Justice, Nation-Building And Democracy: The Anglophone Problem In Cameroon

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Abstract

This paper aims to demonstrate how justice ignored in nation-building policies can hinder progress and endanger the security and stability of a nation. Although existing literature has shown this in several ways, none has demonstrated the connection from a justice perspective by linking theory and practice. This paper fills this gap by using Rawls' theory of justice as fairness and the conceptual structure of justice designed by Stumpf et al. to establish the Anglophone Problem in Cameroon as a case of justice. The objective of this case study is to emphasize the dangers of biased policies and to stress the place of democracy in ensuring justice. The study thus generates a concept of justice called Foundational Justice as a solution. This concept argues that effective democratic institutions can ensure the application of justice by targeting the foundation of a society. In 2016, mass demonstrations broke out across the two Anglophone regions and resulted in an armed conflict that is ongoing and has recorded over 6000 deaths. Anglophones claim that government policies since the 1960s have erased their autonomy and compromised their identity. While some demand for the restoration of the state of West Cameroon, others are asking for an independent state called Ambazonia.

Keywords: Justice, Anglophone Problem, Nation-Building, Democracy, Cameroon

1. INTRODUCTION

In December 2016, Joseph Wirba, a member of Cameroon's parliament addressed the assembly in a speech that was widely celebrated by Anglophone protesters who started demonstrations in October that year. In his speech, he quoted the American President Thomas Jefferson who said: "when injustice becomes law, resistance becomes duty" (Wirba 2016). This quote was accompanied by a series of allegations against the present and previous regimes regarding the

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Anglophone Problem[2]. He described government policies as "a master plan to eradicate the Anglophone". The issues he raised to justify the mention of injustice are the same concerns that Anglophones have been raising since the 1960s including marginalization and Francophone dominance. To Anglophones, the problems arise from the 1972 move from a federal state to a unitary state. In 1961, British Southern Cameroon merged with The Republic of Cameroon to form a new country under a federation. However, prior to the union, Amadou Ahidjo, the first president of the federation had begun a unity project in French Cameroon aimed at unifying the several tribes under a central administration (Stark 1980). Cameroon is made up of over 200 tribes with over 300 languages besides the two official languages - English and French. Thus, the coming of Southern Cameroonians who became West Cameroon in the union did not stop Ahidjo from pursuing the unity project. In this regard, he instituted a one-party state in 1966, a unitary state in 1972, and Paul Biya followed in 1984 with a change in country's name from The United Republic of Cameroon to The Republic of Cameroon and by harmonizing the English and French legal and education systems in 2005. Nevertheless, Anglophones hinted that these policies were unjust to them because in their judgment, the policies went against the union agreement and were impartial. Consequently, in 2016, Anglophone lawyers and teachers protested the harmonization project claiming that it was discriminatory to them and sympathetic to Francophones. These protests morphed into an all-Anglophone protest with many asking for a return to the 1961 deal as a solution to the problem. In 2019, the government rejected these demands and instead granted a special status[3] to the Anglophone regions arguing that every solution must be within the context of national unity and territorial integrity. According to Biya (2019), his government's goal has been to achieve equity for both official languages and sub systems, however, within the context of national unity. Nevertheless, the armed conflict continued with pro-independence Anglophones asking for outright independence as the solution. Thus, if the goal of the successive governments was to unite the country, then what made the member of parliament and other Anglophones to qualify the policies as unjust? Did the unity project disregard the principles of justice? Are Anglophones simply against unity and seeking a special treatment over other Cameroonians? Or is it just a clash of interests with one overriding the other? The objective

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[2]The Anglophone problem is a socio-political issue rooted in Cameroon's colonial legacies from the Germans, British, and the French control of the territory.

[3] Specific organizational and operational regime based on historical, social, and cultural values of the regions.

of this paper is to examine the validity of the Anglophone claims and to link nation-building, justice, and democracy. To do this, the paper will use Rawls' theory of justice as fairness and the conceptual structure of justice designed by Stumpf *et al* to analyze the policies and events. Many countries around the world are in similar conflicts and this paper aims to impact solutions by creating a concept of justice called Foundational Justice that can be used in such cases. The paper will use the case of Cameroon to bridge the gap between theory and practice by applying the conceptual structure of justice and backing analysis with Rawls' theory of fairness.

2. Historical Background and Literature Review

2.1 Brief History of Cameroon

Prior to colonization, Cameroon was made up of multiple small independent tribes. In 1884, the Germans signed treaties with the coastal chiefs that launched the formation of the country Cameroon (Kamerun under the Germans). After the First World War (WWI), the Germans were defeated, and the territory was partitioned between the British and French as protectorates of the League of Nations (later United Nations Trust-territories) (Fanso 1989, Konings 2002). The French took about 80% of the territory and the British attached the rest to its nearby territory of Nigeria. The British further divided their portion into the British Northern Cameroon and the British Southern Cameroon and attached them to the Northern and Eastern regions of Nigeria respectively. Political pressure from indigenes of the British Southern Cameroon led to the establishment of a quasi-region in 1954 and a full territory separate from Nigeria in 1957 (Konings & Nyamnjoh 2003, Mbuagbaw *et al.* 1987). With the indirect rule policy, the British ruled through the tribal chiefs and very much maintained the traditions and customs of the locals. On the other hand, the French like the Germans administered the territory by themselves alongside some hand-picked local chiefs. The British and French ruled over the territory from 1919 until 1960 when the French gave independence to French Cameroun on January 1st. Later in 1961, the UN organized a plebiscite in British Cameroons giving British Northern and Southern Cameroons a choice to either join Nigeria or French Cameroon. British Southern Cameroons voted to join French Cameroon while British Northern Cameroons chose the Federal Republic of Nigeria. On October 1st, 1961, British Southern Cameroons gained its "independence"[4] and united with French Cameroon. The two unified Cameroons agreed on a federal form of state that lasted from 1961 to 1972 and was changed to a unitary state through a referendum. The

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[4]The plebiscite question said Southern Cameroon will gain independence by joining either Cameroon or Nigeria.

