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Foreword

In my capacity as the Editor-in-Chief of the e_AOPL Journal of Social Sciences of Africa Online & Publications Library (AOPL), I have the honour of introducing this volume 1, issue 1, an intellectually stimulating compilation of scholarly articles that look into a multitude of societal dilemmas. Throughout this volume, the transdisciplinary character of the articles is evident. Professors Kacka, Krasniqi, and Kika analyse the intricate correlation between bilingualism and affective expressivity as well as impulsivity in the initial article. The results challenge preconceived notions by highlighting the complex interplay between language proficiency and affective reactions. In their second article, Chirozva and Dr. Pinduka discuss the persistent governance challenges in Africa, with a specific focus on the ceaseless succession of illegitimate government transitions. Its objective is to shed light on the complexities of international law and the suppression of military coups on the African continent by means of meticulous research and a theoretical lens. The article proposes diplomatic models as potential solutions, thereby facilitating the development of more efficient government systems. The third article, authored by Dr. Ngwang and Ndzi, presents a persuasive examination of the widespread impact that deliberate deception and disinformation have on international politics. This raises doubts regarding the persistence of misinformation in a time when fact-checking and verifying the truth are readily available. In political action, the paper suggests a paradigm shift towards truth, ethics, and accountability in order to avert escalating tensions brought about by deceptive methods. Ambe's concluding article in this issue and volume delves into an analysis of the economic and legal conditions in Cameroon with regard to transnational corporations and violations of human rights. This article examines the ethical dilemmas that emerge from economic exploitation and advocates for a reassessment of foreign investment protocols, underscoring the critical importance of safeguarding human rights beyond the purview of transnational corporations. The aforementioned scholarly contributions collectively demonstrate our journal's commitment to fostering critical dialogue and addressing intricate societal issues. I wish to extend my sincere appreciation to the contributors for their distinct perspectives, and I sincerely hope that this anthology incites further scholarly discourse pertaining to the subject matter and beyond.

Best wishes,

Ngenge Ransom Tanyu

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Emotional expressivity among monolingual and bilingual populations

Prof. Dr. Muljaim Kacka[1] | muljaim.kacka@kolegji-heimerer.eu | ORCID | Kolegji Heimerer
Blerta Krasniqi[2] | blerta.krasniqi@doktorant.up.krakow.pl | ORCID | Uniwersytet Komisji Edukacji Narodowej w Krakowie and Kolegji Heimerer
Bardha Kika[3] | bardha.kika@kolegji-heimerer.eu | ORCID | Kolegji Heimerer

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Gikondo,Kicukiro, Umujyi wa Kigali, Rwanda
info@africaopl.org
+48727432772
www.africaopl.org

Abstract: Supposedly, individuals learn their native language as their first language, followed by the acquisition of a second language. Bilingualism is known as the ability to use and speak two languages, and it is quite common in more than half of the world's population. Prior evidence argues that there is a link between emotion processing and bilingualism across individuals. To explore if such a difference is present among bilingual and monolingual samples, we administered a questionnaire to 124 participants. Our findings show that both monolingual and bilingual people express similar levels of impulsivity and positive and negative emotions; however, language proficiency has no bearing on their emotional expressivity. Thus, the paper concludes that bilingualism and monolingualism do not have a significant impact on emotional expressivity.

Keywords: monolingualism, bilingualism, emotional expressivity.

1 Emotions conceptualisation and specifics

Emotions are a universal response to an external stimulus by integrating physiological, cognitive, and behavioural components as a response to the given situation (Lorette and Dewaele 2018). Thus, emotions play a significant role in individual thoughts, beliefs, and actions by determining one's social relationships and interactions (Van Kleef et al. 2016). Therefore, how someone might feel also provides information about one's feeling state, expressions or social communicative signals, and behavioural reactions (Macintyre and Vincze 2017). Both affective and cognitive mechanisms have an impact on emotions. The affective mechanism is influenced by external stimuli (*feeling*), while the cognitive mechanism comes as a result of an objective and conscious evaluation (*thinking*) (An et al. 2017). As a result, their expression at the individual or group level is determined by all behaviours (and involuntary physiological reactions). In this way, the expression of emotion is conceptualised from the exchanged information within the interaction. In specific situations, specific behaviours and physiological reactions of individuals or groups are expressed as expressions of a certain emotion with a certain intensity. However, how individuals might express their emotions might vary across cultures and communities, due to how a specific culture might perceive and express different emotions (Alqarni and Dewaele 2018). Additionally, cultural norms can shape how emotions are expressed, leading to cultural differences in this regard. For example, some cultures do not value expressing anger or sadness in public, while in other cultures, emotional expressivity is encouraged and welcomed. Thus, it impacts emotional expressivity towards social interactions while misinterpreting the emotional cues that are prevalent in specific cultural contexts. Therefore, understanding such mechanisms with regard to emotional expressivity might be important for cross-cultural communication. Psychological research on the topic of emotions has provided sufficient evidence to claim that emotional experiences and expressions might be culturally dependent. Emotional frequency and intensity might vary from cultural context to cultural context, and in each context, the "perceived" central emotions are those that help individuals act in proper ways (Mesquita, Boiger, and De Leersnyder 2016).

2 Monolingualism and bilingualism interrelated processes

Monolingualism is defined as the ability to speak and have an active knowledge of only one language. A child's language development is primarily influenced by their environment, meaning that their native language is often learned before starting to speak a second language later in life (Pransiska 2016). In contrast, bilingualism refers to the ability to speak two different languages in everyday life, providing many social and communicative benefits, such as different cultural understanding, enriched social interactions, or professional advancement (Bialystok 2010).

Monolingual individuals tend not to have the same cognitive advantages as bilingual individuals; however, proficiency in one's native language is required for further achievements. Additionally, monolinguals have the opportunity to learn other languages, which provides additional benefits in adulthood (Antoniou 2019). Hence, speaking two languages provides various cognitive benefits, such as improved executive functions, better performance in problem-solving tasks (Díaz 2022), and conflict monitoring and resolution (Freeman, Shook, and Marian 2016).

Monolingual and bilingual individuals might perceive specific words differently, have different approaches to perspective-taking, and use different verbal and nonverbal cues. Interestingly, bilinguals report a higher level of self-esteem, stress management, and adaptability, which help with emotional expressivity in bilingualism (Panicacci 2014).

Bilingual individuals might also perceive emotional states differently, depending on the context and the language spoken (Pavlenko 2002; Ardila et al. 2017). According to (Harris, Gleason, and Ayçiçeği 2006), a spoken first language is more likely to be used for encoding early life experiences. Also, emotional word labels are impacted differently from second language words learned later in life. Late bilinguals prefer to use their first language while facing different situations with increased emotionality. This is due to behavioural and physiological mechanisms in relation to emotion processing, such as an accurate activation of emotions, emotional stability while remembering one's past memories, and mental activation in the first language. Hence, bilinguals' responses during different behavioural paradigms are often slower, accompanied by fewer physiological and electrophysiological responses, meaning that first language tends to dominate for first language processing (Kazanas, McLean, and Altarriba 2019). Bilingual individuals' express emotions differently than monolinguals; therefore, language processing and cultural context can change emotional perception

and expressivity in the first and second languages (Kheirzadeh and Hajiabed 2016). However, bilinguals tend to have metapragmatic awareness, allowing them to reflect on their feelings and their language usage practices in different emotional situations (Dewaele 2011). Bilingual individuals tend to prefer speaking in their first language when communicating feelings, anger, performing mental calculations, and using inner speech. They consider their first language to be emotionally stronger than their second language, and this is also related to their expression of emotions, emotionality, and social traits (Dewaele, 2012). For instance, the first language is more emotionally charged (Bakic and Škifić 2017). Individuals in their first language can also say the word “I love you” more sincerely. However, expressing emotions in the first language, especially anger, is more dominant in the first language.

The results of a conducted a proficiency data analysis, revealed that emotion-related language was often linked to decreased accuracy in the first language and increased fluency in the second language (Kim and Starks 2008). However, emotion conceptualisation is influenced by individual experiences. Various linguistic categories affect the experience of emotions, emotional intelligence, and social sharing based on investigated therapists approaches to working with bilingual clients (Santiago-Rivera and Altarriba 2002). They discovered that emotional states affected clients’ language switching. Clients tended to switch to their native language to express negative emotions such as anger or worry. However, second language serves as a prompt when clients want to distance themselves from heavier emotional events or the perception accompanying those (Santiago-Rivera and Altarriba 2002). Bilingual clients switch to their native language spontaneously when recounting conflict-based experiences and discussing very early memories (Robinson and Altarriba 2014).

Taken together, after exploring the variety of emotions in terms of language processing, the main purpose of the study is to investigate the manifestation of emotions in monolingual and bilingual samples. The present study explored emotional states such as positive emotional expressivity and negative emotional expressivity. Additionally, we are investigating whether there are any variations in the level of impulsive emotions between monolingual and bilingual samples in the Republic of Kosovo. Based on the literature review, we hypothesise as follows:

- H1: Monolingual people express more negative emotions than bilingual people.
- H2: Monolingual people express more positive emotions than bilingual people.

- H3: There are significant differences in the level of expression of impulsive emotions in bilingual and monolingual persons (*non-directional effect*).

3 Methods

3.1 Participants

This study included 124 participants ranging in age from 18 to 70 years old living in Kosovo (M = 26.5, SD = 10.23). The participants were divided into two groups based on the languages they speak; in total, of the 124 participants in this study, 63.7% were bilingual and 36.3% were monolingual. The majority of participants were female, 60.5%.

3.2 Instrument

We used the standardised Berkeley Expressivity Questionnaire (Gross and John 1997). The questionnaire was translated into Albanian for collecting the data. Most recent articles have also used the Berkley Expressivity Questionnaire, and they found that BEQ is a valid and reliable measurement for research purposes (Kupper, Duijndam, and Karreman 2020; Akan and Barişkin 2017). Accordingly, *positive emotional expressivity* includes the expression of positive emotions such as joy or happiness, while *negative emotional expressivity* includes the expression of negative emotions such as sadness or anxiety (Gross and John 1997). Additionally, in BEQ, there is also another facet known as the *Impulse Strength Facet,* which represents one's tendency to act impulsively when experiencing different positive or negative emotions. Higher scores on this facet indicate a higher impulsivity level when experiencing different emotions. Please note that in our study, we referred to this facet as impulsivity.

3.3 Procedure

The participants were informed of their role in this study and the procedures and steps for completing the questionnaire. The ethical information, such as data confidentiality and withdrawal rights, was presented to them at any moment they wanted to complete their participation without any penalty. The questionnaire was administered online. The data was exported to IBM Statistical Package for Social Sciences SPSS Version 21.0 (SPSS Software 2023) for statistical analysis.

4 Results

In order to test our hypothesis, we conducted a t-test to investigate if there are any differences between monolingual and bilingual individuals. We saw that there is no significant difference between our samples in terms of the emotional expressivity of positive and negative emotions, as well as impulsivity. Additionally, mean scores for each facet were very similar between both groups. More details of the descriptive data are shown in the table below.

Table 1. *Descriptive data of our samples*

	Monolingual – Mean	Bilingual – Mean	Monolingual – Standard Deviation	Bilingual – Standard Deviation
Negative emotions	20.54	20.82	2.87	2.70
Positive emotions	8.70	9.08	2.13	2.32
Impulsivity	14.44	13.64	4.29	4.25

Table 2. *Comparison of groups on emotional expressivity*

		F	Sig.	t	Sig (2-tailed)
Negative emotions	Equal variances assumed	.678	.412	-.528	.598
	Equal variances not assumed			-.537	.592
Positive emotions	Equal variances assumed	.324	.570	-.916	.361
	Equal variances not assumed			-.889	.376
Impulsivity	Equal variances assumed	.161	.689	.997	.321
	Equal variances not assumed			.998	.321

4.1 Additional variables

We also analysed the relationship between our variables and found that there is a significant, moderate relationship between all our variables. All variables were positively related to one another. More details are shown in the table below.

Table 3. *Correlation analysis between our emotional expressivity facets*

	Negative emotions	Positive emotions	Impulsivity
Negative emotions	1	.375**	.304**
Positive emotions	.375**	1	.461**
Impulsivity	.304**	.461**	1

Note*. P – value of the correlation between our variables is .01.*

5 Discussion

The main aim of the present study was to explore how emotions are expressed in monolingual and bilingual individuals. The results of the study figure out whether there are differences in the expression of positive and negative emotions, as well as impulsivity. Initially, the study hypothesised that monolingual individuals would express more negative emotions than bilingual individuals. However, the results obtained from the study show that there is no significant difference in the expression of negative emotions between monolingual and bilingual individuals. The study by (Kheirzadeh and Hajiabed 2016) supports the rejection of the initial hypothesis. Their research suggests that bilingual speakers process negative words more deeply in their second language because the unpleasant mood accompanying negative words is weaker in the second language than in the first language and thus more easily tolerated.

The second hypothesis of this study suggested that monolingual individuals express more positive emotions than bilingual individuals. However, the results obtained from this research do not support this hypothesis. (Kheirzadeh and Hajiabed 2016) conducted additional research that potentially might go in similar directions with our findings, based on the language specificity theory proposed by (Marian and Neisser 2000) regarding the transcription of happy memories in the first language. According to this theory, memories are more likely to be recalled in the language in which the event occurred. The participants in the current study consisted of both bilingual and monolingual individuals living in Iran, where the primary language is Persian. As a result, the second language did not significantly impact their recollection of happy

memories because the event occurred in their first language, Persian. Thus, the transcription of happy memories in the first language aligns with the language specificity theory above mentioned.

Therefore, while the third hypothesis is not supported by the results of this research, other studies suggest that there are differences in the expression of impulsive emotions between bilingual and monolingual people. Our findings can be prone to cultural factors. Kosovo is a collectivist country, involving many ethnicities such as Serbian, Bosnian, and Egyptian. In similar cases, historical and political circumstances can result in language barriers and cultural differences, thus impacting emotional processing and expressivity compared to homogenous communities. Additionally, research also noted that individuals from collectivistic cultures prioritise group harmony and interdependence, becoming more emotional restraint, while individuals from individualistic cultures prioritise autonomy and independence, hence valuing emotional expressivity (Matsumoto and Yoo 2006).

Our study has limitations, such as a relatively small sample size, and future research with larger and more diverse samples could provide additional insights into the cultural influence on emotional expressivity towards monolingual and bilingual samples. Additionally, future research can investigate whether the age of second language acquisition has an impact on producing and expressing specific types of emotions, or whether emotional intensity or frequency is different between monolingual and bilingual samples, and if so, if it varies depending on the context, such as in professional or personal settings or in different cultural contexts. Emotional processing in a second language might be different for some individuals compared to their native language (Ardila et al. 2017). Additionally, it is noted that second language anxiety can be influenced by culture-specific factors (Phongsa, Mohamed Ismail, and Low 2018). Therefore, further studies can also investigate and highlight the role of cultural context in relation to one's emotional expressivity towards monolingual and bilingual samples. Potentially, different cultures might perceive and express emotions differently, which is also affected by one's language abilities. This could shed light on further potential underlying mechanisms of culture towards language abilities such as bilingualism and emotional expression.

6 Conclusion

The present study investigated emotional expressivity differences between monolingual and bilinguals' samples in Kosovo. Our findings showed no significant differences between the two groups. However, it is important to emphasise that our findings cannot be generalised to other cultural contexts since Kosovo is an environment where multiple ethnicities and languages are displayed, which might have influenced the results of our study. Further research can be conducted in collectivist and multi-ethnic cultures in order to provide further data. Taken together, our study suggests that further research is needed to explore the relationship between language abilities and emotional processing and expressivity in greater depth. Thus, more empirical support can be derived for a better understanding of the interrelationship of language, emotions, and cultural context.

References

Akan, Şebnem Tunay, and Elif Barişkin. 2017. 'Reliability and Validity Indicators of Berkeley Expressivity Questionnaire in the Context of Culture and Gender'. *Turk Psikiyatri Dergisi* 28 (1): 1–8. https://doi.org/10.5080/U13378.

Alqarni, Nada, and Jean Marc Dewaele. 2018. 'A Bilingual Emotional Advantage? An Investigation into the Effects of Psychological Factors in Emotion Perception in Arabic and in English of Arabic-English Bilinguals and Arabic/English Monolinguals'. *Https://Doi.Org/10.1177/1367006918813597* 24 (2): 141–58. https://doi.org/10.1177/1367006918813597.

An, Sieun, Li Jun Ji, Michael Marks, and Zhiyong Zhang. 2017. 'Two Sides of Emotion: Exploring Positivity and Negativity in Six Basic Emotions across Cultures'. *Frontiers in Psychology* 8 (APR): 253368. https://doi.org/10.3389/FPSYG.2017.00610/BIBTEX.

Antoniou, Mark. 2019. 'The Advantages of Bilingualism Debate'. *Annual Review of Linguistics* 5: 395–415. https://doi.org/10.1146/ANNUREV-LINGUISTICS-011718-011820.

Ardila, Alfredo, Anna B. Cieślicka, Roberto R. Heredia, and Mónica Rosselli. 2017. 'Erratum to: Psychology of Bilingualism'. *Psychology of Bilingualism*, E1–E1. https://doi.org/10.1007/978-3-319-64099-0_13.

Bakic, Antonela, and Sanja Škifić. 2017. 'The Relationship between Bilingualism and Identity in Expressing Emotions and Thoughts'. *Íkala, Revista de Lenguaje y Cultura* 22 (1): 33–54. https://doi.org/10.17533/UDEA.IKALA.V22N01A03.

Bialystok, Ellen. 2010. 'Bilingualism'. *Wiley Interdisciplinary Reviews: Cognitive Science* 1 (4): 559–72. https://doi.org/10.1002/WCS.43.

Dewaele, Jean-Marc. 2011. 'Reflections on the Emotional and Psychological Aspects of Foreign Language Learning and Use'. http://www.winter-verlag.de/en/detail/t3687002/Anglistik_Bd_22_2011_Heft_1/.

