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General Introduction

Citizenship education is a vast field that includes a wide range of philosophical, political, social and ideological perspectives, and of pedagogical approaches, goals and practices. At the most abstract level of discourse, there is a general consensus that the main purpose of citizenship education is the development of good democratic citizens. In terms of implementation, which includes educational policies, curriculum development and pedagogical strategies, this purpose is expressed in different ways. Indeed, like other educational fields, citizenship education has **conservative and progressive orientations**.

While citizenship education practices are situated somewhere along a continuum between these two orientations, they tend to gravitate towards one or the other. The **conservative orientation to citizenship education** privileges on the reproduction of the existing socio-economic order. From this point of view, capitalism and democracy are perfect complements and it would be impossible to conceive of one without the other.

From this perspective, citizenship education should accept existing social structures, develop moral character and ensure social cohesion. Good citizens are conceptualized as good producers, good consumers, and good patriots. Representative democracy is the ultimate model, and voting is the most important expression of citizen participation.

The **progressive orientation to citizenship education** privileges on societal transformation and social justice. This tradition identifies an inherent tension between capitalism and democracy, as the former generates inequalities and exclusion, and the latter attempts to reduce them. Among its purposes are to nurture critical analysis, political engagement and cross-cultural respect and understanding. Citizenship education should be primarily concerned with the development of active, informed and critical citizens who can participate effectively in civic life and in the affairs of the state. From this perspective, citizenship education should examine gender, race and class structures, promote social justice and diversity, and prepare citizens for inclusive political processes of deliberation and decision-making.

In the spirit of contributing to this conversation, we would like to advance six propositions for citizenship education in the twenty-first century. These propositions attempt to bring together some of the concerns, visions and strategies that are being discussed by progressive citizenship educators around the world.

➤ ***Six Proposals For Twenty-First Century Citizenship Education***

1. From passive to active citizenship

The first proposition is that citizenship education should not only promote passive citizenship, but also active citizenship, which is about revitalizing democratic public life, including school life. The development of informed citizens is a necessary but insufficient condition for the development of democratic societies. Citizenship education should nurture well-informed citizens who are also caring, responsible and engaged, and have critical thinking skills.

2. From national citizenship to planetary/ecological citizenship

The second proposition is that citizenship education should foster allegiance to the Earth as a single community. This does not mean to ignore the relevance of national identity and sovereignty, particularly in the current context of neoliberal globalization, neocolonial dynamics and unilateralism. For instance, Cameroon's status as a sovereign state allows it to protect its universal healthcare and to take a stand in support of peace in the face of pressures to go to war. However, we should also consider that important issues such as peace, human rights and environmental degradation are global in scope and must be addressed collectively and cooperatively.

3. From recognizing cultural diversity to fostering intercultural societies

The third proposition is that citizenship education should deepen existing multicultural approaches by fostering the development of intercultural societies. Multiculturalism constituted a great improvement over the previous educational emphasis on the assimilation and acculturation of immigrants and indigenous peoples.

4. From preparation for the public sphere to inclusiveness

Our fourth proposition is that a twenty-first century model of citizenship education should overcome the private/public dichotomy, promoting democracy and inclusiveness in public spaces as well as in families, workplaces, unions, and other institutions, which are typically considered private domains. Following insights from

feminist political theory, a twenty-first century conceptualization of citizenship should recognize women to play male politics.

5. From fundamentalism to peace-building

The fifth proposition is that citizenship education for the twenty-first century should move away from fundamentalist ideologies and instead help to build a culture of peace. Two pillars of fundamentalism are manicheanism and self-righteousness. Manicheanism is framed on a “good versus evil” mentality, and self-righteousness rests on the dangerous illusion that our view of reality is the only one. Today, in a context of increasing militarization, occupations, terrorism, civil wars and genocidal acts, it is urgent for citizenship education to advance pedagogical strategies to promote cooperation, dialogue, and a sustainable peace that is based on justice.

6. From school-based citizenship to learning communities

The sixth proposition is that citizenship education for the twenty-first century should expand its horizons, both in terms of curriculum content and pedagogical spaces, from an almost exclusive focus on schools, to the creation of inclusive learning communities engaged with a curriculum of life.

It implies nurturing democracy in schools, so that teachers and learners can practice democracy everyday instead of merely talking about it. This proposition also implies broadening the spaces of intervention, including many out-of-school sites that are not always considered as pedagogical spaces.

CHAPTER ONE:

UNDERSTANDING CITIZENSHIP EDUCATION AND OTHER RELATED CONCEPTS

Citizenship education contributes to increase knowledge and participation of students in their community. Education is always acknowledged as a means for combating diverse societal problems. It is also widely attributed as preeminent in fostering attitudes, knowledge and skills of citizens. The educational system has a societal responsibility to produce good and responsible citizens, who understand, respect the constitution of the state, democratic values, human rights and norms put in place by the responsible organs; develop attitudes for research and community services; develop a sense of citizenship to participate in and contribute to the development of the community and the country.

I. Reasons for studying citizenship education

- It awakens national consciousness and love.
- It propagates international friendship and cooperation.
- It helps to promote cultural awareness and foster national understanding so that we can live in harmony in a heterogeneous society like ours with varied languages, religious practices, dressing, etc.
- It trains citizens to be conscious of their political rights and be ever ready to defend these rights against any external aggressor.
- It aims to train good, dedicated and loyal citizens.
- It aims to teach good public morals and values.
- It aims at cementing national unity.
- Inform people about the society they live in and how they can interact with the government.
- Enable citizens, especially young professionals to be good, honest, loyal, patriotic and committed to principles.
- It will help develop a spirit of nationhood, and of being one another's keeper in the context of community, nation or country.

II. The Significance of Citizenship Education

The advantages of citizenship education are varied and include:

- Build new literacy skills necessary for gathering information to make reasoned decisions on critical issues affecting the country.
- Increase volunteerism and work on community issues.
- Enhances democratic accountability of elected officials.
- Improves government transparency.
- Increase voting and discussion of politics in the homes.

This course is necessary to a country like Cameroon with about 280 ethnic groups and about 300 different languages. Even though we belong to diverse ethnic groups, religion, political parties, and speak different languages, we must first of all see ourselves as pertaining to nation building which has one destiny.

