

# AFRICAN STUDENT LAW JOURNAL

VOL. 2 2026



## **The maintenance of public order in Cameroon: A legal appraisal**

NKIENE CLAUDE-DÉSIRÉ TINOH

*LLB Graduate, Faculty of Law and Political Science,  
Higher Institute of Professionalism and Excellence  
(HIPTEx) of the University of Bamenda  
Yaoundé, Cameroon*

### **Abstract**

*This article examines the various legal instruments, such as international agreements, laws, ordinances and decrees, that directly or indirectly guide the maintenance of public order in Cameroon. The adoption of these legal instruments was influenced by a number of factors, including the special status of Cameroon under the League of Nations and the United Nations, its colonial history with France and Britain, and political, economic and social events that marked the evolution of the country under the regimes of Amadou Ahidjo and Paul Biya. In this article, we argue that security challenges during the colonial and post-colonial periods led to mutations in the Cameroonian legal landscape. The overwhelming influence of the executive arm of government over the judiciary and legislature only served to amplify the use of laws intended for the maintenance of public order as a means for the consolidation and perpetuation of political power. The main findings of this enquiry are that while legislation related to the maintenance of public order in Cameroon is diverse, its application on the ground has reflected the ideological goals of each political system and often left much to be desired, given that accusations of human rights violations have been common during operations to restore public order.*

**Keywords:** appraisal; constitution; laws; public order; decrees; ordinances; electoral laws; maintenance of public order; political regime; arms of government

## 1 INTRODUCTION

As a complex operation that can result in violent clashes if not handled properly, the maintenance of public order is guided by specific legislative and statutory provisions. This regime of laws defines the circumstances under which operations for maintaining public order can be carried out, the areas where such operations may be undertaken, the actors who are competent to intervene, and even the kinds of weapons that are allowed.<sup>1</sup> Cameroon developed an early legal culture in this regard under the German and French colonial administrations, and the effects thereof have lingered on even after independence.<sup>2</sup>

When Germany took political, legislative and administrative control of Cameroon, the territory was administered based on the Reichstag law that gave the Kaiser the power to decree laws.<sup>3</sup> After the First World War and the partitioning of Cameroon between France and Britain, public order in the French-controlled portion of the country was maintained on the basis of the *Code de l'Indigenat*, a regime of laws characterised by forced labour, restrictions on freedoms, and administrative imprisonment. In effect, the justice system in French Cameroon drew a distinction between French citizens and French subjects. French citizens were those who had acquired French citizenship by birth or naturalisation; they were given preferential treatment *vis-à-vis* French subjects, who were the victims of legal discriminations of many kinds.<sup>4</sup> This code remained in force until its abolition in 1946.<sup>5</sup>

The instruments of public order saw various changes from 1948 and onwards when the French colonial administration was confronted with the task of maintaining public order in a tense atmosphere characterised by growing demands for independence by the Union des Populations du Cameroon (UPC).<sup>6</sup> The brutal suppression of the militants of the UPC and their nationalist demands before and after independence did not bring about sustainable

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<sup>1</sup> Law No. 90/54 of 19 December 1990 relative to the maintenance of public order in Cameroon.

<sup>2</sup> Rodrigue NS “Le traité Germano-Douala du 12 juillet 1884: étude contemporaine sur la formation des contrats dans l’ordre juridique intemporel (2016) 29(1) *Revue Québécoise de Droit International* 134.

<sup>3</sup> Anna M *Constitutional protection in Cameroon: A critique of the amendment mechanism* (Master’s thesis, Central European University, 2009) at 8.

<sup>4</sup> Kehinde B T “French colonial policies in West Africa: Power dynamics, cultural impositions and economic legacies” (2024) 3(1) *International Journal of Advances in Social Sciences and Humanities* 10 at 12.

<sup>5</sup> Blanchard E & Glasma J “Introduction general. Le maintien de l’ordre dans l’empire Français: une historiographie émergente” (2012) *Maintenir L’Ordre Colonial. Afrique, Madagascar, XIXe-XXe Siecles* 11 at 20.

