

LEGAL PROTECTION OF LINGUISTIC MINORITY UNDER DISCRIMINATION: THE CASE OF ANGLOPHONE CAMEROON

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SUMMARY

I. INTRODUCTION; II. ANGLOPHONE MARGINALIZATION SYNDROME; III. LEGAL FRAMEWORK FOR THE PROTECTION OF LINGUISTIC MINORITY IN CAMEROON; IV. RECOMMENDATIONS; V. CONCLUSION.

ABSTRACT

The minority English-speaking population in Cameroon, where French is the majority language, has a number of political, economic, and social complaints that collectively make up the “Anglophone problem.” These grievances are described using the terms discrimination, marginalization, and second-class citizenship. The right to speak English in Cameroon must always be upheld as a fundamental right. To protect the rights of minorities, Cameroon has established a number of laws. Since Cameroon and many other countries have ratified a number of human rights instruments, it is the state’s duty to safeguard all the rights guaranteed by these instruments, including those of minorities. As demonstrated by the current crisis, another escalation in that cycle, there are several political systemic deficiencies that need to be closed if Cameroon is to grow as a single nation. Greater localized control over political and financial resources might be necessary to achieve this. In order to better serve the needs of citizens, existing institutions and leadership structures must become more accommodating.

KEY WORDS

Anglophone Cameroon, linguistic minority protection, legal framework, discrimination, marginalization.

I. INTRODUCTION

1. Background

The birth of the Federal Republic of Cameroon on October 1, 1961, marked the reunification of the two territories that had undergone different colonial experiences since World War I. The German Kamerun was partitioned between the French who tried to culturally assimilate the country, and the British who ruled indirectly¹. Cameroon is a country in central Africa often described as “Africa in miniature” but has come to the spotlight lately due to crisis of identity and cultural assimilation of the minority English speaking people. Southern Cameroon’s problem popularly known as the “Anglophone Crisis” is as old as the country. It is the expression of a poorly managed decolonization process, that saw two distinct (British Southern Cameroons and French Cameroon) people come together to form a country void of any real foundations that could guarantee coexistence².

Over the last twenty months, Cameroon has been the focus of a nation sliding into civil war in Africa, from what started in November 2016 as legitimate grievances by English speaking lawyers, teachers, students and civil society over the prolonged marginalization of Southern Cameroons, but peaceful protests turned deadly when the government military shot at peaceful protesters, wounding many and killing several³. Leaders of lawyers, teachers and civil society organizations made themselves available to dialogue

for a quick solution⁴. Unfortunately, during the dialogue process, the government rejected talks over a return to federalism which existed from 1961-1972, which guaranteed bilingualism, biculturalism, bi-juralism, equal opportunity for all and provided constitutional provisions for power sharing, economic independence and freedoms⁵.

Cameroon like most other African countries has its internal problems although there has been no major armed conflict since independence in 1961. However, a problem that exists is that the minority English speaking group is being dominated by the French speaking majority and which also controls the government. Thus, Anglophone Cameroon has been at the forefront of ethno-regional protests and which demands rearrangement of state power. There is a widespread feeling in the Anglophone regions that reunification with Francophone Cameroon in 1961 has led to a growing marginalization of the Anglophone minority in the state project controlled by the Francophone elites, endangering its political heritage and identity. It was not until the political liberalization process in the early 1990s that the Anglophone elites began to mobilize the regional population against the allegedly subordinated position of Anglophones and to demand for self-determination and autonomy, reintroducing federalism and secession to the political agenda⁶.

In Cameroon, several laws have been put in place to protect the rights of minorities. Cameroon, like many other countries, has ratified a number of human rights instruments, which

1 JOSEPH, N. M. Is the Conflict in Anglophone Cameroon an Ethnonational Conflict? *E-International Relations*. 2019, p.1. Available at: <https://www.e-ir.info/2019/08/26/is-the-conflict-in-anglophone-cameroon-an-ethnonational-conflict/>

2 *Ibidem*, p. 1.

