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EDITORIAL NOTE

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From Policy to Practice: Governance, Education, and Social Transformation in Africa:

Welcome to the October 2026 issue of the Journal of Contemporary Society and Education (JCSE). The sixteen articles assembled in this volume reflect the journal's commitment to rigorous, interdisciplinary scholarship on the pressing social, political, and educational challenges confronting contemporary Africa. Together, they illuminate a central tension of our time: the persistent gap between policy ambition and lived reality.

Several contributions in this issue grapple directly with the question of governance and service delivery. Motadi examines the opportunities and barriers shaping digital transformation in South African government departments, while Moloto and Pillay explore technology's influence on governance at the local municipal level. Akindele, Sanni, and Lamidi assess citizen satisfaction with public transportation in Lagos State, offering an important reminder that the legitimacy of the state rests on the quality of everyday services. Jutta and Alao interrogate the democratisation of the administrative state through South Africa's Government of National Unity, and Okudolo examines decentralisation and the effectiveness of local political leaders in Nigeria. Kambiri's analysis of governance challenges in managing internal displacement further underscores the consequences of normative commitment without implementation capacity. Agbor's critical perspectives on the operational independence of Elections Cameroon and the Constitutional Council round out this focus on democratic institutions.

Education remains a cornerstone of social progress, and this issue devotes considerable attention to it. Mtshali and Meyiwa assess the role of climate change education in maritime studies, while Modiba asks whether rural secondary schools are adequately managing learners with special educational needs associated with HIV/AIDS. Babalola interrogates the legal and policy complexities of foreign partnerships in Nigerian higher education, and Shabangu examines how school management teams respond to violence in rural South African schools. Nephawe and Mudimeli offer a distinctive contribution on the indispensability of English as a lingua franca in interpreting selected Pauline epistles.

The issue also foregrounds questions of gender, culture, and well-being. Nesane and Amaechi explore *Mamalo* as a resource for gender equality and women's empowerment in Limpopo, while Gudani, Khosa, and Nomatshila examine adolescents' perceptions

of child support grant management through a family systems lens. Matheere offers an exploration of the life journey of traditional healers in rural Limpopo, and Nkuna and colleagues provide an analytical study of compounding and naming in Siswati personal names. These articles remind us that social transformation is experienced at the level of culture, family, and community.

Collectively, these contributions demonstrate the vitality and breadth of contemporary social science research in Africa. They challenge scholars and policymakers alike to move beyond policy pronouncements toward meaningful implementation. We thank our authors and reviewers for their dedication and trust that this issue will stimulate further inquiry and debate.

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**PRESIDENTIAL ELECTIONS AS PARTICIPATION IN THE CONDUCT OF
PUBLIC AFFAIRS OF A COUNTRY: CRITICAL PERSPECTIVES ON THE
OPERATIONAL INDEPENDENCE OF ELECTIONS CAMEROON
(ELECAM) AND THE CONSTITUTIONAL COUNCIL**

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ABSTRACT:

International and regional human rights instruments recognise the right to participate in the conduct of public affairs: this political right intersects with other political rights, such as the right to freedom of expression, the right to freedom of peaceful assembly, the right to freedom of association, and the right to freedom of movement. Arguably, periodic, free, and fair presidential elections are only one dimension of exercising the right to participate in the conduct of public affairs. In the context of Cameroon, and in view of the recently concluded presidential elections of October 2025, this paper examines two specific and relevant structures: Elections Cameroon (ELECAM) and the Constitutional Council. With a mandate to, among other things, manage presidential elections, their composition and operational independence raise disturbing concerns in a country where a lack of trust in political and legal structures, political corruption, and a history of election fraud have been deeply integrated into the political ecosystem and legal fabric, making it difficult for the broader Cameroonian citizenry to use the ballot box (or elections) as a means of participating in the conduct of public affairs. Using a qualitative, evidence-based approach, the paper argues that systemic structures make realising the right to participate in public affairs challenging.

Keywords: *Electoral fraud and disputes; Elections Cameroon (ELECAM); public participation; freedoms of expression and assembly; and Constitutional Council*

1 Introduction

Discussions on the right to take part in the conduct of a country's public affairs evoke numerous debates, including whether public participation as an activity, or democracy as a political culture, is a panacea for a country's social and economic problems.¹ These debates are further complicated in view of the intersection with other political rights such as the right to freedom of expression;² the right to freedom of peaceful assembly;³ the right to freedom of thought;⁴ the right to freedom of movement;⁵ and the right to freedom of association.⁶ These aspects become more complex when you zoom in on specific jurisdictions where even criminal laws are used to regulate participation in public affairs.⁷ Acknowledging the never-ending debate over whether democracy is a panacea for the litany of problems facing numerous African communities and states, it is important to note that democracies, whether old or new, big or small, contend with different challenges daily, each of which permeates every

segment and fabric of humanity within them. The essence of the right to public participation is not about finding lasting solutions to every human problem; rather, it is about allowing each citizen to participate in public affairs by choosing representatives or being eligible to be chosen as a representative of the people in national political and legal institutions, weighing in on choices and policies that impact the people and country at large, and allowing every citizen to play a part in shaping the destiny or direction of the country. As demonstrated herein, political arrangements (structures, institutions, and laws) in Cameroon, unfortunately, are not designed to enhance citizen participation in the public affairs of the country.

Without a doubt, and beyond Cameroon, public participation in Africa has been construed narrowly as the conduct of regular elections, which are often devoid of transparency, fairness, and inclusivity. This has long concerned civil society actors, scholars, public administration officials, and

¹ Serge Latouche, 'Can democracy solve all problems?' (2003) 9 *Democracy & Nature* 373. See also Robert Paehlke, *Democracy's dilemma: environment, social equity, and the global economy*, (MIT Press 2003); Larry Jay Diamond, 'Three paradoxes of democracy' (1990) 1 *Journal of democracy* 48; and Seymour Martin Lipset, 'Some social requisites of democracy: Economic development and political legitimacy' (1959) 53 *American Political Science Review* 69.

