

Contribution to the Study of Quality Management Assurance in Africa Institutional and Legal Aspects: A Case Study of the Cameroon Public Administration

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INTRODUCTION

The concept of public administration can be subject to several interpretations. Besides the organic interpretation that considers the public administration as the set of personnel of the administration (be them public servants or civil servants¹); there is formal interpretation, which regards this concept as the legal regime applicable to the different animators of the public administration.² However, the material interpretation remains the most concrete and widely used. According to this interpretation, public administration simply means permanent participation and in a professional capacity to the actions of the public law persons of the state.

The origins of the present public administration in Cameroon can be traced as far back as the colonial administration. After independence, three separate texts regulated the Cameroonian Public service under the federal arrangement from 1961 to 1971. At the level of the federated State of East Cameroon, there was the ordinance no 59/70 of 27th November 1959, while in the federated State of West Cameroon; the civil servants were managed under a private law regime, following the adoption of a statute on the 1st July 1959³.

At the level of the federation, the public administration was regulated by decree n° 66/DF/53 of 13th February 1966. This situation was to last until the 8th February 1974 with the enactment of decree no 74/138, which harmonized and standardized the rules governing the public administration in Cameroon. Its reign in turn was brought to a halt with the

¹ Decree no 94/199 of 7th October 1994 on the statute of the public service in its article 3 defines the civil servant as anybody occupying a post in a permanent manner and has been absorbed in a grade within the hierarchy of the administration of the state.

² The public administration in Cameroon is composed of various categories of workers. There is category of temporal known as occasional collaborators. They include benevolent collaborators, requisitioned collaborators, and sortie court officials such as lawyers, agents of the administration governed by the labor code.

³ See official gazette n° 1339 of 12th December 1959.

enactment of yet another statute, through presidential decree n° 94/199 of 7th October 1994, still in force till date.

The aforementioned text intervenes in a very difficult context. It comes when the Cameroonian public servant has been victim of two salary reductions, the first in January 1993 and the second in January 1994 estimated at 70 percent. The process of impoverishing the public servant by the authorities henceforth appears irreversible, and is consolidated unfortunately by a subsequent devaluation and massive retrenchments.

The 1994 reform of the public administration comes at a time when its mismanagement was constantly under attack both from within and outside Cameroon. A careful observation of Cameroon public administration like that of many other African countries shows that it is very inefficient. This inefficiency results from unsuitable administrative structures, difficulties encountered in applying texts and procedures compatible with the management of an underdeveloped society, absence of material and financial means, lack of productivity resulting from haphazard, incoherent and biased recruitment and training policies, the absence of a veritable control and sanction mechanisms, absence of co-ordination amongst organs with similar attributions, unnecessary delay in the treatment of files, etc.

This sad diagnosis calls for administrative reforms to restore the image of Cameroon public administration, render it more productive, efficient and competitive at very low cost. This should be the fundamental objective of quality management assurance. Without doubts, the drafters of the October 1994 text on the public service had this goal in mind. How far have they succeeded? What are the obstacles to quality management assurance? In this paper we intend to attempt answers to these questions first by examining to what extent the concept of quality management is being implemented (I) and then examine its challenges (II).

I. THE STRUCTURES ASSURING QUALITY ANAGEMENT IN CAMEROON

From mere rhetoric to concrete action, the State is more determined today than ever before to eradicate all the ills

plugging the public administration and hindering quality management.

In Cameroon, various structures or organs intervene to assure quality management. Besides structures closely linked to and under the control and supervision of the administration, (administration here understood as the subordinate of the executive arm of the government), other structures in a more or less permanent manner also take part in the assurance of quality management. For the sake of simplicity and clarity, these structures in this paper have been classified under three categories taking into consideration their very essence and nature. They are the administrative, political and judicial structures.

A. QUALITY MANAGEMENT ASSURANCE THROUGH ADMINISTRATIVE STRUCTURES

The Cameroonian public administration, obliged under prevailing circumstances today besides its centralised management has introduced participatory management in its public administration.

1. The Centralized Administrative Structures

The unitary nature of the state of Cameroon has a direct repercussion on the organisation of state organs. Highly centralised, the Cameroonian public administration is placed under the supreme authority of the president of the republic⁴. With the aim of avoiding the complete paralysis of the administrative machinery likely to result from such a situation, a system of deconcentration has been instituted. Although it brings the administration nearer the people as in the case of decentralisation, the deconcentration organs authorities are closely knit to the central authorities.

They do not enjoy autonomy. They do not possess legal personality. Even when they act, they do so on behalf of the central organs.

The law has also made an inventory of the missions or attributions of these central structures and those of the deconcentrated structures.

2. The Central Structures

These are the presidency of the republic and the prime minister's office.

I. The presidency of the republic

The pre-eminence of the President of the republic in the management of the public administration is provided by the 18th January 1996 constitutional text in its article 8(9) stating that:

"He shall set up and organise the administrative service of the State."

The implementation of the policy defined by the president of the republic is effected by services attached to the presidency such as general Secretariat, the civil cabinet, ministries attached to the presidency and technical advisers.

II. The Prime Minister's Office

The prime minister assures quality management in the public administration through the day-to-day management of the career of its personnel. According to the decree n°

91/282 of 14th June 1991, the Prime Minister can enact decisions of individual nature absorbing individuals into the public administration. Besides his attribution to encourage them, the Prime Minister also has disciplinary attributions. He appoints civil servants to posts of responsibility.

For the purpose of efficient management or better quality management assurance, the President of the republic has delegated some of his attributions to the minister of public service and administrative reforms.

III. The Ministry of Public Service and Administrative Reforms

The minister of public service is benefiting from a delegation of power for what concerns the management of public agents excluding those of the public security and armed forces, magistrates and penitentiary staff. He recruits into the public service and ensures training of its personnel. He also exercises disciplinary attributions and is in charge of disputes that may arise from managerial activities.

3. The Deconcentrated Structures

These are the ministers, secretary generals, regional governors, directors of central administration, S.D.O, D.O, provincial delegates managing their respective domains and the personnel under their command. These authorities take care of the day-to-day management of the public administration. To en-sure quality management, they compensate meritorious public agents and sanction the recalcitrant ones.

In the case of heads of administrative units in particular, the governor and the S.D.O are direct representatives of the central administration. They co-ordinate civil service within their units and they serve as informants to the central authorities.

Heads of autonomous structures possessing legal personality are also called upon to ensure quality management. This for instance is the case with universities, headed by rectors and vice chancellors.

4. Participative Structures

Participation remains one of the most important techniques for ensuring quality management. For one thing, it facilitates the acceptance by the public agents as well as the users of public services, decisions taken by the competent authorities.

