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LAW NO. 2004-19 OF 22 JULY 2004 TO LAY DOWN RULES APPLICABLE TO REGIONS

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The National Assembly deliberated and adopted,
The President of the Republic hereby enacts the law set out below:

PART I

GENERAL PROVISIONS

Article 1:

This law lays down the rules applicable to regions, in accordance with the provisions of the law on the orientation of decentralization.

Article 2:

- (1) The region shall be a regional authority comprising several divisions.
- (2) The creation, change of name and modification of boundaries of regions shall be governed by Article 61 of the Constitution.

Article 3:

The chief town of each province that becomes a region shall be the chief town of that region.

Article 4:

- (1) The boundaries or chief towns of administrative units; shall be modified where:
 - a council or part thereof is attached to a region;
 - the geographical boundaries of regions are modified;
 - new chief towns are established.
- (2) The attachment of a council or a part thereof to a region shall be subject to the approval of the council and regional councils concerned.

Article 5:

The modifications of regions shall enter into force on the date of the holding of the first session of the regional council of the newly created entity unless otherwise provided for in the amendment decree. In this case, the decree shall make provision for the dissolution of the said regional council(s).

Article 6:

- (1) The instruments modifying the boundaries of one or more regions shall set out conditions thereof, in particular. Those on the devolution of property.
- (2) The instruments referred to in the preceding subsection shall also lay down conditions for granting the undermentioned property either to a region or regions of attachment or to the State:
 - lands and buildings forming part of State property;
 - private property of the State;
 - donations meant for the defunct region.

Article 7:

In accordance with the laws in force, a region may:

- carry out activities to supplement those of the State;
- propose to councils under its jurisdiction, all measures to foster the coordination of local development and investment actions.

Article 8:

- (1) Where a regional council deliberate outside its statutory sessions or on a matter not falling under its jurisdiction, the representative of the State shall take appropriate measures to stop the meeting forthwith.
- (2) Accordingly, regional councils shall not issue declarations and statements, give political views that undermine territorial integrity or national unity, or entertain relations with one or more regional councils outside the cases provided by the laws in force.
- (3) In keeping with subsection (2) above, the representative of the State shall institute legal proceedings against regional councillors guilty of such opinions, statements, declarations or relations.
- (4) Where the participants at the meeting are sentenced, the court decision shall exclude them from the regional council and declare them ineligible for re-election for a period of 5 (five) years following the sentence.

PART II

MANAGEMENT AND USE OF PRIVATE PROPERTY OF THE STATE, PUBLIC PROPERTY AND NATIONAL LANDS BY REGIONS

Article 9:

The powers devolved upon regions in matters of land tenure shall be exercised in strict compliance with provisions of the land laws in force, in so far as those provisions are not contrary to this law.

Chapter I

PRIVATE PROPERTY OF THE STATE

Article 10:

- (1) The State may transfer to regions all or part of its movable or immovable private property, or enter into agreement with the said regions on the use of such property.
- (2) The transfer by the State of movable and immovable property referred to in the preceding subsection, may be effected, either at the request of regions or on the initiative of the State to enable them to carry out their missions, house services or provide public facilities.

Article 11:

In accordance with the provisions of Section 10 above, the State may either facilitate the freehold by regions to all or part of the State's movable and immovable private property, or simply grant these regions user rights over some of its movable and immovable property.

Chapter II

PUBLIC PROPERTY

Article 12:

- (1) Projects or operations of local interest initiated on public coast lands and waterways by natural persons, regional and local authorities or any other corporate bodies, shall require the authorization of the regional council by decision. upon the recommendation of the local council where the project is located.
- (2) The decision referred to in the preceding subsection shall be forwarded for approval by the representative of the State.

Article 13:

For projects or operations initiated by the State on public coast land and waterways, either in the exercise of sovereignty, or in the perspective of promoting economic and social development, or for regional development purposes, the State shall take a decision after consultation with the regional council concerned, except where national defence or public policy requirements dictate otherwise. In the latter case, the State shall communicate its decision to the regional council, for information.

Article 14:

- (1) In zones falling under public coast lands and waterways for which special development plans have been approved by the State, management powers shall be delegated by the latter to the regions concerned, for areas there of which have been devolved upon them in the above mentioned plans.
- (2) The royalties accruing there from shall be paid to the regions concerned.
- (3) Management instruments issued by the president of the regional council shall be submitted for approval by the representative of the State and then forwarded to the regional council for information.

