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APPENDIX I

Constitution of the Federal Republic of Cameroon

TITLE I

THE FEDERAL REPUBLIC OF CAMEROON

Article 1. — The Federal Republic of Cameroon is formed, as from 1st October 1961, of the Territory of the Republic of Cameroon, henceforth called East Cameroon, and the Territory of the Southern Cameroons formerly under United Kingdom administration, henceforth called West Cameroon.

The Federal Republic of Cameroon is democratic, secular and social. It shall ensure the equality of all citizens before the law. It affirms its adherence to the fundamental freedoms set out in the Universal Declaration of Human Rights and the Charter of the United Nations.

The official languages of the Federal Republic of Cameroon shall be French and English.

The National motto shall be: "Peace, Work, Fatherland."

The national flag shall be: green, red, and yellow, in three vertical bands of equal size, with two gold stars superimposed on the green band.

The seat of the national institutions shall be Yaounde.

The National Anthem of the Federation shall be: "O Cameroon, Cradle of our Forefathers."

The Seal of the Federal Republic of Cameroon shall be a circular medallion in bas-relief, forty-six millimetres in diameter, showing on the reverse, in its centre, the head of a girl in profile, facing to the dexter towards a branch of coffee-shrub bearing two leaves and adjoined on the sinister side by five cocoa pods, the whole encircled by the words "Federal Republic of Cameroon" above and the national motto "Peace, Work, Fatherland" below.

Nationals of the Federated States shall be citizens of the Federal Republic and shall possess Cameroonian nationality.

Article 2. — National sovereignty shall be vested in the Cameroonian People, which shall exercise such sovereignty either through its deputies in the Federal Assembly or by way of referendum. No section of the People, nor any indi-

vidual, may assume the exercise thereof. The vote shall be equal and secret; all citizens who have attained the age of twenty-one years shall participate therein.

The authorities entrusted with the guidance of the State shall derive their Powers from the People through elections held on a basis of universal suffrage and direct or indirect ballot.

Article 3. — The political parties and groups play a part in the expression of the suffrage. They shall be free to form and to carry on their activities within the limits established by law and regulations.

They must respect the principles of democracy and national sovereignty.

Article 4. — The federal authority shall be exercised by:

- The President of the Federal Republic;
- The Federal National Assembly.

TITLE II

THE POWERS OF THE FEDERAL AUTHORITIES

Article 5. — The powers of the Federal Authorities shall embrace the following matters :

- Nationality;
- The status of aliens;
- Regulations concerning conflicts of laws;
- National defence;
- Foreign affairs;
- The internal and external security of the Federal State, emigration and immigration;
- Development planning, guidance of the economy, statistics, the control and organisation of credit, external economic regulations (including trade agreements);
- The monetary system, the preparation of the Federal Budget and the establishment of taxes and revenue of all kinds to meet federal expenditure;
- Higher education and scientific research;
- Information services and radio;
- Foreign technical and financial assistance;
- Postal services and telecommunications;
- Aviation and meteorology, mining and geological research and the geographical cover of the national territory;
- Regulations governing the Federal Civil Service and the Judiciary;

- The organisation and functioning of the Federal Court of Justice;
- The territorial boundaries of the Federated States;
- Organisation of services pertaining to these matters.

Article 6. — The powers of the Federal Authorities shall also embrace the following:

- Public liberties;
- The law of persons and of property;
- The law of obligations and contracts in civil and commercial matters;
- Judicial organisation, including the rules of procedure and jurisdiction of all courts (with the exception of Customary Courts of West Cameroon, save as regards appeals from the decisions of such Courts);
- Criminal law;
- Transport of federal importance (roads, railways, rivers, maritime and air transport) and ports;
- Prison administration;
- Legislation relating to State lands;
- Labour legislation;
- Public health;
- Secondary and technical education;
- Administrative organisation;
- Weights and measures.

So far as concerns the matters enumerated in this article, the authorities of the Federated States may continue to enact laws and to direct the corresponding administrative services until such time as the Federal National Assembly or the President of the Federal Republic, as the case may be, shall decide to exercise the powers vested in them respectively.

