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ASSESSING THE POLITICAL CHALLENGES IN PROMOTING THE SUSTAINBLE DEVELOMENT GOAL OF ACCESS TO JUSTICE IN CAMEROON

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ABSTRACT

Sustainable Development Goal 16 Target 3 (SDG 16.3) seeks to promote Access to justice for all as a necessary catalyst for development. The commitment of Cameroon to pursue this goal has been expressed in policy, legal and institutional frameworks and efforts have been engaged to attempt to attain the goal. However, the objectives of the state are hampered by several factors. This paper explores the political challenges hampering this project. Adopting an interdisciplinary approach in the interpretation and content analysis of the primary and secondary sources and empirical evidence acquired through unstructured interviews, the study is inspired by the Triple Throng Theory of Henry Shue which requires the State to respect, protect and fulfil the human rights of its citizens, and the Rule of Law theory of A.V Dicey which propagates the need for an independent judiciary based on the separation of powers. The study argues that politics constitutes one of the greatest challenges to the full attainment of the goal of access to justice for all as the judicial arm of government is not independent. The study concludes that politics will continue to be a bane to the full attainment of access to justice in Cameroon by the year 2030.

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KEYWORDS

Introduction

Access to justice has variously been defined as "the ability of people to seek and obtain a remedy through formal or informal institutions of justice,[1] and in conformity with human rights standards."[2] It

[1] Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances[1] in compliance with human rights standards.[1]

[2] United Nations Development Programme, Programming for Justice: Access for All: A Practitioner's Guide to Human Rights-Based Approach to Access to Justice (Bangkok: UNDP, 2005). Hereafter: UNDP, Programming for Justice, 2005. In Necessary Condition: Access to Justice https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice Accessed on 01/06/2020.

is the right of equal access to justice for all, including members of vulnerable groups, and provision[3] of fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all. According to the Law Commission of Ontario, Access to justice has been defined simply as access to lawyers and courts and as complexly as "an equal right to participate in every institution where law is debated, created, found, organized, administered, interpreted and applied"[4].

Jerry McHale, Q.C[5] thinks that the definition changes drastically depending on who you ask. He writes:

> There are two primary streams of thought about the meaning of access to justice. The first emphasises the "access" half of the equation and focuses on the availability of resources to help individuals resolve disputes. The second stream emphasises "justice" and argues that the justice we seek consists of more than exposure [i.e."access"] to dispute resolution services.[6]

In the past, "access" meant ensuring more people in society, particularly the poor, have access to lawyers, judges and the courts. Over time, this definition began to change as alternative forms of dispute resolution were gradually accepted (tribunals, mediation, Arbitration, etc.) and as various other reforms took place in the justice system.

> There is no access to justice where citizens (especially marginalized groups) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system.[7]

1. Access to Justice and Sustainable Development

The Sustainable Development Goals consider that access to justice is so vital if the Declaration for Sustainable Development is to come to fruition. This is because Development cannot be sustainable if people do not have avenues, institutions, knowledge and the means to access justice to vindicate their rights. It is for this reason that the framers of the Sustainable Development Goals included Goal 16 Target 3 (SDG 16.3) on Access to Justice. At the core of the 2030 Agenda lies a clear understanding that human rights, peace and security, and development are deeply interlinked and mutually reinforcing.[8] Hence the importance of enhancing access to justice, ensuring safety and security, and

[3] Law Commission of Ontario, Available at https://www.lco-cdo.org/en/our-current-projects/family-law-reform/increasing-access-to-family-justice-through-comprehensive-entry-points-and-inclusivity-final-report-february-2013/part-i-section-i-what-we-mean-by-access-to-justice/ accessed on 19/05/19

[4] A. Roderick., MacDonald, "Access to Justice in Canada Today: Scope, Scale and Ambitions", Julia Bass, W.A. Bogart and Frederick Zemans, eds., Access to Justice for a New Century, The Way Forward (Toronto: Law Society of Upper Canada, 2005), 19, 23.