3 *Ibidem*.

4 *Ibidem*.

5 *Ibidem*.

6 *Ibidem*.

engage the responsibility of the State to protect and promote the human rights guaranteed in them including those of minorities⁷. Some of these treaties include: the Charter of the United Nations, the African Charter on Human and People's Rights, International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), International Convention on the Elimination of All Forms of Racial Discrimination⁸.

In terms of legislation, the Constitution of Cameroon recognizes and guarantees the rights of minorities. This right is provided in its Preamble. The Constitution of Cameroon is complemented by other legislations, including the Criminal Procedure Code, the Penal Code⁹.

2. Conceptual Framework

In those States where minorities exist, the right to enjoy one's own culture, to profess and practice one's own religion, or to speak one's own language in community with other members of one's group, shall not be denied to those individuals. Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which served as the foundation for the 1992 United Nations Declaration on the Rights of Persons Belonging to

National or Ethnic, Religious, and Linguistic Minorities (UNDM). Furthermore, article 27 International Covenant on Civil and Political Rights states:

'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language¹⁰.'

Despite the contribution of international legal frameworks, there are no globally recognized guidelines for what qualifies as a minority. The following description was put forth by the UN Special Rapporteur Capotorti in 1966 in accordance with Article 27 of the ICCPR:

'A group numerically inferior to the rest of the population of a State, and in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religions and language¹¹.'

According to recommendations from the UN Sub-Commission, Jules Deschênes amended this definition in 1985, and it now reads as follows:

7 PASCAL, A. N. The legal framework for the protection of liberty in cameroon. *Academia Letters*. 2022, p.1. Available at: https://www.academia.edu/70443491/THE_LEGAL_FRAMEWORK_FOR_THE_PROTECTION_OF_LIBERTY_IN_CAMEROON?email_work_card=view-paper

8 Ibidem.

9 Ibidem.

10 UNITED NATIONS TREATY COLLECTION. *International Covenant on Civil and Political Rights* [online]. Available at: <http://www.hrweb.org/legal/cpr.html>

11 CAPOTORTI, F. Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities. *United Nations Human Rights Study*. 1979, at 96 in Series 5. Available at: Doc.E/CN.4/Sub.2/384

‘A group of citizens of a State, constituting a numerical minority and in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law¹².’

Both definitions have distinct challenges, even though they both help us comprehend the concept of minorities. For instance, where there may be no obvious numerical majority or minority, the numerical minority criterion is not totally sufficient. And it is true that a particular ethnic group can have a majority in terms of numbers while also holding a non-dominant position. As such, they are similarly entitled to the application of many minority standards in order to protect their rights to identity protection and non-discrimination, which are the cornerstones of minority rights. Additionally, citizenship is a criterion that can be used to deny some people their rights as minorities and hasn’t actually been recognised as a defining attribute of minorities. Slimane argues that:

While both definitions contribute to an understanding of the concept of minorities they are not without their difficulties. For example, the criterion of numerical minority is not entirely satisfactory where there may be no clear numerical minority or majority. And, indeed, a distinct ethnic group can constitute a numerical majority and be

in a non-dominant position and thus be similarly entitled to the application of many minority standards in order to ensure their rights to non-discrimination and to protection of their identity - which form the foundations of minority rights. Also, the limiting criterion of citizenship can be used to exclude certain groups from their rights as minorities and has in fact not been accepted as a defining minority characteristic.¹³

The complexity of multi-ethnic states in Africa (or necessarily on other continents) that are highly diverse in terms of ethnicity, religion, and language, and sometimes made up of more than 250 different ethnic groups, as is the case in, for example, Nigeria or Cameroon, may not be fully reflected by the criteria developed at the international level. Similar to this, it is not always easy to distinguish between minority groups and indigenous peoples, and this is also true in the context of Africa¹⁴. But in Africa, the concept of a “minority” still holds true, and the international human rights law system stipulates minimal requirements for domestic applicability. Slimane explains:

