

Traditional Authority and the Maintenance of Public Order in Cameroon

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Abstract: *The history of the maintenance of law and order in Cameroon has gone through several periods that can still justify the rigid approach of the administrative authorities in the contemporary era. In a socio-political context marked by strong ethno cultural heterogeneity, the state did not have adequate means to penetrate the hinterland and above all to instill the ideology of national unity in all the sociological components of the country. It was then that the holders of traditional power were called upon to fulfil the function of state domestication of the local. The advent of the traditional chieftaincy in Cameroon contributed to the production of law in the public sphere and to its implementation. In most post-colonial African states, traditional authorities have long held a more or less ambivalent position in the political arena. However, there is one constant: whatever the consideration given to traditional power, it must be admitted today that, despite the more or less structural transformations they have undergone, traditional chieftaincies continue to enjoy a certain influence on local societies and even on modern power. From the foregoing, it seems that the maintenance of public order presupposes anticipatory action by the authority to set the conditions for the exercise of activities that are likely to undermine security, tranquility, health, public morality and even human dignity. To this end, the traditional authority mobilizes measures that are imposed on the population. These can be prescriptive, repressive and declarative acts.*

Research on traditional authority and the maintenance of public order in Cameroon enable us to conduct a prospective study on the role of this institution 'traditional authority'. Indeed, the question of the place of traditional authority in the administration is too much debated. For the overwhelming majority of the doctrine, traditional authority is a remarkable actor in the process of maintaining order within a given society and at a given time. This study therefore allows us to lay the groundwork for a genuine analysis of the functions of traditional authority in Cameroon. Thus, what is the extent of the contribution of traditional authority to the maintenance of law and order in Cameroon? This question raises the issue of function of traditional authority in the process of maintaining law and order.

This question remains worthy of interest insofar as the problematic of this study seeks to generate important scientific knowledge in the legal discourse. On the one hand, the study intends to present the hope that emerges from the legal mechanisms that frame the participation of traditional authority in the maintenance of public order in Cameroonian positive law. On the other hand, it will provide a general assessment of this participation.

Keywords: Maintenance, Public Order, Traditional Authority.

1. INTRODUCTION

The issue of maintaining public order is a crucial issue today. The history of maintaining public order in Cameroon has experienced several periods that can still justify the rigid approach of the administrative authorities in contemporary times. Indeed, the desire to repress nationalist movements demanding the independence of Cameroon has contributed to the establishment of an extremely violent police system that has been perpetuated after independence¹. Until the 1990s, disputes and

¹ PETER TIEH NDE, *le maintien de l'ordre public continu en droit positif camerounais : l'ultime conciliation entre ordre public et libertés publiques*, Monange, Yaoundé, 2021, p. 32.

claims were not taken into consideration, the mere evocation of which could lead to inhumane and degrading punishments against the perpetrator to the contempt of legal texts. Demonstrations were virtually unauthorised and any attempt was repressed with brutality and violence in pursuant of liberticidal laws², which considered any different opinion as an attempt at subversion. With the advent of the 1990 laws, public freedoms were recognised and strengthened. This was a considerable step forward, because these laws favoured the creation of many political parties, religious and human rights associations, but also the repeal of all liberticidal laws³. These freedoms were subsequently strengthened by the texts on the protection of human rights; this protection is now at the center of all action and enterprise⁴. However, the advent of public freedoms has not eliminated the need to maintain public order. The administrative authority is always the guarantor of public order in this context of proliferation of public freedoms⁵. Thus in Cameroon, the exercise of public freedoms also provides an example of a substantial liberticidal right insofar as, in the exercise of public freedoms, the administrative authority most often hastens to wave the famous threat of "disturbance of public order"⁶, especially since the material control of public order is difficult to grasp and in the end, the uncertainty that reigns over the existence of Public demonstration can only accentuate the potentialities of the police authority and if necessary broaden their sphere of intervention measures while keeping it in real darkness⁷ in order to prohibit any public demonstration.

The advent of the Traditional Chieftaincies in Cameroon participates in the exhibition of law in public space while contributing to its implementation. Indeed, the establishment of Traditional Chieftaincies do not only produce subjective rights according to cultural eras but also and above all participates in the regulation of social relations. In most African post-colonial states, traditional authorities have long had a more or less ambivalent position in the political domain⁸. While some regimes have worked to bring together the proponents of the traditional order in the management of public affairs, others have rather sought to thrash the illegitimate existence of these social entities, considered contrary to the Republic⁹. But there is indeed a constant: whatever consideration is attached to traditional power, it remains to be admitted today that despite the more or less structural transformations undergone, the Traditional Chieftaincies continue to enjoy some influence on local societies and even on modern power¹⁰. Notably in Cameroon, since the monolithic consubstantial regime period of the first President Ahmadou Ahidjo (1960-1982), the traditional authorities have maintained an affinity relationship with the central power, certainly under the guarantee of certain alienation¹¹. In a socio-political context marked by strength no cultural heterogeneity, the State did not then have adequate means to penetrate the hinterland and above all infuse the ideology of national unity into all the sociological components of the country. It was then that the holders of traditional power were used to fulfill the function of state domestication of the local¹².

² L'ordonnance n°62-OF-18 du 12 mars 1962 portant répression de la subversion.

³ Les années 1990 ont été surnommées années de braise au Cameroun, marquées par des revendications des citoyens, des violences urbaines, des villes mortes et une forte répression des forces de maintien de l'ordre.

⁴ Universel Declaration of Human Right 1948.

⁵ PETER TIEH NDE, *le maintien de l'ordre public continu en droit positif camerounais : l'ultime conciliation entre ordre public et libertés publiques*, Op cit. p. 33.

⁶ MVOGO BIDZANA (F-L), *Le trouble à l'ordre public en droit administratif camerounais*, Mémoire de Master, Université de Yaoundé II, 2012, 121 p.

⁷ ABANE ENGOLO (P-EG.), ONDOA (M.), *Les fondements du droit administratif camerounais*, CERCAF, colloque Université de Yaoundé II, p. 27, tenu le 03/04 novembre 2015.

⁸ COQUERY-VIDROVITCH (C.), *Afrique noire. Permanences et ruptures*, Payot, Paris, 1985, pp. 115-127.

⁹ PERROT (C-H.), FAUVELLE-AYMAR (F-X.) (dir.), *Le retour des rois. Les autorités traditionnelles et l'État en Afrique contemporaine*, Karthala, Paris, 2003 ; MAHMOOD MAMDANI, *Citoyen et sujet. L'Afrique contemporaine et l'héritage du colonialisme tardif*, Karthala, Paris, 2004.

¹⁰ BAYART (J-F.), *L'État en Afrique. La politique du ventre*, Fayard, Paris, 1989, pp. 159-173 ; MAPPA (S.), *Pouvoirs traditionnels et pouvoir d'État en Afrique. L'illusion universaliste*, Karthala, Paris, 1998 ; IBRAHIM MOUICHE, *Autorités traditionnelles et démocratisation au Cameroun. Entre centralité de l'État et logiques de terroir*, Lit Verlag, Munster, 2005 ; CHAZAN (N.) et al (eds), *Politics and Society in Contemporary Africa*, Lynne Rienner Publishers, Boulder, 1992 ; POTHOLM (C.), *La politique africaine. Théories et pratiques*, Economica, Paris, 1981.

¹¹ Lire à ce sujet FOGUI (J-P.), *L'intégration politique au Cameroun*, LGDJ, Paris, 1990.

¹² ZELAO ALAWADI « Autorités traditionnelles et désir d'hégémonie dans le champ politique au Nord-Cameroun », *Romanian Political Science Review*, vol. XVII _ n°2, 2017, p. 355.

