

The Effects of Corruption on The Right to Development and The Challenge in Combating It in Cameroon

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ABSTRACT

Corruption is a phenomenon with serious consequences that affect human society all around the world. It is so rampant in Cameroon that not even the church is free from it. In 1998 and 1999, Cameroon as per Transparency International Indices was classified as the most corrupt country in the world. The government in an effort to eradicate corruption and enhance the right to development has put in place legal, institutional, and policy frameworks to combat the ill, yet the phenomenon still prevails. This research, therefore, aims to critically examine the prevalence of corruption and its effects on the right to development. The study adopts a qualitative research methodology that involves the content analysis of primary and secondary data. This study reveals that corruption prevails in Cameroon because of the lack of political will to implement the laws against corruption, especially section 66 of the constitution which obliges public officials to declare all their wealth and assets at the start and end of their mandates, and other factors. The study concludes that, the prevalence of the phenomenon largely hampers economic growth and human rights protection especially the right to development. It leads to further indebtedness of the country, causes chaos and political instability, brain drain as skilled labour exits to seek greener pastures, and results in poverty and low living standards. The study, therefore, recommends that the political will and proper implementation of section 66 of the constitution will be a great step toward eradicating corruption in Cameroon. If Cameroon must be corruption free as Finland, there must be committed leadership with a strong political will to inculcate the principles of accountability, honesty, and patriotism in the management of public affairs and national resources for the common good of all.

INTRODUCTION

The phenomenon of Corruption has continued to spark a debate among scholars on the relationship it has with human rights.^[1] In many parts of the world, including Cameroon, leaders in both the public and private sectors have illegally diverted, for personal gain, resources meant for a country's development in areas such as education, health care and infrastructure projects.^[2] Corruption is a term with many meanings, but generally it entails misusing one's office for a private gain or unofficial end. **Corruption** is an enormous obstacle to the realization of all human **rights**; civil, political, economic, social and cultural, as well as the **right to development**. **Corruption** violates the core human **rights** principles of transparency, accountability, non-discrimination, and meaningful participation in every aspect of the life of the community. This paper, therefore, sets out to examine the effects of corruption on the realization of human rights especially the right to development. It also looks at challenges in combatting corruption in Cameroon. For better comprehension, the paper first of all does a literature review on the subject matter and then looks at the relationship between corruption and the right to development.

LITERATURE REVIEW

Bechem focused only on knowing the perception of the public on the role of various anti-corruption agencies in the fight against corruption in Cameroon, and as a result, paid little attention in accessing the effectiveness of these institutions in the fight against corruption in Cameroon. This research seeks to fill this lacuna by providing an indebt understanding of the anti-corruption frameworks and the effectiveness of the legal, institutional and policy frameworks in the fight against corruption in Cameroon. Avitus A. Agbor^[3]

makes a presentation on one aspect of corruption which falls within the jurisdiction of the Special Criminal Court, misappropriation of public funds. He preceded his argument by stating that the fight against the misappropriation of public funds perpetrated by individuals, especially public servants for private gains, enjoys different degrees of commitments by different countries, and that the enactment of laws and the establishment of institutional mechanisms towards this end are partly a reflection of the attainment of such a mission which is to bring perpetrators to justice and can be assessed. He goes further to state that Cameroon, rated as the most corrupt country by transparency international, and the global anti-corruption watchdog, the Cameroon government saw the need to create a Special Criminal Court (SCC) by the law of 2011,^[4] to put an end to corruption in the country. The author further opines that the creation of the court comes as a robust and significant legislative development in the fight against the misappropriation of public funds. The writer goes ahead to state the legal framework of the court, the jurisdiction, composition and some cases brought before the SCC. He stated further that, the establishment of the SCC which evidently targeted the very senior public officials who embezzle public funds for their private gain, and that the 1996 Constitution included a clause that called for the disclosure of assets by some individuals and subsequent legislation was passed to give effect to this law.^[5] Yet, the growing incidence of corruption in the country confirmed the view that anti-corruption laws and institutions are inadequate if the political will to implement them is lacking. Khulekani Moyo.^[6] argues that although the relationship between corruption and economic performance is now extant in the development literature, the nexus between corruption and its impact on the realization (or non-realization) of human rights is much less understood and therefore, in need of further elaboration. The writer stated that emerging research appears to show a strong correlation between corruption, poverty, and inequality though this nascent research does not show any hierarchy among human rights affected by corruption. Florence Anaedozie,^[7] centers her discussion on grand corruption. To her, Grand corruption remains a domestic crime that is not directly addressed by the international human rights and international criminal law regulatory frameworks. Her argument seems to corroborate what Khulekani Moyo stated that it is not yet established if corruption is a direct violation of human right.^[8] To her, scholars argue that the right to a society free of corruption is an inherent human right because dignity, equality and participation significantly depend upon it. She highlighted the fact that the academic discourse linking corruption to the violation of human rights is relatively new, and no regional or global human rights instrument has referred specifically to corruption while anti-corruption treaties rarely refer to human rights. She stressed further on the fact that there is insufficient research within this area, establishing the direct causal link between high-level corruption and systemic human rights violations. She tested her argument by way of qualitative interpretative analysis to address the lacuna with reference to the case of Nigeria by interrogating case law, treaties, and other relevant legal human rights instruments. Consequently, she based her research on the relevant international and regional oversight mechanisms by examining the impact of grand corruption upon human rights, as well as the analysis of accountability processes at the domestic level. She further, undertook an assessment as to whether a normative gap exists within international criminal law regimes when it comes to the structural violations of socio-economic rights. She also considered the question of whether corruption ought to be framed as an international crime falling within the jurisdiction of the Rome Statute of the International Criminal Court, and in conclusion, the writer suggested that grand corruption in Nigeria violates certain human rights and recommends that international criminalization of the crime of grand corruption could help to combat it in Nigeria.

