

A critical analysis of the separation of power in Cameroon

A Research Project Submitted to the Department of English Law, Faculty of Laws and Political Sciences, University of Buea in Partial Fulfillment of the Requirement for the Award of a Bachelor of Laws (LL.B) Degree (July 2018)



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DEDICATION

This work is dedicated first to God the almighty for His unmerited blessings to me throughout my studies. And to my family especially to my mother (Mrs. Keri Irene), father (Mr. Emmanuel Tardzenyuy), to my elder brother (Viban Clifford) and to all my brothers and sisters who contributed to the success of my studies. Finally to my lecturers and friends who have been a source of encouragement to me

CERTIFICATION

This is to certify that this work entitled “A critical analysis of the separation of power in Cameroon” presented by Berinyuy Cajetan Tardzenyuy with the matriculation number SM15706 meets the requirements and regulation governing the award of Bachelor of Law (LLB) Degree at the University of Buea

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DECLARATION

I Berinyuy Cajetan Tardzenyuy registered under matriculation number SM15B706 hereby declare that this project entitled “A critical analysis of the separation of power in Cameroon” is written by me and is a result of my personal research. It has not been presented before any other academic purpose. All borrowed ideas have been acknowledged by references.



Berinyuy Cajetan Tardzenyuy

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ABSTRACT

This research titled “A critical analysis of the separation of power in Cameroon” aims to examine the level at which its principles are upheld within the jurisdiction of Cameroon. Since separation of power is a foreign principle, the researcher for this reason is obliged to go out of the required jurisdiction in search of its origin. The core of this work are the functions of various arms of government. Since separation of power in Cameroon remains theoretical and impractical, taking into consideration Cameroon’s constitution and philosophical ideas of great minds like Montesquieu, it is clear that the implementation of its principles remains under-utilized. Because power in Cameroon centers in the hands of the executive arm, this research further focuses on the domination of power by the executive over other arm of government, that is the legislature and judiciary. Thus, because of impracticality of the separation of power in Cameroon, the researcher also proposes reasonable recommendations, which may help, in the amendment laws, the enactment, and implementation of Cameroon constitution to be power separation friendly and democracy friendly

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CHAPTER ONE

GENERAL INTRODUCTION

1.1 Background to the Study

Cameroon is a sovereign country in the Central African Sub Region. Cameroon is a victim of colonial rule since 1884 when the Germans officially took control of the territory. After the First World War, Cameroon was divided between Britain and France. However, after the Second World War 1945, the United Nations with the emergence of human rights, made it possible and laid a fertile ground for colonial masters to start preparing Cameroon for its subsequent independence. In 1960, the French part of the country got its independence and in 1961, the English part got its independence and reunite with French Cameroon under the two-state federal system of governance.

Cameroon was the lone bilingual country in Africa and second in the world. Political difficulties in Cameroon today is because of the failure of this political union in 1961, which was the two-state federation. In 1972, president Ahidjo terminated the federal system of government in favour of a unitary system.

As of now (2018), Cameroon is a sovereign territory with a total population of more than twenty-five million and with a land surface of about 472, 710 km². The country of Cameroon practices a decentralised system of government and is divided into ten regions with the capital city at Yaoundé and the English part having only two Regions

The Republic of Cameroon adopted the concept of the separation of power from their colonial masters and it is practiced up to date. Thus since it is a foreign concept,

the following paragraphs will be explaining the origin of the separation of power and its evolution.

Separation of power is not new but it is the principle in which many have written on it time immemorial. Since it all started and developed by a person, the researcher in this introductory and historical part of the essay will in subsequent paragraphs be discussing how it all started and how it evolved from the philosophical idea of Aristotle to the philosophical idea of Montesquieu

The idea of the separation of power was first brought in to a limelight by Aristotle¹ in his book or his work “political” or “politics”. The “mixed government” which was the practice in Ancient Greece at that time inspired him, Aristotle. This was the starting point of the concept of the separation of power. Aristotle, a political philosopher in the 4th century BC did not hesitate to connect his lectures to deal with the “philosophy of human affairs”. Taking into consideration what was happening in Ancient Greece, he drew upon many forms of the constitution in the city of Greece. His ideas and lectures awaken a growth in democracy in which many philosophers followed to preach the separation of power, which was highly concentrated in the hands of few authorities.

In the Roman Republic, Polybius (Greek Historian of the Hellenistic Period) in his work “Histories Book 6”, further intensified the need for the separation of power and encourages the system of government that was the practice in Ancient Greece, that is the “mixed Government” amongst the Roman senate and the assemblies. Thus “mixed government” was a type of government in which power was divided between

¹ https://en.m.wikipedia.org/wiki/separation_of_powers/history

Democracy and Aristocracy. It is worthy to note that Aristotle and Polybius were against political absolutism or the concentration of power in the hands of one person.

Besides, after Aristotle's idea toward the separation of power in what he referred to as a mixed government, John Calvin (1509-1664) also contributed to the development of the principle of the separation of power. The ideas of Calvin abide by the ideas of Aristotle and Polybius since he further fought for the right or the well-being of the ordinary people in 1620².

Because of this campaign against autocracy by Calvin and his followers, the first state which enjoys direct freedom and the separation of power was created in 1620 is the Plymouth Colony in North America. This state was founded by a group of English separatists or the pilgrim's fathers in North America. In the Plymouth Colony, there was the enjoyment of self-rule where people could elect their leaders. The "freeman" or the people who could vote in the Plymouth Colony, elected the general court which functions as the legislature, and the judiciary which in turn elects the governor who serves as the executive or who provides the executive power³. A similar constitution was also drawn in Massachusetts Bay Colony founded in 1628.

John Locke also, in his philosophy (1632-1704) took into consideration the separation of power as per the English constitution and draws many advantages of dividing political power into the executive, legislative, and judiciary⁴.

The word the separation of power was coined by a French philosopher Montesquieu in 1748, and it was from that time that the full application of the separation of power was discussed. Montesquieu in his political philosophy "*Baron de*

²Clifton Olmstead 1960 history of Religion in the United States, Prentice-Hall, Englewood Cliffs, N.J., PAGE 9 to 10

³ https://en.m.wikipedia.org/wiki/separation_of_powers and www.histarch.illinois.edu/plymouth/ccflaw.html

⁴ Otto Heinrich Von der Gablentz, Gewalt Gewaltenteilung in Evangelisches 502iallexikon col.420

Montesquieu” came up with the term the “*distribution*” of power or the distribution of political power between the legislative, the executive, and the judiciary. The bases of his philosophy could be trace from the constitution of the Roman Republic and the British constitutional system. Montesquieu further emphasised that the judiciary power has to be real and not merely being in theory, he posited that amongst the three powers, the judiciary power was the most important.

Since there was a wind of change toward the principle of the separation of power within the philosophical idea of Montesquieu’s doctrine, he stood the grounds to the fact that three arms of government should be independent of others and that they are a balance of power between the three. Montesquieu argued his facts using the system of “checks and balance” it is worthy to note that Montesquieu's philosophy greatly awakens the principle of the separation of power worldwide from 1748 until today. This is because he made people understand and feel the importance of the separation of political power in the the government⁵

Taking into consideration the philosophical ideas of the English and the French philosophers about the separation of political power in the Ancient and medieval period, the idea of the separation of power was widely spread and was the practice in many states in Europe. Britain, France, and Germany rapidly spread this idea across the globe, since they were for a “mad rush” or competition to acquired colonies in the African continent. They succeeded in colonizing nearly the whole of Africa including Cameroon. Because of colonization, the political idea of Separation of power was also implemented in Africa and Cameroon in particular which will be our focus in this work.

⁵ Schindler, Ronald, Montesquieu political writings, retrieved 19 November 2012 and Liloyd, Marshall Davies (22 September 1998), fathers and founding fathers: the separation of powers, retrieved 17 November 2012

The colonial masters administered Cameroon from the 1870s until the 1960s that is, under the control of the Germans, Britain, and France.

It is worthy to note that before the coming of colonial masters, the Cameroonian tribes were practicing the concept of the separation of power locally. The natives were governed by their “*Fons*”, Chiefs, Kings, or “*Lamidos*” according to their various traditional means. Most of these “*Fondoms*” especially those of grassroots practiced separation of power since their tribes were managed by their traditional rulers. The traditional rulers governed their tribes according to the demands of the various traditions and customs. Power and authority were divided according to their ranks depending on the customs of their tribes, for example, the Nso tribe⁶.

However, the colonial masters introduce a more advanced way of practicing the separation of power in Cameroon since there was a democracy where people could vote for their leaders. Merging the various tribes into one country also counted in the effective implementation of the foreign principle of the separation of powers.

Separation of power in Cameroon is as per the constitution which establishes in article 5 to 10 the executive power, article 14 to 24 the legislative power, and article 37 to 42 the judiciary⁷

⁶ Nso tribe is an example of the tribes that practice the separation of power locally before the coming of the colonial masters and even till date in Cameroon. This is because in “*Nso fondom*”, there is the “*fon*” who ruled the Nso people like the president with the aid of his “*Sheys*” who occupied the positions as the ministers hence acting like the executive. There is also the “*Ngwirong*” cult which is there to make laws thus acting like the legislative. Finally, there is also the “*Ngiri*” cult which together with the fon and “*Ngwirong*” provide justice to the Nso people

⁷ Law No 96-06 of 18 January 1996 to amend constitution of 2 June 1972

1.2 Statement of the Problem

According to article 11 of the Cameroon constitution, the government shall implement the policy of the nation as defined by the president of the Republic and shall be responsible to the national assembly under the conditions provided in article 34 (1) of the constitution of 1996. This article also gives power to the prime minister to supervise the activities of parliamentarians concerning financial issues, which makes the executive dominates the legislature over financial issues. Hence, this does not reflect the concept of the separation of power. Though article 29(1) of the constitution of Cameroon 1996 is to the fact that both the private member bill and the government bills shall be a table before the national assembly and either can be admitted after deliberating on it. However, it is saddening that since the 1960s when Cameroon got her independence, a private member bill has never been admitted but only bills from the government (ministers) are always admitted.

