BILL ON THE ORIENTATION OF DECENTRALIZATION

REPUBLIC OF CAMEROON
Peace – Work – Fatherland

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BILL N° 762/PJL/AN
ON THE ORIENTATION OF DECENTRALIZATION
No 51/AN

EXPLANATORY STATEMENT

This bill, prepared in pursuance of the provisions of Article 55 et seq of the Constitution, lays down the general rules in matters of decentralization:

Its essential objectives are as follows:

- to enable the populations concerned to become resolutely involved in defining and managing affairs of their regional and local authorities;

- to foster and promote the harmonious development of regional and local authorities on the basis of national solidarity, regional potential and inter-regional balance;

- to place our country in line with constitutional and international requirements in the area of decentralization

The bill has 4(four) major parts as follows

- principle of devolution powers;

- organization and functioning of regional and local authorities;

- supervision of regional and local authorities;

- monitoring organs of the decentralization process.

With regard to the principle of devolution of powers, it should be noted that the State will devolve upon regional and local authorities, under conditions laid down by law, powers over matters essential to their economic, social, health, educational, cultural and sports development.
This devolution of powers is accompanied by the transfer by the State of human, material and financial resources, in particular through tax transfer and/or ceded revenue to regional and local authorities.

The bill defines conditions for the organization and functioning of regional and local authorities, which are endowed with an elected deliberative organ. Each organ elects, in turn, an executive from among its members. It specifies the legal provisions for:

- property of regional and local authorities;
- contracts concluded by regional and local authorities;
- gifts and legacies to regional and local authorities;
- property and rights jointly held by several regional and local authorities;
- works executed for regional and local authorities;
- legal action;
- functioning of local services;
- setting up of public corporate entities and acquisition of shares in public, semi-public and private bodies.

This bill also sets out the terms and conditions for State supervision of regional and local authorities.

In general, State supervision of regional and local authorities is exercised, under the authority of the President of the Republic, by the minister in charge of regional and local authorities and the representative of the State in the regional and local authorities.

As representatives of the State, the governor and the senior divisional officer exercise supervisory power in the region and council respectively.

Additionally, this bill institutes two organs in charge of the monitoring and evaluation of the implementation of decentralization, namely the National Decentralization Board and the Local Services Inter-ministerial Committee.

Lastly, the bill envisages the setting up of one or more bodies to ensure the balanced development of regional and local authorities based on national solidarity, regional potential and inter-regional balance.

Such is the purport of this bill tabled before the National Assembly for consideration and adoption.

**PART I**

**GENERAL PROVISIONS**

**Section 1:** This law on the orientation of decentralization lays down the general rules applicable to decentralization.
**Section 2:**

(1) Decentralization shall consist of devolution by the State of special powers and appropriate resources to regional and local authorities.

(2) Decentralization shall constitute the basic driving force for promotion of development, democracy and good governance at the local level.

**Section 3:**

(1) The regional and local authorities of the Republic shall be the regions and councils.

(2) They shall carry out their activities with due respect for national unity, territorial integrity and the primacy of the State.

(3) Any other such authority shall be created by law.

**Section 4:**

(1) Regional and local authorities shall be corporate bodies governed by public law. They shall be endowed with administrative and financial autonomy for the management of regional and local interests. In that capacity, the mission of their councils or boards shall be to promote economic, social, health, educational, cultural and sports development in their respective areas of jurisdiction.

(2) Regional and local authorities shall be administered freely by elected boards under conditions laid down by law.

(3) They shall comprise executives elected from within the boards referred to in paragraph (2) above, except otherwise provided by law.

(4) The region and the council shall settle matters falling within their jurisdiction by deliberation.

**Section 5:** Regional and local authorities may, within the framework of the missions defined in Section 4(1) above, carry out projects in partnership with one another, with the State, public establishments, public and semi-public enterprises, non-governmental organizations, and civil society or foreign partners under the terms and conditions laid down by their specific regulations.

