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Conflicting narratives of observation reports on Cameroon's 2004 presidential election

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This article portrays the legal framework applicable and assesses the impact of the several mentioned irregularities, especially if they were of sufficient magnitude or scope to change the proclaimed winner in the October 11, 2004 presidential election. Controversies and uncertainties over allegations of irregularities reflect the problematic role of the State bureaucracy, serious inadequacy and lack of transparency in the election administration process in Cameroon. Therefore, election, voting and bureaucratic issues examined in this article include- the legal framework applicable; bureaucratic malpractices as restrictive registration of potential voters; the training of citizens on minimum concepts of civic responsibility; voter intimidation and other sources of suppression or distortion of voter will and recommendation on the mechanisms to increase popular participation, transparency, credibility and integrity of the electoral process in Cameroon. It was discovered that the impact of bureaucratic malpractices was difficult to demonstrate with empirical evidence. Our analysis indicates that the incumbent may have benefited marginally from bureaucratic malpractices, but his benefits were nowhere nearly as salient as some observers have perceived. We also find that the stability, legitimacy and effectiveness of the government may be undermined if it fails to develop mechanisms to ensure free, fair and transparent elections.

Key words: Election, monitoring, report, state bureaucracy, irregularities.

INTRODUCTION

"Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (...) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures" (Article 21 of the Universal Declaration of Human Rights adopted and proclaimed by the General Assembly of the United Nations on December 10, 1948).

It is understood that, free and fair elections as well as accountability, transparency and government, people mutual trust constitute a cornerstone to the smooth functioning of democracy. However, with the return to competitive elections in 1992, after almost three decades of electoral masquerade when Cameroon converted from

multi-party politics to a single political party in 1966, the process has always been full of problems and irregularities. The most recent presidential election was conducted under the slogan: "All for an optimal and transparent expression of universal suffrage in 2004". After raising hopes of a major election administration renewal, it is clear today that the road to electoral transparency remains a long, winding and tortuous one.

Conventionally, elections have a central place in any analysis of democratic process. Elections, according to Schumpeter (1942), are a democratic means of filling public office by a competitive struggle for the people's vote, as well as a mechanism through which politicians can be called to account and forced to introduce policies that somehow reflect public opinion. The president of the Republic of Cameroon announced on September 11,

2004 that the third presidential elections, since the return to multi-party system and broader democracy in 1990, would be held on October 11, 2004. This presidential election was a key event, and a critical part of the political process in the transition from autocratic bureaucracy (Kouomegni, 1984: 3) to a society based mostly on the values of freedom, justice and peace. There were expectations within the country, as well as within the international community regarding the spread of a globalized society, that the conduct of this election and its outcome shall be of greater importance in national development and inclusive politics. Yet, reports on the process could be inherently conflictive, giving that it involve political competition, and take place against the background of the movement towards the end of bureaucratic trauma or domination. For these reasons, if poorly planned, conducted and mismanaged, this election was to be a mere vehicle through which elites manipulate and control the masses. This is most likely in the context where the processes of economic development and political integration alienate the masses (Sindjoun, 1999), and fail to address problems of inequality, poverty (Mkandawire, 2006), social justice, unemployment and participation. It may also become problematic when electoral laws, institutions, processes and outcomes fail to reflect the interests of the masses and elicit the participation of the majority of the people, whereas elections help to build and foster legitimacy by providing justification for a regime or system of rule. When elections take place in complex contexts like Cameroon, a lot of attention must be focused beyond the successful holding of elections to ensure successful and sustainable democratic progress. At a number of key points, the electoral process in Cameroon still lacks necessary credibility¹. This is why some observers declared that the 2004 presidential election that was mired in fraud and many irregularities ought to have been cancelled. To others, they were not strong enough to impair the degree of fairness and transparency of the polls. However, even given the serious deficiency in the management of the registers and other irregularities, many observers think that the intention of those who voted was reflected in the results although the process needs to be improved. Through institutional-legal analysis and participant observation as well as the existing literature, reports and statistics, the article portrays the legal framework applicable and its effectiveness. It also assesses the impact of mentioned irregularities and the present electoral management bodies and put emphasis on the need to move towards a more autonomous structure in implementation of recommendations made so far.

THE LEGAL FRAMEWORK APPLICABLE

This section is a review of the laws and commissions governing the presidential election in Cameroon. It notes however that the implementation of these, apparently de-

mocratic, rules is subject of concerns.

Laws and commissions governing the presidential election in 2004

The presidential election in Cameroon is governed by various laws, which provide commissions, beginning with the constitution.

Constitutional background

The constitution of Cameroon provides for the election of the president of the Republic by a majority of the votes cast through direct, equal and secret universal suffrage. The president of the Republic shall be elected for a term of office of seven years² at a single round majority ballot renewable. The elections shall be held not less than twenty days and not more than fifty days before the expiry of the term of the president of the Republic in Office. Where the office of president of the Republic becomes vacant³ as a result of death, resignation or permanent incapacity duly ascertained by the Constitutional Council, the polls for the election of the new president of the republic must be held not more than forty days after the office becomes vacant. The president of the Senate shall as of right act as interim president of the Republic until the new president is elected. Where the president of the Senate⁴ is unable to exercise these powers, they shall be exercised by his vice following the order of precedence. Of course, without a popular legitimacy, the interim president may amend neither the Constitution nor the composition of the government. To avoid a "personal electoral coup d'Etat", since "men love power", he may not organise a referendum or run as a candidate for the office of the president of the Republic.

Candidates of the office of president of the Republic must be Cameroonian by birth, enjoy their civic and political rights and must have attained the age of thirty-five⁵ by the date of the election. The president-elect shall assume office once he has been sworn in by the president of the National Assembly in the presence of the members of Parliament, the Constitutional Council and the Supreme Court meeting in solemn session. The office of President of the Republic shall be incompatible with any other elective public office or professional activity. The question to know whether the President of the Republic can be at the same time the president of a political party remains subject of debate.

The Constitution provides a Constitutional Council, which has not yet been established. In the meantime, the Supreme Court has been assigned the role of the Constitutional Council until the latter is set up. The duties of member of the Constitutional Council shall be incompatible⁶ with those of government, of Member of Parliament or of the Supreme Court. The main function of the Constitutional Council in relation to elections (presidential, parliamentary and referendum operations) is to ensure

is to ensure that voting is free and fair. In this regard, it is required to verify polling operations based on reports and appended documents submitted by the National Commission for the final counting of votes. Another function is to ensure that any claims or disputes regarding the regularity of the elections are referred to the Constitutional Council. The results of the presidential election are drawn up, proclaimed by the Constitutional Council, published according to the procedure of urgency, and inserted in the Official Gazette in English and French. Rulings of the Constitutional Council shall not be subject to appeal. They shall be binding on all public, administrative, military and judiciary authorities, as well as on all moral persons and corporate bodies. The above constitutional background also constitutes the basis of the electoral laws.

The electoral laws

A priori, the electoral laws express a concern for transparency, objectivity and impartiality in the electoral process. These legal instruments have been established in line with the democratic vision that is spreading across the World in general and in Africa in particular and with Cameroon's strategic political commitment to democratize the electoral game.

The registration process

A transparent, efficient and credible registration of voters is at the very core of a democratic electoral process. It guarantees that all citizens who are eligible to vote have been afforded the opportunity to register, can verify their names on the register, and know at which location they will vote⁷. If the registration process is fundamentally poorly organized, the entire process is undermined. The Cameroonian government opted for a complete recompilation⁸ of the registers of electors for the year 2004. The reasons and objectives of the recompilation were lofty:

- To consolidate democracy by organising the poll on the basis of transparency for greater credibility of results within a culture of acceptance of the verdict of the ballot boxes.
- To take into account the wishes and recommendations of the various stakeholders and observers on the issue of the necessary harmonization of the current registers of electors.
- To establish a true and credible national electoral register that could subsequently serve as the basis for the computerization of electoral operations experienced during the July 2007 twin elections.

