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REPORT ON CITIZENSHIP LAW: CAMEROON

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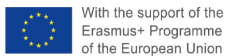
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Report on Citizenship Law Cameroon

Eugene Arnaud Yombo Sembe

1. Introduction

The creation of Cameroon as a state is unique in the history of Africa. Its current borders were first established as a German colony before being divided between the British and French administrations by the League of Nations. The nationality legislation adopted before independence, however, was based only on the French model. The Cameroonian ordinance of 28 November 1959 is the oldest text on nationality law among the French-speaking African countries¹. It was supplemented shortly afterwards by the decree N° 59-286 of 31 December 1959. Thus, Cameroon is the first state of the former French Black Africa to have defined and codified its nationality².

The current nationality code, law no. 1968-LF-3 of 11 June 1968, contradicts, in some of its provisions, the norms established in contemporary international law. These imperfections would be partially addressed by a reform of the nationality law included within a proposed preliminary Draft Code of Persons and the Family.

This report is structured in five main parts. Firstly, it outlines the history and first nationality law of independent Cameroon; secondly, it sets out the current content of Cameroonian nationality law; thirdly, it summarises the rules on civil registration and identification; fourthly, it explains the proposed Draft Code of Persons and the Family, and finally it draws the major contemporary controversies about citizenship in Cameroon, especially in relation to dual nationality.

2. The first nationality code of 1959

2.1 Historical background: the creation of Cameroon

The name Cameroon was given by the Portuguese navigator Fernando Póo in memory of the estuary of the Wouri he visited in 1472 and baptised "Rio dos Camaroes" which means "river of prawns".

¹ Alexandre Zatzepine, *Le droit de la nationalité des républiques francophones d'Afrique et de Madagascar*, Paris: Pichon et Durand-Auzias, 1963.

² Vincent de Biéville, «La naissance d'une nouvelle nationalité en Afrique: la nationalité camerounaise», *Revue Juridique et Politique de l'Outre-Mer*, 1961, p. 600 et suiv. Cited in Decottignies & de Biéville, op cit, p.55..

In 1884 Cameroon became a German protectorate immediately after the Berlin Conference. Under the German rule, Cameroon did not have a citizenship statute, although the territory was not a colony³.

When Germany lost World War I, Cameroon was occupied by Franco-British forces, and divided into two territories, the eastern four-fifths entrusted to France and the remainder in the west to the United Kingdom, by a mandate policy of the League of Nations in 1922⁴. The League of Nations mandates were converted into trusteeships under the United Nations Charter in 1945. Residents of the British territory were considered to be British protected persons⁵; while France adopted decrees providing for French protection at international level, and in 1958 an ordinance gave the territory its own statute within the newly adopted constitution of the *Communauté française*.⁶

The ‘British Cameroons’ were administered by Great Britain as part of Nigeria, and after Nigerian independence, the northern and southern parts of the territory voted on whether to join Nigeria or re-unite with French Cameroon. Northern Cameroon opted to join Nigeria; Southern Cameroon opted to join the former French territory, on 1 October 1961⁷.

This double heritage was not reflected in the first Cameroonian Nationality Code of 26 November 1959, adopted by the French territory while still part of the *Communauté française*, and largely inspired by the French Nationality Code of 1945.⁸ It was this law that entered into effect for the former French territory on independence from France on 1 January 1960, and became applicable also to the former British Southern Cameroon when sovereignty over the territory was transferred. The law was, therefore, unfamiliar with the rules of the British Nationality Act of 30 July 1948, and the British Protectorates, Protected States and Protected Persons Order in Council of 1949, applicable in the former British Cameroons.

The 1959 code reflected contemporary norms in providing for gender discrimination: nationality was attributed to a child by the father, if born in wedlock, and acquired by a wife from her husband. In addition, and in recognition of inadequate civil registration at independence, the code provided that Cameroonian nationality would be acquired based on birth in the territory by a child unable to establish any other nationality of origin.

2.2. Attribution of Cameroonian nationality at birth

Under the 1959 Code, original nationality was conferred at birth to the child of two Cameroonian parents (section 6) and to a child born in wedlock to a Cameroonian father (article 7(1)). In case the child was not born in Cameroon and could claim the nationality of the other

³ Cameroon has never been colonised but was an occupied territory after a treaty signed between Germany and Duala paramount chiefs known as Germano-Douala Treaty. Read Sandjè, R. N. (2016). ‘Le Traité germano-douala du 12 juillet 1884 : étude contemporaine sur la formation des contrats dans l’ordre juridique intemporel. *Revue québécoise de droit international / Quebec Journal of International Law / Revista quebequense de derecho internacional*, 29(1), 131–159. <https://doi.org/10.7202/1045113ar>

⁴ Victor Julius Ngoh, *History of Cameroon since 1800*, Presbook, Limbe, 1996 .

⁵ Initially under royal prerogative, and after 1948 under the British Nationality Act. Read Laurie Fransman, Adrian Berry & Alison Harvey, *Fransman’s British Nationality Law*, 3rd edn, Bloomsbury Professional, 2011, chapter 6.8 and catalogue entry on Nigeria.

