

## Understanding the Role of the Public Independent Conciliators in Dispute Resolution Under the Decentralisation Laws of Cameroon

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### **Abstract**

*One of the fruits of Law No. 2019/024 of 24 December 2019 Instituting the General Code of Regional and Local Authorities is the introduction of the Offices of the Public Independent Conciliators for the North-West and South-West Regions. These Offices came to light because of one of the resolutions of the Grand National Dialogue caused by the Anglophone crisis that broke up in 2016. This led to the granting of a “Special Status” to the two English speaking Regions in line with Article 62(2) of the Constitution. These Offices have as their prime role to examine and amicably settle disputes between users and regional and council administrations. This paper aims to understand the role of the Public Independent Conciliators in dispute resolution and provide literature on this area of the law since legal literature in this domain is still at its infancy. To attain these objectives, we adopted a doctrinal research methodology. The paper makes use of both primary and secondary data. Primary data was obtained from legal instruments related to the field of study. We also interviewed some key stakeholders concerned with the Offices. Secondary data included the exploitation of the annual reports and academic publications on the Offices of the Public Independent Conciliators. Our findings reveal that, the 2019 Code and 2020 Decree regulating the Offices of the Public Independent Conciliators has given them enormous powers to settle disputes between users and regional and council administrations. However, the Offices are beset with some challenges in executing the missions ascribed to them. Some of these challenges are based on the persistence of the Anglophone crisis in these two regions and the difficulties surrounding the execution of mediation agreements (memorandum of understanding). We therefore recommend that, legal reforms should be proposed by the Public Independent Conciliators and adopted by the legislature to ease enforcement of mediation agreements.*

**Keywords:** Role, Public Independent Conciliators, Dispute Resolution, Decentralization, Laws, Cameroon.

### **A. Introduction**

In Cameroon, decentralisation is sanctioned by Law N0. 2019/24 of December 24, 2019 instituting the General Code of Regional and Local Authorities, herein referred to as the 2019 Code. Section 5 (1) of the 2019 Code defines decentralization as the devolution by the State of special powers and appropriate resources to local authorities.

The decentralisation move in Cameroon has brought in some changes and introduced new institutions, one of which is the Offices of the Public Independent Conciliators (OPICs) for the North-West and South-West Regions, thanks to the Special Status granted to these Regions. The implementation of decentralization as a policy instrument is to improve the efficiency and effectiveness of service delivery by making decision-making processes fair, transparent, accountable, responsive, participative, and predictable, which ultimately instills good governance.<sup>1</sup> The Public Independent Conciliator (PIC) is referred to as an ombudsman. Ombudsman institutions act as the guardians of citizens' rights and as a mediator between citizens and the public administrations. It is necessary to understand the PIC, by first tracing its base or foundation.

It should be noted that the PIC gets its breath thanks to the Special Status (SS) introduced in the 2019 Code of Regional and Local Authorities and Decree No. 2020/773 of 24th December 2020 to law down Conditions for Discharge of the Duties of the Public Independent Conciliator in the North-West and South-West Regions. To understand the foundation of the Institution, it would be germane to present the Special Status of which one of its constituents is the PIC.

## **B. Research Methodology**

The methodology employed in carrying out this research is mainly doctrinal in nature. The work analyses data obtained from primary and secondary sources. The primary sources of data constitute legal instruments such as laws and decrees.

The work effectively analyses the existing legal instruments relating to the subject matter such as the Cameroon Constitution, Law No. 2019/024 of 24 December 2019 Instituting the General Code of Regional and Local Authorities and Decree No. 2020/773 of 24th December 2020 to law down Conditions for Discharge of the Duties of the Public Independent Conciliator in the North-West and South-West Regions. These constituted our primary data source.

The use of books, journals, newspapers, theses, the internet as well as the annual reports of the Offices of the Public Independent Conciliators of the North-West and South-West Regions were credible to build our secondary data.

Nevertheless, the use of the doctrinal research method does not imply that the empirical research method was completely abandoned. This research also makes use of unstructured interviews of some key informants purposely sampled.

### **1. The Special Status: The Foundation of the PIC**

Section 367(1) of the 2019 Code ordains the existence of the PIC, which is established in the Special Status of the North-West and South-West Regions. The Government of Cameroon acknowledged the Anglophone Regions as distinct identity in 2019, with the special status accorded to them. The special status came as a result of the crisis that broke out in the North West and South West Regions in the late 2016, thanks to the Grand National Dialogue.<sup>2</sup>

The Special Status is rooted in the 1996 Constitution allowing for more powers to be allocated to some Regions. The innovations in the 1996 Constitution lay dormant until 2019, when the government gave it new life by enacting a law that transformed the "Regional Councils" in the two Anglophone Regions into more powerful "Regional Assemblies". This transformation

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<sup>1</sup> Ndi, R. (2023). Decentralised Cooperation under the 2019 Law of the General Code on Regional and Local Authorities of Cameroon: Focus on Local Development and Conflict Management. National School of Local Administration (NASLA), International Colloquium on "Crisis Management in Cameroon within the Context of Decentralisation: Challenges and Prospects for Regional and Local Authorities", held in Buea-Cameroon on the 21<sup>st</sup>, 22<sup>nd</sup> & 23<sup>rd</sup> June, 2023, p. 6 of pp. 1-24.

<sup>2</sup> The Major National Dialogue took place from the 30<sup>th</sup> of September to the 4<sup>th</sup> of October 2019. The aim of the Grand National Dialogue was to finding lasting, reliable and viable solutions to the root causes of the crisis in the Anglophone Regions of Cameroon.

is at the core of the Special Status that the North-West and South-West Regions now enjoy.<sup>3</sup> From a legal point of view, this special status is anchored in Article 62(2) of the Constitution which provides that “the law may consider the specificities of certain Regions, in their organization and functioning”. But it must be noted that in its development of this Special Status, the 2019 Code went beyond organization and operation to touch on the attributions. There were two points worthy of note, one being the meeting or intersection point<sup>4</sup> while the other being the divergent points.<sup>5</sup> As to the meeting point, was the creation of a Public Independent Conciliator,<sup>6</sup> which concerns this write-up. The Councils or Regions with special status, benefit particular privileges, one of which is the introduction of the OPICs for the North-West and South-West Regions.