For another, the administration is better informed before taking any decision. In the Cameroon public administration, the idea of participation in the administration both by state agents and users is made concrete through the institution of consultative structures such as the Higher Council of the service, joint administrative commissions and the council on Health.

a. The Higher Council Of The Public Service

Headed by the prime minister, the council is composed of an equal number of representatives of the administration and elected representatives of the state agents. By its nature, the Higher Council is consultative as it gives opinions and recommendations within its domain of competence as defined by the 7th October 1994 decree organizing the public

⁴ Sec article 2 of decree no 94/199 of 7th October 1994 organizing the public service

service⁵. An alleged victimized state agent cannot directly seize the Council on any issue falling within its jurisdiction. According to the 1994 decree, such an agent has to address a complaint to the Prime Minister or the competent members of the Council. These are the authorities competent to seize the Higher council.

It is expected of the Higher council to assure quality management by proposing solutions to problems related generally to the normal functioning of the public administration, orientation of training policies, etc. it also gives its opinions on all law bills or regulations that may have repercussions on the public administration.

Besides the Higher Council of the public service, there are the joint administrative commissions.

b. The Joint Administrative Commissions

Created within each corps of the public administration, the joint administrative commissions participate in the assurance of quality management as they are closely associated to the daily management of the public administration. An organ with a collegial composition comprising representatives of the workers and those of the authorities, elected for a mandate of 3 years, gives its opinion on matters concerning the career of public servants.

c. The Council on Health

Quality management necessarily implies quality health. To meet this objective, councils on health are created within the Ministry of public health. They are in direct contact with the minister of public service and administrative reforms. It gives its opinion on all cases related to the physical and mental aptitude required to be a state agent, sick leave, etc. the minister of public service and administrative reforms will consult the council, where an absentee public servant alleges ill health.

The council is not deconcentrated to the various services nor to administrative units thereby considerably retarding administrative or disciplinary procedures.

B. QUALITY MANAGEMENT ASSURANCE THROUGH POLITICAL STRUCTURES

Quality management can be assured politically through political parties, the press, public opinion and syndicates. However, the most viable political structure charged amongst others with the assurance of quality management remains the national assembly.

1. The Role of the National Assembly

The national assembly may ensure quality management in public administration through certain control mechanisms backed by subsequent or eventual sanctions.

a. The Control Mechanisms of the National Assembly

This control is carried out through question time and commissions of enquiry.

I. Question Time

According to article 35(3) of the 1996 constitutional text, during each ordinary session, a special sitting shall be set aside each week for question time. The question in writing is

sent by the parliamentarian to the speaker of the house. The oral or written nature of the question depends on the manner it is required of the minister concerned to answer. This exercise enhances quality management as it does not only throw light on the functioning of the public service, but also permits individuals or third parties to be able to bring pressure to bear on the competent authorities. Where for instance a minister is unable to justify his expenses, it is possible for the parliament to refuse adopting his draft budget.

Another technique of control in view of assuring quality management is the creation of commissions of enquiry.

II. Commissions of Enquiry

Commissions of enquiry can be set up with specific terms of reference to ensure quality management. They are created by a decision of the absolute majority of members of parliament. They gather information on precise facts related to the management of the public administration and they channel their findings to the National Assembly. They also examine the administrative, financial and technical management of public services.

Their mission ends after they have deposited their findings or upon the commencement of judicial proceedings. The assembly may upon the proposal of its Speaker or of the commission make public part or the whole report.

However, the efficiency of such commissions in the assurance of quality management remains very negligible as the administration may withhold certain sensitive information on the grounds of national defence, State security or secrecy or criminal investigations. Moreover, it is not always easy to obtain the required majority to create the commission. An example is the unsuccessful attempt to form a commission to investigate the minister of Post and Telecommunications accused of massive embezzlement by the Social Democratic Front's (SDF) parliamentarians, during the ordinary session of June 1999.

To give sense to these techniques of parliamentary control, the controls are backed by sanctions.

b. The Sanction Mechanisms of the National Assembly: These are the motion of censure and the vote of no confidence.

I. The Motion of Censure

Where the national assembly is not satisfied with the quality of management in the public administration, she may question through a third of her members the responsibility of the government by the way of motion of censure. Such a motion is adopted by a two-thirds majority. Under the circumstance, the prime minister, virtual head of the public administration will be expected to tender in his resignation. The same holds in the case of a vote of no confidence.

II. The Vote of No Confidence

Here the Prime minister may commit the responsibility of the administration before the National Assembly on a program or policy statement. For the vote to be adopted it must be accepted by an absolute majority of the members of the parliament.

⁵ See its article 87 (5)

The role of the National assembly in the assurance of quality management however remains relative amongst other reasons because of the party discipline. It is quasi impossible in the Cameroonian set up today to obtain the required majority to sanction the government, the ruling party, Cameroon's People democratic Movement (CPDM), enjoying absolute majority.

However, if political parties cannot oblige the government to ensure quality management within the Assembly, the tendency has been more and more to obtain this endeavour from without aided in this by syndicates, the press and public opinion.

2. The Role of Political Parties, Syndicates, the Press and Public Opinion

The creation and existence of political parties and groups is provided by the article 3 of the January 1996 constitutional text. Regulated by the decree of December 1990, on the creation of political parties, there are over 140 political parties in Cameroon. Because they help the electorate to make voting decisions, their role in the assurance of quality management cannot be minimised. Incapacitated within the National Assembly because of the overwhelming and suffocating majority enjoyed by the CPDM, the ruling party, the 3 opposition parties out of more than 140 have taken to the media. Their efforts to assure quality management however remains fundamentally mitigated as a result of the extreme control exercised by the ruling class over the electronic media. Not only has a defacto censorship elected domicile, sluts reserved for political parties represented in the parliament by few television channels are very often suspended.

To by-pass the vexing handicap, political parties represented in the parliament or not have taken to the print media which today is flourishing. Through this means, they arouse public opinion, drawing the attention of the populace to certain malpractices of those entrusted with the management of the public administration.

Naturally, this would have been a very efficient and reliable means to assure quality management since the ordinary citizen directly participates. However, unluckily, in Cameroon, its full effects cannot be realized because of the uncivilized nature of the authorities managing a brutal and inhumane administration. The case of respectable Anglophone parents demanding reforms in the General Certificate of Education, the demonstration of Anglophone lawyers in Bamenda who were brutalised by security forces is still fresh in our memories. Public opinion, manifested through any means leaves the authorities almost always insensitive. They prefer repression to dialogue.

However, all is not lost. Quality management assurance can also be implemented to an extent by the judiciary.

C. QUALITY MANAGEMENT ASSURANCE THROUGH JUDICIAL STRUCTURES

The judiciary remains one sure means to assure quality management. Because of the exorbitant prerogatives of the administration vis-à-vis the citizens, she can rarely seize the judge, whereas, it is left for the individual, victim of an administrative impropriety to seize the competent judge. This possibility obliges the public administration to consider

quality management assurance as a public trust. Wherever therefore there is a breach, the individual through the courts can call the administration to order.