The recompilation concerns the entire electorate. All the voters, including those whose names appear in the old registers, are called upon to register pending the required legal conditions namely:

- Be a Cameroonian by nationality or by naturalization.
- Be at least 20 years of age at the time of the registration or on the polling day.
- Enjoy civic and political rights.
- Must have been residing in the council, sub-division or district for the past six months or meet this requirement before the closing of the registers.

For the 2004 presidential election, it was possible for one to register on the electoral list from January to the date that the electorate is convened. As a matter of fact, the annual revision or recompilation of electoral registers is immediately suspended from the date the electorate is convened by a decree of the president of the Republic.

Every citizen has the right to have her/his name in the electoral register, once the above-mentioned conditions are fulfilled⁹. The registration was done in every council, subdivision or district with the help or supervision of the sub-divisional officer or district head, in close collaboration with the representatives of political parties. Commissions responsible for registration, revision or recompilation of registers are set up in each council, subdivision or district. The said commission comprises a representative of the Administration who is the commission's chairman appointed by the Senior Divisional Officer, the Mayor or a deputy-Mayor or Municipal Councillor appointed by the Mayor, a representative of each political party legally authorized and operating within the jurisdiction of the territory concerned. Each political party shall, at least two days before the beginning of the operations, notify the Sub-divisional Officer or District Head of the names of its representatives, both substantive and alternative, who shall be selected from amongst electors whose names appear on the register of electors of the area. The composition of every commission shall there upon be fixed by an order of the Senior Divisional Officer.

According to the electoral laws, the control and supervision of the drawing up of the registers of electors is done by the voters themselves who may, throughout the registration period, consult the list at the council office, the sub divisional or district office, and request for their registration in case of omission. The revision commission, the divisional supervisory commissions, and the then National Elections Observatory, which has been replaced by Elections Cameroon (ELECAM), following claims or protests, also automatically do it.

Based on the reliable list drawn up after the revision or recompilation, new registration cards are established to avoid all attempt to falsify or fraud. Each card shall compulsory carry the full name, date and place of birth, filiations, profession and residence of the elector. Registration card shall be distributed within a period of 15 days before the day of elections, under the control of commissions set up for this purpose comprising the representative of each candidate under the supervision of the divisional commissions and the National Elections Observatory.

However, at present, electoral registers are managed in a most “chaotic”¹⁰ manner and are unusually kept with the need to constitute reliable electoral lists and an adequate electorate, as well as the need for each registered voter to have a registration card and be able to effectively vote. Yet, administrative authorities in collaboration with political parties, through revision, draw up electoral registers or recompilation as the case might have been. Meanwhile, the law permits a controversial hypothesis whereby the work of the commission may validly be carried out by a single member if all other members are kept informed of such work prior to its completion¹¹, without defining the modalities of the information. The commissions are dominated by administrative authorities that cannot work effectively. This has given rise to some irregularities as the cases of selective or discriminatory registration of electors recorded by some observers during the presidential election. However, opposition parties poorly sensitize and educate their militants, notably on the conditions for registering and other electoral procedures. They usually fail to designate within the prescribed time their representative for the various electoral commissions.

The nomination of candidate

In addition to above mentioned conditions, the candidate shall show proof of having resided in Cameroon for an interrupted period of at least twelve months and of having their names in the register of electors on the date of election. The law also states that any candidate wishing to stand for presidential election shall declare her/his candidature through a declaration bearing her/his authenticated signature¹². A political party or independent may nominate such a candidate¹³. However, conditions to be fulfilled by independent candidates are extremely difficult, or virtually impossible. The law allows the independent candidate on conditions that at least three hundred dignitaries hailing from all the provinces, with thirty signatures from each province, presenting him as a presidential candidate. Persons who are qualified to append such signatures shall be either member of Parliament or of Chamber of Commerce and Agriculture, Municipal Councillors or first class chiefs. The said dignitaries shall append to the candidate’s papers signatures authenticated by the competent administrative authorities of the area. Each dignitary may append his signature only once and for only one candidate. It should be noted that the above-mentioned dignitaries are usually members of the ruling party or of the opposition parties. Nomination papers are submitted in duplicate, not later than the 25th day preceding the poll, to the minister of the Territorial Administration or in special cases, at a divisional office than that of the seat of national institutions. The candidate or his representative with acknowledgement of receipt submits a copy thereof forthwith to the Constitutional Council. The minister in charge

of Territorial Administration shall accept or rule on the admissibility or rejection of one or more nomination papers. Candidates shall be notified of the rejection or admissibility of their candidature with the grounds therefore. Mention shall be made of this decision in the report, which shall be forwarded, forthwith to the Constitutional Council. Not less than twenty days to the opening of the poll, the minister in charge of Territorial Administration shall draw up and ensure the publication of the list of candidates. He shall forthwith notify the Constitutional Council of such publication.

The campaign and media coverage

According to the law¹⁴, the election campaign shall open on the fifteenth day preceding the election and close at midnight on the eve of the day of election. Candidates prepare, at their own expenses or that of the party presenting their candidature, circulars, manifestoes or posters in the colour chosen by the candidate or the party. In addition, the State contributes to the funding of election campaigns by defraying some of the expenses of political parties during elections¹⁵. Public funds earmarked for political parties and elections campaign are subject of control¹⁶. However, such control has not been effective so far. The opposition generally accused the government of delaying the release of the funding necessary for their electoral campaign.

The 2004 campaign was peaceful in general despite certain acts of intimidation registered mainly in the South region where a high-ranking ruling party official made several speeches in which he threatened to “deport” members of three groups: the Bamilekes, Anglophones and Bamouns if the ruling party did not get “a high score” at the election. Broadly speaking, the parties behave tolerantly towards each other.

Although campaigning by civil servants is not against the law in Cameroon, certain undue advantages were giving to the Cameroon People Democratic Movement (CPDM) simply because it is the ruling party. The prestige of office, the fact that ruling parties leaders are inevitably better known and always in the limelight because of government business and their presence at major regional and international gatherings give them some illegal and unfair advantages. Meanwhile, the fact of incumbency, which is not peculiar to Cameroon, should not be unfairly exploited to give the ruling party a particular advantage. The line between State and ruling party must be firmly drawn as the Inter-Parliamentary Union makes clear in its criteria for “free and fair elections”: “all States should ensure the separation of party and State and establishes conditions for competition in (...) elections on an equitable basis”¹⁷.

The Commonwealth Team recommends that: “once an election campaign has begun the public profile of the government should be reduced so that each party can contest on an equal footing. Government ministers should

not combine official visits around the country with electioneering. Government personnel, funds and vehicles should not be used for campaign purposes or in anyway to give the ruling party an unfair advantage”¹⁸. However, other parties also exploited official resources for campaign purposes, although the CPDM was responsible for most of this abuse.

The law provides Media coverage and access arrangement¹⁹. Balanced coverage of the election campaigns and the views and policies of the candidates, and an equitable arrangement for access by the political parties are both vital for a credible election. A formal arrangement for access to the public broadcast media by candidates was established. Each of the 16 presidential candidates was giving 3.45 min television airtime and 7.30 min radio airtime per day. These broadcasts were aired between 9.00 pm and 11.00 pm on television and between 8.30 pm and 11.30 pm on radio²⁰. However, the Cameroon Radio Television Networks (CRTV) gave much greater coverage to the CPDM campaign in their news programmes than they did to any other party. For example, “on the eve of polling day, CRTV’s 17.00 h news bulletin featured 18 items: 14 focused on president Paul Biya’s campaign, 2 concerned “rumours” that opposition candidates Dr. Adamou Ndam Njoya had withdrawn, and 2 were on other election matters. The bulletin lasted 32 min and had been preceded by a long outside broadcast of President Biya campaign visit in Douala”²¹. The CPDM campaign also took centre stage in the State-owned daily newspaper, Cameroon Tribune. A comparison of the election coverage in Cameroon Tribune and the French speaking independent newspaper Le Messenger, made by the Commonwealth team on October 7, shows that the first dedicated 505.8 column cm to the CPDM campaign and 242.8 column cm to opposition parties combined. Le Messenger, on the other hand, dedicated 159 column cm to CPDM and 181column cm to the opposition parties. This independent print media also lacked objectivity and was often biased against CPDM, particularly in comment articles.