Díaz, Vanessa. 2022. 'Minds in Action: Evidence That Linguistic Diversity Helps Children Build a Theory of Mind'. *Bilingualism: Language and Cognition* 25 (1): 70–80. https://doi.org/10.1017/S1366728921000109.

Freeman, Max R., Anthony Shook, and Viorica Marian. 2016. 'Cognitive and Emotional Effects of Bilingualism in Adulthood.' *Bilingualism across the Lifespan: Factors*

Moderating Language Proficiency., June, 285–303. https://doi.org/10.1037/14939-016.

Gross, James J., and Oliver P. John. 1997. 'Revealing Feelings: Facets of Emotional Expressivity in Self-Reports, Peer Ratings, and Behavior'. *Journal of Personality and Social Psychology* 72 (2): 435–48. https://doi.org/10.1037/0022-3514.72.2.435.

Harris, Catherine L., Jean Berko Gleason, and Ayşe Ayçiçeği. 2006. 'When Is a First Language More Emotional? Psychophysiological Evidence from Bilingual Speakers'. *Bilingual Minds: Emotional Experience, Expression, and Representation*, January, 257–83. https://doi.org/10.21832/9781853598746-012.

Kazanas, Stephanie A., Jared S. McLean, and Jeanette Altarriba. 2019. 'Emotion and Emotion Concepts'. *The Handbook of the Neuroscience of Multilingualism*, January, 313–34. https://doi.org/10.1002/9781119387725.CH15.

Kheirzadeh, Shiela, and Mohammadreza Hajiabed. 2016. 'Differential Language Functioning of Monolinguals and Bilinguals on Positive–Negative Emotional Expression'. *Journal of Psycholinguistic Research* 45 (1): 55–69. https://doi.org/10.1007/S10936-014-9326-2/METRICS.

Kleef, Gerben A. Van, Arik Cheshin, Agneta H. Fischer, and Iris K. Schneider. 2016. 'Editorial: The Social Nature of Emotions'. *Frontiers in Psychology* 7 (JUN): 205474. https://doi.org/10.3389/FPSYG.2016.00896/BIBTEX.

Kupper, Nina, Stefanie Duijndam, and Annemiek Karreman. 2020. 'Emotion Expressivity in the Dutch: Validation of the Dutch Translation of the Berkeley Expressivity Questionnaire'. *Psychological Assessment*. https://doi.org/10.1037/PAS0000812.

Lorette, Pernelle, and Jean Marc Dewaele. 2018. 'The Relationship between Bi/Multilingualism, Nativeness, Proficiency and Multimodal Emotion Recognition Ability'. *Https://Doi.Org/10.1177/1367006918808042* 23 (6): 1502–16. https://doi.org/10.1177/1367006918808042.

Macintyre, Peter D., and Laszlo Vincze. 2017. 'Positive and Negative Emotions Underlie Motivation for L2 Learning'. *Studies in Second Language Learning and Teaching* 7 (1): 61–88. https://doi.org/10.14746/SSLLT.2017.7.1.4.

Marian, Viorica, and Ulric Neisser. 2000. 'Language-Dependent Recall of Autobiographical Memories'. *Journal of Experimental Psychology: General* 129 (3): 361–68. https://doi.org/10.1037/0096-3445.129.3.361.

Matsumoto, David, and Seung Hee Yoo. 2006. 'Toward a New Generation of Cross-Cultural Research'. *Https://Doi.Org/10.1111/j.1745-6916.2006.00014.x* 1 (3): 234–50. https://doi.org/10.1111/J.1745-6916.2006.00014.X.

Mesquita, Batja, Michael Boiger, and Jozefien De Leersnyder. 2016. 'The Cultural Construction of Emotions'. *Current Opinion in Psychology* 8 (April): 31–36. https://doi.org/10.1016/J.COPSYC.2015.09.015.

Panicacci, Alessandra. 2014. 'Emotions from a Bilingual Point of View: Personality and Emotional Intelligence in Relation to Perception and Expression of Emotions in the L1 and L2'. *International Journal of Bilingual Education and Bilingualism* 17 (6): 727–30. https://doi.org/10.1080/13670050.2013.857505.

Pavlenko, Aneta. 2002. 'Bilingualism and Emotions'. *Multilingua* 21 (1): 45–78. https://doi.org/10.1515/MULT.2002.004.

Phongsa, Manivone, Shaik Abdul Malik Mohamed Ismail, and Hui Min Low. 2018. 'Multilingual Effects on EFL Learning: A Comparison of Foreign Language Anxiety Experienced by Monolingual and Bilingual Tertiary Students in the Lao PDR'. *Journal of Multilingual and Multicultural Development* 39 (3): 271–82. https://doi.org/10.1080/01434632.2017.1371723.

Pransiska, Rismareni. 2016. 'Benefits of Bilingualism in Early Childhood: A Booster of Teaching English to Young Learners'. In *Proceedings of the 3rd International Conference on Early Childhood Education (ICECE 2016)*, 390–93. Atlantis Press. https://doi.org/10.2991/ICECE-16.2017.68.

Robinson, Crystal J., and Jeanette Altarriba. 2014. 'The Interrelationship between Emotion, Cognition, and Bilingualism'. *Yearbook of the Poznań Linguistic Meeting* 1 (1).

Santiago-Rivera, Azara L., and Jeanette Altarriba. 2002. 'The Role of Language in Therapy With the Spanish-English Bilingual Client'. *Professional Psychology: Research and Practice* 33 (1): 30–38. https://doi.org/10.1037/0735-7028.33.1.30.

SPSS Software. 2023. 'SPSS Software | IBM'. IBM SPSS. 2023. https://www.ibm.com/spss.

Kim, S. H. O., and Donna Starks. 2008. 'The Role of Emotions in L1 Attrition: The Case of Korean-English Late Bilinguals in New Zealand'. *International Journal of Bilingualism* 12 (4): 303–19. https://doi.org/10.1177/1367006908098573.

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International law and the reinstitution of military coups in Africa: A political quagmire

Lucid Chirozva[1] | chirozval@africau.edu | ORCID | Department of International Relations and Diplomacy | Africa University
Norman Pinduka[2] (PhD) | pindukan@africau.edu | ORCID | Department of International Relations and Diplomacy | Africa University

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Nyarugenge-Rubangura House, 3325+28X, Kigali, Rwanda
info@africaopl.org
+48727432772
www.africaopl.org

Abstract: The continent of Africa has continued to make the wrong headlines in terms of its governance systems with the upsurge of military coups. While governance systems are guided by international, regional, and domestic laws that prohibit the unconstitutional changes of governments, the reality is that such laws have failed to live up to expectations. In light of these scenarios where laws have failed to keep up with reality, policy research on the African continent is centred on potential solutions to this type of regional conundrum, both in theory and praxis. Against such a backdrop, this study attempts to contribute theoretically towards redressing the unending unconstitutional changes of governments on the continent. Relying on a qualitative approach that uses documentary analysis as its data collection method and content analysis for data analysis, the study examines the limitations of international law in suppressing military coups in Africa. It argues that the contemporary international legal system has to contend with crucial political systems, and this creates complexities in its regulation of military takeovers in Africa. As a way forward, the study advocates a suitable diplomatic model of international law that can be instrumental in stopping or limiting the resurgence of military coups in Africa.

Keywords: Military coups, international law, law, politics, Africa.

1 Introduction

Guns were supposed to be silenced in Africa by 2020, but instead, they have emboldened their legal owners to use them illegally. Cicala (2023) observes that ten years after the declaration, the sound of guns has become more audible on the African continent since several countries are ravaged by armed conflicts. Countries leading the perk include Burkina Faso, Burundi, Cameroon, the Central African Republic (CAR), the Republic of Chad, the Democratic Republic of the Congo (DRC), Ethiopia, Kenya, Mali, Mozambique, Niger, Nigeria, Somalia, South Sudan, and Sudan. The African continent's predicament is undermining the individual and collective goals and aspirations of its people. Mlambo, Thusi, and Ndlovand (2022), for instance, referring to Agenda 2063 by the African Union, which calls for a peaceful and stable Africa, asserts that it essentially reflects the need to put an end to violence and establish peace and stability across the continent. However, such a masterplan meant to transform Africa into a global powerhouse may now seem like a pipe dream due to the violent coups that have become common throughout the African continent (Matlosa 2022). At this point in African history, it is plausible to argue that coups have grown to be one of the continent's most significant problems.

While conceding that several variables have contributed to the continent's coup upsurge, this study contends that international law has played a role in deterring them. It is critical to acknowledge that the success of Agenda 2063, the continent's long-term development plan, depends on the extent to which international law and transitional justice may serve as the common thread linking Africans in their quest for democracy and peace. The military takeovers that have occurred on the continent for a long time but have garnered the most attention since 2017 demonstrate that the law ought to be the driving force behind constitutional changes of government in African states, but this has not been the case.

It is pertinent to acknowledge that politics and law interact to shape African governance practices, but literature on the idea of the complementarity between law and politics, particularly regarding Africa, has remained sporadic and accidental. As a result, investigations that add nuance to the African setting have become necessary. The broad swathe of literature available has neglected the contestations between law and politics in Africa. Studies by Nyathi and Ncube (2020), Amoateng (2022), Mwai (2023), Devermont (2021), Akinola and Makombe (2022) have focused on military

coups in Africa. In the same way, some scholars have written on international law, law, or international criminal law without focusing on the resurgence of coups in Africa. Examples are Murithi (2019), Slomanson (2011), Hirsh (2012), and Raube (2023). In this regard, this study argues for and complements available literature on law and politics by exploring the limitations of international law in the season of military coups in the African political systems. It also advocates a suitable diplomatic model of international law that can be instrumental in stopping or limiting the resurgence of military coups in Africa.

2 Historical overview of military coups in Africa

Several states on the African continent have recently had coups. There have been military takeovers in Burkina Faso (January 2002 and August 2022), Mali (August 2020 and May 2021), Gabon and Niger (2023), Guinea (September 2022), and Chad (April 2021). Though it is not unique to the continent, West Africa has long been at the forefront of the military coups problem. According to Dan Suleiman and Onapajo (2022), for instance, West Africa was responsible for 44.4% of all coups in the continent in each of the decades between 1958 and 2008. In the post-2010 era as well, West Africa has been at the forefront of coup occurrences. Since 2010, there have been over 40 coups and attempted coups in Africa, with 22 of them taking place in the Sahel (which includes Chad) and West Africa. The fact that there have been nine coup attempts in Africa since 2019, seven of which have been successful and two of which have failed, maybe the continent's biggest worry. The majority of African coups between 1958 and 2008, as well as 7 of the 9 since 2019, took place in former French colonies (Dan Suleiman and Onapajo 2022). In a similar vein, the subregion has seen 15 of the 20 coups that have happened there since 2010.

Sudan has had the most coups and attempted takeovers amounting to 16-six of them successful. According to Mwai (2023), Nigeria had a reputation for military coups in the years following independence, with eight occurring between January 1966 and Gen Sani Abach's takeover in 1993. However, since 1999, Africa's most populous nation has been governed by democratic elections. Mwai (2023) points out that Burundi's history has been distinguished by eleven different coups, most of which were fuelled by tensions between the Hutu and Tutsi communities. Sierra Leone was also the site of three coups between 1967 and 1968, as well as another in 1971. Mwai (2023) further notes that there were five further coup attempts between 1992

and 1997. Ghana has also experienced eight military coups in the last two decades. The first was in 1966, when Kwame Nkrumah was deposed, and the second was an unsuccessful effort by junior army commanders the following year. In total, Africa has had more coups than any other continent. With the exception of Myanmar in 2021, every coup reported globally since 2017 has occurred in Africa. The above depiction reveals how prevalent coups have been in Africa. This is evident, although states across the continent are required by international, regional, and domestic regulations to change governments in accordance with the law.

3 Law and political prisms

Shaw (2021) denotes that there can never be a 100 percent separation between law and politics. No matter what theory of law and political philosophy is professed, it is necessary to acknowledge the unbreakable links that connect law and politics. The political branch is responsible for passing laws and for developing the legal system in the first place. The states, who both create the norms and interpret and apply them, are ultimately the arbiters of the global order. Compared to how it is perceived within national legal systems and in positions of power, politics is far more integrated into the system. Government and international authorities may exhibit an international legal habit, but the required infrastructure to codify this is lacking. Power politics emphasises rivalry, conflict, and supremacy and accepts struggle and influence as its main principles. This lack of complementarity between law and politics has influenced the recurrence of coups in Africa.

There are real and perceived political repercussions on international law practice, which will damage its perceived legitimacy and viability. Henkin (1995) argues that “law is politics, the law is made by political actors, through political methods, for political goals.” According to Van der Merwe, “neither politics nor law is fully immune from the other’s impact.” Murithi (2019) quotes, Sparrow-Botero and Lambertz, who observed that “international laws are... instruments of justice, like any other court... but at the same time... they are subject to power politics, political influences, and international bargaining.” Bachmann, Ristić, and Kemp (2019) wonder if there are “additional objectives that the international law institutions are supposed to achieve” and if they “belong to the legal, juridical, or political realm.” It is critical to understand that each given international relations scenario can be viewed from a legal or political viewpoint. Criminals are often the commanders of state armies or non-state militias,

and they are essential to the peacebuilding process, according to a political viewpoint. Through a legal lens, those who are most criminally responsible should be prosecuted for orchestrating the mass atrocities, which challenge the conscience of humanity. Murithi (2019) argues that, in the field of international politics the critical question has been, "which process between the legal and the political one should proceed first, or whether both can proceed in tandem, is the vital question?"

The social contract theory states that politics and law emanated from the social contract when humanity came together to find a solution to its nutsy, brutish, short life in the state of nature. Traldi (2023) believes that the state of nature is a state of humanity without law, in such a state of nature, there is anarchy, survival of the fittest and life is unpredictable. Phillips and Johnson-Cramer (2006), is of the view that men need security from each other and the socioeconomic dividends of a secure society, thus they come together and make a social contract that limits their freedoms in exchange for security. The government is thus formed to provide this security and implement the social contract to prevent chaos and anarchy. The social contract becomes the first law of this civil community and the government becomes the custodian of law.

The social contract is made up of two major parts. According to Neidleman (2012), the first is a pre-political situation known as a "state of nature" and the "original position." In this first condition, everyone is equal, everyone is symmetrically situated relative to everyone else, and everyone has some incentive to abandon the first arrangement in favour of some relative benefit gained by admittance into civil society. According to Neidleman (2012), the second component is a normative description of the contract's parties. The parties are described as (1) self-interested, (2) concerned for the well-being of others and driven by altruism, and (3) logical or reasonable in their grasp of their own and others' interests, as well as the just or moral standards that should guide their pursuit of those interests.

According to Shaw (2021), the business-oriented philosophy, which emphasised the importance of contract as the legal underpinning of an agreement freely entered into by both or all states, was established in the 19th and influenced the theory of consent. Given that states are independent, free agents, they can only be confined with their assent. An extreme example of this approach is the doctrine of auto limitation, sometimes known as self-limitation, which argued that governments could

only be obliged to follow international legal norms if they first chose to do so. In no way, shape, or form can it be argued that the more than 100 states that entered into existence after the end of World War II have agreed to every rule of international law established before its foundation? Shaw (2021) states that by recognising their independence, it may seem that states assent to all laws now in place. However, adopting this position reduces consent to the status of a fictitious concept. According to Shaw (2021), this theory also falls short of providing a sufficient justification for the existence of the international legal system because it fails to take into account the phenomenal expansion of international institutions and their network of rules and regulations that has occurred over the last generation.

4 Wither pertinent regional instruments to prevents unconstitutional change of government

International law has been burden by the critic that it is not really law but rather international morality. This has raised questions on the efficacy of African International legal systems. Eastern Community of West African States (ECOWAS) relies on its Protocol on Democracy and Good Governance. The African Union has its Constitutive Act, Peace and Security Protocol, the Lomé Declaration and the African Charter on Democracy, Elections, and Good Governance as international legal mechanisms to thwart unconstitutional change of governments in Africa. The African Charter on Democracy, Elections, and Good Governance Chapter 3 Article 3 (10) condemns and rejects the unconstitutional changes of government in Africa.

The African Union's Democracy, Elections, and Governance Chapter 8 on Sanctions in Cases of Unconstitutional Changes of Government, Article 28 concur that the following illegal methods of gaining or retaining power, among others, constitute an unconstitutional change of government and will be subject to appropriate Union sanctions: any attempted overthrow of an elected government by force, any mercenary incursion to overthrow a democratically elected administration; when armed rebels or dissidents overthrow a democratically elected government; when an incumbent government refuses to hand over power to the party or candidate that wins in free, transparent, and fair elections and Any amendment or revision of the constitution or legal instruments that is an infringement on the principles of democratic change of government. Chapter 4, Article 5 of the African Union, Elections, and Governance emphasises that state parties are required to take all

necessary steps to ensure constitutional rule, particularly concerning the transfer of power.

Chapter 6 Article 14 of the African Union, Elections and Governance demands that to ensure the consolidation of democracy and constitutional order, state parties shall strengthen and institutionalise constitutional civilian authority over the armed and security forces to ensure that individuals who attempt to overthrow an elected government through illegal means are dealt with legally; state parties shall implement legislative and regulatory measures; and state parties will work together to make sure that anyone trying to overthrow an elected government by means that are against the law is dealt with legally.

The African Union, Elections, and Governance's Chapter 6, Article 15, emphasises that State Parties shall establish public institutions that promote and support democracy and constitutional order; State Parties shall ensure that the independence or autonomy of the said institutions is guaranteed by the constitution; State Parties shall ensure that these institutions are accountable to competent national organs; and State Parties shall provide the above-mentioned institutions with resources to perform their assigned missions efficiently and effectively. Article 1(b): Every accession to power must be accompanied by free, fair, and transparent elections. Article 1(c): There is no tolerance for obtaining or maintaining power through unconstitutional means. Article 1(e): The armed forces must be apolitical and must be led by a constitutionally established political authority; no serving member of the armed forces may aspire for elective political office. Article 20(1): The armed forces, police, and other security agencies are subject to legally formed civilian authorities.