[5] M Jerry McHale, QC was a professor of law at the Faculty of Law University of Victoria PO Box 1700, STN CSC Victoria, British Columbia V8W 2Y2. He is a prolific scholar and writer in the field of Access to justice. Available at https://www.uvic.ca/law/facultystaff/facultydirectory/mchale.php Accessed on 01/06/2020

[6] **M. Jerry McHale, QC** What Does "Access to Justice" Mean? February 2 2016 Available at http://www.uvicace.com/blog/2016/2/2/what-does-access-to-justice-meanAccessed on 01/06/2020

[7] Necessary Condition: Access to Justice https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice.

[8] United Nations, Sustainable Development Goal 16. Avialable at https://www.un.org/ruleoflaw/sdg-16/ 31/08/2020.

promoting human rights for sustainable development. Access to Justice, forms the cornerstone in the efforts to build peaceful, just and sustainable Societies.

The Organisation for Economic Cooperation and Development (OECD) has rationalised the importance of Access to Justice in the struggle for Sustainable Development[9] The OECD thinks that Access to Justice has a direct impact on inclusive growth and citizen well-being. This is so because; Costs of unresolved legal and justice needs are borne by citizens, business and society. When citizens legal needs remain unmet, this can have adverse effects on other areas of their everyday life, for example their incomes, housing loss, health, or employment issues. Unequal access to justice further undermines equality in society, particularly as disadvantaged and vulnerable groups disproportionally experience legal hardship. Furthermore, unresolved legal disputes (e.g, family, racial, employment, housing) can lead to further legal, social and health-related problems and costs. It cannot also be gain said that, the inability to resolve legal problems diminishes economic opportunity, reinforces the poverty trap and undermines human potential and inclusive growth. [10]

However in the efforts at implementing the SDG 16.3 on the attainment of Access to Justice in Cameroon, there are numerous challenges which act as obstacles. The most fundamental of these challenges is the civil and political challenge expressed in the Lack of separation of Powers, Constitutional Barriers, the policy of harmonisation, The Language dilemma and the socio-political crises. This is so because it is the duty of the state to respect, protect and fulfil the human rights of its citizens as propounded by the Triple Throng Theory of Henry Shue. Civil and political challenges pose one of the major obstacles facing the fulfilment of the access to justice dream. In Cameroon, almost all legislation since independence has been proposed by government except for one or two private member's bills.[11] It goes without saying that the government and politicians are the prime movers of reform in the justice sector.

2. Lack of Separation of Powers

One of the factors that Promote Access to Justice is the Separation of Powers as propounded by A.V. Dicey in his Rule of Law Theory. This is important because of the fact that human beings have a natural tendency to amass power and therefore it will be a dangerous proposition if one person was to weld the power to make the law, applies it and acts as a judge to determine the regularity of his actions himself.[12] The Constitution of Cameroon considers this principle as necessary for the smooth functioning of the justice system and had provided for such separation of powers. However, the Constitution of Cameroon contains a number of provisions that run counter to the very essence of the struggle to promote access to justice through the separation of powers and negate the intended policy. When the Constitution places the judiciary under the executive as when it provides that the independence of the judiciary is guaranteed by the President[13] of the Republic, it automatically makes nonsense of the doctrine of separation of powers which is one of the pillars of the rule of law[14] and access to justice.

[9] ibid
[10] ibid
[11] Bill to authorise the President of the Republic to ratify the treaty for Cameroon to join the Commonwealth of Nations table by Honourable introduced by Hon 1990.
[12] Bernard Fonlon, Le Devoir D'Aujourd'hui; Imprimerie sur les Presse du Centre D'Edition et de Production de Manuel et D'Auxilliaires de L'Enseignement, Yaounde, Cameroon, p. 33
[13] Section 37(3) of the Cameroonian Constitution 1996 as amended.
[14] Benjamin ENOW AGBOR, The Right to self Determination and conflict Resolution in Africa; A Critial Appraisal of the Southern Cameroons Question. Unpublished Thesis submitted to the department of Law, University of Buea in

Carlson Anyangwe,[15] in his work, The Magistracy and The Bar postulates that the judiciary is under the overbearing control of the Executive. This control is manifested in several ways including the fact that the judiciary is treated as a branch of government and subjected to several controls; such as Supervision by the Ministry of Justice, the classification and promotion of judges, Transfers and budgetary dependence, reporting on judges, to name a few. In this way, the judges are under the spell of the Ministry of Justice. He states;

