

Why the former Constitution of the Republic of “Southern Cameroons” of the year 1960 is so full of deficiencies, that it cannot be re-applied on any modern, democratic state today in 2017

CONSTITUTION OF THE REPUBLIC OF THE SOUTHERN CAMEROONS

With comments marked in red color, by Christoph Messner

Summary of the comments:

In the comparison of this constitution with other constitutions of some modern democracies in the world (which are for example downloadable at www.constituteproject.org), this constitution of the “Republic of the Southern Cameroons” shows major deficiencies, which disqualify for ratification in any modern, democratic state today.

These deficiencies are:

- a) There is no indication, who wrote this Constitution with what kind of authority or competence. British neo-colonialists or native Southern Cameroonian experts? Southern Cameroons was left into independence from French and British colonialism, but then the British “sold” Southern Cameroons to French Cameroon again and did not care much about the quality of the constitution of “Southern Cameroons”. There are no mechanisms in this constitution which would strengthen the defense of Southern Cameroons against the French or anybody’s annexation or cultural assimilation. The problem of the annexation of Ambazonia aka “British Southern Cameroons” since the year 1961, and whether the promises connected to the former referendum were kept, are not mentioned. Why was independence given to French Cameroun but not to British Southern Cameroons? Why is independence now taken? The Constitution should say something to the historically grown identity of the SCsians.
- b) An Election Law which would define for all levels of governance (national, regional, local), how the people elect their representatives into the regarding legislative assemblies and then how the assemblies would elect or appoint the members of executive and judiciary, is missing. Simple or two/third majorities? Secret or open ballot? Direct or indirect vote? Proportionality of regions’ population and number of representatives? Fully equal and democratic or partly hereditary and accumulated? Term lengths? Impeachment procedures? ... all this is left in the dark.
- c) Since SC defines herself independent and different from French Cameroun, why is it just called a “Republic” as La République du Cameroun and not distinguishable differently?

Like for example “Federal Republic” or “People’s Democratic Republic” or “United States of *No-Cameroon-Anymore*”?

- d) Financial control mechanisms in the national, regional and local banking, trading, taxing and budgeting system are missing. Also no clear limitations to indebteding the state or sell-out of assets and resources to foreigners. Anti-corruption measurements, they don’t exist.
- e) The chapter about the Head of State is separate from the chapter about the “Executive Power”, that is strange, because the Head of State as commander-in-chief is part of the Executive. And in this constitution the Head of State’s competences are defined in a way, that any time the Prime Minister, the Parliament, the Judiciary or a Plebiscite would want to stop him from something, his immunity or a “special law” for “special cases” leave him a backdoor to rule like a dictator. That violates the principle of division of power, especially since he gets all security forces under his command.
- f) A plebiscite like polls, petitions, referenda by the people or by people’s civil organizations or unions, which kicks in as soon as a certain number of people’s signatures are collected under any plea, does not explicitly exist, although it is the only guarantee in last instance, that the sovereignty of the people is maintained. Every modern democracy allows a Plebiscite. Southern Cameroons obviously not.
- g) The question of federalism and relative autonomy/sovereignty of regional or local councils and governments is hardly covered. Can counties or tribes have their own army, money, taxes, law, statutes etc. or not – we don’t know it. Does the national budget have to spread the national expenditures evenly and fairly on all regions – we don’t know it. Can regions and tribes raise their own taxes or fees on something – we don’t know it.
- h) How the country deals with foreign troops, foreign corporations, foreign colonizers on the own territory and what about the money reserves of the own currency in the treasury in foreign Paris – no word about it.
- i) The mutual control between the usual “pillars” of state: executive, legislature, judiciary, monetative and plebiscite is not well defined. We hardly get to know, in which case which pillar can overrule the other pillar. The democratic division of power is not defined to the degree which would make clear when the either pillar has to cut too much power (misuse) of the other pillar. But that’s the reason why we have several pillars of state at all.
- j) It is not defined why it needs two Houses in the National Assembly, the “Parliament” and the “Senate”. This constitution says the parliament would make the bills, then what is the Senate doing? This way of bicameralism (House of Chiefs and House of Commons) creates unnecessary artificial division and animosity between “first-class”, hereditary representatives and “second-class” to-be-democratically-elected representatives. And even if the people would want it that way, the constitution should force the Houses to cooperate with each other in the same location and same sessions instead of allowing the spinning of intrigues against each other in different locations.
- k) The Judiciary is split into a Supreme Court and a High Court, does the small country really need that? And a Judicial Council is missing. How are the judges chosen? What kind of prequalification do they need to bring in? No word about the relationship between lower courts and higher courts or federal law and traditional law. No word about the cooperation with the law enforcement, attorney general, independent prosecutors, notaries, penitentiaries, international courts.

- l) No word about an own National Bank, own currency, own economic memberships different from that of French Cameroun. But without economic autonomy there is no autonomy.
- m) Then this constitution lacks to define its federalism. The rights and responsibilities of the 13 counties in comparison to the national federal government are not well defined. And the rights and responsibilities of the local communities, like tribes or their villages and cities, in comparison to the regional County Government are also not really clear. The constitution lacks to speak out on which sub-national unit of governance can have relative authority or autonomy in the fields of executive, legislative, judiciary and monetative. Also it does not make it obligatory for the national government to spread the state's revenues in a fair and proportionate manner to all counties or local communities. Do the sub-national units have the right to their own constitution and law or police or not?
- n) Many more illogical or contradictionary details which in the sum make this constitution useless and the uselessness does not come so much, because it is a "British" patchwork constitution, but because of the many missing parts, which are supposed to be in any modern constitution nowadays.

All this together cries for the drafting of a completely new, anti-colonialist, anti-corruption, anti-dictatorial constitution of the Southern Cameroons (which shall also get another name as the former occupant Cameroon, for example Ambazonia, because the world only recognizes you as truly independent as a people and a nation, if you come up with a truly different, distinguishable name, which does not sound like your former occupant's or colonizer's name. Also the permanent infighting in Southern Sudan is not a real role model for peaceful Ambazonians.)

As of now, the 9th of September 2017, the new Constitution of the Federal Republic of Ambazonia is in the making and will be presented to the public by the United Front of Ambazonia / SC by the end of 2017 latest.

ARRANGEMENT OF SECTIONS in the text we don't see sections but "chapters"?

PREAMBLE:

CHAPTER 1: GENERAL PROVISIONS and no guidelines, principles, values of state?

PART ONE: THE REPUBLIC OF THE SOUTHERN CAMEROONS. How about the former Northern Cameroons? Are they still attached in any form?

- 1.** Establishment of the Republic.
- 2.** Supremacy of the Constitution.
- 3.** Establishment of Counties of the Republic.
- 4.** Official Language.
- 5.** National Motto, Flag, Anthem, Seal and Coat of Arms.

PART TWO: POWERS OF THE REPUBLIC OF THE SOUTHERN CAMEROONS

- 6.** Legislative Powers.
- 7.** Executive Powers
- 8.** Judicial Powers
- 9.** Local Government System

CHAPTER II: CITIZENSHIP

10. Citizenship by birth .
11. Citizenship by registration .
12. Citizenship by naturalization.
13. Avoidance of Dual Citizenship **legitimate, but is that really practical in global times?**
14. Deprivation of citizenship.
15. Powers of Parliament. **Should be in chapter V**

CHAPTER III: FUNDAMENTAL RIGHTS **when there are rights there should be also responsibilities, especially for the leading figures**

16. Right to life.
17. Right to dignity of the human person.
18. Right to Personal Liberty.
19. Right to Fair Hearing. **What about a fair trial also?**
20. Right to Private and Family Life.
21. Right to freedom of thought, conscience and religion.
22. Right to freedom of expression and of the press.
23. Right to peaceful assembly and association
24. Right to freedom of movement.
25. Right to freedom from discrimination.
26. Right to Privacy.
27. Right to acquire and own immovable property anywhere in Southern Cameroon .
28. Children's Rights.
29. Right to Political Participation.
30. Right of Disabled Persons.
31. Right to Work
32. Right to Education
33. Right to Vote.
34. Restrictions on ownership of property
35. Restrictions on fundamental rights. **How are these restrictions reasoned? Still in accordance with international law?**
36. Special jurisdiction of the High Court. **Is that a fundamental right or should that be under chapter of Judiciary?**
37. Legal aid to prosecute or enforce rights .

CHAPTER IV: THE HEAD OF STATE **it's a fundamental constitutional question whether Head of State (President) and Head of Government (Prime Minister or Chancellor) are one and the same person, which would be a potentially dangerous concentration of power. Before any chapter about the "Head of State" the constitution needs to define, whether the nation is run by a presidential, a semi-presidential or a parliamentary system, and then clearly name the limits of powers of each major player.**

38. Establishment of office of Head of State.
39. Election of Head of State.
40. Tenure of office of Head of State.
41. Oaths to be taken by Head of State.
42. Removal of Head of State from office.

- 43.** Discharge of Head of State's functions during vacancy.

CHAPTER V: PARLIAMENT this chapter should be called NATIONAL Legislative ASSEMBLY, and a "Parliament" is only one of the possibly many Houses of that Assembly. When it comes to the Legislature, at first the constitution has to define whether it wants to be unicameralistic (1 House) or bicameralistic (2 Houses) and it has to explain why. Do we want to copy the British "lower" and "upper" Houses or do we want to avoid a split between "Chiefs" and "Commons"? Are there hereditary representatives of the people or do they all have to be democratically elected ones? And if we need "Senators" and "Parliamentarians", why do we need this difference?

PART I: COMPOSITION OF PARLIAMENT

- 44.** 1. House: Establishment of Parliament (= House of the Commons?).
- 45.** 2. House: Composition of Senate (= House of the Chiefs? Establishment not necessary?).
- 46.** Composition of House of Assembly.
- 47.** Qualifications for membership of Parliament. So Senators do not need any prequalification?
- 48.** Disqualifications for membership of Parliament. And Senate?
- 49.** President of Senate. And Parliament has none?
- 50.** Speaker of House of Assembly.
- 51.** Right of attendance of Ministers. Where there any ministers established in the chapters before?
- 52.** Tenure of seats of members of Parliament.
- 53.** Establishment of Independent Electoral Commission. Independent from what?
- 54.** Constituencies.
- 55.** Elections to give that point only one meager article is insufficient
- 56.** Determination of question respecting membership of Parliament. Who is determined here?
- 57.** Clerks to Houses of Parliament and their staffs. And Senate has none?

PART II: PROCEDURE IN PARLIAMENT and Senate doesn't need any procedures?

- 58.** Oaths to be taken by members of Parliament
- 59.** Presiding in Senate
- 60.** Presiding in House of Assembly does that collide with article 49 and 50?
- 61.** Quorum in Houses of Parliament
- 62.** Use of English in Parliament how about translations into native languages?
- 63.** Voting in Parliament
- 64.** Unqualified persons sitting or voting.
- 65.** Mode of exercising legislative power.
- 66.** Restrictions with regard to certain financial measures.
- 67.** Limitation of powers of Senate. How is this under the headline "parliament"?
- 68.** Regulation of procedure in Houses of Parliament Isn't the Parliament just 1 House?

PART III SUMMONING, PROROGATION AND DISSOLUTION of who? Why is this another part?

- 69.** Sessions of Parliament.
- 70.** Prorogation and dissolution of Parliament. How about impeachment and immunity?

PART IV LEGISLATIVE POWERS *why is this another part? Are the legislative powers put into relation to the executive powers and the judicative powers and the monetative powers and the plebiscitarian powers?*

- 71.** Powers of Parliament to make laws. *Shouldn't that be at the beginning of the chapter about the Legislature, before the chapters about Parliament and Senate?*
- 72.** Special Powers of Parliament in relation to Emergencies.
- 73.** Powers to make grants of money. *So the parliament can just print money? And put into their own pockets?*
- 74.** Implementation of treaties. *Implementation of whose treaties into what?*
- 75.** Titles of honour .
- 76.** Income tax and estate duty.
- 77.** Trade and commerce.
- 78.** Banks and banking. *Any National Bank here? Own currency? Exit from XAF?*
- 79.** Electricity and gas.
- 80.** Authorities empowered to administer trusts and estates. *Is it really advisable or democratic to give the administration into the hands of unelected externals?*
- 81.** Exhibition of cinematograph films. *This is not a primary legislative power*

CHAPTER VI EXECUTIVE POWERS *is the Head of State in Chapter IV not part of the Executive?*

- 82.** Establishment of office of Prime Minister, Head of Government.
- 83.** Exercise of Executive authority.
- 84.** Extent of Executive authority. *And what if the PM exceeds that extent?*
- 85.** Ministers of government. *What competence criteria do ministers have to meet?*
- 86.** Attorney General of the Southern Cameroon *suddenly the "s" is missing at the end of the word "Cameroon"! Is the Attorney General more on the Executive's side or the Judiciary's side? Why is he not mentioned in the chapter about the judiciary?*
- 87.** Establishment of Council of Ministers.
- 88.** Collective responsibility. *And how about individual responsibility? Before your individual consciousness?*
- 89.** Allocation of portfolios to Ministers *better say "limitations" than allocation!*
- 90.** Performance of functions of Prime Minister during absence.
- 91.** Exercise of Head of State's powers. *Wasn't that said in chapter IV already?*
- 92.** Head of State to be informed concerning matters of government.
- 93.** Parliamentary Secretaries. *So the Senate does not need any Secretaries?*
- 94.** Oaths to be taken by Ministers.
- 95.** Permanent Secretaries. *So those in 93 are temporary?*
- 96.** Constitution of Offices. *Do any undefined offices have their own constitution?*
- 97.** Delegation of Executive Authority. *Delegations, Commissions, Councils, Cabinets, Houses, Secretariats, Chairs, How many power-sub-groups do we need who all shall cook their own soup and then possibly eat tax money?*
- 98.** Prerogative of mercy.
- 99.** Establishment of Advisory Council on Prerogative of Mercy. *Mercy by who?*
- 100.** Functions of Advisory Council. *Should they really have a separate council?*
- 101.** Public Prosecutions.

CHAPTER VII: POLICE FORCE that is also an executive power and belongs to the last chapter

- 102.** Establishment of the Southern Cameroon Police Force. In how far can regional or local political entities have their own police or security?
- 103.** Control of the Southern Cameroon Police Force.
- 104.** Establishment of the Southern Cameroon Police Council.
- 105.** Functions of the Southern Cameroon Police Council.
- 106.** Establishment of Police Service Commission.
- 107.** Appointments to the Southern Cameroon Police Force.

CHAPTER VIII : ARMED FORCE OF THE SOUTHERN CAMEROONS that is also an executive power and belongs to the second last chapter. And what about the Secret Services or the National Guard?

- 108.** Establishment and Composition of the Armed Forces of the Southern Cameroon.
- 109.** Command and Operational use. Does a civilian become Defense Minister?
- 110.** Establishment of body to ensure national character of Armed Forces
- 111.** Compulsory Military Service. Why not a professional army?

CHAPTER IX: COURTS that chapter should be called "Judiciary". Why does the Constitution speak for the Executive and the Legislative about their "Powers" and "Authority" and for the Judiciary it says nothing about "Powers" or "Authority" or "Self-application of Law"? In which cases can the Judiciary overpower/limit/control the Executive or Legislative or Finance?

PART ONE : THE SUPREME COURT

- 112.** Establishment of Supreme Court.
- 113.** Appointment of Judges of Supreme Court.
- 114.** Tenure of Office of Judges of Supreme Court.
- 115.** Original jurisdiction of Supreme Court.
- 116.** Question as to interpretation of this Constitution.
- 117.** Advisory jurisdiction of Supreme Court.
- 118.** Appeals to Supreme Court from High Courts.
- 119.** Appeals to Supreme Court from certain other tribunals. What are "certain other"?
- 120.** Determinations of Supreme Court to be final.
- 121.** Powers, practice and procedure of Supreme Court.

PART TWO: THE HIGH COURT how does it cooperate with the Supreme Court?

- 122.** Establishment of the High Court why do we need a High Court different from the Supreme Court at all? If we need, is the categorical difference well reasoned?
- 123.** Appointment of Judges of the High Court.
- 124.** Tenure of Office of Judges of the High Court.
- 125.** Tenure of Office of Judges of the High Court same as 124?
- 126.** Appeals to the High Court from subordinate Courts.
- 127.** Oaths to be taken by Judges.

CHAPTER X : FINANCE so is the "Finance" part of the Executive or the Legislative or the Judiciary or all three or just in the area of Nomanscontrol? And how about different financing on the national/regional/local levels of governance?

- 128.** Establishment of Consolidated Revenue Fund shouldn't there be established a National Bank, a Treasury, a Finance Ministry, a Tax Office, a Forensic State Account Control, an own currency, an own banking and trading system, first?
- 129.** Authorization of Expenditure from the Consolidated Revenue Fund

- 130. Authorization of expenditure in advance of Appropriation.
- 131. Contingencies Fund.
- 132. Remuneration of Head of State and other officers. **who are "other"?**
- 133. Audit of Public Accounts. **By who?**
- 134. Public debt. **The whole chapter without one single word of "limitation" or "controlling" is very suspicious! Why should debt be allowed at all? Does the state want to be in somebody else's hand?**

CHAPTER XI : PUBLIC SERVICE OF THE SOUTHERN CAMEROON **shouldn't it be "for" SC?**

- 135. Establishment of the Public Service Commission. **Before we establish a commission shouldn't the constitution define who is a public servant?**
- 136. Appointment of officers in the Public Service **by who?**
- 137. Appointment etc. of principal representatives of the Southern Cameroon abroad.
- 138. Appointment etc of Permanent Secretaries.
- 139. Appointment and Tenure of office of Director of Audit.
- 140. Powers relating to clerks of Houses of Parliament.
- 141. Protection of pension rights. **And what if the protectors stole the money?**
- 142. Powers of the Public Service Commission in relation to grant of pensions

CHAPTER XII : COUNCIL OF CHIEFS AND TRADITIONAL RULERS **is that part of the Legislative or Executive or Judiciary or separated from national governance now? And no reference to the Senate above? And how does Constitutional Law and Traditional Law go together? Does the Federal Law end in the regional tier? Questions mostly unanswered.**

- 143. Establishment of County Council of Chiefs and Traditional Rulers.
- 144. Powers of Parliament to make laws concerning Council of Chiefs. **So the Chiefs can't make laws by themselves? For what do we need the council then?**
- 145. Functions of the County Council of Chiefs and Traditional Rulers.
- 146. Determination. **Of what?**

CHAPTER XIII : MISCELLANEOUS

- 147. Declaration on and Repeal of Certain Constitutional Instruments. **So this constitution shines by an article that can make any article non-valid if something appears to some ringleaders as "certain"?**
- 148. Powers and Procedures of Commissions **that is a dangerous backdoor for appointed people to overpower everything which was just written above I all the articles ...**
- 149. Resignation **of who?**
- 150. Reappointments **by who?**
- 151. Existing laws **are there also non-existing laws?**
- 152. Entry into Force **which force?**
- 153. Interpretations **by who?**

THE SCHEDULE

First Schedule: Counties and Local Government Areas

Second Schedule : Legislative List

Third Schedule : The Southern Cameroon Independent Electoral Commission

Fourth Schedule: Code of Conduct for Public Officers

Fifth Schedule :Functions of Local Government

Sixth Schedule: Oaths

PREAMBLE

In the Name of the Almighty God,

We, the people of the Republic of the Southern Cameroon

- Conscious of the responsibility incumbent upon us before God and man, and of the necessity to secure for ourselves and for our descendants the inheritable right with which the creator has endowed every human being,
- Firmly convinced that all Nations and Peoples possess the right to Self-determination and by the virtue of that right they freely determine their political Status and freely pursue their economic, social and cultural development,
- Persuaded that any democratic Government derives its legitimacy from the consent and confidence of the governed and that wherever such a Government ceases to enjoy the confidence and trust of the people, the latter have the right to change the former by democratic means and to institute a new one,
- Resolved to assert our inalienable right to self-determination and to permanent sovereignty over our natural wealth and resources and believing that these must be exercised in the interest of our national development, prosperity and the well-being of our people,
- Solemnly affirming our adherence to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, the African Charter on Human and People's Rights and all duly ratified international Convention relating thereto.

Declare and Uphold when? Where?

(1) That no person within the Territory of the Republic of Southern Cameroon shall be above the law and that the law shall ensure the right of every person to a fair hearing before the courts. **This and the following points are mainly basic rights and duties of the citizens and the State which should be in special chapter later, not in the preamble.**

- that no person may be prosecuted, arrested or detained except in the cases and according to the manner prescribed by law.
- that freedom and security shall be guaranteed each individual subject to respect for the rights of others.
- that every accused person is presumed innocent until found guilty during a hearing conducted in strict compliance with the rights of defense before the court.
- that freedom of religion and worship shall be guaranteed.
- that the nation shall protect and promote the family as the foundation of human society;. It shall protect women, the young, the elderly and the disabled.

- that the state shall guarantee the child's right to education. Primary education shall be compulsory. The organization and supervision of education at all levels shall be the responsibility of the State.
- that every person shall have the right to a healthy environment. The protection of the environment shall be the duty of every citizen. The state shall ensure the protection and improvement of the environment;
- that all citizens shall contribute to the defense of the nation.
- that the State shall guarantee to all citizens of either sex the rights and freedoms upheld in this preamble as well as the rights set forth in Chapter III of this Constitution.