The ECOWAS Protocol on Democracy and Good Governance (2001) Article 45(1) emphasises that if democracy is abruptly ended by any means or there is widespread violation of human rights in a Member State, ECOWAS may impose sanctions on that state. Article 45(2) of the same protocol points out that the authority may impose punishments in descending order of severity. A case in point is when the ECOWAS sanctions on Niger meant that Nigeria cut power supply to the country on the 80-megawatt Birnin-Kebbi line, while Ivory Coast suspended imports and exports of Nigerien goods. West Africa's regional central bank, the BCEAO, shut down its branches in Niger, citing risks to operations. Chioma (2023) notes that, due to the Kainji dam's substantial contribution to Nigeria's energy production in the past, there

is a legal agreement between Nigeria and the Niger Republic for the provision of electricity. By cutting the electricity to Niger, Nigeria violated the agreement at the expense of national interests.

The Constitutive Act of the African Union, in Article 4, condemns and rejects the unconstitutional changes of government in Africa and notes that the African Union has the right to intervene in a member state according to a decision of the Assembly in respect of grave circumstances, namely war crime, genocide, and crime against humanity. The African Union prohibits the use of force or the threat of use of force among member states, and it is also against interference by any other state in the internal affairs of another. According to Devermont (2021), the removal of President Alpha Condé by the Guinean military as a result of autocratic overreach, poor economic management, and deteriorating democratic norms indicates the inability of regional organisations and international allies to foresee and react to an emerging coup playbook. Alpha Condé was overthrown on September 5 by Colonel Mamady Doumbouya, who said that “the duty of a soldier is to save the country.” The military takeover was the country’s third coup since becoming independent in 1958.

The Protocol Relating to the Establishment of the Peace and Security Council of the African Union’s (2002) Article 3, emphasises the following; Promotion of peace and stability in Africa, as well as conflict anticipation and prevention. If a conflict has occurred, the African Union Peace and Security Council should be responsible for undertaking peace-making and peace-building functions for the resolution of these conflicts. The Union should also promote and carry out peace-building and post-conflict reconstruction initiatives to solidify peace and prevent violence from resuming. As part of its efforts to avert conflicts, the Union should also promote and foster democratic practices, good governance and the rule of law, the preservation of human rights and fundamental freedoms, the sanctity of human life, and international humanitarian law. Article 4 of the same Protocol demands that there should be an early response to contain crises to prevent them from developing into full-blown conflicts, non-interference by any member state in the internal affairs of another, and sovereign quality and interdependence of member states. In many of the African military coups, the regional block and its sub-regional blocks were blamed for delays in responding to military takeovers, despite the existence of international laws that demand these blocks do so.

5 Precinct of international law and military resurgence in Africa

Law is the component that pinions the subjects of society collectively in their observance of acknowledged moral ethics. Shaw (2003), argues that , it is both liberal in permitting the subjects of the community to institute their legal affairs with rights and duties that should be obeyed and those which infringe the laws to be punished. In what is termed international law the prime subjects are nation-states, not individual citizens. International law governs state-to-state relations in all their numerous forms and standardises the functions of international organisations. Shaw (2003) emphasises that international law may be universal or general, and subjects ideologically and practically acknowledges special rules applying only to them.

The first question that is always posed in international law debates is its legal quality. In disputes, subjects of international law may claim legal justification actions, a situation that could be exacerbated by the fact that in international politics there is no governing autonomous institution able to determine the interactions of states. Identification marks of law are the existence of a body that legislates laws, the court system's structure of mandatory jurisdiction to issue and give final decisions in times of dispute, and an accepted system of enforcing the laws. It should be noted that where there is no legislature, executive, or judiciary, there is no legal order. International law does not fit the model of law above, thus diluting the idea that international law is the law. This means international law is too fragile to determine the interactions of its subjects.

ECOWAS might utilise the Lomé Protocol’s Article 25(e) as a justification for an armed intervention. The destabilisation of a democratically elected administration criteria of Article 25(e) may be met in any of the West African countries that have gone through an unconstitutional change of government and the halting of Niger’s ECOWAS candidature does not absolve Niger of its treaty obligations that existed before the suspension. However, if the military junta had taken control of Niger as the country’s government and thus the body with the power to approve or reject the use of force, the legal analysis would have to be dramatically altered. Raube (2023) notes that Article 25 of the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of the Economic Community of West African States (the Lome Protocol), ECOWAS nations have authorised ECOWAS to act militarily in several member states in some situations, including “in

the event of the overthrow or attempted overthrow of a democratically elected government." Raube (2023) observes that because there would be no impromptu invitation and the military junta in Niger would have arguably revoked any expected consent accommodated in the Lomé Protocol, the threat to use force by ECOWAS in this scenario would appear to lack legal justification. This is because the junta has repeatedly stated that It opposes any type of military intervention

The Eurocentric international law framework provides an effective intrusion system. As Fanon remarked, the national leadership of postcolonial countries aspires to "be a part of the racket." They are brainwashed into thinking irrationally about international law, and they research, comprehend, and absorb legal frameworks that depict non-Western people as uncivilised, especially in their quest to avoid being bound by the rule of law. They serve as judicial imperialistic brokers, endorsing and sponsoring the operations of a worldwide system of supremacy under the cover of international law. They feel that outside support is required to help them address the challenges that they face in their postcolonial governments.

The Europeanised model of international regulations has been thrust into the world stage as the legal structure acceptable to all civilisations. Other cultures and states that failed to comply with certain criteria of Europeanised international law were seen as uncivilised and susceptible to subjugation. Criminal acts in Africa are usually inevitably political or ideological. Committing crimes of the magnitude that are specified in the Rome Statute frequently necessitates the exploitation of a state or its facilities. As a result, those responsible function from a position of power and use partisan logic when they commit crimes.

Europe-focused international laws and African traditions and principles lack of ontological richness or interconnections. This explains why international laws have failed to thwart the recurrence of coups in Africa. The nexus between Eurocentric values and African values lacks essential metaphysical ideas such as specificity and universality, generality and tangibleness, or inevitability and need. Hofweber (2020) alludes to the that, these disagreements within ontology are often about whether entities belonging to a certain category exist and, if so, how they are related to other entities. Africa's leaders talk of establishing a continent-wide safety and tranquillity instrument, but they refuse to fund it with funds from their national defence budgets. When a crisis arises, they further kneel and beg their former imperial rulers to come

and rescue them from misery. This tendency is also not limited to military and security operations. African lawyers, legal scholars, and jurists are among the most vociferous supporters of the international criminal justice system (Murithi 2019). Paradoxically, they have generally gained their expertise via knowledge systems, even those cantered in Africa, that have been imbued with Western concepts of the law.

Political realism, a subset of international relations sciences, emphasises the importance of nation-state self-interest in defining how the world system functions. Political realists are sceptical of international law, viewing it as a highly Risky morality' and a utopian attempt to regulate the conduct of nations in an anarchical system . This study suggests that the idea that legality worldwide hinges on global politics and such influence is impossible to refute completely. The recurrence of coups in Africa indicates that international laws are politically negotiated and supported (or not).

International law has no policing or enforcement powers and is heavily reliant on states and a large measure of political backing, international law would be largely toothless. Devermont (2021) highlights that in August 2020, the Special Forces veteran and Colonel Assimi Gota of Mali deposed President Ibrahim Boubacar. While the United States secretly implemented aid limits connected to the coup and ECOWAS suspended Mali from the regional organisation, France's terrorism prevention activities continued, and ECOWAS consented to an interim period of 18 months spearheaded by a veteran retired general. Gota deposed the civilian changeover leadership in Mali a year later and proclaimed himself acting president. Gota's administration did not appear eager to step down. It repeatedly missed deadlines and failed to turn forward a draft constitution and register voters. There has not been any international protest or anxiety regarding this inescapable postponement, indicating the weakness of international law in the regulation of constitutionalism in Africa.

Politics is a recurring characteristic of international law and justice since it is influenced by the priorities of the state's actors, both globally and nationally. Politics will always jeopardise international law's legitimacy. As a result, rather than rejecting the presence of politics in international law, attorneys, jurists, and legal academics must recognise that their work is politicised, even beyond their capabilities to shield it

from outside manipulations. Therefore, international laws in particular are political and should be partisan, and their goals in politics must be as open as their legal agenda. Shaw (2021) pointed out that, because nations sign agreements and act in a way they may or may not consider to be legally obligated, it would seem that international law is made up of a set of guidelines from which states are free to choose and not choose. They may opt to follow or disregard the corpus of world standards (at their discretion).

Murithi (2019) notes international law is political, and the divide between the two is only partially true. Law is the prescriptive expression of a system of politics and is created by political participants utilising legislative processes for the sake of politics. To understand the nature of international law and its relationship to the international political system, it is useful to use domestic law as an approximation (albeit with prudence). The law of a country reflects an internal political hierarchy in a home civilisation. Similarly, international law is the result of a specific civilisation and system of power. However, the members of global society are not individuals but political institutions such as states. In the majority of cases in Africa, juntas have gone to great lengths to portray their coups as popular and have given the impression that they have the support of the national assemblies, but in actuality, they are under decree. The Military governments' instabilities are likely to continue in the lack of constitutional frameworks, military oversight, or a clear strategy for tackling security challenges in Africa.

Slomanson (2011) questions whether anyone name a system of laws that is truly politically a neutral value, given that some are less discretionary in their grasp of the law than others? Law in the transnational arrangement, as in municipal cultures, is inherently political. That is, while the legal norms produced by civilisations may have some hedonistic significance to everyone involved, they generally reflect the preferences of the sections of society that possess the most assets to influence the procedure for creating rules. Slomanson (2011) believes that there is an extensive history of cynicism regarding international law's authenticity; it is a collection of political and philosophical constructions that are solid or fail in their strengths. Any other categorisation is little more than "theological thought and mysticism" disguised as legislation. Slomanson (2011) also reflects that those nations have always had problems with transforming their factual power into legal superiority, which leaves

them discontented with international law as a tool of foreign policy. Shaw (2021) believes that the international system, is comprised of approximately 190 self-governing nations and has equal status in the theory of law in that all of them exhibit autonomy attributes and acknowledge no one as having control over them, is symmetrical as opposed to all but the most primitive civilisations, where the system of law is horizontal and leadership is vertical. In the African system, international law is inconsequential and belongs in the bubble of international morality because it consists of opinions and emotions that are more moral than legal. In Africa, law and order are not explicable because the African system just like the global system lacks a sovereign government that could create and enforce the law. This limitation has promoted the resurgence of military takeovers in the present weak African legal order.

An absence of legislature is another weakness of the African International legal system. Paradoxically, the legal tradition was created by universal practice rather than by any policymaker or legislative power, any leader, sovereign, or ruler. States act as legislators by creating transcontinental customs and signing treaties that are legally obligatory on their members. However, in politics, a struggle for supremacy dominates and defines the law. According to Morgenthau (1979), universal law is the most inadequate and primordial form of enforcement of laws. Its fragmented composition makes it analogous to the law that prevailed in preliterate tribal communities. According to Morgenthau (1979), no state may be coerced to abide by a worldwide tribunal's ruling, rendering legislation useless and discretionary. International law is also un-policed, making it deficient to agencies for enforcement. Regional organisations like African Union and its Regional Economic Communities (RECs), the Southern African Development Community (SADC), and ECOWAS lacks a system of compliance and assessment, and the organisations are crippled when it comes to the inspection, auditing, or compelling countries to adopt international law principles thus making international law a weak instrument in fighting the unconstitutional changes of governments in Africa.

According to Dougherty and Pfaltzgraff (1981), the global arrangement becomes distinctive by ongoing conflicts for supremacy by one player or a variety of entities as a result of the state systems' chaotic framework and the disparate goals of all parties. The absence of authority superior to independent states has worked as a stumbling

block to the success of international law in curbing military coups in Africa. A worrying scenario that does exist in international law is that the politically superior is the one who commands laws to the politically inferior, just like Nigeria did by cutting electricity power supplies to Niger despite the existing agreement between the two countries. The second worrying factor is that rules only can be recognised as laws when they are granted authorisation by a specific statutory authority and executed through observable penalties. The above constraints in international law point out that the existence of a central power or superior governing body over states and rules put in application to them by that authority should be the internal laws of a federation because that does not give room to international law. This is so because international law is in contradiction with municipal law and consists of the cooperation of equals and not the subordination of others to one superior power. This is confirmed in Article 2(1) of the United Nations Charter, which holds that no state is subordinate to any other state. States observe the principle of international law called *par in parem non-habet imperium.* This means that there is no supreme authority among equals. International law is a questionable net of faint obligations. International legal instruments are enforceable only by acquiescent states. The conjecture of anarchism creates illogicality for agreements to be obeyed or honoured by parties' signatories to them. In world politics, impartiality is a key weapon for upholding agreements. The member states are liable for regulating conformity.

National interests are characterised in terms of strength and with the objectives of societal law being rooted in human nature, it remains to be seen if these very national interests cannot affect cooperation and mutuality among states. Chioma (2023) notes that cooperation exists when there are no clashing interests, the absence of that may lead to enmity. Accomplishment is the pinnacle of any strategy in foreign policy, plus achievement can be defined as maintaining and fortifying the state. The accountability system in international law is scrawny to the extent that states pursue their national interests without answerability and impunity. Countries may choose to obey international law and guidelines because states deem international law as an amalgamated system of rules that radiate from their political will. Global legislation as it already exists is an unambiguous fact that should be separated from law as it ought to be. Political realities in the African international System expose international law as something that necessitates stringent legal weighting monitors and ignores any extra-

legal variables. Devemont (2021) indicates that, based on the region's and the world's haphazard responses to unconstitutional actions in Mali and Chad, Doumbouya likely concluded that the region's and world's efforts to resist the coup would be insufficient. In dissimilarities to earlier decades of principled reactions to unconstitutional takeovers, the regional blocks and the international communities have been reluctant to impose serious punishments in recent years.

International organisations and international law have limited power in the international system; they are simply epiphenomenons or expansions of state power and interests, and for that reason, they are too weak to control state behaviour. The recurrent increase in destructiveness and misdemeanour of international law purportedly echoes the non-subsistence of international law as a legal, well-founded system of legislation. The number of military coups in Africa indicates that global law is so articulate in books but deafeningly mute in practice. Only in the technical sense of the term should international law be considered law.

The problem of sovereignty is exceedingly broad because sovereignty is a corollary of international law. It should be highlighted that all law is based on the desertion of sovereignty. International law and sovereignty are tied up in concert, inseparably. It means that law can only survive where there is the sovereignty of states; thus, law confirms sovereignty. It should be noted that states create international law in an objectively binding form when their mutual interests deem it necessary to limit their own will. This political union ship is connected to the political realities of international relations. The problem is that the whole structure is built upon the fundamentals of sovereignty. It is because of the physiological connection underlying sovereignty and equality, as well as the execution of global law, that there is a problem with equal treatment of states within global affairs. A state can only be used as a state to the extent of asserting its sovereignty. Sovereignty is exclusive control of its territory, retuning the legitimate use of force. International law has encroached on the sovereignty of the states, and this could be the reason why the law has failed to account for the reinstitution of military coups in Africa.

Foreign influence and tactical rivalry enhance the chances of coups. Throughout the first forty years of self-determination, coups intersected with the complexities of the Cold War as the Soviet Union (Russia) and the United States grappled over Africa. Recent overthrows in West Africa, like others in the after-independence era, exhibit

foreign fingerprints. According to Dan Suleiman and Onapajo (2022), Russia was implicated in the aforementioned 2021 and 2020 coups in Mali, as well as the newest coup in Burkina Faso. According to Dan Suleiman and Onapajo (2022), Assimi Gota, the leader of both coups in Mali, got US training and aid. Devermont (2021) notes that , Former French legionnaire Colonel Doumbouya, is in charge of the nation's most prestigious Special Forces Group. He has participated in training exercises with the US special forces and got instruction from France, Israel, Senegal, and Gabon. He additionally served in Afghanistan, Côte d'Ivoire, the CAR, and Djibouti. As an illustration, Mahamat Déby's clandestine coup in Chad drew backing from Paris. China, like Russia, helped Russia stop France, who had the backing of the United States and the European Union, from gaining the authorisation of the United Nations Security Council for commercial and border sanctions on Mali. In actuality, while China applauded the putsch in Guinea, it maintained mute on Mali's.

Thus, in the twenty-first century, foreign countries' drive for geopolitical influence and benefit in Africa has led to coups across the continent. Local politics and totalitarianism are acceptable as long as their political value is served. France 24 (2021) states that France condemned the 2021 mutiny in Mali and proposed EU sanctions, with French Foreign Minister Jean Yves Le Drian declaring, "France denounce the act of violence that took place in Mali with the utmost severity." France proceeded by suspending joint operations with the Mali government as well as national advice. France had to resume military operations after recognising that Russia was now a threat to its strategic interests in Mali. Agency France Press (2021) reported on January 7, 2022, that Malian army officials were claiming that Russian military advisers had arrived in the country with 400 Russian military personnel operating in the Sahel state. The presence of the competing superpowers in Mali threatened the importance of the application of international laws in resolving the Malian crisis but rather turned Mali into a political battleground for the two UNSC permanent members pursuing their strategic interests in Africa. Foreign influences have also made African international laws useless in their quest to end unconstitutional government change.

6 Policy Suggestions

- Encourage the utilisation of traditional-based justice systems to be considered as core pillars of the international law and international relations system rather

than as less satisfactory, for example, by taking a leaf from the Gacaca System that was used during the Rwandan transition and reconciliation exercise after the genocide.