Also, section 327 (1) of the 2019 Code recognises the special status of the North West and South West Regions. This falls in line with the provisions of Article 62 of the Constitution of Cameroon. Reforms in the 2019 Code also created a new position in the regional executive that focuses on addressing disputes between citizens and Regional and Local Authorities which is the OPICs.<sup>7</sup> It responded to the growing cries of the people against the shortcomings and limitations of the Regional and Local Councils and addresses allegations from users for violation and discrimination resulting from their functioning, said Tamfu Simon Fai, the PIC of North-West Region.<sup>8</sup>

The subject matter of the Special Status has a specific organisational and operational or functional system of governance that takes into consideration, the historical, social, linguistic and cultural values of the North-West and South-West Regions in relation to the primacy of the state and national unity and solidarity.<sup>9</sup> The Special Status is built on certain elements<sup>10</sup> as provided for in Section 328 (3) of the 2019 Code.

The North-West and South-West Regions have additional powers endowed by the Special Status in addition to domains transferred to other regions, though this came with its own challenges. The first challenge is that, within these powers, what is the scope of the additional

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<sup>3</sup> ICG (2023). A Second Look at Cameroon’s Anglophone Special Status. ReliefWeb. Available at <https://reliefweb.int/report/cameroon/second-look-camerouns-anglophone-special-status#:~:text=In%202019%2C%20amid%20fighting%20with%20separatist%20militants%20in,as%20clashes%20between%20government%20and%20rebel%20forces%20continue>. Accessed on the 24th July, 2024.

<sup>4</sup> The special status came along with a myriad of other bodies most especially: Regional Councils across the Republic of Cameroon.

<sup>5</sup> In terms of divergence, the Councils of Regions with special status, due to their specific history and their cultural and linguistic particularities, the establishment of a Public Independent Conciliator; the latitude granted to the House of Chiefs to always issue its opinion for issues related to the management of traditional chieftaincy.

<sup>6</sup> Public Independent Conciliator is a Mediator responsible for now, examine and amicably settle any disputes that may exist between citizens and local governments.

<sup>7</sup> ICG (2023). A Second Look at Cameroon’s Anglophone Special Status, *Op. Cit.*

<sup>8</sup> Tamfu Simon Fai, The Legal Framework for Organising the Office of the Public Independent Conciliator for the North West and South West, Document compiled by the PIC of the North West Mr. Tamfu Simon Fai, p. 3.

<sup>9</sup> Ajang Ngoh, P. (2023). The Legal perspective of the transfer of powers and resources to councils in Cameroon: A case study of councils in Meme Division, South West Region, (LLD Thesis in Law, English Law, Faculty of Law and Political Science, University of Dschang-Unpublished), P. 284.

<sup>10</sup> The elements that constitute the SS are: Participating in the formulation of national public policies relating to the Anglophone education sub-system; setting up and managing Regional Development Authorities; participating and defining the status of traditional Chiefdoms. The North-West Regions have been given additional powers without the necessary resources. The North-West and South-West Regions may be consulted on issues relating to the formulation of justice, public policies in the Common Law system. They may be involved in the management of public services established in their respective territories.

powers? These powers are not definitive and final because according to Section 3(4) of the 2019 Code, these powers shall be laid down in a special instrument which has not yet been passed. Given the way Section 382 of the Code is formulated, it gives them a mere participatory power. They are given symbolic powers that can only be implemented by the central Government.

In addition, the special status has no independent budget. It will be difficult for the two Regions to effectively and efficiently manage the powers conferred on them since they depend on public funds, determined by the central administration. The organs of the Special Status are the Regional Assemblies and the Office of the Public Independent Conciliator for the North-West and South-West Regions.<sup>11</sup>

## **2. The Public Independent Conciliator: An Overview**

One of the major implications for local governance and the Anglophones' quest for self-determination arose before and from the adoption of the 2019 Code. Specifically, there was the institution of a Special Status for the Anglophone Regions considering their linguistic, cultural and historical specificities as indicated above.<sup>12</sup> The OPICs are regulated by 2019 Code, with the duties complemented by the 2020 Presidential Decree.

The PIC can respond to the problems of governance in the Anglophone Regions. In fact, the PIC can be considered as an ombudsman,<sup>13</sup> that is an appointed official who has the duty to investigate complaints from individuals against institutions like the Regional Assembly and the Local Councils or to act as mediator with the leave to resolve disputes.

According to OECD, ombudsman institutions act as the guardians of citizens' rights and as a mediator between citizens and the public administration. Despite the importance of this institution in the process of decentralization in Cameroon, Hatchard indicates that the appointment of the ombudsman by the executive is an African specificity. Indeed, in all African countries with the institution of Ombudsman except Sudan, the executive appoints the ombudsman.<sup>14</sup> This is not different with Cameroon, where the President appoints the PICs.

### **2.1. The Appointment and Term of Office of the PIC**

The PIC is appointed by Decree of the President of the Republic, upon the concerted proposal of the President of the Regional Executive Council and the representative of the State.<sup>15</sup> This mode of appointment is a good indication of the status of the person who will assume this function, because it will be a consultation between two authorities within the Region.

In addition, the Code lays down criteria with a view to strengthening the credibility of this authority. As an independent regional authority, the PIC shall be a highly experienced personality with reputed integrity and proven objectivity.<sup>16</sup> In order to guarantee his independence and neutrality, the PIC is appointed for a six-year non-renewable term. Failure to renew the mandate increases his independence in that he does not expect to be re-appointed and will not be accountable to anyone.<sup>17</sup>

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<sup>11</sup> Ajang Ngoh, P. (2023). *Op.Cit.*, p. 284.

<sup>12</sup> Ngo Tong, C.M. (2022). The Public Independent Conciliator in the Process of Decentralization in Cameroon. Nkafu Policy Institute, p. 1, available at <https://nkafu.org/the-public-independent-conciliator-in-the-process-of-decentralization-in-cameroon/>, accessed on the 24<sup>th</sup> July, 2024.

<sup>13</sup> The ombudsman was introduced in some Commonwealth countries in Africa, starting in Tanzania and Mauritius during the 1960s, and in others during the 1970s and 1980s. The model was exported from Sweden and has been developed differently in Africa with diverse names such as Permanent Commission of Enquiry in Tanzania, Commission for Investigations in Zambia, Public Complaints Commissions in Nigeria, and Public Independent conciliator in Cameroon.

<sup>14</sup> Ngo Tong, C.M. (2022). *Op.Cit.*

<sup>15</sup> Section 368 (1) of the 2019 Code and Article 5 (2) of the 2020 Decree.

<sup>16</sup> Section 367 (2) of Law No. 2019/24 of December 24, 2019, to Institute the General Code of Regional and Local Authorities and Article 6 of the 2020 Decree.

<sup>17</sup> Section 368 (1) of the 2019 Code.

