

REPUBLIC OF CAMEROON

Peace – Work – Fatherland

REPUBLIQUE DU CAMEROUN

Paix – Travail – Patrie

SPEECH

BY

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MINISTER OF STATE,

**MINISTER OF JUSTICE, KEEPER OF THE SEALS OF
THE REPUBLIC OF CAMEROON**

ON THE OCCASION OF THE SOLEMN OPENING OF THE

**31st CONGRESS OF THE INTERNATIONAL
CONFERENCE OF BAR ASSOCIATIONS OF
COMMON LEGAL TRADITION**

YAOUNDE, 7 DECEMBER 2016

The Representative of the President of the Senate,
The Representative of the Speaker of the National Assembly,
The Representative of the Chief Justice of the Supreme Court,
The Representative of the Procureur General of the Supreme Court,
Distinguished Ambassadors,
The Heads of Diplomatic Missions and Representatives of International Organizations,
The Representative of the Secretary General of the International Organization of *La Francophonie*,
The Permanent Secretary of the Organization for the Harmonization of Business Law in Africa (OHADA),
Honourable Members of Parliament,
The Representative of the Government Delegate to the City Council, Yaounde,
Senior Judicial and Legal Officers,
Mr. Cyrille DJIKUI, Chairman of the International Conference of the Bars of Common Legal Tradition,
The President of the Cameroon Bar Association,
The Presidents of Bars, Members of the International Conference of the Bars of Common Legal Tradition,
The President and Vice-President of the General Assembly of the Cameroon Bar Association,
The former Presidents of the Cameroon Bar Association and Bar Associations of friendly countries,
The members of the Bar Council of the Cameroon Bar Association,
The Chair of the National Order of Notaries Public,
The Chair of the National Order of Bailiffs and Enforcement Agents,

Dear Advocates,

Your Excellencies, distinguished Conference Delegates,

I would like first of all, on behalf of the President of the Republic, **His Excellency Paul BIYA**, Patron of the 31st Congress of the International Conference of the Bar Associations of Common Legal Tradition, to wish you all a warm welcome to Yaounde.

I am particularly honoured and I am happy to speak on the occasion of the solemn opening of this Congress.

I extend my warm greetings to all Conference Delegates.

I also extend my greetings to **Mr. Georges NAKSEU**, Representative of the Secretary General of the International Organization of *la Francophonie*, whose presence here honours us.

I would also like to extend the warm greetings of Cameroon's judicial family to you, distinguished Presidents of Bar Associations, members of the International Conference of the Bars of Common Legal Tradition.

Let me also extend the congratulations of the Government to the President of the Bar and members of the Cameroon Bar Council for the efforts made to organize this meeting in Yaounde.

Lastly, I would like to assure all advocates participating in this Congress of the availability of the Government of the Republic to ensure them a most pleasant stay in Cameroon.

Dear Conference Delegates,

This is the third Congress held in Cameroon since the launch of your Association in 1985.

From the look of things, it really seems to me that Cameroon is one of the few countries to host your Congress several times.

Thus, I wish to particularly express our profound gratitude to the Secretary General of the International Conference of the Bars of Common Legal Tradition and to the organizing teams.

We know how much the late Secretary General, President Mario STASI, may his soul rest in peace, was fond of African countries. We express our utmost gratitude to this great man and wish him profound peace.

We have noticed that President Bernard VATIER's team, that took over from him, is keeping the same momentum and we thus sincerely encourage him.

This regular choice of Cameroon is a clear signal of the confidence that the members of the International Conference of the Bars of Common Legal Tradition place in my country.

I would like to seize this opportunity, once more, to wish you, on behalf of the President of the Republic, the Government and the People of Cameroon, a pleasant stay in Cameroon.

Dear Conference Delegates,

As you know, Cameroon, is a bilingual country as manifested by its official languages, English and French.

Cameroon is attached to its biculturalism and dual legal system.

We are, therefore, proud to participate in major regional or international gatherings where English or French are used, in order to preserve and promote the coexistence of both systems in a unified and original judicial practice, which will be the mark of Cameroon in the community of Nations.

Distinguished Conference Delegates,

The theme you have chosen for this 31st Congress is:

"THE RULE OF LAW IN THE FACE OF NEW SECURITY CHALLENGES: MYTH OR REALITY?"

What is more topical than this issue?