- There is a need to redefine and re-conceptualise African international laws and politics as an organised intellectual, institutional, and academic inquiry that is initialised. African laws and politics should be defined by their concerns about Africa, African peoples, and African societies.
- When addressing military coups, the African Union and its recognised RECs should regularly apply the tools it has set in place, including the Lome Declaration of 2000 and the Charter of Democracy and Governance of 2007. Military coups ought to be regarded as an anomaly and in opposition to the region's efforts to achieve stability and development. Regional and continental organisations like ECOWAS and the African Union should apply the same sanctions to all sorts of forcible power grabs or overthrows of democratically elected governments.
- The constitutions of African nations should include term limitations and make attempts at tenure extension illegal. African supranational entities should assist their constituent nations by enacting a rule prohibiting incumbent presidents from serving a third term.
- The Western governments have failed to provide Africa with the necessary support systems, and African states should be careful of new non-African allies. Akinola and Makombe (2022) suggest that Economic concerns are the primary drivers of the struggle for the souls of African states, from the Horn of Africa to the Sahel because international relations are solely driven by the interests of states.
- Governmental structures must be more diverse and open to participation from civil society, accepting ideas from the military and other industries as well. Akinola and Makombe (2022) advise that the first goal for African civilian governments must be the depoliticisation of the military and the implementation of comprehensive security reform. To keep the military out of power, this is a crucial corollary.
- The peer view process on states needs to be more critical of the levels of governance within African states. The AU has a decisive role to play.

- African governments need to foster rapid economic transformation that works for the people, by the people, and is owned by the people.

7 Conclusion

The research looks at the limitations of the law in political scenarios such as the military coups that have plagued Africa. The manuscript goes beyond positive legal analysis to investigate the constraints of normative concepts that influence interpretation, application, and development during military takeovers in Africa. The study's emerging new areas for future research include decolonising international law, decolonising international relations, decolonising African politics, decolonising African international institutions, and decolonising conflict prevention mechanisms in Africa. A future study may also propose a diplomatic paradigm for early warning systems as well as other approaches for preventing unconstitutional government changes in Africa.

References

African Union. 2002. 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union'. *African Union*. African Union. https://au.int/en/treaties/protocol-relating-establishment-peace-and-security-council-african-union.

Akinola, Adeoye O., and Ratidzo C. Makombe. 2022. 'The resurgence of military coups and democratic reversals in Africa'. Institute for Pan-African Thought and Conversation . September 2022. https://ipatc.joburg/11-the-resurgence-of-military-coups-and-democratic-reversals-in-africa/.

Amoateng, Nana. 2022. 'Military Coups in Africa: A Continuation of Politics by Other Means?' ACCORD. 19 August 2022. https://www.accord.org.za/conflict-trends/military-coups-in-africa-a-continuation-of-politics-by-other-means/.

Bachmann, Klaus, Irena Ristić, and Gerhard Kemp. 2019. *International Criminal Tribunals as Actors of Domestic Change*. *International Criminal Tribunals as Actors of Domestic Change: The Impact on Institutional Reform Vol 1*. Peter Lang AG. https://doi.org/10.3726/B14796.

Chioma, Unini. 2023. 'Nigeria's Power Supply To Niger Is A "Legal Covenant" - Energy Analyst, Olabode Sowunmi - TheNigeriaLawyer'. The Nigeria Lawyer . 5 August 2023. https://thenigerialawyer.com/nigerias-power-supply-to-niger-is-a-legal-covenant-energy-analyst-olabode-sowunmi/.

Cicala, Alberto. 2023. 'African Union, after Ten Years "Silencing the Guns" Has Not Reduced the Sound but Has Become Stronger - Focus On Africa -'. African Union. 7 June 2023. https://www.focusonafrica.info/en/african-union-after-ten-years-silencing-the-guns-has-not-reduced-the-sound-but-has-become-stronger/.

Dan Suleiman, Muhammad, and Hakeem Onapajo. 2022. 'Why West Africa Has Had so Many Coups and How to Prevent More'. The Conversation. 15 February 2022. https://theconversation.com/why-west-africa-has-had-so-many-coups-and-how-to-prevent-more-176577.

Devermont, Judd. 2021. 'Guinea: The Causes and Consequences of West Africa's Latest Coup'. Center for Strategic & International Studies. 8 September 2021. https://www.csis.org/analysis/guinea-causes-and-consequences-west-africas-latest-coup.

Dougherty, James E., and Robert L. Pfaltzgraff. 1981. 'Contending Theories of International Relations : A Comprehensive Survey', 592.

France 24. 2021. 'France Condemns "coup d'état" in Mali, Threatens EU Sanctions'. France 24. 25 May 2021. https://www.france24.com/en/africa/20210525-france-condemns-coup-d-%C3%A9tat-in-mali-threatens-eu-sanctions.

Henkin, Louis. 1995. *International Law : Politics and Values*. M. Nijhoff.

Hirsh, David. 2012. 'Law against Genocide: Cosmopolitan Trials'. *Taylor and Francis Ltd* *5* 9781843145073 (January): 1–183. https://doi.org/10.4324/9781843145073.

Matlosa, Khabele. 2022. 'Transitional Justice and Silencing the Guns in Africa Today'. AfricaPortal. 29 March 2022. https://africaportal.org/feature/transitional-justice-and-silencing-guns-africa-today/.

Mlambo, Victor H, Xolani THUSI, and Sbonelo Gift Ndlovuand. 2022. 'The African Union's Agenda 2063 for Africa's development: possibility or ruse?' *Prizren Social Science Journal* 6 (3): 64–74. https://doi.org/10.32936/PSSJ.V6I3.358.

Morgenthau, H. J. 1979. *Human Rights & Foreign Policy*. Council on Religion & International Affairs.

Murithi, Tim. 2019. *Judicial Imperialism: The Politicisation of International Criminal Justice in Africa*. Cape Town: Fanele, an imprint of Jacana Media (Pty) Ltd. www.jacana.co.za.

Mwai, Peter. 2023. 'Gabon Coup: The Latest in a Series of Military Takeovers on the Continent'. BBC News. 30 August 2023. https://www.bbc.com/news/world-africa-46783600.

Neidleman, Jason. 2012. 'The Social Contract Theory in a Global Context'. 9 October 2012. https://www.e-ir.info/2012/10/09/the-social-contract-theory-in-a-global-context/.

Nyathi, Mkhululi, and Matshobana Ncube. 2020. 'The 2017 Military Coup in Zimbabwe: Implications for Human Rights and the Rule of Law'. *African Human Rights Law Journal* 20 (2): 825–51. https://doi.org/10.17159/1996-2096/2020/V20N2A21.

Phillips, Robert A., and Michael E. Johnson-Cramer. 2006. 'Ties That Unwind: Dynamism in Integrative Social Contracts Theory 1'. *Journal of Business Ethics* 68 (3): 283–302. https://doi.org/10.1007/S10551-006-9015-7.

Raube, Svenja. 2023. ‘An International Law Assessment of ECOWAS’ Threat to Use Force in Niger’. Just Security. 16 August 2023. https://www.justsecurity.org/87659/an-international-law-assessment-of-ecowas-threat-to-use-force-in-niger/.

Shaw, Malcolm N. (Malcolm Nathan). 2021. *International Law*. 9th ed. Cambridge: Essex Court Chambers/Lauterpacht Centre for International Law, University of Cambridge.

Slomanson, William R. 2011. *Fundamental Perspectives on International Law*. 6th ed. San Diego: Suzanne Jeans, Wadsworth Cengage Learning.

Traldi, Oliver. 2023. ‘The State of “Nature”’. Quillette . 23 March 2023. https://quillette.com/2023/03/29/the-state-of-nature/.

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Lying and political realism: An analysis of contemporary political trends

Ngwang E. Tanto[1] (PhD) | ngwangstar@gmail.com | ORCID
Ndzi E. Ngah[2] | etienengah@mail.com | ORCID

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Nyarugenge-Rubangura House, 3325+28X, Kigali, Rwanda
info@africaopl.org
+48727432772
www.africaopl.org

Abstract: The rate at which conflicts are breaking out in different parts of the world these days is alarming. The consequences of these conflicts are deaths resulting from outright war, protests, and manifestations. Political instability, bad governance, and insurgency seem to be killing more than any pandemic has ever done. It is becoming difficult for philosophers and political scientists to fold their arms and watch this global political mayhem. In this article, we try to find out why it is becoming increasingly difficult for people to live together in peace and harmony. We argue here that the cause of this chaos is the dominant presence of lying and intentional deception in political action across the world. Political actors have gotten so used to the system of misinformation and distortion of facts that they have not noticed that the world has evolved such that it is becoming relatively easier to carry out fact-checking. Even from the comfort of one's bedroom, one can painlessly verify information that is given in public space and debunk it with ease. This means that lying no longer has a place in global politics. When people find out the truth, they are bound to revolt, and the result is conflicts and deaths. Here we suggest that lying is no longer effective in politics, and so politicians should be realistic and adopt the ethics of truth, which demand honesty, respect for human rights, and responsibility.

Keywords: Lying, political realism, ethics of truth.

1 Introduction

Political instability, bad governance and insurgency seem to be killing these days more than any pandemic has ever done. One cannot help but wonder what is wrong with the world today. In the course of this reflection, it is easy to observe the inadequacy and unconformity between official government speeches and policies and their actions. Africa seems to have suffered a fair share of governance-related crises in recent years. Some of the cases still fresh in mind include the Burundian constitution crises which led to the Nkurunziza protest and registered untold deaths in 2015, the controversial reports on the assassination of the Libyan ex-president Muammar Gaddafi in 2011 following a civil war movement and military intervention of NATO, the Egyptian political revolution which brought down Muhammad Hoseni Mubarak in 2011, the Boko Haram insurgency which registered untold deaths in Nigeria, Cameroon Chad and Niger since 2009, the Anglophone crisis in Cameroon and the military coup d'état in Burundi and Gabon, Mali Guinea, Burkina Faso and Niger. These events and more have brought untold suffering on the people and death rates have skyrocketed alarmingly. In an attempt to get to the causes of these ills across the continent and beyond, one gets a common denominator; bad governance, characterized by lying, manipulating of public opinion, rues, embezzlement, corruption and the killing or imprisonment of people with dissenting voices. A careful observations of the African political landscape especially the military rule that is gradually taking the lead in the French-African countries, the sudden rise of anti-French feelings, the role of terror and post electoral violence reveals that frustration resulting from effects of deception and bad governance is the underlying problem. It is becoming clear that lying and manipulation as a means of governance is not doing good for Africa or to say the least is not working well.

This, however, is not the exclusive reserve of Africa. A careful reflection on the campaign speeches delivered during the presidential elections in the United State of America with the most recent being the speeches of Donald Trump and France, especially those related to war and foreign policies, leave one in a state of muddle. One would hardly understand how we preach international peace and equity against a backdrop of "America first" as indicated by Donald Trump. Not much of what is said matches or corresponds with what is done. This is a pointer to the fact that even the west is not free from lies and manipulation in governance. This seems to be the order

of the day all over the world. Thus, it is right to argue that the world is governed by lies.

The most dissatisfied and disgruntled are the electorate who vote people based on the promises they make and the policies in place and end up with an action plan which is completely divorced from the initial promises. The worst part of it is that the electorate has no means to seek redress legally since all legal instruments are being controlled by those who deceive the electorate. That way, what seems to be the only way out or the last resort is civil disobedience, open rebellion or insurgency. This seems to have been the case with most countries in the world where we witness political instability. While it is more severe in some countries, going as far as creating war, in others it is only uneasy tension that makes people live in constant fear of the unknown.

This state of things demands a serious reflection on the means of governance employed by contemporary leaders. It will be important to reflect on the following puzzles; is lying realistic in governance? Can the use of lying and manipulation in governance actually lead to a better society? These worries, though of a very contemporary and actual order, are not so new in global politics. One of the philosophers who has reflected on similar issues is Hannah Arendt In her book "*Crisis of the Republic*", she clearly articulates the dangers of lying in politics and shows how such acts could destroy the republic. It is against the backdrop of her work that we shall be staging our case against lying as a means of governance.

2 Is lying realistic in governance

For us to be able to answer this question, it is very important that we start by understanding what lying and realism mean. This will permit us to check their compatibility in politics or governance.

2.1 Meaning of lying

The word lying is the present participle of lie. It consists of an act of making false statements. According to Mearsheimer (2011, 198) "lying is when a person makes a statement that he knows or suspects to be false in the hope that others will think it is true... lying can involve making up facts that one knows to be false or denying facts that one knows to be true." What we get from this definition is that lying is an action designed to deceive a targeted audience. So, it consists of man's imaginative ability to establish deceit which can be in the form of falsehood, deception or concealment

capable of making people believe or disbelieve what is or what is not. In short, it consists of saying that something is when it is not or saying that something is not when for real it is.

In politics, lying is being expressed in different forms such as deception, falsehood, concealments and defactualisation. It is in this light that Arendt presents the totalitarian government's idea according to which, politics consisted of two things; that is, creating imagination and making people believe in it. She considers political lies as an aptitude as she writes "*une aptitude à déformer, par la pensée et par la parole, toutece qui se présente clairement comme un fait réel"* (Arendt and Durand 2002, 9)

That is, an aptitude of reforming or deforming everything that is presented clearly as real fact through thinking and talking or communication. This is to show that her treatment of this notion is purely political. Hurbert Mono Njana likens the aspect of lying to the falsification of one's attitude or behavior. He defines it as: "*la fausseté d'une attitude ou d'un comportement qui consiste à donner le change, à faire illusion ou à se donner l'apparence de ce qu'on n'est pas, et même l'apparence du contraire de ce qu'on est"* (Mono Ndjana 2006, 5).

According to Ramsay (2000, 3), lying can be defined as "a statement intended to deceive others, telling a lie is not simply the opposite of telling the truth because telling the truth and being truthful are not the same thing, nor is this saying that what is false is necessarily to deceive". Ramsay (2000)from this we understand that, the decision to lie or not lie depends solely on the intent of the actor. That is why Maureen further affirms in line with St Augustine's statement that, "a person is to be judge as lying or not lying according to the intention in his own mind and not according to the truth or falsity of the statement" (Ramsay 2000, 3).

What is Hannah Arendt's focus here? it is as Roger Huard puts it, "officials tell lies and citizens remain ignorant or fail to understand what from a political perspective is going on about them" (Huard 2007, 33). In this text *Crises of the Republic*, officials use deception, defactualisation, concealments, and image making and the aim of all these is to acquire and preserve political power. Lying can also be defined as the inadequacy between speech and act or the non-correspondence of thoughts with facts, the negation of what is or the affirmation of what is not, to deceive an audience.

It is in this line of reflection that Paolo thinks that Aristotle likens lies to separation of thoughts from facts.

3 Meaning of realism

The notion of realism seems to be getting more complicated and twisted in the eye of the politician. The concept is taken from the English word real meaning that which is or that which exist or is possible. Firstly, realism can be defined as the faithful and accurate representation of a person or object, capturing its true essence. This definition, although straightforward, is suitable for the intended purpose of this work. Realism, in this context, pertains to the pursuit of truth, honesty, and adherence to factual information. Secondly, realism can also be understood as the mindset or approach of acknowledging and accepting a situation as it truly is, and being prepared to handle it accordingly. The second view seems to have over emphasised and twisted the meaning in a way as to promote inequality and justify injustice and cruelty in political practice. This second meaning is also seen in the Cambridge Advanced Learner's Dictionary (4th Edition) (2013). It holds that realism is a cognitive and behavioural approach that relies on factual information and feasible outcomes, rather than wishful thinking about improbable events. In this sense, a realist is one who thinks and acts in ways that are most likely to succeed. Political realism then will mean engaging political strategies based on facts which can make success possible. Our meaning of political realism will rather tie with our first understanding of realism; political realism here will mean the quality or facts of representing political ideas and facts in a way that is accurate and true to life. This is the definition that has been hidden by most political theorists who are more interested in justifying coercive policies that protecting and promoting the welfare of the people. From this equation of realism to possibility of success, we are obliged to find out what politics is and what political success means?

4 Meaning of politics and political success

The word politics is derived from the Greek word "polis", meaning "city-state", the activity or affairs of the state. That is activities that relate to influencing the government or getting and keeping power in a government. The online Merriam Webster dictionary, (1828) defines politics as "the arts or science of government" (Webster 1828). A precision made in this dictionary worth mentioning is the fact that, politics could carry with it a negative connotation closely related to activities

characterized by artful and dishonest practices. Furthermore, politics, in its broadest sense, is the activity through which people make, preserve and amend the general rules under which they live. It can also be defined as the arts or science of governing or the rational organisation of a group of people or the state. The Dictionary of Politics defines it as "the theory and practice of governance" (Collin 2004, 183).

According to Plato and Jowett (1977, 9), politics means the rational organisation of the state guaranteed by the notion of "the good". He thinks that politics has as objective to establish justice among men in the society contrary to the deceptive position of the sophist as defended by Thrasymachus in the republic when he said, "the different forms of government make laws democratically, aristocratically, tyrannical, with a view to their several interests and these laws which are made by them for their own interest constitute the justice which it delivers to their subject" (Plato and Jowett 1977, 9) To Aristotle, politics consists of ensuring the happiness of every man in the society since according to him, all human actions are aimed at achieving a certain end which he called, happiness. He writes: "*toute cite est une sorte de communauté, et que toute communauté est constituée en vue d'un certain bien*" (Aristote 1995).

To Thomas Hobbes, politics consists of ensuring everyman's security against violence and war since the emergence of the civil society has as objective to protect man from violent death that existed in the state of nature. To John Locke, politics mean, the protection of men and their property since the civil society's mission is to ensure the protection of property. To Jean Jacques Rousseau, it consists of a rational organisation of the state to ensure people's freedom. It is this rational organization of the state that gives right to some group of persons or one man to act on behalf of others. This means some people are being empowered to act on behalf of the group. This people who are being empowered possess political power.