Article 15 :

The artificial public property shall be managed exclusively by the State. However, the State may transfer to regions, in accordance with conditions of classification which are laid down by an implementation decree of this law, the management of ancient monuments.

Chapter III

NATIONAL LAND

Article 16:

- (1) Projects or operations initiated by a region shall be located in accordance with the land laws and regulations in force.

- (2) For the projects or operations, which it initiates on national lands, the State shall take a decision after consultation with the region concerned, except where national defence or public policy requirements dictate otherwise.
- (3) The decision referred to in the preceding subsection shall be forwarded to the regional council concerned for information.

Article 17:

- (1) For any project or operation within the jurisdiction of the State to be implemented in urban areas, the State shall take a decision after consultation with the region concerned
- (2) The decision referred to in the preceding subsection shall be notified to the regional council.

PART III

POWERS DEVOLVED UPON REGIONS

Chapter I

ECONOMIC DEVELOPMENT

Section I

ECONOMIC ACTION

Article 18:

The following powers shall be devolved upon regions:

- promoting small- and medium-sized enterprises;
- organizing trade fairs and exhibitions;
- promoting handicrafts;
- promoting farming, livestock and fishery activities;
- encouraging business operators to set up regional groups;
- supporting income and job generation in micro-projects;
- developing tourism.

Section II

MANAGEMENT OF THE ENVIRONMENT AND NATURAL RESOURCES

Article 19:

The following powers shall be devolved upon regions:

- managing, protecting and maintaining protected areas and natural sites falling within the jurisdiction of the region;
- preserving and protecting of nature;

- managing water resources of the region;
- creating regional woodlands, forests and protected areas according to a plan duly approved by the representative of the State;
- providing fire-breaks and setting early fires to check bush fires;
- managing natural parks of the region according to a plan submitted for the approval of the representative of the State;
- formulating, implementing and monitoring regional plans or guidelines for environmental action;
- formulating specific regional plans for emergency intervention and risk prevention.

Section III

PLANNING, REGIONAL DEVELOPMENT, PUBLIC WORKS, TOWN PLANNING AND HOUSING

Article 20:

The following powers shall be devolved upon regions:

- formulating and implementing regional development plans
- signing with the State, plan contracts for the achievement of development objectives;
- participating in the organisation and management of public intercity transport;
- coordinating development action:
- formulating in accordance with the national plan, regional guidelines for development;
- participating in the preparation of urban planning documents and master plans of regional and local authorities;
- rehabilitating and maintaining divisional and regional roads;
- supporting the action of councils in town planning and housing matters.

Chapter II

HEALTH AND SOCIAL DEVELOPMENT

Section unique

HEALTH AND SOCIAL ACTION

Article 21:

The following powers shall be devolved upon regions:

- creating in accordance with the health map, equipping, managing and maintaining health centres within the region;
- supporting health facilities and social establishments;
- implementing prevention and hygiene measures;
- participating in maintaining and managing social advancement and/or rehabilitation centres;
- organizing and managing assistance to the needy;
- participating in drawing up the regional portion of the health map;

- participating in organizing and managing drug supply, essential reagents and appliances in accordance with the national health policy.

Chapter III

EDUCATIONAL, SPORTS AND CULTURAL DEVELOPMENT

Section unique

EDUCATION, LITERACY AND VOCATIONAL TRAINING

Article 22:

The following powers shall be devolved upon regions:

a) Education:

- participating in drawing up and implementing the regional portion of the national school location map;
- creating, equipping, and maintaining government high schools and colleges in the region
- recruiting and paying support staff of State high schools and secondary schools;
- distributing and awarding school grants and scholarships;
- participating in the acquisition of school manuals and supplies;
- participating in the management and administration of government high schools and colleges through forums for dialogue and consultation;
- supporting the action of councils in the area of primary and nursery education. Literacy:
- formulating and implementing regional plans for the elimination of illiteracy;
- doing a yearly evaluation of the execution of literacy campaigns;
- recruiting personnel in charge of literacy campaigns;
- training of trainers;
- designing and producing teaching aids;
- drawing up the literacy map;
- providing school infrastructure and facilities;
- monitoring and evaluating illiteracy elimination campaigns
- Vocational Training:
- comprehensive census of the region's trades and drawing up of a repertoire of existing vocational training courses with an indication of the aptitude required and the training profile;
- participating in drawing up the regional portion of the school location map as concerns technical education and vocational training;
- formulating a forward looking training plan;
- refurbishing and maintaining training establishments, centres and institutes in the region;
- recruiting and paying support staff;
- participating in the acquisition of teaching aids, in particular, supplies and working materials;
- participating in the management and administration of state training centres through dialogue and consultation forums; formulating a regional plan for the vocational integration of youth;
- assisting in the drawing up of school enterprise partnership contracts.