The criteria elaborated at the international level may not fully reflect the complexity of multi-ethnic states in Africa (or necessarily on other continents), that are highly diversified in terms of ethnicity, religion and language, and made up sometimes of more than 250 different ethnic groups, as is the case in, for example, Nigeria or Cameroon. Similarly, the distinction between minority groups and indigenous peoples is

12 DESCHÊNES, J. Proposal concerning a definition of the term “minority”. *United Nations Digital Library*. 1985, GE 85-12164. Available at: Doc. E/CN.4/Sub.2/1985/31/Corr.1

13 SLIMANE, S. *Recognizing Minorities in Africa (Minority Rights Group International)*. 2003. Available at: https://minorityrights.org/wp-content/uploads/2015/08/MRG_Brief_MinsinAfrica_FRE2003.pdf

14 Ibidem.

not always clear-cut³ and this is equally the case in the African context. However, the term 'minority' is still relevant in Africa and the international human rights legal framework provides minimum standards for domestic application. The criteria recognized in international law should guide our reflection and help to identify possible applications that may best fit in Africa. The examples of the colonial and minority white-ruled states of Angola, Mozambique, South-West Africa (now Namibia), Rhodesia (now Zimbabwe) and apartheid South Africa give a negative connotation to the term 'minority' in the eyes of some African states.¹⁵

II. ANGLOPHONE MARGINALISATION SYNDROME

1. Limited Political Representation

The Anglophone problem is a combination of political, economic and social grievances expressed by the English-speaking minorities in the predominated French speaking republic of Cameroon. These grievances are expressed in terms of discrimination, marginalization and second-class citizenship. Because the fundamental causes of the conflict have not yet been addressed or resolved, it has led to the escalation of the conflict which has resulted to the destabilisation of social and economic activities in the economy¹⁶.

One of the factors that fuelled frustration with the francophone-dominated state in the late 1980s, notably the increasing monopolisation of

key posts by members of the President's ethnic group who appeared to be much bolder in stating out claims on the state's resources than had Ahidjo's barons. As of August 1991, according to Joseph Takougang, 37 of the 47 senior divisional offers were Beti, as were three-quarters of the directors and general managers of the parastatals, and 22 of the 38 high-ranking bureaucrats who had been appointed in the newly created office of the Prime Minister¹⁷.

2. Economic Discrimination

In addition, there was the deteriorating economic crisis which anglophones were inclined to attribute first and foremost to the corruption and mismanagement of Biya's regime. They claimed that their region had failed to benefit from its rich oil resources and criticised the absence of increased investments in its ailing economy and neglected infrastructure. Oil revenues were alleged to be used by those in power to feed 'the bellies' of their allies, and to stimulate the economy in other regions. The Societe nationale de raffinage (Sonara), the oil refinery near Limbe (or Victoria as some prefer to call it again), continued to be headed and predominantly staffed by francophones. There was also great anxiety in anglophone Cameroon that its major

agro-industrial enterprises, especially the Cameroon Development Corporation (CDC) and Plantations Pamol du Cameroun Ltd (Pamol), would be either liquidated or sold to francophone or French interests during the ongoing structural adjustment programme¹⁸.

¹⁵ Ibidem.

¹⁶ JOSEPH, N. M. Is the Conflict in Anglophone Cameroon an Ethnonational Conflict? Op. cit., p. 3.

¹⁷ KONINGS, P., NYAMNJOH, F. The Anglophone Problem in Cameroon. *The Journal of Modern African Studies*. 1997, 35(2), pp. 207-229.

¹⁸ Ibidem, pp. 207-229.