II. Understanding Citizenship

A citizen is a person who legally belongs to a country and has the rights and protection of that country. He is one who lives in a particular place and enjoys rights and privileges of a freeman. He is a native or naturalized person who owes allegiance to a government. The means by which we determine whether a person is a legal member of a particular State is called citizenship. At the formal level, citizenship simply denotes to the network of relationships between the State and the citizen.

Generally, the concept of citizenship varies from society to society, depending on the place, the historical moment and political organization. Although differences may exist, there are common elements such as rights, duties, belonging, identity and participation one can find in definitions of the term. As such, citizenship refers to the rules regulating the legal/formal relations between the State and the individual with respect to the acquisition and loss of a given country's nationality.

A. The acquisition of Cameroonian citizenship or nationality

Citizenship right was one of the human rights guaranteed to individuals by the Universal Declaration of Human Rights adopted in 1948. According to Article 15 of the declaration, "everyone has a right to a nationality" and that "no one shall be arbitrarily deprived of his nationality."

The primary methods for acquiring Cameroonian nationality are to wit: birth, marriage, naturalization and territorial acquisition. However, the most common method is Birth which is obtained through two criteria: *jus sanguinis* and *jus soli*.

Cameroonian law places distinction between children born ‘in marriage’ (legitimate child) and children born out of marriage (illegitimate child), notwithstanding, for majority purposes of nationality, individual must be 21 years. Jus soli comes into play depending on the location of birth, the soil on which a child is born.

1. Nationality by birth

The easiest method of becoming a Cameroon citizen is to be born from two parents both of whom are Cameroonian Nationals. Equally, a child born legitimately to at least one parent of Cameroon nationality is also eligible to claim Cameroon nationality. It’s necessary to consider national by birth through Jus sanguinis and jus soli as follows:

a. Jus Sanguinis

Jus sanguinis is a latin phrase meaning ‘right of blood’. This means an individual can become a citizen or national of a state by right of blood. In this case, the individual’s nationality depends on the nationality of the parents. That means that you are a Cameroonian because both or either of your parents is a Cameroonian. Proponents of this principle based their argument on the idea that, a child through the teachings he receives from his parents develops a natural allegiance for his country and partakes of its culture and tradition.

b. Jus soli

This is the law of the soil. This means that if a Cameroonian has a baby in a foreign land where this principle is used, that child is accepted as a citizen of that land where he/she has been born (e.g. USA, FRANCE), there are many Cameroonians who are married and have had children. These children according to Jus soli are citizens of the country by birth.

2. Nationality by marriage

At the moment of marriage, a foreign woman may request and acquire Cameroon nationality if she is getting married to a Cameroonian husband. This method of acquisition is subject to the government approval as the government may prevent the acquisition of Cameroonian citizenship by some persons.

3. Nationality by Naturalization

This is another way by which a person acquires citizenship or nationality. This depends on the number of years a person has spent in the country of which he/she wants to become a national. There are also certain immigration policies that bestow on individual citizenship of a country; eg, the US DV – lottery, the Canadian lottery, Australian lottery etc...

Cameroon nationality can be acquired by foreign citizens who have met minimum residency requirements in Cameroon. A person seeking Cameroonian nationality must have been resident for five consecutive years and whose main interest is based towards Cameroon. The acquisition of nationality in this regard is subject to government decree and thus needs governmental approval.

4. Nationality by territorial acquisition

Another method of acquisition of nationality operates through territorial acquisition. When the government gains additional territory to the already existing one, then the inhabitants of the newly acquired area will obviously gain Cameroonian nationality. An example is the case with the Nigerians who resided at the Bakassi Peninsular before the signing of the Green tree accord in 2006.

The signing of this accord (Green tree Accord) between President Paul Biya of Cameroon and President Olesgun Obasanjo of Nigeria apportioned the Bakassi Peninsular to Cameroon, thereby making it possible for some Nigerians settling to acquire Cameroonian nationality. The Green tree Accord was signed on 12th June 2006 to reinforce the International Court of Justice verdict of 10th October 2002 giving ownership of the Bakassi Peninsular to Cameroon as well as pronouncing on the long boundary line between Nigeria and Cameroon.

B. Loss and termination of Cameroonian citizenship

There are three ways in which Cameroonian nationality can be lost or terminated; this could be as a result of acquisition of foreign nationality, voluntary renunciation of Cameroonian nationality and government decree.

1. Acquisition of foreign nationality

Any individual who voluntarily acquires the citizenship of another country shall automatically lost Cameroonian nationality. The manner of dictating that any Cameroonian immigrant who becomes a naturalized citizen of a foreign country automatically loses Cameroonian nationality.

2. Decision of government

Any Cameroonian may lose their nationality if he or she continuous to work in an international or foreign body despite government injunction to resign it. For Cameroonian citizens who have gained nationality through marriage or naturalization within the previous 10 years, the government may revoke that nationality by decree if the individual committed a criminal act against state security, or even more broadly defined charge of 'acts harmful to the interest of the state'.

3. Renunciation of former Nationality

Cameroon nationality law also allows for an individual of Cameroon to willfully renounce that nationality. The example provided in the 1968 – LF –3 is that of an individual who gets married to a foreigner and renounce Cameroon nationality by acquiring foreign citizenship through that marriage.

III. The concept of Dual Nationality

➤ The meaning of dual Nationality

Dual nationality, also referred to as multiple nationalities, is the legal status held by a person simultaneously in two or more States. It can be acquired at birth in connection with naturalization of immigrants in their country of residence or with the reacquisition of nationality of expatriates or ethnic minorities in their homeland.

Thus the term multiple nationalities refers only to the legal status in several States and does not specify the rights and obligations a person holds vis-à-vis the state of second or third nationality where the person does not currently reside. Some States distinguish between citizenship that can only be held by residents and nationality that may also be held by expatriates but without granting any political rights. For migrants or and those in diaspora, dual citizenship has several meanings. The original passport is a symbol of membership of another State than that of residence. This is why a demand for renunciation of the other citizenship in relation with naturalization poses a real obstacle especially for first generation migrants.