<sup>6</sup> Kenfack NC “Les supplétifs Camerounais: du maintien de l’ordre public au dynamiques territoriales (1955–1971)” (2022) 2(2) *Adilaaku* 14.

peace, as the New Deal Regime faced new challenges in the 1980s when much-awaited adjustments promised by President Paul Biya failed to result in meaningful change.<sup>7</sup>

The reunification in October 1961 of the former French Cameroon, which had become the Republic of Cameroon, and the former British-controlled section, known as British Southern Cameroon, saw a functioning juxtaposition of French civil law and English common law thanks to measures aimed at harmonising them.<sup>8</sup> However, in 2016–2017, a socio-political crisis in the North-West and South-West regions, one characterised by public protests, internet disruptions, imposition of ghost towns and armed guerrilla confrontations<sup>9</sup> exposed deep-rooted complications in the application of the legal regime in the maintenance of public order.

This was so because many people from these regions were accused of threatening public order in the course of demanding greater autonomy or independence and subsequently arrested and detained at the Kodengui Central Prison in Yaoundé and other incarceration centres across the country. This raised concerns about the legality of their arrests, detention conditions, and the territorial and material competencies of the tribunals that were to try them.

Against that background, this article examines the laws that have guided the maintenance of public order in Cameroon since the French colonial period and the influence this colonial heritage has had on the maintenance of public order in the post-independence period.

### **1.1 Significance of the research problem**

The choice of the topic was inspired by the wide ideological divide that exists today between citizens and the security agents deployed by the state to maintain public order when it comes to interpreting the laws that guide the maintenance of public order in Cameroon, especially those laws granting public authorities the right to pre-emptively detain citizens who could

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<sup>7</sup> Fanny P *Au Cameroun de Paul Biya* Paris: Karthala (2011) at 30.

<sup>8</sup> Fombad CM “Researching Cameroonian Law” (January/February 2023) *NYU Law* available at <https://www.nyulawglobal.org/globalex/cameroon1.html> (accessed 16 March 2026).

<sup>9</sup> The armed conflict in the English speaking North west and South west regions of Cameroon continues to be characterized by low-intensity guerrilla warfare between the security forces of the state and armed groups fighting for the independence of what they term the state of “Ambazonia”. Occasionally, armed separatist groups ambush security checkpoints and use improvised explosive devices (IEDs), and roadblocks. These attacks on state institutions and personnel became widespread in the affected regions from 2017 when the state failed to find peaceful solutions to the accumulated grievances expressed by the people. Separatist fighters have equally continued to paralyse all economic activities in the English-speaking regions of Cameroon every Monday, with no shops or transport vehicles allowed to operate for fear of separatist reprisals. This has come to be known as “ghost towns”.

pose a threat to public order.<sup>10</sup> On the one hand, citizens believe that their basic freedoms, such as the right to strike, are constantly and unscrupulously violated by the state; on the other, the forces of law and order regard striking crowds in much the same way as the social theorist Gustav le Bon did: as destructive, uncontrollable mobs that have to be suppressed at any cost.<sup>11</sup>

This ideological divide came vividly to light following the intensification of the anglophone crisis in 2016 when teachers and lawyers from the predominantly English-speaking North-West and South-West regions held peaceful protests to denounce what many believed was a progressive linguistic assimilation of important aspects of anglophone society, namely its educational and legal institutions. The response of the forces of law and order, which many consider disproportionate, only worsened the situation, as it further radicalised certain factions of the protesting movements and pushed them into armed rebellion.

Conflicting interpretations of the laws on public order have thus fuelled political and social tensions, tensions that could explode and lead to intractable conflict if not addressed. This article hence has the modest objective of analysing the laws on the maintenance of public order in order to expose underlying controversies that could help in easing tensions.

## 1.2 Definition of key terms

A multitude of disturbances to public order have been seen as warranting the intervention of the administrative authorities and forces of law and order charged with protecting citizens, property and the public interest. “Public order” refers to an atmosphere that allows citizens to exercise their rights and enjoy freedoms;<sup>12</sup> more simply, it means the absence of widespread crime in a given place at a given time.<sup>13</sup> In turn, “the maintenance of public order” refers to administrative and judicial police measures adopted by authorities and security forces in response to actions on the main highway or in public places<sup>14</sup> – whether organised or spontaneous, hostile or peaceful, or motivated by protest or festivity – or

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<sup>10</sup> Steve T & Pierre-Claver K “Cameroun, un état policier ? A propos de la garde à vue administrative” (2021) *Hal-03345917* 2.

