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CONSTITUTION of the UNITED REPUBLIC of CAMEROON¹

May 21, 1972

PREAMBLE

The People of Cameroon

— Proud of its cultural and linguistic diversity, a feature of its national personality which it is helping to enrich but profoundly aware of the imperative need to achieve complete unity, solemnly declares that it constitutes one and the same Nation, committed to the same destiny, and affirms its unshakeable determination to construct the Cameroonian Fatherland on the basis of the ideal of fraternity, justice and progress;

— Convinced that the salvation of Africa depends on the realization of an ever more closely-knit solidarity between the African States, affirms its desire to achieve in the independence of the Cameroonian Fatherland the creation of a united and free Africa, at the same time maintaining peaceful and brotherly relations with the other Peoples of the world in accordance with the principles laid down by the United Nations Charter;

— Resolved to exploit its natural wealth in order to ensure the well-being of every citizen by the raising of living standards, proclaims its right to development as well as its determination to devote all its efforts to that end and declares that it is ready to co-operate with all States desirous of participating in this national enterprise in respect for its sovereignty and the independence of the Cameroonian State.

The People of Cameroon

— Declares that the human being, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights.

— Affirms its attachment to the fundamental freedoms embodied in the

¹ *Official Gazette of the Federal Republic of Cameroon*. 9 May 1972. Supplied by the Cameroon Delegation to the United Nations in July 1972. Ed.

Universal Declaration of Human Rights and the United Nations Charter and in particular to the following principles:

— Everyone has equal rights and obligations. The State endeavors to assure for all its citizens the conditions necessary for their development.

— Freedom and security are guaranteed to each individual subject to respect for the rights of others and the higher interests of the State.

— No one may be compelled to do what the law does not prescribe.

— Everyone has the right to settle in any place and to move about freely, subject to the statutory provisions concerning public order, security and tranquillity.

— The home is inviolate. No search may take place except by virtue of the law.

— The privacy of all correspondence is inviolate. No interference shall be allowed except by virtue of decisions emanating from the judicial authorities.

— No one shall be subjected to prosecution, arrest or detention except in the cases and according to the manner determined by the law.

— The law may not have retrospective effect.

— No one shall be judged or punished except by virtue of a law promulgated and published before the offence was committed.

— The law ensures the right of everyone to a fair hearing before the courts.

— No one shall be harassed because of his origin, opinions or beliefs in religious, philosophical or political matters, subject to respect for public order.

— Freedom of religion and freedom to practise a religion are guaranteed.

— The State is secular. The neutrality and independence of the State in respect of all religions are guaranteed.

— The freedom of expression, the freedom of the press, the freedom of assembly, the freedom of association, and the freedom of trade-unions are guaranteed under the conditions fixed by the law.

— The Nation protects and promotes the family, the natural basis of human society.

— The State ensures the child's right to education. The organization and control of education at all levels are bounden duties of the State.

— Ownership is the right guaranteed to everyone by the law to use, enjoy, and dispose of property. No one shall be deprived thereof, save for public purposes and subject to the payment of compensation to be determined by the law.

— The right of ownership may not be exercised in violation of the public interests or in such a way as to be prejudicial to the security, freedom, existence or property of other persons.

— Everyone has the right and duty to work.

— Everyone must share in the burden of public expenditure according to his means.

— The State guarantees to all citizens of either sex the rights and freedoms set out in the preamble of the Constitution.

PART I. SOVEREIGNTY

Art. 1. (1) The Federal Republic of Cameroon, constituted from the State of East Cameroon and the State of West Cameroon, shall become a unitary State to be styled the United Republic of Cameroon with effect from the date of entry into force of this Constitution.

(2) The United Republic of Cameroon shall be one and indivisible.

(3) It shall be democratic, secular and dedicated to social service. It shall ensure the equality before the law of all its citizens.

(4) The official languages of the United Republic of Cameroon shall be French and English.

(5) The motto shall be: "Peace – Work – Fatherland."

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

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

(8) The seal of the United Republic of Cameroon shall be a circular medallion in bas-relief, forty-six millimetres 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 "United Republic of Cameroon" and above the lower edge by the national motto "Peace – Work – Fatherland."

