

Democracy Without Rights? Constitutionalism, Political Power and Human Rights Protection in Cameroon and Central Africa

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Abstract

The relationship between democracy, constitutionalism and human rights remains a central concern in contemporary African governance. Across Central Africa, constitutions formally endorse democratic government, separation of powers, political pluralism, fundamental freedoms and adherence to regional and international human rights standards. Yet the practical exercise of political power often reveals a significant gap between constitutional commitments and political reality. Cameroon offers a particularly important illustration of this tension. Although its constitutional framework recognises democratic institutions and fundamental rights, prolonged presidential incumbency, concentrated executive power, weak institutional accountability, restrictions on political participation and ongoing human rights concerns raise questions about the substantive quality of democracy. This article examines whether democracy can meaningfully exist without effective human rights protection. It challenges approaches that equate democracy primarily with periodic elections, while neglecting constitutionalism, judicial independence, institutional accountability, civil liberties and meaningful political participation. Using Cameroon as the principal case study, and drawing comparative insights from Chad, Gabon, Equatorial Guinea, the Republic of Congo, the Central African Republic and the Democratic Republic of Congo, the article examines how constitutional systems may formally proclaim democracy while simultaneously facilitating the concentration and perpetuation of political power. Situating these experiences within the African Charter on Human and Peoples' Rights and the African Charter on Democracy, Elections and Governance, the article argues that Central Africa's principal democratic challenge is an implementation gap between constitutional commitments and political practice. It concludes that sustainable democratisation requires a rights-based constitutional democracy grounded in effective limits on executive power, independent institutions, credible elections, judicial independence, political pluralism, civic freedoms and regional accountability.

Keywords: authoritarianism, Cameroon, central Africa, constitutionalism, democracy, elections, governance, human rights, political power, rule of law

1. Introduction

Democracy, constitutionalism and human rights are mutually reinforcing foundations of legitimate government. Democracy enables citizens to constitute and periodically renew political authority, while human rights set limits on its exercise. Constitutionalism links these principles by subjecting governmental power to law and institutional restraint. Yet Central Africa presents a significant paradox: despite multiparty constitutions, periodic elections and formal rights guarantees, substantive democratic governance is often constrained by executive dominance, weak institutional accountability and limits on political competition (Note 1). Cameroon provides an important case study. Although formally constitutional and multiparty, the country has seen President Paul Biya remain in power since 1982, and the 2008 removal of presidential term limits eliminated an important constraint on presidential tenure. More broadly, the relationship between executive authority, electoral institutions, parliament, the judiciary, opposition politics and civic freedoms raises fundamental questions about the substantive character of democracy. Comparable concerns arise across Central Africa (Note 2). Equatorial Guinea demonstrates extraordinary presidential longevity; the Republic of Congo combines prolonged rule with controversial constitutional changes; Chad has experienced contested constitutional succession; Gabon's 2023 coup exposed the dangers of unconstitutional transition; while the Central African Republic and the Democratic Republic of Congo demonstrate how conflict, insecurity and institutional fragility undermine democratic governance. Regional law provides an important framework for evaluating these challenges (Note 3). The African Charter on Human and Peoples' Rights

establishes fundamental protections, while the African Charter on Democracy, Elections and Governance (ACDEG) explicitly links democracy to constitutionalism, human rights, political participation and the rule of law (Note 4). Cameroon's ratification of ACDEG therefore requires an examination of whether democratic institutions operate consistently with these substantive commitments (Note 5).

This article argues that the principal democratic deficit confronting Cameroon and parts of Central Africa lie in the gap between constitutional form and political practice. Elections are indispensable but insufficient without political pluralism, civic freedoms, judicial independence, institutional accountability and effective constraints on executive power. Using a doctrinal and comparative methodology, the article develops rights-based constitutional democracy as its analytical framework, with Cameroon as the principal case study and comparative reference to other Central African states. Ultimately, it argues that human rights are not merely consequences of democracy but constitutive conditions that give political participation and electoral choice their democratic meaning.

2. Democracy, Constitutionalism and Human Rights: A Conceptual Framework

2.1 Beyond Electoral Democracy

The most basic understanding of democracy concerns the source of governmental authority: political power is legitimate because it derives, directly or indirectly, from the people. Elections are therefore central to democratic governance, enabling citizens to choose representatives and to remove governments peacefully. However, elections alone do not establish meaningful democracy (Note 6). Where opposition organisation, media freedom, public assembly or political expression are substantially restricted, elections may satisfy the formal requirements of electoral government while failing to realise democratic substance (Note 7). A distinction must therefore be drawn between electoral and constitutional democracy. Electoral democracy primarily concerns competition for political office through periodic voting. Constitutional democracy goes further by requiring electoral competition to occur within a legal and institutional framework that protects political freedoms, limits governmental authority, safeguards minorities, and provides independent mechanisms for challenging abuses of power (Note 8). This distinction is particularly important where elections coexist with entrenched incumbency. Assessing democratic quality must extend beyond election day to include voter registration, electoral administration, campaign regulation, media access, the use of public resources, freedom of assembly, political intimidation, and electoral dispute resolution.

2.2 Constitutionalism as a Limitation Upon Political Power

Constitutionalism is distinct from the mere existence of a constitution. While a constitution establishes governmental institutions and allocates political authority, constitutionalism requires that those institutions and the exercise of public power remain subject to the law. It therefore encompasses constitutional supremacy, separation of powers, legality, judicial independence, institutional accountability, fundamental rights, and effective mechanisms for challenging unlawful governmental conduct (Note 9). This distinction is particularly important in highly presidential systems. Strong presidential authority is not inherently incompatible with democracy; the difficulty arises when executive power dominates the institutions meant to constrain it. A legislature incapable of effective oversight, a judiciary vulnerable to executive influence, or an electoral body lacking sufficient independence may exist in law yet provide little practical restraint on presidential authority. Constitutionalism should therefore be assessed by institutional effectiveness rather than by institutional existence. The same principle applies to constitutional amendment (Note 10). Although constitutions require mechanisms for legitimate change, amendment powers may also weaken democratic safeguards. Cameroon's 2008 removal of presidential term limits illustrates this tension. Although enacted through constitutional procedures, the amendment enabled an incumbent who had already governed for decades to continue seeking office, raising fundamental questions about whether procedural constitutional legality alone is sufficient when constitutional change substantially alters the distribution and limitation of political power (Note 11).