The rights produced by the traditional institution are called "custom" because they are precisely based on varied and diverse customs and which reflect the cultural diversity of Cameroon. Democratic openness leads to the emergence of new ways of challenging public authority and the development of new forms of delinquency. The maintenance of order thus becomes a permanent mission entrusted to the administrative and traditional authorities¹³. It turns out that the Traditional Chieftaincy, where it is still prevalent and strong, often competes with the public authority, to govern areas of activity in which the sovereignty of the State normally manifests itself exclusively¹⁴. It is a sustainable situation and tolerated by the State for the main reason that it has taken the option of associating traditional chieftdom with the Administration of the territory and more broadly, with its undertaking of both legal and political domination of society. The logical complement to this choice, which is also sustainable, is the association and involvement of traditional rulers in electoral competition, Administration, Government and Political Assemblies of the Republic.

Traditional authority is truly at the crossroads of governance in Republican Cameroon. The citizen is subjected by both modern law and traditional values; even if political theorists and officials of republican institutions repeal certain traditional values and seem to have difficulty admitting the question of whether and how to formally integrate traditional authorities into the sphere of the Republic. Traditional authority embodies reassuring institutional stability and certain constancy in the eyes of the population, which elected officials (who come and go), fail to ensure in republican institutions. The vast majority of the population feels very distant from the concept of the Republic at the level of the masses where traditional authority remains, *de facto*, the institution in charge of local governance. Based on empirical results that highlight the important role that traditional authorities play in local development, the document argues that the latter should be formally integrated into the republican institutional arena, thus effectively constituting the first level of decentralised institutions of governance¹⁵.

Maintenance of public order, a polysemy concept can be understood in several senses. To this end, it should be noted that the Constitutional Council has never defined what it meant by public order... but, when reading its decisions; it is easy to understand what it refers to. It is in fact a notion that everyone understands without the need to give it a precise definition. However, it is possible to say that the definition of public order given by the Constitutional Council is very close to that used in French administrative law for more than two centuries now. Indeed, this concept is mentioned only once in constitutional texts. It is stipulated in Article 10 of the 1789 Declaration that: "no one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinion does not interfere with the established Law and Order". Public order is therefore the result of a jurisprudential notion aimed at ensuring the effective guarantee of constitutional rights and principles. This is the strict concept of public order¹⁶. The heart of this public order in the strict sense of the term seems to be the principle of "security" guaranteed by the 1789 Declaration.

Public order can therefore be defined as the set of mandatory rules that affect the organisation of the Nation, the economy, morality, health, security, public peace, the essential rights and freedoms of each individual. According to the dictionary of politics, public order takes its etymological meaning from the Latin word "ordo", which means order, disposition, arrangement, rule, regularity. The term public order then designates the set of mandatory rules that regulate life in the society and the organisation of the nation. Thus, in the absence of these rules enacted in the general interest, human societies cannot survive. Public order covers general concepts such as security, morality, health, tranquility and public peace. According to the lexicon of legal terms, public order is defined as a broad overall conception of common life at the political and legal level; its content eventually varies completely according to political regimes. Public order is opposed, from a dialectical point of view,

¹³ ZELAO ALAWADI, « Autorités traditionnelles et désir d'hégémonie dans le champ politique au Nord-Cameroun », *op. cit.* p. 355.

¹⁴ *Ibid.*

¹⁵ COSMA CHEKA, « Traditional authority at the crossroads of governance in Republic of Cameroon », *Africadevelopment*, Vol. XXXIII, N°2, 2008, p. 69.

¹⁶ Et non d'un ordre public plus large, tel que l'ordre public social, sanitaire, écologique.

by so-called public or fundamental individual freedoms and especially the freedom to move, the inviolability of domicile, the freedoms of thought and to express one's thought. One of the most delicate points is that of the confrontation of morality and public order.

For legal icons, public order is "a vague, complex, changing and sometimes mysterious notion"¹⁷. If by public order, we must mean, "Which is so important that the essence of society or its right is questioned"¹⁸, we therefore understand that this concept has the right to cite whenever we must avoid a serious danger threatening the integrity of the territory, life, independence or the institutions of the Republic¹⁹. As far as the non-legal person is concerned, public order is a notion tinged with authoritarianism. With regard to the triptych: security, tranquility and public health, public order appears as the expression of an authority that imposes itself on the subject of the rule of law²⁰. As an expression of the imperative of a rule of law from which we cannot derogate, public order necessarily leads to the restriction of certain freedoms, freedom to act, to contract, etc... This notion has rightly become a catch-all concept²¹. This definition is more unlikely since certain legitimate forms of exercising fundamental freedoms are often incriminated. To this end, far from this notion, the Constitution of Cameroon has simply given clues to it. Thus, his preamble states, "no one can be worried because of his origins, opinions or beliefs in religious, philosophical or political matters subject to respect for public order and good morals"²². Through this limit to freedom of expression and its corollary of freedom of information, the preamble of the Constitution inserts an exception, even better a temperament to this freedom that could be thought absolute.

Thus, imposing itself rightly as the supreme law in a society, the maintenance of public order seems necessary for the exercise of civil liberties. However, rightly authorising the territorial sovereign to apply at all times and to all individuals present on his territory, the regulations he considers essential for the security, tranquility, public morality and good governance of his territory, public order seems to priority oppose the exercise of public freedoms. In fact, if administrative police measures are most often contested because they violate fundamental rights and public freedoms, these measures can also aim at guaranteeing public order without which the exercise of freedoms cannot be ensured. Better still, if we admit that the maintenance of public order is necessary for the protection of the exercise of public freedoms, we understand that the limits that can be legitimately placed on the exercise of these freedoms are those necessary for their protection²³. These are restrictions that raise in most of the World's Constitutions the eternal problem of reconciling the right of the individual with the law of the society, reconciling order with freedom²⁴. Indeed, the real requirements of securing the national territory and recent security crises have imposed on our legal order a new approach to implementing mechanisms for the implementation of public order, which unfortunately brings about radical restrictions on public freedoms²⁵. It therefore seems that the maintenance of public order is intrinsic to the missions that must be carried out by the traditional authorities of a State, which is considered the best organised form of society because of the sovereignty attached to it²⁶. Since the declaration of

¹⁷ PLANTEY (A.), « Définition et principes de l'ordre public », in POLIN (R), (dir.), *L'ordre public*, PUF, 1995, p. 27.

¹⁸ Ordre public, in DUHAMEL (O.), MENY (Y.) (dir.), *Dictionnaire constitutionnel*, PUF, 1992, p. 683.

¹⁹ Voir dans ce sens l'article 9 de la Constitution du Cameroun qui confère au président de la République, et par ricochet au Gouvernement, des pouvoirs exceptionnels.

²⁰ En droit administratif français, l'ordre public est l'état social idéal caractérisé par le « bon ordre, la sécurité, la salubrité et la tranquillité publique ».

²¹ Son élasticité semble alors la transformer en une espèce de fouet entre les mains du Gouvernement sans aucune limite déterminée au préalable et le flou qui entoure cette notion est conforté dans le cadre juridique camerounais par la définition du terrorisme qui ressort de la loi du 23 décembre 2014 portant répression des actes de terrorisme

²² À cet effet, l'ordre public se voit reconnaître une valeur constitutionnelle dès lors qu'il représente « ce qui est nécessaire pour la sauvegarde des fins d'intérêt général ayant valeur constitutionnelle »²². Voir préambule de la constitution du 18 janvier 1996.

²³ BIKOE (M.), « l'ordre public et les libertés publiques en droit camerounais », *Cahier Juridique de l'Université de Ngaoundéré/FSJP*, p.113.

