

Electoral Corruption in Central Africa and Entrenchment of Democratic Culture: A case Study of Cameroon

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Abstract

This paper provides an overview of electoral corruption in Cameroon. The paper is grounded on the assumption that elections are the keystone of modern democracy, and that understanding electoral corruption and addressing its main causes can improve electoral integrity in Cameroon and around Central Africa. This paper provides an overview of electoral corruption in Cameroon. The paper is grounded on the assumption that elections are the keystone of modern democracy, and that understanding electoral corruption and addressing its main causes can improve electoral integrity in Cameroon and around Central Africa.

Keywords: Electro corruption; Democracy; Central Africa

1. Introduction

The global expansion of multiparty elections during the last thirty years has brought corruption to the forefront of democratic development and governance. Electoral corruption and fraud are clearly the gravest forms of electoral malpractice, and should be combated overtly and publicly by all those with a stake in democratic development. Freedom House in 2010, states that 26 countries were considered as emerging democracies with lowest levels of liberty rights. Their elections were classified as “Not Free” by Freedom house among which are Central African States; Chad, Equatorial Guinea, Congo, DRC Congo, Gabon and of course Cameroon. In 2013, Cameroon was still classified under the “Not Free zone” What are therefore the effects of electoral fraud on the democratization of Central African States and Cameroon in particular?

Six topics have dominated the study of electoral corruption and entrenchment of democratic culture in Cameroon: clarifications of what is electoral corruption and entrenchment of democratic culture; studies of the causes of electoral corruption; analyses of manifestations of electoral corruption; analyses of the effects of

electoral corruption; studies of measures to fight against electoral corruption in Cameroon and strategies for improving the quality of elections and reducing electoral corruption.

1.1 Definitions of concepts: electoral corruption and entrenchment of democratic culture

Elections are the keystone of democracy as we know it, but the spectre of corruption and manipulation hangs over all electoral processes. For as long as elections have been held, they have been subject to efforts to corrupt them. Electoral corruption is widespread in Central Africa and particularly in Cameroon. Electoral corruption is an illegal interference with the process of election which involves the abuse of electoral institutions for personal or political gain; it goes by electoral malpractice, electoral misconduct, electoral malfeasance, electoral fraud, and electoral manipulation. In addition to the violation of legal provisions electoral corruption is an abuse of process awareness and manipulation of consciences of some by others in the perspective to extort conduct that distorts the expression of the legitimacy of the population and therefore the legitimacy of the democratic game. Electoral corruption always transgresses the boundary of law and morality. According to the Coalition for Democratic Governance of 2013, electoral corruption is often considered innocuous acts but with serious consequences on the clarity and legality of the electoral process and strengthening democracy. Electoral corruption has three types according to author in [1]; which are (i) manipulation of rules (the legal framework) : the manipulation of rules involves the distortion of electoral laws so as to benefit one party or contestant in an election; (ii) manipulation of voters (preference-formation and expression): the efforts to distort voters „ preferences and efforts to sway preference expression and variety of illicit forms of campaign tactics that are deceptive, activities that violate campaign finance laws (typically through over-spending), the use of state resources to support the campaign of a particular candidate or party, or severe bias in media coverage of the election and (iii) the manipulation of voting (electoral administration) :the manipulation of voting takes place through a variety of different forms of electoral maladministration, from classical acts of fraud – personation, ballot-box stuffing, mis-reporting – to other more subtle acts that skew the conduct of an election in favour or against a particular contestant. When elections go wrong, democracy and governance can suffer considerable damage that often takes a very long time to remedy.

Electoral corruption is doubtfully harmful to democracy. Measuring it can be important to successfully fight against it. Unfortunately due to the nature of electoral corruption (its hidden nature, illicit, and different varieties), it is difficult to obtain precise information on its extent and forms. It is not like measuring inflation. The measurement of electoral corruption is something that it is difficult to do directly, and most measures of this phenomenon rely on indirect or proxy measures of some form. Electoral misconduct which leads to electoral corruption has been measured in two main ways: (a) by means of perceptual data such as reports written by observers, legal charges, court rulings, or the findings of popular surveys and opinion polls; or (b) by means of “election forensics” quoted from author in [2] that involve undertaking statistical analyses of election results in order to identify patterns that are unlikely to be found in manipulated elections. If it is difficult to apprehend quantitatively electoral corruption its causes in Cameroon are not unknown.