And do hereby

Make, enact and give to ourselves and our descendants the present Constitution which lays down the fundamental principles on which the State is organized, defines the rights and duties of the individual and determines the form of Government based on the principles of participatory democracy, accountability and the rule of law. **It does not explain, when and how who enacted with what authority.**

CHAPTER 1: GENERAL PROVISIONS

PART ONE : THE REPUBLIC OF THE SOUTHERN CAMEROONS

1) Establishment of the Republic

Southern Cameroon shall be a Republic. It shall be one indivisible and indissoluble Sovereign State known by the name of The Republic of the Southern Cameroon. **To be a Republic is always nice and more modern than a Monarchy, but it does not really distinguish from La Republique du Cameroon, which calls itself also a Republic but has never proved, that being a Republic can effectively defend from dictatorship and post-colonialism. So, should the state title not add something, which distinguishes from the old tyrant. Also, if you pronounce indivisibility, aren't you following into the footsteps of autocrat Biya? How about the freedom to secession and accession? If you mean freedom you need to be serious with it. Freedom means the freedom to come and go. Why not "United Southern Cameroonian States", or "Federal Democratic Republic"?**

2) Supremacy of the Constitution

- (a) The Constitution is supreme and its provision shall at all times have binding effect on all persons and authorities throughout the Republic. All other laws which are inconsistent with the provisions of this Constitution shall, to the extent of such inconsistency, be null and void.
- (b) Notwithstanding the provisions of (a) of this Section, treaties or international agreements which have been ratified or approved **by who?** in accordance with this Constitution or any other law and which have been published as required by law shall take precedence over internal Legislation in respect of other parties who apply them. **So where is the original supremacy left now? With this constitution or with any other law"???** **So the president makes international treaties and they can overrule all internal law???** **Who rules now, the People of SCs or the foreigners?**

3) Establishment of Counties of the Republic

(a) The Republic of the Southern Cameroon shall comprise thirteen Counties namely, Boyo, Bui, Donga Mantung, Fako, kupe-Muanenguba Lebielem, Manyu, Meme, Menchum Mezam, Momo, Ndian, Ngo-kitunjia. **Could big cities also count as a county? And is it good, to combine three to four tribes to a county? What if the "politics" of the one tribe does not want to be the "politics" of the other tribe? Is that real respect for the historically grown sovereignty of tribes? Is SC following**

an artificial colonial border-drawing here? Or pragmatism? Can Counties be split into two if they want?

(b) The Headquarters of each County shall be known as the **County Town** of that County and shall be situated in the place shown in the second column of the first schedule. **What if the people of the county want another county town?**

(c) Each County shall consist of two or more Local Government Areas as shown in the third column of the first schedule to this constitution. The Headquarters of each Local Government Area shall be known as the **Chief Town** of that Local Government Area and shall be situated in the place shown in the fourth column of the first schedule. **So where is the autonomy of each tribe left? Are divisions/counties historically grown borders or artificially imposed by colonizers who throw different tribes into one and the same pot?**

4) **Official Language**

The official language of the Republic of the Southern Cameroon shall be English.

The State shall protect and encourage the development of indigenous national languages. **In which way? By guaranteeing the translation of official documents into native language on request?**

(5) **National Motto., Flag, Anthem, Seal and Coat of Arms**

a) **National Motto:**

The National motto shall be JUSTICE-UNITY-DEMOCRACY and in keeping with this guiding principles national integration shall at all times be encouraged whilst discrimination on the grounds of tribe of origin, religion, sex, ethnic or linguistic association or ties shall be prohibited. **That prohibition of discrimination is too important for just being pressed into a motto, that is a full part of an article. The motto justice – unity – democracy is ok, but when you have set up the whole state as a democracy already you don't need to make "democracy" a motto anymore. Mottos shall express higher goals which cannot be guaranteed by State without the additional spirit of the people. For example: Freedom – Justice - Peace**

b) **National Flag:**

The National Flag of thirteen alternating white and azure horizontal stripes is charged on the canton with a flying dove ringed by 13 gold stars on the blue obverse field. **Still following the Freemason's number 13? Aren't the colors "stolen" from the UN flag? Can an international symbol like the peace dove the symbol of a nation also? Is a state only about peace and pacifism or does a state also have to give guns to police and army and defend the homeland by force if necessary? Aren't 13 stars in a circle standing for fully sovereign states only, like shown on the EU flag? Why representing only 13 counties and not 80 tribes? These are just questions for reassurance ...**

c) **National Anthem :**

The National Anthem shall be **Freedom Land**. **The composition should not be sounding all European if you want to be independent from European neocolonialism.**

d) **The Seal :**

The Seal shall be a circular medallion in bas-relief, forty-eight millimeters in diameter bearing on the reverse and in the centre the outline of Southern Cameroon map on a background of Mount Cameroon **shouldn't the mountain be called Mount Southern Cameroons now?** flanked on both the sinister and the Dexter by olive branches, encircled in the upper edge by the words "THE SEAL OF", in the lower edge by the words "THE SOUTHERN CAMEROON" and beneath the lower edge by the words "AD MCMXI" **Does it coincide with flag and passport?**

e) **The Coat of Arms:**

The Coat of Arms shall be an escutcheon supported by two crossed fasces with the motto "JUSTICE-UNITY-DEMORACY" The escutcheon shall be composed of two gold stars and triangle gules, charged with the geographical outline of the Southern Cameroon in azure and surcharged with the scales of Justice sable.

PART TWO: POWERS OF THE REPUBLIC OF THE SOUTHERN CAMEROONS

6) Legislative powers

1. The legislative powers of the Republic of the Southern Cameroon shall be vested in a Parliament for the Southern Cameroon which shall consist of a Senate and a House of Assembly. **Isn't a Senate also an Assembly?**
2. Parliament shall have power to make laws for the peace, order and good government of the Republic or any part thereof with respect to any matter included in the Legislative List set out in the Second Schedule to this Constitution.
3. In addition and without prejudice to the powers conferred by subsection (2) of this section, Parliament shall have power to make laws with respect to any other matter which it is empowered to make laws in accordance with the provisions of this Constitution. **Who understands this? What if there is prejudice? So, the Parliament has no power to make laws which are not in accordance with written out provisions? Does this really define the scope on which the Parliament can make laws?**
4. Save as otherwise provided by this Constitution, the exercise of legislative powers by Parliament shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law **who writes this law?**; and accordingly, Parliament shall not enact any law that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law. **But what if the People want or need a new law which is not court law yet?**
- 5 Notwithstanding the foregoing provisions of this section, Parliament shall not, in relation to any criminal offense whatsoever, have power to make law which shall have retrospective effect. **If you set up a National Assembly with 2 Houses, the Senate and the Parliament, you need to define much better, which powers each chamber has and has not, so that everybody understands why you need 2 chambers at all. Do you want eternal fight for money between the "House of Commons" and the "House of Chiefs"? Isn't it better to have just one House and all in this House are elected by the people? Do we really need chiefdom entitlement for public money and power without competence or without being elected?**

7) Executive powers.

1. Subject to the provisions of this Constitution, the executive powers
 - a.) shall be vested in the Prime Minister and may subject as aforesaid and to the provisions of any law made by Parliament, be exercised by him either directly or through Ministers of the Government or officers in the Public service; and **so there are no executive powers vested in the President or the army and police anymore?**
 - b) shall extend to the execution and maintenance of this Constitution, all laws made by Parliament and to all matters with respect to which Parliament has for the time being power to make laws
- 3) Notwithstanding the foregoing provisions of this section-
 - a) the Prime Minister shall not declare a state of war between the Southern Cameroon and another country except with the sanction of a resolution of both Houses of Parliament sitting in a joint session; and
 - b) Except with the prior approval of the Senate, no member of the armed forces of the Southern Cameroon shall be deployed on combat duty outside Southern Cameroon. **So the parliament cannot forbid if the senate wants anymore?**

8. Judicial powers

1. The judicial powers of the Republic of the Southern Cameroon shall be vested in the courts to which this section relates, being courts established for the Southern Cameroon.

2. The courts to which this section relates established by this Constitution in subsection (4) (a) to (f) of this section shall be the only superior courts of record in Southern Cameroon; and save as otherwise prescribed by Parliament have all the powers of a superior court of record.

4. This section relates to- **how about other types of courts, like administrative courts, or traditional courts, or prosecutors or lawyers or notaries or attorneys ... not part of the judiciary?**

- a) the Supreme Court of the Southern Cameroon
 - b) the Court of Appeal;
 - c) the High Court;
 - d) a Customary Court of Appeal of a County
 - e) such other courts as may be authorized by law to exercise jurisdiction on matters with respect to which Parliament may make laws; and
 - f) such other courts **too unspecific!** as may be authorized by law to exercise jurisdiction at first instance or on appeal on matters with respect to which Parliament may make laws.
5. The judicial powers vested in accordance with the foregoing provisions of this section –
- a) shall extend, notwithstanding anything to the contrary in this Constitution, to all inherent powers and sanctions of a court of law; **what are courts of law? Are there also courts of non-law? How many types of courts does a country need when there is only one constitution with one law?**
 - b) shall extend to all matters between persons, or between government or authority and any person in Southern Cameroon, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person; **just say that the Judiciary watches over the constitutionality and legality of all citizens and institutions of the State and their actions. And what about the role of an Attorney General here? Who selects and dismisses Judges? On what basis?**

9. Local government system

- 1) The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government shall ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils **first you need to define what is local and what is not local. This whole chapter 9 touches Federalism to the core. How much executive, legislative, judicative and monetative power will tribe councils, city councils, regional councils get in comparison to the national executive, legislative, judiciary, monetative? Is there traditional ruling and law allowed in the local?**
- 2) The person authorized by law to prescribe the area over which a local government council may exercise authority shall-
 - a) define such area as clearly as practicable; and
 - b) ensure, to the extent to which it may be reasonably justifiable, that in defining such area regard is paid to-
 - i) the common interest of the community in the area,
 - ii) traditional association of the community, and
 - iii) administrative convenience
- 3) It shall be the duty of a local government council to participate in economic planning and development of the area referred to in subsection (2) of this section and to this end an economic planning board shall be established by a law enacted by Parliament. **So each local community has its own economic planning board and tax office, or only the tribe?.**
- 4) the Government **of a local or regional entity?** shall ensure that every person who is entitled to vote or be voted for at an election to Parliament **isn't the parliament national level and not local level?** shall have the right to vote or be voted for at an election to a local government council. **Why should the right to be voted into a local council be dependent on the right to be voted into the national parliament? Isn't every adult with clean history elective?**

CHAPTER II: CITIZENSHIP

Citizenship by Birth:

- I. 1. The following persons are Southern Cameroon Citizens by birth, namely:

- a) Every person born in the Southern Cameroon before the date of independence, either of whose parents or grand-parents belong or belonged to a community indigenous to the United Nations Trust Territory of the British Southern Cameroon; Provided that a person shall not become a citizen of the Southern Cameroon by virtue of this section if neither of his parents nor any of his grand-parents was born in the United Nations Trust Territory of the British Southern Cameroon **So how about those whose grandparents were and whose parents were not?**
 - b) Every person born in the Southern Cameroon after the date of independence either of whose parents or any of whose grand-parents is of Southern Cameroon Citizen; **and those born before?**
 - c) Every person born outside Southern Cameroon either of whose parents is a Southern Cameroon Citizen;
 - d) Every person born out of wedlock within or outside Southern Cameroon **how about the children of those Southern Cameroonians in the diaspora, who were already citizens of the host country at the time of the birth of the child?**
 - i) by a mother who was of British Southern Cameroon citizen at the date of the birth of the person, or
 - ii) to a father who was of British Southern Cameroon Citizen at the date of the birth of the person.
2. In this section the phrase “date of independence” means the first day of October, 1961.

11 CITIZENSHIP BY REGISTRATION

- . (1) Subject to the provisions of section 13 of this Constitution, a person to whom the provisions of this section apply may be registered as a Southern Cameroon Citizen if the Prime Minister is satisfied that he-
 - a) is a person of good character.
 - b) has shown a clear intention of his desire to be domiciled in Southern Cameroon and
 - c) has taken the Oath of Allegiance prescribed in the sixth Schedule of this Constitution.
- 2. The Provision of this section shall apply to:
 - i) any woman who is or has been married to:
 - a) a Southern Cameroon citizen or;
 - b) a person who would but for his death have become a Southern Cameroon Citizen;
 - ii) every person of full age and capacity born outside Southern Cameroon any of whose grand-parents is of Southern Cameroon Citizenship.

12 CITIZENSHIP BY NATURALIZATION

- (1) Subject to the provisions of section 13 of this Constitution, any person who is qualified in accordance with the provisions of this section may apply to the Prime Minister for the grant of a certificate of naturalization.
- 2) No person shall be qualified to apply for the grant of a certificate of naturalization unless he satisfies the Prime Minister that he-
 - a) is a person of full age and capacity;
 - b) is a person of good character;
 - c) has shown a clear intention of his desire to be domiciled in the Southern Cameroon;
 - d) is a person who has made or is capable of making useful contribution to the advancement progress and well-being of the Southern Cameroon;
 - f) has taken the Oath of Allegiance prescribed in the sixth Schedule to this Constitution; and
 - g) has, immediately preceding the date of his application, either-
 - l resided in the Southern Cameroon for a continuous period of fifteen years, or **too long!**

- II resided in the Southern Cameroon continuously for a period of twelve months and during the period of twenty years immediately preceding that period of twelve months he has resided in the Southern Cameroon for periods amounting in the aggregate to not less than fifteen years; **too long! You want to hinder people to become citizens? The inflow makes you only stronger**

Provided that the Prime Minister may, in any particular case, waive the qualifications prescribed in paragraph (g) of this subsection.

13 AVOIDANCE OF DUAL CITIZENSHIP

. – (1) Subject to the other provisions of this section a person shall automatically forfeit his Southern Cameroonian Citizenship if he acquires or retains the citizenship or nationality of a country other than the Southern Cameroon and accordingly any registration as a Southern Cameroon citizen or grant of a certificate of naturalization to person who is a citizen of a country other than the Southern Cameroon at the time of such registration or grant shall be automatically null and void and of no effect whatsoever.

14 THE DEPRIVATION OF CITIZENSHIP

. – (1) The Prime Minister may deprive a person other than a person who is a Southern Cameroon citizen by birth of his citizenship if he is satisfied that such a person has within a period of seven years after becoming naturalized been sentenced to imprisonment for a term of not less than three years.

2) The Prime Minister shall deprive a person other than a person who is a Southern Cameroon Citizen by birth of his citizenship if he is satisfied from the records of proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him that -

- i) the person has shown himself by act or speech to be disloyal towards the Republic of the Southern Cameroon or
- ii) The person has, during any war in which the Southern Cameroon was engaged, unlawfully traded with the enemy or been engaged in or associated with any business that was in his opinion carried on in such a manner as to assist the enemy of the Southern Cameroon in that war or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of the Southern Cameroon.

15 POWERS OF PARLIAMENT

Parliament may make provision –

- (a) for the acquisition of citizenship of the Southern Cameroon by persons who do not become citizens of the Southern Cameroon by virtue of the provision of this chapter. **How about the authority of the judiciary in matters of citizenship?**
- (b) for depriving of his citizenship of the Southern Cameroon any person who is a citizen of the Southern Cameroon otherwise than by virtue of subsection (1) of section 10 of this Constitution; or
- c) for the renunciation by any person of his citizenship of the Southern Cameroon.

CHAPTER III: FUNDAMENTAL RIGHTS

16. Right to Life

- 1) Every person has a right to life and no person shall be deprived intentionally of his life save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty.
- 2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use to such extent and in such circumstances as are permitted by law, of such force as is reasonably **that is too vague** justifiable:
 - a) for the defense of any person from violence or for the defense of property;
 - b) In order to effect an arrest or to prevent the escape of a person detained.
 - c) For the purpose of suppressing a riot, insurrection or mutiny; or
 - d) In order to prevent the commission by that person of a criminal offense.

You need to define that the State and its security forces may take or harm lives only if the suspect threatens other life in a criminal way.

17) RIGHT TO DIGNITY OF HUMAN PERSON

- 1) Every person is entitled to respect for the dignity of his person and accordingly
 - a) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.
 - b) No person shall be held in slavery or servitude.
 - c) No person shall be required to perform forced labour
- 2) For the purpose of this section "forced labour" does not include:
 - a) any labour required in consequence of the sentence or order of a court. **Then the courts can violate the freedom from forced labor!**
 - b) any labour required of member of the armed forces of the Republic of the Southern Cameroon or in the case of persons who have conscientious objections to service in the armed forces, any labour required instead of such services:
 - c) any labour required in the event of an emergency or calamity threatening the life or well-being of the community; or
 - d) any labour that forms part of normal **what is normal?** communal or other civil obligations.
 - e) Compulsory national service in the armed forces of the Republic as may be prescribed by or under a law enacted by Parliament.. **That should be covered in the unalienable right to conscientious objection.**

18) RIGHT TO PERSONAL LIBERTY All basic rights, freedoms and duties are much better listed and categorized in other constitutions, why not copying from there?

- 1) Every person shall be entitled to his personal Liberty and no person shall be deprived of such Liberty save in the following cases and in accordance with the law -
 - a) in execution of the sentence or order of a court in respect of a criminal offense of which he has been found guilty or in the execution of the order of a court of record punishing him for contempt of itself,
 - b) by reason of his failure to comply with the order of a court or in order to secure the fulfillment of any obligation imposed upon him by law;
 - c) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offense or to such extent as may be reasonably necessary to prevent him committing a criminal offense;
 - d) in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare;
 - e) in the case of preventing the unlawful entry of any person into Southern Cameroon or for the purpose of effecting the expulsion, extradition or other lawful removal from Southern Cameroon of any person or the taking of proceedings relating thereto.
- 2) Any person who is arrested or detained shall be promptly informed, in language that he understands, of the reasons for his arrest and detention.
- 3) Any person who is arrested or detained in accordance with paragraph (c) of subsection (1) of this section shall be brought before a court of law without undue delay and if he is not tried within a reasonable time, he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.
- 4) Any person who is unlawfully arrested or detained shall be entitled to compensation.
- 5) Nothing in this section shall invalidate any law by reason only that it authorizes the detention for a period not exceeding three months of a member of the armed forces of the Southern Cameroon or a member of the police force in execution of a sentence imposed by an officer of the armed forces or the Police Officer, as the case may be, in respect of an offence punishable by such detention of which he has been found guilty.

19) RIGHT TO FAIR HEARING Concerning the legal procedural rights you should also mention the guideline that all citizens and institutions are obliged to try to settle all issues first in traditional ways or in a peaceful, non-sueing way and only if that was not possible or if the matter concerns federal law then the walk to the court should be started. And it is very important that not only those who have money can afford to go to court.

- 1) In the determination of his civil rights and obligations a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

Provided that nothing in this subsection shall invalidate any law by reason only that it confers on any person or authority power to determine questions arising in the administration of a law that affected or may affect the civil rights and obligations of any person.

- 2) Whenever any person is charged with a criminal offense, he shall unless the charge is withdrawn, be entitled to a fair hearing within a reasonable time by a court.
- 3) The proceedings of a court or the proceedings of any tribunal relating to the matters mentioned in subsection (1) of the section (including the announcement of the decisions of the court or tribunal shall be held in public.

Provided that:

- a) A court or such a tribunal may exclude from its proceedings persons other than the parties thereto in the interest of defense, public safety, public order, public morality, the welfare of persons who have not attained the age of twenty one years, the protection of the private lives of the parties or to such extent as it may consider necessary by reason or special circumstances in which publicity would be contrary to the interests of justice; and
 - b) If in any proceedings before a court or such a tribunal the Prime Minister, acting in his discretion, certifies that it would not be in the public interest for any matter to be publicly disclosed, the court or tribunal shall make arrangements for evidence relating to that matter to be heard in camera and shall take such other action as may be necessary or expedient to prevent the disclosure of the matter.
- 4) Every person who is charged with a criminal offense shall be entitled:
 - a) To be informed promptly, in language that he understands and in detail of the nature of the offense;
 - b) to be given adequate time and facilities for the preparation of his defense;
 - c) to defend himself in person or by legal representatives of his own choice;
 - d) to examine in person or by his legal representatives the witnesses called by the prosecution before any court and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to the witnesses called by the prosecution, and
 - e) to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offense;
 - 5) When any person is tried for any criminal offense, the court shall keep a record of the proceedings, and the accused person or any person authorized by him in that behalf shall be entitled to obtain copies of the record within a reasonable time upon payment of such fee as may be prescribed by law.
 - 7) No person shall be held to be guilty of a criminal offense on account of any act or omission that did not, at the time it took place, constitute such an offense, and no penalty shall be imposed for any criminal offense heavier than the penalty in force at the time the offense was committed.
 - 8) No person who shows that he has been tried by any competent court for a criminal offense and either convicted or acquitted shall again be tried for that offense or for a criminal offense having the same ingredients as that offense save upon the order of a superior court; and no person who shows that he has been pardoned for a criminal offense shall again be tried for that offense.
 - 9) No person who is tried for a criminal offense shall be compelled to give evidence at the trial.
 - 10) No person shall be convicted of a criminal offense unless that offense is defined and the penalty therefore is prescribed in a written law.

Provided that nothing in this subsection shall prevent a court of record from punishing any person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty therefore is not so prescribed.

