

## The Ghost Town Operation and the Disturbance of Public Peace in Kumba Cameroon

Tambe Thomas Tabot<sup>1</sup>

### Abstract

*This topic sets out to examine the Ghost town operation and the disturbance of public peace in Kumba. In spite of all the measures taken by the administration to prevent turbulence in Kumba, some persons still took to the streets to cause public disturbance and this later ended up as a ghost town operation. Consequently, this exposed the city of Kumba to Destruction of life and property, desertion of city streets, as well as the closure of all economic activities. The objective of this work is to examine the causes of the ghost town operation, the different types of manifestations and the measures taken by the administrative authorities to control the situation. The Methodology employed in this work is mainly empirical in nature and mainly based on observation and experience. We also supported this methodology with the doctrinal research methodology that permits us to analyze various Laws related to the field of study. Our findings reveal that, despite the measures put in place to prevent the ghost town operation in Kumba, there was still much destruction during this period. We however recommend that, a more spontaneous measure should be set up to regulate issues of manifestation.*

**Keywords:** Ghost town, Disturbance, Public peace.

### 1.0 Introduction

The disruption of economic activities in towns and cities around Cameroon was another challenge to the already crumbling economy of the country. Governments' attempt to revive the economy was accompanied by explanations that the experience of economic depression in the country at the time should be blamed on the opposition leaders who through the ghost town had made the situation worse.

According to Mbu, A.N.T, Ghost Town operation simply means: "...seating at their homes, leaving the streets, motor ways and market places empty and desolate."<sup>2</sup> There was no economic activity. Even the sale of petrol called "Funge," for the motorist was now clandestinely done in homes and small hideouts, and not in regular petrol station.<sup>2</sup> No movement, no sales, shops were closed, offices closed. The general approach to life was "wait and see."

Baker T.L, author of Ghost Towns of Texas, defines the ghost town as "a town for which the reason for being no longer exist."<sup>3</sup> Some people believe that any settlement with visible tangible remains should be called a ghost town; others say, conversely that a ghost town should contain the tangible remains of buildings whether or not the settlement must be completely deserted, or may contain a small population, is also a matter of debate. The American author Lambert Florin's preferred definition of ghost town was simply "a shadowy semblance of former self".<sup>4</sup> To Cameroonians, ghost town operation simply means the stoppage of all socio-economic, political, cultural and administrative activities, closure of all markets, shops, offices, in short, all commercial activities are brought to a standstill and people prefer to sit in their houses rather than going to work. Certainly, this attitude certainly has some devastating effect not only on the economy but equally on governmental activities. The Cameroonian ghost town operation was intended to create an adverse effect on the economy in order to force the government to accept certain conditions put forth by the

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<sup>1</sup> Tambe Thomas Tabot, Expert in Peace and Conflict Studies, University of Buea. Phone: 677630871

<sup>2</sup> "Funge" is cheap petrol brought in from Nigeria.

<sup>3</sup> Baker T.L, (1991), Ghost Towns of Texas, Texas A and M University Press, Texas USA.

<sup>4</sup> Author of Ghost towns of the West and Ghost Towns of the South West.

coalition of opposition parties especially the calling for a sovereign national conference. The ultimate goal was to crumble and bring the economy and the regime to its knees. Losses were registered in terms of customs revenues and taxes as a result of this action.

### **1.1 Disturbance of Public Order**

The Cambridge Advance Learner's Dictionary defines disturbance as "to break the law by fighting or behaving extremely noisily in public". To the author, the disturbance of public order simply means a disturbance of peace or a breach of public peace, in other words, the jeopardizing or perturbing of public peace and order and the rule of law. In a more vivid expression, the disturbance of public order means breaking the law by ushering in disorder.

### **1.2 Remote Causes of the Ghost Town Operation**

#### **1.2.1 The Economic Crisis and the Completion Point**

The first time the word economic crisis was mentioned to Cameroonians was in 1987 by President Paul Biya over Radio Monte Carlo while on a visit in France. State investment dwindled steadily from 1986 to 1996, especially the construction and equipping of schools, the building and equipping of health centres and hospitals and supply of medication, the construction of highways and urban roads, telecommunication networks and exchanges, social centers for the training of women and the education of the disabled. At the same time, its debt burden rose to unsustainable levels.