² See the International Covenant on Civil and Political Rights (ICCPR), Articles 19-20 and the African Charter on Human and Peoples' Rights (Banjul Charter), Article 9(2).

³ ICCPR, Article 21 and the Banjul Charter, Article 11.

⁴ ICCPR, Article 18(1)-(4) and the Banjul Charter, Article 8.

⁵ ICCPR, Article 12(1) and the Banjul Charter, Article 12(1).

⁶ ICCPR, Article 22(1)-(2) and the Banjul Charter, Article 10(1).

⁷ Even though this issue is not given in-depth attention in this paper, it is important to flag this as a typical feature in autocratic regimes that cajole and brand themselves as evolving democracies.

broader international and regional human rights networks, especially given how governments impose conditions that severely curtail the fulfilment of this right. This is evidenced by the number of administrative decisions taken during elections that restrict free speech, curtail freedom of movement, prohibit certain kinds of association, and impose outright bans on peaceful and lawful assemblies.

Focusing on past presidential elections (1992-2025) and the political violence that erupted after the proclamation of the results, this paper explores and analyses the utility of presidential elections in Cameroon as a dimension of the right to participate in public affairs. It takes both a doctrinal approach (examination of the legal arrangements, the human rights framework and domestic legal and political institutions for the conduct of presidential elections in Cameroon) and a synoptic empirical analysis by identifying and explaining the occurrence and recurrence of political violence after the proclamation of results. In addition to having one of the longest-serving presidents in the world, Cameroon has been ruled as a monarchy, with political and legal institutions designed to strengthen and entrench the

incumbent's grip on political power. It could be argued that through political corruption and nepotism, Cameroon is probably slipping towards continuing the trend of establishing political dynasties in Africa, as it has happened in the Republics of Gabon, Chad and Congo, where close relatives and specific ethnic and tribal groups have groomed and fashioned themselves as faithful servants to the incumbent and the regime in power. It is further argued that political and legal institutions have been structured to maintain the incumbent in office: with powers derived from a constitution engineered by the incumbent and critical state institutions dominated by the incumbent's political party, such as Elections Cameroon (ELECAM);⁸ the Senate;⁹ the Constitutional Council;¹⁰ and the broader judiciary,¹¹ including substantive appointments to senior cabinet positions where individuals reign for decades in the same portfolio, they wield considerably significant political leverage in the political ecosystem.¹² The eruption of political violence before, during, and after presidential elections signals popular discontent, a lack of credibility, and an erosion of trust in political and legal

⁸ Law No. 2006/011 of 29 December 2006 on the establishment, organization and functioning of Elections Cameroon (ELECAM) and its implementing Decree No. 2008/372 of 11 November 2008.

⁹ Constitution of Cameroon, Articles 20-24.

¹⁰ Constitution of Cameroon, Articles 46-52.

¹¹ Constitution of Cameroon, Articles 37-42.

¹² Cameroon's senior government level positions (executive) and state-owned enterprises are the

exclusive prerogative of the President of the Republic (after consultation with the Prime Minister and Head of Government): most of the individuals in such positions clock over fifteen years, which gives them plenty of time to re-invest their political capital in support of the ruling party, as well as misappropriate public property entrusted in their hands.

institutions. Presidential elections repeatedly reveal that political elites design systems to produce the results they want, rather than what electors vote for. Transparency in electoral processes must be practised and not only preached. Elections must be seen as a genuine expression of the will of the people: no one really cares who occupies an elected office, but everyone should care about the methodology and processes used to determine who occupies it. Explaining the contextual realities that affect citizen participation in public affairs in Cameroon, the paper begins by defining public participation in international and regional human rights law, drawing on relevant comments by the Human Rights Committee (Committee). It then traces presidential elections since the birth of multi-party politics in Cameroon (1992-2025). The fourth part investigates the utility of elections in a democracy. The fifth part discusses the challenges that beset the conduct of free, fair, and transparent presidential elections in Cameroon, focusing on ELECAM and the Constitutional Council. The last part is the conclusion.

2 The right to participate in the public affairs of a country in international and regional human rights laws: revisiting the normative contents

Common to the ICCPR and the Banjul Charter is recognition of the right to participate in a country's public affairs.¹³ Although construed narrowly to mean the conduct of regular, free, and fair elections, the scope of this right extends beyond that. It is functionally relevant to the growth and success of a vibrant, participatory, and thriving democracy built on critical values such as equality, transparency, fairness, and inclusiveness for all kinds of minorities. Its fulfilment is important in distinguishing advanced and mature democracies from fig-leaf, autocratic-styled democracies. The right to participation in the public affairs of a country has profound practical political intersection with other political rights such as the right to freedom of expression;¹⁴ the right to freedom of peaceful assembly;¹⁵ the right to freedom of thought;¹⁶ the right to freedom of movement;¹⁷ and the right to freedom of association with others.¹⁸ In societies where restrictions are imposed on lawful peaceful assemblies, where administrative instruments curtail the exercise of the right to freedom of expression, or where citizens are unwilling to express their opinions on the conduct of public affairs, participation in public affairs is severely inhibited. This adversely affects democratic evolution. In addition, when elections lack legitimacy because of the

¹³ ICCPR, Article 25 and Banjul Charter, Article 13(1)-(2).

¹⁴ ICCPR, Articles 19-20 and the Banjul Charter, Article 9(2).

¹⁵ ICCPR, Article 21 and the Banjul Charter, Article 11.

¹⁶ ICCPR, Article 18(1)-(4) and the Banjul Charter, Article 8.

¹⁷ ICCPR, Article 12(1) and the Banjul Charter, Article 12(1).

¹⁸ ICCPR, Article 22(1)-(2) and the Banjul Charter, Article 10(1).

processes and structures involved, or when candidates are eliminated through technical rules put in place for that purpose, democratic accountability and participation through the ballot box itself become meaningless and inconsequential.

