

THE CONSTITUTION OF THE FEDERAL REPUBLIC OF CAMEROON

(Promulgated into law on September 1, 1961 by Ahmadou Ahidjo President of Republic of Cameroun)

PART I

The Federal Republic of Cameroon

1. (1) With **effect from the 1st October 1961**, the **Federal Republic of Cameroon** shall be constituted from the territory of the **Republic of Cameroon**, hereafter to be styled **East Cameroon**, and the territory of the **Southern Cameroons, formerly under British trusteeship**, hereafter to be styled **West Cameroon**.

(2) The Federal Republic of Cameroon shall be democratic, secular and dedicated to social service; it shall ensure the equality before the law of all its citizens; and it proclaims its adherence to the fundamental freedoms written into the Universal Declaration of Human Rights and the Charter of the United Nations.

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

(4) The motto shall be: "Peace, Work, Fatherland."

(5) The flag shall be of three equal vertical stripes of green, red and yellow, charged with two gold stars on the green stripe.

(6) The capital shall be Yaounde.

(7) The national anthem of the Federation shall be "O Cameroon, cradle of our forefathers."

(8) The seal of the Federal Republic of Cameroon shall be a circular medallion in bas-relief, forty six millimeters in diameter, bearing on the reverse and in the centre the head of a girl in profile turned to the dexter towards a coffee branch and flanked on the sinister by five cocoa pods encircled beneath the upper edge by the words "Federal Republic of Cameroon" and above the lower edge by the national motto "Peace-Work— Fatherland."

(9) The **subjects** of the **Federated States** shall be **citizens** of the **Federal Republic** with **Cameroonian Nationality**.

2. (1) National sovereignty shall be vested in the people of Cameroon who shall exercise it either through the members returned by it to the Federal Assembly or by

way of referendum; nor may any section of the people or any individual arrogate to itself or to.. himself the exercise thereof.

(2) The vote shall be equal and secret, and every citizen aged twenty one years or over shall be entitled to it.

(3) The authorities responsible for the direction of the State shall hold their powers of the people by way of election by universal suffrage, direct or indirect.

3. (1) Political parties and groups may take part in elections; and within the limits laid down by law and regulation, their formation and their activities shall be free.

(2) Such parties shall be bound to respect the principles of democracy and of the national sovereignty.

4. Federal authority shall be exercised by-

(a) the President of the Federal Republic, and

(b) The Federal National Assembly.

PART II

FEDERAL JURISDICTION

5. The following subjects shall be of federal jurisdiction-

(1) **Nationality;**

(2) Status of Aliens;

(3) Rules governing the conflict of Laws;

(4) National Defence;

(5) Foreign Affairs;

(6) Internal and External Security of the Federal State, and Immigration and Emigration;

(7) Planning, Guidance of the Economy, Statistical Services, Supervision and Regulation of Credit, Foreign Economic Relations, in particular Trade Agreements;

(8) Currency, the Federal Budget, Taxation and other Revenue to meet federal expenditure;

(9) Higher Education and Scientific Research;

(10) Press and Broadcasting;

- (11) Foreign Technical and Financial Assistance;
- (12) Postal Services and Telecommunications;
- (13) Aviation, and Meteorology, Mines and Geological Research; Geographical Survey;
- (14) Conditions of Service of Federal Civil Servants, Members of the Bench and Legal Officers;
- (15) Regulation as to procedure and otherwise of the Federal Court of Justice;
- (16) **Border between the Federated States;**
- (17). Regulation of Services dealing with the above subjects.

6. (1) The following subjects shall also be of federal jurisdiction-

- (a) Human Rights;
- (b) Law of Persons and of Property;
- (c) Law of Civil and Commercial Obligations and Contracts
- (d) Administration of Justice, including rules of Procedure in and Jurisdiction of all Courts (**but not the Customary Courts of West Cameroon except for appeals from their decisions**)
- (e) Criminal Law;
- (f) Means of Transport of federal concern (roads, railways, inland waterways, sea and air) and Ports
- (g) Prison Administration;
- (h) Law of Public Property;
- (i) Labour Law
- (j) Public Health;
- (k) Secondary and Technical Education
- (l) Regulation of Territorial Administration
- (m) Weights and Measures.

(2) The **Federated States** may continue to legislate on the subjects listed in this Article, and to run the corresponding administrative services until the Federal National

Assembly or the President of the Federal Republic in its or his field shall have determined to exercise the jurisdiction by this Article conferred.