Cameroon became heavily indebted and Public Service salaries were reduced including some categories of workers who experienced 70% wage cuts. Rural incomes also fell significantly. The country needed to produce wealth for a year and a quarter to cover its debts. At the same time, a perverse behavior emerged, developed and took root in the Cameroonian society, marked especially by corruption, misappropriation of public funds and the gross disregard for state authority by some citizens. The recruitments into the public service were frozen while unemployment, especially amongst the youth became more acute.

As from 1996, at the request of the government, the IMF and the World Bank persuaded the international donor community –the creditors of Cameroon to accept to do structural changes and reforms on the country's debt burden. This will enable Cameroon use the savings or repayments for its development. Thus began the implementation of programmes that were to lead to the completion point through the decision point of December 2000.<sup>5</sup> The aim of the completion point was to enable the heavily indebted poor countries to reduce their debt burden, put in place congenial conditions and make investment choices that would facilitate the process of getting out of poverty and by dint of hard work, to get into prosperity.

In a nutshell, the completion point is to ensure a good start in the alleviation of poverty. It also enables citizens to get on the right track to prosperity. Lastly, it gives Cameroon the hope of becoming rich tomorrow. The country is thus admitted into the HIPC Initiative.

What is therefore the HIPC Initiative? This is simply the initiative to reduce the debt of heavily indebted poor countries, commonly called HIPC Initiative. It was introduced by the IMF and world Bank in 1996 to reduce to sustainable levels the debt of countries, that were implementing sound macro-economic policies, that is, ensuring that their debts no longer stood as a burden or handicap for the social and economic development of these countries.

After Cameroon satisfactorily implemented a first three-year programme from October 1997 to June 2000, thus attaining the decision point in October 2000, it became evident that its debt stock represented over two years of export (205%) which exceeded the sustainable threshold fixed at one

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<sup>5</sup> point where the government took commitments to undertake reforms with the support of donors under an interim assistance package.

and a half year of export (150%). This paved the way for its eligibility to the enhanced HIPC Initiative with debt cancellations amounting to US \$2 billion, after the calculations made at the decision point. This fetched CFAF 1.400 billion, at a parity of \$1 to CFAF 700.

This cancellation was to be delivered in two stages: CFAF 250 billion for an interim period between the decision point and the completion point and 1.150 billion after attaining the completion point (April 2006). The attainment of the completion point was announced in Washington D.C. on the 28 of April 2006 at the end of the executive meeting of the IMF which confirmed the favorable opinion which the World Bank had given on 27th April after its own executive board meeting. Thus, on that day, the two Bretton woods institutions announced that Cameroon had reached the HIPC completion point, thus lending fresh impetus to the national economy and Cameroonian society. In actual fact, the benefits of attaining the completion point are manifold.

It is the cancellation of the debt of CFAF 1.890 billion<sup>6</sup> Cameroon owes bilateral creditors of the Paris club, a sum which is far above the CFAF 1.150 billion cancellation expected from the HIPC Initiative itself. It is the cancellation of our CFAF 583.6 billion debt to the IMF, the World Bank and African Development bank.

It is the cancellation each year of about 70 billion of our debt to France under the debt cancellation and development contract (C2D). In this regard, it offers Cameroon the opportunity of benefiting from the better utilization of its resources; it entails the follow up of projects in the ten regions of the country and an equitable nationwide distribution of projects and programs financed by resources freed up from the cancellation of our external debt; it is the carrying through the implementation of the Poverty Reduction Strategy Paper<sup>7</sup> in order to halve poverty in Cameroon by 2015; it is the follow up of governments economic and financial program with the support of the IMF and the World Bank through an enhanced Poverty Reduction and Growth Facility<sup>8</sup> from 2005-2008; it is the good sovereign rating of Cameroon by specialized internationally renowned firms, enabling our country to further attract investors.