Legislative and presidential elections remain a regular activity in Cameroon's political setup, prescribed and governed by the Constitution and other national legal instruments.¹⁹ Yet, the atmosphere in which these elections are conducted is antithetical to the normative content and framework governing the right to public participation in the affairs of a country, the ICCPR, the Banjul Charter, and the African Charter on Democracy, Elections and Governance.²⁰ To fulfil her core treaty obligations arising from her accession to and ratification of the aforementioned international and regional human rights instruments, she has enacted a series of national instruments that constitute law in her domestic legal system. These include the following:

- Law No. 90/052 of 19 December 1990 concerning the freedom of social communication, amended by Law No. 96/06 of 16 January 1996;
- Law No. 90/053 of 19 December 1990 concerning freedom of association;

- Law No. 90/055 of 19 December 1990 regulating public meetings and demonstrations;
- Law No. 90/056 concerning political parties;
- Law No. 96/06 of 16 January 1996 amending the 1972 Constitution;
- Law No. 97/009 of 10 January 1997 inserting new article 132 bis, entitled "Torture", into the Criminal Code;
- Law No. 99/14 of 22 December 1999 regulating non-governmental organizations;
- Law No. 2004/004 of 21 April 2004 concerning the organization and functioning of the Constitutional Council;
- Law No. 2004/005 of 21 April 2004 concerning the status of the members of the Constitutional Council;
- Law No. 2006/011 of 29 December 2006 on the establishment, organization and functioning of Elections Cameroon (ELECAM) and its implementing Decree No. 2008/372 of 11 November 2008; and
- Law N° 2008/001 of 14 April 2008 to amend and supplement some provisions of law N° 96/6 of 18 January 1996 to amend the Constitution of 2 June 1972.

¹⁹ See, for example, the Electoral Code (aspects thereof discussed below).

²⁰ African Charter on Democracy, Elections and Governance, adopted at the 8th Ordinary Session

of the African Union Assembly in Addis Ababa on 30 January 2007.

The ICCPR and Banjul Charter are international and regional human rights instruments, respectively, that accord to every citizen the right and opportunity, and without unreasonable restrictions, to “take part in the conduct of public affairs, directly or through freely chosen representatives” and to “vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage...” and to “have access, on general terms of equality, to public service in his country.”²¹ Although both instruments recognise this right, the analysis that follows draws primarily on the Human Rights Committee’s comments.

The Human Rights Committee has issued comments on interpreting Article 25 of the ICCPR.²² Those comments touch on numerous aspects, such as its substantive content, expectations, standards, and the obligations to be fulfilled by State Parties thereto. Irrespective of the form of government in place, a State Party is, amongst other things, obliged to adopt legislative, institutional and other measures aimed at allowing its citizens to take part in the conduct of public

affairs, whether directly or indirectly. This right, in its view, is at the core of a democratic government which must be built on the consent of the people.

Given the significance of participation in the conduct of public affairs, State Parties must not suspend the exercise of this right, and any conditions imposed that limit its exercise must be objective and reasonable. Public affairs, as used in Article 25(1) of the ICCPR, is not limited to the legislative, judicial, and executive sectors; it is a broader concept that covers all aspects of public administration and “the formation and implementation of policy at international, national, regional and local levels.”²³

Participation may be direct: this takes place when citizens exercise power as members of elected bodies such as the legislature or hold an executive office to which they are appointed. Direct participation also occurs when citizens choose or change their constitution, or decide public issues through a referendum or other electoral process. They participate by taking part in popular assemblies that can make decisions about local issues or the affairs

²¹ See ICCPR, Article 25(1)-(3):
Article 13

- 1 Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
- 2 Every citizen shall have the right of equal access to the public service of his country.
- 3 Every individual shall have the right of access to public property and services in

strict equality of all persons before the law.

Even though it is worded slightly different, the Banjul Charter also recognizes this right in Article 13(1)-(2).

²² HRC, General Comment No. 25, adopted at the Fifty-seventh Session of the Human Rights Committee, on 12 July 1996, CCPR/C/21/Rev.1/Add.7.

²³ HRC, General Comment No. 25, adopted at the Fifty-seventh Session of the Human Rights Committee, on 12 July 1996, CCPR/C/21/Rev.1/Add.7, para 5.

of a particular community, and in bodies established to represent citizens in consultation with government.

Public participation also occurs through public debates and dialogues with representatives and appointed officials. This is further enhanced through freedom of expression, freedom of assembly and freedom of association.

In cases of elections, the Committee's comments articulate that

[g]enuine periodic elections... are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them. Such elections must be held at intervals that are not unduly long and that ensure the authority of government continues to be based on the free expression of the will of electors.²⁴

Given the nature and importance of the right to partake in the conduct of public affairs in a country, specific conditions are essential for its realisation. Those conditions include the right to freedom of expression, freedom of assembly and freedom of association.

On the conduct of elections, the Committee prescribes as follows:

An independent electoral authority should be established to supervise the electoral process and ensure it is conducted fairly, impartially, and in accordance with established laws

compatible with the Covenant. States should take measures to guarantee the secrecy of the vote during elections, including absentee voting, where such a system exists. This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process. Waiver of these rights is incompatible with Article 25 of the Covenant. The security of ballot boxes must be guaranteed, and votes should be counted in the presence of the candidates or their agents. The voting and counting process should be independently scrutinized, and electors should have access to judicial review or an equivalent process so they can have confidence in the security of the ballot and the counting of the votes. Assistance provided to the disabled, blind or illiterate should be independent. Electors should be fully informed of these guarantees.²⁵

The inter-relatedness between the right to participate in public affairs and the right to freedom of association is further underscored in the Committee's comments:

The right to freedom of association, including the right to form and join organizations and associations

²⁴ HRC, General Comment No. 25, adopted at the Fifty-seventh Session of the Human Rights Committee, on 12 July 1996, CCPR/C/21/Rev.1/Add.7, para 9.