Vote casting and counting

Any person whose name appears on the register of electors is entitled to cast his vote²². At the polling station²³, any elector who for any reasons whatever is unable to carry out these operations alone may enlist the assistance of an elector of her/his choice. However, she/he cannot enlist the assistance of a candidate’s representative²⁴.

The procedure for counting the votes is clearly stated²⁵

- The ballot box shall be opened and the number of envelopes contains therein checked.

- One of the scrutinizers shall take the ballot paper out of the envelope, unfold it and hand it to another scrutinizer who shall call out the name; at least two scrutinizers on specially prepared counting sheets record the name appearing on the ballot paper. Where an envelope contains several ballot papers, such ballot papers shall be invalid if they are different; they are count as one vote if they are identical.

Immediately after termination of the counting, the results obtained in each polling station is proclaimed and entered in the report. Such report, made in as many copies as there are members present plus two, is therefore closed and signed by all the members. The original is forwarded to the chairperson of the Divisional Supervisory joint Commission²⁶. The law precise that only reports that match with the report drawn by the local polling commission are taken into consideration. The deliberations of the Divisional Supervisory Commission are recorded in a report signed by all the commission members present. The commission chairperson forwards the report to the National Commission for the final counting of votes along with the reports and documents from the local polling commissions. According to the law, a copy of the report is sent to the minister in charge of Territorial Administration²⁷ and to each candidate, at the request of her/his agent.

The then National Commission for the Final Counting of Votes comprises²⁸ : - Chairman, a Judge appointed by the president of the Supreme Court – members, two judicial officers appointed by the president of the Supreme Court, ten representatives of the Administration appointed by the Minister in charge of Territorial Administration, one representative of each political party or the candidate. The National Commission shall verify polling operations based on reports and appended documents forwarded by the Divisional Supervisory Commissions. It is charged to: - record any comment which it deems fit to make on the conduct of such operations, but it is not empowered to declare them void – take into account any ballot papers appended to the report which in its opinion have been wrongfully invalidated – rectify any counting error made – carry out final vote count – draw up a report on all the said operations and forwarded it to the Constitutional Council together with all the reports and appended documents from the Divisional Supervisory Commissions. A copy of that is forwarded to the Minister in charge of the Territorial Administration and to each candidate.

The Constitutional Council ensures the regularity of the presidential election, shall verify polling operations based on report, and appended documents forwarded by the National Commission of the Final Counting of Votes. It shall adopt and proclaim the results of the presidential election within 15 days following the closure of the polling operations. It draws up a report, in duplicate, on all these operations, the original of which it shall keep. The other copies shall be forwarded to the Minister in charge of

Territorial Administration and to each candidate.

Electoral disputes

Any challenge in respect of the regularity of the presidential election may be brought before the Constitutional Council. It rules on all petitions filled in by candidates, political parties that took part in the election, or any person serving as a representative of the Administration for the election, requesting the total or partial cancellation of polling operations. All protests and claims must reach the Constitutional Council 72 h from the closure of the polls. The Constitutional Council may, if it deems it necessary, hear any applicant or request the admission of evidence, against a receipt. The petition shall specify the facts and the means alleged. The Constitutional Council may without prior cross-examination take a decision giving reasons therefore, to reject inadmissible claims or claims containing only objections that obviously cannot influence the outcome of the election. In the hypothesis of the cancellation of the elections, notification is made to the Minister in charge of Territorial Administration. A new election shall be organised within at least 20 days and at most 40 days from the date of cancellation. The incumbent President remains in office up to the election and swearing in of the President-elect. The decisions of the Constitutional Council relating to elections are final. The results of the elections are published according to the procedure of urgency and inserted in the Official Gazette in English and French.

However, responsibility for accepting or ruling on the admissibility or rejection of nomination papers remains that of the Minister in charge of Territorial Administration although a decision to accept or reject nomination papers may be brought before the Constitutional Council within 2 days following the publication of the list of candidates. The Minister has the responsibility of drawing up and ensuring the publication of the list of candidates within not less than 20 days to the opening of the polls. The only woman who had filed papers to run for the post of President, Mrs Marie Louise Eteki, had been disqualified. While petitions lodged during the 2004 presidential election were heard within the stipulating period, it is possible that the time prescribed for the hearing of such petitions will not always be adequate. Nevertheless, all the stakeholders should always use all legal means put at their disposal, the vibrancy of the Constitution and Laws.

Finally, the legal framework has two fundamental challenges. The laws as they stand are not applied entirely and rigorously. In addition, the laws are generally weak. According to the Commonwealth observers, this overall weakness in the legal framework makes the electoral system vulnerable to abuses and has led to a lack of confidence by the electorate in the electoral process. However, President Franklin Roosevelt, of the United States of America, once said, "Democracy is not a static thing, it is an everlasting march"²⁹. In keeping with

its irreversible democratic option, the government of Cameroon should establish clear and consistent guidelines, free of perversion (Nkot, 2005) and abstention, for the application of the law and made them available to all political parties, the media and the public as a whole. This may prevent elections irregularities and conflicting reports on their impact in the march of democracy.

CONTROVERSY AROUND THE IMPACT OF ELECTORAL IRREGULARITIES AND THE NEEDS OF STRUCTURAL REFORMS

The contents of observers' reports on the October 11, 2004 presidential election were contradictory. This section focuses on an explanatory statement on the goals of elections observing, a symbiosis of electoral irregularities and the need to move from the present electoral management structures to an independent institution regarding the problematic role played by the State bureaucracy in the electoral competition (Sindjoun, 1999).

Goals and contradictions of election observing

It has been rightly stated (Hadenius, 1993) that, at a minimum; a well organized team of international and national observers can help to verify the election results so as to enhance the credibility and legitimacy of the declared winner in a polarized context. In some countries, their presence has deterred an authoritarian or incumbent government from rigging the election or forging or cancelling the results, as with the 1988 plebiscite that ended Pinochet's rule in Chile; the December 1991 elections in Zambia that defeated President Kenneth Kaunda³⁰ after 27 years of rule; and the funding elections in South Africa and Malawi where long-ruling parties went down to peaceful defeat.

Where fraud does occur, as in the Philippines under Marcos (1986) and Panama under Noriega (1989), observers can demonstrate it and deny it domestic and international acceptance. At times, observers can also go much further, helping opposed side to negotiate mutually acceptable terms of the electoral game, and even mediating the implementation of a "collectively guaranteed process of national reconciliation and democratisation", as in Nicaragua, El Salvador and Cambodia. Many times, the international role is truly indispensable, since mediation and observing of elections requires impartial arbiters whom all sides can trust.

As with other forms of political assistance, election observing requires political will to succeed: will on the part of the international community to hold a particular regime to the same democratic standards as others, and to impose sanctions if it fails to meet them. Election observing failed to advance democratisation in some instances, notably the 1992 presidential elections in Cameroon and Kenya, because of divisions among international actors. While the National Democratic Institute

(NDI) mission found widespread irregularities in Cameroon's elections and the United States imposed sanctions, France ignore the ample evidence of fraud and embraced the regime through a congratulations letter from President François Mitterrand to President Paul Biya. In Kenya NDI was excluded from the international observing process by president Daniel Arab Moe under the pretext that the NDI's mission was in favour of the opposition, probably because its president, Brian Atwood, declared in the local daily newspaper "in Kenya, free and fair elections will be possible only in the situation of spectacular change". NDI efforts to aid Kenyan civic organizations to develop a non-partisan election monitoring programme were hindered, as well as that of the diplomats based in the country. This left the international responsibility to 160 observers mainly from the Commonwealth who were perhaps less aggressive and proved more inclination to declare the voting itself largely "free and fair", in contrast to independent domestic observers who pointed out numerous irregularities in many constituencies.

