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The stakes and Challenges of the Protection of Economic and Social Rights: The case of Cameroon

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ABSTRACT

Besides civil and political rights, which aim to prevent violations of individual freedoms by government and others and enable citizens to participate in the nation's political life, there are also economic and social rights. These rights are echoed in International Human Rights regulations such as the Universal Declaration of Human Rights among others, and above all, the International Covenant on Economic, Social and Cultural Rights that entered into force on the 3rd of January 1976 and which constitutes the specialized international legal framework of these rights. Unlike civil and political rights, these rights are predominantly positive rights that generate a duty for the State to actively ensure the attainment of the fundamental and basic human needs which are indispensable for human existence. This implies that the realization of these rights is contingent on the availability and sustainable/judicious management of natural and financial resources of the state. Using the case study of the Republic of Cameroon, this study x-rays the impediments to the enjoyment of these rights and examines the extent to which the government has succeeded in the protection of the said rights.

I. GENERAL INTRODUCTION

Humans, unlike other beings, are born having a worth or value, natural and intrinsic, granting them certain rights and enabling them to be treated equally and not to be subjected to any form of abuse. This value is termed '*human dignity*' – an assertion of the equal moral value of all human beings². Its existence in every human is the same; it is not subject to any changes; and, it emanates solely from the very existence of humans. Thus it necessitates the treatment of all human beings on an equal basis and requires the equal treatment to be perpetual and immutable³. It is not a trifling value, and it can never be traded off.⁴

The rights stemming from human dignity are called '*human rights*'. Like human dignity

¹ Author is a PhD Candidate at Ankara University Law School, Turkey.

² P.G Carozza, 'Human Dignity' in D. Shelton (ed.), *The Oxford Handbook of International Human Rights Law*, Oxford, Oxford University Press, 2013, p. 346

³ Y.M Barilan, *Human Dignity, Human Rights, and Responsibility: The New Language of Global Bioethics and Biolaw*, Massachusetts, MIT Press, 2012, p.93

⁴Gabriel Moran, *Uniquely Human: The Basis of Human Rights*, Indiana, Xlibris Corporation, 2013, p.25

itself, they are innate, natural, permanent, and irrevocable; and State authorities can only curtail the enjoyment of such a right if, and only if, it ‘affects prejudicially the interests of others’⁵. They are an indispensable condition for a good life⁶ and for the full development of the human personality.

Notwithstanding diverse categorization, these rights are grouped into three major categories.⁷ On the one hand, there are civil and political rights that are aimed at preventing violations of individual freedoms by government and others and enabling citizens to participate in the political life of the nation. Examples of these rights include the right to life, the right to freedom of religion, the right to a fair trial, freedom of association, freedom of speech, etc. On the other hand, there are economic, social, and cultural rights, which constitute the object of this study. On its part, third-generation rights are collective rights that invoke the imperative solidarity of human co-existence.⁸ In order to better apprehend the topic, defining this concept of Economic, social and cultural rights and other related concepts becomes necessary.

(A) The conceptual framework of the study

The following concepts vital to the understanding of this study shall be examined in the following paragraphs.

1. The concepts of Economic and social rights

These economic, social, and cultural rights are first and foremost human rights. As opposed to civil and political rights, they are geared at ensuring equal access to economic, social, and cultural amenities needed to realize the full development of the human personality. Put differently, these rights are related to those conditions *sine qua nun*, which are necessary for the attainment of the fundamental and basic human needs which are indispensable for human existence. Notwithstanding that these rights are echoed in other International Human Rights regulations such as the Universal Declaration of Human Rights, among others, it is the International Covenant on Economic, Social, and Cultural Rights that entered into force on the 3rd of January 1976 that constitute the specialized international law regulating these

⁵ J.S Mill, *On Liberty*, Boston, Ticknor and Fields, 1863, p.145

⁶ S.M Liao, ‘Human Rights as Fundamental Conditions for a Good Life’ in R. Cruft, S.M Liao, M. Renzo (eds.), *Philosophical Foundations of Human Rights*, Oxford, Oxford University Press, 2015, p.79

⁷ These two categories are contained in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both Covenants were adopted by the UN General Assembly on December 16 1966, with the ICCPR in force from the 23rd day of March 1976 and the ICESCR in force from 3 January 1976. Together with the UDHR, they form the ‘International Bill of Human Rights’.

⁸ Bülent Algan, Rethinking “Third generation rights”, *Ankara Law Review*, Vol. 1 No. 1, (summer 2004), pp. 121-155

rights. Though without necessarily and explicitly defining what constitutes ESCR, it goes ahead to outline the various rights that fall under this concept. Its Articles 7 – 15 clearly spell out these rights, which include:

- The right to a just and favorable condition of work: this right is associated with fair wages and equal remuneration for work of equal value without any distinctions, safe and healthy working conditions, decent living for workers and their families, equal opportunity for promotion, rest/leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays, etc.;
- The right to social security and social insurance for all;
- The right to an adequate standard of living: this related to adequate food, clothing, and housing;
- The right to health, with emphasis laid on the reduction of stillbirth and infant mortality, industrial hygiene, prevention and treatment of epidemic, endemic, occupational and other diseases, availability of medical services and medical attention, etc.;
- The right to education, which should be manifested across free and compulsory primary education, availability and accessibility of institutions of learning, etc.;
- The right to good governance seen across good and participatory management and the fight against corruption and generalized/subjective inequalities;
- The right to a safe environment, etc.

Besides this international framework for the regulation of ESCRs, regional legal frameworks and structures also exist to this effect. This is the case with the African Union with its African Charter on Human and Peoples Rights, adopted in June 1981 and which effectively entered into force on October 21, 1986. Right from the Preamble of the Charter, the determination to promote and protect both civil and political, and economic, social, and cultural rights on the continent is expressly manifested in the following words:

“convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights ...”.

The African Charter in its Articles 15 to 18 and 21 goes further to define the content of

ESCRs, and which is not too different from those contained in the International Covenant cited above. This implies that countries that have ratified the International Covenant are bound by it. Also, African Countries that have ratified both legal instruments are equally bound by them; this is the case of this study's geographical domain of investigation, which is Cameroon.