²⁴ LUCHAIRE (F.), *Naissance d'une constitution : 1848*, Fayard, Paris, 1998, p. 55.

²⁵ *Ibid.*

²⁶ *Ibid.*, p. 114.

multi parties in the 1990s, Traditional Chiefs have become full actors in the political scene and now enjoy the constant consideration of the public authorities. Hence their implication in political-institutional domain in general and in the mission of maintaining public orders in particular.

From the above, it seems that the establishment of public order presupposes an anticipatory action by the authority to set the conditions for the exercise of activities likely to undermine security, tranquility, health, public morality and even human dignity. In fact, traditional authority mobilises measures that are necessary for the population. These can be prescriptive, repressive and declarative acts²⁷.

It should be noted that all traditional rulers are traditional authorities, but not all traditional authorities are traditional rulers. Indeed, by traditional chief, it should be understood in this study that the traditional authorities are at the head of customary communities organised in territorial and administrative districts. These are precisely the chiefs of chiefdom, chiefs of customary subdivisions, the heads of customary groups incorporated into the sectors and the chiefs of villages. Traditional authority is the means of direct action on the masses and that we accept as the interpreter in the population.

Research on traditional authority and the maintenance of public order in Cameroon allows us to conduct a prospective study on the role of this "traditional authority" institution²⁸. Indeed, the question of the role of traditional authority in the administration is too much discussed. For an overwhelming majority of doctrine, traditional authority is a remarkable tool in the process of maintaining public order within a given society and at a given time. This study therefore allows us to lay the milestone for a true analysis of the functions of the traditional authority in Cameroon. **Thus, to what extent is the contribution of traditional authority in the maintenance of public order in Cameroon?** This question raises the function of traditional authority in the process of maintaining public order.

This question remains worthy of interest insofar as the problem of this study seeks to arouse important scientific knowledge in the discourse of law. On the one hand, the study intends to present the hope of the legal mechanisms that frame the participation of the traditional authority in the maintenance of public order in Cameroonian positive law. On the other hand, it will make it possible to draw up an overall assessment of this participation.

In an exegetical approach supported by case law in response to this problem, the analysis of the different experiences allows us to advance the following idea: the traditional authority intervenes in a mediate way in the prevention of disorders of public order **(I)**. However, we observe its erasure in conflict management. We are thus witnessing a crisis in the contribution of traditional authority in the maintenance of public order **(II)**. The hypothesis of this research is that the contribution of the traditional authority in maintaining public order in Cameroon is relative insofar as there is discrimination with a remarkable exclusion that makes it possible to doubt the contribution of this institution in the guarantee of public order. Beyond the restrictions on the role of the traditional authority in maintaining order, there are difficulties related to the operationalisation of the measures of the said authority.

2. THE MEDIATE PARTICIPATION OF THE TRADITIONAL AUTHORITY IN THE MAINTENANCE OF PUBLIC ORDER: AN EFFECTIVE CONTRIBUTION TO THE PREVENTION OF PUBLIC DISORDERS

The maintenance of public²⁹ order is intrinsic to the missions that must be assumed by state authorities, which is considered the best organised form of society because of the sovereignty attached to it³⁰. According to Cameroonian legislation, the Traditional Chieftaincy is recognised as a state institution. Thus, from the local to the national level, traditional institutions are associated with the

²⁷ BIKOE (M.), « l'ordre public et les libertés publiques en droit camerounais », *Cahier Juridique de l'Université de Ngaoundéré*, op.cit., p.113.

²⁸ Il ne s'agit pas dans le cadre de cette étude d'examiner la procédure du maintien de l'ordre public, mais plutôt le maintien de l'ordre public en substance. D'ailleurs on s'intéressera au droit interne.

²⁹ Le maintien de l'ordre commande souvent de recourir à la force pour prévenir le désordre ou ramener la paix et la stabilité. Mais, il demeure possible de prévenir tout risque de désordre ou de trouble par des moyens pacifiques, et tout aussi efficaces que ceux de la contrainte physique ou morale sur les personnes et leurs biens.

³⁰ PETER TIEH NDE, *le maintien de l'ordre public continu en droit positif camerounais : l'ultime conciliation entre ordre public et libertés publiques*, Op. Cit, p. 22.

management of the country. These are precisely the traditional authorities who are the agents of collaboration and enforcement existing within the State. A means of action on the masses, traditional authority participates in the process of maintaining public order. Clearly, the maintenance of public order is intrinsic to the missions that traditional authorities must ensure to the extent that the traditional leadership remains an institution that guarantees the socio-cultural and historical values of the population. But even more, it remains an important institution in the process of harmony and social peace that is part of the maintenance of public order. It is then necessary to demonstrate the formal (A) and material (B) contribution of the traditional authority to the maintenance of public order through its role in preventing disturbances to public order.

2.1. The Formalisation of the Mediate Contribution of the Traditional Authority in the Maintenance of Public Order

The maintenance of public order requires in Cameroon as elsewhere the intervention of certain actors who appear to be unavoidable. Traditional authority in maintaining public order is considered a complementary actor or institution. A presentation of the typology of these traditional actors (1) will thus precede the assessment of the foundations of their role in maintaining public order (2).

2.1.1. The Identification of Traditional Authorities

All the traditional chiefdoms present in Cameroon participate in one way or another in the process of maintaining public order. They are traditional institutional authorities. These traditional authorities heard here are traditional leaders without distinction of degrees and religious leaders in some localities.

Indeed, in Cameroon, it is important to note that several categories of traditional authorities intervene in the prevention and repression of public order. Unless they are the only ones, they are essentially made up of community and religious leaders. These include the traditional authorities of the Francophone and Anglophone part in Cameroon. As a general rule, the traditional chiefdom is organised on a territorial basis. It has three following hierarchical degrees: 1st degree chieftaincy, 2nd degree chieftaincy, 3rd degree chieftaincy. Is of 1st degree³¹, any chiefdom whose territory of competence covers that of at least two chiefdoms of 2nd degree. Its territorial limits do not in principle exceed those of a division³². Is of 2nd degree, any chiefdom whose territory of competence includes that of at least two chiefdoms of 3rd degree. Its limits do not in principle exceed those of a Sub-division³³. The 3rd degree chiefdom corresponds to the village or neighbourhood in rural areas, and to the neighbourhood in urban areas³⁴. Notwithstanding this organisation, the competent authority may classify a traditional chiefdom to the 1st or 2nd degree, due in particular to its demographic and economic importance³⁵. Each chiefdom bears the name enshrined in tradition. However, the competent authority may give it, if necessary, a new name³⁶. Every traditional chiefdom is placed under the authority of a leader, assisted by a council of notables, formed according to local tradition. The leader designates within the Council, a notable who represents him in the event of absence or impediment. The chief can terminate his duties³⁷. The 1st degree chiefdoms are created by order of the Prime Minister, those of 2nd degree by the Minister of Territorial Administration and those of 3rd degree by the Senior Divisional Officer (SDO)³⁸.

According to reports from the Ministry of Territorial Administration on the nomenclature of traditional chiefdoms³⁹, Cameroon has a total of 13536 (thirteen thousand five hundred and thirty-six) traditional chiefdoms, including 79 (seventy-nine) 1st-degree chiefdoms; 875 2nd degree chiefdoms and 12582 (two thousand five hundred and ninety-two) chiefdoms of 3rd degree⁴⁰.

³¹ Article 2 of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies

³² Article 3 of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies

³³ Article 3 of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies

³⁴ Article 3 of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies

³⁵ Article 4 of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies

³⁶ Article 5 of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies

³⁷ Article 6 of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies

³⁸ Article 7 decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies

³⁹ Ministère de l'Administration Territoriale, Nomenclature des chefferies Traditionnelles, 2015, 305 p.