2.3 Human Rights as Constitutive Elements of Democracy

Human rights are sometimes conceptualised primarily as limits on democratic majorities. From this perspective, democracy determines who governs, while human rights restrict what those governing institutions may legitimately do. Although this distinction has analytical value, it understates the deeper relationship between rights and democratic participation. Certain human rights are preconditions for meaningful democracy (Note 12). Freedom of expression enables citizens to criticise government, exchange political ideas and evaluate competing policy programmes. Freedom of association enables political parties, trade unions and civil society organisations to mobilise collective political action. Freedom of peaceful assembly permits public demonstrations and political meetings. Media freedom enables scrutiny of public institutions and the dissemination of competing perspectives. The right to political participation provides citizens with access to governmental decision-making. Equality and non-discrimination ensure that political citizenship is not reserved for favoured groups (Note 13). These rights create what might be described as the infrastructure of democratic participation. Where they are substantially

restricted, elections become correspondingly less capable of expressing genuine popular sovereignty. Judicial rights are equally important. Due process, access to independent courts and effective remedies enable citizens to challenge governmental abuses. Without such mechanisms, constitutional rights may remain declaratory rather than enforceable. Human rights protection must therefore be regarded as intrinsic rather than incidental to democracy (Note 14).

2.4 The African Normative Conception of Democracy

African regional law increasingly reflects this integrated conception of democracy. The African Charter on Democracy, Elections and Governance is one of the clearest expressions of this development. Its provisions establish an explicit relationship among democracy, constitutionalism, popular participation, human rights and the rule of law (Note 15). Article 4 requires states parties to promote democracy, the rule of law and human rights, and recognises popular participation through universal suffrage (Note 16). Article 5 requires measures to ensure constitutional rule, including constitutional transfers of power. Article 6 requires states to ensure the enjoyment of fundamental freedoms and human rights. Article 8 addresses discrimination and the protection of vulnerable groups, while Article 10 emphasises constitutional supremacy and equality before the law (Note 17). The significance of these provisions should not be underestimated. They reject an exclusively electoral conception of democratic legitimacy. Under ACDEG, democracy involves not only elections but also constitutional governance, the protection of human rights, political participation, and limits on governmental power. The Charter therefore provides a powerful normative framework for evaluating democratic governance in Cameroon and other ratifying states. The difficulty lies primarily in implementation. The gap between regional normative ambition and domestic political practice illustrates a broader challenge in African governance: states may accept sophisticated regional obligations without sufficiently transforming domestic institutions to realise those commitments. The question is therefore not simply whether democratic norms exist (Note 18).

3. Cameroon: Constitutional Democracy and the Architecture of Presidential Power

3.1 Constitutional Foundations of Democracy in Cameroon

Cameroon presents an important paradox in African constitutionalism. Formally, its constitutional framework contains many features associated with constitutional democracy. The Constitution recognises popular sovereignty and fundamental freedoms, establishes executive, legislative and judicial institutions, provides for elections and accommodates political pluralism. Cameroon is also bound by regional and international human rights instruments, including the African Charter on Human and Peoples' Rights and the African Charter on Democracy, Elections and Governance. However, these formal commitments must be distinguished from the practical distribution of political authority (Note 19). The critical question is whether democratic institutions possess sufficient autonomy to constrain governmental power and to facilitate meaningful political competition. Cameroon's contemporary political system reflects a historical concentration of executive authority. Following independence and reunification, Ahmadou Ahidjo governed until his resignation in 1982, when Paul Biya succeeded him. Biya's subsequent presidency, spanning more than four decades, makes Cameroon an important case for examining the relationship between prolonged incumbency, constitutionalism and democratic accountability. Political liberalisation in the early 1990s introduced multiparty politics and competitive elections, while the 1996 Constitution established a more elaborate institutional framework that incorporated decentralisation, bicameralism and constitutional adjudication (Note 20). Nevertheless, these reforms did not necessarily dismantle the structures through which executive authority had been consolidated. This highlights the distinction between political liberalisation and democratic transformation.

3.2 Presidentialism and the Concentration of Executive Authority

The President holds an exceptionally powerful position within Cameroon's constitutional framework, exercising extensive authority over the executive, major state appointments and the security apparatus. Such concentrated presidential authority is not inherently incompatible with democracy. The constitutional concern arises when institutions intended to constrain executive power lack sufficient independence and effectiveness. Separation of powers must therefore be assessed functionally rather than merely by the formal existence of executive, legislative and judicial branches. This concern is particularly significant given the prolonged dominance of the Cameroon People's Democratic Movement (CPDM) and its predecessor. Long-term party dominance can blur the distinction between governing-party interests and state institutions, potentially creating an asymmetrical political environment in which opposition parties formally compete but face an incumbent with substantial institutional and material advantages (Note 21). The central issue is therefore structural rather than merely personal. The cumulative concentration of appointment powers, administrative authority, political influence and prolonged incumbency may weaken the horizontal accountability essential to constitutional democracy. Effective constitutionalism should not depend on a president voluntarily exercising political restraint. Instead, democratic institutions must have sufficient legal authority, independence and capacity to scrutinise executive action and impose meaningful constraints on governmental power.

3.3 Presidential Term Limits and the 2008 Constitutional Amendment

Few developments illustrate the tension between constitutional legality and democratic constitutionalism in Cameroon more clearly than the 2008 removal of presidential term limits. The 1996 Constitution provided for a seven-year presidential term renewable once, thereby establishing a temporal limitation on incumbency. Term limits can facilitate political alternation and leadership renewal and prevent excessive personalisation of political power (Note 22). In 2008, however, Article 6(2) was amended to remove this restriction, permitting the incumbent to contest subsequent elections (Note 23). The significance of this amendment extends beyond procedural legality. Constitutionalism also requires consideration of whether formally lawful amendments fundamentally alter the democratic character of the constitutional order, particularly when governing majorities remove restrictions that directly limit their continued power. This engages the concept of constitutional “dismemberment”: constitutional change that preserves the formal constitution while substantially transforming one of its fundamental commitments (Note 24). Although presidential term limits are not universally indispensable to democracy, their importance is context-dependent. Where incumbents exert substantial influence over state institutions, public resources and the political environment, term limits may serve as an important safeguard against indefinite tenure. Cameroon’s 2008 amendment therefore removed a significant constitutional barrier to prolonged presidential incumbency. The democratic concern is not longevity alone, since repeated electoral victories can, in theory, sustain democratic legitimacy (Note 25).

