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**PAPER PRESENTED ON THE OCCASION OF AN INFORMATIVE  
SESSION ON THE FIGHT AGAINST THE PROLIFERATION OF  
SMALL ARMS IN CAMEROON.**

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**OUTDATED LAWS AS IMPETUS FOR ILLICIT  
PROLIFERATION OF SMALL ARMS AND LIGHT  
WEAPONS IN CAMEROON**

**By**

**NGALIM E. NYUYDINE**

# Outdated Laws as Impetus for Illicit Proliferation of Small Arms and Light Weapons in Cameroon

By

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Like in many other parts of the world, the proliferation of small arms and light weapons in Cameroon is a complex one. The simple reason being the fact that the laws regulating these weapons are outdated. As a result, there is still a lot of ignorance about small arms and their misuse by those who possess them. In the same light, in spite of the production and circulation of small arms, no statistics exist on the amount of these weapons in Cameroon. Yet one thing is clear, that the amount in circulation is in abundant. The location of Cameroon in the Central African Sub-Region is very strategic, since she is surrounded by countries involved in armed conflict. This means that while these small arms are used by most of these countries around Cameroon for the destabilisation of the regimes in place, in Cameroon the arms are mostly used by gangs, armed robbers and during ethnic conflicts. This of course has led to a precarious security situation in Cameroon.

This insinuation ties with Koffi Annan's, Millennium Declaration on Small Arms;

*The proliferation of small arms is not only a security issue but also a human rights and development issue. The proliferation of small arms supports and aggravates armed conflicts. They put in danger, agents, for the maintenance of peace and humanitarian workers. They fragilize the respect of international humanitarian law. They put in danger, the legitimacy of weak governments and profit terrorists and other organized crimes.<sup>1</sup>*

In the same light, in a statement to the UN Security Council during its open debate on the subject of small arms, Koffi Annan had this to say;

*Small arms are easy to buy, easy to use, easy to transport and easy to conceal. Their proliferation exacerbates conflict, sparks refugee flows, undermines the rule of law and spawns a culture of violence and of development, democracy, human rights and human security<sup>2</sup>*

Critically examining Koffi Annan's statements, it is undisputable that his examination and conclusions on the proliferation of small arms and light weapons could be applied to almost all the countries in the world. Never the less, many countries are working on improving legislations prohibiting the production, circulation, importation and detention of small arms in their countries. Unfortunately, in Cameroon, the greatest impetus to the illicit proliferation of small arms and light weapons is the law (decree) binding them, which of course is outdated when one considers the current danger of small arms in terms of peace and security.

The law binding these arms in Cameroon dates back to 1973: This 1973 law was itself an amendment of both the 10 September 1920 decree determining firearms in Cameroon and the Firearms Ordinance N° 7 of 1958<sup>3</sup>. The Decree N° 73/658 (22 October 1973) was aimed at regulating the importation, sales, transfer, detention and holding of firearms and ammunition in Cameroon. According to this

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<sup>1</sup> Koffi A. Annan, "Millennium Declaration, 2000."

<sup>2</sup> United Nations, *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects*, New York, July 2001, p.29

<sup>3</sup> Decree n° 73/658, *regulating imports, sales, holding and detention of fire arms and amunition*, 22 October 1973.

decree, firearms and ammunition are arms of the second and third categories. These include; revolvers, pistols, arms for trade and hunting (Dane guns). These weapons were stipulated by the decree when it was promulgated, but today, due to improvement in technology, many sophisticated small arms circulate and are used in Cameroon. Some of these sophisticated small arms may include; machine pistols, VZ 61, AK 47 Kalashnikov, AKM- modernised version<sup>4</sup>, sub machine guns, and rocket propelled grenades.

According to the 1973 Presidential Decree on Firearms or small arms, these weapons are classified according to Article 2 of the same decree in the following categories.

- Arms and ammunition of war;
- Arms and ammunition of defence;
- Arms and ammunition for hunting and ;
- Arms and ammunition for trade.

Following the classification of these arms and ammunition, one will easily understand that the decree gives room for individual possession of all the above named weapons.