Khulekani Moyo and Florence Anaedozie in their various arguments raised similar concerns about the correlation ship between Corruption and human rights. Both authors seem to suggest that corruption in one hand is just a factor that contributes to human rights violation as there is no much evidence that states that corruption is a violation of human rights. However, they failed to propose possible solutions on how the concept of corruption could be link to human rights. It does not suffice to raise questions without providing answers to. This work there seeks to analyze the concept of corruption and its manifestation while establishing the relationship between corruption and human rights.

Anne Peters^[9] in her work seeks to examine the legal quality of the assumed ‘link’ between corruption and human rights more closely. She specifically asks the dual question whether and under what conditions corrupt acts or omissions can technically be qualified as an actual violation of international human rights (doctrinal analysis of the positive law) and whether corruption should be conceptualized as a human rights violation (normative assessment).

The review of the above literature suggest, as a lacuna in the works that most of them tried to examine the anti-corruption frameworks by looking only at the creation of the frameworks and what the public perceive about them, without actually looking at the effectiveness and functionality of the frameworks in Combatting corruption in Cameroon. They viewed corruption to be impacting on human rights but failed to provide an answer to why corruption still exists even though Cameroon has a framework against corruption. This work is therefore contending on an appraisal of the anti-corruption frameworks and how corruption affects the right to development, by answering the questions why corruption still exist in Cameroon despite the anti-corruption frameworks put in place. It also seeks to assess the effectiveness of these frameworks in the fight against corruption.

THE RELATIONSHIP BETWEEN CORRUPTION AND THE RIGHT TO DEVELOPMENT

According to Anaedozie,^[10] many scholars have argued that the right to a society free of corruption is an inherent human right, and this is because dignity, equality and participation significantly depend upon it. The academic discourse linking corruption to the violation of human rights is relatively new, and no regional or global human rights instrument has referred specifically to corruption while anti-corruption treaties rarely refer to human rights.^[11] She further argues that there is also insufficient research within this area, establishing the direct causal link between high-level corruption and systemic human rights violations.^[12] The Raoul Wallenberg Institute for Human Rights and Humanitarian Law in her part opines that Corruption is a human rights issue, whichever form it takes. Whether grand or petty, corruption results in states not fulfilling their human rights obligations and in people not enjoying their rights.^[13] This view is supported by Ban Ki Moon. According to him, “Corruption undermines democracy and the rule of law. It leads to violations of human rights. It erodes public trust in governments. It can even kill for example, when corrupt officials allow medicines to be tampered with, or when they accept bribes that enable terrorist acts to take place.”^[14]

In the work of Khulekani Moyo,^[15]he opines that corruption inevitably this leads to the weakening of the very accountability structures which are cardinal for protecting human rights. However, she argues that to date, no convincing theoretical framework has been advanced which seeks to explain corruption as a human rights violation. He stressed on the idea that the traditional approach is to view corruption as impacting on, or contributing to human rights violations but not seeing it as a rights violation per se.^[16] As an entry point, he used the right to development as provided in the Declaration on the Right to Development and given legal teeth under the African Charter on Human and Peoples’ Rights, to argue that corruption is not only an obstacle to the realization of the right to development, but a violation of human rights. Linking corruption and human rights, in particular, the right to development, as established in his work serves mostly to add a new perspective by deploying human rights norms and institutions in fighting the deleterious effects of corruption on the realization of human rights.^[17] Through the Human Rights Council, states have recognized “that corruption is an enormous obstacle to the realization of all human rights — civil, political, economic, social and cultural, as well as the right to development.”^[18]

EFFECTS OF CORRUPTION ON HUMAN RIGHTS (the right to development)