Interestingly, this is the only office in Cameroon that has a non-renewal mandate. As such, the PIC shall not receive or seek instructions within the limits of his/her powers.<sup>18</sup> Their term of office is longer than that of Regional and Council elected officials, giving the PICs control over them. Nevertheless, the PICs have a non-renewable mandate as coached in Article 5(1) of the 2020 Decree. Consequently, the duties of the PICs end upon death, resignation or after their mandates come to an end.<sup>19</sup>

The duty of the PIC is incompatible with those of any other public office or employment, or the exercise of any paid professional activity,<sup>20</sup> that is to say, the office in question is incompatible with the holding of an elective office, exercise of a liberal profession, a public or private employment or the exercise of any paid professional activities as provided for in Article 8(1) of the 2020 Decree. He takes an oath before the relevant Court of Appeal before assuming office.<sup>21</sup>

Professional secrecy is not enforceable against the PIC as seen in Section 368(4) of the 2019 Code and Article 9(1) of the 2020 Decree. All these elements guarantee their independence. The PICs exist to ensure fairness in the relationship between Regional and Local Council authorities and citizens/users.<sup>22</sup>

The PIC can be considered as the most distinctive and innovative institution in the process of implementation of the special status in the Anglophone Regions and decentralization of Cameroon.<sup>23</sup> The Pioneer Public Independent Conciliators for the North-West and South-West Regions are Mr. Tamfu Simon and Mme Telesen Dorothy Atabong *spouse* Motaze respectively.

## **2.2. Conditions for Appointment of PIC**

Several conditions have been laid down by law for the appointment of the PICs in the two Regions. Article 6 of the 2020 Decree states that the PIC must meet the following conditions: be of Cameroonian nationality and native of the Region of discharge of the duties; be at least 35 years old; have wide experience and proven integrity and objectivity; be able to express themselves in both official languages;<sup>24</sup> must not have been subject to a disqualification or final conviction for a felony or misdemeanor.<sup>25</sup>

The duties of a PIC shall be incompatible with the holding of an elective office, the exercise of a liberal profession, public or private employment, or the exercise of any paid professional activity.<sup>26</sup>

## **2.3. Termination of the Duties of the PIC**

It is rare to hear of any appointed or elected official in Cameroon whose term of office is non-renewable, but that of the PIC is an exception. This is a novelty in the Cameroonian legal and institutional arena. According to the 2019 Code and the 2020 Decree, the term of office of the PIC is 6(six) years non-renewable. This is sanctioned in Section 368(1) of the 2019 Code and Article 5(1) of the 2020 Decree. Their term of office is longer than that of Regional and Council elected officials.

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<sup>18</sup> Section 368 (3) of the 2019 Code.

<sup>19</sup> Article 10 (1) of the 2020 Decree.

<sup>20</sup> Article 8 (1) of the 2020 Decree.

<sup>21</sup> Article 7 (1-2) of the 2020 Decree.

<sup>22</sup> Atia Azohnwi, T. (2020). Cameroon: Biya details duties of Public Independent Conciliator as special status era begins in North West, South West. Cameroon-Info.Net. Available at <https://www.cameroon-info.net/article/cameroon-biya-details-duties-of-public-independent-conciliator-as-special-status-era-begins-in-north-391719.html>, accessed on the 24<sup>th</sup> July, 2024.

<sup>23</sup> Ngo Tong, C.M. (2022). *Op.Cit.*

<sup>24</sup> The official languages of Cameroon are English and French.

<sup>25</sup> See Section 21 of the Penal Code of Cameroon concerning the classification of offences.

<sup>26</sup> Article 8 of Decree N° 2020/773 of 24 December 2020 to lay down conditions for discharge of the duties of Public Independent Conciliator in the North-West and South-West Regions.

Consequently, the duties of the PIC end upon death, resignation or after their mandates come to an end.<sup>27</sup> There are several situations that may cause the termination of the duties of the PIC. Thus, Presidential Decree may end the duties of the PIC in the following cases: physical or mental disability as shall be duly certified by a medical doctor,<sup>28</sup> in cases of incompatibility and final conviction involving afflicting and infamous punishment.<sup>29</sup>

In case of vacancy of the position, the most senior Research Officer of the Office shall perform (dispatch) the day-to-day business of the office. The eldest research officer shall carry out the day-to-day activities where there is equal seniority as seen in Article 10(5) of the 2020 Decree.

### **3. The Intervention of the Public Independent Conciliators in Dispute Resolution**

This part of the write-up dwells on issues such as the roles and responsibilities of the PICs in resolving disputes, the jurisdiction and scope of the PICs, the mediation process and techniques, relationship between the OPICs and the courts, enforcement and implementation of mediation decisions as well as challenges and limitations.

#### **3.1. Powers and Responsibility of the PIC in Dispute Resolution**

The PICs have powers bestowed upon them by the law. Their role in dispute resolution warrants them to possess specific skills, apply independence and partiality and apply confidentiality. In addition, they are limited in space and context. In this sub-section, the powers and the skills of the OPICs shall be presented.

##### **3.1.1. The Powers and Skills of the PICs in Dispute Resolution**

The PICs have special powers and responsibilities accorded to them by law. However, in the exercise of these powers, certain specific skills are required of them.

###### **3.1.1.1. Powers of the PICs in Dispute Resolution**

The principal role of the PICs of the North-West and South-West Regions is to settle disputes amicably that arise from the interactions of citizens vis a vis the Regional and Council Administrations, by facilitating communication between the parties in conflict with a view to helping them reach a voluntary resolution to their dispute that is timely, fair and cost effective.<sup>30</sup>

The PIC is responsible inter alia, for the amicable settlement of disputes between users and the Regional and Council Administration, defending and protecting rights and freedoms regarding the relationship between citizens and the region or the councils thereof, conducting any investigation on the functioning of Regional and Council public services and preparing a report on the functioning of Regional and Local Councils.<sup>31</sup> The mission of the PIC could be summed up into three that is pacificator, watchdog and advocate for the beneficiary populations of the councils to usher in fairness and peace.<sup>32</sup>

<sup>27</sup> Article 10 (1) of the 2020 Decree.

<sup>28</sup> This disability should be established by the President of the Regional Council and the representative of the State (The Senior Divisional Officer, the Governor), when confirmed by an approved medical officer. Article 10 of the 2020 Decree.

<sup>29</sup> In such a case, the representative of the State and the President of the Regional Executive Council shall tender to the President of the Republic list of candidates 30 days before the expire of the term or same period in case of resignation, death or incompatibility.

<sup>30</sup> Section 367(3) of the 2019 General Code.