<sup>11</sup> Gustave le B *Psychologie des foules* Paris: Editions Félix Alcan (1905) at 13.

<sup>12</sup> Médecins sans Frontières, “The Practical Guide to Humanitarian Law” available at <https://guide-humanitarian-law.org/content/article/3/public-order/>, (accessed 07 May 2026)

<sup>13</sup> Rollo JA “Public-order advocate: Definition, entities and issues” *Study.com* available at <https://study.com/academy/lesson/public-order-advocate-definition-lesson.html> (accessed 19 November 2025).

<sup>14</sup> Défenseur des Droits *République Française, Le maintien de l’ordre au regard des règles de déontologie* (2017) at 5.

otherwise aimed at preventing and suppressing serious threats to the security of the state and its citizens.

The way in which public order is understood and implemented in Cameroon has evolved under the various governments that have ruled the country. During the trusteeship period, for instance, the intensification of the activities of the UPC and its demands for immediate independence and reunification raised the need to rid the territory of threats to French colonialist ambitions.<sup>15</sup> Following the independence of the French-controlled portion of Cameroon in 1960, the first president of the country, Ahmadou Ahidjo, had the challenging task of maintaining the unity of the nation in a fragile context marked by contesting political demands both peaceful and violent, especially those of the UPC, which had established a foothold in the political arena.<sup>16</sup> The maintenance of public order in this period was therefore seen as a national policy aimed at ridding the young nation of violence.

## 2 DISCUSSION

For a state to function properly and achieve its objectives of development and general welfare, it needs stable institutions and a peaceful atmosphere void of political turbulence, violence and war. The state also owes its citizens the internal and external security that would permit them to sustain their day-to-day activities. Considering the diversity of political views and social inequalities that exist and the potential they hold for public disorder, the state is obliged to put in place legal instruments for the maintenance of public order. Many such instruments, forged between 1948 and 2021, have guided the maintenance of public order in Cameroon. These are examined in some detail below.

### 2.1 The international legal context and maintenance of public order

The maintenance of public order in Cameroon and Douala in particular<sup>17</sup> is strongly influenced by the international legal context.<sup>18</sup> No country is an island, and in an era of

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<sup>15</sup> Eyinga A *l'U.P.C. une révolution manquée?* Paris: l'harmattan (1991) at 34.

<sup>16</sup> Martial F “Exploring Ahidjo’s impact on the federated state of East Cameroon from 1961 to 1971: An analysis of historical events” (2025) 5(2) *Journal of African History, Culture and Arts* 90.

<sup>17</sup> Douala is the economic capital of Cameroon. Its strategic location around the banks of the Wouri River placed it at the centre of German and French colonial interests. The rapid development of industrial activities and the availability of many job and other economic opportunities led to an influx of people into the city in search of greener pastures. The cultural mosaic that characterised the population of Douala placed it at the heart of political, economic and social developments that contributed to shaping the future of Cameroon. The multiplicity of pressure groups and political parties, diversity of economic activities, and assortment of social realities therefore placed the city at the centre of issues relating to the maintenance of public order and human rights in the country.

globalisation, states have become increasingly interdependent on each other for mutual political, economic, social and military benefit. As such, they have sought to collaborate in spheres such as peace, security, human rights and economic cooperation, as is evident in the negotiation, signing and ratification of international instruments – instruments which state parties are obliged to respect.<sup>19</sup> In this regard, it is important to note, for instance, that the Treaty on the Functioning of the European Union (TFEU) has guided the European Union’s external actions, which are premised on the founding values of “human dignity, freedom, democracy equality, rule of law and the respect of human rights, including the rights of persons belonging to minorities”.<sup>20</sup> Since the establishment of ties between Cameroon and the European Community in 1967 – followed by the signing of the Economic Partnership Agreements (EPA) within the multilateral context of the African, Caribbean and Pacific (ACP) group of states and the unilateral regional economic agreement signed exclusively by Cameroon when the Cotonou Agreement became obsolete in 2007 – the European Union has continued to influence policy and developments in Cameroon as regards public order and the protection and promotion of human rights.<sup>21</sup>

The influence of international legal instruments on public order and associated human rights issues cannot be understated. The preambles of the successive constitutions that Cameroon has adopted in the course of its constitutional history stand as abundant evidence of this. The 1972 Constitution (revised and amended in 1996 and 2008) clearly expresses Cameroon’s commitment to the principles enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, the African Charter on Human and Peoples’ Rights, and all other related international conventions duly ratified by the country.<sup>22</sup>

From the foregoing, it is evident that the state’s internal and external policies, especially in domains that touch on public order and human rights, have taken into consideration an international context in which economic, political, social and military cooperation are intertwined with respect for universal values such as human rights and basic human freedoms.