The Rule of Law, in the current evolution of the world, cannot be considered a myth.

The Rule of Law is a reality to be constructed and which is constructed every day in all countries in the world. Even though each State adopts its own pace, this process is gradual and irreversible.

The Rule of Law, however, is challenged by myths such as fundamentalism and fanaticism, an intellectual construct, that results in behaviours, that compels the State to deal with new security challenges.

These new security challenges that fanatic groups impose on States all over the world have become a reality.

In fact, we are faced with two realities: the Rule of law which is being laid down and the new security challenges to be taken up by States.

These are two coexisting yet contradictory realities.

They are two opposing but complementary concepts because, in the event of insecurity, the Rule of Law assumes its full responsibility by protecting persons, property and its sovereignty, without departing from the requirements attached to its obligations as Rule of Law.

How can this challenge be tackled?

To what extent can a country, be it Rule of Law, that is a victim of acts of terrorism, implement protective, reprisal and eradication mechanisms against the phenomenon while respecting the principles and the requirements of the Rule of Law?

The issue is even more serious because the war imposed on our States by the terrorism is not based on any specific rules, agreement and treaty.

The terrorist does not have the same perception of "crime" let alone "war crime" as we do.

More so, he uses civilians, both as targets and instruments of destruction, everywhere.

Faced then with this tremendous challenge, what place should we give to the fundamental principles enshrined both in the Constitution of our States as well as many other international legal instruments to which we have adhered and which are included in the Bamako Declaration?

It should be recalled, that it was in the Year 2000, in Mali, one of the most affected countries, that Member States of *la Francophonie* undertook, in the Bamako Declaration, to promote, in all circumstances, the emergence and fulfillment of the Rule of Law in our respective Nations.

Obviously at that time, we did not have any facts that could enable us understand the impending scale of terrorism.

Ladies and Gentlemen, dear Conference Delegates,

This objective appeal to us requires appropriate responses.

To my mind, there could be two types of responses:

- ❖ political response; and
- ❖ technical or legal response.

At the political level, permit me to recall that the Constitution of the Republic of Cameroon provides for the protection of fundamental rights and freedoms.

This unambiguous stand on the safeguard and consolidation of the Rule of Law is clearly stated in Government's policy implemented under the supervision of the Prime Minister, Head of Government and the supreme authority of the President of the Republic, **His Excellency Paul BIYA.**

In fact, this is expressed in the Growth and Employment Strategy Paper published in 2010.

The Document asserts the protection of fundamental rights and freedoms in the Administration's daily action.

All the other Institutions, especially Parliament and the Judicial Power are also bound to scrupulously respect these core values.

The war imposed on us by the terrorist sect *BOKO HARAM* has not altered this firm position taken by Cameroon.

It must, however, be noted that this political response alone cannot handle the issue at stake, especially as the use of legal instruments to curb terrorism necessarily results in restriction of the enjoyment of fundamental freedoms, without, however, providing the appropriate solution.

It is therefore mandatory to find a legal solution that will better suit the prevailing situation of our societies.

Cameroon found a solution through its Law on the repression of acts of terrorism and it is hoped that this Law, among others, is a suitable response to the current situation of our society.

That said, who can, other than you, **Ladies and Gentlemen, Dear Advocates, Dear Conference Delegates**, better analyze and make the most relevant suggestions to our States on these issues?

Everyone should respect the Rule of Law.

Everyone should respect the Human Rights and dignity of the person; the physical and moral integrity of each human being.

Everyone should respect the right of defence.

Everyone should respect the rights of the victim and especially the memory of those whose lives we have been unable to preserve.

And above all, everyone should respect the sovereignty, security and integrity of our States.

Most simply still, simply, very simply, everyone should simply respect the law.

In this regard, your Congress brings together the most eminent Experts on the matter from Member States of *la Francophonie*.

You therefore understand the importance the Government of Cameroon attaches to your conference and to the results of the scientific deliberations you will carry out for three days, here in Yaounde.

Dear Conference Delegates,

Permit me to repeat that it is a great honour for Cameroon to host this session. Be aware that like my country, all member States of the International Conference of Bar Associations of Common Legal Tradition have great expectations on the conclusions of your discussions that will unquestionably have a universal impact.

While wishing your deliberations resounding success,

I solemnly declare open the 31st Congress of the International Conference of Bar Associations of Common Legal Tradition.

I thank you for your kind attention./-