(3) The **executive or legislative authorities as the case may be of the Federated States shall cease** to have jurisdiction over any such subject of which the Federal authorities shall have taken charge.

7. (1) Wherever under the last preceding Article the authorities of the Federated States shall have been temporarily enabled to deal with a federal subject they may legislate on such subject only after consultation with the Federal Co-ordination Committee.

(2) The chairman of the said Committee shall be a Federal Minister, and the members shall be nominated by the President of the Federal Republic in view of their special knowledge.

PART III

THE PRESIDENT OF THE FEDERAL REPUBLIC

8. (1) The President of the Federal Republic of Cameroon, as head of the Federal State and head of the Federal Government shall ensure respect for the Federal Constitution and the integrity of the Federation, and shall be responsible for the conduct of the affairs of the Federal Republic.

(2) He shall be assisted in his task by the Vice-President of the Federal Republic.

9. (1) The President and Vice-President of the Federal Republic shall be elected together on the same list, both candidates, on which may not come from the same Federated State, by universal suffrage and direct and secret ballot.

(2) Candidates for the offices of President and Vice-President of the Federal Republic must be in possession of 1 heir civic and political rights, and have attained the age of thirty five years by the date of the election, the nomination of candidates the supervision of elections and the proclamation of the result being-regulated by a federal law.

(3) The offices of President and Vice-President of the Republic may not be held together with any other office.

10 (1) The President of the Federal Republic shall be elected for five years and may be re-elected

(2) Election shall be by majority of votes cast, and shall be held not less than twenty or more than fifty days before the expiry of the term of the President in office.

(3) In the event of vacancy of the Presidency for whatever cause the powers of the President of the Federal Republic shall without more devolve upon the

Vice-President until election of a new President.

(4) Voting to elect a new President shall take place not less than twenty or more than fifty days after the vacancy.

(5) The President shall take oath in manner to be laid down by a federal law.

11. (1) Ministers and Deputy Ministers shall be appointed by the President of the Federal Republic from each Federated State at his choice, to be responsible to him and liable to be dismissed by him.

(2) The office of Minister or Deputy Minister may not be held together with elective office in either Federated State, office as member of a body representing nationally any occupation or any public post or gainful activity.

12. The President of the Federal Republic shall-

(1) represent the Federal Republic in all public activity and be head of the armed forces;

(2) accredit ambassadors and envoys extraordinary to foreign powers;

(3) receive letters of credence of ambassadors and envoys extraordinary from foreign powers;

(4) negotiate agreements and treaties

Provided that treaties dealing with the sphere reserved by Article 24 to the federal legislature shall be submitted before ratification for approval in the form of law by the Federal Assembly;

(5) exercise the prerogative of clemency after consultation with the Federal Judicial Council;

(6) confer the decorations of the Federal Republic;

(7) promulgate federal laws as provided by Article 31;

(8) be responsible for the enforcement of federal laws and also of such laws as may be passed by a Federated State under the last paragraph of Article 6;

(9) have the power to issue statutory rules and orders;

(10) appoint to federal civil and military posts;

(11) ensure, the internal and external security of the Federal Republic;

(12) set up, regulate and direct all administrative services necessary for the fulfillment of his task;

Provided that where he considers it advisable he may after consultation with the heads of the governments of the Federated States assume authority over such of their services as exercise federal jurisdiction as defined by Article 5 or 6- and may by Decree delegate any part, of his functions to the Vice-President of the Federal Republic.

13. The Governments of the Federated States shall be bound, before adopting any measure which may impinge upon the Federation as a whole, to consult the President of the Federal Republic who shall refer the matter to the Committee provided by Article 7 for its opinion.

14. The President of the Federal Republic shall refer to the Federal Court of Justice under Article 34 any federal law which he considers to be contrary to this Constitution, or any law passed by a Federated State which he considers to be in violation of the Constitution or of a federal law.

15. (1) The President of the Federal Republic may where circumstances require proclaim by Decree a State of Emergency, which will confer upon him such special powers as may be provided by federal law.

(2) In the event of grave peril threatening the nation's territorial integrity or its existence, independence or institutions, the President of the Federal Republic may after consultation with the Prime Ministers of the Federated States proclaim by Decree a State of Siege.

(3) He shall inform the nation by message of his decision.

(4) The Federal National Assembly shall without more be in session throughout the State of Siege.