Corruption is something that we talk about, it’s something that we complaint about, it’s something whose

negative impact we recognize, it is something that even the corrupt acknowledges. But the irony and the tragedy at hand is that those who engage in corruption love it, those of who do not engage in it directly, accommodate it. Our levels of tolerance of corruption in Africa is amazing, corruption affects the recognized human rights as they have been codified by the UN human rights covenants. In practice, the human rights most often affected are social rights, especially by petty corruption. For example, corruption in the health sector affects the right of everyone to the highest attainable standard of health^[19] in the education sector; the right to education is the issue.^[20] But also the classical liberal human rights may be undermined by corruption: If a prisoner has to give the guard something in return for a blanket or better food, then the prisoner's basic right to humane conditions of detention is affected.^[21] If as most observers tend to think the current surge in human trafficking is made possible and facilitated primarily by corruption that induces police and border guards to look the other way, then this affects the human right to protection from slavery and servitude obviously,^[22] corruption in the administration of justice endangers the basic rights to judicial protection, including the right to a fair trial without undue delay^[23]. In the case of grand corruption and foreign bribery, however, the implications for human rights such as the effect of nepotism on the right to equal access to public offices are less clear.^[24]

What is clear, however, is that when corruption becomes endemic in a society, it benefits the well-connected and wealthy, debases the marginalized to lives of poverty and impoverishment. Inevitably, this leads to the weakening of the very accountability structures which are cardinal for protecting human rights. Traditionally therefore, it is imperative to view corruption as impacting on, or contributing to human rights violations but not seeing it as a rights violation per se. Using the right to development as provided in the Declaration on the Right to Development and given legal impetus under the African Charter on Human and Peoples' Rights, as an entry point, this research thus argues that corruption is not only an obstacle to the realization of the right to development, but a violation of human rights. Linking corruption and human rights, in particular, the right to development, as this research seeks to do, serves mostly to add a new perspective by deploying human rights norms and institutions in fighting the deleterious effects of corruption on the realization of human rights.^[25] These sub topics therefore seeks to look at the effects of corruption on the right to development:

Effects of Corruption on the Management of Micro Project Grants by Members of Parliament in Their Respective Constituencies in Cameroon.

The members of parliament are among those mandated by article 66 of the Cameroon constitution to declare their wealth and assets at the beginning and end of their mandates. In addition to making laws and representing their people in parliament, they are also charged with the development of their various constituencies.^[26] The development of their constituencies is achieved through a micro projects scheme granted by Parliament. The Parliamentary Micro Project Grants (PMPGs) in Cameroon are funds that the government provides annually to members of parliament to disburse to their constituents in enabling them carry out micro projects of their own.^[27] The funds are non-refundable. This is one of the several methods that the government of Cameroon attempts to improve on the welfare of its citizens and the development of the country. The total amount disbursed to parliament is 1,440,000,000 XAF, for the 180 Members of Parliament and each MP receives a sum of 8,000,000 XAF for his constituency annually.^[28]

According to Jackson Nanje,^[29] the 8,000,000XAF which is given to each MP usually should be used in the repair of bridges, pipe-borne water installations, purchase of classroom furniture and small allowances to indigenes to finance some of their small business initiatives in their respective constituency. This is in a bit to fulfill the rights of citizens to a develop society, and where the MP fails to use the funds for its intended purpose, this therefore violates the citizens right to development. He further recounts that; "the MPs are not accountable to any one in particular, and hardly do they present any report to parliament detailing how the

funds were judiciously used in their respective jurisdictions. Also, no supervision of any project executed by the MPs has ever been done by a third party and all what is known of the fund is based on the ‘false report’ they submit to ‘Aux Cabinets des Questeurs de l’Assemblée Nationale,’ of ‘ghost projects’, if any, that they claimed to have accomplished’ at the beginning of the parliamentary year in March.”[\[30\]](#) He further opines that it is completely unacceptable that the receiver of the fund is also the one that distributes the fund and audits the fund’s use as well.

According to an Ayah Paul Abine,[\[31\]](#) there is no data that shows a parliamentarian has ever been prosecuted or indicted for corruption, for misappropriation of the Micro Project Funds in Cameroon. The absence of parliamentary data to provide explanations on how these funds have been used in the past in each of the 180 constituencies also explains why a re-examination of its use is of absolute necessity. The lack of data does not only explain the carelessness of the fund’s execution by Members of Parliament but it explains the adamant nature of the government in the fight against corruption in Cameroon. Where an MP embezzles the funds or uses it for his private benefit, other than the purpose for which they funds were granted for, without being checked by the government, the rights of the population to a develop society are violated. This is the same case for ministers who execute state budget. A case in point is that of the Former minister of water and Energy Resources, Basil Atangana Kouna, who was arrested and charged for misappropriation and embezzlement of state funds in cash 1.2 billion XFA and assets worth 825 million XFA recovered from his home.[\[32\]](#) He embezzled money meant for the supply of water and energy resources, much needed for the betterment of the lives of Cameroonians

