

MASTER THESIS

What's the problem represented to be?

A policy analysis of Cameroon's National Anti-corruption Strategy 2010-2015 on corruption related to the Local Council public procurement process.

~ Master's Thesis in Development and International Relations,
Specialization in Global Gender Studies ~

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DEDICATION

This thesis is dedicated to my late father; Mr. Atungsiri Lucas Ngonfi whose absence has been a huge source of motivation throughout my academic and professional career. Continue to rest in peace Papa.

And to all Cameroonians of English speaking descent, especially those of the conflict wracked North West and South West Regions as well as all the internally displaced individuals. My heart and prayers stay with you during such moments of despair while trusting that all the belligerents will soon see reason for a genuine, all-inclusive and unconditional dialogue as a step towards sustainable peace in Cameroon.

ACKNOWLEDGEMENTS

I will begin by thanking God Almighty for the strength, wisdom and financial capability bestowed upon me throughout this period of my studies.

My supervisor Pauline Stoltz has been the ideal thesis supervisor. Her sage advice, insightful criticisms, and patient encouragement aided the writing of this thesis in innumerable ways. And to all my lecturers at Aalborg University, I say thank you for the knowledge imparted during my studies.

My wife Manuela, son Nolan and daughter Agnes have been that push factor which has always kept me on my feet, showering me love, care and concern as my success has been their pride.

My caring Mother Agnes whose continues prayers and encouraging words have pushed me to this end. I say thank you mama especially to your ability as a single parent; I will forever remain grateful and indebted to you.

My siblings; Donald, Sandra, Winnie and Lemuel, you have in no small way given me the reason to be strong amidst all adversities. Thank you Donald for constantly checking up on me via phone calls and reminding me that family is yet to get the best from me.

To my family and friends in Limbe, Aarhus and other parts of the globe, I say thank you for your constant love and support through regular phone calls and week end pop outings. You all have been a source of inspiration.

All my former colleagues at PEP-Cameroon, ASYOUSSED-NGO, Center for PROPEACE and Sustainable Development, and IGI-Cameroon, working with you laid the foundation that enabled me approach this Master's program with relative confidence.

And finally to the inspiring scholars and researchers I have met at conferences and workshops, thank you for the knowledge you have passed on. My friends from Aalborg University especially the 2017/2019 batch thank you for the team spirit and occasional beers at the "Studentarhuset Aalborg".

ABSTRACT

Corruption is a common enemy that drowns hopes for prosperity and a common happiness in several countries around the world. This phenomenon is systemic in most African countries and Cameroon in particular, where the effects of corruption are widespread in the public and private sectors. The procurement sector has been identified as one of the key sectors in which corruption thrives and since the Local Council is that level of society where most people come in contact with public goods and services there is usually a high risk for corrupt practices. In view of the above, the aim of this study is to analyze the complexities of corruption in Local Council (LC) public procurement process as stated in Cameroon's National Anti-corruption Strategy 2010-2015 (NACS 2010-2015). The theories used in this study consist of the principal-agent and the collective-action theories of corruption which informs on the approach used by the government of Cameroon in designing the National Anti-corruption Strategy 2010-2015. The analytic framework of this thesis is based on Bacchi's WPR approach to policy analysis which enhances a detailed description on how the problem of corruption has been represented in NACS 2010-2015. Using the WPR approach, the study identifies five key representations of corruption in NACS 2010 and these include; Ineffective accountability system; Cumbersome nature of the procurement process; Vulnerability of Local Council personnel; Impunity of contracting and supervisory authorities; Lack of awareness of the various actors on the instruments governing Local Council public procurement process. The study realized that NACS 2010-2015 has been designed with inspiration from a principal-agent approach to corruption and the policy document has not taken into consideration vital techniques for corruption control, such as: access to information, public participation, institution strengthening and political will. The thesis concludes that strong political will is required to make the fight against corruption efficient in Cameroon and it will take a robust and well organized civil society to disrupt the current situation of systemic corruption.

Key Words: NACS 2010-2015, corruption, WPR approach, policy analysis, public participation, political will, Civil Society, contracting authority, collective action

ABBREVIATIONS

ARMP:	Agence de Regulation des Marchées Publique (Public Contracts Regulatory Board).
ASYOUSED:	Assembly of Youths for a Sustainable Environment and Development.
AU:	African Union
CAC:	Centimes Additionnels Communaux (Additional Council Tax).
CMI:	CHR. Michelsen Institute
CONAC:	Commission Nationale Anti-Corruption
CPDM:	Cameroon People’s Democratic Movement
CSO:	Civil Society Organization
C=M+D–A:	Corruption = Monopoly + Discretion – Accountability
DCEC:	Directorate on Corruption and Economic Crime in Botswana
FEICOM:	Special Council Support Fund for Mutual Assistance
HOG:	Head of government
IGI-Cameroon	International Governance Institute-Cameroon
MINATD:	Ministry of Territorial Administration and Decentralization
NACC:	National Anti-Corruption Commission.
NACS 2010-2015:	National Anti-Corruption Strategy 2010-2015
NHCR:	National Commission on Human Rights
NGO:	Non-Governmental Organization
PC:	Penal Code
PIB:	Public Investment Budget
PTF:	Partnership for Transparency Fund
PM:	Prime Minister
RDPC:	Rassemblement Démocratique du Peuple Camerounais

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SDF:	Social Democratic Front
SG:	Secretary General
SDO:	Senior Divisional Officer.
TB:	Tender Board
TI:	Transparency International
UDHR:	Universal Declaration of Human Rights.
UNCAC:	United Nations Convention against Corruption
UNDP:	United Nations Development Program
UNO:	United Nations Organization
WB:	World Bank
WEF:	World Economic Forum
WPR:	What's the problem represented to be?

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CHAPTER I: INTRODUCTION

This section of the thesis will begin with a brief political background of Cameroon and the situation of corruption in the country. This will be followed by the background of the study which shall delve into the legal and institutional anticorruption framework, put in place by the Cameroon government to curb corruption in the Local Council public procurement process.

1.1 Political background of Cameroon

The modern Republic of Cameroon owes its origin to French and British occupation of the former German overseas territories in 1918, after Germany was defeated in the First World War and German *Kamerun* was divided into British and French occupied regions. After 1946, both regions became UN mandates. On January 1st, 1960, after several years of internal political strife, French Cameroon became independent from France. In 1961, British Cameroon held a referendum, where Northern British Cameroon decided to join Nigeria and the southern portion chose to join the Republic of Cameroon (Iñaki 2016, p. 2). Throughout its entire history, Cameroon has had just two Presidents; first Ahmadou Ahidjo from 1966 to 1982 then succeeded by Paul Biya from 1982 till date. When Biya took up the presidency he began a short-lived democratic revival, until a failed *coup d'état* led him to implement more authoritarian policies. Iñaki (2016) asserts that present-day Cameroon is formally a multi-party democracy where power is largely controlled by Paul Biya and his Cameroon Peoples Democratic Movement (RDPC) ruling party (Iñaki 2016, p.2). The constitution, rewritten in 1996, establishes ten semi-autonomous regions governed by elected regional councils and presidentially appointed governors. The constitution also establishes 58 divisions which serve as local governments, with presidential appointed Divisional Officers known as (Préfets) (ibid p.3).

International diagnostic surveys show that corruption in Cameroon is widespread, affecting a variety of sectors. Cameroon ranks 130 out of 168 countries on the 2015 Corruption Perceptions Index, with a score of 27, below the global and slightly below the sub Saharan African average score of 33 (Transparency International 2016). Corruption has been identified as a serious drawback to Cameroon's quest for emergence in 2035, and President Paul Biya went on to stress that, "*It is corruption that for the greater part of it, compromises the success of our efforts... The*

embezzlement of public funds, whatever the form, is a crime against the people who are deprived of the resources that belong to them". This resulted in the creation of numerous anti-corruption organs to effectively combat corruption and allow for meaningful durable development (Egbeyong 2018, p.8).

Nonetheless, the organization and functioning of the different agencies assigned to tackle corruption in Cameroon have been faced with heavy criticism by members of the public, who often question the independence of these different institutions in handling corruption cases as well as their effectiveness.

1.2 Background of the study

Corruption is a canker worm that has invaded the Cameroonian society. It cuts across all sectors in Cameroon, be they the Public or Private sector. Egbeyong (2018) asserts that corruption is an age-old phenomenon that has plagued the Cameroonian society notably in the Health, Educational, Judicial, Public procurement, Financial, Military and other departments (Egbeyong 2018, p.2). Cameroon has twice topped the chart of the most corrupt states in the world-1998 and 1999 as per Transparency International indices (GERDESS-Cameroon 1999). Corruption is manifested in several forms including; bribery, nepotism, graft, fraud, speed money, theft, pilferage, embezzlement, falsification of records and influence peddling. Corruption is punishable under section 134 of the Penal Code (PC) of Cameroon: It indicts, "*Any national, foreign or international civil servant or public employee, who for himself or for a third party solicits, accepts or receives any offer, promise, gift or present in order to perform, refrain from performing or postpone any act of his office*". Also indicted under this section is anyone who receives a reward as remuneration for having already performed or refrained from performance of an act (PC 2016, sec.134).

The classification of Cameroon as the most corrupt nation in the world in 1998 and 1999, made the government more willing than ever to fight the ill. Egbeyong (2018) confirms that the advent of the 21st century brought about changes in the fight against corruption which was until then, predominantly handled by local courts (Egbeyong 2018, p.2). To combat corruption Cameroon has adopted both international and national instruments. As far as International instruments are

concerned, Cameroon is party (since 2006) to the United Nations Convention against Corruption (UNCAC) and have signed but not ratified the African Union Convention against Corruption. (Mbah 2010, p.2). As far as national instruments are concerned, there is the Cameroon Penal Code, the Criminal Procedure Code, Public procurement code, the National anti-corruption commission, the law on the Declaration of Assets and Property, and the law No. 2003/004 of 21/04/2003 on bank confidentiality, the National Agency for the investigation of financial matters, the Ministry of Public Contracts, the National anti-corruption strategy 2010-2015 and the National public contracts regulatory agency known by its French acronym (ARMP).

Cameroon's 1972 constitution envisaged a role for local governments to ensure effective public service delivery in line with local needs and to enhance the accountability of public officials, but did not clearly delineate the role of local councils. The role and institutional set-up of Cameroon's 360 local councils (45 urban and 315 rural municipalities) was more clearly delineated by a series of laws adopted since 2004. A World Bank 2013 report however indicates that, ambiguity remains regarding the division of responsibilities for specific functions between de-concentrated agents of the center and decentralized local governments (World Bank 2013). Thus, within one geographic area, functions may be decentralized and yet still remain under the control of de-concentrated entities; this often leads to confusion as well as a lack of clear accountability relationships. This dynamic is also apparent in the Local Council procurement process.

Public procurement in Cameroon generally lacks transparency, and details about government contracts are generally not made public. Transparency International (TI) 2016 asserts that, most large-scale projects put up for public procurement involve the decision of the president directly or that of the de-concentrated authorities and agencies appointed by the president (TI 2016). That being said, generally contracts under US\$10,000 are awarded by individual ministries, institutions and municipal councils with little or no oversight from the National Procurement Regulation Agency (ARMP) or the Ministry of Public Procurement. There are several points in the procurement process that, on paper, allow different agencies to control the process and

consult offers on their economic and technical feasibility. This process, however, has given many more bureaucrats opportunities to solicit bribes and to hold contracts with long delays, making the procurement process arduous (TI 2016).

The government of Cameroon through its national anti-corruption strategy 2010-2015 has adopted clearly defined procedures to fight corruption in the Local Council public procurement process. This national anti-corruption strategy 2010-2015 is the most recent and comprehensive national anti-corruption policy document that has been elaborated by Cameroon. Other partners including local and international non-governmental organizations have joint government in her effort to eradicate this phenomenon. One of the local NGO's in Buea-Cameroon that have been effective in the fight against corruption in the Local Council public procurement process is Assemble of Youths for a Sustainable Environment and Development (ASYOUSED). With funding from the US based anti-corruption organization Partnership for Transparency Fund (PTF), ASYOUSED has been engaged in fighting corruption in the Local Council public procurement process. ASYOUSED adopted a policy of citizen participation and access to information in their anti-corruption strategy in the Local Council public procurement process. Landell-Mills, founder and first president of PTF asserts that ASYOUSED has devised a scheme for the Buea municipal councilors to engage in participatory decision making of local residents in their individual constituencies which will enable them have access to information and engage in the procurement process (Landell-Mills 2013, p.174). All these stake holders have adopted different strategies with a common goal of fighting against corruption. Their policies and actions have been greatly determined by the way they have conceived the representation of the problem of corruption in the Local Council public procurement process.