3. Discrimination in recruitment, training and education

The Anglophone lawyers claimed they were appalled by the gradual phasing out of common law principles in Cameroon's legislation, especially through the recent harmonisation of the Criminal Procedure Code, the Organisation for the Harmonisation of Business Law in Africa (OHADA) Uniform Acts and the Inter-African Conference on Insurance Markets (CIMA) Code. They feared that the same phenomenon would be observed in the Civil Code and the Commercial and Civil Procedure Code, which are being drafted¹⁹. They blamed the government for their inability to organise under a separate Common Law Bar, because the law actually proscribed the existence of any Bar separate from the Cameroon Bar Association, which could permit them to cohere and defend their interests as common law lawyers. They also asked for the creation of a Common Law Bench at the Supreme Court²⁰.

The Anglophone lawyers raised issues of representation and the recruitment of legal personnel. In his statement, Esso mentioned that there were 1 542 active magistrates, including 91 in service at the Ministry of Justice, 1 412 in service in the courts and 39 on secondment. This group included 1 265 French-speaking magistrates and 227 English-speaking magistrates. As for judicial officers, there were 514 in total - 499 Francophones and 15 Anglophones²¹. Of the 128 magistrates practicing in the Northwest region, 67 (52.3%) are French speaking with a civil law background.

Of the 97 magistrates in the legal services, 64 (65.9%) are Francophones. Of the 27 magistrates in the legal services in Bamenda, there are 21 Francophones (77.8%). A similar trend is observed in the Southwest region²².

The current Anglophone crisis is an extension of the historical resistance to the alleged assimilation of the indigenous English-speaking population. It began with the provoked harassment of Anglophone lawyers engaged in peaceful protest marches in September 2016 to vent their grievances over the perceived marginalization of the Anglophone Common Law practice in the country. In October 2016, they went on strike, and in November, the Anglophone Teachers Trade Union also staged a solidarity strike to protest against the distortions confronting the educational system in the Anglophone regions²³. Need for unity and solidarity in the Anglophone Community in order to choose a concrete plan of action and reallocate its resources to guarantee its achievement²⁴.

III. LEGAL AND CASE LAWS FRAMEWORK FOR THE PROTECTION OF LINGUISTIC MINORITY IN CAMEROON

1. International Instruments for the Protection of Linguistic Minority

It was, however, not until the adoption of the ICCPR in 1966 (which came into force in 1976) that the question of minority rights re-entered the international agenda that safeguard linguistic

19 CAXTON, A. S. The Anglophone Dilemma in Cameroon: The Need for Comprehensive Dialogue and Reform. *Conflict Trends* 2. 2017.

20 Ibidem, p. 5.

21 Ibidem.

22 Ibidem, pp. 5-6.

23 JOSEPH, N. M. Is the Conflict in Anglophone Cameroon an Ethnonational Conflict? Op. cit., p. 2.

24 Ibidem, p. 4.

minorities²⁵. Its article 27 states:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

1.1 UN. Human Rights Committee Case Laws

In 1990, the Human Rights Committee heard the case of *Lubicon Lake Band v. Canada*, in which the Lubicon Lake Cree Nation alleged that by allowing oil and gas development on or near the ancestral land of the Lubicon Lake Cree Nation, Canada had denied the development of the culture, way of life, and health of the community. Finding Canada had violated ICCPR Article 27, the Committee “reaffirmed that the Covenant recognizes and protects in most resolute terms a people’s right of self-determination and its right to dispose of its natural resources, as an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights.”²⁶

In 1998, the Human Rights Committee decided the case of *Ivan Kitok v. Sweden*, in which Mr. Kitok alleged denial of his rights under ICCPR Articles 1 and 27. He claimed he was denied the right to breed animals and follow the customs of his indigenous Swedish tribe. In this decision, the Committee stated, “[t]he regulation of an eco-

nomic activity is normally a matter for the State alone. However, where that activity is an essential element in the culture of an ethnic community, its application to an individual may fall under Article 27 of the Covenant.”²⁷

The case of *Antonina Ignatane v. Latvia* decided on 25 July 2005 by the Human Rights Committee of the United Nations, charged with overseeing the application and implementation of the International Covenant on Civil and Political Rights²⁸.