In Cameroon, quality management can be assured through the courts, by way of a petition for annulment or by way of an action for damages.

1. Quality Management Assurance By Way Of Petition for Annulment

A fundamental aspect of quality management is legality. The public administration in all undertakings must respect the rules of law. This is comprised of the constitution, the law, regulations, international treaties and general principles of law. Whenever there is a breach of any of the above-cited rules of law, a citizen may seize the judge demanding the annulment therefore of the alleged litigious or illegal decision on condition that he proves he has an interest in the matter, and also that he has the required locus standing.

In Cameroon following the principle of duality of jurisdictions, where there exist two distinct sets of courts, the administrative court and the ordinary courts of law, the action for annulment takes place before the former, Success for the plaintiff to successfully prove that there has been a procedural law, the decision in dispute has been taken by an authority without jurisdiction, misuse of power, or violation of a rule of law⁶.

Where the administrative judge declares null and void the contested decision, the effect is retroactive in the sense that it is erga omnes. It is presumed such a decision had never existed. The judgment will acquire binding force after the time limits to lodge an appeal is over. The effects of the court decision are not limited only to the administration and the plaintiff but even to third parties. It is therefore expected of the administration to re-establish the initial situation that existed before the intervention of the incriminating decision. It is therefore very evident that, the judiciary, through a petition for annulment assures quality management. The public administration is controlled and will always act within the realms of legality so as not to attract the wrath of the courts in case of mismanagement. This is also the aim of the action for damages.

2. Quality Management Assurance By Way Of Action for Damages

Where the administration in her daily activities causes damages to an individual or third party, the court can invite her to repair such damage. The responsibility to repair exists be it in the absence or not, of a fault.

Where there is fault, the administration can be held liable for the' fault committed by her agent within the framework of regular administrative activities. In the matter ATANGANA Adalbert for instance, the Cameroonian administrative judge held the administration liable on the grounds of service fault where she was abnormally late in administering oath to the plaintiff an indispensable requirement for him to assume once⁷.

⁶ Sec Owona Joseph, *Droit Administratif Spécial de la République du Cameroun*, EDICEF, Paris, 1985

⁷ See judgment n° 21/CFJ, 16111March 1967.

Similarly, the administration will be held responsible for the damages suffered as a result of poor maintenance of public edifices. This was the matter in Dame Marthe Ferrires⁸. The plaintiff after her transactions in the post office was descending the stair case. A crack catapulted her causing her injury after she fell. The administration was demanded by the judge to make reparations.

Besides instances where there exist a fault; the administration can also be held responsible in the absence of any fault. This is when for instance her activities present a high degree of risk to ordinary citizens such as the manipulation of SONEC cables, the use of firearms by security officers, etc.⁹.

She will also be held liable without committing any fault, where there has been a breach to the principle of equality before public charges. This can result from economic measures taken by her affecting an individual or groups of individuals, her impossibility to give sense to a court judgment, or her passing legislation that affects a citizen.

Apart from these examples, the courts have taken time to ensure quality management where a public agent may be negligent in the belief that the public administration will be held responsible for his inefficiency or recklessness. Here, the responsibility of the recalcitrant public agent will be engaged in his private capacity. The law frowns on manifesting illegal decisions or actions. This can be seen from Ngada victor vs. Mve Ndongo where a prefect seized the goods of a recalcitrant tax payer. The court held the action was manifesting illegal and so personal to the prefect who was responsible to repair damage in his private capacity¹⁰

To ensure quality management, the individual public agent can be held responsible vis-à-vis the public administration. In the Cameroonian public administration, where an agent is given custody of property and he happens to misplace or destroy it, he will be held liable. This is better illustrated in Mbedey Norbert vs. State of Cameroon where the agent misplaced an administrative vehicle under his custody.¹¹ Quality management assurance in the Cameroonian public administration does not rely only on certain structures. It also relies on recognised and established principles.

III. THE CHALLENGES OF QUALITY MANAGEMENT ASSURANCE IN CAMEROON

Quality management assurance in Cameroon is impeded by several factors. After examining these factors, we shall proceed with an appraisal of possible solutions or already put in place or susceptible to be put in place.

A. FACTORS IMPEDING QUALITY MANAGEMENT

These factors can be categorised under the politico-administrative factors and socio-economic factors.

1. The Politico-Administrative Factors

Political and administrative factors impeding quality management include the survival of the one party mentality,

⁸ See order n° 15 of 16' March 1967.

⁹ See CE Lecompte et Daramy, GAJA, p, 308

¹⁰ See Owona J., op. cit, p.308

¹¹ Judgment n°187/CFJ/CAY, March 1972

the concentration of powers, exceptional circumstances, overstaffing, indiscipline and a high dose of informal power, plurality of categories of agents, etc.

a. The Survival of the One Party Mentality

Multiparty politics has always existed in Cameroon at least in theory. Provided by the June 1972 constitution¹², a demoralising defacto one party state was put in its place. It existed until 1990 when the wind of change blowing across the continent swept it away. It went but its psychological scars will remain with Africans in general and Cameroonians in particular for a very long time to come. Its effects can still be felt from party allegiance and the domination of the chief executive.

I. Party Allegiance and Discipline

Party discipline and allegiance only helps to subdue an already handicapped legislature. As a certainty, because the president of the republic is both head of State and party chairman of the ruling party, considered his personal property¹³ and capable of dismissing any member¹⁴, the parliamentarians are perpetually in fright as such a dismissal will automatically tender the deputy concerned disqualified to sit in the parliament¹⁵.

This situation of complete and absolute subjugation of the deputies to the President of the republic is further aggravated by article 15(3) of the 1996 constitutional text providing that "any imposed mandate shall be null void." In other words, parliamentarians do not represent their various constituencies but the State.

It is therefore impossible for the parliamentarians to effect any meaningful change in view of assuring quality management. By the present disposition of things, the Head of state appears to play a primordial role here and unless he is willing, the dream of assuring quality management will only remain a dream. Such an allegation without much difficulty can be substantiated by the fact that, he enjoys very wide powers.

II. The Wide Powers of the Head of State

As mentioned earlier, the Cameroonian public service in highly centralised, headed by the president of the republic. The concept of division of labor or separation of powers is very strange to this system at least materially or functionally. Although an executive is independent of the legislature and the judiciary, this independence is only organic. Functionally, the executive is everywhere. Head of the judiciary for which he is guarantor of its independence, he appoints the magistrates of the Bench and those of the legal department who are answerable to him¹⁶. He is also the head of the Higher Judiciary Council, a consultative organ charged with the management of the career of magistrates.

¹² See its article 3.

