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.....
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REPUBLIC OF CAMEROON

*PEACE – WORK –
FATHERLAND*

.....
MINISTRY OF HIGHER
EDUCATION

Course Title: Civics, Ethics and Moral Education

Specialties: All

Level: 300

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GENERAL INTRODUCTION

The course Civics, Ethics and Moral Education is part of the curriculum of the educational system to address diversity and national unity. On this premise, the educational system should promote these realities and be able to produce adequate and capable graduates to satisfy both the domestic and global markets.

Given this, the Cameroonian government has designed and implemented moral, ethical and civic education curricula to aim at educating students about their rights and privileges, democratic culture, ethical values and principles, supremacy of constitution, and the rule of law and so on. These elements are imperative in the process of producing self-confident citizens and a generation who has the capability to shoulder responsibility.

Accordingly, this course is basically aspires to equip the students with relevant knowledge, respect for the worth and human dignity of every individual, right attitudes and requisite skills to enable them perform their roles as a credible members of their society. Through this module, learners will also acquire knowledge on Human Rights protection, climate change and environmental protection.

The following topics will be treated: Definition of concepts, foundation of ethics, moral consciousness and moral figures, climate change and environmental protection, definition and sources of human rights, international human rights instruments, mechanisms for the protection of human rights, the Cameroonian National Commission on Human Rights and Liberties, civil society and the protection of human rights, CONAC and fight against corruption in Cameroon. These topics shall be developed into different chapters for the purpose of comprehension thereby forming the building blocks of this course.

CHAPTER I: CIVICS, ETHICS, PROFESSIONALISM AND DEONTOLOGY

I. The Notion of Civics

Civics 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.

Civics comes from a Latin word ***civis*** which means citizen. It refers to the study of the rights and duties of a citizen of a given country. Civics is the exploration of one's rights and responsibilities as a member of the society.

Civics is the study of rights and obligations of citizens in society. It is the study of the theoretical, political and practical aspects of citizenship as well as its rights and duties.

Civics education, also known as citizenship education or democracy education can be broadly defined as the provision of information and learning experiences to equip and empower citizens to participate in democratic processes and nation buildings.

A. Reasons for studying civics

- Civics awakens national consciousness and love.
- Civics propagates international friendship and cooperation.
- Civics 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.

- Civics 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.

B. The Significance of Civics Education

The advantages of civics 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.

Such study 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 a nation building which has one destiny.

II. Understanding the Notion of Ethics

It is a set of principles of rights that guides the conduct individuals in an organization or group. It can equally be understood as a theory or a system of moral values. Ethics is equally understood as:

- ✓ Ethics can be seen as a system or set of moral principles.
- ✓ Ethics are moral beliefs and rules about right and wrong.
- ✓ Ethics has to do with character, manner, behavior and morals.
- ✓ It is a set of beliefs which controls behavior based on moral, in other words, it is the science of morals.

Every profession should have a code of ethics that governs the behavior of its members i.e how interaction with one another in the same profession and with the public is managed.

A. Ethics And Related Concepts

Although Morality, Law and Ethics seem alike, they are sometimes different. The objective of all is aimed at building a peaceful society.

1. Morality

This notion deals with the theory of right and wrong. It symbolizes a standard put forward to direct and control moral behavior. In most communities, these sets of rules are considered objective rules or standards even if they are not fully obeyed. It is according to these standards that speeches, actions or behaviors are being evaluated as either good or bad.

2. Law

Elias T.O a Nigerian jurist defines law as ‘a body of rules recognized as obligatory, therefore law must have a binding legal force’. Apart from him, several authors have attempted the definition of law such Roscoe Pound, Vinogradoff. Law is a term derived from the Anglo-Saxon word Lagu which in turn was derived from the verb leggja, meaning to determine.

In its simplest meaning; law is a body of rules of conduct, prescribed by an authority with a binding legal force, the violation of which may attract punishment. It is one of the ways in which the different views and conflicting interests of members of the society are handled or channeled so as to ensure a peaceful community.

B. Ethics, morality and Law jointly examined

The notion of ethics has three meanings; there is ethics which is simply the notion of right or wrong behavior. It is a basic morality for all members of the society. There is also ethics which is a discipline or science of morality that constitutes a branch of philosophy. Thirdly, there is ethics which is a special catalogue of decently acceptable values or principles to which members of a given group, organization or professions mostly abide to.

Law is similar to ethics in that both trace their origin from divine theory and that they point out clear cut behavior and conduct which applies to a group of persons. On the other hand, law and morals do diverge. The law for example, condemns and punishes sexual immorality in various forms. But it refuses to attach legal consequences to certain types of immorality such as prostitution, fornication, keeping of a boyfriend or girlfriend and so on.

On the other hand, ethics is closer to morality given that part of ethics constitutes in a great manner what is considered as ordinary morality.

C. Code of ethics

It refers to a written set of guidelines issued by an organization to its workers and management to help them conduct their actions in accordance with its primary values and ethical standards. It can be termed a guide of principles designed to help professionals conduct business honestly and with enormous integrity. A code of ethics document may outline the mission and values of the business organization, how professionals are supposed to approach problems, the ethical principles based on organization's core values and standards to which the professional will be held.

Ethical problems occur when a given decision, scenario or activity creates a conflict with a society's moral principles. Both individuals and businesses can be involved in these conflicts since any of their activities can be put to review or questioning from an ethical stand point. For instance, offering a customer deficient product for personal interest. They could include; unethical leadership, toxic workplace, discrimination, harassment, unrealistic and conflicting goals.

D. Principles of Ethics

1. Confidentiality

A member shall use or disclose any information acquired as a result of his professional or business relationships without proper or specific authority or except it's a mandatory disclosure (where disclosure is compelled by law or statute).

2. Independence

It requires independence of mind where the state of mind permits the provision of an opinion without being affected by influences that compromise professional judgments, allowing an individual to act with integrity and exercise objectivity and professional skills. A true professional must be able to work independently without being influenced especially negatively. Like an independent thinker, a true professional can listen, but makes his decision without allowing his external circumstances to make him or her do what is not in line with his or her professional ethics.