The powers of the executive and legislative authorities, as the case may be, of the Federated States in respect of any such matters shall cease when the Federal Authorities have assumed responsibility therefor.

Article 7. — Where under the provisions of the preceding article, the authorities of the Federated States are temporarily authorized to exercise powers in respect of matters within the jurisdiction of the Federal Authorities, they may enact laws on such matters only after consultation with the Federal Coordination Commission.

The said commission shall be presided over by a Federal Minister, and shall be composed of persons appointed by the President of the Federal Republic on the basis of competence.

TITLE III

THE PRESIDENT OF THE FEDERAL REPUBLIC

Article 8. — The President of the Federal Republic of Cameroon, Head of the Federal State and Head of the Federal Government, shall uphold the Federal Constitution and shall ensure the unity of the Federation and the conduct of the affairs of the Federal Republic.

He shall be assisted in his duties by a Vice-President of the Federal Republic.

Article 9. — The President of the Federal Republic and the Vice-President, who must not be natives of the same Federated State, shall be elected, on a single list, by universal suffrage and direct and secret ballot.

Candidates for the offices of President of the Federal Republic and Vice-President must be in possession of their civil and political rights and must have attained the age of thirty-five years on the date of the election; the conditions governing the nomination of candidates, the supervision of elections and the proclamation of the results shall be prescribed by a Federal Law.

The offices of President and Vice-President of the Republic shall be incompatible with any other office.

Article 10. — The President of the Federal Republic shall be elected for a term of five years. He shall be eligible for re-election.

Election shall be effected by a majority of the votes cast. Elections shall take place not less than twenty days and not more than fifty days before the expiry of the term of the President in office.

In the event of the Presidency falling vacant for any reason whatsoever, the powers of the President of the Federal Republic shall automatically devolve upon the Vice-President until such time as a new President is elected.

The ballot for the election of the new President shall take place not less than twenty days and not more than fifty days after the date on which the Presidency falls vacant.

The President shall take the oath in the form prescribed by Federal Law.

Article 11. — The President of the Federal Republic shall appoint the Ministers and Deputy Ministers, whom he shall select from among the nationals of each of the Federated States. They shall be responsible to him. Their offices shall be terminated by him.

The offices of Minister and Deputy Minister shall be incompatible with the exercise of any parliamentary mandate in either of the Federal States, with any post as national representative of a trade or professional association and with any public employment or gainful activity.

Article 12. — The President of the Federal Republic shall represent the Federal State in all acts of public life. He shall be Head of the Armed Forces.

Ambassadors and Envoys Extraordinary to foreign Powers shall be accredited by him.

Ambassadors and Envoys Extraordinary of foreign Powers shall be accredited to him.

The President of the Republic shall negotiate agreements and treaties. Treaties relating to matters within the sphere of Federal law as defined in article 24 shall be submitted, before ratification, for approval in legislative form by the Federal Assembly.

He shall exercise the right of pardon on the advice of the Federal Council of Magistracy.

He shall confer the decorations of the Federal Republic.

He shall promulgate federal laws as provided in article 31.

He shall be responsible for the execution of federal laws and of such laws as may be adopted in the Federated States in pursuance of article 6, last paragraph.

He shall exercise the power to make regulations.

He shall make appointments to federal posts, both civil and military.

He shall uphold the internal and external security of the Federal Republic.

He shall establish, organise and direct all administrative services necessary in the discharge of his duties or, if he deems it preferable, shall place under his own authority, after consulting the Heads of Government of the Federated States, the services of those States exercising the powers vested in the Federal Authorities under the provisions of articles 5 and 6.

He may by decree delegate some of his powers to the Vice-President of the Federal Republic.

Article 13. — The President of the Federal Republic must in all circumstances be consulted by the Governments of the Federated States when those Governments take measures which may affect the life of the Federation. He shall then request the Commission provided for in article 7, to give an advisory opinion on the matter.