From the above, it is glaringly clear that most if not all economic and social rights are positive in nature, as opposed to civil and political, which are predominantly negative. This is because while the concept of negative rights implies the noninterference of the State with individual interests, securing a general condition of free exercise of natural human faculties, the positive conception of rights presupposes an active and interventionist role of the State, thereby obligating States to act and provide services, money and other benefits necessary to the fulfillment of rights and freedoms.⁹

Albeit this division of negative and positive rights, or better still civil/political rights and ESCRs, are all interconnected, the reason why every human being is entitled to the enjoyment of all human rights since they are universal, indivisible, and interdependent, and interrelated.

As such, the risk of States not living up to expectation in the fulfillment of these rights evokes the exigencies of the promotion and protection of such rights.

2. The concept of protection

The concept of protection is an established part of international customary law. Its understanding enables comprehension of the forms of mechanisms and actions that the international system in general and national authorities, in particular, may undertake to address human rights violations within their respective competence¹⁰.

Atle Grahl-Madsen defines protection in the following words: *'The word 'protection' denotes measures of some kind or other taken by a subject of international law in order to safeguard or promote the integrity, rights, or interest of an individual. Protection may take many shapes. We may distinguish between internal protection ('the protection of the law') and external protection (diplomatic or consular protection...). Moreover, protection may be active or passive. Thus, if a government intercedes with another government for one of its citizens, we may speak of active or explicit protection. On the other hand, if the authorities of*

⁹ Lawrence David, "Positive versus Negative Rights: Which Should Prevail and Why?", JCCF, 2013, P.12

¹⁰ B.G Ramcharan, *The Concept and Present Status of the International Protection of Human Rights: Forty Years after the Universal Declaration*, Dordrecht, MartinusNijhoff Publishers, 1989, p.11

one State merely enable a person to refer to them and thereby get certain benefits from the authorities of another State, we may call it passive or implicit protection'.¹¹

On his part, Akermark, following an analysis propounded by Ramcharan, defines 'protection' as 'all activities ... to advance the realization of human rights, such as standard-setting, research, studies, educational activities, dissemination of information, advisory services as well as activities to deal with complaints of violation of human rights or with cases or situation of violation. Mechanisms for dealing with complaints...material assistance, fact-finding, conciliation, good offices, public statements and compensation'.¹²

It can therefore be deduced from the above definitions that the concept of 'protection' is understood as preventive, corrective, and compensatory mechanisms, which also takes account of the direct and indirect forms of protection—as such, situating Cameroon within the context of this study becomes very important.

3. The context of Cameroon

Located in the Central African sub-region, Cameroon is a country with about twenty-five million inhabitants. Like other third world and developing countries, the state of the economy of Cameroon is far from being the best; it is characterized by acute unemployment, poverty, corruption, amongst other impediments. The paradoxical situation here is that the country is blessed with all sorts of natural and human resources. Such a paradox can only be explained by a poor governance mechanism. In the midst of such a paradox, analysing the state of the protection of ESCRs in the country becomes an interesting center for research, hence the choice of this study.

(B) Statement of problem, Methodological framework, and Hypothesis of the study

As it shall be demonstrated below, Cameroon has signed and ratified a series of International and Regional legal instruments that guarantee the promotion and protection of human rights in general and economic, social, and cultural rights in particular. It should be recalled that all these legal instruments create negative and positive obligations, as the case may be, on member States. This further implies that the International and Regional responsibilities of these States can be engaged in the case of non-respect or non-implementation of such legally binding instruments. Cognizance of these exigencies, and mindful of the generalized economic and financial hardship that characterized this country, one begins to question her effectiveness and efficiency in the protection of economic and social rights. Put differently,

¹¹A. Grahl-Madsen, 'The Status of Refugees in International Law', Leiden, A.W. Sijthof, 1966, p 381

¹² A.S Akermark, *Justifications of Minority Protection in International Law*, Dordrecht, Martinus Nijhoff Publishers, 1996, p.51

the statement of problem can be formulated around the following question: how effective and efficient are the mechanisms put in place by the State of Cameroon in the protection of economic and social rights? Any attempt at answering the above question will necessitate a hybrid methodological approach.

Methodologically, the objectives of this study dictated the use of qualitative research techniques. In this regard, the legalistic/juridical analysis and archival research method were employed. This juridical analysis or the doctrinal research consisted principally of the library-based method, and which focused on reading and analyzing primary (such as the legislation and case law) and secondary materials. These materials included dictionaries, textbooks, human rights reports on Cameroon, journal articles, case digest, and legal encyclopedias.¹³ It involved the use of the archival research technique.

Using this juridical analysis, the fundamental rules and regulations instituting and governing the obligation to protect economic and social rights on the one hand, and the practical realities on the state of such protection, on the other hand, enabled the drawing of scientific conclusions leading to the construction of the hypothesis of the study.

As per this hypothesis, therefore, it became evident from the results of the study that notwithstanding the fact that a series of policies and mechanisms have been effectively put in place to protect economic and social rights in Cameroon, the efficiency of these mechanisms leaves much to be desired.

Based on this premise, therefore, the critical examination of the juridical protection mechanisms (2) and impediments to such moves (3) will precede the jurisdictional and quasi jurisdictional protection (4) of economic and social rights in Cameroon.

II. THE JURIDICAL PROTECTION OF ECONOMIC AND SOCIAL RIGHTS IN CAMEROON AND ITS STAKES AND CHALLENGES

To begin with, it should be recalled here that the International Covenant on Economic, social and cultural rights in general, and the African Charter on Humans and Peoples Rights in particular, constitute legally binding treaties on their members, and which under the rules of International Law, create legal obligations for States that ratify them. A holistic approach in the analysis of these treaties reveals that series of obligations have been imposed on the governments of member States.¹⁴ These obligations can be summarized into three folds:

¹³W. H. Chui, 'Quantitative Legal Research', in M. McConville & W. H Chui, *Research Methods for Law*, Edinburgh, Edinburgh University Press, 2007, p 47

¹⁴ See Articles 2, 3 & 4 of the International Covenant on Economic, Social and Cultural Rights, and Articles 25

- The obligation to respect, which entails that governments shall refrain from any action which infringes on economic, social, and cultural rights, or which prevents persons from satisfying these rights for themselves when they are able to do so;
- The obligation to fulfill by which governments are to ensure and realize the full enjoyment of these rights to persons within their jurisdictions; as such, a government that indulges into spending its resources unjustifiably, which are not aimed at the full realization of human rights are arguably violating their obligation to fulfill;
- The obligation to protect, by which governments must protect persons within their jurisdiction from violations of their economic, social, and cultural rights, by both State and non-State-actors, encompasses all the other obligations.¹⁵

Based on such obligations, States are obliged to live up to expectations, and among these States is Cameroon. Cameroon ratified the International Covenant on Economic, Social and Cultural Rights, and the African Charter on Humans and Peoples Rights on June 27, 1984 and June 20, 1989 respectively. Consequently, she has since then taken both positive and negative measures to uphold her international obligations and protect economic and social rights within her jurisdiction. These are seen across the enhancement of the legal framework for the enforcement and protection of such rights on the one hand.