⁶ Art.2 of the Ordonnance du 30 décembre 1958 portant statut du Cameroun ; discussed in Roger Decottignies & Marc de Biéville, *Les nationalités africaines*, collections du Centre de recherche, d’étude et de documentation sur les institutions et les législations africaines, Paris: A. Pedone, 1963, pp.18-20.

⁷ Laurie Fransman, Adrian Berry & Alison Harvey, *Fransman’s British Nationality Law*, op.cit.

⁸ Roger Decottignies & Marc de Biéville, *Les nationalités africaines*, op.cit, pp.54-55.

parent, he or she could renounce Cameroonian nationality within six months before reaching the age of majority.

There was also a provision that, a child born out of wedlock was considered Cameroonian if the first parent for whom parentage is established was Cameroonian (article 7 (2)). Was also considered Cameroonian a child born out of wedlock to a Cameroonian mother if the father was stateless or had an unknown nationality; or a child born out of wedlock if the second parent for whom parentage was established was stateless or of unknown nationality (article 8).

Article 11 also considered as Cameroonian, a child born in wedlock in Cameroon to a foreign father who was himself born there; or a child born out of wedlock if the first parent with whom parentage is established was also born there. According to Article 16 of the 1959 Code, such a child could, however, renounce Cameroonian nationality in the six months after reaching the age of majority; and the rule did not apply to the children of professional diplomats (who could nevertheless claim Cameroonian nationality when they came of age). The 1959 Code did not consider as Cameroonian, a child born in Cameroon of a mother who was herself born there.

It was also provided that a child born of unknown parents was considered Cameroonian unless, as a minor, it was established that he or she had a foreign nationality. A newborn child found in Cameroon was presumed to have been born there (Articles 9 & 10). These provisions were supplemented by Article 12, which further provided that Cameroonian nationality was automatically conferred by the mere fact of birth on Cameroonian territory to any person who could not claim any other nationality of origin.

Articles 14 and 15 provided that parentage had to be established while the person was still a minor, either under the conditions laid down by the Cameroonian legislature or on the basis of Cameroonian customs, which was not a clear and concise point.

2.3 Acquisition of nationality after birth

As far as the acquisition of the nationality after birth was concerned, the 1959 Code facilitated acquisition of nationality for three main categories of persons who were excluded from automatic attribution at birth:

- Firstly, Article 21 provided that the child born in Cameroon to two foreign parents who had resided in Cameroon for five years during childhood, could, at his or her request before majority benefit from Cameroonian nationality. Majority was according to Article 4 set at twenty-one years.
- Secondly, it was mentioned by Article 17 that, a foreign woman who married a Cameroonian automatically acquired the nationality of her husband at the time of marriage. On the contrary, a foreign man married to a Cameroonian woman could only be naturalised, although without residence requirement (Art. 27). A Cameroonian woman who married a foreigner could retain her original nationality, subject to an option in favour of the competing foreign nationality.
- Thirdly, it was provided that a child adopted by a Cameroonian could claim nationality upon reaching the age of majority (Art. 22).

In addition, the 1959 Code provided a naturalisation on the basis of residence for any other foreigner:

- An adult over the age of twenty-one who had been habitually resident in the country for five years could apply for naturalisation. The additional conditions were that the applicant for naturalisation had to prove sufficient economic means, good health and morals, and assimilation into Cameroonian society (Section 32).

A person who had acquired citizenship by virtue of birth and residence in Cameroon, adoption, marriage or naturalisation was only eligible for public office after five years from the date of acquisition, although this period may be extended by the Naturalisation Decree (Art. 31).

2.4 Loss and withdrawal of nationality

The 1959 Code addressed the issue of loss of nationality similar to the French Code, but with a more liberal touch. Article 32 provided that nationality was lost if a person voluntarily acquired a foreign nationality or was employed in a foreign public service, or if a person exercised the right provided for in other articles to refuse Cameroonian nationality.

With respect to the deprivation of Cameroonian nationality, the 1959 Code provided only for deprivation from a person who had acquired nationality (not a person who was attributed nationality at birth) and retained only two of the five cases in the French Code: namely, offences against the internal or external security of the State and acts prejudicial to the interests of the Cameroonian State (article 35). It did not extend forfeiture to the wife and minor children of the person concerned. Deprivation could only be carried out during a period of ten years from the acquisition of nationality (article 36).

2.5. Resolution of disputes related to nationality

The 1959 Code borrowed some provisions of the the French Code of 1945 as far as the disputes related to nationality was concerned. Were quite similar to the French Code of 1945, all the provisions on the rules relating to the jurisdiction of the ordinary courts, the procedure in matters of nationality, the distribution of the burden of proof, and the establishment of certificates of nationality.

3. The nationality code of 1968: the current citizenship regime

The Nationality Code enacted by the law of 11 June 1968,⁹ like its predecessor, provides for nationality primarily based on descent, with some rights based on birth in the territory.

Thus, the Code recognises the status of Cameroonian on the basis of *ius sanguinis* for legitimate children if at least one parent is Cameroonian, and for natural children of a Cameroonian parent, subject to restrictive conditions¹⁰.

⁹ Loi no. 1968-LF-3 du 11 juin 1968 portant Code de la nationalité camerounaise

¹⁰ Venant Tchokomakoua, La nationalité camerounaise (Étude critique de la loi du 11 juin 1968 portant Code de la nationalité camerounaise), Thèse pour le doctorat de 3e cycle, Université de Yaoundé, 1981.