²⁵ HRC, General Comment No. 25, adopted at the Fifty-seventh Session of the Human Rights Committee, on 12 July 1996, CCPR/C/21/Rev.1/Add.7, par 20.

concerned with political and public affairs, is an essential adjunct to the rights protected by article 25. Political parties and membership in parties play a significant role in conducting public affairs and the election process. States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 to enable citizens to exercise their rights thereunder. 27. Having regard to the provision of article 5, paragraph 1, of the Covenant, any rights recognized and protected by article 25 may not be interpreted as implying a right to act or as validating any act aimed at the destruction or limitation of the rights and freedoms protected by the Covenant to a greater extent than what is provided for in the present Covenant.²⁶

3 Presidential elections between 1992 and 2025: some disturbing issues and circumstances

The Constitution of Cameroon has undergone numerous amendments, with changes to political institutions such as the National Assembly, changing the

president's term from five to seven years with eligibility for re-election only once, the introduction of a Senate and Constitutional Council in 1996, and in 2008 when the limit to the presidential term was removed. Dating as far back as 1972,²⁷ the Constitution adopted on 20 May 1972 and promulgated 2 June 1972 defined, amongst other things, the election of the President of the Republic. Elected by a majority of votes cast through universal suffrage for a five-year term, the President had no limit on re-election. That would mean the President could serve as many terms as he wanted.²⁸ The 1996 Constitution amended the provision in the 1972 Constitution. It included a term limit: elected as stipulated in the 1972 Constitution, the President would serve a seven-year term and be eligible for re-election only once.²⁹ In 2008, an amendment to the 1996 Constitution reverted to the 1972 Constitution position regarding the term limit introduced in the 1996 Constitution: the President would be elected for a term of office of seven years and would be eligible for re-election.³⁰ Between 1972

²⁶ HRC, General Comment No. 25, adopted at the Fifty-seventh Session of the Human Rights Committee, on 12 July 1996, CCPR/C/21/Rev.1/Add.7, para 26.

²⁷ The 1972 Constitution was subsequently modified by Law No. 75/1 of 9 May 1975, Law No. 79/2 of 29 June 1979, Law No. 83/10 of 21 July 1983, Law No. 83/25 of 29 November 1984 and Law No. 84/1 of 4 February 1984.

²⁸ 1972 Constitution of Cameroon, Article 7:
The President of the Republic shall be elected for five years by universal suffrage. He may be re-elected. His election shall require a majority of the votes cast, and shall be held

not less than twenty nor more than fifty days before the expiry of the term of the incumbent President.

²⁹ 1996 Constitution of Cameroon, Article 6:

(2) The President of the Republic shall be elected for a term of office of 7 (seven) years. He shall be eligible for re-election once.

³⁰ Law N° 2008/001 of 14 April 2008 to amend and supplement some provisions of law N° 96/6 of 18 January 1996 to amend the Constitution of 2 June 1972, Article 6:

(2) The President of the Republic shall be elected for term of office of 7(seven) years. He shall be eligible for re-election.

and 2008, the different amendments to the Constitution moved the presidential term from five to seven years, with eligibility for re-election changed from once to unlimited: this is a clear indicator of institutional manoeuvring for specific political gain, facilitated by other political institutions like the National Assembly and Senate which are predominantly the ruling party and members appointed by the President.

Like most other African countries, Cameroon experienced a wave of democratization in the early 1990s, resulting in greater political freedoms, including multi-partyism. Numerous political parties participated in the 1992 parliamentary and presidential elections; however, the Social Democratic Front (SDF), led by John Fru Ndi, the leading opposition party, boycotted the parliamentary elections on grounds of perceived irregularities in the structure and organisation. Since then, and as prescribed, legislative and presidential elections have been conducted at regular intervals. For presidential elections after 1992 and following the constitutional amendment in 1996 that extended the presidential term from five to seven years and eligible for re-election only

once,³¹ presidential elections took place in 1997, 2004, 2011, 2018 and 2025: yet the outcome has never changed. This, it is argued, is attributable to the circumstances, systems and individuals who conduct these presidential elections.³² The ruling party and the incumbent have always defeated the opposition, both as individual political parties and as a combined political bloc.

Some of the circumstances noted in every presidential election include dominance by the ruling party in state institutions, the exertion of strong influence over ELECAM and the judiciary,³³ redrawing electoral districts, using government resources for campaigns, interfering with the opposition's right to organise and publish their views during electoral campaigns, and the endless privileges associated with aligning with the ruling party. Elections have been marred by irregularities, including voter intimidation, intimidation of candidates' representatives at polling sites, late posting of polling sites, ballot stuffing, multiple voter registrations, and a lack of transparency in the counting and tallying process. As in 2018, the country had over 305 registered political parties. Membership in the ruling party come

³¹ 1996 Constitution of Cameroon, Article 6(2).

³² Arguably, with powers derived from the Constitution appointing members to specific state political and legal institutions, the President determines the composition thereof, appoints members from his political party which has a majority in Parliament: such appointees become loyal lackeys and zealots who render service to the president rather than serve the country at large.

³³ As discussed below, ELECAM members are appointed by the President of the Republic. The President is the Chair of the Higher Judicial Council, guarantees the independence of the judiciary and makes all key appointments in the judicial sector. The constitutional framework on this itself offends the crux of the separation of powers as the executive is in charge of the organ that, traditionally, should serve as a check to curb administrative excesses.

with a multitude of advantages and promises, including appointments to significant executive positions in government and state-owned entities.

During presidential elections, other civil liberties are curtailed: movements of people are restricted, gatherings for any political purpose are prohibited, and specific kinds of content, if repulsive to the regime in power, are met with reprisals. With threats of criminal sanctions, they tighten the political environment for citizens to engage freely and participate in elections.