3. Impartiality

This is the ability of acting in fairness and without any bias with members of a given profession and with the public. A true professional can never be biased especially based on ethnic affinity. He acts neutrally and can easily resolve conflicts.

4. Honesty

A true professional is honest. He or she is a man or woman with integrity. The person means what he says and says what he means. He keeps his promises and is loyal

to his family, organization and country. He cannot have a double life especially between the public and private.

5. Competence

A true professional should exhibit a high sense and level of proficiency in his or her field. He or she is more or less an authority in the field. He also knows his strength and limits in the field and will not refuse asking for help if he needs it. A true professional will not accept a job when he knows he cannot perform the task.

E. Other Elements of Ethics to be Considered

1. Altruism

These include:

- Doing something to help another person with no expectation of reward.
- Forgoing things that may bring personal benefits if they create costs for others
- Helping someone despite personal costs or risk
- Sharing resources even in the case of scarcity
- Showing concern for someone's else wellbeing

Many everyday examples of Altruism involve actions that deliver small benefits at little cost to the person who performs them. For example, helping an elderly person across the road or taking time to give directions to a stranger who has lost his way.

2. Deontology

Deontology is defined as an ethical theory that the morality of an action should be based on whether that action itself is right or wrong under a series of rules rather than based in the consequences of the action. An example is the belief that killing someone is wrong, even if it was in self-defense.

3. Autonomy

It is the independence in one's thought or actions. A young adult from a strict household who is now living on her own for the first time is an example of someone experiencing autonomy.

4. Beneficence

Involves balancing the benefits of treatment against the risks and costs involved, whereas non – maleficence means avoiding the causation of harm. The treatment might be unpleasant, uncomfortable or even painful but this might involve less harm to the patient than would occur, were they not to have it. An example of a nurse demonstrating this ethical principle is by holding a dying patients hand.

5. Justice

One example of social justice in health care is training nurses to advocate for patients. The role of nurses revolves around intervening on behalf of patients, providing efficient, compassionate medical care. Nurses carry out the ethics and values of the medical facilities they work for.

6. Ethnocentrism

It is the belief that one's way of life and view of the world are inherently superior to others and more desirable. Ethnocentrism may prevent nurses for example from working effectively with a patient whose beliefs or culture does not match their ethnocentric worldview.

7. Reciprocity Norm

Reciprocity norm refers to how positive actions bring more positive actions while negative actions bring more negative actions. For example, if a person receives a gift for their birthday, they are more likely to give a gift back to that person on their birthday.

8. Consequentialism

For example, most people would agree that lying is wrong. But if telling a lie would help save a person's life, consequentialism says it's the right thing to do. Two examples of consequentialism are utilitarianism and hedonism.

9. Hedonism

It is the relentless pursuit of pleasure. An example of hedonism is an ethical theory suggesting the pursuit of pleasure should be the ultimate goal. An example of hedonism is a constant quest for pleasure and satisfaction.

III. Professionalism

Professionalism is the conduct or qualities that characterizes or marks a professional person having a specialized knowledge in a particular domain or activity upon training'. This implies that professionalism encompasses a number of different attributes where it identifies and defines a professional.

A. The Attributes of a Professional

1. Specialized knowledge

Professionals are known for their specialized knowledge. They have the degrees and certifications that serve as the foundation of this knowledge.

2. Competency

Competency here implies that the professional is capable to have the job well done. They are reliable and they keep their promises. Professionals don't make excuses but focus on finding solutions.

3. Honesty and integrity

Professionals exhibit qualities such as honesty and integrity. They keep their word and they can be trusted implicitly because of this.

4. Humility

True professionals are humble. They immediately ask for help when they need it and they are willing to learn from others.

5. Accountability

Professionals hold themselves accountable for their thoughts, words and action, especially when they have made a mistake

6. Self-regulation

They also stay professional under pressure. They exhibit a high degree of emotional intelligence by considering the emotions and needs of others.

As you can see from these attributes, professionals are the kind of people that others respect and value. They are a genuine credit to their organizations. That is why it's so important that we work to earn a professional reputation in the work place. True professionals are the first to be considered for promotions, they are awarded valuable projects or clients, and they are routinely successful in their careers.

IV. Deontology

To a deontologist, whether a situation is good or bad depends on whether the action that brought it was right or wrong. What makes a choice 'right' is its conformity with a moral norm. Therefore, deontology is the science that deals with duty or the 'science of duty'. It seeks to accomplish moral duties and obligations and to try to strike a compromise when there is a conflict in duty or obligation.

Types of Deontology

1. Divine Command Theory

It is a form of deontological theory which states that an action is right, if God has decreed that it is right, and that an act is obligatory if and only if it is commanded by God.

2. Natural Rights Theory

The theory which holds that humans have absolute natural rights.. The development of this tradition of natural justice into one of natural law is usually attributed to what we now refer to as human rights.

3. Pluralistic Deontology

A deontological ethics which argues that there are several duties which need to be taken into consideration when deciding which duty should be acted upon. Some of these duties are:

- Duty of beneficence that is to help other people increase their pleasure, improve their character).
- Duty of non-maleficence that is to avoid harming other people.
- Duty of Justice that is to ensure people get what they deserve
- Duty of self-improvement that is to improve ourselves.
- Duty of reparation that is to recompense someone if you have acted wrongly towards them.
- Duty of gratitude that is to show love and bless those that have shown you love and blessed you.
- Duty of promise-keeping that is to act according to explicit and implicit promises, including the promise to be truthful and faithful to others.

CHAPTER II: MORALITY

A. The Notion of Morality

One has to make decisions about which desire to satisfy and which to give up or postpone. How to make a right or correct decision and by what standard that one decision is right and another wrong is always a puzzle. One of the functions of morality is to give guidance in dealing with these puzzles. This therefore means that morality has as function to provide principles and rules that are acceptable to everyone and encourage people to live together peacefully and cooperatively.