> The constitutional provision which makes the executive the guarantor of the independence of the judiciary does not assure the Cameroonian judiciary of control over matters of judicial administration. Rather, the Ministry of Justice and not the Chief justice exercises considerable control over such matters. The Judiciary, like the legal department, is administratively under the supervision of the Ministry of Justice.[16]

It is therefore not uncommon to hear of Executive interference in the administration of justice. The carrier profile of the Magistrates who administer justice is managed by civil servants in the Ministry of justice. The Higher Judicial Council which is the principal organ responsible for the promotion and sanction of Magistrates and Judges is presided over by the President of the Republic and the Minister of Justice as Vice Chair. Both of them are members of the Executive branch of government. For the judiciary to be independent, there must therefore be the political will to promote the separation of powers.

In Communication 266/2003 Dr. Ngumne and SCNC and ors v. The Republic of Cameroon, one of the recommendations of the African Commission on Human and Peoples' Rights (ACHPR), was that the President of the Republic of Cameroon should cease from sitting in the Higher Judicial Council. This recommendation has to this date not been implemented. For the state to give effect to this recommendation, it would mean that the Constitution of the Republic of Cameroon would have to be amended to change the composition of the Higher Judicial Council. The lack of political will to effect these changes has been the most determinant reason for the failure to effect such vital changes in the Constitution. This is so true because since the Communication 266/2003 was issued, the government has carried out some other Constitutional amendments without considering it apposite to effect reforms in the light of the said recommendations of the African Commission on Human and Peoples' Rights (ACHPR).[17] If the judiciary is to be independent, the promotion and sanctions of judges must of necessity be managed by members of the judiciary without the involvement of the Executive.

3. Constitutional Barriers

Furthermore, the judicial organisation of Cameroon excludes the possibility of the citizen accessing justice in some cases. For example, Acts of Government[18] cannot be challenged in a court of law in Cameroon.[19] Also, The Constitutional Council is the highest body that deals with constitutional disputes. However, the Constitution of Cameroon has restricted access to this body. Except in a

Partial fulfillment of the Requirements for the Award of a master or law Degree in International Law; (June 2015) p. 91.

[15] Carlson Anyangwe, The Magistracy and the Bar, (1989) CEPER Yaounde, Pp 37 -41

[16] ibid at page 37

[17] In 2008, the constitution of Cameroon was amended to change the Presidential Term from 5years to 7 Seven years.

[18] For example the act of accrediting Ambassadors or of ratifying a treaty.

[19] LORD DENNING, The Closing Chapter, (2008) Oxford University Press, p 214; The Fleet tree case*; R v. Inland Revenue Commissioners, Ex Parte National Federation of Self –Employed and Small Businesses Ltd;* (1980) QB 407, CA; revised. (1982) AC 617, HL See also *Vestey v. Inland Revenue Commissioners (1979)Ch 177, 197-198* per Watson J.

specific number of cases,[20] the ordinary citizen cannot seize the Constitutional Council to challenge the constitutionality of a law.[21] This privilege is reserved for the President of the Republic,[22] the President of the senate and The President of the National Assembly[23] or one third of members of either of the two Houses of Parliament.[24] Of course it takes so much political consideration for these officials to challenge laws that have been enacted at their own behest.

4. The Policy of Harmonisation

The colonial history of Cameroon bequeaths her of two judicial systems; The Common Law inherited from England and the Civil Law system inherited from France. For a long time after independence, the two parts of Cameroon each exercised the law according to their inherited judicial system. However, sooner or later, it became evident that government policy was moving resolutely towards Harmonisation. This policy was commendable as it aimed at replacing the colonial legislation with national legislation. Legislation covering land law, Labour law, Insurance law and Business Law were harmonised. There were however dissenting voices especially from the common Law section of the country as most of the harmonised laws seemed to promote the civil law concepts at the detriment of Common Law Concepts.