This descent-based system was justified by the fear of irredentism in a multi-ethnic state like Cameroon. President Ahmadou Ahidjo had a project of fostering national unity and identity based on a descent¹¹.

The 1968 law established gender equality in transmission of nationality to children, but retained discrimination based on birth in or out of wedlock, and in transmission between spouses. The principle of gender equality appeared in Cameroonian society as a brutal reform, in that it had not become part of the population's mores¹². That was the consequence of the patriarchal nature of state authorities. The multi-faceted and custom-oriented family law in Cameroon is essentially founded on relations of subordination, whereas the French civil code that inspired it encouraged equality between spouses, ascendants and descendants¹³.

3.1 Acquisition of Nationality

The law establishes five ways to acquire Cameroonian nationality.

3.1.1 Attribution at birth based on descent (*ius sanguinis*)

Under the terms of article 6 of law n ° 68-LF-3 of 11 June 1968,

*“Is Cameroonian,
(a) the legitimate child born of Cameroonian parents and
(b) the natural child, when the two parents in respect of whom parentage is
established, are Cameroonian”.*¹⁴

As in the case of the 1959 code, this provision in case both parents are Cameroonian appears to be simply a restatement of the obvious legal presumption.

Article 6 is supplemented by subsequent articles providing for nationality to be transmitted if one parent is Cameroonian, subject to proof of parentage (filiation) if born out of wedlock. If the child is born out of wedlock and one parent is a foreigner, the child may repudiate Cameroonian nationality no later than six months before reaching the age of civil majority (articles 7 & 8).

In summary, according to the principle of nationality of origin *iure sanguinis*, a Cameroonian is:

- a child born in wedlock when one or both parents are Cameroonian (articles 6a, 7a and 8a of the Nationality Code of 1968);
- the child born out of wedlock when both parents in respect of whom filiation has been established are Cameroonian (art. 6b);

¹¹ Ahmadou Ahidjo, *Contribution à la construction nationale*, Paris: Présence africaine, 1964, 136 p., also read Ahmadou Ahidjo, *Ahmadou Ahidjo par lui-même*, Monaco: Editions Paul Bory, 1968, 102 p., Ahmadou Ahidjo, *Nation et développement - Dans l'unité et la justice*, Paris: Présence africaine, 1969, 90 p.

¹² Malang, Leonard, *La nationalité*. Etude de l'avant-projet de code des personnes et de la famille, Memoire de DEA, Université de Yaounde II, Département de droit privé, 2004.

¹³ Atangana-Malongue Thérèse, 'Le principe d'égalité en droit camerounais de la famille', *Revue internationale de droit comparé*. Vol. 58 N°3, 2006. pp. 833-858; https://www.persee.fr/doc/ridc_0035-3337_2006_num_58_3_19449

¹⁴ Art 6: Est camerounais: a) L'enfant légitime né de parents camerounais; b) L'enfant naturel, lorsque les deux parents à l'égard desquels sa filiation a été établie sont camerounais.

- the child born out of wedlock whose filiation was first established with regard to his or her Cameroonian father or mother, in the event that the two parents are not of the same nationality (Article 7b);
- the child born out of wedlock whose parent in respect of whom filiation was first established is stateless or of unknown nationality, and the author of the second recognition is Cameroonian (Art. 8b).

The current Code thus establishes a discrimination between legitimate and natural filiation, as well as maternal and paternal filiation.

In addition, according to the current Code, it seems more complicated to recognise as Cameroonian citizen, the natural child whose filiation has successively been established to both parents on two different dates. In that case, the Code only attributes Cameroonian nationality in case filiation has first been established to the Cameroonian parent. In most cases this will be the mother, in case of a child born out of wedlock.

The rules on establishing filiation are set out in the Ordinance n° 81/02 of 29 June 1981 on civil registration, as amended by law n° 2011/011 (see below, heading 4).

3.1.2 Attribution based on birth in Cameroon (ius soli)

The nationality code also provides some rights based on birth in Cameroon. Children born in Cameroon to foreign parents of whom at least one was also born in Cameroon are Cameroonian by right (the rule of dual *ius soli*), subject to establishment of filiation if born out of wedlock (article 11). Although the explicit discrimination of the 1959 code is removed, the dual *ius soli* provision thus in practice establishes a distinction between maternal and paternal filiation, as established under the rules on civil status.

The law also contains protection against statelessness for foundlings and for children of stateless parents. A child born in Cameroon where the parents are unknown, shall be deemed to be Cameroonian until proven otherwise; and a newborn child found in Cameroon is presumed born there¹⁵. Similarly, Article 12 provides that "Cameroonian nationality is also acquired by right, by the sole fact of birth on Cameroonian territory, to any person who cannot claim any other nationality of origin."

In summary, according to the principle of nationality of origin *iure soli*, a Cameroonian is:

- a child born in Cameroon of unknown parents (art. 9);
- a newborn child found in Cameroon shall be presumed born in Cameroon (art. 10);
- a child born in Cameroon of one parent also born there (art.11);
- any person born in Cameroon and having no nationality of origin (art. 12).