In Mali, the Constitutional Court cancelled the first round of April 1997 legislative elections, declared "free and fair" by foreign observers, which regularity was challenged by the national political class, both the opposition and the ruling parties (Geisler, 1995: 62).

In fact, the lack of unity in assessments, the under emphasis given to malpractices in advance of the elections, and the severe divisions in opposition political parties ranks undermine the formation of any clear judgement that the incumbent has stolen the election during the October 11, 2004 poll in Cameroon.

Nevertheless, with sufficient numbers of trained domestic monitors and international observers, it is not difficult to detect organized efforts of fraud. The best way of doing so is the parallel vote tabulation, by which independent monitors report the results from individual polling stations, all of them or if a "quick count" is sought, a statistical random sample, directly to a non-partisan watch group, usually aided by international observers, which then collects and announces its own count. In Cameroon, the situation is more complex giving the parochial nature of many political parties. Finally, observers can only render adequate judgements about the overall freedom and fairness of the elections if they begin work sufficiently well in advance of the voting. This will certainly put them above the negative image of "the gendarmes of democracy" in charge of the "international checking of elections" (Beigbeder, 1994), or mere "instruments at the service of their countries governments policies" (Gutto, 1993).

Between globally well organised and globally poorly managed

On election day, there were 25 Commonwealth observers, 14 observers from La Francophonie, a group of six

former members of the US Congress, 34 accredited observers from United States Embassy, staff from several diplomatic missions in Yaounde and more than 21 000 national observers (almost 1000 from the Catholic Church Commission for Justice and Peace, 20 000 from the National Elections Observatory), to oversee the October 11, 2004 election for about 20.600 polling stations.

Prior to the voting, the opposition parties' candidates denounced irregularities in the electoral list registration and identified risks of fraud. It is clear that a transparent, efficient, and credible registration process is the very core of a democratic electoral process. It guarantees that all citizens who are eligible to vote have been afforded the opportunity to register, can verify their names on the register and know at which location they will vote. The process needs to be technically efficient, conducted free from the influence of the executive authority and have the confidence of all stakeholders. If the registration process is poorly organized, the entire process is undermined. Meanwhile, according to the National Elections Observatory³¹, all the electoral lists had been revised, and the names of between 4 800 and 5 000 illegally registered individuals were removed from the lists.

As soon as elections were conducted, the opposition candidates challenged them, claiming that "widespread fraud" had been committed. An appeal for the annulment of the election was made to the Constitutional Council, made of 11 Supreme Court Judges who ruled against the request, thus validating the election results. However, various reports indicated that many electoral irregularities were witnessed, including multiple voting, voters who were refused the right to vote because their names were not on the electoral list, insufficient ballot papers and the poor quality of the ink used to identify voters who had already voted. Illustrating the irregularities, after having congratulating President Paul Biya for his victory, Garga Haman Adji, one of the opposition candidates and member of the committee that drafted the Justice and Peace Commission of the National Episcopal Conference's proposal on the creation of the National Elections Commission/Board (NEC/B), mentioned, during a press conference³² organized by the Commission on May 22, 2006 to launch the draft proposal, the cases of Douala II and V where there were inconsistencies, adding that for Garoua his home town where by about 2.00 pm (4 hours before the end of the voting), his voting papers were finished and that even if some people still wanted to vote for him it was impossible. There is a possibility that such situations were witnessed in many parts of the country in addition to the buying of voter's conscience, putting thus the validity of the presidential election to question.

The Justice and Peace Commission Report concluded that the 2004 election that was mired in fraud and many irregularities ought to have been cancelled. Speaking earlier on behalf of the catholic observers, the Archbishop

of Douala, Christian Cardinal Tumi, after deploring divisions in the ranks of the opposition, described the 2004 presidential election as a “masquerade”³³. The Commonwealth Observers Group Report stated that the October 11 presidential election were poorly managed and “lacked credibility”. However, the report concluded, “even giving the serious deficiency in the management of the register, the intention of those who voted was reflected in the result”. The US Ambassador issued the statement mentioning that “irregularities were not severe enough to impact the final outcome of the elections”. They were described as follow: “despite the progress made, embassy observers witnessed a number of electoral irregularities particularly with regards to the registration process, methods of identifying voters, the distribution of ballot papers and the poor quality of the ink used to identify people who have already voted”. Such irregularities appeared to have led to high levels of voter confusion and apathy. The US Embassy observers equally had questions about the “source of funding for some of the more expensive campaigns”. Meanwhile, the observers of the International Organization of La Francophonie said that the Cameroon polls were generally “well organized” and had taken place “in accordance with the legal provisions and regulations”. For the former US Congressmen, the polls were “fair and transparent”.

As for the election observers, be national or international, the slant of their report depend on a number of factors. For the international observers in particular, there is an obvious interface between the organisation they are representing and the country they come from. There was a political dichotomy in France over the outcome of the election. While President Jacques Chirac has congratulated incumbent President Paul Biya for his landslide victory, the Socialist Party has condemned the irregularities, which reportedly marred the election. There was more in President Chirac’s congratulations to President Biya that meets the eyes. As it is usually the case, so far, “once the President of France is with you, you do not need to be afraid of somebody”. It should be recalled that since the collapse of communism in East Central Europe in 1989, there has been a steady trend towards the acceptance of democracy promotion as a norm of practice within the international system (McFaul, 2004: 145) . Underlying this trend has been a growing consensus that democracy is the only system that confers legitimacy upon a government, and a widespread agreement that democracy promotes human rights, development and peace (Gershman and Allen, 2006: 36). Thus, all the major western powers began to view democratization as an important part of the solution to Africa’s problem. In June 1990, the French Government of President François Mitterrand, in what is known as “Discours de La Baule, announced that France expected democratic reform to improve governance in the countries that France was aiding so lavishly. In the early 1990s, President Paul Biya survived the democratic wind

of change by a mere declaration that he was amongst President François Mitterrand’s best students of democracy. So too, tempted to do Dr. Adamou Ndam Njoya, who immediately after his “auto-proclamation” as opposition coalition single candidate, left for France. However, his move did not yield expected fruit.

Although the election was characterized by irregularities, the opposition too did not help matters. Yet, there was opposition representation in quite a good number of polling stations. However, even where some opposition candidates voted, they had no representatives. In some polling stations, opposition representatives were found sleeping. Furthermore, it was also got from some CPDM “bigwigs” that what usually gives the ruling party boulevard at most polling stations is because the representatives of the opposition are usually poorly remunerated in terms of feeding allowance. This makes them vulnerable to corruption. Most opposition parties remain weak and disorganized. A number of them came together in 2004 to promote the nomination of a consensus candidate and a common campaign platform. In the end, the coalition failed to agree on a consensus candidate and the three major leaders of the opposition coalition – Ni John Fru Ndi of the SDF, Adamou Ndam Njoya of UDC and Garga Haman Adji of ADD – each registered to contest the election. On the eve of the election, three candidates – Djeukam Tchameni, Jean-Jacques Ekindi and Ekane Anicet – have withdrawn their candidature through public announcements, causing confusion in the mind of the electorate. Thus, the opposition embraced the 2004 elections as a means to display their own internal rivalries. Their contentions with one another let them onto divergent political paths and their candidates did poorly in election polls. Competition within their own ranks is giving way to “a relatively institutionalized [hegemonic] ruling party monopolizing the political arena” (Diamond, 2002: 25). In addition, the overlapping of man-dates or duties of various structures for the management of elections gave rise to ambiguity as to where the powers of one structure started and another ended.

From the present electoral management structures towards the establishment of an independent electoral management institution / body

Free and fair elections are a fundamental element of democracy as we early mentioned. Building trust as well as professionalism in the management of electoral processes remains a major challenge for electoral management bodies or structures.

The existing electoral management structures

As the symbol of a community deciding its own future and the source of the legitimacy of government that acts in the community’s name, the process of building and main-

taining a system of free and fair elections is complex. Fundamental to this process is a clear distinction between the Administration and the election managing structures.