PART IV

THE FEDERAL LEGISLATURE

16. The Federal National Assembly shall be renewed every five years, and shall be composed of members elected by universal suffrage and direct and secret ballot in each Federated State in the proportion of one member to every eighty thousand of the population.

17. Federal laws shall be passed by simple majority of the members.

18. Before promulgating any bill the President of the. Federal Republic may of his own accord or on request by the Prime Minister of either State request a second reading, at which the law may not be passed unless the majority required by the last preceding Article shall include a majority of the votes of the members from each Federated State.

19. (1) The Federal National Assembly shall meet twice a year the duration of each session being limited to thirty days, and the opening date of each session being fixed

by the Assembly's steering committee after consultation with the President of the Federal Republic

(2) In the course of one such session the Assembly shall approve the Federal Budget;

Provided that in the event of the Budget not being approved before the end of the current financial year the President of the Federal Republic shall have power to act according to the old Budget at the rate of one twelfth for each month until the new budget is approved.

(3) On request of the President of the Federal Republic or of two thirds of its membership the Assembly shall be recalled to an extraordinary session limited to fifteen days to consider a specific programme of business.

20. The Federal National Assembly shall adopt its own standing orders, and at the opening of the first session of each year shall elect its Speaker and steering committee.

The sittings of the Federal National Assembly shall be open to the public:

Provided that in exceptional circumstances and on the request of the Federal Government or of a majority of its members strangers may be excluded.

21. Federal elections shall be regulated by a federal law.

22. Parliamentary immunity, disqualification of candidates or of sitting members, and the allowances and privileges of members shall be governed by a federal law.

PART V

RELATIONS BETWEEN THE FEDERAL EXECUTIVE AND LEGISLATURE

23. Bills may be introduced either by the President of the Federal Republic or by any members of the Federal Assembly.

24. Of the subjects of federal jurisdiction under Articles 5 and 6, the following shall be reserved to the Legislature:

(1) the fundamental rights and duties of the citizen, including:

(a) protection of the liberty of the subject.

(b) human rights.

(c) labour and trade union law.

(d) duties and obligations of the citizens in face of the necessities of

national defence.

(2) the law of persons and property, including:

(a) nationality and personal Status.

(b) law of moveable and immoveable property.

(c) law of civil and commercial obligations.

(3) the political, administrative and judicial system in respect of:

(a) elections to the Federal Assembly

(b) general regulation of national defence.

(c) the definition of criminal offences not triable summarily and the authorization of penalties of any kind, criminal procedure, civil procedure, execution procedure, amnesty, the creation of new classes of Courts.

(4) the following matters of finance and public property:

(a) currency;

(b) federal budget;

(c) imposition, assessment and rate of all federal dues and taxes;

(d) legislation on public property;

(5) long-term commitments to economic and social policy, together with the general aims of such policy.

(6) The Educational System.

25. Bills laid on the table of the Assembly shall be considered in the appropriate Committee before debate on the floor of the House.

26. The text laid before the House shall be that proposed by the President of the Federal Republic when the proposal comes from him, and otherwise the text as amended in committee; but in either case amendments may be moved in the course of the debate.

27. The President of the Federal Republic may at his request address the Assembly in person, and may send messages to it; but no such address or message may be debated in his presence.

28. Federal Ministers and Deputy Ministers shall have access to the Assembly and may take part in debates.

29. (1) The programme of business in the Assembly shall be appointed by the

chairmen's conference composed of party leaders, chairmen of committees and members of the steering committee of the Federal National Assembly, together with a Federal Minister or Deputy Minister.

(2) The programme of business may not include bills beyond the jurisdiction of the Assembly as defined by Articles 5, 6 and 24; nor may any bill introduced by a member or any amendment be included which if passed would result in a burden on public funds or an increase in public charges without a corresponding reduction in other expenditure or the grant of equivalent new supply.

(3) Any doubt or dispute on the admissibility of a bill or amendment shall be referred for decision by the Speaker or by the President of the Federal Republic to the Federal Court of Justice.

(4) The programme of business shall give priority, and in the order decided by the Government, to bills introduced or accepted by it.

(5) Any business shall on request by the Government be treated as urgent.

30. (1) The Government shall be bound to furnish to the Federal National Assembly any explanation and information on its activities in reply to written or oral questions by the Assembly or to any Committee of Inquiry set up by the Assembly to inquire into governmental activities.

(2) The procedure of all such inquiry and supervision shall be laid down by a federal law.