In my capacity as researcher, I am out to observe, describe and analyze the phenomenon of corruption in the Local Council public procurement process with the objectives of understanding the implicit representation of this phenomenon in Cameroons National anti-corruption strategy 2010-2015. This will enable me identify and elaborate on the issues that have been left unexamined, which will make the policy more encompassing in its efforts to reduce corruption.

1.3 Problem formulation and research questions

In many developing countries, public sector corruptions is a key barrier to effective service delivery and nowhere are the effects of corruption felt more directly by citizens than at the level of local governments (TI 2004). There is the need for good anti-corruption policies and procedures that affect local councils, to be put in place due to the problems of corruption in the local council public procurement process. Since 1990, the government of Cameroon has engaged in diverse legal and institutional framework, encompassing both United Nations and African Union anti-corruption instruments yet corruption has persistently affected a variety of sectors in Cameroon including the local government sector. According to TI 2018 corruption perception index, Cameroon ranks 152 out of 175 countries, with a score of 27, below the global and slightly below the sub-Saharan African average score of 33 (TI 2019). The World Governance Indicators tell a similar story in its indicator on control of corruption, which places Cameroon in the lowest 10 percentile, while performing in the low (in the 25 percentile or lower) for the remaining indicators (Kaufmann & Kray 2018). It is thus very clear that the policy initiated by government has not been effective in dealing with the problem of corruption.

It is against this backdrop that this research shares Bacchi's opinion in challenging the commonplace view that policy is the government's best attempt to deal with 'problems' and rather offers a different way to think about policy (Bacchi 2014). This thesis seeks to problematize Cameroon's National anti-corruption strategy 2010-2015 on corruption related to the Local Council public procurement process. This is done by drawing on Carole Bacchi's "*What's the problem represented to be?*" (WPR) approach to policy analysis. The thesis draws inspiration from the first question of the analytical approach to formulate its problem by asking:

What is the 'problem' of corruption in the Local Council public procurement process, represented to be in Cameroon's National anti-corruption strategy 2010-2015?

To answer this question and investigate on the complexities of the phenomenon of corruption as stated in NACS 2010-2015, I inspire myself with carefully chosen textual sources in implementing the six questions of the WPR approach which will serve as my research questions:

- 1) What is the ‘problem’ of corruption in the Local Council public procurement process, represented to be in Cameroon’s National anti-corruption strategy 2010-2015?
- 2) What deep-seated presuppositions or assumptions underlie this representation of the “problem”?
- 3) How has this representation of the ‘problem’ come about?
- 4) What is left unproblematic in this problem representation? Where are the silences? Can the “problem” be conceptualized differently?
- 5) What effects are produced by this representation of the “problem”?
- 6) How and where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been and/or how can it be disrupted and replaced?

1.4 Structure of the thesis.

The thesis is been divided into five chapters;

The first chapter which is the introduction chapter will compose of a brief political background of Cameroon and the corruption situation, the background of the study which will throw light on the problem of corruption in the local council public procurement process in Cameroon as well as the legal and institutional instruments adopted by the state of Cameroon to curb this phenomenon. The chapter will also present the problem formulation and research questions and will round up with the structure of the thesis and limitation of the study.

Chapter two will encompass the methodology and research design. The chapter will begin by explaining the choice of focus of the research, and then the main analytic tool which will be used during the research-What’s the ‘problem’ represented to be? (WPR) approach will be presented. This will be closely followed by a presentation of policy as discourse. The chapter will be concluded by highlighting the material and data sources as well as the choice and use of theory and concepts during the thesis.

Chapter three will introduce the theoretical and conceptual framework of the thesis. Theories that will be used to analyze material that will enable the thesis provide answers to its research questions will include; the principal-agent theory by Mehmet Ugur and the collective-action theory of corruption by Persson, A., Rothstein, B., and Teorell, J., which will be used to analyze

the National anti-corruption Strategy 2010-2015 using the WPR approach. Key techniques of corruption control including; Public participation, access to information, institution strengthening and political will shall also be introduced.

Chapter four will present a detailed analysis of Cameroon's National anti-corruption strategy 2010-2015 using the WPR approach to provide answers to the research questions.

Chapter five will be a conclusion, which will lay focus on the research findings and discussion on the topic based on the writer's personal judgment.

1.5 Limitations of the study

As described above, the focus of the thesis will be on Cameroons National anti-corruption strategy 2010-2015. Though this document encompasses a sectorial anti-corruption strategy for ten key sectors identified as highly corruption plagued sectors, this thesis will limit its self to the public procurement sector. To further narrow down the thesis for proper investigation, emphasis will be made only on the Local Council public procurement process. It should be noted that my choice of the timeline from 2010-2015, are the years that preceded the designing and application of the most comprehensive National Anti-corruption Strategy in Cameroon.

Additionally, there is currently little or no accessible data on which effects the implementation of the National anti-corruption strategy has had, since very little is mentioned on official government websites. Just to mention that Cameroon is a bilingual country with a French dominated population and most of the official documents produced or posted on relevant websites are in the French Language which is usually not easy to interpret unless one knows French.

The sources of data have also been limited to accessible documents mostly from the internet, such as reports, articles and published works from different involved and relevant actors, such as the National anti-corruption agency of Cameroon (NACC/CONAC), the Cameroonian government, ASYOUSSED, IGI-Cameroon, Transparency International, Ibrahim Mo Foundation, Friedrich-Ebert-Stiftung Foundation Cameroon and other involved anti-corruption groups. It would have been relevant to interview chosen key actors, such as the Mayor of the Buea Council, Director of ASYOUSSED-NGO, Delegate of the National public contracts regulatory agency,

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Chief of bureau of CONAC, to get valuable insights on the process of designing and implementing the national anti-corruption strategy 2010-2015.

CHAPTER II: METHODOLOGY AND RESEARCH DESIGN

Working with the topic corruption in the Local Council public procurement process, and seeking to analyze the problem representations in the National anti-corruption strategy 2010-2015, I have chosen to work with a qualitative research design. Denzin, Norman, and Lincoln (2005) assert that, qualitative research stresses on the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry (Denzin, Norman. K. and Yvonna S. Lincoln 2005, p.10). Such research emphasizes the value-laden nature of inquiry. It seeks answers to questions that stress how social experience is created and given meaning. Bryman (2016) shares this view and notes that, qualitative research is more interested and concerned with words rather than numbers as in quantitative research, and places emphasis on examining the social reality through the perceptions of both participants (data sources in this case) and an active researcher (Bryman, 2016, p.375). I aim to use the collected data to analyze NACS 2010-2015 on LC public procurement process, through the WPR approach, emphasizing the discourses apparent in the data sources.

2.1 Choice of focus

In this paper, my choice of focus has been on corruption in relation to Local Council public procurement process. It is obvious that corruption affects all the levels and sectors of society but the effects of corruption are felt more directly by citizens at the level of local governments. For most people, it is at the local government where they encounter the public sector: from public procurement to the provision of basic services such as schools, water and hospitals but corruption disrupts the smooth implementation of these projects. In Transparency International's Global Corruption Barometer 2003, a general public survey conducted in 48 countries around the globe, it was found that corruption hits the poor hardest, with two out of five respondents on a low income responding that corruption has a very significant effect on their personal and family life (TI 2004). While both corruption and Local Council public procurement are fields of extensive research, the relationship between these two is an area of continues scholarly attention as the fight against corruption at the local level can help in combating urban poverty and enhancing civic engagement. This makes the topic both very interesting and relevant to look into.

Furthermore, in order to delimit the focus of the study, i have chosen to look into a single country. When analyzing how corruption in the Local Council public procurement is addressed within anti-corruption policies, i found it useful to study a country known to be struggling with severe corruption. Although countries with lower levels of corruption would also have been a possibility to look into, i found that a country such as Cameroon with a very high degree of corruption would be more interesting to examine, since the anti-corruption policies here ought to be of utmost importance. It is worth mentioning that I have a broad knowledge on the country in question since it is my country of origin and I did my internship in Buea which is one of the local municipalities in Cameroon. I have therefore chosen to look into the representation of corruption related to Local Council public procurement process as stated in Cameroon's National anti-corruption strategy 2010 (also referred to as NACS 2010-2015). This anti-corruption document is the most recent of its kind elaborated by the government of Cameroon since no other encompassing document has been produced after that.

2.2 What's the problem represented to be? (WPR)

Since the aim of this thesis is to analyze the complexities of Cameroons National anti-corruption strategy 2010-2015 on public procurement, including how the construction of corruption in the Local Council public procurement process has been included in anti-corruption discourse, this necessitates a reflection on the representation of corruption in the NACS 2010-2015. The analytic framework is inspired by Carol Bacchi's (2014) *What's the problem represented to be?* (WPR) approach which will be used to analyze the policy document. WPR approach is a very critical mode of analysis because it creates the opportunity to question taken-for-granted assumptions that lodge in government policies and policy proposals by interrogating (problematizing) the problem representations it uncovers within them (Bacchi, 2014). Foucault throws more light on this when he asserts that "*A critique does not consist in saying that things aren't good the way they are. It consists in seeing on what type of assumptions, of familiar notions, of established, unexamined ways of thinking the accepted practices are based*" (Foucault 1994, p.456).

Even though there is a growing interest in understanding and examining policy as discourse there is no universal ‘method’ per se for analyzing it as such, thus leading Bacchi to develop the WPR approach as a useful analytical tool for investigating the discursive aspects of policy, while claiming that the problems represented in policies are socially constructed (Goodwin 2012). In this study, focus is on understanding the problem of corruption in NACS 2010-2015 on public procurement in the Local Council from a questioning perspective rather than a problem solving perspective since the goal of a ‘what’s the problem represented to be?’ approach to policy is to problematize (interrogate) the problematization in selected government policies, through scrutinizing the premises and effects of the problem representations these problematizations contain (Bacchi, 2014). WPR approach outlines by “(...) [presuming] *that some problem representations benefit the members of some groups at the expense of others. It also takes the side of those who are harmed. The goal is to intervene to challenge problem representations that have these deleterious effects.*” (Bacchi 2009, p. 44).

The WPR approach provides a list of six interrelated questions which works as a guide in the analytical process, investigating different aspects of how ‘problems’ are represented in policies. These questions include:

- 1) What’s the problem represented to be in a specific policy or policies?
- 2) What deep-seated presuppositions or assumptions underlie this representation of the “problem”?
- 3) How has this representation of the “problem” come about?
- 4) What is left unproblematic in this problem representation? Where are the silences? Can the “problem” be conceptualized differently?
- 5) What effects are produced by this representation of the “problem”?
- 6) How and where has this representation of the “problem” been produced, disseminated and defended? How has it been and/or how can it be disrupted and replaced?

Following this ‘checklist’, these WPR designed questions, have been included in the problem formulation and as research questions when examining NACS 2010-2015 on LC public procurement. However the WPR approach contributes much more to knowledge and research than just these guiding questions. It thinks about policy in anthropological terms by asking questions about its sources and how it operates. It seeks to understand how governing takes

place, and with what implications for those so governed (Bacchi 2014). Additionally, policies pose an opportunity to examine the relationship between the state and other ‘knowledge’s’, as policies challenge the idea of viewing states as dominant actors in social relations. Instead, policies depict the boundaries of responsibility between state institutions and professional groups (Bacchi & Beasley 2002, p.331).

2.3 Policy as discourse

While using the WPR approach as analytical framework for this study, I draw on the notion of understanding policy as discourse. The term ‘policy’ is generally associated with a program, a course of action. Bacchi (2014) asserts that, public policy is the term used to describe government programs and there is an underlying assumption that policy is a good thing since it is intended to fix up problems. The author equally holds the opinion that the notion ‘fixing’ implies that there is a problem that needs to be fixed but most government policies do not officially recognize that there is a problem that the policy will remedy, rather most government policies imply that something needs to be changed (Bacchi 2014).

The special nature of policy discourse is that it “*represents attempts to construct legitimate ways of seeing, evaluating and describing reality, and therefore constitutes a movement or site for the effectuation and instrumentation of specific social, political and economic aims*” (Anderson & Hallway 2018). A discursive reading of policy formation contrasts with a rationalist view that imagines policy as a measured governmental response to discrete problems that exist "out there" in the world. According to Bacchi (2000), discourse holds more than historical or linguistic interest: It regulates practices and sets the conditions under which policy operates (Bacchi 2000). Individual actors play a role in the making of policy, but they do so within discourse’s ambit, enveloped by its shaping power. These actors are not, however, utterly helpless: There exists some "space for challenge" of established pathways of power (ibid).

