

# 3

## Decentralisation in Cameroon

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### Summary

The main objective of this chapter is to examine the process of decentralisation in Cameroon, particularly since 1996. The chapter examines the legal, fiscal, political and administrative environment, and the level of organisation of its key actors in conducting the state's service-delivery responsibilities.

Research for this chapter was based on analysis of three main types of data. The first was obtained from the paper 'The Decentralisation Process in Cameroon' submitted by the Secretary General of the Ministry of Public Service and Administrative Reform, Cameroon, to the Commonwealth Secretariat for validation. The second was a two-week rapid field survey in Cameroon conducted in August 2009, when semi-structured interviews were used to obtain information from key respondents including senior government officials at the Ministry of Territorial Administration and Decentralisation (MINATD), central and local government politicians, the secretary general of the main opposition party (SDF), and representatives of international donor agencies, academics, consultants. During the field survey, officials of the Ministry of Public Service and MINATD provided local support. Finally, the draft paper was reviewed at a stakeholders' workshop in Gaborone, Botswana in April 2010.

The legal framework for decentralisation can be found in Law 2004/17, which states that decentralisation shall consist of devolution by the state of special powers and appropriate resources to regional and local authorities. Additional laws were promulgated in 2004 setting out the rules applicable to the regions and councils. Some committees were also established by the president to guide the current decentralisation process. These include the National Council on Decentralisation, legalised by Decree 2008/013, and the Local Inter-Ministerial Committee, backed by Decree 2008/014.

Major findings show that Cameroon has had a long history of municipal governance in her cities, and especially in Western Cameroon. For most of her history and until recently the ministerial structure has been the key framework for service delivery in Cameroon, where every ministry uses a hierarchy of field offices to deliver services in sub-national units. Thus, representatives of sector ministries based in the councils handled most aspects of service provision. However, from 2010 council mayors have been charged with additional responsibilities for service delivery based on a

phased transfer of jurisdiction from sector ministries. The process of transfer of jurisdiction will be on a yearly cumulative basis that is expected to be completed by 2014. Additional laws have been passed in February 2010 in this regard.

Fiscal transfer laws were also promulgated in 2009 for more transparent and predictable intergovernmental transfer of funds to LGs. Prior to this, the funds available to councils fell into three categories: general allocations, frontier council allocations and forest royalties. Information obtained from the councils sampled shows a remarkable increase in funds accruing to them; some councils, like Limbe City Council, saw revenue to the city council's coffers increase almost ten-fold from 2004 to 2008. Revenue available to councils in the form of taxation is governed by Law 2002/003, which says that councils are permitted to collect tax from local businesses that do not generate more than CFAfr100,000 (US\$200). Businesses that generate more than this amount are taxed under the jurisdiction of the central government.

Few donors are involved in the current decentralisation process in Cameroon. These include: German Technical Co-operation (GTZ), French Co-operation, SNV, World Bank, and UNDP. Irrespective of the type of decentralisation, GTZ gives direct assistance in capacity building by providing training for various categories central government personnel, as well as local council staff. French Co-operation supports the central government and MINATD to implement and monitor the decentralisation process.

There has been no transfer of jurisdictions, so we cannot say which sector is performing better than the others in terms of service delivery, or that devolution has resulted in improvements in service delivery in one sector. Opinion varies regarding the effective date of devolution. There is a general impression that the transfer of jurisdictions happened when the Decentralisation Laws of 2004 came into being. Another school of thought is that decentralisation only starts when the means are available, and this is just happening in 2010. Councils have been in existence for decades; the only change that remains to be achieved is the transfer of resources. However, there is a general expectation that improvements in service delivery will occur as soon as the resources are transferred.

It took 14 years from the initial constitutional declaration of decentralisation before the first real transfer of responsibilities and resources to councils took place. This unusually long period has created perceptions that there is some reluctance on the part of central governments to strengthen LGs. The legal instrument itself is not sufficient to effectively accelerate the pace of the decentralisation process. Cameroon's unique dichotomous colonial identity has influenced the structure of the post-colonial state, along with the complex heterogeneous ethnic structure, and so they deserve sensitive management. Much success has been achieved in the setting up of legal structures with successive laws covering virtually all areas of administration. The promulgation of these laws is a demonstration of the government's commitment

to the decentralisation process. The laws would help to strengthen the existence of councils against arbitrary closure, guarantee the lifeline of councils through intergovernmental transfers, stimulate their capacity to generate their own funds, and ensure the downward accountability of officials, which may in turn stimulate popular participation in elections.

## **3.1 Introduction**

### **3.1.1 Background**

This chapter seeks to explain the state of the decentralisation process in Cameroon. It examines the current legal, fiscal and administrative environment, and the level of organisation of its key actors in relation to the administrative environment in conducting the state's responsibilities.

In January 1996, Cameroon's constitution was amended to incorporate the adoption of decentralisation by devolution within the framework of a unitary state. The new local government system would practice political devolution and decentralisation of functions and finances.

In an inception report to the Commonwealth Secretariat, Olowu et al. (2009) proposed that decentralisation has to be sensitive to the existing cultural, political, and institutional arrangements within a given country. In essence, there is no 'one size fits all' design of decentralisation policies, and the pattern of decentralisation found in a country should be based on historical context and initial conditions, geographical and climatic features, natural resource base, existing patterns of service provision and traditional methods of addressing user's needs and economic conditions. Therefore, in Cameroon, how did these factors influence the type of decentralisation policies and programmes that exist? In addition, what are the consequences of these factors for equity, inequality and quality of local governance and service delivery? It is also realised that the state has a key role to play in facilitating the decentralisation process through initiating forums for discourse, establishing financial guidelines, building capacity, setting a timetable, legislating, and setting up advisory bodies and resource institutions that are interested in local problems and finding solutions that work. Invariably, we sought to establish in this study what measures the Cameroon state has put in place to facilitate accountable political, economic, financial and decentralisation policies in favour of lower levels of government, semi-autonomous organisations and field agencies locally. Answers to these questions will enable us to assess the overall seriousness of the Cameroon government's declared intentions about decentralisation by ascertaining the gaps between policy intentions and actual practice; clear rules for determining allocations to sub-national tiers of government; the level to which the government has shared power and resources with LGs; the possible consequences of Cameroon's decentralisation policy and programmes for equity, inequality

and quality of local governance and service delivery; and the extent to which central bureaucrats and politicians perceive decentralisation as a positive sum (or win-win) game for central and local actors.

### **3.1.2 Sources of data and data-collection methods**

In order to achieve the objectives of this research, which is to illustrate Cameroon's decentralisation policy achievements and constraints and make suggestions for improvement, qualitative and quantitative information was collected on the circumstances that led to the adoption of decentralisation by devolution in Cameroon. Three types of data collection were adopted. The first data was obtained from the paper on 'The Decentralisation Process in Cameroon' submitted by the Secretary General of the Ministry of the Public Service and Administrative Reform, Cameroon, to the Commonwealth Secretariat for validation. The second was a two-week rapid field survey that was conducted in Cameroon with the support of Ministry of Public Service and Administrative Reform and Ministry of Territorial Administration and Decentralisation (MINATD). During this field survey, semi-structured interviews were used to obtain information from key respondents including senior government officials in MINATD and the Public Service Management office, central government and local government (LG) politicians, the Secretary General of the main opposition party (SDF), personnel of international donor agencies, and academics and consultants (see Table 1.1 in chapter 1). The study also incorporated other data-collection techniques such as focus group discussions (FGD), direct observations, and document reviews.

The chapter is divided into five sections, including this introduction. Section 2 provides the physical, economic, political and historical background to decentralisation policy in Cameroon. In section 3 we examine the practice of decentralisation focusing on devolution of powers, personnel and finance as essential components of the ongoing decentralisation process. Also, in section 3, the validity of some of the propositions made in the introductory chapter of this book is assessed. Section 4 considers the role of donors, and section 5 concludes the chapter.

## **3.2 Cameroon: Physical, Economic, and Political Context**

### **3.2.1 Physical geography**

The Republic of Cameroon occupies a fairly central geographical position within the African continent. The country covers an area of 475,442km<sup>2</sup> and boasts a 200km coastline on the Atlantic. Cameroon has a marked seasonal equatorial climate in the south (comprising two rainy seasons and two dry seasons of unequal length), and a hotter, drier Sahelian climate in the far north. In between these areas there is a savannah climate.