Capital investors were encouraged to come to Cameroon and invest especially in industry, energy, forestry, water and agriculture and transports and thus create employment; Cameroon's image has brightened after it reached the completion point; it offers opportunity for the state to improve civil service salaries; to resume recruitment into the public service and increase the people's purchasing power. The Structural Adjustment Programme, was also looked at as a panacea for Cameroon's economic problems but it was a strategy to open the economy for foreign capital through privatization. Cameroonians thought attaining the completion point would be equally a panacea to all their problems but this turned out not to be the case. Some and not all of the laudable fallouts of the completion point have or are being realized while others have not yet seen the light of day especially balanced development in all the ten regions of the country is a far-fetched dream and there are definitely no hopes of this been realized. The South West and North West regions are still marginalized in terms of equity in development.

Most recent developments have been centered in the South region in Kribi and around the Centre region. The Kumba-Mamfe Road and the Bamenda ring road are still remaining on paper and the strides being made are not really good enough and encouraging. The selective nature of the emancipation of the population is what worries most Anglophone Cameroonians: the construction of the Kribi deep seaport and many ancillary projects leaving out the Limbe Natural deep seaport.

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<sup>6</sup> Paris club's major share holder is Christophe Mitterrand. Paris Club was Cameroon's surety at the world bank and IMF and impressed as conditioned privatization of C.D.C, to bring in Delmonte Banana.

<sup>7</sup> Often abbreviated as PRSP.

<sup>8</sup> Often abbreviated as PRGF.

The connection of new railway lines to link Chad from Ngaoundere; construction of low cost houses in Yaounde and Douala; the exploitation and transportation of mines deposits; cobalt, nickel and Manganese near Lomie estimated at 54 million tones of ores, the Mballam iron ore, the Kribi iron ore, the rutile from Akonolinga, bauxite from N'goaoundal and Mini-Matap, diamonds from Mobilong, the extension of the ALUCAM Company at Edea and the operation of the first phase of the new aluminum refinery company at Kribi.

### **1.2.2 Measures Taken to Alleviate the Economic Crisis**

The government took several measures to alleviate the economic crisis which proved inadequate as the crisis continued to destabilize the Cameroonian economy and left Cameroonians poorer than they were before the crisis. Some of these measures which were dictated from the IMF and the World Bank in the form of conditionalities include strategies such as:

The Structural Adjustment Program (SAP) which comprises the adjustment of the Cameroonian economy by reducing on government expenditures through salary reduction. The salaries paid to civil servants were sliced twice within two months, the liquidation of companies, the auctioning of the government's vehicles, the reduction of fringe benefits and amenities; the non-payment of arrears and bills of government contractors, the freezing of recruitments into the public service and so on. These measures all proved abortive as the crisis degenerated and increased the level of poverty in the country. The devaluation of the Franc C.F.A signed by then minister Antoine Tsimi and the Bank reforms were some of the Structural Adjustment Programme which involved the conditionalities imposed by the Bretton Woods on Cameroon to stabilize the economy.

The Poverty Reduction Strategy Paper (PRSP) came into being to also fight the crisis and reduce poverty in Cameroon. This too failed. Then came the Poverty Reduction and Growth Facility (PRGF) which was aimed at reducing poverty in Cameroon by half by the year 2015. This equally did not achieve the required goals. This was to be done through the following of the government's economic and financial programs with the support of the IMF and the World Bank through enhancing Poverty Reduction and Growth Facility (PRGF) from 2005-2008.

The Debt Cancellation and Development Contract (C2D) which is the cancellation of our debt owed to France of about 70 billion each year. The Growth and Employment Strategy Paper (GESP) which is the reference framework for governmental action over the period 2010-2020. A long-term vision for accelerated growth and emergence by 2035. A strategy for governance and strategic management of the state.

### **1.3 The Immediate Causes of Ghost Town Operation the Case of Kumba**

The Kumba, chief town in Meme Division had a very vibrant economy in the early 70's and 80's. It had one of the largest markets in Cameroon called the Kumba main market and was the economic centre of the then South West Province now Region. Kumba equally had the largest branch of the Cameroon Produce Marketing Board with headquarters in the then Victoria. It had the final terminus of the Cameroon railway that leaves Douala and ends in Kumba. It also had one of the largest timber industries and the population was fully engaged in agriculture since the prices of agricultural products especially cocoa was encouraging in the world market. The flow of cash was visible in Kumba as many villagers left their villages especially those from the North West Region then flock to Kumba for a better life.