From these definitions of politics, we gather that the sole aim of politics is to ensure the wellbeing of the people and their property. In order words, it is to establish justices amongst men. Hobbes indicates that politics consist of governing in such a way as to ensure everyman's security against violence and war. This suggests that political success will mean governing in a way as to meet with the objectives of political action. That is, acting in a way that helps the governed to lead good and just lives and be free from violence.

From this understanding, political realism will consists of thinking or acting in a way that helps politicians to achieve the goal of political action. A political realist will be one who makes use of means of governance which will give him political power and at the same time help the electorate to lead good lives. A political realist then is not necessarily a selfish person who deceives people into believing what is not true or what works only in his own interest. Two things are to be gotten from a politically realistic action. First, it is an action which works and is based on facts. Second, it is an action which leads to a politically stable and prosperous society. The first characteristic of political realism seems to have over shadowed the second in political action today. Consequently the actions most so called political realists seem to be at the roots of political instability, injustice and violence across the world. A politician, nowadays, is only seen to be realistic in as much as his decisions and actions helps in giving him power even to the detriment of the masses and the stability of the society. This workability, however, is very short lived as the masses soon discover that what they thought to be true was actually lies. They soon realise that the course they believed would better their lives was only designed to better the life of the politician. This has been seen as the cause of almost all political crises across the world.

5 Is lying realistic in contemporary politics?

This question is the same as asking that, does lying help the politician to achieve his goal? Again one would love to find out if lying works in politics and for how long? Does lying work in contemporary politics? The answer to this question is evident. If lying has been useful in the past, today it is the contrary. Telling lies to the electorate these days only puts people to slumber for a very short time. After that people quickly come to terms with the reality and their reaction is dangerous. Unfortunately, once trust is lost; it is difficult to regain it. It is more politically realistic these days to speak the truth and let people see how much effort a politician is putting in the right direction than to tell lies and people eventually discover the truth. Governance by deception is archaic and old fashioned.

It has become so easy to access information verify claims these days that one who lies especially on public affairs simply stupefy himself in front of the masses. The latest development in the audiovisual sector and the social media services no longer allow space for people to be deceived for long. Unfortunately, most politicians have

not yet come to terms with this new reality especially in Africa where the greater part of the political class consist of the old people who are not versed with the developments in the domain of science and technology. They still cling so tide to their old system of lying and deception and keep wondering why it is not working any more. When they finally realise how difficult it is to rule the people with lies telling and false promises, they resort to violence. This is one of the major causes of political instability, wars and rebellious movements across the world and most especially in Africa.

5.1 Lying and political unrest in contemporary societies

One would notice that in recent years there is increasing political unrest across the world. Some of the most recent consequences of lying in politics are the Russian versus Ukraine war, the Burundian constitutional crises which led to the Nkurunziza protest and registered untold deaths in 2015, the controversial reports surrounding the assignation of the Libyan ex-president Muammar Mohammed Gaddafi in 2011,the Egyptians revolution which led to the overthrowing of Mohammad Hosni Mubarak in 2011, the Boko Haram insurgency in Nigeria which broke out 2009, the spread of Boko Haram activities to northern Cameroon, and the Anglophone crisis in Cameroon. Unfortunately, most political analysts have misconstrued the true reasons for the multiplication of these crises. Many either attribute it to inter-generational conflicts or the uncontrolled taste for power by overzealous youths. True as it may be that most of these movements are led by more youthful leaders, it is important to go beyond their ages and find out what motivates these youths to become so violent and aggressive against their long time leaders.

Fortunately, one does not need much reflection or research to see that lying and deception is at the back of most, if not all, of these crises. The youths have come to terms with reality. They have realised that their present leaders mean no good for them. Their future has been mortgaged and their lives have no value. There is no hope for a better future because what they have believed all through have been illusions. This discovery has put in place mistrust, hopelessness and lack of confidence in the leaders and the institutions they govern. This state of mind is the base of violent revolution. The youths on discovering the truth now believe that all they had has been lost already. Losing their lives in a revolution means nothing anymore because their entire lives seem to be a lie. They believe, as Marx and

Engels (1967, 79) puts it, that “the proletarians have nothing to lose but their chains. They have the world to win.” This is the outcome of deception. This state of mind is at the base of all political unrest and revolutions that we find across the world and especially in Africa today. Looking at this state of things, one is tempted to ask again; is lying politically realistic?

If political realism means thinking and applying political strategies that works, can we say that lying works? Is it realistic? If it were, it will help us to progress, it will help the politician to achieve the welfare of his people and not to have them killed. If truly the goal of the politician is to secure the wellbeing of the society then surely lying is not one of the means to get to it. Lying has failed and is now the cause of political unrest. So what should do in order to free the society from this political chaos?

5.2 The ethics of truth and the humanisation of governance

Why is Hannah Arendt against lying in politics and the conception of power in terms of violence, force or strength? We argue here that when power is being considered in terms of domination and the act of lying considered as a system or strategy of governance the whole essence of politics suffers from mistrust, distrust and loss of confidence which weakens the social fabrics and bring the nation to its knees. We agree with Hannah Arendt that lying is destructive in politics and that political power conceived in deception is the bedrock of future political unrest and wars. It is important to mention that she is against the politics of lying and the conception of power in terms of violence, authority, strength and force. Let us consider here some of the major arguments against lying in politics as seen by Hannah Arendt.

6 The strength of truth or factuality over lies

It is important at this level to recall that lying was defined as an aptitude to deform in thoughts and in speech everything which could be considered as real facts. According to Hannah Arendt, it is true that a liar (in his lies) often have an added advantage over her audience, but it is also certain that, truth cannot be substituted completely. So, truth is like the principle of goodwill in Immanuel Kant’s ethics which cannot be substituted with any other good. Truth is good in “itself” and powerful enough to fight the influence of lies. That is why she thinks that, under normal circumstances, truth will always prevail. If truth cannot be substituted, it follows that it cannot be destroyed completely. Judging from Arendt’s explanation of the principle of lying which supposes that one must destroy what is there and create something

which seems to be, we discover that, since truth cannot be destroyed, it is difficult for lies to succeed over truth under normal circumstances. That is why she affirmed that:

> No matter how large the tissue of falsehood that an experience lair has to offer, it can never be large enough even if he enlists the help of computers, to cover the immensity of factuality. The lair who gets away with any number of single falsehoods will find it impossible to get away with lying on principles" (Arendt 1972, 7).

It is important to note here that truth is a principle of factuality and it is this fact that Hannah thinks that it is difficult to lie on facts or replace it with anything in the world even with the help of computers. Based on the experience that she has had from the totalitarian governments and her reflection on American foreign policy in Vietnam, she thinks that, the totalitarian rulers and their frightening confidence in lying, their ability, for example to rewrite history again and again to adopt the past to the political line of the present moment and to eliminate data (defactualisation) did not fit their ideology and worse of it is that all those data that did not meet up with their ideology were either neglected or ignored. What the lair fails to see is that when data is neglected or ignored in a logical historical narrative, the whole edifice losses consistency naturally and the whole edifice collapses on its own accord. Thus to know the truth a good logical analyst needs nothing more than the story told. Its inconsistency and illogicality betrays it and the truth surfaces naturally.

To illustrate this, she argues that, in a socialist economy, to say that there is nothing as employment means that, the unemployed are simply considered as non- persons. This is because saying that there is nothing as unemployment in such societies logically implies that, everyone is employed. The second argument she restates here is that lies cannot last for long. This means that, it cannot give us long term pleasure; its own pleasure is short-lived. She (Arendt 1972, 7)argues that:

> There always comes the point beyond which lying becomes counter-productive, this point is reached when the audience to which the lairs are addressed are forced to disregard altogether the distinguishing line between truth and falsehood in order to survive. Truth or falsehood- it does not matter which anymore, if your life depends on your acting as though you trusted. Truth that can be relied on disappear entirely from public life and with it the chief stabilising factor in the ever-changing affairs of men.

What she means by counterproductive here is a state where the audience to which it is being addressed are forced to deny, reject, ignore or disregard the relation between truth and falsehood in order to survive. In the light of lies advanced by the public relation managers in government, this stage is reached when the manipulated population start resisting. Hannah describes it as the state wherein, “the same people who perhaps can be “manipulated” to buy a certain kind of soap cannot be manipulated- though, of course, they can be forced by terror to “buy” opinion and political views” (Arendt 1972, 8). In our reading of the nature of lying, we discover that, in the case of the Americano-Vietnam war, the North Vietnamese had been a stumbling block to the United States when they discovered that, they could not be convinced anymore to stop the fight on grounds that they (North Vietnam) could not win. Hannah is convinced that, such doctrine cannot determine the way people form their opinion about something neither can it prevent them from acting according to their own light of understanding. This is a very dangerous stage in the political life of a people. When people no longer give value to government action, they are at the stage of social and political abandonment. It does not matter what the leaders say or do, after all no one believes in them and no one acts in accordance with what they say except under coercion. This is the start of the collapse of a state and it is a result of lying in politics.

In relation to the counterproductive stage, she addresses her criticism to mysticism, what she called the “*arcana imperii*” otherwise known as the mystery of governance. That is, the operation of politics on secrecy. The weakness of this method in governance according to her is that, the actor will soon forget the facts which he is trying to cover up. The state of forgetfulness can be likened to the counterproductive stage that she indicated. This is imminent in her analysis on the role of the United States in Vietnam. She explains that, this method failed even the actors themselves as they forgot their concealment. This means that, they will come a time where they will not still remember the initial goal in their game of deception; we saw this under the divergence in facts where goals became short-lived. It is from this point of view that she (Arendt 1972, 31)stated that:

> If the mysteries of governance have so befogged the minds of the actors themselves that they no longer know or remember the truth behind their concealments and their lies, the whole operation of deception, no matter how

> well organised its “marathon information campaigns”, in Dean Rusk’s words, and how sophisticated its Madison Avenue gimmickry, will run aground or become counterproductive, that is, confuse the people without convincing them. For the trouble with lying and deceiving is that, their efficiency depends entirely upon a clear notion of the truth that the lair and the deceiver wishes to hide. In this sense, truth even if it does not prevail in public, possesses an ineradicable primacy over all falsehood.

The idea of forgetfulness here is very significant and reminds us of the intrinsic relation between lies and truth. For one to lie successfully s/he must know and remember the truth they intend to conceal. It becomes very difficult when a liar does it for so long that he forgets the truth and starts himself believing the lies he tells. For a lie to remain alive we always need another lie to cover the previous one. This puts us in a situation where one other lie ends up revealing the truth which the original lie intended to conceal. This happens when one forgets the truth and does everything to defend a long lasting lie. At this point lies become counterproductive and the people are able to see clearly the truth.

In this light, Arthur Schlesinger describes the United States’ policy of lying as, “the policy of one more step’- each new step always promising the success which the previous last step had also promised but had unaccountably failed to deliver” (Arendt 1972, 32). It is from this perspective that we can conclude that the nature of the relation between lies and truth and the failure of the political project of lying in American politics constitute a fundamental point of Hannah’s critics of lying in politics. This means that lies must not be considered as an indispensable or an ultimate tool in politics.

6.1 The effect of lying on the lair

Now let us consider the concept and danger of self-deception on the perpetrators or practitioner of lies. If we understand deception as the ability to cover up facts and trying to convince an audience believe in the non-existence of such facts or vice versa, self-deception will consist of believing in it to be the case. To Hannah, deception is inter-connected with self-deception. This means that the act of deception keeps the deceived and the deceiver alike in the dark. In other words, it means that, he that practices the act of lying will end up believing in it. She likened this to medieval anecdote wherein, a sentry on duty to watch and warn people of a town of

the approach of the enemies, jokingly sounds a false alarm and also found himself rushing to the walls to defend the town against his invented enemies. From this analysis, she concluded that, “the more successful a lair is, the more people he has convinced, the more likely it is that he will end by believing his own lies” (Arendt 1972, 34).

At this level, deception is inter-connected with self-deception since the deceiver ends up believing in his lies. This was the case in the pentagon papers, she explains that, the confrontation in this report was between people who did their best to manipulate and to win the minds of their people but failed to create and convince the audience that they could then join themselves. The criticism Hannah Arendt is advancing here is the dependency of decision makers, the public relation managers and the professional problem solvers on theory and the deliberate neglect of facts from the field. She (Arendt 1972, 35)states that:

> They were so convinced of overwhelming success, not on the battle field, but in the public relation arena, and so certain of the soundness of their psychological premises about the ultimate possibilities in manipulating people, that they anticipated general belief and victory in the battle for people’s minds.

This is a unique description of their concentration on theory and the neglect of the practical approach to the problem on the ground. The effect of this dependency on theory and the neglect of factuality is that it caused them to pay little or no attention to those facts that their audience refused to be convinced of than to other facts present on the battle field. It is on this basis that she considered the later argument on self-deceptions to be a dangerous tool in the arsenal of totalitarian politics. In this line of reflection, she (Arendt 1972, 36)stated that:

> In the realm of politics where secrecy and deliberate deception have always played a significant role, self-deception is the danger par excellence, the self-deceived deceiver losses all contact with not only his audience but also the real world, which still will catch up with him because he can remove his mind from it but not his body.

What Arendt is trying to demonstrate here is the characteristic function of what happened with the problem solvers. They know the facts but failed to admit or eliminate it. The danger of this self-deceptive act is that it contributed to their losing sight of the real problems which was the logical outcome of their utmost

concentration on deception for the sake of deception. Her criticism here is that the goals of the politics of lying as had been the case with the United States is exclusively psychological, that is, a matter of the mind. Added to this is the fact that, the problem solver did not judge but instead, they calculated, and their calculation was based on mathematical and pure rational truth which were not important to the problem at hand. It is because of this that, they failed to think about the risk of decision making process on Vietnam. It is in this line of reflection that she (Arendt 1972, 37) confirms with Barnet, who posits that:

> The trouble with our conduct of the war in south Vietnam was that, no such control given by reality itself ever existed in the minds of either the decision-makers or the problem-solvers, it is true that American policy pursued no real aims, good or bad, that could limit and control sheer fantasy, neither territory nor economic advantage has been pursued in Vietnam, the entire purpose of the enormous and costly effect has been to create a specific state of mind.

What she is trying to explain here is a further explanation on the fact that America failed to understand that great power is limited power. Amongst all the other objectives or goals, the only finite of all is to create a state of mind. This state of mind is what she qualified as image making the yearning to manipulate people's mind. (Arendt 1972, 37) describe the attitude as, one of:

> the deadly combination of the "arrogance of power- the pursuit of a mere image of omnipotence as distinguished from an aim of world conquest, to be attained by non-existent, unlimited resources with the arrogance of mind, an utterly irrational confidence in the calculability of reality…. (Idem)

From this presentation, a new idea comes up, that is, "deadly combination of the arrogance of power". Power becomes very arrogant when it is espoused with violence and orientated towards domination. This highlights the problematic of political power in relation to the question of lying in politics. Whether political power should be grounded on lying, deception, concealment or falsehood is the question at stake.

6.2 Political revolution and the ethics of truth or honesty

The concept of revolution and the ethics of truth we propose here find expression in the works of the Cameroonian contemporary philosopher, Hubert Mono Njana. In his book entitled *Revolution and Creation*, he defines revolution as "a change of position.

One thing replaces another. In the place of one thing which ceases to exist, another thing immediately comes into being" (Mono Ndjana 1991, 14). He further thinks that this revolution must be genuine and what determines this genuineness and positivity in the decision to substitute one thing with another where one thing is destroyed and replaced by another in the same process. So, the process is dynamic and non-static. What we advocate for in this sense is a radical break from the past and the replacement of lying in politics with an ethics of truth and domination with liberalism since he thinks that, politics is a serious matter that concerns the whole community.

Unlike the demi-politicians who conceive politics as a game of interest; Hebert Mono Njana thinks that, politics is not a game; it is a serious affair that concerns a whole community and human destiny. This means that, it is an affair of all for all and not all for one and vice versa. Consequently, it necessitates the intervention of all through the exchange of ideas which must be communicated in a public space provided by statesmen as Arendt earlier on stated. Mono Njana highlights in this line of reflection that, *"C'est dire qu'une éthique de vérité doit soutenir l'éthique de la communication pour que cette dernière acquière de l'authenticité*" (Mono Ndjana 2006, 34). This means that an ethics of truth must support the ethics of communication so that it acquires authenticity. According to him, the ethics of truth is the condition sine qua none of the extermination of falsehood from politics and it finds expression in the domain of communication.

The practice of falsehood in politics is a vice which must be dealt with since no political institution had ever been successful on such basis. That is why he adds that: *"D'expérience historique, aucune société ne s'est bâtie sur ce modèle. La rationalité d'une échange politique véritable exige l'égalité et la liberté des discours, donc la cohérence du vrai peut alors se transformer en cohésion sociale"* (Mono Ndjana 2006, 35). This is exactly Hannah Arendt's conception of politics where she projects her criticism on deceptive politics and the totalitarian regime which operates on violence, terror and domination demonstrated through expansionist strategies such as wars.

The spirit of social cohesion that Mono Njana is proposing here must take into consideration the role of an edifying communication to avoid misunderstanding since to him misunderstanding or the absence of understanding is the bedrock of civil wars and international conflicts. The ethics of truth that Mono proposed is to be realized

through education, a good educational system granted by dialogue which to him is the base of democracy. He adds that; "L'éducation apparait ainsi comme une function essentielle en regime démocratique, qui permet au citoyen de comprendre les tenants et les aboutissants d'opérerque de choix en connaissance de cause et d'apprécier les situations les plus diverses" (Mono Ndjana 2006, 36). As an essential tool in democracy, education remains an effective regulator of human consciousness in the formation of rational needs to produce rational communication. From this point of view, the imperative expressed is the formula "not every truth should be told" or "must be said", is not imposable at all.