B. The application of morality

In discussing the application of morality, four aspects may be considered: religious morality, morality and nature, individual morality, and social morality.

1. Religious Morality

Religious morality refers to a human being in relationship to a supernatural being or beings. In the Jewish and Christian traditions, for example, the first three of the Ten Commandments (See the figure below) pertain to this kind of morality. These commandments deal with a person's relationship with God, not with any other human

beings. By violating any of these three commandments, a person could, according to this particular code of ethics, act immorally toward God without acting immorally toward anyone else.

The Ten Commandments

- ✓ I am the Lord, Your God; do not worship false gods.
- ✓ Do not take the name of God in vain.
- ✓ Keep holy the Sabbath Day.
- ✓ Honor your father and your mother.
- ✓ Do not kill.
- ✓ Do not commit adultery.
- ✓ Do not steal.
- ✓ Do not bear false witness against your neighbor.
- ✓ Do not covet your neighbor's spouse.
- ✓ Do not covet your neighbor's belongings

2. Morality and Nature

“Morality and nature” refers to a human being relationship to nature. Natural morality has been prevalent in all primitive cultures. More recently, the Western tradition has also become aware of the significance of dealing with nature in a moral manner. Some see nature as being valuable only for the good of humanity, but many others have come to see it as a good in itself, worthy of moral consideration. In the morality and nature aspect, man could be considered either moral or immoral, depending upon his actions toward the natural things around him.

3. Individual Morality

Individual morality refers to individuals in relation to themselves and to an individual code of morality that may or may not be sanctioned by any society or religion. It allows for a “higher morality,” which can be found within the individual rather than beyond this world in some supernatural realm. A person may or may not perform some

particular act, not because society, law, or religion says he may or may not, but because he himself thinks it is right or wrong from within his own conscience.

4. Social Morality

Social morality concerns a human being in relation to other human beings. It is probably the most important aspect of morality, in that it cuts across all of the other aspects and is found in more ethical systems.

C. Moral Judgments

Moral judgments refer to deciding what is right and what is wrong in human relations. Individuals are continually judging their own conduct and that of their fellows. They approve of some acts and call them right or good. They condemn other acts and call them wrong or evil or bad. Moral judgments always have to do with the actions of human beings and, in particular, with voluntary actions that is those actions freely chosen. However, in judging conduct or action we have to consider **motives, means, and consequences** and sometimes the **situation**.

1. Motives

Motives, as Jesus, Kant, and others have pointed out, are basic for a determination of morality. The motive refers to the intention or why an action is done. A good motive is a prerequisite to conduct that we approve without qualification.

2. Means

Just as there may be many motives for desiring something, there may be many means for achieving it. The term means can be defined as an agency, instrument, or method used to attain an end. Though we expect people to use the best available means to carry out their purposes, we condemn them if their choice of means impresses us as unjust, cruel, or immoral.

3. Consequences

Consequences are the effects or results of a moral decision based on a value. We expect the consequences of an act that we call right to be good. Ordinarily, when people

ask, what is right? They are thinking about the consequences of the action. This depends on what ethical principle is in operation.

4. The Moral Situation

A moral situation involves a moral agent that is human beings who act, are empowered to make choices, and consciously make decisions. As moral agents, demands are made on us and place us under obligations: we have both duties and rights. We are faced with moral alternatives, and we can better weigh those alternatives when we have an understanding of the ingredients of the moral situation.

Generally, a moral action is one which:

- Is performed by **agents**, creatures that are capable of free choice/ free will.
- Is the result of **intention**; the action was done on purpose with a particular motive.
- Has a significant consequence on others in respect of harm or benefits it brings about.

D. Why Should Human Beings Be Moral?

The question that is worth mentioning at this point is why should human beings be moral? Another way of putting the problem is as follows: Is there any clear foundation or basis for morality - can any reasons be found for human beings to be good and do right acts rather than be bad and do wrong acts? Let us assume for the moment that there is no supernatural morality and see if we can find any other reasons why people should be moral.

There can be no society without moral regulation; man is man only because he lives in a society; take away from man all that has a social origin and nothing is left but an animal compare with other animals.

We should be moral because being moral is following the rules designed to overrule self-interest whenever it is in the interest of every one alike that everyone should set aside his interest.

CHAPTER III: CLIMATE CHANGE AND ENVIRONMENTAL PROTECTION

I. Climate Change

A. Global Context

Climate variability has been and will always be a challenge to human livelihoods. Human-induced climate change has lent a complex new dimension to this challenge. Evidence shows that natural climatic variability, compounded with climate change, will adversely affect millions of livelihoods around the world (IPCC). Climate change is a global phenomenon; however, its impacts vary locally, as do adaptation capacities, preferences, and strategies. Climate change vulnerability can be defined as the capacity to be wounded by climate change impacts. In other words, vulnerability implies weak adaptive capacity, whereas strong adaptive capacity means reduced vulnerability.

Vulnerability to climate change is considered high in developing countries like Cameroon due to social, economic, and environmental conditions that amplify propensity to negative impacts and contribute to low capacity to cope with and adapt to climate hazards. Extreme events such as droughts and floods have increased vulnerability among farmers who depend on climate conditions. Since these occur regularly, they have been reducing long-term growth and affecting millions of people.

Vulnerability and adaptive capacity can be manifested in and influenced by a number of factors including: (i) human assets, (ii) availability of and access to technological alternatives, (iii) levels and sources of income, (iv) income and other forms of inequality, and (v) aspects of social assets such as trust, transparency, accountability, security of entitlements, and the quality of informal and formal institutions. These features are inadequate in agro-pastoral communities.

B. Cameroonian Experience

Cameroon like other African countries is considered to be among the most vulnerable regions to climate variability and change due to lack of financial, institutional, and technological capacity. In Tanzania, for example, the gradual increase in temperature

and decrease in precipitation that negatively affect agriculture and climate-related risks (mainly drought and floods) impoverish agro-pastoralists in different parts of the country.