(9) The capital shall be Yaoundé.

Art. 2. (1) National sovereignty shall be vested in the people of Cameroon who shall exercise it either through the President of the Republic and the members returned by it to the National 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.

Art. 3. (1) Political parties and groups may take part in elections. They shall be formed and shall exercise their activities in accordance with the law.

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

Art. 4. State authority shall be exercised by:

- The President of the Republic, and
- The National Assembly.

PART II. THE PRESIDENT OF THE REPUBLIC

Art. 5. The President of the Republic, as Head of State and Head of the Government, shall ensure respect for the Constitution and the unity of the State, and shall be responsible for the conduct of the affairs of the Republic.

Art. 6. (1) The President of the Republic shall be elected by universal suffrage and direct and secret ballot.

(2) Candidates for the office of President of the Republic must be in possession of their civic and political rights and have attained the age of thirty-five years by the date of the election.

(3) The nomination of candidates, the supervision of elections and the proclamation of results shall be regulated by law.

(4) The office of President of the Republic may not be held together with any other elective public office or professional activity.

Art. 7. (1) The President of the Republic shall be elected for five years and may be re-elected. Election shall be by a majority of votes cast, and shall be held not less than twenty nor more than fifty days before the expiry of the term of the President in office.

(a) In case of temporary prevention, the President of the Republic may appoint a member of the Government to exercise his duties within the framework of a delegation of powers.

(b) In the event of vacancy of the Presidency as a result of death or permanent physical incapacity, duly ascertained by the Supreme Court, the powers of the President of the Republic shall automatically devolve upon the President of the National Assembly until election of a new President.

The interim President of the Republic may not amend the Constitution or modify the composition of the Government.

(c) In the event of vacancy of the Presidency as a result or resignation, such resignation shall only take effect as from the day on which the newly elected President shall take the oath.

(2) Voting to elect a new President shall take place not less than twenty nor more than fifty days after the vacancy.

(3) The President of the Republic shall take the oath in the manner laid down by the law.

Art. 8. (1) Ministers and Vice-Ministers shall be appointed by the President of the Republic. They shall be responsible to him and liable to be dismissed by him. He may delegate certain of his powers to them by Decree.

(2) The office of Minister or Vice-Minister may not be held together with parliamentary office, office as member of a body representing nationally any occupation or any public post or gainful activity.

Art. 9. The President of the Republic shall:

- (1) Represent the State in all public activity and be Head of the Armed Forces;
- (2) Accredite Ambassadors and Envoys Extraordinary to foreign powers;
- (3) Receive letters of credence of Ambassadors and Envoys Extraordinary from foreign powers;
- (4) Negotiate and ratify agreements and treaties: provided that treaties dealing with the sphere reserved by Article 20 to the legislature shall be submitted before ratification for approval in the form of law by the National Assembly;
- (5) Exercise the prerogative of clemency after consultation with the Higher Judicial Council;
- (6) Confer the decorations of the Republic;
- (7) Promulgate laws as provided by Article 29;
- (8) Be responsible for the enforcement of laws;
- (9) Have the power to issue statutory rules and orders;
- (10) Appoint to civil and military posts;
- (11) Ensure the internal and external security of the Republic;
- (12) Set up, regulate and direct all administrative services necessary for the fulfilment of his task.

Art. 10. The President of the Republic shall refer to the Supreme Court under the conditions prescribed by the law provided for in Article 32 any law which he considers to be contrary to this Constitution.

Art. 11. (1) The President of the Republic may where circumstances require proclaim by decree a state of emergency, which will confer upon him such special powers as may be provided by law.

(2) In the event of grave peril threatening the nation's territorial integrity or its existence, independence or institutions, the President of the Republic may proclaim by decree a state of siege and take all measures as he may deem necessary.

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

PART III. THE NATIONAL ASSEMBLY

Art. 12. (a) The National Assembly shall be renewed every five years, and shall be composed of one hundred and twenty members elected by universal suffrage and direct and secret ballot.

(b) The National Assembly may, at the instance of the President of the Republic, decide by law to extend or shorten its term of office.

Art. 13. Laws shall be passed by a simple majority of the members present.