3.4 Parliament and Horizontal Accountability

A functioning legislature is fundamental to constitutional democracy. Beyond enacting legislation, parliament scrutinises government action, approves public expenditure, represents competing political interests, and provides an institutional mechanism for executive accountability. Cameroon’s Parliament comprises the National Assembly and the Senate, with the latter becoming operational in 2013 and completing the bicameral structure envisaged by the 1996 Constitution. However, bicameralism does not necessarily ensure effective legislative constraints on executive power (Note 26). The governing party’s longstanding parliamentary dominance may limit Parliament’s capacity to act as an independent counterweight to the executive. Although party discipline is common in democratic systems, overwhelming and prolonged dominance can reduce incentives for meaningful scrutiny of executive decisions. Effective parliamentary accountability therefore requires robust committees, access to government information, meaningful opposition participation, transparent scrutiny of public expenditure, and mechanisms capable of producing political consequences for governmental failures. Weak legislative oversight has significant implications for both constitutionalism and human rights. Parliamentary scrutiny is particularly important for security legislation, emergency powers, public-order measures, detention practices, and governmental responses to internal conflict. Where such oversight is limited, presidential authority encounters fewer horizontal constraints, while executive measures affecting fundamental rights may escape sufficiently rigorous and independent examination (Note 27).

3.5 The Constitutional Council and Electoral Adjudication

Constitutional adjudication is another essential mechanism for controlling political power. Cameroon’s Constitutional Council, provided for under the 1996 Constitution and operationalised in 2018, has significant responsibilities for constitutional review and electoral disputes. Its establishment marked an important institutional development. Nevertheless, constitutional courts derive democratic authority not merely from their legal jurisdiction but from public confidence in their independence (Note 28). This is particularly important in presidential elections. Electoral disputes inevitably involve politically sensitive questions, often concerning the very institutions responsible for governing the state. A constitutional tribunal responsible for resolving such disputes must therefore enjoy a high degree of institutional autonomy and public legitimacy. Appointment mechanisms are central to this assessment. When political office-holders wield extensive influence over appointments to constitutional adjudicatory institutions, questions about perceived independence can arise, even when individual members act professionally and conscientiously. The broader constitutional principle is straightforward: the institution that determines whether political power has been lawfully acquired must itself be sufficiently insulated from those competing for that power. This requirement is not unique to Cameroon (Note 29).

4. Elections, Political Participation and the Human Rights Foundations of Democracy

4.1 Elections as Necessary but Insufficient Conditions of Democracy

Cameroon has held regular multiparty elections since the political reforms of the 1990s, marking a significant departure from earlier single-party rule. However, democratic quality cannot be assessed solely by the occurrence of elections. Meaningful elections require an environment in which citizens can access information, political parties can organise, candidates can campaign freely, journalists can scrutinise government, and voters can participate without intimidation. Electoral integrity must therefore encompass the entire electoral cycle, including the legal framework, voter registration, campaign regulation, media access, voting, vote counting, the declaration

of results, and dispute resolution (Note 30). The independence of Elections Cameroon (ELECAM), which is responsible for organising and supervising elections, is particularly important. Electoral credibility depends not only on statutory mandates but also on institutional independence, operational impartiality, and public confidence. Where political actors distrust electoral administration, the legitimacy of the wider democratic process may be weakened. Democratic reform must therefore strengthen both the actual independence of electoral institutions and public confidence in their impartiality (Note 31).

4.2 Political Opposition and Unequal Democratic Competition

Political pluralism has limited democratic value where opposition parties may legally exist but cannot realistically compete for governmental authority. Meaningful political participation, therefore, requires the freedom to organise, campaign, communicate with voters, hold public meetings, and challenge government policies without unjustified interference (Note 32). Cameroon has numerous opposition parties, including the historically influential Social Democratic Front and the Cameroon Renaissance Movement. However, opposition actors have raised concerns about restrictions on political activities, arrests, limitations on demonstrations and inequalities within the electoral environment. Governments may legitimately regulate political activities and demonstrations to protect public safety and order. However, such restrictions must be lawful, necessary, proportionate and applied without discriminatory political effect. Constitutional democracy requires governments to tolerate peaceful political opposition, even when criticism is severe or uncomfortable (Note 33).

4.3 Freedom of Expression and Media Freedom

Freedom of expression performs a fundamental democratic function by enabling journalists, academics, civil society organisations and opposition politicians to scrutinise government and inform public debate. Restrictions on expression therefore affect not only individual liberty but also the distribution of political power by limiting citizens' access to information. Cameroon maintains both public and private media outlets, yet journalists have faced arrests, detention, intimidation and legal pressures, particularly when reporting on politically sensitive issues. National security presents additional challenges, given threats from Boko Haram in the Far North and from armed separatist groups in the North-West and South-West regions. Although states may lawfully restrict expression to prevent terrorism and violence, broadly framed security legislation can also constrain legitimate journalism, criticism and political advocacy. The democratic test is whether legislation clearly distinguishes incitement to or participation in violence from protected expression and peaceful dissent (Note 34). Human rights law does not require governments to tolerate violence; it requires them to distinguish violence from dissent.

4.4 Freedom of Assembly and Civic Space

Public assembly provides citizens with a means of political participation outside periodic elections. Demonstrations, marches, public meetings and civic campaigns allow individuals to communicate collective grievances and exert peaceful pressure on political institutions. Restrictions on assembly therefore directly affect democratic participation. Governments may regulate public gatherings to protect public order and the rights of others. Nevertheless, administrative regulation must not become a mechanism for systematically preventing politically inconvenient assemblies. The distinction between notification and authorisation regimes is important. Where officials possess broad discretionary powers to prohibit gatherings, political participation can become dependent on administrative approval. A rights-based democracy should presume that peaceful political assembly is lawful, subject only to restrictions that satisfy clearly defined legal and proportionality requirements. The protection of civic space is particularly important during periods of political tension (Note 35). A political system that closes peaceful avenues for expressing grievances may inadvertently increase the attractiveness of extra-institutional forms of political resistance.

4.5 The Anglophone Crisis as a Test of Democratic Constitutionalism

The conflict in Cameroon's North-West and South-West regions poses a profound test of the country's constitutional and human rights framework. It stems from longstanding grievances over the political, legal, educational and cultural status of Anglophone communities. Protests by lawyers and teachers in 2016 escalated into a broader political confrontation and, eventually, an armed separatist conflict. The crisis has caused extensive human suffering, including killings, displacement, kidnappings, attacks on schools and severe disruption to economic and social life. Both state security forces and armed separatist groups have faced allegations of serious human rights abuses. However, its significance extends beyond security, raising fundamental questions about political inclusion, decentralisation, minority protection and the capacity of state institutions to address grievances peacefully (Note 36). The conflict demonstrates that human rights protection cannot be separated from democratic governance. When communities perceive constitutional institutions as incapable of addressing legitimate grievances, confidence in the political order may erode. This does not legitimise separatist violence: attacks on civilians, kidnappings, killings and assaults on education remain incompatible with human rights, regardless of political objectives. Cameroon's constitutional framework provides for decentralisation and recognises its

distinctive linguistic and cultural heritage. The special status granted to the North-West and South-West regions is an attempt to address aspects of the Anglophone question (Note 37). Its effectiveness, however, depends on meaningful implementation, local autonomy and responsiveness to affected communities.