After the early 80's, things began to change and the vibrant Kumba by mid-80's became a shadow of itself. This was due to several factors:

The buoyant Kumba main market suffered from fire disaster compounded by the morose economic atmosphere. Most of the traders of the market who were Igbos from Nigeria were harassed for resident permits and monies extorted from them made most of them to return to Nigeria. The salary

cuts highlighted reduced the income of civil servants. The fall in the prices of cash crops like cocoa and coffee in the world market was equally a contributive factor.

The vibrant market became a shadow of itself as business was no longer moving because of the economic crisis. Most civil servants who bought goods after receiving salaries could no longer do so because their salaries were sliced twice leaving them virtually empty. The farmers too who made up a greater percentage of the population could no longer buy because the prices of their products fell in the world market and their creditors couldn't pay them. Even those farmers that had cocoa to sell, the prices offered were very ridiculous. Most of the shops in the Kumba main Market were closed down as a result.

Another contributing factor that made life very difficult in Kumba was the closure and subsequent liquidation of the Cameroon Produce Marketing Board<sup>9</sup> located at three corners Mabanda after the railway station. Kumba had the largest branch of the Cameroon Produce Marketing board and its closure meant that so many people who lived their lives because they were employed by the Produce Marketing board became jobless and disgruntled. The Produce Marketing Board at the time employed a greater majority of the Kumba population and its closure was therefore a very big blow to Kumba and the populations of the South West and North West Provinces by then. At the time, those employed by the then Produce Marketing Board were almost close to those employed by the CDC and most job seekers preferred the Produce Marketing Board to the CDC because their salaries were very encouraging and surpassed that of the CDC. They even paid leave allowances and other amenities that the CDC hadn't at the time.

What was annoying to the Kumba community was the fact that under normal circumstances a company is liquidated when it is not performing well but the Produce Marketing Board was doing extremely fine under the stewardship of Mr. MOFA and had enough resources in its bank account, they even supported the government at the heart of the crisis to pay salaries but this did not disturb their finances meaning that they had huge reserves. The only timber company in Kumba was equally closed down in a similar manner like the Produce Marketing board leaving more and more people jobless, desolate and helpless.

The Cameroon Bank with one of its biggest branches in Kumba equally fell prey to closure in almost a similar fashion like the Produce Marketing board. The people of Kumba looked at all these as a scheme meticulously carried out to disenfranchise them of the only means of their subsistence and livelihood. As Mbu, A.N.T, "grievances and dislikes were being nursed against the state system.<sup>10</sup> Thus they were looking for the time and opportunity to vent out their ill feelings as vendettas against the state. The feelings came in a spate of gradual installments by different sections of the public. The first recorded opposition against the state was the taxi drivers strike in the Kumba Town on Monday the 10th of November 1986 against "over-checking by the police," an occasion which prompted them to ask that either the municipal administrator or the government should at least grade the township road between Hausa Quarters and Mabanda. Their demands were met by the combined operation of both the administrators and police led by Mr. Njitor. There were about 200 township drivers who assembled in the town, without having consulted their union manager<sup>11</sup>. Mr. Njitor who had taken the view that the strike was unconstitutional arrested and put in police custody about 29 drivers." Only old and abandoned train coaches were used by the railway company to transport passengers from Douala to Kumba. The Kumba railway station could therefore not function full-scale like her counterparts in other areas. All these grievances as A.N.T. Mbu has aptly described

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<sup>9</sup> 448,000 people were direct beneficiaries from the NPMB; See Mbu, A.N.T (1993), *Civil Disobedience in Cameroon*, Print book, England.

<sup>10</sup> Mbu, A.N.T (1993), *Op. Cit.*, PP 155-156.

<sup>11</sup> Cameroon Tribune of Monday 10<sup>th</sup> November 1986 No. 167

in his book “Civil Disobedience in Cameroon,” “were waiting for the slightest opportunity to explode” and this is what exactly happened in February 2008 when the government announced an increase in the prices of petroleum products.