2. Regional Instrument: African Charter on Human and Peoples’ Rights and African Commission on Human and Peoples’ Rights

2.1 Articles dispositions in African Charter on Human and Peoples’ Rights Protecting Linguistic Minorities

The African Charter provides for a series of collective rights for which ‘peoples’ can rely. Although the African Commission has not yet defined the concept of ‘people’ contained in the African charter, a brief reading of the Commission’s case-law clearly shows that the notion of “people” has not been interpreted as encompassing only the idea of State. The approach to the rights of minorities is also reflected in the General Directives on National Periodic Reporting, which require the application of Article 19 of the Charter²⁹.

25 VIJAPUR, A. *International Protection of Minority Rights. International Studies*. 2006, 43, p. 374.

26 AGWU, S. *Protections of the rights of minorities and indigenous people have been of serious concern to international human rights system. Discuss with the aid of relevant judicial and statutory authorities. Ebonyi State University*. 2013, n° 167/1984.

27 *Ibidem*.

28 *Ibidem*.

29 SLIMANE, S. *Recognizing Minorities in Africa (Minority Rights Group International)*. Op. cit., p. 3.

Article 19 of the Charter states:

All peoples shall be equal. They shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

The principle of non-discrimination is a way to guarantee linguistic rights.

Article 2 stipulates:

Every individual shall be entitled to the enjoyment of the rights and freedom recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Furthermore, article 24 states: *All peoples shall have the right to a general satisfactory environment favourable to their development.*

2.2 African Commission on Human and Peoples' Rights: Case Laws

The African Commission has not dealt with many cases regarding indigenous peoples. In *Katangese People's Congress v. Zaire* (Communication 75/92), the African Commission, whilst recognizing the right of the Katangese to self-determination, found no violation of that right as it can only be exercised in harmony with the principles of sovereignty and territorial integrity³⁰.

In the case of the Ogoni people in Nigeria, the African Commission on Human and Peoples Rights noted that there had been a violation of the collective right of people to freely dispose of their wealth and natural resources - as contained in Article 21 of the Charter of the African Commission on Human and Peoples Rights - when the government had "facilitated the destruction of the Ogoniland" by giving "the green light to private actors, and the oil Companies in particular to devastatingly affect the well-being of the Ogonis"³¹.

3. National Framework for the Protection of Linguistic Minority in Cameroon

3.1 Constitutional protection

The 1996 Constitution remains the principal tool for human rights protection in Cameroon. Although these rights are contained in the preamble of the constitution, they are all binding. Preamble one indicates that "the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights". The preamble also provides for the right to life, education, equal protection of the law, healthy environment and freedom of expression. It also provides for freedom from torture, cruel, inhumane or degrading treatment and guarantees the right to liberty and security of the person as well as minority rights protection³².

The constitution of Cameroon remains a set of fundamental legal-political rules that are binding on everyone in the state, including or-

³⁰ AGWU, S. Protections of the rights of minorities and indigenous people have been of serious concern to international human rights system. Discuss with the aid of relevant judicial and statutory authorities. Op. cit.

³¹ Ibidem.

³² TONGA, B. The state of Human Rights Protection in Cameroon. *Prospects and Challenges*. 2021, p. 3. Available at: https://www.researchgate.net/publication/351097872_The_state_of_Human_Rights_Protection_in_Cameroon_Prospects_and_Challenges/citation/download

dinary law-making institutions and regulates the structure and functioning of the governmental institutions, political principles and the rights of citizens. It can therefore be understood that the Constitution covers the exact content of the political set up of a state (that is, it sets out the basic structure of the government and also declares and defines the rights and duties of citizens³³.