5. From Cameroon to Central Africa: A Regional Democratic Pattern?

5.1 The Limits of Regional Generalisation

Cameroon should not be treated as representative of every Central African state. The region exhibits substantial variation in colonial histories, constitutional structures, political institutions, economic resources, conflict experiences and state capacity. Nevertheless, comparative analysis reveals recurring features that justify examining Cameroon within a broader regional framework. These include prolonged presidential incumbency, dominant governing parties, constitutional amendments affecting presidential tenure, weak horizontal accountability, restrictions on political and civic space, and recurrent difficulties surrounding peaceful political succession (Note 38). The central comparative question is therefore not whether every Central African state is politically identical, but why democratic constitutionalism has remained comparatively fragile across substantial parts of the region.

5.2 Equatorial Guinea: Longevity and the Personalisation of Political Power

Equatorial Guinea offers perhaps the clearest regional example of extreme presidential longevity. President Teodoro Obiang Nguema Mbasogo assumed power in 1979 and has remained at the centre of the country's political system for decades. Elections and formal constitutional institutions coexist with a highly concentrated political structure. The Equatoguinean experience illustrates one of the principal arguments developed in this article: institutional form alone cannot determine democratic substance (Note 39). A state may possess a constitution, legislature, courts, political parties and elections, yet the practical distribution of power remains profoundly unequal. The concentration of political and economic authority also underscores the relationship between governance and human rights. Where institutional mechanisms of accountability are weak, citizens have fewer effective opportunities to challenge abuses of state authority or to demand transparency in the management of national resources.

5.3 The Republic of Congo: Constitutional Change and Presidential Continuity

The Republic of Congo offers another instructive case. Denis Sassou Nguesso has dominated the country's political history across two extended periods in office. Constitutional changes preceding the 2016 presidential election altered restrictions that would otherwise have affected his eligibility to continue seeking office (Note 40). The formal legality of these constitutional changes again raises the substantive question encountered in Cameroon: at what point does constitutional amendment cease to facilitate democratic adaptation and instead become a mechanism for preserving incumbent power? The problem is not amendment itself. Constitutions must be amendable. The concern arises when the rules governing access to political office are repeatedly redesigned to advantage those who already exercise state power. This phenomenon may be described as constitutional incumbency preservation: the use of formally legal constitutional mechanisms to weaken or remove constraints that threaten the continuation of an incumbent political order. Unlike a military coup, such changes occur through constitutional institutions.

5.4 Chad: Constitutional Succession and Dynastic Continuity

Chad illustrates a different dimension of the regional problem. Idriss Déby governed the country for approximately three decades before his death in April 2021. Rather than following ordinary constitutional succession, a Transitional Military Council headed by his son, Mahamat Idriss Déby, assumed authority. The episode demonstrated the vulnerability of constitutional rules during moments of political transition. This is precisely when constitutionalism matters most. A constitution does not meaningfully constrain political power if its succession provisions operate only when politically convenient (Note 41). The rule of law requires constitutional rules to govern moments of crisis as well as periods of stability. Chad subsequently underwent a political transition culminating in elections, but the initial displacement of the constitutional succession remains important for understanding the institutional fragility of democratic government. The Chadian experience also demonstrates how security considerations can complicate democratisation. Chad has occupied an important regional security position, confronting terrorism and instability across the Sahel and neighbouring regions. International partners may consequently prioritise security cooperation and regime stability over democratic accountability (Note 42). This produces a wider dilemma for human rights policy: stability is frequently treated as a prerequisite for democracy.

5.5 Gabon: When Entrenched Civilian Rule Ends Through Military Intervention

Gabon's 2023 coup presents an especially revealing case. For decades, political power had been dominated by the Bongo family, first under Omar Bongo and subsequently under Ali Bongo Ondimba. Following the disputed 2023 presidential election, military officers seized power. For citizens dissatisfied with entrenched political rule, military intervention can sometimes appear to provide immediate political rupture. Yet coups create their own profound

constitutional dangers. The replacement of an entrenched civilian government by military authority does not constitute democratisation merely because the displaced government suffered from democratic deficiencies (Note 43). This distinction is essential. Democratic constitutionalism requires both the removal of authoritarian practices and the rejection of unconstitutional seizure of power. Otherwise, dissatisfaction with defective democracy risks legitimising military intervention as an alternative mechanism of political succession. Gabon therefore demonstrates the danger produced when constitutional institutions lose public credibility.

5.6 A Regional Crisis of Political Succession

These experiences reveal a broader regional challenge: the crisis of political succession. Healthy democracies institutionalise political uncertainty: governments may lose elections, presidential tenure is temporary, and opposition parties can realistically attain power through peaceful competition. Democratic fragility emerges when political leaders appear more enduring than the constitutional institutions they govern. Cameroon, Equatorial Guinea, the Republic of Congo, Chad and pre-2023 Gabon illustrate different dimensions of this problem (Note 44). When institutions become organised around preserving leaders or political networks, political competition becomes increasingly consequential. Governments may perceive opposition mobilisation as threatening regime survival, while opposition groups may lose confidence in institutional processes, leading to restrictions on expression, association and assembly. Human rights protection and peaceful political succession are therefore closely linked. Central Africa's democratic challenge extends beyond organising elections to building political systems in which losing power is institutionally feasible, constitutionally normal and personally safe.

5.7 The Central African Republic: Democracy, Conflict and Institutional Fragility

The Central African Republic (CAR) poses a distinct challenge to democratic constitutionalism. Unlike states where democratic difficulties primarily stem from entrenched executive power, CAR illustrates the consequences of weak institutions, recurrent armed conflict and limited governmental authority. Since independence, coups, rebellions and political instability have constrained the development of durable democratic institutions. The 2013 overthrow of President François Bozizé by the Séléka coalition intensified this instability, while violence by Séléka, anti-Balaka and other armed groups caused extensive civilian suffering, displacement and the fragmentation of state authority (Note 45). The subsequent restoration of constitutional government and the election of President Faustin-Archange Touadéra represented an important attempt to rebuild democratic institutions. Nevertheless, ongoing insecurity limits meaningful political participation when citizens cannot safely travel, assemble, campaign or vote. CAR therefore demonstrates that effective state capacity is essential to human rights protection, because constitutional guarantees have limited value without institutions capable of enforcing them. However, state capacity and constitutional restraint must develop simultaneously. Strengthening governmental authority without accountability risks replacing insecurity with arbitrary power, while constitutional limitations remain ineffective where institutions cannot protect citizens. The democratic objective must therefore be a state that is simultaneously capable and constrained: capable of maintaining lawful authority and protecting citizens yet constrained by constitutional and human rights obligations. Debates surrounding constitutional reform and presidential tenure further connect CAR to broader regional concerns (Note 46).