4 The conduct and utility of presidential elections in a democracy
Broadly, elections are critical to the functioning of any democracy: they serve as a public expression of approval or disapproval of a political candidate, based on the ideology presented on political platforms. They are one mechanism citizens use to participate in their country's affairs. Those seeking to run for office use them to gain their constituencies' approval through the ballot box. Through regular elections conducted openly and fairly, citizens exercise their right to self-determination and participation in the public affairs of

their country, making it a right critical to the growth and functioning of a democracy.³⁴

The conduct of elections and the purposes for which they are conducted highlight their utility in a functioning democracy. Even though periodic presidential elections have been conducted in Cameroon between 1992 and 2025,³⁵ their functional utility as an opportunity for citizens to at least hold the incumbent accountable and as a contribution to democratization has been questioned. Moreover, the conduct of presidential elections during those years has brought to play the interaction between the right to participate in public affairs, the right to freedom of expression, the right to association and the right to lawful assembly: it remains complex, tense and unravels an erosion of trust in the leaders and political institutions such as Parliament, ELECAM and the Constitutional Council: the composition of these institutions is determined greatly by the President, and they are designed not to advance democracy and democratization in the country but to ensure that the incumbent is retained in his office. This arguably partly explains voter apathy: over time, citizen participation has been

³⁴ Amanda B Edgell and others, 'When and where do elections matter? A global test of the democratization by elections hypothesis, 1900–2010' (2018) 25 *Democratization* 422 and G Bingham Powell Jr, 'Conclusion: Why elections matter' (2014) 4 *Comparing democracies* 187. See also Jacob Swande, 'Sustaining Democracy in Nigeria: The Role of Periodic Elections, 1999–2023' in Godwin O. Odeh, Ejemheare J. Ighodalo and Chinenye N. Chibueze (eds), *Nigerian*

History and Development: Gedenkschrift in Honour of Paschal Francis Nwosu, PhD, (Bahiti & Dalila Publishers 2024) .

³⁵ The last presidential elections were conducted in October 2025 in a tense environment amidst a litany of issues related to voter fraud, voter intimidation, ELECAM's sheer lack of operational independence, and a tight legal architecture for the pursuit of electoral justice.

limited as voters perceive elections as pre-decided by political and legal institutions that offer little possibility of litigation to challenge the outcomes.

Presidential elections in Cameroon, like in other parts of Africa, have been repeatedly marred by electoral malpractices, including corruption, voter intimidation, poverty, abstention, and the incumbent's advantage, who expends state resources to secure his re-election bid. In Cameroon, the creation of satellite political parties that the incumbent ultimately buys is indicative of the willingness to betray supporters for quick financial gains.

As argued below, electoral malpractices are rampant and regular because the electoral body (ELECAM) lacks operational independence. The incumbent government controls it. Electoral officials are partisan. They inflate electoral registers and devise schemes to exclude opposition candidates from deliberations and electoral data computation. A weak judiciary makes it worse: in Cameroon, the executive controls the judiciary. Electoral disputes can only be dealt with by the Constitutional Council; unfortunately, it is a specialised court on electoral matters with strict and limited rules of standing or access.³⁶

It is also important to recognise how socio-economic dynamics affect citizens' participation in presidential elections. One may ask how do socio-economic conditions affect democracy and public participation in Cameroon? Cameroon further presents cogent evidence of the direct relationship between socio-economic conditions and public participation, and democracy in general. Socio-economic factors have shaped the continuity and survival of public participation in Cameroon's democracy to a greater extent—first, economic development and income. High levels of economic development and income do have a huge impact on both the continuity and survival of democracy in Africa. For scholars such as Barro (1999) and Vanhanen (1997),³⁷ there is a direct relationship between national development and democratic success. In situations of underdevelopment and very low-income levels, vote-buying by candidates to influence voters is rampant. It is also argued that the endurance of democracy in Africa's oldest electoral systems, such as Botswana and Namibia, is reflected in their relatively higher average per capita incomes. Miserably low earnings are compounded by unbearable inflation. Such economic conditions squeeze people into tough economic conditions,

³⁶ See Charles M Fombad, 'The Cameroonian Constitutional Council: Faithful Servant of an Unaccountable System' in Charles M Fombad (ed), *Constitutional Adjudication in Africa*, (Oxford University Press 2017) and Charles Manga Fombad, 'The new Cameroonian Constitutional Council in a comparative

perspective: Progress or retrogression?' (1998) 42 *Journal of African Law* 172.

³⁷ See generally Robert Barro, 'Determinants of democracy' (1999) 107 *Journal of Political economy* 158 and Tatu Vanhanen, *Prospects of democracy: A study of 172 countries*, (Routledge 1997).

leading them to resort to criminal conduct such as corruption. Elections become an opportunity to funnel cash into private coffers, regardless of the ramifications for the country's political development. Tough economic conditions have driven many Cameroonians to stomach corrupt politics, which fuels their involvement in any kind of corruption at the expense of the country's democratic culture and maturity. Political education is also critical: while many Cameroonians talk of democracy and progress, they struggle to understand the role of civic participation in building a strong civil society and an active electorate that can deliver much-needed change. Many citizens participate in electoral processes without understanding the various political parties, their ideologies, or what makes them different. Rallies are often attended because of the rewards promised: petty consumables that make a temporary difference yet stall the country's progress in the long run. A lack of the requisite political education and citizen responsibility has proven to be a consequential liability that has stifled

democracy, democratisation, and citizen participation in public affairs.³⁸

5 Systemic structures that frustrate public participation

Although Cameroon has held presidential elections regularly since the birth of multi-party politics in 1992, achieving change through the ballot box has been challenging. Systems are constructed and operated to achieve a specific goal: maintaining the incumbent in office. Many reasons could explain this, but specific structural issues clearly indicate why numerous presidential elections have never produced a different result. Those structural issues include ELECAM's operations and lack of independence; the inability to litigate electoral disputes due to restricted access to the Constitutional Council; the weaponisation of law enforcement to silence political opponents; and the use of criminal law to restrict selected political rights and freedoms. These are discussed below.

5.1 ELECAM and its sheer lack of operational independence

³⁸ In today's evaluation of the democratic content and evolution of a country, specific minimum standards have become customary and conventional: the conduct of periodic elections for the selection of political leaders; participation of all adults in the election process; peaceful transfer of power by the incumbent to the winner of the elections; an independent judiciary that serves as a forum for the resolution of electoral disputes; political pluralism; the entrenchment of human rights into the constitution; the inclusion of constitutional institutions that strengthen and further the culture of democracy and human rights; freedom of press; freedom of peaceful

assembly; and the independence of law enforcement personnel. Wondwosen has evaluated the process of democratization in Africa with focus on the conduct of multi-party elections. Arguing that elections constitute a milestone in the democratization process, it does not wear the required democratic legitimacy as expected because those elections fail to meet internationally accepted standards for free and fair elections: Wondwosen Teshome, 'Democracy and elections in Africa: Critical analysis' (2008) 5 International Journal of Human Sciences 1.

