The Complexities Of Citizenship And Nationality Under Cameroonian Law

Nana Charles Nguindip

University of Dschang, Faculty of Laws and Political Sciences, P.O Box 96 Dschang, Cameroon, +237652086893
vicastrov1988@yahoo.com

Abstract: In the light of globalisation and economic trends of our nationality law, economic integration and increase in migration with the idea of citizenship continue to decrease. Especially considering the ease on the international travel to that of decades previous, the prospect of individuals possessing multiple citizenship simultaneously has become increasingly. With the advent of globalisation, the notion or possibility of citizens possessing global citizenship has been in the rise. To this effect, modern statistics has demonstrated the undeniable presence of individuals who may call two countries home. This, in turn, has led to the increase interest in the possibility of immigrants to hold dual nationality and, where a country’s policy currently prohibits such dual citizenship, a perfect and encouraging factor to make the concept of nationality law a reality in the global scene. As a result of this, the general world trend is towards a more open citizenship regime in which increasing numbers of countries allow their citizens to possess the nationality of another country. The situation of double citizenship is look in a different perspective under the Cameroon nationality law. Notably, Cameroonian Nationality Law is exclusive, in the acquiring of a foreign citizenship automatically cause for loss of Cameroonian Nationality and this phenomenon has created lots of implication on the Cameroonian society from the economic, social, political and even cultural denominations.

Keywords: Complexities, Citizenship, Nationality, Cameroonian, Law

Introduction

The terms citizenship and nationality are different in a technical legal sense. While essentially the same concept, they reflect two different legal frameworks. Both terms identify the legal status of an individual in the light of his or her state membership. However, the term citizenship is confined mostly to domestic legal forums, and the term nationality to the international law forum. As Weis states, Conceptually and linguistically, the terms emphasize two different aspects of the same notion “Nationality” stresses the international, “citizenship” the national, municipal aspect. To this extent, they are generalizing concepts. While citizenship describes the technical legal relationship between the individual and the polity, it is more than a merely descriptive category. It is a normative project whereby social membership becomes increasingly comprehensive and open ended. At the beginning of the twenty-first century, however, there has been considerable debate about the continued viability and future directions of this project. Citizenship represents cohesion in a world increasingly characterized by fragmentation. As such, citizenship is drawn upon both in critique of contemporary individualism and in some altered form as a possible counterpoint to it. This stands in contrast to an earlier, confident, even triumphalist discourse of citizenship as emancipation. Though often talked about as a singular concept, the term citizenship is used to describe a number of discrete but related phenomena surrounding the relationship between the individual and the polity. In this section, we are concentrating upon citizenship in two senses. The first is citizenship as a legal status the question as to whom the state recognizes as a citizen and so the formal basis for the rights and responsibilities of the individual in the state. The second is a broader view of citizenship as the collection of rights, duties, and opportunities for participation which define the extent of socio-political membership within a community. It is broader than legal status because it looks beyond it to the material circumstances of life within the polity, notably questions of social membership and substantive equality.