Section II

YOUTH, SPORTS AND LEISURE

Article 23:

The following powers shall be devolved upon regions:

- issuing authorizations to open educational centres duly approved by the representative of the State ;
- assisting regional sports associations;
- constructing, administering and managing regional sports and socio- educational facilities;
- organizing, coordinating and developing socio-educational activities;
- promoting and managing physical and sports education activities at the regional level.

Section III

CULTURE AND DEVELOPMENT OF NATIONAL LANGUAGES

Article 24:

The following powers shall be devolved upon regions:

a) Culture:

- promoting and developing cultural activities;
- contributing to the surveillance and protection of conservation sites, ancient monuments, and discovery of prehistoric or historical reliefs;
- organizing cultural weeks, traditional cultural events and literary and artistic contests;
- creating and running regional bands, traditional song groups, ballets and drama groups;
- creating and running regional socio-cultural centres and public libraries;
- collecting and translating works of oral tradition such as tales, myths and legends with a view to facilitating their publication;
- providing support to cultural associations.

b) Developing of national languages

- encouraging functional fluency in national languages and producing a regional language map;
- supporting publishing in national languages;
- developing print and broadcast media in national languages;
- building facilities and infrastructure.

PART IV

REGIONAL ORGANS

Article 25:

Regions shall have the following organs:

- the regional council;
- the president of the regional council.

Chapter I

REGIONAL COUNCIL

Section I

COMPOSITION

Article 26:

(1) The regional council shall be the deliberative organ of the region. It shall comprise regional councillors elected for a five-year term.

The regional council shall comprise:

- divisional delegates elected by indirect universal suffrage;
- representatives of traditional rulers elected by their peers.

They shall be elected in accordance with conditions defined by law.

(2) The regional council shall reflect the various sociological groups of the region.

Article 27:

Members of Parliament of the region shall attend proceedings of the regional council in an advisory capacity.

Section II

DUTIES

Article 28:

The regional council shall settle regional matters by deliberation.

Article 29:

The regional council shall decide on matters provided for by the law on the orientation of decentralization as well as those provided for by this law.

Article 30:

- (1) The regional council may delegate part of its duties to the regional executive, save for those mentioned in Sections 32 and 33 below. The attendant decision taken upon deliberation shall set out the purview and duration of the duties so delegated. At the expiry of the delegation, the regional council shall be informed thereof.
- (2) It shall appoint, from among its members, delegates to external bodies in compliance with the instruments governing the said bodies. Notwithstanding the terms of office of such members or delegates set out in the said instruments, the regional council shall be empowered, when it deems necessary, to replace such persons before the end of their terms.

Section III

FUNCTIONING

Article 31:

- (1) The regional council shall meet in ordinary session once every quarter when convened by its president. The duration of each session may not exceed 8 (eight) days save for the budget session, which may be held for 15 (fifteen) days.
- (2) During the election of new regional councillors and during the initial establishment of regional councils, the first session shall be convened automatically on the second Tuesday following the proclamation of results. In this case, the meeting shall be convened by the representative of the State.
- (3) In the case of election of new regional councillors, in accordance with the provisions of subsection (2) above, the powers of the outgoing council shall expire at the opening of the session held as of right.

Article 32:

The regional council shall also meet in extraordinary session with a specific agenda at the behest of its president;

- at least 2/3 (two-thirds) of its members for a duration of no more than a (three) days; a councillor may not make more than one request for a session every year;
- the representative of the State.

Article 33 :

- (1) The regional council shall comprise 4 (four) committees, each headed by a committee member:
 - the committee on administrative and legal matters, rules of procedure;
 - the committee on education, health, population, social and cultural affairs, youth and sports;
 - the committee on finance, infrastructural development, planning and economic development;
 - the committee on the environment, regional development, land, town planning and housing.
- (2) Notwithstanding the provisions of the preceding sub-section, the regional council may:
 - set up or dissolve any other committee upon deliberation, at the request of its chairperson or 2/3 (two-thirds) of its members;
 - invite any person, on account of his expertise in a specific item on the agenda, to attend proceedings of a regional council or committee meeting;
 - create or dissolve any ad hoc committee.