31. (1) The President of the Federal Republic shall promulgate laws passed by the Federal National Assembly within fifteen days of their being forwarded to him, unless he receives a request for a second reading, and at the expiry of such period the Speaker may record his failure to promulgate and do so himself

(2) Laws shall be published in both official languages of the Federal Republic.

PART VI

THE JUDICIARY

32. (1) Justice shall be administered in the Federation in the name of the people of Cameroon by the competent Courts of each State.

(2) The President of the Federal Republic, shall ensure the independence of the judiciary, and. shall appoint to the bench and to the legal service of the Federated States.

(3) He shall be assisted in his task by the Federal Judicial Council, which shall give him its opinion on all proposed appointments to the bench and shall have over members of the bench the powers of a Disciplinary Council; and which shall be regulated as to procedure and otherwise by a federal law.

33. (1) The Federal Court of Justice shall have Jurisdiction-

(a) to decide conflicts of jurisdiction between the highest Courts of the federated States;

(b) to give final judgment on such appeals as may be granted by federal law from the judgments of "the superior Courts of the Federated States wherever the application of federal law is in issue;

(c). to decide complaints against administrative acts of the federal authorities, whether claiming damages or on grounds of ultra vires;

(d) to decide disputes between the Federated States, or between either of them and the Federal Republic.

(2) The composition of, the taking of cognizance by, and the procedure of the Federal Court of Justice shall be laid down by a federal law.

34. Where the Federal Court of Justice is called upon to give an opinion in the cases contemplated by Articles 14 or 29, its numbers shall be doubled by the addition of personalities nominated for one year by the President of the Federal Republic in view of their special knowledge or experience.

35. Warrants, orders and judgments of any Court of Justice in either Federated State shall be enforceable throughout the Federation.

PART VII

IMPEACHMENT

36. (1) There shall be a Federal Court of Impeachment which shall be regulated as to composition and taking of cognizance and in other respects by a federal law.

(2) The Federal Court of Impeachment shall have jurisdiction, in respect of acts performed in the exercise of their offices, to try the President of the Federal Republic for high treason, and the Vice-President of the Republic and Federal Ministers, and Prime Ministers and Secretaries of State of the Federated States for conspiracy against the security of the State.

PART VIII

FEDERAL ECONOMIC AND SOCIAL COUNCIL

37. There shall be a Federal Economic and Social Council which shall be regulated as to Powers and in other respects by a federal law.

PART IX

THE FEDERATED STATES

38. (1) Any subject not listed in Articles 5 and 6, and whose regulation is not specifically entrusted by this Constitution to a federal law shall be of the exclusive jurisdiction of the Federated States, which within those limits, may adopt their own Constitutions.

(2) The House of Chiefs of the Southern Cameroons shall be preserved.

39. (1) The Prime Minister of each Federated State shall be nominated by the President of the Federal Republic and invested by a simple majority of the Legislature Assembly of that State.

(2) Secretaries of State shall be appointed to the Government by the President on the proposal of the Prime Minister after his investiture.

(3) The Secretaries of State may in like manner be dismissed.

40. (1) Legislative power shall be exercised in the Federated States by a Legislative Assembly elected for five years by universal suffrage and direct and secret ballot in such manner as to ensure to each administrative unit representation in proportion to its population

Provided that in West Cameroon the House of Chiefs may exercise specified legislative powers to be defined together with the manner of their exercise, by a law of the Federated State in conformity with this Constitution.

(2) There shall be one hundred representatives in the Legislative Assembly of East Cameroon and thirty-seven representatives in the Legislative Assembly of West Cameroon.

(3) The electoral system, qualifications for candidates and disqualification of sitting Members, parliamentary immunity and the allowances of representatives shall be regulated by a federal law.

41. (1) Each Legislative Assembly shall adopt its own standing orders and shall annually elect its steering committee.

(2) It shall meet twice a year, the duration of each session being limited to thirty days, on dates to be fixed by the steering committee after consultation with the Prime Minister of the Federated State, and so that the opening date of the budgetary session shall be later than the approval of the federal budget.

(3) On request of the Prime Minister, of the President of the Federal Republic, or of two thirds of its membership, it shall be recalled to an extraordinary session limited to fifteen days, to consider a specific programme of business.

42. The sittings of each Legislative Assembly shall be open to the public:

Provided that in exceptional circumstances on the request of the "Government or of a majority of its members strangers may be excluded.