<sup>31</sup> Ministry of Decentralisation and Local Development (MINDDEVEL Cameroun) (2022). Public Independent Conciliator. Available at <https://www.minddevel.gov.cm/public-independent-conciliator/#:~:text=The%20PIC%20is%20responsible%2C%20inter%20alia%2C%20for%20amicably,o n%20the%20functioning%20of%20regional%20and%20local%20councils>. Accessed on the 24th July, 2024.

<sup>32</sup> PIC North West Report on the Campaign to Promote the Free Establishment of Civil Status Documents 2023.

The PICs do not have the power to make binding decisions on the parties, but once an agreement is reached by the parties, the PICs are responsible for creating the settlement document which becomes binding and enforceable once it is signed by both parties.<sup>33</sup>

As per the provisions of section 368(4) of the Code, professional secrecy shall not be enforceable against the PICs. The PICs also have the power to prepare recommendations to the Regional or Council Authorities. They may grant injunctions restraining Regional and Council Authorities from carrying out certain acts or mandating them to taking certain reparatory actions.

Where these recommendations are not respected, the PICs may order the Regional or Council Administration concerned to take the necessary steps within a specified period as per section 370(1) and (2) of the Code.

In additions the PIC has been given the powers to propose legislative and regulatory amendments to the President of the Republic, backed by section 370(4) of the Code.

### **3.1.1.2. Jurisdiction and Scope of the PICs in Dispute Resolution**

The PICs have both material and territorial competence in handling disputes. The material competence looks at the types of cases which the PICs can handle while the territorial competence defines the geographical location under which they can exercise their powers.

#### **i. Material Competence**

The material competence of the PICs has been provided for by law. In effect, Section 367 (3) of the Code provides that, the PICs are responsible to: (a) Examine and examine disputes amicably between users and regional and council administrations; (b) Defending and protecting the rights and freedoms with regard to the relationship between citizens and the Region or the Councils thereof; (c) Designing and implementing measures to prevent and combat direct or indirect discrimination that may affect users of Regional or Council services; (d) Ensuring that persons serving in the Regional or Council Administrations comply with their ethical obligations; (e) Conducting any investigations on the functioning of Regional and Council Public Services, at the request of five Parliamentarians of five Regional Councillors; and (f) Preparing a report on the functioning of Regional and Council Services.

Section 11 (3) and (4) of the 2020 Decree and 369 (3) and (4) of the 2019 Code provide that, the PICs may intervene only where the following conditions are met: (a) The dispute must be between a natural or legal person or a public employee and a regional or council service; (b) The petitioner must have filed a prior appeal with the body involved in the dispute; and (c) No competent court must have ruled on the matter.

The PIC may not intervene in disputes: (a) Between private individuals and public services of the State and its branches in the North-West and South-West Regions, or between the said services and their branches; (b) Between the services of regional or council administrations; (c) Between local elected officials; and (d) Between private individuals.<sup>34</sup>

From the above-mentioned responsibilities, we can conclude that, the competence of the PICs is limited to disputes that arise in relation between citizens and the Regional and Council Administration.<sup>35</sup>

#### **ii. Territorial Competence**

The law clearly maps out the territorial competence of the PICs. It provides that, a PIC is established in the North-West and South-West Regions.<sup>36</sup> This is a clear-cut indication of their

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<sup>33</sup> Tambe, T.T., & Tambe, C. B., (2023). Party Autonomy in Mediation Proceedings, *Journal of Alternate Dispute Resolution*, Vol. 2(4), pp. 1-8.

<sup>34</sup> Article 11(4) of 2020 Decree.

<sup>35</sup> Similar provisions are made in Law No 2020/773 of 24 December 2020 to Lay Down the Conditions for the Discharge of the Duties of the Public Independent Conciliators for North-West and South-West Regions.

<sup>36</sup> Section 367 of the General Code.

various territorial competences. In effect, the PIC of North-West Region has jurisdiction in the North-West Region only, while that of the South-West Region has jurisdiction to settle cases that come to their offices from users and the Regional and Local Authorities in the South-West Region only.

It is for this reason that Law No 2020/773 of 24 December 2020 to Lay Down the Conditions for the Discharge of the Duties of the Public Independent Conciliators for North-West and South-West Regions in Article 3 (1) and (2) states that: "The Office of the PIC for North-West Region shall be in Bamenda, Mezam Division and that of South-West Region in Buea, Fako division." The preceding sub-section is to the effect that: "The PICs must reside in the place of location of their various offices."<sup>37</sup>

### **3.1.2. Skills and Expertise of the PICs of North West and South West Regions**

The PICs are selected experts by the President of the Republic. They have served in the Public Service for a handful of years and are able to transplant their expertise in their respective offices. The PICs are both good dispute resolvers and exploit skills such as active listening which is a key skill to dispute resolution. During mediation sessions, the PICs always allow the parties to present their cases while paying keen attention to them. They also watch the demeanour of the parties during such presentations.

The PICs express empathy during the mediation process. This is due to the fact they, stand as motherly and fatherly figures which help them understand the emotional and psychological standpoints of the disputants which in turn guide them in the mediation process. Empathy here does not mean that they are being carried away by emotions which could stir pity or anger, the PICs are well experienced to manage their emotions during the dispute resolution process. Their ability to demonstrate empathy merely helps them understand the emotional and psychological standpoints of the disputants, which in turn can guide the PICs decisions.

During most mediation sessions, they do not only listen, but also pose questions to the disputant. It is by posing these questions that most facts to the case are brought to light to help both the PICs and the parties to understand the various standpoints.

#### **3.1.2.1 Independence and Impartiality Requirements of the PIC**

It is acknowledged that maintaining neutrality and impartiality is an almost impossible task.<sup>38</sup> Furthermore, it is suggested that if the mediator supports a weaker party in mediation and readdresses the power imbalance, they are no longer a neutral party<sup>39</sup> and that addressing any imbalance in power is contradictory to impartiality. Therefore, the mediator is placed in an impossible position, as balancing the power impacts on their neutral position and not balancing the power increases disadvantage for the weaker party.<sup>40</sup>

Parties can be suspicious of someone who claims to be neutral, and this may impact on building trust with the parties,<sup>41</sup> especially if parties do not really want neutrality in the mediation process in the first place.<sup>42</sup>

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<sup>37</sup> Article 3(1) of the 2020 Decree.

<sup>38</sup> Moore, C.W. (2003). *The Mediation Process: Practical Strategies for Resolving Conflict*. 3<sup>rd</sup> Edition. Jossey-Bass.

<sup>39</sup> Maiese, M. (2005). *Neutrality: Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder.