Article 34:

- (1) Regional councillors shall be entitled to allowances and the refund of any expenses incurred in the discharge of their duties.
- (2) A regional councillor who is chairman or member of a special body provided for under section 50 herein shall be entitled to a daily allowance and travel allowances, charged to the budget of the region, for the performance of the duties assigned to him by the special body.
- (3) Persons invited in an advisory capacity and members, excluding those appointed to ad hoc committees, shall be entitled to an allowance.

Article 35:

- (1) The allowances and expenses referred to in Section 34 above shall be charged to an appropriation generated from total revenue collected as posted on the approved administrative account of the previous financial year.

- (2) The appropriation referred to in the preceding- sub-section earmarked for the initial establishment of regional councils shall be charged to the Common Decentralization Fund.
- (3) The calculation of amounts, the conditions for paying allowances to regional councillors and persons invited in an advisory capacity as well as the refund of expenses referred to in Sub-section (1) above shall be defined by regulation.

Article 36:

- (1) The minister in charge of regional and local authorities shall setup a joint committee comprising delegates appointed from each regional council for the purpose of drawing up draft rules of procedure,
- (2) The rules of procedure referred to in the preceding subsection shall be rendered enforceable by order of the minister in charge of regional and local authorities.

Article 37:

- (1) The regional council may validly conduct business only where the absolute majority of its members are present. However, where such a quorum is not met, the meeting shall be reconvened automatically within 8 (eight) days. In this case, business may be validly conducted only if at least 1/4 (one-quarter) of the councillors are present.
- (2) Decisions shall be taken by a simple majority of members present and voting. In case of a tie, the chairman shall have the casting vote, except in the case of a secret ballot. In this case, fresh and open ballot elections shall be conducted at the request of at least 1/3 (one-third) of members. The full names and ballots of voters shall be recorded in the minutes.

Article 38:

Meetings of the regional council shall be open unless otherwise decided by an absolute majority of members present or represented.

Article 39:

- (1) A regional councillor who is unable to attend a meeting may give a written proxy to another councillor.
- (2) A regional councillor may hold or by one proxy.
- (3) The regional council may nullify the proxy of a councillor where it deems that the grounds of the giver of the proxy for absence are not sound.

Article 40:

- (1) Notices of the meeting referred to in Section: 31(1) must reach regional councillors within 15 (fifteen) clear days before the meeting.
- (2) They shall include working documents related to each item on the agenda. As and when necessary, the president of the regional council shall draw up a report on each of the items.

Article 41:

- (1) The president shall inform the regional council through a special report presented in the month of January following the end of the financial year, on the situation of the region, devolved powers, activities and functioning of various services and bodies of the region as well as appropriations.
- (2) The report referred to in the preceding subsection shall state the status of implementation of the decisions of the regional council and the financial situation of the region. It shall be discussed, forwarded to the representative of the State for information and then published.

Article 42:

- (1) The presence of the representative of the State or his duly authorized delegate in regional council sessions shall be as of right. The representative of the State or his delegate shall take the floor at any

time, but may neither participate in voting nor chair the regional council. His declaration shall be entered in the minutes of the meeting.

- (2) In the month of January following the end of the financial year, the representative of the State shall present to the regional council a special report on the activities of the State services in the region. This special report shall be discussed in his presence.

Article 43:

During the meetings of the regional council, the secretarial duties shall be performed by secretaries of the regional bureau. In their absence, the President of the regional council or, failing this, the session chairman, shall designate another regional councillor to perform such duties.

Article 44:

- (1) At the end of each meeting, the session secretary shall submit to the regional council for approval a written statement of the resolutions made during that session.
- (2) The statement referred to in the preceding subsection shall be signed by all the members present and voting. It shall serve as a basis for preparing draft decisions.

Article 45:

- (1) The session secretary shall draw up minutes consigned by the president of the regional council.
- (2) The minutes referred to in the preceding Subsection shall outline the deliberations of the regional council. They shall be forwarded to council members, and then submitted to them for adoption at the opening of the next session.

Article 46 :

The deliberations of the regional shall be recorded in chronological order in a register, numbered and initialled by the representative of the State.