¹³ For proof, the Cameroonian National Union created by former president Amadou Ahidjo ceased to exist a few years after the left power. In fact, President Paul Biya succeeded him, created his own political party, the Cameroon People Democratic Movement (CPDM) in 1985

¹⁴ See article 42, 43 of the CPDM bye-laws

¹⁵ See article 20 of law n° 72/LF/ of 20" June 1972

¹⁶ See article 37(3) of the 1996 constitutional text

This domination is also extended to the parliament, as there exists a defacto superiority of a presidential decree over a law duly enacted. This is because the enacted law will remain dead letter until the head of state passes a decree of application. An example is the 1990 law on freedom of mass communication. Nine years after its enactment, it is still to become applicable.

Besides, the president of the republic may dissolve parliament, prolong the budgetary year when he so decides, shorten or prolong the mandate of parliamentarians. It is disheartening to learn the chief executive enjoys all these attributions without any possibility to render him answerable. In the absence of accountability therefore, hopes of quality management are dashed, a bad situation made worse by the theory of exceptional circumstances, where the constitution simply provides that the president of the republic will take measures he deems necessary to restore order without mentioning any form of control.

Evidently, too much concentration of supreme powers in the hands of one man, lack of transparency in management and the absence of accountability are incompatible with quality management assurance. The survival of the one party mentality through party allegiance and concentration of powers can therefore be easily and readily identified as factors impeding quality management just like other administrative huddles.

b. The Persistence of Administrative Bottlenecks

Prominent amongst bottlenecks impeding quality management assurance include overstaffing and absence of discipline.

I. Overstaffing

Under the auspices of the 1972 statute of the public administration, the state proceeded with unplanned massive recruitment such that today, obliged by international financial institutions, she is bound to retrench¹⁷ In 1974, there were 17154 agents. By March 1976, it had risen to 36659, and to 40200 by the 3151 of December 1982. In fact the civilian personnel of the public administration by 30¹ June 1993, excluding magistrates was estimated at 121926¹⁸.

Apart from this high number of agents, the Cameroonian public administration is composed of a heterogeneous personnel comprising:

- Civil servants of the public service statute: 71269 (58.45%);
- Contract agents: 8962 (7, 35%);
- Agents recruited by decision: 37026 (30.37%);
- Personnel of global index: 4545: (3.73%);
- Auxiliary of the administration: 124 (0.10%).¹⁹

Such heterogeneity is synonymous to discrepancies and incoherence in any administrative endeavour. There is the impression there exists discrimination perpetuated by the

¹⁷ See speech by Minister of public service and administrative reforms on the occasion of the opening of ENAM on the 22nd February 1993

¹⁸ See control of workers, Bureau of statistics, public service

¹⁹ By this date, the State had already embarked on retrenchment, as by June 1993, the number was 133795

state against her own agents. The laws applicable are not uniform. This lack of uniformity does not only give room to frustration on the part of some agents, but above all, may serve as a handicap to quality management assurance. A disgruntled public agent can never be at his best to render service.

Our argument here is not implementing absolute uniformity to all the services of the public administration. It will be improper. Some jobs may be more challenging than others. Our argument is that, in a given field all the agents must receive the same attention. The realities of each profession should be taken into account. For instance it is frustrating for a university lecturer to teach, test and graduate a student from a professional school only for such a student to become liable to certain advantages his master may never enjoy.

II. The Lack of Discipline

It is yet another impediment to quality management assurance. In spite of the existence of the principle of hierarchy and the duty of obedience bound to be observed by the state agent, there exists in Cameroonian public administration several instances of lack of discipline and characteristic absenteeism. This situation thrives best where informal power is at its peak as in the case of Cameroon where any agent can be appointed to any post of responsibility without regard to seniority or longevity in service. The subordinate, conscious of the fact that he has connection with some friend or relative high up in the hierarchy of the administration, receives no instruction from his immediate boss. It is not surprising in Cameroon to see him lording it over his former boss a few weeks or months after.

III. The Difficult Execution of the Budget

Another factor in the Cameroonian public administration militating against quality management is the difficult execution of the budget. In Cameroon, the budget is always voted in equilibrium, the income being equal to the expenditure²⁰. It may present a slight deficit but such deficit may only be structural. Yet this is where the problem lies. In spite of the drastic reduction in state expenditures since 1987 where for instance the rational use of telephones and administrative vehicles²¹ was supposed to bring 11 billions into the state's coffers, the State has still been unable to realise budgetary equilibrium.

For instance, the 1988-1989 budget, after execution, presented a deficit of 24 millions. When other ills are added to this, the situation of the Cameroonian public administration becomes pathetic. There is generalised inefficiency.

IV. Generalised Inefficiency

This is the direct opposite of quality management. Characterized by a high degree of misappropriation of public funds²², the Cameroonian public administration is one of the

²⁰ See for instance budget of 1999-2000

²¹ See decree n° 871972 of 101¹ July 1987 on management of telephones by state agents; decree N° 87/973 on management of administrative vehicles

²² See Kamto M, *L'urgence de la pensée réflexion sur une précondition du développement en Afrique*, Mandara, July 1991 and January 1993, p.131

rare administrations of the world where maintenance services are almost non-existent. There is therefore the constant deterioration of working tools. The opportunity is then seized to proceed with replacements where funds are available, funds which will be deviated into private pockets.

This explains why today in Cameroonian public administration, it is not strange for the public agent to request the user to bring along office materials such as a writing paper, accessories for typing machines, etc. some services of the public administration, even lack materials as common and indispensable as writing pens. Besides, the weight of a heavy debt burden cannot be minimised.

V. The Effects of a Heavy Debt Burden on Quality Management

The effects are catastrophic. In the 1992-1993 budgetary year, the external debt of Cameroon was estimated at 1876 billions, the equivalence of 6278 billions US dollars. A debt situation made worse by the devaluation of the franc CFA by 50% with a mechanical effect on the volume of the external debt. In real terms, the debt was multiplied by 2. When drastic salary reductions are added to the list headaches, objectively speaking it becomes impossible to have an efficient public administration. The scarcity of funds in circulation only worsens the economic situation of the State. There is no investment. Between 40 to 50% of State revenue is used in financing the external debt burden. The left over is unable to take care of the administration.

May be here, the solution may come from outside, that is the cancellation of the debts of the poorest nations of the world. Triggered by strikes in London, manifesting against the excesses of capitalism, and the request of the Episcopal conference, the members of the G8 have decided to alleviate a substantial part of debts owed them by poor nations.

The beginning of a solution? It is hard to tell. This may prove to be another unsuccessful attempt. A faint hope of success may only exist if the debt cancellation is linked to certain conditions such as that of showing unequivocal intention and deliberate attempts at quality management assurance.

Yet, without predicting Boom, even where quality management assurance is the intention of political authorities, it will be difficult to achieve.