IV. Rights and Duties of a Citizen

The constitution and other legal status stipulate the rights and duties of citizens. Those obligations which the state owes for the citizen are the rights of the citizens. Human rights fall under three broad categories.

➤ First Generation Human Rights

➤ Second Generation Human Rights

➤ Third Generation Human Rights

These categories have been broken down in the preamble of the 1996 Constitution of the Republic of Cameroon as follows:

1. Every person shall have the right to settle in any place and to move about freely in Cameroon;
2. Nobody may be compelled to do what the law does not prescribe;

3. Every person has a right to life, to physical and moral integrity and to human treatment in all circumstances;
4. Freedom of religion and worship shall be guaranteed;
5. Freedom of communication, expression, of the press, of assembly, of association and of trade unionism, as well as the right to strike shall be guaranteed;
6. The right of ownership;
7. The right of the child;
8. The right to work; the right to vote are also guaranteed

What the individual owes the state is called his duties or obligations. There is no government that can survive when its citizens refuse to perform their duties. The cooperation of the citizens is an essential ingredient to the success of any government. At all times government needs the financial, human, moral and political support of her citizens to be able to promote welfare. Some of the duties of citizens include the following:

1. All citizens shall contribute to the defense of the fatherland
2. All citizens shall pay taxes
3. All citizens shall obey the laws governing the state
4. A citizen should respect the national symbol and be honest and just in all his/her dealings
5. No citizen should interfere with the rights of other citizens.

Limitations to civil rights include age limits as regards participation in elections. Certain personalities are barred from holding elective offices. However, there are certain duties not explicitly demanded by the law; for example, a citizen is not compelled to vote.

Rights, Privileges and Obligations of Students

For students to achieve their goals in the university, they are entitled to some undeniable rights. For the university community at large to facilitate the attainment of these goals, students owe the university some obligations in exchange for some privileges which the institution offers. According to the University of Student's Guide, the rights, privileges and obligations of students are as follows.

➤ RIGHTS

1. The right of membership to the university community;
2. The right to receive tuition in the course for which they are duly registered;
3. The right to be examined in accordance with the approved rules and regulations governing the award of degrees and or diplomas;
4. The right to be heard in accordance with the rules governing the fundamental rights of freedom of speech and natural justice.

➤ **PRIVILEGES**

1. The privilege of using the name of the university to protect themselves in all honesty and lawful transactions;
2. The privilege of using university facilities to enhance the attainment of their ultimate objectives in the university;
3. The privilege to be certified at the end of their degree program at the university upon satisfaction of the requirements;
4. The privilege of receiving medical care on campus within the limits of the available resources provided they have duly registered at the University Health Unit;

➤ **OBLIGATIONS**

Consequent upon the rights and privileges the university confers on students as members:

1. Observe the rules and regulations governing academic programmes such as registering for courses as well as sitting for examinations at the appropriate times;
2. Respect and obey constituted authorities of the university;
3. Show consideration for the other students and for staff of the university;
4. Treat all university property with care;
5. Observe rules and regulations of the University Halls of Residence if they live in one or when visiting the same;
6. Treat premises which they may rent off-campus in a responsible manner and observe the rules and regulations governing such premises;
7. Abstain from doing anything whatsoever that can bring the name of the university into disrepute or embarrass its authorities;
8. Pay fees at rates as determined from time by the university authorities.

➤ **The Relationship between Citizenship Education and Related Concepts**

Civics is related to other concepts; concepts which if well considered will enhance positive conduct. They include;

1. Moral education

It deals with the study of moral habits, standards of behavior and the principles of right and wrong. It teaches us virtues like truthfulness and honesty in life.

Morals are defined as standards for which behavior is considered right or wrong. It is important to note that morals differ between individuals and cultures, and that an individual's morals change throughout their life time as they mature and their relationships with the environment and the people around them change.

The notion of morality is subjective in nature. It could be understood as an individual's approach to questions of right or wrong. It is a complex system of general principles and particular judgments based on cultural, religious and philosophical concepts, beliefs and practices. Morality is important in three dimensions;

- To ensure fair play and harmony between individuals;
- To help make good people and as consequence to have a good society;
- To keep us in good relationship with the power that created.

2. Moral consciousness

Consciousness means knowledge and awareness. It is therefore the knowledge of what is right or wrong, of good and evil.

3. Justice

It is the model of accountability and answerability which encourages fairness in the punishment and remission of wrongs. It is the process or result of using laws; adjectival and substantive to fairly judge and punish crimes and criminals. This is done in the various courts of the country ranging from the courts of original jurisdiction, courts of appellate jurisdiction, and courts with special jurisdiction. Justice means the guarantee of the rights of the accused. It centers on principles such as presumption of innocence inscribed in Cameroon criminal procedure code. It also means that the interest of the victim is protected and the wellbeing of the entire community is enhanced.

4. The rule of law

This demonstrates equality before the law. It is a fundamental principle of good governance as it indicates that all persons, private as well public, private and state institutions are guilty before the law. This is in conformity with international norms. It also entails that no one is above the law. The rule of law means the absolute predominance or supremacy of ordinary law of the land over citizens, for example the constitution which is the states Grundnorm is respected obligatorily by all the citizens.

V. Civics Responsibility

Civic responsibility is comprised of actions and attitudes associated with democratic governance and social participation. Actions of civic responsibility can be displayed in advocacy for various causes. By advocating social issues or environmental concerns, people strengthen their commitment to their community as well as to their own individual. Some attitudes related to civic responsibility include the intention to serve others, the belief that helping others is one's social responsibility, and the tolerance and appreciation of human differences.

Students enrolled at institutions of higher education have the opportunity to transform their social interests into advocacy through personal connections with the community. Higher education has been commissioned to teach the values of a democratic society. These democratic values honor individual diversity, the common good of the larger community, and the active enterprise of social improvement.

VI. Child adoption law in Cameroon

The notion of child adoption is the social, emotional, and legal process by which a child who will not be raised by his or her birth parents become a full and permanent legal member of another family while maintaining genetic and psychological connections to his or her birth family. The steps to adopt a child in Cameroon are very strict as a result of child trafficking as it is the case in other countries. Therefore the steps to adopt a child in Cameroon must be engaged by a family solicitor and the entire adoption procedure must be done in strict compliance of the law and regulations in force.

