



**Research and Documentation Centre (CRD) of the
International School for Security Forces (EIFORCES)**

INSIGHTS

N° 007-August 2022

Organising the municipal police: a step forward for the local 'State' in the context of the decentralised unitary State

The constitution of 18 January 1996 set in motion the process of decentralization. But it was not until 2004 that the legal and institutional architecture began to be put in place and the real start of the reform of the State made. This process would undergo many delays until the promulgation on 24 December 2019 (as a result of the Major National Dialogue held from 30 September to 4 October 2019) of the law on the General Code of Regional Local Authorities. The effects of this law were immediately felt at the political and institutional levels. At the institutional level, the regions have been set up, followed by the election of their first officials on 6 December 2020. Another political effect was the election of City Mayors on 9 February 2020. This political and institutional architecture is expected to be enhanced by an efficient administrative organization. In fact, any political

and institutional authority only makes sense if supported on a daily basis by an administrative apparatus responsible for implementing its authority and ensuring that its missions are carried out. The effectiveness of decentralization must therefore involve a tangible form of functional administration. In the same way that the national State maintains a visible and operational administration, the local 'State' also needs an administration that must gain a foothold to enable decentralization to take effect. At regional level, in December 2021, an organization of the administration took place. In 2022, followed the appointment of certain members of the administration, namely the regional Secretaries-General. It is in this vein that the Decree of 9 August 2022 to lay down conditions for carrying out municipal policing was signed. This is a rather old structure in the

administrative order of Cameroonian municipalities, but one that lacked legal formalization. In the midst of the gestation of decentralization, i.e. the 'stateization' of the local, such a practice could barely survive.

Order, safety, security: a police force like any other

Until the decree of 9 August 2022 was issued, the Municipal Police referred to everything and nothing. No one knew what it consisted of. Set up by force of circumstance, it remained very visible in the big cities where it was covered with a multitude of slang names, whose semantics most often referred to malfeasance. In Yaoundé, it was given the name 'awara', meaning 'snatcher', like a sparrow hawk that sows desolation in its path. In many ways, the municipal police have forged an identity that is far from the one given to them by the Decree of 9 August 2022. In fact, in a city like Yaoundé, it is difficult for many to give the municipal police any other connotation than that of a despoiling force. In a context where decentralization is taking shape to have a real impact on the lives of the population, it was time to destroy such a reputation on a public service that is so useful. This Decree thus reveals that the municipal police cannot in any way be assimilated to a force of despoilment. Its missions are rather those of safety, security, protection of the population, goods and services. The municipal police, like the forces of law and order, are at the service of the population and the State. The Decree of 9 August 2022 clearly determines the missions of

the Municipal Police and sets the limits with regard to the missions of the Defence and Security Forces (National Security and Gendarmerie)

Below: Tasks of the municipal police

(a) Ensuring the safety and convenience of passage in streets, quays, squares and roadways, through:

- cleaning ;
- street lighting;
- removal of congestion;
- demolition or renovation of buildings in danger of collapse
- removal of any object or substance likely to cause damage or environmentally unfriendly exhalations;
- facilitating the crossing of the road for pupils and other users;
- fluidity of traffic on the urban highway and at intersections, under the supervision of law enforcement forces;
- regulating vehicle parking on the urban highway;

b) the transport of deceased persons, burial and exhumation, and the maintenance of good order and decency in cemeteries, without any distinction or specific requirements based on the circumstances surrounding the death;

(c) Participation, as necessary, in the inspection of apparatus and/or instruments for foodstuffs sold by weight or measure, conducted by the competent authorities

(d) The safety of edible foodstuffs displayed for sale, in conjunction with the competent sectorial administrations

e) the carrying out of civil protection activities at local level. These activities consist of:

- prevention, through appropriate precautions and intervention, through the distribution of the necessary aid, in the event of accidents and calamities, such as fires, floods or any other natural accidents, infectious diseases, epidemics, epizootics;
- the implementation of emergency safety, assistance and rescue measures and if appropriate, appeal to the representative of the State, to whom the measures prescribed shall be reported;

(f) Taking necessary measures to be taken against demented persons whose condition could compromise public morals, the safety of persons or the conservation of property, in particular

- (f) Taking necessary measures against the mentally ill whose condition could endanger public morals, the safety of persons or the protection of property, especially: - the transfer of mentally ill and errant persons to the competent health facilities

- provision, within the limits of available resources, of treatment costs for the mental ill in the said health facilities;

g) prevention or remedy of untoward events which may be caused by stray animals;

h) demolition of buildings without a building permit;

i) surveillance of local authorities-owned buildings;

j) supporting revenue collection for the local authorities;

k) control and verification of permits and authorizations issued by the local authorities;

Source: article.2, paragraph.3, of Decree No. 2022/354 of 9 August 2022 to lay down conditions for carrying out municipal policing.

The municipal police is not a substitute to the police forces.