Droughts for example can cause reductions in income and consumption. Therefore, understanding vulnerability to such risks of climate extremes among agro-pastoralists is important, as it will inform policy makers on how to devise appropriate strategies and instruments to enhance their resilience. Moreover, effective planning for climate change adaptation programming requires an assessment of local vulnerabilities so as to bridge the gap between community needs and priorities at the local level.

Some mitigation measures

- Advocacy for afforestation
- Encouraging pastoralists to buy more land and settle down
- Enforce bye- laws about bush burning
- Rainwater harvesting
- Sensitizing people on proper stocking rate.

II. Environmental Protection

A. Cameroonian Environmental Law

Environmental Law refers to the assembly of legal rules regulating, minimizing, preventing, punishing, or remedying the consequences of actions which damage or threaten the environment, public health and safety. These legal rules stems from domestic sources adopted by the government authorities and international sources signed and ratified by the State for the protection of the environment.

Legal Instruments for the Protection of Environment in Cameroon

1. National sources

The national sources of environmental law in Cameroon are the constitution, laws, regulations, degrees, judicial precedence or case law and customary law. Some of the applicable pieces of local legislations for environmental management in Cameroon are:

- The 1996 Cameroon Constitution as amended by 2008 Law
- Law No. 96/12 of August 5 1996, on the Framework Law on Environmental Management
- Law No. 98/005 of 14 April 1998, on the Water Regime in Cameroon
- Law No. 2001/01 of 16 April 2001 establishing the mining code in Cameroon
- Law No. 2003/006 of 21 April 2003, to lay down safety regulations governing modern biotechnology in Cameroon
- Environmental Impact Assessment Law of 2013
- The 2016 Cameroonian Penal Code

2. International sources

The major sources of international environmental law signed and ratified by Cameroon are treaties, international agreements, customary international law, general principles of law and the interpretations of international tribunals such as the International Court of Justice and other arbitral bodies. On the basis of their needs and nature, these sources are universal and regional in scope. Some of these conventions are:

- Convention on Biological Diversity (1992)
- Convention on the Conservation of European Wildlife and Natural Habitat
- Convention to combat Desertification in arid regions 1994
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973
- Convention on Trans-boundary Movement of Hazardous Wastes (Basel) 1989
- International Framework Convention on Climate Change (1992)

- Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer (1987)
- Rio Declaration on Environment and Development 1992
- Stockholm Declaration on the Human Environment 1972
- United Nations Convention on the Law of the Sea (UNCLOS) 1982
- Vienna Convention for the Protection of the Ozone Layer 1985
- World Charter for Nature
- World Heritage Convention 1972
- The World Summit on Sustainable Development 2002
- The UN Declaration on Sustainable Development 2012
- The Earth Summit of 1992
- The Maputo Protocol 2003
- Agenda 21 Actions Plan the Millennium Declaration 2000
- The Paris Summit on Global Warming 2015
- The Paris Summit on Climate Change 2016

3. Regional Statutes

- The African Charter on Human and People's Rights 1981
- The Bamako Convention on the Ban of the Import into Africa and the Control of Tran
- Boundary Movement and Management of Hazardous Wastes within Africa, January 1991
- The Revised 2003 African Convention on the Conservation of Nature and Natural Resources

In all, the above international convention covers and addresses a wide spectrum of global environmental problems such Climatic Changes, Marine Pollution, Natural Resources, Radioactive Pollution of the Sea, Shore Protection, Sustainable Development, Trans boundary Pollution, Wildlife Conservation.

B. The Principles of Environmental Protection in Cameroon

Within the framework of the laws and regulations in force, rational environmental and natural resource management are based on the following principles:

1. The principle of precaution

According to which lack of certainty, given the current scientific and technical knowledge, should not retard the adoption of effective and commensurate measures aimed at preventing a risk entailing serious and irreversible damages for the environment at an economically acceptable cost.

2. The principle of preventive action and correction

This is achieved through priority at the source of the threats to the environment by using the best available techniques at an economically acceptable cost.

3. The pollute and pay principle

This is according to which charges resulting from measures aimed at preventing, reducing and fighting against pollution and the rehabilitation of polluted areas shall be borne by the polluter.

4. The principle of liability

This is according to which any person who, through his actions, creates conditions likely to endanger human health and the environment shall eliminate or cause the said conditions to be eliminated in such a way as to avoid the said effects.

5. The principle of participation

This is according to which:

- Each citizen shall have access to information on the environment, including information on dangerous substances and activities;
- Each citizen shall have the obligation to safeguard the environment and contribute to its protection;
- Corporate bodies and private citizens shall, in all their activities conform to the same requirements;

- Decisions on the environment shall be taken after consultation with the sectors of activity or groups concerned, or after a public debate when they are of a general nature;

6. The principle of substitution

This is according to which in the absence of a written general or specific rule of law on environmental protection, the identified customary norm of a given land, accepted as more efficient for environmental protection shall apply.

C. Other Mechanisms for Environmental Protection in Cameroon

1. National Environmental Management Plan (NEMP)

The NEMP is the first environment management policy instrument developed by the Cameroonian administration after the Rio Conference on the Environment and Development in 1992. Drawn up for the first time in 1996, the NEMP provides an ideal political framework for actions to be taken in terms of protection of the environment.

The program is developed as a visionary approach recognizing the protection of the environment as an integral part of the development process, establishing the link between the environment and development. It considers access to growth as necessarily having to be achieved through an eco-green economy that reduces greenhouse gas emissions while avoiding losses of biodiversity. More importantly, program is aimed at reducing the loss of biodiversity, to mitigate the impact of climate change and desertification, the fight against pollution and nuisances, and finally to promote sustainable development.

The NEMP gives provisions for policies, objectives and strategies that aim to deliver comprehensive sustainable development in Cameroon. In the promotion of a healthy and sustainable environment, the NEMP provides for ecologically sustainable industrial development based on the use of clean technologies, the valorization of natural resources and of by-product and wastes. The implementation of this ecologically

sustainable industrial development policy include a program of activities based on recycling of byproducts, the optimization of industrial processes, waste treatment methods, the development of an industrial pollution control sub-sector as well as an environmental audit of the local industrial and agricultural sectors.