In fact, in some of the harmonised legislation, the language of interpretation of the said laws was spelt out to be the French language. Expectedly, this was resented by the Common law Legal Practitioners. In the case of Akiangan Fombin Sebastian v. Foto Joseph & others,[25] Justice Ayah Pual Abine,[26] held that the fact that the CIMA code was crafted and based on civil law Principles and the French language, it had breached the bi-jural nature of Cameroon and was therefore unconstitutional. Of course views like these have led to the timid application and at times outright rejection of such harmonised legislation.

Professor Martha S. Tumnde writing on the prospects of harmonising laws in Cameroon, opines that the way forward to this imbroglio is to approach the problem consciously with an open mind so as to benefit from the two cultures. She states:

> The integration of members of the two sectors of Cameroon is developing and in the present state of Cameroonian society, ample room should be left for it to continue to do so. As this develops, it may with advantage, be encouraged to absorb as much of English and French principles and practices as is appropriate, with a view, primarily, to securing uniformity so far as is practicable. The goal should be something like this: as much of English law as is sound and suited to local circumstances, together with as much of French law as is worthy of preservation. If a conscious effort is made to guide development in the right direction, then those engaged in the task ought to possess a sound knowledge of not only French Law but of English Law[27]

[20] Election Petitions
[21] Article 47 of the Constitution
[22] Article 47(2)
[23] ibid
[24] ibid
[25] Suit No. HCK/3/96 of 6th January 1996 (Unreported)
[26] As he then was, sitting in the High court of Meme Division in Kumba
[27] Martha s. Tumnde, Insurance Law in Cameroon, Press Universitaire d'Afrique, Yaounde (2012), P. 19

We easily align ourselves with the prescriptions of Professor Martha Tumnde

5. The Language Dilemma.

The Constitution of Cameroon provides in is Article 1 that Cameroon is a bilingual State in English and French. It goes further to state that the two languages have equal status.[28] This presupposes that English and French should enjoy the same preponderance and treatment in all government services including the judiciary.

The Criminal Procedure Code (CPC) guarantees the right of an accused person to be tried in the language he understands. Where the accused cannot understand the Language of the court, an interpreter[29] should be provided by the state. The Supreme Court in a series of cases has reiterated these rights[30]. However a distinction should be drawn between the language the suspect or accused understands and the language the suspect or accused understands best.[31] The difference here is that one can understand a language even if it is not his mother tongue. The essence is that the suspect or accused should be able to understand the accusations and to follow the proceedings. To hold otherwise would be to put an obstacle to the justice machinery and to perpetrate injustice. The Supreme Court has been consistent in this line of reasoning in a number of cases; Walter Numvi & 2 others V. The people[32]; Hassan Gaston v. The people & 1 other[33]

6.1. The Dilemma of Bilingualism in English and French

The Constitution of Cameroon presents Cameroon as a Bilingual country in English and French. It means that every citizen should be able to be served in the language in which he is most confortable.[34] English and French are received languages. However, there are people who speak and understand only their mother or native languages. Sadly, enough, to compel these people to speak either French or English in justice is to say the least an impediment to their accessing justice. In the villages however, under the informal justice system most villages conduct their hearings in their local languages. This calls for more investment in the promotion of local languages than we are currently witnessing. In the meantime, it is difficult to keep records of proceedings and to exercise oversight.

The Constitution enjoins the State to encourage local languages and so the state needs to up its game in that regard. The curricula of our schools need to incorporate and make it compulsory for schools to teach local languages in the localities in which they are situated. This will strengthen our Non State Justice Systems (NSJS) as it will facilitate the ability to record proceedings and build precedence.

The claim of bilingualism in English and French attributed to the State of Cameroon though declared in the Constitution still needs much to be done if we have to meet up with the basic requirements to