One exception: non-application of the rule of double *ius soli* to children of agents of the diplomatic and consular corps (art. 16). They may nevertheless claim Cameroonian nationality on the double condition of being habitually resident in Cameroon and of making a declaration thereof within the six months preceding their majority before the president of the civil court (tribunal de grande instance) or before diplomatic or consular agents representing Cameroon if the declarant is outside Cameroon.¹⁶

¹⁵ Art. 9 and 10 of the Code. Art 9 : « Est camerounais, l'enfant né au Cameroun de parents inconnus. Toutefois, il sera réputé n'avoir jamais été Camerounais si, au cours de sa minorité, sa filiation est établie à l'égard d'un étranger, et s'il a, conformément à la loi nationale de cet étranger, la nationalité de celui-ci ».

¹⁶ Art. 16 of the Code.

3.1.3 Acquisition of nationality by declaration

There are three situations in which a child can acquire nationality after birth and before majority, by simple declaration:

- birth and residence in Cameroon for at least five years within six months before reaching the age of majority (art. 20);
- adoption by a Cameroonian: the child residing in Cameroon must claim this nationality within six months before reaching the age of majority (art. 21);
- recovery of nationality by a parent: minor children who are married or of age of majority of a reinstated Cameroonian parent may claim Cameroonian nationality by declaration (art. 22).

3.1.4 Acquisition of nationality based on marriage

The nationality code discriminates on the basis of sex in acquisition of nationality based on marriage: a distinction is made according to whether it is the wife or the husband who seeks to acquire nationality:

- A foreign woman who marries a Cameroonian may acquire Cameroonian nationality based on her express declaration, and takes effect on the date of marriage (art. 17);

With regard to the husband, marriage has no influence on his nationality: the foreign husband of a Cameroonian woman may only acquire Cameroonian nationality by naturalisation.

3.1.5 Acquisition of nationality by decision of the public authority

In addition to the previous forms of acquisition, which are at the request of the person concerned and if the conditions are fulfilled the executive may not (in principle) refuse the request, a person may also apply for nationality that is granted at the discretion of the public authorities. This operates in two cases:

- naturalisation based on long residence (art. 25)¹⁷, open to foreigners who meet four conditions: capacity (at least 21 years of age), assimilation (five years of habitual residence in Cameroon unless exempted), good conduct (*bonnes vie et moeurs*), and no criminal convictions, and good health. The foreign husband of a Cameroonian wife is exempted from the five-year residence period, as is a person rendering exceptional services to Cameroon (art.26);
- recovery (art. 28)¹⁸, the conditions of which are the proof by the person concerned of his former status as a Cameroonian and residence in Cameroon at the time of his application.

Naturalisation or recovery of nationality is granted by a presidential decree (arts 24 & 28).

¹⁷ Following the procedure of articles 9-12 of the decree of December 16, 1968.

¹⁸ Following the procedure of article 13 of the decree of December 16, 1968.

3.2. Loss and deprivation of nationality

Under the terms of the law of 11 June 1968, nationality is automatically lost in some circumstances, and in others may be stripped from a person by decision of the public authorities.

Article 31 stipulates that Cameroonian nationality is lost in three cases:

- a) A person of full age who voluntarily acquires or retains a foreign nationality.
- b) A person who exercises the power to repudiate his Cameroonian status in accordance with the provisions of this law.
- c) A person who, while holding a job in a public service of an international or foreign organisation, retains it notwithstanding an injunction to resign from it issued by the Government of Cameroon.

A Cameroonian woman who marries a foreigner does not lose Cameroonian nationality unless she expressly declares that she repudiates it at the time of the celebration of the marriage (Article 32.1).

Article 34 of the Law of 1968 provides that a Cameroonian may be stripped of nationality in two cases:

- Conviction for crime or misdemeanor against the internal or external security of the State;
- commission of acts prejudicial to the interests of the Cameroonian State

In addition, a decree of naturalisation or recovery of nationality may be repealed if it appears that the person did not fulfil the legal requirements (article 39).

Article 40 provides that loss of nationality in case of repudiation under Article 31(b) or deprivation under Article 34 is pronounced by decree. The loss of nationality under Article 31(c) is a hybrid procedure: the public authorities must request that a person give up the relevant employment, but if the person does not do so, loss is then automatic.

Nevertheless, in practice, some Cameroonians have dual nationality in defiance of article 31 (a) and (b), only the litigation process could recognise that they have lost their Cameroonian status. The automatic loss of Cameroonian status must be proven by a judicial finding (see below). In the absence of such proof, those with dual Cameroonian and foreign nationality may illegally continue to enjoy the rights attached to Cameroonians with a single nationality.

3.3. Procedures established for the application of the nationality code

Any declaration with a view to

- a) acquire Cameroonian nationality (based on birth in Cameroon or marriage)
- b) decline the acquisition of Cameroonian nationality (case of filiation)
- c) repudiate Cameroonian nationality (case of married women); or
- d) renounce the right to repudiate Cameroonian nationality in the cases provided for by law; is lodged with the magistrate or the president of the civil court whose seat is in the chief town of the district where the declarant has his residence (Article 36 law of 1968). This is the *Tribunal de Grande Instance*. If the declarant is outside Cameroon, the declaration shall be lodged with diplomatic and consular agents (Article 37). This

declaration must be registered at the Ministry of Justice or it will be of no effect (article 38).