Increase in the prize of petroleum products was not the singular and immediate cause of the ghost town operations in February 2008. The causes were multi-dimensional including the other factors listed above. The increase in fuel prices in 2008 was just the trigger that sparked off the ghost town operation in Cameroon. When the ghost town started the entire nation was affected town after town especially Douala which was the epicenter of the manifestations. Next in terms of intensity was the North West in towns like Bamenda and Kumbo, the South West in Kumba, Mutengene and Limbe, the West in Bafoussam and Mbouda, the Adamawa in Ngaoundere, the North in Garoua, the Far North in Maroua. Almost seven out of the ten regions were touched and economic activities paralyzed as they grind to a halt. The wave of destruction especially in Douala and Kumba was above proportion.

#### **1.4 The Magnitude of the Kumba Ghost Town Operation**

The ghost town operation in Kumba in February 2008 was of a different magnitude as much destruction of property and loss of lives was witnessed. The huge crowd was joined by hooligans and gangsters who used the opportunity to loot the state treasury and the taxation department of Meme in Kumba. The wild and uncontrollable crowd of youths started assembling at various road junctions in their respective quarters and moved in groups to attack governmental structures.

The first place that was targeted and attacked was the Brasseries Depot at Fiango. This attack of the Brasseries Depot is related to the rumour in Jeune Afrique that President Biya was a shareholder in that beer company.<sup>12</sup> After ransacking that depot, they stole huge quantities of drinks and set the place ablaze and left towards Fiango as they were joined by other groups along the way. At the Fiango Market, they burnt down the Fiango police post without any resistance and headed for the main centre of the town. The feeble resistance met at the Taxation Centre for Meme from the forces did not last for long as this service was also set on fire, as well as the Treasury opposite the Taxation Centre. This was followed by the Special Branch Police station within the same fence with the Central Police Station.

The Divisional Delegation of Basic Education and the Inspectorate were reduced to ashes likewise part of the Divisional Delegation of Social Affairs and the Divisional Office of Kumba Central Sub-Division. The situation was that of total chaos and anarchy as the regular forces for the maintenance of law and order could do nothing to salvage the situation. They were overpowered and surpassed by the generalized disorder.

Their flimsy claims that their respective hierarchies did not give them definite instructions cannot be true because their traditional assignments are enshrined in the law of the maintenance of law and order.<sup>13</sup> They needed no definite instruction from their respective hierarchies but instructions from the local administration headed by the senior Divisional Officer for Meme Division in Kumba. This situation exposed the total breakdown in peace and the rule of law thereby necessitating their enforcement which will be handled later in chapter three.

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<sup>12</sup> Le Messenger No.25 of 6th May 1991 at page 15.

<sup>13</sup> Law No 90/054 of December 19th 1990 Relating to the maintenance of Law and Order.

**Figure 1.1 Destroyed delegation of Basic Education, Kumba**



**Source: From author's personal archives**

The situation was brought under control only after the military from Tombel shot and killed three persons and that was when the crowd dispersed and returned to their homes and the streets deserted.

### **1.5 The Types of Manifestations Involved in the Ghost Town Operations**

Generally, there are four types of manifestations in Cameroon and these included:

- Non- Authorized Manifestation;
- Spontaneous Manifestation;
- Forbidden Manifestation;
- Programmed Manifestation.
- The ghost town operation in Kumba in February 2008, embraced three of them namely;
- Non-Authorised Manifestation (Manifestation Non-autorisée)
- Spontaneous Manifestation;
- Programmed Manifestation.

#### **1.5.1 Legal Framework**

The Cameroonian legislator provides a law for public procession. This is Law No 90-55 of 19th December 1990, to Lay Down Regulations Governing Public Meetings and Processions in Cameroon. This law stipulates that: "All processions, demonstrations, parades, marches and rallies of persons and, in general, all processions on the public highway shall be subject to prior declaration."<sup>14</sup>

As per section 6(2), the prior declaration referred to in the preceding sub-section shall not apply to processions on the public highway that are in keeping with local or religious traditions and practices. The other rules regarding public procession found in the law stated above relates to: Section 7(1), on the declaration referred to in Section 6 above shall be made in the district or sub-divisional office of the area where the procession is planned at least 7 clear days before the date of the procession. Section 7(2) on the prior declaration requiring that the person doing the declaring shall state the full names and permanent residence of the organizers, the purpose of the procession,