Effect of Corruption on Economic and Socio-Cultural Development of Cameroon

Section 2 above demonstrated that the full realization of the right to development encompasses the enjoyment of all human rights, be it civil and political rights or economic, social and cultural rights.[\[33\]](#) It follows that, depending on the circumstances of a case, civil, political, economic, social and cultural rights can be violated by acts of corruption thereby violating the right to development. However, the deleterious effects of corruption on the enjoyment of socio-economic rights protected under the Covenant cannot be undermined. The focus of this analysis is on corruption by public officials as the Covenant primarily imposes obligations on states. However, the definition of corruption clearly shows that corrupt practices involve both the public and private spheres. Considering the Covenant is important in that the instrument is the core international legal document on economic, social and cultural rights and affords protection to the most extensive range of these rights. The major socio-economic rights recognized in the Covenant are the right to work,[\[34\]](#) trade union rights,[\[35\]](#) right to social security,[\[36\]](#) rights to food, water, housing[\[37\]](#) and the right to health.[\[38\]](#) The other protected socio-economic rights include the right to education[\[39\]](#) and the right to participate in cultural life.[\[40\]](#) Second, the nature of state obligations provided in article 2(1) of the Covenant applies to all socio-economic rights. Third, socio-economic rights are particularly important in the realization of the right to development and this is affirmed in article 8(1) of the Declaration which explicitly states that: States should undertake, at a national level, all necessary measures for the realization of the right to development and shall ensure equality of opportunities for all in their access to basic resources, education, health services, food, housing, employment and fair distribution of income.[\[41\]](#) The Committee on Economic, Social and Cultural Rights (CESCR) has also recently noted in a statement to the UN Human Rights Council that: nearly all of the substantive articles 1-15 of the Covenant on Economic, Social and Cultural Rights touch upon the substance of the right to development, most notably article 11 on the right to an adequate living standard.[\[42\]](#)

Effect of Corruption on the Supply of Social Amenities

The state according to the triple prong theory is the guarantor of the enjoyment of all human rights by its citizens. Corruption being a stumbling block economic growth and development is the main aspect that makes the enjoyment of the right to development impossible. This act is perpetrated through bribery,

extortion, influence peddling, nepotism, fraud, speed money or embezzlement. The supply of social amenities is not an exception when it comes to corruption. In this light, a number of officials have been accused and some sent to jail because of corruption charges which have had a significant impact on the enjoyment of human rights by the suppose beneficiaries.[\[43\]](#) Although some of these persons have restituted the embezzled money, the negative impact of their actions on the right to development is still being felt. This is so because even when the money is restituted, it is not often used for the original purpose, thus posing as a big blow to the realization of the right to development.

Effects of Corruption on Foreign Investment and Inability to Secure Loans and Donations from Foreign Donors

Taking into consideration the fact that African leaders have the right to refuse any investment that do not seek to benefit its people, in advancing their human rights, their greediness and selfishness have let so many of them to condone corrupt nature of investment from international actors at the detriment of the masses. such corrupt landscapes are cultivated by providing loans with tough conditions disregarding the consequences on the receiver, grants and aid provided with the aim of protecting their economic or and strategic interest, the reward of contracts and the acquisition of business licenses by avoiding the laws and taxes. These practices turn to undermine the interest of the people and thus a violation of the right to development.

Effect of Corruption on the realization of the right to self-determination

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development[\[44\]](#). Essentially, the right to self-determination is the right of a people to determine its own destiny. In particular, the principle allows a people to choose its own political status and to determine its own form of economic, cultural and social development. Exercise of this right can result in a variety of different outcomes ranging from political independence through to full integration within a state. The importance lies in the right of choice, so that the outcome of a people's choice should not affect the existence of the right to make a choice. In practice, however, the possible outcome of an exercise of self-determination will often determine the attitude of governments towards the actual claim by a people or nation. Thus, while claims to cultural autonomy may be more readily is recognized by states, claims to independence are more likely to be rejected by them. Nevertheless, the right to self-determination is recognized in international law as a right of process (not of outcome) belonging to peoples and not to states or governments. The preferred outcome of an exercise of the right to self-determination varies greatly among the members of UNPO. For some of our members, the only acceptable outcome is full political independence. This is particularly true of occupied or colonized nations. For others, the goal is a degree of political, cultural and economic autonomy, sometimes in the form of a federal relationship. For others yet, the right to live on and manage a people's traditional lands free of external interference and incursion is the essential aim of a struggle for self-determination. Other members, such as Taiwan and Somaliland have already achieved a high-level or full self-determination, but are yet to be recognized as independent states by the international community.[\[45\]](#) Corruption is the dishonest or fraudulent conduct by those in power, typically involving bribery.[\[46\]](#) Based on the names accorded to corruption such as Ngombo', 'Choko', 'Beer', 'Transport', 'Kolanut', 'petrol', 'Brown-envelop', 'Soya', 'pepper', 'backdoor', 'pushing of files', 'oiling of palms', and in French 'Dossier bien habille', 'Dossier cravate', due to its frequent use in both the public and private sector to deprive people of certain opportunities, one would say that corruption justifies the quest for self-determination. Most often, corruption most results in chaos, secession, and political instability which are very detrimental to a state.