Article 14. — The President of the Federal Republic shall refer to the Federal Court of Justice, constituted as provided in article 34, any federal law which he considers to be contrary to the present Constitution or any law of

either of the Federated States which he regards as having been adopted in violation of the provisions of the Constitution or of a federal law.

Article 15. — The President of the Federal Republic may, when circumstances so require, proclaim by decree a state of emergency under which he shall be vested with special powers, subject to the conditions prescribed by federal law.

In the event of serious peril threatening the integrity of the national Territory, or of the life, independence, or institutions of the Nation, the President of the Federal Republic may, after consulting the Prime Ministers of the Federated States, proclaim by decree a state of special emergency and take all measures as he may deem necessary.

He shall inform the nation accordingly by means of a message.

The Federal National Assembly shall automatically remain convened throughout the period of special emergency.

TITLE IV

THE FEDERAL LEGISLATURE

Article 16. — The Federal National Assembly, the term of which shall be five years, shall be composed of deputies elected by universal suffrage and direct and secret ballot in each of the Federated States in the ratio of one deputy to 80,000 inhabitants.

Article 17. — Federal laws shall be adopted by simple majority of deputies.

Article 18. — Before a law is promulgated, the President of the Federal Republic may request a second reading thereof, either of his own motion or at the request of either of the Prime Ministers of the Federated States. On second reading, the law shall be adopted only if the majority specified in the preceding article comprises a majority of the votes of the deputies of each of the Federated States.

Article 19. — The Federal National Assembly shall hold two sessions annually; the duration of a session shall not exceed thirty days.

The opening date for each session shall be fixed by the officers of the Assembly after consultation with the President of the Federal Republic. During one of the sessions the Federal Budget shall be voted by the Assembly. Where the Budget is not adopted by the end of the current financial year, the President of the Federal Republic shall be entitled to appropriate each month one-twelfth of the amount of the previous Budget until the new Budget is adopted.

The Federal National Assembly shall meet in special session of a duration not exceeding fifteen days in order to consider a specific agenda, at the request of the President of the Federal Republic or of two-thirds of its members.

Article 20. — The Federal National Assembly shall establish its own rules of procedure. It shall elect its President and other officers annually at the opening

of its first session. Meetings of the Federal National Assembly shall be public. By way of exception, the Federal National Assembly may hold closed meetings at the request of the Federal Government or of a majority of its members.

Article 21. — The electoral system of the Federation shall be determined by a federal law.

Article 22. — The immunities, emoluments and privileges of deputies, the grounds of ineligibility for the office of deputy and the offices with which that of deputy shall be incompatible shall be laid down by federal law.

TITLE V

RELATIONS BETWEEN THE EXECUTIVE AND THE FEDERAL LEGISLATURE

Article 23. — The power to initiate legislation shall belong equally to the President of the Federal Republic and the Deputies of the Federal Assembly.

Article 24. — The following matters shall be within the sphere of Federal Law, within the framework of the powers specified in articles 5 and 6.

1. The fundamental guarantees and obligations of the citizen:

- Protection of the freedom of the individual;
- Public liberties;
- Labour and trade-union legislation;
- The duties and obligations of the citizen in respect of national defence.

2. The law of persons and property:

- Nationality and personal status;
- The law of personal and real property;
- The law of civil and commercial obligations.

3. Political, administrative and judicial organisation with respect to:

- The electoral system of the Federal Assembly;
- The general rules relating to the organisation of national defence;
- The definition of crimes and offences and the establishment of penalties of any kind, criminal procedure, means of enforcement, amnesty, and the creation of new orders of jurisdiction.

4. The following questions of finance and property:

- The currency issue system;
- The federal Budget;
- The institution, assessment and rates of federal taxes and dues of any kind;

— Legislation relating to State lands.

5. The aims of economic and social action within the framework of the laws, relating to economic and social policy.

6. The educational system.

Article 25. — Legislative texts laid before the Assembly shall be considered by the competent committees before being discussed in plenary.

Article 26. — The text considered in plenary shall be the text introduced by the President of the Federal Republic, in the case of a government bill, and the text drafted by the appropriate committee, in the case of a parliamentary bill. Texts may be amended when they are debated.