5.8 The Democratic Republic of Congo: Elections, Conflict and the Struggle for Constitutional Government

The Democratic Republic of Congo (DRC) offers another distinct model of democratic fragility. Its political development has been shaped by colonial exploitation, post-independence instability, authoritarian rule under Mobutu Sese Seko, regional warfare and ongoing armed conflict, particularly in the eastern provinces (Note 47). The 2006 Constitution sought to establish a multiparty democratic framework with separation of powers and presidential term limits. The transfer of presidential authority from Joseph Kabila to Félix Tshisekedi following the 2018 election was historically significant, marking the country's first peaceful transfer of presidential power through an electoral process after independence (Note 48). Nevertheless, electoral alternation alone has not resolved broader democratic challenges. Electoral processes remain contested, and concerns about institutional independence, political repression, corruption and human rights persist. Continuing armed conflict in eastern DRC further underscores the relationship between security and substantive democracy. Communities experiencing killings, sexual violence, displacement and property destruction may formally possess constitutional rights yet lack the security needed to exercise them effectively.

5.9 Central Africa's Democratic Deficit: Common Features, Different Causes

The comparative analysis shows that Central Africa does not suffer from a single democratic pathology. Cameroon combines prolonged presidential incumbency with extensive executive authority; Equatorial Guinea exhibits extraordinary presidential longevity and concentrated political power; the Republic of Congo illustrates tensions between constitutional amendment and presidential continuity; and Chad demonstrates the vulnerability of constitutional succession. Gabon shows how prolonged political dominance may culminate in unconstitutional military intervention, whereas CAR and the DRC demonstrate how institutional fragility, armed conflict and

insecurity can undermine democratic governance (Note 49). Despite these differences, several recurring characteristics emerge: concentration of political power around the presidency; weak institutional constraints on executive authority; contested presidential succession; limited opportunities for credible political alternation; restrictions on expression, assembly, association and political participation; and the use of security concerns to justify extensive governmental authority. Regional institutions have also struggled to translate democratic standards into consistent domestic compliance. These patterns constitute a regional democratic implementation deficit. Central Africa does not lack constitutional or democratic norms. National constitutions and regional legal frameworks contain substantial commitments to democracy, constitutionalism and human rights (Note 50).

6. Democratic Backsliding and Constitutional Manipulation

6.1 From Military Coups to Constitutional Authoritarianism

Traditional accounts of democratic breakdown often emphasise coups d'état, in which military actors overthrow civilian governments and suspend constitutional institutions. Although such unconstitutional changes remain a serious concern in Africa, contemporary democratic erosion frequently occurs through less dramatic, incremental mechanisms. Elections may continue, courts remain operational, parliaments sit, and political parties retain legal status, while the substantive distribution of political power gradually shifts (Note 51). Electoral laws may advantage incumbents, opposition activities may be restricted, independent media may be pressured, constitutional amendments may be used to facilitate prolonged incumbency, and courts may be weakened in their ability to constrain executive authority. Civil society may similarly operate within increasingly restrictive environments. Such processes preserve the institutional appearance and vocabulary of democracy while gradually eroding meaningful political competition and accountability. This form of democratic erosion poses challenges for regional organisations because it occurs without a clearly identifiable moment of unconstitutional rupture that would ordinarily trigger regional intervention (Note 52).

6.2 The Constitutional Coup Problem

The concept of the “constitutional coup” captures situations in which formally constitutional mechanisms are used to undermine the democratic purposes of a constitutional order. Unlike military coups, constitutional institutions remain operational, while amendments, legislative majorities or other lawful procedures are used to weaken constraints on political power. The concept requires careful application. Constitutional amendment is itself an expression of democratic sovereignty, and not every change affecting presidential eligibility constitutes democratic erosion. The relevant considerations are the purpose, context and cumulative institutional consequences of constitutional change. Where incumbent governments control amendment processes, remove restrictions that directly affect their continuation in office, and operate within systems characterised by unequal political competition, procedural legality alone may be insufficient to establish democratic legitimacy (Note 53). Cameroon's 2008 removal of presidential term limits illustrates this tension.

6.3 Why Constitutionalism Requires More Than Majoritarianism

A parliamentary majority may have the legal authority to amend a constitution, but constitutionalism requires more than mere procedural compliance. Constitutions also constrain political majorities by protecting principles essential to democratic government, including political equality, judicial independence, fundamental rights and meaningful political competition. The distinction between constitutional legality and constitutional legitimacy is therefore crucial. Legality concerns compliance with formal amendment procedures, whereas legitimacy assesses whether constitutional change remains consistent with the democratic principles underpinning the constitutional order. When amendments enable incumbents to weaken future political competition, majoritarianism risks becoming self-defeating. Sustainable constitutionalism in Central Africa must therefore safeguard both procedural legality and substantive democratic legitimacy (Note 54).

7. The African Regional Framework: From Sovereignty to Democratic Accountability

7.1 The African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights, adopted in 1981 and entering into force in 1986, established a distinctive regional framework for protecting individual and peoples' rights. Its guarantees, including equality, liberty, a fair trial, freedom of expression, association, assembly and political participation, provide an important foundation for democratic governance. Article 13 is particularly significant, recognising every citizen's right to participate freely in government, directly or through freely chosen representatives. This right must be interpreted alongside other Charter protections, as meaningful political participation depends on citizens' ability to organise, communicate, assemble and obtain effective legal remedies. The African Charter therefore provides a human rights foundation for substantive democracy. Although adopted before the African Union's later emphasis on democratic governance, its interconnected protections demonstrate that meaningful political participation requires more than elections; it depends on an institutional environment in which fundamental rights can be effectively exercised (Note 55).

7.2 *The African Commission on Human and Peoples' Rights*

The African Commission on Human and Peoples' Rights plays a key role in interpreting the African Charter and developing regional human rights standards. Through its jurisprudence, resolutions and guidelines, it has strengthened protections for expression, political participation, fair trial and detention. Significantly, states cannot rely solely on domestic legislation to justify restrictions on Charter rights; national laws must comply with regional human rights obligations. This principle is particularly relevant where public order or national security laws restrict political activity. Nevertheless, the Commission's effectiveness depends largely on state cooperation and implementation, creating a persistent **enforcement gap** between regional human rights standards and domestic political practice (Note 56).

7.3 *The African Charter on Democracy, Elections and Governance*

The adoption of the African Charter on Democracy, Elections and Governance in 2007 marked a major normative development. ACDEG moves beyond the traditional human rights framework by directly addressing the institutional organisation of democratic government. Its objectives include promoting adherence to democratic and human rights norms, strengthening constitutional government, promoting credible elections, prohibiting unconstitutional changes of government, encouraging political pluralism, and strengthening the institutions necessary for democratic governance. The Charter is particularly important because it rejects the proposition that democracy is exclusively a domestic political matter (Note 57). By accepting ACDEG, states recognise democratic governance as a matter of regional legal concern. This marks an important evolution in the understanding of sovereignty. Post-independence African states understandably placed substantial emphasis on sovereign equality and non-interference. These principles were essential to a continent emerging from colonial rule.

