Civilian Participation and Respected Culture: A Comparative Analysis of the Democratization and Subsequent Governments of Benin and Cameroon

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Benin served as a model of ideal democratization in the 1990s, peacefully ousting a Marxist authoritarian dictator and democratically voting in a popular and successful replacement. However, Benin’s nearby neighbor Cameroon suffered considerably at approximately the same time, failing to overthrow a corrupt government and experiencing economic decline, horrific civilian violence, and subsequent political instability. I intend to investigate what allowed for Benin’s peaceful and successful democratization in 1990 where Cameroon’s attempts at attaining a democratic system at the same time were violent and unproductive. The role of civilian participation and the consideration of cultural and traditional practices in both Benin and Cameroon will be examined in this paper as the principal determining factors in successful democratization and subsequent successful governments. This paper particularly emphasizes the function of the courts in the preservation of citizenry input at every stage of democratic development. I will explore this argument by drawing on academic analysis of the democratic process and resultant governments in each country as well as primary sources including documentaries, live footage, transcripts from conferences, statistical reports, and court cases. My dependent variable is respected cultural traditions and customs through citizenry consideration and participation. My independent
variable is successful democratization and resultant government.

The comparison between Benin and Cameroon is particularly intriguing because of the lack of variance in their historical, political, geographical, and social makeup. I initially chose to compare these nations because both are West African states which were once colonized by France. This paralleled pattern of independence and development encouraged their similar socio-economic and governmental structures. Benin and Cameroon are both poor nations with per capita GDPs around $2,000 (CIA 2006). They are republics with presidents, a legislative branch, a judicial branch, and enjoy universal suffrage. Additionally, religious and regional fragmentation is apparent in both Benin and Cameroon with around 50 different ethnic groups in each country (CIA 2006). These many similarities suggest that discrepancy must exist elsewhere to explain the exemplary democratic transition and resultant governmental structuring in Benin as opposed to the violent and failed attempt in Cameroon.

My argument in this paper suggests that the respect of traditional customs in Benin throughout democratization is the primary factor which allowed for a peaceful transition into a successful government. An analysis of the process of democratization in Benin and Cameroon reveals the discrepancy between the consideration of civilian interests and values. The constitutions, the role of customary law, and the courts in each country which were products of the democratization attempts perpetuate the pattern of civilian participation and consideration.

**Relevance to Comparative Law and Courts:**

Democratization is a modern, constant struggle in many areas of the world. Thus, a careful analysis of
attempted democratic transitions is essential in pursuing and planning future endeavors. Particular to comparative law and courts, respect of local customs and traditions is paramount in understanding political legitimacy. If governmental and judicial institutions are not considerate and reflective of the interests of citizens, legitimacy inevitably declines. Benin serves as a model for international immolation, particularly in African states, where public response to a significant political shift was peacefully accepted and adhered to by the government and judiciary. Democratization, the constitution, and court rulings all reflected the input of the Beninese public at large, thus allowing for political legitimacy and a successful government. This pattern may be applied in other states with developing democratic governments and judiciaries.

Process of Democratization in Benin and Cameroon:

Democratization in Benin was the response to political, social, and economic unrest in the country throughout the 1980s. President Kerekou ruled the country through authoritarian Marxism, jailing or exiling anyone who opposed his military dictatorship. The mounting tension against Kerekou broke on December 4, 1989 when five protesters were killed (Joseph 217). Benin civilians reacted angrily. The courts responded, and legal mobilization eventually forced Kerekou to announce that Marxism was no longer the state ideology and that a conference would be held to discuss the future of Benin (Wambu 2001). The 1990 National Conference convened on February 19, 1990. In an unprecedented manner, the 520 delegates at the conference were reflective of the entire Beninese population (Joseph 220). Supporters and non-supporters of Kerekou were represented in teachers, farmers, students, military officials, religious authorities, governmental officials, nongovernmental organizations, and dozens of rural and urban development associations (Joseph 221 and Wambu 2001).
Benin’s conference declared sovereignty, against the wishes of Kerekou, so that any decision would not be overturned. This decision was supported by the Beninese Supreme Court, providing the declaration with necessary judicial legitimacy (Wambu 2001). The delegates elected Nicephore Soglo as the prime minister of the transition government, but allowed Kerekou to remain as a symbolic political figure (Joseph 222). Surprisingly, Kerekou and the army conceded to honor the decisions of the conference and the Supreme Court, thus solidifying Kerekou’s stature as a heroic figure who paved the way for African democracy (Joseph 222 and Wambu 2001). In addition to average civilians and the courts, the religious community including Catholics, Protestants, Muslims, and voodoo priests played a role in overseeing the resultant constitution, thus infusing the new government with legal, judicial, and spiritual legitimacy reflective of all Beninese people (Joseph 223).