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<sup>18</sup> Medecins sans Frontières, “The Practical Guide to Humanitarian Law” available at <https://guide-humanitarian-law.org/content/article/3/public-order/>, (accessed 07 May 2026)

<sup>19</sup> Legal Information Institute “International conventions” (n.d.) available at [https://www.law.cornell.edu/wex/international\\_conventions#](https://www.law.cornell.edu/wex/international_conventions#) (accessed 18 November 2025)

<sup>20</sup> Pemunta NV “An evaluation of European Union development aid to the democratization project in Cameroon” (2020) 16(1) *Democracy and Security* at 12.

<sup>21</sup> Pemunta (2020) at 5.

<sup>22</sup> Law No. 2008/001 of 14 April 2008 to amend and supplement some provisions of Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972.

## 2.2 Cameroon's constitutional evolution and the maintenance of public order

A constitution embodies the fundamental principles by which a state is to be governed.<sup>23</sup> In particular, it specifies the powers and duties of the executive, legislative and judicial arms of government.<sup>24</sup> Constitutions define the guiding codes of the state and seek to ensure governmental and political stability; they are, however, subject to change and revision over time.<sup>25</sup> Such changes have undoubtedly impacted on political developments, public order and human rights in Cameroon, especially in Douala, where political decisions and actions are most often concretised and given meaning.<sup>26</sup>

It is also important to note that, before independence, French Cameroon was administered as an integral part of France. This was in line with the French policy of assimilation, in terms of which France and its territories were seen as an inseparable unity.<sup>27</sup> Consequently, constitutional changes in France directly affected legal developments in Cameroon, as they did in other French colonies. For example, it was following the adoption of the French Constitution of 1946 that elections were held in Cameroon to select representatives for the French National Assembly and the Representative Assembly of Cameroon.<sup>28</sup>

French Cameroon's first constitution after independence was adopted in 1960. The constitution was based on the French Constitution of 4 October 1958: it is said to have been adapted from the constitution of the 5<sup>th</sup> French Republic, which provided for a powerful presidential system and a single national assembly.<sup>29</sup> The constitution granted far-reaching powers to the President of the Republic in the domain of defence; according to its article 15, he was recognised as the head of the armed forces and the guarantor of national independence and the integrity of the state. As in other French African colonies, the 1960 constitution

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<sup>23</sup> Department of Justice and Constitutional Development *The basic provisions of the Constitution of the Republic of South Africa, 1996, made easy for learners* Pretoria (2016) at i.

<sup>24</sup> Law No. 2008/001 of 14 April 2008 to amend and supplement some provisions of Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972.

<sup>25</sup> Anna (2009) at 1.

<sup>26</sup> Nono T "Douala, capital économique et «ville rebelle»: peut-on concilier l'indocilité politique et la vocation économique de la ville?" (2024) 5(4) *Revue Internationale du Chercheur* 870.

<sup>27</sup> Gillo ML "One country, three colonial legacies: The policies of colonialism, capitalism and development in the pre-colonial and post-colonial Cameroon" (2016) 41(2) *Journal of Contemporary History* 140.

<sup>28</sup> Ngho VJ *The political evolution of Cameroon, 1884–1961* (Master's thesis, Portland State University, 1979) at 50.

<sup>29</sup> Mveng E *Histoire du Cameroun Tome II* Yaoundé: CEPER (1985) at 255.

recognised the President of the Republic as commander-in-chief of the armed forces and granted him the prerogative to ensure the internal and external security of citizens.<sup>30</sup>

Following a plebiscite on 11 February 1961, the British Southern Cameroons voted to reunify with the Republic of Cameroon and, as a result of reunification talks at Foumban, a new federal constitution was adopted on 1 October 1961. The constitution granted the President of the Federal Republic of Cameroon extensive powers in the domain of public order. For example, he was to serve as the commander-in-chief of the armed forces and was empowered to declare a state of emergency if events in either of the federated states of East or West Cameroon threatened the security of the federation.<sup>31</sup> This constitution remained in force until 1972 when it was replaced by a new one.