The administration

Officially neutral in the regulation of the pluralist game of politics, the Administration through the Ministry of Territorial Administration and Decentralization (MINATD) is in charge of the:

- Training of administrative authorities and members of electoral commissions;
- Acquisition and timely dispatch of election materials and documents;
- Guarantee of good conduct of elections through a rational preparation and organization of the polls.

The machinery for the management of elections is therefore inseparable from the system of territorial administration, presented as a “realm of electoral malpractices” (Sindjoun, 2002) and the “first political party” (Nlep, 1986) in the country. The overall responsibility for organizing elections in Cameroon lies with MINATD which domination can be perceived at the level of various commissions in charge of all the aspects of the electoral process:

- Commission for registration and revision of the register of electors;
- Commission for supervising the establishment and distribution of voting cards.
- The local polling commission.
- The divisional supervisory joint commissions.
- The national commission for the final counting of votes.

The credibility of the registration process was undermined by a sort of partiality on the part of many administrative officials who, for instance, had incumbent campaign materials from the 1992 and 1997 elections posted in their offices and on their buildings throughout the registration period and even during the 2004 election. To many observers, the presence of such material indicates that these officials may not have been neutral. The posting of such materials may also demonstrate to the voter that there is in fact no democratic contest and that the system itself has pre-selected the eventual outcome of the election. Statements at the highest level on the need for impartiality were not followed up with enforcement measures and there was no code of conduct for civil servants.

The National elections observatory (NEO)

The National Elections Observatory is described by the law as an “independent body charged with supervising

and controlling elections and referendums”³⁴. It is required to contribute to the observance of electoral laws in order to ensure regular, impartial, transparent and fair elections, and to guarantee voters and the candidates the free exercise of their rights as well as “to better promote a culture of accepting the verdict of the ballot box within political circles”. NEO shall be put in place during each election year from the beginning of the electoral process. It was later added that, “NEO members shall, after consultation with political parties and civil society, be appointed by presidential decree, for a three years term of office, renewable once”³⁵.

It was expected that legislation adopted in 2003 would further strengthen the capacity and independence of NEO. Unfortunately, this body was not formally appointed until May 28, 2004, just five months to the polling day. The fact that it was not constituted until so late, meant that it was not in a position to make a significant contribution to the voter registration process. For many observers the late appointment of NEO significantly constrained its capacities and ability to adequately fulfil its duties. However, NEO’s Report highlighted some of the irregularities that blemished the presidential election. Besides intimidation by some highly placed officials in favour of the ruling party, there was a rampant situation where the number of voters was more than those who were registered in some polling stations. There were also omission³⁶ of names on official electoral lists, displacement of voters from one constituency to another and sudden changes of polling stations by some unscrupulous public administrators. Commenting on the campaigns that preceded the elections, the Report notes that they did not only lack ideological convictions but was also deficient in terms of contradictory debates from the opposition. Though there were irregularities, NEO’s Report concluded that the outcome of the election reflects the decision of the sovereign people of Cameroon.

Although NEO fought hard for polling stations to be removed from some palaces, it, for obvious reasons, made peripheral noise on the irregularities as being minor and ineluctably spook eloquently on the elections being free, fair and transparent. It could not do otherwise because, by its appellation, it only an observatory whose members are appointed by the Head of State. Furthermore, there is ambiguity about the extent of NEO’s enforcement capacities, particularly in light of its explicit mandate to “supervise and control” elections when it is quite clear that the Administration’s officials control the conduct of elections. Despite the fact that a considerable consultation process, by the Prime Minister, was undertaken for the appointment of the NEO commissioners, that process itself lacked transparency and none of the nominated candidates identity was known publicly. In the end, a persistent criticism has remained that the appointment are ultimately made by presidential decree and, therefore, the ultimate independence of the body may be called into question. The members of the three main arms

controlling elections in Cameroon – MINATD, NEO and the Supreme Court, all appointed by the Head of State, can not certainly “bite the finger that feeds them”. In other words, after election and political brouhaha, the status quo will be maintained. This is why there is a growing need for the creation of an independent electoral management body to organize credible and transparent elections so that anyone who is elected enjoys democratic legitimacy.

Towards the establishment of an independent electoral management institution / body

There is growing impression that the Cameroon's government is taking into account some of the recommendations made by various observers, national and international, as well as the opposition demands in the domain of elections. The government seems to be drawing inspiration from the ancestral wisdom from the Cameroonian tale³⁷.

During the May 17, 1997 parliamentary elections, observers acknowledged government efforts in democratization. From the Francophonie release which came out on May 20, among the six major issues³⁸ that have to be addressed to revamp the democratic process and in preparation for future elections, there was the need to assemble and summarize all laws related to the elections in a single document made available to all those concerned with the exercise. This has been done through the Collections of Laws and Regulations Relating to the Presidential Election, published by the Office of the Prime Minister on September 2004. The Commonwealth Group³⁹ Release, which was mainly a brief description of its working procedure, however spelt out one significant proposal: the creation of an independent electoral commission, one of the demands of the main opposition political parties. Recommendations made by these international organizations as well as by the Organization of African Unity (OAU, present African Union (AU)), the National Commission for Human Rights and Freedom and the Ecumenical Service for Peace and Justice which were also involved in witnessing the conduct of the elections, aimed at helping Cameroon in the further development of its evolving democracy.

Making recommendations count is a work in process. Eric Bjornlund (2004) noted that, “International Election Monitoring often falls apart after election day, after the large delegations have departed and the international media have turned their attention elsewhere. The period immediately following an election is often at least as volatile as election day and the pre-election period”. Quite properly, the focus to date has been upon what observation missions do before and during elections. Less attention is paid to what happens after. There is a systematic way to encourage government to act on the serious reports or recommendations of legitimate obser-

vation missions.

During the October 12, 1997 presidential election, the Commonwealth observers who were present welcomed the growth of consensual political procedure in Cameroon and found democratic the provisions of the new 1996 Constitution and the electoral law that laid the ground for an adequate electoral process. However, the Group had several concerns particularly relating to the electoral lists and the conduct of the elections themselves. It concluded with the “firm view that to hold a viable poll in Cameroon, the creation of an impartial and autonomous institution such as an independent electoral commission with the necessary legal and financial authority is a given requirement”.

The Commonwealth observers were also present during the June 2002 twin poll, municipal and legislative elections. The main recommendation after the polls was “the creation of an independent electoral commission responsible for all aspects of the electoral process that would commend the confidence of all interested entities”. Between the elections of 1997 and 2002, a National Elections Observatory was created in 2000, but it did not have sufficient powers and necessary credibility. NEO in its own report on the 2002 elections called for greater powers or empowerment. Following these elections, the Commonwealth's Secretary General reinforced his Good Offices activity with the appointment of a Special Envoy to Cameroon, the Hon. Christine Stewart, a former Canadian minister of State for Foreign Affairs. Under her leadership, the Commonwealth has provided increasing support to NEO, and a range of other institutions. The Commonwealth also organized in October 2003 in London a donor's conference with the Government of Cameroon and development partners to assist in carrying forward the ongoing reform process.

It should be recalled that the Head of State of Cameroon has established the Cameroon – Commonwealth Commission on December 2002 to work out the framework and modalities for the implementation of wide ranging reforms to enable Cameroon fulfil more effectively its obligations under the Harare Commonwealth Declaration. The Commission's work has been in the areas of elections management, human rights, judicial and penitentiary administration and decentralization.

In the area of election management, participants⁴⁰, during the fourth meeting of the Commission from May 17 to 18, 2005, co- chaired by M. Jean Marie Atangana Mebara, the then Minister of State, Secretary General at the Presidency of the Republic, representing the government of Cameroon and Rt Hon. Joe Clark, former Prime Minister of Canada, Special Representative of the Commonwealth Secretary General (Rt Hon. Don Mc Kinnon), noted measures taken by the government of Cameroon to further improve transparency and credibility of elections by adopting new legislation that allows the NEO greater oversight over the electoral process, a lon-

ger mandate for its members who are henceforth appointed in consultation with political parties and the civil society. It was further noted at the administrative level, the appointment of an Inspector General specifically responsible for electoral matters in the Ministry of Territorial Administration and Decentralization. The meeting agreed to the importance of an electoral management system that is free, fair and credible, and whose decisions are not subject to any bureaucratic or political control.