The legal rank of citizens in democratic societies is often intended to represent the progressive project of a broader conception of membership of the community. This is rarely achieved, however, as formal equality rarely embodies the need for substantial equality in social terms. Feminist and critical scholarship particularly, has highlighted the failure of gender and race-neutral conceptions such as citizenship to take account of the differences of individuals within communities. Citizenship as neither gender, class, nor race neutral, but affected by different groups’ positions within nation states has been evident throughout the ages, and continues to be so. History, however, also relates a progression whereby our understanding of equality and membership has been challenged and expanded over time. There is, then, an inherent tension in the development of citizenship. The citizenship project is about the expansion of equality among citizens. Nevertheless, as equality is based upon membership, citizenship status forms the basis of an exclusive politics and identity. At once anathema to the fulfillment of the citizenship project, they have also been essential to it as the sense of solidarity required for the development of modern citizenship is provided by the nation state. Globalization tears further at the tension within citizenship between membership and equality. Globalization emphasizes different identities of membership as the norm, according less reason to utilize a singular notion of citizenship, or a single legal status linking directly to the nation state, as a central concept in domestic and international law. Instead of identifying our rights and responsibilities by virtue of legal citizenship, our political, legal, and social rights and obligations could be determined through a myriad of alternative, non-nation state frameworks. In this context, then, citizenship is only generalized in establishing citizenship as a status upon which legal rights and responsibilities are often linked. These include political rights of voting and representation in democratic systems, legal rights of mobility and travel, and social rights such as welfare. Often, in the broader, non-legal sense of membership of community, which include
expressions of membership or citizenship that are not only provided to formal citizens such as paying taxation and other social rights and duties, and issues concerning one’s self identification the identity of citizenship. The definition of citizenship in a domestic sense is linked to nationality and international law. International law affirms that it is for each state to determine who its nationals are. Domestic laws about who is and who is not a citizen vary significantly, and laws relating to citizenship in each of the different states are also different. As a result, many people hold more than one nationality by fulfilling the formal requirements for citizenship in more than one domestic legal framework. Nationality is important in international law in a variety of contexts, including:

1. Entitlement to diplomatic protection;
2. State responsibility to another state for failing in its duty to prevent certain wrongful acts committed by one of its nationals extra-territorially;
3. State receipt of its own nationals. Paragraph 4 of article 12 of the International Covenant on Civil and Political Rights of 1966 provides ‘No-one shall be arbitrarily deprived of the right to enter his own country’;
4. Nationality is said to import allegiance, and one of the principal incidents of allegiance is the duty to perform military service for the state to which allegiance is owed;
5. A state has a general right, in the absence of a specific treaty binding it to do so, to refuse to extradite its own nationals to another state requesting surrender.
6. Enemy status in time of war may be determined by the nationality of the person concerned; and
7. States may frequently exercise criminal or other jurisdiction on the basis of nationality.

As the preliminary report on Women’s Equality and Nationality in International Law explains, ‘nationality secures rights for the individual by linking her to the state and forging a link between individual and state; nationality makes one’s state interference with the national of another a violation of the other state’s sovereignty.’

1.0. Definition of Citizenship under Cameroon Law
As inscribe by both laws, Cameroon citizenship is defined by Law No.68-DF-3 as solely nationality. The 1968 nationality law does not define the term citizenship, but for the sake of this article, it will be regarded as nationality.

1.1. How Citizenship is obtained
There are principal methods of obtaining Cameroonian nationality: birth, marriage, and naturalization. Of these three, the oldest is birth which follow a jus sanguine a descent-based definition of nationality. For obtaining the nationality by birth, the Cameroonian law examines those children born in marriage and those out of marriage.

1.1.1. Nationality by Birth
The most straightforward method of obtaining a nationality by birth is when the child is born by both parents, both of whom are Cameroonians. Similarly a child born legitimately to at least one parent of Cameroonian nationality is also eligible to claim Cameroonian nationality. For a child born illegitimately, Cameroonian nationality is obtain if the parent to whom the connection is first established is a Cameroonian national, or, in the case that the first established parent has no or unknown nationality if the second-established parent has Cameroon nationality. A legitimate child if born in Cameroon is also eligible for Cameroon nationality with at least one of the child’s parent, though of foreign nationals, was also born in Cameroon, while an illegitimate child can also claim Cameroon nationality only if the first-established, foreign nationals were born in Cameroon.

1.1.2. Nationality by Marriage
This type of nationality can be obtained when a foreign woman marries a national of any of the States. The individual may expressly request to acquire a nationality of the State at the time of celebration of the marriage. So on the occasion of marriage, a woman whose national law permits her to retain her nationality of origin may declare at the time of celebration of the marriage and in the form prescribed by law, signs before the judge or president of the Civil Court at the chief town of the sub-division in which the declarant resides, that she declines the Nationality of the residing state. This therefore implies that the court or the law in the country in which the foreigner intends to get married gives her the possibility to retain the nationality of her country of origin or acquire that of the state in which she is getting married. It is normal that a woman once married, automatically retains the name of her husband and any child born in the course of this marriage obtains the nationality of the father. A woman may decide to retain her nationality at birth or may in turn become a national of the country in which the marriage is celebrated.