It is worthy to note that the president of the Republic and even the minister of justice can or have the right to stop the proceedings in court at any time. This was evident in the case of some Anglophone leaders in 2017 when the president of the Republic president Paul Biya and his government influence the arrest and detention and later ordered for the release of Barrister Agbor Nkongho and others. This meaning that the executive has an upper hand over the legislative and the judiciary, which is contrary to the concept of the separation of power, which is to the fact that each arm of government should be independent. These are not the only areas where the law has undermined the Legislative and judiciary powers in Cameroon. The researcher will be establishing how the concept of the separation of power is maintained in Cameroon. Article 5 to 10 of the constitution of Cameroon establishes the executive arms of government in Cameroon, articles 14 to 24 establishes the legislative arm of

government and in articles 34 to 42, the judiciary is given the independent powers to render justice.

1.3 Research Questions

The researcher intends to seek answers to:

- What are the supposed functions of various arms of government in Cameroon?
- An extent to which the executive power dominates in Cameroon?
- What impacts are created by the concentration of power within the executive arm of government in Cameroon?
- What can we do to avoid unnecessary abuse of power by the executive?

1.4 General and Specific Objectives.

General objective

The main aim of this study is to evaluate the level of the implementation of the concept of separation of power in Cameroon as per the constitution.

Specific objectives

- To evaluate how the various arms of government function in Cameroon
- To examine the domination of the executive arm over other arms of government
- To evaluate the concentration of power in the hands of the president of Cameroon
- To make recommendations on the implementation of the constitution of Cameroon

1.5 Methodology

This research is doctrinal and to a lesser extent empirical in nature. Both primary and secondary sources were consulted and analyzed for the successful outcome of this research. The primary sources consulted are, for example, legal provisions or statutes including the constitution of Cameroon and Acts of parliament while the secondary sources consulted are computerized sources (internet sources), textbooks, and published articles

1.6 Significant of the study

This research will be of great significance to the lawmakers of the Republic of Cameroon to amend the mother law or the constitution so that those holding executive positions can be held accountable for any abuse of power.

The research is also significant in that it creates awareness to the authorities in power to maintain the balance of power between the executive, the legislative, and the judiciary. The students, who will be researching this topic, will also benefit after reading this essay to know about the application of the separation of power in Cameroon.

1.7 Justification of the study

With the supremacy of the executive arm of government over the others in Cameroon, this work is necessary to evaluate the level of the supremacy of the executive arm and the way forward.

1.8 Scope of the study

The work concerns Cameroon and its laws governing the concept of the separation of power and its application. However, because this concept of the separation of

power is foreign, the researcher is bound to take note of some foreign components and trace its origin and development.

1.9 Literature Review

Separation of power is not a new principle but rather the concept that has stayed for centuries and authors have written on it, laws have been passed on it, and people have written articles about its existence and practice

The term separation of power was coined by the French philosopher, Montesquieu in the 18th century. His work was to create chances for the promotion of liberty and democracy; he did maintain that there is a need for the three powers to be independent of another that is the legislature, the executive, and the judiciary⁸.

Montesquieu's idea about the separation of power was to criticize the concentration of power and preach the division of power in government management. Because of his writeup, a state like the United States of America draws its inspiration from his doctrine of the separation of power.

The Deputy Judge President of the Southern Gauteng High Court views the separation of power from the South African perspective as to the fact that specific functions, duties, and responsibilities should be allocated to different institutions so that there should be transparency and good governance by the authorities in power. Thus, the institution he means is the executive, the legislative, and the judiciary, and his main objective was to prevent the abuse of power especially by the executive

Professor⁹ Charles the professor of law at the department of law at the University of Botswana focuses on the constitution of Cameroon and he took a stand that there is

⁸ Ibid 4

⁹ Charles Manga Fombad (Researching Cameroon law) published June 2007

the separation of power as per the constitution of 1961, 1972, and 1996. Professor Charles did not hesitate to let his readers know that there is a centralization of power in the hands of the executive in Cameroon as the constitution of 1972 gives more power to the president of the Republic of Cameroon.

According to the constitution of Cameroon of 18 January 1996, there is the separation of power in Cameroon, which is a fundamental principle, which ought to be respected. By Article 5 to 10, the executive power is recognized as an independent arm of the government which has the over role power in the country's politics. Besides, articles 14 to 24 establishes the legislative arm, which is responsible for making laws. Article 37 to 42 also establishes the judiciary arm of government, which is out to render justice to Cameroonians.

1.10 Definition of key terms

1.10.1 Separation of power

Separation of power according to the black's law dictionary¹⁰ is the division of governmental power into three branches of government that is the executive, the legislative, and the judiciary. Each of these powers has different and specified duties on which neither of the other can encroach.

1.10.2 Mixed government

The mixed government was a type of government in which power was divided between the Aristocracy and Democracy in Ancient Greece¹¹. This government was practice in Greece and it was from this type of government that Montesquieu developed the principle of the separation of power in 1748

¹⁰ Black law dictionary 2010 edition page 1572

¹¹ Ibid 2

1.10.3 Aristocracy

Aristocracy is a type of government in which the leadership is in the hands of the noble people of the society that is the upper class of people¹². This system of government was a practice in Greece and in some European countries and Africa when it comes to hereditary. This can also constitute the military personae of high ranking

1.10.4 Democracy

Democracy is a type of government in which the privileged citizen is selected from within the society and elect to rule a nation or a state through voting during elections. It is from this type of government that we have the president and the other parliamentarians elected and not appointed. This system of government is also known as “*the rule of the majority*”. Because the leaders are struggling to be re-elected, there will always try by all possible means to work for the interest of the majority¹³

1.10.5 Executive arm of government

The executive is the main political power in a state, this arm of government is responsible for managing the state affairs. It is important to note that the president who is elected by popular vote heads this arm of government. The prime minister who is appointed by the president as per the constitution of Cameroon and followed by the appointed ministers¹⁴. The executive is also responsible for enforcement of the law

¹² The aristocrats: a portrait of Britain’s nobility and their way of today by Toy Perrott (London1968) page 5-10

¹³ Przeworski, Adam (1991). Democracy and the market. Cambridge University press. Page 10-14

¹⁴ The Cameroon constitution of 18 January 1996 article 5-10

1.10.6 The legislative arm of government

As per the constitution of Cameroon, the legislative arm of government is responsible for voting laws of the state, voting bills, and passing laws, which are of help to the state of Cameroon. This branch of government is divided into two houses that is the lower and the upper house or the parliament and the senate¹⁵. Both members of legislature are voted into their offices through direct and universal vote for parliamentarians and indirect vote for senators. And in Cameroon, the president of the Republic has powers to appoint thirty members of senate to office.

1.10.7 The judicial arm of government

This is an arm of government that is responsible for interpreting laws and also executes or applies the law in the name of the state¹⁶. This arm of government is always tasked with ensuring equal justice to the citizens of Cameroon. In Cameroon, the arm falls under the ministry of justice and is heads by the president of the Supreme Court who is appointed by the president of the Republic together with other judges of various courts of law. It is important to note the judicial arm of government in Cameroon is weak to the point that all officials are appointed through a presidential decree

¹⁵ Article 14-24 of the Cameroon constitution of 18 January 1996

¹⁶ Article 37-42 of the Cameroon constitution of 18 January 1996

CHAPTER TWO

VARIOUS ARMS OF GOVERNMENT AND THEIR FUNCTIONS

In this chapter, the researcher will bring out the various political arms of government and their functions. These political powers are the executive, legislative, and judiciary. Besides, there are different and possess different functions as far as the management of the affairs of the Cameroon government is concerned.

Cameroon like many other countries in Africa incorporates the principle of the separation of power in their constitution so that the rate of tyranny should be limited in Africa, particularly in Cameroon¹⁷.

It is worthy to note that the researcher in this essay will in this chapter, concentrate on analysing the law “*as it is*” and how “*it ought to be*”. Taking into consideration the constitution of Cameroon and the effects of its amendment as from the 1st September 1961 constitution to 1996 constitution, in which the principle of the separation of power is highlighted and their various functions. The researcher will also look into other people's work together with the constitution of Cameroon to achieve his goals.

Cameroon is a state governs through a unitary semi-presidential system of government in which the president who is elected through the popular vote is the head of state and the prime minister who is appointed by the president is the head of government. The office of the president and of the prime minister are the offices that crown the executive power in Cameroon and are then followed by the appointed

¹⁷ John makum mbakum “the separation of powers constitutionalism and governance in Africa: case study Cameroon” express 0(2013) (<http://works.bepress.com/john-mbaku/7/>)

ministers. After which the legislative branch of government is followed and the legislative is bestowed with the powers to make laws. The judiciary is the arm of government that is bestowed with the powers to interpret and executes laws.

1. 1 THE EXECUTIVE ARM OF GOVERNMENT IN CAMEROON

The executive is the main political arm of government in Cameroon and it is established in article 5-10 and article 11-13 of the constitution of 1996¹⁸. The executive is headed by the president of the Republic, the chief of state who is elected by popular vote for a period of seven years and can be re-elected as long as people still wants him to stay in power as per the amended constitution of 2008¹⁹

Besides, the second in command in the executive branch of government in Cameroon is the prime minister who is appointed by the president. The prime minister is the head of government. It is important to note that the president can dismiss and appoint the prime minister.