So far, the whole electoral process is run by, and the key decisions are taken by, the MINATD and its agents in the local administrative units. This is in fact, the principal obstacle to the holding of credible elections. During the May 2005 meeting, the government of Cameroon undertook to set up a committee to review reports by observer groups to the October 2004 elections and ways in which their recommendations could be carried forward. In the meantime, the Commonwealth agreed to continue to positively consider request for assistance in support of the NEO and to encourage other international partners to do the same.

Meeting for the second time from June 20 to 22, 2006, the Cameroon Inter-ministerial Committee and the Commonwealth Expert Team on the establishment of an independent elections management institution received reports from Cameroonian ministers and senior officials following their Commonwealth – sponsored visits to a number of countries in North America, West Africa and Southern Africa to obtain a comparative perspective on the organization and functioning of electoral management institutions. Participants further considered proposals from the government of Cameroon for the establishment of an independent election management institution and agreed on a number of core principles that could further enhance the legitimacy, credibility and efficiency of the proposed institution. They welcomed the decision of the president of the Republic to organise consultations with political parties and civil society on this issue. Both sides agreed on the need to continue to work together so that an independent election management body is in place in time for the June 2007⁴¹ elections.

The US Ambassador in Cameroon declared in October 2004 that the Embassy and the United States Government remain committed to enhancing democracy in Cameroon. He recognized that “establishing a thriving and successful democracy is a continual progress”. He expressed the Embassy’s determination to maintain close collaboration with the Administration, the NEO, civil society and other partners who are working to enhance development in Cameroon.

In accompanying the State in the democratic process, the church also embarked on reflections on the electoral process, and came out with contributions in the form of the report on the 2004 election, and two propositions of law to amend the present electoral legislation as earlier made by many opposition political parties (SDF, UPC,

UDC, UNDP ...). The draft bills submitted by the Catholic Church were prepared between September 8 and December 14, 2005. Political parties, State institutions, university milieu, civil society and religious congregations were associated to this work. These bills proposed “the electoral process shall be managed by the National Elections Commission (NEC)” which should be an independent body.

Generally speaking, it has been noted that voting has become the nationally and internationally accepted instrument of political change. Designing an electoral system and management is fundamental step in building a sustainable democracy. When thinking about electoral system and management design, it is imperative to consider a country’s historical, cultural and sociological traditions and characteristics. Systems that work well in one country at one time may not do so in another country or even in the same country at another time. Developing countries that inherited the electoral model of their colonial masters, sometimes without debate, may not have the electoral systems that best serve their needs. Elections are not an element of the democratic process that can be considered in isolation. The effective functioning of electoral system and management is linked to political-party systems, constitutional development, the provisions governing legislative bodies, and other institutional framework issues. The success of any system also requires its free acceptance as legitimate by the peoples themselves. “There is a diverse array of systems in practice around the World, and sorting through the advantages and disadvantages of each is not an easy task” (Soudriette and Ellis, 2006: 78). The creation of Elections Cameroon (ELECAM) in 2006, the computerization of voters’ register and the appointment, by a Presidential decree, of the 12 pioneers of the Electoral Board of ELECAM on December 2008, who took an oath on January 2009, are majors’ steps towards free and fair elections in Cameroon. According to the December 29, 2006 law, “members of Elections Cameroon shall, under no circumstances, seek or receive instructions or order from a public or private authority during the performance of their duty”. The exclusion of political parties in the management of elections from the registration of electors, polling station and vote counting is a matter of concern. The ELECAM’s members are called to use the powers and immunity bestowed on them by the law, to prove to Cameroonians and the World at large that they are independent personalities whose moral uprightness, intellectual honesty, patriotism, neutrality and impartiality cannot be putting into question.

Conclusion

Our analysis does not replace the need for careful theorizing about electoral malpractices as well as elections monitoring. Our approach may be a complement to theo-

retically focused studies. We were motivated by the fact that no study to date has produced a clear and robust theoretical justification on the conflicting nature of observation reports on the 2004 presidential election in Cameroon. Given the theoretical uncertainty regarding bureaucratic malpractices, our analysis can help to point out questions that need further research and especially public policy oriented research.

As the October 2004 presidential election's results show, the incumbent victory may be considered as a plausible demonstration of national representation and political legitimacy. While the other competitors gain votes limited to ethno-regional loyalties, the CPDM candidate victory is the most representative and the least parochial⁴². In as much as the other parties would want to refuse this fact of their parochial character, the results are self-evident and challenge the opposition political parties to work harder in order to receive wider representation and legitimacy if they wish to continue to count in a multi-party Cameroon. Another comparative perspective that this presidential election reveals is the significant improvement in the score registered by the incumbent regarding the 1992 presidential election (see the annexes). The various reservations and concerns that have been advanced by various observers should not be viewed as a total negation of the credibility of the elections but rather these concerns should serve as pointers to the need to perform better in future elections. Furthermore, while the ruling CPDM strategy is to encourage maximum political mobilization through "coalition politics" (Sindjoun, 2000: 22) an electoral alliances, the opposition strategy is to encourage maximum confusion and political demobilization nourished by schisms, violence, bloody disagreements and even deaths. The main opposition party that promised "power to the people" is today re-enforcing the attributes and powers of its chairman. Any finger of protest is crushed; contradictory views are silenced with threats of sanctions and dismissals. The frontier of a party that showed promises at its inception is narrowing down to one region. Statutory provisions, rules and regulations that embodied goals of liberty and democracy are being extinguished and revised to reflect personal agendas that contradict the common good of adherents. When militants in one political party cannot agree to disagree through civilized methods, pluralism as a political philosophy takes a wrong direction. The market of ideas cannot afford to be stained by the culture of violence where political differences are settled with sticks, knives and hammers, or barbarous acts, which can outrage the conscience of the electorate or lead to the failure of a party (Lawson, 1988:14).

Our analysis argues that the perceptions of fraud have become a part of the electoral landscape. Furthermore, the impact of bureaucratic malpractices upon the elections results remains perhaps the most intriguing question in relation to political legitimacy in Cameroon. It

is, to a certain extent, an empirical question which one day may be answered.

REFERENCES

- Beigbeder Y (1994). *Le contrôle international des élections*, Paris, LGDJ.
- Bjornlund EC (2004). *Beyond Free and Fair Elections: Monitoring Elections and Building Democracy*, Johns Hopkins University Press.
- Diamond L (2002). "Elections Without Democracy: Thinking About Hybrid Regimes", *J. Democracy* 13: 17-35.
- Geisler G (1995). "Une élection irrégulière est une élection irrégulière: Est-ce bien vrai? Les observations électorales, leurs in conséquences et les normes démocratiques en Afrique", ESOAVEOMANDROSO et Gaëtan FELTZ (dir.). *Démocratie et développement : mirage ou espoir raisonnable ?* Paris, Karthala.
- Gershman C, Allen M (2006). "The Assault on Democracy Assistance", *J. Democracy*, 17: 2.
- Gutto SBO (1993). *Contribution à la discussion et au débat sur les récentes élections kenyanes*, Uppsala, SIDA et Institut Scandinave des Etudes Africaines.
- Hadenius A (1993). *Democracy's Victory in Crisis. Promoting Democracy in the 1990s*, Cambridge University Press.
- Kontchou KA (1984). "Administration et politique en Afrique francophone ou de l'autocratie bureaucratique", CONAC, Gérard (dir.). *Les grands services publics dans les Etats francophones d'Afrique Noire*, Paris Economica pp. 3-32.
- Lawson K (1988). "When Linkage Fails", *When Parties Fail*, Princeton, Princeton University Press pp. 14-38
- Mcfaul M (2004). "Democracy Promotion as a World Value", *Washington Q.* 28: 146-163.
- Mkandawire T (2006). *Disempowering New Democracies and the Persistence of Poverty, Democracy and Human Rights Programme Paper Number 21*, United Nations Research Institute for Social Development (UNRISD).
- Nkot P (2005). *Usages politiques du droit en Afrique : le cas du Cameroun*, Bruxelles, Bruylant.
- Nlep R (1986). *L'administration publique camerounaise*, Paris, LGDJ.
- Shumpeter JH (1942). *Capitalism, Socialism and Democracy*, New York.
- Sindjoun L (1999). *Science politique réflexive et savoir sur les pratiques politiques en Afrique*, Dakar, CODESRIA.
- Sindjoun L (1999). *La révolution passive au Cameroun : Etat, société et changement*, Dakar, CODESRIA..
- Sindjoun L (2000). "On Democracy in Plural Societies: Coalition Politics and Power Sharing", *Bulletin du CODESRIA* 2: 3-4.
- Sindjoun L (2002). *L'Etat ailleurs: entre noyau dur et case vide*, Paris, Economica.
- Soudriette RW, Ellis A (2006). "Electoral Systems Today: A Global Snapshot", *J. Democracy* 17: 2.