Framing 'problems' and their impact on possible action is analyzed by deconstructing policy discourses and identifying the coalitions of actors who produce it and according to Bacchi (2000), this implores us to recognize the non-innocence of how "problems" get framed within

policy proposals, how the frames will affect what can be thought about and how this affects possibilities for action (Bacchi, 2000). Starting from an interpretative policy tradition which sees policy not as a response to existing conditions and problems, but "more as a discourse in which both problems and solutions are created" (ibid). I view corruption as a social practice, the purpose of which is to understand its representation in the NACS 2010-2015 on LC public procurement process.

2.4 Material and data sources

I use sampled documents as my main sources of data in this thesis and these documents will serve as data for analysis using the WPR approach to policy analysis. Hence the main important document included in this thesis will be Cameroon's National anti-corruption strategy 2010-2015 for the public procurement sector. The strategy document has adopted a sector-based approach, prioritizing ten key sectors in elaborating the anti-corruption strategy but the thesis will limit its self to the public procurement sector as the thesis seeks to investigate the problem representation of corruption in the NACS 2010-2015 for the public procurement sector.

To complement the analysis of problem representations in and about the subject of corruption in the Local Council public procurement process, other relevant articles, reports, and documents published by several organizations are included to provide additional understandings of terms, policy procedures, practical implementations of anticorruption initiatives in the public procurement process. Other relevant documents included as primary data include ASYOUSSED 2012 project report on "Increasing transparency in the Buea Council public contract identification and realization cycle" and its accompanying project completion appraisals by the Partnership for Transparency Fund in Pierre Landell-Mills "Citizens Against Corruption: Report From the Front Line (2013).

Secondary data will be collected from national and international anti-corruption instruments, already published research work on the anti-corruption, reports from sources like Transparency International and other anti-corruption institutions, academic journals, articles and books written on corruption in Cameroon and Africa. Amnesty International's published independent research done by its Anti-corruption Helpdesk on "An overview of corruption and anti-corruption in

Cameroon” has also been an important source of data. The study on ‘Corruption in Cameroon’ coordinated by Pierre Titi Nwel, produced by GERDDES-Cameroon and published by the Friedrich-Ebert –Stiftung Foundation (1999) will be very useful in explaining the historicity of corruption and anti-corruption in Cameroon. Key concepts of corruption control as analyzed by Kempe Ronald Hope, Sr. (2017) in “Corruption and Governance in Africa” *Swaziland, Kenya, Nigeria*, shall be discussed as alternative ways of thinking about the problem of corruption. The principal-agent theory by Ugur, M. & Dasgupta, N. (2011) *Evidence on the economic growth impacts of corruption in low-income countries and beyond*, and the collective-action theories of corruption by Persson, Rothstein and Teorell (Persson, A., Rothstein, B., & Teorell, J. (2013). *Why anti-corruption reforms fail--systemic corruption as a collective action problem*), will be used to examine the approach to anti-corruption programming adopted by the state of Cameroon in designing the National anti-corruption Strategy 2010-2015.

Though most academic texts used in this thesis have been in English, some documents used for the analysis have been in French since Cameroon is a bilingual country with a predominantly French population, reason why most government reports and other relevant publications are done exclusively in the French Language. Though the NACS 2010-2015 has been translated to English, I have gone over the original French version as well to compare translations of certain details. Translating always poses the risk of losing meaning, nuances and content, however I have strived to stay as true to the intended meaning of the phrases that have been translated by prioritizing translations of meaning rather than word-for-word. In sections where I have used the original French words or appellations, I have endeavored to include the English translation.

2.5 Choice and use of theory and concepts

A growing body of research argues that anticorruption efforts often fail because of a flawed theoretical foundation, where collective-action theory is said to be a better theoretical lens for understanding corruption than the dominant principal-agent theory (Marquette & Peiffer 2015). The thesis will use the principal-agent theory by Mehmet Ugur (2011) and the collective-action theories of corruption by Persson, Rothstein and Teorell (2013), to examine the approach to anti-

corruption programming adopted by the state of Cameroon in drafting the National anti-corruption Strategy 2010-2015 for the public procurement sector.

Key concepts of corruption control including; Public participation, access to information, institutional strengthening and political will by Kempe Ronald Hope, Sr. (2017) shall be discussed as alternative ways of thinking about the problem of corruption. Especially in the African context where corruption has become endemic, presenting its self as a low risk and high reward activity. This needs to be reversed with more attention paid on preventive measures rather than the usual problem solving initiatives.

2.6 Epistemological considerations.

An epistemological issue concerns the question of what is or should be regarded as acceptable knowledge in a discipline. According to Vasilachis de Gialdino (2009) epistemology raises many questions including: how reality can be known, the relationship between the knower and what is known, the characteristics, the principles, the assumptions that guide the process of knowing and the achievement of findings, and the possibility of that process being shared and repeated by others in order to assess the quality of the research and the reliability of those findings (Vasilachis de Gialdino 2009). Bryman (2012) asserts that a particularly central issue in this context is the question of whether the social world can and should be studied according to the same principles, procedures, and ethos as the natural sciences (Bryman 2012, p.27).

Vasilachis de Gialdino (2009), in describing epistemological reflection, adds that, the phenomenon does not seek universality; it is neither a “normative nor a finished discipline”. It makes up a persistent, creative activity that is renewed time and again. It shows the difficulties faced by researchers when the characteristics of what they intend to know are unprecedented, or else, they cannot be, in part or as a whole, registered, observed, or understood by existing theories and/or concepts nor by available methodological strategies. (Vasilachis de Gialdino 2009). As I connect and draw on notions from the different disciplines of Development and International Relations in this thesis, I have reflected greatly upon my own role as a researcher. The field and topic of corruption in public procurement have not only been debated politically and socially, but also from different epistemological perspectives.

In contrast to most research in the field of natural sciences, I do not claim to hold a neutral position in my research and thus, do I reject the idea of positivism in my thesis. I recognize the power position I hold as the researcher, as I choose which data to include and how to analyze it, I therefore understand that it is not possible to think about a one and only epistemology for all scientific disciplines, or even for a same and particular one. This is in line with Vasilachis de Gialdino's view on epistemological considerations as she asserts that "*Epistemological reflection is what enables us to elucidate the different paradigms which give different answers to the questions raised by epistemology*" (Vasilachis de Gialdino 2009).

CHAPTER III: THEORETICAL AND CONCEPTUAL FRAMEWORK

3.1 Defining corruption

There are many different but overlapping definitions of corruption, from unethical behavior, political misconduct to bribe-taking and sale of government property for personal gains. Rema et al. (2011) provide a clear definition of corruption as “*an incident where a bureaucrat (or an elected official) breaks a rule for private gain*”. They use the term “bureaucrat” to encompass all public employees or officials, while the term “official” refers to bureaucrats and individuals in elected positions and the term “elected official” specifies those that have been elected into office (Rema et al. 2011). Rema et al. add that in many developing countries, public sector corruption is a key barrier to effective service delivery and can prevent the equitable allocation of goods and services to its citizens by seeping into all aspects of life (ibid).

Transparency International (TI), on a more general term defines corruption as “*the abuse of entrusted power for private gain*”. And further classifies corruption into grand, petty and political, depending on the amounts of money lost and the sector where it occurs. According to TI, Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth. These corrupt politicians invest scarce public resources in projects that will line their pockets rather than benefit communities, and prioritize high-profile projects such as dams, power plants, pipelines and refineries over less spectacular but more urgent infrastructure projects such as schools, hospitals and roads (TI 2018).

While there is no universally agreed definition of corruption, Klitgaard et al. (1996) provide a useful starting point as they define corruption as “*the misuse of office for private gain*”. The office is a position of trust, where one receives authority in order to act on behalf of an institution, be it private, public, or non-profit. Klitgaard et al. argue that “*corruption is a crime of calculation, not of passion. People will tend to engage in corruption when the risks are low, the penalties mild and the rewards great*” (Kitgaard, et al.1996). Based on this assessment, they propose a simple heuristic formula for analyzing the tendency for corruption to exist:

$C = M + D - A$ / Corruption = Monopoly + Discretion – Accountability.

In explaining this formula, they state that corruption tends to flourish “where officials have a monopoly power over a good or service, unlimited discretion in deciding who gets that good or service or how much they get, and there is no accountability whereby others can see what that person is deciding.” Accordingly, they advocate: improving the positive incentives for municipal officials, including reforming civil service salary structures to make them competitive with their counterparts in the private sector (ibid).

3.2 Theorizing Corruption

A growing body of research argues that anticorruption efforts often fail because of a faulty theoretical foundation, where collective-action theory is said to be a better theoretical lens for understanding corruption than the dominant principal-agent theory. Marquette and Peiffer (2015) assert that for over two decades, the effort to control corruption in developing countries has grown enormously and has attracted support from major aid agencies which have inspired hundreds of reform projects, action plans, anti-corruption agencies and huge numbers of experts (Marquette & Peiffer, 2015). Hundreds of millions to billions of dollars have been invested in the fight against corruption this far, leading to what has been called the birth of an ‘anticorruption industry’. Despite this huge investment, Persson, Rothstein & Teorell (2013) are of the opinion that there seems to be very few successful cases where countries have significantly reduced corruption in this time period and most systemically corrupt countries are considered to be just as corrupt now as they were before anticorruption interventions were rolled out (Persson, Rothstein & Teorell 2013).

For a growing number of authors anti-corruption programming fails to a greater extent, due to the inappropriate theoretical foundations that underscore its design. Anti-corruption programming is overwhelmingly influenced by principal-agent theory, which depicts corruption as occurring when public officials who have discretion over the provision of public services lack accountability. When applied to anticorruption, this lens emphasizes the rational choices that take place in individual incidents of corruption, implicitly assuming that corruption is ‘solvable’ with policies that can alter these individual calculations. Critics such as Marquette and Peiffer, have recently argued that this assumption is flawed; especially in systemically corrupt contexts

like Africa, where corruption could instead be best understood as a collective-action problem instead (Marquette & Peiffer 2015).

3.2.1 The principal-agent theory of corruption

The predominance of principal-agent theory in corruption research has been clearly demonstrated by Ugur and Dasgupta through a meta-analysis of 115 studies looking at corruption's impact on economic growth. Their analysis found that all studies considered, either adhered to an explicitly-stated principal-agent approach to corruption, or was closely related to that approach (Ugur & Dasgupta 2011, p.43). According to these theorists, a principal-agent problem stems from two assumptions: first, the principal and agent have diverging interests and that the agent has more information than the principal (information asymmetry). Due to asymmetric information, the principal is unable to perfectly monitor the actions of the agent, and so the agent has some discretion to pursue their own interests. The second assumption suggests that when the interests of the principal and the agent are not aligned, and the agent pursues their own interests at the expense of the interests of the principal there is bound to be a problem of corruption (ibid).

Corruption is often described to exist in society as a double principal-agent problem. In the first instance, a political leader is considered the 'principal'; they are tasked with monitoring the actions of bureaucrats (agents) in order to keep them accountable. Without the ability to perfectly monitor their actions, however, rationally minded bureaucrats use their discretion over resources to extract rents when the opportunity arises. The second principal-agent problem occurs when public officials (bureaucrats or politicians) are conceptualized to be the 'agents' and the public, more generally, as the 'principal'. According to Ugur and Dasgupta (2011), the public official holds the position of 'agent' is able to abuse their office and discretion over public services to secure private rents from members of the public, and the public is unable to perfectly monitor or hold public officials accountable (Ugur & Dasgupta 2011).

In both cases, viewing corruption using a principal-agent approach emphasizes that engaging in corrupt practices is the rational choice of individuals. Marquette and Peiffer (2015) assert that this focus considers corruption to be 'solvable' with policies that alter the degree to which

principals are able to monitor and sanction their agents and the level of discretion given to agents and their individual incentive to engage in the act of corruption. Consequently, anti-corruption initiatives, guided by the principal-agent approach, have focused on reducing the discretion of civil servants, increasing monitoring mechanisms, promoting transparency in government, supporting anti-corruption civil society groups to serve as watchdogs, and strengthening sanctions on those who engage in corruption, so as to better align the incentives of potential ‘agents’ with those of their respective ‘principals’ (Marquette & Peiffer 2015, p.5).

3.2.2 Collective-action theory

Collective-action theories do not necessarily question the potential relevance of effective monitoring and punishment regimes as means to curb corruption such as suggested by the principal-agent framework. Rather, they question the underlying assumption that all societies hold at least one group of actors willing to act like “principals” and, as such, enforce such regimes. Persson et al. (2013) posit that, quite contrary to what principal-agent theory suggests, collective-action theory contests the view that strategic situations always in themselves give the actors the answer to the question; what strategy is the most rational to opt for (Persson et al. 2013).