⁴⁰ Adamaoua : 1043 chefferies traditionnelles (06 du 1^{er} degré ; 16 du 2^{ème} degré et 1021 chefferies du 3^{ème} degré ; Centre : 2712 chefferies traditionnelles (06 du 1^{er} degré ; 171 du 2^{ème} degré et 2535 chefferies du 3^{ème} degré ;

To these categories of traditional institutions is added the “house of chiefs”⁴¹. This is an important innovation, with regard to the organisation and functioning of the Regions. It lies in the development of a derogatory status for the Northwest and Southwest regions, in accordance with the provisions of Article 62 (2) of the Constitution and in accordance with the recommendations of the Grand National Dialogue.

Although this new local authority is not yet functional, the normative mechanism concerning it has been redesigned, in view of the experience provided for the management of municipalities and the general governance of the Nation. In this perspective, the General Code of Decentralised Territorial Communities has established a legal regime conferring on the regions of the Northwest and Southwest competences resulting from their specificities in addition to those recognised to other Regions⁴². This relate to participation in the development of national policies relating to the English-speaking sub-educational system and justice, in accordance with the Common Law system, the creation and management of development missions and the status of the Traditional Chief⁴³. To this end, Law No. 2019/024 of 24 December 2019 on the General Code of Decentralised Territorial Collectivities creates the institution called the House of Chiefs in the Northwest and Southwest regions.

The House of Chiefs, an institution of the Regional Assembly⁴⁴, comprises of twenty (20) members from the traditional command, elected in accordance with the legislation in force⁴⁵. It is responsible, in the Northwest and Southwest Regions, for issuing opinions on the following issues: status of the traditional rulers; the management and conservation of sites, monuments and historical remains; the organisation of cultural and traditional events in the Region and finally the issues relating to the collection and translation of elements of the oral tradition⁴⁶. Chaired by the Vice-President of the Regional Executive Council and assisted by a secretary of the said Council⁴⁷, the House of Chiefs has two (02) Commissions. One of the administrative, legal, rules of procedure, education, health; population, social and cultural affairs, youth and sports. Another person in charge of finance, infrastructure, plan, economic development, environment, land use planning, domains, urban planning and housing⁴⁸.

Beyond this duality of the status of the Cameroonian traditional authorities, the function of maintenance of order is identical for both the Francophone and Anglophone part. Based on this enumeration, we realise that Cameroon has several categories of traditional authorities. In this perspective, the legal regime of traditional chiefdoms confers on traditional authorities competences arising from their specificity. This concern participation in the development and implementation of national public policies on the maintenance of public order.

Est : 1131 chefferies traditionnelles (08 du 1^{er} degré ; 59 du 2^{ème} degré et 1064 chefferies du 3^{ème} degré ;
Extrême Nord : 1999 chefferies traditionnelles (18 du 1^{er} degré ; 160 du 2^{ème} degré et 1821 chefferies du 3^{ème} degré ; Littoral : 1168 chefferies traditionnelles (10 du 1^{er} degré ; 50 du 2^{ème} degré et 1108 chefferies du 3^{ème} degré ;
Nord : 1163 chefferies traditionnelles (06 du 1^{er} degré ; 33 du 2^{ème} degré et 1124 chefferies du 3^{ème} degré ;
Ouest : 1538 chefferies traditionnelles (11 du 1^{er} degré ; 115 du 2^{ème} degré et 1412 chefferies du 3^{ème} degré ;
Nord-Ouest : 559 chefferies traditionnelles (05 du 1^{er} degré ; 117 du 2^{ème} degré et 437 chefferies du 3^{ème} degré ;
Sud : 1359 chefferies traditionnelles (03 du 1^{er} degré ; 108 du 2^{ème} degré et 1248 chefferies du 3^{ème} degré ;
Sud-Ouest : 864 chefferies traditionnelles (06 du 1^{er} degré ; 46 du 2^{ème} degré et 812 chefferies du 3^{ème} degré.

⁴¹ Article 336 de la loi n°2019/024 du 24 décembre 2019 portant code général des Collectivités Territoriales Décentralisées.

⁴² Les Régions du Nord-Ouest et du Sud-Ouest bénéficient d’un statut spécial fondé sur leur spécificité linguistique et leur héritage historique.

⁴³ ALIYOU SALI, « La réforme du droit des Collectivités Territoriales Décentralisées au Cameroun », *Annales Africaines* n°15, Vol. 2, Décembre 2021, p. 403.

⁴⁴ Article 332 (2) of Law 2019/024 of 24 December 2019 instituting the General Code of Regional and Local Authorities

⁴⁵ Article 336 of Law 2019/024 of 24 December 2019 instituting the General Code of Regional and Local Authorities

⁴⁶ Article 337 (2) of Law 2019/024 of 24 December 2019 instituting the General Code of Regional and Local Authorities

⁴⁷ Article 339 (1) of Law 2019/024 of 24 December 2019 instituting the General Code of Regional and Local Authorities

⁴⁸ Article 338 of Law 2019/024 of 24 December 2019 instituting the General Code of Regional and Local Authorities

2.2. Fundamentals and Textual Guarantees of the Involvement of the Traditional Authority in the Maintenance of Public Order

Traditional authority remains the guarantor of the socio-cultural and historical values of the population. But more than that, it remains an essential institution in the peacekeeping process. Maintaining public order being a responsibility of the traditional authorities. This appears as a condition for the emergence and protection of society, vis-à-vis its citizens and on its local territory, the obligation to ensure the exercise of the freedoms of all, by taking the necessary measures.

The 1977 Decree⁴⁹ gives the traditional authorities the status of "auxiliaries of the administration" responsible for conveying the ideology of the nation-state under construction and encouraging their subjects to acquire the citizenship of the State of Cameroon. It is in this movement that many of the traditional rulers have entered the Public Administration and some have held positions of important responsibility. Some analysts have seen it as a beginning of "secularisation of traditional power"⁵⁰ with its counterpart of dismantling and deregulation of local chiefdoms. But it would be largely reductive to read the relationship between traditional and modern power in Cameroon only from the angle of a one-way, unilateral and unidirectional relationship, which would place the exclusive role of the State, of modern power in the articulation of this interaction. It is then appropriate to identify the relationships of these two entities from the prism of complexity, ambivalence and mutual attraction.

In northern Cameroon as in other regions of the country, certainly with variants here and there, traditional authorities continue to benefit from the collaboration of modern public authorities and the legitimacy of local populations. However, in the northern part, the historical context that has presided over the emergence of traditional chiefdoms is specific in more than one respects; first it is in a context of intercultural conflicts that chiefdoms are born; then traditional chiefdoms, whether of islamo-peuhle or kiridi extraction, carry within them the ideology of centralisation and concentration; and finally these chieftancies are modulated on strategies that are both made up of conservatism and openness to modernity⁵¹.

Indeed, under the authority of the Minister of Territorial Administration, the role of traditional rulers is to support administrative authorities in their mission to supervise the population⁵². This is to recall that the traditional authorities are in particular responsible: to transmit to the population the directives of the administrative authorities, and to ensure their execution⁵³; to contribute, under the direction of the competent administrative authorities, to the maintenance of public order and to the economic, social and cultural development of their area of competence⁵⁴. Regardless of the above tasks, traditional leaders must fulfill any other mission that may be entrusted to them by the local administrative authority⁵⁵. Traditional rulers may, in accordance with custom and where the laws and regulations do not provide otherwise, conduct conciliations or arbitrations between the citizens⁵⁶. In addition, in an under-administered territory, with resources, the State absolutely needed these auxiliaries to exercise control over the population scattered over a vast territory, often difficult to access and with which; in addition, which is difficult to communicate. Thus, because the traditional authorities are the custodians of the traditional and guardian values of the *US* and *COUTUMES*, well, they contribute in a remarkable way to the regulation of life in local society. These regulatory provisions strengthen and shape the responsibility of the traditional authorities in maintaining public order in Cameroon.