3.4. Resolution of disputes related to nationality

According to Article 41 of the Cameroonian Nationality Code, the competent courts to deal with disputes related to nationality are the ordinary civil courts (*juridiction civile de droit commun*). Article 42 of the nationality code establishes that a civil court at a district headquarters (*chef-lieu d'arrondissement*) is competent to issue a certificate of Cameroonian nationality to any person who qualifies for that status under the nationality code.

These provisions are supplemented by Law No. 2006/015 of 29 December 2006 on the Organisation of the Judiciary in Cameroon. The said law enshrines the issues of the status of persons, including that of nationality, to the jurisdiction of the High Court (*Tribunal de grande instance*) and the *Tribunal de premiere instance*, territorially competent.

When the question of nationality appears in a court case, it is considered as a "preliminary question" and of a public order nature that must be raised by the judge *ex officio* and requires the intervention of the Public Prosecutor's Office before the judge concludes his deliberations. The burden of proof lies with the plaintiff. Anyone claiming to be a Cameroonian national must provide proof thereof. Proof of Cameroonian nationality shall be furnished by a certificate of nationality, the production of a registered copy of a declaration of nationality with the Ministry of Justice or the certificate of registration issued by the Minister of Justice shall also be deemed to be proof of Cameroonian nationality. Where these instruments attesting to Cameroonian nationality are contested, the burden of proof is reversed, i.e. it is the person who contests the status of Cameroonian to provide proof.

If these exceptions are raised before the criminal courts, the latter must stay the proceedings, i.e. suspend the judgment and refer the part relating to the nationality challenge to the civil court. After the civil court has issued its decision, the criminal court may continue the proceedings.

Proof of the loss or forfeiture of Cameroonian nationality shall result from the production of a copy of the official gazette where the decree of loss has been published or an attestation from the Ministry of Justice stating that the declaration of repudiation has been subscribed and registered. Apart from these modes of loss and their respective proofs, proof may also be given by establishing the existence of the facts and acts that led to the loss of nationality. On the other hand, proof of foreign nationality or of the status of foreigner can be provided by any means. It is necessary to prove that the person does not meet any conditions required by law to have the status of Cameroonian. After the debates and the administration of evidence under the authority of the judge, the latter must render judgment.

Article 41, paragraph 4 of the 1968 law on nationality¹⁹ and article 8 of the 1968 Decree on the modalities of application of the nationality code²⁰ confer on the public prosecutor an exclusive right of action as plaintiff or defendant on behalf of the state.

In 2002, the Bafoussam Court of Appeal decided in a case relating to the obtaining of a supplementary judgment for a birth certificate opposing the Public Prosecutor's Office. The

¹⁹ Article 41(4) of the Code of 1968; "The public prosecutor must always be implicated and alone has the quality to act or defend on behalf of the state"

²⁰ Article 8 of the Decree provides that: "the validity of a recorded declaration can always be contested by the public prosecutor or by any interested person".

decision rendered by the Banganté First Degree Court was annulled by the judges of appeal because the request had not been previously communicated to the Public Prosecutor's Office for investigation, which constituted a violation of article 24 of the 1981 ordinance on civil status²¹.

4. Civil registration and identity documents

4.1. Civil status

The issue of civil status remains a constant preoccupation of public authorities in Cameroon. Between 2010 and today only 61 per cent of births have been registered and majority of children from the Eastern and Northern regions of the country do not have a birth certificate²². In view of the multiple dysfunctions recorded in the management of civil status in Cameroon before 2010, the government's priority is the institution of mechanisms to secure identity documents and a better control of the challenges that hinder their implementation.

The birth certificate is the essential document for obtaining a national identity card (carte nationale d'identité, CNI), the most important document to prove nationality on a day-to-day basis. But how can you secure a document whose issue is based on the presentation of a birth certificate? There is every reason to believe that the crux of the problem lies in the establishment of birth certificates.

Civil status registration is governed by Ordinance No 81-02 of 29 June 1981, as amended by Law No 2011/011 of 6 May 2011. The 2011 amendments represented a major innovation in terms of the accessibility and security of civil status, through the reorganisation of civil status centres and the creation (by article 10) of the National Civil Status Office (Bureau National De L'Etat Civil, BUNEC). The government launched a major multi-year project, the Cameroon Civil Status Rehabilitation Programme, whose objectives are to improve the rate of registration of civil status events, improve the service provided to the user/user in the establishment of NICs, improve the reliability and security of civil status records and establish a computerised national civil status file.²³

Paragraph 3 of Article 10 of the law provides that "a main civil status centre shall be established in each urban community, commune, diplomatic mission or consular post of Cameroon". Paragraph 4 of the same article gives the Minister in charge of local and regional authorities the possibility to create by order secondary civil status centres within the jurisdiction of certain communes.