<sup>40</sup> Imelda Gaffney (2022). *Impartiality and Neutrality in mediation*. *Journal of Mediation and Applied Conflict Analysis*, Vol.8, Issue 1, pp. 1-14.

<sup>41</sup> Bailey, P. (2014). *Neutrality in Mediation: An Ambiguous Ethical Value*. *Journal of Mediation and Applied Conflict Analysis*, 2014, Vol 1, No.1.

<sup>42</sup> Benjamin, R.D. (1998). *The Risk of Neutrality: Reconsidering the Term and Concept*. Available at: <https://www.mediate.com/articles/benjamin.cfm#:~:text=As%20mediators%2C%20we>

The PICs have as their primary roles to act as a neutral third party and impartial facilitator. They ensure that their actions and decisions are free from bias or favouritism and treat all parties fairly and equally. While they may have their own opinions on the dispute, they always refrain from imposing these views on the parties. They help parties resolve conflict, not advocate for a specific outcome. This has been the line of action of the PICs.

### **3.1.2.2. Communication and Negotiations Skills**

The PICs of North-West and South-West Regions are skilled listeners, carefully attending to each party's concerns, needs, and interests. They are always active in helping parties' cases heard and respected by demonstrating empathy and understanding. Miscommunication is often a significant factor in disputes. The PICs help parties identify and clarify misunderstandings by asking questions, summarizing points, and reframing issues to ensure that all parties clearly understand each other's positions.

In most instances, our findings show that the parties are fighting over nothing, and they both go back home happy. This has boosted trust and confidence in these two Regions of Cameroon.

During the regular mediation sessions, the PICs actively identify areas of agreement between parties and have been using points of common ground as a foundation for building a resolution. The PICs also help parties brainstorm potential solutions by encouraging open-mindedness and creativity. In effect, they play an active role by making proposals during the dispute resolution processes.

### **3.1.2.3. The Necessity of Confidentiality and Privacy**

Unlike court trials which are typically open to the public, mediation sessions in the OPICs are private and confidential,<sup>43</sup> though criticised for not strictly speaking respecting some mediation characteristics which parties in disputes choose their mediator to help them resolve their problems, etc. This allows parties to discuss sensitive issues without fear of public exposure, leading to more candid and productive conversations.

The PICs and their collaborators are trained personnel guided by professional secrecy, ensuring that discussions and information shared during mediation remain confidential. This further encourages open communication and helps protect the parties' reputations and privacy. In effect, we can conclude that confidentiality is the responsibility of the OPICs.

Exceptions and limitations to confidentiality and privacy shall exist where the life of a party is threatened. In this instance, the PIC can divulge the information at hand to the court for them to take necessary actions. In additions, situations which go against state security and the unitary nature of the state stand as an exception to the principle of confidentiality and privacy. This simply makes the principle of confidentiality relatively not absolute.

## **3.2 The Mediation Process/Compliant Management**

To ensure an effective and expedient mediation, the PICs have adopted certain techniques and processes.

### **3.2.1 The Petition**

Unlike other conventional mediation procedures where the parties enter into a prior agreement deciding to take their dispute to mediation, the process in the OPICs is different. It commences by way of a petition as provided for in Article 12(1) of the 2020 Decree. The petition

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%20seem%20to,frame%20for%20our%20professional%20role.&text=and%20Bazerman%2C  
%20M.%2C%20%22,1996).

<sup>43</sup> They are done behind camera. Meaning inside a confined room in the presence of the disputants, the PICs and their collaborators.

is addressed to the PICs and not to their offices.<sup>44</sup> The two main issues involved include who can bring a complaint and the procedure for bringing a complaint to the OPICs.

### **3.2.1.1 Who Can Bring a Complaint?**

As to who can bring a complaint, the 2019 Code and the 2020 Decree are very clear and unequivocal. Article 11(1) of the 2020 Decree and 369 (1) of the 2019 Code are instrumental to that effect. A complaint may be lodged with the PICs by any natural or legal person who considers that his rights and freedoms have been infringed by the functioning of the regional or council administration or regional or council public institutions or groups of councils.

Article 11 (2) of the 2020 Decree and 369 (2) of the 2019 Code proceed that ‘‘A complaint may also be lodged with the PIC by any person who considers him a victim of direct or indirect discrimination prohibited by law or an international commitment to which Cameroon is a party.’’

### **3.2.1.2. Conditions for Bringing a Complaint**

On the first note, the complaint must go through a pre-litigation phase. This phase warrants the user to first contact the regional or local authority involved in the dispute to seek amicable settlement with them as seen in Article 11(3) of the 2020 Decree and section 369(3) of the General Code. It is only after the party gets no response from the authority in question, or they are dissatisfied with the decision or resolution taken thereafter that they can file a petition to the PICs. The filled petition must contain a discharge letter as attestation that a prior complain had been filed to the regional or local authority in question.

The PICs admits both written and oral complains. The oral complains take the form of a petition. The components of the petition are spelled out in Article 12(2) of the 2020 Decree. It provides that the petition must contain: (a) The full name, occupation and domicile of the petitioner; (b) The name of the accused administration or regional or council public service; (c) The statement of the facts that prompted the petition; (d) The arguments put forward; and (e) Where applicable, a list of exhibits tendered in support of the petition.

Article 13(1) of the 2020 Decree centres on oral complaints. It states that the PIC may admit oral complaints directly and that in this case, the petitioner shall be heard with minutes taken down by the office of the PIC. At the end of this process, the complainant will append a signature or thumb print on the recorded minutes. This will go a long way to solve the problem with illiterates who are unable to write down complaints. The collaborators of these offices are selected in consideration to the socio-cultural composition of the regions; hence they can communicate to complainants even with their different mother tongues and in Pidgin English.

### **3.2.1.3. Compliant Treatment Process**

Under the authority of the Public Independent Conciliators for the North-West and South-West Regions, a ‘‘six men’’ delegation of collaborators from the Offices of the Public Independent Conciliators for the North-West and South-West Region converged at TALOTEL Bafoussam for a three-day working session which held from the 20<sup>th</sup> to the 23<sup>rd</sup> of October 2024 aimed at harmonising the compliant treatment process for both offices. The Office of the Public Independent Conciliator for the North-West Region was represented by Mr. Ndi Nelson (Research Officer No.1), Barrister Yang Francis (Research Officer No.2) and Mme. Ambuban

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<sup>44</sup> Disputants most at times address complains to the Office of the PICs which is wrong, the complaints must be addressed to the PICs and not to their Office.