Article 27. — The President of the Federal Republic may, at his request, address the Assembly or send messages to it. Such communications may not give rise to any debate in his presence.

Article 28. — The Ministers and Deputy Ministers of the Federation shall have access to the Assembly and may participate in its debates.

Article 29. — The agenda of the Federal National Assembly shall be drawn up by the conference of chairmen, consisting of the chairmen of the parliamentary parties, the chairmen of committees and the officers of the Assembly. A Federal Minister or Deputy Minister shall take part in the work of the conference.

Texts may not be placed on the agenda of the Assembly unless they fall within its competence under the terms of articles 5, 6 and 24. Parliamentary bills or amendments shall be inadmissible if their adoption would lead either to a curtailment of public resources or to an increase in public expenditure without corresponding reduction in other expenditure or an equivalent increase in revenue.

Where any doubt or dispute arises as to the admissibility of a text, the President of the Assembly or the President of the Federal Republic shall refer the matter to the Federal Court of Justice for its ruling.

The discussion of government bills and of parliamentary bills which the Government has accepted shall have priority on the agenda, in the order fixed by the Government.

The Government's request to treat any matter as one of first priority shall automatically be granted.

Article 30. — The Government shall be obliged to give any explanations and any information on its actions to the Federal National Assembly, which may put questions to it orally or in writing and which may investigate government activity by setting up commissions of investigations.

A Federal law shall lay down the procedures through which these rights of inquiry and supervision shall be exercised.

Article 31. — The President of the Federal Republic shall promulgate the laws enacted by the Federal National Assembly within a fortnight of the date of their transmission, if no request for a second reading is made to him. At the end of this period, the President of the Federal Assembly may act in his place, after establishing his failure to do so.

Laws shall be published in the two official languages of the Federal Republic.

TITLE VI

THE JUDICIAL AUTHORITY

Article 32. — Justice shall be administered in the territory of the Federal State in the name of the Cameroonian People by the competent courts of each State.

The President of the Federal Republic shall be the guardian of the independence of the judicial authority and shall appoint the members of the judiciary of the Federated States.

He shall be assisted in this task by the Federal Council of Magistracy, which shall give him its opinion on all proposed appointments of judges and shall act as the Disciplinary Council for the latter. Its organisation and operation shall be governed by a federal law.

Article 33. — The Federal Court of Justice shall have the following duties:

1. To settle any conflicts of jurisdiction which may arise between the highest courts of each of the Federated States;

2. To give final judgement on appeals under federal law against decisions given by the higher courts of the Federated States in any cases involving the application of a federal law;

3. To give judgement in appeals for damages or on grounds of excess of authority against administrative acts by the federal authorities;

4. To give judgement in disputes between the Federated States or between either of them and the Federal Republic.

The composition and procedure of the Federal Court of Justice and the rules under which cases may be brought before it shall be prescribed by a federal statute.

Article 34. — When the Federal Court of Justice is called upon to give its decisions in the cases provided for in articles 14 and 29, its membership shall be supplemented by an equal number of persons appointed for a period of one year by the President of the Federal Republic on the basis of their competence and experience.

Article 35. — Judicial orders and decisions of any court in either of the Federated States shall be enforceable throughout the Federal Territory.

TITLE VII

THE HIGH COURT OF JUSTICE

Article 36. — A Federal High Court of Justice is hereby established; its composition and the rules under which cases may be brought before it shall be prescribed by federal law.

The Federal High Court of Justice shall have jurisdiction in respect of acts carried out in the exercise of their functions by the President of the Federal Republic, in the case of high treason, and by the Federal Vice-President, the Ministers of the Federal State, and the Prime Ministers and Secretaries of the Federated States, in the case of conspiracy against the security of the State.

TITLE VIII

THE ECONOMIC AND SOCIAL COUNCIL OF THE FEDERATION

Article 37. — An Economic and Social Council of the Federation is hereby established; its composition, powers and organisation shall be prescribed by a federal law.