The legal framework in every State is translated through the structure of its legal norms. Following the logic propounded and substantiated by the famous Jurist Hans Kelsen, these legal norms in every State are structured in a hierarchical manner, with the Constitution taking preference over duly ratified international treaties and legislative enactments. Without being an exception, Cameroon's legal structure respects such hierarchical logic, and it is through the analysis of its constitution, duly ratified treaties and legislative enactments that an appreciation can be made as to its legal protection of economic and social rights.

(A) The constitutionalization of the protection of economic and social rights in Cameroon

Previous constitutions of Cameroon with their subsequent amendments; be it that of 1960, 1961, or 1972 had always incorporated civil and political human rights exigencies either into their respective Preamble or body, while declaring their attachment to the respect of duly ratified international human rights instruments. However, the 1996 modifications of the 1972 constitution went a step further, transcending the limits of the traditional first generational

& 26 of the African Charter on Humans and Peoples Rights.

¹⁵See Amnesty International, Economic, Social and Cultural Rights: Questions and Answers, http://www.amnestyusa.org/pdfs/escr_qa.pdf

rights (civil and political rights), to consecrate the second and third generational rights among which are economic and social rights.

The Preamble of this 1972 Constitution as amended in 1996, apart from declaring its attachment to the respect of duly ratified international human rights instrument, announces a series of human rights which rightfully fall under the second and third generational rights. It is to this effect that it stipulates:

“ We, the people of Cameroon, Resolved to harness our natural resources in order to ensure the well-being of every citizen without discrimination, by raising living standards, proclaim our right to development as well as our determination to devote all our efforts to that end ...”

“...Affirm our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of United Nations and the African Charter on Human and Peoples' Rights, and all duly ratified international conventions relating thereto, in particular, to the following principles:

...

the Nation shall protect and promote the family which is the natural foundation of human society. It shall protect women, the young, the elderly and the disabled;

the State shall guarantee the child's right to education. Primary education shall be compulsory. The organization and supervision of education at all levels shall be the bounden duty of the State;

ownership shall mean the right guaranteed every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and subject to the payment of compensation under conditions determined by law;

the right of ownership may not be exercised in violation of the public interest or in such a way as to be prejudicial to the security, freedom, existence or property of other persons;

every person shall have a right to a healthy environment. The protection of the environment shall be the duty of every citizen. The State shall ensure the protection and improvement of the environment; every person shall have the right and the obligation to work; ...”

The Preamble goes further to conclude by generating the responsibility and obligation of the State in relation to the enforcement and protection of these rights in the following words:

“...the State shall guarantee all citizens of either sex the rights and freedoms set forth in the Preamble of the Constitution”.

These rights have been given further boost through the incorporation of the Preamble as an integral part of the Constitution as per Article 65 which states that “*The Preamble shall be part and parcel of this Constitution*”, implying that they are now justiciable, as opposed to what obtained in previous constitutions. This further implies that every legislative enactment and State’s actions must be in conformity with the letter and spirit of this Preamble and the constitution, without which it will be null and void¹⁶. This applies same to duly ratified international instruments in this domain.

(B) The ratification of International and Regional legal Instruments on Economic and Social Rights by the State of Cameroon

Apart from the International Covenant on Economic, social and cultural Rights, and the African Charter on Humans and Peoples Rights cited above already, and their respective additional protocols and observations, Cameroon has also ratified other innumerable human rights instruments both at the International and Regional levels, touching on various aspects of economic and social rights. The Universal Declaration of Human Rights of 1948, the World Health Organization’s convention on anti – tobacco fight of 2003, the Abuja Declaration on “roll back malaria” of 2000, the Convention on the fight against discrimination in the domain of Education of 1960, the UNESCO Charter, the Directives of the Economic and Monetary Community for Central African States (CEMAC) on Education and professional training, the Universal Declaration on the Elimination of Hunger and Malnutrition, the United Nations Millennium Declaration of 2000, etc., are just but a few.

The fact that the constitution solemnly affirms its attachment to these international instruments implies that they form part of the corpus of rights legislation and take precedent over national laws as per Article 45 of the said constitution which declares that “*Duly approved or ratified treaties and international agreements shall, following the publication, override national laws, provided the other party implements the said treaty or agreement*”. Thus, all national legislations and acts of the State’s administration ought to conform to them. It also implies that individuals can also rely on them to have the Courts and other legal institutions enforce their rights.

(C) Abundance of legislative enactments and regulations in the protection of Economic and Social Rights in Cameroon

In application of the above constitutional dispositions and duly ratified international

¹⁶ This is per Article 46 of the Constitution on the creation of the Constitutional Council: “The Constitutional Council shall have jurisdiction in matters pertaining to the Constitution. It shall rule on the constitutionality of laws...”

instruments, Cameroon has endorsed itself with a series of laws and regulations that regulate the enjoyment of economic and social rights as to what concerns people, and the provision of such amenities on the part of the government. These laws and regulations cut across the entire economic and social rights domains such as labor and employment (labor code of 1995), health, education, the family, etc.. It is as such that the Cameroon penal law is categorically hard on violence against women.eg rape, violence to women with a child, abortion, kidnapping, child trafficking, child slavery or any form of slavery etc, protection of proprietary interest of all citizens and non citizen resident in Cameroon, protection of the homes and the secrecy of human body, etc.