The study of collective-action predates as far back as Mancur Olson’s ((1965) book, *The Logic of Collective Action*, its influence on framing the issue is still very prominent. In his book, Olson specifically referred to the ability of collectives to work towards the production of public goods, which are both non-excludable (impossible to exclude people from using) and non-rivalrous (one person’s use of the good does not reduce its availability for others to enjoy). Because both types of these goods are non-excludable, people who do not contribute towards their production can still benefit from them; beneficiaries of this sort are called ‘free riders (Marquette & Peiffer, 2015 p.7). Olson argued that people will opt to free ride when they know their level of contribution towards the collective good does not impact their beneficiary status (ibid).

Persson et al. argue that viewing corruption in this way highlights the collective, rather than individual, nature of corruption and the very difficult challenge that anti-corruption efforts face

in changing levels of distrust in society and norms that reinforce persistent patterns of systemic corruption (Persson, et al. 2013). In the view of Marquette and Peiffer (2015) there is much intuitive logic to this analysis, but two issues have not been fully explored in the corruption-collective-action theory literature. First, to our knowledge, it has not been established what actual collective good corruption is precluding or reducing, nor how, through the lens of collective action theory, participating in corruption should be framed. Second, collective-action theory has potentially much more to contribute to our understanding of corruption and the efficacy of anti-corruption interventions than on just the important role that a lack of intra-group trust plays in sustaining systemic corruption (Marquette & Peiffer 2015).

It should however be noted that these two theories overlap in their conceptualization of corruption. Persson, et al. (2013) argue that it is best to evaluate the utility of each theory's interpretation of corruption dynamics as being context dependent and caution any attempt to view the challenges of anticorruption through only one lens, regardless of context. In the first instance, even in systemically corrupt contexts, certain institutions may be relatively safeguarded from the types and extents of corruption that exist in wider society, and thus may benefit from a principal-agent theory inspired anti-corruption approach that emphasizes greater monitoring, oversight and higher sanctions (Persson, et al. 2013). Thus, it is much more useful to think about how each theoretical lens can complement the other's contribution.

3.3 Techniques of corruption control

Corruption has become a low-risk and high-reward activity in Africa and Cameroon in particular, and this needs to be remedied so as to reverse the situation. Hope (2002) argues that Corruption is therefore best controlled if it is prevented, in the first place, and by increasing the risk of detection as well as swift and harsh punishment consistent with national laws and/or international statutes and conventions (Hope 2002, p.165). Most consistent victims of corruption are the poor who constitute a majority of the population in low-income countries. Hope (2002) also demonstrates that poor people are indeed much more prone to pay bribes to government officials (ibid). This suggests that the people who are worst off materially are also more likely to

be victims of corruption and increased inequality. It is deemed that a greater focus needs to be put on public participation, access to information, institutional strengthening and political will as the primary governance elements of future efforts to restraint corruption and mitigate its consequences.

3.3.1 Public Participation

In democracy, the object of the state is the people. The focus of the government, therefore, is to ensure the involvement of the members of the public in decision making and implementation. In other words, public participation is an inalienable democratic right of the individual. Individuals in the society have the right to know the plans of the government through direct participation in community activities, civil society or political parties Fagbadebo and Ruffin (2019) identify modes of citizens participation to include; payment of taxes, public protests in support of/ or against public policies and conducts of leaders, writing petition, and complaints (Fagbadebo & Ruffin 2019, p.237). Public participation also connotes citizens' involvement in the process of proffering solutions to problems or taking part in the decision-making process that have direct impacts on them.

In public policy process, the inputs from the public environment are very crucial since it gives citizens the opportunity to have a direct say in the formulation of policies that affect them through functional interaction with government agencies. Thus, the public has the opportunity to express their views, opinions, and preferences based on their knowledge of the programs. Public participation essentially encourages communication and collaborative problem-solving mechanism with a view to achieving effective corruption control.

Fagbadebo and Ruffin advance five major importance of public participation in the procurement process. First, it affords policy makers to know the preferences of the public with a view to making informed and acceptable decisions. Policy makers also have the opportunity of improving public policies through the knowledge of the people who are the direct beneficiaries of the projects, goods and services. Thirdly, informed decisions through the knowledge of the people would promote fairness and justice in policy formulation and implementation. Through public participation, the citizens have access to information about the developmental programs

and projects of the council. The fourth importance is that public participation confers legitimacy on public policies. Lastly, public participation is constitutional. This need for public participation is in line with its role in achieving effective corruption control and promotes good governance. It is a crucial ingredient for democracy and constitutionalism (Fagbadebo & Ruffin 2019, pp.237-238).

3.3.2 Access to information.

Citizens' access to public information is not a new concept. Landell-Mills asserts that this important concept dates as far back as 1776, when Sweden adopted a Freedom of Press Act that included such a provision. However, others have only recently followed their example. The US waited two centuries before passing a Freedom of Information Act in 1966, while the UK only did so in 2000 (Pierre Landell-Mills 2013, p.110). In all, about 120 countries, including 22 African Countries have now enacted similar legislation still leaving majorities that have not. Pierre Landell-Mills further emphasizes that getting a Freedom of Information (or Right to Information) Act adopted, is just a first step to ensure citizens' access to publicly held information, especially information that may be incriminating. Officials, unused to such rights and untrained in how to respond to requests from the public, can be expected to prevaricate or simply ignore the request. To enforce their rights, citizens need access to a court willing to enforce the law (ibid p.112).

As a core element of fighting corruption, the United Nations Convention against Corruption requires states to make information available about their activities and to engage with civil society. Access to information is an essential tool in the fight against corruption. It increases accountability and transparency, and allows the identification and uncovering of corrupt practice. Information enables the public to participate in the scrutiny of government activities and to have their rightful say in the development of anti-corruption policies and laws and to monitor their enforcement.

In its Global Coalition against Corruption, Transparency International notes that Access to Information Acts are grounded in the recognition *“that information in the control of public authorities is a valuable public resource and that public access to such information promotes*

greater transparency and accountability of those public authorities, and that this information is essential to the democratic process” (TI, 2006). The purpose of these acts, also known as access to information laws, is to make a government more open and accountable to its people. In transitional democracies, laws that give effect to the right to information are part of the process of transforming a country from one with a closed and authoritarian government to one governed by and for the people. The right of citizens to know what elected officials and governments are doing, and how public resources are allocated, directly reflects anticorruption concerns. Corruption flourishes in darkness and so any progress towards opening governments to public scrutiny is likely to advance anti-corruption efforts.

3.3.3 Institution strengthening

Institutions are central in the fight against corruption and it is obvious that when corruption is systemic like is the case with most African countries, the institutional culture grows sick, paving the way for corruption to thrive. This viewpoint is further expatiated by Hope (2017) when he asserts that several processes in society including getting economic policy right, enforcing laws, maintaining financial management systems, and practicing sound procurement across the public sector all require well-functioning institutions (Hope 2017, p.166). Systemic and persistent corruption generally has its roots in the actions of powerful leaders and officials to deliberately weaken internal institutions of control within government and many of these institutions have therefore become captured by the elite to serve narrow personal interests (World Bank 2016). The most appalling aspect of Africa’s decline is the decay of Africa’s institutional capacities.

As a consequence, Hope (2017) postulates that, the challenge for policy makers in African countries is to shape policies for institutional strengthening in ways that encourage and enhance ethical behavior and good governance. Building and maintaining strong institutions are therefore central challenges of good governance and are keys to controlling corruption, for corruption can be controlled by strengthening institutions and by upholding the rule of law. In other words, the failure of enforcement of the laws by institutions and, by extension, the general rule of law, results in countries being riddled with corruption (Hope 2017, p.167). Hope (2017) however

insists that, strengthening institutions for corruption control must be a legitimate process and not result in the creation of good governance facade institutions (ibid).

In his literature on institution strengthening, Hope (2017) identifies three key reforms that actors of institution strengthening must take into consideration. First, the introduction of elements of accountability and transparency into organizations; Second, the de-layering or simplification of operations to reduce errors and opportunities to conceal corruption; and thirdly more fundamental reforms seeking to change the attitudes and beliefs of those who work in the institutions. Hope (2017) adds that some of the critical elements of accountability and transparency that need to be pursued by all African countries must be concerned with the fundamental right of citizens to access and scrutinize information pertaining to the operations of public institutions. This can both be encouraged and accomplished through, among other things, the enactment, adherence, and enforcement of freedom of information laws and the creation of websites on which government information is placed and made easily accessible to citizens (Hope 2017, p.168). Hope, (2017) rounds up the proposed key reforms by adding that, there has to be sound budgetary and financial management including appropriate and efficient public procurement processes (ibid).

3.3.4 Political will

Quite often, “lack of political will” is identified as the culprit for poorly performing anti-corruption programs. Yet despite the frequency with which it is used to explain unsatisfactory reform outcomes, political will remains under-defined and poorly understood (CMI 2010). According to CMI (2010), the concept of political will is complex for several reasons. First, it involves intent and motivation, which are inherently intangible phenomena. They are hard to assess accurately or objectively and are prone to manipulation and misrepresentation. Second, it may exist at both individual and collective levels. For individuals, the notion of political will is understandable as a personal characteristic, reflecting a person’s values, priorities, and desires. Aggregating beyond the individual introduces more complexity. Third, though political will may be expressed in spoken or written words (speeches, manifestos, legal documents, and so on), it is only manifested through action (ibid).

It is against the above mentioned complexity and in relation to the fight against corruption that CMI (2010) defines political will as “the commitment of actors to undertake actions to reduce corruption and to sustain the costs of these actions over time (CMI 2010). According to Hope (2017), political will to fight corruption is therefore a pre-condition for the successful implementation of anti-corruption efforts. He thus defines political will as a situation whereby a bureaucratic or political actor is willing to commit precious time, effort, and political capital and incur opportunity costs to achieve change, in this case change to combat corruption (Hope 2017, p.179). However, it is important to recognize that political will does not flow only from the top to down. There are bottom-up sources of political will as well and CMI (2010) asserts that in some cases, these sources may be so-called “street level bureaucrats,” that is, public officials on the frontlines of service delivery who are strongly committed to controlling, preventing, and exposing waste, fraud, and abuse (CMI 2010).

CHAPTER IV: ANALYSIS

In the following chapter, Cameroon's National anti-corruption strategy 2010-2015 in the LC public procurement sector will be further analyzed using the six research questions inspired by Carole Bacchi's WPR approach to get an understanding of the representation of corruption in this strategy. In the view of Bacchi, specific policy understands a problem in a particular way and contains implicit representations of that problem (Bacchi 2009). The client-agent and collective action approaches of corruption will form the basis of the theoretical framework for the analysis while techniques of corruption control such as; public participation, access to information, institution strengthening and political shall also be used in the analysis.

4.1 Question 1: What is the 'problem' of corruption in the Local Council public procurement process, represented to be in Cameroon's NACS 2010?

This first question will investigate and describe the representation of corruption in the LC public procurement process as stated in Cameroon's NACS 2010-2015. As Bacchi said, "...since how you feel about something determines what you suggest to do about it, it is equally true to say that looking at what is proposed as a policy intervention will reveal how the issue is being thought about." (Bacchi 2009). This study will thus look into NACS 2010-2015 strategic action plan, in order to deduce the representations of corruption found in the policy document.

The problem of corruption in the LC public procurement process has multiple representations in Cameroon's NACS 2010-2015 which can be grouped into five main issues and this is in line with Bacchi's view that, a policy may have more than one problem representation within it (Bacchi, 2009). The first representation of corruption in Cameroon's NACS 2010-2015 which is identified is "**Ineffective accountability systems**". In its diagnosis of difficulties to fight corruption, NACS 2010-2015 stipulates that there is "*Partiality during audits (complicity between supervising officials and those of the LCs)*", "*Late and/or incomplete reporting by Budget officers*" and "*Production of counterfeited receipt slips with counterfeited signatures*" which are some of the aspects that impede the smooth functioning of the accountability system. (NACS 2010-2015, p.62). Due to poor accountability, elected council officials (Mayor and LC

executives) do not feel obliged to be responsible to the vote holders; they rather pay allegiance to government administrative authority who serves as council supervisory authority.

The second identified representation of corruption in NACS 2010-2015 on LC public procurement process is “**Cumbersome nature of the procurement process**”. Some of the key actors in the LC public procurement process, who also have the mandate to mobilize for the implementation of the strategy as identified by NACS 2010-2015 include; the Mayor, external services of the technical sectorial ministries, Tender’s Boards, Financial Controller, the General Paymaster, the Municipal Tax Collector, The Secretary General of the LC, the President of the sub commission of analysis, Civil Society Organizations, External public Services, Local Representatives, Media, FEICOM, Committee of local Inter-ministerial services, Technical and Financial Partners. These actors are a blend of the LC personnel, civil society and state agents of the government de-concentrated services. NACS 2010-2015, stipulates in the section on causes of corruption in the local council procurement process that, “*Multiplicity of the actors involved in the public contract system*”, “*Compartmentalization of the actors involved in the process of public contracts*” and lack of synergy between the different actors often provides a fertile ground for corruption.