2. The Environmental Impact Assessment

The mechanism of EIA has been provided for in several global MEA. The UN Convention on the Law of the Sea provides that “*when states have reasonable ground for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable assess the potential effects of such activities on the marine environment*”. Equally, the Convention on Biological Diversity urges members States to introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures.

Environmental Soft-Law instruments have equally recognized the importance and the necessity of EIA in contemporary environmental challenges responses. The 1972 Stockholm Declaration, identify the adoption of an integrated and coordinated approach by States to their development planning as a means of achieving rational management of resources, which constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

Environmental Impact Assessment (EIA) has been regarded as a key regulatory instrument for environmental protection in Cameroon. The Cameroonian framework law on the environment states that the promoter or owner of any development, labor, equipment or project which may endanger the environment owing to its dimension,

nature or the impact of its activities on the natural environment shall carry out an impact assessment, pursuant to the prescription of the specifications.

This to assessment shall determine the direct or indirect incidence of the said project on the ecological balance of the zone where the plant is located or any other region, the physical environment and quality of life of populations and the impact on the environment in general. However, where the said project is undertaken on behalf of the national defense services, the Minister in charge of defense shall disseminate the impact assessment under conditions compatible with national defense secrets.

Following from this, the impact assessment shall necessarily comprise the following indications:

- Analysis of the initial state of the site and its environment; reasons for choosing the site;
- Appraisal of the foreseeable consequences of the implementation of the project on the site and its natural and human environment;
- Outline of the measures envisaged by the promoter or owner to eliminate, reduce and, if possible, compensate for the harmful consequences of the project on the environment and the estimates of ensuing expenses;
- Presentation of other possible solutions and reasons for which the project was selected, from the point of view of environmental protection.

CHAPTER IV: FUNDAMENTAL HUMAN RIGHTS

I. The Global Perspective of Human Rights

A. The Notion of Fundamental Human Rights

When we talk of Human Right, the word human has to be understood in a broad sense as including all human beings. Hence human rights concern all human beings and not the males. Derived from the theories of natural law, and social contract, Human rights appears in a solemn manner in the 1789 French declaration which did not talk of public

liberties but the right of man and of the citizens. *Human Rights are rights which are inherent in the human nature. They are rights without which we cannot live as human beings.*

Human rights are subjective rights which are meant for the protection of human dignity. In reality, human rights are natural rights which are codified by positive law. Depending on the aspiration of the society, they are relative and evolving.

Human rights do not constitute veritable or real rights in legal terms. They remain only natural rights up to the moment when they are codified into positive law. Positive law thus introduces human rights into a legal category and confers or gives them legal protection. That is to say that, *human rights as philosophical and political expressions does not need law to be but need laws to exist. It is the intervention of the rule of law that makes human rights a veritable right with legal prerogative.*

B. The Interest or the Reasons for the study of Human Rights

Today there are three main reasons for the study of human rights; Firstly, the course contributes to the moralization of human thoughts, Secondly, the study of human rights contributes to the training of citizens, finally, its study contributes to the training of jurists.

How does the study of human right contribute to the moralization of the human person? When we study human rights, we are confronted with all the different human dimensions, to the secret character of human life, human dignity which is fundamental, etc. the history of human right and dignity is that of the discovery of the humanity of human beings, the fight against human destruction, etc.

How does the study of this course contribute to the training of citizens? When the citizens study human rights and civil liberties, they are informed. The main challenge that human rights is facing in the 21st century is that of the creative spirit or talent of man. Man should not take any measure which does not include human rights especially in the

scientific innovation; be it, the environment, genetic or the development of new information or communication technology. The calamities or disasters which accompanied development such as pollution, the limitation of the physical integrity, etc is the neglect of the rights provided for in the 1789 and 1948 human rights declarations.

Globalization has transformed the debates between reality and ethics. Yesterday, we could justify the non-intervention in an arm conflict where there is the massacre of the people by the regime or government because of ignorance. Today, during the era of satellite and CNN we cannot talk of ignorance. The study of human rights and liberties also permit the citizens to know that the sovereignty of the state is relative today.

The study of this course concerns everybody for the guarantee and the protection of the environment in which we are living in. also, human rights and liberties occupy an important place in administrative legal and judicial concurs.

C. The Classification of Human Rights and Liberties

1. Civil and political Rights (First Generation HRs)

These are rights whose respect requires the abstention of the state. They constitute the rights of the first generation also called liberty rights or autonomous liberties e.g. the right to go and come, the protection of domicile, freedom of opinion, association, assembly, etc. these liberties can be grouped into categories such as individual liberties, collective liberties, etc.

2. Economic, Social and Cultural Rights (Second Generation HRs)

They constitute the rights of the second generation. Their realization requires the intervention of the state e.g. the right to education, health, culture, right to work, etc.

3. The new Human Rights, also called the Rights of the Third Generation or Solidarity Rights

Their realization requires the intervention of everybody i.e. the individual, the state and the International Community e.g. the right to peace, right to a healthy environment, right to development, etc.

D. International Texts Adopted in the Domain of Human Rights and Liberties

It was after 1945 that international texts for human rights protection were adopted. These are the Universal Declaration of Human Rights (1948) and the two international covenants of the UN adopted in 1966.

1. The Universal Declaration of Human Rights

The Second World War which led to the devastating effects as well as barbaric ideologies is at the origin of the Universal declaration of Human Rights (1948). The returns of barbarism cannot remain unpunished. This is why for the first time in the history of mankind the leaders of Nazis Germany were punished for causing the Second World War.

The leaders of the victorious powers used the occasion to punish crimes against humanity. Case law considers crimes against humanity as collective crimes which are meant for the suppression of a whole group, ethnic, tribe for political, religious or racial reasons.