Clearly, thus adhering to the principle of maintaining public order, Cameroon integrates the mission of maintaining public order into the missions to be carried out by the traditional authorities. The traditional chief is ultimately an auxiliary agent of the Central Administration, deconcentrated and decentralised, but of traditional essence, given the procedure for his designation.

⁴⁹Decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftancies

⁵⁰ Livre blanc, *Changer le Cameroun. Pourquoi pas ?*, Yaoundé, 1990, p. 59

⁵¹ ZELAO ALAWADI « Autorités traditionnelles et désir d'hégémonie dans le champ politique au Nord-Cameroun », *Romanian Political Science Review*, op, cit, p. 357.

⁵² Article 19 of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftancies

⁵³ Article 20 (1) of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftancies

⁵⁴ Article 20 (2) of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftancies

⁵⁵ Article 20 (3) of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftancies

⁵⁶ Article 21 of decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftancies

2.2.1. The Action of Traditional Authorities in Maintaining Public Order

While having functions such as tax collection, guidance of traditions, traditional authorities also have an important role in maintaining public order. Thus, it should be emphasised that the traditional authority contributes to the maintenance of public order which can be preventive maintenance of order (1) or the repressive action of the maintenance of public order (2).

2.3. The Preventive Action of the Traditional Authority in the Maintenance of Public Order

Prevention consists of putting in place material measures that allow citizens to avoid a threat to their safety or health. It also requires constant monitoring of citizens' activities. From this permanent watch, the traditional authority judges the nature of the measures to be taken to maintain order. For the prevention of violations of public order, the traditional authority requires the enactment and implementation of measures. Devices are then put in place to guide them in the conduct to be followed.

It must be admitted that the traditional chief is important in his environment. He represents the population of his locality. It is also the only authority on which the Central Administration relies to resolve land problems under its territorial jurisdiction. Also, it can facilitate relations between it and the authorities of local authorities.

The traditional authority relies on regulatory measures to regulate the activities of citizens when they are likely to disrupt order⁵⁷. Similarly, it controls the exercise of certain freedoms and constantly mobilises agents to prevent the risks of disorder and sometimes restore the necessary conditions to avoid a more serious attack on public order.

Understanding the underlying causes of internal clashes or conflicts hindering public order is the responsibility of the traditional authorities. Traditional justice mechanisms deserve to be explored to address concerns about prosecution, the search for the truth, reconciliation and appeasement of affected communities. Investigating the alleged actors in the attacks, prosecuting them and compensating the victims help to appease the desire for inter-ethnic and inter-community revenge.

Indeed, no one can communicate better with the people than traditional authority. She first has mastery of the language, then he has the most effective method of communicating in his environment and according to the culture and social life of the environment, finally the chief knows when to communicate with his people to achieve the expected results. It is therefore important in terms of maintaining public order. Moreover, the local traditional sphere is by excellence of a certain constellation of modern politics and traditional politics, it being understood that these realities are not tangibly enforceable⁵⁸. Traditional power, despite the vicissitudes of history, especially those driven by colonisation, has managed to adapt and bend its spine without breaking⁵⁹. In northern Cameroon as in other regions of the country, certainly with variants here and there, traditional authorities continue to benefit from the collaboration of modern public authorities and the legitimacy of local populations⁶⁰. However, in the northern part of Cameroon, the historical context that has presided over the emergence of traditional chiefdoms is specific in more than one way. First, it is in a context of

⁵⁷Law N°90-54 of 19 December 1990 relating to the maintenance of Law and decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies

⁵⁸ Voir sur cette perspective d'analyse les travaux théorico-empiriques des chercheurs de Laboratoire d'études et de recherches sur les dynamiques sociales et le développement (LASDEL) basé au Niger (Afrique de l'Ouest) : BIERSCHEK (Th.), DE SARDAN (J.-P.O.) (éds), *Les pouvoirs au village : le Bénin rural entre démocratisation et décentralisation*, Karthala, Paris, 1998 ; BIERSCHEK (Th.), CHAUVEAU (J.-P.), DE SARDAN (J.-P.O.) (éds), *Courtiers en développement*, Karthala, Paris, 2000 ; DE SARDAN (J.-P.O.), MAHAMAM TIDJANOU (A.) (dir.), *Les pouvoirs locaux au Niger. À la veille de la décentralisation*, CODESRIA/Karthala, Dakar/Paris, 2009. Pour le cas du contexte rural nord-camerounais, lire ALAWADI ZELAO, « Configuration du champ de développement local à l'ère de la décentralisation au Nord-Cameroun », *Revue des Hautes Terres*, n° 2, 2012, pp. 133-157 ; MOTAZE AKAM, « Lamido, rapports sociaux et courtiers du développement au Nord du Cameroun », *Ngaoundéré-Anthropos. Revue de Sciences Sociales*, vol. IV, no. 2, 1999, pp. 101-141.

⁵⁹ LOMBARD (J.), *Autorités traditionnelles et pouvoirs européens en Afrique noire*, PFNSP, Paris, 1967.

⁶⁰ ZELAO ALAWADI « Autorités traditionnelles et désir d'hégémonie dans le champ politique au Nord-Cameroun », *Romanian Political Science Review*, op. cit, p. 357.

intercultural conflicts that the chiefdoms are born; then the traditional chiefdoms, whether of islamo-peuhle or kirdi extraction, carry within them the ideology of centralisation and concentration; and finally these chiefdoms are modulated on strategies made of both conservatism and openness to modernity⁶¹.

More than half (90%) of Cameroonians recognise that traditional rulers "always" or "often" do their best to listen to the concerns and opinions of their fellow citizens; which logically strengthens people's confidence in traditional authorities. Traditional authorities enjoy stable confidence among their fellow citizens, great influence in conflict resolution and increased contacts with the population. The perception of influence in the field of conflict could explain the involvement of traditional leaders in the search for solutions to the prevention of political and social crises. Traditional leaders have their say in the negotiations that lead to the choice of the person who should become mayor and the election by councilors becomes a simple formality. The traditional ruler therefore represents a weight that cannot be ignored as actors at the local level on the one hand and in the prevention of internal conflicts on the other. The data from this study confirm the important role of traditional rulers in the Cameroon society.

In the English-speaking regions, the weight of traditional leaders in conflict prevention is manifested by the involvement of the traditional authority in conflict resolution through the information filter intelligence channel. The functions of the traditional authority are as statutory as they are not and the institutions of the chieftaincies range from the Traditional Council to the Chamber of Notables through the Regional Assembly.

In any case, the preventive action of the traditional authority in terms of maintaining public order is emerging through its undertaking of mobilising populations, an institution for the consultation of citizens, the constitution of pressure groups able to formulate small collective claims guaranteeing the prevention of disorder or problems.

Clearly, in connection with his contribution in preventing the maintenance of public order; guarantor *ofus and customs*, the traditional ruler celebrates traditional marriages; represents the administrative authority; settles land, household and other conflicts and makes reconciliation; weaves good neighbouring relations between his community and other communities; ensures the security of his subjects. As the first developmental actor in his community, he negotiates projects, builds relationships with development partners, watches over the infrastructure in the his community; informs communities about the decisions taken by the Administration; raises awareness and mobilises the population, receives and hosts foreigners who come or pass through his community; shares information from wherever they come with the mayor to; mobilises or raises awareness among the population to solve their problem, raises awareness to the population on the revaluation of the traditional chiefdom; reconciles the parties to the conflict in all domains; signs contracts for the sale of land and attends the presentation of the annual budget of the municipality, the meetings of the council⁶². In this regard, the traditional authority is in direct contact with the population, guaranteeing efficiency in maintaining public order⁶³.