1.1.3. Nationality by Naturalization
Cameroon nationality may be acquired by foreign citizens who have met the minimum residency requirements within Cameroon, are judged to meet character and health standards and whose main interest are based in Cameroon. This acquisition is provided by government decree and as such is ultimately subject to government approval. The naturalization process may be simplified for foreign nationals that have married a Cameroon national woman, were born in Cameroon, have rendered exceptional services to Cameroon or whose naturalization would be highly advantageous for the state. Similarly, children born in Cameroon by foreign parents or adopted by Cameroon parents may adopt Cameroon nationality at majority if residency requirements are met. can also obtain nationality by naturalization

1.2. Loss and Forfeiture of Cameroonian of Nationality
Limitations on the freedom of Cameroon to determine their nationals are most notably recognized in the international literature and jurisprudence on the loss and deprivation of nationality. There are three main ways someone can lose or forfeit a Cameroonian nationality: acquisition of a foreign nationality, voluntary renunciation and by government decree.

1.2.1. The Acquisition of a Foreign Nationality
An individual residing in Cameroon who willingly acquires the citizenship of another state automatically loses the Cameroon nationality. This imminently implies that any Cameroon immigrant who becomes a naturalized citizen of a
foreign state automatically loses its Cameroonian nationality. Also, children of parents of different nationalities are ask to chose a given nationality upon age of majority. The law in Cameroon forbid an individual to retain more than one nationality.

1.2.2. Voluntary Renunciation of Nationality
Cameroon nationality law also gives the possibility to individual residing in Cameroon to renounce his or her nationality. A good example is the situation where a Cameroon national gets married to a foreign national, such a person can renounce his or her Cameroon citizenship in order to acquire the foreign one upon marriage.

1.2.3. Government Decree
A Cameroonian may lose his or her Cameroonian nationality if he or she continues to work in an international organisation or foreign body despite an order by the Cameroon national government to resign it. For those Cameroon national nationals who have gained the said nationality through marriage or naturalisation within the previous 10 years, the government may revoked their nationality by decree if the individual in question has committed a criminal act against the security of the state.

1.3. Discriminating Aspect of Cameroon Nationality Law
The use of the word legitimate and illegitimate is not only old-fashioned but also offeive to the dignity of children. Whether a child is born of married or unmarried, parents should have no consequences in determining the nationality issue. Children have no choice in determining which home they are born into, and as innocent creature of mankind, should not be labelled and categorised differently, with separate rights and privileges. Also, because of the emphasis on which parental connection is established first in the case of illegitimate children, the nationality law clearly discriminates against children born to Cameroonian Fathers and foreign mothers. In cases in which the father and the mother may be estranged, the connection of a child to its mother is almost certain to take place prior to the connection of the father. The nationality law can be seen as discriminatory to bi-national children in general. This is because when one of the parents are Cameroonian, the law forces them to choose between the nationality of their father or of their mother, even in the case the child is born legitimately born and is found in Cameroon. The ability of government to waive naturalisation requirements for individuals who have done great service to the state or would notably benefit the state naturally encourages a disappropriationate favour to be placed upon individual friendly with the regime in power. Similarly, the government power to veto naturalisation or revoke naturalised nationalities based upon rather broad criteria provides opportunity for unscrupulous regime to selectively target individual who displese the existing administration.