**Section 6:**

The President of the Republic may, as and when necessary:

(i) modify the names and geographical boundaries of regions;

(ii) set up other regions. In such case, he shall name them and set their geographical boundaries.
**Section 7:** Any devolution of power to a regional or local authority shall be accompanied by the transfer by the State to the former, of the necessary resources and means for the normal exercise of the power so devolved.

**Section 8:** The devolution of power provided for by this law shall not authorize a regional or local authority to establish or exercise supervisory powers over another.

**Section 9:**

(1) The devolution and sharing of power between regional and local authorities shall distinguish between the powers devolving upon regions and those devolving upon councils.

(2) The devolution and sharing of powers provided for in Section 9(1) above shall be consistent with the principles of subsidiarity, progressiveness and complementarity.

**Section 10:**

(1) The State shall exercise supervisory powers over regional and local authorities.

(2) The State shall ensure the harmonious development of all regional and local authorities on the basis of national solidarity, regional and council potentials and inter-regional and inter-council balance.

**Section 11:** The regional or local authorities shall not be liable where the representative of the State substitutes for the chief executive of the region or council under conditions laid down by law.

**Section 12:** Regional and local authorities may set up or join various groupings within the framework of their missions, in accordance with the laws applicable in each case.

**Section 13:**

(1) Any natural person or corporate body may propose to the regional or local authority executive any measures aimed at fostering the development and/or improving the functioning of the regional or local authority concerned.

(2) Any inhabitant or taxpayer of a regional or local authority may, at his expense, request the communication or obtain a complete or partial copy of the reports of the regional council or municipal council, the budget, accounts or statutory orders, under the conditions laid down by regulation.

**Section 14:**

(1) No regional or local authority shall deliberate outside its statutory meetings, or on matters outside its jurisdiction or which undermine State security, law and order, national unity or territorial integrity
(2) Where a regional or local authority acts in violation of the preceding subsection, the nullity of its decision or act shall be established by order of the minister in charge of regional and local authorities, without prejudice to the penalties provided for by the laws and regulations in force.

(3) The representative of the State may, where necessary, take appropriate safeguard measures.

PART II
PRINCIPLE OF DEVOLUTION OF POWERS

CHAPTER I
DEFINITION OF DEVOLUTION OF POWERS

Section 15:

(1) The State shall devolve upon regional and local authorities under conditions laid down by law, the powers necessary for their economic, social, health, educational, cultural and sports development.

(2) The powers devolved upon regional and local authorities by the State shall not be exclusive. They shall be exercised concurrently by the State and the authorities, under terms and conditions provided for by law.

Section 16:

(1) Regional and local authorities may freely maintain operational and cooperation ties between them in accordance with the laws and regulations in force. To that end, regional and local authorities may form groupings to exercise joint powers by setting up public cooperation bodies through agreements.

(2) Where a grouping of regional and local authorities jointly exercise powers over an area that is subject to devolution, such devolution shall benefit the entire grouping concerned, on the strength of a decision by the deliberative body of each regional or local authority concerned. In such case, the regional and local authorities concerned shall establish, among themselves, agreements by which each authority undertakes to place its services or resources at the disposal of the other authority, with a view to facilitating the exercise of such powers by the beneficiary regional or local authority.

Section 17:

(1) Regional and local authorities shall exercise their own powers within the bounds of national defence interests.

(2) The devolution of powers envisaged by this law shall not bar State authorities from taking, with regard to regional or local authorities, groups of authorities, or their public establishments and enterprises, measures necessary for these state authorities to
exercise their duties in matters of security, civil or military defence, in accordance with the laws and regulations in force.

Section 18:

Regional and local authorities may, as and when necessary, enter into contractual arrangements:

- with the State;
- with one or more public law corporate bodies set up either under State control or with State participation;
- with one or more civil society organizations, for the purpose of accomplishing public utility objectives or projects.