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country adopted the two colonial languages; English and French as their official languages and maintained the education and legal systems inherited from the British and French. In 1984, President Paul Biya changed the country's name from The United Republic of Cameroon to The Republic of Cameroon and in 1996 the form of state was changed from a centralized to a decentralized state.

2.2 LITERATURE REVIEW

2.2.1 Unification, Project of State Building, and the Anglophone Problem

Blending French Cameroun and British Southern Cameroon also came with the burden of integrating over 200 tribes that make up the country. According to Eyoh (1998), Konings & Nyamnjoh (2003), this cultural and ethnic diversity allowed Amadou Ahidjo, the first president of the union from 1961 to 1982, to institute authoritarian rule as the domineering locus of power. According to Mbuagbaw *et al.* (1987) and Eyoh (1998), Ahidjo justified the institution of authoritarian rule with the wars and instability in other African countries around the time. To Ahidjo, these wars were mainly caused by ethnic conflicts and could be avoided in Cameroon through a centralized system of government. According to Konings (2001) and Fonchingong (2005), the authoritarian rule caused a lot of unrest especially amongst the Anglophone population that started feeling less Cameroonian. This unrest, according to them, came from the fact that the federal system that was mutually accepted as a motor for state construction was broken.

As defined by Elaigwu & Orunsola (1983), federalism is "…the desire of people to form a union without necessarily losing their various identities" (p282). Eyoh (1998) and Fonchingong (2005) see the move from a federal to a unitary state in 1972 as the turning point in the state building project in Cameroon. Turning point in the negative direction because it erased the Anglophone foundation and granted more power to the central administration. According to Eyoh (1998), Biya's 1984 country name change was aimed at constructing a new nation that was void of the two principal identities: Anglophone and Francophone. However, Konings (2001) and Page *et al* (2010) argue against this assertion, suggesting that it was just a continuation of the assimilation of Anglophones into the French system. Konings and Nyamnjoh (1997), affirm this view by noting that the union between the French Cameroon and Southern Cameroon did not provide for the equal partnership or the preservation of the cultural heritage and identity of each, but turned out to be merely a transitory phase to the total integration of the anglophone region into a strongly centralized, unitary state.

2.2.2 Justice in Nation-building

According to Aristotle, the state and the household are crucial instruments for a society that is structured to provide justice especially if these instruments provide the needed education for the functioning of justice (2000 Book V). On this, Van Parijs agrees that institutions play a major role in a just society in ensuring equality and fairness especially for the least advantaged members (1996 p102). This view emphasizes the role and responsibility a government has towards its people in guaranteeing that everyone or group gets what they are due. In this regard, Rawls argues that justice is the most important virtue of institutions and that such institutions must be just notwithstanding the difference in views on the meaning of justice. In his words: "Those who hold different conceptions of justice can, then, still agree that institutions are just when no arbitrary distinctions are made between persons in the assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life" (Rawls 1999 p5). While some agree on the role of institutions in building a just society, Lucas (1972) notes that the modern world has essentially replaced the model of justice with that of legality and this has limited the scope of justice (p 230). State actors most often consider principles that will ease or favor the achievement of their political goals than compromise them for the sake of justice.

2.2.3 Justice and Democracy in Nation-building

Democracy in its simplest form associates governance with the people. Proponents of democracy have suggested that democracy allows for freedoms and rights, implying that democratic societies are relatively just. According to Van Parijs (1996), there is compatibility between democracy and justice, not because democracy directly results in justice but because of carefully crafted institutions which to him are "sometimes frankly Machiavellian institutional engineering" (p114). In his view, these crafted democratic institutions do not only end at preserving democracies but ensure that the world is a bit more just than it was before the institutions. Delmas (2018) on her part suggests that democracies can ensure just societies because people in reasonable democracies will not support corrupt institutions or accept laws that deny fellow citizens free and equal status in society. To her, "the duty of justice demands resisting injustice, bettering institutions, and frustrating wrongs, and it supports principled disobedience in the process" (p24). Shapiro (1996) though agreeing that democracy is necessary in ordering social relations justly, cautions that democracy alone is not sufficient and should not be seen as the "highest human good" or be made to dominate every other activity (p580).

Democracies should set mechanism of institutional governance that will ensure the functioning of other things including justice, he argues. The literature suggests that the Anglophone claims may have some basis, but none has looked at it from a point of justice. This paper aims to fill this gap by examining the claims and government policies using Rawls' theory of justice as fairness and the conceptual structure of justice designed by Stumpf *et al*. By using a case study, the paper aims to demonstrate the practicality of the theories used and demonstrate how the problem can be approached.

3. METHODOLOGY AND THEORETICAL FRAMEWORK

The paper used John Rawls theory of justice as fairness and the conceptual structure of justice designed by Stumpf *et al*. The case study method and the content analysis technique were also used to analyze the case. To do this, major events and documents were selected to represent the claim. The selected documents include: the 1961 constitution, the All-Anglophone Conference (AAC 1 and 2) declarations and draft constitution, Foncha's resignation letter and the Anglophone Consortium's declarations. The four major events selected to represent the policies of the various regimes were: the 1966 move to a one-party system, the 1972 referendum, the 1984 change in country's name and the legal and educational harmonization policies. These events were selected because they mark the turning points that changed the form of state that Anglophones protest today. To examine the Anglophone claim, this information is fitted correspondingly into the conceptual structure to generate a concept of justice. This is followed by analysis with information from the mentioned documents.