According to Article 6 of this decree, arms and ammunition are under the direct control of the Minister of Territorial Administration. This means that the permission to either buy the arms within Cameroon, or import them (their parts and components), is granted by the minister. As such, for any person to possess these arms, he must have been issued a Certificate by the Minister of Territorial Administration. Article 7 of this same decree stipulates that the recognition of the Certificate to own arms is blessed by a prefectorial order, in the jurisdiction where that individual resides. To support Article 6, which gives power to the Minister of Territorial Administration to control these arms, Article 17 states that in the case of death of a gun owner, the gun of the deceased must be deposited at the Sub-Prefect's Office by the successor of the deceased, in a maximum of thirty days. If failing to do so, the firearm will be confiscated as the illegal possession of the gun is a crime according to Article 20. Equally, according to Article 14 of the decree, those in possession of a firearm are supposed to pay an annual tax for the firearm.

Unfortunately the loopholes are found in this same Article 14. According to Article 14(2) some categories of people or guns are exempted from taxes. These include:

- Arms belonging to the State
- Revolvers and pistols belonging to uniformed men (soldiers, police men, custom officers, prison guards etc) in service and reserved officials.
- Guns of honour given by the Administration to traditional chiefs and notables in compensation for their services, and finally,
- Firearms in stores and warehouses that have not been put to use.

The issues that puzzles in Article 14(2) are the arms owned by the State, military men in service, reserved officials and traditional chiefs. This is because no statistics exist on the number that are in circulation. Of course this gives way for easy access by armed robbers and gangs.

Above all, the decree does not regulate the production of these arms. It is worth mentioning that the production of local guns (Dane guns), which are considered as arms for hunting and trading is on the rise.<sup>5</sup> This is witnessed in the Northwest and West Provinces of Cameroon. Due to technological advancement, some of these locally produced guns have become sophisticated, and could now be compared to other modern small arms, like the automatic pistols, AK 47, sub machine guns, rifles, carbine and hand guns. Equally, some of the latest locally produced guns could be triggered more than ten times as opposed to the old ones which were triggered only once or twice.

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<sup>4</sup> Jacob, Enoch Eben, *Mission report on " Researching on Small Arms," South Africa, May 26 – 27, 2003, p3.*

<sup>5</sup> *Apart from hunting and trading, Dane guns are used in the North west and West Provinces as traditional instruments for rituals. They portray the manhood of a gentleman, and so it is obligatory for a grown up man to possess one. In most lineages and Fondoms , it is obligatory for those heading the lineages and fondoms to possess them. Equally during funeral ceremonies, cultural manifestations and other important events the guns are obligatorily used to grace the occasion.*

Most light weapons, including bazookas, rocket propelled grenades, light anti-tank missiles, light mortars, shoulder-fired anti-aircraft missiles and hand placed landmines, alongside small arms in general, do not require complex training or expertise to operate. This makes them suitable for insurgents; irregular forces, criminals and gangs, which lack the formal infrastructure of a professional army.

The introduction of these small calibre weapons, according to military historian John Keegan, changed modern warfare. One of the most widely available weapons, the AK- 47, which has sold an estimated 55 million copies since its introduction into the Soviet army in 1947 can be stripped and reassembled by a child of 10 years, while a semi-automatic handgun, such as the Cobray M 11/9, weighs sometimes less than a kg<sup>6</sup>. This improve technology therefore facilitates the non-discriminatory use of immensely powerful and dangerous weapons by the civilians.

To aggravate the situation of the proliferation of small arms in Cameroon, in September 1997, the national assembly adopted bill number 623/PJL/AN on the private security companies, later promulgated into law by the President. According to Section 1, Article (3) of this law, the setting up and maintenance of private militia is prohibited throughout the territory. Also under Section 8, those in active service in the forces of law and order, the prisons administration or any public security body are prohibited from being employed as guards in any of these private security companies<sup>7</sup>.

Even though this law does not give room for private militia or those in active military service to become guards, the law says nothing about dismissed military officers and retired military officers. Today it is these personalities, who master the use of the gun, that train those to be recruited in some of these private security companies. Equally, it is some of these guards that are sometimes leaders of gangs involved in orchestrating gun violence in our societies. A case in point is the "coupeurs de route" syndrome in the Great North, where most of them are either retired or dismissed soldiers.