Article 47 :

Regional councillors shall be entitled to the protection laid down under Section 70 below, when they are charged with the performance of a special task.

Section IV

SUSPENSION, DISSOLUTION OF THE REGIONAL COUNCIL, REPLACEMENT, TERMINATION OF DUTIES AND SUBSTITUTION

Article 48:

- (1) The regional council may be suspended by decree of the President of the Republic on the recommendation of the minister in charge of regional and local authorities, where it:
 - acts unconstitutionally;
 - threatens the security of the State or law and order;
 - threatens the country's territorial integrity;
 - cannot perform its duties permanently.
- (2) Suspension referred to under subsection (1) above may not exceed 2 (two) months.
- (3) Suspension may be preceded by a notification forwarded to the council concerned by the Minister in charge of regional and local authorities.

Article 49:

The President of the Republic may dissolve the regional council by decree on the recommendation of the constitutional council:

- in any of the cases referred to in Section 48(1) above;
- where there is a persistent breakdown or inability to restore normalcy after the period set out in Section 48(2) above.

Article 50:

- (1) Where the regional council is dissolved, the President of the Republic shall by decree, set up a special body comprising a chairman and vice-chairman, on the recommendation of the minister in charge of regional and local authorities.
- (2) The powers of the special body laid down under subsection (1) shall be limited to handling routine matters, protective measures and the search for solutions to the urgent issues at stake.
- (3) The special body shall under no circumstances:
 - commit the regions funds; above the ceiling laid down by regulations;
 - transfer or exchange property of the regions;
 - modify the staff strength of the region;
 - vote loans.
- (4) A by-election of regional councillors shall be conducted within a maximum period of 6 (six) months. The powers of the special body laid down under subsection 1 shall be terminated forthwith on the installation of the new regional council.

Article 51:

A special body shall equally be set up under the same conditions, in case of resignation of all the members of a regional council or of a final court decision on the cancellation of the election.

Article 52:

The composition of any special body shall be laid down by the decree setting it up.

Article 53:

Budgetary substitution shall be conducted in accordance with the law to lay down the financial regulations of regional and local authorities.

Article 54:

- (1) Any member of a regional council who has duly been sent a convening notice and who, without sound grounds, does not attend 3 (three) successive may, after a request by the regional council chairman to furnish explanations, be deemed as having resigned by Minister in charge of regional and local authorities. The decision, which is copied to such member and the Representative of State, may be appealed before a competent court.
- (2) The councillor deemed to have resigned under subsection (1) above shall not be eligible for election to the regional council during the by-or general elections held immediately after his resignation.

Article 55:

- (1) A member of the regional council, who, without grounds, does not perform his duties defined by law, may be deemed to have resigned by the Minister in charge of regional and local authorities, upon the recommendation of the regional council.
- (2) Failure to perform duty shall be ascertained in a written notification addressed to the competent

authority or announcement by such member, or persistent abstention upon notification by the Minister in charge of regional and local authority, within a fixed period of time he shall determine.

Article 56:

Resignation letters shall be sent by registered mail to the President of the regional council with a copy to the Representative of State .They shall apply from the date of reception by the President of the regional council or, where such acknowledgement of receipt is lacking, within one month from the date of a second mailing of resignation letter by registered mail.

Article 57 :

Employers shall be bound to allow employees of their enterprise or service who are members of the regional council to attend plenary sessions of council or deliberations of commissions and ad hoc committees. Where the employer terminates the employment contract on grounds of off duty referred to in this section; he shall be liable to pay damage and compensation to the employee.

Article 58 :

- (1) In the case of war or complicity with the enemy the President of the Republic may, by decree, suspend on an individual basis, regional councillors for the purpose of maintaining law and order protecting the general interest until the end of hostilities .The members of regional council thus suspend may not be replaced numerically during the remaining term of office of the said council.
- (2) However, where such measure reduces by least half (1/2) the number of councillors, the same decree shall set up a special body empowered to replace the regional council.

Article 59:

- (1) The precedence of regional councillors , after the President and bureau members, shall be in keeping with their order of election , in accordance with the provision of this law.
- (2) The order of precedence shall be as follows:
 - the date of the oldest elections conducted with effect from the last election of the entire regional council;
 - priority of age of the councillors elected on the same day.