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<sup>14</sup> Section 6(1) of Law No 90-55 of 19th December 1990, to Lay Down Regulations Governing Public Meetings and Processions in Cameroon.

the venue, the date and hour thereof and, where necessary, the route chosen and shall be signed by one of the organizers who elects to have domicile in the chief town of the sub-division. At section 8(1), which states that the district head or sub-divisional officer receiving the declaration shall immediately issue a receipt therefore. Section 8(2), however, states that if the administrative authority deems that the planned procession is likely to seriously disturb the peace, he may, as the case may be, schedule another venue, prohibit it by order which he shall immediately notify to the signatory of the declaration at the elected domicile.

With respect to section 8(3), the law adds that where a procession has been prohibited, the organizer may, by a simple application, submit the matter to the president of the High Court with jurisdictional competence that shall, after hearing the parties in chambers, rule by court order not later than eight days after the matter is brought to him. Finally, at section 8(4), it is stated that the order shall be subject to an appeal in accordance with ordinary law procedure. Note that for the rule of law to be effective the legislature has also provided for sanctions or penalties contained in chapter 4, on the penal and miscellaneous provisions.

Section 9(1) states, without prejudice, if need be, to the institution of proceedings for felonies and misdemeanors, the penalties provided for in Section 231 of the penal code shall apply to any person who: convenes a procession in any manner whatsoever before filling the declaration or after it has been legally prohibited, and makes an incomplete or false declaration in order to conceal the condition of the planned procession.

### **1.5.2 Non-Authorized Manifestation**

A non-authorized manifestation is a manifestation that has not been authorized by the competent administrative authority. As provided in Law No 90-55 of 19th December 1990, to Lay Down Regulations Governing Public Meetings and Processions in Cameroon, it is a manifestation that grossly goes against this law on public processions contradicting thereby section 6(1), that is, it has no prior declaration.<sup>15</sup> The ghost town operation in Kumba in February 2008 falls within this category of manifestation because it was illegally organized without any authorization from the competent divisional officer of the Kumba central sub-Division, Mr Kouam David.

### **1.5.3 Spontaneous Manifestation**

A spontaneous manifestation is one that is not previously planned. A manifestation that crops up spontaneously without any previous knowledge. It comes impromptu because of the situation of the times. This was exactly the case of the ghost town operation in Kumba in February 2008 where out of sympathy and hardship the Kumba town guys joined their brothers of Douala in a widespread manifestation against the government. To them, it was a unique and rare opportunity to vent their anger, hatred and frustration with the system especially as a result of the closure of all the major companies in their town that had hitherto employed them. This made many of them to become disillusioned with life. Thus, to most, their lives had little meaning. Of course, this type of manifestation cannot conform to the law because there's no time to make the declaration and follow all the formalities as stipulated by law. Spontaneous manifestation in all cases is always illegal.

### **1.5.4 Forbidden Manifestation**

This is a manifestation that is notified by a prior declaration to the competent authority by the organizers but is refused authorization based on information that the manifestation will perturb public order or cause serious breach of the peace. In this type of circumstances, the competent sub-divisional officer prohibits it in conformity to section 8(2) of law No. 90-55 of the 19th December 1990. The

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<sup>15</sup> *Ibid.*, Section 7(1,2) and Section 8(1, 2)



law equally provides for the possibility of an appeal of the decision of the competent divisional officer if he/she prohibits a manifestation.<sup>16</sup> The ghost town operation in Kumba was at great variance to this because it had no prior declaration as the organizers were not known nor identified.

### **1.5.5 Programmed Manifestation**

A programmed manifestation is one that has been arranged before time with or without the authorization of the competent authority. The ghost town operation in Kumba analytically had a well organized and coordinated plan of action. The selective nature of the targets that were destroyed is a pointer to this fact. The one in Kumba was planned without the consent of the local administration.