2. The causes of electoral corruption in Cameroon

Politicians in all countries face a trade-off between the desire to be re-elected and the desire to retain legitimacy as stated by authors in [3]. They may be tempted to engage in electoral malpractice in order to ensure their re-elections, but in many contexts the cost of misconduct in the electoral sphere will be too high, as electoral conduct will, if detected, have such a negative impact on their legitimacy that it will not be worth the risk. In addition a key social structural factor that interacts with electoral corruption is the level of socio-economic development in a state, and a number of studies have linked lower level of socio-economic development with higher levels of electoral corruption as commented by authors in [4]. Moreover, there is some evidence that wealth inequality within states is associated with higher levels of electoral corruption as added by author in [5]. Culture and values have also been found to impact electoral corruption as well. In particular, the dominance of more traditional cultural forms has been identified as one of the background conditions that provide fertile ground for several different forms of electoral corruption, in particular those that involve the corruption of voters as explained by authors in [6].

During the election of September 2013, The Coalition for Democratic Governance has observed that the high levels of electoral corruption in Cameroon can be also attributed to some of the following factors: Inconsistencies and irregularities in and between almost all polling stations as well as technical difficulties on the part of Cameroon Election (ELECAM) in administering transparently the election has always given room for electoral manipulation to go undetected by the candidates especially those belonging the ruling party across all the 10 regions of Cameroon [7].

According to the American Embassy report on Cameroon of 2010, [8] in the ambassador's address to the civil society organisations, he argued that the lack of training for election officials and ignorance on the following articles of relevant provisions for the members of the local polling station (law no 2012/001 of 19 April 2012 relating to the electoral code) are one of the electoral corruption cause in Cameroon.

“section 102: (1) “No person shall be allowed to vote unless their name appears on the electoral register of the polling station concerned. Section 102: (2) The provisions of Section 102 (1) above notwithstanding, the Chairperson and members of the Local Polling Commission shall be allowed to vote in the polling station upon producing their voter's cards. Section 103: (1) On entering the polling station, the elector shall produce their voter's card. They shall also prove their identity by producing their national identity card. Section 103: (2) The Local Polling Commission may allow any elector registered in the polling station that, for one reason or the other, may be unable to produce their voter's card. And the lack of voter education on how to vote are apparent across the 10 regions of Cameroon, due to this manipulation of the electoral process becomes easier for the candidates to rigging votes with no fear of being traced at various polling stations within the country”

All cause easier manipulation of the electoral process due to ignorance of these stated acts by the election officers in some polling stations hence causing electoral corruption in the country. He concluded by saying that, Voters roll keep on retaining the deceased and duplicate voter's names, which he argued that it causes fraud and rigging of votes during the electoral process. As mentioned above the high incidence of poverty, economic

hardships, the rising cost of living has lured many Cameroon Election (ELECAM) public office bearers to seek bribes during the electoral period. As a result of economic crisis and Poor salaries, it is difficult for slowly paid workers to continue to follow the official norms and high ideals of honesty in Cameroon and this has increased the rate of malpractice during election periods in the country. Apart from that institutions are not independent.

The National Anti –Corruption Commission in Cameroon (CONAC) is a public independent body which comes under the direct supervision of the Head of State, [9] With Its mission of monitor and evaluating the effective implementation of the government’s anti-corruption programme which also involves electoral corruption has continued to have weak institutions to handle corruption cases to deter concurrency of vote fraud and rigging most especially by member of the CPDM party, several national conferences are organised by this commission but the resolutions are not followed. [10]

Despite Mister Paul Biya acceding to some of the demands of the opposition and adding members of the country’s civil society to ELECAM’s makeup, ELECAM does not have financial autonomy. It also cannot declare election results and is subordinate to the Ministry of Territorial Administration and Decentralisation (MINATD)[11]. This has weakened the civil society organizations participation in ELECAM ending up being guilty of blurring the line between civil society and opposition as the CPDM reducing the pressure of these organisations over ELECAM to practice he control of free and fair elections rendering electoral corruption inevitable [12]. MINATD has been accused of introducing phantom voters to electoral lists in previous polls and as long as the department started control over ELECAM, through which furthermore Insecure and precarious tenure of office of the top officers of government including the ministers who feel insecure and threatened because of job insecurity, ending up engaging in downright plunder to a mass wealth while they have the opportunity as well as to do all that possible to retain their positions and that of the person who appoints them (the President), so that they can live quite comfortably, if they got thrown out of the office

All these causes of electoral corruption have their manifestations of the field. Most the manifestations have been noticed and noted during the September 2013 legislative and municipal elections.