4. DISCUSSION AND ANALYSIS

According to Rawls (1999), his theory of justice as fairness is a political conception of justice. This makes it the most appropriate theory to analyze this case. Stumpf *et al* (2016) also note that the conceptual structure of justice is aimed at "analyzing and comparing different conceptions of justice, assessing their internal consistencies and exploring new definitions of justice in an analytical way and explicating an idea of justice in a manner that provides concrete links to the relevant context" (1188). This paper seeks to answer the questions: Why do Anglophones qualify government nation-building policies as unjust? Did the unity project disregard the principles of justice? Are Anglophones simply against unity and seeking a special treatment over other Cameroonians? Or is it just a clash of interests with one overriding the other? To answer these questions the paper will first look at the unitary project under Ahidjo and Biya and its successes.

4.1 The Ahidjo and Biya Unitary Project

One thing consistent about both heads of state is the insistence on national unity. According to Stark (1980), Ahidjo's speeches from the time he became Prime Minister (PM) of French Cameroon in 1958, were dominated by two themes: national unity and national construction. Likewise, Biya's speeches especially from 2016 have been dominated by: national unity, one and indivisible Cameroon, living together, and territorial integrity. At the Union Camerounaise (UC) party congress in Ebolowa in 1962, Ahidjo as party head noted in his speech that:

"National unity therefore is the essential objective of the hour, the duty to be done before we can consider ourselves sons of the Cameroon Fatherland. No obstacle, no material, sentimental or ideological considerations should be allowed to bar the road to national unity... We have the duty to style certain sentiments in order to fight the necessary battle, in order to establish this union of hearts and minds right from the base… National unity means that in the work-yard of national construction, there is neither Ewondo nor Douala, Bamileke nor Boulou, Foulbe nor Bassa; we are one and all, simply Cameroonians… Nevertheless, Cameroon tribes are realities, but they are realities into which the leaders of the party or of the state should search very diligently for those characteristics most calculated to help in integrating the tribes one into the other, in merging them together, in order to hasten national unity" (Stark 1980 p279).

From this speech, it can be understood that Ahidjo's idea of unification with the Southern Cameroons was to create a synchronized Cameroon with a single identity. Thus, the 1961 federal republic as he later noted was a first step to the Anglophone integration. After he succeeded in creating a one-party state in 1966, Ahidjo immediately moved to the third phase which was the unitary state. To do this, he argued that federalism was costly and cumbersome and was hampering the nation's development efforts. In effect, besides the two state assemblies and House of Chiefs in West Cameroon, the two states had different agricultural and urban planning policies that were not coordinated. More so, up till 1972 multiculturalism and bilingualism were only fostered at the federal level and the federated states had made little or no progress in these areas (Chem-Langhëë 1995 p23). Ahidjo therefore believed these could be fixed under a centralized unitary system.

Paul Biya who was part of Ahidjo's administration since 1962 continued to the next phase of the project in 1984 when he changed the country's name from The United Republic of Cameroon to the

former French Cameroon appellation - The Republic of Cameroon. According to him, the move was aimed at solidifying unity and giving Cameroon a single identity. In 1996, his government adopted decentralization against federalism that Anglophones demanded after the All-Anglophone Conferences in 1993 and 1994. In Biya's view, decentralization was the most appropriate form of governance to enhance national unity and development. In 2017, he created the National Commission for the Promotion of Bilingualism and Multiculturalism to ensure equality of both national languages. Like Ahidjo, Biya believes national unity can only be ensured in the context of a strong unitary state. To him:

"All Cameroonians, without exception, have embarked on building a united, inclusive, and bilingual nation. This is a unique experience in Africa. Like any human endeavour, our experience is not perfect. There are aspects that can be improved. We should therefore listen to each other. We should remain open to constructive ideas, to the exclusion, however, of those that would affect the form of our State" (Biya 2016).

4.1.1 Building National Integration

According to Kofele-Kale (1986), Ahidjo was quite sensitive to regional and tribal differences and tried to damper them through appointments to his cabinet, party, national assembly, and parastatals (p76). In his 31-member cabinet of 1975, Ahidjo appointed seven members from West Cameroon (former Southern Cameroon), six from the Northern Province, eight from the Central-South, five from the West Province, three from Littoral, and two from the East Province (Takougang 1993 p275). These members in turn were able to tie their respective regions to the president by building their own networks of support through the provision of administrative and party jobs. Similarly, Biya's cabinets since 1982 have included representatives from every region. Biya however, went a step further to permit multipartyism which was banned under Ahidjo. This gave Anglophones the opportunity to create the Social Democratic Front (SDF) party that remained the major opposition party until 2018. This party was not only supported by Anglophones but had massive support from Francophones as well. The SDF has continually claimed the 1992 Presidential elections though Biya was declared winner. This suggests that Anglophone integration and the unity project were on track as Francophones supported an Anglophone candidate with impartiality. The SDF scored 35.9% against Biya's 39.9% (National Democratic Institute for International Affairs 1993 p49).

Notwithstanding Anglophone grievances, Francophones and Anglophones have been living together peacefully and integrating in various ways. Both Ahidjo and Biya succeeded in promoting certain

areas that unite most Cameroonians, for example, football. On December 2, 2022, Cameroon defeated Brazil in their last group match at the FIFA World Cup in Qatar. Social media videos showed mass celebrations in some major towns of the restive NW and SW regions during and after the match. This was interpreted by many as a show of patriotism from the aggrieved Anglophones. Besides football, both Francophones and Anglophones have been intermarrying and spreading their cultures across. Certain foods from the North-West (NW) and South-West (SW) regions like Eru and Achu have been adopted in the francophone regions and are now considered national dishes. Recently, the NW flagship dress (Toghu) has been used in international arenas to represent Cameroon. Besides, music from some regions like the Littoral and Center regions are listened and danced across the nation and for the most part considered "Cameroon music".