1.4. The concept of Dual Nationality

1.4.1. The meaning of dual Nationality
Dual nationality, also referred to as multiple nationalities, is the legal status held by a person simultaneously in two or more States. It can be acquired at birth in connection with naturalization of immigrants in their country of residence or with the reacquisition of nationality of expatriates or ethnic minorities in their homeland. Dual citizenship is sometimes incorrectly used synonymously with dual or multiple nationalities. However, while nationality refers to the membership and subjection to State law and power, citizenship refers to the notion of collective self-determination, the freedoms, and rights guaranteed by membership in a political community. Thus the term multiple nationalities refers only to the legal status in several States and does not specify the rights and obligations a person holds vis-à-vis the state of second or third nationality where the person does not currently reside. Some States distinguish between citizenship that can only be held by residents and nationality that may also be held by expatriates but without granting any political rights. For migrants or and those in diaspora, dual citizenship has several meanings. The original passport is a symbol of membership of another State than that of residence. This is why a demand for renunciation of the other citizenship in relation with naturalization poses a real obstacle especially for first generation migrants. A second or third citizenship is also an important asset in the quest for free mobility and access to jobs, education, and social security benefits. If the citizenship in the country of residence is revoked, for instance, due to a criminal offence, then the dual passport holder can be deported.

1.4.2. The Complications of Restricting Dual Nationality
The negative implications of restricting Cameroonians from acquiring and retaining foreign nationality extent a broad and deep set of predicaments which take form across a spectrum of scales stretching from personal, family trauma to macropenomic trends of the country as a whole. This phenomenon of dual nationality have caused Cameroonians who immigrant to foreign country, but you do not want to lose the native nationality, are limited by their inability to adopt a second nationality. Also, Cameroonians immigrants to foreign countries who embraces the benefit of taking their adopted homes nationality are reticent in their ability to return to Cameroon with the skill and prosperity they have accumulated while abroad due to the loss of their original Cameroonian nationality. Many ramifications have affected the evolution and span up the operation of the principle of Dual Nationality in Cameroon. These complications varied from the legal, economic, political and even social.

1.4.2.1. Legal Complications of Dual Nationality
The legal complications of prohibiting dual nationality in Cameroon are amongst the most explicit consequences and the most primary act in which most Cameroonians considered it as most severe but also more nebulous detriment. This can be seen from the various problems that can be faced when applying the principle. For instance, limitations on Cameroonians immigrants who choose not to become naturalised citizens of their destination country will be addressed with regards to the effect those restriction have on hindering economic and educational success in the destination country. Similarly, the legal complications that forfeiting Cameroonian nationality has on voting and domestic property holding has acted as a dilemma to many Cameroonians who intend acquiring dual nationality. When the country discovered that a Cameroonian is in possession
of dual nationality, such a person loses all participatory political rights stipulated in our legal texts as everyone having that right to vote being a fundamental and citizenship obligations.

1.4.2.2. Economic Implications
In today’s increasingly interconnected world economic environment, each country’s citizens must operate within an international market place that is characterised by a high tightening levels of trade, manufacturing and service sectors that span countries and continents at a time, and large migration, both to developed countries and developing ones. Giving this progression, the ability of one citizen is to integrate directly into the global economy; including their ability to follow the demand of skills to whichever geographical locations offers them the most robust opportunity. The importance of increasing globalisation and the economically motivated migration that helps underpin it, in a common argument for allowing dual nationality. For example, this theme plays a primary in the major Australian Parliamentary assessment of permitting native Australians to acquire a second nationality. Such a situation of Dual Nationality has to be encouraged in Cameroon for the purpose of economic trend. Prohibiting Dual nationality is exactly the pinnacle of causing detriment to the economic sector.