The municipal police are neither a substitute nor an equivalent to the law enforcement forces. Indeed, the municipal police do not enjoy what Max Weber called the monopoly of legitimate physical violence. This attribute remains the exclusive prerogative of the Central/National State, which exercises it through the Defence and Security Forces. As such, the municipal police cannot repress, coerce or simply use coercive force, as clearly indicated in article 30 Paragraph 2 or Article 31 Paragraph 3. The latter article also mentions that the use of force by the municipal police officer automatically leads to disciplinary

sanctions and legal proceedings. In order to deprive them of any intention to use or exercise violence, the municipal police, unlike the forces of law and order, are deprived of any instrument of repression. This is why a municipal police officer cannot carry a weapon, nor use one (Art. 24 Paragraph 2). Thus, the State establishes coercion as a monopoly and an exclusivity. It is unshared, thereby taking the precaution of avoiding any amalgam even when two entities are given the same name (police). By structuring the municipal police in this way, the State pursues and reinforces its distinction between itself and any other legal personality. What distinguishes it is its capacity to use force. It therefore does not accept any parallel competition, even from local authorities which are its emanation.

Moreover, the contrast with law enforcement forces is not only about the use of force. Unlike law enforcement, the municipal police do not have full time for action. They can only work during the day between 6 a.m. and 6 p.m., with the exception of guarding buildings and other communal buildings. In other words, the missions of the municipal police are suspended during the night time. This suspension implies that they are temporarily transferred to the law enforcement forces at that time. The law enforcement forces thus have priority over the municipal police at all times, even when backing up the municipal police. In this case, the municipal police are there to assist. Similarly, the intervention of the law enforcement forces in the

specific tasks of the municipal police does not give the latter the possibility of interfering. (Art. 29).

The decree of the President of the Republic, therefore, removes any ambiguity that might exist between the municipal police and the forces of law and order. Especially since the municipal police were confusing, and were sometimes equated with the police. They were identified as police in the same way as the forces of law and order. From now on, we know where we stand when we talk about municipal police. The boundary is clearly established. No more confusion possible. However, for its organization, not all the markers have been laid down.

An incomplete training

The Decree of 9 August 2022 is certainly the birth certificate of the municipal police in Cameroon. Until then, its existence was informal, and the relevance of its actions in society could be subject to several interpretations. With the growing urban disorder in our cities and the complexity of related threats, as noted by the participants of the research seminar on the theme "Urban disorder and security challenges in Cameroon", organized by EIFORCES, on 7-9 May 2019 at the Conference Hall of the Douala City Council.

The 9 August 2022 Decree has the particularity of clearly defining the remit of the municipal police, the conditions of recruitment of officers, their training, their working conditions, the

wearing and type of uniform, among others. The institutionalization of the municipal police is thus underway in Cameroon. Moreover, the decree announces other regulatory texts that should contribute to its effective and complete structuring. It bestows on certain municipal police officers the power of judicial police with special competence. This power is permanently vested in them after they have been sworn in before the territorially competent court of first instance. They are thus similar to the judicial police officers from the ranks of the law enforcement agencies, with some differences, particularly as regards the scope of their jurisdiction. A better idea will be given by a regulatory Act of the Minister of Decentralization and Local Development (Article 19 paragraph 3).

Meanwhile, Decree No. 2022/354 of 9 August 2022 suggests better prospects, as the Ministerial Order is expected to provide more details. The code of ethics must also be drawn up. Further clarification is also needed with regard to the uniform of municipal police officers. The details provided by the article 20 paragraph 3, although very precise, did not give a characteristic of the uniform. The onus was once again placed on the Minister of Decentralization and Local Development to determine this (Art. 20 paragraph 5).

Considering the changes observed in Cameroon's towns and cities, the effective establishment of a legal framework governing the municipal police through the Decree of 9 August 2022 should be

welcomed. The permanent institutionalization of this police service in its own right and entirely separate from the rest, in terms of its prerogatives and actions at the local level, will enable its agents, whose presence once symbolised abuse and desolation, to gradually regain the hearts and minds of the population. This will inevitably require a major effort to professionalise the municipal police, which will make it a real public service tool available to the actors of the decentralization process underway in Cameroon.

Technical and scientific team

General supervisor: Brigadier General André Patrice BITOTE, Director General, assisted by Commissioner THOM Cécile OYONO, Deputy Director General.

Scientific Coordination: Commissioner, Dr. PASSO SONBANG Elie, Head of the Research and Documentation Centre.

Technical Coordination: Senior Superintendant , TCHUENDEM SIMO Rosyne Arlette, Epe NOUNKOUA, Head of the Research Laboratory of the Research and Documentation Centre.

Collaboration:

- Dr NOA Sylvestre, researcher, University of Dschang, and the CRD/EIFORCES;
- M. NJIFON Josué, Head of the Translation and Interpretation Service.