The national civil status office was effectively created in 2013 by decree no. 2013/031 of 13 February 2013. Placed under the technical supervision of the Ministry of Territorial Administration and Decentralisation and financial supervision of the Ministry of Finance, this

²¹ TPD de Banganté, Jgt n° 07/TPD/BGTE du 17 octobre 2002, Aff. TANGUE Bernadette. Mentioned in Annick Mahtam Endale Njoh-Lea, « L'effectivité en droit privé camerounais des droits proclamés en faveur de l'enfant par la convention relative aux droits de l'enfant » Université de Douala - Cameroun - Diplôme d'études approfondies. option: droit privé fondamental 2006, Available on line at https://www.memoireonline.com/10/13/7612/m_L-effectivite-en-droit-prive-camerounais-des-droits-proclames-en-faveur-de-l-enfant-par-la-conven27.html

²² Assemblée Parlementaire de la Francophonie, Commission des affaires parlementaires, *Enfants sans identité : pour un enregistrement universel des naissances*, Rapport, Berne (Suisse) | 8 juillet 2020.

²³ BUNEC's mission is to ensure the supervision, control, regulation and evaluation of the national civil status system.

structure has been operational since 2 May 2016. It is responsible for proposing and implementing, after government approval, a master plan for the computerisation of the national civil status system. This means that it should, in principle, centralise the data from the civil registration centres in order to build up a national file. This should make it possible to gradually record, in a computerised manner, any civil-status record issued by a civil-status centre.

4.2. Identity documents

Law No. 90/043 of 19 December 1990, establishing the new identity card, Decree No. 99/154 of July 20, and Decree N° 2016/375 issued on 04 August 2016, on the characteristics and procedures for establishing and issuing the national identity card (*carte nationale d'identité*, CNI), seek to secure both the nationality and the identity of individuals. The national identity card is issued to citizens above 18 years of age. Before applying for a national identity card, one of the required documents is the certificate of nationality, which confirms the applicant's nationality.

In advance of the presidential elections of 2011, the president launched an initiative to promote access to the national identity card for as many people as possible²⁴. In addition to the exemption from the cost of issuing the card, several other measures were prescribed by the head of state to facilitate obtaining the CNI. In particular the deployment of mobile identification teams in each of the departments of the national territory, improving the operation of the 350 existing fixed identification stations, and intensifying the local distribution of overdue national identity cards.

For some time now, Cameroonians have been complaining about the increasingly long waiting times to get the document, which leads to constant public debate. But, dual nationality, different fingerprints, quality of pictures, are some of the problems presented by officials of the recriminations office of the services of the Cameroonian Nationality Security System (Senac), to justify the blockages currently observed in the issuance of national cards. An interview I conducted with a police agent Yves Paul Afetane on 12 December 2020 reveals that, “*We have dual nationality issues. That is, someone who takes the birth certificate of a family member to get a National identity Card. We also have fingerprint problems which very often are not affixed correctly or pictures which are blurry*”.

He added that for investigative purposes, research often takes time. For example, He said, “*When a person is born in Kousseri (in the North), the strain of their birth certificate should be checked at the town hall in the hometown in order to cross-check the information to see if it is correct. It has sometimes happened that some people have a split personality and others who do not identify with the data provided to us. For security reasons, we are working meticulously*”.

It is clear, as far as the National Identity Cards are concerned, that there is a problem that the police department faces encountering false or dual identities. The National identity Card system is plagued by significant documentary fraud.²⁵ And the consequence would be the possibility for any citizen who has several birth certificates to easily gain several National

²⁴ MBANG, Marcelle Lucette, ADA, Christine Nadège et NOUAZI KEMKENG, Carole Valérie. 2019. “La sécurisation de la nationalité camerounaise à l'ère du numérique”. ADILAAKU. Droit, politique et société en Afrique, 1(1), 149-170

²⁵ MBANG, Marcelle Lucette, ADA, Christine Nadège et NOUAZI KEMKENG, Carole Valérie. 2019, *op.cit.*, p.164.

Identity Cards. This system is being addressed, since it is difficult for citizens with dual identification to get a National Identity Card²⁶.

This is important to be noted, because in Cameroon, it is common to see a single individual with several birth certificates with different ages commonly known as 'Kumba certificates'. The practice is so entrenched in habits that it is trivialised and is even becoming the norm. In this context, can we really speak of a secure nationality? Any foreigner can obtain an authentic birth certificate at a local town hall or registrar's office with a few CFA francs²⁷. A more digitised and secure civil status file would give the Cameroonian civil status system greater credibility and reliability.

5. The Draft Code of Persons and the Family

The preliminary draft of a new Code of Persons and the Family was published in 2020 in the newspapers²⁸. It was announced that Title IV would replace the nationality law of 1968.

The writing of a draft code of persons and family in Cameroon is the consequence of the dynamics of the Cameroonian civil society and its diaspora in relation to the question of dual nationality (see heading 6.1).

The 1968 Nationality Code has come to be out of step with developments in international civil law, particularly as regards the equality of parents in the transmission of nationality, the abolition of the distinction between legitimate, natural and adoptive filiation and the question of majority. The Preliminary Draft Code of Persons and the Family in Cameroon is committed to the simplification of the rules for granting Cameroonian nationality. This includes an improvement to the rules for the attribution of the nationality of origin and a simplification of acquisition of nationality after marriage, as well as the relaxation of the conditions for its loss.

