

ABSTRACTS

Corruption and the Future of the Public Service in Africa

By *Joseph R.A. Ayee*, Legon

The legitimacy of the public service in Africa has been severely eroded by corruption. Corruption has led to a diminution of public image, confidence and trust in the public service because it has undermined common occupational criteria such as professionalism, efficiency, meritocracy and responsiveness. The paper identifies the causes of corruption in the African public service. They include the difficult task of insulating politics from the public service, the disruptive nature of the reforms being imposed on African countries, the weakness of the remedies against corruption, which these reforms embody and the alarming abuse of immense state and discretionary power conferred on public officials.

To minimize the incidence of corruption, the paper recommends that African governments must endeavour to improve conditions affecting "political software", with attention on issues such as improper policies, unqualified or unmotivated personnel, ineffective supervision and illegitimate laws and regulation rather than the current emphasis on "political hardware" such as methods and organizational structures used to improve administration. Furthermore, African governments must seek to evolve a civic-virtue, that is, the respect for "publicness" and community.

Will to Power and Power Resources of Latin American Parliaments

By *Agustín Ferraro*, Buenos Aires

The poor performance of the parliaments in several Latin American countries has been often pointed out in the literature. Most critics agree that parliamentary practice has a typical shortcoming in the region: It is merely "reactive" or "obstructive", i.e., the parliament/congress tends not to develop an agenda for public policy discussions of its own but just to act as a "veto player" of the executive. This reactive or obstructive parliamentary power must not be underestimated, of course: It provides an essential check for an otherwise over-mighty presidency. Nevertheless, several reasons speak for the necessity of improving the ability of parliaments in Latin American democracies to a) contribute to public police and b) scrutinize the public administration. The main thesis of the present

paper contends that the deficiencies in these two areas are closely related and that they are the result of inadequate conceptions of parliamentary instruments and procedures. The parliaments, being thus willing to exercise more ample powers, often lack the necessary expertise to pursue their goals. In order to support this argument and propose some essential reforms, a comparative perspective on the methods of parliamentary work is assumed. Three different parliamentary practices, which are respectively characteristic for the USA, United Kingdom and Germany, are discussed and compared to parliamentary practices in Latin American countries.

The Problem of Discrimination against Women: The Case of Cameroon

By *Monique-Aimée Njandeu*, née Mouthieu, Ngaoundéré

In spite of great strides made during the past fifty years to foster the recognition of women's rights at international, regional and national levels, discrimination against women remains a global scourge.

In Cameroon for example, although several cases of discrimination against women are enshrined either in laws or in customs, there also exist other forms of non institutional discrimination which involve debatable cases of discrimination associated with the acceptance of the law or reservations in implementing the law.

However, this discrimination is very strong in family law, at professional level and in the qualification of certain offences.

It stands to reason, that the best way to check discrimination against women is not only to call on all States to include the right to equality in their constitutions, but also, and foremost, that they equip themselves with efficient protection mechanisms to guarantee such rights, following the equality "integrated approach" which pools together a greater number of actors and integrates society as a whole.

The Powers of the President of the Republic of Cameroon to Maintain Public Order: Reflections on the Foundations of the Legal Order

By *Jean de Noël Atemengue*, Ngaoundéré

Cameroon has come to independence in a context of civil war. Hence, the government's priority was to preserve the stability of the State. For this purpose, public (or legal) order has to be absolutely maintained. This mission is initially and for the main part, devolved to

the President of the Republic, the head of State, who acts here by using his “administrative police attributions”.

The “doctrine” usually thinks that the presidential action named above should always be carried on in respect of juridical fundamentals (that is: constitution, legislation and regulation) established before this action. But this conception does not reflect the reality of the functioning of a state.

In fact, the necessities of maintaining order are so vital for a state that it would be pure illusion to limit the foundations of the juridical order to constitution and legal rules only: one must also take necessity into account.

Saying that, it is clear that, during many decennia, the President of Republic’s action regarding public order had for main objective the preservation of an authoritarian system and then the “politisisation” of public order resulting in heavy damages for human rights in Cameroon.

Mindful to the democratisation process now carried on in Cameroon, the orientation arising should lead to the whole juridical order being regulated by the “principle of juridicity”, the justices controlling that process with more rigour.