The Constitution expresses the commitment to holding free, fair and genuine elections by universal, free, secret and direct suffrage. In other words, it protects electoral rights which includes: the right to vote and to run for elective office in free, fair, genuine and periodic elections conducted by universal, free, secret and direct vote; the right to gain access, in equal conditions, to elective public office; the right to political association for electoral purposes (for example, the right to establish or join or not join a political party or any other grouping with electoral aims); and other rights intimately related to these, such as the right to freedom of expression, freedom of assembly and petition, and access to information on political-electoral matters³⁴.

The preamble of the Cameroon Constitution expressly protects minority rights. It states: “all persons shall have equal rights and obligations. The State shall provide all its citizens with the conditions necessary for their development; the State shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law”³⁵.

The Constitution has made it possible for certain regions to have special status. Article 62 of the Constitution of Cameroon states: “...Without prejudice to the provisions of this Part, the law may take into consideration the specificities of certain Regions with regard to their organization and functioning”. Going by this provision, it goes without saying the regions containing the Anglophone minorities should have a special status with regard to their organization and functioning³⁶.

Cameroon will soon elect its next President. Whilst preparation of this important event is underway, the country is facing one of its greatest social crisis known as the Anglophone crisis. This reflection aims to point out the fact that the Constitution adopted on 18 January 1996 and revised by law 2008/001 of 14 April 2008 cemented a constitutional system that has failed to achieve one of the principles that the same Constitution guarantees: the principle of equality between Francophone and Anglophone³⁷. Article 1(3) of the Constitution states that ‘the official languages of the Republic of Cameroon shall be English and French, both languages having the same status’. The Constitution sets out the principle of linguistic equality in Cameroon, without further explanation on how this principle would be guaranteed. The same article further states that ‘the State shall guarantee bilingualism throughout the country. It shall endeavor to promote and protect national languages’. In the meantime, the preamble of the Constitution states that: ‘the

33 GHAMU, E.K. The Legal Framework for The Protection of English- Speaking Minority in Cameroon. *Texas Journal of Philology, Culture and History*. 2021, p. 28. ISSN: 2770-8608.

34 Ibidem.

35 Ibidem.

36 GHAMU, E.K. The Legal Framework for The Protection of English- Speaking Minority in Cameroon. Op. cit., pp. 28-29.

37 LEMDJO, F. M. Y. The constitutional problems to protect the principle of linguistic equality in Cameroon. *Advancing the rule and role of law in Africa*. 2018. Available at: <https://africlaw.com/2018/08/28/the-constitutional-problems-to-protect-the-principle-of-linguistic-equality-in-cameroon/>

State shall ensure the rights of minorities [...] in accordance with the law'. But the Constitution does not provide a definition for the term 'minorities'³⁸.

The Government of Cameroon should identify groups considered as minorities within the meaning of the United Nations system in the constitution. Taking as a basis the criteria for identifying minorities contained in article 27 ICCPR that classified the following as minorities: national, ethnic, linguistic and religious.

3.2 Specific laws

There are various other specific legal instruments that help in the promotion and protection of minority rights in Cameroon. For instance, the Penal Code of 2016³⁹ protects several categories of rights. Sections 275 and 276 punishes a violation to the right to life through murder and capital murder respectively. Other provisions that have a human rights undertone includes section 277 which punishes torture. Section 296 punishes rape, section 305 punishes defamation, section 293 punishes slavery and section 302 punishes sexual harassment⁴⁰.

The criminal procedure code⁴¹ also helps in the protection of human rights in Cameroon. It lays down the procedural rules in criminal proceedings, starting from criminal investigation (searches and seizures, interrogations and questioning), to pretrial rights (right to a speedy and public trial, by an impartial jury of the State, and

to be informed of the nature and cause of the accusation), trial rights (right to be heard, presumption of innocence, right to counsel) and post-trial rights (right to appeal)⁴².

The Cameroon labour code⁴³ equally protect the human rights of minorities pertaining to labour issues. Section 2(1) of the 1992 Labour code notes that "the right to work shall be recognised as a basic right of each citizen". The state is mandated to take all necessary steps to assist its citizens to secure employment⁴⁴.