The role of education is the total emancipation of the person and the reinforcement of the respect of human rights. Mono Njana writes; *"l'éducation doit viser au plaine épanouissement de la personnalité et au renforcement du respect des droits de l'homme et des libertés fondamentales. Elle doit favoriser la compréhension, la tolérance et l'amitié entre toutes les nations et tous les groups raciaux ou religieux…"* (Mono Ndjana 2006, 35-36). Education should define the ways of training and training is indispensable in acceding to this ethics of truth as he thinks that trained individual can hardly be a problem to a society. He affirms that. *"L'homme forme et prépare ne peut nullement s'offusquer, ni se révolter, ni s'évanouir, décourager quand ils comprennent bien le sens de la vérité communiquée […] D'où la nécessité même de l'éducation politiques et de la formation intellectuelle comme base de la démocratie"* (Mono Ndjana 2006, 37).

We can now understand why Plato thinks that one does not do wrong voluntarily since knowing the good necessitates doing good and not vice. In this line of reflection, we see the necessity to discourage the commercialisation of power in Africa, a situation which has brought down the development of African state to its knees. The commercialisation of power has as effects bribery and corruption which Lucien Ayissi criticized in his philosophy. Hubert Mono explains his notion of the ethics of truth to mean, the ethics of responsibility; which is like Kant's principle of duty. He (Mono Ndjana 2006, 39)explained that;

> *L'éthique de véritérevientdonc à être partisan de l'éthique de conviction, qui fait appel aux principesquellesquesoient les conséquences de cette option. L'éthique de responsabilité quant à elleregarded'abord les conséquenceset se*

> *prier dèslors de dire la vérité sicettedernièrepeutentrainer de catastrophes, l'hommepolitiqueici fait preuve de responsabilité et mêmeirréaliste de la verité.*

To crown this explanation Mono Ndjana (2006, 40) evoked Marx Weber who declared that:

> Le partisan de l'éthique de conviction, ne peut supporter l'irrationalitééthique du monde, ilest un ''rationaliste' cosmo-éthique' […] iln'est pas possible de concilierl'éthique de conviction et l'éthique de responsabilité pas plus qu'iln'est possible de décréter au nom de la morale quelleest la fin qui justifieratelmoyen, sijamais on fait la moindre concession au principe.

The view of Mono Njana here is strictly in line with what we stand for. The ethics of truth does not lead us to an "I must win situation". On the contrary, it presents the leader as an honest person who speaks the truth and is ready to take responsibility for whatever outcome of his decision. He insists that the masses should be educated and should be fed with the truth. When people know the truth and can make clear judgments based on facts, they cannot blame the leader even when he fails out of genuine effort. Leaders are not superhuman beings. They can also fail but what people demand from them is honesty, accountability and responsibility for what they do. Lying to the people in order to look indomitable can be dangerous especially when people are made to believe in such inexistent powers only to discover in the end that the leader they thought was a god was after all just a mere human being with his own weaknesses. To overcome, we must educate the masses to be able to support or accept the consequences of telling the truth. Gorbatcher is right to have thought that truth contributes to social cohesion which is the bedrock for better development of our economy and democracy.

In his conclusion, he articulated that from a purely political stand point, it is necessary to respect and apply this principle of ethics of truth contrary to the practice of lying. It is necessary to get back to the Kantian reflection on the transcendental which is the basis of this ethics. He concluded with the most celebrated remarks of President Lincoln: "*on peut tromper une partie du people tout le temps, on peut tromper le peuple une partie du temps. Maison ne peut pas tromper tout le people tout le temps"* (Mono Ndjana 2006, 43) This indicates the relative nature of lying and its inability to make it a universal law of nature as Kant will say.

7 Conclusion

In this paper, we engaged in finding out why global peace and security seems to be collapsing. We observed that in almost all countries of the world nowadays, there is a conflict of one kind or the other with varied consequences, ranging from uneasy peace to outright war and untold deaths. Mortality rates are getting higher day by day with women and infant mortality increasing exponentially. This is a cause for concern especially at a time when we think people should be able to live longer thanks to the advancement in life supporting technological advancement. In this paper, we have diagnosed that the problem is bad governance characterised by lying, bribery, corruption, rues, and all other forms of deformation of facts. People still think they can tell lies and push the people to slumber as they gain undue political power and enrich themselves on public funds. Unfortunately with the advancements made in the audiovisual industry and social media communications handles, it is becoming practically impossible for lies to last for too long. People come to terms with reality too soon and the liar is exposed sooner than expected. This leads to revolt and conflict. As a solution to these conflicts we suggest that the ethics of truth be adopted in politics. This is a system of governance based on truth, equality, liberty responsibility and the complete respect of human right. Once people are educated and are given the right information they will be more tolerant even to failures when they are sure that the leaders have made genuine efforts to succeed before failing. This will put an end to these multiple conflicts and the world would be a better place to live in. Realistic politics is not that which seeks to succeed at all costs but that which seeks to meet the true objectives of politicking which is human welfare.

References

Arendt, Hannah. 1972. 'Crises of the Republic : Lying in Politics ; Civil Disobedience ; On Violence ; Thoughts on Politics and Revolution', 240. https://search.worldcat.org/title/329319.

Arendt, Hannah (1906-1975)., and Guy (19..-....; angliciste). Durand. 2002. *Du Mensonge À La Violence : Essais de Politique Contemporaine*. Pocket.

Aristote. 1995. *La Politique*. Bibliotheque Des Textes Philosophiques. https://www.librairiedalloz.fr/livre/9782711611904-la-politique-aristote/.

Cambridge Advanced Learner's Dictionary (4th Edition). 2013. *Cambridge Advanced Learner's Dictionary (4th Edition)*. Cambridge University Press. https://www.bookcity.pl/cambridge-advanced-learners-dictionary.

Collin, P.H. 2004. *Colin - Dictionary Of Politics And Government.Pdf*. 3rd ed. London: Bloomsbury Publishing Plc. https://www.academia.edu/33288827/Colin_Dictionary_Of_Politics_And_Government_pdf.

Huard, Roger L. 2007. 'Plato's Political Philosophy : The Cave', 180. https://search.worldcat.org/title/85764721.

Marx, Karl, and Friedrich Engels. 1967. *The Communist Manifesto*. Penguin, Harmondsworth.

Mearsheimer, John J. 2011. 'The Truth about Lying in International Politics'. *Oxford University Press*. https://search.worldcat.org/title/593639329.

Mono Ndjana, Hubert. 1991. *Revolution and Creation: A Treatise on the Juche Philosophy*. Foreign Languages Publishing House.

———. 2006. *Le Mensonge En Politique*. Yaoundé: NEVI.

Plato, and Benjamin Jowett. 1977. 'The Portable Plato : Protagoras, Symposium, Phaedo, and the Republic : Complete, in the English Translation of Benjamin Jowett'. *Viking Portable Library*, 696.

Ramsay, Maureen. 2000. 'Justifications for Lying in Politics'. In *The Politics of Lying*, 3–26. London: Palgrave Macmillan. https://doi.org/10.1057/9780230597846_1.

Webster, Noah. 1828. 'Websters Dictionary 1828 - Online'. 1828. https://webstersdictionary1828.com/.

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Human right violations by multinational corporations in Cameroon

Ambe Kingsley Ndonwi | ambekingsleyndonwi@gmail.com | ORCID | Faculty of Law and Political Science | The University of Bamenda

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Abstract: This article explores the economic and legal dimensions of multinational corporations (MNCs) operating in Cameroon and their violation of human rights. The study examines the legality of foreign investments in Cameroon, with a focus on their influence on economic growth and the negative consequences that arise from infringement of rights. More precisely, it examines the ways in which MNCs make use of Cameroon's resources in terms of both the economy and the environment, impacting local communities. The primary objective is to understand the economic activities of MNCs in Cameroon that result in abuses of human rights. By so doing, the study provides valuable perspectives on efficiently overseeing the operations of MNCs in Cameroon. Several MNCs have a detrimental effect on Cameroonian society, resulting in both economic and environmental damage across various areas. As a result, their actions often give rise to legal conflicts, demonstrations, formal requests, and organised refusals to support their cause among the groups who are impacted. It is essential to thoroughly examine the operations of these MNCs in Cameroon, especially with the ambiguity surrounding the legality of safeguarding human rights. Based on this knowledge, it is crucial to shift the attention of foreign direct investment (FDI) in Cameroon by precisely delineating and differentiating what is beyond the scope of MNCs.

Keywords: MNCs, human rights violations, FDI, economic, legal disputes.

1 Introduction

The extensive harm caused by MNCs as a result of FDI in Cameroonian society and its people is significant. MNCs operating in various sectors throughout Cameroon have emerged as the primary perpetrators of human rights violations. This article offers insights into the improper practices of MNCs in Cameroon. Essentially, it illustrates the contemporary condition of human rights violations committed by multinational corporations in Cameroon. This text provides a thorough examination of the rights held by MNCs and the rights held by the people of Cameroon as a consequence of foreign direct investments. This work specifically addresses the legal rights of MNCs according to international law. It discusses their obligation to adhere to local rights, their responsibility to safeguard human rights, and the importance of protecting the rights of Cameroonians in relation to FDI. Additionally, the article looks at the types and characteristics of rights that MNCs in Cameroon violate. This text discusses the predominant human rights violations committed by MNCs in Cameroon, as documented by various human rights organisations. There are legal rulings that provide an interpretation of the abuses committed by MNCs in Cameroon. These abuses mostly relate to economic rights and are focused on the specific sectors in which these MNCs operate. It is important to note that these crimes are in contravention of both domestic and international legislation. Furthermore, it is noted that the majority of these infractions specifically address the rights of marginalised people in Cameroon. Furthermore, the range of breached rights extends to social rights in various places where big multinational corporations either operate or have subsidiaries. This article thoroughly explores the responsibility of adhering to FDI regulations and emphasises the need for legal accountability. It highlights the role of both domestic and international organisations in ensuring that MNCs are held accountable. This article presents an examination of the consequences of MNCs failing to comply with human rights in Cameroon. The research focuses on the growing number of human rights violations in this region, which has garnered significant attention.

2 The recognition and enforcement of rights under international human rights law in relation to MNCs

Firstly, it is important to note that MNCs possess legal personality according to international law. Both domestic and international laws are applicable to MNCs in

Cameroon. They have the authority to assert international human rights claims and are legally entitled to both international rights and responsibilities. Thus, it is true that MNCs in Cameroon and the world over have legal status and are entitled to rights and legal responsibilities according to both domestic and international legislation. The fields of law encompassed in this context are international law, international human rights law, and international investment law, which oversee and regulate investments made by individuals and entities. The MNCs that operate in Cameroon's environmental sector are subject to regulation under international environmental law and international human rights law. It should be noted that, due to the influence of MNCs in Cameroon's economic and social sectors, their acts are also subject to criminal law. It is argued that MNCs in Cameroon are responsible for causing harm, specifically by negatively impacting the environment and engaging in other unethical actions. Moreover, the primary rationale for utilising international human rights law to enforce accountability on these foreign investors is due to the inadequacy of Cameroonian law in ensuring their accountability, particularly in the case of MNCs. Our study focuses on examining the obligations that they violate within the private sector in Cameroon. Controlling the actions of MNCs is crucial for ensuring accountability (Wouters and Chané 2013).

Furthermore, this article emphasises that MNCs play an active role in investing in Cameroon. According to Cameroonian investment law and arbitration law, Cameroonian MNCs are granted legal personality, specifically in relation to human rights and investment matters. These provisions aim to safeguard the rights, claims, and interests of Cameroonian MNCs. Such protection is outlined in certain provisions of Cameroon's investment laws, which serve as incentives for foreign direct investments. In Cameroon, the courts have acknowledged the rights granted to foreign companies under specific laws, particularly in cases where human rights are violated. It is important to note that Cameroonians are also entitled to assert their rights against foreign companies and have the legal recourse to pursue judicial options when their rights are infringed upon or violated. These disputes typically arise from the investment laws, criminal laws, or human rights laws of Cameroon. The safeguarding of MNCs and the interests of Cameroonians in relation to investments in Cameroon involves the recognition of legal personality for MNCs. The rights provided by both local and international law encompass the entitlement to uphold the

integrity of the offices, branches, products, and other economic activities conducted by corporations in Cameroon. The recognition of legal personality for Cameroonian MNCs serves the purpose of safeguarding against potential abuses and granting Cameroonians the ability to assert their rights in relation to investment or business matters involving MNCs. The investment law in Cameroon is relatively flexible, which is why foreign enterprises receive significant protection.

3 The obligation of MNCs to adhere to international human rights law in Cameroon

Based on existing legal foundations, the duty to comply entails an obligation to uphold and fulfil human rights. Due to the lack of global recognition from the majority of states, MNCs lack international rights and obligations (Friedmann 1964). The duty is necessary within the domain of accountability to enable Cameroonians to hold MNCs accountable. In addition, the United Nations sub-commission on the promotion and protection of human rights has determined that MNCs should be subject to responsibilities. The adoption of the regulations on the duties of transnational corporations and other business enterprises with regards to human rights took place in 2003. The aforementioned regulations serve as a definitive method to establish principles that MNCs operating in Cameroon must strictly follow in relation to human rights, labour rights, environmental regulations, consumer rights, and the prevention of bribery and corruption while making investments in Cameroon. It is important to note that these principles, which are considered soft legislation in international law, play a significant role in ensuring that MNCs in Cameroon are held responsible. Enforcing these responsibilities on MNCs in Cameroon by adopting local law entails implementing mandatory regulations on foreign businesses with regards to their operational activities. Furthermore, it is important to acknowledge that according to international law, the prevailing principle in the field of international criminal law is that corporations are accountable for their unlawful actions (Kamminga 2004). Another piece of legislation that puts requirements of adherence on MNCs in Cameroon is the International Labour Organisation (ILO) Convention against Forced Labour. This convention requires contracting parties to implement measures and systems to eradicate forced labour in their operations (Article 1. of the Convention on Forced Labour, 1930). To fulfil the objective and essence of this convention, Cameroon must ensure that MNCs operating inside its borders implement the necessary measures to

comply with this international legal stance. However, in Cameroon, certain MNCs, such as banks, have not effectively implemented such measures. A significant number of multilateral treaties place direct compliance responsibilities on MNCs in Cameroon. These obligations cannot be evaded by the MNCs in Cameroon, as doing so would result in a gap in the protection of human rights if these MNCs are not held responsible. In order to prevent rampant abuses, it is imperative that MNCs that generate substantial financial profits in Cameroon and violate human rights are held accountable, as their actions would only further consolidate their power at the expense of the Cameroonian population.

Cameroon, as a host nation, needs foreign direct investments in order to effectively compete with other states in Africa and perform its state duties. The activities of non-state actors such as MNCs in Cameroon have a crucial role in driving both growth and globalisation. Consequently, we believe that enforcing human rights standards on foreign enterprises is necessary to safeguard against potential threats to human rights posed by influential corporations, such as the ones mentioned below. Cameroon is a strategic investment destination situated between two prominent economic communities in Africa, namely CEMAC (the Economic Community of Central African States) and ECOWAS (the Economic Community of West African States) (Mbodiam 2019). Cameroon serves as a significant source of investment for multinational corporations, strategically positioned between two prominent economic blocs in Africa. Based on the information provided, it can be concluded that Cameroon is an attractive destination for foreign direct investments due to its vast untapped or underutilised natural resources. The presence of these resources in Cameroon has enticed multiple multinational corporations across different industries. Cameroon, recognising its favourable business environment and available resources, implemented a legislative change in 2013 to enhance its investment rules and attract more foreign direct investments. For over ten years, Cameroonian legislation has been designed to make it easier for private investments to be made in Cameroon by providing fiscal exemptions and other benefits. These legal benefits have driven foreign investors to invest in Cameroon. The majority of foreign corporations working in Cameroon are mostly involved in the mineral and extractive sectors, such as cement companies from France and Switzerland. Moroccan, Nigerian, and Turkish cement businesses are present. Dangote Cement, a Nigerian corporation, operates

in Cameroon alongside Turkey's Medeen and Morocco's Cimaf (Mbodiam 2019). Three Swiss trading businesses bought over 50% of the total crude oil produced by Cameroon's National Hydrocarbons Corporation (SNH) in 2013. Cepsa, a Spanish oil concern, was the primary buyer of oil from SNH, the national oil company of Cameroon. In 2013, the Swiss trading firms Glencore, Gunvor, and Vitol bought 50% of the crude oil that SNH was selling. The sales yielded over $600 million, which is equivalent to 12 percent of the state's income in 2013.

In 2013, Glencore acquired four shipments from SNH, leading to payments totaling over $400 million. In 2013, Glencore's turnover reached $233 billion, surpassing Cameroon's entire GDP in 2012. Based on the information supplied, it can be concluded that FDI in Cameroon offers chances for MNCs and benefits the local population by providing various advantages. However, it is important to note that if MNCs operating in Cameroon's mining sector fail to adhere to human rights and the natural resource rights of Cameroonians, significant devastation will occur in numerous communities in Cameroon as a result of the actions of these MNCs. Corporations have a crucial need to adhere to human rights standards, given their role as facilitators of foreign direct investments.

4 The obligation to collaborate in the safeguarding of human rights by MNCs in Cameroon.

The third meeting of the UN Human Rights Council's working group on transnational corporations and other business enterprises regarding human rights has approved the terms of Resolution 26/9, which was issued on June 26, 2014. The working group was tasked with developing comprehensive and enforceable worldwide legislation that would regulate international human rights law as well as the actions of transnational businesses and other economic entities (Apollin 2017).