1.4.2.2.1. The situation of immigration and Remittances
The Cameroon economy does not fulfil its responsibility to provide employment, especially to the young, recently graduated individuals, or for elevating the standard of living for the population as a whole. In order to remedy such a situation, many native Cameroonians have turned to immigration to the more developed economies as a means to elevate their standard of living and their basics means of livelihood. This benefit that individual acquire from immigration constitute a significant monetary flow back to the immigrant’s family. Accumulated over the large numbers of immigrants mentioned above, these remittances can provide valuable source of foreign currency for the home country’s economy. Given the significant benefits that remittances can provide in improving the lives of a nation’s poor and in stimulating macroeconomic growth, it thus seems especially relevant for developing nations to encourage and facilitate the immigration and foreign employment for such remittances. Considering the difficulty of obtaining immigration to developed nation, retaining such residency stands a high priority. Perhaps more importantly, obtaining naturalised citizenship in a destination country can enable or speed the ability to support immigration of family member to share in the enhanced of economic opportunities. Cameroonians in order to gain access to employment in the developed world have to take pragmatic, severe and even unavoidable steps in order to forfeit their original Cameroon nationality. The fact that Cameroonians residing abroad have take all it takes to send money to their loves ones back home only in the detriment of forfeiting their original nationality. This is really a painful element to Cameroonians living in the developed countries that have to change their nationality of origin in order to have some financial gains so as to help their families back at home, and once they do this, they forfeit their Cameroon national.

1.4.2.2. The problem of reinvestment
Cameroonian immigrants to developed nations who wish to keep their native nationality are placed at a strategic disadvantage in their destination nations’ economies. This disadvantage can translate directly to hinder ability to succeed professionally, meaning that Cameroonian immigrants are likely to have not just reduced incomes, but less of the advanced expertise and capital accumulation that they could then bring back to Cameroon. Also, and potentially more severe, Cameroonian immigrants who assume the nationality of their destination country face significantly increased difficulties in reinvesting their foreign economic gains into the Cameroon economy. Though foreign property ownership is technically recognised in Cameroon, the dysfunctional judiciary and administration which handle property matters make such investment precarious.

1.4.2.3. Social Implications
Beyond the legal and economic ramifications that prohibit Cameroon dual nationality, the nationality law also carries frequent consequences for the functioning of the Cameroonian society. Mandating singular possession of Cameroonian nationality can limit the ability of native Cameroonians to obtain world-class education, or for those who do it, can discourage their return, resulting in a brain drain that deprived Cameroon society of essentials professionals. Children born of parents from different nationalities must choose an allegiance through one parent over that of another. Similarly, the need for immigrants to choose between their native Cameroon and the potential prosperity of their destination country can create misperceptions of having forsaken their homeland and generate a division of isolation despite deep and continue feelings of loyalty.

1.4.2.3.1. Advanced Education
While Cameroon certainly does maintain institutions of higher learning, there is little argument that can be made for the quality of Cameroon’s universities being equivalent to the world-class elite institutions. As a simple demonstration of this, note that no Cameroon universities are among the top 500 in the Shanghai rankings for top world universities. Thus, for talented Cameroon students aspiring to the highest peaks of academic excellence, the prospect of immigration becomes a necessity. As with the limitations born of foreign citizenship discussed with regard to occupation, being a foreign national carries additional restrictions for pursuing higher education in nations with elite institutions. Yet the necessity of forfeiting their native nationality may deter Cameroonian immigrants from seeking their destination country’s nationality, and so force them to pursue education at a distinct disadvantage-potentially driving them to lower calibre universities or wholly deterring them from pursuing additional higher education. Therefore, many native Cameroonians pursuing higher educations’ abroad may view the advantages of becoming naturalised citizens of their country of destination as significant enough to warrant the sacrifice of their native Cameroonian nationality. Similarly, the loss of their native nationality creates a serious obstacle to Cameroon following the completion of their education. In the United States, there is the possibility for immigrants with advanced education to be given preference of obtaining
The Cameroonian nationality law gives the possibility of a Cameroon to forfeit his nationality of origin if he acquires a foreign nationality can provoked a sense of emotional and intellectual isolation from their homeland. With that restriction of the legal rights, and no longer able to vote in the country of their birth, Cameroonian immigrants may resign themselves to the imposed isolation of their homeland. That sense of mental and emotional that the Cameroon nationality law poses to disconnect someone from homeland, thus makes the livelihood of returning home far lower and this can create a great impact to which such immigrants can continue to have with their families back home, and this may affect the degree of remittances send home.