### 3.2.2 Population

The population of Cameroon was estimated to be 18.9 million in mid-2009<sup>1</sup>, giving an average density of 40 inhabitants per km<sup>2</sup>, growing at an average annual rate of 2.3 per cent, projected to reach 25.5 million people by mid-2025. Nearly three-fifths of Cameroon's population live on less than US\$2 a day (2005), with a per capita GNP of US\$2180 (2008) and a literacy level 79 per cent. Cameroon's population is diverse, with more than 200 ethnic groups. Population distribution is uneven, with relatively heavy concentrations in the west, south central and Sudan savannah area of the north. One aspect of this diversity is reflected in the southern location of the capital, Yaoundé (population 1,616,000<sup>2</sup>), and the main port of Douala. The peoples of the south and west have been influenced by Christianity, given their earlier contact with European missionaries, while most of the people of the north are Muslims, or practice indigenous beliefs. The southern population are relatively more developed economically and socially. One major socio-political contrast in Cameroon is between the Anglophone northwest and southwest (25 per cent of national population), and the more populous Francophone area of the former East Cameroon. These two sides represent contrasting influences of British and French colonial administration which is reflected in education, commerce, and law, covered with an umbrella of official bilingualism.

### 3.2.3 Recent history

The German protectorate of Kamerun was established in 1884, but the territory was divided into French and British spheres of influence in 1919 when Germany was defeated at the end of the First World War. Both zones became subject to mandates of the League of Nations in 1922, when 80 per cent of the area was allocated to French administration (becoming French Cameroun) and the other 20 per cent bordering Eastern Nigeria was allocated to British administration as the Northern and Southern Cameroons. In 1946, the French and British segments (mandates) in Cameroun were converted into UN trust territories, but still under respective French and British administrations. On 1 January 1960, French Cameroun attained full independence, with Ahmadou Ahidjo emerging as the leader of the Union Camerounaise. Voters in the Southern Cameroons opted to join the Republic of Cameroon following a UN-supervised plebiscite in February 1961, while northern Cameroon voters opted to join Nigeria. The united Cameroon comprised two states – East (francophone) and West (anglophone) Cameroon. In June 1972, the country was officially renamed the United Republic of Cameroon, under the sole legal political party – the Union Nationale Camerounaise (UNC) – which assumed full supervision of organised political and social affairs. Politicians from the English-speaking western part of Cameroon were dissatisfied with the single party system, and unhappy about their relatively low representation in government. The system went on unchanged until the early 1980s, when Ahidjo resigned for health reasons and presidential power was transferred to Paul Biya, who had been prime minister since 1975.

### 3.2.4 The executive, judiciary, and legislature

The Republic of Cameroon is headed by the president, an elected head of state. President Paul Biya has been president since 1982. The president defines national policy, appoints the prime minister (head of government), ministers and vice-ministers – all of whom may hold no other office or engage in professional activities and are directly responsible to the President. Other presidential responsibilities include being head of the armed forces and enforcing internal laws, internal and external security, and appointments to the civil and military services. There is no constitutional provision for a vice-president in Cameroon. The president appoints a prime minister (PM) who is ‘co-ordinator of government action’ and head of government to implement government policy as defined by the head of state. The PM is not necessarily a politician; career civil servants have been appointed<sup>3</sup> to the position at the discretion of the president.

The president makes appointments to the judiciary with the assistance of the Higher Judicial Council, and appoints staff of the Supreme Court, though justice is administered in the name of the people. Cameroon’s judicial system is structured in such a way that courts of first instance are found in every division; appeal courts are located at the regional level, while the Supreme Court is in Yaoundé. All magistrates and judges are appointed by the head of state. The country’s penal code was harmonised in July 2005 by the National Assembly. Up until this time, the Francophone regions had been subject to the *Code d’instruction criminelle* of 1938 and the Anglophone regions were under the Criminal Procedure Ordinance of 1958. The new Penal Code 2005 was broadly welcomed as beneficial to national unity, because it combined French, British and pre-colonial legal traditions.

At the national level, government ministers are also appointed by the head of state to head ministries charged with providing different types of services. These ministries have delegations at the sub-national level headed by delegates appointed by the user minister. Other main government functionaries are civil servants who work at national, regional, divisional, and sub-divisional delegations; all of whom are answerable to the central government in Yaoundé. Governors (regions), Prefects and Divisional Officers (divisions) head these administrative units and are all appointed by the head of state. These administrative authorities at sub-national levels concurrently represent the head of state, but friction sometimes occurs between some ministerial delegations and the governor or prefect, as far as jurisdictions are concerned (some areas of friction will be discussed in the fiscal decentralisation section of this study).

The ministerial structure has been the key framework for service delivery in Cameroon. Every ministry uses a hierarchy of field offices to deliver services in sub-national units. Field offices are hierarchically organised with a centralised bureaucracy starting from the national to the regional, followed by the district, then divisions and sub-divisions. Each level is directly responsible to the one above it. The various ministries

have kept intact the centralised system of field administration inherited at independence from the French-administered part of Cameroon; all important decisions on local development and finances by the central government are taken at the centre. Though the Anglophone areas enjoyed a measure of self-local-governance under British colonial administration, and for a few years after declaration of Cameroon as a republic, the administrative unification of Cameroon in 1972 is seen to have eliminated the privilege the local councils had (in the 1960s) on decision-making in service delivery in the English-speaking areas.

Cameroon has an elected national parliament (a senate has been proposed), with terms of office that can be shortened or extended by the president, who can also introduce bills. In Cameroon's constitution, there is provision for regional administration for the country's 10 regions. Presently, however, while regional governors are appointed by the president, there is no regional parliament. At the local level, elections for councillors and mayors have continued under the latest decentralisation process. Local council boundaries mostly follow sub-divisional boundaries.

The councillors are elected by universal suffrage in the respective council areas, and then elect from amongst themselves a mayor and two assistants. However, big cities/towns are administratively organised as city councils headed by the 'governor delegate' (a government appointee). Within city councils there are sub-divisional councils, which are headed by elected mayors. For instance, Yaoundé comprises of a city council and seven sub-divisional councils, as does Douala. In total, Cameroon has 14 city councils, 12 of which were created by a series of presidential decrees, as shown in the following table.

**Table 3.1.** Newly created city councils and their sub-divisions in Cameroon, 2008

<i>S/No</i>	<i>Decree (all 17 January 2008)</i>	<i>Name of city council</i>	<i>Number of sub-divisional councils</i>
1	2008/015	Bertoua	2
2	2008/016	Ngaoundere	3
3	2008/017	Maroua	3
4	2008/018	Edea	2
5	2008/019	Nkongsamba	3
6	2008/020	Garoua	3
7	2008/021	Bamenda	3
8	2008/022	Bafoussam	3
9	2008/023	Ebolowa	2
10	2008/024	Kribi	2
11	2008/025	Limbe	3
12	2008/026	Kumba	3

The city councils presented in Table 3.1 were created 17 January 2008, the official reason being that there are some projects of communal interest that one sub-divisional council may not be able to handle, and that city councils are best placed to manage development projects that overlap different parts of a city. Based on a series of presidential decrees on 6 February 2009, government delegates were appointed to head the newly created city councils, as well as Yaoundé and Douala.

### **3.2.5 The public service**

The Ministry of the Public Service and Administrative Reform employs all civil servants, except personnel from the army, police, judiciary, and prison administration. There are about 160,000 civil servants, but the exact number is not readily available because since 2007 the government has been carrying out a massive public service recruitment drive to recover from a hiring freeze that had been in place since an economic crisis two decades ago. Another unknown is the educational qualifications of civil servants, but after the earlier crisis and following recommendations of international financial institutions most people who were laid off in the downsizing exercise of the late 1990s (as a precondition to debt servicing) were low-level employees with little education. There was minimal recruitment at that time, but those who were hired were top civil servants from professional schools.

At the time this study was conducted in late 2009 a national estimate of the workforce at council level was being collated but was not yet available. There was also no attempt to disseminate publicly the national figure of staff engaged by local councils. The main reason given was that the councils do not share a common service structure, owing to the differential ability of rich and poor councils to engage and pay staff. Recently, the minister in charge of public service ordered the setting up of a harmonised service structure for council employees (that is, a common staff organogram) as well as a recommended minimum number of staff for each department under a LG. Ultimately, this is to help set up a structure to know staff strength and get regular updates on staffing variations and trends across all councils.