Another identified representation of corruption in NACS 2010-2015 on LC public procurement process is the “**Vulnerability of Local Council personnel**”. In three sections of NACS 2010-2015, phrases are used that depict the vulnerability of Local Council personnel. In the section on manifestation and cause of corruption NACS 2010-2015 makes reference to “*Irregular payment of the low wages and the non-affiliation of councils’ agents to the National Insurance Fund*”, “*Job insecurity and excessive resort to the recruitment of benevolent staff*”, “*Poverty of staff working in the contract system*” and “*Pressure from the supervising administration on the local Council executives*” (NACS 2010-2015, pp.59-60). In the section on, diagnosis of anti-corruption action: difficulties to fight corruption, we get phrases like, “*Deep poverty and State agents vulnerability towards corruption*” and “*Lack of incentive mechanisms for honest workers*” (NACS 2010-2015 pp.62-63). Finally in the section on the analysis of the stakes in fighting corruption, NACS 2010-2015 makes reference to “*Deterioration of working conditions of state*

employees” and *“Dilapidation of physical and logistic resource”* (NACS 2010-2015, P.64). All the above mentioned statements justify the identified problem representation of vulnerability of Local Council personnel.

Corruption has also been represented in NACS 2010-2015 as **“Impunity of contracting and supervisory authorities”**. The contracting authorities otherwise known as the contract holder as stated in NACS 2010-2015, refers to the Mayor and the Government Delegate while the supervisory authority is the Senior Divisional Officer (SDO) who is the government’s de-concentrated senior administrative representative in the municipality. These are authorities who have the mandate to direct the procurement process. In its section on manifestation and causes of corruption, NACS 2010-2015 describes the activities of these authorities as *“Influence peddling of politicians, elites or the supervising authorities”* and *“Abuse of discretionary power by the contracting authority”* (NACS 2010-2015, p.59).

“Lack of awareness of the various actors on the instruments governing Local Council procurement process” is another representation of corruption in the LC public procurement process stated in NACS 2010-2015. Awareness in this case is addressed from two different perspectives. First it is considered as a problem of formal qualification as well as access to information and relevant material. NACS 2010-2015, highlights challenges such as *“Lack of adequate qualifications by Mayors”*, *“Poor information circulation”*, *“Poor strategic and managerial skills of some officials of the LCs”* and *“Lack of preparation and competence from officials of the LC to efficiently make use of the powers transferred to them”* as limitations on their awareness of the public procurement instruments (NACS 2010-2015, pp.62-64).

4.2 Question 2: What deep-seated presuppositions or assumptions underlie this representation of the “problem”?

This second question is directly linked to the first as I will be presenting the understanding that underpins the implied problem representations of corruption in the LC public procurement process as stated in NACS 2010-2015. According to Bacchi (2009), the second question seeks to identify and analyse the conceptual logics that lodge within specific problem representations and it is the next step in the WPR approach after the problem representations must have been

identified (Bacchi 2009, p.5). This includes epistemological and ontological assumptions and refers to background knowledge that is taken for granted (ibid). For reasons of coherence, I will present this analysis following the chronology of problem representation in Question 1.

Ineffective accountability systems

The presuppositions that underpin the representation of corruption as a problem of ineffective accountability systems in NACS 2010-2015 hold that, computerizing the treatment of files and establishing an E-procurement system will increase transparency and make the Mayors responsible for their actions towards their voters. The problem representation also assumes that “*establishing and setting in function the mechanism of detection and denunciation of corrupt practices in the LC*” (NACS 2010-2015, p.69), through a civic control system, will enhance accountability. The governmental rationality here is according to a western style democracy based on the notion of checks and balances but the strategy has not been very clear on how this process will be conducted. It is also not clear on how the capacities of the council staff will be upgraded to manage the digitalization process of the accounting system.

Another assumption derived from this problem representation is that, due to the longevity in service of the Chairperson and members of the Tender Board on a particular board, they become compromised by the service providers and contractors who are always ready to bribe their way into gaining contracts and that regularly renewing these chairpersons and members of the Tender Boards will break the ‘*Mafioso*’ networks and the compromised leaders will be systematically sanctioned (NACS 2010-2015 p.69). Owing to the fact that corruption is a systemic phenomenon the constant change may not necessarily imply having “good men” on the board.

Cumbersome nature of the procurement process

This problem representation assumes that there is lack of synergy between the various actors in the procurement process and this is caused by the absence of clearly defined roles amongst them. Another assumption that underpins this problem representation is organizing the rational functioning of council services which will reduce the administrative bottlenecks that cause the process to look cumbersome. It is however evident that there exist three tiers of administrative

hierarchy in the local council procurement process. First we have the council executive, secondly the supervisory authority and then other related de-concentrated government agencies. These three services often find themselves at some point in the procurement process having the mandate to perform the same task. NACS 2010-2015 does not expressly inform what kind of reform will be carried out on the council services to make the procurement process more effective.

The problem here is not actually limited to the poorly organized council services but going further to ensure that the LC is completely autonomous as prescribed in the 2004 Decentralization Laws in Cameroon will enable it to manage its affairs without the intervention of any de-concentrated government agency. This could be done by putting at the disposal of the LC the appropriate human, financial, physical and logistic resources.

Vulnerability of Local Council personnel

Society is organized in such a manner that individuals who occupy certain positions and who play a specific role, benefit from a particular social status which includes remuneration and where applicable other benefits such as housing, car or transport allowances, free water and electricity, air-conditioned offices, programmed increments and promotions, etc. that will enable them work effectively.

Through the analysis of NACS 2010-2015 it is evident that this problem representation assumes modernizing the environment and condition of work as well as adopting a grid for salary, bonus and allowance will reduce the vulnerability of council personnel. This is however not a holistic solution because even before the 1990 salary slashes in Cameroon corruption already existed though not in a large scale. This is more of a problem of violation of employee's rights and it should be noted that cheating the public does not reinstate employee rights. GERDDES-Cameroon (1999) asserts that, the salary slash, the poverty of the people and the poor conditions in which they work, can neither be the cause of, or the justification, for corruption. Corruption exists because individuals whose purchasing power has dwindled have not acquired the habit to fight for their rights (GERDDES-Cameroon 1999, pp.79-80).

Impunity of contracting and supervisory authorities

The presupposition that underpins this problem representation is that some of the contracting authorities, supervisory authorities and contractors are top political elites and very influential people in the society; they are friends with representatives of government de-concentrated agencies who ought to carry out checks and enforce sanctions in case of defaulters (NACS 2010-2015, p.59). Because of the affluence of these actors, they tend to abuse discretionary powers and are often business minded instead of service oriented. In its strategic axis 5 on stopping impunity of perpetrators of corrupt practices in the LC public procurement process, NACS 2010-2015 proposes the creation of a directory of identified forgers, speed up the treatment of complaints and denunciations and launching targeted audit and control missions, and cancelling any local contracts tainted by corruption.

Despite the existence of several anticorruption laws, there is still a serious problem with the applicability and implementation of these laws. This evokes the problem of “weak states” which Jackson (2000) refers to as “*states that cannot or will not safeguard minimal civic conditions for their population: domestic peace, law and order, and good governance...*” (Jackson 2000, p.296), one in which there is a deficiency in the implementation and in the respect of the law. This is particularly evident in that a network of personal relations links the social actors and hinders the impartial application of the law. The public procurement authority who demands gifts before rendering a service, does so with the blessing of his service head, who himself has a very solid relationship with some other person in the hierarchy of power and so on. I do not question the effectiveness of punitive action against corruption as elaborated in NACS 2010-2015 but there is the need to look beyond. It is self-contradictory how NACS 2010-2015 has identified and labeled the contracting authorities as influence peddlers, yet go ahead to invest in them the task of effecting behavioral change when it states in the section on the will to fight corruption that “*...identified Leaders are likely to successfully conduct behavior change in business and streamline the contracts award system at local level. This evolution would be taken over by contracting authorities who are Mayors and Government Delegates.*” (NACS 2010-2015, p.67).

Lack of awareness of the various actors on the instruments governing Local Council procurement process.

The problem representation that depicts corruption as lack of awareness on the instruments governing the LC public procurement process assumes that elected representatives, LC executives and the local population do not have a mastery of the public procurement process. The underlying logic here is that capacity building of the various actors and sensitization of the local population on the negative effects of corruption will lead to proper management of resources.

The local population is a key actor in the public procurement process since they are direct beneficiaries of the goods and services provided. Involving them in the project identification and monitoring and evaluation phases of projects through participative town hall meetings and an external tracking mechanism will be a very important option. Also the employment of qualified staff in the LC administration is an important first step which will ensure that the Council does not spend limited resources on constantly training its staff. In-service training is a laudable initiative but should not become a routine activity. Since much cannot be done with the qualification of the Mayor because it is an elective position, equipping him with qualified staff will go a long way to ensure greater managerial efficiency.

In his opening note that precluded NACS 2010-2015 document, the Chairperson of the Cameroon's National anti-corruption commission Dieudonné Massi Gams claims that the policy document was developed through a participatory and inclusive approach (NACS 2010-2015), but several excerpts in the section on LC public procurement attest to the fact that the designing of the policy document was inspired by a principal-agent approach to corruption. The fact that the document relates the LC procurement process to an activity between the contracting and supervisory authorities on one hand and the bidder on the other hand is very related to Klitgaard's (1988) presentation of the interaction and interrelations that exist between so-called principals (who are typically assumed to embody the public interest) and agents (who are assumed to have a preference in favor of corrupt transactions insofar as the benefits of such transactions outweigh the costs) as situated in the principal-agent theory (Klitgaard 1988).

4.3 Question 3: How has this representation of the ‘problem’ come about?

I will begin by tracing a general background of the anti-corruption efforts in Cameroon before examining and describing the origins, history and mechanisms of the identified ‘problem’ representations of corruption as stated in NACS 2010-2015 on LC public procurement process. According to Bacchi (2009), the third question seeks to conduct a genealogy and trace the history of the current problem representation. One of the objectives in this question relates to investigating the ‘history’ of the problem representation as competing problem representations exist both over time and across space. The question goes beyond the policy texts so to speak, by being interested in examining the context of the key concepts in the texts and how these have been legitimized through time and how they highlight both the political and cultural conditions “*that allow specific problem representations to gain dominance*” (Bacchi 2009, p. 11). This third question is important to ask, as it provides an in-depth insight into the power relations that influence and affect both the success and the failure of certain problem representations, but also the defeat of others (ibid.). I will begin by tracing the history of anti-corruption initiatives in Cameroon before describing the origins and mechanisms of the identified ‘problem’ representations of corruption as stated in NACS 2010-2015 on LC public procurement process.

The Penal Code (PC), is the first and main document that deals with corruption as an offence in Cameroon. Mbah (2010) asserts that, the Cameroon PC which was drawn in 1967, identifies and punishes several forms of corruption including bribery, indulgence, undue demand, compulsion of public servant, procuring influence, misappropriation of public funds and corruption of employee (Mbah 2010). The latest amendment’s to the PC which has been used during this study, was deliberated upon and adopted by Parliament then enacted into law by President Paul Biya on July 2016 and referred to as Law No. 2016/007 of 12 July 2016. According to Dibussi (2016), before Cameroon’s Parliament adopted the PC in June 2016, the document was heavily criticized by legal scholars, the Bar Council, civil society organizations and the general public because of a number of controversial provisions. Some of the provisions that were criticized were those related to; granting government ministers immunity from prosecution, along with

other provisions punishing rent defaulters, criminalizing begging and adultery, and maintaining the death penalty (Dibussi 2016).

With respect to international conventions, the United Nations Convention against Corruption is the first legally binding international anti-corruption instrument ratified by Cameroon. Mbah (2010) explains that, the convention was adopted on the 31st of October 2003 and ratified by Cameroon on the 25th of April 2004 and that the convention actually inspired Cameroon to set up the National Anti-Corruption commission (NACC) in 2006 (Mbah 2010). Cameroon has however not implemented arts. 32 and 33 of this convention, on the “*protection of witnesses and reporting persons*”. This is only reflected in art. 3(3) of NACC decree which provides for the anonymity of reporting persons and thereby affords some degree of protection to them. Cameroon criminal law takes into consideration the interests of the victim, in particular by providing for victims to join the public action as ‘*partie civile*’, (art. 157, 385 PC 2016). This does not reassure the protection of individuals who dare to expose actions by the contracting authorities which impede the accountability system. Iñaki (2016) asserts that, Cameroon “...*has signed but not ratified the African Union Convention Against Corruption*” (Iñaki 2016).