A. Procedure for child adoption in Cameroon: capacity of the parties involved

The procedure of adoption is one which really serves as succor and relieve for potential parents hit with the inability to procreate and it is equally a godsend opportunity for deprived children to grow up in a reliable and dependable environment so as to ensure their education and general wellbeing.

For the greater part, borrowed from French Law, the procedure for adoption in Cameroon is recorded in sections 343 to 370 of the Civil Code and in section 41 of Ordinance No. 82/02 of 29 June 1981 modified on May 6, 2011, to organize Civil Status Registration in Cameroon. We shall, for better understanding of the procedure for child adoption in Cameroon, define same from the perspectives relating to the capacity of the parties involved, the requisite formalities to be respected and the competent jurisdictions to be sought.

➤ **Conditions as to the Adoptive Parents**

1. In principle, adoption is a prerogative awarded to all persons of either sex who should have attained at least 45 years of age and more.
2. It can also be sought by both spouses to a legitimate marriage, married for at least 10 years within which, they should never have been legally separated or divorced and one of the spouses must have been more than 35 years of age.
3. The adoptive parents, by the day of the adoption, should not have borne any legitimate nor natural children and there must be a 15 years difference between the adoptive parents and the adopted.

The aforementioned conditions may seem very rigid, but they have been moderated by International Conventions ratified by Cameroon, which her national jurisdictions usually apply, especially, when it concerns the sole interest and well-being of the child (the adopted). This position is clearly held and expressed in Article 3 of the United Nations Convention on The Rights of The Child as follows; ***“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.”***

Similarly, it should be retained that, whenever an adoption puts the well-being and interest of the adopted child at the forefront, the National Tribunals, most often apply the dispositions of the aforementioned Supranational Convention which are

supplier, rather than those of the Civil Code which, by all standards, appear to be stringent. Added to these legal exigencies, the adoptive parents shall show evidence of sufficient income, either by producing pay slips or any other fiscal document to that effect.

➤ **With respect to the Adopted child**

1. All natural persons can be adopted, irrespective of their sex, race or primogeniture.
2. The natural parents of the adopted child, if still alive, must freely manifest their consent(s) in the affirmative to the adoption either in the judgment pronouncing same or by a notarized deed sworn before a notary public.
3. In the event where the parents are legally separated or divorced, the aforementioned prerequisite of consent shall be reserved to the parent having and exercising the right of custody of the child in question.
4. Equally, if the minor to be adopted is an orphan of both parents, such consent shall be emitted by the family council or by the charitable organization which had been taking care of him.
5. **As concerns foreigners, there must be a minimum residency.** While there is no requirement that the prospective adoptive parents reside in Cameroon before being matched with a child, the Cameroon Ministry of Social Affairs may require prospective adoptive parents to travel to Cameroon for a bonding period of at least 3 months to get acquainted with the child to be adopted.

B. Other conditions

1. Competent jurisdictions

In Cameroon, besides modern Civil Jurisdictions there also exist Traditional courts which apply the traditions and customs of the parties which seek its competence. It should however be retained that, foreigners are not eligible to bring matters before these jurisdictions. Meanwhile, a foreigner who wishes to adopt a child shall file his or her application before the High court having competence over the domicile of the parents of the child to be adopted.

2. Time limits

Despite all other remedies at law, which in cases of adoption are rarely sought, the procedure lasts averagely for six (6) months. Appeals to adoption matters shall be done within three (3) months from notification of the judgment, under pain of being time-barred. As regards the effects of adoption, they differ depending on whether it is simple or plenary, which in either case will constitute a distinct study.

CHAPTER TWO: THE STATE OF CAMEROON

A State refers to an entity composing of population, defined territory, government and sovereign authority. Population consists of the physical base for the existence of the state. The authority of the state is manifested on space. A state occupies a portion of space in the world. The state has monopoly over the legitimate use of violence according to max weber.

I. Functions of the State

The state has and performs many functions. Make currency, declare wars, create military branches, sign treaties with foreign nations, make post office and stamps, make laws to support the constitution, create courts, stating and collecting taxes, building highways, constructing health institutions and services, constructing necessary infrastructure, creating financial institutions and providing policies to better the standard of citizens. The individual owe several obligations to the state viz; respect public order and policy, respect state institutions, desist from immoral acts.

II. Organs of the State

The constitution of 1996 has reinforced the principle of separation of the different powers in the State and equally the requirement of collaboration between them. Also the emergence of the constitutional council which regulates conflicts between different organs has marked a process of modernisation within Cameroon. In this light the State of Cameroon has a bicephal executive, a bicameral parliament and to an extent an independent judiciary.

1. The Executive power

The executive power in Cameroon has two authorities at its head; the President of the Republic who is the Head of State and the Prime Minister Head of Government.

The president of the republic is elected by direct universal suffrage for a mandate of 7years renewable. In case of vacancy, he is being replaced for a period of time by the

President of the Senate. Politically and criminally irresponsible while carrying out his functions, the president presides over the Higher Judicial Council of Magistrates and he is assisted in his work by different teams of collaborators such as the Secretary General, the Civil Cabinet, and Director of Presidential security. The president of the Republic equally ensures the continuity of the State and represents the State internationally. He is the head of diplomacy and he accredits ambassadors, he is the head of armed forces, negotiates and ratifies treaties which can be bilateral or multilateral.

Moreover, the President is vested with considerable powers over the government, the civil service, the judiciary, the legislature and authority to regulate the state of emergency. The exercise of those powers has also been facilitated in practice by the fact that the President's party retains an overwhelming and largely disciplined majority in parliament.

The government is a structure which is under the control of the Prime Minister Head of government. His role is to ensure the cohesion of the cabinet. This role of the prime minister manifest at every stage in the existence of the government; that is the formation of the government by the president rests on the proposition of its members by the prime minister which ensures the control of the government. He engages the responsibility of the government before the parliament.