CHAPTER II
HUMAN AND MATERIAL RESOURCES INHERENT IN DEVOLUTION OF POWERS

Section 19:

(1) Regional and local authorities shall freely recruit and manage staff needed for the accomplishment of their missions, in accordance with the laws and regulations in force.

(2) The rules and regulations governing the staff referred to in the preceding subsection shall be laid down by decree of the President of the Republic.

(3) However, civil servants and other government employees may be transferred or seconded to regional and local authorities upon request. In such case, the request shall be forwarded to the minister concerned, through the representative of the State, who shall give an opinion on the matter.

Civil servants and Government employees thus placed at the disposal of regional and local authorities shall continue to be governed by the General Rules and Regulations of the Public Service or the Labour Code, as the case may be.

(4) The conditions of implementation of Section 19(3) above shall be laid down by regulation.

Section 20: Devolution of power shall automatically entail a handover to the beneficiary regional or local authority of all movable and immovable property used, at the transfer date, to exercise that power. The property hand over shall be duly established by a devolution decree signed by the President on the strength of an official report jointly drawn up by the Representative of the State and executives of the regional or local authority concerned.
Section 21: Civil servants or employees of deconcentrated government services, who directly and personally lent assistance to a regional or local authority in an operation, may not, in any manner whatsoever, be involved in related oversight actions.

CHAPTER III
FINANCIAL IMPLICATIONS OF DEVOLUTION OF POWER

Section 22: Resources required by regional and local authorities to exercise their powers shall be devolved upon them either through a system of tax transfers, or ceded revenue, or both methods concurrently.

Section 23:
(1) A Common Decentralization Fund for the partial financing of the decentralization process is hereby instituted.

(2) Each year, the Finance Law shall fix, on the recommendation of the Government the portion of state revenue to be allocated to the Common Decentralization Fund referred to in the preceding subsection.

Section 24:
(1) Expenditure corresponding to the exercise of devolved powers shall be assessed prior to devolution.

(2) All new expenditure devolving upon regional and local authorities subsequent to amendments by the State of rules on the exercise of devolved powers must be offset by an equivalent allocation to the Common Decentralization Fund provided for in Section 23 or by other tax revenue, in accordance with modalities defined by law.

(3) The statutory instrument referred to in Subsection (2) above shall clearly state the allocation source. Where a shortage of funds by regional and local authorities may jeopardize the execution of public service missions, the State may intervene through special allocations to the regional and local authorities concerned.

Section 25:
(1) Expenditure arising from the devolution of powers shall entail on allocation by the State, to each region or council, of resources of an amount equivalent at least to the said expenditures.

(2) Resources to be so allocated shall be at least equivalent to the amount incurred by the State during the financial year immediately preceding the date of devolution of power.

Section 26: Deconcentrated government services, whose material and human resources are placed under the authority of the representative of the State who, as and
when necessary, makes them available to regional and local authorities to enable them exercise their new powers, shall also receive a portion of the resources referred to in Section 25(2) above.

Section 27: At each stage of the devolution process, the amounts in expenditure resulting from increases or decreases in workload shall be duly established, for both the authorities and the State, by joint order of the ministers in charge of regional and local authorities and of finance.

Section 28: Judges of the Audit Bench shall audit all accounts kept by public accountants of regional and local authorities, as well as those kept by de facto accountants appointed by these same authorities.

PART III
ORGANIZATION AND FUNCTIONING OF REGIONAL AND LOCAL AUTHORITIES

CHAPTER I
ORGANIZATION

Section 29:
(1) Regional and local authorities shall have an elected deliberative organ.

(2) The deliberative organ referred to in the preceding subsection shall elect an executive from among its members.

(3) The system of election of members of the deliberative organ and the executive bureau shall be defined by law.

Section 30: Regional and local authorities shall have their own budgets, resources, patrimony, public and private property, as well as staff.