### **3.2.6 Democratisation and the rocky road to decentralisation since 1982**

The legal basis for decentralisation by devolution in Cameroon was set in the Constitution of January 1996 which declared the country to be a decentralised state. The decision to embark on decentralisation was stimulated by external and internal developments. From the external perspective, Cameroon was affected by the wind of change that blew across the continent in the late 1980s. This was fuelled by several factors echoed by respondents during the field survey, notably, the end of the Cold War, the collapse of the Soviet Union, and the related fact that Western democracies and international financial institutions no longer saw the need to support dictatorial



regimes in Africa. There were deepening economic crises in many African states and a renewed emphasis on economic and political reform by Western nations and financial institutions that made many African leaders to grudgingly yield to economic and political reforms (Takougang, 2003).

In March 1985, Cameroon's sole legal party, the UNC, was renamed the Rassemblement Démocratique du Peuple Camerounais (RPDC). The RPDC, in the first quarter of 1986, allowed a measure of democratisation by organising election primaries for members of RPDC bodies on all levels. Later, in 1988, national assembly and presidential elections were held, which saw the retention of the sole candidate for the presidency by a high margin of 98.75 per cent. In the meantime, an unofficial opposition organisation, the Social Democratic Front (SDF), led by John Fru Ndi, had emerged from the RPDC (Europa World Publications, 2008). By December 1990, following civil unrest and a promise from President Biya to introduce political reform, the national assembly approved a constitutional amendment that permitted the establishment of a multi-party system. The pressure for political reform intensified and, by April 1991, 11 leading opposition groups formed an alliance called the National Co-ordination Committee of Opposition Parties (NCCOP). A ban on opposition meetings was put in place by the government as the NCCOP intensified its campaign of civil disobedience. The NCCOP later dissolved due to differences in the strategies the constituent parties had in engaging with the government, and some parties, like the SDF, withdrew from the legislative elections of 1992.

In May 1993 President Biya's government published a draft constitutional amendment that provided for a democratic system of government; this draft legislation retained a unitary state and introduced a more decentralised system of governance in recognition of demands made by supporters of federalism (mostly from the Anglophones). In July 1993, the SDF adopted a draft constitution that provided for a decentralised federal state – more or less a two-state system with a structure designed by using criteria such as geographic continuity, cultural heritage and economic viability. The opposition later boycotted constitutional discussions in December 1994, and in 1995 an Anglophone organisation emerged called the Southern Cameroons National Council (SCNC), and it demanded that the English-speaking regions be granted autonomy as a prelude to proclaiming the independence of Southern Cameroon on 1 October 1996 (also called the 'zero option', see Takougang, 2006 and West Africa, 1994). In August 1995, the SCNC and the Cameroon Anglophone Movement (CAM) formally presented to the UN a demand for the establishment of an independent Republic of Southern Cameroons; this demand was made on the heels of claims of 'francophone domination'. The dissatisfaction of opposition movements to political developments in Cameroon was further expressed on the international stage when they urged the Commonwealth to refuse Cameroon's pending application. The SCNC, on behalf of the proposed Republic of Southern Cameroons, went further and submitted a rival application for Commonwealth membership. However, Cameroon was admitted

to the Commonwealth in November 1995, while the country's national assembly adopted a revised version of the constitution submitted by President Biya.

The combination of internal and external catalysts described above acted together to stimulate President Biya to institute political reforms, including legalisation of political parties, adoption of multiparty democracy, and adoption of decentralisation. The new constitution that was approved by the national assembly in December 1995, and signed by President Biya on 18 January 1996, declared Cameroon decentralised and heralded steps for actualising decentralisation. This appeared to follow a multi-state model as the constitution permitted the formation of a 10-region structure carved along the lines of the existing provincial structure. In response to calls for greater decentralisation, Article 55 (section 2) of the new constitution allows each elected regional and local council greater autonomy in administrative and financial management of local and regional affairs, albeit in theory. However, in section 3 of the same constitutional article, the state is allowed to exercise supervisory powers over regional and local authorities. The president specifically becomes more empowered by Article 58 to appoint delegates to represent the state in the regions. Such delegates are responsible for 'national administrative control...maintaining law and order... [and] co-ordinat[ing] civil state services in the regions'.

The broad powers enjoyed by regional delegates under the new constitution are similar to those enjoyed by federal inspectors under the Federal Constitution which was in effect from 1961 to 1972. At that time, the constitution allowed federal inspectors to undermine or override the authority of the prime minister of West Cameroon. It was at this time that the seeds of discontent were sown in Anglophone Cameroon. Article 59 of the constitution also gives the country's president power to suspend or dissolve any of the regional councils.

### **3.2.7 Elections in Cameroon**

The conduct of elections is governed by a series of cross-referencing laws and election management tasks that are performed by a multiplicity of bodies and institutions. In the 1990s different laws were promulgated (including Law 92-002 of 14 August 1992 which lays down conditions for the election of municipal councillors; Law 92-10 of 17 September 1992 (modified by Law 97-020 of 8 September 1997), which lays down conditions governing election to the presidency of the Republic; Law 2000/15 of 19 December 2000, which institutes public financing of political parties and of election campaigns; and Decree 2001/305 of 8 October 2005, which sets up a commission to monitor the use of public funds by political parties. Assessments made of these electoral laws indicate that they contain overlapping and confusing provisions that gave rise to disagreements over their interpretation and implementation (Menang, 2006; Takougang, 2006; Nyamnjoh, 1999; NDI, 1993). Calls were made that electoral laws be updated and assembled into one comprehensive

code, and election affairs managed under a new body called Elections Cameroon (ELECAM), discussed below.

The bodies involved in the management of elections in Cameroon are as follows: Joint Commissions, MINATD, the Courts, the National Elections Observatory (NEO), and ELECAM.

Joint Commissions usually comprise representatives of the administration, political parties, and sometimes of civil society, and they perform tasks such as registration of voters and revision/updating of voters' rolls, distribution of voters' cards, and local polling commission for conducting poll and vote count. The composition of every commission in each division is fixed by an order of the Senior Divisional Officer (SDO - an administrative official working under directives of MINATD). There is also a National Commission for Final Counting of Votes set up during each election to compile the final results and forward them to the Constitutional Council for approval and publication.

MINATD takes key election management decisions in the following sequence: SDO signs prefectural order to set up joint commissions (as above); DO draws up final voters roll in his/her administrative jurisdiction, organises distribution of voters cards; SDO examines applications from prospective candidates for presidential elections, with power to accept or reject; MINATD issue orders to set up polling stations; DO signs decisions to set up local polling commissions; and finally MINATD signs order to set up National Vote Counting Commission.

The Courts: Members of the judiciary serve as chairpersons of supervisory commissions and National Vote Counting Commissions, or as arbitrators of electoral conflicts. These are perceived as agents of government and their role has not improved public confidence in declared results (Menang, 2006).

The NEO: Set up via section 2 of Law No.2000/016 of 19 December 2000 to 'contribute to the observance of the electoral law in order to ensure the regularity, impartiality, objectivity, transparency, and fairness of elections and to guarantee to voters and candidates the free exercise of their rights'.

Elections Cameroon/ ELECAM: Set up in December 2006 under Law 2006/011 to organise, manage, and supervise elections and referendums, it is a new body that will replace the revision commission, divisional supervisory commissions, and the NEO.

### *National elections*

Voter turnout as a measure of political participation shows an increase from 60.6 per cent in 1992 to 75.6 per cent in 1997 (Kuenzi and Lambright, 2007: 665), and 82.2 per cent (Touo, 2009: 101-116) in 2004 (see Table 3.2 below). Although statistics show that slightly less than half (46.7 per cent) of the voting age population participated in the concurrent presidential and legislative elections, the increase in voter

turnout after the new constitution of 1996 may indicate a willingness to participate (though we have not factored in the costs of travelling to voting centre, media exposure, multi-partyism, or the size of urban population on the turnout). By and large, the Cameroon People's Democratic Movement (CPDM) – and President Paul Biya – won an impressive victory in the 2002 Cameroon legislative elections, despite the near-collapse of the regime and party that lost their parliamentary majority in 1992.

**Table 3.2.** Number of seats won by CPDM in 1992, 1997, and 2004 elections

<i>Year</i>	1992	1997	2004	<i>Total</i>
Seats	88	114	149	180
% of total	48.9	63.3	82.8	

*Source:* Condensed from Takougang, 2003

The new constitution increased the presidential term of office from five to seven years, with a maximum of two tenures for the incumbent. Thus, President Biya started fresh when he was re-elected with 92.6 per cent of votes cast on 12 October 1996, and he secured another term with 70.92 per cent of votes cast on 11 October 2004.