In 1972, a referendum held on 20 May and won by proponents of a unitary system in an (allegedly) overwhelming majority resulted in the adoption of the new constitution of 2 June 1972.<sup>32</sup> This constitution, which led to profound political and institutional changes, had several provisions in relation to public order. Among other things, article 9 made the President the head of the armed forces, as well as the authority in charge of the enforcement of the laws and the maintenance of internal and external state security; it also granted him the power to make appointments to civil and military posts. Article 11 of the Constitution specified the powers of the President in the domain of the maintenance of public order during situations of crisis:

The President of the Republic may where circumstances require proclaim by decree a State of Emergency, which will confer upon him such special powers as may be provided by the law. In the event of grave peril threatening the nation's territorial integrity or its existence, independence or institutions, the President of the Republic may proclaim by decree a State of Siege and take all measures as he may deem necessary.<sup>33</sup>

The 1972 Constitution saw a first major revision in 1996.<sup>34</sup> This revision took place following one of the most tumultuous periods in the country's political history. The 1996 constitution was also drafted in the spirit of the 1990 liberty laws that extended many liberties

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<sup>30</sup> Kougniazondé C "Le cadre constitutionnel régissant les interventions des forces de défense et de sécurité publique" (2010) *La Réforme des Systèmes de Sécurité et de Justice en Afrique Francophone* 21.

<sup>31</sup> A law to establish a constitution for the Federal Republic of Cameroon, 1<sup>st</sup> October 1961.

<sup>32</sup> National Democratic Institute for International Affairs *Democratization in Cameroon: International Delegation Report* (1999) at 2.

<sup>33</sup> Association of Secretaries Generals of Parliaments "The Constitution of Cameroon" (1985) 1(143) *Constitutional and Parliamentary Information* at 105.

<sup>34</sup> Anna (2009) at 9.

and basic freedoms to the citizens of Cameroon under conditions guided by the rule of law.<sup>35</sup> In the same spirit as the 1972 Constitution, article 9(1) and (2) of the 1996 constitution granted the President the power to declare a state of emergency and a state of siege, respectively, in addition to recognising him as the head of the armed forces, the guarantor of the internal and external security of the state, and the principal authority with original competence to appoint people to civil and military posts.<sup>36</sup>

The various constitutions, along with their revisions and amendments, had far-reaching consequences for the maintenance of public order and the human rights situation in Cameroon. First, the preambles of the successive constitutions (which essentially remained unchanged) carried with them commitments to respect basic human rights such as freedom from illegal persecution; freedom of expression, communication and assembly; and the right to humane treatment. Secondly, the constitutions defined the general and special administrative police powers to be exercised by political authorities, and set out the conditions for the delegation of such powers. Thirdly, they served as the basis for the adoption of many other legislative and administrative texts, as well as for the ratification of international conventions related to the maintenance of public order and human rights in Cameroon.

### **2.3 Legislative texts and ordinances relating to public order**

Historically, a basic function of a parliament is to make laws.<sup>37</sup> The origins of parliament as an institution of democratic government can be traced back to Montesquieu, who in the 18<sup>th</sup> century first articulated the doctrine of the separation of powers. His belief was that the political power exercised by government had to be divided among the executive, legislative and judicial arms of government, with each having distinct authority of its own as well as the capacity to exercise control over the other arms.<sup>38</sup>

In Cameroon, the adoption of the Framework Law (*Loi Cadre*) on 23 June 1956 marked an important moment in country's legal evolution, one that had palpable effects on cities such as

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<sup>35</sup> The 1972 referendum led to the adoption of the constitution of 2<sup>nd</sup> June 1972. This constitution was revised in 1996 to give way to the 1996 constitution. Even though the 1996 constitution was subjected to minor modifications in 2008 and 2026, it has continued to serve as the current constitution of Cameroon.

<sup>36</sup> Law No. 2008/001 of 14 April 2008 to amend and supplement some provisions of Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972.