3. Manifestation of electoral corruption in Cameroon

According to the Coalition for Democratic Governance (CODEG), during the legislative and municipal elections of 30th September 2013 in Cameroon, different manifestations of corruption in the electoral process were recorded in various districts of the 10 regions of Cameroon that occurred throughout the campaign and during the Election Day. These manifestations can be summarized in the following.

3.1 Misuse of public property for partisan purposes.

To ensure reliability of the electoral process administration it’s mandatory for it to show neutrality. Indeed any involvement of the administration is likely to favor a candidate or a political party at the expense of others. Thus, the use of state resources for the purpose of electoral campaign is an abuse and should be denounced. Unfortunately, according to CODEG resources of the State (government registered vehicles; public funds for

fuel purchases, human resources of the State: Ministers, directors, deputy directors, heads of departments, local government authorities) were used by both the CPDM and by some political parties of the opposition.

3.2 Mismanagement and misappropriation of public resources for campaign purposes.

Political parties should receive public funds for election campaigns. This provision is available under Article 276 of the Electoral Code of Cameroon. The management of these funds must respect the orthodoxy of public resource management where by the beneficiaries of these funds must be able to have accountability for its management. The election of 30th September 2013, 1, 7 billion CFA francs was released by the Cameroon public treasury for the purpose of electoral campaigns. How these funds have been allocated and used by the candidates? Political parties have avowed not to have received even one CFA which was allocated to them and for those other candidates who have received these funds were not used. Despite the monitoring committee provided by Article 277 of the Electoral Code which is stated to check the use of funds allocated to candidates and political parties with the purpose for the law as issued as well punishing proven cases of embezzlement as provided in Article 292 of the same Code, however according to the report of CODEG, these resources continue to be used by political parties for purposes not covered by law.

3.3 The purchase of food and conscience vote.

These practices are most often the result of candidates who have no political program to be presented to the electorate. For these candidates buying consciousness emerges as the only recourse. This corruption happens despite the repression under the electoral code. According CODEG, almost all of these acts are perpetrated by and for candidates of the ruling CPDM i.e. which have more financial power. This does not mean that opposition political parties do not also perpetrate such practices. The food is similar to vote buying. The gain to be collected is a daily pittance (or instant) usually consists of rice, bread, beer, soap etc.

3.4 Envelope civilian cabinet traditional leaders and Influence peddling and vote conditional.

It is to rely on traditional leaders are and ask them to help the ruling party to win elections. Chiefdoms or where the ruling party is in trouble are mainly targeted according to the report of the Coalition for Democracy and Governance. Some political parties threaten populations from obtaining certain benefits if they do not vote for their parties including places for competitions for job.

The electoral causes and its effects affect Cameroon and its populations in many ways.

4. Effects of Electoral Corruption in Cameroon (Dear Nina can you please add the references of your part? thank you Cheri)

Electoral Corruption Undermines Democracy and Good Governance, creates Voters Apathy and Lack of Future Participation, Consistency of dubious Leaders in Power, and more often Electoral Violence.

4.1 Electoral Corruption Undermines Democracy and Good Governance.

Corruption undermines democracy and good governance by flouting or even subverting formal processes. Corruption in elections and in the legislature reduces accountability and distorts representation in policymaking; corruption compromises the rule of law which has an adverse effect on public administration resulting in the inefficient provision of services. It violates a basic principle of republicanism regarding the centrality of civic virtue. More generally, Electoral corruption erodes the institutional capacity of government if procedures are disregarded, as public offices are bought and sold. Corruption undermines the legitimacy of government and such democratic values as trust and tolerance. Recent evidence suggests that variation in the levels of electoral corruption in low income democracies like Cameroon for example can lead to underdevelopment [13].