43. Bills may be introduced either by the Government of each Federated State or by any representative in the Legislative Assembly, and shall be passed by a simple majority,

44 (1) A motion of no-confidence passed by a simple majority, or a vote of censure passed by an absolute majority shall oblige the Prime Minister to place his resignation in the hands of the President of the Federal Republic or be declared to have forfeited his office; and the President may then dissolve the Legislative Assembly.

(2) Persistent discord between the Government and the Legislative Assembly shall enable the President of the Federal Republic to dissolve the latter of his own accord or on the proposal of the Prime Minister.

(3) New elections shall be held within two months of dissolution.

(4) Until investiture of a new Prime Minister the outgoing Government shall be responsible for the despatch of current business.

45. (1) The Speaker of each Federated State shall within twenty-one days forward bills passed to the President of the Federal Republic, who shall within a further fifteen days promulgate them.

(2) Within the said period the President of the Federal Republic may either request a second reading by the Legislative Assembly or act under Article 14.

(3) At the expiry of such period the Speaker of the Legislative Assembly in question may record the President's failure to promulgate and do so himself.

46. In so far as they do not conflict with the provisions of this Constitution the existing laws of the Federated States shall remain in force.

PART X

AMENDMENT OF THE CONSTITUTION

47. (1) No bill to amend the Constitution may be introduced if it tends to impair the unity and integrity of the Federation.

(2) Bills to amend the Constitution may be introduced either by the President of the Federal Republic after consultation with the **Prime Ministers of the Federated States**, or by any member of the Federal Assembly:

Provided that any bill introduced by a member of the Assembly shall bear the signatures of at least one third of its membership.

(3) The amendment may be passed by a simple majority of the membership of

the Federal Assembly: * Provided that such majority include a majority of the membership elected from **each Federated State**.

(4) The President of the Federal Republic may request a second reading of a bill to amend the Constitution as of any other federal bill, and in like manner.

PART XI

TRANSITION AND SPECIAL

48. The jurisdiction defined in Article 5 shall pass without more to the federal authorities as soon as they are set up.

49. The Government of each Federated State shall forward to the Federal Government all papers and records necessary for the performance of its task, and shall place at the disposal of the Federal Government the services destined to exercise federal jurisdiction under the authority of the latter.

50. Notwithstanding anything in this Constitution, the President of the Federal Republic shall have power, within the six months beginning from the 1st October 1961 to legislate by way of Ordinance having the force of law for the setting up of constitutional organs, and, pending their setting up, for governmental procedure and the carrying on of the federal government.

51. The President of the Republic of Cameroon shall be for the duration of his existing term the President of the Federal Republic.

52. For the duration of the term of the first President of the Federal Republic the Prime Minister of West Cameroon shall be Vice-President of the Federal Republic; and the disqualifications prescribed by Article 9 for the Vice-President of the Federal Republic shall during that period be inapplicable.

53. With effect from the 1st October, 1961 the National Assembly of the Republic of Cameroon and the House of Assembly of the Southern Cameroons shall become the first Legislative Assembly of East Cameroon and of West Cameroon respectively.

54. Until the 1st April 1964 the Federal Assembly shall be composed of members elected from among themselves by the Legislative Assemblies of the Federated States according to the population of each State in the proportion of one member to every eighty thousand of the population.

55. Notwithstanding the provisions of Article 11, and until the election of a Federal Assembly under Article 16, the offices of Federal Minister and Deputy Minister may be held together with parliamentary office in either Federated State.

56. The Government of the Republic of Cameroon and the Government of the Southern Cameroons under British trusteeship respectively shall become on the 1st October, 1961 the Governments of the two Federated States.

57. Pending the setting up of the Federal Economic and Social Council, the Economic and Social Council of the Republic of Cameroon shall be preserved.

58. Pending approval of a definitive federal budget a provisional federal budget shall be drawn up and shall be financed by contributions from each Federated State to be settled after agreement with the Government of each such State.

59. This Constitution shall replace the Constitution of the Republic approved on the 21st February, 1960 by the people of Cameroon; shall come into force on the 1st October, 1961; and shall be published in its new form in French and in English, the French text being authentic.

60 (1) For the purposes of this Constitution the population of each Federated State shall, on the faith of the statistics of the United Nations Organisation, be taken to be, as follows:

East Cameroon3,200,000

West Cameroon800,000

(2) Such figures may be amended by a federal law in the light of significant variation established by census.

YAOUNDE, the 1st September, 1961

AHMADOU AHIDJO