20) RIGHTS TO PRIVATE AND FAMILY LIFE

- 1) Every person shall be entitled to respect for his private and family life his home and his correspondences.
- 2) Nothing in this section shall invalidate any law that is reasonably justifiable in democratic society.
 - a) In the interest of defense, public safety, public order, public community or
 - b) for the purpose of protecting the rights and freedom of other persons.

21) RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

- 1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief and freedom either alone or in community with others, and in public or in private to manifest and propagate his religion or belief in worship, teaching, practice and observance.
- 2) No person attending any place of education shall be required to receive religious instructions or to take part in or attend any religious ceremony or observances if such instructions, ceremony or observances relate to a religion other than his own.
- 3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.
- 4) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society:-
 - a) In the interest of defense, public safety, public order, public morality or public health;
or
 - b) for the purpose of protecting the rights and freedom of other persons, including their rights and freedom to observe and practice their religions without the unsolicited intervention of a member of other religions.

22) RIGHT TO FREEDOM OF EXPRESSION AND OF THE PRESS

- 1) Every person shall be entitled to freedom of expression including freedom to hold opinions and to receive and impart ideas and information without interference.
- 2) without prejudice to the generality of subsection (1) of this section every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinion;
Provided that no person, other than the Government or a person or body authorized by Government shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever.
- 3) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society -
 - (a) for the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts or regulating telephone, wireless broadcasting, television or the exhibition of cinematograph films; or
 - (b) imposing restrictions upon persons holding office under the Government, members of the armed forces and members of the Southern Cameroon Police Force.

23 RIGHT TO PEACEFUL ASSEMBLY AND ASSOCIATION

- 1) Every person shall be entitled to assemble freely and associate with other persons and in particular he may form or belong to trade unions and other associations for the protection of his interests.
- 2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society.
 - a) in the interest of defense, public safety, public order, public morality or public health;
 - b) for the purpose of protecting the rights and freedom of other persons: or
 - c) imposing restrictions upon persons holding office, members of the armed forces of the Southern Cameroon or members of the Police Force.

24 RIGHT TO FREEDOM OF MOVEMENT

- 1) Every citizen of the Southern Cameroon is entitled to move freely throughout the Southern Cameroon and to reside in any part thereof; and no citizen of Southern Cameroon shall be expelled from the Southern Cameroon or refused entry thereto;
- 2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society:-
 - a) Restricting the movement or residence of any person within Southern Cameroon in the interest of defense, public safety, public order, public morality or public health;
 - b) For the removal of persons from Southern Cameroon to be tried outside Southern Cameroon for criminal offenses or to undergo imprisonment outside in execution of the sentences of courts of law in respect of criminal offenses of which they have been found guilty; or
 - c) Imposing restrictions upon the movement of residence within the Southern Cameroon of members of the public service, members of the armed forces or members of the police force.
- 3) Nothing in this section shall invalidate any law by reason only that the law imposes restrictions with respect to the acquisition or use by any person of land or other property in Southern Cameroon or any part thereof.
- 4) For the purposes of this section a person shall be deemed to belong to the Southern Cameroon who
 - a) Was born in the Southern Cameroon formerly the United Nations Trust Territory of the British Southern Cameroon or of parents who at the time of his birth were ordinarily resident in the Southern Cameroon formerly the United Nations Trust Territory of the Southern Cameroon; or
 - b) Is the wife of a person to whom any of the foregoing paragraph applies not living apart from such person under a decree of a court or a deed of separation; or
 - c) Is the child, step child or child adopted in a manner recognized by law under the age of eighteen years of a person to whom any of the foregoing paragraphs apply

25 RIGHT TO FREEDOM FROM DISCRIMINATION

- 1) A citizen of the Southern Cameroon of a particular Community, tribe place of origin, religion or political opinion shall not, by reason only that he is such a person:-
 - a) be subjected either expressly by, or in the practical application of, any law in force in the Southern Cameroon or any executive or administrative action of the Government to disabilities or restrictions to which persons of other communities, tribes, place of origin, religion or political opinion are not made subject; or
 - b) be accorded either expressly by, or in the practical application of, any law in force in Southern Cameroon or any such executive or administrative action any privilege or advantage that is not conferred on citizens of the Southern Cameroon or other communities, tribes, places of origin, religions or political opinions.

26 RIGHT TO PRIVACY

The privacy of all citizens, their homes, correspondence, telephone conversations, electronic and all other forms of communication is by this constitution preserved and protected.

27 RIGHT TO ACQUIRE AND OWN IMMOVABLE PROPERTY ANYWHERE IN THE SOUTHERN CAMEROON

Subject to the provisions of this Constitution, every citizen of the Southern Cameroon shall have the right to acquire and own immovable property Anywhere in the Southern Cameroon.

28 CHILDREN'S RIGHTS

- 1) Motherhood and childhood shall be entitled to special protection. **Which kind of protection?**
- 2) All children, born in or out of wedlock, shall enjoy the same protection and rights under the law. To this effect, no Cameroonian child shall be considered an illegitimate child.
- 3) Children have the right from birth to a name, nationality and parental care.

- 4) Children have the right to be protected from economic exploitation, child labour or anything likely to be hazardous or to interfere with their normal upbringing and education.
- 5) For the purpose of this Article children are persons under the age of eighteen (18) years.
- 6) No child shall be engaged in full-time employment except as an apprentice.
- 7) A child shall not be subjected to any form of torture, cruel, inhuman, degrading treatment or punishment

29) RIGHT TO POLITICAL PARTICIPATION

- 1) Every citizen has the right to participate in any form of peaceful political activity intended to influence State institutions and the policies of government
- 2) Every citizen shall have the right to form or join a political party subject to the provisions of this Constitution.

30) RIGHTS OF DISABLED PERSONS

- 1) Every disabled person has a right to live with his family or with foster parents and shall enjoy right of access to all public establishments.
- 2) Every disabled person shall have a right to fair treatment in respect of his precedence; Provided that a disabled person may be moved in such circumstances as shall be an improvement on his condition.
- 3) Every disabled person for whom the stay in a specialized establishment is indispensable shall have a right to an environment and living conditions that are close to those of the normal life of a person in his condition.
- 4) Every disabled person shall be protected against all forms of exploitation.
- 5) In any judicial proceeding in which a disabled person is a party the legal procedure applied shall take his physical and/or mental condition into account.
- 6) Special incentives shall be given to disabled persons engaged in business and also to business organizations that employ disabled persons in significant numbers

31) RIGHTS TO WORK

- 1) Every person shall have a right to work anywhere in the Southern Cameroon
- 2) Notwithstanding sub-section (1) of this Section every person has a right to work under satisfactory, safe and healthy conditions and to receive equal pay for equal work.
- 3) Every worker shall have a right to rest, leisure and reasonable limitation of working hours and periods of holidays with pay, remuneration for earned leave including sick leave.
- 4) Every worker has a right to form or join a trade union of his choice for the promotion and protection of his economic and social interests; Provided that he shall respect the rights and freedoms of others.
- 5) Every worker shall have a right to job security.

32) RIGHT TO EDUCATION

- 1) Every person shall have the right to education
- 2) The State in collaboration with any secular or religious denomination shall ensure that satisfactory educational standards are maintained at all levels.
- 3) Any person or group of persons may establish and maintain an educational establishment at any level under conditions provided for by law.

33) RIGHT TO VOTE

- 1) Every citizen shall have the right to vote and be voted for.
- 2) The right to vote and to be voted for shall not be restricted or denied by law except on grounds of age, mental incapacity or on such grounds of public interest or morality as are necessary in a democratic society.
- 3) The right to vote shall be exercisable by all citizens who have attained the

age of eighteen.

- 4) Every citizen who has the right to vote shall have the right to be registered as a voter for the purpose of public elections and referenda and no person or authority shall by regulation, administrative procedure or any other means restrict, deny, impede or interfere with the enjoyment of his right.

34 RESTRICTION ON OWNERSHIP OF PROPERTY all restrictions of basic rights should be rather expressed directly in the same article which expresses the right.

(1) The entire property in and control of all minerals, mineral oils and natural gas in, under or upon any lands in the Southern Cameroon or in, under or upon Southern Cameroon territorial waters shall vest in the Republic of the Southern Cameroon and shall be managed in such a manner as may be prescribed by a law enacted in accordance with the provisions of this Constitution **No! Every resource somebody finds underground is not only in the hands of some fat minister in the federal government! But the main part shall be in the hands of the tribe where it was found. And the Federalism obliges the richer regions to pay some part of their surplus to the poorer regions! Offshore oil or everything in natural parks though is national property.**

(2) No person other than a Southern Cameroonian citizen shall own absolute interest in land within the territorial boundary of the Southern Cameroon. **Foreigners shall have limited rights to ownership to help investments. Foreign countries and corporations must not get more than 30% share though or less. The Percentage could not be widened by greedy politicians later. The Constitution has to make it impossible and to punish politicians who sell away the country to foreigners or shady conglomerates immediately!**

35 RESTRICTION OF FUNDAMENTAL RIGHTS

Nothing in Sections 20, 21, 22, 23, and 24 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society-

- (1) In the interest of defence, public safety, public order, public morality or public health; or
- (2) For the purpose of protecting the rights and freedoms of other persons

36 SPECIAL JURISDICTION OF HIGH COURT

(1) Any person who alleges that any of the provisions of this chapter **only this chapter?** has been **is** being or is likely to be contravened in relation to him may apply to the High Court for redress.

(2) Subject to the provisions of this Constitution, the High Court shall have Original jurisdiction to hear and determine any application made to it in pursuance of this section and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the **enforcement any** rights to which the person who makes the application may be entitled under this **which?** Section. **What kind of drunkard**

English is that? Why not just saying: In all matters of inalienable rights, basic freedoms and duties the Supreme Court is the place to go.

37 LEGAL AID TO PROSECUTE

Parliament may provide by law that all citizens who allege that their rights have been infringed shall be assisted financially or otherwise to engage Counsel to prosecute their claims : Provided that such provision may contain safeguards to ensure that the allegations of infringement are substantial and the requirement of financial aid is genuine. **And who pays them? And how**

about independent prosecutors? And immunity of elected ones?

CHAPTER IV: THE HEAD OF STATE

Establishment of Office of Head of State

38. There shall be a Head of State of the Southern Cameroon, who shall be elected to office in accordance with section 39 of this Constitution and shall be the commander-in-chief of the armed forces of the Southern Cameroon. **Is that the same person as the prime minister which was mentioned in the previous articles? Or the president as another person? Is he/she also the Head of the Government and Cabinet?**

Election of Head of State

39. – (1) A person shall be eligible **by which election method and by who** for election as the Head of State if -

- a) he is a citizen of the Southern Cameroon who has attained the age of forty years; and is a Traditional Ruler, (hereditary Fon ,or acknowledged Chief). **So, if the majority of the people want a non-chief, he or she has no chance? Is that democracy? Is that a Republic?**
 - b) he is not disqualified by virtue of section 48 of this Constitution for election as a member of the Senate.
- (2) The Head of State shall be nominated from active membership of the Council of Chiefs and Traditional Rulers each member being entitled to a vote in each ballot.
- (a) The Nomination Meeting of the Council of Chiefs and Traditional Rulers in this sub-section shall be supervised by the Independent Election Commission.
 - (b) The names of the 3 candidates nominated by the Council of Chiefs and Traditional Rulers shall be addressed to the President of the Senate and the Speaker of the House of Assembly by the Chairman of the Independent Election Commission. **So they choose the candidates by a dice in a secret room?**
- (3) The Head of State shall be elected by a simple majority of the members of Parliament in a secret ballot at a joint meeting of both Houses of Parliament held for the purpose of electing the Head of State (hereinafter referred to as an “election meeting”); and each member of Parliament shall be entitled to a single vote in each ballot taken at such a meeting (hereafter referred to as a “Head of State ballot”). The joint meeting shall be presided by the president of the Senate. **How many representatives need to be present?**
- (4) A person shall not be a candidate in a Head of State election unless
- a) he has been nominated for election or re-election as the Head of State by the Council of Chiefs and Traditional Rulers Nomination. Meeting,
 - b) is signed by three or more members of Parliament, and
 - c) served before the ballot is ordered on the person presiding at the election meeting at which the ballot is taken.
- (5) If in a Head of State’s ballot there is only one candidate, he shall be declared elected if the number of votes which he receives is greater than half of the number of all the members of Parliament.
- (6) If in a Head of State’ ballot, there are two or more candidate and the number of votes which one candidate receives is not less than two-thirds of the number of all the members of Parliament, that candidate shall be declared elected.
- (7) If in a Head of State’ ballot –
- (a) there are three or more candidates; and
 - (b) none of the candidates is declared elected; and
 - (c) one of the candidates receives a smaller number of votes than each of the others, that one shall not be a candidate in any subsequent Head of State ballot ordered at the same election meeting.
- (8) If in a Head of State ballot no candidate is declared elected, a further ballot shall be taken at the same election meeting; and an election meeting shall continue until a candidate is declared elected in a Head of State ballot taken at that meeting but may be adjourned from time to time for not more than two days exclusive of the days on which and to which it is adjourned.
- (9) An instrument which –
- a) is executed under the hand and seal of the President of the Senate who was presiding at an election meeting at the time of a Head of State ballot; and
 - b) States that a person named in the instrument was declared elected at the meeting as the Head of State of the Southern Cameroon in consequence of that ballot,

shall be conclusive evidence that the person so named as such was elected; and no question as to the validity of the election of the person so named shall be entertained by any court. **Why not electing the President of the country directly by the People, if you call yourself a Democracy?**

Tenure of the office of the Head of State

40. – (1) A person shall hold office as the Head of State for the period of three years **why not 4 years?** beginning with the day on which he is elected as the Head of State or, where he or another person holds office as the Head of State on that day, beginning with the next following the date on which that office next becomes vacant.

Provided that nothing in this subsection shall exclude the renewal of the Tenure of office of the head of State once if he is nominated by the Council of Chiefs and Traditional Rulers and elected by Parliament.

(2) The Head of State shall not seek a third term in office, **why not?**

(3) The office of Head of State shall become vacant-

- a) on the expiration of the period mentioned in subsection (1) of this section; or
- b) if the incumbent dies or resigns the office or ceases to hold office pursuant to section 42 of this Constitution.

(4) When a person takes Office as the Head of State any other public office held by him shall become vacant; and while a person continues in office as the Head of State he shall be disqualified for any other public office.

In this subsection, “public office” means office as a Head of State, speaker or member of a legislative house of the Southern Cameroon, any office of emolument under the state and any paid appointment as a member or employee of a body corporate established directly by any law in force in the Southern Cameroon.

Oaths to be taken by Head of State

41 – (1) A person elected as the Head of State shall not begin to perform the functions of that office until he has taken and subscribed the oath of allegiance and such oath for the due performance of those functions as may be prescribed by Parliament.

(3) The oaths aforesaid shall be administered by the Chief Justice of the Southern Cameroon or the person for the time being appointed to exercise the functions of the Chief Justice. **Is this Chief Justice mentioned in the previous chapter of the Judiciary?**

Removal of Head of State from Office *Instead of explaining so in detail about the impeachment procedures in the National Assembly you should rather think of impeachment possibilities by Supreme Court or Plebiscite, or what do do if military has done coup d'etat*

42 – (1) The Head of State shall cease to hold office if a motion for his removal from office is declared to be passed in accordance with the provisions of this section.

(2) if – **why making it simple in one part when it also goes complicated in 2 parts, right?**

a) notice in writing is given to the President of the Senate **so the Chairman of the other chamber has no say?** of a motion that the conduct of the Head of State of the Southern Cameroon be investigated so as to ascertain whether he is guilty of misconduct in the performance of the functions of his office or is unable to perform those functions; and

b) the notice is signed by not less than one quarter of all the members of the Senate or one quarter of all the members of the House of Assembly, the President of the Senate shall, by order published in the Southern Cameroon Gazette, forthwith convene a joint meeting of both Houses of Parliament to consider the motion.

3) A meeting convened in pursuance of subsection (2) of this section shall be held at such place as may be specified by the order convening the meeting and shall begin on such date as may be so specified, not being before the expiration of the period of fourteen days beginning with the date of publication of the order.

4) A meeting convened as aforesaid shall not without the leave of the person presiding at the meeting consider any matter other than the motion for which the meeting is convened and shall not debate the motion; and the person presiding at the meeting shall, after declaring the meeting to be open, forthwith direct a vote to be taken on the motion and shall-

- a) if two-thirds or more of the votes cast on the motion are cast in favour of the motion, declare the motion to be passed; and
 - b) in any other case, declare the motion to be defeated.
 - 5) Where a motion is declared to be passed in pursuance of subsection (4) of this section, a committee consisting of members of each House of Parliament shall be set up to investigate the conduct of the Head of State and to report on it to Parliament within the period of three months beginning with the date on which the motion was passed, and the Head of State shall be entitled to appear in person and to be represented before the committee; and the constitution, powers and procedure of the committee (including the mode of reporting to Parliament) shall be in accordance with provision in that behalf made by an Act of Parliament.
 - 6) The report made to Parliament by the committee aforesaid shall state whether the committee finds the President guilty of misconduct in performing the functions of his office or finds him unable to perform those functions; and where the report includes a statement that the committee finds the Head of State guilty as aforesaid or unable to perform those functions, the President of the Senate shall, by order published in the Official Gazette of the Southern Cameroon, forthwith convene a joint meeting of both Houses of Parliament to consider a motion for the removal of the Head of State from office, and the provisions of subsection (3) of this section shall apply in relation to the meeting as they apply in relation to such a meeting as is mentioned in that subsection.
 - 7) A meeting convened in pursuance of subsection (6) of this section shall not without the leave of the person presiding at the meeting consider any business other than the motion mentioned in that subsection; and the person presiding at the meeting shall, after permitting the motion to be debated during such period as he thinks fit, direct a vote to be taken on the motion and shall –
 - a) If the number of the votes cast in favour of the motion is not less than two-thirds of the number of all the members of Parliament, declare the motion to be passed; in any other case, declare the motion to be defeated.
 - b) Where a motion is declared to be passed in pursuance of subsection (4) of this section, the Head of State shall not exercise any of the functions of his office during the period beginning with the time of the declaration and ending –
 - a) Where the report mentioned in subsection (6) of this section does not include such a statement as is mentioned in that subsection, with the time of the presentation of the report to Parliament;
 - b) where the report includes such a statement, with the time of the subsequent declaration made in pursuance of subsection (7) of this section.
- but nothing in this subsection shall affect the entitlement of the Head of State to the emoluments of his office during that period.

Discharge of Head of State functions during vacancy, etc

43 – (1) During any period while-

- a) the office of Head of State is vacant; or
- b) the Head of State is absent from the Southern Cameroon or is, in the opinion of the Prime Minister, unable to perform the functions of his office by reason of his illness; or incapacitation.
- c) the Head of State is prohibited by subsection (5) of section 42 of this Constitution from exercising those functions, the functions of that office shall subject to the following provisions of this section, be performed by the President of the Senate.
- (2) During any period while the President of the Senate, in the opinion of the Prime Minister, is unable to perform the functions conferred on him by subsection (1) of this section, those functions shall, subject to subsection (3) of this section, be performed by the Speaker of the House of Assembly.
- 3) During any period while the Speaker of the House of Assembly is, in the opinion of the Prime Minister unable to perform the functions conferred on him by subsection (2) of his section, those functions shall be performed by such person as the Council of Ministers may appoint by order published in the Gazette of the Southern Cameroon; and an order under this subsection may be revoked by a subsequent order there under.
- 4) The Head of State shall not be absent from Southern Cameroon except with the agreement of the Council of Ministers. **And also not be allowed to stay in foreign hotels at the expense of tax payers for more than the double time of the official visit of another country.**

CHAPTER VI
PARLIAMENT = Legislative

Part 1. – Composition of Parliament

Establishment of Parliament

44 There shall be a Parliament of the Southern Cameroon, which shall consist of a Senate and a House of Assembly.

Composition of Senate.

- 45.** (1) Without prejudice to the provisions of section 49 of this Constitution, the Senate shall consist of-
- a) Three Senators representing each County, one of whom shall be a Traditional Ruler or Chief elected exclusively by his own peers in the County. **The number of residents in a tribe should also count.**
 - b) Five Senators appointed on the basis of affirmative action by the Head of State, acting in accordance with the advice of the Prime Minister. **Stop doing appointments when the thing shall be a democracy where the People elect. Are there better and worse Senators?**

Composition of House of Assembly

- 46** Without prejudice to the provisions of section (50) and (86) of this Constitution, the House of Assembly shall consist of sixty members. **You have some 80 tribes and then only 60 members, that means some tribes go empty.**

Qualifications for membership of Parliament

- 47** Subject to the provisions of section 48 of this Constitution -
- a) a person shall be qualified for selection as a Senator if he is a citizen of the Southern Cameroon and has attained the age of forty years. **Why should an excellent 30 year old not become a Senator? If the People elect, where is the respect of the will of the People?**
 - b) a person shall be qualified for election as a member of the House of Assembly if he is a citizen of the Southern Cameroon and has attained the age of twenty –one years.

How do political parties nominate elective parliamentarians?

Disqualifications for membership of Parliament, etc.