Section 31: Regional and local authorities shall have their own services and, as and when necessary, receive assistance from deconcentrated government services.

Section 32: The public and private property of a regional or local authority shall comprise all movable and immovable property acquired either free of charge or against payment.

Section 33: Local public services of regional and local authorities may be run under council supervision, as concessions or leases.

Section 34: Regional and local authorities may set up local establishments or enterprises, in accordance with laws in force governing public establishments,
enterprises or firms with State participation and corporate bodies under private law, which receive financial assistance from public authorities.

**Section 35:**

(1) Regional and local authorities may, upon a resolution of their councillor board, either purchase shares or bonds issued by companies which run local services, or be issued shares for consideration other than cash or equity shares by the said companies. However, this shall require prior approval by the supervisory authority and shall be subject to the shareholding ceilings stipulated in Section 65 below.

(2) In such case, the articles of association of the companies referred to in the preceding subsection shall define, on behalf of the regional or local authority concerned:

a) where it holds shares, the statutory duties of one or several representatives on the board of directors outside the general meeting;

b) where it holds bonds, the right for it to have a special delegate defend its interests before the company.

3) Amendments to the articles of association of such a company concerning regional and local authorities shall be subject to prior approval by the representative of the State.

**CHAPTER II**

**FUNCTIONING**

I - PROPERTY OF REGIONAL AND LOCAL AUTHORITIES

**Section 36:** The council or board of a regional or local authority shall deliberate on the management of property and on real estate transactions made by the authority concerned.

**Section 37:** Leases, informal agreements and any conventions relating to the renting or acquisition of buildings or real estate rights shall be concluded in accordance with standard procedures laid down by regulation.

**Section 38:** The cost of real estate acquired by regional and local authorities shall be paid according to conditions laid down by regulation for similar transactions made by the State.

**Section 39:**

(1) The sale of property belonging to regional and local authorities shall be subject to the same rules as for State property.

(2) The proceeds of such sale shall be paid to the regional or local authority's revenue collector.
**Section 40:**

(1) Regional and local authorities may hold government stock acquired particularly through the purchase of securities, with capital derived from payments by individuals, transfers, balances from exchanges, gifts and legacies.

(2) The council or Bureau of the regional or local authority concerned shall deliberate on investment in government stock.

(3) Funds kept by the regional or local authority’s revenue collector may be used for the purchase of stock or shares. In such case, he shall register them and keep the certificates.

(4) The registered stock held by regional and local authorities shall be considered as immovables.

**II - CONTRACTS CONCLUDED BY REGIONAL AND LOCAL AUTHORITIES**

**Section 41:** Members of the executive and the revenue collector of regional and local authorities may not, in any form, either directly or indirectly, bid for or be awarded contracts, otherwise such contracts shall be annulled by the representative of the State.

**Section 42:** Private law contracts of regional and local authorities shall be awarded in accordance with ordinary law.

**III - GIFTS AND LEGACIES TO REGIONAL AND LOCAL AUTHORITIES**

**Section 43:**

(1) Deliberations of a council or bureau of a regional or local authority relating to the acceptance of gifts and legacies that entail expenses or conditions may not be enforced without the approval of the minister in charge of regional and local authorities.

(2) Whatever the amount and nature of the gift or legacy, where there are claims by heirs, the authorization of acceptance may be granted only by order of the minister in charge of regional and local authorities.

**Section 44:**

(1) The regional or local authority executive may, as a safeguard measure, accept the gift or legacy and apply for delivery thereof before the authorization is issued.

(2) The order referred to in Section 43 (2) or the subsequent deliberation of the council or board shall take effect from the date of acceptance.
(3) The acceptance shall be made forthwith and, as much as possible, farm part of the donation act. Failing this it shall be made by separate act, which shall equally be authentic, and be notified to the donor in accordance with the legal provisions in force governing civil and commercial obligations.

Section 45:

(1) Regional and local authorities or groupings thereof shall freely accept donations or legacies made to them without expenses, conditions or real estate entailments.