However, this study has opted to lay emphasis on laws and regulations bearing on the financial life of the State. This option has been chosen based on the cardinal and indispensable position State finances occupy, and the role it plays in the realization of economic and social rights. As seen earlier, apart from the role to respect and protect economic and social rights, the State also has the responsibility which can be qualified as the paramount, to fulfill the realization of the amenities needed in the enjoyment of these rights. This generates a positive obligation on the part of the government, which obligations can only be met through the mobilization of public revenue and public spending. The realization of such a paramount role is dependent mostly on the available financial resources at the disposal of the State, and how she employs such resources in an efficient manner so as to attain the previewed objectives. This implies that the mobilization of these natural and financial resources, and the manner in which they are utilized, greatly condition the realization of economic and social rights. Little wonder therefore that the Constitution starts off by affirming that the people of Cameroon have *'resolved to harness their natural resources in order to ensure the well-being of every citizen without discrimination, by raising living standards, proclaim their right to development as well as their determination to devote all their efforts to that end'*¹⁷.

Even on the international plan, finances have been considered central in the attainment of global international development. From the United Nations Millennium Development Goals in the 2000s to the post 2015 Sustainable Development Goals agenda, the mobilization of financial resources and how they are efficiently spent, constitutes the pivot and central problematic for the attainment of the set goals.

It was therefore against this backdrop that Cameroon took the option to modernize its public

¹⁷ See the Preamble of the 1996 Constitution

finance mechanisms so as to ensure the attainment of economic and social objectives amongst others. This was done through the enactment of Law n° 2007/006 of 16 December 2007 bearing on the Financial Regime of the State of Cameroon. This law introduces and reinforces the notion financial governance, through the institutionalization of the performance and quality exigencies in the management of public finances; that is in the mobilization and spending of State finances. As such, the mobilization, management and control of public spending as a dynamic notion has a unique objective which is its proper and regular management within the administrative culture of available means.

Before now, the realization of this objective was only through the respect of regularity; that is, verifying the regularity and conformity of public expenditures' procedures, which could either be formal or substantial. But with the introduction of this law, this objective goes beyond regularity exigencies and embraces both performance, quantitative and qualitative management of public spending¹⁸, thereby giving rise to the concept of "New Financial Governance".

Such novelties of performance and quality management contained in this law have far reaching consequences on the realization of economic and social rights. This is so because an effective, efficient and performant mobilization of financial resources implies putting sufficient financial resources at the disposal of the State which she may eventually use to satisfy human economic and social rights on the one hand. On the other hand, the quality realization of such amenities will sustain their positive impact.

In sum, notwithstanding such a reinforced legal framework for the protection of economic and social rights in Cameroon, the objective is far from being met, due to certain stakes and challenges. These are seen across natural and human impediments which constantly jeopardizes the attainment of such objectives.

III. THE PROBLEMATIC SURROUNDING THE PROTECTION OF ECONOMIC AND SOCIAL RIGHTS IN CAMEROON

The proliferation of legal norms, be they constitutional, national or international in the protection of economic and social rights in Cameroon and elsewhere is necessary, but not self-sufficient in the efficient protection of such rights. Put differently, norms and legislation alone are not enough to make rights materialize. This is due to the fact that a number of stakes and challenges continue to compromise and jeopardize the effective and efficient exploitation of the legal framework in place. These stakes and challenges are seen across

¹⁸SEGUIN (P.), *Les Juridictions Financières dans la Modernisation de la Gestion Publique*, RFDA, 2007 P.437.

impediments such as poverty, corruption, mismanagement, embezzlement, etc. This is to say that equality-oriented comprehensive social policy and good governance are the necessary instruments for creating enabling environments for people to savor their economic and social rights. It therefore becomes necessary and important to situate these concepts, while demonstrating how they impede the realization of economic and social rights in Cameroon.

(A) Poverty as an impediment to the realization of economic and social rights in Cameroon

It should be clarified at the outset that there is little agreement on a standard universal definition of poverty. However, there is a certain degree of unanimity on the co-existence of relative and absolute poverty. It may sound very easy to describe absolute poverty from its extremity and seriousness, and relative poverty as an unacceptable distance from the average or median¹⁹; however, the problematic and complexity in defining both persist. Reason why already in 1776 Adam Smith thought that the minimum publicly perceived acceptable level of “necessaries” even for “the poorest creditable person” must have tended to vary and change. In those days, it was a linen shirt in Europe - and leather shoes in England. Now it is no doubt a mobile phone²⁰. This notwithstanding, different approaches have been adopted in an attempt to define poverty:

The Income approach or better still, Income poverty refers to incomes below a “minimum subsistence” or 50% or 60% below the median. The World Bank “absolute” poverty level is based on minimum incomes needed for basic necessities in a number of low-income developing countries. It is equivalent to 1.25 USD per day. In the European Union, relative poverty is defined as 60% of the median income. The OECD uses the threshold of 50%.

Per the Basic needs approach, Poverty is scarcity of resources and opportunities to satisfy basic needs: The ILO introduced the “basic needs” concept in the 1970s and 1980s. This concept allowed for taking into account the availability in the community of public goods and services when defining and assessing poverty. The Bristol Study (2003) on basic needs deprivation in developing countries used this concept in defining the various levels of multidimensional poverty.²¹ UNICEF has since applied and further developed this multidimensional concept for measuring and describing poverty and deprivation of children.

¹⁹ United Nations, 1995. Report of the World Summit for Social Development [online] Available at <http://www.un.org/documents/ga/conf166/aconf166-9.htm>

²⁰ Office of UN Commission for Human Rights, What poverty is, <https://www.thl.fi/documents/189940/263914/WHAT+POVERTY+IS.pdf>

²¹ Peter Townsend: What is Poverty. A Historical Perspective. <http://www.ipcundp.org/pub/IPC Poverty In Focus us9.pdf> in UNDP International Poverty Centre Poverty in Focus (Dec 2005). What is Poverty? Concept and Measures [online] Available at <http://www.ipc-undp.org/pub/IPC Poverty In Focus9.pdf>

Poverty is described by measuring a number of individual and household level resources children need and have a right to in order to grow and develop.²²

On its part, capabilities approach sees the interrelationship between poverty and deprivation which are a lack of prerequisites for self-determined life, “lack of capabilities” to manage one’s life. Capabilities are means for achieving good life, to avoid and escape from deprivations, and to realize one’s potential. Development is a widening of choices, development is freedom, as characterized by Amartya Sen.²³ Capabilities refer to both external resources and options and human capital embedded in the person her/himself.²⁴

Also, the Wellbeing approach affirms poverty is the flipside of well-being, it is bad life, it is ill-being. Poverty is seen as a multidimensional lack of resources and conditions to achieve satisfaction of physical, social and psychological or self-actualization needs. The Finnish sociologist Erik Allardt (in the 1970s) referred to these dimensions of well-being as “Having”, “Loving” and “Being”. Well-being is a product – not a sum – of these components.