On the 20th of June 1947, the representatives of France met the president of the sub-commission of the Human Right of the UN Franklin Eleanor Roosevelt with a text entitle “***International Declaration of human Rights***” for adoption. Another draft text was proposed by René Cassin, which was finally retained by the UN general Assembly during its 3rd session held in Paris in “Chaillot Palace”. On the 10th of December 1948, by resolution 217, the Universal declaration of Human Right was adopted.

2. The United Nations Covenants for the Protection of Human Rights and Liberties

The accord on the statement of acceptable rights for all was long obtained. It was only in 1966 that the UN General Assembly adopted the International Covenant on Civil and Political Rights (I.C.C.P.R.) and the International Covenant on Economic, Social and Cultural Rights (I.C.E.S.C.R.).

a) The I.C.C.P.R.

The authors of this covenant strive to precise and develop some of the provisions which were general in the universal declaration. The modification of the state of the international society, followed by the decolonization movement made the authors to place on the head of the text rights such as the right of people to self-determination, the right to own and dispose of natural resources, etc. these provisions are fundamental for the acquisition of independence by the 3rd world countries. The right to self-determination is a condition for the enjoyment of other rights. The covenant omitted some of the rights found in the universal declaration of human right such as the rights to strike and the right to asylum. It does not provide for the right of groups. Article 27 deals with the protection of the minorities.

With regards to other rights and liberties, the covenant remains faithful to the principle declared in the U.D.H.R. they are the right to life, (art 6), the right not to be subjected to torture, cruel, inhumane or degrading punishment (art 7), the right not to be held in slavery and servitude (art 8), the right to liberty and security art 9), the freedom of movement and residence (art 12), the right to a fair and equitable trial, etc.

b) The International Covenant on Economic, Social and Cultural Rights (I.C.E.S.C.R)

In 1948, the UDHR had only 6 articles relative to economic rights. The I.C.E.S.C.R is longer and their application is defined. Some of the rights found in the covenant include the right to work, the right to a just and favorable condition of work, the

right to form and join trade unions, the right to strike, the right to social security, the protection of the family, the right to adequate standard of living, etc.

According to art 2, each state shall undertake steps according to its resources for the full realization of the right recognized in the covenant by all appropriate means. Some provisions provide for the precise time for their implementation. This is the case of art 14 which provides for compulsory and free primary education. It has to be implemented within the period of two years. Other provisions have immediate applications such as the right to trade unions, since it depends on the financial considerations for its respect.

3. Regional Text For The Protection Of Human Rights

a. European Text:

It was within the European council that the proclamation of human rights was made in a global manner. In this regard, the European council had adopted two important texts; the European convention for the protection of Fundamental Rights and Liberties and the European Social Charter.

- The European Convention for the Protection of Fundamental Rights and Liberties (ECHR)

It was signed on the 4th of January 1950 and entered into force on the 3th of September 1953. It is applicable to the state of the European council that has ratified it. 12 additional protocols have been added to it. Very rich and detailed, it protects the rights of human persons, guarantees the property of physical and moral persons as well as individual and collective liberties. The 6th protocol abolished death sentence. The convention contained general and special limitations to the proclaimed rights.

- The European Social Charter

It was adopted in Turin (Italy) on the 18th of October 1961 by the European Council and it came into force on the 26th of February 1965. It was made up of 26

members as on the 1st of March 2003. It was meant to complete the European convention which mostly provide for civil and political rights. The charter provides for seven main social rights i.e. the right to work, the right to form and join a trade union, the right to collective negotiation, the right to social security, the right to social and medical assistance, the right of the family and the right of migrant workers.

b. The African Charter on Human and Peoples Rights

It was adopted on the 28th of June 1981 by the 18th general assembly of the heads of state and government of OAU in Nairobi-Kenya. It came into force on the 21st of October 1986. It provided an exhaustive list of civil, economic, political and cultural rights as well as the traditional values of African civilization. It insists on the right to development, the right to self-determination, the right to a family, the right of the African community, etc.

The African charter has made Africa to progress from the period of misconception to that of acknowledgment of human rights. It has equally led to the supranational security responsibility of the Africans. The charter established laws and constitutes the base for promotion and protection of human rights in Africa. Since its adoption, it has been the legal base for the demand of individual rights before international organizations. It has equally prohibited the violation of human rights in the name of state sovereignty.

Other important human rights instruments adopted after the African Charter includes:

- The African Charter on the Rights and Welfare of the Child,
- The Protocol Creating the African Court of Human and People's Rights,
- The protocol to the African Charter on the Right of Women in Africa,
- The constitutive act of the African Union in 2000,
- The protocol relative to the council of peace and security in 2002,
- The statute of economic, social and cultural council in 2004

- The convention on the prevention and the fight against terrorism in 1999
- The convention on the conservation of nature and natural resources in 2003
- The convention for the fight against corruption in 2003
- The African charter on democracy, governance and election in 2007 and
- The convention on the protection and assistance to the internal displaced persons in 2009

E. The Organs and the Procedures for the International Respect and Promotion of Human Rights by States

1. The Organs and the procedure of control at the International Level

The roles of the NGOs are very effective or efficient for the control and denunciation of the violation of the Human Rights and Liberties when the national state does not sufficiently guarantee Human Rights.

a) The Committees and the Commissions Created by International Instruments

This is the case of the UN Human Rights Commission whose mission is the promotion and protection of H.Rs. it was created by the economic and social council in 1946. It is made up of 43 representatives of government. Most of the international H.R conventions have equally created or instituted organs for the control of their applications. This is the case of ILO, UNESCO, and the 1966 covenant. To the procedure of control, we can add the role of the media and NGOs which are playing a very important role for the application of HRs.

b) The Media and NGOs

The highest domain through which sovereign states promote the respect of HR is that of communication expressed by the mass media, i.e. the assembly of all means for the diffusion of information meant for the public e.g. the press, radio, television, cinema, posting, etc. The mass media plays an important role for the promotion and protection of

HR. When we do not know what a right is, we cannot be sensible or know its violation. In order to assure the effective promotion of HRs in all the parts of the country, the media must educate, inform and entertain the people about their rights and obligations in national languages or vernacular. According to Jean Francois Revel, ***information is the bread of the modern society.***

In our days, NGOs are necessary because of the dynamic nature of their members and their role for the development of the international system for the protection of HR. they incite and even oblige the state and the administration to intervene in the domain for HRs especially in areas where they are not enough legislative and administrative acts. Equally, amongst the dominant causes for the protection of HR; the media plays a very vital role in the 20th and the 1st half of the 21st century.