When people are deprived of their right on some particular opportunities which they see as important to them, they may start thinking of ways to be able to create these opportunities which may result to them questing for self-determination. Based on the circumstances surrounding the crisis in the North West and

South West Regions of Cameroon,[\[47\]](#) one can say that one of the causes of the crisis is corruption. This is so based on the fact that, before the outbreak of the crisis, many Anglophones were of the fact that; the system of government, the nature of recruitment of persons into public service(through concurs) was corrupt and as a result, when the lawyers and teachers started the strike action in 2016, they saw it as an opportunity to express their intention to be liberated from the system by making it possible for them to be able to decide for themselves and thus the quest for self-determination. Based on this aforementioned, one can say that the absence of corruption and equal opportunities for all can prevent division and disintegration. In this light, one will say that corruption is a big blow to the realization of the right to development.

The Effects of Corruption on the Justice System in Cameroon

The respect for human right can only be achieved in a just society. Thus, without the impartial administration of justice, the enjoyment of human rights, especially the right to development can be really achieved. In a bid to crackdown corruption in Cameroon in an attempt to enhance the realization of the right to development, the government put in place anti-corruption agencies and more specifically, a special criminal court (SCC) that prosecutes the offenders of corruption (misappropriation of public funds). This court being of the judicial branch is to function independently from the executive arm of government as per the constitution of Cameroon. The constitution of Cameroon in its article 37 provides for the separation of power between the three arms of government (the executive, judiciary, and the legislative). The Special Criminal Court being an institution under the judiciary has to carry out its functions without any influence from the other arms of government. This means that neither the executive nor the legislative has to influence the decisions of the SCC. With the creation of the court in 2011, although, not accompanied by the institution of new crimes,[\[48\]](#) nor a new procedure,[\[49\]](#) some supplementary decrees have been put in place to regulate proceedings in the SCC. Some of these decrees such as the Decree on the Organization and Functioning Of the Specialized Corps Of Judicial Police Officers Of The SCC,[\[50\]](#) Decree on the Administrative Organization of the SCC,[\[51\]](#)and the Decree setting up the organization and functioning of the specialized corps of judicial police officers,[\[52\]](#) and their method of enforcement has greatly been debated upon by opinion leaders over the years. This is because particular decrees demonstrate the degree of influence the executive arm of government has on the Court.

The decree of September 2013 fixing modalities for the restitution of corpus delicti is a glaring example. This decree is to the effect that where an offender is found guilty and he/she reimburses the funds misappropriated, the charge, or proceedings against him/her may be terminated. The decree on restitution demonstrates the influence of the other arms of government (executive) on the court. This is so given that, according to the decree on restitution, it is the minister of justice that has the mandate to authorize and approve the restitution of the corpus delicti by the party concern. This is written in section 3 (1) of the decree on restitution which provides that “In the case of restitution of corpus delicti before the seizure of the court by a committal order of the examining magistrate or by a judgment of the Inquiry Control Chamber of the Supreme Court, the Procureur-General of the SCC may, upon a written authorization by the minister of justice, enter a nolle prosequi.” This means that restitution is done only through the authorization of the minister (executive) arm of government which violates the notion of separation of powers within the constitution. Restitution of the corpus delicti does not automatically translate into the termination of a criminal investigation or the entering of a nolle prosequi. It is merely a factor that may be adjudged by the competent authorities as to whether it suffices to discontinue criminal investigations.

With the influence of the minister of justice (who is from the executive arm of government) in the restitution of the corpus delicti in the SCC, many pundits have referred to the SCC as an extension of the executive arm of government functioning as a judicial institution. Some, even without looking at the basis of the decisions of the SCC have praised the court for bringing high profile politicians to justice.

Given the nature of influence of the executive on the judiciary, given that most corrupt practices in the

administration is perpetrated by government officials, [53] who are part of the executive, the fight against corruption and the realization of the right to development has been made difficult, if not impossible. In this light, based on a research conducted at the supreme state Audit, it thus show that many reports of corruption have been sent to the presidency for him to forward to the SCC but not all have been sent to the SCC for trial. This thus shows to an extent, the lack of political will to curb corruption in Cameroon and as a result enhance the realization of the right to development.

Also, the decree on the restitution of *corpus delicti* negatively impacts on the right to development and thus promotes corruption in that, it gives the perpetrators the green light to do the act having it in mind that if they are caught and they restitutes, they will be set free. To this effect, the researcher believes that corruption can only be curbed and the right to development realized if the political will to do so is made paramount.

All in all, as concerns the impact of corruption on the justice system, one would say that a Corrupt judicial system gives a free ride to debtors to escape at will, because they are rest assured the creditors can never fight them through the courts. It therefore forces credit unions and banks to lent money at very high interest just to foreclose on debt. more disturbing, vital investments are stalled or scare away because investors are not guaranteed their basic rights can be upheld by the judiciary.