In the same light, according to this law, Section 13 (1) stipulates that security establishments and companies may, in carrying out their activities, have the following: basic communication equipment and protection and alarm equipment. According to this same Section 3 (2), the possession and use of the following equipment is prohibited: vehicles provided with revolving lights, sirens, colours and number plates likely to create confusion, by day and night between those of the public forces of law and order and diplomatic corps<sup>8</sup>.

Unfortunately this section does not officially determine the nature of communication, protection and alarm equipment. In fact some of these security companies possess equipment more sophisticated than those of the regular forces of law and order. Consider the damage such private security companies could do if they decide to plunge the state into violence, in the name of providing security for the establishments they are serving.

Even though Section 3 of this law prohibits the use of conventional weapons by these private security companies, the law says nothing about the use of small arms by these companies. Delicate weapons in the name of poisoned knives, spears, cutlasses and bow and arrows are used frequently on innocent citizens by the guards of these companies. Above all, since the 1973 decree gives the prerogative for citizens to own guns, most security companies have taken advantage of this, influencing the amount of circulation of small arms and light weapons in Cameroon.

Today, the loopholes in the 1973 decree that gives room for massive production and circulation of local weapons has contributed greatly to the illicit proliferation of small arms and light weapons in Cameroon. It is for this reason that the greatest amount of arms held by gangs and armed robbers,

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<sup>6</sup> Christopher Louise, *"The social impact of light weapons availability and proliferation," paper No. 59, UNDP, Bulgaria*

<sup>7</sup> Law n° 97/21, *Relating to private security companies; September 10, 1997, p.4.*

<sup>8</sup> 11; *bid.* p.5

notably the 'Coupeur des routes' in the Great North of Cameroon, the numerous armed robbers in Yaounde and Douala, the Yaounde-Bamenda High way robbers and the armed robbers of the Sabga Hill of the North West, use mostly these locally manufactured guns.

Again, as a result of the loopholes in the decree binding small arms in Cameroon, there has been a tremendous increase in the amount of insecurity in some of the major cities in Cameroon. In research carried out by Eko, Ekouma, Zephirin and Tjega titled 'Diagnostic of Urban Delinquency in Yaounde,' more than 60% of the statistics of assassinations are done in the metropolitan towns like Yaounde and Douala. Of course this happens when armed robbers in possession of small arms break into homes, shops, banks and other financial institutions located in these cities.

According to the above researchers, insecurity always looms around car owners, since seizing of cars by bandits is a prominent phenomenon in most of these cities. For example in 1999 in the city of Yaounde, about 292 vehicles were seized by armed robbers. Out of this number, 136 were seized in December 1999. In 2000, 238 vehicles were seized and out of this number 127 were seized in the month of December.<sup>9</sup> Sometimes while using the gun to intimidate victims these hold ups of vehicles are followed by rapes: in the city of Yaounde, about 12% of aggressions are followed by rapes. It should be noted that even women in uniform are not spared from these rapes.<sup>10</sup>

Due to the misuse of these weapons by criminals, and because of the loopholes in the law regulating small arms in Cameroon, many people have fallen victim to this syndrome. To mention a few cases:

- Reverend Father Anthony Fonteh, the Principal of Saint Augustin's College Nso, who was assassinated in May, 1990;
- Magistrate Nzie assassinated in his home in Tongola, Yaounde in 2001;
- Commissioner Garoua of the Bamenda Mobile Police Wing assassinated in 2001;
- Inspector of Taxes, Atangana Patrice assassinated in 2001;
- Reverend Brother Anton Probst, assassinated on 24 December 2003 in Akono some 60 kms from Yaounde;
- and the shooting of three innocent citizens (Mate Marie-Louise, Soho Ibrahim and Tioue Daniel), in Fouban, on 17 March 2004 by a Police Officer in reaction to self defence.

On 13 April 2004, two gendarmes, Bertrand Bekilé and René Kong in an opened fire with some coupeurs de route, at the axis between Touboro-Mbaiboum in Mayo-Rey of the North province were killed in cold blood<sup>11</sup>. Again in the night of Monday 31 May at 9pm, in the village of Koza II, in the district of Touroua of Nyong subdivision of Benoué division in the North of Cameroon, a group of 20 thieves, armed with guns, cutlasses, poisoned knives etc, all Bororos raided 9 villages, destroyed 123 houses and stole 15 cows<sup>12</sup>.