The manifestations were all banned by the competent local authorities all over the national territory because the call for protest was loud and clear. The coalition of opposition parties led by the Social Democratic Front (S.D.F.) made their voices heard and their stance very clear. They were against an increase in the prices of petroleum products in February 2008. The syndicates of drivers equally threatened strike action but the government paid a deaf ear to these threats and thought it was just a joke only to realize that seven out of ten regions were engulfed in a generalized strike as people were protesting and marching against the government's decision to increase the prices of petroleum products, considering the high rate of poverty at the time, compounded by a generalized price hike in basic commodities. This nationwide wave of protest degenerated in certain towns leading to massive destruction and loss of human lives. This occurred in towns like Douala, Kumba, and in other parts of the country. This paralyzed the state system and state life as workers in those affected areas were unable to go to work. Therefore, it became very imperative that certain stringent measures had to be taken to restore peace and the rule of law.

## **1.6 The Reaction of the Main Stake-Holders**

The main stakeholders in the enforcement of peace and the rule of law are the administrative authorities, the forces of law and order, the judiciary and the penitentiary service.

### **1.6.1 The Reaction of the Administrative Authority**

The administrative authority in the enforcement of peace and the rule of law is guided by Law No. 90-54 of 19th December 1990, relating to the maintenance of law and order. This law *mutandi mutandis* provides in section 1 that: "This law relating to the maintenance of law and order shall lay down the principles to be observed by administrative authorities and the forces of law and order in time of manifestation to maintain or restore law and order when it is threatened." The situation of the ghost town operation provided the opportunity for the above to be implemented because public peace and order and the rule of law was gravely threatened and perturbed, which by a direct consequence led to state authority being diluted.

#### **1.6.1.1 The Reaction of the Administrative Authority on Non-Authorized Manifestation**

The ghost town operation was a non-authorized manifestation and necessitated reaction from the administrative authority. A manifestation cannot be authorized for the following reasons: Absence of legal base, that is, the non-respect of the provisions of law No. 90/055 of 19th December 1990; motive of public order, that is, the manifestation is of violent nature and may likely perturb peace; Reasons beyond human control, that is, "force majeure," which requires that an administrative authority faced with this type of manifestation takes the following measures: He rejects the application for declaration if any, the case in Kumba during the ghost town operation in 2008 had not any application, thus its illegality; Takes measures forbidding the manifestation with a sub-

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<sup>16</sup> *Ibid.* Section 8(3)

prefectoral order; Notify the forces for the maintenance of law and order to take the necessary measures to ensure that the manifestation does not go on.

In the case of the Kumba ghost town operation, the Divisional Officer for the then Kumba Central Sub-Division, Mr. Kouam David, Senior Administrative Officer, is supposed to inform the Commissioners of the 1st, 2nd and 3rd District Police Stations and the Brigade Commander for the Gendarmerie. He will equally inform his boss, the then Senior Divisional Officer for Meme Division, Mr. Abath Zangwalla who will in turn inform and put in motion the forces under his competence, that is, the Gendarmerie Company, the Central Police, the “Peloton” and the Penitentiary Services, in order that the manifestation should be stopped. In Kumba, the forces couldn’t stop the manifestation as they were overpowered by its magnitude and momentum.

#### **1.6.1.2 The Reaction of the Administrative Authority on Spontaneous Manifestation**

The ghost town operation in Kumba in February 2008 was a spontaneous manifestation that turned out violent and destructive and led to the loss of life.<sup>17</sup> The Divisional Officer informed of a spontaneous manifestation from either the specialized services in charge of information gathering that is the CENER, and the Special Branch of the Police is supposed to take the following measures: he immediately informs the forces for the maintenance of law and order within his area of competence for action in order to disperse the protesters; in the case of a resistance or attacks on the forces of law and order, they proceed to arrest the ringleaders who are known by their compartments; they are either the spoke persons or those who agitate more or dish out instructions. The account of all those arrested as ringleaders must be brought to the attention of the administrative authority, that is the competent Divisional Officer. The Divisional Officer on his part after the entire exercise must also render account to his boss the Senior Divisional Officer precisely giving the names of those arrested, wounded, property destroyed and so on.