TITLE IX

THE FEDERATED STATES

Article 38. — Matters other than those specified in article 5 and 6 and other than those which under the present Constitution are to be the subject of a federal law shall lie exclusively within the competence of the Federated States.

Within those limits the said States may set up for themselves such institutions as they choose.

The House of Chiefs of the Southern Cameroons shall be maintained.

Article 39. — The President of the Federal Republic shall appoint the Prime Minister of each Federated State, who must be confirmed in office by simple majority vote of the Legislative Assembly of the State concerned.

The President shall appoint the Secretaries of State members of the Government on the proposal of the Prime Minister confirmed in office.

He may relieve them of office under the same conditions.

Article 40. — Legislative power shall be exercised in each Federated State by a Legislative Assembly to be elected for a term of five years by universal suffrage and direct and secret ballot, under conditions such as to ensure the representation of each administrative unit in proportion to the size of its population.

Nevertheless, in West Cameroon certain powers may be exercised in matters of legislation by the House of Chiefs.

The nature of those powers and the terms on which they are to be exercised shall be laid down by a law of the Federated State concerned subject to the provisions of this Constitution.

The number of representatives in the Legislative Assembly of East Cameroon shall be one hundred; in the Legislative Assembly of West Cameroon, thirty-seven.

The electoral system, the qualification for election, immunities and emoluments of members of the Legislative Assemblies and the offices with which that of a member of a Legislative Assembly shall be incompatible shall be laid down by a federal law.

Article 41. — The Legislative Assemblies shall establish their own rules of procedure and shall elect their officers annually.

They shall hold two sessions a year, neither of which shall be of a duration exceeding thirty days. The dates of the sessions shall be fixed by the Assembly officers after consultation with the Prime Minister of the Federated State, in such a way that the budget session shall not begin until after the adoption of the Federal Budget.

They shall meet in special session of duration not exceeding fifteen days in order to consider a specific agenda, at the request of the Prime Minister, of the President of the Federal Republic or of two-thirds of their members.

Article 42. — Meetings of the Legislative Assemblies shall be public. By way of exception, the Assemblies may hold closed meetings on the request of the Government or of a majority of their members.

Laws shall be adopted by simple majority.

Article 43. — The power to initiate legislation shall belong to the Government of each Federated States and the Representatives in the Legislative Assemblies.

Laws shall be adopted by simple majority.

Article 44. — If a vote of no confidence is adopted by simple majority or a motion of censure by absolute majority, the Prime Minister must tender his resignation to the President of the Federal Republic or shall be declared to have resigned. The President may then dissolve the Legislative Assembly.

In the event of persistent disagreement between the Government and the Legislative Assembly, the President of the Federal Republic may dissolve the Assembly, either of his own motion or on the proposal of the Prime Minister.

New elections shall be held within the following two months.

Until a new Prime Minister is confirmed in office, the outgoing Government shall deal with current business.

Article 45. — The President of the Legislative Assembly of each Federated State shall transmit laws enacted by the Assembly within twenty-one days to the President of the Federal Republic, who shall promulgate them within a fortnight of the date of their transmittal.

Within the latter period the President of the Federal Republic may request the Legislative Assembly concerned to give such laws a second reading or may apply article 14.

At the end of the said period, the President of the Legislative Assembly concerned may act in his place, after establishing his failure to do so.

Article 46. — Previous legislation of the Federated States shall remain in force in so far as it does not conflict with the provisions of this Constitution.

TITLE X

REVISION OF THE CONSTITUTION

Article 47. — Any proposal for the revision of the present Constitution which impairs the unity and integrity of the Federation shall be inadmissible.

The power to initiate the revision of the Constitution shall belong equally to the President of the Federal Republic, after consultation with the Prime Ministers of the Federated States, and the Deputies of the Federal Assembly.

Any proposal for revision submitted by the Deputies must be signed by at least one-third of the Members of the Federal Assembly.

Proposals for revision shall be adopted by simple majority vote of the Members of the Federal Assembly provided that such majority includes a majority of the representatives in the Federal Assembly of each of the Federated States.