For the smooth functioning of the government the president also appoints his ministers as per the constitution of Cameroon, the president always dedicates powers to these ministers to acts on his behalf in excising their functions. The ministers are appointed base on the various sectors and their importance to the state of Cameroon

2.1.1 The president of the Republic of Cameroon

According to *article 5(1)* of the constitution of Cameroon, the president shall be the head of state. For a person to stand as a presidential candidate, he or she must have attained the age of thirty-five (35) during the time for election as per *article 6(5) of*

¹⁸ Law No 96-6 of 18 January 1996 to amend the constitution of 2 June 1972

¹⁹ Law No 2008-1 of 14 April 14 2008 to amend and supplement some provision of Law No 96-6 of January 18, 1996

the constitution of Cameroon. This means that he will be in charge of maintaining peace in the country as the head of the nation. *Article 5(2)* is also to the fact that the president of the Republic shall be elected by the whole nation and he shall act as the symbol of national unity in Cameroon. This is because since he will always be elected by all or by the majority of the citizen, it will be presumed that the people are united in their idea of leadership. The president shall also define the policy of the nation; this binds to the fact that he is the “grundnorm” of the state or the first law of the state.

Article 5(2) of the constitution is to the facts that the president shall ensure the respect for the constitution of Cameroon, this statement means that the president is also and shall be under the rules of the constitution of Cameroon. The president shall also through his arbitration ensure the proper functioning of the Republic, this means that if there is any dispute patterning to public office, the president can through his discretion as the president solve the dispute out of court procedures. *Article 5(2)* further elaborates that the president shall be the guarantor of the independence of the country and shall be the one responsible for the signing of the international treaties which are legally binding in the country as laws.

*Article 6(1)*²⁰ of the constitution of Cameroon stipulates that the president of the Republic shall be elected by a majority of the vote cast through direct, equal, and universal suffrage. Thus, meaning that to be the president of Cameroon, the person must be elected through direct, equal, or universal suffrage. After the declaration of the election, he shall take an oath before and in the presence of the members of national assemblies, the constitutional council, and the supreme court meeting in solemn session. The president elected shall assume office once he has been sworn in

²⁰ Ibid 18

as per article 7(1) of the 1996 constitution. The president shall be eligible to be re-elected only once after a period of seven years. But it is worthy to note that this same article has been amended by *article 6(2) of the 2008* constitution and the president is now eligible to be re-elected as long as people still want him in power.

If in case the presidential office is vacant, according to *article 6(4)* as a result of death, resignation, or as or permanent incapacity duly ascertain by the constitution, the president of the senate shall be acting as an interim president of the Republic until the new president is elected. The president of the senate may neither amend the Constitution nor the composition of the government as per *article 6(4) (b) of the constitution of Cameroon*

Functions of the president of Cameroon

The president of the Republic shall as per the constitution of Cameroon be the one appointing top officials or authorities to run the state affairs like the prime minister, the judges, the ministers, and other top administrators in offices like the Divisional officers, senior Divisional officers, and governors

Also, the president of Cameroon intervenes when the need arises to give justice the way in the country when there is a dispute for example. He usually goes on with this through the powers granted to him by Article 5(2) to act through his arbitration solve problems to ensure quick delivery of justice since there will be no court procedures to follow

Furthermore, the president of the Republic is the one responsible for the negotiating and ratification of the international treaties and agreements as per *article 43 of the 1996 constitution of Cameroon*. It is worthy to note that once the treaty is ratified as per article 45 of the 1996 constitution, the treaty will override the internal laws

More so, the office of the president may where circumstances so warrant decree state of emergency provided law supports it. This means that if there is insecurity in the

country or in any part of the country, the president can decree a state of emergency for security reasons. This was evident in 1992 when the state of emergency was declared in Bamenda the capital city of the North West region after declaring the elections; this was accompanied by the fear that Ni John Frundi the strong opposition could have declared himself the president-elect.

The president of the Republic may if necessary and after consultation with the government, the bureaux of the national assembly and the senate, dissolve the national assembly as per article 8(12) of the 1996 constitution. After the assembly most have dissolved, the election will be organized under the provision of Article 15(4), which is to affect that the election shall take place in not more than forty days and not more than sixty days following the expiry of the extension or abridgment period

He is also responsible for the internal and external security of the Republic as per article 8(3) of the constitution of 1996 since he is the head of the armed force and the one responsible for appointing the military top officials. Thus, in this case, the office of the president can decree a state of emergency and war on terror activities as it is the case with the fight against Bokoharam insurgency in the Northern zone of Cameroon

2.1.1 The prime minister of Cameroon

The office of the prime minister in Cameroon today has existed in East Cameroon since 1960 when they got their independence from France. When the East and West Cameroon reunite in 1961, this time there were two prime ministers that is one in East and another in West Cameroon as per *article 6 of the constitution of first September 1961*²¹.

²¹ Law No 61/24 of 1st September 1961 revising the constitution law of 4th march 1960 which come into force in 1st October 1961

he federal system of governance existed from 1961 to 1972 when Cameroon became a unitary state. The post of the prime minister was temporally unfilled, but in 1975 president of Cameroon Paul Biya was appointed by president Ahidjo as the prime minister for both East and West Cameroon who in 1982 became the president of the Republic. He managed his government without the post of the prime minister from 1984 until 1991 when he appointed Sadou Hayatou as the prime minister.

The prime minister is the head of government according to article 12(1) of the constitution of 1996. It is worth taking note that the prime minister is appointed by the president of the Republic, the prime minister is according to article 12(2) also responsible for the enforcement of the law in the country. This is to support the view that the office of prime minister is closer to the office of the president than any other office in the Republic of Cameroon. The prime minister like the president can delegate some of his powers to members of government and senior state officials to acts on his behalf in carrying out his duties.

2.1.2 Ministers and their functions

The president of the Republic appoints the ministers and according to the necessary department in the country, which need special care and competent people to handle it. Thus for the smooth functioning of the government, the president appoints the ministers and delegate some of his powers to them, and these goes along ministry by ministry. For example, the ministry of communication, the ministry of economy and finance, the ministry of higher education, the ministry of territorial administration, the ministry of public service and administration reforms, the ministry of justice, the ministry of basic education, etc. There are thirty-five (35) ministries in Cameroon

but the researcher in the following paragraph will highlight a few ministries and briefly discuss.

i) The Ministry of territorial administration.

This ministry is responsible for the implementation of government policies patterning to administration, decentralization, and civil protection in Cameroon²². Upon achieving the goals bestowed on him/her by the president of the Republic, the minister of territorial administration acts as a guarantor of public associations and political organizations, religions, and other non-governmental organizations in various regions and communities. If there is an occurrence of any natural disaster in any part of Cameroon, the ministry of territorial administration is the one to identified the area and referred the location to the government

ii) The ministry of justice

The ministry of justice is responsible for administering justice in Cameroon, responsible for controlling prisons and human rights activities in Cameroon. Though there a gross human rights violation in Cameroon by the policemen especially as far as the Anglophone crisis is concern today. This has led to serious criticism on the ministry of justice for not doing enough to ensure equal justice and human rights respect in the society

iii) The ministry of defense.

The Minister of defense is a top baron in the ministry of defense and he or she controls activities relating to dealing with war equipment and soldiers within the

²² <https://web.archive.org/web/200902277173533/http://minatd.net/en/>

territory of Cameroon. It is worthy to note that the minister of justice was the one in charge of this ministry but it was later on divided into two that is the ministry of justice and the ministry of defense. Hence, this ministry controls the use of war weapon and arm forces in Cameroon

iv) Ministry of Communication.

This ministry is concerned with matters relating to information that circulates within the country and gives out the information on behalf of the government. This is always done through the issuing of press releases and the use of multimedia platforms. Hence, with the aid of this ministry, the executive arm of government functions well when it comes to important information

Vii) The Ministry of Higher Education.

The ministry is concerned with or controls matters relating to education at the university level. With this function, the executive arm of government can achieve its goals of educating its citizens for the betterment of the country intellectually.

viii) The ministry of Agriculture.

This department of the executive arm of government deals with agricultural or farm products in Cameroon. This ministry is directly linked to the agricultural sector and through it, agent controls and aid the government to render help to its citizens within the territory who wants to produce agricultural products.

2.2 LEGISLATIVE ARM OF GOVERNMENT

The legislature in Cameroon is divided into two houses that are the lower and the upper house or the house of assembly and senate according to *article 14(1) of the*

constitution of 1996. This branch of government is aimed at making laws for Cameroon known as the legislation. The legislators are elected for a period of five years. Both the lower and the upper house shall meet on the same date on ordinary sessions which always hold in the month of June, November, and March each year when convened by the bureau of the national assembly and the senate after consultation with the head of state as per article 14(3)(a) of the constitution of 1996. Though the legislature is independent of the executive, they will always by the request of the president meet in congress to discuss serious issues. For example, the president of the Republic can convene a session to discuss matters relating to the amendment of the constitution, receive the oath of the members of the constitutional council, etc. According to article 14(5), no member shall be both member of the lower house and upper house Both members of the lower and the upper house will be entitled to immunities, ineligibilities, incompatibilities, allowances, and privilege which shall be provided by law as per article 5 and 6 of the constitution of 1996 respectively

2.2.1 The House of National Assembly

The members of the house of national assembly (lower house) shall be elected by direct and universal suffrage for a period of five years and shall comprise 180 members according to article 15(1) of the constitution of 1996. It is worth important to note that as per the Federal constitution of 1961, there were two houses of parliament that are one in East and another in West Cameroon or from both federal states. These representatives were elected through a direct and secret ballot in each of the federal states in the ratio of 1 member to 80, 000 inhabitants. Their term was for a period of five years' renewable as per article 16 of the federal constitution o of

1961²³. Article 30 of the federal constitution is also to the fact that the bills were to be submitted by both the president from East and West Cameroon since if the president was from the East, the vice president must be from the West

Though voted by people in their various regions and local areas, the parliamentarians represent the whole nation as per article 15(2) of the constitution of 1996, and also it is important to note that the number of the parliamentarians can be modified by law according to article 15(1)

According to article 15(4) of the constitution of 1996, in case of a crisis, the president of the Republic may after consultation with the president of the constitutional council and bureau of the national assembly to decide, by law, to extend or abridge its term of office. This in other word means that the president of the Republic has influence in the affairs of the national assembly and the legislature as a whole

Functions of the national assembly

From the onset, the national is bestowed with the powers by the constitution to make laws or to vote bills submitted by the president, by the various ministries or by the private members. Hence, the parliamentarians are mainly for the making of laws

Besides, the house of assembly shall hold three ordinary sessions each not more than thirty days per year according to article 16(2), and during the first ordinary meeting; they shall elect their president and the other executive members. Their sessions are called upon to discuss the issues affecting the state. This meeting shall be public, that is in such a way that the entire country will be informed before the holding of the meeting. Apart from the ordinary meetings, the national assembly shall also have extraordinary meetings for not more than fifteen days per session, which is usually for a specific event and or by the request of the president of the Republic or one of

²³ Ibid 21

its members. The extraordinary may be to target an urgent circumstance, which needs the deliberation of the parliamentarians before it can be solved.