Overall, the maintenance of public order could not only rely on the preventive actions of the traditional authorities. The repressive aspect must be prioritised in order to confine traditional chiefdoms in ad hoc and concrete actions to maintain public order.

2.4. The repressive action of the traditional authority in the maintenance of public order

The repressive action of traditional authority in maintaining public order is characterised by a certain propensity to repress. It is noted here that, for the exercise of public freedoms, people often expose themselves to an energetic intervention by the traditional authority without the need to adopt these measures.

⁶¹ ZELAO ALAWADI « Autorités traditionnelles et désir d'hégémonie dans le champ politique au Nord-Cameroun », *Romanian Political Science Review*, op, cit, p. 357

⁶² ZELAO ALAWADI « Autorités traditionnelles et désir d'hégémonie dans le champ politique au Nord-Cameroun », *Romanian Political Science Review*, op, cit, p. 357.

⁶³ *Ibid*, p.358.

In order to achieve its purposes, the traditional authority controls the activities within this territorial jurisdiction. It is at the end of this control that he makes decisions likely to preserve public order. When the traditional authority identifies activities that, by their nature, are or will be harmful to society, it may either take acts of prohibition against those who would be tempted to undertake them or refer the matter to the competent administrative authority of his territorial jurisdiction. It should be noted that the traditional authority may have a repressive function in certain cases. Indeed, the invocation of public order seems to be a constant proof of the limitation of public freedoms in Cameroon. Certainly, it is impossible to conceive the maintenance of public order without a minimum of constraints, because as Etienne PICARD points out, "as soon as an eminent imperative is vividly invoked to justify a restriction on a right or freedom, it must be considered that it falls, by this very function under public order, whether or not this notion is expressly used as such"⁶⁴. Thus, any expression of freedom likely to challenge the authorities is repressed by the traditional authority under the pretext of maintaining public order. A distinction should be made between repressive measures of traditional authority focus on persons and those on property. These measures target, on the one hand, persons responsible for acts of disorder or likely to contribute to them and, on the other hand, property that is likely to constitute an attack on public order. To report on the concrete repressive action of the traditional authority in maintaining public order in Cameroon, we refer to two experiences in two different municipalities, which is in Batcham and in Bamendjou.

Initially, Batcham is a rural municipality with a controversial reputation. The Batcham have always been known for their keen sense of trade. On foot, by wooden skate, by bike, by motorcycle, by car, Batcham people invest all the major markets of the surrounding villages for the needs of their business. But in Batcham there are legion of all kinds of acts and criminal behaviour (manufacture of traditional rifles, production of fake drugs, concealment of stolen objects, production and consumption of Indian hemp, burglaries of country residences). All the elements are gathered to make this municipality an area of insecurity. Since the public administration has failed to bring peace in this municipality, it no longer inspires confidence in the people. Acts of corruption are decry throughout the country, the judiciary is obsolete and the police are racketeering populations⁶⁵.

It was in this context of widespread insecurity that the chief SONKWE was inducted on July 14, 2001. He set his reign under the sign of peace and the promotion of the well-being of the entire population. To join the act, he operates a series of bold reforms: creation and maintenance of a security body called "Peace Makers" regulation of the opening and closing hours of the Batcham market; establishment of a market guarding corps after 9o'clock; division of the group into twelve development sectors; restoration of the group's development committee; reevaluation of traditional authority; fight against the culture and Customary⁶⁶. The "peace makers" appear to be the most original institution in the municipality to the point of inspiring the "municipal peace police"⁶⁷. The chief uses his 4x4 vehicle to facilitate the movement of security guards. Order and security have been restored in the village. The population of Batcham has as God the ruler "SONKWE". The same applies to the population of Bamendjou.

Secondly, Bamendjou is a municipality of about 40,000 inhabitants whose chief is an atypical Bamiléké monarch. His Majesty SOUKOUDJOU Jean Rameau today has 60 years of reign. The particularity of this experience lies in the fact that it is His Majesty himself who shared it during a conference debates in November 2000 in a French University (Lille I) where he spoke about the "role of a traditional ruler in Cameroon". On this occasion, he defines the traditional chieftdom as "a complex political space, inherited from ancestral cultures and sometimes in the form of a completed organisation". He transposes the analysis of state management in these terms: "The institutions that govern us are not the fruit of our own history; they are the legacy of the colonial system". The traditional ruler of Bamendjou sees this as the root cause of the crises that are currently tearing Africa apart. When asked how do you see your role vis-à-vis the Divisional Officer, he answers: "Everything

⁶⁴ PICARD (E.), « l'influence du droit communautaire sur la notion d'ordre public », *AJDA*, n°55, 1996, p. 59.

⁶⁵ MINLA MFOU'OU (J.), « La Décentralisation, une opportunité pour améliorer le développement et la gouvernance locale », *Traverses* n°25, septembre 2006.

⁶⁶ *Ibid.*

⁶⁷ MINLA MFOU'OU (J.), « La Décentralisation, une opportunité pour améliorer le développement et la gouvernance locale », *op.cit.*

I do is dictated by the relationship that unite me with the population and especially the trust I enjoy from them⁶⁸. On the administrative level, I think that the role of the "Fô" (chief) that I almost does not matter, to see how things are going right now". To the following question: Is the Mayor of your municipality approaching the chiefdom, perhaps, to ask for advice? He answers: The Mayor is my son, we talk almost every time but I do not interfere in the affairs of the municipality. In Bamendjou, it is His Majesty who is the authority in the eyes of the population. He alone has the ability to mobilise. This is a force that a mayor concerned about the development of his municipality cannot ignore. Instead, he must seek the support or collaboration of the traditional ruler in order to benefit from this force⁶⁹. Based on this observation, the traditional authorities are taking repressive measures to fight disorder in order to maintain public order.

In the Far North of Cameroon, inter-communal rivalries are disturbances to public order. For example on August 11, 2021, the Mousgoum and Arab Choa communities clashed for land disputes⁷⁰ in the canton of El Birké, in the municipality of Logone-Birni⁷¹. Following this conflict, the emissary of the President of the Republic His Excellency Paul Biya, the Minister of Territorial Administration to multiply exchanges with the traditional authorities and representatives of these two communities for sustainable solutions. They conducted consultations to find out the root causes of the conflict in order to find peaceful solutions. The negotiations started through the traditional authorities who made it possible to bring both parties back to make peace and accept each other as brothers and sisters⁷². Overall, we can believe that this commission has succeeded in its mission since, bit by bit, life has resumed its normal course and the peasants have resumed to go about their usual occupations⁷³. This analytical approach to the causes of these clashes has made it possible to reduce the resonance and perception of this conflict. This is how the traditional authorities were able to find, in their time, the words necessary to appease the hearts and convey the message of peace and reconciliation for the definitive maintenance of public order.

In any case, the role of the traditional ruler in the preservation of order and social cohesion is more proven than ever. However, the purpose is different when it comes to managing internal and ethno-tribal conflicts.

With regard to the means thus granted to traditional chiefdoms in terms of maintaining public order, it is observed that the powers of traditional authorities are extended. However, they are limited in their actions, especially with regard to the management of public order disorders.