### *Municipal elections*

Municipal elections took place in January 1996. The SDF won 27 per cent of seats (mostly from the West, that is, the English-speaking areas) and the UNDP, another opposition party, did better than expected in the North. After the 1996 municipal elections, in which the opposition won a significant number of key urban councils, the government appointed representatives with powers to manage council projects and finances (more details cited by Nyamnjoh, 1999). In 2008 government delegates were appointed to city councils because there were some projects of communal interest that one sub-divisional council may not have been able to handle, and because city councils are best placed to manage development projects that overlap different parts of the city (pers.comm., MINATD official, 2010).

## **3.3 Decentralisation by Devolution in Cameroon**

As noted earlier, decentralisation in Cameroon is effected mainly through ministerial hierarchies or field administration. The president's decision to introduce decentralisation by devolution in 1996 has been interpreted differently by different stakeholders, but essentially as a middle course has been followed to balance demands from the two main quarters of different linguistic colonial heritage. On one hand, French-speaking officials were apt to point out that the winds of political change that blew through Eastern Europe and the former USSR finally got to Africa, thus the president seized the moment to introduce administrative and political changes in Cameroon. On the

other hand Anglophones interpreted the desire to decentralise as being to pacify<sup>4</sup> restive opposition parties (the main one with Anglophone origin) owing to poor state of public service provision and an electoral and administrative system that seems to favour the French-speaking section, despite the fact that electoral laws are national in their character and do not favour any region or section more than the other. Since the initial constitutional declaration was made in 1996, some committees were put in place by the president to guide the decentralisation process.

### **3.3.1 Committees and government institutions on decentralisation**

#### *National Council on Decentralisation*

The creation of this council was legalised by Decree 2008/013 of 17 January 2008. The national council is charged with the follow-up and evaluation of the implementation of decentralisation. Its members include the prime minister (as president of the council); assisted by the minister in charge of decentralisation at MINATD<sup>5</sup>; almost all cabinet ministers; two senators appointed by the bureau of senate; two parliamentarians appointed by the bureau of the national assembly; and two representatives of the Economic and Social Council. It has a secretariat headed by a permanent secretary, operating with budget support from the PM's office. The council has two sitting sessions and one extraordinary session per year, at the instance of the PM.

#### *Local inter-ministerial committee*

This local committee was created by Decree 2008/014 of 17 January 2008, with the objective of ensuring the preparation and follow-up of transfers of jurisdiction and resources to local authorities, as decided by the competent authority. The LIMC is headed by the minister of MINATD, and there are representatives of all ministers, including the representative of the secretary general of the presidency and PM's office, four representatives of councils, two representatives of regions, two representatives of chambers (commerce, agriculture), and two representatives of civil society. They meet quarterly, and in extraordinary sessions as deemed necessary, summoned only by the head.

There exists another committee to validate the recommendations of the inter-ministerial committee. The outcome of the deliberations is forwarded to the National Decentralisation Council, which is the final body in charge of the decentralisation process. This is all geared towards ensuring the effective implementation of decentralisation in the future.

In addition to these committees, other institutions that are facilitating the decentralisation process include FEICOM, ENAM and CEFAM.

## *FEICOM*

The Fonds spécial d'Équipement et d'Intervention intercommunale (FEICOM) is the Special Council Fund for Mutual Assistance that was established to provide 'financial and technical assistance to councils in order to promote... their socio-economic development'. FEICOM is a public administrative establishment with a legal status and financial autonomy, set up by Law No.74/23 of 5 December 1974. It was reorganised twice by presidential decrees, on 11 December 2000 and 31 May 2006. In an in-depth interview conducted in Yaoundé during the field work (September 2009) David Abouem A Tchoyi<sup>6</sup> observed that:

In the 70s, there was difficulty in financing development activities or service delivery at the local level. Since government did not have enough money, an institution was set up, FEICOM, as a local council bank to finance local councils in 1976/77. I drafted the decree creating FEICOM. We did not have the experience and it was an exploratory move. When it was formed, we obtained loans from Canada for equipments to the tune of CFAfr 14 billion (\$1 = 225). The equipment included bulldozers, earthmovers. Councils needed roads, but there was no equipment for construction. Thus councils were given the opportunity to have access to equipment through FEICOM. However the equipment were not well used: instead of serving council needs, equipments were hired out to private people. So repayment of the start-off loan met with delay. Over the course of the years, Cameroon was able to repay CFAfr 10 billion; Canada wrote off the remaining CFAfr 4 billion because Cameroon repaid at least 70% of the amount it borrowed as part of the loan agreement (David Abouem A Tchoyi, Consultant).

Overall, FEICOM is a 'reasonably well run organization' (Vaillancourt, 2001). This is because it has 'a network of contacts with municipal governments and the financial solidity that came with ... the existence of an autonomous accounting unit since 1996 and the new CAC mechanism since 1998' (ibid). FEICOM also had two major weaknesses, including the poor exchange of information between project supervision and financial activities and, while written guidelines are available for project submission, the organisation lacked a formal manual of operations. The introduction of an integrated database/intranet was recommended to break down these barriers as far back as 2002. Presently, FEICOM has a qualified regional delegation made up of engineers that supervise projects that they sponsor, and they have simplified 'gadgets' (manuals) of operations (pers.comm., MINATD official, 2010).

## *CEFAM*

The Centre de Formation Pour L'Administration Municipale (CEFAM), also known as the Local Government Training Centre, is a residential staff college established in 1977 in Buea, close to Mount Cameroon. Legal backing for the creation of the centre is in Presidential Decree No 77/494; the centre trains senior staff of local council administration and intermediate staff of local council services. It is part of the

Ministry of Territorial Administration and Decentralisation, and it operates under the supervision of a board of directors. As of 2009, it offers two-year bilingual (English/French) residential training programmes to municipal employees who are paid their salary by their communes during the training. CEFAM also organises short training sessions for politicians (mayors and their deputies), FEICOM staff and municipal civil servants, both at the centre in Buea and in other cities. Courses on offer include: regional/local development studies, finance/treasury, law, and administration.

### ENAM

The National School of Administration and Magistracy (ENAM) in Yaoundé also provides training for civil servants.

### 3.3.2 Laws on decentralisation

Three tiers of government exist by law in Cameroon: the central government, the regions, and local councils. There are 10 provinces (now regions), 58 divisions (*departements*), and 384 sub-divisions (council areas – *communes*). In 1996, the constitution of Cameroon was revised to declare Cameroon a unitary and decentralised state. Laws supporting decentralisation came eight years later in 2004, and these laws create the framework for decentralisation. For example, Law 2004/17 of 22 July 2004 on the goal of decentralisation, states in Section 2 that:

‘Decentralisation shall consist of devolution by the state, of special powers and appropriate resources to regional and local authorities’.

Law 2004/18 of 22 July 2004 sets out rules applicable to councils. In Section 2(1), the council is recognised as the basic decentralised local authority. Nomenclature of councils used to be threefold: rural councils; urban councils of special regime (councils in semi-urban and urban towns); and urban councils (Douala and Yaoundé). Now, rural councils are referred to as councils; urban councils of special regime also became councils under Decree 2007/117 of 24 April 2007 (a new appellation came with the creation of city councils with the series of decrees of 17 January 2008). The earlier urban councils of Douala and Yaoundé became city councils based on Decree 87-1365 of 25 September 1987; they also contain sub-divisional councils. For example, Douala (Cameroon’s commercial capital) has a main city council, as well as six sub-divisions. The city council is headed by a government-appointed delegate while the sub-divisions are headed by elected mayors. City councils were created for ‘practical reasons’,<sup>7</sup> which will be discussed with statistical evidence later on.

Law 2004/19 of 22 July 2004 was promulgated with specific reference to regions. In Section 2(1), ‘the region shall be a regional authority comprising several divisions’. In reality, regions are not yet functional in Cameroon. Regions are to be headed by appointed governors; with decentralisation, regions are to be managed by locally elected bodies with governors appointed as representatives of the central government

with supervisory powers. Thus, there will be a regional council of elected members (divisional delegates elected by indirect universal suffrage) and appointed members (representatives of traditional rulers elected by their peers). It is from among this council that a president of the regional council shall be elected. However, appointed governors would still be there as representatives of the state within the regional council, with no power to control. Also, local councils, though headed by elected mayors, have Senior Divisional Officers (SDOs or prefects) appointed by the state to ensure that laws are followed or implemented in the councils, as well as to advise mayors.