5.1 Dual nationality

Article 81 of the Preliminary Draft admits the possibility of holding Cameroonian nationality together with a foreign nationality.

5.2. Simplification of the rules for the attribution of Cameroonian nationality of origin

While the current Nationality Code discriminates between legitimate and natural, maternal and paternal filiations, the preliminary draft code abolishes these distinctions and enshrines the equal status of legitimate and natural children and the equality of parents in the transmission to their children. Article 82 of the Preliminary Draft Code, in a simple formula, considers a child one of whose parents is Cameroonian to be Cameroonian. The preliminary draft no longer

²⁶ Décret N° 2016/375 du 04 août 2016 fixant les caractéristiques et les modalités d'établissement et de délivrance de la Carte Nationale d'Identité.

²⁷ MBANG, Marcelle Lucette, ADA, Christine Nadège et NOUAZI KEMKENG, Carole Valérie. 2019, *op.cit*, p.167.

²⁸ Avant-projet de loi portant Code des personnes et de la famille, 27 June 2020.

distinguishes between two cases of attribution of Cameroonian nationality by filiation: that of a child with only two Cameroonian parents and that of a child with only one Cameroonian parent.

The same advantage is accorded to a child adopted by a Cameroonian person. The preliminary draft code provides rather for automatic attribution of Cameroonian nationality by adoption (art. 82); confusingly, however, it also provides for an adopted child to acquire nationality by declaration (art. 98).

5.3. The restriction of the granting of nationality *iure soli*

The current nationality code grants Cameroonian nationality by simple birth on the one hand and by double birth on the national territory on the other. The draft Personal and Family Code abolishes the rule of double birth on the territory and provides for the acquisition of Cameroonian nationality by declaration only if the child born in Cameroon has both a parent *and* a grandparent also born on the territory (article 83).

The preliminary draft of the new Code confirms the existing provisions of the law and attributes Cameroonian nationality to the child born in Cameroon of unknown parents, to the newborn child found in Cameroon and more generally, to any person who cannot claim any other nationality.

5.4. Gender equality in acquisition based on marriage

The Preliminary Draft opens the possibility for foreign men to acquire Cameroonian nationality through marriage to a Cameroonian woman (Article 89). By considering gender equality, the Preliminary Draft resolves the problem of the effects of marriage on nationality solely from the point of view of the private status of individuals.

5.5. Reforms to rules on loss of Cameroonian nationality

The Preliminary Draft permits the accumulation of nationalities while reducing the cases of deprivation of Cameroonian nationality by decision of the public authority.

The Preliminary Draft Code of Persons eliminates cases of loss of Cameroonian nationality by operation of law, so that renunciation is the main mode of loss of Cameroonian nationality. Under the terms of Article 101 of the Preliminary Draft Code, any Cameroonian who can prove that he or she is of another nationality may repudiate Cameroonian nationality. Nationality is no longer lost on acquisition or retention of another nationality.

6. Current political debates

As indicated throughout this report, there are ongoing political debates or campaigns on citizenship in Cameroon, especially with regard to the adoption of the Preliminary Draft Code of Persons and the Family which so far has not been tabled in the National Assembly for a vote. Thus, there is a current and fascinating debate in Cameroon on dual nationality or cumulation of nationality. The gender debate is also posed by NGOs and UNWOMEN but is less prominent than that of dual nationality.

6.1 Dual nationality

During the one-party era, these debates did not arise because of the highly repressive system of President Ahidjo. Since 1990, the liberalisation of the political field and pressure from the diaspora have led the government to put the project of dual nationality on the agenda. However, it is only in 2004, during a visit of President Paul Biya in Paris, that the Cameroonian Diaspora put this among their demands. The promise made by the President to the Cameroonians of the Diaspora will materialise after the presidential election of 2004, after which President Biya creates a ministry in charge of women and the family in 2004 and a directorate in charge of Cameroonians of the Diaspora at the Ministry of External Relations later, in 2009.²⁹ It is these two institutions that have managed to write the preliminary draft Code of Persons and the Family, which unfortunately is not yet tabled at the National Assembly. In 2019, during the Great National Dialogue to settle the anglophone crisis³⁰, this demand was made, and a new promise was made. But the government's unwillingness to pass this law is indicative of the political use of this bill.

The issue of dual nationality became a major public issue during 2020 when some candidates were excluded from running for political office. Hervé Emmanuel Nkom was disqualified from the legislative elections of February 2020, and businessman Alphonse Joseph Bibehe was excluded from the regional elections later in the year.³¹ For Marlyse Bell, former deputy of the ruling party, the personalities who were penalised because of their dual nationality should not be surprised: "I wouldn't call it political exclusion. Because for the time being, the rule does not allow us to do otherwise. Because there are two things: there are what we would like to see happen and what is currently the case. The truth is that the law of our country does not authorise personalities with a nationality other than Cameroonian nationality to present their candidacies for elective positions".³² A law whose application would be discriminatory since many political leaders have dual nationality and yet have never been worried. The example of the former Minister of Scientific Research Henri Hogbe Nlend is often cited. He is French, he has a French wife and not only was he a candidate in the 1997 presidential election, but he was congratulated by President Paul Biya for coming second. The current Minister of Urban Planning, Ketcha Courtès, former mayor of Bangangté, also has French nationality. She was

²⁹ Georges Dougueli, "Diasporas. Bientôt, la double nationalité...", 27 mai 2010 à 12h25 <https://www.jeuneafrique.com/196840/politique/bient-t-la-double-nationalit/>

³⁰ The Anglophone crisis that started in October 2016 in Cameroon is an armed and secessionist conflict, opposing the governments to the secessionists called Ambazonia defence forces. The crisis is ongoing.