Cameroon’s current National Anti-corruption Strategy was adopted in 2010. The methodology of Cameroons National anti-corruption strategy 2010-2015 was designed by the National anti-corruption commission and approved by the Prime Minister (Head of Government), and then the policy was elaborated in a national workshop that saw the participation of over 1000 Cameroonians from a plethora of sectors in society. After its elaboration, the document was sent to government for approval (NACS 2010-2015). It should be noted that the policy document is an embodiment of several state laws and international conventions ratified by Cameroon and the strategy identifies key actors which it categorizes into; the Leading Actors who have the capacity to influence the decision-making process in fighting corruption within their respective sectors, the Intermediate Actors who support the implementation of strategic actions in fighting corruption and Recipients Actors who are the beneficiary of the anti-corruption actions.

It would have been expected that the National Assembly which is the legislative arm of

government, representing the aspiration of the people would play a key role in the policy process, like is the case of the Council of Europe which highly recommends that its Parliamentary Assembly and National Parliaments must be in the fore front of the fight against corruption (Parliamentary Assembly 2012). But this has unfortunately not been the case as Cameroon's National Assembly has had very little impact in the elaboration of NACS 2010-2015. Even if that was the case, the independence of the National Assembly is also not guaranteed because since after the introduction of multiparty politics in Cameroon in 1992, the ruling CPDM party has always retained control of the National Assembly, currently occupying 142 out of the available 180 seats while several other opposition parties share the remaining 58 seats with none of them having a parliamentary group. As a result, for most of Cameroon's history since independence, the National Assembly has done little more than approve the President's decrees.

Developed by the ad hoc committee in charge of elaborating the National Anti-corruption Strategy, the vision of NACS 2010-2015 focuses on the strategic objectives set in the Growth and Employment Strategy Paper (GESP) as well as those of the Millennium Development Goals (MDGs). It is therefore stated as follows: *"By 2015, Cameroon is a country where integrity is an essential value for every citizen, with economic growth based on a job well done, distributed equitably so as to ensure social welfare in a preserved environment"* (NACS 2010-2015). Thus formulated, the NACS 2010-2015 vision (which is a response to the aspirations and needs of Cameroonians as well as to the challenges identified in the studies and works carried out on corruption in Cameroon) was presented to participants in the workshops aimed at elaborating the strategy and it was validated thoroughly.

Ineffective accountability systems

The advent of the 21st century brought about changes in the fight against corruption which was until then, predominantly handled by local courts. Several institutions were created to combat this crime in Cameroon. Transparency International however notes that, a recurring characteristic of these institutions is the lack of financial and administrative independence of most if not all of the institutions (TI 2016) and most of these institutions require the appointment of directors

and/or board members by the President of the Republic. Cameroon counts a handful of institutions responsible for providing oversight of local council public procurement activities and investigating corruption. The very first of these was the National Anti-Corruption Observatory created in 2000 following pressure mounted on the Cameroonian government by the US State Department, the Bretton Woods Institutions and Transparency International. Lack of financial and structural autonomy marred the functioning of this institution, thereby leading to its replacement with the National Anti-corruption Commission (NACC), known by its French acronym (CONAC) in 2006.

Since its creation, NACC has led the fight against corruption mainly via investigation of corrupt officials and transmission of the reports to the Presidency to visa the prosecution of the culprits. However, directors and members of NACC are appointed and can be removed by the president, which may undermine its independence from the executive (TI 2016). Unlike Botswana's Directorate on corruption and economic crimes (DCEC) which has the powers to prosecute corrupt officials, enabling the country to feature as the least corrupt African country in 2016 (Centre for Public Impact 2018), NACC is limited to investigation and reporting.

Another institution vested with the powers of ensuring accountability of local authorities is the Audit Chamber of the Supreme Court created by the constitutional amendment of January 18, 1996 (Art. 38 paragraph 2 of Law No. 96/06 of 18 January 1996) the Audit Chamber is charged with the implementation of transparency and compliance legislation, namely by reporting obligations of public accountants of the state, public institutions, regional and local authorities, businesses from the public and para-public sector. The Audit Chamber is organized and regulated by Law No. 2003/005 of 21 April 2003.

Cumbersome nature of the procurement process

Public procurement process in Cameroon generally lacks transparency and details about government contracts and services are usually not made public. Generally contracts under US\$10.000 are awarded by individual ministries, institutions and municipal councils with little or no oversight from the National Procurement Regulation Agency (ARMP) or the Ministry of Public Procurement (Bureau of Economic and Business Affairs, 2014). There are several points

in the procurement process that, on paper, allow different agencies to control the process and consult offers on their economic and technical feasibility. This process, however, has given many more bureaucrats opportunities to solicit bribes and to hold contracts with long delays, making the procurement process arduous (Bureau of Economic and Business Affairs 2014).

Section 55 (2) of the constitution of Cameroon states that “*Regional and local authorities shall be public law corporate bodies. They shall have administrative and financial autonomy in the management of regional and local interests. They shall be freely administered by councils elected under conditions laid down by law*” (Law No. 96-06 of 18 January 1996, sec 55(2)). There is how ever a contradictory law that ensures Ministerial oversight and empowers the Ministry of Territorial Administration and Decentralization (MINATD) to carry out the preparation, implementation and assessment of government policy on territorial administration and decentralization. This includes: preparing regulations pertaining to the organization and functioning of regional and local authorities; exercising supervisory powers over regional and local authorities; and overseeing regular evaluation of the roll-out of decentralization.

There are several other national government bodies which monitor the finances of local authorities and effectively take part in the LC procurement process. These include the audit unit of MINATD, and the Directorates General of Treasury and Budget, the National Council for Decentralization (Conseil National de la Décentralisation), which is charged with the follow-up and evaluation of the implementation of decentralization, and the Inter-ministerial Committee on Local Services (Comité Interministériel des Services Locaux) which is an inter-ministerial organ for consultation, are placed under the authority of the minister in charge of decentralization. The overlapping jurisdictions between these organisms charged with procurement oversight led to, in 2014, a budget execution rate of only 34 per cent and to the overpricing of unit prices across the board (World Economic Forum & Lavin 2015) thus making the procurement process very arduous.

Vulnerability of Local Council personnel

In Cameroon, Local authorities receive block grant revenue from national government through

MINATD via its Special Council Support Fund for Mutual Assistance (Fonds Spécial d'Équipement et d'Intervention Intercommunale) (FEICOM) based in the country's capital Yaoundé with ten regional branches. GERDDES- Cameroon (1999) explains that these grants are weighted according to a council's population, surface area and other considerations. Top priorities for FEICOM's own resources include utilities and urban development. Funding is also available for the training of council staff. FEICOM also provides councils with non-financial support, including expert technical assistance, project evaluation, and other facilities. This is a vital role, given the lack of technical competence in many councils (GERDDES-Cameroon 1999). GERDDES-Cameroon further explains that FEICOM's key revenue role is the nationalized collection and redistribution of the Additional Council Tax levy (Centimes Additionnels Communaux or CAC). CAC is a 10% levy on certain categories of national taxation specifically destined for council finance. Taxes that this levy is applied to include general income tax, business tax, entertainment tax, and value-added tax. CAC revenue is collected and allocated as follows: 10% to national government, 20% to FEICOM and 70% to councils (ibid). The fragmented nature of revenue appropriation and the widely varying circumstances of individual councils have led to considerable inequalities in resources which have made it very difficult for LC's to have enough budget to invest on infrastructural rehabilitation.

In 1992, Cameroon was hit by serious economic crisis that caused devaluation of its currency and remarkable salary slash. GERDDES-Cameroon (1999) asserts that the situation literally turned Cameroonians into "beggars" (GERDDES-Cameroon 1999, p.66) as the real wage of government and contract workers dropped by 75-80% and according to Tambi (2015), this "*had a deleterious impact on civil servants motivation and fueled corruption as well as poverty and inequality*" (Tambi 2015). Civil servant salaries remain low to this day, and bribery and other malpractices are seen as methods of survival for civil servants (Baye & Fambon 2002 in Tambi 2015). Though the Labor code stipulates a minimum salary of about US\$60.00, it is very common to see a situation where LC staffs are left for several months without salaries.

The government of Cameroon, through a Presidential decree in 1990 created the National

Commission for Human Rights and Freedoms (NCHRF) which serves as legal ombudsman for Cameroon, and is charged with defending citizens' and victims' human, civil, economic and cultural rights. Iñaki (2016) asserts that the NCHRF provides legal consultancy and assistance to victims and takes up cases as prosecutor. In terms of corruption, NCHRF has a Sub-commission on Special Matters (Sous-commission des Questions Spéciales) which carries forward corruption-related cases and aims to defend victims of corruption (Iñaki 2016, p.6). The normal expectation is that council employees will direct their problems of low and unpaid wages to this commission but this has not been the case, perhaps because the population has lost faith in an institution whose members are all appointed by the President of the Republic.

Impunity of contracting and supervisory authorities

Cameroon's Penal Code (Law No.2016/007 of July 12, 2016, relating to the Penal Code, pp.50-51) makes an interesting distinction between active and passive corruption, both of which are sanctioned.

Section 134: Active corruption

(1) Any national, foreign or international civil servant or public employee who, for himself or for a third party, solicits, accepts or receives any offer, promise, gift or present in order to perform, refrain from performing or postpone any act of his office shall be punished with imprisonment of from 5 to 10 years or with a fine from CFA 200, 000 to CFAF 2 000 000.

Section 134-1: Passive corruption

(1) Whoever makes promises, offers, gifts and presents or yields to requests liable to result in corruption in order to obtain either the performance, postponement or abstention from an act or one of the favours or benefits defined in Section 134 above, shall be punished in like manner as under Section (1) above, whether the corruption produced its effects or not. (art. 134 PC).

The applicability of this law is how ever very questionable due to the friendship and party ties that have been established between the contracting authorities and the officials in charge of administering these laws.

At the end of the 1970s, Cameroon was a “strong state” because the strong personality of the President of the Republic had a powerful impact on the whole political structure of the country. GERDDES-Cameroon (1999) asserts that, as Head of State, the President of the Republic was also, the Chairman of the single party, head of the Legislature; the judiciary was in his hands since he appointed the President of the Higher Judicial Council (GERDDES-Cameroon 1999, p.62). Paradoxically, this “strong State”, almighty as it was, was also a “weak State” unable to concretely implement the proposals and intentions of the hierarchy.

President Paul Biya took over power in 1982 and has ruled Cameroon since then. His Cameroon People’s Democratic Movement (CPDM) has maintained power and is the only party with a parliamentary group thus enabling it to use state resources for political patronage, and limiting the activities of opposition parties. Egbeyong (2016) asserts that since then, the country has practically been governed on party lines. In the early 1990’s, Garga Haman Adji the then Minister in charge of Supreme State Audit and Public Service waged a war against embezzlers of state funds. According to Egbeyong (2016), Garga Haman went as far as submitting names of corrupt officials to the Presidency, requiring that they be punished. The sum of funds embezzled totaled 357 million francs CFA. The response he got was rather discouraging as his Ministerial portfolio was modified; limiting his competence to civil service and administrative reforms (Egbeyong 2016, p.1). He thus lost his authority over the Supreme State Audit. He resigned from government believing that the modification was due to his hard-line stance against corrupt officials (ibid).

The General Statute of Public Service, looking at Decree No. 94/199 of 7 October 1994, stands as the most significant text in administrative penalties. Moreover, it provides that no one can be recruited if found guilty of a lack of probity, including corruption. According to the provisions of Articles 92 and 93 of the General Statute, which constitute the "*disciplinary regime to which a public official is submitted*", the violation by an official of a "*set of rules and obligations constitutes a fault*" and exposes this public official to "*disciplinary sanction*" (Article 92 of the Statute).

Lack of awareness of the various actors on the instruments governing local council procurement process.

The training establishment for all LC officials in Cameroon, is the Local Government Training Centre (CEFAM), based in Buea in the South-West Region. CEFAM is subordinate to MINATD and trains both current council personnel and new recruits, on two course cycles. Egbeyong (2016), however explains that there is so far no statutory instrument regulating the individual status and career structure of local government personnel. This often leads to a lack of local competence on the administrative side even in large urban councils (Egbeyong 2016). The secretary-general (head of the paid staff) and other administrative and technical officials of councils are appointed by MINATD, either from among the local staff of the councils or on *secondment* from relevant ministries, in consultation with national authorities (ibid). It is practically impossible to have sufficient and qualified LC personnel when there exists only one training center to train staff for all the local councils in Cameroon.