Law No 2012/001 of 19 April 2012 (Electoral Code) governs all elections in Cameroon.³⁹ The Electoral Code, as stipulated in Section 1 thereof, lays down, amongst other things,

provisions specific to the vacancy of and election to the Presidency of the Republic...provisions specific to the election of Members of Parliament to the National Assembly...provisions specific to the election of municipal councillors...provisions specific to referendums...provisions applicable to the election of senators...provisions applicable to the election of Regional councillors...provisions specific to voting by Cameroonian citizens based or resident abroad...[and] provisions specific to the funding of political parties and election campaigns and referendums.

Section 4 of the Electoral Code reaffirms the working autonomy of ELECAM, charging it with the responsibility to organise, manage and supervise all election and referendum operations in Cameroon (Section 4(1)) and the performance of its duties in line with the Constitution and regulations in force (Section 4(2)). Two organs perform these duties: the Electoral Board and the General Directorate of Elections.⁴⁰ Under Section 9(1), ELECAM is under the authority of the Electoral Board. Section 9(2) makes the Electoral Board

responsible for ensuring ELECAM functions smoothly. The duties of the Electoral Board are stipulated in Section 10:

(1) The Electoral Board shall ensure compliance with the electoral law by all stakeholders for the purpose of guaranteeing regular, impartial, free, fair, transparent and credible polls.

(2) In this respect, the Electoral Board shall:

- carry out any verifications and controls it may deem appropriate;
- scrutinize candidacy papers and publish the final list or lists of candidates contesting presidential, legislative, senatorial, regional and municipal elections;
- forward election reports to the Constitutional Council or bodies provided for by law;
- ensure the timely publication and notification of the list of members of local polling commissions to the appropriate persons specified in the electoral law, notably representatives of lists of candidates or candidates;
- control the preparation of election material and election documents within the deadlines laid down by law;
- hear and determine claims and petitions regarding pre-election and election operations, subject to the jurisdiction of the Constitutional Council and appropriate courts or authorities;

³⁹ Law No 2012/001 of 19 April 2012 relating to the Electoral Code, amended and supplemented by Law No. 2012/017 of 21 December 2012 and

Law No. 2019/005 of 25 April 2019 (Electoral Code).

⁴⁰ Section 8 of the Electoral Code.

- order corrections warranted following consideration of claims or petitions filed in respect of elections or referendums.

The composition of the Electoral Board is worth discussing. It comprises eighteen members, including one Chairperson and one Vice-Chairperson.⁴¹ Members of the Electoral Board shall be drawn from independent personalities who are Cameroonian citizens recognised for their competence, moral rectitude, intellectual honesty, patriotism, neutrality and impartiality.⁴² The President of the Republic shall appoint the Chairperson, Vice-Chairperson, and other members of the Electoral Board after consulting political parties represented in the National Assembly and civil society.⁴³ The Chairperson and Vice-Chairperson of the Electoral Board shall be appointed for a four-year term respectively, and “renewable as appropriate”.⁴⁴ The conditions under which a member’s term

may expire are spelled out in Section 13(1): non-renewal of term, resignation or death. Section 15 sets out various conditions for terminating membership.⁴⁵

5.2 Litigating electoral disputes:

access to the Constitutional Council

Before, and even after, the introduction of a Constitutional Council into Cameroon’s legal and political arrangements with specific powers of review, executive authoritarianism and overbearingness over judicial independence were conspicuous, making this a theme of numerous academic papers.⁴⁶ Cameroon’s constitutional and judicial arrangements have courts with original, appellate and special jurisdiction. Litigating electoral disputes is a critical feature of a democracy, testing judicial independence, the rule of law, and the resilience of civil society. These have been seen in both advanced and evolving

⁴¹ Section 12(1) of the Electoral Code.

⁴² Section 12(2) of the Electoral Code.

⁴³ Section 12(3) of the Electoral Code.

⁴⁴ Section 12(5) of the Electoral Code.

⁴⁵ Section 15 of the Electoral Code: An Electoral Board member’s term of office may be terminated in one of the following cases:

- physical or mental incapacity duly established by the Electoral Board;
- gross misconduct, notably breach of oath, duly established by the Electoral Board;
- penalty imposed for a felony (life or fixed-term imprisonment coupled with banishment and civic disqualification).

⁴⁶ Laura-Stella E Enonchong, *The constitution and governance in Cameroon*, (Routledge 2020); John Mukum Mbaku, 'Judicial Independence, constitutionalism and governance in Cameroon: lessons from French constitutional

practice' (2014) 1 European Journal of Comparative Law and Governance 357; Laura-Stella Eposi Enonchong, 'Judicial Independence and accountability in Cameroon: balancing a tenuous relationship' (2012) 5 African Journal of Legal Studies 313; Avitus A Agbor, 'The role of the judiciary in the promotion of democracy and human rights in Cameroon' (2015) 8 African Journal of Legal Studies 145; Gerard Emmanuel Kamdem Kamga, 'The political (in) dependence of the judiciary in Cameroon: fact or fiction?' (2019) 11 Africa Review 46; Simon Tabe Tabe, 'Reflections on Judicial Independence in Cameroon's Public Administration' (2011) *Verfassung und Recht in Übersee/Law and Politics in Africa, Asia and Latin America* 422 and Tchana Anthony Nzouedja, 'Seeking Justice in Court: An Analysis of the Problems and Failures of the Judiciary in Cameroon' (2026) 10 Journal of Public Policy & Governance 103.