³¹ "Cameroun : la double nationalité exclut des candidats," Deutsche Welle 2 December 2020 <https://www.dw.com/fr/cameroun-la-double-nationalit%C3%A9-exclut-des-candidats/a-55803244>

³² Henri Fotso, 'Cameroun : la double nationalité exclut des candidats', 02.12.2020, <https://www.dw.com/fr/cameroun-la-double-nationalit%C3%A9-exclut-des-candidats/a-55803244>

taken to task on 11 October by Cameroonian activists in a Parisian church. Several other members of the government are said to have dual nationality without this affecting their political careers³³.

According to the former football player and now political activist, Joseph Antoine Bell, whose candidacy was rejected by the hierarchy of his party, the ruling party, the Camerooniam People Democratic Movement (CPDM), it is a paradox to exclude certain personalities from the political game because of their dual nationality and leave others in the race: "In recent times, the exacerbation of pettiness, lack of fair play, perhaps jealousy, and then also the polarisation of political life may have led to this absolutely ubuesque situation". For Joseph Antoine Bell, the nationality of an individual who produces his certificate of nationality or his Cameroonian identity card is contested in a court of law and not on social networks. He adds that many people are excluded from the political game on the basis of mere presumptions: "I'm not going to comment on rumours. On the other hand, when you cite specific cases, and that's the problem, whether they are for or against, you have to know how to comply with the administrative requirement".³⁴ Dual nationality would therefore appear in Cameroon as an argument for political cleansing, even if it contributes to the mobility and international influence of the people concerned.

6.2. Bakassi peninsula

The Bakassi Peninsula, an oil-rich territory in the Gulf of Guinea, has been the subject of a long-standing conflict between Nigeria and Cameroon. In 2002, the International Court of Justice (ICJ) ruled that this territory belonged to Cameroon. Although Nigeria initially refused to comply with the judgment, in 2006 it agreed to transfer the territory to Cameroon. The transfer started in 2006 and ended in August 2008.

Nigerians made up about 90% of the population of the Bakassi Peninsula, which is estimated to number around 400,000 today. However, in recent years more than 100,000 Nigerians have reportedly left the peninsula to return to Nigeria.³⁵ As for Nigerians who have decided to stay in the Bakassi Peninsula, they can keep their Nigerian citizenship or obtain Cameroonian citizenship. The Agreement between the Republic of Cameroon and the Federal Republic of Nigeria Concerning the Modalities of Withdrawal and Transfer of Authority in the Bakassi Peninsula (or Greentree Agreement), supported in 2006 by the United Nations, included an outline of Cameroon's commitment to the Nigerians who decided to stay in the peninsula. Article 3 of the Agreement states in paragraph 2 that the government of Cameroon will not force Nigerian nationals living in the Bakassi peninsula to leave the Zone or to change their nationality.

³³ Henri Fotso, 'Cameroun : la double nationalité exclut des candidats', 02.12.2020, <https://www.dw.com/fr/cameroun-la-double-nationalit%C3%A9-exclut-des-candidats/a-55803244>

³⁴ Info-Matin n°774, publication of October 2, 2020, 'RDPC-Régionales 2020 : les dessous de l'éviction de Bell' <https://actucameroun.com/2020/10/02/rdpc-regionales-2020-les-dessous-de-leviction-de-bell/>

³⁵ UNOWAS Magazine, 'Un succès dans la résolution des différends frontaliers', 8e édition, Juin 2019.

7. Conclusion and perspectives

The Cameroonian nationality regime, as it is known today, is the product of a French heritage. The Nationality Code of 26 November 1959 was a fairly accurate copy of the French Nationality Code of 1945. The 1968 code moved towards greater gender equality but kept this basic framework. As we have noticed, the Code recognises the statute of Cameroonian on the basis of *ius sanguinis* for legitimate children whose at least one parent is Cameroonian and for natural children of a Cameroonian parent, with restrictive conditions relating to proof of descent. Rights based on birth in Cameroon are limited. Dual nationality is prohibited. This option has been the philosophy of the identification policy of the former president and the Cameroonian legislator in favour of the construction of solid national identity and achieve national unity and national integration. This theory also defended by the actual president, Paul Biya, is vehemently criticised by Cameroonian from the diaspora and the international civil society, claiming for the respect of international rules and regulations in nationality, especially dual nationality and equality or gender equity.

These criticisms brought a serious paradigm shift in people's mindsets that poses a need for a serious and profound change that the Preliminary Draft Code of Persons is trying to address critically. The draft code raises many hopes for a satisfactory reform of Cameroonian nationality law. Although it is not yet a definitive undertaking, nor a draft submitted to Parliament for a vote, it is clear that the draft Personal and Family Code could be considered more legitimate and up-to-date with international standards.