(2) In any case, where gifts and legacies give rise to claims by families, the authorization to accept such gifts and legacies shall be granted by order, pursuant to the provisions of Section 43(2).

(3) Where the proceeds of the gift can no longer defray its expenses, the minister in charge of regional and local authorities may, by order, authorize the regional or local authority concerned to assign the proceeds to other uses that comply with the donor's or legator's purpose. Otherwise the heirs may reclaim the gift. Under no circumstance may the members of the regional or local authority executive acquire the gift.

IV - PROPERTY AND RIGHTS JOINTLY HELD BY SEVERAL REGIONAL AND LOCAL AUTHORITIES

Section 46:

(1) Where several regional and local authorities jointly hold property or rights, an order of the minister in charge of regional and local authorities shall set up a committee comprising representatives of councils or boards concerned.

(2) Each council or bureau shall, by secret ballot, elect from among its members the number of representatives fixed by the order referred to in the preceding subsection.

(3) The deliberations shall be consistent with all rules governing the deliberations of councils or bureaux of regional and local authorities.

Section 47:

(1) The duties of the committee and its chairperson shall be to administer the joint property and rights and carry out all related works. These duties shall correspond to those of councils or boards of regional and local authorities and their executive organs in similar circumstances.

(2) Notwithstanding the provisions of the preceding subsection, the sale, exchange, sharing, acquisition or transactions in property shall remain the reserve of councils or boards which may authorize the chairperson of the committee to conclude the relevant deeds.
V - WORKS OF REGIONAL AND LOCAL AUTHORITIES

**Section 48**: Plans and estimates shall be submitted to the council or board of the regional or local authority before any new construction or reconstruction work is executed on behalf of the regional or local authority concerned.

VI - LEGAL ACTION

**Section 49**: 

(1) The president of the regional council or mayor shall represent them in court.  

(2) He may take or cause to be taken any safeguard measures or measures to interrupt the forfeiture of rights.

**Section 50**: 

(1) The council or board shall deliberate on actions to be taken or defended on behalf of the regional or local authority.  

(2) However, at the beginning of the financial year, the council or board may empower the mayor or the president of the regional council to defend the interests of the regional or local authority concerned in all matters.

**Section 51**: Appeals against decisions of regional or local authorities shall comply with the rules governing administrative disputes or ordinary law disputes, as the case may be.

VII - FUNCTIONING OF LOCAL SERVICES

**Section 52**: 

(1) Local public services managed under council supervision shall operate according to the ordinary law provisions applicable to State public services of a similar nature.  

(2) However, regional and local authorities may operate public services of an industrial or commercial nature where public interest so requires, especially where private initiative is lacking or inadequate.

**Section 53**: The councils and boards of regional and local authorities shall draw up the list and provisions which shall be set out in the by-laws of services which they intend to run as local industrial or commercial establishments, hereinafter referred to as "sub-national public undertakings".
**Section 54:**

(1) where several regional and local authorities are involved, the management of such a sub-national public undertaking may be effected through one of the following ways, under the supervision of a regional or local authority representing other regional and local authorities as trustee; or under the supervision of a group formed by the said regional and local authorities.

(2) There the group is formed for the sole purpose of running an industrial or commercial undertaking, the regional and local authorities may request that management of the body so established be merged with that of the rules of sub-national public undertaking. In such case, the articles of association of the group shall be amended in compliance with the provisions of this law.

**Section 55:**

(1) An implementation decree of this law shall define which services provided by sub-national public undertakings set up by regional and local authorities may be subject to technical supervision by the State.

(2) The standard rules and regulations of the bodies referred to above shall be approved by law.

(3) The statutory approval instruments shall outline the measures to be taken where a sub-national public undertaking is unable to carry out its mission.