- 48.** – (1) No person shall be qualified for selection as a Senator or election to the House of Assembly.
- a) If he has voluntarily acquired citizenship of a country other than the Southern Cameroon or, except in such case as may be prescribed by Parliament, has made a declaration of allegiance to such a country;
 - b) If under any law in force in Parliament he is adjudged **by who?** to be a lunatic or otherwise declared to be of unsound mind;
 - c) if he is under a sentence of death imposed on him by any court of law or a sentence of imprisonment (by whatever name) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;
 - d) if he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Parliament.
 - e) save as otherwise provided by Parliament, if he is a member of the public service , a member of the armed forces or the holder of any other office of emolument under the state; or
- 2) Parliament may provide that a person shall not be qualified for selection as a Senator or election to the House of Assembly for such period (not exceeding five years **why the Head of state 3 years and the Parliamentarian 5 years?**) as may be prescribed if he is convicted by any court of law in Southern Cameroon of such offenses connected with the selection or election of members of a House of Parliament.
- 3) Parliament may provide that a person disqualified under paragraph (c) of subsection (1) of this section by reason of his being under a sentence of imprisonment exceeding six months for any such offense (being an offense that appears to Parliament to involve dishonesty) as may be prescribed, or by reason of his being under sentences of imprisonment that include such a

- sentence for any such offense, shall not be qualified for selections as a Senator or election to the House of Assembly for such period from the date on which he ceases to be disqualified under that paragraph (not exceeding five years) as may be prescribed.
- 4) Parliament may provide that a person who is the holder of any office the functions of which involve responsibility for, or in connection with, the conduct of any election to the House of Assembly or the compilation of any register of voters for the purpose of such an election shall not be qualified for election to that House.
 - 5) Parliament may, in order to permit any person who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or adjudged or declared bankrupt to appeal against the decision in accordance with any law in force in Southern Cameroon, provide that, subject to such conditions as may be prescribed, the decision shall not have effect for the purpose of subsection (1) of this section until such time as may be prescribed.
 - 6) For the purpose of paragraph (C) of subsection (1) of this section two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds six months, but if any one of those sentences exceeds that term they shall be regarded as one sentence.
 - 7) For the purpose of paragraph (e) of sub section (1) of this section the office of the President of the Senate or Deputy President of the Senate, a Senator, the Speaker or Deputy Speaker of the House of Assembly, a member of the House of Assembly, a Minister of the Government, a Parliamentary Secretary to such a Minister, a member of the Council of Ministers, the Head of State , Speaker, Deputy President or Deputy Speaker, a member of any such body corporate as is referred to in the provision to subsection (10) of this section shall not be regarded as an office of emolument under the state.
 - 8) Save as otherwise provide by Parliament, a person shall not be regarded as disqualified for selection as a Senator or election as a member of the House of Assembly under paragraph (e) of subsection (1) of this section by reason only that he holds office as a member of a statutory corporation.
 - 9) If a person who holds office as a member of a statutory corporation is selected as a Senator or elected as a member of the House of Assembly he shall, unless it is otherwise provided by Parliament, thereupon cease to hold office as a member of that corporation.
 - 10) In this section the expression "statutory corporation" means any body corporate established directly by any law in force in the Southern Cameroon.

President of Senate I would call the Chairman of the Senate "Chairman of Senate" and the Chairman of the Assembly Chairman of the Assembly, because neither of the Chambers shall be qualified higher or lower than the other, and reserve the title "President" for the President of the Republic

- 49, - (1) There shall be a President of the Senate, who shall be elected by the members of the Senate.
- 2) No person shall be elected as President of the Senate unless he is a Senator or a person who is qualified for selection as a Senator.
 - 3) The President of the Senate shall vacate his office-
 - a) if he ceases to be a Senator otherwise than by reason of a dissolution of Parliament.
 - b) when the Senate first sits after any dissolution of Parliament;
 - c) if he becomes a Minister of the Government or a Parliamentary Secretary to such a Minister; or
 - d) if he is removed from office by a resolution of the Senate supported by the votes of two-thirds of all the members of that House.
 - 4) No business shall be transacted in the Senate (other than an election to the office of President of the Senate) at any time when that office is vacant.
 - 5) Subject to the provisions of section (52) of this Constitution, the President of the Senate shall be a member of the Senate by virtue of this subsection if he is not such a member apart from this subsection.

Speaker of House of Assembly

- 50 (1) There shall be a Speaker of the House of Assembly who shall be elected by the members of that House.

- 2) No person shall be elected as Speaker of the House of Assembly unless he is a member of the House or a person who is qualified for election in some part of the Southern Cameroon as a member of the House.
- 3) The Speaker of the House of Assembly shall vacate his office-
 - a) if he ceases to be a member otherwise than by reason of a dissolution of Parliament;
 - b) when the House first sits after any dissolution of Parliament;
 - c) If he becomes a Minister of the Government or a Parliamentary Secretary to such a Minister; or
 - d) If he is removed from office by a resolution of the House supported by the votes of two-thirds of all the members of that House.
- 4) No business shall be transacted in the House of Assembly (other than an election to the office of Speaker of the House of Assembly at any time when that office is vacant).

Right of attendance of Ministers there is no previous article which describes how ministers are selected or elected or how many it needs and what their powers are.

51. (1) A Minister of the Government may attend and take part in the proceedings of either Houses of Parliament notwithstanding that he is not a member of that House. Really in every meeting? Don't the Senators and Parliamentarians also need exclusive sessions?
- 2) Nothing in this section shall entitle any person who is not a member of a House of Parliament to vote in that House or any of its committees.

Tenure of seats of members of Parliament

52. (1) A Senator or a member of the House of Assembly shall vacate his seat in the House of which he is a member –
 - a) if he becomes a member of the other House of Parliament; should that be possible at all?
 - b) if any other circumstances arise that, if he were not a member of that House, would cause him to be disqualified for selection or election as such a member under subsection (1), (2) or (3) of section 48 of this Constitution;
 - c) If he ceases to be a citizen of Southern Cameroon
 - d) save as otherwise provided by Parliament, if he becomes a member of a statutory corporation; or
 - e) if he is absent from two consecutive meetings of the House and the President of the Senate or Speaker of the House, as the case may be, does not, by writing under his hand, excuse his absence within one month after the end of the second meeting.
- 2) Parliament may, in order to permit any Senator or member of the House of Assembly who has been adjudged by who? to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or adjudged or declared bankrupt to appeal against the decision in accordance with the law in force in the Southern Cameroon provided that, subject to such conditions as may be prescribed, the decision shall not have effect for the purposes of this section until such time as may be prescribed.
- 3) In this section the expression “statutory” has the meaning assigned to it for the purposes of section 48 of this Constitution.

Establishment of Independent Electoral Commission

- 53 (1) There shall be an Independent Electoral Commission for the Southern Cameroon.
- 2) The members of the Independent Electoral Commission shall be-
 - a) a Chief Electoral Commissioner, who shall be chairman; and
 - b) a member representing each County. How are they democratically elected?
- 3) The members of the Independent Electoral Commission of the Southern Cameroon shall be appointed by the Head of State, acting in accordance with the advice of the Prime Minister. How is it independent when the Head of State is determining who they are?
- 4) Before tendering any advice for the purposes of this section in relation to the appointment of the member of the Independent Electoral Commission, the Prime Minister shall consult other political Parties.
- 5) A person shall not be qualified to hold office as a member of the Independent Electoral Commission if he is a member of either House of Parliament, a Minister of the Government, a or a member of the public service.

- 6) Subject to the provisions of this section, a member of the Independent Electoral Commission, shall vacate his office-
 - a) at the expiration of five years from the date of his appointment; or
 - b) if any circumstances arise that if he were not a member of the Commission, would cause him to be disqualified for appointment as such a member.
- 7) A member of the Independent Electoral Commission may be removed from office by the Head of State, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.
- 8) A member of the Independence Electoral Commission shall not be removed from office except in accordance with the provisions of this section.
- 9) In the exercise of its functions under this Constitution the Independent Electoral Commission shall not be subject to the direction or control of any other person or authority.

Any description of the actual job and responsibility of the Electoral Commission?

Constituencies

- 54** (1) Southern Cameroon shall be divided into as many constituencies as there are members of the House of Assembly by virtue of section (46) of this Constitution, and shall be so divided in such manner as the competent authority, acting with the approval of each House of Parliament signified by resolution, may prescribe. **Why not making a tribal territory a Constituency? That would be the original African political entity.**
- 2) No constituency shall form part of more than one County and the boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable;
 - 3) the competent authority **who is that?** shall review the division of Southern Cameroon into constituencies at intervals of not less than eight and not more than ten years and may alter the constituencies in accordance with the provisions of this section to such extent as it may consider desirable in the light of the review; **So the tribe chiefs have no say when new borders are drawn?**

Provided that the authority may at any time **???** carry out such a review and alter the constituencies in accordance with the provisions of this section to such extent as it considers necessary in consequence of any amendment to section 46 of this Constitution or by reason of the holding of a census of the population of the Southern Cameroon in pursuance of an Act of Parliament.

- 4) Where the boundaries of any constituency established under this section are altered in accordance with the provisions of this section, that alteration shall come into effect upon the next dissolution of Parliament after the alteration has been approved by both Houses of Parliament.
- 5) In this section "population quota" means the number obtained by dividing the number of the inhabitants of the Southern Cameroon by the number of constituencies into which Southern Cameroon is divided under this section.
- 6) For the purposes of this section the number of inhabitants of Southern Cameroon or any part thereof shall be ascertained by reference to the latest census of the population of the Southern Cameroon held in pursuance of an Act of Parliament.
- 7) In this section "the competent authority" means the Independent Electoral Commission of the Southern Cameroon or such other authority consisting of a chairman appointed by the Head of State, acting in accordance with the advice of the Prime Minister, and of members appointed in like manner to represent the County as may be established in that behalf by Parliament. **That should be in the beginning.**

Elections

55. (1) ELECTION OF SENATORS

- (a) For the purpose of electing members into the Senate the Independent Electoral Commission shall divide **another artificial colonial divide?** each County into two Senatorial District and the Royal **stop having royals in a democracy!** seat shall cover the County as a whole. For Senate elections, Bakassi Local Government Area shall have the status of a County.

- (b) Senators shall be elected by universal suffrage and direct and secret ballot for a term of five years. **Executive and Legislative shall have the same period of 4 years.** The Royal seats in Parliament shall be occupied by hereditary Fons and acknowledged Chiefs elected by their peers in each County. **Is that a definition of an election procedure? How many chiefs per 50000 residents?**
- (c) A person may seek election to Senate either as a candidate of a legalized political party or as an independent candidate. **No! Keep the Senate as House of Chiefs free from parties! Let the People's Assembly have Representatives nominated by Parties and independent Representatives.**

(2) **ELECTION OF MEMBERS OF HOUSE OF ASSEMBLY**

- a) Every constituency established under section 49 of this Constitution shall return to the House of Assembly of the Southern Cameroon one member who shall be directly elected in such manner as may be prescribed by Parliament. **No, not the Parliament is deciding the election procedure but the Constitution! And the Constitution has to guarantee proportionality in the election!**
- b) The registration of voters and the conduct of elections shall be subject to the direction and supervision of the Independent Electoral Commission of the Southern Cameroon. **How about independent foreign observers?**
- c) A person may seek election to the House of Assembly either as a candidate of a legalized political party or as an independent candidate.

No word about universal suffrage, secret ballot, direct or indirect (parties) election, and simple majorities? How many representatives can a county with 100000 people have, how many a county with 1000000?

Determination of questions respecting membership of Parliament

56. (1) Subject to the provisions of this Constitution, the competent High Court shall have original jurisdiction to hear and determine any question whether –
- a) any person has been validly selected as a Senator or elected as a member of the House of Assembly; or
- b) the seat in the Senate of a Senator or the seat in the House of Assembly of a member of that House has become vacant.
- 2) Parliament may make provision with respect to-
- a) the persons who may apply to the competent High Court for the determination of any question under this section;
- b) the circumstances and manner in which, and the conditions upon which, any such application may be made; and
- c) the powers, practice and procedure of the competent High Court in relation to any such application.
- 3) In this section “the competent High Court” means, in relation to a person who has been selected as a Senator to represent a County or elected a member of the House of Assembly from a constituency, the High Court of that Southern Cameroon County.

Clerk to Houses of Parliament and their staffs.

57. (1) There shall be a Clerk to the Senate and a Clerk to the House of Assembly, and both offices may be held by the same person. **And what's the clerk's job?**
- 2) Subject to the provisions of any Act of Parliament, the office of the Clerk of each House of Parliament and the office of each member of his staff shall be offices in the public service of the Southern Cameroon.

Part 2. – Procedure in Parliament

Oath to be taken by members of Parliament

- 58 Every member of either House of Parliament shall, before taking his seat in that House, take and subscribe before the House the oath of allegiance, but a member may before taking that oath take part in the election of a President of the Senate or a Speaker of the House of Assembly, as the case may be;

Presiding in Senate

- 59** (1) There shall preside at any sitting of the Senate –
- a) the President of the Senate; or
 - b) in the absence of the President, the Deputy President; or
 - c) in the absence of the President and the Deputy President, such senator as the Senate may elect for that purpose.
- 2) The Senate may from time to time elect a Senator to be Deputy President and any person so elected shall hold office as such until he ceases to a Senator or is removed from office by the Senate.

Presiding in House of Assembly

- 60.** (1) There shall preside at any sitting of the House of Assembly
- a) The Speaker; or
 - b) in the absence of the Speaker the Deputy Speaker, or
 - c) in the absence of the Speaker and the Deputy Speaker such Member of the House of Assembly as the House may elect for that purpose..
- 2) The House of Assembly may from time to time elect a member of the House to be Deputy Speaker and any person so elected shall hold office as such until he ceases to be a member of the House or is removed from office by the House

Quorum in Houses of Parliament

- 61.** If objection is taken by any member of a House of Parliament present that there are present in that House (besides the person presiding) fewer than one-sixth of all the members of that House and, after such interval as may be prescribed in the rules of procedure of the House and, the person presiding ascertains that the number of members present is still less than one-sixth of all the members of the House, he shall thereupon adjourn the House.

Use of English in Parliament

- 62.** The business of Parliament shall be conducted in English.

Voting in Parliament

- 63.** (1) Any question proposed for decision in a House of Parliament shall be determined by the required majority of the members present and voting; and the person presiding shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case.
- 2) Save as otherwise provided in this Constitution, the required majority for the purposes of determining any question shall be a simple majority.
 - 3) The rules of procedure of a House of Parliament may provide that the vote of a member upon a question in which he has a direct pecuniary interest shall be disallowed.

Unqualified persons sitting or voting

- 64.** Any person who sits or votes in either House of Parliament knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty SC pounds or such other sum as may be prescribed by Parliament for each day on which he sits or votes in that House, which shall be recoverable by action in the High court at the suit of the Attorney – General.

Mode of exercising legislative power

- 65.,** 1) The power of Parliament to make laws shall be exercised by bills passed by both Houses (or in the case mentioned in section 67 of this Constitution the House of Assembly and assented to by the Head of State
- 2) A bill other than a money bill may originate in either House of Parliament but a money bill may originate only in the House of Assembly.
 - 3) When a bill has been passed by the House of Parliament in which it originated, it shall be sent to the other House; and it shall be presented to the Head of State for assent-
 - a) when it has been passed by the other House and agreement has been reached between the two Houses on any amendments made in it; or
 - b) when it is required to be so presented under section 67 of this Constitution.
 - 4) When a bill is presented to the Head of State for assent, he shall signify that he assents or that he withholds assent.

- 5) A bill shall not become law unless it has been duly passed and assented to in accordance with this Constitution.

Restrictions with regards to certain financial measures

66. (1) The Senate shall not-

- a) proceed upon any bill, other than a bill sent from the House of Assembly, that, in the opinion of the person presiding, makes provision for any of the following purposes –
 - i) the imposition, repeal or alteration of taxation;
 - ii) the imposition of any charge upon the Consolidated Revenue Fund or any other public fund.
 - iii) the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the State of any money not charged thereon or any alteration in the amount of such a payment, issue or withdrawal; or
 - iv) the composition or remission of any debt due to the State.
 - b) proceed upon any amendment to any bill that in the opinion of the person presiding makes provision for any of those purposes;
 - c) proceed upon any motion (including any amendment to a motion), the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes; or
 - d) receive any petition that, in the opinion of the person presiding, requests that provision be made for any of those purposes.
- 2) Except upon the recommendation of the Prime Minister, signified by a Minister of the Government, the House of Assembly shall not –
- a) Proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provision for any of the following purposes –
 - i) the imposition of taxation or the alteration of taxation otherwise than by reduction;
 - ii) the imposition of any charge upon the Consolidated Revenue Fund or any other public fund or the alteration of any such charge otherwise than by reduction;
 - iii) the payment, issue or withdrawal from the Consolidation Revenue Fund or any other public fund any moneys not charged thereon or any increase in the amount of such a payment, issue or withdrawal; or
 - iv) the composition or remission of any debt due to the State.
 - b) proceed upon any motion (including any amendment to a motion the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes;
 - c) receive any petition that, in the opinion of the person presiding, requests that provision be made for any of those purposes.

Limitation of powers of Senate

67. 1) Where a money bill is passed by the House of Assembly and; having been sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is so sent, the bill shall, unless the House of Assembly otherwise resolves, be presented to the Head of State for his assent.

2) Where-

- a) a bill that is not a money bill is passed by the House of Assembly and, having been sent to the Senate at least one months before the end of the session, is not passed by the Senate before the end of the session or is passed by the Senate with amendments to which the House of Assembly does not before the end of the session agree; and
- b) in the following session (whether of the same Parliament or not) but not earlier than six months after it was first passed by the House of Assembly, the same bill, with no other alterations than those mentioned in subsection (4) of this section, is passed again by the House of Assembly and sent to the Senate with amendments to which the House of Assembly does not before the end of the session agree,

the bill shall, unless the House of Assembly otherwise resolves, be presented to the Head of State for his assent with such amendments, if any, as may have been agreed to by both Houses.

- 3) The House of Assembly may, on the passage of a bill for the purposes of paragraph (b) of subsection (2) of this section, suggest any amendments without inserting the amendments in the bill and any such suggested amendments shall be considered by the Senate and, if agreed to by the Senate, shall be treated as amendments agreed to by both Houses; but the exercise of this

power by the House of Assembly shall not affect the operation of this section if the bill is not passed by the Senate or is passed by the Senate with amendments to which the House of Assembly does not agree.

- 4) The alterations referred to in subsection (2) of this section are alterations certified by the Speaker of the House of Assembly to be necessary owing to the time that has elapsed since the bill was passed in the earlier session or to represent amendments made in that session by the Senate.
- 5) When a money bill is sent to the Senate from the House of Assembly it shall bear a certificate of the Speaker of the House of that it is a money bill.
- 6) When a bill is presented to the Head of State in pursuance of this section has been complied with and that certificate shall be conclusive for all purposes and shall not be questioned in any court of law.

Regulation of procedure in Houses of Parliament

- 68.** (1) Subject to the provisions of this Constitution, each House of Parliament may regulate its own procedure.
- 2) Each House of Parliament may act notwithstanding any vacancy in its membership (including any vacancy not filled when the House first meets after any dissolution of Parliament) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate those proceedings.

Interpretation of Part 2

- 69.** Without prejudices to the generality of section 149 of this Constitution, in this Part of this Chapter “money bill” means a bill that in the opinion of the Speaker of the House of Assembly contains only provisions dealing with -
- a) the imposition, repeal, remission, alteration or regulation of taxation;
 - b) the imposition for the payment of debt or other financial purposes of charges on the Consolidated Revenue Fund or any other public fund or the variation or repeal of any such charges;
 - c) the grant of money to the state or to any other person or authority or the variation or revocation of any such grant;
 - d) the appropriation, receipt, custody, investment, issue or audit of accounts of public money;
 - e) the raising or guarantee of any loan or the repayment thereof; or
 - f) subordinate matters incidental to any of those matters; provided that the expressions “taxation”, “public money” and “loan” do not include any taxation, money or loan raised by local authorities or bodies for public purposes.

Part 3 – summoning, prorogation and dissolution

Sessions of Parliament

- 70** 1. Each session of Parliament shall be held at such place within Southern Cameroon and shall begin at such time (not being later than twelve months from the end of the preceding session if Parliament has been prorogued or three months from the end of that session if Parliament has been dissolved) as the Head of State shall appoint.
- 2) Subject to the provisions of subsection (3) of this section, parliament, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.
 - 3) At any time when the Southern Cameroon is at war, parliament may from time to time extend the period of five years specified in subsection (2) of this section for not more than twelve months at a time;
Provided that the life of Parliament shall not be extended under this subsection for more than five years,
 - 4) In the exercise of his powers to dissolve Parliament the Head of State shall act in accordance with the advice of the Prime Minister, so however that if the Prime Minister recommends a dissolution in a case not falling within subsection (5) of this section and the Head of State considers that the government can be carried on without a dissolution and that a dissolution would not be in the interests of the State he may refuse to dissolve Parliament.
 - 5) The Head of State shall dissolve Parliament-

- a) if the House or Assembly passed a resolution that it has no confidence in the Government and within the period of three days beginning with the day on which the resolution is passed the Prime Minister does not resign or recommend a dissolution .
- b) if the office of Prime Minister is vacant and the Head of State considers that there is no prospect of his being able, with a reasonable time, to appoint to that office a person who can command the support of the majority of the members of the House of Assembly

Part 4 – Legislative powers

Power of Parliament to make laws.