Art. 14. Before promulgating any bill, the President of the Republic may request a second reading. In this case, laws shall only be passed by the National Assembly by a majority of its membership.

Art. 15. (1) The National Assembly shall meet twice a year, the duration of each session being limited to thirty days.

(2) The opening date of each session shall be fixed by the Assembly's steering committee after consultation with the President of the Republic. In the course of one such session the Assembly shall approve the budget: provided that in the event of the budget not being approved before the end of the current financial year the President of the 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 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 program of business.

Art. 16. (1) The National Assembly shall adopt its own rules of organization and functioning in the form of a law to establish its standing orders.

(2) At the opening of the first session of each year it shall elect its President and steering committee.

(3) The sittings of the National Assembly shall be open to the public; provided that in exceptional circumstances and on the request of the Government or of a majority of its members strangers may be excluded.

Art. 17. Elections shall be regulated by law.

Art. 18. Parliamentary immunity, disqualification of candidates or of sitting members and the allowances and privileges of members shall be governed by law.

PART IV. RELATIONS BETWEEN THE EXECUTIVE AND THE LEGISLATURE

Art. 19. Bills may be introduced either by the President of the Republic or by any member of the National Assembly.

Art. 20. The following shall be reserved to the legislature:

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

- protection of the liberty of the subject;
- human rights;
- labor and trade union law;
- the overriding duties and obligations of the citizen in respect of national defence.

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

- nationality and personal status;
- law of moveable and immoveable property;
- law of civil and commercial obligations.

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

- elections to the National Assembly;
- general regulation of national defence;
- 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;

– the organization of the local authorities.

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

– currency;

– budget;

– imposition, assessment and rate of all dues and taxes;

– 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.

Art. 21. (1) Provided that with regard to the subjects listed in Article 20, the National Assembly may empower the President of the Republic to legislate by way of Ordinance for a limited period and for given purposes.

(2) Such Ordinances shall enter into force on the date of their publication. They shall be tabled before the National Assembly for purposes of ratification within the time limit fixed by the enabling law.

(3) They shall remain in force as long as the Assembly has not refused to ratify them.

Art. 22. Matters not reserved for the legislature shall come under the jurisdiction of the authority empowered to issue statutory rules and orders.

Art. 23. Bills laid on the table of the National Assembly shall be considered in the appropriate committee before debate on the floor of the house.

Art. 24. The text laid before the Assembly shall be that proposed by the President of the 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.

Art. 25. The President of the 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.

Art. 26. Ministers and Vice-Ministers shall have access to the Assembly and may take part in debates.

Art. 27. (1) The program 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 National Assembly, together with a Minister or Vice-Minister.

(2) The program of business may not include bills beyond the jurisdiction of the Assembly as defined by Article 20.

(3) 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.

(4) Any doubt or dispute on the admissibility of a bill or amendment shall be referred for decision by the President of the Assembly or by the President of the Republic to the Supreme Court.

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

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

Art. 28. (1) The National Assembly may inquire about governmental activity by means of oral or written questions and by setting up committees of inquiry with specific terms of reference.

(2) The Government, subject to the imperatives of national defence and the security of the State, shall furnish any explanation and information to the Assembly.

(3) The procedure of all committees of inquiry shall be laid down by law.

Art. 29. (1) The President of the Republic shall promulgate laws passed by the National Assembly within fifteen days of their being forwarded to him unless he requests a second reading or refers the matter to the Supreme Court.

(2) Should he fail to do so within this period, the President of the National Assembly may, having attested such failure, himself promulgate the laws.

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

Art. 30. (1) The President of the Republic, after consultation with the President of the National Assembly, may submit to a referendum any reform bill which, although normally reserved for the legislature, could have profound repercussions on the future of the Nation and the national institutions.

(2) This shall apply in particular to:

(a) Bills concerning the organization of the public authorities or the amendment of the Constitution;

(b) Bills to ratify international agreements or treaties having particularly important consequences;

(c) Certain reform bills relating to the law of persons and property, etc.

(3) Such a bill shall be adopted by a majority of valid votes cast.

(4) The referendum procedure shall be determined by law.