**Section 56:** Unless otherwise provided for by the law in force, contracts on the concession of local public commercial and industrial services shall be approved by the minister in charge of regional and local authorities under conditions set out in the implementation decree of this law.

**Section 57:** The terms of public service concession contracts concluded by regional and local authorities may not contain any clause that requires the concessionaire to provide services outside those set out in the concession.

**Section 58:** Public works contracts concluded by regional and local authorities may not provide for the leasing of public revenue-generating activities except for revenue derived from the exploitation of the utility under concession.

**Section 59:** Enterprises running public services under council supervision shall be bound, in all matters of management and preliminary works they may carry out on behalf of the conceding party, to respect all control measures and produce all supporting documents in compliance with the law in force.

**Section 60:** Groupings of regional and local authorities may, through a concession, manage services which are of interest to each of the member regional or local authority.
Section 61:

(1) Regional and local authorities that have conceded or leased a public utility or service of public interest may amend or terminate a concession or lease contract where the concessionaire defaults due to persistent contingent economic or technical reasons that interrupt the normal provision of the said service.

(2) The provisions of the preceding subsection shall apply mutatis mutandis to the concessionaire or operator.

(3) The regional or local authority concerned must either stop providing the said service or reorganize it on such sound economic grounds.

VIII - SETTING UP OF PUBLIC CORPORATE ENTITIES AND ACQUISITION OF SHARES IN PUBLIC, SEMI-PUBLIC AND PRIVATE BODIES

Section 62:

(1) Securities acquired by regional and local authorities at the floating of corporations or through shareholding in State enterprises or private companies shall be issued either in the form of registered shares or certificates.

(2) They shall be acquired upon deliberation of the council or board of the regional or local authority concerned and kept by the revenue collector of the said authority, even when they have been used as collateral in management by the board of directors.

Section 63:

(1) Securities used as collateral by the board of directors shall be non-transferable.

(2) The securities referred to in Section 62(1) may only be transferred upon deliberation and approval under the same conditions as for their acquisition.

Section 64:

(1) The regional or local authority shall be liable for acts done by its representative on the Board of Directors of a company in which it holds shares, without prejudice to a personal liability claim against the said representative.

(2) The personal liability claim referred to in the preceding subsection shall be applicable only in cases of personal error or serious misdemeanour that undermines the interests of the regional or local authority concerned.

Section 65: Regional and local authorities or groupings thereof shall not acquire more than 33% (thirty-three percent) of the share capital of administrative public establishments, local public companies, and other public, semi-public and private entities.
PART IV
SUPERVISION OF REGIONAL AND LOCAL AUTHORITIES

Section 66:

(1) The State shall ensure the supervision of regional and local authorities in accordance with the provisions of this law.

(2) Under the authority of the President of the Republic, the minister in charge of regional and local authorities and the representative of the State in the regional and local authority shall ensure the supervision of such authorities.

Section 67:

(1) The Governor shall be delegate of the State in the region. In this capacity, he shall safeguard national interests, ensure administrative control, respect of rules and regulations in force and maintain law and order. He shall supervise and coordinate, under the authority of the government, the running of State civilian administrative services in the region.

(2) The Senior Divisional Officer shall exercise supervisory authority of the State over councils.

(3) The Governor and Senior Divisional Officer shall represent the President of the Republic in their administrative units.

(4) They shall also represent the Government and each minister and shall have authority over deconcentrated government services in their administrative units barring exemptions set out by decree of the President of the Republic.

(5) The Governor and Senior Divisional Officer shall be sole authorities empowered to speak on behalf of the State before councils or boards of the regional and local authorities of their administrative units.

However, where they are unavoidably absent and upon a reasoned notification to the minister in charge of regional and local authorities, they may delegate an official from the Governor's or divisional office, in accordance with the rules of protocol laid down by the laws in force.

Section 68:

(1) Instruments issued by regional and local authorities shall be forwarded to the representative of the State in the said regional or local authority who shall issue a receipt forthwith.