The house of national assembly shall also adopt the state budget of Cameroon by voting. The various ministries defend their budget in the parliament patterning to how they will use the money at the end of the current financial year. When the budget is not adopted at the end of the current financial year, the president shall extend the budget of the previous budget by one-twelfth until the new one is pass according to article 16(2)(b) of the 1996 constitution of Cameroon

The national assembly is also charged to only accept bills which have the jurisdiction within the country according to article 26 of the constitution of 1996

2.2.2 The House of Senate

The house of the senate also known as the upper house of the legislature is equivalent to the House of Lords in Great Britain. Unlike the house of the national assembly, which represents but the whole country, the house of senate represents but the regional and the authorities as per article 20(1) of the Cameroon constitution. The house of the senate shall by article 20(4) of the constitution serve for a term of five years

The house of the senate shall comprise of seventy comprise of 100 members in which each region will provide ten (10) members to represent them in the senate. By virtue of Article 20(2), seven shall be elected by the indirect universal suffrage on regional bases and the president of the Republic shall appoint three (3) senators. Thus, this means that the office of the president of Cameroon always have influence as far as the house of the senate is concerned in Cameroon

The senate also shall in each year hold three ordinary sessions each not lasting for more than thirty days and in which in first ordinary session they shall elect their

president and the members of the bureaux. It is worth important to note that the senate can also have extraordinary sessions which shall not last for more than fifteen (15) days, and all their sessions must be public. However, for exceptional cases, they can hold sessions on camera on the request of the president of the Republic or by the absolute majority of its members as per article 22(1) of the constitution

General Functions of the legislative arm of government in Cameroon

The main function of the legislature in Cameroon is to make laws, amend laws, and appeal laws to meet the changes that come since society is dynamic and varies from period to period. Thus the old laws, which are not suitable for the present society will be change or erase from being laws and the new ones, which are suitable for the welfare of the society, will be instituted

Because of the need for democracy, the legislature has undisputed control over the financial deliberation of the Republic of Cameroon. This is because though the various ministries will always come up with the budget of their department, the ministers in the said ministries must defend it in the parliament and in which the parliamentarians after deliberation need to vote before it can be taken into consideration as per article 16(2) of the constitution of Cameroon. It is worth to note that the executive cannot on its carry out the financial transactions without the prior consent of the legislature²⁴

The legislature has a constitutional function. This is because the legislature upon performing the powers bestowed in its office, its interest must be sort before any amendment of the constitution. Thus, at times they will always vote when there is a need for constitutional changes. This was evident in 2008 when the majority of CPDM parliamentarians voted for the extension of the term of the president of the Republic to stay in power as long as people still want him

²⁴ www.preservearticles.com/201106258619/what-are-the-functions-perform-by-the-modern-legislature.html

The legislature also has the function of planning the affairs of the Republic of Cameroon. For example, when it concerns economic planning the legislature will always intervene in regulating the number of government agencies in the industrial field and contribute to the growth of the country's economy

2.3 THE JUDICIAL ARM OF GOVERNMENT

The judiciary arm of government is in charge of maintaining justice in Cameroon in the name of the people according to article 37(1) of the constitution This arm of government shall administer justice under the power of the supreme court, the court of appeal, and the tribunals with the aid of the judges who appointed by the president of Cameroon.

As per article 37(2), the judiciary shall be independent of the legislature and the executive, in addition to the independence of the judiciary, the magistrate shall be passing judgment according to law and their conscience. It is worth mentioning that the president of the Republic is the one to guarantee the independence of the judicial power since he appoints members of the bench and legal department. Though he does not do that alone but must seek consultation from the Higher Judicial Council which shall give him opinion on all nominations of the bench and directives on how the president can be dealt with actions against the judiciary and the legal department. Hence the judiciary arm of government in Cameroon do exist only in the constitution of Cameroon but practically does not have powers to take decisions independently

2.3.1 VARIOUS COURTS IN CAMEROON AND THEIR JURISDICTION

There are many courts in Cameroon established by the constitution, by the law of judicial organization 2006²⁵ and by the presidential decrees. These courts are as follows

Supreme Courts.

Supreme Court is the highest court of the country in legal and administrative matters as well as an appraisal of account after the Higher Judicial Council. According to article 38(1) of the constitution of 1996. The Supreme Court shall consist of a judicial bench, administrative bench, and an audit bench as per article 38(2).

The judicial bench shall give a final ruling on appeals from lower courts that is from the High Court and the Court of Appeal. The Court may cancel or maintain the final judgment passed on the lower courts according to *article 39 of the constitution of 1996*

The administrative bench on the other hand is responsible for solving the dispute involving the state and other government authorities, examine the appeals on all council and regional elections, and give a final judgment on matters relating to the administrative dispute. Thus, this means that the administrative bench main duty is to maintain justice when it comes to administration in the Republic

The audit bench of the Supreme Court is concerned in the country's financial management, that is to control and rule on the public account and also on other public and semi-public enterprises. Hence the audit bench of the Supreme Court is bestowed with the powers to pass final judgment pertaining to financial dispute and to overrule the decisions of the lower courts.

²⁵ Law No 2006/o15 of 29 December 2006 on judicial organization as amended

Court of Appeal.

The second court in hierarchical order is the Court of Appeal as per article 37 of the constitution of 1996. This Court shall receive appeals from the lower Court of original jurisdiction or the High Court and the Court of First Instance. The courts of appeal are found in all the head Regions of Cameroon and consist of the president of the court of Appeal and other judges (vice president). However, for services purposes, the court of appeal can cover more than one regions by the decree of the president of the Republic

The court of Appeal shall be composed at the bench of the president, one or more vice president, one or more judges, one registrar in chief, and other registrars. This is to exercise its jurisdiction and original or appellate jurisdiction²⁶.

The High Court

This is the third in hierarchical order of courts in Cameroon and is laid down by section 18(1) of 2006 law²⁷ governing judicial organization in Cameroon. This section is to the facts that the High Court shall be establish in each division though for administrative convenience, this court may cover several divisions by the decree of the president

Since the High Court is the court of original jurisdiction, they can hear civil and criminal matters. At the bench, there is usually the president, one or more judges, one registrar in chief and other registrar

²⁶ Barrister Tchana Anthony; civil procedure (law 339) course hand book the university of Buea. academic year 2016/2017 page 3

²⁷ Section 18(1) of the law No 2006/015 of 29 December 2006 on judicial organization as amended

The Court of First Instance

This is a court with the original jurisdiction and is established by section 15 of the 2006 law on the judicial organization and this court shall be in every subdivision in Cameroon and must be located at the chief town of the subdivision. The court of the first instance shall at the bench comprise of the president, one or more magistrate, one registrar in chief, one or more registrars. It is important to note that one magistrate can decide on the judgment of a party but by the discretion of the president of the court, he can still decide that the matter be heard by a collegiate bench of three members²⁸

Circuit courts.

These courts are established by the presidential decree within a subdivision for the proper and effective administration of justice. These courts do exist because the Courts of First Instance can cover more than one subdivision with authorization from the president of the Republic. Thus, these Circuit Courts are not permanent but temporary courts, which always seat in a particular jurisdiction due to the need for justice and lack of resources to manage the proper functioning of all the courts as per the constitution and the law of judicial organization.

State Security Court²⁹.

The jurisdiction of this court is all over the territory and it sits in Yaoundé is established by Law no 90/60 of 19 December 1990. The president of the Republic is bestowed with the powers or the minister of justice (delegated powers) to order the hearing or the sitting of the court to be in any part of the country. This court has

²⁸ Ibid 25

²⁹ Justice A. T. Nkongho LLB (UNIYAO), LLM (UDS), PH. D RESEARCH FELLOW UNIVERSITY OF DSCHANG [criminal procedure handout \(law 340\) part one 2016/2017 academic year University of Buea academic year 2016/2017](#) page 61

jurisdiction to hear matters relating to the felonies or misdemeanors, which are of a threat to international security.

Special criminal court.

This court was established by law No 2011/028 of 14 December 2011 and modified by law No 2012/011 of 16 July 2012. The creation of this court was to temper by the level of corruption that was rising in the country in the eye of the international community as Cameroon was ranked the most corrupt country in the world. For example, section 2 of this law focuses on embezzlement of public funds and it states that the court shall be competent to hear matters where the amount is at least 50,000,000 and if the amount is below 50 million, Procureur General will forward it to the competent court.

Thus with this court, the judiciary functions properly to deal with the issues of embezzlement of government funds. However, with mixed feelings among the legal luminaries to the fact that this court is controlled by the executive rather than the judiciary.

Military Courts.