71. (1) Parliament shall have power to make laws-

- a) for the peace, order and good government of the Southern Cameroon or any part thereof with respect to any matter included in the Legislative lists; and
- b) for the peace, order and good government with respect to any matter, whether or not it is included in the Legislative Lists.
- 3) In addition and with prejudice to the powers conferred by subsection (1) of this section, Parliament shall have the powers to make laws conferred by section 72,73,74,80 and 81 of this Constitution (which relate to matters not in the Legislative Lists).

Special powers of parliament in relation to emergencies

72. (1) Parliament may at any time make such laws for Southern Cameroon or any part thereof with respect to matters not included in the Legislative Lists as may appear to Parliament to be necessary or expedient for the purpose of maintaining or securing peace, order and good government during any period of emergency.
- 2) Any provision of law enacted in pursuance of this section shall have effect only during a period of emergency;

Provided that the termination of a period of emergency shall not affect the operation of such a provision of law during that period, the validity of any action taken there under during that period, any penalty or punishment incurred in respect of any contravention thereof or failure to comply therewith during that period or any proceedings or remedy in respect of any such penalty or punishment.

- 3) In this section “period of emergency” means any period during which
 - a) Southern Cameroon is at war;
 - b) there is in force a resolution passed by each House of Parliament declaring that a state of public emergency exists; or
 - c) there is in force a resolution of each House of Parliament supported by the votes of not less than two-thirds of all the members of the House declaring that democratic institutions in Southern Cameroon are threatened by subversion.
- 4) A resolution passed by a House of Parliament for the purposes of this action shall remain in force for twelve months or such shorter period as may be specified therein;

Provided that any such resolution may be revoked at any time or may be extended from time to time for a further period not exceeding twelve months by resolution passed in like manner

powers to make grants of money etc, for any purpose

73. Parliament may make provision for grants and loans from and the imposition of charges upon the Consolidated Revenue Fund or any other public fund of the State or for the imposition of charge upon the revenues and assets of the State for any purpose, notwithstanding that it relates to a matter not included in the Legislative Lists.

Implementation of treaties, etc.

74. Parliament may make laws for Southern Cameroon or any part thereof with respect to matters not included in the Legislative Lists for the purpose of implementing any treaty, Convention or agreement between the Southern Cameroon and any other country or any arrangement with or decision of an international organization of which Southern Cameroon with or decision of an international organization of which the Southern Cameroon is a member;

Titles of honour, etc

75. (1) Subject to provisions of this section, Parliament may make laws for the Southern Cameroon or any part thereof with respect to titles of honour, decorations and other dignities.

- 2) Any such law providing for the award of a title, decoration or other dignity shall confer the power to make the award upon the Head of State and in the exercise of any such power the Head of State shall act in accordance with the advice of the Prime Minister
- 3) The powers conferred on Parliament by subsection (1) of this section shall not extend to the dignity of a chief or traditional ruler.
- 4) Except with the prior consent of the Head of State –
 - a) a person who is a citizen of the Southern Cameroon; and
 - b) any other person who is a member of the Public service of the Southern Cameroon or the armed forces shall not accept a title of honour, decoration or other dignity (other than a distinction conferred by, or attaching to an award or appointment made by, an educational, professional or scientific body) from an authority of a country other than the Southern Cameroon

Income tax and estate

- 76.** (1) Parliament may make laws for the Southern Cameroon or any part thereof with respect to taxes on the income and profits of companies
- 2) Parliament may make laws for the Southern Cameroon or any part thereof with respect to taxes on income and profit other than the income and profits of companies for the purpose of –
 - a) implementing any treaty, convention or agreement between the Southern Cameroon and any other countries or any arrangement with or decision of an international organization of which the Southern Cameroon is a member with respect to taxes on income and profits;
 - b) securing uniform principles for the taxation of income and profits accruing to persons in Southern Cameroon from countries other than Southern Cameroon and of income and profits derived from Southern Cameroon by persons outside the Southern Cameroon.
 - c) securing uniform principles for the computation of income and profits of all persons (including members of partnerships) for purposes of assessment of tax and for the treatment of losses, depreciation of assets and contributions to pension or provident funds or schemes;
 - d) regulating the liability to tax of persons within Southern Cameroon by reference to their places of residence or otherwise for the purpose of ensuring that any income or profit does not bear tax under the laws of more than one territory.
 - e) providing, for the exemption from liability to tax in respect of all or part of the income or profits of any person or class of person;
 - f) obtaining information with respect to income or profits from any source and providing for the exchange of information between different tax authorities; and
 - g) providing, for the establishment and regulation of authorities empowered to promote uniformity of taxation and to discharge such other functions relating to the taxation of income and profits as may be conferred upon them in pursuance of any such agreement.
 - 3) Parliament may make laws for Southern Cameroon or any part thereof with respect to taxes on the estates of deceased persons and the succession to their property..
 - 4) The powers conferred upon Parliament by subsections (2) and (3) of this section shall not extend to the imposition of any tax or penalty or the prescribing of rates of tax or personal allowances and reliefs.
 - 5) In this section references to the income and profits of companies are references to the income and profits of any company or other corporation (other than a corporation sole) established by or under any law in force in the Southern Cameroon.

Trade and Commerce

- 77.** (1) Parliament may make laws for the Southern Cameroon or any part thereof with respect to trade and commerce between Southern Cameroon and other countries and internal trade and commerce, including (without prejudice to the generality of the foregoing power) the export of commodities from the Southern Cameroon, the import of commodities into Southern Cameroon, the establishment and enforcement of grades and standards of quality for commodities to be exported from Southern Cameroon .
- 2) For the purposes of this section Parliament may-
 - a) confer on any person or authority exclusive power to acquire from a purchasing authority established for any area by any commodity for export from the Southern Cameroon, to export any commodity from Southern Cameroon or to sell any commodity outside Southern Cameroon.

- b) make provision for the inspection of commodities to be exported from the Southern Cameroon at the port of shipment from Southern Cameroon and for the enforcement of grades and standards of quality in respect of commodities so inspected

Banks and banking.

78. (1) Parliament may make laws for Southern Cameroon or any part thereof with respect to banks and banking.

Electricity and gas

79. (1) Parliament may make laws for Southern Cameroon or any part thereof with respect to electricity and / or gas;

Authorities empowered to administer trusts and estates

- 80 Parliament may make laws for the Southern Cameroon or any part thereof establishing and regulating authorities for the state with powers-

- a) to administer trusts; or
b) to apply for grants of representation in respect of the estates of deceased persons and to administer such estates;

Exhibition of Cinematograph Films

- 81 Parliament may make laws for Southern Cameroon or any part thereof establishing and regulating authorities for the State with power to carry out censorship of cinematograph films and to prohibit or restrict the exhibition of such films:

CHAPTER VI

EXECUTIVE POWERS that should come before the chapter for the Legislative

Exercise of executive authority

Establishment of office of Prime Minister and Head of Government

82. 1) There shall be a Prime Minister and Head of Government **are these 2 persons?** of the Southern Cameroon who shall be appointed by the Head of State, **that is not good when the Head of State determines the second and third most powerful persons in State** acting in his discretion, from members of the House of Assembly.
- 2) Whenever the Head of State has occasion to appoint a Prime Minister, he shall appoint a member of the House of Assembly who appears to him likely to command the support of the majority of the members of the House. **Where is democracy here? Head of State and Prime Minister shall be directly elected by the people or at least by the National Assembly.**

83. Exercise of Executive authority

- 1) The executive authority of the Southern Cameroon shall be vested in the Prime Minister and, subject to the provisions of this Constitution, may be exercised by him either directly or through officers subordinate to him
- 2) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the Prime Minister.

84. Extent of Executive Authority

The Executive authority shall extend to the execution and maintenance of this Constitution and to all matters with respect to which Parliament has for the time being power to make laws.

Ministers of government

- 85) There shall be, in addition to the office of Prime Minister, such other offices of Ministers of the Government of Southern Cameroon as may be established by this Constitution or by Parliament or, subject to the provisions of any Act of Parliament, or by the Head of State, acting in accordance with the advice of the Prime Minister. **Shouldn't it be defined which ministries the State needs and what kind of powers they each have first?**
- 2) Appointment to the office of Minister of the Government of the Southern Cameroon other than the office of Prime Minister shall be made by the Head of State, acting in accordance with the advice of the Prime Minister. **If two persons lead the cabinet, that leads to permanent fight.**
- 3) A person who holds office as a Minister of the Government of the Southern Cameroon for any period of four consecutive months without also being a Senator or a member of the House of Assembly shall cease to be a Minister at the expiration of that period or, if that period expires at a

time when Parliament is dissolved and he does not in the meantime become a Senator or a member of the House of Assembly, at the date on which Parliament first meets after that dissolution.

- 4) A person who holds office as a Minister of the Government of the Southern Cameroon and who is at no time while holding that office also a Senator or a member of the House of Assembly shall not be qualified for reappointment as such a Minister before Parliament is next dissolved after he ceases to hold that office, unless in the meantime he has become a Senator or a member of the House of Assembly.
- 5) The office of Prime Minister shall become vacant.
 - a) when, after any dissolution of the House of Assembly, the Prime Minister is informed by the Head of State that the Head of State is about to re-appoint him as Prime Minister or to appoint another person as Prime Minister; or
 - b) if he ceases to be a member of the House of Assembly otherwise than by reason of a dissolution of Parliament.
- 6) The office of a Minister of the Government of the Southern Cameroon other than the Prime Minister shall become vacant if the office of Prime Minister becomes vacant.
- 7) Subject to the provisions of subsection (9) of this section, the Ministers of the Government of the Southern Cameroon other than the Prime Minister, shall hold office during the Head of State pleasure; but the Head of State shall not remove such a Minister from office except in accordance with the advice of the Prime Minister.
- 8) If on any occasion the office of Prime Minister becomes vacant at a time when Parliament is dissolved, then-
 - a) subsection (2) and (9) of this section and paragraph (b) of subsection (2) of section 87 of this Constitution shall not apply as respect that occasion; and
 - b) the Head of State shall appoint a member of the Council of Ministers as the Prime Minister; and if a dissolution of Parliament takes place at a time when the office of Prime Minister is vacant, the Head of State shall, without regard to the provisions of subsection (2) of this section, appoint as Prime Minister a person who was a member of the Council of Ministers immediately before the vacancy occurred.

Attorney General of the Southern Cameroon

- 86** (1) There shall be an Attorney-General of the Southern Cameroon who shall be a Minister of the Government.. **He shall not be a minister but stand above all ministers!**
- 2) Subject to the provisions of section 52 of this Constitution, the Attorney-General of the Southern Cameroon shall be a member of the House of Assembly by virtue of this subsection if he is not a Senator and is not such a member apart from this subsection.
 - 3) If the person holding that office is for any reason unable to perform the functions conferred upon him by this constitution or any other law, those functions (other than functions as a member of the House of Assembly) may be performed by such other person, whether or not that person is a Minister, as may from time to time be designated in that behalf by the Head of State acting in accordance with the advice of the Prime Minister.
 - 4) A person shall not be qualified to hold or perform the functions of the office of Attorney-General of the Southern Cameroon unless he is qualified for admission as an advocate in Southern Cameroon and has been so qualified for not less than ten years.

Establishment of Council of Ministers

- 87.** (1) There shall be a Council of Ministers for the Southern Cameroon, whose functions shall be to advise the Head of State and the government of the Southern Cameroon and which shall consist of the Prime Minister and such other persons, being Ministers of the Government of the Southern Cameroon, as the Head of State, acting in accordance **and contradiction!** with the advice of the Prime Minister, may from time to time appoint.
- 2) A person appointed as a member of the Council of Ministers shall vacate his seat in the Council if he ceases to be a Minister of the Government of the Southern Cameroon or if the Head of State, acting in accordance with the advice of the Prime Minister, so directs.

Collective responsibility

- 88** – (1) The Council of Minister shall be collectively responsible to Parliament for any advice given to the Head of State by or under the general authority of the Council and for all things done by or under

the authority of any Minister of the Government of the Southern Cameroon in the execution of his office.

- 2) The provisions of this section shall not apply in relation to –
 - a) The appointment and removal from office of Ministers of the Government of the Southern Cameroon, members of the Council of Ministers and Parliamentary Secretaries to Ministers, the assignment of portfolios to Ministers or the authorization of another member of the Council of Ministers to perform the functions of the Prime Minister in pursuance of section 90 of this Constitution;
 - b) the dissolution of Parliament; or
 - c) the matters referred to in section 97 of this Constitution;
or
 - d) The exercise of the powers conferred on the Attorney- General of the Southern Cameroon by section 100 of this Constitution.

Allocation of portfolios to Ministers

- 89.** The Head of State, acting in accordance with the advice of the Prime Minister, may assign to the Prime Minister or any other Minister of the Government responsibility for any business of the Government of the Southern Cameroon, including the administration of any department of government. **So who has the power over the business parts of the government, the Head of State or the Prime Minister?**

Performance of functions of Prime Minister during absence, etc

- 90** (1) Whenever the Prime Minister is absent from Southern Cameroon or is for any other reason unable to perform the functions conferred upon him by this Constitution, the Head of State may authorize some other member of the Council of Ministers to perform those functions (other than the functions conferred by this section) and that member may perform those functions until his authority is revoked by the Head of State.
- 2) the powers of the Head of State under this section shall be exercised by him in accordance with the advice of the Prime Minister;

Provided that if the Head of State considers that it is impracticable to obtain the advice of the Prime Minister owing to his absence or illness he may exercise those powers without that advice.

Exercise of powers of Head of State

- 91** (1) Subject to subsection (2) of this section, in the exercise of his functions under this Constitution or any other law the Head of State shall act in accordance with the advice of the Council of Ministers or a Minister of the Government acting under the general authority of the Council of Ministers.

Provided that the Head of State shall act in accordance with his own deliberate judgment in the performance of the following functions –

- a) in the exercise of the power to refuse to dissolve Parliament conferred upon him by subsection (4) of section 70 of this Constitution;
 - b) in the exercise of the powers to appoint the Prime Minister conferred upon him by subsections (2) of 87.
 - c) in the exercise of the powers conferred upon him by section 90 of this Constitution in the circumstances described in the provision to subsection (2) of that section; and
 - d) in signifying his approval for the purposes of section 134 of this Constitution of an appointment to an office on his personal staff.
- 2) Nothing in subsection (1) of this section shall apply to functions conferred upon the Head of State by any of the following provisions of this Constitution, that is to say, , section 92, subsection (2) of section 113, **So many exceptions and referrals that nobody knows the actual powers of the Head of State anymore**
 - 3) Where by this Constitution the Head of State is required to act in accordance with the advice of any person or authority, the question whether he has in any case received, or acted in accordance with, such advice shall not be enquired into in any court of law.

Head of State to be informed concerning matters of government

- 92.** The Prime Minister shall keep the Head of State fully informed concerning the general conduct of the government of the Southern Cameroon and shall furnish the Head of State with such information as he may request with respect to any particular matter relating to the government of the Southern Cameroon.

Parliamentary Secretaries

93. (1) The Head of State, acting in accordance with the advice of the Prime Minister, may appoint Parliamentary Secretaries from among the Senators and the members of the House of Assembly to assist Ministers of the Government in the performance of their duties.
- 2) The office of a Parliamentary Secretary shall become vacant –
- if he ceases to be a member of one or other House of Parliament otherwise than by reason of a dissolution of Parliament;
 - if the office of Prime Minister becomes vacant, or
 - If the Head of State, acting in accordance with the advice of the Prime Minister, so directs.

Oaths to be taken by Ministers, etc

94. A member of the Council of Ministers, Minister of the Government or Parliamentary Secretary to such a Minister shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

Permanent Secretaries

95. Where any Minister of the Government of the Southern Cameroon has been charged with responsibility for any department of government, he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a permanent Secretary, whose office shall be an office in the public service of the Southern Cameroon. **So who is in control of the ministry now, the minister or the permanent secretary?**

Provided that two or more government departments may be placed under the supervision of one permanent secretary.

Constitution of offices.

- 96 Subject to the provisions of this Constitution and of any Act of Parliament, the Head of State may, in accordance with the advice of the Prime Minister, constitute Offices for the Southern Cameroon government, make appointments to any such office and terminate any such appointment. **So how many offices, delegations, commissions, ministries, secretariats, chairs, councils, inspectors ... does the State actually need?**

Prerogative of mercy

- 97 (1) The Head of State, may –
- grant to any person concerned in or convicted of any offence created by or under an Act of Parliament a pardon, either free or subject to lawful conditions; **is it really democratic and lawful if any person in the state can pardon anybody at his own will?**
 - grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence;
 - Substitute a less severe form of punishment for any punishment imposed on that person for such an offence; or
 - remit the whole or any part of any punishment imposed on that person for such an offence or of any penalty or forfeiture otherwise due to the state on account of such an offence.
- 2) Subject to the provisions of subsection (3) of this section, the powers of the Head of State under subsection (1) of this section shall be exercised by him in accordance with the advice of such member of the Council of Ministers as may from time to time be designated in that behalf by the Head of State, acting in accordance with the advice of the Prime Minister.
- 3) In relation to persons concerned in offences against naval, military or air-force law or convicted or sentenced by courts-martial, the Head of State, acting in accordance with the advice of the Prime Minister other than the member designated for the purposes of subsection (2) of this section and at any time when there is another member so designated the powers of the Head of State under subsection (1) of this section shall, in relation to such persons, be exercised in accordance with the advice of that other member.
- 4) The provisions of this section shall apply-
- in relation to any offence created by or under any law in force, not being an offence created by or under an Act of Parliament; and
 - in relation to any offence created by or under any law in force relating to any matter included in the Legislative List, not being an offence created by or under an Act of Parliament or, as they apply in relation to an offence created by or under an Act of Parliament.

Establishment of Advisory Council on prerogative of Mercy.

- 98** – (1) There shall be for the Southern Cameroon an Advisory Council on the prerogative of Mercy, which shall consist of –
- a) such member of the Council of Ministers as may for the time being be designated under subsection (2) of this section of the Constitution, who shall be chairman;
 - b) where the chairman is a Minister other than the Attorney-General, the Attorney-General; and
 - c) not less than five nor more than seven other members, who shall be appointed by the Head of State, acting in accordance with the advice of the Prime Minister of whom at least one shall be a person who is a qualified medical practitioner.
- 2) A person shall not be qualified for appointment by the Head of State as a member of the Advisory Council if he is a member of either House of Parliament or a Minister of the Government. **Why?**
- 3) A member of the Advisory Council appointed by the Head of State shall hold office for three years;

Provided that his seat on the Council shall become vacant-

- a) if any circumstance arises that, if he were not a member of the Council, would cause him to be disqualified for appointment as such a member; or
- b) if he is removed from office by the Head of State, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour. **So when the Head of State can dismiss any Council as soon as he doesn't like their advice anymore, for what do we need a council?**

Functions of Advisory Council

- 99** – (1) Where any person has been sentenced to death by any court of law in Southern Cameroon other than a court-martial for any offense created by or under an Act of Parliament, the member of the Council of Ministers designated under subsection (2) of section 91 of this Constitution shall cause a written report of the case from the trial judge, together with other information derived from the record of the case or elsewhere as the member may require, to be taken into consideration at a meeting of the Advisory Council; and after obtaining the advice of the Council the member shall decide in his own deliberate judgment whether to recommend to the Head of State that he should exercise any of his powers under that section in relation to that person.
- 2) The member of the Council of Ministers designated under subsection (2) of section 91 of this Constitution may consult the Advisory Council before making any recommendation to the Head of State under that subsection in any case not falling within subsection (1) of this section, but shall not be obliged to act in accordance with the advice of the Advisory Council.
- 3) The Advisory Council may regulate its own procedure.

Public prosecutions

- 100.** (1) There shall be a Director of Public Prosecutions for the Southern Cameroon whose office shall be an office in the Public Service of the Southern Council and, without prejudice to the provisions of this Constitution relating to the Public Service Commission of the Southern Cameroon, an office in the department of government for which responsibility is assigned to the Attorney-General.
- 2) The Attorney-General shall have power in any case in which he considers it desirable so to do – **no, not in any case!**
- a) to institute and undertake criminal proceedings against any person before any court of law in Southern Cameroon other than a court-martial in respect of any offense created by or under any Act of Parliament; **and who is court marshalling the Attorney General if he becomes criminal or bribed?**
 - b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and
 - c) to discontinue at any stage before judgment is delivered in any such criminal proceedings instituted or undertaken by himself or any other person or authority.
- 3) The powers of the Attorney-General under subsection (2) of this section may be exercised by the Attorney-General in person and through the Director of Public Prosecutions, acting under and in accordance with the general or special instructions of the Attorney-General, and through other officers of the department mentioned in subsection (1) of this section, acting under and in accordance with such instructions.
- 5) The powers conferred upon the Attorney-General by paragraphs (b) and (c) of subsection (2) of this section shall be vested in him to the exclusion of any other person or authority; Provided that, where any other person or authority has instituted criminal

proceedings nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

- 6) In the exercise of the powers conferred upon the Attorney-General by this section, the Attorney-General shall not be subject to the direction or control of any other person or authority.
- 7) For the purpose of this section any appeal from any determination in any criminal proceedings before any court of law or any case stated or question of law reserved for the purpose of any such proceedings to any other court shall be deemed to be part of those proceedings.
- 8) The provisions of this section shall apply-
 - a) in relation to any offense created by or under any law in force in the Southern Cameroon, not being an offense created by or under an Act of Parliament; and
 - b) in relation to any offense created by or under any law relating to any matter included in the Legislative List not being an offense created by or under an Act of Parliament, as they apply in relation to an offense created by or under an Act of Parliament.