4.1.2 Anglophone role in the Anglophone Problem

In 2016 when Anglophone lawyers and teachers started protests, a government minister of Anglophone origin Paul Atanga Nji emphatically stated on TV that there was no Anglophone Problem. He argued that the problems faced by Anglophones were the same problems faced throughout the country. He maintained this position even when the protests morphed into an armed conflict. In the 2018 cabinet reshuffle, he was promoted to minister of Territorial Administration (interior minister) from minister in charge of missions at the Presidency of the Republic. He became the first Anglophone to be appointed to this position since 1961. This scenario was a repeat from the Ahidjo era in which Anglophone elites played personal politics to gain favors. According to Stark (1980), only Augustin Ngom Jua, (West Cameroon's PM from 1965 to 1968) defended federalism because others became "political clients" to Ahidjo (p292). This favor seeking attitude coupled with the power tussle among the top Anglophone elites made it possible for Ahidjo to convince them to join the single-party project. The KNDP Prime Minister-ship struggle between Ngom Jua and Solomon T. Muna for instance led to a strong alliance between Muna and Ahidjo. When Ngom Jua won the PM-ship nomination, Muna was expunged from the party, and he founded the Cameroon United Congress (CUC). He aligned the party's mission with Ahidjo's vision, calling for a single political party and a unitary system void of the two states – West and East Cameroon. The party's slogan was "one country, one government, one flag, one currency" (Chem-Langhëë 1995 p22). This caused Ahidjo to appoint him PM of West Cameroon in 1968 and Vice-President of the republic in 1970 though against a constitutional clause that prohibited an individual from

occupying both positions at once. With Muna, Ahidjo easily realized his unitary state project in 1972.

Notwithstanding Anglophone complicity and Ahidjo and Biya's progress in pursuing the unity project, the Anglophone Problem persisted and led to an armed conflict. This raises questions as to what went wrong. The next section will address this.

4.2 The Unity Project, Justice, and the Anglophone Problem
Justice means different things to different people and societies depending on the interest and priorities of those in charge of ensuring its existence. However, justice scholars agree that justice, regardless of its form, should exist in every given society. Since the Anglophone unrest began in 2016, the government responded with force and has continually justified the choice of force with the protection of territorial integrity and national unity. Addressing the Anglophone protests in 2016, Biya said: "Cameroon's unity is therefore a precious legacy with which no one should take liberties. Any claim, no matter how relevant, loses its legitimacy once it jeopardizes, even slightly, the building of national unity" (Biya 2016). Biya in this speech basically maintained his stance on proceeding with the unity project notwithstanding the Anglophone demands or logic. This raises the question of the purpose of nation-building and the place of justice. The conceptual structure of justice below samples the Anglophone Problem as a concept of justice. The first table is simply the conceptual structure of justice as designed by Stumpf *et al*. The second table is the conception of the Anglophone Problem as a case of justice. The analysis that follows will expound on the table.

Table 1. Conceptual structure of justice by Stumpf *et al*. (2016)

• Judicandum - Process/outcome perspective	What is judged to be just or unjust
• Community of justice	Claim holders - Claim addressees
• Claims (and obligations)	What the claim holders are entitled to and the obligations of the claim addressees
• Informational base	The appropriate information to be used for the justice judgement
• Principles of justice	The accurate principles of justice that fit the context
• Instruments of justice	The practical instruments of justice that shall be employed to satisfy the claims

Table 2. The Anglophone Problem concept of justice

Judicandum - Process/outcome perspective	-The abolition of the Federal state in 1972 against the 1961 agreement -The 1984 change in country's name -The dissolution of Anglophone parties and the ban on multipartyism in 1966 Assimilation into the Francophone system, Gross marginalization of the Anglophone
• Community of justice - Claim holders - Claim addressees	Anglophone Cameroon vs the government of Cameroon
• Claims (and obligations)	Reinstate the autonomy of Anglophone Cameroon
• Informational base	1961 constitution, AAC 1 draft constitution, AAC 2 resolutions, John Ngu Foncha's resignation letter from the CPDM, Anglophone Consortium resolutions and communications
• Principles of justice	Equality, proportionality, and priority
• Instruments of justice	Constitutional and institutional reform

4.2.1 Judicandum: Policies toward Anglophones deemed Unjust.

a) In 1966, Ahidjo succeeded in instituting a one- party system across the two federal states and his party the CNU was made the only political party in the country. While it is understood that some Anglophone elites like Muna entered alliances with Ahidjo and facilitated the process, Ahidjo's repressive tactics also played a major role. Ahidjo had decreed an anti-subversion law in 1962 which gave the government powers to try and imprison anybody found guilty of inciting hatred against the government or taking part in any subversive action against the authorities or the laws of the republic (Takougang 1993, p 277). This law was applied to anyone or action that the government deemed subversive. In 1972 for instance, police dispersed a meeting in which Foncha and some West Cameroon politicians were attempting to form an alternative party to the CNU. Southern Cameroon hosted one of the first peaceful government transitions in Africa in 1959 when John Ngu Foncha of the KNDP took over from Emmanuel Endeley of the KNC as Prime Minister. The transition to a one-party system thus raises the questions of fairness in terms of cultural equity and approach. Though Biya reintroduced multipartyism in 1990, his party has been accused of massive election fraud by various international election monitoring bodies. This suggests that he made it difficult for other parties to compete.