#### **1.6.1.3 The Reaction of the Administrative Authority on Forbidden Manifestation**

A manifestation can be forbidden by the Divisional Officer if it is likely to disturb public peace or it is of a violent nature likely to disturb public peace and order. Equally it can be banned if it does not have a legal base, that is, it does not respect the law and in case of “force majeure.” The reaction of the administrative authority here is that of persuasion and prevention. Thus, the administrative authority can do the following: convokes an emergency meeting with his “l’état major” to discuss the matter; may invite the organizers to persuade them to desist from the manifestation; and if they persist, he will give instructions accordingly to the Forces for the Maintenance of Order to disperse the illegal manifestation.

#### **1.6.1.4 The Reaction of the Administrative Authority on Programmed Manifestation**

A programmed manifestation under normal circumstances is supposed to conform to the law because it is programmed and planned in advance but this was not the case of the ghost town operation in Kumba in February 2008. The organizers did not care to conform to Law No. 90/055 of 19/12/1990, to lay down the regulations governing public meetings and processions in Cameroon, since it was a crowd action. The reaction of the administrative authority in a case of this nature is simple. The manifestation will be considered as illegal and all necessary measures will be used in conformity to the law to restore peace and order.

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<sup>17</sup> Three people lost their lives in Kumba during the period of unrest in 2008

### **1.7. The Reaction of the Forces for the Enforcement of Peace**

The Forces for the Maintenance of Order (F.M.O.) are placed at the disposal of the administrative authorities in the maintenance of law and order. By virtue of Decree No. 2008/377 of 12th November 2008 Defining the Powers and Duties of Heads of Administrative Units and the Organisation and Functioning of their Services, places the forces for the maintenance of law and order at the disposal of the Divisional Officer for usage in conformity to the related text.<sup>18</sup> On the other hand, the law relating to the maintenance of law and order, puts the administrative authority and the F.M.O. at the central stage and lays down the powers of the administrative authority in matters of the enforcement of peace.<sup>19</sup>

#### **1.7.1. The Reaction of F.M.O. in Non-Authorized Manifestation**

Their major role here is to prevent the illegal manifestation from taking place. They use all necessary measures in conformity to the law to restore order by dispersing the rioters and ensuring the rule of law.

#### **1.7.2 The Reaction of F.M.O. in Spontaneous Manifestation**

Spontaneous manifestations are illegal since they crop up impromptu without any advance notification. The forces for the maintaining of law and order do everything to restore order and the rule of law by dispersing the crowd. In certain cases, peace enforcement spills over to the loss of lives like in the case of the ghost town operation in Kumba in February 2008 where three persons lost their lives.

#### **1.7.3. The Reaction of F.M.O. in Forbidden Manifestation**

Forbidden manifestation implies that the administrative authority has banned the manifestation and therefore he instructs the F.M.O. to take all the necessary measures to stop the manifestation. The forces on their part, on receiving these instructions descend to disperse the crowd. They inform the administrative authority on the evolution of the manifestation and they judge the situation and circumstances when force can be used. The legislator has provided that the administrative authority must accompany the forces in cases where the manifestation goes off hand and becomes violent and destructive like in the case of the ghost town operation in Kumba in February 2008. Note that the measures employed by the forces must be proportionate to the resistance encountered in the field, and if force has to be used, the Divisional Officer must be physically present to instruct the forces depending on the type of requisition they have been given by the Senior Divisional Officer territorially competent. This would be handled in detail in Chapter 3.

#### **1.7.4 The Reaction of F.M.O. in Programmed Manifestation**

Programmed manifestation by its very nature is supposed to be peaceful because it is planned in advance. The case of the ghost town operation in Kumba in February 2008 was the reverse. Despite the fact that it was planned in advance, it turned out to be very destructive and disorganized leading to the loss of property and lives. In a programmed manifestation, if it is not disorganized and destructive, as the F.M.O. accompany the manifestors for their own security but if the reverse is true, their reaction is different as they will engage in using all means to disperse the crowd in order to restore peace and the rule of law.

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<sup>18</sup> Article 54 of Decree No. 2008/377 of 12th November 2008 Defining the Powers and Duties of Heads of Administrative Units and the Organisation and Functioning of their Services

<sup>19</sup> Section 1 and 2 of Law No. 90/054 of 19th December 1990.

The enforcement of peace and the rule of law is therefore a major priority in a situation of total disorder like the case of the ghost town operation in Kumba in February 2008.

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