7.4 *Article 23 and the Problem of Unconstitutional Changes of Government*

One of ACDEG's most significant features is its prohibition of unconstitutional changes of government. Article 23 identifies military coups, mercenary intervention, replacement of elected governments by armed groups, refusal by incumbents to relinquish power after free and fair elections, and constitutional amendments that infringe on democratic principles of political change. The final category is particularly important because it recognises that constitutional manipulation can undermine democracy even in the absence of a military coup. Article 23 therefore provides a potential legal basis for addressing the "constitutional coup" problem. The principal difficulty, however, is enforcement. Military coups are relatively straightforward to identify and can trigger suspension, diplomatic pressure or sanctions. Constitutional manipulation is more complex because governments may argue that amendments were lawfully enacted through parliament, a referendum or other constitutional procedures (Note 58).

7.5 *Cameroon and ACDEG: The Importance of Ratification*

Cameroon's ratification of ACDEG establishes an important normative benchmark for assessing its democratic institutions. The significance extends beyond elections. ACDEG links democratic governance to constitutional supremacy, fundamental freedoms, human rights, equality, political participation and the rule of law. The appropriate question is therefore not merely whether Cameroon holds elections in accordance with its domestic constitutional framework. The broader inquiry is whether the political and institutional environment gives practical effect to the democratic standards accepted under the Charter. This includes examining whether electoral institutions are adequately independent, whether opposition parties can compete meaningfully, whether political expression and peaceful assembly are effectively protected, whether courts provide sufficiently independent remedies, and whether constitutional rules facilitate genuine democratic political change (Note 59).

7.6 *The African Court on Human and Peoples' Rights and the Judicialisation of Regional Rights*

The African Court on Human and Peoples' Rights marks an important development in the judicial protection of regional human rights. A regional court can offer stronger accountability than purely political institutions because judicial reasoning requires governments' conduct to be evaluated against legal standards rather than diplomatic preferences. However, the effectiveness of regional adjudication depends on jurisdiction, access and state cooperation. The system that permits individuals and non-governmental organisations to access the Court directly depends on state acceptance of the relevant jurisdictional arrangements. The withdrawal of declarations by several states allowing such direct access has demonstrated the political vulnerability of regional judicial enforcement (Note 60). This reveals a broader structural problem: regional human rights institutions are strongest precisely when states accept constraints on sovereignty, yet governments may become less willing to accept those constraints when regional adjudication begins to impose meaningful political costs.

8. **Why Regional Democratic Enforcement Remains Weak**

8.1 *The Sovereignty–Accountability Tension*

The African Union operates within an inherent tension between sovereign equality and collective democratic accountability. Member states created the regional system and remain its principal political actors. Governments

asked to scrutinise democratic failures in neighbouring states may themselves face concerns about domestic governance. This can generate institutional caution. Strong enforcement against one government may set precedents that other governments fear could later be applied to them. Regional democratic accountability consequently faces a collective-action problem: governments may endorse democratic principles in the abstract while remaining reluctant to authorise intrusive enforcement mechanisms (Note 61).

8.2 Selective Enforcement and the Coup Bias

Regional institutions have developed comparatively visible responses to military coups. Governments emerging from coups may be suspended from African Union activities and subjected to demands for constitutional restoration. Such measures are important and should continue. The problem is the relative imbalance between responses to military constitutionalism and responses to civilian democratic erosion. A soldier who suspends the constitution may trigger immediate condemnation from the continent. A civilian government that progressively weakens political competition while maintaining formal constitutional procedures may encounter substantially less institutional resistance. This may be described as the coup bias of regional democratic enforcement (Note 62). The danger is obvious. Democratic norms should protect the substance of constitutional government, not merely civilian incumbency.

8.3 The Implementation Gap

The fundamental regional challenge can therefore be described as an implementation gap. Central Africa does not lack normative commitments. The African Charter sets out human rights obligations. ACDEG sets out democratic governance standards. National constitutions proclaim fundamental rights, political participation and institutional governance. What remains insufficient is the capacity and political will to translate these commitments into consistently enforceable limits on political authority. The distinction between norm creation and norm enforcement is therefore central. African states have participated extensively in the development of a sophisticated normative architecture for democracy and human rights. The next stage of democratic development must focus more systematically on implementation (Note 63). This requires domestic institutional reform, stronger regional monitoring, credible consequences for constitutional manipulation, and greater protection for courts, journalists, and opposition parties.

9. Democracy Without Rights? Reassessing the Central Proposition

The analysis returns to the article's central question: Can democracy exist without rights? If democracy is defined minimally as periodic elections, the answer may appear affirmative. However, substantive democracy requires considerably more. Voting cannot operate meaningfully where citizens lack access to independent information, opposition parties cannot organise freely, journalists cannot scrutinise government, civil society cannot mobilise, or individuals cannot obtain effective judicial remedies for violations of political rights. Human rights therefore create the conditions that give elections democratic meaning. The relationship can be expressed simply: elections determine who may exercise political power; constitutionalism determines the limits of that power; and human rights protect the individuals and communities over whom that power is exercised. Central Africa's democratic challenge is as much constitutional as electoral (Note 64). Cameroon illustrates this particularly clearly: it has a constitution, elections, parliament, courts, opposition parties and extensive human rights commitments, yet the critical question remains whether these institutions effectively constrain political power and facilitate genuine political alternation. The necessary transition is therefore from electoral constitutionalism to rights-based constitutional democracy. This requires effective constitutional restraints, credible elections, independent courts, meaningful parliamentary oversight, civic freedoms, competitive opposition politics and minority protection. Political office must be treated as a temporary constitutional trust rather than a permanent entitlement (Note 65).

10. Towards Rights-Based Constitutional Democracy in Cameroon and Central Africa

10.1 Reconstructing the Meaning of Democratic Reform

The analysis in this article suggests that democratic reform in Cameroon and Central Africa cannot be reduced to organising better elections. Elections remain indispensable, but the deeper challenge concerns the institutional environment in which political competition occurs and political authority is exercised. A reform agenda must therefore address several interconnected dimensions: constitutional limits on executive authority; electoral integrity; judicial independence; parliamentary accountability; protection of civic space; decentralisation; minority participation; regional enforcement; and the development of credible mechanisms for political succession (Note 66). The objective should not be to reproduce constitutional models from other regions without regard for African political realities. Constitutional institutions must remain responsive to local history, political culture, linguistic diversity, security challenges and socioeconomic conditions. Nevertheless, certain principles are universal to constitutional democracy. Political power must be limited. Citizens must be able to participate meaningfully in public affairs. Governments must remain accountable to the law. Courts must be able to protect rights.