Both the constitution and specific laws of Cameroon should be in conformity to international laws as this can be consider the guarantee for protection of linguistics minorities as was observed in the case of Skender v. the Former Yugoslav Republic of Macedonia. In the case of Skender v. the Former Yugoslav Republic of Macedonia decided on the 22nd of November, 2001, the applicant was a national of the Former Yugoslav Republic of Macedonia of Turkish origin. He had two daughters whom he wished to send to Turkish-speaking school situated in another district than the one where he lived, as the school of their own district did not provide teaching in Turkish. According to the Primary Education Act, pupils should attend the State primary school of their place of residence. In 1997, the applicant asked the Turkish-speaking school to admit his elder daughter. He received no answer and complained, allegedly on two successive occasions to the competent authority. He started proceedings before the Supreme Court. The school, at this stage refused

38 Ibidem.

39 Law N° 2016/007 of 12 July 2016 relating to the Penal Code.

40 TONGA, B. The state of Human Rights Protection in Cameroon. Op. cit., p. 3.

41 Law N° 2005 of 27 July 2005 on the Criminal Procedure Code.

42 TONGA, B. The state of Human Rights Protection in Cameroon. Op. cit., pp. 3-4.

43 Law N° 92/007 of 14 August 1992 relating to the Labour code of Cameroon.

44 TONGA, B. The state of Human Rights Protection in Cameroon. Op. cit., p. 4.

to enroll his elder daughter, as they did not live in the district of the school. The Supreme Court refused, on procedural grounds, to examine the applicant's complaint in respect of the school's refusal⁴⁵.

The Constitutional Court did not quash the Supreme Court's decision. The Supreme Court refused to examine the applicant's request for having the proceedings reopened as the applicant had not provided fresh evidence as required by law⁴⁶.

The Chamber of the European Court of Human Rights which is charged with overseeing the European Convention on Human Rights unanimously declared the applicant's application inadmissible after holding that Article 14 complements the other substantive provisions of the Convention and the Protocols. It has no independent existence since it has effect solely in relation to the enjoyment of the rights and freedoms safeguarded by those provisions. Although the application of Article 14 did not necessarily presuppose a breach of the provisions- and to this extent it was autonomous- there can be no room for its application unless the facts in issue fall within the ambit of the one or more of the latter⁴⁷.

IV. RECOMMENDATIONS

1. Return to Federation

Anglophone lawyers and teachers called for a return to the two-state federation to permit for some level of local autonomy and control. While

tenable, at the moment this demand seems to be a no-go option for many in the current government⁴⁸.

The Anglophone diaspora took over the leadership of the struggle, following the arrest and detention of the CACSC leadership. The Anglophone diaspora substituted the initial quest for the restoration of two-state federalism with the demand for a separate State of Ambazonia⁴⁹. Several groups emerged, mobilising Anglophone nationalism within Cameroon and beyond towards the attainment of Ambazonia. Prominent among these groups include the CACSC, Southern Cameroon Peoples Organization (SCAPO), Southern Cameroons South Africa Forum (SCSAF), Movement for the Restoration of Independence in Southern Cameroon (MoRISC) and Southern Cameroonians in Nigeria (SCINGA). Others are the Southern Cameroon National Council (SCNC), Republic of Ambazonia (RoA), Ambazonia Governing Council (AGC) and the Southern Cameroon Youth League (SCYL)⁵⁰.

2. Inclusive dialogue

To deal with the current impasse, the government needs to reengage in more comprehensive dialogue, and also be more receptive to the problems raised and proposals made. Recently, the government created a National Commission on Bilingualism and Multiculturalism, which is to report directly to the president on matters affecting bilingualism and multiculturalism in the country. This is a positive gesture. The govern-

45 AGWU, S. Protections of the rights of minorities and indigenous people have been of serious concern to international human rights system. Discuss with the aid of relevant judicial and statutory authorities. Op. cit.