<sup>37</sup> UK Parliament "Rules and traditions of Parliament" (n.d.) available at <https://www.parliament.uk/about/how/role/customs/> (accessed 18 November 2025).

<sup>38</sup> Akhtar Z "Montesquieu's theory of the separation of powers, legislative flexibility and judicial restraint in an unwritten Constitution" (2023) 4(3) *Amicus Curiae* 552 at 553.

Douala. This law set in motion many political reforms that precluded any possibility of granting independence to French Cameroon. The Framework Law was enacted at a time when the UPC had been banned and had gone underground to continue its struggle using radical means. This law was therefore seen by some as a guarantee of political peace for the next 20 years.<sup>39</sup> To implement the provisions of the Framework Law, elections were to be organised in December 1956 to select representatives into the new Legislative Assembly of Cameroon (ALCAM) and a new indigenous Prime Minister. The rise of Andre Marie Mbida to power as the new Prime Minister of French Cameroon in May 1957 had far-reaching repercussions on public order as his policies and approach towards the outlawed UPC that was fighting for independence further radicalised many.<sup>40</sup>

### 2.3.1 Laws

One of the first laws to be adopted in Cameroon with the principal objective of maintaining law and order was Law No. 59-33 of 27 May 1959. According to article 1, law and order could be reinforced in the event of urgent circumstances through a declaration of a state of warning (“*l’état de mise en garde*”) or state of alert (“*l’état d’alerte*”).<sup>41</sup> The prerogatives to declare the former were granted to the Minister of the Interior and the latter, to the Prime Minister.

Following the declaration of an *état de mise en garde* for a duration of eight days and designating the regions concerned, the heads of such regions were required by the law to take decisions with immediate effect that could lead to placing dangerous individuals who stood as a threat to public order in preventive custody (*garde à vue*).<sup>42</sup> In the same vein, after the declaration of a state of alert by the Prime Minister for a period of not more than three months (renewable only by the approval of the Legislative Assembly), the heads of the regions concerned could take decisions with immediate effect that could lead to the imposition of curfews, the prohibition of all meetings and publications, and the administrative control of all vehicles in circulation.<sup>43</sup>

Law No. 59-33 was replaced by law No. 90-54 adopted in 1990 on the maintenance of public order, which defined the principles that were to guide the actions of administrative authorities

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<sup>39</sup> L’Economie “De la Loi-Cadre à l’indépendance” (1960) 4640(19) *L’outre-Mer Africain* 3.

<sup>40</sup> Mongo B Main Basse *sur le Cameroun: autopsie d’une décolonisation*, Paris: La Découverte (2010) at 55

<sup>41</sup> Loi No. 59-33 du 27 mai 1959 sur le maintien de l’Ordre Public.

<sup>42</sup> Loi No. 59-33 du 27 mai 1959 sur le Maintien de l’Ordre Public.

<sup>43</sup> Loi No. 59-33 du 27 mai 1959 sur le Maintien de l’Ordre Public.

in the maintenance of public order during periods of normalcy and crisis.<sup>44</sup> The passing of Law No. 67/LF/9 of 12 June 1967 on national defence<sup>45</sup> was also instrumental to defining the role of the armed forces in the defence of the national territory in times of peace, war and all other circumstances.<sup>46</sup>

It was in this context of the desire to ensure the internal and external security of the state that another crucial piece of legislation (one which created ambiguity around the issue of the maintenance of public order) was adopted in 2014 and came to be known as the anti-terrorism law. Even though this law was adopted specifically within the context of the fight against the Boko Haram<sup>47</sup> terrorist insurgency in the northern part of Cameroon, it came to be used to target opposition and civil society actors whose actions and activism were deemed to pose threats to public order.<sup>48</sup>

### 2.3.2 Ordinances

Ordinances have contributed significantly to the legal framework governing the maintenance of public order in Cameroon. For a better understanding of the ordinance as a source of law, it is important to examine article 26 of the 1996 Constitution, which grants Parliament competence over issues that touch on “[the] fundamental rights, guarantees and obligations of the citizens, [the] safeguarding of individual freedom and security, [and] the rules governing public freedoms”.<sup>49</sup> Article 28, however, made an exception to the above competence of the legislature by authorising Parliament to empower the President of the Republic to legislate through ordinances for a given period of time and for specific purposes.