Nina (Research Officer No.5). The representatives from the South-West Region were Mr. Fonju Bernard (Research Officer No.1), Mr. Mokube Derick (Staff) and Dr. Tambe Cyrile Bua (Staff).<sup>45</sup>

After extensive deliberations and analysis, a 7-stage compliant treatment process was developed and adopted with defined time limits to meet up with the 60 days statutory time frame provided in article 14 of the 2020 Decree. These stages include the following:

- Reception and initiation of action: (Time frame: 48hrs, maximum);
- Registration and Documentation: (Time frame: 24hrs maximum) ;
- Preliminary Examination (Timeline: 14 Days maximum);
- Complaint Examination Phase (Time frame: 21 days maximum);
- The Conciliatory Process (Time frame: 7 days maximum);
- Monitoring and follow-up ;
- Case closure.

The tables below represent statistics of complaints received and treated at the OPICs. These statistics were obtained in the month of August 2024.

STATISTICAL PRESENTATION OF COMPLAINTS TREATMENTS OPIC- NWR, 2023					
N0.	Subject Matters (Types of cases handled)	2022	Parentage	2023	Parentage
1	Administrative justice	5	11.18%	0	/
2	Right to property and ownership (trespass)	8	18.18%	3	6.25%
3	Direct and indirect discrimination	0	/		/
4	Gouvernement or ethical issues: Corruption, embezzlement, etc.	4	9.09%	8	16.67%
5	Worker's rights	13	29.55%	16	33.67%
6	Right to economic development/Breach of contracts	6	13.64%	11	22.92%
7	Integrity and security of human person	3	6.82%	10	20.83%
8	Others	5	11.36%	10	20.83%
<b>Total</b>		<b>44</b>		<b>48</b>	

Source: PIC North West 2023 Annual Report, p. 37.

STATISTICAL PRESENTATION OF COMPLAINTS TREATMENTS OPIC- SWR					
YEAER	DESCRIPTION OF COMPLIANTS	TOTAL NUMBER OF COMPLIANTS	NUMBER OF COMPLIANTS RESOLVED	PERCENTAGE	NUMBER OF COMPLIANTS UNDER INVESTIGATION
<b>2021</b>	Council and Users	02	01	50%	01
	Mayor and Councillors	01	01	100%	/
	The Council and Contractors without contractual agreements	01	01	100%	/
	Out of competence	11	Referred to the Competent Technical Services		
<b>Total</b>		<b>15</b>	<b>14</b>	<b>93.3%</b>	<b>01</b>
<b>2022</b>	Prolonged Delay or Non-payment for execution of contracts	03	03	100%	00
	Councils and Service Users	04	03	75%	01
	Mayors and Councillors	01	01	100%	/

<sup>45</sup> Tambe C.B *et al.*, (2024). “Compliant Treatment Framework” Working session on the harmonisation of compliant treatment procedures in the Offices of the Public Independent Conciliators for the North-West and South-West Regions, held in Bafoussam from the 20<sup>th</sup> - 23<sup>rd</sup> of October 2024.

	The Council and Contractors without contractual agreements	02	02	100%	/
	Out of competence	19	Referred to the Competent Technical Services		
<b>Total</b>		<b>29</b>	<b>28</b>	<b>96.6%</b>	<b>01</b>
<b>2023</b>	Prolonged Delay or Non-payment for execution of contracts	03	02	66.6%	01
	Council and Service Users	04	03	75%	01
	Out of competence	09	05 channelled to the competent institutions and 3 resolved	99.9%	01
<b>Total</b>		<b>16</b>	<b>13</b>	<b>50%</b>	<b>03</b>
<b>2024</b>	Non-payment for execution of contracts	04	01	25%	03
	Council and Service Users	06	02	33%	04
	Council and Council Workers	02	/	/	02
	Out of competence	06	Referred to the competent institution		

**Source:** The Authors/OPICs Annual Reports.

GENERAL COMPLIANT TREATMENT DATA	REGIONS	
	North-West Region	South-West Region
Total number of complaints received since 2021	183	87
Total number of complaints resolved	157	64
Total number of complaints under investigation	26	14
Percentage of resolved complaints	85.79%	82.1%

**Source:** The Authors/OPICs Annual Reports.

The above statistics show that, the OPIC for the North-West Region has received more complaints than that OPIC for the South-West Region. This may warrant us to make two possible assumptions. First, that the users of the North-West Regions are more aggrieved in their relationship with their regional and council authorities or that they have more information about the existence and missions of the Office than those of the South-West Region.

The percentage of dispute resolution in both Offices is promising. Both are above 80%. This goes to say that most petitioners leave the Offices happy. In this light, we can conclude without resentment that the OPICs are a promising model for decentralisation.

### 3.3. Mediation Techniques

There are certain techniques applied by the PICs to ensure that coherence is maintained in all stages of the mediation process. Some of these techniques are:

#### 3.3.1. Setting up a Meeting

As provided for in Article 14(1) of the 2020 Decree, the PICs shall examine the petition submitted to them within 60 (sixty) days, make recommendations to guarantee respect for the rights and freedoms of the injured party and settle the dispute brought before them or prevent the recurrence thereof. To effectively do this, they must set up a meeting.

After receiving the complaint, the PICs convoke the parties involved via an official letter, inviting them for a mediation session. The letter of the PICs usually contains the date, time and venue of the session. It must also briefly state the reasons thereof and the signature of the PIC. On the slated date and time, the parties are received by the OPICs and placed in two separate chambers prior mediation proceedings to avoid any confrontations.

### 3.3.2. Review of Documents, On-Site Examinations and the Use of Expert Witnesses

Article 14(2) of the 2020 Decree provides that petitions may be examined through a review of documents and that on-site investigations may also be conducted. Generally, upon receiving the petition, the PICs have as their first role to review the documents pertaining to the claim which have been submitted as exhibits. Examination may also be carried out by a designated collaborator. The role of the PICs is not to draw conclusions on the documents received, but to have insight knowledge of the dispute in question. It is only after discussion with the parties that concrete conclusions are made.

The officials of the accused regional and council public administrations and institutions shall make available to the PICs at his request, all information or documents necessary for investigation.<sup>46</sup> No piece of information or document requested shall be denied the PICs on account of their secrecy or confidentiality, in compliance with the laws and regulations in force.<sup>47</sup>

On site investigations is also done by the PIC. They and their collaborators may visit the *locus*<sup>48</sup> to gather more information or have a view of the *corpus*.<sup>49</sup> For example, if it a claim concerning destruction of property, the PICs and their collaborators may visit the site to see the destroyed structure in question.