(2) Proof of receipt of instruments by the representative of the State referred to above may be produced in any form.
(3) The instruments referred to in subsection (1) above shall be fully binding within 15 (fifteen) days from the day of issue of the receipt and upon publication and notification to the persons concerned. The representative of the State may shorten this 15 (fifteen)-day period.

(4) Notwithstanding the provisions of subsections (1) and (2), the representative of the State may, within 15 (fifteen) days from the date of reception, request a second reading of the said instruments. Such a request shall defer the enforcement of the instrument and statutory deadlines applicable in case of litigation in accordance with the law in force.

Section 69: Statutory and individual decisions taken by the president of the regional council or mayor in the exercise of their supervisory powers and routine management duties shall become fully binding upon publication or notification to the persons concerned. Such decisions shall be forwarded to the representative of the State.

Section 70:

(1) Notwithstanding the provisions of Sections 68 and 69 above, instruments adopted in the following areas, in addition to special provisions set out in this law, shall be subject to prior approval by the representative of the State:

- initial and annex budgets, below-the-line accounts and special expenditure authorizations;
- loans and loan guarantees;
- international cooperation agreements;
- land matters;
- securities and shares;
- agreements on the execution and control of public contracts, subject to the thresholds of jurisdiction provided for by the regulations in force;
- awarding public service contracts beyond the term of office of the board;
- recruitment of certain personnel according to procedures laid down by regulation.

(2) Regional and council development plans as well as regional land development plans shall be drawn up as much as possible in keeping with the national development plans.

Consequently, they shall be submitted for the approval of the representative of the State prior to adoption.

(3) Decisions taken in pursuance of subsection (1) above, shall be forwarded to the representative of the State, according to the procedure set out in Section 68 (1). The approval of the representative of the State shall be deemed to be tacit, where such
approval is not notified to the regional or local authority concerned within a period of 30 (thirty) days from the date of acknowledgement of receipt, by any written medium.

(4) The period provided for in subsection (3) may be reduced by the representative of the State at the request of the president of the regional council or the mayor. Such request shall stay the enforcement of the act as well as the calculation of the deadlines applicable in case of litigation, in accordance with the laws in force.

Section 71:

(1) The representative of the State shall inform the president of the regional council or the mayor by any written medium of the illegalities noted in instruments forwarded to him.

(2) The representative of the State shall refer to the appropriate administrative court, all instruments provided for in Sections 68 and 69 that he considers illegal, within a maximum period of 1 (one) month with effect from the date of their reception.

(3) The administrative court referred to shall be bound to deliver its decision within a maximum period of one month.

(4) Notwithstanding the provisions of subsection (2), the representative of the State may cancel instruments issued by local and regional authorities that are grossly unlawful, notably cases of expropriation or trespass, provided that the regional or local authority concerned shall have the right to refer the matter to the competent administrative court.

Section 72:

(1) The representative of the State may append a petition for a stay of execution to his appeal. Such petition shall be granted where one of the grounds raised is deemed upon examination, to be serious and warrants the quashing of the challenged instrument.

(2) Where the contentious instrument is likely to undermine the exercise of a public or individual freedom, the president of the administrative court to which the matter is referred or one of its members delegated for that purpose, shall order a stay of execution of no more than 48 (forty-eight) hours.

(3) The administrative court may, on its own motion, order a stay of execution of any public contract referred to it by the representative of the State for quashing.

Section 73:

(1) The president of the regional council or the mayor may, on grounds of abuse of power, challenge before the competent administrate court the rejection by the representative of the State pursuant to the provisions of Section 70(1), in accordance with the procedure provided for by the laws in force.
(2) The quashing of the rejection decision by the administrative court concerned, shall be tantamount to an approval once the decision is notified to the local or regional authority.

Section 74: Any natural person or corporate body with an interest may challenge, before the competent administrative court, the instrument referred to in Sections 68, 69 and 70, in accordance with the procedure laid down by the law on litigation, from the date on which the contentious instrument became enforceable.

