn *from* this tape ?

Beyond the problems raised in this tape (dowry, generalised unemployment among youths, the status of women, who are considered as marketable commodities, the position of the teacher within the cameroonian society etc.) one can equally : understand that corruption involves all sectors of activity in Cameroon ; make a classification of the most corrupt social categories (those in permanent contact with money : magistrates, policemen, principals, employees who issue driving licences, prison guards, customs officers, medical officers...).

⁶ Les motos-taxis

⁷ Sous entendu que le premier ministre est lui même corrompu

At the same time, it pinpoints the sectors of activity hardest hit by this evil. But it says nothing about areas where corruption prevails but is not easily noticed by the man on the street; For example, the corruption that prevails in the award of contracts, the activities of lobby and pressure groups.»¹¹¹

Again, the tape portrays money as an end in itself, as the value of values, as the root of evil; as the universal agent which promotes the degradation of the human being, refuses the intrinsic value of people, robs society of all its humanity. Love, considered as a gift to the other, natural feeling for the other, etc. no longer exists. Love in a corrupt society «is in the wallet», because nobody can eat true love, knowledge or even morals.

As soon as money is placed on the apex of values, human action is no longer aimed at looking at what is good for people as such and as social communities, but an insatiable and exclusive quest for gain (profit). Thus, only personal interest comes first. That explains why in Cameroon where ‘ «Government work can never get finished» and where «a goat grazes only where it is tethered», «the contempt shown for the general interest and the triumph of individual appetites is expressed by the production of a social system where the origin of a breed of dignitaries constitute the shadow of power»¹¹².

Rightly so because it is political power that holds the monopoly of distribution (possession) and sharing of money¹¹³.

Corruption therefore blossoms through this double monopoly. It is through monopolising the possession and distribution of money, which has become so scarce, (or which

⁸ Allusion au rapport de *Transparency International*.

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has been deliberately made scarce) that the government takes people hostage by robbing them of their basic needs. By playing on their instinct for preservation the corrupt authorities arrogate to themselves the right to regulate their existence.

In making money scarce, the government promotes corruption and diverts the attention of Cameroonians, who then concentrate all their efforts on the fight for survival and in so doing neglect their rights and turn away from the real problems of the country.

Can corruption be eliminated under these conditions? «No.» says Tchop Tchop. It is rnerre «politics.». meaning tricks and constant lies.

From reading this write-up, it can be understood that in the Cameroonian society, there exist areas where strategies of resistance are drawn up.

CONCLUSION

Let us listen once again to Cameroonians who justify their behaviour by saying that «example comes from above» What is there to say?

By taking such a stance, Cameroonians are admitting that «all power harbours a virus which invades whoever holds and exercises authority, but ends up equally attacking whoever is subjected to such authority. The corruption that is inherent in the exercise of power will inevitably lead to the indiscriminate corruption of those on or against whom power is exerted. There will therefore be a quasi law of reciprocity by which the corruption of power leads to that of the society and determines its scope, nature and form». (G.H. Nguépi).

The causal relationship thus established is explained by the excessive pre-eminence of politics in Cameroon, with the desire to dominate as its hallmark - never to show any sign of weakness

[...] or give any concessions, except for window-dressing, there by robbing such concession of any real value, or to hoodwink the people and divert their attention before exerting force»¹¹⁴ and making them obey.

However Cameroonians are not content with following the dictates of government; what the government asks them to do, they also do what the powers that be do¹¹⁵. They also do what those in power do.

Corruption is therefore generalised and institutionalized in Cameroon. The authorities speak a lot but act very little, a situation which is very understandable, given that the present political system thrives and survives on corruption. After all, the corruption in which Cameroonians is perpetuated by the powers that be which incarnate public institutions. It is part and parcel of the political system in place which has not been able to check it «despite the moralising speeches, public rows to tight bight this evil whose latest and most farcical episode was the abrupt end of the campaign launched to this effect by the Prime Minister»¹¹⁶.

It is therefore an illusion, as the international financial institutions hypocritically claim, to attack this «canker-worm» without putting the nature of the State in Cameroon to question because, it is worth emphasizing that if corruption is a central element in the functioning of the State, destroying it -means shaking the whole political system founded on a method of

¹¹⁴ Eboussi Boulaga, Lignes de résidence, op. cit., p. 59

¹¹⁵ This causal relationship should be put in perspective, for in Cameroonian society, the law recognises the existence of people who do not imitate the immoral conduct of those in power.

¹¹⁶ Tsessue Daniel, op.cit p. 2.

amassing wealth out side any productive process. For leaders who need stability so as to remain in power the, fight against corruption will be nothing short of suicide¹¹⁷.

Paul Biya is saying nothing else, when he states: «if this out-out war [against corruption] was waged off while our civil servants were under the triple blow of salary cuts caused by austerity, the lay-offs proposed offs by foreign donors and the devaluation of the CFA franc, an uprising would have been almost inevitable»¹¹⁸ and the regime would perhaps have been toppled.

Furthermore, can this scourge really be eliminated without questioning the secular, tics and secret agreements which bind some countries (and heads of State too) to western countries which generally act through multinationals, lobbies and pressure groups?¹¹⁹.

In any case, international financial institution «suffering from credibility» (J-M. Ela) organised a «great job[...] at the time when they plunged Africans into the economic quogmire» through standardized structural adjustment programme, which do not take the specificity of each country into account.

¹¹⁷ J.M. Ela, op.cit., p. 240.

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