[28] Also Articles 2(2) of Law N0: 2019/0019 of 24th December 2019 on the Promotion of Bilingualism and Local Languages.
[29] See section 354 and 358 of the Criminal Procedure Code.
[30] *Angoh Aloysuis Ebefi v. The People & Ngankam Rigobert*, Judgment No.178/P of 13 May 1993 (1993) CSC Part 2, vol.1, p.746, See Also *Kadiri Ousmanou v. The People & Nji Ninjou*, Judgment No.178/P of 13 May 1993 (1993) CSC Part 2, vol.1, p.763
[31] Fonkwe J. Fongang & Eware Ashu, Cameroon Criminal Procedure and Practice in Action, (2019) Edition Veritas, Douala, P. 330
[32] Judgment in Suit No. CANWR/MA/3c/2015 of 12 July 2016 (SRL vol. 6 pp2-17 per C.N. Menyoli JCA. In Fonkwe J. Fongang & Eware Ashu, Cameroon Criminal Procedure and Practice in Action, (2019) Edition Veritas, Douala, P. 331.
[33] Judgment No. 418/P of 30 September 1999 RCJCSC part 2, vol.1, p.762. ibid.
[34] Articles 5(2) of Law N0: 2019/0019 of 24th December 2019 on the Promotion of Bilingualism and Official Languages.

achieve this. The efforts made in promoting the learning of French and English in our schools though commendable need to be enhanced and supplemented by a political desire to promote the effective implementation of bilingualism in our judicial system.

There is the perception that the English language is underrated. The French language is dominant in our society particularly in the administration and the military. In our courts, depending on which part of the country we find ourselves there is discrimination in our courts. In the 8 Regions of the former East Cameroon, French dominates. English speaking citizens must endure French if they seek justice. In the regions of the former West Cameroon, the English Language dominates. The situation in courts in the English speaking regions is that Pidgin English is the lingua franca. This means that Francophone Cameroonians seeking justice in the courts in the Anglophone Regions do not only have to struggle to understand English, they also have to grapple with the difficulties of understanding pidgin English.[35] This dilemma is further compounded when French Speaking Magistrates and judicial police officers are posted to man the courts and Police stations to investigate and prosecute crimes in Anglophone Regions of Cameroon. French speaking police and gendarme officers dominate disproportionately in our police and gendarmerie stations. The result is that courts in the common law section of the country are flooded with a great majority by statements of Anglophones recorded in French. When these statements are brought before an English-speaking Judge, great is usually his dilemma to comprehend the depositions recorded in the French language.

The law on Bilingualism and the Promotion of Official Languages ordains in its section 26(1) and (2) that;

> (1) English and French shall be indiscriminately used in ordinary law and special courts.
> (2) Court decisions shall be rendered in any of the official languages, depending on the choice of the litigant.

This section of the law has sown chaos in the judiciary and contradicts the spirit of the law to be served in the language preferred by the citizen. Indiscriminate means at the discretion of the speaker. The listener may not understand what is said even as he is being tried for serious offences. Furthermore, to say that Court decisions shall be rendered in any of the official languages, depending on the choice of the litigant implies that the state is very certain that all her judges are themselves proficient in both languages; which is preposterous at this point in time. The situation becomes more complicated if the litigants speak or choose different languages.

This problem of Language is at the root of the Anglophone crisis and nowhere else is it much felt with greater consequences than in the Judiciary in Cameroon. When the Anglophone lawyers met in Bamenda in 2015 and issued the Bamenda Declaration, one of the grievances was that the judiciary in the English speaking regions was dominated by French speaking Magistrates. A judgment had just been delivered in French in the Administrative Court of the South West Region in Buea. The Bamenda Conference set the stage for the 2016 strikes which eventually degenerated into the present armed Conflict.

One of the most important legal texts is the Treaty on the Organisation for the Harmonisation of Business Law in Africa (OHBLA) which is more popularly referred to by its French acronym as the

[35] Pidgin English is a form of adulterated English with several variants which complicates the dilemma of language in our justice system.

OHADA Treaty; originally provided that the working Language is French.[36] The result was that, Uniform acts regulating the various aspects of Business Law were enacted only in French. It was therefore unbelievably that such a treaty was ratified by Cameroon without reservations. Martha Tumnde calls it the Theory of Exclusion.[37] In the case of Akiangan Fombin Sebastien v. Foto Joseph and others, suit No.HCK/3/96 OF 26 January 2000 (unreported), Justice Ayah Paul Abine held that a treaty which is basically in French suffers from self-exclusion from the English-speaking Provinces.[38] Consequently the OHADA Treaty and its Uniform acts cannot be applied in the English Speaking Parts of Cameroon. The Section of the International Law and Practice of the American Bar Association and the International Judicial Relation Committee of the United States Judicial Conference's report on OHADA observed that they found the English translations not to be as precisely worded as they could be in order to be of authoritative assistance to the non-French speaking Attorneys. [39]