The Inequality approach defines poverty as a process. Its essential root causes are embedded in inequality, insecurity, vulnerability, discrimination and exclusion. Thus the ways to attack poverty are related to more equal opportunities, decent work, economic and social security, non-discrimination, empowerment and making social and economic institutions, more fair and accountable.²⁵

Finally, the Human Rights Based Approach considers Poverty as a violation of basic rights and fundamental freedoms. It is a multidimensional and comprehensive perspective. The human rights approach anchors the criteria for poverty and deprivation into the non-attainment of universally agreed, unalienable human rights standards and principles as the ultimate benchmark to be attained for all.

Generally, irrespective of which approach is adopted, they all have a common consequence which is that of compromising the realization of human rights in general and economic and social rights in particular, be it at the individual or State levels. This is so because they both lead to: lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic

²² Summarized by Sabina Akire, 2002. Dimensions of Human Development. *World Development*. 30 (2), pp 181-205 [online] Available at <http://www.sciencedirect.com/science/article/pii/S0305750X01001097>

²³ Amartya Sen, 2001. *Development as Freedom* New York: Alfred A Knopf; See also UNDP Human Development Report 1990. <http://hdr.undp.org/en/reports/global/hdr1990/>

²⁴ http://wdonline.worldbank.org/worldbank/a/c.html/world_development_report_2000_2001/abstract/WB.0-1952-1129-4.abstract

²⁵ World Bank, 2006 *World Development Report 2006: Equity and Development* [online] Available at <http://go.worldbank.org/UWYLBR43C0>

services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; social discrimination and exclusion; etc.

Cameroon is not exempted from such poverty state, irrespective of which approach is taken into consideration. It was as such that a World Bank 2014 statistics established that 48% of Cameroon's population was living below the poverty line.²⁶ The paradox here is that amidst such poverty, Cameroon is endowed with immense natural resources and agricultural potentials. As Annette Mogoum puts it, *“Cameroon has several assets to help it achieve economic growth. It's for good reason that the country is sometimes called “Miniature Africa”, due to the rich diversity of its soil, climate, relief, demography, fauna, flora and natural resources. With incredible potential (the second in Africa, just behind the Democratic Republic of Congo), one could say that Cameroon has enough comparative advantages to promote a thriving economy, with the help of its subsoil. Each component in its geography constitutes an important lever to promote its development and economic growth.*

The Cameroonian subsoil is densely rich and in harmony with the prospect of a sustainable development. The Lomié deposit of nickel-cobalt-manganese has reserves valued at 54.7 million tons in the Nkamouna reserve. The partial reserves of iron ore in Mbalam are evaluated to be 200 million tones of rich iron and 1.2 billion of poor iron. The bauxite deposit of Minim-Martap and Ngaoundal has more than a billion tones of reserves. There are also the diamond deposits in Mobilong, uranium in Poli and rutile in Akonolinga, which are, respectively, estimated to be 750 million carats, 13125 tones and 3 million tones. (Les Atouts Economiques du Cameroun, ed. 2012, 147 ff)”²⁷.

As such, the answer to the question why Cameroon is unable to eradicate or at least alleviate poverty and attain a higher level of the realization of economic and social rights should be searched for elsewhere, maybe in other factors such as corruption, mismanagement and embezzlement.

(B) Corruption: a handicap for the realization of economic and social rights

Corruption under sections 134 and 134 (a) of the Penal code of Cameroon is considered as follows: « Any public servant or government employee who for himself or for a third party solicits, accepts or receives any offer, promise, gift or present in order to perform, refrain from performing or postpone any act of his office» or who receives any reward «as remuneration for having already performed or refrained from any such act» shall be punished.

²⁶ <http://www.indexmundi.com/g/r.aspx?c=cm&v=69>

²⁷ Annette Mogoum, Cameroon: Exploring natural resource potential in achieving the dream of an emergent economy, <http://www.africafiles.org/article.asp?ID=27867>

The corrupter who is also punishable under section 134 (a) is any person who illakes promises, offers, gifts and presents in order to obtain either the performance, postponement or abstention from an act.

Corruption is the violation of the obligations of probity, fidelity and impartiality in the exercise of a public service, to the detriment of the user. Corruption is said to have taken place when an individual is paid to perform or refrain from performing his duty either with gifts, promises or presents; corruption is also deemed to have occurred when an individual pays a compliant professional to do his work or to refrain from doing so. Corruption has also been considered as the result of a conscious act generally for money, performed outside legal, social and moral or spiritual norms: the corrupter and the corrupted violate these norms in a pre- meditated manner for their own concrete or abstract interests. Corruption is legally, morally and socially condemned because it is a denial of the constitutional or legal principles of the equality of citizens in rights and duties, of the free rendering of public services, of the promotion of the right to property and of the subjection of public employees to the law and not the reverse, thereby compromising the realization of economic and social rights. Cameroon has for a long time been grounded by corruption until she was once classified as the most corrupt country in the world on two different occasions by Transparency International.²⁸

(C) Financial and Administrative Mismanagement and Misappropriation: obstacles to the enjoyment of economic and social rights in Cameroon

Mismanagement and misappropriation are determinant concepts insofar as the efficient and quality management of administrative and financial life of the State is concerned.

Mismanagement entails a moral or conventional obligation, infraction and or negligence having as consequence material, pecuniary and/or moral damage. The legal dictionary on its part regards it as the moral element of an unintentional infraction which consists of imprudence, negligence, none and/or partial respect of laws and regulations by a public agent in the realization of its missions, functions, competences as well as powers and means put at his disposal. It can also be the deliberate violation of a specific legal obligation²⁹.

The above elements point to the fact that mismanagement can either be an object of pecuniary or privative sanction. Its magnitude is justified from the fact that the art of management is to manage, control, coordinate and make the optimal utilization of resources

²⁸ For more on this see Pierre TITI NWEL, *Corruption in Cameroon*, FRIEDRICH-EBERT –STIFTUNG, June 1999, p. 15-50

²⁹ Raymond Guillien, Jean Vincent, *Lexique des termes juridiques*, Dalloz, 13^e édition, p.258.

with maximum efficiency in order to achieve defined common goals. Therefore, in many places there exists a problem where management is unable to practice the morals and methods necessary for the attainment of such goals; thus, in order to be successful, mismanagement should be avoided, and regularity ensured. The violation of such obligation can therefore engage the civil and pecuniary responsibility of the Stakeholders. This may not actually be the case with misappropriation.