When regions become operational, they shall be administratively managed by the Department of Regional and Local Authorities of MINATD, the same body that manages councils (pers.comm, MINATD official, 2010). In practice, the SDO jurisdiction covers the councils of his division, while government delegate jurisdiction covers only the city council areas (urban and semi-urban towns). Government delegates are more powerful financially because they have the power to raise local taxes, and they can disburse (they are powerful because the sub-divisions rely on them for disbursements, which the delegate can influence) additional council taxes in a way that sub-divisional councils cannot due to the overarching nature of their respective jurisdictions.

The table below shows the difference in funds allocated to a city council and a group of sub-divisional councils under it.

**Table 3.3.** Annual financial allocation to City Council ‘D’ and its sub-divisions

<i>Commune (city council)</i>	<i>Population</i>	<i>Amount (CFAfr)</i>
City council	1,869,660	456,533,594
Sub-divisions 1 to 6	1,869,660	196,000,000

*Source:* Confidential pers.comm.

The data illustrated in Table 3.3 looks lopsided because the allocation given to elected mayors to run the sub-divisions is much less than the allocation given to a government delegate that oversees the same area of jurisdiction. In Table 3.3, we have a city council that is comprised of six sub-divisional councils. In the first instance, proposed allocation from the central government to the city council (headed by a government delegate) is about CFAfr 457 million, which is more than twice the amount (CFAfr 196 million) that is shared among the six sub-divisional councils (headed by elected mayors). However, we have to take into consideration the missions attributed to each structure. Moreover, there are instruments that state the amount of subventions the city council allocates to each sub-divisional council, but this was not made available at the time of the survey. The secretary-general of the main opposition party (SDF) alleges that many of the government delegates are people who lost election primaries in the ruling party, and their appointment is seen first as compensation, and also as



a way for the ruling party to be in control of cities where local elections were won by opposition parties.

‘The government delegate dictates to the mayor what to do. So power is not really given back to the people.’ (Secretary General SDF, main opposition party)

The city council does not have a population, as such. The sum of the populations of the sub-divisional councils makes the population of the city, and the amount of the additional council tax disbursed to each council depends on the sum that the state collects from the council area. The amount to be collected depends on the economic activities of each council area.

City councils also serve as an avenue through which funds are disbursed to sub-divisional councils. For example Circular letter N° 02305/MINATD/DCTD of 19 October 2009 on the elaboration and execution of council budgets for the financial year 2010 outlines how much city councils have to disburse to the sub-divisional councils (see Table 3.4).

**Table 3.4.** Amount city councils have to disburse to sub-divisional councils

City council	Trimestral allocation per sub-divisional council (CFAfr)	Annual allocation per sub-divisional council
Douala	37,500,000	150,000,000
Yaoundé	25,000,000	100,000,000
Limbe	10,000,000	40,000,000
Others	5,000,000	20,000,000

Furthermore, when regions are operational, the regional governors will continue to carry out their daily activities without interfering with those of the regional presidents. The potential problem area may be that when regions (as a tier of government above the LGAs) become operational by 2010, direct grants allocated from the centre may affect the amount of funds meant to be transferred to local areas.

### 3.3.3 Transfer of responsibilities

When this field survey was conducted in late 2009, service delivery at the local level was through deconcentration; most aspects of service provision were handled by representatives of sector ministries that were based in the councils. Requests for social services provision are made through regional delegates of the various ministries, to the head of the ministry concerned for appropriate reaction. For example, in the education sector of a given council, when the inspector of education (basic or secondary) sees a need he writes to the minister through a divisional delegate, who transmits the request, through the regional delegate, to the minister of education. The minister uses a ‘text of application’ – referred to as an *arête* – to create new schools based on a collection of similar requests, and to appoint staff for the school. Normally, the ministry is

supposed to use its own funds for the execution of school building projects. More often than not, the local population is stimulated to contribute towards building the school, but with no legal obligation.

Cameroon is gradually moving towards devolution. Elected mayors now head local councils and sub-divisional councils, but so far in the decentralisation process elected mayors and councillors run the council with limited responsibilities, power, and resources. The government promises that certain responsibilities are to be transferred to local councils by 2010, under their supervision. Ministers have been requested to propose the areas of jurisdiction that they need to cede to councils by January 2010. At some point in 2010, ministers will be asked again to make proposals for relinquishing additional functions to councils in 2011. This process will be repeated yearly for five years until 2014. By 2015, the process of transfer of responsibilities of service delivery from ministries to councils is to be completed, and all powers for service delivery will be potentially held by mayors. Priority sectors where such transfer of responsibilities would begin in January 2010 include: education (basic + secondary), water, rural roads, health, agriculture and rural electrification. The extent to which ministries running the aforementioned sectors will transfer jurisdictions to councils is shown in Table 3.5.

**Table 3.5.** Responsibilities to be transferred from sector ministries to councils in 2010

<i>Ministerial department</i>	<i>Current responsibilities</i>	<i>To be transferred 2010</i>
Agriculture and rural development	Promotion of agricultural production, pastoral, artisanal and communal aquaculture	Put in place mechanisms for acquisitions of seeds, plants for farmers or producers
	Support to micro-projects that generate revenue and employment	Promotion of the transformation of waste and harvest residue to manure; promotion of village groups to fight against crop pests
Public transport	Creation and maintenance of municipal roads	Maintenance of divisional and regional roads
	Creation and maintenance of rural and non-classified roads	Clearing of road sides for visibility; maintenance of ferry and local beautification projects; maintenance of rural roads that are not of priority
Education	Creation of schools, acquisition of equipment, management of nurseries and primary and secondary schools	Equipment and maintenance of schools; recruitment and payment of personnel; acquire minimum packet ( <i>paquet minimum</i> – stationery; chalk; pencils; teaching aids – which used to be contracted out for supply from Yaoundé)
Energy and water	Provision of potable water	Boreholes and wells
Health	Construction, equipment, management and maintenance of health units	Construction, equipment, management and maintenance of health units

Since February 2010, mayors have been charged with additional responsibilities for service delivery.<sup>8</sup> Where some mayors have personnel shortfalls, they have to recruit new staff. In councils where mayors cannot afford to hire new staff, they can request personnel from the central government whose salaries would be borne by the centre, although mayors may pay allowances to retain transferred workers at the local level. Standards of service delivery are set by MINATD according to *Les Collectivites Territoriales Decentralisees Au Cameroun – Recueil de Textes (Collection/compendium of Instruments for Regional and Local Authorities in Cameroun)* (Kuate, 2007). As laws are made, this compendium is revised.

### 3.3.4 Funding of councils and fiscal decentralisation

Funds available to councils fall into the following categories:

**General allocation:** This is an intergovernmental transfer from the central government to local councils. The formula for distributing annual amounts to councils was not made available during the field survey. The legal process for making transfers more transparent and predictable was started in 2009, with enactment of some laws relating to local government finances, which is also related to the transfer of responsibilities to councils in 2010. (These laws will be discussed later.)

**Frontier council allowance and ‘natural disaster’ allocation:** Councils apply and a grant is given based on special criteria (but the fund has not more than CFAfr200 million (US\$376,210) per year per council area).

**Forest royalties:** This is relevant to timber-producing councils.

Before the 2009 laws governing fiscal transfers were promulgated, there was a complex arrangement of funds accruing to different tiers of government, and there seemed to be no formula to ensure equitable distribution of resources or a general rule as to the exact proportion of money that is transferred to sub-national tiers of government. In the deconcentrated arrangement, councils receive funds based on individual budget requirements. The amounts accruing to councils also differ according to their economic activities. For example, forest and wildlife royalties are shared as follows: state – 50 per cent, councils – 40 per cent, and communities – 10 per cent. Tax also varies: there is a council tax and state tax; some activities are shared and the proportion accruing to different tiers of government varies according to type of tax. For instance, on income tax, local councils may add 2 per cent to what is levied by the state.

In the context of decentralisation by devolution and the imminent transfer of responsibilities to councils in 2010, Law 2009/011 was promulgated on 10 July 2009 for the elaboration, presentation, execution, and control of the execution of the budget of regional and local authorities. It applies to regions, councils, city councils, council unions, public establishments and any other regional or local authority that may be

created. The percentage of state revenue to be given for general allocation for decentralisation will be determined on a yearly basis through proposals from the central government. Modalities for the sharing and transferring of this money would be determined by a legal instrument. During this field research in August 2009 it was not certain whether the legal instrument would be drafted by national executives (government appointees) or by legislators (elected representatives). This is potentially problematic, especially as the amount to be transferred is not specified.