The signing of ordinances in the domain of public order could be traced back to 1962 when the ordinance on subversion was passed. “Subversion” in this instance entailed inciting

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<sup>44</sup> Lydie B “Les sources formelles de la légalité d’exception au Cameroun” (2021) 6(3) *International Multilingual Journal of Science and Technology* 2907 at 2926.

<sup>45</sup> Law No. 67/LF/9 of June 12 1967 on the General Organisation of Defence.

<sup>46</sup> Lydie (2021) at 2927.

<sup>47</sup> Boko Haram was founded in Nigeria in 2002 by Mohammed Yusuf, initially with the main goal of purifying Islam. After the killing of its leader, Yusuf, in 2009, the group was led by Abubakar Shekau until his death in 2021. Since March 2014, Boko Haram has carried out many attacks in the Far-North region of Cameroon, resulting in the death of about 40 government soldiers, with hundreds of people recruited into the organisation. This was followed by deadlier raids in December 2014 aimed at civilians and soldiers and leading to the death of about 84 people. The region continues to suffer similar incursions. See “Boko Haram” (n.d.) *Wikipedia* available at [https://en.wikipedia.org/wiki/Boko\\_Haram](https://en.wikipedia.org/wiki/Boko_Haram) (accessed 15 November 2025).

<sup>48</sup> Kindzeka ME “Report: Cameroon using anti-terror law to ‘silence critics’” (20 September 2017) *Voice of America* available at <https://www.voanews.com/a/cameroon-anti-terror-laws-silence-critics-committee-project-journalists/4036942.html> (accessed 16 November 2025).

<sup>49</sup> Law No. 2008/001 of 14 April 2008 to amend and supplement some provisions of Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972.

resistance to the application of the laws, decrees, regulations and orders of the public authority.<sup>50</sup> This ordinance on “Subversion” was extensively used during the post-independence period to suppress those who were opposed to Ahidjo’s attempts at consolidating political power and the activities of UPC leaders that threatened public order. It was only in 1990 that the ordinance was abrogated by Law No. 90/46 of 19 December 1990.<sup>51</sup>

## 2.4 Decrees as a source of law regulating public order

Decrees are a major source of law in Cameroon<sup>52</sup> and have been used extensively in the maintenance of public order. While laws fall under the competence of the legislative power, decrees are exclusive to the executive power and their use is restricted to the President and Prime Minister. Under the French colonial administration, decrees were widely used, especially in the maintenance of law and order. In effect, the extension of the competence of the head of state of the metropolis (France) to its colonies signified that he had been granted the prerogatives to take decisions pertaining to the functioning of the colonies through administrative acts. Decrees therefore became one of the main vehicles for implementing colonial policies in Cameroon.<sup>53</sup>

The first significant decree that was passed by France and which applied to Cameroon as well was that of 22 May 1924, which made the legislation in force in French Equatorial Africa enforceable in Cameroon and Togo.<sup>54</sup> This decree – adopted in the context of the consolidation of French colonial rule in these mandated territories – restructured the local administrative organisation, reinforced the powers of the governor, and defined the *indigenat* regime, with far-reaching ramifications for public order.<sup>55</sup> Decrees were used extensively by the French administration in its struggle against the UPC nationalists. Borrowing from French constitutions – especially the constitution of 4 October 1958, which recognised the President

<sup>50</sup> Ordonnance No. 62/OF/18 du 12 mars 1962 Portant Répression de la Subversion.

<sup>51</sup> Lydie (2021) at 2932.

<sup>52</sup> Famidac “La hiérarchie des lois, décrets, arrêtés, directives ...” (n.d.) available at <https://www.famidac.fr/?La-hierarchie-des-Lois-decrets-arretes-directives> (accessed 17 November 2025).

<sup>53</sup> Emile E Le «*Décret*», *source majeure du droit au Cameroun Français (1916–1959): contribution à la construction de l’état et à l’histoire du monisme juridique en Afrique Noire Francophone* (PhD thesis, l’Université d’Aix-Marseille, 2022) at 94.