Chapter II

PRESIDENT OF REGIONAL COUNCIL

Article 60:

The President of the regional Council shall be the chief executive of the Region. He shall be assisted by a regional Bureau elected at the same time with him from among the councillors. The Regional Bureau shall reflect the sociological composition of the region.

Section I

ELECTION OF THE PRESIDENT OF THE REGIONAL BUREAU

Article 61:

- (1) The regional council shall elect during its first session , a president assisted by a bureau comprising a senior vice-president , a vice – president , 2 (two) questers and 2 (two) secretaries.
- (2) The president of regional council shall be a native of the region elected for the duration of the term of office of the council.
- (3) During the session referred to in subsection (1) above, the regional council shall be chaired by the oldest member while the youngest member shall perform secretarial duties.
- (4) Election shall be by secret ballot and by absolute majority of the regional council members present and voting.
- (5) Where, after 2 (two) rounds of balloting, no candidate obtains an absolute majority, a third ballot shall be conducted and winning at the election shall be by relative majority. In the event of a tie, the oldest candidate shall be declared winner.
- (6) The regional council may conduct business in the case referred to in subsection 5 only where 2/3 (two-thirds) of the members are present. Where that condition is not fulfilled, the meeting shall automatically be reconvened 8 (eight) days later. It may then conduct without taking into account a quorum.
- (7) Immediately after the election of the president, he shall preside over the regional council to complete its bureau by electing under the same conditions, the senior vice-president. The vice-president, 2 (two) questers and 2 (two) secretaries shall be elected on a list by single ballot.

Article 62:

After election of its bureau, the regional council shall form its committees and proceed to designating its members of delegates to represent it in external bodies, in accordance with the provisions of section 30 (2) above.

Article 63:

- (1) The president regional bureau members shall be elected for the duration of the term of office of the regional council.
- (2) During official ceremonies or solemn occasions, the president of the regional council shall sling a sash across his shoulder and bureau members shall wear sashes as belt, all in national colours, with a gold fringed tassel for the president and silver fringed tassels for bureau members.
- (3) During the ceremonies and occasions provided for under sub-paragraph 2 above, regional councillors shall wear an insignia the characteristics of which shall be laid down by statutory instruments.
- (4) Provision shall be made in the regional budget for the acquisition of the sashes and insignia provided for in subsections 2 and 3 above.

Article 64:

The duties of president of regional council shall be incompatible with the duties of:

- member of government and persons ranking as such;
- member of Parliament or senator;
- Administrative authority;
- Mayer of government delegate;
- ambassador of official of a diplomatic mission;

- President of law courts and tribunals;
- General Manager of a public establishment or public corporation;
- secretary-general of ministry and persons ranking as such;
- director in the central administration;
- law enforcement officer;
- Employee of the Ministry of Finance who have to handle the finances or accounts of the region concerned.

Section II

DUTIES OF PRESIDENT OF REGIONAL COUNCIL THE CHIEF EXECUTIVE OF THE REGION

Article 65:

(1) the president of regional council shall be the chief executive of the region

To that end, he shall:

- be spokesman before the Representative of the State;
 - represent the region in all matters and before the law courts;
 - prepare and implement the regional council deliberations
 - authorize the revenue and expenditure of the region subject to the separate provisions laid down by the regulations in force;
 - management, particularly as concerns the movement on such property, subject to the duties devolving on the Representative of the state and mayors.
- (2) The president of the regional council shall reside in the chief town of the region concerned.
- (3) He may, under his supervision and responsibility, grant delegation of signature to bureau members. He may, under the same conditions, grant delegation of signature to the region's secretary-general, as well as to officials of the regional services
- (4) The president of the regional council shall reside in the region concerned.

Article 66:

- (1) For the preparation and enforcement of decision of the regional Council, the president may, as and when necessary, use the deconcentrated government services under an agreement signed with the Representative of the State, spelling out the conditions of defrayment for such services by the region.
- (2) The President of the Regional Council may, under his control and responsibility grant delegation of signature to the heads of the said services for the discharge of the Duties assigned them pursuant to section (1) above 66(1) above.
- (3) Model agreements relating to the use of the deconcentrated government services by the region shall be fixed by regulation.

Article 67:

- (1) For purposes of implementing Section 66 above, State employees responsible for discharging regional duties shall be assigned to the President of the regional council and shall be placed under his authority for the discharge of such duties.
- (2) The staff referred to in Section 67(1) above shall continue to be governed by the rules and regulations applicable to them at the time of entry into force of this law.