46 Ibidem.

47 Ibidem.

48 CAXTON, A. S. The Anglophone Dilemma in Cameroon: The Need for Comprehensive Dialogue and Reform. Op. cit.

49 JOSEPH, N. M. Is the Conflict in Anglophone Cameroon an Ethnonational Conflict? Op. cit., p. 1.

50 Ibidem, pp. 2-3.

ment also announced reforms, creating a Common Law Bench at the Supreme Court and common law departments in state universities in the French-speaking part of the country. These could improve the lot of Anglophone lawyers. However, the government could show further commitment by acknowledging that the Anglophone population as a whole - not just teachers and lawyers - has general challenges which need to be addressed. In addition, remedial measures requiring perpetual inviolability could be embedded in the Constitution⁵¹.

3. Unconditional Release of Prisoners and Amnesty for Anglophone Protesters

For the government to be more persuasive, it also has to be more receptive. The government should stop the use of force by military officers on the populace. This violence only serves to complicate matters, and time has shown that this method has not been effective in solving the crisis. If the calls of the people are legitimate, then ordinary civilians should not be arrested for exercising their constitutional rights. The UN Secretary-General's Acting Special Representative, François Loucény Fall, who visited the country on 13 April 2017, asked for the unconditional release of those jailed in connection to the crisis. Their continued detention greatly mars renewed calls for dialogue. Protesters should also be granted amnesty by the government, so that they can continue to behave, feel, think and act like Cameroonians⁵².

V. CONCLUSION

This article sought to determine whether the conflict between Cameroon's two English-speaking areas was an ethnic or identity-based one. The method and repressive tools that the current government has used to crush the opposition have reduced the strength of the Anglophone struggle, and some could even say that it has hit a brick wall. Even though it is losing ground, the fight nonetheless goes on despite internal conflicts, most notably the one between the southwest and northwest (both regions make up the Anglophone Community).

Although the Anglophone Diaspora has done much to raise international awareness, much still needs to be done even to achieve federalism, much less complete separation and independence. What Southern Cameroon needs are strong international alliances and guarantors to push this struggle into the ultimate defining phase. This is because the government is heavily supported by France. Therefore, the Anglophone Community needs to come together and show solidarity in order to select a specific course of action and reallocate its resources to ensure its success.

English speakers' right in Cameroon must always be safeguarded as a fundamental right. Several laws have been implemented in Cameroon to safeguard minorities' rights. A number of human rights documents have been ratified by Cameroon and many other nations, and as a result, it is the state's responsibility to uphold all of the rights protected by these instruments, including those of minorities. Minority protection is a well-established notion in international law. As a result, international legal instruments,

51 CAXTON, A. S. *The Anglophone Dilemma in Cameroon: The Need for Comprehensive Dialogue and Reform*. Op. cit.

52 Ibidem.

which include both binding and non-binding measures, provide protection for minorities. As a signatory to these documents, Cameroon has acknowledged its threefold obligation to respect, safeguard, and uphold human rights. A positive sign that Cameroon is committed to fulfilling its three obligations to assure the preservation of human rights is that minorities' rights are given adequate protection in the country. On the other side, the government's failure in this endeavor suggests that it is not fulfilling its tripartite obligation. However, due to a lack of enforcement, the state's legislation protecting anglophone Cameroon's rights are still ineffectual.

There are a number of political systemic gaps that need to be filled if Cameroon is to advance as a single country, as evidenced by the current crisis, which is another escalation in that sequence. To overcome this, more localized control of political and economic resources may be required. Existing institutions and leadership structures must be more receptive to the requirements of citizens. Access is restricted and a connection with the populace results from overly centralized power systems. On the other side, the military needs to do better when it comes to protecting human rights, as young people who have recently graduated from school are becoming more radicalized. The closing of these disparities depends greatly on civil society.

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