10.2 Restoring Effective Presidential Term Limits

One significant reform concerns presidential tenure. Although term limits are not universally necessary for democracy, they can provide important constitutional safeguards where institutions are comparatively weak, electoral administration is subject to questions about public confidence, and presidents exercise extensive appointment and political powers. In Central Africa, prolonged incumbency can gradually reshape political institutions and electoral competition, particularly where governing parties dominate legislatures and institutional checks remain limited. Term limits provide an external constitutional constraint that does not depend on an incumbent's willingness to relinquish power. Cameroon should therefore consider restoring meaningful presidential term limits. Such reform would institutionalise leadership renewal and reinforce the principle that the presidency belongs to the constitutional order rather than to any individual or political generation. Similar safeguards should be preserved across Central Africa. Importantly, constitutionally established term limits should not be removed or extended for the immediate benefit of incumbent presidents. A regional principle could provide that amendments affecting presidential tenure should not apply to the individual holding office when the amendment is adopted. This would preserve states' ability to reform constitutional arrangements while reducing the conflict of interest (Note 67).

10.3 Strengthening Electoral Independence

Electoral management bodies are fundamental to democratic legitimacy, which rests on administrative competence, institutional independence and public confidence. In Cameroon, electoral reform should therefore strengthen the operational autonomy and perceived impartiality of Elections Cameroon (ELECAM). Appointment procedures are particularly important. Where executive influence over appointments is perceived as excessive, opposition parties may question institutional neutrality. A more inclusive process could involve parliament, judicial institutions, civil society, professional bodies and political parties, with safeguards to prevent dominance by any single actor. Transparency should also extend throughout the electoral cycle, including voter registration, polling, counting, transmission of results and publication of constituency-level data. Electoral technologies should remain independently auditable, while domestic and international election observation should support transparency and accountability (Note 68).

10.4 Strengthening Electoral Dispute Resolution

Electoral justice is as important as electoral administration. Disputes are inevitable in competitive political systems. What distinguishes stable democracies is not the absence of disagreement but the presence of credible institutions capable of resolving it peacefully. The Constitutional Council therefore holds an especially important position in Cameroon. Its independence should be reinforced through reforms to appointment procedures, security of tenure and institutional administration. A plural appointment model could reduce perceptions of executive dominance. For example, appointments might be distributed among several constitutionally independent institutions rather than concentrated primarily within political authorities. Decisions should also be publicly accessible and sufficiently detailed to demonstrate the legal basis for resolving electoral disputes. Transparency in constitutional adjudication serves two purposes. It enables legal scrutiny and strengthens public confidence that politically consequential decisions are grounded in law (Note 69).

10.5 Judicial Independence as Democratic Infrastructure

Judicial reform must be central to constitutional democratisation because courts provide the mechanisms through which constitutional limitations and human rights become enforceable. Rights guaranteed without independent judicial remedies risk remaining largely declaratory. Judicial independence requires safeguards for appointments, promotions, discipline, remuneration, administrative resources and security of tenure. The Superior Council of the Judiciary and related institutions should therefore operate in ways that minimise actual or perceived executive influence. Separation of powers requires not merely formal recognition of the judiciary as an independent branch but practical guarantees that enable judges to review governmental conduct without political interference. The jurisdiction of military courts over civilians should also be reconsidered. Criminal charges against civilians, particularly those involving political activity, protest or national security, should ordinarily be determined by independent civilian courts. Military jurisdiction should be narrowly confined to matters genuinely involving military discipline and must remain consistent with constitutional protections and internationally recognised fair-trial guarantees (Note 70).

10.6 Protecting Freedom of Expression and Independent Journalism

Media freedom is indispensable to democratic accountability because independent journalism enables scrutiny of public authority and provides citizens with the information necessary for informed political judgement. Cameroon should therefore strengthen protections for journalists against arbitrary detention, intimidation and disproportionate criminal sanctions arising from legitimate professional activities. National security legislation should be narrowly defined and applied so that investigative journalism, criticism of government policy and

reporting on politically sensitive matters are not improperly characterised as threats to national security. Media freedom, however, carries responsibilities, including accuracy, verification, and respect for others' rights. Inaccurate or irresponsible journalism should ordinarily attract proportionate regulatory or civil remedies rather than criminal sanctions, except where unlawful conduct is clearly defined. Public broadcasting should likewise reflect political pluralism (Note 71).

10.7 Decentralisation and the Constitutional Management of Diversity

Cameroon's constitutional future cannot be separated from the management of its linguistic, cultural and regional diversity. The Anglophone crisis demonstrates the potentially severe consequences of perceived political exclusion and institutional marginalisation. Decentralisation should therefore be treated as a constitutional mechanism for democratic participation rather than merely an administrative policy. Local and regional authorities require meaningful powers, predictable financial resources and sufficient institutional autonomy to respond to local priorities. The principle of subsidiarity provides a useful framework: governmental decisions should be taken as close as reasonably possible to the populations affected by them. For the North-West and South-West regions, the effectiveness of the special status framework depends on whether it provides substantive rather than symbolic autonomy. Institutional arrangements must respond credibly to concerns about the common law tradition, education, language, local governance and political representation (Note 72). Meaningful decentralisation could help restore confidence in state institutions by demonstrating that national unity does not require excessive administrative uniformity.

10.8 Addressing the Anglophone Crisis Through Constitutional Dialogue

The Anglophone conflict cannot be sustainably resolved by military measures alone. While the state has a legitimate duty to protect civilians from separatist violence, including killings, kidnappings and attacks on education, armed groups must likewise be held accountable for violations of human rights and humanitarian law. Nevertheless, security operations cannot substitute for a political settlement that addresses underlying questions of governance, representation, constitutional identity and institutional trust. A sustainable solution requires inclusive dialogue in which affected communities meaningfully participate in determining their governance arrangements. Federalism, enhanced decentralisation, regional autonomy and other constitutional options should remain open to democratic discussion rather than being predetermined. Dialogue should include government, opposition parties, civil society, traditional and religious leaders, women, youth, diaspora representatives and relevant peacebuilding actors (Note 73). Human rights must remain central to any settlement.

11. Strengthening African Regional Democratic Enforcement

11.1 Making ACDEG Operational

The African Charter on Democracy, Elections and Governance possesses significant normative potential, but its effectiveness depends upon implementation. States parties should be subject to more systematic monitoring concerning compliance with democratic governance obligations. Monitoring should extend beyond elections. Indicators should include judicial independence, freedom of expression, freedom of assembly, constitutional amendments affecting presidential tenure, political party competition, parliamentary accountability and the independence of electoral institutions. Regular public reporting could increase transparency and allow civil society, academics and national institutions to engage more effectively with regional democratic obligations (Note 74).