Expert evidence is used in cases where technical and scientific arguments are in question and questions in which the PICs and their collaborators have little or no knowledge of. In these instances, experts such as building contractors and surveyors may be called upon to help at the expense of the offices. Experts can help clarify complex issues, provide data analysis, assess damages or losses and identify creative solutions. By leaving expert evidence effective, the Offices of the PICs have made mediation more effective and informed, leading to better outcomes for all parties involved.

### 3.3.3. The Adversarial Approach of the PICs

Article 15(3) of the 2020 Decree provides that; all complaints shall be examined in accordance with the adversarial principle. The PICs of the two Regions use the adversarial approaches to mediate. This approach is party led as it is characterised by a competitive atmosphere with each party trying to win. Here, the mediator is more neutral.<sup>50</sup> The PICs have understood the adversarial approach which is in consonant with the principle of party autonomy, and this has helped both offices to adapt their strategies and achieve successful mediation outcomes.

### 3.4. Collaboration with the Courts

The offices of the PICs are not courts. The 2020 Decree and the 2019 Code provide the competence of the OPICs.<sup>51</sup> In case the PICs receive a complaint that does not fall within their competence, the PICs decline competence, and the complainant is referred to the competent court of law. It should be noted that their competence is limited only to civil cases. They do not have the competence to hear and determine criminal cases which is the powers of the courts with trained personnel to that effect.

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<sup>46</sup> Article 15(1) of the 2020 Decree.

<sup>47</sup> Article 15(2) of the 2020 Decree.

<sup>48</sup> Latin word meaning the place.

<sup>49</sup> Latin word referring to evidence in Law

<sup>50</sup> On the other hand, the inquisitorial approach is more mediator-led, with parties focusing on finding truth by using the mediators' expertise. This method is less confrontational as the mediator does most of the talking.

<sup>51</sup> Section 11(3) of the 2020 Decree and section 369(3) of the General Code.

The PIC cannot be called upon to give evidence in any court of law based on their mediation decisions. All documents and evidence in their mediation is kept private, and the resolutions and recommendations cannot be used as evidence in court.

### **3.5. Enforcement and implementation of Mediation Decisions**

At the end of the proceedings, the PICs may make recommendations, and a mediation agreement is drawn. The question lies in the enforcement of the mediation agreement and the good will of the parties to enforce it. Article 14(3) of the 2020 Decree provides that, where the recommendations of the PICs are not implemented, the PIC may order the regional or council administration or groups of councils at issue, to take the necessary measures within a specified period.

In case of failure to comply with the order, the PIC shall draft a special report which shall be communicated to the accused and to the representative of the state in the regional or local authority concerned. The report and the response of the accused may be made public.<sup>52</sup>

After presenting an overview of the new state institution (PIC), which is out to boost the decentralisation drive in Cameroon, it is noticed that as a new institution, it is not free from limitations or challenges. The next part shall present the challenges/limitations faced by this institution and propose solutions to the challenges identified.

## **4. Challenges and Limitations Faced by the Public Independent Conciliators**

Challenges are bound to affect a young institution like the OPICs. This is especially in relation to the enforcement of mediation decisions because it is difficult to ensure compliance with mediation agreements, the aspect of power imbalance between parties form another challenge that hinders the smooth mediation process. In addition, the fact that mediation depends on the willingness of the parties to resolve the dispute also makes the process a challenging one. Another challenge faced by the offices is the centralised nature of the offices, the crisis in the North-West and South-West Regions of Cameroon and the fact that they have limited financial autonomy. All these and more constitute the challenges to be discussed.

### **4.1. Ensuring Compliance with Agreement Settlement**

The main challenge faced by the PICs is ensuring compliance with agreement settlements. It is easier to hold mediation sessions and make recommendations while reaching a settled agreement. However, the main problem lies in the enforcement of the memorandum of understanding. The key issue is how to ensure compliance by the parties involved in the dispute. It should be noted that, the PICs do not have any standing police and cannot resort to force to ensure compliance. The reason why the courts play an important role in the mediation process.

However, Article 28 of the 2020 Decree makes provisions that state services shall collaborate with the PICs in the discharge of their duties. This provision is however vague because it does not provide any clearly defined limits regarding the nature of collaboration. It is not clear if the PICs have the powers to requisition the police or enforce their recommendations through the courts or other extra-judicial means.

In the absence of coercion, enforcement is difficult as resolutions and recommendations are on a “leave or take” basis. The only remedy left to the PICs is to write a report, which is published and submitted to the state representatives. The PICs cannot impose penalties for non-compliance and parties may fail to comply with agreed-upon terms, hence undermining the mediation process. This situation can be remedied with the intervention of the court in the enforcement of the PICs decisions.

The law gives the PICs the power to prepare a report which can be communicated to the parties and the representative of the state. The PICs also prepare an annual report which is addressed to the President of the Republic. This however has an impact on public opinion in that

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<sup>52</sup> Article 14 (4) of the 2020 Decree.

it shames the Mayor in question and this may affect his/her political career. It also exposes the Mayor to the highest authority of the state which is the President of the Republic.

The pivotal question to ask is, do these actions provide any remedy to the petitioner? The response to this question is in the negative because the petitioners' problems remain unsolved even though the Mayors may suffer the effect of the report of the PICs. This greatly limits the attainment of the objectives of the PICs who have as main mandate to receive and settle disputes amicably.

#### **4.2. Effects of Power Imbalance between Parties**

Most if not all the disputes brought before the PICs are characterised by power imbalance between the parties. This is because most disputes are between users who may not be influential enough and the Regional and Local Authorities who are very powerful and influential persons.

It should be noted that, agreements reached under power imbalance may not be sustainable or enforceable. In addition, the weaker party may distrust the mediation process, or the stronger party and it may lead to intimidation and coercion as the stronger party may use their power to intimidate and coerce the weaker party. However, the PICs are doing their possible best to avoid discrimination of any sort.

#### **4.3. Reliance on Party Cooperation**

Mediation relies on the willingness to cooperate and implement agreed-upon solutions. In this line, if parties refuse to cooperate, mediation may fail, and this is more challenging in case of power imbalance. This causes the PICs sometimes to use lengthy sessions or multiple sessions to resolve a handful of disputes due to the unwillingness of the parties to cooperate. In many instances, the expertise and skills of the PICs are the only tools for accelerating mediation. This position is worsened because the Legal Framework for the Offices does not make any provisions regarding "Summonses". In some instances, Mayors do not appear at the Offices when summoned by the PICs for dispute resolution while making ostensible excuses.

#### **4.4. Centralised Nature of the OPICs**

Another major problem faced by the PICs is the centralisation of their offices. The OPIC for North-West Region is in Bamenda, Mezam, while that of South-West Region is in Buea, Fako.<sup>53</sup> There are a handful of issues associated with this including the fact that, aggrieved persons living far-off find it difficult to channel their complaints to the offices. In addition, even those whose complaints have been received face challenges visiting the Offices from time to time for mediation sessions.