This court is competent to hear matters relating to issues, which are of a threat to the sovereignty of Cameroon state, and insecurity matters. The suspect who happens to use war weapons against the state or military is tried in Military Court in Yaoundé. Any suspect of an act of terrorism is tried in this court. A good example is that of the trial of Anglophone detainees who were tried under flimsy charges of terrorism in the military court in Yaoundé concerning the Anglophone crisis, which started in 2016

Constitutional Council.

This court is the highest and hears matters relating to elections within the territory of Cameroon. Though this court has not been active since its creation in 1996 until March 25 2018. The functions of this court were previously managed by the Supreme Court of Cameroon for the past years. The court was established by law No 2004/004 of 25 April 2004 which lays down the functions of the Constitutional Council. A good example is a recent case about an election petition brought before this court by the opposition party, that is Social Democratic Front (S.D.F) in March 2018 and in April. Thus, the activities of this court help the judiciary to function well and for the interest of justice.

2.3.2 SOME COURT OFFICIALS AND THEIR ROLE WITHIN THE JUDICIAL ARM OF GOVERNMENT IN CAMEROON

Since the whole of the judicial arm of government depends on the operation of courts of law, it is important to know some Court officials and their functions

The Minister of Justice

The minister of justice is responsible for the maintenance of peace and justice within the Republic of Cameroon, protection of Human Rights, and oversee the activities of the judiciary arm of government in the territory of Cameroon. The minister of justice is appointed into office through a presidential decree to control the activities of the judiciary branch of the government or in other words to represent the president of the Republic in the judiciary..

The functions of the minister of justice are significant as far as the administration of justice is concerned in Cameroon. With the delegated powers directly from the president of the Republic, the minister of justice can overrule the decision of the

court of law or has powers to order the court to quit the proceedings while the case is pending

A judge.

This is a public official who is bestowed the authority to hear cases alone or with the panel of other judges in the court of law and pronounce judgment after hearing from both parties involved. For the rule of law to be maintained, the judge must pass judgment taking into consideration his or her conscience and the applicable statutory laws.

In the Republic of Cameroon, for a person to be a judge in the present period, he or she must have a master's degree after which he or she is required to write an entrance exam into the National School of Magistracy (ENAM). Upon graduation, he or she will be appointed by the president of the Republic of Cameroon as per article 37 of the Constitution of Cameroon 1996.

In some countries, Judges are selected from experienced attorneys from within the jurisdiction they practice and often appointed by the heads of states in many jurisdictions around the world. Nevertheless, in a through the democratic nation, judges are supposed to be elected by the legal practitioners as it is the case in some state in the United States of America³⁰. However, there is no problem in appointing the judges to preside over cases in the courts of law but the problem is to the fact that in Cameroon, these judges can be dismissed at any time by the head of state Hence for the proper functioning of the court of law, there must be a judge because of his importance in accessing the evidence presented by both parties and passing judgment on it taking into consideration laws, facts and conscience as per the principles of the common law.

³⁰ <https://en.m.wikipedia.org/wiki/judge>

Examining magistrate

An examining magistrate in Cameroon is a selected judge to preside over and carried out the preliminary inquiries when it comes to criminal matters. By virtue of section 147 of the Cameroon Criminal ProcedureCode³¹, the examining magistrate following the order for commencement from the state council of the jurisdiction competent to hear the case. The examining magistrate carried out the functions and hearing out of court and out of public for the interest of justice and the protection of human integrity

The court of law or the judiciary cannot do without examining magistrates because of their role in investigations and bringing before the competent judicial authorities grounds for legal proceedings

The legal department.

This is a section of court officials, who work for the interest or on behalf of Cameroon state. These court officials always act for the interest of the public especially when it comes to felony offenses.

Procureur General

Procureur general in Cameroon is the highest judicial official after the minister of justice. His or her office is at the regional level and in the Courts of Appeal and Supreme Courts of the Republic of Cameroon.

The president of Cameroon appoints Procureur general and his or her function is to hear appeals from the divisional and regional level. This is according to section 133 of Cameroon Criminal Procedure Code which is to the facts that procureur general

³¹ Law No 2005/007 of 27 July 2005 on the Criminal Procedure Code

shall hear the appeal before the Courts of Appeal and section 132 is to the fact that procureur general shall hear matters before the Supreme Courts

The decision of procureur general is binding to his or her subordinate and can give an order to stop the proceedings while the case is pending at court. Thus for the interest of justice, procureur general played a very important role in maintaining functions of the judicial arm of government though most at the time they are answerable to the person who appoints them than for the interest of justice.

A state counsel

The state counsel is an office with the function of investigating criminal matters, identifying the offenders, gathering evidence, and instituting the matter to a competent court. The functions of state counsel in Cameroon are limited within the division and sub-divisional level and in High Courts and Courts of First Instance

State counsels are state employed legal practitioners who are out to defend the interest of the state and of the people of the Republic of Cameroon when it comes to criminal matters. They are competent to carry out investigations within their jurisdiction as per section 140 of the Criminal Procedure Code in Cameroon³².

Therefore, the role of a state counsel is very important in the judiciary within the context of the separation of power. This is because with their work in the court they help in investigations on criminal matters.

A court registrar

He or she is a civil service administrator in charge of court registry and court recordings. Court registrars perform both the administrative and judicial functions like keeping records and still active in courts by directing the client in court

³² Section 140(1) of law No 2005/007 of 27 July 2005 on the Criminal procedure code in Cameroon.

procedures. Under the common law jurisdiction, registrars are under the control of the Chief Judges of the High Court and Supreme Court or president of the tribunal³³. In the Republic of Cameroon, for a person to be a registrar, he or she must pass through the National School of Administration and Magistracy (ENAM). After which he or she will be trained in the field as a court registrar and administrator

A barrister

A barrister is a lawyer within the jurisdiction of the common law. In the Republic of Cameroon since there are two systems of laws, a barrister is commonly used in the Anglophone regions. Hence, a barrister in Cameroon is a legal officer who must have been admitted in the Cameroon Bar Association to practice. Before admission, the person must have a first law degree and must have written BAR Exams or went to a law practicing school. For example, a law school in Nigeria. The main function of a barrister is to defend his or her client in court or act as an advocate in a legal hearing in front of a judge.

In Cameroon and nearly in all countries, barristers are self-employed and they work in chambers. In addition to their job as legal advocates, they are also employed by companies and banks for advisory purposes when it comes to contractual transactions and dealing with third parties.

Thus, a barrister's work in the court of law is significant in that he or she is the one to defend the interest of a client according to law and facts before a judge. In some countries, the function of a barrister is to elect judges but that is an exception in the Republic of Cameroon since the president of the Republic is appointing all judges. This means that without a barrister, the court of law cannot function because they are the main actors.

³³ [https://en.m.wikipedia.org/wiki/Registrar-\(law\)](https://en.m.wikipedia.org/wiki/Registrar-(law))

A Bailiff

Bailiffs are law officer's charge with the responsibility of making sure that court orders are obeyed with the aid of judicial police officers. The main function of a bailiff is toward property confiscated by the court of law. That is, when there is a problem which needs that an injunction should be placed on an object or any property of a person, a bailiff will be charged with the responsibility of executing the injunction with the aid of a judicial police officer and report back to the court of law.

The judicial police

Without the assistance of judicial police, the judicial activities within the territory of Cameroon cannot function smoothly. This is because they are the ones to serve the system or the courts of law and arrest persons who have breached the law. Judicial police with orders from the state council during the arrest: can use force, confiscate property, or search the suspect's house. Thus, the smooth functioning of the judiciary arm of government.

2.3.3 General Functions of the judicial Arm of government

The judicial arm of government in Cameroon is responsible for interpreting laws. Though the laws are made by the legislature, the judiciary's main aim is to ensure its applicability in the society and what procedures to follow when applying. Taking into consideration the fact the judiciary do interpret laws and pass judgment on it, the judiciary with the powers bestowed on the office to interpret and maintain the applicability of the law is key to the security of the state

Also, the judiciary performs the function of making laws in Cameroon. This is because in Cameroon there is the practice of both the English common law and French civil law. The function of making laws come in through the application of the common law principles in the Anglophone regions of Cameroon in which past decisions/judgments are taken to be laws in the present cases through the principle of judicial precedent. Hence, the judiciary is vested with the powers to interpret and make laws³⁴

The judiciary is also responsible for the protection of fundamental human rights. This is mostly base on individual rights like the rights to a fair hearing, the rights to justice, the rights to freedom, etc. This branch of government is the watchdog of the people's fundamental rights and also has the powers to punish any person who attempts to violate the rights of the other. The attempt of the violation of the rights of a victim will be protected if he or she has sufficient reason or prove that the person accuses of the attempted violation did or was going to do that. It is worth understanding that the judiciary will be of help in the above situation when the victim most have reported the matter to the authorities responsible for handling such matters

Also in Cameroon, the judiciary's function is to be guardianship of the constitution of Cameroon³⁵. Though there is a struggle of authority when it comes to matters relating to the constitution between the executive, legislative, and the judiciary. Since this arm of government is concerned with matters of the Republic relating to the law have the authority to rule against the attempted changes or the amendment, which are of disadvantage to the state of Cameroon

To conclude, though both the three arms of government are different, there still carry out some activities and functions which are the same. This is because all arms aim

³⁴ www.preservearticles.com/201012251625/functions-of-the-judiciary.html

³⁵ Ibid 29

to facilitate the smooth functioning of government and to reach the need of the citizens.

Both the executive, the legislative, and the judiciary are jointly responsible for maintaining peace in the state of Cameroon. This is because when there is an emergency both branches in their respective authorities can by the power bestowed on them convene an extraordinary meeting to discuss the problem to make sure that peace reign in the state of Cameroon

The three arms of government have a say in financial transactions within the state of Cameroon since the officials upon taking any influential position in the government offices need article 66 of the Cameroon constitution to disclose all his or her assets to the public. That is, there is no exclusion of any public office holder including the president of Cameroon when it comes to disclosing assets

The state budget is also proposed by the executive, voted by the legislative and this same budget can be halted by the Supreme Court of Cameroon when some parties are not convinced with the budget.