On the legal plan, misappropriation is defined as the intentional, illegal use of the property or funds of another person for one's own use or other unauthorized purpose, particularly by a public official, a trustee of a trust, an executor or administrator of a dead person's estate, or by any person with a responsibility to care for and protect another's assets (*a fiduciary duty*). In most cases, it is a felony; a crime punishable by a prison sentence.³⁰ Within this context, the public official who intentionally and illegally uses public funds and property as such will see its responsibility engaged on the penal plan due to that intentional element which is indispensable in every penal qualification.

Notwithstanding the sanctions that go with acts of mismanagement and misappropriation, the situation is alarming in Cameroon, with prejudices on the State ranging in terms of Billions of Dollars. These are most often characterized by irregularities. These irregularities and acts of mismanagement include: violation of status or internal regulation of the establishment; engagement of expenditures not authorised by the statutory competent organ; by passing of credit allocated by the statutory competent organ; deliberate engagement of the enterprise in ruinous operations or in disproportion to its means; irregular handling or absence of account; contracts awarded without calling for competition or with companies in financial difficulties; the refusal by the account auditor to communicate the above mentioned irregularities to the competent authority;³¹ etc.

All these leave the State with insufficient financial resources to realize public and social goods and services for the enjoyment of economic and social rights in Cameroon, and also put the quality of those goods and services effectively realized to question. This justify why the Cameroon government has laid greater emphasis on jurisdictional and quasi jurisdictional institutions in the eradication of such financial and administrative ills, and by extension, in the protection of economic and social rights in Cameroon.

³⁰<http://legal-dictionary.thefreedictionary.com/misappropriation>. see also article 318 of the Cameroon penal code. (Accessed on 20/05/2016)

³¹ See Primus SHIECHUENO, The Budget and Finance Disciplinary Board and the Control of the Execution of Public Expenditures in Cameroon, Masters Thesis, Department of Internal Public Law, University of Yaounde II-Soa, 2012, p. 20-35

IV. JURISDICTIONAL AND QUASI-JURISDICTIONAL PROTECTION OF ECONOMIC AND SOCIAL RIGHTS IN CAMEROON: MORE OF AN INDIRECT MECHANISM

Cognizance of the prevailing impediments to the realization and enjoyment of economic and social rights, the role of the jurisdictions and other quasi-judicial organs becomes very important. However, the extent to which they play this role efficiently is quite another problematic reserved for some other study.

The jurisdictions or judicial power in Cameroon as per Article 37(2)³² of the 1996 Constitution is incarnated by the Supreme Court, Courts of Appeal and Tribunals. But apart from these ordinary courts, there are other special and/or exceptional courts that also contribute in the rendering of justice. These may include the Special Criminal Tribunal, the Constitutional Council, etc. All these institutions contribute or ought to contribute in one way or the other in the protection of economic and social rights in Cameroon.

Also, and still in her quest to eliminate these obstacles that impede the realization of these rights, the State has gone further to create quasi-judicial structures, prominent among which is the Budget and Finance Disciplinary Council (BFDC). Their respective roles and contributions to that effect merit some elucidation.

(A) Jurisdictional protection of Economic and social rights

Talking about the jurisdictional protection, and mindful of the fact that these rights are constitutionally consecrated, the first expectation here would be to see the role of the Constitutional court and what interpretation it gives to these rights. Going by the 1996 constitution still, the creation of a Constitutional Council to control the constitutionality of laws, electoral disputes and the relation between the basic institutions and different regional structures of the State, has been envisaged in its Articles 46-52. However, 26 years after this 1996 constitutional amendments, the Constitutional Council has remained on paper and yet to go functional. This is really a thing to be decried as its existence could imply giving an appropriate interpretation to these rights and ruling on their justiciability.

All these notwithstanding, even if this constitutional court were to go functional under the current legal dispensation, enormous doubts would still persist as to its effectiveness and efficiency in the protection of economic and social rights considering the fact that the power to seize this court is not given to ordinary or individual citizens, but rather limited to a

³² This article states: "Judicial power shall be exercised by the Supreme Court, Courts of Appeal and Tribunals..."

number of political authorities³³, whereas economic and social rights are more of individual rights.

This is further compounded by the fact that the envisaged constitutional review in Cameroon is the centralized system, implying that no other jurisdiction apart from the Constitutional Council can review the constitutionality of laws and government acts. More still, a detailed analysis of envisaged competence of the court³⁴ leaves one with the impression that everything or main focus is tilted towards the protection of civil and political rights, to the detriment of economic and social rights. Judging from this, one is tempted to conclude that the actual legal dispensation would not guarantee the constitutional justiciability of economic and social rights in Cameroon.

On their part, the ordinary law jurisdictions which are hierarchically crowned by the Supreme Court, either directly or indirectly protect economic and social rights in Cameroon. Besides the fact that it is empowered to judge *inter alia* litigations touching on economic and social rights - related matters such as labor, land, property, employment, etc, pitting individuals/individuals and individuals/State (through the Administrative Bench attached to the Supreme Court and other Regional Administrative Tribunal), the Supreme Court is further constitutionally empowered to act in the place of the Constitutional Council pending the putting in place of the latter.³⁵ As mentioned earlier on, this dual role of the Supreme Court enables it to either directly and/or indirectly rules on issues related or bearing on economic and social rights. A few of its judgments can attempt an illustration to that effect:

In the Supreme Court Decision No. 45 of 22/02/1973, between BINDZI OMGBA CLEMENT and Madam MEWOLI JUSTINE³⁶, and relying on the rights and guarantees of the preamble of the Constitution, the judge declared that a married woman's rights among other male children to inherit her share of her late father's property are not negotiable; he continues that the customs evoked as defense to promoting sex discrimination are not

³³ Article 47(2): "Matters may be referred to the Constitutional Council by the President of the Republic, the President of the National Assembly, the President of the Senate, one-third of the members of the National Assembly or one-third of the Senators. Presidents of regional executives may refer matters to the Constitutional Council whenever the interests of their Regions are at stake."