Such lack of discipline and "laissez-faire", the plight of mismanagement has chopped deep into the fabrics of the public administration that, even the judiciary has been affected. This sad reality can never augur well for quality management assurance and our fears are heightened when the judiciary becomes unable to play its role wholly

2. The Judicial Factors

Quality management assurance cannot thrive in a quasi-lawless context. In spite of the existence of the principle of legality and the possibility to hold the public administration responsible the reality is that the administration remains all domineering. She may infringe upon legality or cause damage without being called to order. This is as a result of the obstacles in the judicial control of the administration as conceived in Cameroon. Some of these obstacles include the organisation of the administrative jurisdiction, the procedural requirements, the wide attributions of the

administration and the complexity of the administrative responsibility.

a. The Organizational Weaknesses of the Administrative Jurisdiction

The administrative judge is the main judge for the control of the public administration. This control however remains inefficient as a result of the highly centralised nature of this court. As a branch of the Supreme Court, the administrative bench is located only in Yaounde thereby restricting access to it by potential plaintiffs whereas, there is no possibility to seize this judge through phone²³. This restriction is also assured by procedural requirements.

b. The Procedural Requirements and the Complexity of the System of Control

If the saying justice delayed is justice denied were anything to go by, then in Cameroon, there is hardly justice when the administration is party to a dispute. In most cases, there is lateness even in registering the petition. For instance, when Ahoubeng Pierre residing in Nkongsamba addresses his petition on the 13th September 1976 intending to contest decision signed by the minister of territorial administration, little did he know the petition will only be registered on the 5th of February 1977, 5 months after²⁴.

Even more serious is the case with Mohamadou who seized the judge with a written petition of 23rd March 1980 to protest against his dismissal from the National Gendarmerie. The petition was registered on the 29th December 1980, 9 months after²⁵.

The examples abound and under such circumstances, one cannot confidently talk of quality management in our public administration.

The administration also easily avoids the control by the judge as a result of the complexity of the system of duality of jurisdictions. Many potential plaintiffs seize the wrong judge to hear their dispute. Once the matter is discharged for want of jurisdiction by the court that is a chance missed in controlling the administration, constituting a serious handicap to quality management.

The procedure for commencement of administrative disputes before the administrative judge is also another source of headache. According to article 12 of ordinance n° 72/6 of 26th August 1972 organizing the Supreme Court in administrative matters, for a petition to be admissible, there must first of all be the refusal of an out of court settlement. Such a procedural requirement would have militated in favour of quality management as it favours dialogue and negotiation, amicable settlement and informs the public administration before time of the eventual existence of a dispute.

Unluckily, the rules governing this procedural requirement are too complicated and harshly applied by the judge. Firstly, the plaintiff must be able to determine the administrative authority competent to receive the petition for out of court

²³ Daougas Malgoua vs State of Cameroon, Jgt n° 47/CS/CA of 28th June 1984

²⁴ Jgt n° 25/Cs/CA of 1st December 1979. Jgt n°

²⁵ Jgt n° 56/CS/CA of 11 June 1980

settlement. This exercise is not always easy with the unstable and multiple modifications the public administration is permanently subject to. For instance in two matters concerning the presidency of the republic, Bene Bella Lambert²⁶ and Essimi Fabien²⁷, 42 both police officers, addressed their petitions for out of court settlement to the presidency of the republic. But curiously, while that of Bene Bella was accepted by the court that of Essimi Fabien was refused on the grounds that it was supposed to be addressed to the Secretary General at the presidency and not the president of the republic.

The difficulties surrounding the use of the petition for out of court settlement is so acute that it also affects experts or specialists in law, without exception. This for instance was the case with Guiffo Jean Philip²⁸, a lecturer in public law, Soo George²⁹, and Erere Thomas³⁰, legal practitioners. They were all unable to rightly determine the administrative authority competent to receive the petition for out of court.

As earlier mentioned, the very attitude of the judge serves as a barrier to quality management. He is very hostile to the plaintiff applying the law in all severity. In the "Brasseries du Cameroon" vs. State of Cameroon case for instance³¹ where the Brewery Company was contesting a tax charged by the executive of the Yaounde town council, the petitioner's application addressed to the minister of territorial administration was rejected whereas this minister is the overall boss.

A similar decision was reached in Essomba Ntonga Gabriel where a candidate was contesting the results of the School of youths and Sports entrance exams. His petition to the presidency of the republic and then to the minister of youths and sports were both rejected on the grounds that the competent authority to receive the petition for out of court settlement was the minister of public service and administration.

The severity of the judge can also be witnessed when it comes to the appreciation of time limits. Once the time limit of 2 months has run out, no petition can again be welcome³².

The complexity of the procedure and the judge's severity in the observation of rules has been such that between 1978 to 1988, an average of 15% of disputes were dismissed for want of out of court settlement. These are all chances which if exploited should contribute significantly to quality management assurance. Whereas if one were to add to these huddles, the slowness of the judicial procedures, the amount of 15 000 francs CFA paid as deposit to commence proceedings and the extreme powers of the administration, quality management assurance still has a long way to go.

²⁶ Jgt n° 71/CS/CA of 21st December 1979.

²⁷ Jgt n° 40/CS/CA of IP" June 1980

²⁸ Jgt n° CS/CA of 251 June 1987

²⁹ Jgt n° 6/CS/CA/79-80.

³⁰ Jgt n° 24/CS/CA/77-78

³¹ Jgt n° 24/CS/CA/77-78.

³² See Aka'a Jules 'Vs State of Cameroon, jgt n° 30/CS/CA/77-78.

c. The Excess Powers of the Administration vis-à-vis the Judge

There is no way the public administration can be efficiently controlled when the powers of judge are very limited. In Cameroon, the judging is expressly prohibited by the Penal Code to issue injunctions against the public administration³³. The judge therefore has no means of ensuring the execution of his decisions. The administration may violate the binding force of judgment since she enjoys discretion in the enforcement of court decisions. She may decide to enforce or not to enforce. This sad reality makes any meaning full change in the public administration very hard to come by. It constitutes another setback to quality management assurance just like other social and economic factors.

3. The Socio-Cultural and Economic Factors

Several social factors may militate against quality management assurance. The most notorious amongst them include illiteracy, personalisation of litigation, low salary scales, etc.

a. The illiteracy of the Masses

The rate of scolarisation in Cameroon is very low. The masses are not educated on their rights. Even individuals, with a high level of education, experts in legal matters are ignorant when it comes to the domain of public administration. There are little or no means existing to enlighten the citizens on how to initiate an action in view of controlling the public administration, thereby participating in quality management assurance. From 1978 to 1988, for 666 disputes against the public administration, 437 were rejected for one or the other reason closely of remotely linked to ignorance of the Law³⁴. It is therefore difficult to assure quality management since the citizens are very indifferent to the bad or good Management of their public administration. This is also supported by the tendency to personalize disputes,

b. The Personalization of Disputes and the Myth of Public Authorities

In Cameroon, long after decolonisation, the colonial mentality still thrives. Those in authority believe the State belongs to them and only they alone and that others are merely a subjugated lot. In the absence of viable judicial mechanisms, they terrorise the population. Any suit brought against public administration for the malfunctioning is interpreted by them as a challenge against their authority. The inefficient and overzealous members of the public administration have difficulties drawing a line between their official and private capacities.