CHALLENGES IN COMBATING CORRUPTION IN CAMEROON

Lack of Political Will

There has been a crucial lack of political will to fight against corruption in Cameroon under the current administration. Political will can be defined as “the demonstrated credible intent of political leaders (elected or appointed leaders, civil society watchdogs, stakeholder groups, etc.) to attack the perceived causes or effects of corruption at a systemic level”. Political will is crucial in the fight against corruption as it sets the tone, creates the mood and exudes the degree of seriousness that is needed to engage everyone. Political will is equally important in order to punish corruption committed by top government officials and it will equally promote a good way of preaching by example. In addition, the fight against corruption is not affected by the availability of economic resources or lack thereof. Therefore, it is safe to say that the lack of political will demonstrated by current regime is not due to a lack of funds. President himself, after about 4 decades in power has never fulfilled article 66 of the constitution of 1996 by declaring all his property and sources of income. This article 66 demands all government officials to declare their assets and sources of income before assuming a position in government so that it will be possible to measure what they have gained or lost during their tenancy. This is a credible means to fight against embezzlement, but the president himself has never declared any of his assets, under the helpless gaze of Cameroonians.

The lack of political greatly manifested in the action against Garga Haman Adjii in the 1990s. In the early 1990s, Garga Haman Adjii the then Minister in charge of Supreme State Audit and Public Service waged a war against embezzlers of state funds. He went as far as submitting names of corrupt officials to the Presidency, requesting that they be brought to justice and punished. Between 1990 and 1992, the sum of funds misappropriated totaled to about three hundred and fifty-seven million (XAF 357,000,000). The response he got was rather discouraging. His Ministerial portfolio was modified, limiting his competence to civil service and administrative reforms. [54] He thus lost his authority over the Supreme State Audit. He resigned from the government believing that the modification was due to his hardline stance against corruption. So therefore, if the political will to curb corruption was there, the appropriate actions would have been taken to bring the perpetrators identified by Garga Haman Adjii to book.

Lack of Accountability and Transparency

Government officials who seek to use their public position for private gain violate public trust as well as

anticorruption law. Preventing public officials from accepting bribes or otherwise misusing their positions is a key challenge for anticorruption initiatives. Accountability and transparency goes with good governance. Governance involves all those activities which are associated with administering a country or an institution. It is related to decision making that defines expectations of citizens, dispensation of power, verification of performance as well as leadership processes.[55] The aim of governance is ultimately to articulate and align the needs and interests of citizens and establish a social contract that binds different segments together for development of the entire society.[56] Governance is based on authority, responsibility, influence, and accountability. Responsibility requires that decisions will be owned and vouched for, while Accountability holds the official answerable for their decisions and actions.

The International Monetary Fund in partnership with Transparency International and Human Rights Watch published a report in March 2021,[57] accusing Cameroon of scant transparency and lack of accountability in the management of covid-19 emergency funds. This was after the IMF approved two emergency loans of 256 million US Dollar and 156 million US Dollar respectively, in addition to 56 Billion XAF announced by the health minister to be used in the fight against the covid-19 pandemic in Cameroon.[58] The government agreed on the terms of the contract to be publishing reports for the interest of the public on how the covid-19 emergency funds were being managed but did to comply with the terms, and no information was made available to the public on government expenditure and procurement. This action made the IMF to request for an independent audit into the management the covid-19 emergency funds.[59] In reaction to the accusations, the president of the Republic gave an order through the Secretary General at the Presidency to the Vice Prime Minister, who is in charge of “operation sparrow hawk”[60] for an investigation into how the funds were used.[61] 22 cabinet ministers and the Director General for National Security as well as the Supreme Court Justice were enlisted among those to be investigated for allegedly misappropriating covid-19 emergency funds.[62] In a follow up publication, Human Rights Watch called on Cameroon to ensure credibility, rule of law and transparency into the inquiry or investigation of the covid-19 alleged corruption.[63] Similarly, the president of Malawi in an anti-corruption measure in his country fired his Labour Minister and arrested 19 officials for prosecution; this was in reaction to the misappropriation of covid-19 emergency funds in Malawi. The arrest came after an audit revealed Malawian officials used millions of dollars in funds for their expenses.[64]

Difficulty Recovering Stolen Assets and Mitigating the Consequences of Corruption

Punishing corrupt actors is a critical part of international anti-corruption strategies, but punishment does not always repair the damage that the corrupt behavior has caused. Corrupt officials who embezzle government funds have stolen public money that could otherwise have paid for public services or national defense; companies who pay bribes to avoid health inspections, pollute, or violate safety regulations imperil their workers and the communities surrounding their operations. The international community is devoting more resources to the problem of recovering stolen assets and compensating victims of corruption, but theoretical solutions have rarely been tested in practice. In Cameroon equally Law No 2017/012 12th July 2017 establishing the Special Criminal Court was enacted to handle misappropriation and to discontinue proceedings wherein the public official refunds the money stolen.

RECOMMENDATIONS

To begin with, the National Anti-Corruption Commission (NACC) as the main anti-corruption body in Cameroon needs to have the mandate to prosecute corruption offences. There is also need for this institution to work closely with the media, civil society, the judiciary as well as the Supreme State Audit in the fight against Corruption in Cameroon. A partnership of both anti- corruption institutions such and human rights enforcement institutions is indeed necessary.