Also, in Article 17 of Law 2009/011 on the financial law of regional and local authorities, provision of a general allocation for decentralisation is made to partially finance decentralisation. This allocation is meant for running the state's delegation office in the regions; it is also called the 'decentralisation allocation'. Yet it will not aid service delivery in any of the sectors. Some donors comment that the current amount earmarked for this purpose is unnecessary and could be better used for undertaking service delivery projects at the local level (pers.comm, an official at one donor agency).

The revenue available to councils from tax is guided by Law 2002/003 of 19 April 2002 on the general taxation code of Cameroon. The upper benchmark for taxation for councils is CFAfr100,000 (approximately US\$188); any activity or business that generates more than CFAfr100,000 is taxed by central government (Kuate, 2007: 193). However, there are some exceptions. For instance, while a building permit, which is 1 per cent of building cost, is collected by the councils, it is only the central government tax office that can collect the following at the local level: VAT (19.25 per cent), profit tax (1.65 per cent) and land tax (irrespective of amount).

Though local councils have the power to set taxes after deliberating at council sessions and enacting local laws, provisions made for councils' power to tax did not change in recently enacted laws. Looking at Article 11 of Law 2009/011, regional or local authorities cannot collect taxes except what is envisaged by the law (2002/003) or voted by the municipal councillors and approved by the competent supervisory authority – that is, MINATD; especially on activities not contained in the 2002/003 text. The councils can propose that their scope for taxation be expanded, but they still need approval where new activities that could be taxed at the local level are identified.

As things stand, qualitative evidence suggests that a large proportion of tax collected at the local level is first sent to the capital – Yaoundé – where officials decide what should be transferred back to councils for development. The new law on fiscal decentralisation is not responsive to the shortcomings of the current fiscal structure. Based on actual needs and available resources, the ministers of Finance and MINTAD will decide the amount to be transferred. They meet yearly to 'use discretion' to decide the amount to be transferred.

Friction also occurs in the area of fiscal responsibility. It is on record that government delegates use their prerogatives to take over the collection of rents and local tax in

big markets, thereby depriving sub-divisional councils of much-needed internally generated revenue. For example, a conflict was recorded in 2009 on the management of the Kumba main market. The issue was between the Kumba City Council and the Kumba I Sub-Divisional Council on the interpretation of the existing instrument. The SDO later intervened to ensure that the law was respected, by allowing the city council to control the main market, motor parks, slaughter slabs, and cemeteries in accordance with section 115 of Law N° 2009/019 of 15 December 2009 on Local Fiscal Systems, concerning the fiscal revenue of the city council. To prevent the recurrence of such conflicts it has now been decided that only city councils should manage main markets. But according to an official interviewed at one donor agency, the new law on fiscal decentralisation is deficient on this issue, as it does not address who has the responsibility to collect rates and taxes from markets once 'full decentralisation' starts in 2010.

### **3.4 Role of Donors**

This section examines the role of donors in the provision of quasi-public goods and services, influence on decentralisation policy design, and programme support and implementation in Cameroon's decentralisation. A few<sup>9</sup> donors and international organisations are involved in the decentralisation process in Cameroon. These include: German Technical Co-operation (GTZ), French Co-operation, SNV, the World Bank, and UNDP. Their individual and collective contribution to the decentralisation process is discussed below.

#### **3.4.1 German Technical Co-operation (GTZ)**

A GTZ official interviewed observes that partial devolution and deconcentration, 'as two legs of public administration', is going on side-by-side in Cameroon. Irrespective of the type of decentralisation, GTZ gives direct assistance in capacity building by providing training for various categories of central government personnel and local council staff. For this purpose, it engages the services of private trainers from CEFAM - the training school for local government authorities and the Institute of Public Management which is based in Yaoundé, supervised by the Ministry of the Public Service and Administrative Reform. The training is to expand the knowledge of council staff in areas of administrative correspondence, accounting, and record-keeping. High-ranking civil servants have priority for this training, in particular council functionaries (mayors, secretary generals and other council staff) and sector ministries (directors general). For mayors, training provided by GTZ is not nationwide, but restricted to four regions of Cameroon: Far North, Centre, West, and East. At another level, there is a follow-up or monitoring of the job performance of mayors with the aid of an instrument called accompaniment, in order to improve council staff performance.

GTZ also collaborates with other international donors or stakeholders in the decentralisation process in Cameroon, including the World Bank, UNDP, French Co-operation and SNV (a Dutch NGO). As a group, they contribute to curriculum development in training centres and institutions such as CEFAM, the Institute of Public Management and ENAM. Although these organisations, due to their peculiar nature, have different approaches to training course beneficiaries, they have a platform where course schedules are shared with a view to reconciling areas of overlap. 'But, sometimes, where one organisation tries to copy the training procedure of another, it is not always done in a good way' (pers.comm., GTZ official, August 2009). GTZ's misgivings about Cameroon's decentralisation process concern the administrative realities related to the simultaneous implementation of deconcentration and devolution in Cameroon. For example, there is a 'conflicting system of tax collection', in that the national tax office has delegated its regional and local arms to tax collection. Given that the local arm strives to meet annual targets, it sometimes makes collection forays into areas which have not been clearly defined as areas of coverage either for a national tax office or for local councils. At the council level, the elected mayor also has the power to collect tax, part of which can be retained by the council while another part has to be remitted to the central government. More often than not, some treasurers of the local councils do not remit such tax to the central government. Yet, in the new law on fiscal decentralisation, this overlap and potential area of conflict has not been addressed.

The GTZ official said that 'demand for reform of the system must come from both sides but this demand is coming more from the donors rather than from the country. To improve the current support to the decentralisation process there is a need to improve the training programme, we need more human resources. Few of donors are involved in the decentralisation programme in Cameroon.'

### **3.4.2 French Co-operation**

French Co-operation (FC) has been supporting decentralisation through the modernisation of public administration and municipal development for more than 10 years in Cameroon. Specifically, FC supports the central government and MINATD to implement and monitor the decentralisation process. FC has produced a draft document report on decentralisation strategy and is presently in the third phase of the action plan, which covers 2010 to 2014. Activities and projects for the next four years are focused on the modernisation of administration and good governance, so as to be better placed to monitor the process of transfer of jurisdictions starting in 2010. The government inter-ministerial committee has recommended the transfer of more than 10 jurisdictions in various sectors such as: health, education, roads, energy, and water supply (see Table 3.5). FC gives technical support in drafting the legal instruments required for the effective transfer of these jurisdictions. Another goal is to help develop capacity to manage these sectors at the local level.

The FC representative<sup>10</sup> participates in virtually all the meetings of the different commissions about decentralisation. There are regular meetings with a group specifically dealing with decentralisation whose members include: director of DCTD (Department of Regional and Local Authorities); director of juridical affairs; inspector at the Inspectorate for regional and local authorities; and a specialist member from the public service sector that is under discussion. The FC official also helps to process financial support from the French government. Financial support is targeted to the decentralisation process. This is targeted at human resources (training) and not to sectors or investment (materials and communication).

The FC official is of the opinion that there is no conflict in the workings of donors improving decentralisation in Cameroon. Financial means is coming in the way of increased allocations to councils once the jurisdictions are transferred in 2010 and new fiscal laws made operational through some 'texts of application' or guidance manuals. Until now, general allocation to local councils has been a maximum of CFAfr1 billion annually. From next year, this will rise to CFAfr48 billion. This signifies huge political will on the part of the president to decentralise. The CFAfr48 billion comprises CFAfr5 billion in running costs and a CFAfr43 billion investment allowance.

**FC recommendations:** The FC has identified more than 50 areas that need improvement (FC, not yet published). The personal opinion of FC officials about the areas that need improvement include: harnessing more energy to develop artisanal activities in medium-sized cities, enhancing value-added production capacity in agribusinesses, harnessing tourism potential, and ensuring that mayors should play a greater role in this area at the local level. It would be efficient if FEICOM or international donors could support the development of tree nurseries in conjunction with local councils. One example for staff efficiency is that there is no need to have one engineer for every local council or municipality in the rural areas. Municipalities can put together inter-communal teams, whose expertise could be made available to participating councils.