To crown it all, all of these arms of government's main responsibilities is to make sure that there is even distribution of power in the Republic of Cameroon. This is to avoid the concentration of power in the hand of one person and to promote democracy.

CHAPTER THREE

THE EXCESSIVE USE OF POWER BY THE EXECUTIVE ARM OF GOVERNMENT IN CAMEROON

The Republic of Cameroon is a state, which is governed through a semi parliamentary system of government. Though many intellectuals and common citizens both within the territory of Cameroon and beyond sees it as a dictatorial system of government because of the excessive use of power by the executive arm and its activities in the Republic.

The president of the Republic is the head of the executive power and the citizens who have reached the age of maturity (twenty-one years) elect him through direct universal suffrage. The presidential election is always conducted at the end of every seven years renewable once as per article 6 of the 1996 constitution of Cameroon³⁶, but the constitution of 2008 has altered this article to the fact that the president shall be elected for a period of seven renewable. The president of the Republic is bestowed with the powers to appoint some officials of the government and the top administrators to run the activities of the governing body and define the functions of these officials. Appointing these government officials gives the president the power to also dismiss the appointed officials when need be. The domination of the executive is because more powers are given to him by the constitution of Cameroon. Since the Cameroon government system semi-presidential and semi parliamentary, the majority of parliamentarians always favour the president of the Republic whenever he wants to take decisions, which are either for his interest or the interest of the citizen. For example, when the president of the Republic wanted to amend some sections of the constitution for his interest, as was the case in the constitution

³⁶ Article 6 of Law No 96-06 of 18 January 1996 to amend the constitution of 2 June 1972

of 2008. He cajoles the minds of the ruling party parliamentarians to vote in favour of the bill extending the presidential term of service to be infinite which was for his interest and not for the interest of the nation as a whole

Since 6 November 1982 when President Paul Biya took power from his predecessor president Ahidjo, he has been the one in power till when this research is written in 2018. The president controls all the activities of the executive arm of government since his orders are hardly denied or cannot be denied by his ministers and other government officials.

Centralization of power.

The powers of the executive and that of the president of Cameroon dominate that of other branches of government because of the form of state in which Cameroon is practicing. The Republic of Cameroon practice decentralize form of state in which almost all the French-speaking African countries practice. This form of state was introduced in Cameroon by the constitution of 1996. Decentralization as per the constitution of Cameroon is to the fact that powers of the state will be transfer to Regional and Local councils by virtue of Article 56 (1) of the constitution. This means that the regional and local authorities shall have powers to promote the economic, social, health, cultural, and sports development of their said authorities. But this is not practiced by the authorities or the government. Because of this, power is still centralized in the hands of the executive, as both the regional and local authorities have no authority to manage their affair independently. Thus making the executive dominate legislative and judicial branches of government since the executive controls from the centre to the regional and local areas.

In addition, the appointment of regional and local authorities by the president of Cameroon, the head of the executive arm of government. The appointment of nearly

all high-ranking officials in nearly all domains contribute to the excessive use of power by the executive. Since Cameroon is a land of promise as per her National Anthem, decentralization form of government is still in the process of implementation since 1996. Decentralization and its defect have also made it in such a way that the powers of the executive/president of the Republic are not limited to a particular area of office but cut across all Regions and offices.

This is because the president is in charge of appointing the governors, the senior divisional officers, the divisional officers, and the government delegates in every region, division, and subdivisions respectively. For example, there is no elected official like the parliamentarian, senator, or the mayor who can dispute the authority of a common appointed official like the divisional officer talk less of the governors and the senior divisional officers. This is because the type of decentralization that is practiced in the Republic of Cameroon is contrary to what is written in the constitution of 1996 in article 55 (2). Thus, the executive arm of government has total control over the regional and rural councils.

The executive arm of government also dominates other branches of government because of the role of soldiers. The president of the Republic is bestowed with powers to appoint generals as many as he wishes. Appointing these generals and colonels means a lot when it concerns authority. For example, any other authority because of the fear of soldiers cannot tamper with the executive orders. For this reason, the executive has all it needs to dominate other arms of government.

The prime minister who is the head of government is appointed through a presidential decree³⁷.

³⁷ Article 10 (1) of Law No 96-06 of 18 January 1996 to amend the constitution of 2 June 1972

On many occasions and during panel discussions, people and researchers, in particular, have expressed deep concern and the defects of the office of the prime minister to the fact that the office is dormant and very silent when it comes to problems which the government ought to be in charge. Hence, the office of the prime minister and that of the president of the Republic have direct control over the legislature. This is because by virtue of article 11 of Cameroon constitution, “the government shall implement the policy of the nation as defined by the president of the Republic. It shall be responsible to the National Assembly under the conditions and procedures provided for in article in article 34 below”

The executive arm of government dominates the legislative and the judicial branches of government with the aid of the president’s power in every angle. Though as per the principles of the separation of power, the use of power by various branches of government needs to be equal. But the case in the Republic of Cameroon is an exception to that principle

3.1 THE DOMINATION OF THE EXECUTIVE ARM OVER THE LEGISLATURE

The pure separation of power according to Montesquieu, the various powers are supposed to be separated and independent of each other. But the case in Cameroon is different since the executive has the power over the legislature both in the constitution and in practice. In Cameroon, the president can dissolve the house of the national assembly. With the executive power bestowed on the president of the Republic, he can at some circumstances and with the aid of the president of the national assembly and the head of the senate dissolve the national assembly according to article 8(12) of the Cameroon constitution of 1996. These same elections shall be organized according to article 15(4) of the Cameroon constitution.

The president who is head of the executive having the powers to dissolve the national assembly simply means that there is the domination of power over the legislature by the executive. Thus, which is against the principles of the separation of power according to Montesquieu³⁸ whose contribution to its development cannot be forgotten.

Still, in line with the executive powers bestowed on the president, the president appoints thirty (30) percent or thirty members of the senate out of one hundred (100) senators. This means that the executive power will always overshadow the legislative power because appointing thirty percent of the senators will mean having authority over those appointed. This appointment is a big slap on the face of the legislative arm of government since it is already in breach of the principle of the separation of power according to Montesquieu

The private member bill from the legislative member (private member) has never been successfully ratified in Cameroon national assembly. Though 1996 constitution of the Republic of Cameroon stipulates in its article 29 that both the private and the government bills shall be a table before the office of the national assembly and the senate. These bills are to be examined by the appropriate committee and then debated on them by the parliamentarians. Since the multiparty system was birthed in the Republic of Cameroon in 1990, the private member bill has never been admitted but the bills from the executive members are always admitted. From these facts, it is a clear indication that there is the domination of power by the executive over the legislative arm of government.

The president is the only one to approve all bills. The bills debated upon by the parliamentarians or the legislature cannot become laws until the president of the Republic approve them. This gives the impression that the legislative power is just

³⁸ Schinder, Ronald, Montesquieu political writings retrieved 19 November 2012 and Lloyd Marshall Davies (22 September 1998), fathers and founding fathers of: the separation of powers retrieved 17 November 2012

there to propose and cannot take concrete decisions. In addition to this fact, the president of the Republic as chief of the executive can pass decrees, which need not be debated upon by the legislature. For example, matters concerning the state of emergency are decrees which the parliamentarians or the legislature need not debate upon. Thus making the executive more powerful to dominate the legislature in the sense that the president of the Republic at the end of the debate is the one to decide whether to approve the bills or not.

Only the executive has the power to propose financial bills. Though the private members are eligible to propose bills relating to other issues that matter to the Republic of Cameroon, they are not eligible to propose financial bills. The ministers always propose their financial expenditures of the year and then submitted to the legislature to debate upon it. They are also expected to defend how they will spend the money in the current financial year. Hence, the executive branch of government overshadows the legislature in financial matters of the state

Considering the above points about the domination of the executive over the legislative, it is clear that the legislative arm of Cameroon exists just to elect or support the executive.

3.2 THE DOMINATION OF THE EXECUTIVE POWER OVER THE JUDICIARY ARM OF GOVERNMENT.

Though the judiciary and the executive are two independent arms of government as per article 37(2) of the Cameroon constitution of 1996. The executive arm of government is not supposed to overshadow the judiciary when it comes to decision making in the judiciary branch of government.

But contrary to the above statement, there is gross domination of the judiciary branch by the executive branch of government in Cameroon. The following paragraphs

highlight instances where there is the domination of power over the judiciary by the executive.

The executive arm of government is bestowed with the discretionary powers to grant independence of the judiciary.

By virtue of Article 37(3) of the constitution of Cameroon 1996, the president of the Republic is the one to grant the independence of the judiciary branch of government. Since the president who is the head of the executive is the one who has the powers to grant independence to the judiciary, therefore, it means that the judiciary is under the control of the executive. Nearly every court in Cameroon is established by the presidential decree. This means that the president who is the head of the executive arm can at any time create a court of law in any region through a decree in which any judiciary officials cannot dispute. For example, the Circuit court can only be created by the presidential decree

The President of Cameroon has the powers to appoint top-ranking officials of the judiciary.

Still, in line with Article 37(3), the president is the one to appoint the members of the bench like the magistrate and the legal department. It is by nature that when a person has the power to appoint you in an office, you must respect your master who put you there, and the person who appoints you will have authority over you. The following are some examples of top judicial offices control by the executive; The Minister of Justice, Procureur General, Judges, State Counsel, Judicial Police. etc.

The president of the Republic has the power to stop court proceedings at any time while the case is pending.