Also, there is the need for committed leadership, accountability and transparency in Cameroon. When there is committed leadership, and where the leaders have the people at heart, corruption is minimized. This is because the leaders will take as priority to check vices such as corruption and thus enhance development within their territory and communities. With the successes recorded by the SCC and the national mood against corruption activated, the continuous prosecution of perpetrators of all kinds of corruption will be warmly welcomed by the Cameroonian people who, for so long, have been deprived of their resources, subjected to systemic deprivation of access to justice and remain the helpless victims of a system that ignores, and condone all kinds of corruption when perpetrated by top political figures.

Furthermore, corruption (misappropriation of public funds) can be greatly reduced and checked in Cameroon if Government officials would declare their assets before and after holding public office. This is in line with requirement of article 66 of the constitution. Most offenders of the offence of Corruption are high-ranking government officials and the strict application of article 66 will help curb the Corruption pandemic in Cameroon. This is because it will help the government and the Court to determine if an official of the state has misappropriated public funds or not. Therefore, to put an end to public sector corruption, government officials have to be accountable for their wealth and assets as provided in section 66 of the 1996 constitution of Cameroon.

All in all, the use of human rights implementation mechanisms such as human rights enforcement institutions in anti-corruption strategies will aid in combating corruption more effectively. When acts of corruption are linked to violation of human rights, there are various human rights institutions that could act to force accountability and hence create deterrents for corruption. Accepting the universality and indivisibility of human rights and ensuring equality and non-discrimination in society are some of the key elements of a right based approach to corruption. Expanding the jurisdiction of human rights enforcement institutions such as the national courts as well as regional courts such as the African Court on Human and Peoples rights would indeed go a long way in curbing corruption. Human rights enforcement mechanisms have been very vigilant in guarding human rights and perhaps this vehemence could be shared by anti-corruption institutions.

FOOTNOTES

[1] Khulekani Moyo, “An Analysis of The Impact of Corruption on the Realisation of the Right to Development,” *South African Journal On Human Rights*, (2017)33:2, 193-213, Doi:10.1080/02587203.2017.1357320 <https://doi.org/10.1080/02587203.2017.1357320>

[2] *Ibid*

[3] A. A. Agbor, Prosecuting the Offence of Misappropriation of Public Funds: An Insight Into Cameroon’s Special Criminal Court” Per / Pelj 2017(20) – Doi <https://dx.doi.org/10.17159/17273781/2017/V20n0a770>

[4] Law No 2011/028 Of 14th December 2011 To Set Up The Special Criminal Court

[5] See Law No. 003/2006 Of 25 April 2006 Relating To The Declaration Of Assets And Property; Art 66 Of The 1996 Constitution Stipulates As Follows: “The President Of The Republic, The Prime Minister, Members Of Government And Persons Ranking As Such, The President And Members Of The Bureau Of The National Assembly, The President And Members Of The Bureau Of The Senate, Members Of Parliament, Senators, All holders Of An Elective Office, Secretaries-General Of Ministries And Persons Ranking As Such, Directors Of The Central Administration, General Managers Of Public And Semipublic Enterprises, Judicial And Legal Officers, Administrative Personnel In-Charge Of The Tax Base, Collection And Handling Of Public Funds, All Managers Of Public Votes And Property, Shall Declare Their Assets

And Property At The Beginning And At The End Of Their Tenure Of Office. The Other Categories Of Persons To Whom The Provisions Of This Article Shall Apply And The Conditions Of Implementation Thereof Shall Be Determined By Law

[6] Khulekani Moyo, “An Analysis of The Impact of Corruption on the Realisation of the Right to Development,” *South African Journal On Human Rights*, (2017)33:2, 193-213, Doi:10.1080/02587203.2017.1357320 <https://Doi.Org/10.1080/02587203.2017.1357320>

[7] Anaodozie, F. (2017) “A Critical Analysis of Grand Corruption With Reference To International Human Rights and International Criminal Law: The Case of Nigeria.” Doctoral Thesis, 2017. Doi:10.21427/D7v983

[8] Khulekani, Op Cit

[9] Anne. P, “Corruption as a Violation of International Human Rights,” op cit pg iv

[10] Anaodozie, F. A Critical Analysis of Grand Corruption With Reference To International Human Rights and International Criminal Law: The Case of Nigeria. *Doctor al Thesis*, (2017)

[11] *Ibid.* pg ii

[12] *Ibid.*,

[13] Morten Kjaerum, “The Nexus between Corruption and Human Rights” A review of the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, Lund (2018)

[14] Ban Ki Moon, UNSG in his Statement at the launch of the Stolen Asset Recovery (StAR) initiative’ on 17 September 2007

[15] Khulekani Moyo, *op cit*

[16] *Ibid.*,

[17] *Ibid.*,

[18] C. Raj Kumar, *op cit*

[19] See Article 12 of ICESCR *op cit*

[20] *Ibid.*, see art. 13.

[21] *Ibid.*, see art. 10.