What one may want to find out is who are the persons that practice this profession of armed robbery that has been so much involved with the use of small arms and light weapons. The type of people involved in this profession include; thieves, ex-convicts, taxi drivers, private security militia and other clandestine drivers. According to Eko, Ekouma, Zepherin and Tjega, about 37% of taxi drivers in Yaounde are involved in assaults. Uniformed men (soldiers, police men and prison guards), and dismissed uniformed men form another group of persons involved with the holding and misuse of small arms.

Today, a significant amount of small arms are in circulation with the above categories of persons, not only because of the law that allows for the local production but also because of foreign influence. This

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<sup>9</sup> Eko Engoubou Paul , Emini Ekouma, Zepherin, Yon Tjega 'Diagnostic of Urban Delinquency in Yaounde' October 2001, p.20.

<sup>10</sup> Ngwa Azombo, Simplicite Laurent, 'Military Young Lady raped by gun men,' in Cameroon Tribune, August 21, 2001 p.12.

<sup>11</sup> Marthe B. Bassomo, "Hommage à deux vaillants gendarmes," in Cameroon Tribune, April 27, 2004, p.12.

<sup>12</sup> Gregoire Djarmaila "Une razzia fait neuf morts a koza II" in Cameroon Tribune, June 3, 2004, p.15.

is more particularly as a result of the porous nature of the Cameroon frontier that favours clandestine influx of small arms. This is the case of rebels involved in armed conflicts and refugees from the neighbouring countries. At the moment, more than 6000 refugees are resident in Cameroon. Also, the failure of the policy of reinsertion and demobilisation of ex-soldiers or militia by some of these neighbouring countries contributes to the influx of small arms in Cameroon.

In spite of the fact that Cameroon has not yet officially improved on its laws regulating the illicit proliferation of small arms, as stipulated by the 2001 UN Programme of Action, some ministerial departments have put in place techniques and methods to fight the illicit traffic of these arms. Some of these includes; defence, territorial administration, delegation of national security, the general direction of external research and the custom service.<sup>13</sup>

Since 2000, Cameroon has created specialised units for the fight against criminality, traffic and the use of illicit small arms and light weapons. These units includes;

- At the level of the police, the GSO (Groupement Special d'Operation or Special Operations Grouping).
- At the gendarmerie, there is the GPIGN (Groupement Polyvalent d'Intervention de la Gendarmerie National or National Gendarmerie Multi-dimensional Intervention grouping).
- Within the army there is the BIR (Bataillon d'Intervention Rapide or Rapid Intervention Battalion). BIR covers three regions of the country. The first region includes; Centre, South, and East Provinces with the base in Yaounde. The second region includes; Adamawa, North and Extreme North Provinces with the base in Gauoua. And the third region includes; Littoral, West, Northwest and Southwest Provinces with the base in Douala.<sup>14</sup>

Equally, operational centres with the gendarmerie are previewed. The centres function day and night with regular telephone contact. Three of these operational centres have been put in place. These include; Yaounde, Douala, and Bafoussam. Apart from the above, the police operation codenamed 'Harmathan,' permits regular raking for the collection of illegal arms.

In conclusion, in spite of the above efforts by the Cameroon government, they are still not enough efforts to have a rapid impact on the illicit proliferation of small arms and light weapons. There is need for a complete reform of the 1973 decree that gives room for the illicit proliferation of small arms in Cameroon. Such a reform, probably by the national assembly will elaborate a national policy and give facts and statistics on the circulation of small arms. It will permit the creation of a permanent structure for the censor of these weapons. Also, such a legislation will help to reinforce the control system and detection of small arms at the frontier level. This will mean a special training of the frontier police, gendarmerie and custom officers on how these arms could be detected. Such a legislation will make it possible for the collection and voluntary remittance of these weapons by those who are illegally holding them. The legislation could also help to pave the way for the control of the circulation of arms in the hands of the uniformed men, who are supposed to keep them at their offices after work. Furthermore, the legislation could lead to a severe repression of all armed criminals, and finally the legislation could openly and legally involve civil society in the struggle against proliferation of small arms.

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<sup>13</sup> *Cameroon National Report on the putting in place of the action program of the UN conference on the commerce on illicit small arms in all its aspects, May 2003*

<sup>14</sup> *ibid.*

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