This legislation, in a more lenient format, seeks to safeguard citizens of host nations from human rights infringements perpetrated by multinational businesses and ensure that victims of rights violations have access to legal assistance. MNCs in Cameroon have an obligation to collaborate and comply with the legislation mentioned above. Nevertheless, this does not hold true in Cameroon. Several multinational corporations operating in different regions of Cameroon infringe upon the rights of the local population by exerting control over their resources and failing to collaborate in

upholding or safeguarding human rights. These communities have the obligation to collaborate in order to have the right to request justice and provide assistance to the victims of such atrocities. In Cameroon, numerous communities suffer from land deprivation, lack of potable water, and pollution of their land, with these populations receiving inadequate retribution for their grievances. The operations of MNCs have a detrimental impact on the livelihoods of indigenous people in Cameroon. These impacts include the exploitation of workers, the deportation of natives from their own communities, and environmental contamination, as exemplified by the example of Herakles Farm. MNCs can face legal action for human rights violations, although they are not subject to prosecution before an international tribunal.

Consequently, MNCs in Cameroon are now required to collaborate in safeguarding human rights. Cameroonians have the option to pursue legal action in court to hold MNCs, as well as their subsidiaries or parent companies, accountable for any violations committed against individuals or communities. Cameroon has the responsibility to safeguard its citizens from the actions of MNCs due to the significant number of MNCs investing in the country. If there is no obligation to collaborate, victims of human rights violations in Cameroon may face significant risks if abuses take place inside communities and the culprits are not held accountable. In accordance with the legislation No. 2002/004 of April 19, 2002, which established the investment charter of the Republic of Cameroon and was modified by Law No. 2004/020 of July 22, 2004, the primary objective of the state is to administer the nation, ensure the provision of justice, and guarantee the security of individuals and their belongings (President of the Republic 2002).

5 The focus on safeguarding rights in Cameroon and the significance of FDI

Various international agreements and documents on human rights establish explicit rules and obligations for MNCs to uphold, safeguard, advance, and fulfil human rights in Cameroon. This encompasses both adverse and beneficial obligations for MNCs operating in Cameroon. The state has a responsibility to safeguard corporations engaged in the exploration of natural resources, such as gas, oil, and minerals, in Africa (President of the Republic 2002; Martin and Kibugu 2022). The African Rights Commission has established the responsibility to safeguard against the infringement of rights by non-state actors, including companies, through several significant rulings. The Commission’s findings indicate that governments can be obligated to implement

legislative, administrative, and judicial actions. The Commission has identified some tasks that nations are required to fulfil. These obligations include prosecuting, investigating, regulating, providing redress, ensuring citizen engagement, monitoring, and establishing independent oversight organisations. The corporation, in exercising its duty to protect, would be obliged to impose requirements upon itself to contribute to the realisation of fundamental rights. The Charter imposes duties on corporations by providing that these rights should directly apply to corporations in a horizontal manner. There are specific parts of the African Charter that make it clear that people have duties as well as rights. These and other African-specific features might make the case for holding companies directly responsible for violating human rights through regional enforcement mechanisms stronger. The Charter does not contain any provisions that prohibit such an interpretation; rather, it is contended that the Charter's emphasis on unity, collectivism, and enhanced cooperation on the continent supports the validity of such a reading. An analysis of the Commission's activities indicates a lack of substantial and practical efforts in the area of corporate responsibilities for the achievement of fundamental rights as outlined in the African Charter. With the potential of the provisions in the Charter, there is an expectation that this will change soon since the Commission has initiated a project to examine the accountability of non-state actors.

The impact of international commerce has significantly facilitated the transfer of FDI from developed countries to African states through the activities of MNCs (Ollong 2015). MNCs are attracted to Cameroon due to the abundance of opportunities. It has been observed that MNCs tend to be more practical and feasible at the micro level than at the macro level in Cameroon. These MNCs have made significant contributions to reducing poverty in areas with high economic concentrations through FDI. Research indicates that MNCs played a substantial role in the economic recovery of Cameroon from 1994 to 2003 (Kum and Bang 2009). The impact of MNCs on Cameroon's GDP is of great importance (Njimanted, Ngong, and Nembo 2016). It is suggested that the thriving market economy in Cameroon has attracted MNCs, leading to their widespread presence in the country. The influx of foreign direct investment significantly contributes to the extensive distribution of resources mobilised by the government. Multiple indices have demonstrated that multinational corporations play a significant role in enhancing the economic performance of

Cameroon. In 2018, the Dangote Group released the results of its 2017 financial operations, revealing that Cameroon was among the top three African markets with the highest rise in sales of Dangote cement. In 2017, around 22 million metric tonnes of cement were sold, with Cameroon emerging as the leading producer of this commodity in Sub-Saharan Africa (Mbodiam 2019). In order to enhance economic performance in Cameroon, the government has implemented measures that align with global institutions such as the World Trade Organisation (WTO), the International Monetary Fund (IMF), and the World Bank. These measures ensure compliance with the fundamental economic, monetary, and trade rules and regulations in Cameroon. The legislative and regulatory framework of Cameroon is designed to promote foreign investment by providing a comprehensive set of laws and regulations. Cameroon implemented an investment framework in the 1990s known as the 1990 Investment Code. This code was regulated by ordinance NO80/1/ of January 28, 1990, which pertained to the Free Zone regime in Cameroon. It was subsequently ratified by Law No. 90/23 of August 10, 1990, and Ordinance No. 90/7 of November 8, 1990. These revisions were made with the intention of promoting investment in Cameroon. Cameroon has implemented investment legislation with the goal of developing a competitive and successful economy by promoting investments to achieve the country's economic and social objectives (President of the Republic 2002).

Who are the investors in Cameroon? As per the provisions of Law No. 2002/004 of April 19, 2002, which established the Investment Charter of the Republic of Cameroon and was subsequently amended by Law No. 2004/020 of July 22, 2004, Section 3 of this legislation defines an investor as an individual or corporate entity of Cameroonian or foreign origin, whether residing in Cameroon or not, who engages in the acquisition of assets with the intention of generating interest. Law No. 2013/004 of April 18 was implemented in Cameroon to establish private investment incentives in the Republic of Cameroon. Section 1(1) applies to foreign individuals or entities, regardless of their presence in Cameroon, who engage in business activities or own shares in Cameroonian enterprises. The purpose of this section is to promote private investments and enhance domestic production in Cameroon. The law offers various investment incentives to firms, as outlined in sections 4, 5, 6, 7, 8, 9, 10, 11, and 12. An important manifestation of foreign direct investments in Cameroon is the Cameroon oil pipeline that extends to Chad. One of the largest US investments in

sub-Saharan Africa is the stake that US companies Exxon and Chevron jointly own. This corporation holds a majority stake of more than 65% in American assets in Cameroon. The existence of multinational corporations in Cameroon is evident through the participation of French companies in the exportation of medicinal products. French pharmaceutical companies dominate around 70% of the domestic market in Cameroon. France has around 110 French subsidiary enterprises in Cameroon, employing approximately 30,000 individuals. In addition, companies from South Africa, Morocco, and India are expanding their presence in Cameroon's economy. Multinational corporations, through foreign direct investment, have had a significant impact on Cameroon's economy and society(Greer and Singh 2000). Cameroon has consistently undergone significant economic and social transformations in international trade due to its openness to FDI. MNCs in Cameroon primarily contribute to the country's GDP per capita, the development of infrastructure, the return on investment of capital, the openness of the economy, and political stability (Kum and Bang 2009).

The economic growth of Cameroon can be attributed significantly to FDI facilitated by the activities of MNCs. FDI has significantly influenced Cameroon's economic performance and has played a crucial role in advancing the country's economy, surpassing other economic factors (Forgha 2009). FDI has created numerous opportunities in Cameroon, and one important legal aspect that facilitates investment in the country is its participation in the New York Convention on the Recognition and Enforcement of International Arbitral Awards, which establishes the International Centre for Settlement of Investment Disputes (ICSID). Law No. 2013/004 of April 18 grants Cameroon the authority to participate in bilateral and multilateral agreements that ensure investment incentives in the Republic of Cameroon. Cameroon is a signatory to the Seoul Convention, which established the Multilateral Investment Guarantee Agency (MIGA) to address non-commercial risks. Cameroon is a member of the Organisation for the Harmonisation of Business Law in Africa (OHADA). OHADA has enacted legislation in member nations that governs investment activity. The implementation of these investment and business rules by Cameroon is anticipated to enhance investment, particularly FDI. Cameroon is a member of CEMAC and has officially approved the CEMAC Investment Charter. The CEMAC Investment Legislation is a comprehensive set of measures designed to enhance the

institutional, fiscal, and financial conditions for businesses, with the goal of fostering economic growth and diversification in the member states of CEMAC. As a member state of CEMAC, Cameroon must prioritise the promotion of legal and judicial security and the reinforcement of the rule of law. The community court of justice, of which Cameroon is a member, has the authority to enforce the rights and responsibilities that result from the treaty. Cameroon is legally required to carry out the protocols and judgements of the court of justice and arbitration of CEMAC, as well as adhere to OHADA legislation and judicial decisions that stem from the ratified treaty of OHADA. Cameroon is obligated, according to Regulation No. 17/99/CEMAC-020-CM-03, to provide training for judges in the field of commercial affairs and maybe establish specialised courts for commercial disputes. These courts have the responsibility to effectively guarantee the implementation of court rulings in member states. Cameroon is obligated to promote the use of arbitration procedures and secure the enforcement of arbitral verdicts. Cameroon is obligated, as stated in the rule mentioned above, to decrease administrative procedures and obstacles and furnish investors with all necessary data for the efficient processing of important documents essential for their activities. Cameroon has been instructed to establish a system for welcoming, informing, and supporting investors, as well as streamlining the process of starting and approving firms. Cameroon is obligated to ensure that foreign enterprises receive the same treatment as domestic businesses. Foreign investors in Cameroon are required by the CEMAC legislation to refrain from engaging in any actions or practices that may adversely affect the interests of the host nation. According to Section 9 of No. 2013/004 of April 18, which establishes private investment incentives in the Republic of Cameroon, MNCs are obligated to conduct their business while prioritising the well-being and safety of consumers and users. Both individuals are equally obligated to adhere to moral principles and the legal enforcement of ethical standards that are inherent in every profession. According to Section 10 of the same law, in accordance with general principles and basic rights, the state is obligated to ensure that every individual or company that is legally established or wishes to establish themselves in Cameroon and follows the specific requirements for their economic activity is protected.

6 Instances of misconduct by MNCs in Cameroon facilitated by FDI

Cameroon has experienced multiple instances of business activities involving MNCs that have violated human rights, while the Cameroonian authorities have shown reluctance to take action. There are allegations that foreign corporations operating in Cameroon are involved in causing or contributing to violations of labour and health norms. The Business and Human Rights Resource Centre's analysis reveals that there were a total of 181 human rights claims associated with Chinese investment in Africa, specifically Cameroon, from 2013 to 2020. Moreover, although investments might be advantageous, they are frequently perceived as enabling foreign investors to obtain the majority of the benefits, while local residents in Cameroon sometimes experience detrimental outcomes.

These examples unequivocally demonstrate the violation of human rights by multinational firms due to FDI in Cameroon (Serious Fraud Office v. Glencore, 2022). Within the framework of human rights violations, there is a legal lawsuit being pursued against Glencore for engaging in economic practices that infringe upon the rights of individuals in Cameroon. Glencore has admitted guilt to a significant charge, which implicates the corporation in a corrupt plan involving the exploitation of oil and gas resources in Cameroon. The allegation states that Glencore paid a total of EUR 10.532,712 as bribes and corruption to employees of *Société Nationale des Hydrocarbures* and the *Société National Raffinage* ("SNH" and "SNR") in Cameroon between 1 March 2012 and 1 March 2015. These firms are the national oil and gas corporations of Cameroon, as well as an oil refinery company.

An issue of great significance in the Glencore case is the lack of respect for the rights of the Cameroonian people and the illicit encroachment upon the natural resources of the Cameroonian state in an unjust manner. In this case, Glencore disregarded the Cameroonian constitution's mandate to uphold the rights of the country's citizens as recipients of the revenues derived from their resources. There is a contention that MNCs tend to neglect the concept of fundamental human rights when they engage in expansion, despite the importance of these rights for sustainable development (Lifafe 2581). The company neglected its responsibilities as an MNC in advancing the economic welfare of Cameroonians, instead exacerbating economic issues and violating their rights. Glencore's acts are in violation of the African Convention on the Conservation of Nature and National Resources as well as the 2003 African Union

Convention on Preventing and Combating Corruption. The African Union Convention against Corruption actively advocates for good governance in business, specifically targeting corruption by MNCs. Glencore did not actively support the promotion of Cameroonians' right to economic success through the utilisation of their natural resources. The sanctions imposed show that there has been no effort to advance the economic well-being of the Cameroonian people, which is sufficient justification for multinational corporations' failure to recognise and promote business rights in Cameroon.

The protection of the rights of the oil-producing community through the equitable distribution of profits that can be enjoyed by all citizens of Cameroon is necessary for the sustainable development of oil exploitation and distribution. Glencore's activities can be criticised for their failure to sufficiently uphold the rights of Cameroonians as outlined in the constitution of Cameroon and the African Charter. Both the constitution of Cameroon and the African Charter on Human and People's Rights mandate the advancement and safeguarding of human rights by both individuals and incorporated businesses (South African Institute for Advanced Constitutional Studies 2010). The company's violation of socio-economic rights extends beyond Cameroon to other countries in Africa. These actions can be subject to sanctions under the Africa Charter, which is incorporated into Cameroonian human rights law and forms an integral part of Cameroonian substantive rights law. Cameroon ratified the African Charter in order to safeguard the rights of its citizens. Glencore's actions in Cameroon violated the regulations outlined in the legally binding agreement on business and human rights in Africa, impacting the right to development on the continent. The intrinsic right of Cameroonians to develop through the utilisation of their natural resources should be acknowledged. Under the African and Cameroonian legal framework, safeguarding and upholding the people's right to development is an essential obligation that enterprises must fulfil (Atabongawung 2021).

The judicial ruling against Glencore, which pertains to their actions in Cameroon and their violation of economic rights, clearly highlights the responsibilities of incorporated organisations such as MNCs to safeguard and uphold human rights. It is important to acknowledge that African countries, including Cameroon, have a legal obligation, as stated in Article 1 of the African Charter, to actively support, uphold, and satisfy the rights enshrined in the Charter. According to the British court, the Glencore v.

Cameroon case serves as an example of the relationship between corporate responsibility and human rights. This lawsuit unequivocally demonstrates the infringements on economic and developmental rights committed by Glencore. This case in Cameroon exemplifies the concerns over human rights, corporate accountability, and the contribution of MNCs to underdevelopment. If the natural resources of Cameroon, as stipulated in Article 16 of the African Charter, are not effectively administered, the pertinent question is whether Glencore bears responsibility for ensuring that the Cameroonian people achieve economic prosperity through their oil resources, as mandated by the African Commission working group on extractive industries, human rights, and environment. While the court did not explicitly claim that Glencore breached economic rights, it is evident that the company's corporate liability towards Cameroon and specific state agencies such as SNR and SONARA constitutes unambiguous infringements of the Cameroon constitution and the African Charter.

The decision involving SNH and SONARA, both Cameroonian organisations, plainly demonstrates that Glencore, along with these corporations, has neglected its responsibility to safeguard and uphold the rights of Cameroonians by participating in corrupt practices. Company managers and businesses have a duty to refrain from participating in activities that harm the rights of Cameroonians. These companies failed to adhere to the rights of Cameroonians as stipulated in the constitution and the African Charter. This statement provides additional clarification that the majority of MNCs in Cameroon actively disregard human rights by collaborating with government authorities, and they also handle natural resources in an inadequate manner. By holding Glenore accountable, it becomes evident that the violation of economic rights in Cameroon must be addressed in order to promote the country's development. The decision to hold Glencore responsible is praiseworthy. This ruling pertains to the assessment of the economic damages incurred by Glencore due to its involvement in activities that could have been avoided had the business adhered to the anti-corruption treaties agreed by the United Nations and African Union. These two conventions serve as preventive measures against the perilous practices of corruption, particularly by multinational corporations engaged in global ventures.

Corruption is a prevalent issue that plagues numerous African nations. The Glencore scandal, characterised by the act of bribing and inducing state officials to gain unfair

access to natural resources, is highly illegal. The pervasive corruption within the private sector in Cameroon has significantly impeded the Cameroonian people's ability to exercise their right to progress. MNCs are entities that exert significant influence over national economies, notably in terms of controlling private development resources. However, they operate within the framework of state regulation and control. Glencore flagrantly contravened Article 4(1)(e) and (f) of the AU Convention on Corruption by engaging in corrupt activities that are in direct violation of Cameroonian legislation. The Glencore issue in Cameroon bears resemblance to the Halliburton case, wherein the business was accused of bribing Nigerian government operatives to manipulate the contract allocation for the Liquefied Natural Gas project in Nigeria (Rudolf 2012).

The Herakles Farms case in Cameroon is an instance of an MNC being implicated in human rights crimes. The corporation participated in widespread illegal land procurement, resulting in adverse impacts on the residents and communities in Ndian Division in the South West Region (Dawe et al. 2012). The business established the Fabe palm nursery through their subsidiary SGSOG (SG Sustainable Oil Cameroon). Following the establishment of the nursery, a judge granted a restraining order in August 2011, halting the operations of the nursery. However, Herakles Farm persisted in carrying out its activities. It is crucial to emphasise that the corporation broke Cameroonian law when they disregarded a Mudemba court decision that forbade their operations as the local population demanded. The farm was unable to acquire an operational licence in accordance with Article 7 of the legislation that regulates the eligibility criteria for plantations in Cameroon, which is Decree No. 76-166 of April 1976 to establish the terms and conditions of management of national lands and land grants in the "natural" domain in excess of 50 hectares requiring presidential consent. The case involved a violation of various rights, including economic, environmental, land, social, and property rights. The lack of biodiversity protection in the area constitutes a violation of the African agreement on the conservation of nature and natural resources. The violation of environmental rights resulted in the destruction of land that housed protected rare habitats and species, as stipulated by the Biodiversity Convention. This is clear under the Algiers Convention adopted in 1968. The legislation has dealt with the relevant provisions, which most MNCs violate. Going into investigations, it was discovered that the animals whose

rights were abused were elephants, chimpanzees, and aquatic species. The area also functioned as a natural habitat for medicinal plants that were used by the local populations. The widespread environmental degradation caused by the push for palm plantation expansion in the South West Region has been identified by many advocates as one of the world's 25 most crucial regions for conserving biodiversity. The corporation was convicted of engaging in unlawful deforestation based on documentary evidence provided by officials from the Ministry of Forests and Wildlife. Here we observe a blatant contempt for the rules and institutions of Cameroon, including the presidential decree, operational legislation, and judicial orders.