The head of the executive and the appointed minister of justice is bestowed with the powers to stop court proceedings. This was evident in the case of the Anglophone detainees who were arrested during the Anglophone crisis of 2016/2017. In this case, Agbor Balla and others were released following the orders from the president of the Republic. From the above scenario, the president of the Republic or the head of the executive dominates the judiciary when it comes to judgment since the president's decision overshadows that of the court of law.

According to section 64(1) of the criminal procedure code of Cameroon³⁹, Procureur General of the Court of Appeal may by express authority from the minister of justice to enter a nolle prosequi (stop prosecution) at any stage before the judgement⁴⁰. This, therefore, means that the executive officials have authority over the judiciary since the above mention authorities (minister of justice and the Procureur General) are both appointed by the president of the Republic.

The president of Cameroon is the head of the Higher Judicial Council.

This is ridiculous because the existence of the Higher Judicial Council is to regulate the powers of the president of Cameroon. The fact that the head of the executive is the one heading the Higher Judicial Council made it very difficult for the Higher Judicial Council office to regulate the powers of the president. Hence making the executive dominate the judicial arm of government. For example, on 7 June 2017, the president of the Republic (President Paul Biya) summons members of the Higher Judicial Council (that is selected judges, selected members of the national assembly,

³⁹ Law No 2005/007 of 27 July 2005 on the Criminal Procedure Code in Cameroon

⁴⁰ Justice A. T. Nkongho LLB(UNIYAO), LLM(UDS), PH. D RESEARCH FELLOW UNIVERSITY OF DSCHANG criminal procedure (law 340) handout part one university of Buea academic year 2016/2017 page 45

and the minister of justice) with the top agenda to discuss the crisis in the English speaking regions. Nevertheless, the researcher's position is to the facts that when the same office is to discuss issues which are to regulate the powers of the president who now will call the meeting

Any death sentence pass by the court of law must be approved by the president of the Republic.

This simply implies that the executive dominates the judiciary, which is against the concept of the separation of power. By virtue of section 22(1) of Cameroon penal code⁴¹, every sentence of death shall be submitted to the president of the Republic for his decision on commutation. Submitting the death sentence to the president who is head of the executive arm of government for approval means that the president controls the judiciary in one way or the other. Section 22(2) of the Cameroon penal code directly states that no death sentence may be executed until the president shall have signified his decision not to commute. Thus from the above section of the Cameroon Penal code, the executive shadow the judiciary when it comes to a death sentence

The executive dominates the judiciary in the office of the Constitutional Council.

By virtue of section 7 of 2004 law⁴², which lays down the organization, and functioning of the constitutional council, the Constitutional Council shall be made up of eleven (11) members for a mandate of nine (9) years. Among which the president of the Republic shall be bestowed with powers to appoint three (3) members, three (3) by the president of the National Assembly, three (3) by the

⁴¹ Law No 2016/007 of July 2016 (Cameroon Penal code as revise in 2016)

⁴² Section 7 of Law No 2004/004 of 21 April 2004 which lays down the functions of the Constitutional Council

president of the senate, and two (2) by the Higher Judicial Council. Since 1996, the functions of the Constitutional Council were performed by the Supreme Court of Cameroon as per article 67 (4) of the Cameroon constitution of 1996 till March 25th 2018 when the Constitutional Council had their first-ever seating. Taking a detailed look at the method of appointment above, it is clear that the executive has a grip over the highest court jurisdiction of this country. This is because the president who is the head of the executive and the president of the Higher Judicial Council already have the powers over 5 members of the constitutional council. Adding to the fact that the president still has the powers to dissolve the house of assembly is a big threat to the concept of the separation of power. This is because the Constitutional Council is supposed to be strictly judiciary-oriented, but unfortunately, it is not the case.

The executive also dominates the judiciary when it concerns the State Security Court⁴³.

The state security court, which has jurisdiction all over the territory and it sits in Yaoundé, was established by Law no 90/60 of 19 December 1990. The president of the Republic has the powers or the minister of justice (delegated powers) to order the hearing or the sitting of the court to be in any part of the country. The State Security Court is having the jurisdiction to hear matters relating to felonies or misdemeanors, which are of a threat to international security. Thus the president who is the head of the executive and the appointed minister of justice having the powers to reallocate the jurisdiction of the court is a great threat to the concept of the separation of power. This is because state security court has judges or legal authorities who can decide on the jurisdiction of the court but the president or the

⁴³ Justice A. T. Nkongho LLB (UNIYAO), LLM (UDS), PH. D RESEARCH FELLOW UNIVERSITY OF DSCHANG [criminal procedure handout \(law 340\) part one 2016/2017 academic year University of Buea academic year 2016/2017](#) page 61

minister of justice who is executive members are the only person having the powers to decide for the judiciary.

3.3 THE RELATIONSHIP BETWEEN THE VARIOUS POWERS OF GOVERNMENT

However, according to Montesquieu, the principle of the separation of power is the fact that the various branches of government are supposed to be independent of each other. For the sake of good governance and the smooth functioning of the government, these independent powers have some important functions, which need the attention of all arms of government for the interest of justice in Cameroon.

3.3.1 The relationship between the executive and the legislative arm.

According to article 25 of the 1996 Cameroon constitution, bills may be a table by either the president of Cameroon or by private members including the parliamentarians. From this fact, it is clear that the legislature and the judiciary have the same powers to propose or table the bills before the house of parliament for ratification. However, it has never been implemented as only bills from the executive members has continuously been allowed

Also, as per article 33 of the constitution of Cameroon, the prime minister who is a member of the executive arm, and other government officials can attend the parliamentary session and also participate in the deliberation or contribute to the issues arising during the parliamentary session. Therefore, both the executive through the prime minister and some members of the government can associate with parliamentarians according to article 33 of the Cameroon constitution. The present of the prime minister during the parliamentary session is to table to the members of the parliament the accountability of the government financial, social, economic, and cultural programs of the year as per article 34 of the constitution of Cameroon

Both the legislature and the executive needs to collaborate when it comes to the security of Cameroon. For example, the current (2018) Anglophone crisis needs the attention of both the legislature and the executive to deliberate on it for a lasting solution to the crisis. Therefore, when there is a need for stable security in Cameroon, both powers have to come to a consensus and see the way forward.

Both the executive and the legislature collaborates within the financial affairs of the state. This can be evident in the fact that at the beginning of the year and at the end of the year, the various ministries have to testify before the legislature how they have used the previous funds and how they will use the proposed financial budget within their various ministries.

In addition, the executive and the legislature have common features in the signing of international treaties. By virtue of article 43 of the Cameroon constitution of 1996, when the president of the Republic of Cameroon negotiates the treaties or international agreement, he will then submit it to the parliament for authorization to ratify it. From this section of the constitution of Cameroon, it implies that the executive and the legislature works together

3.3.2 The relationship between the executive and the judicial arm of government

In the Republic of Cameroon, the executive and the judiciary work together in specific areas of governance. Both the executive and the judiciary are related when it comes to some critical judgments. For example, though the judges and the legal practitioners are the people who usually deliberate on a case before passing judgment on a death sentence, the president of the Republic need to approve before the execution of the sentence. This instance shows that these two arms of government have common characteristics for the interest of justice and proper execution of some judgments.

The executive and the judiciary arms of government have a common relationship when it comes to investigations. This is because high-ranking executive officials can order for the investigation of criminal matters as well as members of the judicial arm of government. For example, the governor, senior divisional officer, or the divisional officer can give orders for the investigation of a case especially when it concerns land matter. From this example, it is clear that both the executive and the judiciary have a common relationship.

3.3.3 Relationship between the legislature and the judiciary

These arms of government share a lot since the two deals with issues relating to law in Cameroon. It is worthy to note that the legislature makes law or pass laws, which are binding, on everybody within the territory of Cameroon. When the legislature passes these laws, the judiciary branch of government will then have an obligation to interpret it for the public and also to execute them. Hence, the legislature and the judiciary have common features when it comes to the law. When the parliamentarians are deliberating on bills submitted to them by the government officials or private persons, they always invite lawyers from the judiciary department so that these lawyers can advise them on legal issues

3.4 EFFECTS OF THE DOMINATION OF SEPARATION OF POWER BY THE EXECUTIVE

With the excessive use of power by the executive arm of government in Cameroon, it has led to the centralization of power. With the centralization of power in the hands of the executive members, some decisions taken are not always good for the well-being of every citizen especially the underprivileged. This is because when the executive barons speak, it is final and binding to both the legislature and the judiciary

arms of government whether good or bad. For example, in the year 2008, the constitution was changed not because the legislature or the judiciary want it to be changed but because of the excessive use of power by the executive. For fear of arrest and imprisonment, members of the legislative and judicial arms of government always adhere to all commands from the executive.

With the failure to practice the separation of power in Cameroon properly, there is an existence of injustice. This is to the fact that the legislature and the judiciary cannot carry out their duties accordingly. For example, when it comes to maintaining justice by the judiciary through courts decisions, there is limited because their decisions cannot be independent and or given according to law and conscience as it is supposed to be since if not respect the authority of the executive top-ranking officials their decisions will be overruled.

More so, when power is centralized as it is the case in Cameroon, the president will be having powers to do and undo since he is protected by the system of governance practice. The president having absolute powers is against democratic principles as well as the separation of power. Hence, when the executive arm of government abuse power by dominating other arms in decision making it makes the president to have absolute powers.

It is worthy to note that the domination of power in Cameroon by the executive arm of government has contributed as the main factor flaming political crisis within the Anglophone region of Cameroon from 2016 until date (2018). This is because whatever the executive branch of government said to the legislature and judiciary is binding to them and unquestionable. For example, the refusal of Cameroon parliament to discuss the political crisis in the Northwest and Southwest regions of the country is because of excessive use of power by the executive arm of government. It is worthy to note that the United States Congress has recently

discussed the problem on the 29 of January 2018 while condemning the atrocities committed within these regions of Cameroon.. Domination of power in Cameroon by the executive arm remains s major drawback to nation-building

CHAPTER FOUR

CONCLUSION AND RECOMMENDATIONS

This chapter of the work is tilted toward the researcher's opinion on "A critical analysis of the separation of power in Cameroon." Taking into consideration the early mentioned statement of the problem and research questions in chapter one. The researcher from the product of this research has the following conclusion. The researcher also put to book in the following paragraphs, recommendations to competent authorities and to future potential researchers who can contribute to bringing change pertaining to the concept of the separation of power in Cameroon.