### 3.4.3 PADDL

The *Programme d'Appui a la Decentralisation et Developpement Local* (PADDL) is a German technical Co-operation (GTZ) service agreement with the government to support these areas: planning, budgeting, capacity building, and improving business climate. It is also involved in a community-driven participative programme (PNDP) in conjunction with French Co-operation, SNV (a Dutch NGO), the World Bank, and KFW (a German organisation). The PNDP is in its second phase, endowed with US\$67.8 million for capacity building, planning and council micro-projects. The planning is based around cantons - a group of two or three villages. When PNDP start to work with a council, some people are recruited to assess local needs, ranked

according to priority and drawn into a community development plan. All plans are merged into a council development plan in a participatory way. These needs are further assessed at the municipal level before the mayor signs. One micro-project can be financed by different partners. These donors work well together and have a forum to co-ordinate activities and support.

## **3.5 Summary and Conclusion**

### **3.5.1 Design of decentralisation**

There is no clear-cut pattern of decentralisation in Cameroon, it is a mix of different types: delegation, where service delivery is still undertaken by various ministerial departments from the centre; devolution, where elected mayors manage local councils; deconcentration, where government delegates are appointed to oversee city councils; and divestment, where there is a legal possibility for private sector involvement in many areas of public service delivery except defence and diplomacy. Many responsibilities have been divested since 2004, including water supply and electrification (supervised by an agency; its board members are selected from related ministries and from the private sector). These are forms of delegation.

**Implications for service delivery:** In the current circumstances, the improvements observed in some areas of public service delivery may not be wholly attributed to decentralisation. New markets have been built and these are providing rents for councils; local governments have been strong in awarding scholarships to support children to acquire basic education (for example, the initiative of Buea Municipality); and improvements in education attainment and health service delivery are indirectly contributing to the achievement of the Millennium Development Goals. But some of these services are due to the efforts of international NGOs.

‘There has been an increase in the building of health centres. The mayor of Bamenda, in collaboration with some NGOs, has been able to put in place good public toilet.’  
(SDF, Secretary General)

These NGOs are not directly linked to the decentralisation programme. It is just that they have projects related to some areas of public service delivery that local governments are responsible for.

### **3.5.2 Adequate resource capacity**

Councils have succeeded in generating more internal revenue, but it is not enough, and councils spend more on recurrent expenditure, though this varies depending on the nature of the council area (pers.comm., Mayor of Buea). Most responses to inquiries made on measurable outcomes of services delivered and level of financial resources used in putting service delivery in place were qualitative.<sup>11</sup> A sample of responses to an assessment of the resource capacity of councils is given in Table 3.6, showing using



Limbe City Council as an example to show the rising trend in local councils' income, both internally generated revenues and transfers from the FEICOM pool.

**Table 3.6.** Revenue accrued to Limbe City Council 2004 to 2008

<i>Year</i>	<i>Revenue (all sources) CFAfr</i>	<i>US\$ equivalent (CFAfr531 = US\$1 in 2009)</i>
2004	472,700,809	889,175
2005	1,191,002,782	2,240,339
2006	1,564,665,371	2,943,218
2007	2,082,981,231	3,918,198
2008	3,399,209,002	6,394,092

*Source:* Primary data from Limbe City Council

The information presented in Table 3.6 shows a remarkable increase in funds accruing to Limbe City Council. In the five-year period from 2004 to 2008, revenue to the city council's coffers saw an almost ten-fold increase. While the information was not readily available to paint a full national picture of the increase in funds to councils or to do a systematic comparison of trend of revenue across all councils, there was a consensus in the few councils visited that revenue accruing to councils is on the rise. While other councils may not have experienced the astronomical increase in revenue that Limbe City did, Limbe City Council's strategic location in an oil-producing area makes it more fortunate in terms of revenue generation from company tax. Buea Council is now trying to expand its income generation by focusing on tourism businesses in the surrounding areas.

The additional council taxes that the state collects on behalf of the councils and disburses back to them had never been given to councils with any guidelines or instructions about how the money was to be used. Furthermore, the sharing of the additional council taxes depends on the economic activities and the population of any given council area. Section 53 of Law 2009/019 of 15 December 2009 on local fiscal transfers stipulates that additional council taxes shall be established on the following taxes and duties for the benefit of councils: personal income tax, company tax, and value added tax. However, council bosses interviewed during this fieldwork claimed that resources transferred from the central government have increased (quantitative data not readily available), but that there is over-centralisation of decision-making. That is, funds that get to councils are already earmarked, which does not augur well for decision-making at the local level, and opposition party officials allege that the non-transparent way money gets transferred to councils creates opportunities for preferential transfers to councils whose mayors belong to the ruling party. According to the Secretary General of the SDF, this discrimination hampers any type of bottom-up plan that the communities might be considering. Moreover, appointed government delegates are effectively running the councils due to disproportionate budgetary allocations from the centre. Thus, elected mayors are hampered in the discharge of

their duties due to the preferential treatment given to government delegates. Yet, the current constitution has no place for government delegates.

Also, there is a contradiction where some of those who stood for the post of mayor were directors in government ministries. One reason for this is that mayors do not receive salaries, but get allowances. This was the loophole that made serving directors want to run for mayor. While they may know how to manage budgets, they have little to contribute on technical issues and their dual role does not allow them to concentrate maximum effort on council development. Added to this was the confusion as to which constituency such mayors owe their allegiance to, and to whom they are ultimately accountable. Section 65 of Law 2004/018 of 22 July 2004 deals with cases of incompatibility with the function of a mayor. All senior civil servants that were elected mayors, who were affected by this Article 65, were asked to resign. Those who did not abide were suspended (pers.comm., MINATD official, 2010).

### **3.5.3 Effective accountability mechanism**

Government appointees, like governors and delegates, owe their allegiance only to the central government who appointed them, giving little scope for downward accountability. At the council level, councillors can pass a vote of no confidence in mayors; some mayors have been recalled but there is dissatisfaction that the procedure to recall a mayor is rather long. However, the opposition feels aggrieved by opportunities given to the ruling party to recall ineffective mayors.

'We have two mayors that we did not like their performance and we (SDF) reported to the Minister of Territorial Administration that such mayors have not met the aspiration of the electorate. We wanted to change them [but] the government said no way. So the mayors stayed in this position working but it was a disservice to the community. When a mayor of the government did something wrong, the government was quick to change that mayor. Since the mayor was voted to power on an SDF platform the party made a request to recall him. Members of the public also wrote to MINATD but nothing has happened.' (SDF Secretary General)

A MINATD official in May 2010 remarked that this matter has been resolved and the mayors concerned re-admitted to the party. However, elected mayors of the ruling party are of the opinion that the operating mechanism for accountability is in order.

'I am satisfied with the way councillors are held accountable. They can be recalled in case of misdemeanour. In our council, we had a case. Once elected, the onus is to serve a five-year term. Requirements for eligibility include: moral, physical and intellectual qualifications. The only way an elected official can be impeached or denied a place is when he/she violates certain standards set by law in a very democratic manner. In our case, because I was the complainant, I had to be removed from my position as the mayor temporarily when the case was heard. The councillor was stripped of his position and his insignia was withdrawn for a period of one year. When he repented and admitted his guilt publicly and apologised, he was re-instated. No

by-elections took place within the period of his suspension; it was not necessary. The political leaders of his constituency formed a committee that presented their issues at council deliberations or meetings; but they were not given sitting allowances; only councillors receive that.’ (pers.comm, Mayor, Buea Council)

### **3.5.4 Decentralisation policy in Africa driven by politics and contestation**

In this section, we look at how decentralisation is perceived by different groups within the Cameroonian population.

#### *The protagonists*

There is a general consensus that much credit goes to the president of Cameroon for embarking on a non-reversible process to devolve powers to sub-national units. The minister of MINATD is very supportive of the decentralisation process. He is regarded as the main driver of decentralisation.