Years	N° of judgments	N° rejected	Percentage
1978-79	75	49	65%
1979-80	66	43	65%
1980-81	57	40	70%
1982-83	106	49	46%
1983-84	83	60	68%
1985-86	118	80	68%
1986-87	69	51	74%
1987-88	81	65	80%
TOTAL:	666	437	64%

³³ Article 126 b of the penal Code punishes him with a prison term of between 6 months to 5 years

³⁴ See table of statistic below

This reality has instilled fear into the local masses, supported readily by the African myth of leaders. The plaintiffs are accustomed to the absolute respect of state authorities. No public servant may make a pronouncement, be it a simple chief of service or an authority as highly placed as the prime minister, without making allusion to the president of the republic. The fear, justified or unjustified of the citizen that a complaint against the public administration may invite its wrath or reprisal, hinders any form of efficient control of the administration, an indispensable element if one were to talk of quality management assurance.

c. The Low Salary Scales

Salary scales are directly and inextricably linked to the standard of living, which unluckily is disgracefully low in Cameroon. Defying all logic and common sense, the back dated decree n° 93/318 of 24th November 1993 slashed salaries of the personnel of the republic administration in the following proportions:

FCFA		%
0001	to	53 711:6%
53712	to	75 195:12%
75190	to	96 680:30%
96 681	to	118 164:42%
118 165	to	150 391:52%
110 393	to	224 160:54%
224 161	to	259 981:60%
Over		259 814:66%

To add insult to injury followed the 50% devaluation of the franc CFA. The impact of these drastic measures on the life style of the public agents of the administration is disastrous. Unable to live conveniently, the financial loss provoked by these measures have to be compensated one way or the other. It is the well-known phenomenon of survival instinct. Henceforth, some agents of the administration genuinely believe, it is now their right to hold the population or users of the public administration to ransom. And so, they have taken to corruption, elected absenteeism as a working principle, a reality encouraged by the government as she has permitted the public agents to operate private businesses³⁵, all elements incompatible with quality management.

The institutionalization of tribalism makes things no better

d. The Institutionalization of Tribalism

Tribalism can be defined as a doctrine or a body of attitudes or behaviours concerning organization of persons submitted more or less to the same head, speaking the same language and having the same culture"³⁶. Although in a subtle manner, the 1996 constitutional text constitutionalises tribalism in its article 57(3) by providing that; "The regional council shall be headed by an indigene of the elected from amongst its members."

Mindful of the relatively recent of this constitutional text, it will be too presumptuous to make any comments at this point. However, before even the adoption of the text, tribalism was a reality. The 1996 constitutional text only raises it to a constitutional principle.

³⁵See article 37(2) (b) of the 1994 statute on the public service.

³⁶ Definition borrowed from Mbome Francois in *Impact tribune*, n° 15, Ju1y-August-September '999, p.14

Even the concept of balance regional development which was supposed to protect all the tribes to the detriment of meritocracy is no longer respected. This is notably the case with nominations to the various public services and ministerial departments. Offices where the occupants should have occupied only through elections are very rare in Cameroon. For instance; in other contexts, the chief executive officer of the university is got by way of election. In Cameroon, it is a discretionary presidential decree that appoints rectors and vice chancellors.

Worst of all, the quota system used in recruitment into the public service and appointment to post of responsibility is not respected for what concerns the former Center South Region³⁷

For instance, according to decree n° 97/207 of 7th December 1997 organizing the government, the government is comprised of 14 ministers from Center Region, followed by the south Region with 7. There is no way to justify such inequality except by tribalism³⁸

Tribalism has gained every single aspect of the life of the nation not sparing the public administration where the name of the user may be a qualification or disqualification to have access to the service of the public administration. Similarly, a State agent may be rewarded or reprimanded just from the sound of his names. In Cameroon, each ethnic group has a particular set of names and identification is easy.

From the top to the bottom of the Cameroonian public administration, tribalism, well entrenched acts as a banner to quality management. Well aware of these shortcomings, the Cameroonian authorities have embarked on the eradication of these ills or at least their reduction. Several solutions are being proposed to ensure quality management.

B. AN APPRAISAL OF SOLUTIONS TO PROBLEMS OF QUALITY MANAGEMENT

Two main categories of solutions are being administered today by the to enhance quality management in the public administration. These are politico-administrative solutions and the judicial solutions

1. THE POLITICO-ADMINISTRATIVE SOLUTIONS

These are decentralisation of the administrative machinery, the role of State control, amelioration of living standards and the institution of the concept of poste de travail.

C. THE DECENTRALISATION OF THE ADMINISTRATIVE MACHINERY

As mentioned earlier, Cameroon is a very highly centralised bureaucracy in its local as well as central administration.

³⁷ See order n° 010467/MFP/DC applying the provisions of decree n° 82/407 of 7th September 1982

³⁸ See below the distribution of ministerial posts to the various tribes or regions by decree n°97/207 of 7th December 1997 organizing the government: Center province: 14; South province:7; Extreme north province:6; North province: 6; North West province: 4; West province: 4; South West province: 4; East province: 4; Littoral province: 4; Adamaoua province: 3; See l'Action n°90 of 11th December 1997, P.9

At the level of the local government, where Alexis de Tocqueville advocates local democracy, the grasp of the central authorities is very vexing. If the main idea behind local government were the attainment of local democracy that permitting the local populations to identify their problems and endeavour to solve them with the assistance of the State, then there would be no opportunity for the State to appoint a good number of heads of local councils. The reality is different. The State appoints the chief executive of all major councils, allowing the poorer and smaller councils to designate their executives through elections.

This problem of over centralisation has been addressed by the 1996 constitutional text by creating regional and local councils. The text in resolving the problem of centralisation provides that these bodies shall be autonomous financially and administratively in the management of regional and local interests, that they shall be freely administered by councillors elected under conditions laid down by the law.³⁹

This provision would have gone a long way to solve the over centralisation problem in Cameroon which is a handicap to quality management in the public administration but unluckily this is not the case. The central authorities appoint to the councils of special regime the chief executive known as the government delegate. They also appoint the secretary general and the accountant.

Such appointments limit the effects of article 55 of the 1996 constitutional text. It is a setback to quality management. One sees thwarted at the very bud, the beginning of a solution to problem of poor management.