b) Secondly, in 1972, Ahidjo organized a referendum that changed the form of state from a federal structure to a unitary state. However, according to article 47 of the 1961 constitution of the Federal Republic of Cameroon: "any proposal for the revision of the present

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Constitution which impairs the unity and integrity of the Federation shall be inadmissible". This indicates that the removal of the Federal form in favor of a unitary state was against the constitution. This move also gave the President sweeping powers over the former Anglophone state. According to John Ngu Foncha, (former Vice President and Prime Minister of Southern Cameroon) Ahidjo used this power to further disempower Anglophones both economically and politically. In his resignation letter from the ruling CPDM party he wrote that: "All projects of the former West Cameroon I had either initiated or held very dear to my heart had to be taken over, mismanaged and ruined, e.g., Cameroon Bank, West Cameroon Marketing Board, WADA in Wum, West Cameroon Cooperative Movement" (Foncha 1990 point 2).

c) Thirdly, in February 1984, Paul Biya decreed the change of the country's name from "The United Republic of Cameroon" to "The Republic of Cameroon", taking on the former name of French Cameroun before the union. To him, this was not just a symbolic gesture of unity but a reflection of a single Cameroon as it was under the Germans (Takougang 1993, p 283). The name change caused a prominent Anglophone lawyer, Gorji Dinka, to declare Anglophone Cameroon as the independent state of Ambazonia[5] arguing that French Cameroun had seceded from the union through this decree. His declaration gave birth to the idea of the state of Ambazonia which has become the identity of the pro-independence Anglophones today. The name change also questions the place of equity and fairness in the unity project.

d) Fourthly, in 2005, the government decided to harmonize the English and French judicial and education systems that existed separately since 1961. However, harmonization to Anglophone teachers and lawyers meant "Francophonization".[6] In this process, French-speaking judges with civil law backgrounds and little or no knowledge in English were sent to hear cases in English Common Law courts and Francophone teachers were sent to teach Anglophone kids in French. The reverse was not the case. This caused Anglophone lawyers and teachers to start protests in 2016 that resulted in the ongoing armed conflict for separation. This also brings to light the question of equity and fairness.

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[5] Ambazonia has become the name that pro-independence Anglophones are using in place of Southern Cameroons
[6] Efforts to assimilate Anglophones into the Francophones system through the imposition of language and culture.

e) Gross Marginalization and "Francophonization"

For years, the Common Law and Anglo-Saxon education systems were widely practiced (nevertheless not limited) in the former Southern Cameroon or West Cameroon state. The Civil Law and the French education systems were practiced in the former French Cameroon or East Cameroon. Yet, majority of national institutions were modelled following the French system leaving Anglophones with basically nothing. For instance, the school of magistracy until 2019 only had the civil law system and Magistrates were habitually trained in French. This implies that the Common Law had no assigned magistrates for decades and that Anglophone lawyers and population were forced with civil law proceedings. In the judiciary, Francophones overwhelmed top positions in every possible way. According to Ekinneh (2017) by 2017, Francophones occupied all key positions in the Supreme Court including the President of the Supreme Court; Attorney General; Head of Judicial Division; Head of Administrative Division; Head of audit Division; Head of Special Criminal Court; Special Attorney Special Criminal Court; Director of Military Justice; Registrar-In-Chief Supreme Court and Secretary General Supreme Court. In the Anglophone regions, the North-West and South-West:

i) Of the 30 new bailiffs that were appointed in January 2014 in the SW, 28 (93%) of them were Francophones. This added to 61% of the 89 magistrates in the legal department in the region that were also Francophones. In the chief town of the region Buea, 40% of magistrates on the Bench were Francophones plus 71% of magistrates in the legal department that were also Francophones.

ii) In the NW region, all the 21 new bailiffs (100%) appointed in January 2014 were Francophones while 52% of magistrates and 65.9% of those in the Legal Department in the region were also Francophones. In the key town of Bamenda, 48.9% of the 45 magistrates and 77.8% of those in the legal department were Francophones.

iii) This was not the same scenario in the Francophone regions as out of the 119 magistrates in Douala (the largest city in Cameroon), only two (1.7%) were Anglophones. In the capital city Yaoundé, only two (1.9%) of the 107 magistrates were Anglophones (Ekinneh 2017).

iv) Between 1961 and 1972, Anglophones occupied the position of Vice President. Since the removal of this position in 1972, the top Anglophone in government now ranks 6th in the national order.

According to Francis (1968) "the process of nation-building is conceived as moving to-ward an ideal goal set and rationalized by an ideology (or rather, political myth) called "nationalism"" (p339). The ideal goal is often the hope to create a common identity. However,

African state formation preceded nation-formation (Konings 2011). In other words, Ahidjo and Biya were more interested in building and solidifying a state rather than building a nation. A nation as in Calhoun sense of nationalism which he defines as "a way of talking, writing, and thinking about the basic units of culture, politics, and belonging that helps to constitute nations as real and powerful dimensions of social life" (2007). Nation-building is therefore intrinsically linked with justice because equity must be considered over personal interest. According to Rawls, "those who have assumed favored offices and positions, or who have taken advantage of certain opportunities to further their interests, are in addition obligated to do their part by the principle of fairness" (1999 p308). From Ahidjo's speeches, he was obsessed with national unity and socio-economic development but beyond that, he had a hegemonic will. His desire to dominate in every sphere of the country's life influenced his nation-building policies. In other words, Ahidjo prioritized the centralization of power over the collective effort. Thus, by prioritizing and solidifying the state over the nation, Ahidjo was indirectly concentrating power in his hand as Eyoh (1998) notes. Biya on his part prioritized regionalism and "Francophonization" starting with the choice of the former French Cameroon name over a neutral name. This rather encouraged people to demonstrate stronger loyalties to their ethno-regional or sub-national groups than to the Cameroon nation. According to Rawls (1999), "men disagree about which principles should define the basic terms of their association… yet they each have a conception of justice" (p5). This conception he says is one that ensures that everyone has their due from the social collaboration. Hence, if nation building is moving towards an ideal goal, then the process must involve justice. However, the "Francophonization" and coercive approaches demonstrates that equity and fairness were lacking in the unity project policies. Also, both heads of state showed more interest in strengthening the state and self than the nation, disregarding priority.