ANNEXES

Candidate presented by X political party during the 1992 presidential election.

Political parties	RDPC	UNDP	SDF	MP	UDC	RFP
Candidates	Paul Biya	Maigari Bello Bouba	John Fru Ndi	Jean Jacques Ekindi	Adamou Ndam Njoya	Ema Otu Hygin P.P.W.

Recapitulative results by regions or the then provinces in 1992.

Candidates Regions/provinces	Paul BIYA	Maigari BELLO BOUBA	Jean Jacques EKINDI	John FRU NDI	Adamou NDAM NJOYA	H.P.P.W. EMA OUT	TOTAL
	Adamawa	31 910	78 204	1 255	7 787	2 255	711
Center	408 716	52 060	1 452	106 848	5 133	1 193	575 406
East	93 099	29 339	1 137	8 975	2 623	741	133 914
Far-north	202 134	180 185	9 903	18 001	8 567	5 426	424 216
Littoral	57 096	57 641	3 517	269 774	10 083	959	399 070
North	94 704	111 387	3 087	6 950	3 186	1 592	220 906
North-west	32 348	10 227	467	290 816	22 830	315	337 048
West	46 069	7 687	2 010	263 321	68 284	1 086	388 457
South	183 295	2 376	92	6 874	602	72	193 311
South-west	36 093	40 781	625	87 201	3 846	450	168 996
Total	1 185 466	569 887	23 525	1 066 608	107 411	12 545	2 965 436
%	39.976	19.218	0.793	35.968	3.622	0.423	100.000

Source : Arrêt N° 1/PE/92-93 du 23 octobre 1992 portant proclamation des résultats de l'élection présidentielle du 11 octobre 1992.

N.B : Registered : 4 195 687, Void ballot papers : 50 012, Voters: 3 015 448, Effective votes: 2 965 436.

Candidate presented by X political party during the 2004 presidential election.

Political partis	Candidates
Cameroon People Democratic Movement (CPDM)	Paul Biya
Union of Democratic Forces in Cameroon (UFDC)	Victorin Hameni Bieleu
Cameroon Integral Democracy (DIC)	Gustave Essaka
Union of African Populations (UPA)	Hubert Kamgang
Social Democratic Front (SDF)	Ni John Fru Ndi
Alliance for Democracy and Development (ADD)	Garga Haman Adjii
Justice and Development Party (JDP)	Boniface Forbin

Candidate presented by X political party during the 2004 presidential election. (Contd)

Party of Socialist Democracy (PDS)	Jean Michel Tekam
Cameroon Democratic Union (UDC)	Adamou Ndam Njoya
Movement of Cameroonian Ecologists (MEC)	Fritz Pierre Ngo
Progressive Movement (MP)	Jean Jacques Ekindi
Mouvement Africain pour la Nouvelle Indépendance et la Démocratie (MANIDEM)	Anicet Ekané
Social Liberal Congress (SLC)	Nyamndi George Dobjima
Nationalism of Cameroonian Patriots (NPC/BUSH)	Justin Mouafo
Movement for Democracy and Independence (MDI)	Djeukam Tchameni Dominique
Social Movement for New Democracy (MSND)	Black Albert Yondo Madengue

GLOBAL RESULTS AT THE NATIONAL LEVEL IN 2004

Registered	4 657 748	
Voters	3 830 272	
Abstention	827 476	
Participation rate	82,23	
Void ballot papers	72 051	
Effective votes	3 758 221	
Candidates		Votes gained Percentage
Paul Biya	2 665 359	70.92
Ni John Fru Ndi	654 066	17.40
Adamou Ndam Njoya	168 318	4.47
Garga Haman Adjii	140 372	3.73
Justin Mouafo	14 915	0.39
Black Albert Yondo Mandengue	13 601	0.36
Anicet Ekane	13 290	0.35
Fritz Pierre Ngo	13 122	0.34
Jean Michel Tekam	12 785	0.34
Victorin Hameni Bieleu	11 920	0.31
Boniface Forbin	10 542	0.28
Djeukam Tchameni Dominique	10 539	0.28
Jean Jacques Ekindi	10 158	0.27
Hubert Kamgang	7 508	0.19
Nyamndi George	6 730	0.17
Gustave Essaka	4 996	0.13

Source : Arrêt de la Cour Suprême siégeant comme Conseil Constitutionnel et proclamant les résultats de l'élection présidentielle du 11 octobre 2004, procès-verbal du 25 octobre 2004.

¹ See the Report of the Commonwealth Observer Group on October 11, 2004 Presidential Election in Cameroon.

² See the Constitution of the Republic of Cameroon, Part II, Chapter I. A private member bill to institute the electoral code proposes that the President of the Republic shall be elected for a term of five years through a secret two round ballot system, and eligible for re-election ones. The National Episcopal Conference through its Justice and Peace Commission has proposed this private member bill. This draft proposal was launched on May 22, 2006 although an earlier attempt to present publicly the commission's report on the 2004 presidential election on May 12, the same day the National Elections Observatory presented its report, was banned by the government.

³ The law that lays down conditions governing the vacancy of and election to the presidency of the Republic is law n° 92/010 of September 17, 1992 amended by law n° 97/020 of September 9, 1997.

⁴ The absence of the Senate creates a vacuum in the implementation of article 6.4 (a) of the Constitution in case of vacancy.

⁵ The above mentioned private member bill proposes that candidates for the office of president of the Republic must have attained the age of thirty-five and not be more than seventy-five years old by the date of election.

⁶ See the Constitution of the Republic of Cameroon, article 51.6.

⁷ Report of the Commonwealth Observer Group, op. cit., p. 19.

⁸ Order n° 000014/0/MINATD/DAJC of January 22, 2004 to recompile electoral registers during the year 2004.

⁹ Law n° 92/010 of September 17, 1992, op. cit., Section 2.

¹⁰ See the contribution of Alain Didier OLINGA in *Les Cahiers de Mutations*, May 2006 p.6.

¹¹ Law n° 92/010 of September 17, 1992, op. cit., Section 13.7.

¹² Law n° 19/010 of September 17, 1992, as amended and supplemented by law n° 97/020 of 9 September 1997 lays down conditions for the holding of democratic and transparent election to the Presidency of the Republic, chapter II.

¹³ Regarding municipal and legislative elections, Cameroon's current electoral law admit eligibility only for political party candidates, giving the impression that it is only through a political party that a citizen may endeavour to work for his community.

¹⁴ Law n° 92/010 of September 17, 1992, op. cit., Section 65.1.

¹⁵ Law n° 2000/015 of December 19, 2000 relating to the public funding of political parties and elections campaigns.