2. The Legislative power

Legislative power in Cameroon is exercised by the parliament which is made up of two houses that is the national assembly and the Senate. The national assembly is made up of 180 members elected by direct universal suffrage for a mandate of 5years renewable whereas the senate is made up of 100 members of which 70 are being elected by indirect universal suffrage while 30 are being appointed by the president of the republic. The main function of the parliament is to enact and adopt the laws in the country. The national assembly and the senate play a great role in realising this function.

3. The Judiciary

The main function of the judiciary in Cameroon resides around the interpretation and application of the laws made by the parliament. The judiciary ensures the enforceability of laws before the law courts. The judicial power in Cameroon is exercised by the Supreme Court, the court of appeal and other tribunals. The judicial

power benefits from guarantees of independence which permits it to efficiently carry out its missions. This independence is proclaimed by the constitution and guaranteed by the president of the republic who nominates and sanctions magistrates after the notice of the Higher Judicial Council of Magistrates. The judicial power has been considered as an important pillar in the consolidation of the rule of law in Cameroon because it entertains disputes between citizens and equally between the citizens and agents of the State (Administrative Courts).

III. The elements of the State

A State consists of four elements; a certain number of people, a territory, the government capable of exercising authority within the State and sovereignty.

1. Population of the State

There is no state without a population. It is the human element of the state which for long has been assimilated to a nation. In constitutional law, the population is assimilated to a nation. We cannot give a universal definition of a nation. There are two propositions which characterise a nation; firstly, the objective proposition defines a nation taking into consideration objective elements such as ethnicity, race, religion, culture etc. The second proposition is the subjective criterion which supports the idea that a nation is created by a voluntary will. In other words, a nation is created by the free will of the people who decide to live together because they share a common destiny.

The state is a human community which consists of nationals and foreigners. Nationals are those who possess the nationality of the given state which is the basis of their citizenship.

2. Territory of the State

There can be no state without a territory for it is the space which is delimited by boundaries. There are three types of territories; terrestrial, maritime and Arianne territories.

The territory is the place in which the state exercises its jurisdiction or competences over the population. It should be noted that the history of boundaries has been marked by conflicts. In other words, certain states most often encroach on the territories of other states. This has been one of the causes of wars between states. For example, the conflict between Cameroon and Nigeria over the **Bakassi Peninsula**. This

dispute was settled by a decision of the International Court of Justice which was delivered in October 2002. The modalities for the execution of the decision were laid down in the Green Peace Accord which was signed on the 12th June 2006 by the Cameroonian and Nigerian Presidents in the presence of the UN Secretary General.

3. Government

The organised political power or the government is responsible for the making of laws or the rules and imposing their respect for the state. We say here that the state has normative political power. It defines certain norms which are imposed on individuals.

4. The Sovereignty of the state

Sovereignty is equivalent to absolute independence. In effect a sovereign state is independent of other states. It is not also subordinated to any other entity within the national territory. The state is qualified as the highest power of commandment or the supreme power within the national territory. Sovereignty has become the main pillar of public law. Sovereignty has three permanent characteristics: firstly, it is absolute, secondly it is perpetual and finally it is indivisible.

In its relationship with other states, a sovereign state is not subjected to any obligation which it does freely give its consent to be bound. Independent and sovereign states are governed by the principle of equality. However, the sovereignty can be voluntarily limited by a treaty or by adhesion to an international organisation such as the UNO or the AU. In this case, community integration is a barrier or an obstacle to the classical conception of sovereignty.

IV. Public Property And Public Service: Properties of the State

They are considered as all things susceptible to appropriations which permit the public administration to realize the missions of the public service. Collective goods should be contrasted with private goods. The enjoyment of private property can be forbidden from those who do not provide a consideration for it. Public goods or collective goods are non-excludable and non-rival goods in that the enjoyment by one person does not affect the other. People who benefit from public goods without paying are commonly called 'free riders'. Public goods are provided through taxation and other collective means.

Public property refers to assets which falls within the public domain and also serve the general and public use of the society. They are therefore assets includes within the patrimony of public administrations either because they are subject to public use or because they are subject to public administration.

➤ **Characteristics of public property**

1. Non transferable

The public assets belong to the administration. Although an assignment can be made with them, the change of ownership on this type of property is not allowed.

2. Inalienability

This principle of inalienability was consecrated by l'Edit de Moulins in 1566. The principle of inalienability means property belonging to the public domain is not for sale by whosoever as long as it remains in the public domain of the state.

3. Imprescriptibility

Imprescriptibility is linked to inalienability. It prohibits acquisition of property of public domain by prescription (prolong possession). Generally, this principle falls on private persons who fail to claim property from a bona fide user for at least 30 years then the latter can acquire the property by prescription. But this is not usually the case with public domain as it does not apply to any property where the administration is the owner.

4. Unattachable

This prevents the forceful seizure of the property of public domain. This means that the property of public domain cannot be seized. These principles assure the protection of the public domain as well as its utilization.

➤ **Types of Public Property**

They are two types to wit; artificial public domain and Natural public domain, to be considered here after.

1. Natural public domain

The natural public domain constitutes of maritime public Domain and water ways and shores (maritime et fluvial) and terrestrial and air public domain. (Art 3 of Ord. 74/2). This is the natural public domain without human intervention to modify it.

2. Artificial public domain

It is that part of the public domain that has been attached to the land but has been transformed by human hands to suit the purpose for which it was destined for. A road is a good example of the artificial public domain. Other examples include Dams, public taps, public hospitals destined to satisfy general interest as against private interest. A feature can be incorporated in the public domain and can equally be excluded from public domain. See art 18 of the 1974 ordinance of 6 July 1974 fixing the regime for landed property. This exit from public domain is done by an act of declassification.

CHAPTER THREE:

GOOD GOVERNANCE AND THE FIGHT AGAINST CORRUPTION, ELECTORAL SYSTEM AND CONSTITUTIONAL CHANGE IN CAMEROON

I. Good Governance

A. Definition of good governance

The concept of good governance as coined today is not a new one. Governance itself is the decision making process and the process by which such made decisions are implemented. Governance can be seen to be used in areas such as cooperate governance, international governance, national governance and local governance.