4.2.2 Anglophone Claim to Fairness

Some Anglophones have been claiming the reinstatement of West Cameroon while others claim an independent state called Ambazonia. In all, both groups claim autonomy for the region that was once Southern Cameroon. Both make arguments for their cause, but the basis of this claim to fairness can be summarized in two points: i) Anglophone willingness to unite with French Cameroon and ii) Anglophone status as a UN-trust territory. These are also measurements of fairness in the policies of the unity project.

- When Biya returned the country's name to the former French Cameroon appellation in 1984, he noted that it was a significant return to a single Cameroon as it was under the Germans. However,

Southern Cameroon was the only territory of the former German Kamerun that returned to unite with French Cameroon. When the French took control of their part of the territory in 1919, they ceded portions to their neighboring colonies of Chad, Central African Republic, Congo, and Gabon. Britain on its part divided its portion into Northern and Southern Cameroons and in the 1961 plebiscite, Northern Cameroon elected to join Nigeria while Southern Cameroon chose to unite with French Cameroon. These areas automatically became part of these countries and were never claimed by Cameroon nor did the people fight to join Cameroon as did the Southern Cameroonians.

- Secondly, Southern Cameroon was a UN-trust territory with the same status as French Cameroon for close to half a century. Though they were administered as part of Nigeria, they pressured the British administration for self-rule and became a semi-independent territory in 1954 and an autonomous territory in 1957.

According to Rawls (1999), there is an unspoken expectation of justice prior to any agreement in any given society, and fairness comes with equity when a group or individual is entitled to something in a community. Foncha's KNDP campaign for unification with French Cameroon described the project as a union between brothers. This suggests that the people had an expectation of justice based on their past union and their willingness to rejoin. More so, they had an expectation of equity given their status as a self-governing territory prior to the union. These views can be seen in their expressions in the selected information base below.

4.2.3 Information base: The Anglophone Reaction

The first and major information base to evaluate the Anglophone Problem is the 1961 constitution of The Federal Republic of Cameroon. Article 47 of the constitution rejected any proposal or revision that could jeopardize the federal form of state. Nevertheless, Ahidjo organized the 1972 referendum that changed the federal form into a unitary state. Though Ahidjo consulted the parliament, and the form of state was changed through a national vote with a 99% success (Chem-Langhëë 1995), the constitution prohibited the proposal or action.

- In 1993, Biya agreed to restructure the constitution and decentralize power. Anglophones immediately came together to request a return to the 1961 federal form of state. In the All-Anglophones Conference (AAC1) in Buea that year, they drafted a federal constitution and sent it to the national commission in charge of the constitutional change. This meeting was attended by both former PMs of West Cameroon, John Ngu Foncha and Solomon Muna, as well as other architects of

the unification with French Cameroon. Both PMs regretted that the union had not favored Anglophones as they intended and called for a return to the two states federation. According to the explanatory section of the draft: "External federation answers the exigencies of a return to the 1961 federalist legality arid ensures the effective participation of Anglophones in the exercise of power in the center. It also seeks to allay the well-founded Anglophone fears of Francophone domination, marginalization, and sustained annexationist-assimilationist efforts" (Draft Constitution of the Federal Republic of Cameroon p8). Expectedly, the draft was rejected by the committee with the excuse that the authors were not available to debate on the draft. This rejection prompted AAC2 in Bamenda in 1994. In this meeting, one of the resolutions stated that: "In its negotiations with Francophone Cameroun, the Anglophone delegation at the Constitutional Talks shall not accept any arrangement which does not envisage the restoration of an Anglophone Federated state within a Federal Republic of Cameroon in the recognition of the bicultural nature of Cameroon and under which citizens shall be protected as envisaged in the draft Federal Constitution against such violations and abuse as were catalogues in the Buea Declaration" (AAC2 Article 4). They further stated that: "Should the Government either persist in its refusal to engage in meaningful Constitutional Talks or fail to engage in such talks within a reasonable time, the Anglophone Council shall so inform the Anglophone People by all suitable means. It shall, thereupon, proclaim the revival of the Independence and Sovereignty of the Anglophone territory of the Southern Cameroons and take all measures necessary to secure, defend and preserve the Independence, Sovereignty, and Integrity of the said Territory" (AAC 2 Article 6). Though Anglophones threatened secession, Biya granted decentralization which to him would ensure national unity. Moreover, some Anglophones created the Southern Cameroon National Council (SCNC) in 1995 to advocate for an independent state of Southern Cameroon.