The President of the Federal Republic may request, under the same conditions as for a federal law, that a second reading be given to a law revising the Constitution.

TITLE XI

TRANSITIONAL AND SPECIAL PROVISIONS

Article 48. — The powers specified in article 5 shall be exercised *ipso jure* by the federal authorities from the moment of their establishment.

Article 49. — Each of the Governments of the Federated States shall transmit to the Federal Government all the documents and records necessary for the

discharge of its functions. It shall place at the disposal of the Federal Government the services which are to exercise the federal powers under the latter's authority.

Article 50. — By way of exception, for a period of six months from 1st October 1961, the legislative measures necessary for the establishment of the constitutional institutions and until they are established, for the functioning of the public authorities and for the life of the Federal State shall be taken by the President of the Federal Republic in the form of ordinances having the force of law.

Article 51. — The President of the Republic of Cameroon shall be President of the Federal Republic until the end of his present term of office.

Article 52. — During the term of office of the first President of the Federal Republic, the Prime Minister of West Cameroon shall be Vice-President of the Federal Republic. The provisions of article 9 regarding the incompatibility of the office of Vice-President of the Federal Republic with other offices shall not apply during this period.

Article 53. — From 1st October 1961, the National Assembly of the Republic of Cameroon and the House of Assembly of Southern Cameroons shall become the first Legislative Assemblies of East Cameroon and West Cameroon respectively.

Article 54. — Until 1st April 1964, the Federal National Assembly shall consist of deputies appointed from among their members by the Legislative Assemblies of the Federated States in proportion to the number of inhabitants of each State, in the ratio of one deputy to 80,000 inhabitants.

Article 55. — Until the election of the Federal Assembly in accordance with the terms of article 16, the federal offices of Minister and Deputy-Minister shall be compatible, the provisions of article 11 notwithstanding, with the exercise of parliamentary mandate in a Federated State.

Article 56. — On 1st October 1961, the Government of the Republic of Southern Cameroon under British administration and the Government of the Republic of Cameroon shall become the Governments of the two Federated States respectively.

Article 57. — Until the establishment of the Economic and Social Council of the Federation, the Economic and Social Council of the Republic of Cameroon shall be maintained.

Article 58. — Until the final federal budget is adopted, a provisional federal budget shall be drawn up and shall be financed by contributions from each of the Federated States, to be determined after approval by the Governments of those States.

Article 59. — The present provisions, by which the Constitution of the Republic adopted on 21st February 1960 by the Cameroonian people is revised, shall enter into force on 1st October 1961. The revised Constitution shall be published in French and in English, the French text being authentic.

Article 60. — For the purposes of this Constitution the population of the Federated States shall be taken on the basis of United Nations statistics, to be as follows :

East Cameroon: 3.200.000 inhabitants; West Cameroon: 800.000 inhabitants.

If significant changes in these figures are revealed by future censuses, they may be amended by a federal law.

Yaounde, 1st of September, 1961.

Ahmadou AHIDJO.

APPENDIX II

WEST CAMEROON CONSTITUTION

*His Excellency the President of the Federal Republic of Cameroon
Ahmadou AHIDJO*

TITLE

A LAW TO ESTABLISH A CONSTITUTION
FOR THE FEDERATED STATE OF WEST CAMEROON

Commencement.
Enactment.

(1st October, 1961)

BE IT ENACTED by the Legislature of West Cameroon as follows:

Short title and
commencement.

1. This Law may be cited as the West Cameroon Constitution Law, 1961, and, save as is herein otherwise expressly provided, shall be deemed to have come into force on the 1st day of October, 1961.

Establishment of
Constitution.

2. Subject to the provisions of this Law, the Constitution of the Federated State of West Cameroon set out in the Schedule of this Law shall come into effect at the commencement of this Law.

SCHEDULE

(Section 2)

The Constitution of West Cameroon

THE HEAD OF THE GOVERNMENT

1. (1) There shall be a Head of the Government of the Federated State of West Cameroon.
2. The Prime Minister of the State shall be Head of the Government.

Establishment of
office of Head
of Government.