4.2 Voters Apathy and Lack of Future Participation.

Flawed elections delegitimize the moral stand of society in the eyes of all, especially the young and impressionable. In Cameroon in particular, the youth have realised that the political leaders, who are supposed to be role, models, who speak in high sounding language about rigor and moralization, advanced democracy and the rule of law are in fact cheats, willing to falsify documents and engage in multiple thumb printing. Sustaining important societal values, such as truth, honesty, the triumph of good over evil, becomes extremely hollow platitudes. Cheating and dishonesty become acceptable. Yes under these circumstances, in such elections attract crooks and the most corrupt are always the winners. This has led to many people refusing to vote or take path in election as they believe their votes will not count.

4.3 Consistency of dubious Leaders in Power.

The result is the installation of dubious political leaders that have helped to promote corruption, lack of accountability and terse development of human and material resources in our country. Electoral fraud thus compounds the social choice problems that already exist in aggregating preferences into outcomes that arise from extant challenges in translating vote shares into seat shares as stated by author in [14]. As a consequence, poorly performing politicians remain in office.

4.4 Electoral Violence.

Also, where free and fair elections are no longer possible, civil conflicts and electoral violence becomes the only option. Like present day Cameroon, Kenya at the time presented a striking example of an African country that had long painted a picture of relative peace while camouflaging the political and economic fragility that gradually destroyed the country from within according to author in [15]. Therefore, same situation may arise in Cameroon if Electoral fraud is not curbed. This can invariably ruin a country's progress and reverse their development.

Due to its bad effects on Cameroonian, legal texts at the national and internal levels have been adopted by the authorities in charges public policies to fight against electoral corruption.

5. Measures against electoral corruption in Cameroon (we also have to mention the weaknesses of these legal texts and institutions to justify the recommendations)

Legal texts both at national and international level and institutions are set to combat electoral corruption and punish bribers.

5.1 Legal texts combating electoral corruption in Cameroon.

The first text that fights against electoral corruption is Cameroon's constitution. It provides in Article 48, first paragraph, that the Constitutional Council in [16], shall ensure the regularity of presidential elections, parliamentary elections and referendum. Legislative and municipal elections of 30th, September 2013 in Cameroon took place in a particular context where the country is committed not only in the wake of strengthening democratic governance with the adoption of the new Penal Code (Law No. ° 2012/001 of 19 April 2012 on the Electoral Code), which also confirmed the powers of "the independent body responsible for the organization, management and supervision of the entire electoral and referendum process" (ARTICLE 4); but also the context of the country's commitment to the consolidation of public morals in the fight against corruption and related offenses. This commitment is evidenced by the adoption by the Government of Cameroon at the end of 2011 the national strategy against corruption under the leadership of the National Anti-Corruption Commission. One would have expected that all contexts bring more to the state of electoral corruption. As the Electoral Code, adopted in April 2012, it aims to improve the electoral national electoral system and states in article 4 that "elections shall conform to democratic principles" and in article 113 states that "immediately after skinning, the results obtained in each polling station is made public". " The penalties provided for in Article 122-1 of the Penal Code, who: (a). is enrolled on the electoral roll under a false identity or, becoming Sign conceals a disability under this Act, (b). using false declarations or false certificates, is improperly included on a list of electors or, using the same resources, registered or are unduly scratch a citizen. (c) forfeit the right to vote, participate in poll (d) voting or under fraudulent registration or taking the names and other registered voters; (e) as a result of multiple entries, vote more than once ... "Article 289 of the Election Code also provides that" The penalties provided for in Article 123-1 of the Penal Code, whoever.: (a) grants, gifts, favors, promises of granting public or private employment or other special benefits given to influence the vote of one or more constituents to obtain their votes, either directly or through a third party; (b) directly or through a third party, accepts or solicits candidates donations, gifts, favors or benefits referred to indent above " .Cameroon has also ratified international binding texts.