Good governance assures that the views of the minorities are taken into account. It puts the administration or decision making processes closer to the governed and considers the voices of the vulnerable like children and women, in the society. It is responsive to the present and future needs of the society. Thus it is an act of demonstrating a rational use of resources without violating the rights of the future generations to benefit same. Hence, good governance is necessary for the achievement of various sustainable development goals.

B. Principles of good governance

1. Participation

Participation by both men and women is the cornerstone of good governance. Participation could be two fold; either direct or through legitimate intermediate institutions or representatives. This demonstrates freedom of association and expression on the one hand and an organized civil society on the other hand.

2. Transparency and responsiveness

Transparency is in the sense that decisions taken and their enforcement should follow the rules and regulations. It means in the second place the availability of information and accessibility of this information on the decisions taken to population concerned. Responsiveness complement Transparency by providing that the governing institutions should provide information and response within a reasonable time frame.

3. Rule of law

The rule that nobody is above the law should be applied. There should not be partially and full protection of human rights particularly those of the minority. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force.

4. Promotion of general interest

There are several actors and there many viewpoints. Notwithstanding the diversity of people, decisions which promote general interest (the interest of all; the young, the elderly, men and women) should be given a prior place as against decisions for private interest.

5. Effectiveness and efficiency

Good governance requires that processes and institutions furnish good results that attain the needs of society, while making the best use of resources at their disposal.

6. Accountability

It is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and their institutional stake holders.

C. The enforcement of good governance

A. Actors of good governance

Apart from government bodies, other actors are involved in governance. They vary depending on the level of governance which is required. In rural areas, for example, actors may include; influential land lords, associations of peasant's farmers,

cooperatives, NGOs, research institutes, religious leaders, finance institutes, political parties, military.

- Legal institutions put forward to enforce good governance

A. Normative framework

- The constitution
- The penal code
- Decentralization laws
- The Electoral code
- The investment charter
- The law on the declaration of assets

B. Institutional framework

- National commission for the fight against corruption (CONAC)
- National Agency for Financial Investigation (NAFI)
- Operation sparrow hawk
- Ministry of state Audit.

II. Cameroon Electoral System

The 1996 Constitution introduced a bicameral parliament, consisting of the National Assembly and the Senate. Despite that constitutional development, legislative power continued to be exercised solely by the National Assembly until 2013 when the first senators were appointed and elected. The period of the 1990s was also significant with respect to the momentous shift in the political landscape to embrace multiparty politics. Thus, the single-party parliament represented by the Cameroon People's Democratic Movement (CPDM) was soon open to other political parties such as the Social Democratic Front, which for a considerable period remained the most influential opposition party.

In Cameroon, there are 3 different types of elections namely: Presidential, Legislative and Local elections all organized and managed by Election Cameroon (ELECAM) and governed by the 2012 Electoral Code.

A. Suffrage Rights and Electoral Systems in Cameroon

1. Conditions to exercise the right to vote

We have the principal condition which is the possession of Cameroonian nationality and complementary conditions

In relation to the condition to be of Cameroonian nationality, it is impliedly invoked from Article 2(3) of the constitution which provides that every citizen aged 20years and above shall be entitled to vote. The citizenship of a state is also linked to the nationality of the said state. Section 45 of the 2012 Electoral code is evident of this fact. It provides that every person of Cameroonian nationality of either sex who has attained the age of 20years and above is automatically registered in the electoral register and free from all cases of disqualification provided by law shall be entitled to be an elector.

For long, Cameroonian citizens resident abroad were deprived of their right to vote. However this inequality has been corrected since the adoption of the 2012 electoral code. In effect section 271 of the electoral code stipulates that Cameroon citizens settled or resident abroad shall exercise their right to vote through their participation in the election of the president of the republic and in referendums. From this provision, Cameroonian citizens residing abroad shall only participate in presidential elections and referendums. They cannot participate in legislative and municipal elections.

In relation to the complementary conditions of the right to vote, there are provided for in the constitution as well as in the electoral code. The first is the age of electoral majority which is fixed as per article 2(3) of the constitution and section 45 of the electoral code. The age to be voted depends on the type of election. It is 23years to be a municipal councillor, regional councillor or a parliamentarian. 35 years to be a candidate for presidential election and 40 years for senatorial election.

The second condition is that the elector must have his civil and political rights guaranteed and should not have been affected by electoral incapacity provided by articles 47 and 48 of the electoral code (see electoral code).

➤ **The conditions as to registration of the right to vote**

Any citizen who fulfils the condition of registration into the electoral list shall have the right to vote. This registration is a right and not an obligation in Cameroon. Section 71 of the electoral code stipulates that entry on the electoral register shall be a right. The conditions of registration are provided in article 46 of the electoral code (see electoral code).

The electoral list shall be permanent and shall be an object of annual revision from the 1st of January to the 31st of August. It consists of adding on the electoral list the citizens who have fulfilled the conditions to vote and to remove names of those who are death.

2. The characters or nature of suffrage

Above being equal and free, the suffrage is an object of distinction between universal and limited nature

➤ **Universal and limited suffrage**

This character is not an object of controversy in Cameroon because article 2(2) provides that the authorities responsible for the management of the state shall derive their powers from the people through election by direct and indirect suffrage unless otherwise provided by constitution. Thus all the citizens that have fulfilled the conditions provided by the electoral code have the right to vote. This right is open to all Cameroonian citizens without distinction as to origin, religion, race, sex etc.

Universal suffrage is done in three elections in Cameroon namely presidential, legislative and municipal elections. Indirect universal suffrage is

used in two elections in Cameroon namely senatorial (the Electoral College is made up of regional and municipal councillors) and regional elections.

➤ **Suffrage equality (equality of the right to vote)**

According to article 2(3) of the constitution, vote shall be equal and secret. The equality of the right to vote deals with the principle of one man one vote. It is against the vote by group, ethnic vote or familial vote. In other words, it forbids in principle the quota system that is a particular fraction of the population voting on behalf of the population. That is why in Cameroon our elections don't make a distinction between men and women. There also consider the minorities and indigenous people. In all the electoral lists in Cameroon, the law imposes that the lists should consider the sociological component of the electoral district.