3. THE CRISIS OF THE CONTRIBUTION OF TRADITIONAL AUTHORITY TO THE MAINTENANCE OF PUBLIC ORDER: THE LACK OF KNOWLEDGE OF THE ROLE OF TRADITIONAL AUTHORITY IN THE MANAGEMENT OF INTERNAL CONFLICTS

It is difficult to perceive the influence of traditional authorities in land allocation and especially in local conflicts resolution. If the effectiveness of traditional rulers is demonstrated in the prevention and repression of local conflicts, it is not proven when the conflict is national and fuelled by multiple interests. The traditional chiefdom plays a crucial role in defining the political situation in Cameroon. It is indeed one of the means of disseminating the discourse of power. However, the place of traditional authority in maintaining public order in Cameroon is not vivid because it is restricted to various levels. Indeed, we see its exclusion in conflict management **(A)** which requires its irrefutable inclusion **(B)**.

⁶⁸MINLA MFOU'OU (J.), « La Décentralisation, une opportunité pour améliorer le développement et la gouvernance locale », *op.cit.*

⁶⁹*Ibid.*

⁷⁰Ses affrontements sont liés aux conflits fonciers et l'eau.

⁷¹Il n'est pas superflu de rappeler qu'au mois d'Août dernier, un différend a opposé un groupe de pêcheurs Mousgoums à des éleveurs Arabes Choa, suite à l'utilisation des techniques de pêche qui mettaient en danger la vie du bétail et des enfants. Ce différend, plusieurs fois référé aux autorités de Logone-Birni a été traité avec beaucoup de négligence et de laxisme. Ce laisser-aller, a occasionné de nombreuses morts, des villages incendiés et des biens pillés.

⁷²REMADJI HOINATHY, chercheur principal, Bureau régional de l'ISS pour l'Afrique de l'Ouest, le Sahel et le bassin du lac Tchad et Célestin DELANGA, chercheur associé de l'ISS.

⁷³*Ibid.*

3.1. Barriers Relating to the Role of Traditional Authority in the Management of Conflicts in Relation to the Maintenance of Public Order

The question will be answered as to what the restrictions on the actions of traditional authorities in maintaining public order are focused on. In general, its restrictions are formal (1) and substantial (2).

3.1.1. Formal Obstacles to the Contribution of Traditional Authority to the Maintenance of Public Order

No text gives the legal definition of traditional authority. Unknown to the lexicon of socio-political organisations of pre-colonial Africa, the traditional ruler expression is coinage of the coloniser that was redeemed by the post-colonial state. It was introduced in Togo by a decree of 1977. Nevertheless, in Cameroon, the texts do not give a precise attribution to the traditional authority relating to the maintenance public order, but its place gives it an essential role in the development process of its environment. The legal system knows only one class of person in the process of maintaining public order: the administrative authority. Understanding the institution of traditional chiefdom in the maintenance of public order would be the mysterious relationship between the Administration and traditional authority. This would explain the difficulties related to the apprehension of the traditional authorities.

The institution remains, but its status and attribution remain ambiguous through: the exercise of the traditional functions assigned to it, the evolution of the modern Administration, the regulatory texts governing the General Administration on which it relies on the Ministry of Territorial Administration. In short, the Constitution is silent about the administrative role of the traditional chiefdom.

Cameroon constitutional and administrative law, unlike comparative law⁷⁴, militates in favour of the maximum restriction of the role of traditional authority in maintaining public order. Indeed, the political limitation of the functions of the traditional authorities reflects a desire of the Central Administration to limit the process of maintaining public order.

However, traditional authority, an auxiliary to the Administration, is an essential component of the society. In the rule of law, it constitutes an important link in the functioning of institutions in general and the maintenance of public order in particular. Cameroon, which seems to be inspired by the French legal system, has also opted for the pre-eminence of administrative authorities in the process of maintaining public order in general and the regulation of internal conflicts in particular. Thus, since the advent of Law No. 90/54 of 19 December 1990 on the maintenance of order and Decree No. 77/245 of 25 July 1977 on the organisation of traditional chiefdoms, no idea has been initiated in the sense of extending the functions of traditional authorities so they can better contribute to the Cameroonian rule of law and the maintenance of public order. However, everyone seems to be of the opinion that the normative guarantee of the role of traditional authority in maintaining public order aims above all to spread the protection of fundamental rights and freedoms and to better protect the integrity of the territory.

The textual limits placed in the preventive and repressive actions of traditional authorities in the maintenance of public order are a source of the abasement of the role of traditional chiefdom in the society.

3.2. The Substantial and Cyclical Limits Related to the Actions of the Traditional Authority in the Maintenance of Public Order

In reality, Traditional authorities do not have legal powers to exercise, apart from a few legal provisions that require the Municipal Council to take the opinion of the Village Council before deliberating on certain matters. Whereas in our country, traditional rulers, religious leaders and griots have common ancestry with the population and are very effective in communication, mobilisation and awareness. Some traditional rulers compete with elected officials for resources, power and influence. Despite the idea that ranks traditional rulers as administrative entities closest to the population, it should be noted that certain factors contribute to keep them away from the function of maintaining public order. This means that the creation of this institution on citizens' confidence not been part of the duration. However, the perception of influence in conflicts could explain the involvement of

⁷⁴ Nous faisons ici allusion ici aux Etats qui prônent la conciliation entre l'ordre public et les libertés publiques.

traditional rulers in the search for solutions to the politico-social crises experienced by Cameroon. But it is observed that the involvement of the latter and the use of traditional conflict management mechanisms have not made it possible to achieve social peace at the national level.

It is true that traditional authorities enjoy stable trust from their fellow citizens, great influence in conflict resolution and increased contacts with the population. However, despite the recognition of the communicative effort and the influence of the latter on conflicts, very few Cameroonians wish to see them give directives and opinions.

Indeed, before the advent of modern administration, the traditional chiefdom exclusively ensured the management of the population, which allowed it to increase its significance in Africa. However, after independence, traditional rulers were relegated by the modern state in the name of development. In Ivory Coast, before 2014, its zeal to better strengthen its authority led the State to impose limits on local power where, from now on, the responsibilities of traditional rulers essentially consist of serving as a nexus between the modern administration and the rural population. In Cameroon, the newly independent state has been strengthened by the gradual development of the Administration. The creation of municipalities has witnessed the advent of local elected officials⁷⁵, who are chosen by the population and are in charge of defending the interests of their constituency. To these local elected officials are added representatives of the Administration. Faced with this multiplication of power centres at the local level, it seems bluntly that the power of the traditional ruler has greatly reduced. In addition to the loss of several prerogatives in favour of the modern Administration, traditional ruler do not have decision making power, but rather exist as executors, auxiliaries, subordinates of this new Administration.

However, despite the Government's awareness-raising efforts to increase the level of collaboration between the population and the state local administration, village residents visit to the chiefdom continue to give it relevance in many situations. This is why local governments and elected officials regularly seek the help of traditional leaders to convey certain messages. Also, the financial leeway of traditional ruler is generally quite small, which pushes some to stand behind a political leader or a businessman from the region.

3.3. The Imperative of an Undisputable Inclusion of the Traditional Authorities in the Maintenance of Public Order

In Cameroon, there is a strong possibility of an extension of the powers of traditional chiefdoms that would promote their contribution to the management of tribal, ethnic, social and political conflicts in order to guarantee social well-being and prevent the activities of some to be nuisance to others⁷⁶. Traditional authority embodies reassuring institutional stability and a certain consistency in the eyes of the population, which the administrative authorities⁷⁷ fail to ensure in republican institutions. It would therefore be useful and necessary to develop appropriate legal mechanisms that will allow traditional authorities to better participate in the maintenance of public order in order to guarantee social stability and protect citizens' fundamental rights and freedoms.