Though the OHADA Treaty has now been modified to accommodate English, Spanish, and Portuguese, this amendment has not taken effective root in the adjudicative process because the Common Court of Justice and Arbitration (CCJA) which is the supreme jurisdiction in commercial matters continues to be manned exclusively by French speaking judges because there is a dearth of English speaking Judges and personnel within the member states. Consequently, proceedings have to be translated into French at the cost of English speaking litigants and lawyers. Access to the CCJA is to all intent and purposes for the time being closed to Anglophone lawyers. The State needs to invest more in the training of qualified English speaking and Common Law - Trained judges to careter for the needs of the English speaking litigants in the CCJA system.

6.2. The lack of qualified Translators

Central to the ideal of entrenching the promotion of bilingualism in our justice system should be the need to make use of trained and dedicated Translators in the judiciary.[40] This is not yet the case in Cameroon. It is the duty of government to respect, promote and fulfil the human rights of its citizens including the right to a fair trial. What happens in our courts is that occasionally the trail Magistrate faced with this dilemma would ask the victim or the accused to hire a translator or undertake to pay for one if the court can find one. Often these "Translators" are not trained as translators, let alone as legal translators. If Translators cannot be provided in our courts as a matter of duty, then the dream of accessing justice for so many is illusory. The law on Bilingualism provides that;

> The State shall set up entities to provide training and build capacity in the use of English and French, and provide incentives to enable citizens to develop their proficiency in both languages.[41]

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[36] Article 42 or the OHADA Treaty.

[37] Martha Simo Tumnde nee Njikam, *The Applicability of the OHADA Treaty in Cameroon: Problems and Prospects. In* Mohamed Baba Idris, Harmonisation of Business Law in Africa: The Law, Issues, Problems and Prospects.(2007) corporate Legal Consultants Lagos, Nigeria, Pp. 171 – 183 at . 176

[38] Mohamed Baba Idris, Harmonisation of Business Law in Africa: The Law, Issues, Problems and Prospects.(2007) corporate Legal Consultants Lagos, Nigeria, P. 176

[39] Akere Muna, *Is OHADA "Common Law Friendly"*?, in Mohamed Baba Idris, Harmonisation of Business Law in Africa: The Law, Issues, Problems and Prospects.(2007) corporate Legal Consultants Lagos, Nigeria, P. 24 - 33 at 28

[40] Memorandum Presented to the Head of state His Excellency President Paul Biya, by the Bishops of the Ecclesiastical Province of Bamenda on the current situation in the North West and South West Regions of Cameroon. 22 December 2016. Paragragh 5.

[41] Section 11(1) or Law N0: 2019/0019 of 24th December 2019 on the Promotion of Bilingualism and Official Languages.

To this end Linguistic centres have been created. But quite often, attendance in these Linguistic centres is voluntary. There need to be more incentives to encourage civil servants to attend. The law enjoins state officials to ensure that workers under their supervision should be trained in the use of English and French.[42] This means nothing when the resources are not placed at their disposal. In the interval between when they are recruited and they start to learn the French or English, what happens to those citizens who come before the courts? It is our view that qualified translators should be recruited and posted to all our courts to serve citizens in the same measure as they do recruit registrars and secretaries. It cannot be left to the citizens themselves.

7. Socio-Political Crises and Armed Conflict

Also, the political atmosphere in Cameroon especially the crisis in the Anglophone regions of the country has greatly impacted on and exposed the challenges facing the country in terms of access to justice. Shortly after the declaration of the 2015 Sustainable Development Goals, Cameroon was faced with a series of Socio Political crises and armed Conflicts. The Anglophone Crises in the South West and North West Regions of Cameroon soon degenerated into an armed conflict.