A good number of international NGOs have as objective the promotion and the protection of HR. some of these NGOs are more than 100 years old. E.g. the International Community of Red Cross which was created in 1863 with the aim of helping or assisting victims of wars. Recently, they are two prominent NGOs in the world; **AMNESTY INTERNATIONAL AND GREEN PEACE.**

c. Amnesty international

It is the most represented NGO today, the most respected and respectable, the most considered and considerable and the most efficient. It is represented all over the world. It was created in 1961. Its headquarters is in London. In 1977, it received the Nobel peace prize. Amnesty International is made up of more than one million members in more than 50 countries. Since its creation, it does not receive any subvention from any government. It has remained independent to all governments, political parties, ideologies and religions.

Amnesty International is campaigning for; The liberation of all prisoners of opinion i.e. persons detained because o their convictions, ethnic origin, sex or their language, An equitable trial within a reasonable time for prisoners, The abolition of death

sentences, torture or any cruel treatment inflicted on prisoners, Extra-judicial execution and disappearance, Amnesty also opposes the restrictions imposed on opposition groups, restrictions for refugees, torture and the killing of prisoners or any other arbitrary killing.

d. Green Peace

It is an International Organization with headquarters in Amsterdam (Holland) but created in Canada in 1971. It does not receive any subvention from the government. It is represented in 23 countries especially in the USA, Canada, Germany and France. Green peace acts in favour of; The protection of the environment that is the right of the third general. At the international level, Green Peace is intervening in the following domains; Nuclear, The ecology of oceans, the protection of air space and the protection of the atmosphere.

2. The Organs and the procedure for control and promotion of HRs at the African Regional Level

a. The African Commission on Human and People's Rights

The commission is made up of 11 members elected through secret ballots by the heads of state and heads of government for a period of 6 years renewable. The members are appointed personally and given independence. They have privileges and immunities in the exercise of their functions. But the commission was not free from criticism. It was not self-sufficient e.g. it was not free in its functioning because it depends materially and financially on the African Union and the member states. However, the commission has greatly favored the promotion of HRs in Africa by translating the African charter in so many different African languages.

b. The recent Institutions of the African Court on Human and Peoples Rights (ACHPR)

The protocol creating the African court of HRs was adopted in Ouagadougou, Burkina Faso on the 9th of June 1998. It came into force on the 25th of January 2004. All the member states of the African Union with the exception of Eritrea and Cape Verde have signed the protocol but as of today, only 26 countries have ratified the protocol. According to article 34 (6) of the protocol, only individuals and NGOs with observers statutes before the African Commission and African Union can directly seize the court. The observer's statutes are given by states. However, as of the 21st of October 2011, only five states have given individuals and groups the observer statute to make complains before the African courts. They are Burkina Faso, Ghana, Mali, Malawi and Tanzania.

II. The Evolution of Human Rights and Liberties in Cameroon

A. An Overview

It is necessary to indicate that 1990 marked a turning point as far as the liberalization of the political, social and economic life is concerned. It was marked by the promulgation of a number of important legislative texts and the publication of a series of decrees dealing with human rights; e.g. the decree creating the national committee of human rights and freedom. Most of these texts were in favour of the revision of the constitution on the 18th of January 1996 and to the international protection of human rights.

The least attentive observers can notice today that the promotion and the protection of human right have significantly evolved in Cameroon since the last years. The following examples are illustrative

- The incrimination of torture through its insertion in article 132 of the penal code. The article is entitled “Torture” and has taken over the definition given the offence by article 1 of the 1984 New York Convention against torture, other inhumane and Degrading Treatments.
- The prohibition of extradition of persons towards a country where they will be subjected to torture.

- The changed from the national committee of Human Rights and Freedom to the National Commission of Human Rights and Freedom by law N° 2004/016 of 22nd July 2004. This was made in conformity with the Paris Principle
- The attachment of the penitentiary administration to the ministry of justice by decree N° 2004/320 of 8th December 2004 relative to the organization of government. It was done according to the recommendations of the UN Committee against Torture.
- The promulgation of the criminal procedure code by law N° 2005/007 of 22nd July 2005. The Cameroon C.P.C does not only harmonise criminal procedure in Anglophone and Francophone Cameroon, It includes, substantial guarantees for the protection of individual liberties, physical and moral or mental integrity, equitable trial, etc.
- The creation of the directorate of human rights and international cooperation in the Ministry of Justice by decree N° 2005/722 of 15th April 2005 on the organization of the Ministry of Justice. One of the missions of the directorate is the information and sensitisation of the members of the judiciary and penitentiary administration of the laws protecting human rights. Its creation shows the government intention or desire to consolidate the culture of human rights and freedom in Cameroon.
- The publication of white paper in November 1993 on human Right situation in Cameroon and a memorandum on good governance and human rights in November 2000.
- The publication of yearly report by the Ministry of Justice on human rights situation in Cameroon. These reports are elaborated thanks to the collaboration of the government and civil society organizations. The reports are sought to bring out the legislative, judicial and administrative measures taken by the state for the promotion and protection of human rights as well as the challenges encountered in the venture (protection of H.R) and recommendations.

- Finally, the progressive jurisdictional (legal) regulation of the society and the criminalization of the political life. In Cameroon, the liabilities of Ministers are not only limited to dismissal. They can be subjected to political, penal, financial as well as other similar liabilities.

B. Municipal systems for the protection of human rights in Cameroon

1. The National Commission on Human Rights and Freedoms (NCHRF)

To enhance the work of the NCHRF in Cameroon and to align its activities with the provisions of the Paris Principles, the National Committee on Human Rights and Freedoms set up by Decree No. 90/1459 of 8 November 1990 was transformed to the National Commission on Human Rights and Freedoms by Law No. 2004/16 of 22 July 2004. The Commission is an independent institution for consultation, monitoring, evaluation, dialogue, concerted action, promotion and protection in the domain of human rights and freedoms.