11.2 Operationalising Article 23(5)

Article 23(5) of ACDEG, which addresses constitutional amendments or revisions that infringe the democratic principles of political change, warrants considerably greater institutional attention. The provision recognises that unconstitutional change can occur through formally constitutional means. Yet without clear standards, enforcement will remain difficult. The African Union should therefore develop interpretative guidelines that identify factors relevant to determining when a constitutional amendment undermines democratic political change. These factors might include whether an amendment removes presidential term limits for an incumbent; whether the amendment process permits meaningful public participation; whether opposition actors can campaign freely; whether the referendum or parliamentary process is independently administered; and whether the change substantially reduces opportunities for future political alternation (Note 75). Such standards should not impose a single constitutional model on all African states.

11.3 Equal Treatment of Military and Civilian Democratic Erosion

The African Union's opposition to military coups remains essential. However, democratic legitimacy will be strengthened only if the same seriousness is applied to assaults on constitutional democracy. Regional organisations should not create incentives that lead governments to conclude that maintaining formal constitutional procedures is sufficient, regardless of how substantively anti-democratic those procedures become. Military coups and constitutional manipulation are not identical, but both can undermine the principle that political authority

should change through genuine democratic processes. African regional policy should therefore develop a graduated framework of responses to democratic erosion (Note 76). These could include public findings of non-compliance, enhanced monitoring, mediation, and restrictions on participation in particular regional bodies.

11.4 Strengthening the African Human Rights System

The African Commission and the African Court require sustained political and institutional support. States should comply with decisions and recommendations issued by regional human rights bodies. The withdrawal of mechanisms that facilitate direct individual access to the African Court should be discouraged. Regional human rights institutions are particularly important because domestic remedies may be politically constrained. The ability of individuals to seek regional accountability strengthens the principle that constitutional rights are legal entitlements rather than governmental privileges. Member states should therefore view regional judicial scrutiny not as an intrusion on sovereignty but as part of the legal architecture they collectively created (Note 77).

12. Discussion: The Implications of Rights-Based Constitutional Democracy

The analysis has several broader implications for democracy in Cameroon and Central Africa. First, democratic assessment must move beyond institutional checklists to examine whether institutions effectively constrain political power, facilitate political alternation, protect opposition activity, and enable independent judicial accountability.

Second, human rights are constitutive rather than supplementary to democracy. Freedom of expression, association, assembly and political participation enable meaningful democratic choice, while judicial independence and fair-trial guarantees ensure governmental accountability between elections.

Third, constitutional amendments require substantive democratic scrutiny. Amendment procedures should not allow incumbent governments to convert temporary political authority into indefinite institutional dominance, particularly through changes to presidential tenure.

Fourth, peaceful political succession is a critical measure of democratic institutionalisation. Public office must be understood as temporary, while appropriate security and retirement arrangements for former leaders may reduce incentives for indefinite incumbency without granting immunity for corruption or serious human rights violations.

Fifth, political stability should be distinguished from leadership continuity. Genuine stability exists when institutions remain effective despite changes of government.

Sixth, the Anglophone crisis shows how unresolved constitutional grievances can escalate into security crises. Decentralisation, minority protection and inclusive dialogue are therefore both democratic and peacebuilding imperatives.

Finally, regional institutions must respond more effectively to incremental democratic erosion and constitutional manipulation, as well as to traditional coups. Central Africa does not primarily need additional constitutional texts; many necessary democratic and human rights norms already exist. The fundamental challenge is to ensure their effective implementation, institutional enforcement and translation into political practice.

13. Policy Recommendations

The findings support several reforms for Cameroon and Central Africa. States should establish or preserve presidential term limits, with safeguards to prevent incumbents from benefiting from amendments that extend their tenure. Electoral management bodies should be independent, transparently appointed and adequately resourced, while constitutional and supreme courts require plural appointment procedures, secure tenure and protection from executive interference.

Judicial reform should strengthen independence, limit the military's jurisdiction over civilians and improve access to remedies. Parliaments should enhance committee oversight, expenditure scrutiny and opposition participation. Public-order and national-security laws must distinguish legitimate security measures from restrictions on peaceful assembly, journalism and political dissent. Independent media should receive stronger protection, while public broadcasters should ensure equitable access to political participation. Decentralisation should provide meaningful political and fiscal authority, while resolving Cameroon's Anglophone crisis requires inclusive dialogue, accountability, reconstruction and regional participation. Anti-corruption institutions should also receive greater operational independence.

Regionally, the African Union should strengthen the implementation of Article 23(5) of ACDEG and respond effectively to constitutional manipulation and military coups. The African human rights system and ECCAS require stronger state cooperation and enforcement mechanisms. Finally, civil society, universities, bar associations and independent media should be strengthened, alongside constitutional literacy and human rights education, to promote informed and effective democratic citizenship.

14. Conclusion

The question posed by this article, Democracy Without Rights? captures a central contradiction in governance in Cameroon and across Central Africa. Across the region, constitutions, elections, political parties, legislatures and courts formally exist, alongside extensive regional and international human rights commitments. Yet their existence does not automatically establish substantive democracy. The decisive question is whether these institutions effectively constrain political power and protect meaningful political participation. Cameroon illustrates this tension through prolonged presidential tenure, the removal of term limits, executive dominance, contested electoral governance, restrictions on civic space, weaknesses in institutional accountability, and the ongoing Anglophone crisis. Comparable challenges across Equatorial Guinea, the Republic of Congo, Chad, Gabon, the Central African Republic, and the Democratic Republic of Congo demonstrate a persistent regional gap between democratic form and democratic substance. Elections remain indispensable, but their democratic significance depends on freedom of expression, association, and assembly; credible electoral institutions; political pluralism; judicial independence; and effective remedies. Human rights therefore do not merely accompany democracy; they make meaningful democracy possible. Similarly, constitutionalism requires more than constitutional texts: it demands effective limits on political authority. The region's principal deficit is consequently not the absence of democratic norms but their implementation. Existing constitutional and regional commitments must be translated into independent institutions capable of withstanding political change, protecting civic freedoms and facilitating peaceful political succession. Cameroon and Central Africa must therefore move beyond electoral constitutionalism towards rights-based constitutional democracy, in which elections determine who governs, constitutions constrain how power is exercised, human rights set its limits, and independent institutions enforce those limits. Ultimately, democratic maturity is demonstrated not by the ability of governments to remain in power, but by the capacity of constitutional systems to permit rulers to lose elections peacefully and for the state and its institutions to continue functioning when they do.

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