¹⁶ Decree n° 2001/305 of October 8, 2001 to define the organization, composition, duties and conditions of functioning of the committee on the control of the use of public funds earmarked for political parties and elections campaigns.

¹⁷ The Inter-Parliamentary Union is an international body which brings together parliament and parliamentarians.

¹⁸ Report of the Commonwealth Observer Group, op. cit., p. 28.

¹⁹ Decree n° 92/030 of February 13, 1992 to lay down conditions for political parties to access the public sector audiovisual communication media.

²⁰ Decisions n° 051 to 054/MINCOM/CAB of September 25, 2004.

²¹ Report of the Commonwealth Observer Group, op. cit.

²² Law n° 92/010 of September 17, 1992, op. cit., Section 79.1.

²³ Every polling station has a local polling commission consisting of the following: - Chairman who is a representative of the Administration appointed by the senior divisional officer – members who are representatives of each candidate. To this end, each candidate may, no later than the sixth day before the day of election, appoint a polling agent for each polling station from among electors whose names appear in the register of electors of such station. Such appointment is notified to the sub-divisional officer who shall thereupon issue a decision fixing the composition of the commission. Each candidate may further appoint two electors to serve as scrutinizers/scrutineers in each polling station and two alternates. Every elector after taking her/his envelop and ballot papers enter the polling-booth, put the ballot papers of his choice in the envelop and, after satisfying the commission that she/he holds a single envelop, introduce it in the ballot-box.

²⁴ Law n° 92/010 of September 17, 1992, op. cit., Section 82.

²⁵ Ibid., Section 89.

²⁶ The Commission whose seat shall be in the chief town of the division comprises the following : chairman, the president of the High Court of the area; members, three representatives of the Administration appointed by the Senior Divisional Officer, one independent personality appointed by the Senior Divisional Officer in consultation with the legalized political parties present in the constituency concerned, one representative of each candidate(see Law n°92/010 of September 17, 1992, Section 25).

²⁷ This provision renders legal what is highly irregular in the announcement of the results. The provisional results of the presidential election were announced by the Minister in charge of Territorial Administration and Decentralisation on October 14. The law clearly states that the proclamation of results is the function of the Constitutional Council. Even though the figures published by MINATD were presented as trends, there were in fact the result of the elections.

²⁸ Law n° 92/010 of September 17, 1992, Section 30.

²⁹ See *Election 2000 campaign spotlight. A newsletter on American politics*, November 15, 2000, usinfo.state.gov/topical/rights/elect2000.

³⁰ According to Kenneth Kaunda, International Observers are artisans or craftsmen of a wide imperialist plot which aim is to remove from office the leaders of political parties.

³¹ NEO's Report on the 11 October 2004 presidential election was rendered public on 12 May 2006.

³² This press conference was to be held on May 12, 2006. Observers wondered why the government stop the conference from holding on that particular day. Some speculations put such a move on claims that the government might had lost its temper on the fact that the Episcopal Conference chooses to launch its report on the same day as that of the NEO. Many people said that government was not happy that the Bishop's report is based on the fact that the October 11, 2004 presidential polls had all the ingredients of an opaque and fraudulent election, thereby putting the legitimacy of the winner to question. Speaking during the press Conference on May 22, 2006, Mgr Patrick Lafon, Secretary General of the National Episcopal Conference arguing that the Justice and Peace Commission is not working against any political party. For him, the church has a duty of accompanying the masses in the democratic process in line with its social doctrine spelt out in *Ecclesia in Africa* N° 105 and 112, with the mission of promoting Justice and Peace. He added that when everything is good, the recurrent question is why should the church indulge in politics, however, when things turn rough politicians turn to the church.

³³ Interview at Radio France Internationale, October 20, 2004.

³⁴ Law n°2000/016 of 19 December 2000 to institute a National Elections Observatory, Section1.

³⁵ Law n°2003/015 of December 22, 2003 to amend and supplement certain provisions of law n°2000/016, op. cit.

³⁶ In justification of the general apathy in registration process in 2005, a secondary school teacher declared that "the local authorities know the political leanings of many people from their constituency, and the names of those who differ with them are automatically blotted from the lists on the eve of elections. So there is no need to lose his time" (see *Cameroon Tribune* n° 8505/4704 of December 28, 2005, p.3).

³⁷ *The best drum contest was launched in the animal kingdom, each animal in the bush eagerly displayed its talent to make the most beautiful drum. Koulou the tortoise also participated in the contest. But what did he do? Three things all at once. He very roughly carved a piece of "ebae" wood an appropriate species for making good drums. But what Koulou produced was not worth being called a drum. Because it was so shapeless, soundless, heavy and frightening. Koulou when stealthily to the main village square exhibited its ugly drum and hid himself nearby. Antelope came by. Seeing the object Koulou was offering as a drum, Antelope took offence and voiced criticism: this would have been a good drum if its sides were better carved. Bush pig in his turn came and stopped : with more refined lips, this could be a beautiful drum. Gazelle for its part suggested that the belly could be deepened. All animals that passed by voiced out constructive criticisms towards the improvement of Koulou's piece of wood. From his hiding place, Koulou paid attention, noting everything. When the evening comes, he took away his object which he perfected strictly according to the suggestions of its peers. On the day of the great exhibition, Koulou's drum won the contest because it was a collective work (this tale was translated from the Bulu dialect by François Bingono Bingono and transcribed by Pierre TITI NWEL, see *Les Cahiers de Mutations*, May 2006, p.4).*

³⁸ The Francophonie covered, in 1997, 250 polling stations in 8 of the 10 regions, the then provinces, and made proposals regarding the need to :

- harmonize the voters registers and figure of voters in the country, a more efficient establishment and distribution of electoral cards;
- clearly identify polling stations ahead of polling day;
- complete the training of supervisors and party officials involved in the polls;
- give to every representative of political parties or candidates a copy of ballot counting forms as prescribed by the law;
- state precisely the procedure of transmitting polling stations reports so as to guarantee security and confidence in the results.

³⁹ The Commonwealth representatives were present, in 1997, in 350 polling stations in all the 10 provinces.

⁴⁰ The Cameroon Delegation included among others : Mr Jean Marie Atangana Mebara, Minister of State, Secretary general at the Presidency of the Republic, Mr. Marafa Hamidou Yaya, Minister of State in charge of Territorial Administration and Decentralisation, Mr. Philemon Yang, Minister,

Assistant Secretary general of the Presidency of the Republic, Mr. Gregoire Owona, Minister Delegate at the Presidency in charge of Relations with the Assemblies, Pr Pierre Moukoko Mbonjo, Minister for Communication, Pr Maurice Kamto, Minister Delegate at the Ministry of Justice, Mr Ngaffesson Emmanuel, Secretary of State in charge of penitentiary administration at the Ministry of Justice, Mr. Mbouyom François Xavier, President of NEO, Dr Divine Chemuta Banda, President of the National Commission for Human Rights and Freedoms (NCHRF), Dr Diane Acha Morfaw, Vice president of NEO. The Commonwealth delegation accompanying Rt. Hon. Joe Clark, included M. Samuel Kivuitu, chairperson of the Kenyan electoral commission, Dr Victor Pungong, Deputy Director for political affairs and head of the Good Offices Department at the Commonwealth Secretariat and Mrs Charlene Lee-Ling, Administrative Assistant at the Commonwealth Secretariat.

⁴¹ See the comment article of *Cameroon Tribune* N° 8628/4827 of June 27, 2006. In addition to the above personalities that constituted the Commonwealth delegation during the May 2005 meeting, the delegation comprised in June 2006 : Mr. I. Abdool Rahman, Chief elections officer of Mauritius, Advocate Edward Lambani, Secretary to the provincial legislation of Limpopo in South Africa, Mr. Tim Sheehy, electoral expert from the United Kingdom. The Cameroon delegation was constituted by the above-mentioned ministers plus 6 experts.

⁴² See Elvis NGOLLE NGOLLE comments article on the 1996 local elections in *L'Action* n° 49 of 17 June 1996.