➤ **Suffrage freedom or liberty (the liberty or freedom to vote)**

Vote is a right which is freely express. This means every citizen has the right or freedom to vote or not.

The freedom of suffrage poses a question of electoral absence which is a parasite for modern democracies. In effect, the elector who is registered on the electoral list can make the choice to vote or not.

This freedom can also be express by a blank or null vote. A blank vote is voting without selecting any registered candidate or list while the latter may result from an error.

III. Constitutional Change in Cameroon

The constitution of Cameroon is legally the supreme law in the country. The constitution of Cameroon usually has a preamble and about 13 parts that divide the legal document. The preamble outlines the rights inherent of every Cameroonian citizens and the rest of the body of the legal document defines the national symbols, structures of the government and

its functions, the legal procedure by which the constitution can be amended, the body in charge of this as well as how the constitution may be applied.

➤ **Constitutional evolution in Cameroon**

The first of Cameroon Constitution came to life upon the independence of the country in 1960 precisely from France. This first constitution came in the wave of independence of African States and thus it was drawn up in a hurry to meet the mood of reason. It was mostly dictated by the French and scarcely by the indigenous of Cameroon.

Progressively, another constitution came up in 1961 after Southern Cameroons joined the Republic of Cameroon after demonstrating their will through a referendum forming a federation of two states ruled by a single president.

Later in 1972, a new constitution was established abolishing the federal system and put in place the Unitary Republic of Cameroon with a unitary constitution that gave the president a greater and absolute power. Another subsequent revision of the constitution came up in 1984 giving birth to the Republic of Cameroon.

The next revision of the Cameroon constitution came in 1996 in response to pressure from the Anglophone population who were requesting the birth of the federal system. The 1996 constitution renamed provinces to regions, established the upper and lower legislative house, the Senate, beside the National Assembly, created the Constitutional Council and added other state agencies. The establishment of the 1996 constitution was later partially revised in 2008.

IV. A survey on the Cameroon National Symbols

A. The Cameroon National Anthem

1. Defining and understanding the National Anthem

National Anthem according to Merriam Webster dictionary, could either be defined as “a patriotic song or hymn; especially: one adopted officially and played or sung on formal occasions as a mark of loyalty to the nation;” “a psalm or hymn sung antiphonally or responsively”; “a sacred vocal composition with words usually from the Scriptures;” “a song or hymn of praise or gladness”; or “a usually rousing popular song that typifies or is identified with a particular subculture, movement, or point of view”. It is equally understood to mean a common rallying song, which ignites Patriotism and promotes national unity and internal cohesion.

In the Cameroon context, “National Unity means that in the workyard of national construction there is neither Ewondo nor Douala, Bamileke nor Boulou, Foulbe nor Bassa; we are one and all, simply Cameroonian”. This concept was promoted by Cameroon’s first president, Ahmadou Ahidjo, who noted in 1962 that: We want a Nation, a real united nation, a nation in which all citizens have the same rights and the same duties, a nation in which every citizen, wherever he may be, feels at home and is considered as a brother and a fellow countryman by the other citizens of Cameroon. We want to build a strong and united nation. To do so, we must strengthen the union of brotherhood between all Cameroonian men and all Cameroonian women, whatever their origin.

The notion of national unity in Cameroon centered on Ahidjo’s political proposals. However, according to Paul Biya who succeeded Ahidjo in 1982, effective national unity could only be achieved through **National Integration** which to him was “the ultimate step towards national unity and the cardinal, historic task of the highest priority for all Cameroonians. Biya intimated that progress in national unity needed to be speeded up through National Integration. He argued that: this unity is still fragile; therefore it is time to switch from a mere national union to real national integration, from the present mere co-existence of ethnic groups to their transformation into a New Ethnic Group suited to our country Cameroon.

Furthermore, we should steadfastly seek to achieve the highest degree of solidarity among our people to build a perfect nation.

2. Origin (s) and History of Cameroon's National Anthem(s)

The National Anthem of Cameroon first started as a “Rallying Song” among young school students of *Ecole Normale de Foulassi*, near Sangmelima in today's South Region of the country. The song was composed by Rene Djam Afame while the lyrics were done by fellow classmates, Samuel Minkyo Mbamba, Moise Nyatte Nko'o and Rene Djam Afame himself in 1928. The song was later adopted as anthem on November 5, 1957 by the Legislative Assembly of the UN Trust Territory of French Cameroon. A Constitutional Consultative Committee adopted it as a national anthem for the new *La Republique du Cameroun*, which achieved independence on January 1, 1960.

When on February 11 1961, the former British Southern Cameroons voted in a UN organized Plebiscite to officially steer clear from Nigerian politics, negotiations started immediately between the authorities in British Southern Cameroon and those of the already independent Republic of Cameroon, on what form reunification should take. These negotiations were concretized at the Foumban Conference of July 1961. At the close of the conference, the modified anthem composed in French Cameroon in 1928 was sung. The twenty-five man Southern Cameroon's delegation to Foumban could not sing an anthem they may have been hearing for the first time, and more so, in a language foreign to them. No complaints were raised either as to why such a thing should happen without keen negotiations. V.J. Ngoh argues that:

At the end of Ahidjo's closing remark in Foumban, all the delegates rose in unison and started singing the Cameroon national anthem. Except for Dr. Bernard Fonlon, one of the official translators, none of the other Southern Cameroons delegate knew the national anthem since it was only in French. One wonders what the Southern Cameroons delegates sang when their French-speaking colleagues were singing “their” national anthem. The English version of the anthem, which was formulated in 1961 by Dr. Bernard Fonlon, and wrongly considered as a translation, was completely different from the original French version. Understandably after Foumban, the West Cameroon Government wrongly spread the Fonlon version of the anthem all over

West Cameroon, (as Southern Cameroons was now known), especially in schools and colleges; and the people in this part of the new federation thought they were singing the English version of the anthem sung in East

Cameroon (as the Republic of Cameroon was now known).