PART V. THE JUDICIARY

Art. 31. (1) Justice shall be administered in the territory of the Republic in the name of the people of Cameroon.

(2) The President of the Republic shall ensure the independence of the judiciary, and shall appoint to the Bench and to the legal service.

(3) He shall be assisted in his task by the Higher Judicial Council, which

shall give him its opinion on all proposed appointments to the Bench and on disciplinary sanctions concerning them.

(4) It shall be regulated as to procedure and otherwise by law.

PART VI. THE SUPREME COURT

Art. 32. (1) The Supreme Court, in addition to the powers and duties provided for by Articles 7, 10 and 27 shall be responsible for the following matters:

(a) To give final judgment on such appeals as may be granted by law from the judgments of the Courts of Appeal wherever the application of the law is in issue;

(b) To decide complaints against administrative acts, whether claiming damages or on grounds of *ultra vires*.

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

Art. 33. Where the Supreme Court is called upon to give an opinion in the cases contemplated by Articles 7, 10 and 27, its numbers shall be doubled by the addition of personalities nominated for one year by the President of the Republic in view of their special knowledge or experience.

PART VII. IMPEACHMENT

Art. 34. (1) There shall be a Court of Impeachment which shall be regulated as to organization and taking of cognizance and in other respects by the law.

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

PART VIII. THE ECONOMIC AND SOCIAL COUNCIL

Art. 35. There shall be an Economic and Social Council which shall be regulated as to powers and in other respects by the law.

PART IX. AMENDMENT OF THE CONSTITUTION

Art. 36. (1) Bills to amend this Constitution may be introduced either by the President of the Republic or the National Assembly.

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

(3) An amendment presented to the Assembly on the initiative of the

members or of the President of the Republic shall be passed by a majority of the membership of the National Assembly.

(4) The President of the Republic may request a second reading, in which case the amendment shall be passed by a two-thirds majority of the membership of the National Assembly.

(5) The President of the Republic may decide to submit any amendment to the people by way of a referendum.

Art. 37. No procedure to amend the Constitution may be accepted if it tends to impair the republican character, unity or territorial integrity of the State, or the democratic principles by which the Republic is governed.

PART X. TRANSITIONAL PROVISIONS

Art. 38. The President of the Federal Republic of Cameroon shall for the duration of his existing term be the President of the United Republic of Cameroon.

Art. 39. (1) The National Federal Assembly shall be recessed fifteen days after the entry into force of this Constitution and until new Parliamentary elections take place.

(2) Provided that the Steering Committee of this Assembly at present in office shall assume responsibility for current business.

Art. 40. The House of Assembly of East Cameroon and the House of Assembly and the House of Chiefs of West Cameroon shall cease to sit as from the entry into force of this Constitution. They shall be abolished within a maximum time-limit of six months.

Art. 41. The President of the Republic shall determine the terms and conditions for the transfer of powers from the former Federated States to the United Republic of Cameroon.

Art. 42. Within the twelve months running from the recessing of the National Federal Assembly, the fundamental laws provided for by this Constitution, as well as the legislative measures necessary for the setting up of constitutional organs, and, pending their setting up, for governmental procedure and the carrying on of the government shall be enacted by way of Ordinance having the force of law.

Art. 43. The Legislation resulting from the laws and regulations applicable in the Federal State of Cameroon and in the Federated States on the date of entry into force of this Constitution shall remain in force in all of their provisions which are not contrary to the stipulations of this Constitution, for as long as it is not amended by legislative or regulatory process.

Art. 44. This Constitution shall be registered and published in the *Official Gazette* of the State in French and in English, the French text being authentic. It shall be implemented as the Constitution of the United Republic of Cameroon.

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CENTRAL AFRICAN REPUBLIC

NOTE

The Central African Republic is a member of the United Nations (September 20, 1960). It is a member of the Organization of African Unity, the Common African, Malagasy and Mauritian Organization, the Union of Central African States and of other international organizations. It is a member of a customs union with Chad, Congo (Brazzaville) and Gabon.

The Central African Republic proclaimed its independence on August 13, 1960, following the transfer of powers of the Community to the Republic. Having approved the referendum of 1958, it became on December