³⁴ Article 48: "(1) The Constitutional Council shall ensure the regularity of presidential elections, parliamentary elections and referendum operations. It shall proclaim the results thereof. (2) Any challenges in respect of the regularity of one of the elections provided for in the preceding paragraph may be brought before the Constitutional Council by any candidate, political party that participated in the election in the constituency concerned or any person acting as Government agent at the election. (3) Any challenges in respect of the regularity of a referendum may be referred to the Constitutional Council by the President of the Republic, the President of the National Assembly, the President of the Senate, one-third of the members of the National Assembly or one-third of the Senators."

³⁵ Article 67(4): "The Supreme Court shall perform the duties of the Constitutional Court until the latter is set up".

³⁶ Francois Anoukaha, *Les grandes decisions de la jurisprudence civile camerounaise*, ed. 2008, p. 530

tolerated and are watered down by the fundamental laws of the land. By so citing, the judge upheld the decisions of the trial court, thereby rejecting the appeal of the appellant;

Supreme Court Decision No 2/L of 29/10/1998, between SINTCHEU ISAIC and MAFOWA (not reported)³⁷: In the above case the issue at stake was to determine natural filiation, i.e. the search for paternity by the appellant and the only proof was concubinage with the mother of the child for a long time. No dowry had been paid, no paternal responsibility vis-à-vis the child or the mother. The judges intimated that paternity isn't dependent only on blood relationship between father and son, but on moral responsibility toward the child, mother and mother's family. This implies that women are not pieces of wood or object to be used and misused, and as such consecrate the protection of the family, the child and the right of women;

Supreme Court Decision No 138/L of 06/06/1967, between EDING AUGUSTIN and NGO BINEKI BERTHE (Not Reported)³⁸ : In this matrimonial regime case, the legal issue that arose from the trial court through the Littoral appeal court to the supreme court was whether a woman who exercises a different professional activity from that of the husband, should, upon sharing their properties after divorce, be given all the properties she acquired through her professional activity during the marriage? The appeal court upheld the question in affirmative that she was free to keep it, citing section 14 of the law of 7th July, 1966 relative to a woman who chooses to exercise a separate job and acquires her wealth. This shows that property right which is very central in the realization of economic and social rights is highly protected especially when it comes to gender issues.

Besides these, the Supreme Court and its inferior courts, and most recently the Special Criminal Tribunal have also been proceeding with the indirect protection of these rights by sanctioning perpetrators of impediments to their realization.³⁹

Put in a nutshell, the current constitutional dispensation falls short of concrete ambitions to give economic and social rights the necessary security that it deserves, by making them justiciable. This is so because the constitution does not go far enough to clearly define what constitutes specific economic and social rights, and has not laid down specific enforcement

³⁷ Ibid. P. 130

³⁸ Ibid. p. 374

³⁹ See The Report of the Ministry of Justice on the state of Human Rights in Cameroon, 2009, p. 148 et seq.: "*In the 2009 judicial year, the determination to ensure proper management of public affairs was translated by the judicial proceedings instituted against authors of misappropriation of public funds in the different social classes of public and semi-public enterprises. Thus, at the High Court, Mfoundi alone, preliminary inquiries were opened for forty-nine (49) cases of misappropriation of public funds, sixtyfour (64) are pending hearing and determination, thirty-one (31) judgments have been delivered sixteen (16) of which have been appealed against and one (1) challenged...*"

procedures which would have included a statutory designation of jurisdiction for entertaining human rights cases in general and economic and social rights cases in particular. As such, litigants are left in an unexplainable confusion and in constant interpretative search for the appropriate jurisdiction from the judicial organization of the State. This therefore implies that the effective and efficient justiciability of economic and social rights in Cameroon remains a major preoccupation that needs to be addressed. Such moves, added to the quasi jurisdictional mechanism may go a long way to redress the situation.

(B) Quasi jurisdictional protection of economic and social rights in Cameroon

This quasi jurisdictional protection of economic and social rights in Cameroon is translated through the creation, organization and functioning of the Budget and Finance Disciplinary Council. Created in 1997 and lastly reorganized in 2008⁴⁰, it is charged with judging and sanctioning vote holders, credit Administrators and managers, guilty of irregularities and acts of mismanagement in the exercise of their duties⁴¹.

The new financial regime of 2007 in Cameroon has orchestrated an evolution in the role attributed to this organ. This is thanks to the incorporation of the new financial governance exigencies as remedy to the perpetual crises of public revenue mobilization and spending, comprising of a set of measures, rules and principles geared towards the amelioration of the productivity of public revenue and expenditure. Away from the classical principle of the regularity and conformity of public finance which are based on the strict respect of laws and regulations, it further imposes the exigencies of performance and quality in the execution process as new principles which are based on the attainment of envisaged results.

These principles further evoke the necessity of envisaging *effectiveness*, *efficiency* and *economy* in the execution of State budgets. While *economy* militates in favor of the attainment of the objectives with little means; that is, the acquisition of financial, human and material resources in quality and quantity, at the lowest cost possible and within a reasonable time period, *efficiency* envisages the achievement of the highest output or profit from a given set of resources. *Effectiveness* on its part seeks to attain the highest level of the defined results. This also signifies that with the inclusion of performance, there exists henceforth the obligation of results. The absence of such results can therefore engage the managerial responsibility of credit administrators and managers, hence the role of the BFDC⁴².

⁴⁰Decree n° 2008/028 of 17 Jan. 2008.

⁴¹Decree n° 2008/028 of 17 jan.2008 on the organisation and functioning of the CDBF, article 2(1)

⁴² The Board has as competence, to “judge” as “*Authors*”, “*de jure*” and “*de facto*”⁴² Vote holders, credit administrators and managers of public fund patterning to either the State, decentralised territorial services and

On its part, the quasi jurisdictional status is justified by the fact the competence, procedure and decisions of the Council respect the principal jurisdictional principles which are contradiction, right to defence, right to appeal, equity, presumption of innocence amongst others. With such reminiscence, one can be tempted to even consider the BFDC as a Financial Jurisdiction.