Article 68:

- (1) The President of the Republic shall appoint the secretary-general of the region upon the recommendation of the minister in charge of regional and local authorities. He shall terminate such appointment.
- (2) The secretary-general of the region shall run the services of the regional administration, under the authority of the president or within the framework of the delegations provided for in Section 64 above.
- (3) He shall attend meetings of the Bureau and of the regional council for which he shall provide secretarial services.

Article 69:

- (1) The representative of the State, in conjunction with the president of the regional council, shall coordinate the action of regional services and those of government services in the region.
- (2) The representative of the State shall hold a coordination meeting at least twice a year on the investment programmes of the State and the region. The president of the regional council and Members of the Regional Bureau shall attend the said coordination meeting.

Article 70:

- (1) The duties of president or member of the Bureau shall give entitlement to remuneration, payment of allowances or refund of expenses, as well as benefits in kind arising from the discharge of the duties assigned them, under conditions laid down by regulation,
- (2) The regional council may vote on the ordinary resources of the region, the entertainment allowances of the president. In case of dissolution, such allowances shall be granted to the president of the special body referred to in Sections 50, 51 and 52 above.

Article 71:

- (1) The region shall cover expenses resulting from any injury sustained by the president, vice-president or member of the Bureau, president and vice-president of a special body, of a commission or an ad hoc committee in discharge of their duties.
- (2) The holding of any one of the positions referred to in Section 71 (1) above shall as and when necessary, give rise to protection by separate instruments.

Section III

SUSPENSION, CESSATION OF DUTIES AND SUBSTITUTION

Article 72:

The president of the region and the bureau may be suspended by decree of the President of the Republic in the cases provided in Section 48 above.

Article 73:

The President of the Republic may, upon the recommendation of the Constitutional Council, dismiss the president of the region and bureau, *mutatis mutandis*, in accordance with the provisions of Section 49 above.

Article 74:

- (1) The President of the Regional Council who, for a reason subsequent to his/her election, no longer fulfils the requirements for his office or who finds himself in one of the cases of ineligibility provided

for by the laws in force, shall cease his functions forthwith. The minister in charge of regional and local authorities shall enjoin him/her to immediately resign from the said function without awaiting the installation of his successor.

- (2) Where the president of the regional council refuses to resign, the minister in charge of regional and local authorities shall notify him of his immediate cessation of duties and shall propose to the President of the Republic the record of his forfeiture.

Article 75:

- (1) The president of a regional council appointed to a position incompatible with his office shall be bound to make a declaration of his choice within 30 (thirty) days with effect from his appointment. Beyond such period, he shall be invited by the minister in charge of regional and local authorities to give up one of his positions.
- (2) In case of refusal to make a choice or within no more than 15 (fifteen) days, the president of the regional council shall be declared to have resigned, by decree of the President of the Republic, upon the recommendation of the minister in charge of regional and local authorities.

Article 76 :

The resignation of the president of the regional council shall be forwarded to the minister in charge of regional and local authorities by registered mail with acknowledgement of receipt therefore. It shall be final as from the date of acceptance by the said minister or in the absence of an acknowledgement of receipt, within a period of no less than one month following the dispatch of another registered mail.

Article 77:

Any president of a regional council who deliberately tenders his resignation so as to obstruct or interrupt the administration of justice, or the provision of any service whatsoever, shall be punished in accordance with the criminal law in force.

Article 78:

In the case Where the president of a regional council or the chairperson of a special body commits one of the irregularities provided for by the law instituting the budgetary and financial disciplinary board, he shall be prosecuted before this body.

Article 79:

The president of the regional council or the chairperson of a special body who involves himself/herself in the manipulation of regional funds shall be considered a de, facto accountant and may as such be prosecuted before the competent courts.

Article 80:

- (1) In case of death, resignation dismissal suspension, absence or any other case of unavailability duly established by the representative of the State upon the recommendation of the bureau, subject to the provisions of Section 81(2) below , the president shall be temporarily replaced by the Senior vice-President or, in case of unavailability, by the Vice-President by any other bureau member according to rank or, failing that, by a regional councillor following the same rank.
- (2) At the next ordinary session, the permanently unavailable president shall be replaced; the bureau shall be filled accordingly, where necessary .

Article 81:

- (1) In case of death, resignation or dismissal of a president., his replacement shall fully discharge his duties.