These problems can lead to decreased productivity and low connection with the actual population. To water down this problem, the PICs use community-based liaison officers as satellites to the main Offices. However, some of these liaison officers lack the necessary skill and training to complement the Offices in their respective areas.

#### **4.5. The Crisis in the English-Speaking Regions of Cameroon**

The high insecurity characteristic of the prevailing context<sup>54</sup> of crisis hit North-West and South-West also affects the functioning of the OPICs as has been the case with councils.<sup>55</sup> Even though the very inception of the Office is to address grievances between citizens and Regional and Local Administrations, the Office is not free from hostilities. The OPICs just like any other institution found in the crisis hit zones of the North-West and South-West is not void of

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<sup>53</sup> Article 2(1) and (2) of 2020 Decree.

<sup>54</sup> Ambuba, N. (2023). Difficulties and Challenges faced in the conduct of the 2023 Survey on Council Functioning. The Office of the PIC, North West Region Debriefing Workshop for Regional and Council Authorities, North West on the PIC 2023 Perception Survey on Functioning of Regional and Local Authorities, on the 3<sup>rd</sup> April, 2024, at Bamenda, p. 4.

<sup>55</sup> Office of the PIC North West Region, Annual Activity Report 2023, p. 5.

interferences and attacks from non-state armed groups when it comes to implementation and extension of their activities into the interior parts of the Regions. Taking into consideration that these Offices are situated in these areas and the delicate nature of insecurity concerns in these two Regions makes it difficult for the PICs and their collaborators to visit all the localities in the regions at ease. This has hindered the Offices to attain some of their intended objectives. For example, in the North West Region, the visits of the North-West PIC to Mbengwi, Kumbo, and Nkambe, was really challenging with the attacks from the non-state armed groups, which made it really difficult and challenging for the PIC to carry out its activities smoothly.

#### **4.6. Limited Scope of Competence**

As indicated in the above-mentioned remit, the scope of the PIC is limited to Regional and Council Administrations. Thus, the PIC has no power or jurisdiction regarding the operation of the State's public services, in particular the deconcentrated services (Governor's Offices, Senior Divisional Offices or Divisional Offices, Regional, Divisional Delegations or Sub-divisional Inspectorates, etc.) and the public establishments and enterprises created or managed directly or indirectly by the State. It may not control the State and its branches.

#### **4.7. Limited Financial Autonomy**

Even though it is provided in Article 2(2) of the 2020 Decree that the PIC shall have legal personality and financial autonomy, the financial autonomy is limited. This is due to the fact that their funds and resources are included in the yearly budget of the State and their resources come from the central administration. The offices are prohibited from directly receiving resources from a foreign states, international organisations, natural persons and private law legal persons. As to funds from partners, these funds shall pass through the State.<sup>56</sup> In this light, their resources is public funds, which shall be managed following the rules of the financial regime of the state and other public entities as captured in Article 19 of the 2020 Decree. It therefore means that they have no financial autonomy and cannot raise funds from external sources to fund their activities. This therefore greatly limits their power to function since there is no financial freedom. Also, the late disbursement of the subvention of the OPIC slows down the timely execution of planned activities.<sup>57</sup>

#### **4.8. The Absence of an Approved Organizational Chart**

The offices currently lack an approved organisational chart. In this light, the internal organization of the offices is currently within the discretion of the PICs. The PICs have taken positive measures by making propositions to get their proposed organisational charts approved by hierarchy. However, the decision of the hierarchy is still awaited. In this vein, each PIC organizes his/her Office according to the needs. Not having an approved organisational chart may lead to confusion about roles and responsibilities, unclear reporting lines and difficulty in resource allocation. It may also hinder employees' understanding and promotion opportunities and make it harder to access contact information.

### **5. Recommendations**

Several recommendations are proposed to better the functioning of the OPICs. The recommendations made touch on aspects of legal reforms and follow up of mediation decisions.

#### **5.1. Recommendations for Legal Reforms on Penalties for Non-Compliance**

The 2019 Code provides that, the PIC may propose legislative and regulatory amendments to the President of the Republic.<sup>58</sup> In this light, it is recommended that, the PICs

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<sup>56</sup> Article 18 (1-3) of the 2020 Decree.

<sup>57</sup> Office of the PIC North-West Region, Annual Activity Report 2023, p. 5.

<sup>58</sup> Section 370(4) of the General Code.

recommend rules that would give them powers to implement their injunctions and recommendations.

The PICs should recommend that, state should create and establish a clear legislative framework that recognises and enforces mediation decisions from the PICs. This Law should include clauses that allow the decisions of the PICs to be enforceable through the courts or other legal mechanisms and to impose sanctions for non-compliance. If such recommendations are made by the PICs and accepted by the President of the Republic, we shall worry less about the enforcement of decisions from the PICs.

Recommendation should also carry clauses on “summons”. A clear-cut provision should be made giving the authority of the PICs to summon the parties. This will save the trouble of some Mayors not attending sessions when invited by the PICs.

## **5.2. Encourage Follow-up of Mediation Decisions**

Mediation decisions should be followed up by the PICs. This can be done by creating clear implementation plans that outline steps, timelines and responsibilities of each party and establishing monitoring mechanisms for regular checks on the progress of the application of decisions. The PICs should use their collaborators more to follow up the implementation of their recommendations and mediation agreements.

Follow up sessions should also be organised to review progress and address challenges in implementing of the mediation decisions and third-party monitor bodies can also be appointed to implement and ensure compliance at the expense of the OPICs. By incorporating these strategies, the PICs can ensure that mediated agreements are not only reached, but also implemented and upheld.

## **Conclusion**

The decentralisation laws of Cameroon have created a new state institution known as the Office of the PICs. The Office is governed by the 2019 Code on Regional and Local Authority and the 2020 Decree which lays down the Conditions for the Discharge of the Duties of the PICs. The Laws blessed the institution with a myriad of functions, amongst which are: to examine and settle disputes amicably between users and regional and council administrations; defend and protect rights and freedoms between citizens and regional or the councils in the regions. This new institution is not free from challenges in carrying out the mandate entrusted to it by the laws. Some of these difficulties arise because of the insecurity in the two English speaking regions, non-compliance with mediation agreements, the effects of power imbalance between parties, reliance on party cooperation, limited scope of competence as well as lack of financial autonomy. The difficulties and challenges enumerated affect the effective materialization of the Special Status on the ground.

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