CHAPTER VII POLICE

Establishment of a Southern Cameroon Police Force.

- 101.** (1) There shall be a police force for the Southern Cameroon, which shall be styled? the Southern Cameroon Police Force.
- 2) Subject to the provisions of this Constitution, the Southern Cameroon Police Force shall be organized and administered in accordance with such provision as may be made in that behalf by Parliament.
 - 3) Subject to the provisions of this Constitution, the members of the Southern Cameroon Police Force shall have such powers and duties as may be conferred upon them by any law in force in Southern Cameroon.
 - 4) Subject to the provisions of this section, no police forces other than the Southern Cameroon Police Force shall be established for Southern Cameroon or any part thereof.
 - 5) Parliament may make provision for police forces forming part of the armed forces of the Southern Cameroon or for the protection of harbours, waterways, and airports.
 - 6) Parliament may make provisions for the maintenance by any local authority within the Southern Cameroon of a police force for employment within the Southern Cameroon.

Control of Southern Cameroon Police Force

- 102.** 1) There shall be an Inspector-General of the Southern Cameroon Police and a Commissioner of Police for each County, whose offices shall be offices in the Public service of the Southern Cameroon.
- 2) The Southern Cameroon Police Force shall be under the command of the Inspector-General of the Southern Cameroon Police and any contingents of the Southern Cameroon Police Force stationed in a County, subject to the authority of the Inspector-General of the Southern Cameroon Police, be under the command of the Commissioner of Police of that County.
 - 3) The Prime Minister or such other Minister of the Government as may be authorized in that behalf by the Prime Minister **and the Attorney General?** may give to the Inspector-General of the Southern Cameroon Police such directions with respect to the maintaining and securing of public safety and police order as he may consider necessary and the Inspector –General shall comply with those directions or cause them to be complied with.
 - 5) The question whether any, and if so what, directions have been given under subsection (3) of this section shall not be enquired into by any court.

Establishment of Southern Cameroon Police Council so the Judiciary as nothing to say above the Police?

- 103.** (1) There shall be a Southern Cameroon Police Council, which shall consist of-
- a) such Minister of the Government who shall be chairman, as may for the time being be designated in that behalf by the Head of State, acting in accordance with the advice of the Prime Minister.
 - c) the chairman of the Police Service Commission of the Southern Cameroon.

- 2) The Inspector-General of the Southern Cameroon Police or such other officer of the Southern Cameroon Police Force as he may designate shall attend the meetings of the Southern Cameroon Police Council and, save for the purpose of voting, may take part in the proceedings of the Council

Functions of the Southern Cameroon Police Council

- 104 (1) The organization and administration of the Southern Cameroon Police Force and all other matters relating thereto (not being matters relating to the use and operational control of the force or the appointment, disciplinary control and dismissal of members of the force) shall be under the general supervision of the Southern Cameroon Police Council.
- 2) The Prime Minister shall cause the Southern Cameroon Police Council to be kept fully informed concerning the matters under its supervision and shall cause the Council to be furnished with such information as the Council may require with respect to any particular matter under its supervision.
- 3) The Southern Cameroon Police Council may make recommendations to the Government of the Southern Cameroon with respect to any matter under its supervision, and if in any case the Government acts otherwise than in accordance with any such recommendation it shall cause a statement containing that recommendation and its reasons for acting otherwise than in accordance with that recommendation to be laid before both Houses of Parliament.

Establishment of Police Service Commission

105. (1) There shall be a Police Service Commission of the Southern Cameroon, which shall consist of a chairman and not less than two nor more than four other members.
- 2) The members of the Police Service Commission of the Southern Cameroon shall be appointed by the Head of State, acting in accordance with the advice of the Prime Minister.
- 3) A person shall not be qualified to hold office as a member of the Police Service Commission if he is a member of either House of Parliament.
- 4) Subject to the provisions of this section, a member of the Police Service Commission shall vacate his office-
 - a) at the expiration of five years from the date of his appointment; or
 - b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such a member.
- 5) A member of the Police Service Commission may be removed from office by the Head of State acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.
- 6) A member of the Police Service Commission shall not be removed from office except in accordance with the provisions of this section.

Appointments to the Southern Cameroon Police Force etc

106. (1) Power to appoint persons to hold or act in offices in the Southern Cameroon Police Force (including power to make appointments on promotion and transfer and to confirm appointments), to dismiss, and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Service Commission of the Southern Cameroon.

Provided that the Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its powers under this section to any of its members or to the Inspector General of the Southern Cameroon Police or any other member of the Southern Cameroon Police Force.

- 2) Before making any appointment to the office of Inspector-General of the Southern Cameroon Police or removing the Inspector-General from office the Police Service Commission shall consult the Prime Minister.

CHAPTER VIII ARMED FORCE OF THE SOUTHERN CAMEROON

Establishment of the Southern Cameroon Armed Force

107. 1) The Southern Cameroon shall, subject to an Act of Parliament made in that behalf, establish, equip and maintain an Army, a Navy, an Air Force and such other branches of the armed forces as may be considered adequate and effective for the purpose of-
- (a) defending the Southern Cameroon from aggression;
 - (b) maintaining its territorial integrity and securing its borders from violation on land, sea, and air.
 - (c) suppressing insurrection and acting in aid of civil Authorities to restore order when called upon to do so by the Head of State but subject to such conditions as may be prescribed by an Act of Parliament and ;
 - (d) performing such other functions as may be prescribed by an Act of Parliament.
- 2) The composition of the officer corps and other ranks of the armed forces shall reflect the national character essential for the unity of the Southern Cameroon.

Command and Operational Use

108. 1) The power of the Head of State as the Commander-in-chief of the Armed Forces shall be exercised in accordance with the advice of the Prime Minister who shall determine the operational use of the Armed Forces.
- 2) The power conferred on the Head of State by subsection one of this section shall include power to appoint, in accordance with the advice of the Prime Minister, the Chief of the Defence Staff, Head of the Army, head of the Navy, head of the Air Force, and Head of such other branches of the Armed Forces as may be established by an Act of Parliament.
- 3) Parliament shall have power to make laws for the regulation of –
- a) the powers exercisable by the Head of State as Commander-in-Chief of the Armed Forces of the Southern Cameroon; and,
 - b) the appointment, promotion and disciplinary control of members of the armed forces.

Establishment of a body to ensure national character of Armed Forces

109 Parliament shall –

- (1) In giving effect to the functions specified in section 107 of this constitution; and
 - (2) With respect to the powers exercisable by the Head of State
- Under section 108 of this constitution

by an Act, establish a body which shall comprise such members as Parliament may determine, and which shall have power to ensure that the composition of the armed forces shall reflect the national character of the Southern Cameroon armed forces in the manner prescribed in the said section 107 of this Constitution.

Compulsory military service

110. 1 Southern Cameroon shall establish and maintain adequate facilities for carrying into effect any Act of Parliament providing for compulsory military training or military service for citizens of Southern Cameroon.
- 2) Until an Act of Parliament is made in that behalf the State may maintain adequate facilities in any secondary or post-secondary institution in the Southern Cameroon for giving military training in any such institution which desires to have the training.

CHAPTER IX COURTS

Part 1 – Supreme Court of the Southern Cameroon

111. Establishment of Supreme Court

- 1) There shall be a Supreme Court of the Southern Cameroon

- 2) The judges of the Supreme Court shall be-
 - a) the Chief Justice of the Southern Cameroon; and
 - b) such number of Justices of the Supreme Court (not being less than five) as may be prescribed by Parliament.
- 3) The Supreme Court shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.
- 4) The Supreme Court shall sit in Buea and in such other places in Southern Cameroon as the Chief Justice of the Southern Cameroon may appoint.

Appointment of judges of the Supreme Court.

- 112** – (1) The Chief Justice of the Southern Cameroon and the Justices of the Supreme Court shall be appointed by the Head of State, acting in accordance with the advice of the Prime Minister.
- 2) A person shall not be qualified to hold the office of Chief Justice of the Southern Cameroon or a Justice of the Supreme Court unless-
 - a) He is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from any such court, or
 - b) he is qualified for admission as an advocate in Southern Cameroon and he has been so qualified for not less than ten years;
 provided that in computing the period during which any person has been qualified for admission as an advocate any period during which he has held office as a judge or magistrate after becoming so qualified shall be included.
 - 3) If the office of Chief Justice of the Southern Cameroon is vacant or if the person holding the office is for any reason unable to perform the functions of the office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding the office has resumed those function, as the case may be, those functions shall be performed by such one of the Justices of the Supreme court as may from time to time be designated in that behalf by the Head of State, acting in accordance with the advice of the Prime Minister.
 - 4) If the office of any Justice of the Supreme Court is vacant or if the person holding the office is acting as Chief Justice of the Southern Cameroon or is for any reason unable to perform the functions of his office, the Head of State, acting in accordance with the advice of the Prime Minister, may appoint a person qualified to hold the office of a Justice of the Supreme Court to act in the office of a Justice of the Supreme Court, and any person so appointed shall continue to act for the period of the appointment or if no period is specified until his appointment is revoked by the Head of State, acting in accordance with the advice of the Prime Minister;
- Provided that a person may act as a Justice of the Supreme Court notwithstanding that he has attained the age prescribed for that purpose.

Tenure of offices of judges of Supreme Court

- 113** – (1) Subject to the provisions of this section, a person holding or appointed to act in the office of Chief Justice of the Southern Cameroon or a Justice of the Supreme Court shall vacate that office when he attains such age as may be prescribed by Parliament.

Provided that the Head of State, acting in accordance with the advice of the Prime Minister, may permit a judge to continue in his office or appointment for such period after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

- 2) A person holding or appointed to act in the office of Chief Justice of the Southern Cameroon or a Justice of the Supreme Court shall be removed from his office or appointment by the Head of State if
 - a) there are present to the Head of State addresses from both Houses of Parliament praying that that person be so removed for inability to discharge the functions of the office in question (whether arising from infirmity of mind or body or any other cause) or for misbehaviour; and
 - b) the address from each House bears a certificate which is signed by the person who presided at the meeting of that House at which the motion for the address was passed and which states that not less than two-thirds of all the members of that House voted in favour of the motion;

and, except on the revocation in pursuance of section 112 of this Constitution of an appointment to act as aforesaid, a person holding or appointed to act in such an office shall not be removed from his office or appointment in any other circumstances.

Original jurisdiction of Supreme Court

- 114 (1) The Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute between the State and a County or between Counties and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends.
- 2) In addition to the jurisdiction conferred upon it by subsection (1) of this section, the Supreme Court shall have such original jurisdiction as may be conferred upon it by any Action of Parliament;

Provided that no original jurisdiction shall be conferred upon the Supreme Court with respect to any criminal matter.

- 3) Provision may be made by Act of Parliament for securing that, during any period of emergency within the meaning of section 66 of this Constitution, the jurisdiction exercisable by the High Court by virtue of section 34 of this Constitution, the jurisdiction exercisable by the High Court by virtue of 34 of this Constitution shall be exercisable, either generally or in relation to parliament matters, by the Supreme Court to the exclusion of the court aforesaid; and references in subsection (3) of the said section 34 to the High Courts shall be construed accordingly.
- 4) An Act of Parliament passed in pursuance of subsection (3) of this section shall not be treated for the purposes of the provision to subsection (1) of section 4 of this Constitution as altering the said section 34.

Questions as to interpretation of this Constitution.

- 115 – (1) Where any question as to the interpretation of this Constitution arises in any proceedings in any court of law in any part of the Southern Cameroon (other than the Supreme Court, the High Court or a court-marital and the court is of opinion that the question involves a substantial question of law, the court may, and shall if any party to the proceedings so requests, refer the question to the High Court having jurisdiction in that part of the Southern Cameroon; and the High Court shall-
- a) if it is of opinion that the question involves a substantial question of law, refer the question to the Supreme Court; or
- b) if it is of opinion that the question does not involve a substantial question of law, remit the question to the court that made the reference to be disposed of in accordance with such directions as the High Court may think fit to give.
- 2) Where any question is referred to the Supreme Court in pursuance of this section, the Supreme Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision.

Advisory jurisdiction of Supreme Court

116. Parliament may confer jurisdiction upon the Supreme Court to consider and advise on any question upon which the Head of State desires the assistance of the court for the purpose of deciding whether or not any of the powers vested in him by section 91 of this constitution should be exercised.

Appeals to Supreme Court from High Courts

- 117 (1) The Supreme Court shall have jurisdiction, to the exclusion of any other court of law in Southern Cameroon, to hear and determine appeals from the High Court of a county
- 2) An appeal shall lie from decisions of the High Court of a County to the Supreme Court as of right in the following cases –
- a) final decisions in any civil proceedings before the High Court sitting at first instance;
- b) where the ground of appeal involves questions of law alone, decisions in any criminal proceedings before the High Court sitting at first instance;
- c) decisions in any civil or criminal proceedings on questions as to the interpretation of this Constitution
- d) decisions in any civil or criminal proceedings on questions as to the interpretation of this Constitution;

- d) decisions in any civil or criminal proceedings on questions as to whether any of the provisions of Chapter 105 of this Constitution has been contravened in relation to any person;
 - e) decisions in any criminal proceedings in which any person has been sentenced to death by the High Court or in which the High Court has affirmed a sentence of death imposed by some other court; and
 - f) such other cases as may be prescribed by any law in force;
- Provided that nothing in paragraph (a) of this subsection shall confer any right of appeal-
- i) from any order made ex parte;
 - ii) from any order relating only to costs;
 - iii) from any order made with the consent of the parties; or
 - iv) in the case of a party to proceedings for dissolution or nullity of marriage who, having had time and opportunity to appeal from any decree nisi in such proceedings, has not so appealed, from any decree absolute founded upon such a decree nisi.
- 3) An appeal shall lie from decisions of the High Court of a territory to the Supreme Court as of right in the following cases -
- a) decisions on any such question as is referred to in section 54 of this Constitution; or
 - b) decisions on any question whether any person has been validly selected or elected as a member of a legislative house.
- 4) Subject to the provisions of subsections (2) and (3) of this section, and appeal shall lie from decisions of the High Court of a County to the Supreme Court with the leave of the Supreme Court in the following cases –
- a) Where the ground of appeal involves questions of fact, mixed law and fact or quantum of sentence, decisions in any criminal proceedings before the High Court sitting at first instance;
 - b) any case in which, but for the terms of the provision to subsection (2) of this section, an appeal would lie as of right to the Supreme Court by virtue of paragraph (a) of that subsection;
 - c) decisions in any civil or criminal proceedings in which an appeal has been brought to the High Court from some other court; and
 - d) such other cases as may be prescribed by any law in force in the territory.
- 5) The Supreme Court may dispose of any application for leave to appeal from any decision of the High Court in respect of any civil or criminal proceedings in which an appeal has been brought to the High Court from some other court upon consideration of the record of the proceedings if the Supreme Court is of opinion that the interests of justice do not require an oral hearing of the application.
- 6) Any right to appeal to the Supreme Court from the decisions of the High Court of a County conferred by this section-
- a) shall be exercisable in the case of civil proceedings at the instance of a party thereto or, with the leave of the High Court or the Supreme Court at the instance of any other person having an interest in the matter and in the case of subject to the provisions of section 94 of this Constitution
 - b) shall be exercised in accordance with any Acts of Parliament and rules of court for the time being in force regulating the powers, practice and procedure of the Supreme Court.
- 7) In this section “decision” means, in relation to the High Court of a County, any determination of that High Court and includes without prejudice to the generality of the foregoing provisions of this subsection, a judgment, decree, order, conviction, sentence (other than a sentence fixed by law) or recommendation.

Determinations of Supreme Court to be final

118. Without prejudice to the provisions of section 91 of this Constitution, no appeal shall lie to any other body or person from any determination of the Supreme Court.

Powers, practice and procedure of Supreme Court

- 119 The decisions of the Supreme Court shall be enforced in any part of the Southern Cameroon by the High Court having jurisdiction in that part of Southern Cameroon and by all persons, authorities and other courts of law in that part as if they were decisions of that High Court.

Oaths to be taken by judges

- 120 A judge of the Supreme Court or the High Court shall not enter upon the duties of this office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

Part Two the High Court

Establishment of High Court

- 121 1) There shall be a high court for the Southern Cameroon.
2) The Judges of the High Court shall be-
(a) The Chief Justice.
(b) Such number of other judges (not being less than five) as may be prescribed by Parliament.
3) The High Court shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a Court.

Appointment of judges of High Court

122. (1) The Chief Justice and the other judges of the High Court shall be appointed by the Head of State, acting in accordance with the advice of the Prime Minister.
2) A person shall not be qualified to hold the office of a judge of the High Court unless –
a) he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from any such court; or
b) he is qualified for admission as an advocate in Southern Cameroon and he has been so qualified for not less than ten years;
Provided that in computing the period during which any person has been qualified for admission as an advocate any period during which he has held office as a judge or magistrate after becoming so qualified shall be included.
3) If the office of Chief Justice is vacant or if the person holding the office is for any reason unable to perform the functions of his office, then until a person has been appointed to and has assumed the functions of that office or until the person holding the office has resumed those functions as the case may be, those functions shall be performed by such one of the other judges of the High Court as may from time to time be designated in that behalf by the Head of State, acting in accordance with the advice of the Prime Minister.
4) If the office of any judge of the High Court other than the Chief Justice is vacant or if the person holding the office is acting as Chief Justice or is for any reason unable to perform the functions of his office, the Head of State, acting in accordance with the advice of the Prime Minister, may appoint a person with such qualification as may be prescribed by Parliament to act in the office of a judge of the High Court; and any person so appointed shall continue to act for the period of the appointment or if no period is specified until his appointment is revoked by the Head of State acting in accordance with the advice of the Prime Minister.

Tenure of office of judges of High Court

- 123 – (1) Subject to the Provisions of this section, a person holding or appointed to act in the office of Chief Justice or any other judge of the High Court shall vacate his office or appointment when he attains such age as may be prescribed by Parliament.

Provided that the Head of State, acting in accordance with the advice of the Prime Minister, may permit a judge to continue in his office or appointment for such period after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

- 2) A person holding or appointed to act in the office of a judge of the High Court shall be removed from his office or appointment by the Head of State if -
a) there are presented to the Head of State addressed from both Houses of Parliament praying that that person be so removed for inability to discharge the functions of the office in question (whether arising from infirmity of mind or body or any other cause) or for misbehaviour; and
b) the address from each House bears a certificate which is signed by the person who presided at the meeting of that House at which the motion for the address was passed and which states that not less than two-thirds of all the members of that House voted in favour of the motion;

and, except on the revocation in pursuance of section 115 of this

Constitution of an appointment to act as aforesaid, a person holding or appointed to act in such an office shall not be removed from his office or appointment in any other circumstances.

Appeals to High Court from subordinate courts.

124 (1) An appeal shall lie from decisions of a subordinate court to the High Court as of right or, if it is provided by parliament that an appeal as of right shall lie from that subordinate court to another subordinate court, an appeal shall thereafter lie to the High Court as of right in the following cases-

- (1) Where the matter in dispute on the appeal to the High Court is of the value of fifty Southern Cameroon pounds or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the value of fifty pounds or upwards, final decisions in any civil proceedings;
 - (2) Where the ground of appeal to the High Court involves questions of law alone, decisions in any criminal proceedings in which any person has been sentenced to imprisonment for a term exceeding three months or corporal punishment exceeding six strokes or a fine or forfeiture exceeding twenty-five Southern Cameroon pounds by the subordinate court from which the appeal lies to the High Court or that subordinate court has affirmed or substituted such a sentence;
 - (3) Decisions in any civil or criminal proceedings or questions as to the interpretation of this Constitution;
 - (4) Decisions in any civil or criminal proceedings on questions as to whether any of the provisions of Chapter III of this Constitution has been contravened in relation to any person;
 - (5) Decisions in any criminal proceedings in which any person has been sentenced to death by the subordinate court from which the appeal lies to the High Court or in which that subordinate court has affirmed a sentence of death;
 - (6) Decisions in any other criminal proceedings before a subordinate court sitting at first instance from which no appeal lies as of right to another subordinate court; and
 - (7) Such other cases as may be prescribed by Parliament;
- 2) An appeal shall lie from decisions of a subordinate court to the High Court with the leave of the High Court or, if it is provided by Parliament that an appeal shall lie from that subordinate court to another subordinate court, an appeal shall thereafter lie to the High Court with the leave of the High Court in the following cases-
- a) decisions in any criminal proceedings from which no appeal lies as of right to the High Court; and
 - b) such other case in which no appeal lies as of right to the High Court as may be prescribed by Parliament.
- 3) Any right of appeal from decisions of subordinate court to the High Court conferred by this section-
- a) shall be exercisable in the case of civil proceedings at the instance of a party thereto or, with the leave of the High Court, at the instance of any other person having an interest in the matter and in the case of criminal proceedings at the instance of the accused person or, subject to the provisions of section 96 of this Constitution, at the instance of such other persons or authorities as may be prescribed by Parliament; and
 - b) shall be exercised in accordance with any laws and rules of court for the time being in force regulating the powers, practice and procedure of the High Court.
- 4) In this section-

“decision” means, in relation to a subordinate court, any determination of that court and, without prejudice to the generality of the foregoing provisions of this definition, includes a judgment, decree, order, conviction, sentence (other than a sentence fixed by law) or recommendation;

“Subordinate court” means any court of law in the Southern Cameroon other than the Supreme Court, the High Court or a court –martial.