On May 20 1970, the French Cameroon anthem was slightly modified to remove some of the content like “barbarism” and “savagery” to give it a more humane touch. Fonlon’s version in English was largely ignored. For over fifty years since the independence and reunification, Dr. Benard Fonlon’s (English) version of the anthem has been sung in Anglophone Cameroon. The reunified Cameroon needed an English version to accommodate the peoples of Southern Cameroon who through a United Nations organized plebiscite opted to join French Cameroon, with whom they had lived separately for about forty-five years under two different colonial masters, the English and the French.

The two versions of the national Anthem co-existed unofficially from 1961 to 1978 due to reluctance to translate the French version into English. In this confusion, Cameroonians sang two anthems thinking it was one and the same anthem in the other official language. On July 12 1978, the National Assembly officially rejected any direct translation of the French version into the English language, thereby, officially recognizing the second anthem written by Dr. Bernard Fonlon to co-exist with the French version. The members of Parliament unanimously voted for the co-existence of the two anthems following an argument that, “it was impossible to harmonise the two versions literally because the French and the English texts could not be translated literally, given that the National Anthem is poetry interpreted into music.”

By officially rejecting the translation of the French version of the national anthem into English, the National Assembly was simply upholding duality and autonomy of each of the two anthems which were composed differently in the former French-administered Cameroon and the former British Southern Cameroons respectively. It is therefore evident that the present-day “Republic of Cameroon has two national anthems, as the English version of the anthem is not a direct translation of the French version.

3. Comparing the English and French versions of the Anthem

The French and English versions of the national anthem were composed under different circumstances. The French version was composed in 1928 by students of the American Protestant Teacher Training College, Foulassi. With the influence of the American Missionaries, the students at Foulassi were imbued with the spirit of liberty and nationalism. This probably explains why the students from Foulassi, like Reuben Um Nyobe, etc were at the forefront of nationalist movements in French Cameroon. So the rallying song was within the context of nationalist struggles against the French.

Meanwhile, the English version was composed in 1961 by Dr. Bernard Fonlon under a much more relaxed background. Southern Cameroons had already gone through the pressure of nationalist struggles against Britain and Nigeria and had already opted out of Nigeria following the February 1961 UN-organized Plebiscite. Negotiations towards effective reunification with *La Republique du Cameroun* were already in progress. This probably explains why the anthems were different in context and content as shown below (Assignment).

Following the above discussions, it is safe to establish that the present Republic of Cameroon has two different “National” Anthems. One composed by Rene Djam Afame and friends in 1928 and later adopted and modified as the anthem of French-administered Cameroon. Meanwhile, the second anthem was composed by Dr. Bernard Fonlon in 1961 and adopted by the country’s National Assembly as a separate anthem on July 12, 1978. Since then, the two Anthems have officially co-existed in Cameroon.

4. The importance of the National Anthem

- It states the dream and aspiration of the Cameroonian people.
- It calls for patriotism and integrity.
- It indicates the links or relations we have with other nations.
- It ensures Cameroonians a promising future and hope.
- It reminds Cameroonians of the blood shed by the people of the past to had fought for the independence of Cameroon.
- It reminds Cameroonians of the liberty, independence and sovereignty of Cameroon.

B. Description and meaning of Cameroon flag

The Cameroon flag of Green, Red and Yellow, with three vertical bands of equal size was adopted in 1957. The flag was later modified in 1961 with two gold stars added on the green colour to symbolize the reunification of the British Southern Cameroons and *La Republique du Cameroun*. This was the flag of the new Federal Republic of Cameroon. But when the Federation was dissolved in favour of a unitary option, the flag was again modified. This time around, a star was affixed in the middle of the red band to symbolize a unitary state. In the same manner, date of the celebration of the country's national had equally been modified from May 10th, to January 1st and now to May 20th each year. The flag and the National Day are all national symbols and were modified to accommodate the reunified peoples of Cameroon.

➤ **The Green Color**

It represents the rich and luxurious vegetation of the southern part of Cameroon. It also expresses the hope for the future of Cameroon.

➤ **The Red Color**

It represents the blood and the sacrifices made by patriots of the past who died fighting for the independence of Cameroon.

➤ **The Yellow Color**

It stands for the riches of the northern part of Cameroon. It also represents the song that brings glory, hope, energy and prosperity to the nation.

➤ **The Golden Star**

It represents unity and authority of the nation Cameroon that is Cameroon is one and indivisible.

Procedure for hoisting the flag

When hoisting the flag, everyone is expected to stand at attention and raise up head justly and in a respectful manner. It is hoisted up every morning and hoisted down at the end of office hours. The flag of Cameroon can be seen hoisted in official areas or public places like schools, ministerial departments, and Cameroon embassies abroad and at the Presidency.

Significance of the National Flag

- It signifies the authority of the State.

- It proves that a country is independent.
- It indicates the power or sovereignty of Cameroon.

C. The Motto of Cameroon

The motto is a political slogan that reflects the objectives of a country. The motto of Cameroon is **Peace, Work and Fatherland**.

1. Peace

It calls on all Cameroonians to be committed to peace through solidarity and to ensure national integration.

2. Work

It means citizens of Cameroon should participate actively through hard work and sacrifices for the development of Cameroon.

3. Fatherland

It reminds the Cameroonian citizens to be patriotic to their fatherland or their country. It proves honesty for peace as a tool for nation building.

D. The Seal

It is a circular metallic medallion use on official documents which has a picture of a young girl head, a coffee plant with two leaves and five cocoa pots. The head of the young girl represents a dynamic and productive nation. The cocoa pot and coffee plants represents the riches and prosperity of the country. On the seal, the name and the motto of Cameroon is written in the two official languages. It should be noted that the Seal is kept under the custody of the minister of justice and keeper of the Seal.

The importance of the Seal

- It is stamped on important documents to show its authenticity.
- It is used to legalize public contracts and international treaties.
- It proves the authority of the nation of Cameroon.

E. The Coat of Arms

It is a device or symbol used as an official decoration by the government which carries paintings and messages across. On it is the color of the flag, two hanging scale balance, two crossed axis, a sword and triangular map.

Importance of the Coat of Arms

- The scale balance symbolizes justice and peace.

- The axis and the sword represent the state of authority.
- It is also used to process official documents like passports, birth certificates.
- It is also used by the judiciary to enforce their decisions.
- It is used in the armed forces to show honor and fidelity.