Access to public information in Cameroon is very limited. The 1990 communications law contains a “right to know” article (Freedom House 2015), there is no national law guaranteeing access to public information. Shafack (2015) asserts that generally, information in digital or written form, is hard to access due to tough privacy regulations on the grounds of national security and, in regards to information about procurement, expensive to access information about tenders for public contracts (Shafack 2015). Furthermore, Shafack notes that digital access to government documents is difficult, as many government institutions do not publish information regularly in digital form, and when it is published the content tends to be poor (ibid).

4.4 Question 4: What is left unproblematic in this problem representation? Where are the silences? Can the “problem” be conceptualized differently?

The objective therefore of this question, is to raise and discuss issues and considerations that are silenced in identified problem representations. In the view of Bacchi (2009), this fourth question allows the researcher to begin exploring the critical potential of the WPR approach, by subjecting the problem representation they contain to critical scrutiny (Bacchi 2009, p.12).

The first section will identify and examine issues that have been left unproblematic in the representation of corruption as stated in NACS 2010-2015 on LC public procurement as well as the silences. The second section of the analysis, will suggest how the problem can be conceptualized differently.

4.4.1 What is left unproblematic?

Public participation is a very important aspect that has been left unproblematic in Cameroon's NACS 2010 on local council public procurement process. NACS 2010 identifies ineffective accountability system as one of the representations of the problem of corruption but does not expressly relate this issue as a problem of low public participation in project identification and realization. ASYOUSSED, a local NGO in Cameroon has adopted citizen participation as a way of ensuring accountability in the LC public procurement process. In its project on *“Increasing transparency in the Buea council project identification and realization cycle”*, ASYOUSSED first of all instituted a system of ‘constituency participation’ in project identification. During this process, ASYOUSSED organized community hall meetings which saw the participation of a cross section of the population and during these meetings; the population identified their own projects which were included in the Council budget through a formal letter to the Mayor and it has been institutionalized for the Mayor to request projects from the community to be included in the preparation of the council budget (Appendix D and C). ASYOUSSED went further to design an external tracking mechanism which would ensure that contracts are awarded following its laid down procedures and also enables the deliberative arm of the council (councilors) and the population to follow up on the entire procurement process (Appendix E). Landell-Mills (2013), founder and first president of Partnership for Transparency Fund (PTF) in his report on PTF’s global anti-corruption activities, asserts that “ASYOUSSED has helped to interrupt, if not break, a cycle of corrupt, secretive practices and opened the way for communities to have a voice in the procurement process” (Landell-Mills 2013, p.175).

Public participation also connotes citizens’ involvement in the process of proffering solutions to problems or taking part in the decision-making process that can erode an existing order and expose wrong practices. In the view of Fagbadebo and Ruffin, *“the inputs from the public*

environment are very crucial. Thus, citizens have a direct say in the formulation of policies that affect them through functional interaction with government agencies” (Fagbadebo & Ruffin in Sebola 2017). The African Charter on Democracy, Elections and Governance in articles 2, 3 and 4 makes it a government’s responsibility to promote the establishment of the necessary conditions to foster public participation in democratic and development processes. It goes further to describe participation in stating that the state “*shall recognize popular participation through universal suffrage as the inalienable right of the people*”. It therefore falls on the government to ensure participation for the sake of the country’s political development. Cameroon is a signatory to this charter yet public participation is still much of a problem in the procurement process.

The aspect of political will has also been left unproblematic in NACS 2010-2015. Two important representations of the problem of corruption as stated in NACS 2010 are; the cumbersome nature of the procurement process and vulnerability of the local council personnel. These two representations are directly linked to the lack of political will which has been left unproblematic. NACS 2010-2015 proposes “*Putting at the disposal of the LC the appropriate human, financial, physical and logistic resources*” and “*Adopting a grid for salary, bonus and allowances according to the cost of living*” as a way of increasing the effectiveness of local council personnel (NACS 2010-2015, p.70). In order to reduce the complicated nature of the procurement process, NACS 2010-2015 proposes increasing the autonomy of the LC and computerizing the treatment of files and services (NACS 2010-2015, p.71). But the policy fails to take into account the key role political will plays in the achievement of all this.

According to CMI (2010), lack of political will is identified as the culprit for poorly performing anti-corruption programs. The Decentralization laws were passed in Cameroon since 2004 and a full implementation of these laws will ensure the effective transfer of resources and competences from the central government to the local government sector. This will not only ensure the availability of relevant resources that will improve the lives of council personnel and modernize council structures and equipment, it will also ensure the autonomy of local government sector and authority which will make the procurement process less arduous. This can only be possible if the government of Cameroon manifests the political will to do so.

In line with the representation of corruption as lack of awareness of the various actors on the instruments governing the local council procurement process, NACS 2010-2015 has left the issue of access to information unproblematic. NACS 2010-2015 has recommended building the capacities of local representatives, council executive authorities and staff of the LC and sensitizing the population as measures to increase awareness on the instruments governing the council procurement process (NACS 2010-2015, p.69). Access to information is a core element of fighting corruption and the United Nations Convention against Corruption requires states to make information available about their activities and to engage with civil society, it increases accountability and transparency, and allows the identification and uncovering of corrupt practices.

In her anti-corruption projects with Local Councils, ASYUSED signed official partnership letters with the Mayors of these councils which enabled and empowered the organization to have access to relevant information especially those related to the procurement process (Appendix A and B). Transparency International notes that, information is a valuable resource to public authorities and that public access to such valuable information promotes transparency and accountability of these public authorities and strengthens the democratic process (TI, 2006).

Despite the importance and relevance of access to information, the right of access to information has remained a threat in Cameroon. There is no national law guaranteeing access to public information in Cameroon (Shafack 2015). In a survey carried out by Shafack (2010) on library and information science professionals in Cameroon regarding the availability of information, 66.77 per cent of respondents said it was very difficult to access the information they need for their professions, while 12.54 per cent stated they are regularly denied access to the information they need (Shafack 2015). The government has on several occasions ordered the suspension of internet services in some parts of the country notably the Northwest and Southwest English speaking regions of Cameroon. NACS 2010-2015, recommends the digitalization of the public procurement process as a step to increase awareness on the process and curb corruption. But internet shutdown like the one on January 17, 2017, in the North West and South West regions of the country that lasted 94 days (Crisis Group 2018), adversely impacts on the initiative of NACS 2010-2015.

Furthermore, corruption has been represented in NACS 2010-2015 on LC public procurement as an issue of impunity of contracting and supervisory authorities. To address this problem of impunity, NACS 2010-2015 prescribes a series of sanctions which will clamp down on perpetrators and discourage the idea of corruption. But the policy fails to take into account the weak nature of the institutions that exist in the country. In order for these sanctions as proposed by NACS 2010-2015 to be effectively implemented the country requires strong and independent institutions. Hope (2017), notes that institutions are central in the fight against corruption and a sound procurement process requires well-functioning institutions (Hope 2017, p.166). Hope further emphasizes that such institutions must have financial and administrative autonomy with budgetary allocations over which they have full management and control without prejudice to the appropriate accounting standards and auditing requirements.

Cameroon is a highly centralized system of government wherein there is virtually no separation of powers. GERDDES-Cameroon (1999) explains that the President who doubles as head of the national judicial council has the powers to appoint the president of the Supreme Court and other top administrative authorities who operate according to the whims and caprices of the Head of State. GERDDES-Cameroon adds that a network of personal relations links between the President and the executive hinders the impartial application of the law: the civil servant, who demands gifts before rendering a service, does so with the blessing of his service head and is assured that he is above the law (GERDDES-Cameroon 1999, p.152). Impunity should not therefore be considered the immediate cause of corruption in the Cameroonian context because there is impunity on one side, and the inapplicability of the law on the other side, because when the political power in place starts punishing corrupt persons as per the law, it would be sawing off the branch on which it is sitting.

4.4.2 How can the ‘problem’ be conceptualized differently?

The following section of the analysis, will suggest how the problem can be conceptualized differently. NACS 2010-2015 literarily qualifies the procurement process as an activity between two key actors, it states that;

Although public contracts are under the Authority of the Prime Minister Head of Government, the key to fight corruption is held by the contracting authorities due to the powers that are granted, and to bidders because of their economic power. The transactions that take place between these two groups of actors, although secret, are mostly reflected by demonstrations of identified corruption. It is therefore more on the leaders of this sector that the first actions shall be conducted, and their success rate is going to deeply influence the degree of corruption in the process of contracts award.

(NACS 2010-2015 p.66).

Presenting corruption in the public procurement process as such, it can be argued that NACS 2010-2015 has been designed following a principal-agent understanding of corruption. This can be further explained using Ugur and Dasgupta's demonstration of the principal-agent theory. According to the theory, the principal-agent problem stems from the assumption that that the principal (conceptualized to be the contracting supervisory authorities) and agent (conceptualized to be the bidder) have diverging interests and that the agent has more information than the principal (information asymmetry). Due to asymmetric information, the principal is unable to perfectly monitor the actions of the agent, and so the agent has some discretion to pursue their own interests (Ugur & Dasgupta 2011, p.43). Consequently, anti-corruption interventions, guided by principal-agent models, have focused on reducing the discretion of civil servants, increasing monitoring mechanisms, promoting transparency in government, supporting anti-corruption civil society groups to serve as watchdogs, and strengthening sanctions on those who engage in corruption. All these have actually been included in NACS 2010-2015 plan of action to fight corruption in the council public procurement process.

However, corruption is a canker worm that has invaded the entire Cameroonian society, cutting across all sectors. The classification of Cameroon as the most corrupt nation in the world in 1998 and 1999, made the government to adopt the slogan "*Corruption kills the nation*" and the national newspaper Cameroon Tribune among several other daily's, had a column devoted every day to corruption (Egbeyong 2018, p.2). H.E. Paul Biya in his December 2000 address to the nation noted that "*It is not an easy task, because the evil is deeply rooted in the habits due to economic crisis. The government is making many efforts to implement good governance and*

anti-corruption strategies. Some examples have been carried out, others are still to come". (NACS 2010-2015).

If corruption in Cameroon has become so systemic and drawing the attention of the entire nation, viewing it as a principal-agent problem may actually lead to a complete mischaracterization of the problem. This view is shared by Persson, Rothstein & Teorell (2013) who argue that "*insofar as corrupt behavior is the expected behavior, everyone should be expected to act corruptly, including both the group of actors to whom the principal-agent framework refers to as 'agents' and the group of actors referred to as 'principals.'*" and this brings to mind the option of thinking about the presentation of corruption in Cameroon's NACS 2010-2015 from a collective-action perspective rather than the principal-agent approach as it implies. Collective-action theorists highlight that, the theory has potentially much more to contribute to our understanding of corruption and the efficacy of anti-corruption interventions than on just the important role that a lack of intra-group trust plays in sustaining systemic corruption (Persson, Rothstein & Teorell 2013).

4.5 Question 5: What effects are produced by this representation of the "problem"?

The fifth question gives the possibility to continue with a critical analysis of corruption in the Local Council public procurement process as stated in Cameroon's NACS 2010-2015. It seeks to interrogate and scrutinize the problem representations, in order to see where and how they function to benefit some people in society and harm others, and what can be done about the situation (Bacchi 2009, p.15). Bacchi further identifies three interconnected and overlapping kinds of effects which need to be weighed up; discursive effects, subjective effects and lived effects (ibid).

Discursive Effects.

The discursive effects has links with the other Questions of the WPR approach as it seeks to identify the deep-seated assumptions within problem representations and analyze the effects it has on certain people in society (Bacchi 2009, p.16).

The identified representations of corruption in NACS 2010-2015 as a 'problem' of "impunity of contracting and supervisory authorities" and "vulnerability of the local council personnel" is

responsible for the creation of categories in the Cameroonian society. There is a clear divide between the very influential class who often play a very important role in the procurement process and the poor who are considered as beneficiaries of projects and services realized from the process. This is clearly demonstrated in NACS 2010-2015, which states that “*the key to fight corruption is held by the contracting authorities due to the powers that are granted, and to bidders because of their economic power*” (NACS 2010-2015, P65). When facing corruption, the inequalities of these two categories exacerbate. The effect of corruption is often different for a poor person and a not-poor person. Another categorization created by the strategy is that of the employed/unemployed as much attention is put on trying to reduce the vulnerability of the Local Council personnel. Though Cameroon has a relatively low unemployment rate of 4.2% and 9% for youth unemployment as per the World Bank 2018 indicators on unemployment report, statistics have proven that most of the jobs are found in the big cities while the inhabitants in the periphery mostly depend on agricultural activities. Thus the creation of more job opportunities in the local council sector could instead be a sustainable option.