Oaths to be taken by judges

125, A judge of the Supreme Court or the High Court shall not enter upon the duties of this office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament .

CHAPTER IX

FINANCE This chapter should be rather titled “Monetative” as an equal pillar of State besides the pillars: Executive, Legislative, Judiciary and Plebiscite. First it needs to explain the role of the Finance minister,

then the National Bank, then the Treasury, then the Tax Office and then the limits for taxing and spending. Also the mutual controlling systems between all pillars of State according to forensic accounting need to be set up

Part 1 – Public Funds

Establishment of Consolidated Revenue Fund

126– (1) All revenues or other moneys raised or received by the State (not being revenues or other moneys payable under this Constitution or any Act of Parliament into some other **what kind of diffuse definition is that?** public fund of the Southern Cameroon established for a specific purpose) shall be paid into and form one Head of Government.

- 2) No moneys shall be withdrawn **by who?** from the Head of Government of the Southern Cameroon except to meet expenditure that is charged **by who?** upon the Fund by this Constitution **was this Fund ever defined before?** or any Act of Parliament or where the Issue of those moneys has been authorized by an appropriation Act or an Act passed in pursuance section 120 of this Constitution . **Just say: “All income of State must not be used for But only be spent for Period.**
- 3) No moneys shall be withdrawn from the Head of Government or any other public fund of Southern Cameroon except in the manner prescribed by Parliament. **So the Parliament can decide to give the girlfriend of the President 2 billion dollars and the population nothing?**
- 4) No moneys shall be withdrawn from any public fund of the Southern Cameroon other than the Head of Government unless the issue of those moneys has been authorized by an Act of Parliament. **How about the Senate?**

Authorization of expenditure from Head of Government

127. (1) The Minister of the Government of the Southern Cameroon responsible for finance shall cause to be prepared and laid before both Houses of Parliament in each financial year estimates of the revenues and expenditure of the Southern Cameroon for the next financial year.

- 2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Head of Government by this Constitution or any Act of Parliament) shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Head of Government of the Southern Cameroon of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.
- 3) If in respect of any financial year it is found-
 - a) that the amount appropriated by the appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act; or
 - b) that any moneys have been expended for any purpose in excess of the amount appropriated for the purpose by the appropriation Act or for a purpose for which no amount has been appropriated by the Act,

a supplementary estimate showing the sums required or spent shall be laid before both Houses or Parliament and the heads of any such expenditure

shall be included in a supplementary appropriation bill. **It needs to be defined by Constitution that certain branches of the State, like military, school system, civil officers, public transport, healthcare system etc. must get certain percentages of the national budget as minimum! You cannot lay the national budget into the hands of just a few people.**

Authorization of Expenditure in advance of appropriation

128. Parliament may make provision under which, if the appropriation Act in respect of any financial year has not come into operation by the beginning of that financial year, the Minister the Government of the Southern Cameroon responsible for finance may authorize the withdrawal of moneys from the Head of Government of the Southern Cameroon for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the Act, whichever is the earlier Contingencies Fund.

129- (1) Parliament may provide for the establishment of a Contingencies Fund for the Southern Cameroon and for authorizing the Minister of the Government responsible for finance, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision

exist, to make advances from the Fund to meet that need. **That Fund needs to be limited nevertheless, because a State must not replace an emergency by the emergency of debt.**

- 2) Where any advance is made in accordance with subsection (1) of this section, a supplementary estimate shall be presented and a supplementary appropriation bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.

Remuneration of Head of State and certain other offices

130. (1) There shall be paid **by who? Out of which account?** to the holders of the Offices mention in subsection (4) of this section such salary as may be prescribed by Parliament.
- 2) The salary and allowance payable to the holders of the offices so mentioned shall be a charge on the Head of Government of the Southern Cameroon.
- 3) The salary payable to the holder of any office so mentioned and his terms of office other than allowances shall not be altered to his disadvantage after his appointment.
- 4) The offices aforesaid are the office of the Head of State, Chief Justice of the Southern Cameroon, Justices of the Supreme Court, Chief Justice or other judges of the High Court, members of the Independent Electoral Commission of the Southern Cameroon, members of the Public Service Commission, members of the Police Service Commission of the Southern Cameroon and Director of Audit of the Southern Cameroon. **How about the Chairmen of the Houses and the one of the National Bank?**
- 5) Provision may be made by Act of Parliament for the grant of a pension or gratuity to or in respect of a person who has held offices as Head of State, and any pension granted by virtue of provision made in pursuance of this subsection shall be a charge on the Head of Government of the Southern Cameroon. **Are pensions limited to percentages of the previous salary?**

Audit of Public account

- 131 - (1) There shall be a Director of Audit for the Southern Cameroon whose office shall be an office in the Public Service of the Southern Cameroon.
- 2) The public accounts of the Southern Cameroon and of all officers; courts and authorities of the Southern Cameroon shall be audited and reported on by the Director of Audit of the Southern Cameroon, and for that purpose the Director or any person authorized by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.
- 3) The Director of Audit of the Southern Cameroon shall submit his reports to the Minister of the Government of the Southern Cameroon responsible for finance, who shall cause them to be laid before both Houses of Parliament.
- 4) In the exercise of his functions under this Constitution the Director of Audit of the Southern Cameroon shall not be subject to the direction or control of any other person or authority.

Public debt

- 132 (1) The public debt of the Southern Cameroon shall be secured on the revenues and assets of the Southern Cameroon. **No National Bank needed?**
- 2) In this section references to the public debt of the Southern Cameroon include references to the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt. **The public Debt MUST BE LIMITED BY CONSTITUTION!!!**

CHAPTER X

THE PUBLIC SERVICE OF THE SOUTHERN CAMEROON

Establishment of Public Service Commission for what do we need the National Assembly anymore when every branch gets its own Commission who are all eating the taxpayer's money?

133. (1) There shall be a Public Service Commission for the Southern Cameroon, which shall consist of a chairman and not less than two nor more than four other members. **First you need to define what kind of jobs are public service.**
- 2) The members of the Public Service Commission of the Southern Cameroon shall be appointed by the Head of State acting in accordance with the advice of the Prime Minister **So where is democracy here? Where do the people elect?**
- 3) A person shall not be qualified to hold office as a member of the Public Service Commission of the Southern Cameroon if he is a member of either House of Parliament, a Minister of the

Government of the Southern Cameroon or the holder of an office in the public service of the Southern Cameroon.

- 4) Subject to the provisions of this section, a member of the Public Service Commission of the Southern Cameroon shall vacate his office-
 - a) at the expiration of five years **4 years is one legislature period** from the date of his appointment; or
 - b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.
- 5) A member of the Public Service Commission of the Southern Cameroon may be removed from office by the Head of State, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.
- 6) A member of the Public Service Commission of the Southern Cameroon shall not be removed from office except in accordance with the provisions of this section.
- 7) A person who has been appointed to be a member of the Public Service Commission of the Southern Cameroon shall not thereafter be eligible for appointment to any office in the Public Service of the Southern Cameroon.

Appointment etc of officers in Public Service

134 (1) Power to appoint persons to hold or act in offices in the Public Service of the Southern Cameroon (including power to make appointments on promotion and transfer and to confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the Public Service Commission of the Southern Cameroon.

Provided that the Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its powers under this section to any of its members or to any officer in the

Public Service of the Southern Cameroon. **It needs an overview which types of public service officers does the State actually need and how many of which one.**

- 2) Subsection (1) of this section shall not apply in relation to any of the following offices-
 - a) the office of any judge of the Supreme Court;
 - b) except for the purposes of making appointments thereto, the office of the Director of Audit of the Southern Cameroon.
 - c) any office in the Southern Cameroon Police Force.,
- 3) The provisions of this section shall be subject to the provisions of section 130 of this Constitution.
- 4) No appointment shall be made under this section to any offices on the personal staff of the Head of State unless the Head of State signifies his approval of the appointment.

Appointment, etc, of principal representatives of Southern Cameroon abroad.

- 135.** 1) Power to appoint persons to hold or act in the offices to which this section applies (including power to make appointments on promotion and transfer) and to remove persons so appointed from any such office shall vest in the Head of State, acting in accordance with the advice of the Prime Minister.
- 2) Before tendering any advice for the purposes of this section in relation to any person who holds any office in the Public Service of the Southern Cameroon other than an office to which this section applies, the Prime Minister shall consult the Public Service Commission of the Southern Cameroon.
 - 3) The offices to which this section applies are the offices of any Ambassador, High Commission or other principal representative of the Southern Cameroon in countries other than the Southern Cameroon.
 - 3) The offices to which this section applies are the offices of any Ambassador, High Commissioner or other principal representative **are those defined in their job description?** of the Southern Cameroon in countries other than Southern Cameroon.

Appointment, etc, of permanent Secretaries

- 136 (1) Power to point persons to hold or act in the office of permanent secretary to any department of government of the Southern Cameroon and to remove persons so appointed from that office shall vest in the Head of State, acting in accordance with the advice of the Prime Minister.
- 2) Before tendering any advice for the purposes of this section the Prime Minister shall consult the Public Service Commission.

Appointment and tenure of office of Director of Audit

- 137 (1) Before appointing any person to hold the office of Director of Audit of the Southern Cameroon the Public Service Commission of the Southern Cameroon shall consult the Prime Minister.
- 2) Subject to the provisions of this section, a person holding the office of Director of Audit of the Southern Cameroon shall vacate that office when he attains such age as may be prescribed by Parliament.
- 3) A person holding office as Director of Audit of the Southern Cameroon shall be removed from office by the Head of State if a resolution is passed by each House of Parliament recommending his removal from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any or any other case) or for misbehaviour.
- 4) A person holding the office of Director of Audit of the Southern Cameroon shall not be removed from office except in accordance with the provisions of this section.
- 5) If the office of Director of Audit is vacant or the holder of the office is for any reason unable to perform the functions of the office, the Public Service Commission of the Southern Cameroon, acting after consultation with the Prime Minister, may appoint a person to act in the office;

And any person so appointed shall continue to act until his appointment is revoked by the commission acting after consultation with the Prime Minister.

Powers relating to Clerks of Houses of Parliament

138. Before exercising any of its powers in relation to the clerk to the senate the Public Service Commission of the Southern Cameroon shall consult the President of the Senate, and before exercising any of its powers in relation to the Clerk to the House of Assembly the Commission shall consult the Speaker of that House.

Protection of pension rights

- 139 1) The law applicable to any benefits to which this section applies shall, in relation to any person who has been granted or is eligible for such benefits, be that in force on the relevant date or any later law that is not less favourable to that person.
- 2) In this section "the relevant date" means-
- a) in relation to any benefits granted before this Constitution came into operation, the date on which those benefits were granted;

(I) in relation to any benefits granted after this Constitution came into operation in respect of any one who was a member of the public service of the Southern Cameroon before October 1961, the former public service of the Federal Republic of Cameroon, the former public service of the United Republic of Cameroon and the Public Service of the Republic of Cameroon.

- 3) Where a person is entitled to exercise an option whichever one of two or more law shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.
- 4) Any benefit to which this section applies that is payable by the Southern Cameroon (not being a benefit that is a charge upon some other public fund of the Southern Cameroon) shall be a charge upon the Head of Government of the Southern Cameroon,
- 5) This section applies to any benefits payable under any law in force in Southern Cameroon or any part thereof providing for the grant of pensions, gratuities or compensation to persons who are or have been members of the public service of the Southern Cameroon before October 1961, the former public service of the Federal Republic of Cameroon, the former Public Service of the United Republic of Cameroon and the Public service of the Republic of Cameroon in respect of their service in any of those public services or to the widows, children, dependants or personal representatives of such persons in respect of such service.

Powers of Commissions in relation to grant of pensions etc. is there any overview which type of Commissions the State actually needs and pays?

- 140 – (1) Where any benefits to which this section applies can be withheld, reduced in amount or suspended by any person or authority under any Act of Parliament, those benefits shall not be so withheld, reduced in amount or suspended.
- a) in the case of benefits that have been granted in respect of the service in the public service of the Southern Cameroon of any person who at the time when he ceased to be a member of that public service was subject to the jurisdiction of the Police Service Commission of the Southern Cameroon or for which any person may be eligible in respect of such service, without the approval of that Commission; or
 - b) in any other case, without the approval of the Public Service Commission of the Southern Cameroon.
- 2) No benefits to which this section applies that have been granted to any person who holds or has held the office of a judge of the Supreme Court, for which any such person may be eligible shall be withheld, reduced or suspended on the ground that that person has been guilty of misbehaviour while holding that office unless that person has been removed from that office by reason of such misbehaviour.
- 3) This section applies to any benefits payable under any Act of Parliament providing for the grant of pensions, gratuities or compensation to persons who are or have been members of the public service of the Southern Cameroon before October 1961, or the former public service of the Federal Republic of Cameroon, the former Public Service of the United Republic of Cameroon and the Public service of the Republic of Cameroon in respect of their service in that public service or to the persons in respect of such service.

CHAPTER XI

COUNCIL OF CHIEFS AND TRADITIONAL RULERS if hereditary chiefs govern, pass bills and rule like judges than they must be regarded to in the chapters about the national Executive, Legislative, Judiciary and Finance as well, where it has to be defined in how far the national or regional level cannot touch the chief's rule on the local level. And in how far democracy in a Republic goes along with monarchs

Establishment of Council of Chiefs and Traditional Rulers

141. There shall be in each County of the Republic of the Southern Cameroon a Country Council of Chiefs and Traditional Rulers. How many members in the council for which amount of members in a tribe? So suddenly the chiefs are not only in the local, tribal level, but also in the regional, county level?

Composition of the County Council of Chiefs and Traditional Rulers

142. Members of the Country Council of Chiefs and Traditional Rulers shall be

- 1) Elected exclusively by Traditional rulers, hereditary Fons and Chiefs who by the Customs and tradition of their people have been made and acknowledged as such.
- 2) Members of the Senate who are Traditional Rulers or chiefs who shall be ex-officio members. Shall any member of a national assembly be member of a regional or local assembly at the same time? No!
- 3) The size of the Country Council of Chiefs and Traditional Rulers shall be fixed by Parliament.

Procedure and Function of the Country Council of Chiefs and Traditional Rulers

- 143 1) Each County Council of Chiefs and Traditional Rulers shall elect its President under the supervision of the Independent Electoral Commission. The Independent Electoral Commission shall notify the Prime Minister and Head of Government of the candidates duly elected. Where is their autonomy when everything is supervised by the federal government?
- 2) The County Council of Chiefs and Traditional rulers may consider and discuss can they raise taxes also?
- a) matters of chieftaincy question and traditional rule in the County
 - b) matters of resident permit and naturalization in the County.
 - c) matters of peace and security in the County
 - d) measures taken by a local government in the County, not being a

matter that the Prime Minister acting in his discretion, certifies in writing to be a measure related to money or taxation, and considered likely to affect the peace and security of the County or the State as a whole..

- 3) Decisions of the County Council of Chiefs and Traditional Rulers shall be addressed to the Prime Minister and Head of Government.
- 4) Any question or determination in the County Council of Chiefs and Traditional Rulers shall be determined by a majority of the votes of the members present and voting. Provided that the President of the County Council of Chiefs and Traditional Rulers shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case.

CHAPTER XII : MISCELLANEOUS

Declaration on, and Repeal of Certain Constitutional Instruments.

144 Subject to the provisions of this section.

- 1) The Act of Parliament of the United Kingdom entitled The Southern Cameroon (Constitution) Order in Council, 1960 is hereby repealed by this Constitution.
- 2) Nothing in section (1) of this section shall affect the operation of any provision of the Act or Order aforesaid in so far as that provision gives effect and relates to a law made in the Southern Cameroon House of Assembly,
- 3) a) The Constitution of the Federal Republic of Cameroon 1961, the Constitution of West Cameroon 1961, the Constitution of the United Republic of Cameroon, of 1972 the Constitution of the Republic of Cameroon 1996 are hereby declared nul and void ab initio.
b) Subject to the provisions of Sections 133 and 134 of this constitution the pension rights of Southern Cameroon citizens established in the services of the Federal Republic of Cameroon, the United Republic of Cameroon and the Republic of Cameroon between 1 October 1961 and the date of entry into force of this Constitution shall be protected.

Powers and Procedures of Commission

145 Any Commission established by this constitution may, with the consent of the Prime Minister or such other Minister of the Government as may be authorized in that behalf by the Prime Minister, by regulation or otherwise regulate its own procedure or confer powers and impose duties on any officer or authority of the Southern Cameroon for the purpose of discharging its functions.

- 2) Subject to its rules of procedure, any Commission established by this Constitution may act notwithstanding any vacancy in its membership or the absence of any member, but any decision of the Commission shall require the concurrence of a majority of all the members thereof.

Resignation

146 Any person who is appointed, elected or otherwise selected to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he has appointed, elected or selected;

Provided that-

- a) in this case of the Head of State of the Southern Cameroon, his resignation shall be addressed to the President of the Senate; and
 - b) in the case of a member of a House of Parliament who holds office as President of the Senate or Speaker, his resignation from the House or that office shall be addressed to the House; and
 - c) in the case of any other member of a House of Parliament, his resignation from the House shall be addressed to the President of the Senate or Speaker, as the case may be.
- 2) The resignation of any person from any office established by this Constitution shall take effect from when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorized by that person or authority to receive it.
 - 3) On the resignation of the Head of State of the Republic, the President of the Senate shall forthwith give notice of the resignation to the Prime Minister

Reappointments

147 Where any person has vacated any office constituted by this Constitution, he may, if qualified, again be appointed, elected or otherwise selected to hold that office in accordance with the provisions of this Constitution.

2) Where by this Constitution a power is conferred upon any person or authority to make any appointment to any office in the public service a person may be appointed to that office, notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then for the purposes of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

148: Existing laws

Subject to the provisions of this Constitution an existing law shall have effect with such modification as may be necessary to bring it into conformity with the provisions of this Constitution and shall be deemed to be a law made by Parliament to the extent that it is a law with respect to any matter on the Legislative List.

149: Interpretation etc general

- (1) In this Constitution, unless it is otherwise expressly provided or required by the context-
- “Act of Parliament” means any law made by Parliament;
 - “The Advisory Council” means the Advisory Council on the Prerogative of Mercy in Southern Cameroon
 - “Chieftaincy question” means any question as to the validity of the selection, recognition, installation, grading, deposition or abdication of a chief or a hereditary Fon.
 - “financial year” means any period of twelve months beginning on the first day of April in any year or such other date as Parliament may prescribe;
 - “oath” includes affirmation;
 - “the oath of allegiance” means such oath of allegiance as may be prescribed by Parliament.
 - “Parliament” means the Parliament of the Southern Cameroon.
 - “Head of State” means Head of the State of the Southern Cameroon.
 - “The public service of the Southern Cameroon” means the service of the Republic in a civil capacity in respect of the government of the Southern Cameroon.
- 2) In this Constitution, unless it is otherwise expressly provided or required by the context-
- a) references to persons holding offices in the public service of the Southern Cameroon include references to persons acting in those offices; and
 - b) references to offices in the public service of Southern Cameroon include references to the offices of the judges of the Supreme Court and the High Court and references to the offices of members of all other courts of law established by Parliament (other than courts-martial), being offices the emoluments attaching to which are paid out of the Head of Government or any other public fund of the Southern Cameroon, and references to the offices of members of the Southern Cameroon Police Force
- 3) For the purposes of this Constitution, the office of the President of the Senate or the Deputy Speaker of the House of Assembly, a member of the House of Assembly, a Minister of the Government of the Southern Cameroons a Parliamentary Secretary to such a Minister or a member of the Council of Ministers, the Southern Cameroon Police Council, any Commission established in the public service of the Southern Cameroon.
- 4) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in exercising any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law.
- 6) For the avoidance of doubt it is hereby declared that-

- a) any power to make laws conferred by this Constitution includes power to make laws having extra-territorial operation;
- b) any reference in this Constitution to the functions of the Head of State includes a reference to this functions as the Commander-in-Chief of the armed forces of the Southern Cameroons and
- c) the functions of the Commander-in-Chief of the armed forces of the Southern Cameroon are such as may be prescribed by Parliament.