An appraisal of this particular solution shows that it remains inefficient and exposes the unwillingness of the State to ameliorate the quality of her management. This assertion can be backed by the fact Chat, law n° 92103 of the 14th August 1992 modifying certain provisions of the 1974 law on communal organisation is unconstitutional. In fact, they are both so. They violate article 55 of the 1996 constitutional text providing for the free management of the Region and the council.

Unable to wage a legal or constitutional battle demanding the annulment of the unconstitutional legal provision⁴⁰, opposition parties adopted the boycott of council sessions but with no effect. They do not have the required locus standi to bring action for constitutionality. The reforms introduced therefore by the 1996 constitutional text are of very negligible or no effect.

A similar problem is also faced at the level of the central administration where every aspect revolves around the president of the republic. Powers delegated to the regional

³⁹ See article 55 of the 1996 constitutional text.

⁴⁰ The validity of a law can only be challenged through the procedure of control of constitutionality of laws which initiation is reserved only for the president of the republic, the president of the senate, the president of the national assembly, a third of the members of parliament, a third of senators and heads of regional executives where their interests are at stake. See article 47 of the 1996 constitutional text

services are so negligible every aspect of state life must be addressed in Yaounde.

This attitude of the state smacks of bad faith because very little or nothing is being done to ameliorate the situation. The over centralisation has led to over crowding and corruption. It is hoped the reforms of the government and its reorganisation through state control may initiate a solution to the problems of management in our public administration.

a. The Role of State Control

To check mismanagement, there has always existed in Cameroon, a ministerial department charged with the control of public finance. It verifies the regular execution of expenditures and revenues of the state budget. It controls the regularity of decisions, accounts and the preparation and execution of the budget. Aware of the fact that a healthy financial environment is a sine qua non for quality management, Cameroon is signatory to the 1977 Lima Congress adopted by members state of the organisation of Higher Institutions charged with the control of public finances to harmonise their techniques of control. On the African continent, precisely for the francophone Africa, a similar structure with the same motives or objectives exists. This is the Association Africaine des Institutions Supérieures de Contrôle des Finances, (AFROSA).

In Cameroon, mindful of the importance of financial control to quality management, the 1997 decree organizing the government has perpetuated the existence of a ministry delegate at the presidency in charge of state control. This ministry has a specialised organ charged with the execution or implementation of its objectives. This is the Budgetary and Accounting Disciplinary Council.

So far, at least in principle, it is an indispensable tool in the struggle for the installation of quality management through its system of sanctions. Yet its success is very negligible.

i. The Sanctioning Of Vote Holders and Accountants in Cameroon

This is the primary assignment of the Budgetary and Accounting Disciplinary Council.

According to decree n° 78/470 of 3rd November 1978, the council proposes sanctions against accountants and vote holders. The accountants may either be obliged to repay the misappropriated fines, pay interest or fines for lateness in accounting procedures.

As for the vote holder, he can be sanctioned whenever there is an irregular act committed. Such irregular acts may include expenses made without authorization, engagement of expenses without available funds, expenses made without supporting documents, illegal recruitment, award of public contracts without call for tender, use of State personnel or property ends, etc.

Where the vote holder is guilty of one or more of these irregularities, the fine, pecuniary in nature ranges from 200 000 to 2 000 000 francs CFA. Besides this pecuniary sanction, the vote holder may be prohibited to hold this function for a period of 5 years or not to hold any post of responsibility in this sector for 5 to 10 years.

To reinforce the fight against corruption and mismanagement, to enhance quality management, the Budgetary and Accounting Disciplinary Council is autonomous and independent of the courts of justice although complementary. To mark this complementarity, the law provides that, acts susceptible to be qualified as offences, misdemeanours or felonies constitute ordinal-y law offences and so the council will have to transfer the procedure for repression to the competent judicial court. Such repression is provided by article 184 of the Penal Code. Where the value of the property in question exceeds 50 000 francs CFA, the punishment is life imprisonment. Above 100 000 francs CFA but below 500 000, it is 15 years. Below or equal to 100 000 francs CFA, it is 5 to 10 years and a fine of 50 000 to 500 000 francs CFA.

If all the financial improprieties the council was supposed to address were effectively addressed, quality management assurance would have been a reality. This however is not the case. When put side by side similar structures in other African countries such as Burundi, the Cameroonian Budgetary and Accounting Disciplinary Council has a lot of weaknesses serving as a booster to poor management and as an enemy to quality management.

ii. The Limits of the Budgetary and Accounting Disciplinary Council

There are several limits to the Budgetary and Accounting Disciplinary Council amongst which can be cited lack of autonomy and inefficient procedures.

➤ The Lack of Autonomy

Created and governed by the decree n° 83/509 of 26th October 1983 modified on several occasions, the Budgetary and Accounting Disciplinary Council is an administrative structure that has no resemblance with any other structure of financial control projected in the Lima Declaration.

The 1997 presidential decree organizing the government creates a ministry delegate at the presidency in charge of state control places this ministry and ipso facto the budgetary and Accounting Disciplinary Council directly under the supervision of the president of the republic.

This extreme subordination reduces considerably the efficiency of the council. In Burundi for instance, there is the constitutional consecration of the Cour de comptes and its personnel are organized following the statutory regime of magistrates⁴¹. Besides the subjugation of this council, its efficiency is further reduced by its procedural deficiencies.

➤ The Procedural Deficiencies of the Budgetary and Accounting Disciplinary Council

The seizure of this council is limited only to the minister charged with state control when it concerns an accountant, and to the president of the republic and this minister when it concerns vote holders. Other ministers may seize the council only when it concerns their subordinates

It is our opinion that a better way to have quality management would have been to liberalise the seizure of the council. The example of Burundi can be copied where the council has the possibility to seize itself without waiting for

⁴¹ See decret-loi n° 1/2 of 31st January 1989.

any organ or structure to seize it⁴². This cour de comptes can also be seized by the competent administrative authorities or ministers for what concerns their subordinates. The procureur General can open up a case file and proceed with investigation or directly seize the "cour de comptes".

Beside the fact that the seizure of council is limited only to the president of the republic and the competent ministers, should one add to the fact that the council is fundamentally consultative, its contribution to quality management assurance becomes negligible. The council may only give opinion on disciplinary cases addressed to it. Such opinions are not binding. The final decision therefore rests with the president of the republic or the minister delegate at the presidency charged with state control.

These weaknesses briefly enumerated account in part for the generalised poor management of our public administration. Yet, the people hope to one day enjoy the advantages of quality management are not completely dashed. The Cameroonian authorities, one solution after the other, today are proposing the advent of the concept or notion of poste de travail.