International law ratified by Cameroon (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, African Charter on Democracy, Elections and Governance (ACDEG)) stipulates that elections must be held periodically; in addition they must meet five criteria to be considered free and fair: they must be held (1) by secret ballot, (2) under universal and equal suffrage (3) in a nondiscriminatory manner (4) allowing direct choice and (5) free expression (Beigbeder, 1994; Goodwin-Gill, 1994; 1998). The Article 17 of the Charter states that "States Parties reaffirm their commitment to hold regularly transparent elections, free and fair elections, in accordance with the Declaration of the Union on the Principles Governing Democratic

Elections in Africa». For these purposes, each State Party shall (i) establishes and strengthens independent and impartial national electoral bodies responsible for the management of elections ; (ii) establishes and strengthens national mechanisms to address, in a timely manner, electoral disputes, (iii) ensures that the parties and candidates participating in the elections have equal access to state media during elections ; (iv) adopts a code of conduct that binds legally recognized political parties, the Government and other political actors before, during and after the elections. This code contains a commitment of political leaders to accept the election results or challenge it exclusively through legal means.

All these texts when they are put into practices reduce electoral corruption in Cameroon. At least they have a deterrent effect on the actors. Unfortunately there's a lot of indulgence of the application of these legal texts. What is about anti electoral corruption bodies or institutions?

5.2 Anti -electoral corruption institutions in Cameroon

Institutions in connection with elections or election transparency can be into in two categories. There are those whose mission indirectly contributes at least to reduce electoral corruption. Other institutions are primarily responsible for ensuring maximum transparency of elections in Cameroon.

The first categories of institutions are the National Communication Council (CNC), the National Commission of Human Rights and Freedoms (NCHRF), the Ministry of Territorial Administration and Decentralization (MINATD), etc. The National Communication Council, created on January 23, 2012, is a regulator and consultation body which shall assist the government in the development, implementation and monitoring of the national policy of social communication. It ensures compliance with the freedom of social communication, in accordance with the Constitution, laws and regulations. This institution has monitoring equipment that allows it to measure the progress of the campaign and to ensure respect for the equality of candidates and if necessary takes corrective actions immediately. The National Commission of Human Rights and Fundamental Freedoms, created July 22, 2004, is an independent institution for consultation, observation, evaluation, dialogue, promotion and protection of human rights. The Commission has a legal personality and financial autonomy. The commission deploys observation missions during election campaigns. As for the Ministry of Territorial Administration and Decentralization (MINATD), it is responsible for the development, implementation and evaluation of government policy in the administration of the territory, civil protection and decentralization. MINATD ensures permanent liaison between the Government and Elections Cameroon (ELECAM); it gets from ELECAM, a copies of the minutes of meetings and progress reports. Within the legislative and municipal elections it accredits observers [17].

The bodies responsible for ensuring transparent elections in Cameroon by their nature and mission are Cameroon Elections (ELECAM) and the National Anti-Corruption Commission (CONAC). Cameroon Elections is an independent body responsible for the organization, management and supervision of all elections and referenda. For the performance of its duties, ELECAM has an Electoral Council ensuring compliance with the electoral law by all stakeholders to ensure regularity, impartiality, objectivity, transparency and fair election. The National Anti-Corruption Commission is the ultimate body which fights against electoral corruption in Cameroon. It was created on 11 March 2006. Its members are chosen by individuals who demonstrate integrity

in the performance of their duties and enjoying a good character from the administration and civil society. It organizes conferences to sensitize stakeholders on the necessity to fight against corruption in the electoral process in all 10 regions of the country. CONAC develops and distributes codes of conduct for different candidates and creates a green line for denunciations.

One of the limits of these bodies is the lack of independence with the executive. Public officers in these bodies are not also well trained and most the time means to do their duties as it is supposed to are not available. If legal texts and institutions exist their efficiency is questionable even if some efforts can be put into their account, especially during the last elections, September 2013 legislative and municipal elections. Some recommendations can be made to give more efficiency to the existing anti- election corruption policies.

6. Recommendations: Eliminating more effectively the fraudulent actions of the electoral game.

Electoral corruption can be tackled with more efficiency if more criminalization of electoral corruption and effective application of the criminal and the electoral codes, stronger and more independent institutions and political socialization of the masses and collective and individual participation in the fight against electoral corruption in Cameroon are promoted and applied.