Since then, we have witnessed all sorts of violations of the rights of citizens. Whether one looks at it from the fact that English speaking suspects arrested in the Anglophone regions are transported to be tried in Yaounde and tried in and by French speaking judges, or you consider the numerous hurried trials of civilians in military tribunals,[43] there is a sense of injustice and a perception that access to justice is a far cry. But the most astonishing and sickening cases are cases of people who have been killed without trial in the name of combating insurgency. Many cases of mistaken identities and blatant cover ups have been recorded even by government itself. In 2020,[44] a presidential commission of inquiry found that 21 civilians, including 13 innocent children were brutally murdered by government forces in Ngarbuh.[45] This incident and many more shocked the nation and revealed how far behind Cameroon was in promoting access to justice for all. The presence of an Armed Conflict has also affected the state's ability to promote access to justice as there are daily reports of extra-judicial killings and civilians being court marshalled in Military Tribunals.[46]

Whatever efforts are made in the struggle to promote access to justice in Cameroon, it is very difficult to achieve set goals or objectives if the socio-political situation continues to be marked by crises,

[42] Section 6 ibid

[43] Minstere Publique c/ Tarh Evans Ndika No. 150/0MJD/CG/TMB; Minstere Publique c/ Ewane Yannick Tarang No. 2317/0MJD/CG/TMB; Minstere Publique c/ Barche Roger Kum, Abako Julius, No. 66/0MJD/CG/TMB;

[44] The killings took place on the 14th of February 2020

[45] **Franck Foute,** Cameroun : le gouvernement reconnaît l'implication de militaires dans le massacre de Ngarbuh, Jeune Afrique Magazine, 23 April 2020. Available at https://www.jeuneafrique.com/932498/politique/cameroun-le-gouvernement-reconnait-limplication-de-militaires-dans-le-massacre-de-ngarbuh. Accessed on 12/07/21.

[46] Minstere Publique c/ Tambia Clinton, No. 1211/0MJD/CG/TMB; Minstere Publique c/ Muki Dvine Akwo No. 900/0MJD/CG/TMB. Minstere Publique c/ Ntui William Tambe; Minstere Publique c/ Tendongmo Colious, Ita Kenet; Yvonne Ameka Godwin, No. 46/0MJD/CG/TMB Minstere Publique c/ Solomon Asukwo Charly No. 044/OR/J13/TMB; Minstere Publique c/ Arrey Ebot Clifford No. 690/0MJD/CG/TMB; Minstere Publique c/ Nyantcha Collins No. 1181/0MJD/CG/TMB; Minstere Publique c/ Tarh Evans Ndika No. 150/0MJD/CG/TMB; Minstere Publique c/ Ewane Yannick Tarang No. 2317/0MJD/CG/TMB; Minstere Publique c/ Barche Roger Kum, Abako Julius, No. 66/0MJD/CG/TMB; Minstere Publique c/ Tafie Roderick No. 692/0MJD/CG/TMB; Minstere Publique c/ Nzegge Stanley alias "Edi MOTO" No. 2713/0MJD/CG/TMB; Minstere Publique c/ Asue Anthony No.3886/0MJD/CG/TMB; Minstere Publique c/ Mbu Tyson Etchi No. 175/0MJD/CG/TMB These accused persons were separately charged with Terrorism, secession, and insurrection.

violence and war. War drains vital resources, saps the nation of its human resources, stifles creativity and innovation and reduces planning to Ad-hoc measures. With the war ravaging the North West and South West Regions of Cameroon, access to justice has become a perishable commodity as we witness daily violations of the basic tenets that make for smooth access to justice by citizens in the form of Extra judicial killing,[47] burning of whole villages, burning of schools, kidnappings for ransom, banditry, rape and assault of women; all with little or no potential for redress.

In these circumstances therefore, we believe that a political solution that will bring about dialogue and stop the armed conflict in the country will greatly contribute in the quest to promote access to justice for all in Cameroon.

7. Conclusion

In the face of these challenges, one can therefore conveniently state that, unless our politicians place the interest of the people ahead of all other considerations, politics will continue to be a bane to the full attainment of access to justice in Cameroon by the year 2030. There should be a political will therefore to reform the Constitution so as to provide for effective separation of Powers, unrestricted access of citizens to the Constitutional Council and other courts, a rethink of s policy of Harmonisation to preserve the positive aspects of both legal systems and provide sufficient funds for investment into training of personnel in the two languages.

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