democracies, affirming the view that electoral disputes are bound to occur whenever there are elections. The question, however, is how such disputes are resolved when they arise. Electoral disputes in Cameroon come under the specific jurisdiction of the Constitutional Council, a judicial body introduced into the country's judicial landscape in 1996 following the adoption of a revised Constitution.⁴⁷ Article 48 of the Constitution mandates it to "ensure the regularity of presidential elections, parliamentary elections and referendum operations" and to "proclaim the results thereof". Article 48(2) of the Constitution spells out the categories of institutions or persons with locus standi (standing) before the Constitutional Council as follows:

Any challenges in respect of the regularity of one of the elections provided for in the preceding paragraph may be brought before the Constitutional Council by any candidate, political party that participated in the election in the constituency concerned or any person acting as Government agent at the election.⁴⁸

The Constitutional Council, as was perceived and anticipated, would be

Cameroon's new system of constitutional review. It was hoped that such an institution, mandated to perform functions of both political and legal character, would steer the country towards fulfilling constitutionalism, democratization and respect for the rule of law. Unfortunately, as Fombad observed, the Constitutional Council quickly became an "embodiment of paradoxes and contradictions."⁴⁹ Two years after the Constitution entered into force, Fombad examined and analysed the provisions relating to the Constitutional Council, situated it in the Cameroonian experience and remarked in dismissive pessimistic terms:

By sealing the only viable outlet for challenging unconstitutional acts and electoral fraud through an injudicious choice of the obsolete and discredited mechanism of a politically manipulable Constitutional Council, the authors of the 1996 constitutional amendment have left Cameroon moving dangerously into an uncertain 21st century.⁵⁰

The relevance of an institution like the Constitutional Council to democracy, the rule of law and constitutionalism cannot be overemphasised. To evaluate this

⁴⁷ 1996 Constitution of Cameroon, Part VII, Article 46:

"The Constitutional Council shall have jurisdiction in matters pertaining to the Constitution. It shall rule on the constitutionality of laws. It shall be the organ regulating the functioning of the institutions."

⁴⁸ Emphasis added.

⁴⁹ Fombad, "The new Cameroonian Constitutional Council in a comparative perspective: Progress or retrogression?" page 186.

⁵⁰ *Ibid* page 186.

relevance in a legal and political context, one must look at the pillars on which the Constitutional Council is built: standing out as an obsolete and self-contradictory institution, the Constitutional Council has impeded the advancement of the right to public participation in presidential elections. In the broader context of constitutional review, democracy, and constitutionalism, the Constitutional Council should have been invaluable in instilling and developing the rule of law, separation of powers, and review of administrative acts and omissions. In promoting the culture of human rights, the Constitutional Council would be invaluable in adjudicating electoral disputes in which citizens exercise their right to participate in the conduct of public affairs.⁵¹

Presidential elections conducted and concluded in recent years in Cameroon have validated perceptions of dubiety surrounding the Constitutional Council. As an offspring of a complex political architecture conceived, designed, and executed by the executive to create the impression of an independent institution vital to accountability, the rule of law, and democratic governance, its operations have blunted all the expectations invested in it. Subdued by executive authoritarianism evident in its composition, it lacks operational

independence, making it an extended arm of the executive and complicit in its manipulation by the ruling party and political elites, who disregard and disrespect the same Constitution that birthed it.

Like most political and legal institutions in the country, the Constitutional Council presents itself as an “*enfant terrible*” in Cameroon, felt mostly during the conduct of elections as has been seen recently. One of those problems is the process of appointing members to it. Broadly speaking, appointing judges to a constitutional court, or any entity with the power to review, is, arguably, one of the most powerful and effective means that could be used by the other two branches of government to interfere with and influence such a court. An institution such as a court with the power to review must ensure that the other branches do not abuse their power. To ensure that judges operate impartially and independently, one must appreciate the far-reaching implications of their decisions. As observed,

The process of appointing constitutional court judges generally is probably one of the most powerful and effective means that could be used by the other two branches of government to interfere with and influence the court. These judges

⁵¹ As argued, this, unfortunately, has not been the reality: its structure does not permit this. From the appointments (composition) through access to mandate, the Constitutional Council is structurally impaired from performing one of the

most critical roles in a democratic society: resolution of electoral disputes which, unfortunately, are bound to occur whenever elections are conducted in a tense environment.

have the difficult task of ensuring that the other branches of government, especially the executive, operative within their constitutional powers and do not abuse their powers. Many of their decisions have far-reaching special and political implications, thus necessitating that great care is taken in appointing them to ensure that they can act independently and impartially. The judges, therefore, need to be insulated from any threats or risk of manipulation that may force them to act unjustly in favour of the state or powerful politicians.⁵²

Unlike many other jurisdictions where such a power is performed by a “court”, Cameroon’s constitutional arrangements make use of the word “Council”: the implications of these two different words go beyond semantics. They evoke a fundamental and critical aspect as to whether the performance of such a function (review) would be done by legal experts (as would be in a court of law) or any other experts who may constitute a council, to perform tasks that may have huge and considerable political and legal consequences. The differences in semantics and meanings aside, a critical question here is whether the procedures provided in the Constitution ensure the appointment of individuals based on their professional knowledge and technical expertise, including their ability to decide complex

political and legal matters independently, objectively and fairly? In other words, who makes the appointments to the Constitutional Council, who can be appointed to the Constitutional Council, and on what bases are such appointments made?

Article 51 of the Constitution is clear about the composition (membership) and process of appointing members to the Constitutional Council:

(1) The Constitutional Council shall comprise 11 (eleven) members designated for a non-renewable term of office of 9 (nine) years. These members shall be chosen from among personalities of established professional renown. They must be of high moral integrity and proven competence.

(2) Members of the Constitutional Council shall be appointed by the President of the Republic. They shall be designated as follows:

- three, including the President of the Council, by the President of the Republic;
- three by the President of the National Assembly after consultation with the Bureau;
- three by the President of the Senate after consultation with the Bureau;
- two by the Higher Judicial Council.

All eleven members of the Council are appointed by the President.

⁵² Fombad, 'The Cameroonian Constitutional Council: Faithful Servant of an Unaccountable System' page 83.