1.4.2.4. Political Implications
The fact that economic ramifications and social complications on dual nationality may be heavy on the immigrants, the pro and cons of dual nationality in the political extent can be heavier. Once a Cameroonian has naturalised in the country of destination, such a person loses all participatory political privileges, most especially and specifically, the right to vote. For a society in which political apathy runs rampant and the validity of elections is routinely questionable, such a sacrifice may appear minor to anyone contemplating naturalisation. It becomes more complicated when the immigrants discovered that denouncing Cameroonian nationality and maintaining that of destination will be more economical and advantageous to him, he or she will have no option of denouncing its Cameroonian nationality. The question here will be can Cameroonian desire to retain his political rights when there is the possibility of naturalisation in the country of destination? This aspect of the nationality law has cause lots of controversies when it comes to the democratic participation of the activities of the country. As a result, some Cameroonian expatriates would not be able to influence items with potentially far greater immediate impact to their lives, such as the tax rates, local administration, transportation plans, education policies and a host of other matters settled by, or at least subject to, the ballot box of their destination country. This aspect of loss of political rights is contrasted to the relative responsiveness presents in the Cameroonian democratic process; this marks a grave sacrifice for immigrants who desire to retain their native nationality. Another political implication from this concept of dual nationality can stem from the fact that the prohibition of dual nationality can make an individual to forfeit its Cameroonian nationality due to the advantages that can associated with naturalisation. This impact can be felt greatly on the macroscopic level of the society; it can help to deprive the Cameroonian society of some vital demographic elements necessary to support a robust democracy. This can be ascertain from the point that most Cameroonian immigrants who become naturalised citizens in their destination country are likely to be disproportionately well-educated. These well-educated professionals are often considered to be among the strongest counterpoints to malfeasance by the government elite and their diminished presence may enable increased corruption and infringements on human rights and the democratic process. One can say that the scales of corruption, bureaucratic inefficiency and opacity, and human rights violations present in Cameroon, could be argued that the policy of prohibiting dual-citizenships contribute to such ills.

Conclusion
The Cameroonian nationality law that prohibits dual citizenship can be considered as a detrimental force that negatively affects both the immigrants from Cameroon and those remaining at home. In the most simply form, the removal of this detrimental force can help to eliminate the negative implications arising from it. It is important to note that removing this obstacle of mandatory single nationality will have some potential and positive impact to the contribution that this may bring. For some of the dilemmas, the prohibition of dual nationality stands as the single of a serious problem, thus revocation of that prohibition can help in solving such a problem. Encouraging dual nationality will also act as catalyst for bi-national children, who will no longer face that painful decision of choosing one parent’s nationality over the other. Similarly, Cameroonian immigrating to developed countries will not have to forgo their voting rights in Cameroon in order to obtain those rights in their destination country. Allowing dual nationality will remove an active warning to reintegration and repatriation that makes the problem of brain drain more severe. The reason here is that, prohibiting dual nationality is one of many causes leading to the complicated effects of brain drain. In a nutshell, removing the prohibition of dual nationality will not transform Cameroon into a successful economic nation, but it will improve its ability to become an emerging economy. Thus, considering the numerous benefits dual nationality brings to the population of the country, the Cameroonian government should quickly embarked on a path towards the encouragement of dual nationality without delay.
References:


[2] Roberto Alejandro refers to this as ‘Citizenship as universality and as a legal construction’ in Alejandro R, Hermeneutics, Citizenship, and the Public Sphere, State University of New York Press, New York,


[11] Centre for World-Class Universities, Shanghai Jiao Tong University, Academic Ranking of World Universities


[14] Law no. 1968-LF-3 of 11th June 1968 setting up the Cameroon Nationality Law