Based on empirical results that highlight the important role that traditional authorities play in local development and in the maintenance of public order, we nurture the fact that the latter should be formally integrated into the Republican institutional arena, thus effectively constituting the first level of decentralised governance institutions.

Also, the role of traditional authorities⁷⁸ and the means they use to manage resources, prevent and resolve conflicts must be strengthened. Because of their social status and the leading role they play as guarantors of tradition. These authorities are better placed to organise reconciliation processes in which their communities will trust and participate⁷⁹.

⁷⁵ En l'occurrence les maires et députés de la nation.

⁷⁶ PICARD (E.), « la fonction de l'ordre public dans l'ordre juridique. Introduction générale », in REDOR (M-J.), *L'ordre public: Ordre public ou ordres publics ? Ordre public et droits fondamentaux, Actes du colloque du Centre de recherche sur les droits fondamentaux de Caen des 11 et 12 mai 2000*, Bruxelles, Bruyant, 2001, pp. 17-61

⁷⁷ Ceux qui vont et viennent.

⁷⁸ Les chefs communautaires et religieux.

⁷⁹ REMADJI HOINATHY, chercheur principal, Bureau Régional de l'ISS pour l'Afrique de l'Ouest, le Shel et le bassin du lac Tchad.

"As an auxiliary of the administration, the traditional leader must be a sociological reference whose legal status over time deserves reflection with regard to the new orientations in the administrative organisation of the State"⁸⁰. Traditional authorities are now important authorities to implant the democratic state at the local level.

Traditional rulers play an important role in the maintenance of public order in Cameroon. They have the confidence from their fellow citizens, great influence in conflict resolution and increased contacts with the population. It is therefore desirable that the influence of traditional authorities increases a little or much in the maintenance of public order on the one hand and the management of socio-political conflicts on the other. Indeed, Cameroon's Decentralised Territorial Authorities have deliberative and executive bodies⁸¹. These bodies are particularly concerned with the development of their locality for the well-being of the population and the maintenance of public order. However, traditional leaders are also authorities at the level of these communities. How to reconcile the two institutions so that there are no conflicts of jurisdiction. Because the General Code of Decentralised Territorial collectivity does not provide for it. However, we believe that in the absence of a representation of the traditional ruler at the level of elected local authorities, the establishment of a Consultative Assembly where the traditional ruler will be well represented would be a solution.

Contrary to the situation observed in Cameroon, a curiosity about Zambia is remarkable. Indeed, in this country, the Constitution recognises the traditional chiefdom as a state institution. A chamber of traditional rulers at the national level as a consultation body with the Government has been established and the consideration of its opinion is guaranteed by the Constitution. Thus, from the local to the national level, traditional institutions of power are associated with the management of the country.

It must be said that traditional chiefs are no longer just the prerogative of villages. In the city, their presence is increasingly remarkable under the title of "heads of ethnic communities". Here, the power held does not extend to all the people who live in the city but only to people of the ethnic group. Traditional rulers manage political, social and financial life on a micro scale. The plurality of their roles played contributes their increasing credibility and influence among communities. This influence is also recognised by the local authorities of the modern administration. In most villages, the willingness of the population to listen to national instructions depends on the degree of involvement of the traditional ruler. In addition, the new Ivorian Constitution adopted in 2016 enshrines the recognition of traditional chiefdom. Like Ghana, Côte d'Ivoire has created a National Chamber of Kings and Traditional Chiefs (NRCTC). This institutionalisation of the traditional chiefdom in the Ivorian democratic system would also mean the failure of the option of excluding traditional rulers, which had been privileged after independence. The new strategy seems to meet the need to take note of their community management experience and also to mark the importance of their contribution to the reconstruction of the social cohesion after several years of crises⁸². This interaction between modern power and traditional chiefdom raises some questions. In the eyes of Cameroonians, what roles do traditional rulers still play today? Do they still retain their foretime influence of on their fellow citizens? Does the institutionalisation of traditional chiefdom, especially by a national chamber affect the credibility of traditional authorities?

With regard to the above, it can be noted that, regardless of the form of administrative organisation in which we find ourselves, we found that the protection of the fundamental rights and freedoms of citizens can be ensured directly by the traditional authorities. Thus, it is highly recommended to include them in the maintenance of public order in Cameroon. The State could now introduce more legal mechanisms for better prevention and repression relating to the maintenance public order.

⁸⁰ Ibid

⁸¹ See articles 164 and So on, 274 and So on of Law 2019/024 of 24 December 2019 instituting the General Code of Regional and Local Authorities

⁸² MINLA MFOU'OU (J.), « La Décentralisation, une opportunité pour améliorer le développement et la gouvernance locale », Traverses n°25, septembre 2006.

4. CONCLUSION

Conclusively, the role or contribution of traditional authority in maintaining public order still remains problematic in African society in general and in Cameroon in particular. Yet the consolidation of a rule of law, the guarantee of fundamental rights and freedoms and the protection of state authority require a remarkable contribution from traditional authorities.

It should be emphasised that the maintenance of public order is also worthy for traditional authorities. Taking into account their contribution is a necessary prerequisite to ensure peace and harmony in society. But their function does not seem guaranteed in Cameroon to the extent that the action of the administrative and judicial police authorities seems to be a priority in terms of policing, while the traditional authorities are in direct contact with the population.

Indeed, since the adoption of Decree No. 77/245 of 15 July 1977 on the organisation of traditional chiefdoms in Cameroon, no reform has occurred to strengthen the powers of traditional authorities. Indeed, they are very important body-persons in the protection and conciliation between fundamental rights and freedoms and the authority of the State. The will of traditional authority should not be an essential will in guaranteeing public order, especially when it comes to protecting fundamental rights and freedoms. Also for the ideal, valuing traditional power in the management of internal conflicts is a guarantee of peace and territorial stability. The traditional chiefdom in Cameroon has evolved over time and has undergone profound changes during the colonial and postcolonial period, but it remains alive today and cannot be neglected. It has an important role to play in the development of communities. It is enough to restore it, to clearly set the framework for collaboration between elected local authorities and traditional authorities to ensure local development, one of the objectives of decentralisation. Decentralisation inculcated through development necessarily requires a clearly defined role of the traditional chief, in a redesigned socio-cultural environment integrating the values of Cameroonian population.

The improvement of the legal regime applicable to traditional chiefdoms will therefore be such an important step forward that will not only be unanimously welcomed, but also and above all will make it possible to affirm, without great risk of making a mistake, that if the new reforms are applied, the attributions or roles of traditional chiefdoms will experience a certain effectiveness if not a certain effectiveness to bring a good process of maintaining peace and public order in Cameroon.

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LEGAL TEXTS

- ✓ Law 2019/024 of 24 December 2019 instituting the General Code of Regional and Local Authorities;
- ✓ Law No. 96/06 of 18 January 1996, revising the Constitution of 02 June 1992;
- ✓ Law No. 90/52 of 19 December 1990 on social freedom of communication;
- ✓ Law No. 90/53 of 19 December 1990 on freedom of association;
- ✓ Law No. 90/54 of 19 December 1990 on the maintenance of order;

- ✓ Law No. 90/55 of 19 December 1990 laying down the regime for meetings and public events;
- ✓ Decree No. 2008/377 of 12 November 2008 setting out the responsibilities of the heads of administrative districts and on the organisation and operation of their services;
- ✓ Decree No. 77/245 of July 15, 1977 on the organisation of traditional chieftaincies.

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Citation: GNASIRI TCHAGO Bernard (Ph.D in Public Law). "Traditional Authority and the Maintenance of Public Order in Cameroon" *International Journal of Managerial Studies and Research (IJMSR)*, vol 11, no. 2, 2023, pp. 01-18. DOI: <https://doi.org/10.20431/2349-0349.1102001>.

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