It is important to note that the corporation violated the rights of civilians when local residents were imprisoned and subjected to torture for resisting the company. The torture was condemned by the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH). In 2012, Cameroonian human rights activists affiliated with the organisation Struggle to Economise Our Future Environment (SEFE) orchestrated a nonviolent and peaceful protest against Herakles Farms. However, they were apprehended and unlawfully detained for an extended period without being formally charged (Dawe et al. 2012).

Herakles Farm committed another violation of environmental law and environmental rights by failing to do an Environmental and Social Impact Assessment (ESIA). The aforementioned stringent requirement is stipulated in the 2003 revision of the African agreement on the conservation of nature and natural resources. The updated law addresses various additional environmental rights and concepts, such as the right to a sustainable and satisfactory environment as stated in Article 3 of the convention, which the firm neglected to uphold. Cameroon may be held responsible for breaching Article 2 and Article XIV(2)(b) of the convention, which stipulates that Cameroon must guarantee that its policies, plans, programmes, strategies, projects, and activities that could impact natural resources, ecosystems, and the environment as a whole undergo a thorough impact assessment as early as possible. Additionally, regular monitoring and auditing of the environment must be carried out. The failure of Cameroon to enforce the provisions of this convention resulted in the violation of numerous environmental rights in Cameroon by Herakles Farm, which had direct repercussions for the local people. Here we observe the lack of governmental accountability in executing its own rules, notably the polluter pay principle that

Herakles Farm breached according to International Environmental Law. Their actions posed a significant danger to the economic survival of the residents and agricultural workers in Mudemba. (Cameroon/SGSOC/2009, Oakland) (Dawe et al. 2012). The American MNC began its operations by seizing the farmlands of farmers without providing sufficient compensation for the land. It is argued that the performance conditions of the International Finance Corporation (IFC) utilised in palm oil plantings by Herakles Farm were extremely inadequate. The project failed to adhere to several regulations, including the omission of restrictions and the failure to establish a specific threshold for greenhouse gas emissions.

In the Herakles Farm case, a Cameroonian individual and an international non-governmental organisation (NGOs) expressed their opposition to the project, alleging its illegality (Dawe et al. 2012). The corporation violated the conventions established by the Centre for Environment and Development (CED) and Reseau de Lutte Contre la faim (Relufa), two local NGOs, that are recognised under both national and international law. Herakles Farm was equally held responsible for the illegal deforestation. The company did not meet the requirements and standards set by RSPO, including its principles and criteria, as well as the performance standards of the IFC. The corporation failed to ensure the promotion of sustainable oil palm goods in accordance with the regulations set by worldwide standards. They failed to halt deforestation and the clearing of peat lands. The corporation faced allegations of engaging in habitat destruction through the practice of land grabbing from local communities while also emitting millions of tonnes of carbon. Additionally, it failed to meet its environmental standards.

It is evident in this situation that the American company implemented its development strategy in Cameroon without obtaining legal authorisation from the Cameroonian population. When the local residents opposed the company’s actions, which had negative consequences for their community, the leaders were unjustly detained. Based on the information provided, it has been shown that the corporation indeed employed harmful environmental practices, since its operations were aggressive and detrimental to the environment. Article 1 of the RTD Declaration, which was adopted by the UN General Assembly on December 4th, 1986, recognises the right to development as an inherent and non-transferable right that is enjoyed by individuals and communities. The concept of the right to development is aligned with the goals

and principles outlined in Agenda 2030 for sustainable development (Atabongawung 2021). The failure of Glencore and Herakles Farm to respect the developmental rights necessary for achieving sustainable growth or progress in Cameroon, while their activities infringed upon these community rights, not only contravenes international human rights standards but also violates the African Charter on Human and Peoples Rights, to which Cameroon is a signatory.

The Cameroonian communities did not benefit economically from the environmental infractions resulting from FDI by MNCs. The residents of Mudemba were subjected to rights violations, which had a negative impact on their development. Herakles Farm, however, evaded accountability for these violations, notwithstanding the lack of real justice. The Cameroonian government's inability to hold these two major firms accountable through legal means can be attributed to either their contribution of foreign direct investment to Cameroon or their affiliation with powerful powers such as the USA. According to Atabongawung (2021), the actions of corporate entities as investment agents can have repercussions on individuals and communities when these corporations engage in unethical corporate practices. Based on the aforementioned cases, it is strongly contended that foreign direct investment in Cameroon has significant negative consequences, particularly in terms of human rights abuses. This, in turn, hinders economic and rights development as these corporations fail to uphold or demonstrate a commitment to promoting and safeguarding these rights. From the aforementioned incidents, it is evident that foreign direct investment initiatives failed to safeguard, advance, or uphold human rights, particularly the right to development, which is an inherent and non-negotiable human right. MNCs are recognised as legal entities, which means that they have legal rights and can be held responsible for committing serious violations and abuses of rights according to both national and international laws (Sengupta 2002). It is important to note that the right to a fair trial also applies to incorporated firms that are members of Cameroonian society. Consequently, businesses conducting business in Cameroon can be summoned to court for committing human rights crimes. Herakles Farm and Glencore violated the corporate obligation to uphold human rights in the aforementioned instances.

According to Article 29(1) of the Universal Declaration of Human Rights, individuals and corporate bodies have a duty to fulfil communal commitments for development.

Contrary to expectations, the actions of Glencore and Herakles Farm in Cameroon did not align with this. Furthermore, it is worth noting that Article 30 of the aforementioned declaration imposes a duty on both persons and organisations to refrain from engaging in any harmful activities that infringe against the rights outlined in Article 29. The actions of Glencore and Herakles have significantly impacted Cameroonians in terms of sustainable rights violations resulting from foreign direct investment (FDI). Glencore and Herakles Farm, as the holders of rights, acted unlawfully. They neglected their community obligations. In addition, the African Charter on Human and Peoples Rights stipulates that “all individuals shall possess the entitlement to their economic advancement while respecting their liberty and identity and in the equitable enjoyment of the collective inheritance of humanity.” It is important to highlight that African nations have both an individual and collective responsibility to guarantee the implementation of the right to development, as stated in Article 22 of the African Charter. Article 21 of the African Charter addresses the utilisation of wealth and natural resources for the sole benefit of the African people. Article 22 is interpreted in conjunction with Article 24 of the same Charter, as was determined in the case of Social and Economic Rights Action Centre (SERAC) & Another v. Nigeria.

This Cameroonian experience is analogous to that of other countries throughout the African continent. Over 80 multinational corporations worldwide have been linked to the illicit exploitation of natural resources in Cameroon, similar to the involvement of Herakles Farm, an American company, in the Democratic Republic of the Congo. The companies in Africa that engage in human rights violations are active in various sectors such as forest resources, gold, palm oil, manganese, cobalt, platinum, uranium, oil, and gas (Forstater et al. 2010). One significant issue identified here is the lack of sufficient measures to hold MNCs accountable for their violations of human rights, which poses a fundamental challenge in Cameroon and throughout Africa. Without a determination from the Cameroonian authorities to hold these firms responsible, numerous victims, such as those in the Herakles case, will be denied access to justice (Mujyambere 2017). In the case involving Anvil Mining, a Canadian-incorporated company that operated in the Democratic Republic of Congo (DRC), the company was accused in a United Nations report of committing various human rights abuses. The report found that the company was responsible for acts such as rape,

torture, killings, unlawful seizure of property, and unlawful arrests. Although legal processes were initiated in both the Democratic Republic of the Congo and Canada, these claims were deemed inadmissible. In the Okpabi & Others v. Royal Dutch Shell case, the court rejected the tort allegations made against the Royal Dutch Shell business (Atabongawung 2021). Despite the inadmissibility of the claims, it is evident that multinational firms can face lawsuits both domestically and internationally. It is important to mention that in both the Glencore and Herakles cases, MNCs could face legal action in the jurisdictions where they were established. Nevertheless, in the legal case brought before the African Commission involving the Democratic Republic of the Congo, Burundi, and Uganda, it was determined that the denial of the Congolese people's right to freely control and utilise their wealth and natural resources constitutes a violation of their rights. These rights are protected under Article 22 of the African Charter. In the legal case of Vendanta Resources Plc & Another v. Lungowe & Others in Zambia, a group of Zambians filed a class action lawsuit on behalf of their community about the emission of environmental gases from the Nchanga Copper Mine. These instances illustrate that individuals from Cameroon have the ability to initiate legal proceedings against MNCs, either domestically or internationally, particularly where they have been subjected to human rights abuses as a consequence of foreign direct investment. International and national human rights law allows Cameroonian communities to authorise certain individuals to legally represent them in suing MNCs when their communal properties are damaged. This delegation of power must follow established legal procedures and be officially recognised. However, this scenario may not occur when individuals who have been given authority do not possess it or if the authority is revoked. Article 9.1 of the Third Draft African Convention on Business Rights states that cases involving serious violations of human rights can be brought to courts with the authority to handle such matters. The court will hear and decide on these cases, which the victims or their representatives may initiate. According to this article, the laws of the jurisdiction where a legal process is launched will control any claims that arise from alleged acts or omissions.

7 Analysis

The article has concluded that foreign direct investment, as a discipline under international trade law, has legal consequences. These consequences mostly relate

to the human rights violations carried out by multinational firms in Cameroon. Furthermore, we have examined other instances of irresponsibility within different communities. Upon investigating these transgressions, we have observed a dearth of effective and adaptable government intervention in resolving instances of human rights violations, hence exacerbating worries regarding the growth and safeguarding of human rights in Cameroon. It is remarkable that in the contemporary period, we witness foreign corporations transgressing human rights in the countries where they operate, and Cameroon is one such country. These companies have violated both international and national laws. Additionally, they have disregarded corporate standards that are meant to regulate their actions, despite the existence of regulations and principles of fairness and justice. Furthermore, these MNCs lack respect for human rights, and their actions have caused economic and environmental harm to rural communities in Cameroon. It is evident from international laws that legal action should be taken against the actions of MNCs. However, the Cameroonian government has failed to effectively address the conflicts arising from economic and environmental abuses resulting from foreign direct investment. The administration, as observed in multiple instances, displayed apathy towards these infractions, which we categorise as both direct and indirect. The article has disclosed that in Cameroon, MNCs exploit natural resources and economic opportunities, resulting in human rights crimes against the country's citizens. Furthermore, the numerous instances of rights violations not only contribute to community turmoil but also pose a threat to the well-being of both the population and the enterprises involved. It is evident that the self-centred behaviour exhibited by many multinational corporations operating in Cameroon is very perilous and contributes to societal instability. The occurrence of human rights abuses has not only resulted in the displacement of individuals who are unable to coexist with big MNCs in their communities, but the surge of human rights violations in Cameroon also serves as an obstacle and a cause of social disunity. Certain MNCs impose restrictions on local community members, preventing them from accessing their facilities. Individuals in the majority of communities are prohibited from freely accessing or approaching the premises of MNCs. In addition, specific communities are denied the opportunity to derive advantages from the products or services, which is a blatant infringement upon their inherent and essential rights**.**

7.1 Conclusion

In conclusion, it can be argued that MNCs, in their determined pursuit of exploiting the resources within Cameroon's territorial space, have failed to bring about significant improvements in respecting human rights and have instead violated the rights of Cameroonians. Every day, a significant number of impoverished, disadvantaged, and marginalised Cameroonians face the ongoing hardships caused by these violations. It is important to recognise that the difficulties encountered by many communities due to the negative impacts of MNCs require immediate resolutions. These transgressions are regarded as posing significant challenges to the survival of communities. Furthermore, the advancement and economic success of these communities cannot be attained due to the lack of empowerment and accountability from these corporations, particularly the absence of justice, fairness, and equity. When big businesses infringe upon the rights of individuals with their multi-billion-dollar profits generated from resource investments, it becomes unjust. Furthermore, these firms are in violation of Cameroonian tax legislation by failing to disclose their tax payments. The failure to tax Cameroonian properties is a violation of Cameroonian tax law. We recommend that the authorities strictly enforce all human rights laws against MNCs to prevent them from evading taxes, concealing profits through illegal methods, and infringing upon the rights of individuals and the society in which they operate. Additionally, conducting investigations into various MNCs in Cameroon may yield beneficial outcomes for the communities whose rights have been violated. Sufficient evidence will reveal that the majority of MNCs in Cameroon not only evade human rights abuses but also avoid being accused or prosecuted for the offences they conduct, which is clearly incorrect. Based on these instances, it may be said that Cameroon has not made progress in advocating for the rights of communities affected by MNCs. Regrettably, Cameroon has yet to adopt the practice of holding multinational corporations accountable for causing harm to individuals and communities, consequently causing significant damage to these communities through their egregious actions.

References

Apollin, Koagne Zouapet. 2017. 'A Binding Instrument for Multinationals and Human Rights : Why and How Africa Must Engage'. Center for the Environment and Development. 1 November 2017. https://www.foei.org/a-binding-instrument-for-multinationals-and-human-rights-why-and-how-africa-must-engage/.

Atabongawung, Tamo. 2021. 'A Legally-Binding Instrument on Business and Human Rights: Implications for the Right to Development in Africa'. *African Human Rights Law Journal* 21 (1): 262–89. https://doi.org/10.17159/1996-2096/2021/V21N1A12.

Dawe, Alexandra, Steve Erwood, Edwin Edwin Nichols, and Janet Dalziell. 2012. 'Annual Report 2012: Greenpeace International'. Amsterdam. www.atomodesign.nl.

Forgha, N. G. 2009. 'Foreign Direct Investment and Economic Performance in Cameroon'. *International Review of Business Research* 5 (1): 55–69.

Njimanted, Godfrey Forgha, Joseph Tosam Ngong, and Lionel Kedju Nembo. 2016. 'Multinational Activities and Economic Growth in Cameroon'. *Journal of Economics and International Business Management* 4 (2): 49–57.

Forstater, Maya, Simon Zadek, Yang Guang, Kelly Yu, Chen Xiao Hong, Mark George, The Mossavar-Rahmani, DR Simon Zadek, and Professor Yang Guang. 2010. 'Corporate Responsibility in African Development: Insights from an Emerging Dialogue'. 60. Beijing . www.zadek.net/csr-and-african-development.

Friedmann, Wolfgang. 1964. *The Changing Structure of International Law*. New York: Columbia University Press. https://archive.org/details/changingstructur0000wolf/page/n5/mode/2up.

Greer, Jed, and Kavaljit Singh. 2000. 'A Brief History of Transnational Corporations'. *Global Policy Forum*. New York. https://archive.globalpolicy.org/component/content/article/221-transnational-corporations/47068-a-brief-history-of-transnational-corporations.html.

Kamminga, M.T. 2004. 'Corporate Obligations under International Law'. In *71st Conference of the International Law Association*, 422–27. Berlin: International Law Association. https://cris.maastrichtuniversity.nl/en/publications/corporate-obligations-under-international-law.

Kum, By, and Emmanuel Bang. 2009. '(A) Study of Foreign Direct Investment in Cameroon'. Sejong: KDI School of Public Policy and Management.

Lifafe, Leslie Ewule. 2581. 'Human rights and transnational corporations. a nexus with sustainable development in Cameroon'. *Commonwealth Law Review Journal* 9: 3382. https://doi.org/10.55662/CLRJ.2023.902.

Martin, Scott, and Joseph Kibugu. 2022. 'A Baseline Assessment on Business and Human Rights in Africa: From the First Decade to the Next'. https://www.undp.org/africa/publications/baseline-assessment-business-and-human-rights-africa-first-decade-next.

Mbodiam, Brice R. 2019. 'Discovering Multinationals Thrive in Cameroon'. *Business in Cameroon*, 2019. www.mediamania.pro.

Mujyambere, Jean Pierre. 2017. 'The Status of Access to Effective Remedies by Victims of Human Rights Violations Committed by Multinational Corporations in the African Union Member States'. *Groningen Journal of International Law* 5 (2): 255–77. https://doi.org/10.21827/5A6AFA2873631.

Ollong, Kingsly Awang. 2015. 'The Implication of Multinational Corporations in Poverty Eradication in Cameroon'. *International Journal of Information Communication Technologies and Human Development* 7 (4): 14–38. https://doi.org/10.4018/IJICTHD.2015100102.

President of the Republic. 2002. *Law No. 2002/004 of April 19, 2002 on the Republic of Cameroon Investment Charter*. *Presidency of the Republic* . Cameroon: WIPO. https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/cm/cm010en.html.

Rudolf, John. 2012. 'Albert Stanley, Former Halliburton Exec, Sentenced In Bribery Scheme'. HuffPost. 24 February 2012. https://www.huffpost.com/entry/albert-stanley-halliburton-kbr-bribery-sentence_n_1299760.

Sengupta, A. 2002. 'On the Theory and Practice of the Right to Development'. *Human Rights Quarterly* 24 (4): 837–89. https://doi.org/10.1353/HRQ.2002.0054.

South African Institute for Advanced Constitutional Studies, Public, Human Rights & International Law. 2010. 'The State Duty to Protect, Corporate Obligations and Extra-Territorial Application in the African Regional Human Rights System'. Johannesburg: South African Institute for Advanced Constitutional Studies, Public, Human Rights & International Law.

Wouters, Jan, and Anna-Luise Chané. 2013. 'Multinational Corporations in International Law'. 129. *SSRN Electronic Journal*. Leuven: Elsevier BV. https://doi.org/10.2139/SSRN.2371216.