- Earlier in 1990, John Ngu Foncha who spearheaded unification with French Cameroon, lamented the treatment of Anglophones in a resignation letter to the CPDM party where he was 1ˢᵗ Vice President. According to him: "The Southern Cameroonian whom I brought into the Union have been ridiculed and referred to as "les Biafrians", les enemies dans la maison", "les traitres', etc., and the constitutional provisions which protected this Southern Cameroonian minority have been suppressed, their voices drowned while the rule of the gun has replaced the dialogue which Southern Cameroonians cherish very much" (Foncha 1990 point 6). In another point he added that: "The national media has been used by the government through

people who never voted for unification to misinform the citizens about Bamenda, deliberate lies have been told over the mass media all in an attempt to isolate the Southern Cameroonian Cameroonians who voted for unification and subject them to hatred and more discrimination and harassment from other Cameroonians" (Foncha 1990 point 7). These lamentations suggests that he had an expectation of justice which he didn't receive.

- Furthermore, in 2016, a coalition of Anglophone lawyers and teachers formed the Anglophone Consortium to negotiate their various sectoral problems with the government. However, this group became the mouthpiece of the general Anglophone protests that engulfed the entire region. In one of their outings to the protesters, the Consortium addressed Anglophones as "fellow citizens of former West Cameroon", echoing the identity that they wished to recover. In this address the Consortium wrote that: "for several weeks now, we have stood up to the oppressor to reclaim our dignity which for decades have been trodden underfoot. In a land God has blessed with abundance, we have suffered deprivation, lack and marginalization" (Anglophone Consortium 2016). The choice of words here like "oppressor" depicts the unjustness that the Anglophone sees in the unity project policies. They added that: "For five and a half decades, Anglophones have been humiliated, dismissed, or even discarded, yet our ancestors meant well when they brought us here. With a vast endowment of natural resources and human talent, we deserve better. So, it is important to caution those who think that the current strikes in the territory once referred to as West Cameroon are about lawyers and teachers only. No!! These strikes are meant to preserve a way of life; a culture and a people from being wiped out completely, and none can be separated from the other anymore" (Cameroon Anglophone Consortium 2016).

4.2.4 Is the Anglophone Problem economic or a case of justice, and why is it more visible under the Biya regime?

The timing of the various protests cited above raises questions as to why Anglophones chose to voice their grievances after many years. Was it the failure of the unity project or other factors? Under Ahidjo, there were visible measures of social and economic progress that helped in maintaining political peace in the country besides the heavy policing and censorship (Le Vine 1971 p182). In contrast, the economic crisis that hit the country in the early 1990s, coupled with the introduction of multipartyism and freedom of expression encouraged more opposition towards the Biya regime. Since the start of the current crisis, Biya and members of his party have argued that the Anglophone worries are economic rather than a genuine need for autonomy. To them, the problem would never have been raised if

employment and development were steady. This argument shifts from the claim to justice and assumes that the unitary project has been a success and Anglophones have integrated. It is possible that the economy could have played a part because from Foncha's regrets, West Cameroon had the possibility of growing its economy, but it was cut short by the unitary project and their needs were neglected. However, the fact that Anglophones immediately took advantage of the political freedoms under Biya and claimed the restoration of the state of West Cameroon indicates that they were only held back by the policing and censorship under Ahidjo. According to Rawls (1999), unjust laws call for resistance even though the duty of justice commands the respect for unjust laws but at the same time the citizens must assist in repairing or replacing them when they are unjust. However, Ahidjo did not allow protests and punished those who did under the subversive law. Thus, the difference lies in the freedoms under Biya and not in the change in economy.

In addition, the extensive regional and tribal politics practiced under Biya encouraged a resurgence of identity politics and overt tensions that pushed various groups to seek equity, better representation and more access to national resources and opportunities (Fonchingong 2005). In the Anglophone case, equity was a return to a two-state federation as stated in their draft constitution. According to Smith (2015), unjust laws should deliberately be disrespected if "a democratic majority tolerates or enacts blatant injustices, publicly denying some of the citizens free and equal status" (p76). Identity politics had encouraged the majority (Francophones) to see and refer to Anglophones as "les Biafrians" (Nigerians), les enemies dans la maison" (the enemy in the house), "les traitres' (traitors), etc, as expressed in Foncha's resignation letter. From Anglophone demands and expressions in the information base above, their concerns appeal more to fairness and justice than economic concerns. Seemingly, they would have raised the same complaints and demands in a favorable economy given the same freedoms.

4.2.5 Principles of Justice and the Anglophone Problem

According to Rawls, "the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements…" (1999 p 10). Out of the several principles of justice, equality, proportionality, and priority visibly were the object of the agreement between Southern Cameroon and French Cameroon. Equity in a

general sense is often considered as distributive, where everyone gets the same share or treatment, or what they deserve. Proportionality is the measurement of what each party needs, deserves, must contribute, or entitled to. Priority is giving preference to those whose issues must be fulfilled first (Stumpf *et al* 2016 p1197). The federal form of state with two equal states shows that both parties considered equity in their original agreement. Also, making John Ngu Foncha the Vice President of the federal republic and assigning competences to the federated states indicates that proportionality was met. More so, giving priority to a federal structure over the unitary state that Ahidjo had started in French Cameroon shows that priority was also considered. As Rawls notes, "these principles are to regulate all further agreements". The Anglophone Problem lies in the various unity policies suggesting that these principles were neglected as the basis of further agreements. By prioritizing "Francophonization" and centralization in government policies, equity, proportionality, and priority were lacking.