To wage war against electoral corruption in more effective manner in Cameroon we must ensure the transparency of national policy accounts, the existence of a mechanism of control as well as a range of effective, proportionate and dissuasive means. The legal frameworks surrounding the elections should be improved and gradually become part of everyday life. The penalties for electoral offenses must be widespread and be known by all the citizens.

The law cannot foresee everything because maneuvers mentioned may disappear, but new forms of electoral fraud or corruption will soon replace them, bypassing the rule (or using it) and falling through the cracks of the law. It would then involve strong and independent institutions with legal texts to tackle corruption.

6.1 Stronger and more independent institutions

Institutional factors – from the overall architecture of the electoral system to electoral body management design and many other more minor aspects of the electoral regime - can be important in structuring the opportunities and the incentives that face political actors who might potentially be tempted to engage in electoral corruption.

The bodies responsible for organizing elections, fighting against electoral corruption should be independent. This would require separation and independence of powers in the organization and the search for transparency in elections. Justice must be to be totally independent so that the measures provided by law can be effectively enforced. The executive or chief executive should not influence judicial decisions. Institutions such as the National Communication Council (CNC), the National Commission of Human Rights and Freedoms (NCHRF), the Ministry of Territorial Administration and Decentralization (MINATD) must act in the most independent and transparent as possible in their regulatory role of communication and fair access to media by different political parties, the promotion and protection of human rights, the accreditation of observers etc. The National

Anti-Corruption Commission must be independent should no longer be dependent on the presidency of the republic. It is should be not surprising that electoral management body design should have been found to influence the quality of electoral governance. In particular, effective electoral commission independence has been found to have a strong positive impact on electoral integrity according to authors in [18]. For that reason, ELECAM should be necessarily independent and autonomous. As Julius Nyerere said, "Do your own part and it is done!" as to say that if each institution plays its own part independently and transparently, corruption would be significantly reduced, Legal texts and strong and independent institutions would have lesser effects on corruption if the citizens themselves are not involved in the fight against this phenomenon that undermines the country's democracy and affect its development.

6.2 Political socialization of the masses and collective and individual participation in the fight against electoral corruption in Cameroon

The corruption of elections is not typically something that can be traced to individuals acting in isolation. Electoral corruption requires considerable logistical organization, and as such it requires the collusion of many actors in different parts of the political system including the citizens.

The struggle for free electoral corruption concerns everybody. People must take responsibility to ensure free electoral corruption. The courts are often there and waiting for complainants to go to court after a bailiff duly established. But beyond this, if the state really wants people to be involved it must take measures and policies to protect the lives of "whistleblowers". The conferences on electoral corruption, codes of good conduct distributed by the National Anti -Corruption Commission and the creation of a green line must be made and explained in local language that people understand best. Conferences and sanitizations sessions on electoral corruption should be done in local languages as well (not just in French or in English) before, during and after the election. These conferences must have multiple approaches to not only diagnose, describe the phenomenon of corruption and especially provide concrete answers on how to eradicate electoral corruption including how to eradicate it. La socialisation des populations si elle est prolongée par les conférences et les séances de sensibilisation comment par l'éducation des masses ceci afin d'améliorer leurs compétences politiques de manière à résister à l'acceptation du déploiement de la vénalité comme arme en politique. C'est ici qu'apparaît le rôle fondamental de la société civile

The socialization of people if extended by conferences and *sensitizations* sessions, education of the masses in order to improve their political skills to resist accepting the deployment of venality as a weapon in politics is also a keystone of free electoral corruption. It is here that the fundamental role of civil society, role in holding governments to account for the quality of the elections they hold, Tools such as domestic monitoring and quick counts have played a huge role in increasing the capacity of civil society in promoting good electoral governance. Author in [19], said that electoral corruption can be dramatically reduced in a short period of time due to popular mobilization.

7. Conclusion

The systematic nature of electoral corruption means that it can never be entirely eliminated, but it can be significantly reduced if the structures and attitudes on which it relies are altered. The research that has been carried out gives insight into what drives electoral corruption, some ranges of tools that can be employed to address it, the causes and the consequences of electoral corruption and to broaden our understanding of how best to reduce it.

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