In all, this new governance exigencies and the role of the Council is geared at maximizing the utilization of State financial resources to the benefit of all, and by so doing, it will indirectly go a long way to enhance economic growth, economic development and consequently the standard of living and the realization of economic and social rights. Little wonder therefore that the 2009 human rights report of the Ministry of Justice in Cameroon treats this role of the BFDC under economic and social rights.⁴³ Based on this dual role, the Council has been able to contribute in the curbing of impediments in the realization of economic and social rights in Cameroon as exemplified in a series of its Decisions.⁴⁴

public and Para public enterprises; guilty of irregularities and acts of mismanagement in the exercise of their functions. Also, article 4 states that the responsibility of the agent is only consumed if and only if the expenditure in question was subjected to the procedure of engagement slip, and or except guilty of fraudulent acts to enable him escape from control.

⁴³ Op.cit. p. 150

⁴⁴ Decision n°00015/D/PR/SG/CONSUPE/CDBF/SP/SGSAS of December 09, 2008 relative to the sanctioning of Professor Magloire BIWOLE SIDA, Manager of the Yaounde Central Hospital, Decision n° 00016/D/PR/SG/CONSUPE/CDBF/SP/SGSAS of December 09, 2008 relative to the sanctioning of M. Dominique OBOUNOU AKONG, ex-Manager of the Yaounde Central Hospital, Decision n°00013/D/PR/SG/CONSUPE/CDBF/SP/SGSAS of February 18 2009 sanctioning Professeur MENDO ZE Gervais, ex General Manager of the CRTV., Decision n°00013/D/PR/SG/CONSUPE/CDBF/SP/SGSAS of November 11, 2011 relative to the sanctions inflicted on M. HAMADOU EVELE, ex-General Manager of SEMRY., Decision n°0004/D/PR/SG/CONSUPE/CDBF/SP/SGSAS of April 25, 2011 sanctioned M. MBIAN NGOMEZO'O Etienne, ex- Director of general affairs at the Ministry of Public Works., Decision n°0007/D/PR/SG/CONSUPE/CDBF/SP/SGSAS of September 3, 2008 sanctioning M. WILLAY Richard, ex-President of the Commission for the attribution of public contracts at the Ministry of Basic Education, Decision n°0053/D/PR/SG/CONSUPE/CDBF/SP/SGSAS of November 27, 2008 sanctioning M. MVONDO NYINA Barthélemy, General Secretary of the National Commission of the UNESCO at the Ministry of Basic Education., Decision n°0001/D/PR/SG/CONSUPE/CDBF/SP/SGSAS of January 26 2009 sanctioned M. HAMADOU SAMBO, ex-Paymaster General for the Yaounde Treasury., Decision n°0025/D/PR/SG/CONSUPE/CDBF/SP/SGSAS/BSAS of October 14, 2009, established the guilt of M. NGAMO HAMANI Paul – Gabriel, ex-Temporal Administrator of the then Cameroon Airlines., Decision n°0009/D/PR/SG/CONSUPE/CDBF/SP/SGSAS/BSAS of June 11, 2012 found M. NDOUNDOUMOU Jean Jacque, General Manager of the Public Contracts Regulatory Agency., Decision n°00021/D/PR/SG/CONSUPE/CDBF/SP/SGSAS/BSAS of November 13, 2009, sanctioning the responsibilities of NGUINI EFFA Jean Baptiste de la Salle, General Manager of SCDP, Decision n°00013/D/PR/SG/CONSUPE/CDBF/SP/SGSAS/BSAS of January 15, 2009 sanctioning Madame MELONE Née ENAM Patricia Daisy, ex-Sub Director for Finance at the CRTV., Decision n°00018/D/PR/SG/CONSUPE/CDBF/SP/SGSAS/BSAS of June 13, 2012 concerning the management and the responsibility of the Head of Service for planning at the Limbe City Council., Decision n°00010/D/PR/SG/CONSUPE/CDBF/SP/SGSAS/BSAS of June 11, 2012 relative to sanctions inflicted on TABI MANGA Jean, Rector of the University of Yaounde II – Soa., Decision n°00011/D/PR/SG/CONSUPE/CDBF/SP/SGSAS/BSAS of June 11, 2012 relative to sanctions inflicted on BOKALI Emmanuel, Dean of the Faculty of laws and Political Science of the University of Yaounde II. Decision n°00012/D/PR/SG/CONSUPE/CDBF/SP/SGSAS/BSAS of June 11, 2012 sanctioning the Dean of the Faculty of Economics and Management Sciences of the University of Yaounde II – Soa., Decision n°

Decisions of the Budgetary and Finance Disciplinary Council Delivered from 2009 to 2012

V. CONCLUSION

Conclusively, it can be deduced from the above analysis that there is the legal and constitutional consecration of the guarantee and protection of economic and social rights in Cameroon. However, the jurisdictional and extra jurisdictional enforcement of these rights still suffers a number deficiency which needs to be addressed.

These deficiencies or obstacles notwithstanding, one is still tempted to believe that greatest problematic associated with Economic and Social rights in Cameroon is that of the constitutional enforcement of these rights. Not only are they vaguely and ambiguously defined in the Preamble of the Constitution, there is also the quasi absence of effective and efficient mechanisms of their application and enforcement as stated earlier. Such mechanisms could have permitted a better appreciation of the substance of such vague rights; an absence which puts to question the constitutional justiciability of the rights.

Such state of affairs with regards to economic and social rights may be partly justified by the nature of the political climate and “State of law” that reigns in the Country. In effect, since the accession to independence in 1960, Cameroon is still to experience a non or less contestable democracy; reason why it has witnessed just one regime since then, with two Presidents of the Republic, notwithstanding the plurality of political parties that keep crying foul and constantly being subjected to repression at the least manifestation. Some critics have even been quick to conclude that Cameroon is under a “liberal dictatorial regime”, which compromises democratic principles so as to maintain its grip on power.

Considering the interconnectedness that exist between both political, civil, economic, social and cultural rights on the one hand, and mindful of the fact that their effective and efficient realization depends largely on the respect of democratic principles and the “state of law” on the other hand, it can be affirmed that an overhaul of the political system seems an indispensable prerequisite for the enhancement of the realization of human rights in general and Economic and social rights in particular.

0009/D/PR/SG/CONSUPE/CDBF/SP/SGSAS of 22 July 2011 sanctioning acts of mismanagement committed by CHEMUTA Divine BANDA, Chairman of the National Commission for Human rights and Freedom. For a detail analysis of the various decision of BFDC and its role, see also Primus SHIECHUENO, *The BFDC and the control of the execution of public expenditures in Cameroon*, op.cit.

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