The democratization of Benin clearly respected and represented the interests of the entire Beninese population. Dov Ronen said of the necessity of such a process,

“A very important contact between modern institutions and traditional people will have the reverse of the intended modernizing effect. Instead of these institutions [governmental and judicial] serving as the agents of change for the population at large, a means of absorbing them in to the modern system, instead of a ‘secularization’ of attitudes, values, and norms—the modern institutions themselves are ‘traditionalized’ in the minds of the people” (Ronen 240).
traditions and beliefs. As this quote exemplifies, concern of civilians allowed for the internalization of the new Beninese government “in the minds of the people.”

The success of Benin’s democratization is harshly contrasted with the experience in Cameroon. Paul Biya assumed Cameroon’s presidency in 1982 with the population’s expectation that he would assist the country in modernization and development. However, a quote from a dissatisfied teacher in the late 1980s reflects the president’s inadequacy, “Since [the elections in 1982] the party’s leadership has done little to implement such strategic watchwords as internal dialogue, the free exchange of ideas, tolerance of opinion, promotion of our national culture, and the local economy and social justice” (Krieger 89). Just as with Benin, this social discontent broke in violence when resistance leader John Fru Ndi was joined by 30,000 to 40,000 protesters in 1990. The Cameroonian troops were unsuccessful in breaking up the demonstration so the soldiers opened fire into the crowd and killed six young adults, arrested many more, tortured to death four of those arrested, and raped a female student (Krieger 102-104). The killing of the “Damenda six” drew domestic and international condemnation, but rather than admitting fault and holding a conference as in Benin, the Cameroonian government (ignoring rulings of their Supreme Court) justified the actions of the violent soldiers (Krieger 105).

This pivotal difference in the experiences of Benin and Cameroon solidified the trajectory of Cameroon’s attempted democratization. After the 1990 demonstrations, violence persisted, with an estimated 400 more people being killed by the government for expression of dissatisfaction in the next five years (Krieger 8). At this time attempted democratic elections were corrupt and controversial. President Biya was reelected
with 39% of the votes over the widely popular Fru Ndi’s 36% of the votes (Krieger 109). When the results were taken to court, the corrupt court ruled in favor of Biya (likely due to the influence of bribes), completely disregarding the wishes of the majority of the population (Joko 2001). The oppression of Cameroonians is a tragic situation of ignored citizenry. In the process of attempted democratization, the interests and customs of the larger public population were entirely abandoned. Protests were unfruitful, demonstrators were killed, court rulings ignored public interest, and the government continued to perpetuate its own narrow, corrupt self-interest.

**Constitutional Design in Benin and Cameroon:**

Not only was the immediate democratization process indicative of Benin and Cameroon’s respect for citizenry customs and interests, but I argue that the resultant constitution, law, and court rulings also upheld each country’s pattern of cultural consideration. Benin’s constitution has 33 articles on human rights. Many of these articles explicitly lay out the inclusion and respect of cultural practices. For example, Article 10 of Benin’s constitution states, “Every person has a right to culture. The state has the duty to safeguard and promote the national values of civilizations, as much material as spiritual, as well as the cultural traditions” (Benin Constitution). The constitution was drafted with Benin’s particular historical and social context in mind by the Constitutional Commission which had two explicit goals. The first was to take into account regional differences. The second was to minimize the authoritarian ambitions of the president and discourage repression (Joseph 228). These two goals encouraged the production of a document which is accessible and inclusive. After completion of the revised constitution, the changes were taken to the public for a vote. Since its adoption, the document has been reconsidered by the constitutional court (to later be
discussed in further detail), keeping the constitution updated and reflective of changing public wishes. Consideration of citizenry interests and traditions occurred at every stage of the revision of Benin’s constitution.

Cameroon’s constitutional revision in the 1990s largely ignored the civilian population and was divisive within the country. In fact Krieger explains how, “Southern Cameroons, abandoned its own weak constitutional and political devices, drafting a declaration demanding cultural, economic, and political prosperity” (Krieger 164). Cameroon’s constitution only includes a brief reference to human rights in the preamble and makes no mention of culture. At the end of Cameroon’s constitution, the UN’s Declaration of Human Rights is included, but the declaration is copied in its exact form and has no adaptation to the particularities Cameroonian tradition (Cameroon Constitution). Through excluding the civilian interests once again (and lacking the potential for legitimate judicial review), Cameroon perpetuated the problems of democratization into the law and institutions of the nation.

Law in Benin and Cameroon:

In addition to the constitution, I argue that the institutionalized law within Benin and Cameroon varies distinctly. After successful democratization, Benin began to adhere to a combination of French Civil Code and Customary Law, thus infusing cultural interests with the rule of their colonizers. Thierry Verhelst said of customary law,

“Customary law should be retained in a number of fields because it is the body of law best suited to the African society…it reflects the cultural and societal patterns of the population to which it applies. The imposition of a foreign legal system
may result either in failure of the law to receive acceptance and enforcement, or in unnecessary and harmful wrenching of the social fabric of the society concerned. This in turn might lead either to the undermining of authority of the law, or to the disruption of society” (Thierry ii).