4.1 CONCLUSION

In search of how the separation of power is practiced in Cameroon, the researcher embarks on a journey to search for the truth about the applicability of separation of power in the Republic of Cameroon.

However, in search of what is happening in Cameroon, the researcher in chapter one of this work went out of the jurisdiction of his work to search for the origin of this concept of the separation of power. This is because the concept is not a Cameroonian born by name but something, which was brought to us by our colonial masters.

Upon research, it comes to be that the idea of the separation of power was first brought into existence by a prominent philosopher Aristotle when he started agitating for a change within the government of Ancient Greece to be more democratic. Because of his ideas, many philosophers also came up like John Lock to developed the concept. Nevertheless, this concept was well developed and coined by a well renowned French philosopher Montesquieu who brought the separation of power into the limelight. Though the separation of power was practice locally in

Cameroon like the case of the Nso people and their traditional way of governance, it was not up to standard as compare to the one we practice today.

Besides, the researcher in chapter two of this work brought into limelight the various branches of government, functions, its component, and some important sub institution under these powers. Bringing out its functions as per the 1996 constitution of Cameroon, the researcher also went further to take note of what other researchers have written about the separation of power. Hence, if the various arms of government take their functions properly, democracy and the rule of law will be reached.

Chapter three of this research highlights how the principle of separation of power has failed in the territory of Cameroon. The failure as per the researcher's analysis is to the fact that the laws have completely failed to deter the abuse of power by the executive arm of government over other arms.

Overall, from the researcher's quest for search, while departing from the world of forms to the world of reality, the researcher comes to realize that there is no actual separation of power in Cameroon. Though the separation of power exists in the Constitution and in other Acts or Laws of the country, the practical part of it is a mess. Thus, when philosophers went into the world of reality like Socrates and back to the world of forms, many barons have to change positive their ways because many citizens could at that time feel hurt. Hence, the researcher urges the barons of Cameroon to change positive their ways of governance so that our democratic values be respected.

4.2 RECOMMENDATIONS

The researcher's view within the context of the separation of power in Cameroon ascended from a negation view since there is no real practice of the separation of power in Cameroon. Taking into consideration what is practice and what the

constitution stipulates, it is clear that there is a need for amendment of laws governing the various arms of government in Cameroon. In addition, there is a need for the various barons and researchers to pressure for the amendments of laws that relegate democracy.

4.2.1 AMENDMENTS OF LAWS GOVERNING THE SEPARATION OF POWER IN CAMEROON

Coming across the following articles in the constitution of Cameroon 1996 governing the separation of power, the researcher's opinion is that the competent authorities should urgently amend the following articles of the constitution of Cameroon.

Article 8(12) and Article 15(4) of Cameroon constitution 1996. This article is to the fact that the president of the Republic may dissolve the National Assembly after consulting the president of the National Assembly and president of the Senate. These articles undermined the powers of the legislative arm of government. These powers are supposed to be independent of each other or if there is a corporation between them, it should be equal. Thus, there is a need for amendment so that it should reflect the concept of the separation of power and democracy.

The researcher's view pertaining to this article is that competent authorities should make it in such a way that the president of the National Assembly should be the one to take such an important decision of dissolving the parliament. That is if there is insecurity arising in the National Assembly, the president of the National assembly should be the one to consult other authorities of both the judiciary and the executive for solutions and not the head of the executive consulting the president of the National assembly.

Article 20(2) of the Cameroon constitution of 1996 should also be amended. By virtue of this article, each region shall be represented by ten senators by which seven (7) senators shall be elected through indirect universal suffrage on Regional bases while the president of the Republic shall appoint three senators out of ten senators per Region.

This implies that since there are ten (10) regions in Cameroon, there will be one hundred (100) senators by which seventy (70) will be elected through indirect universal suffrage and the president will appoint thirty (30) senators. This is not fair because the head of the executive appointing thirty senators will mean that he will have control over the appointed senators which is against the concept of the separation of power

Thus, the researcher urges the authorities in power, particularly the parliamentarians to amend this law. For this article to suit the principles governing the separation of power, the researcher's opinion is that all senators should be elected either through direct or indirect universal suffrage and no percentage should be appointed by any other person or by the president of the Republic.

There should also be an amendment of article 37 (3) of the Cameroon constitution of 1996. This article of the constitution of Cameroon is to the fact that the president of the Republic is the one to guarantee the independence of the judiciary since he or she is the one appointing members of the bench and legal department of the courts of law. This is against the practice of the separation of power. This particular law is a huge abuse of the judiciary power because the executive arm of government is controlling judges and top officials of the judiciary. Hence the researcher urges the authorities responsible for the amendment of laws to

quickly do so as far as this article of the Cameroon constitution is concerned so that there should be an admiration of the concept of the separation of power in Cameroon. This law should be amended in such a way that judges are to be elected by the legal practitioners in the field rather than being appointed by the president. Doing this will serve the judiciary from being controlled by the executive branch of government through the president.

The fact that the president of Cameroon is the head of the Higher Judicial Council should be amended. This court is the highest court of law in Cameroon and it also oversees the activities of the president but unfortunately, the president of Cameroon is the one heading this Higher Judicial Council. The president of this court should not be the president who is the head of the executive. The head of the executive is not supposed to be heading such an office within the judiciary. This is because the executive arm of government is not supposed to dominate the judiciary according to Montesquieu who said that these powers should be independent of each other. Thus, the president or head of the Higher Judiciary Council should be elected by the legal practitioners and not be the president of the Republic.

4.2.2 Recommendations to the executive arm of government

The researcher pleads with authorities within the executive arm to allow democracy to take its course by not abusing powers bestowed on them since they are the “grundnorm” of Cameroon state. It is clear that in all states with sovereignty in the world, the executive arm of governments is the highest arm of government with authority. However, the case of Cameroon is different because there is a gross abuse of power by the executive arm of government as it dominates both the legislative and the judiciary arms. For example, the decision of the President of Cameroon

relating to either the judiciary or legislature cannot be challenged by anybody because of the fear of arrest and imprisonment.

The researcher, therefore, urges any competent authority with democratic governing skills, who must have been opportune to read this work to channel this quest to the executive officials so that Cameroon can be a better place within our contemporary society.

4.2.3 Recommendation to the legislative arm of government

The legislature in Cameroon is dormant and have lost their legitimate rights to executive power. Therefore, the researcher urges the legislature to take to their hills and redeem their rights of authority as people's representatives and lawmakers. They should try to limit the executive head from influencing what they do in their department has lawmakers. The legislature when elected should also distance themselves from party politics and concentrate on the betterment of the country's economic, political, social, and cultural development. This means that they should not be working for the benefit of the executive officials or the president but the benefit of the population.

The parliamentarians should also try by all possible means to represent their areas of jurisdiction in the parliamentary debate so that there should be a balance of distribution of resources and developmental projects. Also, the legislature should create a fertile ground for private member bills to be debated upon and ratify because the executive members are not the only officials to be proposing bills, but the private members of the legislature have rights (which has never been exercised) bestowed on them by the constitution to also submit bills to the parliament

NB The researcher also doubts the credibility of senators within the legislature and their functions to Cameroon states. This is because since the introduction of the

senatorial house or the upper house in 2013, things have remained the same in this nation and you hardly hear the senators discussing crucial issues of the Cameroon ideas with the parliamentarians. The question remains, what is the use of this office?

4.2.4 Recommendation to the judiciary arm of government

This arm of government deals with matters relating to law, interpretation, and its application within the territory of Cameroon. This arm is not well structured for the betterment of the territory of Cameroon as per the laws and practice. Taking into consideration the above inadequacy of the judiciary activities discusses under the domination of the executive over the judiciary, it is convincing that the competent authorities of the judiciary are not doing enough to ensure that justice is to obtain in Cameroon. The researcher believes that the judiciary should be independent. This is because the judiciary is an arm of government that is responsible for maintaining justice and peace in the Republic of Cameroon. It is worthy to note that without peace nothing good cannot come out of a country like Cameroon without the judiciary.

Besides, the researcher is pleading with a competent authority to create a strong link between the officials of the judiciary and judicial police. This is because the judicial police who are supposed to be a component of the judiciary is directly controlled by the executive. Hence without enough relationship between the judicial officials and the judicial police nothing good can be produced out of its activities. For example, if the court gives orders to the judicial police before the minister's orders, that of the minister will have priority over that of the courts.

The highest failure within the judiciary in the Republic of Cameroon is the issue of appointment of top-ranking officials by the executive. The researcher urges legal practitioners to deny this idea of appointing their top-ranking officials and appeal

for change to the fact these top-ranking officials should instead be elected by legal practitioners.

4.2.5 Recommendation to researchers

It is very necessary for bloggers, researchers, and writers through articles and write-ups to come to the aid of Cameroon and take it as a responsibility to write about the practice of the separation in Cameroon. The researcher is urging these people to decry the way the principle of separation of power is abuse in Cameroon, especially by the executive.

4.2.6 Recommendation to the barons

The researcher encourages competent men and women of authority who must have an eye view on this work to do everything possible to stay within the confines of the law. Taking the law of Cameroon into consideration, one can see that these laws are at least moderate when it comes to the separation of power. Nevertheless, the type of people put to oversee these laws are not worthy enough in putting the laws into practice. Thus, for this reason, the researcher calls on the barons or the leaders to preach and practice the virtue of democracy in Cameroon.