The fact that the ‘problem’ is represented as “ineffective accountability systems” and the policy recommends instituting an efficient accountability system which is characterized by computerization and digitalization of the procurement process does not show any willingness of the strategy to involve the local population into the procurement process. Fagbadebo and Ruffin, among the five major importance of public participation they advance, note that informed decisions through the knowledge of the people would promote fairness and justice in policy formulation and implementation (Fagbadebo & Ruffin 2019, pp.237-238). And in a situation where the opinion of the public is not sought, those in power can continue to operate according to their whims and caprices. The idea of regularly renewing chairpersons and members of the TBs as a means of breaking Mafioso network and compromised leaders, knowing fully well that these individuals are appointed based on friendship ties and party lines, increases the vulnerability of those who are not members of the ruling Party, bringing to note partiality and dominance of a single party, hence the ‘winner takes all’ dynamics.

Subjective Effects

Basically, this second effect focuses on how the problem representation in a policy makes individuals become subjects ‘of a particular kind’ and how this affects the person’s own standpoint in the social world, how they (and ‘others’) feel about themselves and others, and ultimately, who they are (Bacchi 2009, p.16). The notion of subjectification effects presents the way in which the problem representation within policies often set groups of people in opposition to each other (ibid).

The problem representation as “vulnerability of local council personnel” which is epitomized by low wages of personnel, dilapidating physical structures and pressure on the Mayor by the supervisory authorities (NACS 2010-2015), puts into question the autonomy of the Local Council whereby the Local Council’s continuous expectation of the transfer of financial and technical competencies from the central government creates a feeling of complete dependence by those in the periphery vis-à-vis the central authority.

This lack of autonomy and independence is further reflected in the representation of the problem as “cumbersome nature of the procurement process”. It is contradictory to note that NACS 2010-2015 is proposing a decongestion of the procurement process whereas it is the same government who has instituted several of the actors such as SDO’s and other officials of de-concentrated state services who were initially intended to curtail the powers of the elected Mayors who were in some cases members of the opposition party. This situation puts into question the implementation of Cameroon’s Decentralization process as Banlilon et al. note that, preliminary field studies and evidence demonstrate that the concept of Decentralization in Cameroon is still shallowly appreciated with little or no impact on the local citizenry and the municipal and sub-divisional councils. This is so because in the wake of its practical implementation little deep-seated changes have been made on curbing the great influence of its restrictive francophone centralized, pyramidal and “Jacobin” administrative model of administration which minimizes the powers of elected local authorities via its ‘recentralization’ tendencies and the ubiquitous and overbearing supervision tutelage by appointed administrative authorities (Banlilon et al. 2012, p.99).

The Mayor of the council feels disillusioned and loses legitimacy in the eyes of the population since he is no more answerable to the electorate but instead to the supervisory authorities creating some kind of unequal power relation and loss of social trust. According to Fawcett and Wardman (2008), a wide range of corporate failures aided by corruption has brought ethical governance into a sharp focus because corruption decreases institutional and state trust, and could remain so if there are ineffective anti-corruption policies and procedures to arrest it especially when citizens' interests are involved (Fawcett & Wardman 2008, p. 123).

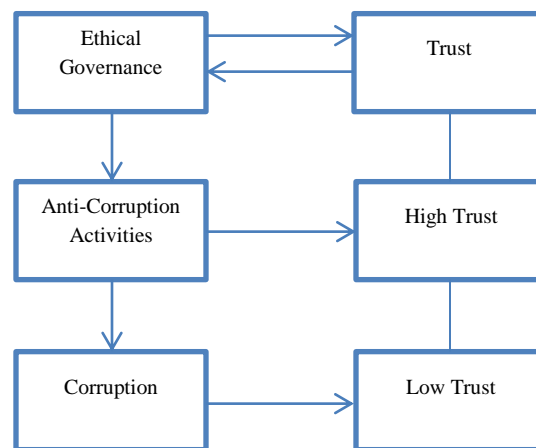


FIGURE 1 Trust and ethical governance in anti-corruption context.

Lived Effects

The concept of lived effects demonstrates the direct impact of the problem representation on lives of the people targeted by the policy. In other words, the notion of lived effects seeks to highlight and describe the ways representations of problems in policies can have effects in ‘the real life’ by materially affecting our lives (Bacchi, 2009: 18).

According to the African Economic Outlook (2012), agriculture remains the backbone of Cameroon's economy, employing 70 percent of its workforce, while providing 42 percent of its GDP and 30 percent of its export revenue (AEO 2012). Cameroon's agricultural system is mostly subsistent and carried out in the interior villages that fall directly within the administrative jurisdiction of the local councils. The 2014 World Bank indicator on employment

per industry shows that 58.7% of women in Cameroon are involved in Agriculture. The World Bank collection of development indicators shows that Cameroon has a 49.96 % female population in 2017, approximately 12.02 million, while the male population amounted to approximately 12.04 million inhabitants (WB 2018). In Cameroon, the frequency of women as beneficiaries of goods and services provided by the Local Council procurement process such as farm to market roads, markets, water, schools and hospitals is higher than men, thus when the provision of these goods and services is hampered by the corrupt actions of some actors in the procurement process the women suffer more. It is rather ironical that very little is said about women in NACS 2010-2015, the policy paper only mentions a gender approach in its introductory paragraphs when it stipulates that *“In the different sequences of the elaboration of the NACS, the gender approach, that highlights the specific needs of men and women in fighting corruption through concepts such as equity, the promotion of equal opportunities between women and men, the fight against social exclusion, was taken into account”* (NACS 2010-2015). But its sectorial elaborations especially in the public procurement, contains no explicit or implied binaries regarding men and women and it suffices to say that NACS 2010-2015 is not a holistic policy due to its silences on gender considering the important role women play in the Cameroonian society.

Since the Local Council is the agent of development nearest to the people, they have the mandate to provide basic goods and services. The representation of corruption as an issue “of impunity of contracting and supervisory authorities” connotes the fact that even when the provision of goods and services are disrupted by the corrupt practices of the influential contractors, the local population who are the primary beneficiaries remain the most vulnerable, missing out on the goods and services and not being able to sanction defaulters. This situation is further emphasized by ASYOUSSED during their anti-corruption project with the Buea council, when the organization identified several uncompleted projects in the municipality yet council financial records showed that the contractors had been paid complete funds for a fully realized project (ASYOUSSED 2012).

4.6 Question 6: How and where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been and/or how can it be disrupted and replaced?

At this stage of the analysis, Bacchi notes that it is appropriate to think about the means through which particular problem presentations reach their target audience and gain legitimacy and the question builds on Question 3 of the WPR approach which directs attention to practices and processes that allow certain problem representations to dominate (Bacchi 2009, p.19).

This representation of the ‘problem’ has been produced following a clarion call by the Prime Minister (PM) of Cameroon in line with instructions from the Head of State for the country to implement policies that will project the country in its ambition to become emergent by 2035. NACS 2010-2015 asserts that the PM identified corruption as a common enemy that may drown Cameroons hope for prosperity and a common happiness (NACS 2010 p.8). The anticorruption strategy was developed by the government as a measure to better synchronize the activities of actors involved in the fight against corruption. The task was accorded to NACC, which engaged over 1000 participants from diverse social strata in twenty national workshops throughout the country and these workshops were guided and structured around the trilogy of; mobilization, participation and commitment (ibid p.12). The fundamental tool used in developing the sector based anti-corruption strategy was referred to as “PRECIS” and was composed of five key elements of; prevention, education, condition, incentive and sanction (ibid p.26). According to NACS 2010-2015, the major constraint and difficulty encountered in the elaboration of the strategy has been the limited time allocated. The activity lasted only three months and this can be contrasted with similar exercises in other countries that required an average of twelve months to be completed (NACS 2010-2015, p.29)

Similar to other important state information, this representation of the problem has been disseminated mainly through state media Cameroon Radio and Television (CRTV) and also the lone government newspaper the “Cameroon Tribune”, which has a column devoted every day to corruption related issues (Egbeyong 2018). The dissemination is very limited to the public, perhaps because Cameroon does not have any existing Right to Information Act that gives the

population legal access to information. Though it was planned that the dissemination of NACS 2010-2015 will be done through the internet from websites of NACC and other partners for the general public to make contributions (NACS 2010-2015), it is worth noting that most websites of state institutions have very limited information on important state issues and documents, and when they existed at all it is usually in the French Language which is not very helpful to the English speaking minority. Freedom of expression and of the press is guaranteed in the constitution but this is literally in theory because Cameroon is ranked at a low 133 out of 180 countries, with a score of 39.63 by the World Press Freedom Index 2015, and is considered “not free” (TI 2016).

Communication in Cameroon is overseen by the National Communication Council (NCC) whose executive members are appointed by the President of the Republic, and this organ uses various mechanisms to censor journalists investigating corruption. The NCC has the ability to sanction media outlets and can legally ban journalists for exercising their professions, journalists who investigate or are critical of the government have been known to be censored or arrested for committing libel (TI 2015).

Disrupting or replacing the current representation of the problem is actually a bone of contention. Taking into consideration the above discussed principal-agent approach to corruption used in designing the NACS 2010-2015 it becomes almost impossible to disrupt the order especially in a country like Cameroon which is suffering from systemic corruption characterized by a 38 years old regime whose surrogates are bent on consolidating power. Disrupting the order will require very strong institutions which will have the power to operate in complete financial and administrative independence, characteristics that are not very common with authoritarian regimes like that of Cameroon. It is thus incumbent on the civil society and other grassroots organizations to reverse the top-bottom mode of operations to ensure that the voice of the local population is heard. Despite governments limitation on how civil society operates, evident in her non respect of laws on freedom of assembly and association as enshrined in the constitution, local NGO’s and civil society organizations still have the opportunity of relying on technical and financial assistance from donor organizations. Lessons on how local NGO’s can disrupt and replace the problem can be learned from the ASYOUSSED experience.

CHAPTER V: CONCLUSION

Based on the data which has been gathered and analyzed in this thesis, it is safe to say that corruption is a systemic problem which has been generalized and institutionalized in Cameroon. The authorities speak a lot about the problem but act very little, a situation which is very understandable, given that the present political system thrives and survives on corruption. Over the years, several legal and institutional measures have been put in place to combat this problem with little or no success. According to the National anti-corruption commission the public procurement sector is one of the most affected areas and the local council public procurement process is even more vulnerable.

The overall goal of the thesis was to problematize Cameroon's National anti-corruption strategy 2010-2015 on corruption related to the LC public procurement process with the aim of understanding the implicit representation of this phenomenon, which enabled me identify and elaborate on the issues that have been left unexamined, so as to make the policy more encompassing in its efforts to reduce corruption. This was done with a guide from Carole Bacchi's "*What's the problem represented to be?*" (WPR) approach to policy analysis.

Using the WPR approach, five representations of corruption were identified in NACS 2010-2015 on local council public procurement process including; ineffective accountability system, cumbersome nature of the procurement process, vulnerability of Local Council personnel, impunity of contracting and supervisory authorities and lack of awareness of the various actors on the instrument governing local councils empowerment process. WPR approach through its six interrelated questions, enabled me to examine the assumptions that underlie the representation of the 'problem', trace their genealogy and identify aspects that have been left unproblematic in the policy while exposing the effects of the representation of the 'problem' and propose ways by which the representation can be disrupted and replaced.

It was observed that NACS 2010-2015 was designed using a principal-agent model of corruption which has proven to be limited and subjective owing to the fact that not all principals are principled enough and always willing to punish corruption and hold agents accountable for their

behaviors. Since research proves that corruption in Cameroon has become a systemic problem that affects the entire society, looking at corruption from a collective-action perspective, rather than from the principal-agent perspective, is a more practical way of appreciating the situation in Cameroon since the collective-action approach advocates for a collaborative and sustained process of cooperation between stakeholders in the fight against corruption. This increases the impact and credibility of individual action, brings vulnerable individual players into an alliance of likeminded organizations and levels the playing field between all the actors in the procurement process. Collective-action can complement or temporarily substitute for and strengthen weak local laws and anti-corruption practices. The thesis went further to identify other aspects such as public participation, political will, access to information and institution strengthening which have been left unproblematic in the problem representation.

Finally, the thesis proposes that, to actually make the fight against corruption in the LC public procurement process effective as it is wished and demonstrated in the NACS 2010-2015, it is incumbent on the government to exercise strong action oriented political will which is going to strengthen all its institutions especially those charged to fight corruption with greater financial and administrative autonomy as a more effective step to curb corruption. But in the situation where this is not workable especially a case like Cameroon characterized by an authoritarian regime bent on consolidating power through a highly centralized system, it will only take the intervention of a well-organized and robust civil society to disrupt the situation by mobilizing a more inclusive and collaborative action against corruption like has been the case with ASYOUSSED-NGO in the Buea council. Therefore, the logics underscoring collective-action theory and principal-agent theory should not be considered as mutually exclusive and competing but should rather be seen as usefully complementary in designing an effective anti-corruption strategy.

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