With these potential benefits in mind, Benin effectively modernized its legal system, while still perpetuating a respect and awareness of traditional practices within the country. The inclusion of customary law in the Beninese system further reflects the goals and interests of its democratization and drafting of the constitution.

Customary law in Cameroon is as ineffective as the country’s cultural respect in democratization and the constitution. Legislature in East Cameroon has provided that in such cases of silence or uncertainty of customary law, the judges must refer themselves to written law (which is foreign to most Cameroonians). Further, these lawyers and judges have no training in customary law and therefore, introduce elements of French legal thinking which are alien to the traditional law of the majority of the population (Bay 221). If legislature is completely irrelevant to most citizens, these individuals are unlikely to respect or adhere to the system. A balance must be attained between modern and traditional systems of law to ensure legitimacy.

**Courts in Benin and Cameroon:**

Finally, I argue that the court system (which has proven in the above analysis to be pivotal in democratization, legislation, and the constitution) in Benin and Cameroon reflects the effectiveness in respecting cultural traditions. Benin has a Constitutional Court composed of seven members, three of which are appointed by the president, and four of which are
appointed by the National Assembly. Joseph Richard points out that this system of varied appointment allows for a reflection of a, “diversity of regional and political interests, as well as an almost universally acclaimed integrity and respect” (Joseph 225). The Beninese government is highly respectful of the constitutional court decisions once saying, “we are in a State of Law, and the government bows before the Constitutional Court” (Joseph 226). In addition to a constitutional court, Benin also has traditional courts and judges to deal with strictly traditional cases. These traditional judges “stress the necessity of adequate consultation with the public and study of its opinions in different section…otherwise the court has no legitimacy” (Gluckman 108).

There are two particular examples of cases in Benin at a Supreme Court level which reflected the court’s responsiveness to and protection of cultural rights. The National Assembly vs. the Ministry of the Interior supported local development associations, effectively liberating local communities from state-regulated monopolies over associational activities (Joseph 229). This ruling responded to the demands of local, rural communities and encouraged economic competition. The second case National Assembly vs. President of the Republic was a direct example of the legislative, the judicial, and the executive branches all working together on an issue of public participation. The National Assembly (Benin’s legislature) wanted to increase civil service salaries by 25% in response to social unrest, but the president was concerned with funding. Eventually negotiations and court mediation resolved this case (Joseph 229). A combination of Supreme Court, Constitutional Court, and Traditional Court has allowed Benin to successfully respond to public interest and prevent rampant corruption.
The active and responsive judiciary of Benin is distinctly contrasted with the corrupt courts in Cameroon. To begin with, there is no Constitutional Court in Cameroon as opposed to the respected Constitutional Court in Benin. Secondly, the judiciary is closely linked to the violent and unpopular government in Cameroon (Joko 2001). The public is reasonably distrustful and wary of a system which merely serves to perpetuate the interests of the political elite. Judicial legitimacy completely lacks in Cameroon and alternative methods of dispute resolution outside of the corrupt judicial system are prevalent (Gluckman 112).

Caveat to Findings

I believe that an analysis of the democratization and resultant constitutions, laws, and courts in Benin and Cameroon reveal that public participation and respect of culture essentially determines the success of a government. Benin’s unique democratization process produced a government and judiciary which respond to the cultural and traditional interests of the citizenry. Cameroon’s attempt at democratization resulted in a system which has perpetuated corruption and disregard of civilian customs. However, I do concede that respect for cultural traditions and consideration of the larger social population are not the sole factors which contribute to a peaceful democratization and flourishing systems of government. Issues such as leadership, cultural makeup, economic conditions, political climate, and varied social conditions must also be taken into consideration.

Conclusion

Despite these potential variables, I suggest that the above analysis and findings aid in the interpretation that cultural respect in democratization and subsequent governments is key to legitimacy, peaceful adherence, and
political success. A comparison between the transition into democracy in Benin and Cameroon reveals that inclusion of public opinion and cultural respect in conferences, constitutions, legal systems, and courts improves functionality and relative peace within a country.

These findings provide a glimpse into the conditions necessary for nonviolent democratization and resultant productive, legitimate governments in any nation. This study may be useful because I think that the particularities of Benin and Cameroon may be expanded to a global, theoretical basis: cultural respect of the citizenry is necessary for successful and peaceful governance. Although this idea seems simple, practical application evades most nations in the world. I believe that adherence to cultural respect, particularly through heightened court involvement, could exponentially improve human rights conditions and issues of social equity in all nations.
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