To this end, it may, inter alia:

- Examine all issues raised relating to human rights
- Disseminate instruments relating to human rights; and
- Collaborate with the United Nations Organization and other institutions.

2. The creation of the Department of Human Rights and International Cooperation in the Ministry of Justice

The setting up in the Ministry of Justice of a Department of Human Rights and International Cooperation, charged, inter alia, with providing information and sensitising judicial and penitentiary personnel on Human Rights protection norms, underscores the determination of Government to consolidate the culture of human rights and freedoms in

Cameroon. This Department was created by Decree No 2005/122 of 15 April 2005 on the Organization of the Ministry of Justice. It is responsible for:

- Monitoring of human rights issues in general
- Monitoring the implementation of international conventions on human rights; and
- Informing and sensitizing personnel of judicial and prison services on the standards for the protection of human rights.

Yearly, the Ministry of Justice seeks to present a balance sheet of Government's measures, court decisions and actions by national associations for the defense of human rights through annual reports drawn up with contributions from ministries and some actors of the civil society directly concerned with human rights issues.

3. The attachment of Penitentiary Administration to the Ministry of Justice

By Decree No. 2004/320 of 8 December 2004 Organizing of the Government of Cameroon, Penitentiary Administration was transferred from the Ministry of Territorial Administration to the Ministry of Justice. This reform resulted from the recommendations of the Committee against Torture approved by the Head of State. It is salutary as it enhances the smooth follow up of the criminal process.

4. The setting up of a Special Division for the Control of Services of the Police

A Special Division for the Control of Services of the Police was set up by Decree No. 2005-065 of 23 February 2005. It ensures "the policing of the Police" (art. 1 (2) of the decree).

This unit is in charge, inter alia, of:

- Protecting secrecy, the state of mind, morale, loyalty of national security personnel, employees and civil servants of the State or public authorities.

- Actively participating in combating corruption.
- Contributing to the enhancement of discipline and respect for professional ethics in the National Security and
- Carrying out administrative and judicial investigations concerning National Security personnel.

The institutional and the legal framework were put in place in order to create a favorable environment and the better protection of Human Right in Cameroon. It is a system in which the state can take constitutional, legislative, administrative and judicial measures in order to prevent and compensate for human right violation.

5. Democratic political institutions

National sovereignty belongs to the People of Cameroon who exercise it through the President of the Republic and Members of Parliament or by referendum. The President of the Republic, Head of the Executive, derives his mandate from the people. He is elected for a term of seven years renewable. The President of the Republic incarnates national unity, defines national policy and ensures respect for the Constitution. He is guarantor of the respect for international treaties and agreements. He appoints the Prime Minister and, on the proposal of the latter, the other members of Government. The Prime Minister is Head of Government. The Government is answerable to the National Assembly which is one of the Houses of Parliament.

Pursuant to article 14 (1) of the Constitution, “Legislative power shall be exercised by Parliament which shall comprise two houses: The National Assembly and the Senate”. It should be stated that the putting in place of the Senate depends on the completion of the ongoing decentralization process in accordance with articles 55 and 62 of the Constitution. Bills may be tabled by either the President of the Republic or Members of Parliament. To this end, article 26 of the Constitution specifies that the following rights,

guarantees and fundamental obligations of the citizen shall be reserved to the Legislative Power:

- Safeguarding individual freedom and security.
- The rules governing public freedoms.
- Labour legislation, trade union legislation, rules governing social security and insurance; and
- The duties and responsibilities of the citizen in respect of national defence requirements.

6. The role of the judiciary

The Constitution of 1996, as amended raised the Judiciary, hitherto known as the judicial power (art. 37 (2) of the Constitution) which is exercised by the Constitutional Council, Supreme Court (SC), Courts of Appeal and the Lower Courts and which is independent of the Executive and Legislative powers.

The President of the Republic is guarantor of the independence of the Judiciary. He appoints Judicial and Legal Officers upon consultation with the Higher Judicial Council (HJC), an independent advisory body, comprising judicial and legal officers, Members of Parliament and independent personalities.

The independence of the Judiciary is buttressed by the Magistrates of the Bench who, in accordance with article 37 (2) of the Constitution “shall, in the discharge of their duties, be governed only by the law and their conscience”. With respect to judicial decisions, Courts in Cameroon have continued playing a major role in the implementation of civil and political rights. In this regard, these courts have over the years delivered a number of illuminating decisions on human rights.

7. The civil society and the protection of Human Rights

Civil society is the set of civil rights, including primarily everyone’s right to participate in public life. Civil society forms the backbone of democracy. Larry Diamond defines civil society as “the realm of organized social life that is open, voluntary, bound

by a legal order or set of shared rules”. Diamond stated that civil society encompasses “private citizens acting collectively to make demands to the state or to express in the public sphere, their interests, preferences and ideas or to check the authority of the state and make it accountable”. Civil society may contain a wide range of establishments concerned with public matters. Civil society may comprise civic, issue-oriented, religious, and educational interest groups and associations.

Civil societies have a potential of playing numerous momentous roles for democratic development and consolidation. To mention some: limiting the power of the state more generally, including challenging the abuses of authority; monitoring human rights and strengthening the rule of law; monitoring elections and enhancing the overall quality and credibility of the democratic process; educating citizens about their rights and responsibilities; building a culture of tolerance and civic involvement; incorporating marginal groups into the political process and enhancing the latter's responsiveness to societal interest and need; providing alternative means, outside the state, for communities to raise their level of material development; opening and pluralizing the flows of information; and building a constituency for economic as well as political reforms.

The need for a participatory approach made it necessary to involve the civil society composed of Human Rights associations and Non-governmental Organizations (NGOs). This led to the rise of Human Rights defenders whose activities deserve to be enhanced.