[22] See Article 18 of ICCPR

[23] *Ibid.*, see art. 14.

[24] *Ibid.*, see art. 25(a).

[25] Hulekani Moyo *op cit*

[26] Law No. 2014/016 of September 2014 on the Standing Orders of the Congress of Parliament.

[27] Reforming the Cameroon Parliamentary Fund, retrieved at <https://nanjecreativithinking.blogspot.com>

(accessed on June 30, 2021.)

[28] Researchers interview with Honourable Ayah Paul Abine, Former MP for Akwaya Constituency in Manyu Division of the Southwest Region,

[29] Jackson W. Nanje; Reforming the Cameroon Parliamentary Fund, retrieved at <https://nanjecreativithinking.blogspot.com> (accessed on June 30, 2021.)

[30] *ibid*

[31] Ayah Paul Abine, *Supra*.

[32] French Cameroon Politics: Biya drops case against ex-minister. <https://www.cameroonintelligencereport.com> (accessed 30 April, 2021)

[33] See article 1(1) of the Declaration (note 24 above).

[34] See article 6 of the International Covenant on Economic, Social and Cultural Rights, GA Res 2200A (XXI) 1966.

[35] *Ibid.*, article 7.

[36] *Ibid.*, article 9.

[37] *Ibid.*, article 11.

[38] *Ibid.*, article 12.

[39] *Ibid.*, article 13.

[40] *Ibid.*, article 15.

[41] See article 8(1) of the Declaration (note 24 above)

[42] See United Nations Committee on the on Economic, Social and Cultural Rights Submission in follow-up to HRC resolution 15/25 'The Right to Development'

[43] A case in point is that of the minister of water and energy, Baseil Atangana Kouna who embezzled state funds meant for execution of state projects, geared towards the realization of the right to development. This was the same concerning Haman Adaman and 12 others

[44] See The Declaration on the Right to Development, 1986

[45] UNPO: Self-determination. [https://u\(2015\)npo.org/article/4957](https://u(2015)npo.org/article/4957)

[46]

<https://www.bing.com/search?q=corruption&cvid=be634057157243d3927b35612daca9f&aqs=edge..69i59j69i57j6>

[47] Cameroon's Unfolding Catastrophe: Evidence of Crimes against Humanity and War Crimes Committed in the Northwest and Southwest Regions of Cameroon (2019) . <https://www.chrda.org>

[48] Section 2 of law No. 2011/28 of 14 December 2011, and section 184 of the penal code of Cameroon (on

misappropriation of public funds or property.

[49] Section 6 of law No. 2011/28 of 14 December 2011

[50] Decree No 2013/131 of 03 May 2013

[51] Decree No. 2012/223 of 15 May 2012

[52] section 5 of Decree No 2013/131 of 03 May 2013

[53] High profile state official such as: Inoni Ephraim (the former Prime Minister and Assistant Secretary General at the Presidency); Jean-Marie Atangana Mebara (the former Secretary General at the Presidency and the former Minister of Higher Education); Polycarpe Abah Abah (the former National Director of Taxation and Minister of Economy and Finance); Etogo Mbezele Luc Evariste (the Chief Inspector of the National Treasury); Ambassa Zang Dieudonné Téléspore (the former Minister and former Deputy at the National Assembly); Iya Mohammed (the former General Manager, SODECOTON); Haman Adama née Halimatou Kangué Maonde (the former Minister of Basic Education); Nguini Effa Jean Baptiste de la Salle (the former General Manager, SCDP); Yves Michel Fotso (the former General Manager, CAMAIR); Ntongo Onguene Roger (the former General Manager, ADC); Endale Marthe (the Director, SOCANET); Eny Rosper (the Director, SOTRACAM); Obouh Fegue Clément (the former General Manager, SNEC); Olanguena Awono Urbain (the former Minister of Public Health); and Metouck Charles (the former General Manager, SONARA) op.cit

[54] Fonchingong, TN, Gemandze JB, Cameroon: The stakes and challenges of governance and development (2009)

[55] Farida Faisal and A.R. Jafri, Corruption as a Source of Failure of Good Governance and Management in Pakistan: Proposed Remedial Measures, *JPUHS*, Vol.30, No.1, 2017. p.66

[56] United Nations Economic and Social Council (UNESCO), Definition of basic concepts and terminologies in governance and public administration, 2006, E/C, 16(4)

[57] <https://www.hrw.org/news/2021/03/30/imf-scant-transparency-covid-19-emergency-loans> (last accessed May 7 2021)

[58] *Ibid.*

[59] *Ibid.*

[60] Monde Afrique, Cameroun: L'impitoyable machine judiciaire de Paul Biya, Cameroon (2015)

[61] <https://twitter.com/NkwainAkem/status/138029919601696770?s=19> (accessed April 10 2021.)

[62] *ibid*

[63] <https://www.hrw.org/news/2021/04/23/cameroon-ensure-credibility-inquiry-covid-19-funds> (last visited April 4 2021)

[64] <https://www.voanews.com> last visited (19 April 2021)