4.2.6 The role of Democracy in the Anglophone Problem

Though Biya introduced democracy in the 1990s, the Anglophone problem persisted and ended in an armed conflict. For principles and instruments of justice to be applied, an environment that allows fairness is needed. Rawls like others hint that democracy could offer a good platform for fairness. Ahidjo's regime was authoritarian but the Biya government prides itself as a democratic and modern regime. Though various democracy rankings place Cameroon amongst the worst performing democracies, The Economist in its 2019 report noted that Cameroon has put the needed institutions in place but fall short of fully implementing democratic principles (The Economist 2019). This confirms that Ahidjo and Biya in the unity project were more interested in building a state than a nation. Democracy as a people centered form of governance can thus be an important tool in nation-building. Most arguments about justice directly appeal to democratic moral intuitions, meaning that democracy and justice are intrinsically linked. According to Biya in his 2019 address to the nation, it is "needless to recall that the sole arbiter in a democracy is the sovereign people" (Biya 2019). In other words, the people are in charge and their demands should be prioritized. However, this has not been the case as according to Mvogo (2019), "the mechanisms of access to constitutional justice in Cameroon, as constructed by the constituent of January 1996, exclude the ordinary citizen from the enjoyment of a fundamental right which is the right of access to justice" (p107). In 2020, Biya insisted that "democracy is effective in Cameroon and is advancing in giant strides" (Biya 2020). Per se, a state that claims democracy indirectly claims justice and applying justice through its

institutions can advance unity and equity. According to Mvogo (2019) "the idea underlying the concept of democracy in its initial approach is that the people, who know best the problems it faces, are also best placed to provide appropriate solutions in which they recognize themselves" (p109). By this logic, a democratic society prioritizes justice over other virtues and interests especially when the people's claim appeal to justice. More so, if justice is considered then the solutions should reflect the people's demands given that the people "know best their problems". According to Shapiro (1996), the democratic movements of the 19th century were geared towards fixing the consequences of the previous political institutions (p579). To him, the choice of democracy in modern South Africa for instance was to undo the injustices of the apartheid system. By this logic, a democratic solution in the Anglophone case would be that which fixes the consequences of the previous political institutions especially as Biya said: "All the voices that spoke have been heard. They have, in many cases, raised substantive issues that cannot be overlooked" (Biya 2016). Rawls (1985) notes that his concept of justice as fairness is designed to apply to "modern constitutional democracy". As noted by The Economist, democratic institutions already exist in Cameroon making it a suit for Rawls concept of fairness.

5. CONCLUSION

Nation-building in Cameroon since 1961 has had the challenge of integrating the many tribes and the two principal identities - Anglophone and Francophone. The bigger challenge, however, has been to balance the two colonial cultures that merged to form the present Cameroon. The challenge comes largely from the clash of interests and the choice of policies Ahidjo and Biya made regarding the issue. On one hand, Ahidjo and Biya wanted a strong centralized unitary state and on the other hand, Anglophones wanted to maintain their autonomy and culture. According to Biya (2019), the task of unifying both interests has been very problematic. The problems are observed to have come from the exclusion of the Anglophone state as an entity in the unity project and from the outcomes of the policies. The aim of the one-party state, the unity state, the change in country's name and harmonization was to attain national unity and nationhood. On the contrary an armed conflict broke out with Anglophones asking for justice. Though Ahidjo had started the unity project prior to the union, he disregarded the fact that the configuration of the country had changed and that there was an agreement on equity sealed by the constitution (article 47). Ahidjo and Biya's focus on the unity project is also seen to have been driven by personal interest thus shaping their approach. By disregarding article 47 of the constitution in pursuance of the unity project, Ahidjo showed desperation for power rather than

the wish to unite the country because the outcomes did not reflect goals. Biya who continued this project instead promoted tribalism, regionalism and "Francophonization", encouraging the growth of identity politics. His inability to decentralize power since 1996 as stipulated by the constitution indicates that the intention was not to unite but to bring power to the center. Moreover, by taking on the former French Cameroon name in 1984, Biya demonstrated partiality than equality that was expected as a form of justice. According to Hume, equity and justice are the major components of human harmony and all human interactions in history have survived because these principles were respected (1902 p206). In other words, the policies that guide harmony in a society must reflect justice. The unity project is thus seen to have disregarded three main principles of justice: equity, proportionality, and priority. Equity in that "Francophonization" was prioritized over Anglophone interest, proportionality in that Anglophones were not assigned a portion of responsibility and outcome, and priority in that Anglophones were not given preference as a minority and a key partner in the formation of the modern Cameroon.

Nevertheless, Ahidjo seemingly was more conscious of the Anglophone concerns than Biya because he resolutely but cautiously exploited every possible option and preserved peace. On the other hand, the visible "Francophonization" and a grim economy under Biya pushed Anglophones to revolt, resulting in over 6000 deaths (The Global Centre for the Responsibility to Protect 2022). Though Ahidjo and Biya succeeded in creating a national identity through sports, food, political parties and music, their policies didn't achieve the unity and nationhood envisaged. Rather the power concentrated in their hands was used to override the other's interest, which in Rawls' view is unfair and hence unjust. According to Rawls (1999) "a theory however elegant and economical must be rejected or revised if it is untrue; likewise, laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust" (p3). In the case of the Anglophone Problem, this can be done through the instruments of justice that are constitutional and institutional reforms, guided by Foundational Justice and democratic principles. Foundational justice can be given priority considering that state security is jeopardized.

According to Stumpf *et al*., the conceptual structure of justice guides analysis to generate new definitions of justice that strongly connect to the relevant context. Rawls (1999) also notes that every given society has a conception of justice which ensures that everyone gets their due from the social collaboration. From the study, this paper concludes

that the Anglophone Problem lies in the initial agreement of the union. This therefore means that any solution to the problem must touch on this agreement to ensure that everyone has their due from the social cooperation. This thus leads to Foundational Justice that this paper defines as justice which seeks to give merit to an individual or community based on the conditions of the initial agreement notwithstanding progress made. Once laws and policies are shown to be unjust and the security of the society is threatened, there should be a fallback to the original agreement for solutions, hence Foundational justice. This justice should be prioritized over all other virtues to ensure peace.

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