Section 75:

(1) Any general instrument issued by a regional or local authority that becomes enforceable as well as any petition by the representative of the State against such act involving a stay of execution, shall be given wide publicity, notably by posting it at the chief town of the regional or local authority and the services of the administrative unit concerned.

(2) The procedure laid down in the preceding subsection shall be by notification, where it involves an individual instrument.

Section 76: Any request for annulment of an instrument issued by a regional or local authority, addressed to the representative of the State by any interested person prior to the date when such act becomes enforceable, shall have no effect on the litigation procedure.

Section 77: (1) Upon request:

a) the president of the regional council or the mayor shall receive from the representative of the State the information required for the performance of his duties;

b) the representative of the State shall receive from the president of the regional council or the mayor the information required for the performance of his duties.

(2) The president of the regional council or the mayor shall inform his council or board of the content of any correspondence that the representative of the State may address to them.

PART V
MONITORING ORGANS

Section 78:

(1) A National Decentralization Board is hereby set up. Its organization and functioning shall be laid down by decree of the President of the Republic.

(2) The National Decentralization Board shall be responsible for the monitoring and evaluation of the implementation of decentralization.
**Section 79:** A Local Services Inter-Ministerial Committee is hereby set up. Its organization and functioning shall be laid down by the implementation decree of this law.

**PART VI**

**MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

**Section 80:**

(1) Until such time that regional and local authorities have their own resources, deconcentrated government services or parts thereof affected by the devolution of powers shall progressively be transferred to "these authorities on the recommendation of the National Decentralization Board.

(2) Before the effective transfer of the services provided for in the preceding subsection, the conditions for the use of each government service by the regional and local authorities shall be determined by agreements signed between the representative of the State and the president of the regional council or mayor, according to models laid down by regulation.

As part of the agreements referred to in the preceding paragraph, the president of the regional council or mayor shall issue all necessary instructions for the performance of the duties assigned to the said services. He shall control the execution of the said duties.

**Section 81:** Standard specifications and regulations concerning local public services shall be rendered enforceable by regulation.

**Section 82:** Within a maximum period of one year from the date of publication of regulations provided for in Section 55, concession contracts and regulations on state-controlled projects in force shall be revised, where current operating conditions are observed to be more costly and more disadvantageous to the regional and local authorities or members of the public, than those resulting from the application of provisions laid down in the standard specifications and/or regulations.

**Section 83:** In case of disagreement between the regional or local authority concerned and the concession holder or controller, the minister in charge of regional and local authorities shall decide on the revision of the contract or on the conditions for its termination.

**Section 84:**

(1) The standard specifications and regulations may be waived only by order of the minister concerned, under special circumstances so established.

(2) The order referred to in the preceding subsection shall be issued on the proposal of the minister in charge of regional and local authorities.

**Section 85:** The regional and local authorities may establish cooperation ties with
regional and local authorities of foreign countries, with the approval of the minister in charge of regional and local authorities, following the procedure laid down by the implementation decree of this law.

**Section 86**: Other instruments shall, *inter alia*, lay down:

- rules applicable to regions;
- rules applicable to councils;
- the financial regulations governing regional and local authorities;
- conditions for the election of regional councillors.

**Section 87**: One or more bodies shall be set up, as and when necessary, by decree of the President of the Republic, to ensure harmonious development within all local and regional council areas on the basis of national solidarity, regional potentials and inter-regional balance.

**Section 88**: The provisions of Law No 74/2 of 5 December 1974 to organize councils and subsequent amendment thereto, as well as those of Law No. 87/15 of 15 July 1987 to set up and organize city councils are hereby repealed and replaced by the provisions of this law, subject to the enactment of separate instruments provided for in Sections 86 and 87 above.

**Section 89**: This law shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and French.

Yaounde, 22nd July 2004

Paul Biya

President of the Republic