D. THE ADVENT OF THE CONCEPT OF POSTE DE TRAVAIL

The concept of poste de travail supposes that recruitment be made only for a particular post or vacancy, an old tradition in the universities. It is a means of assuring quality management since it limits to barest minimum, the possibility of overstaffing and attempts placing workers where they are supposed to be. In real terms, the concept is supposed to set the duties responsibilities demanding a particular knowledge which can be identified in the organigram through an identification code necessitating the service of a public agent provided beforehand in the budget.⁴³

If well implemented, recruitment henceforth into the public service will not be chaotic as before. Besides, it will permit the ordinary advancement of state agents limiting clientilism which is characteristic today in the promotion of agents

Articles 118 to 120 of the statute of the public service make provision for agents who will lose their posts as a result of the application of the concept of poste de travail. In case of dismissal for insufficient professionalism, the agent will receive 3 times his monthly salary, 12 months salary in case of irreversibility physical invalidity incompatible with the post, 24 times his monthly salary in the case of suppression of a post.

The intention though commendable, doubts still linger on its efficiency.

For this venture to succeed, a general census in the services of all the ministries should be conducted. Attempts to this direction already exist but the public is still not aware of the findings.

⁴² Article 26 decret-loi n° 1/2 of 31st January 1989.

⁴³ Sec Lekeng Donfact in "Réflexion sur le nouveau statut général de la fonction publique (A propos de décret n° 94/1990 du 7 octobre 1994)", *Juridis Info* N° 20, Oct-Nov-Dec, 1994 p. 58,

Another condition is the ability for the government to computerize the public administration.

Quality management would therefore be assured if the government successfully introduces rationality in the management of the affairs of the public administration, not leaving out the fact that the standard of living of those directly concerned may make or mar its quality. The amelioration of the living standards is therefore an imperative.

➤ **The Amelioration of the Living Standards**

Quality management and poverty can never thrive together. It is utopian to expect a public agent to be his best when he is unable to provide for his taxi fare to the job side every day. The case of civil servants residing in Yaounde but working in Sao is very eloquent. A good number earning less than 30 000 francs CFA cannot be reasonably expected to participate in the amelioration of the services of the public administration. A University lecturer for instance, placed on recruitment at index 605, with a total salary of 280 000 francs CFA in 1992, if in January 1993, this salary dropped to 220 000 francs CFA and then to 150 000 in November .1993, it is self-deception to imagine his output and efficiency will remain constant.

This example can to the entire Cameroonian public administration. No amount, to corruption restore quality management. The situation can only be likened to a house with a swimming pool yet the parents are placing a ban on swimming.

For any reform envisaged in view of assuring quality management, the financial situation of the key actors must be .taken into consideration for it to succeed. This means ameliorating the living standards of the public agents by at least reinstating their initial salaries before thinking of salary increases. Without doubt, the multiplier effect will be felt at the level of the society. With better working conditions, one may then nurse hopes of quality management, which can be consolidated should judicial solution be effective.

1. The Judicial Solutions

In our endeavour to assure quality management, the judiciary has a very big rote to play. Besides serving as custodians of fundamental human right, the judiciary also serves as a watchdog guarding against eventual administrative abuses. In Cameroon, it protects legality. That is, it makes sure all decisions taken by the administration authorities are legal. It enforces the principle of legality. It will declare null and void any decision violating legality thereby assuring quality management.

Moreover, where the public administration through her action or inaction provokes a damage, the right of the victim are protected by the judge through an action for damage. Engaging the liability of the state for malfunctioning is also a measure of quality management.

Yet, the weaknesses inherent in the Cameroonian judicial system cannot permit the public administration to boost quality management. For one thing, there exist in Cameroon two sets of laves. One for the big and another for the small. This can be verified from the fact that, whenever there exists

suit on corruption or misappropriation of public funds, the defendant more often than not is of lower category, whereas the real embezzlers remains unpunished.

The courts are helpless before this reality since they cannot be seized ultra petita. That is the court can only address matters referred to it. If a matter is not referred to it, the court on its motion cannot address it. This limitation is a serious handicap to quality management assurance. The prosecution of a highly civil servant can only be initiated by the minister in charge of state control and other competent ministers but for its findings to have effect, it must be authorised by the president of the republic.

Moreover, the absence of an independent judiciary cannot militate in favour of quality management. Appointed by the head of state, which is assisted in the management of the career of magistrates by the Higher judicial Council, the judges owe him allegiance in spite of the fact that according to the constitution they are answerable only to the law and their conscience⁴⁴. The executive dictates the line of conduct to adopt⁴⁵. In the case of Titus Edzoa Vs State of Cameroon for instance, the defendant was accused and condemned for embezzlement of public funds and sentenced accordingly to 15 years imprisonment and a fine of 350 million francs CFA, a decision teleguided by the executive to get rid of the accused who preparing to contest the 1997 presidential elections.

The control of the public administration itself is also very problematic. Although individuals have the possibility to initiate a court action for the control of legality of administration decisions, and an action for damages, the system of duality of jurisdictions, where two sets of courts exist, that is, the administrative and the ordinary law courts makes things very difficult and complicated for them. A good number of cases filed against the public administration are dismissed because the plaintiff was unable to seize the court with proper jurisdiction.

The procedural complexities in the case of administrative court also accounts for the dismissal of many suits that would have provided opportunity for the control of the public administration, a means of assuring quality management.

GENERAL CONCLUSION

Three decades after independence, should Africans still be searching for a better management technique? From one political regime to the other, there has hardly been any progress. Instead, the upsurge of xenophobia, tribalism and wars have led to situations where it can be said, the public administration has ceased to exist.

⁴⁴ See article 37(2) of the- 1966 constitutional tex.

⁴⁵ See the example of the Titus Edzoa affair, former minister of public health, minister of higher education secretary general at the presidency of the republic and then special adviser to the president of the republic, accused and condemned for embezzlement of public funds to a prison term of 15 years and fine of 350 000 000 francs CFA, whereas the true motive for the court action was to get rid of him as he was intending to contest the presidential elections of 1997. For details see La Nouvelle Expression, n° 508. 28th April 1999, p. 9.

As if that was not enough, even in countries where there exists a relative precarious peace, generalized poverty, mismanagement and corruption have constituted themselves into a rule, thereby necessitating urgently, a rethinking of the entire administrative system. With the dawn of a new millennium, it is intolerable for Africans to still be haunted by the ghost of mismanagement. The failure to act fast may give birth to an irreversible situation of definite and permanent dependency especially with the advent of the phenomenon of globalisation in a world transforming into a global village. Where will be the place of a backward corner and archaic Africa? Until something is done and done fast enough, globalisation will only serve the interest of the 'dol.' nations and perpetuate the subjugation of the African countries.

The stakes are high. To survive, since it is today more a question of survival, a change of mentality is very imperative. Patriotism must be encouraged. Sound objective and operational structures instituted, accountability introduced, a veritable liberal democracy instituted. Until these basic requirements are met, there can be no talk of quality management assurance in Africa in general and Cameroon in particular.

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