But opinions differ as to the pace of decentralisation process. It took about 12 years after 1996 for the government to legalise committees that would guide the decentralisation process. Differing states of preparedness for embracing devolution were exhibited by French-speaking and English-speaking officials. The long drawn-out decentralisation process was to give ample time for the Francophone areas to get accustomed to impending devolution, since they have been used to more a centralised system of administration since pre-independence. English-speaking officials are more eager for the decentralisation by devolution to take off and they expressed displeasure as to why it is taking nearly 15 years (that is, since 1996 when the constitutional declaration was made) for jurisdictions and resources to be devolved to councils. In the south-west (the support base of the opposition), despite the fact that Buea Council is administered by a mayor from the ruling party, officials demonstrated a heightened state of preparedness:

‘We saw it coming in our council and we have a strategic plan to involve all... very valuable partners within the municipality – retired administrators, medical doctors, educationists, people who have lived through decentralised system under British administration.’ (pers.comm, Mayor, Buea Council)

#### *The antagonists*

There are some central government politicians and bureaucrats who believe that they stand to lose from decentralisation and, therefore, vacillate on implementing related policy initiatives. For example, MINATD officials claimed that it took strong persuasion for some ministers to agree to join in ceding some of their jurisdictions to councils as planned for January 2010. Such ministers perceive decentralisation as a zero-sum game where the loss of functions in their sector means nothing more

than the gains of local politicians and bureaucrats in councils; they feel that so much power will slip away from them when decentralisation starts fully and they are trying to delay/obstruct the quick realisation of the programme.

‘Some people in government now don’t want decentralisation. The ministers do not want it because they would have to give away most of their powers. They will no longer be able to dictate what kinds of services to provide for the people.’ (SDF, Secretary General)

‘The ministers are so resistant even in public debates. The ministers are putting up stumbling blocks to decentralisation.’ (pers.comm, Mayor, Buea Council)

Other functionaries regarded as ‘anti-decentralisation’ are government appointees serving in local councils. Some of these officials are regarded as overzealous in the discharge of their duties. Respondents agreed that it is not part of government policy for such officials to ‘frustrate the smooth running of the councils headed by elected officials’. Thus, there is a need to discourage the overbearing authority of appointed officials. The minister of MINATD expressed concerns about it; which by extension means that the central government is concerned. In addition, concerted efforts must be made to educate the public at large about the benefits and advantages of full-scale decentralisation, especially since elected officials will be accountable to the public, not upwards to the government, to whom most officials owe their allegiance because they are appointed. Also, at the level of ministers, opposition party personalities suggest that downward accountability can be sustained, if the British system of appointing ministers from the body of elected members of parliament is used.

### **3.5.5 Differences between formal arrangements and actual decentralisation practice**

A source of contention in the decentralisation process is the appointment of government delegates as heads of city councils. Their appointment came on the heels of electoral gains made by opposition parties in local council elections, especially in urban areas (Nyamnjoh, 1999; Takougang, 1996). The appointment of government delegates to head city councils is a government choice, however, which is not linked to any election (pers.comm., MINATD official, 2010). Irrespective of these interpretations, there is visible representation of central government in such council areas, and they are active in service delivery. There is no constitutional provision for the creation of, or appointment to, the post of ‘government delegate’. However, government appointees to this position are financially empowered many times over the annual allocation compared to sub-divisional councils. In effect, they are in a better position to deliver services, and they do indeed do it.

### 3.5.6 Human resources

Elected mayors are supposed to be in charge of hiring, firing and promoting staff, which must satisfy national legislation on employment, sanctioning and the dismissal of staff. However, what is happening concurrently is that some council staff are transferred from central government as part of the deconcentrated structure. Mayors, irrespective of party affiliation, are not happy with this development. Personnel such as secretaries-general are appointed by the central government to supervise the activities of elected officials at the councils. Strained relationships between elected and appointed officials have been reported in some cases. Existing laws give a lot of power to elected officials, but in some council areas 'the powers and functions of mayors have been absorbed by overzealous administrators and collaborators ... as appointed officials lord it over elected officials' (pers.comm., Mayor of Buea).

On the sensitivity of decentralisation to existing cultural, political and institutional arrangements within Cameroon, the decision to embark on decentralisation is seen in many quarters in Cameroon as a middle-course approach to satisfy, on one hand, the Anglophone regions' demand for devolution (otherwise secession), and, on the other hand, simultaneously practice delegation and de-concentration, which the Francophone regions are already used to. Steps taken towards nationwide devolution have been gradual; in fact, the process which began with a constitutional declaration in 1996 is expected to result in transfer of jurisdictions and resources to local council units in January 2010, looking at the enactment of laws promulgated mid-2009. Members of opposition parties and officials from the Anglophone regions criticise the lengthiness of the process. SDF officials are of the opinion that full devolution can be achieved in three years, and that it only takes a 'declaration and a decree from the head of state, and the Francophone regions would comply'. The Anglophones hinge their readiness to embark on devolution on their earlier experience of local governance under British colonial administration.

While the central government has signalled its intention to decentralise, and has since followed up with promulgating laws, as well as conducting elections at local council level, the government maintains some form of oversight at the councils by appointing some officials to supervise and guide elected officials who have little experience in local council administration. This has met with criticisms, exemplified by the comment made by a mayor below:

'The government's idea behind the appointed official is beautiful, to guide those who have just been elected but have little experience in the administration. But some appointed officials tend to exploit the ignorance of the newly elected officials.'  
(Anonymous mayor in Cameroon)

Some newly elected local officials have also been criticised for attempting to exercise authority without regard for the jurisdiction of the officials that have been appointed to supervise them.

In sum, decentralisation as deconcentration is gradually giving way to decentralisation as devolution in Cameroon. Service delivery is benefiting from the inclusion of new actors, especially NGOs and donors at the local level. Some of the councils have also been active and effective, although this varies depending on the location of each council and the benefits they receive from the state organs.

## Notes

1. Population Reference Bureau, 2009, World Population Data Sheet.
2. [http://travel.nationalgeographic.com/places/maps/map\\_country\\_cameroon.html](http://travel.nationalgeographic.com/places/maps/map_country_cameroon.html)
3. For example: prior to Sadou Hayatou's appointment as PM in 1991, he was a Secretary General to the Presidency; in 1996, Peter Musonge, hitherto manager of Cameroon Development Corporation, was appointed PM; in December 2004 Ephraim Inoni, hitherto Assistant Secretary General of the Presidency, was appointed PM.
4. The opposition was aggrieved in 1998 by the arrest of 40 Anglophone Cameroonians on secession charges. The opposition claimed this was a pretext for the government to suppress demands for increased autonomy or decentralisation made by English-speaking areas (Europa World Publications, 2008, p.185).
5. MINATD is the Ministry of Territorial Administration and Decentralization (the main actor in decentralisation - to ensure co-ordination, supervision and implementation). MINATD used to be Ministry of Territorial Administration (MINAT). With the advent of decentralisation (1996) and empowered by law (2003), MINATD has been headed by Marafa Hamidou Yaya since 2002, as minister of state. There is a general impression that other ministers feel that he is fortifying his position, while they become gradually weakened when they cede competencies to local councils.
6. An adviser to MINATD; he moderates meetings on decentralisation. As a civil servant at MINAT in the 1970s, he served as Secretary-General of the drafting committee of the 1974 Law, and later became a permanent secretary in the PM's office to co-ordinate all the moves (administrative, legal, finance) concerning decentralisation. He led the group that drafted the decree creating FEICOM in the 70s. In 1992, he became a consultant in drafting bills and decrees and in 2004 conducted studies on the state of decentralisation in Cameroon, personnel needs, as well as establishing the cost of decentralisation to government and partners (published for government use, not for public consumption).
7. To ensure the presence of the ruling party in cities that were won mostly by opposition parties, city councils were created and government delegates were appointed to run the councils. The cities contain sub-divisional councils headed by elected mayors, the majority of whom belong to opposition parties.
8. Recent developments indicate that a series of prime ministerial decrees were issued on 26 February 2010 that defined the modalities for the transfer of some jurisdictions to the local councils.
9. 'Compared to Mali, where there are more than 15 donor organisations actively supporting decentralisation'. According to the FC representative, this may be due to the historical processes of the two countries. Mali was for a long troubled by insurgency; decentralisation

came as part of the peace deal. Thus in helping Mali to sustain peace, it sought the assistance of donors in many ways to improve governance, public administration and service delivery. Cameroon, on the other hand, had already had institutions like FEICOM (which does not exist in many other countries) for more than 20 years. FEICOM is now in the phase of being reorganised to improve on its job of being a bank to local councils.

10. In 1992, this official used to work in France at the Ministry of Foreign Affairs where he was in charge of giving support to municipal development programmes, in partnership with Italy, Holland and the World Bank. Specifically in Cameroon, in 1994 and 1995, the ministry came up with the programme to support municipalities and our involvement in this way encouraged Cameroon to embark on general decentralisation.
11. Efforts to get statistics to buttress these points proved abortive, either through lack of data and/or unwillingness of officials to part with the information requested.