<sup>54</sup> Journal Officiel République de Djibouti “Décret du 22 mai 1924, fixant la législation applicable au Togo et au Cameroun” available at <https://www.journalofficiel.dj/texte-juridique/arrete-n-n16-n16/> (accessed 17 November 2025).

<sup>55</sup> Journal Officiel de la République Française “Lois et décrets (version papier numérisée) n°0093 du 03/04/1924- Texte en accès protégé” available at <https://www.legifrance.gouv.fr/download/securePrint?token=R2j9dyFOVpNWj43HomAj> (accessed 17 November 2025).

as the commander-in-chief of the armed forces and guarantor of national independence and integrity, thereby placing him at the centre of national defence – French African states transplanted these provisions into their own constitutions at independence.<sup>56</sup> This power of the President, one confirmed in successive constitutions, was principally exercised through the adoption of decrees.

A multitude of decrees were thus signed into law, in the process not only establishing the offices, entities and institutions charged with the maintenance of public order, but also defining their organisational structures and functions. In addition, to ensure that their actions in restoring public order did not lead to unnecessary human rights violations, a good number of presidential decrees introduced codes of conduct for each entity stipulating how its functions were to be exercised and setting out disciplinary measures, including sanctions for unprofessional and illegal actions. Similarly, in line with the desire to make human rights part and parcel of the maintenance of public order, many professional schools were created by presidential decree for training the authorities and forces of law and order charged with maintaining public order.

## **2.5 Electoral laws and their role in keeping public order**

The laws that guided the preparation and organisation of elections were not only a source of protection for human rights in and of themselves, but were also at the origin of many tensions that necessitated the maintenance of public order.<sup>57</sup> These electoral laws were either outlined in the country's constitutions or existed as independent texts enacted with the sole purpose of regulating the electoral process in Cameroon. In other cases, the fundamental law, namely the Constitution, outlined the general characteristics of the electoral system, while specific electoral laws elaborated on the step-by-step process to be observed in the preparation, organisation and proclamation of electoral results.

As regards the constitutions that defined the electoral and political future of Cameroon, the French constitution of 1946, which remained in force until 1956 when the Framework Law was adopted, is a glaring example. Taking into consideration the recommendations of the 1944 Brazzaville conference, the constitution provided for two electoral colleges to vote for

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<sup>56</sup> Kougniazondé (2010) at 21.

<sup>57</sup> Aboudi V “The contested legal provisions of Cameroonian electoral law” (9 September 2024) *On Policy Africa* available at <https://onpolicy.org/the-contested-legal-provisions-of-cameroonian-electoral-law/> (accessed 17 November 2025).

representatives in the French Constituent Assembly.<sup>58</sup> Significantly, the prerogatives granted to Cameroonians by this constitution played no small role in contributing to the factors that influenced later political developments and their subsequent effects on public order and human rights. In fact, post-electoral tensions in the 1990s centred on the inadequacy of electoral laws. The limitations of these laws, their disrespect or improper implementation were motivations behind many protest actions of opposition political movements that threatened public order in Cameroon. This was the case with the public demonstrations that were organised by the Cameroon Renaissance Movement (CRM) in 2019, a party which was emphatic in its disapproval of the weaknesses of the 2012 electoral code.

### 3 CONCLUSION

The expression of political, economic and social grievances can help bring about positive change and a general improvement in the management of the affairs of the state. However, this can be achieved only when grievances are presented responsibly and when the reactions of the authorities and forces of law and order that are charged with ensuring the internal and external security of the state are guided by appropriate legislation that defines the actors, methods and means that should be used to maintain public order.

It was in this context that many national and international legal instruments – in the form of international conventions, constitutions (and their modifications), laws, ordinances and decrees – were adopted between 1948 and 2021 to regulate the operations of the maintenance of public order in Cameroon. Among other things, these legal instruments created the bodies in charge of public order (such as the National Security agency, the National Gendarmerie, and the army), defined the features of political and administrative authorities as well as traditional authorities, and specified the means (and even strategies) that could be used to restore public order.

The extent to which these legal provisions are implemented on the ground plays a significant role in determining whether human rights are respected or violated during operations aimed at maintaining public order in Cameroon.

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<sup>58</sup> “Loi-Cadre” (n.d.) *Fiveable* available at <https://fiveable.me/key-terms/ap-world/loi-cadre> (accessed 17 November 2025).

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