First Schedule

Counties and Local Government Areas of the Southern Cameroons

| County | County Town | LGA | Chief Town |
|--------|-------------|-----|------------|
|--------|-------------|-----|------------|

| | | | |
|------------------------|----------|-----------------|-----------|
| Boyo | Fundong | Muwom | Belo |
| | | Yang | Njinikom |
| | | Juaffef | Fundong |
| | | Kimbi | Fonfuka |
| | | | |
| Bui | Kumbo | Jakiri | Jakiri |
| | | Oku | Elak |
| | | Noni | Nkor |
| | | Nkum | Tatum |
| | | Kumbo | Kumbo |
| | | Mbveng | Mbiame |
| | | | |
| Donga Mantung | Nkambe | Ako | Ako |
| | | Misaje | Misaje |
| | | Ndu | Ndu |
| | | Nkambe | Nkambe |
| | | Nwa | Nwa |
| | | | |
| Fako | Victoria | Victoria | Victoria |
| | | Buea | Buea |
| | | Tiko | Tiko |
| | | Muyuka | Muyuka |
| | | Bakassi | Archibong |
| | | | |
| Kupe Mwanenguba | Bangem | Bangem | Bangem |
| | | Tombel | Tombel |
| | | Nguti | Nguti |

| | | | |
|-----------------|-------|----------------------|--------|
| | | | |
| Lebialem | Menji | Alou (Clouds) | Alou |
| | | Menji | Menji |
| | | Wabane | Wabane |
| | | | |
| Manyu | Mamfe | Mamfe | Mamfe |

| | | | |
|--------------------|----------|-----------------------|---------------|
| | | Eyumojock | Eyumojock |
| | | Tinto | Tinto |
| | | Akwaya | Akwaya |
| Meme | | | |
| | Kumba | Kumba | Kumba |
| | | Konye | Konye |
| | | Mbonge | Mbonge |
| Menchum | | | |
| | Wum | Wum | Wum |
| | | Fungom | Zhoa |
| | | Menchum Valley | Benakuma |
| | | Furu Awa | Furu Awa |
| Mezam | | | |
| | Bamenda | Bamenda | Bamenda |
| | | Tubah | Bambui |
| | | Bafut | Bafut |
| | | Bali | Bali |
| | | Santa | Santa |
| Momo | | | |
| | Mbengwi | Mbengwi | Mbengwi |
| | | Batibo | Batibo |
| | | Ngie | Ngie |
| | | Njikwa | Njikwa |
| | | Widikum-Menka | Widikum |
| Ndian | | | |
| | Mundemba | Mundemba | Mundemba |
| | | Ekondo Titi | Ekondo Titi |
| | | Bamusso | Bamusso |
| | | Kombo Abedimo | Kombo Abedimo |
| | | Issangele | Issangele |
| | | Idabato | Idabato |
| | | Kombo Etindi | Kombo Etindi |
| Ngoketunjia | | | |
| | Ndop | Ndop | Ndop |
| | | Balikumbat | Balikumbat |
| | | Babessi | Babessi |

**SECOND SCHEDULE
LEGISLATIVE LIST**

ITEM

- 1) Accounts of the Government of the Southern Cameroon, and of offices, courts and authorities thereof, including audit of those accounts.
- 2) Arms, ammunition and explosives
- 3) Aviation, including airports, safety of aircraft and carriage of passengers and goods by air.
- 4) Awards of national titles of honour, decorations and other dignities.
- 5) Bankruptcy and insolvency.
- 6) Banks, banking bills of exchange and promissory notes.
- 7) Borrowing of moneys within or outside Southern Cameroon for the purposes of the State of Southern Cameroon.
- 8) Census, including the establishment and maintenance of machinery for continuous and universal registration of births and deaths throughout Southern Cameroon.
- 9) Citizenship, naturalization and aliens.

- 10) Commercial and industrial monopolies, combines and trusts,
- 11) Construction, alteration and maintenance of such roads as may be declared by Parliament to be trunk roads.
- 12) Control of capital issues
- 13) Copyright
- 14) Creation of Counties and Local Government Areas.
- 15) Currency, coinage and legal tenders.
- 16) Customs and exercise duties.
- 17) Defence
- 18) Deportation of persons who are not citizens of Southern Cameroon
- 19) Designation of securities in which trust funds may be invested.
- 20) Diplomatic, consular and trade representation.
- 21) Drugs and poisons.
- 22) Election to the offices of Head of State Deputy Head of State and any other office to which a person may be elected under this Constitution,
- 23) Evidence.
- 24) Exchange control
- 25) Export duties.
- 26) External affairs
- 27) Extradition.
- 28) Fingerprints, identification and criminal records.
- 29) Fishing and fisheries other than fishing and fisheries in rivers, lakes, waterways, ponds and other inland waters within Southern Cameroon.
- 30) Immigration into and emigration from Southern Cameroon
- 31) Implementation of treaties relating to matters on this list
- 32) Incorporation, regulation and winding up of bodies corporate, other than co-operative societies, local government council and bodies corporate established directly by any Law enacted by Parliament.
- 33) Insurance.
- 34) Labour, including trade unions, industrial relation, conditions, safety and welfare of labour; industrial disputes; prescribing a national minimum arbitrations.
- 35) legal proceedings between Governments and any other authority or person.
- 36) Maritime shipping and navigation, including-
 - a) shipping and navigation on tidal waters;
 - b) Shipping and navigation on inland waterways
 - c) lighthouses, lightships, beacons and other provisions for the safety of shipping and navigation;
- 37) Meteorology.
- 38) Military (Army, Navy and Air Force) including any other branch of the armed forces.
- 39) Mines and minerals, including oil fields, oil mining, geological surveys and natural gas.
- 40) Nuclear energy
- 41) Passports and visas
- 42) Patents, trade marks, trade or business names, industrial designs and merchandize marks.
- 43) Pensions, gratuities and other-like benefits payable out of the Head of Government or any other public funds.
- 44) Police and other government security services established by law.
- 45) Posts, telegraphs and telephones.
- 46) Powers of the Parliament, and the privileges and immunities of its members.
- 47) Prisons
- 49) Professional occupations as may be designated by Parliament.
- 50) Public debt.
- 51) Public holidays
- 52) Public relations
- 53) Public service including the settlement of disputes between the State and officers of such service.
- 54) Quarantine
- 55) Regulation of Political Parties.

- 56) Stamp duties.
- 57) Taxation of incomes, profits and capital gains, except as otherwise prescribed by this Constitution.
- 58) The establishment and regulation of authorities
 - b) to identify, collect, preserve or generally look after ancient and historical monuments and records and archaeological sites and remains declared by Parliament to be of national significance or national importance;
 - c) to administer museums and libraries.
 - d) to regulate tourist traffic; and
 - e) to prescribe minimum standards of education at all levels.
- 61) The formation, annulment and dissolution of marriages other than marriages under Customary law including matrimonial causes relating thereto.
- 62) Trade and commerce, and in particular-
 - a) trade and commerce between the Southern Cameroon and other countries including import of commodities into and export of commodities from the Southern Cameroon and trade and commerce between the Counties
 - b) establishment of a purchasing authority with power to acquire for export or sale in world markets such agricultural produce as may be designated by Parliament.
 - c) inspection of produce to be exported from Southern Cameroon and the enforcement of grades and standards of quality in respect of produce so inspected;
 - d) establishment of a body to prescribe and enforce standards of goods and commodities offered for sale;
 - e) control of the prices of goods and commodities designated by Parliament as essential goods or commodities; and
 - f) registration of business names.
- 63) Traffic on trunk roads.
- 64) Water from such sources as may be declared by Parliament to be sources affecting more than one County
- 65) Weights and measures,
- 66) Wireless, broadcasting and television ,allocation of wave-lengths for wireless, broadcasting and television transmission
- 67) Any other matter with respect to which Parliament has power to make laws in accordance with the provisions of this Constitution.
- 68) Any matter incidental or supplementary to any matter mentioned elsewhere in this list.

THIRD SCHEDULE

SOUTHERN CAMEROON INDEPENDENT ELECTORAL COMMISSION

- (1) The Southern Cameroon Electoral Commission shall comprise the following members –
 - a) a chairman, who shall be the Chief Electoral Commissioner; and
 - b) Thirteen other members to be known as National Electoral Commissioners, one from each County .
 who shall not be less than fifty years and forty years of age, respectively.
- 2) There shall be for each County, a Resident Electoral Commissioner who shall-
 - a) be appointed by the Head of State
 - b) be persons of unquestionable integrity;
 - c) not be less than forty years of age,
- 3) The Commission shall have power to-
 - a) organize, undertake and supervise all elections to the offices of the Head of State and Deputy Head of State, and to the membership of the Senate, the House of Assembly and the County Council of Chiefs and Traditional Rulers.
 - b) register political parties in accordance with the provisions of this Constitution and any Act of Parliament.
 - c) monitor the organization and operation of the political parties, including their finances;
 - d) arrange for the annual examination and auditing of the funds and accounts of political parties, and publish a report on such examination and audit for public information.

- e) arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election under this Constitution;
 - f) monitor political campaigns and provide rules and regulations which shall govern the political parties;
 - g) Publish all election results as soon as possible after election and as prescribed by law .
 - h) ensure that all Electoral Commissioners, Electoral and Returning Officers take and subscribe the oath of office prescribed by law;
 - i) delegate any of its powers to any Resident Electoral Commissioner; and
 - j) carry out such other functions as may be conferred upon it by an Act of Parliament.
4. The Southern Cameroon Electoral Commission shall operate on an approved autonomous budget charged on the Head of Government

FUNCTIONS OF A LOCAL GOVERNMENT COUNCIL

- 1) The main functions of a local government council are as follows-
 - a) the consideration and the making of recommendations to a state commission on economic planning or any similar body on the economic development of the area, particularly in so far as the areas of authority of the council are affected, and
 - b) collection of rates, radio and television licenses;
 - c) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm;
 - d) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts;
 - e) Establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences;
 - f) Construction and maintenance of roads, streets, street lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by Parliament ;
 - g) naming of roads and streets and numbering of houses;
 - h) provision and maintenance of public conveniences; sewage and refuse disposal;
 - i) registration of all births, deaths and marriages;
 - j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by Parliament.
 - k) Control and regulation of –
 - i) out-door advertising and hoarding,
 - ii) movement and keeping of pets of all description,
 - iii) shops and kiosks,
 - iv) restaurants, bakeries and other places for sale of food to the public,
 - v) laundries, and
 - vi) licensing, regulation and control of the sale of liquor.
- the provision and maintenance, adult and vocational education;
the provision and maintenance of health services; and
such other functions as may be conferred on a local government by Parliament.

FOURTH SCHEDULE CODE OF CONDUCT FOR PUBLIC OFFICERS

General

Conflict of interest with duty

- 1) A public officer shall not put himself in a position where his personal interest conflicts with his duties and responsibilities.
- 2) Without prejudices to the generality of the foregoing paragraph, a public officer shall not-
 - a) receive or be paid the emoluments of any public office at the same time as he receives or is paid the emolument of any other public office; or

- b) except where he is not employed on full time basis, engage or participate in the management or running of any private business, professional or trade but nothing in this sub-paragraph shall prevent a public officer from engaging in farming.

Prohibition of foreign accounts

- 3) The Head of State, Deputy Head of State, Prime Minister, Ministers of the Government, members of Parliament, and such other public officers or persons as Parliament may by law prescribe shall not maintain or operate a bank accounts in any county outside the Southern Cameroon .

Retired public officers

- 4 – (1) A public officer shall not, after his retirement from public service and while receiving pension from public funds, accept more than one remunerative position as chairman, director or employee of –
- a) a company owned or controlled by the government; or
- b) any public authority.
- 2) A retired public servant shall not receive any other remuneration from public funds in addition to his pension and the emolument of such one remunerative position.

Certain retired public officers

- 5 – (1) Retired public officers who have held offices to which this paragraph applies are prohibited from service or employment in foreign companies or foreign enterprises.
- 2) This paragraph applies to the offices of Head of State, Deputy Head of State, Prime Minister, Chief Justice of the Southern Cameroon

Gifts or benefits in kind

- 6 - (1) A public officer shall not ask for or accept property or benefits of any kind for himself or any other person on account of anything done or omitted to be done by him in the discharge of his duties.
- 2) For the purposes of sub-paragraph(1) of this paragraph, the receipt by a public officer of any gifts or benefits from commercial firms, business enterprises or persons who have contracts with the government shall be presumed to have been received in contravention of the said sub-paragraph unless the contrary is proved.
- 3) A public officer shall only accept personal gifts or benefits from relatives or personal friends to such extent and so such occasions as are recognized by custom;
- Provided that any gift or donation to a public officer on any public or ceremonial occasion shall be treated as a gift to the appropriate institution represented by the public officer, and accordingly, the mere acceptance or receipt of any such gift shall not be treated as a contravention of this provision.

Restriction on loans, gifts or benefits to certain public officers

- 7) The Head of State, Deputy Head of State, Prime Minister, Ministers of the Government, members of Parliament, and such other public officers who hold the office of a Permanent Secretary or head of any public corporation, university , or other parastatal organization shall not accept-
- a) a loan, except from government or its agencies, a bank, building society mortgage institution or other financial institution recognized by law, and
- b) any benefit of whatever nature from any company, contractor, or businessman, or the nominee or agent of such person;
- provided that the head of a public corporation or of a university or other parastatal organization may, subject to the rules and regulations of the body, accept a loan from such body.

Bribery of public officers

- 8) No person shall offer a public officer any property, gift or benefit of any kind as an inducement or bribe for the granting of any favour or the discharge in his favour of the public officer's duties.

Abuse of powers

- 9) A public officer shall not do or direct to be done, in abuse of his office, any arbitrary act prejudicial to the rights of any other person knowing that such act is unlawful .

Membership of societies

- 10) A public officer shall not be a member of, belong to, or take part in any society the membership of which is incompatible with the functions or dignity of his office.

Declaration of assets

- 11-(1) Subject to the provisions of this Constitution, every public officer shall immediately after taking office and thereafter at the end of his term of office, submit to the Code of Conduct Bureau a written declaration of all his properties, assets, and liabilities and those of his unmarried children under the age of eighteen years.
- 2) Any statement in such declaration that is found to be false by any authority or person authorized in that behalf to verify it shall be deemed to be a breach of this Code.
- 3) Any property or assets acquired by a public officer after any declaration required under this Constitution and which is not fairly attributable to income, gift, or loan approved by this Code shall be deemed to have been acquired in breach of this Code unless the contrary is proved.

Allegation of breach of Code

- 12) Any allegation that a public officer has committed a breach of or has not complied with the provisions of this Code shall be made to the Code of Conduct Bureau in Buea..

Agents and Nominees

- 13) A public officer who does any act prohibited by this Code through a nominee, trustee, or other agent shall be deemed *ipso facto* to have committed a breach of this Code.

Exemptions

- 14) In its application to public officers-
- a) members of legislative houses shall be exempt from the provisions of paragraph 4 of this Code; and
- b) Parliament. may by law exempt any cadre of public officers from the provisions of paragraph 4 and 11 of this Code if it appears to it that their position in the public service is below the rank which it considers appropriate for the application of those provisions.

Code of Conduct Tribunal

- 15 – (1) There shall be established a tribunal to be known as Code of Conduct Tribunal which shall consist of a Chairman and two other persons.
- 2) The Chairman shall be a person who has held or is qualified to hold office as a Judge of a superior court of record in the Southern Cameroon and shall receive such remuneration as may be prescribed by law.
- 3) The Chairman and members of the Code of Conduct Tribunal shall be appointed by the Head of State in accordance with the recommendation of the National Judicial Council.
- 4) Parliament. may by law confer on the Code of Conduct Tribunal such additional powers as may appear to it to be necessary to enable it more effectively to discharge the functions conferred on it in this Schedule.

Staff

- 16- (1) The tenure of office of the staff of the Code of Conduct Tribunal shall, subject to the provisions of this Code, be the same as that provided for in respect of officers in the civil service of the Southern Cameroon.
- 2) The power to appoint the staff of the Code of Conduct Tribunal and to exercise disciplinary control over them shall vest in the members of the Code of Conduct Tribunal and shall be exercisable in accordance with the provisions of an Act of Parliament enacted in that behalf.

Tenure of office of Chairman and members

- 17 – (1) Subject to the provisions of this paragraph, a person holding the office of Chairman or member of the Code of Conduct Tribunal shall vacate his office when he attains the age of seventy years.
- 2) A person who has held office as Chairman or member of the Code of Conduct Tribunal for a period of not less than ten years shall, if he retires at the age of seventy years, be entitled to pension for life at a rate equivalent to his last annual salary in addition to other retirement benefits to which he may be entitled.
- 3) A person holding the office of Chairman or member of the code of Conduct Tribunal shall not be removed from his office or appointment by the Head of State except upon an address supported by two-thirds majority of each House of Parliament praying that he be so removed for inability to discharge the functions of the office in question (whether arising from infirmity of mind or body) or for misconduct or for contravention of this Code.
- 4) A person holding the office of Chairman or member of the Code of Conduct Tribunal shall not be removed from office before retiring age save in accordance with the provisions of this Code.

Powers

- 18 – (1) Where the Code of Conduct Tribunal finds a public officer guilty of contravention of any of the provisions of this code it shall impose upon that officer any of the punishments specified under sub-paragraph (2) of this paragraph and such other punishment as may be prescribed by Parliament. 2) The punishment which the Code of Conduct Tribunal may impose shall include any of the following.-
- a) vacation of office or seat in any legislative house, as the case may be;
 - b) disqualification from membership of a legislative house and from the holding of any public office for a period not exceeding ten years; and
 - c) seizure and forfeiture to the State of any property acquired in abuse or corruption of office.
- 3) The sanctions mentioned in sub-paragraph (2) hereof shall be without prejudice to the penalties that may be imposed by any law where the conduct is also a criminal offence.
- 4) Where the Code of Conduct Tribunal gives a decision as to whether or not a person is guilty of a contravention of any of the provisions of this Code, and appeal shall lie as of right from such decision or from any punishment imposed on such person to the Court of Appeal at the instance of any party to the proceedings.
- 5) Any right of appeal to the Court of Appeal from the decisions of the Code of Conduct Tribunal conferred by sub-paragraph (4) hereof shall be exercised in accordance with the provisions of an Act of Parliament and rules of court for the time being in force regulating the powers, practice and procedure of the Court of Appeal.
- 6) Nothing in this paragraph shall prejudice the prosecution of a public officer punished under this paragraph or preclude such officer from being prosecuted or punished for an offense in a court of law.
- 7) The provisions of this Constitution relating to prerogative of mercy shall not apply to any punishment imposed in accordance with the provisions of this paragraph.

FIFTH SCHEDULE: OATHS

OATH OF ALLEGIANCE

I..... do solemnly swear that I will be faithful and bear true allegiance to the Republic of the Southern Cameroon and that I will preserve, protect and defend the Constitution. So help me God.

All in all the oaths for the different departments below shall not be much different.

OATHS OF OFFICE OF HEAD OF STATE

1.....do solemnly swear/affirm that I will be faithful and bear true allegiance to the Republic of the Southern Cameroon; that as the Head of State, I will discharge my duties faithfully and in accordance with the Southern Cameroon Constitution and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the State of the Southern Cameroon; that I will not allow my personal interests to influence my official conduct or my official decisions; that I will to the best of my ability to preserve, protect and defend the Constitution that I will abide by the code of Conduct contained in the 4th Schedule to the Constitution of the Southern Cameroon; that in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as the Head of State of the Southern Cameroon, except as may be required for the due discharge of my duties as Head of State and that I will devote myself to the service and well-being of the people of the Southern Cameroon; So help me God.

OATH OF OFFICE OF DEPUTY HEAD OF STATE

I,do solemnly swear/affirm that I will be faithful and bear true allegiance to the Head of State of the Southern Cameroon; that as Deputy Head of State / Prime Minister of the Southern

Cameroon ,I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Southern Cameroon and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Southern Cameroon;; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will do the best of my ability to preserve, protect and defend the Constitution of the Southern Cameroon; that I will abide by the code of Conduct contained in the 4th Schedule to the Constitution of the Southern Cameroon; that in all circumstances, I will do right to all manner of people according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Deputy Head of State / Prime Minister of the Southern Cameroon
SO help me God.

OATH OF OFFICE OF PRIME MINISTER, HEAD OF GOVERNMENT

I,do solemnly swear/affirm that I will be faithful and bear true allegiance to the Head of State of the Southern Cameroon; that as Prime Minister and Head of Government of the Southern Cameroon ,I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Southern Cameroon and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Southern Cameroon, **no, not primarily the State but the People!**; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will do the best of my ability to preserve, protect and defend the Constitution of the Southern Cameroon; that I will abide by the code of Conduct contained in the 4th Schedule to the Constitution of the Southern Cameroon; that in all circumstances, I will do right to all manner of people according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Prime Minister and Head of Government, that I will to the end of my tenure work for the advancement of democracy in the Southern Cameroons and to this end, and without compulsion respect the wishes of the people of the Southern Cameroons expressed in a democratic election and willingly hand over the office of Prime Minister, Head of Government to the person duly elected by the people of the Southern Cameroon. **Every member of government should swear an oath to the constitution and to serve the People in the first place, not the "state".**
SO help me God.

OATH OF MEMBER OF PARLIAMENT

I,.....do solemnly swear/affirm that I will be faithful and bear true allegiance to the Head of State of the Southern Cameroon; that as a Member of the Senate / House of Assembly, I will perform my functions honestly to the best of my ability, faithfully and in accordance with the Constitution of the Southern Cameroon and the law, and the rules of the Senate//House of Assembly and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Southern Cameroon; that I will preserve, protect and defend the Constitution of the Southern Cameroon; and that I will abide by the Code of Conduct contained in the 4th Schedule of the Constitution of the Southern Cameroon
So help me God.

JUDICIAL OATH why should the judicial oath be different? Do they have a different constitution or law to obey to?

I,do solemnly swear/affirm that I will be faithful and bear true allegiance to the Head of State of the Southern Cameroon; that as Chief Justice of the Southern Cameroon/Justice of the Supreme Court/President/Justice of the Court of Appeal/Chief Judge/Judge of the High Court President/Judge of the County Customary Court of Appeal, I will discharge my duties, and perform my functions honesty, to the best of my ability and faithfully in accordance with the Constitution of the Southern Cameroon and the law; that I will abide by the Code of Conduct contained in the 4th Schedule to the Constitution of the Southern Cameroon; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will preserve, protect and defend the Constitution of the Southern Cameroon.
So help me God.