The Constitution says the president appoints only three members directly, and the rest are designated or chosen by other political bodies. Those bodies are the National Assembly and the Senate. The ruling party, the CPDM controls those two bodies. They have complete dominance in every political institution. In context, the President appoints 30 of the 100 senators (30%). The other 70 (70%) are open for elections in which the president's party participates (and wins seats). The President of the National Assembly is from the same party with the President, and they have a majority of seats therein. The president heads of the Higher Judicial Council, guarantees its independence and appoints members to the Bench and Legal Department.⁵³ The Minister of Justice, appointed by the President, is the Deputy Chair of the Higher Judicial Council. They both determine when to schedule meetings and the agendas thereof. Therefore, consultations with the Presidents of the Senate and National Assembly for appointments to the Constitutional Council are simply constitutionally designed procedural schemes towards a specific objective: keep the incumbent in office. The CPDM which is the ruling party, has unassailable and unperturbable dominance and control: the net effect of these provisions and operational context is that the president determines who becomes a member of the Council.

The independence, competence and effectiveness of the Constitutional Council depend on an appointment process with clearly laid down objectives and transparent criteria that rely on factors such as qualifications, competence, and integrity. Article 51 of the Constitution states that members shall be chosen from among personalities of established professional renown and must be of high moral integrity and proven competence. Clearly, they are not required to be jurists. Neither are they required to have any qualification in a legal or social science discipline like political sciences. In addition, initially, their appointment was limited to a term of nine years, non-renewable.⁵⁴ In 2008, as President Biya chose to revise and eliminate the limit to presidential term, this provision was also revised in similar direction.

The Constitutional Council's establishment and operations are not limited to the specific constitutional provisions. The enactment of Law No 2004/004 of 21 April 2004 altered numerous aspects of the Constitution relating to the Constitutional Council. For example, Section 18 therein lays down the rules and regulations concerning membership of the Constitutional Council: "by a majority vote of two-thirds of its members may, of its own motion or at the request of the designating authority and following an adversarial procedure, terminate the appointment of a member."

⁵³ 1996 Constitution, Article 37(3),

⁵⁴ 1996 Constitution, Article 51(1).

Another fundamental issue worth addressing is the nature and scope of powers given to the Constitutional Council with regards to the conduct of elections. Article 48(1) and (2) of the Constitution details the role of the Constitutional Council with regards to presidential and parliamentary elections. Article 52 of the Constitution envisaged the enactment of a law on the aspects of the Constitutional Council. Law No. 2004/004 of 21 April 2004 was to that effect. A look at the Constitution and the 2004 Law reveals that the Constitutional Council bears wide powers that deal with presidential, parliamentary elections and referenda questions, from the preparation and conduct of balloting through the proclamation of results to resolving any disputes filed by candidates against the regularity of the elections or referendum.

Another fundamental aspect of electoral justice is access to the dedicated court. In Cameroon, electoral disputes are under the jurisdiction of the Constitutional Council. Both the Constitution and the 2004 Law make access to the Constitutional Council a huge challenge. As a rule, matters coming within the competence of the Constitutional Council can be referred to it by only the persons or institutions specifically stipulated therein. With regards to elections (presidential or parliamentary), Article 48(2) states that any challenges in respect of the regularity of presidential or parliamentary elections may be brought before the Constitutional Council “by

any candidate, political party that participated in the election in the constituency concerned or any person acting as government agent at the election.” In effect, an ordinary Cameroonian citizen cannot challenge the conduct of any election or referenda. Only individuals and entities specified therein have standing before the Constitutional Council. Electoral disputes have arisen following the conduct of presidential elections. Section 42(1) of the 2004 Law on the functioning of the Constitutional Council gives a time frame of 72 hours from the date of close of the polls for any dispute to be submitted to the Constitutional Council. It is argued that this time is too inadequate for a few reasons: first, the Constitutional Council, unlike many other courts in the country, is only in Yaoundé, the political capital, with national jurisdiction: that means any and every elections-related dispute must be dealt with only in Yaoundé. Looking at the poor state of the roads, and other logistical challenges to be surmounted, it is probable that many potential litigants would not be able to reach the Constitutional Council within this time limit. Since the prospective litigation involves elections, time is always needed to tabulate the results, obtain detailed information and data on irregularities, backed by evidence of acceptable quality and standard, to commence litigation. Seventy-two hours after the close of the polls is too short a time. Two cases decided in 1997 by the Constitutional Council held that the

seventy-two hours window excluded weekends and public holidays, the time available for the necessary preparatory work may still be insufficient since it all depends on the day on which the elections were held and the polls were closed. Political parties that participated in the elections can file petitions before the Constitutional Council. However, that comes with some technical complications as it happened in the unreported cases of *Gaga Haman Adji v MINAT and Republic of Cameroon* where the applicant's party had joined forces and campaigned under the banner of another political party. The Constitutional Council held that as prescribed by the relevant laws, only a party that had participated in the elections under its own party banners and not a party that had done so by supporting another party had the right to bring a petition before the Constitutional Council: as such, ordinary citizens are not able to initiate an elections-related issue before the Constitutional Council to invalidate any elections or referendum on the general grounds that such elections or referenda were not free or fair.

6 Conclusion

As a democracy, periodic presidential elections should remain regular activity. The issue, however, is not its recurrence. As previous elections have been

beleaguered by structural issues that make it a challenge for the citizens to participate in the selection of the president, it is important that these issues are attended to. The composition and operational independence of ELECAM and the Constitutional Council do become critical. An incumbent seeking re-election cannot solely appoint members to the two institutions charged with the management of presidential elections. The current arrangements do not earn the trust and credibility of voters who already consider the results pre-determined by the ruling party. Systemic defects often spark the eruption of political violence as it has happened in presidential elections prior to and including 2025. If political violence must surround the conduct of any elections in any democracy, then, the dearth of legitimacy and erosion of trust become critical symbols that convey an eloquent and unique message: systems have been designed by the political elite to generate the results they want, rather than what the electors vote for. Transparency in electoral processes must be practised and not only preached. Elections must be seen as a genuine expression of the will of the people: no one really cares who occupies an elected office, but everyone should care about the methodology, or processes put in place to determine who occupies an elected office.

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