- (2) In case of suspension on unavailability duty established by the representative of the State upon the recommendation of the bureau, the replacement of the president shall be responsible solely for handling routine matters. He may neither replace the president in the general management of the affairs of the region, nor modify its decisions.

Article 82:

- (1) Where the president of the regional council refuses or fails to perform one of the acts prescribed by the laws or regulations in force or that are absolutely warranted by the region's interest, the minister in charge of regional and local authorities may, following a notification, order its execution automatically, in accordance with the law on the orientation of decentralization.
- (2) The notification referred to in subsection 820) above shall be issued by any medium leaving written trace. It shall indicate the deadline allowed the president to reply to the minister in charge of regional and local authorities. Where the notification has had no effect within the prescribed time-limit, such silence shall beto refusal.
- (3) Where the measure concerned is one of interregional interest, the minister in charge of regional and local authorities may act, under the same conditions, in place of the President of the regional councils concerned.

PART V

INTER-REGIONAL COOPERATION AND SOLIDARITY SINGLE CHAPTER

Single Chapter

Article 83:

- (1) Decentralized cooperation shall result from an agreement whereby 2 (two) or more regions decide to pool their various resources with a view to attaining common objectives.
- (2) It may be done between Cameroonian regions or between them and foreign regions.

Article 84:

- (1) Regions may belong to international organizations of twinned regions or any other international organizations of regions.
- (2) The agreement relating thereto, subject to prior approval by decision of the regional council, shall be submitted by the representative of the State for approval by the minister in charge of regional and local authorities.

PART VI

FINANCIAL PROVISIONS

Single Chapter

Article 85:

The resources necessary for the region to exercise its authority shall be devolved on it either through the transfer of taxes, subsidies or through both procedures.

Article 86:

- (1) The draft budget shall be prepared and presented to the council by the President of the regional council.
- (2) The budget and special revenue and expenditure authorizations shall be adopted by the regional council. They shall be divided into two sections: "Recurrent" and "Investment".

Article 87 :

A special law shall lay down the financial regulations applicable to regions.

Article 88 :

Relevant government services shall control and manage finances of the region.

PART VII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 89:

- (1) Where the president the regional councillor any other regional councillor is sentenced for a crime and the said sentence is final, he shall be automatically dismissed.
- (2) Where he has been sentenced for an offence or where his behaviour seriously undermines the interest of the region or on the basis of specific acts considered as such by the council and after having been heard or summoned by the minister in charge of regional and local authorities to give written explanations on the charges against him he may be dismissed by decree.
- (3) As a precautionary measure, and in case of an emergency, the minister in charge of Regional and local authorities may notify to the president concerned by written form leaving trace to the immediate cessation of his duties. In such case, the order referred to in section 89 (2) above shall be published within a period of no more than one month with effect from the date of notification.

Article 90:

Dismissal shall automatically entail debarment from the office of president or councillor for a period of 10 (ten) years, and from ineligibility to these positions and to the office of President of the Republic, Member of Parliament, senator or municipal councillor for the same period.

Article 91:

(1) The following offences, amongst others, shall entail the application of Section 89 of this law:

- the offences envisaged and punishable by the law on the control of public vote holders and managers;
- the use of the public funds of the region for personal or private purposes;
- forgery of official documents as laid down by the criminal law;
- embezzlement of public funds or corruption;
- speculation on the assignment or use of public land or any other movable or immovable property of the region;
- refusal to sign or transmit a decision of the regional council.

(2) In the first 5 (five) cases, the administrative sanction shall not bar prosecution.

Article 92:

In the absence of a separate instrument, the recruitment of any employee by the region shall be done in compliance with the conditions of recruitment, remuneration and career profile applicable to equivalent State positions.

Article 93:

- (1) two or more regional councils may, among themselves set up, on the initiative of their respective presidents, form alliances to tackle issues of regional interest.
- (2) Alliances shall be subject to authorized agreements by the respective councils, signed by the president and approved by order of the minister in charge of regional and local authorities.

Article 94:

- (1) Issues of common interest shall be debated in meetings where each regional council shall be represented by a special commission elected for that purpose and comprising 3 (three) members elected by secret ballot.
- (2) Special commissions shall form the administrative committee charged with overseeing the alliance.
- (3) The representative of the State in each region concerned may attend the meetings referred to in Section 94(1) above or send a representative.
- (4) Decisions taken at such meetings shall be enforceable only after having been ratified by all the regional councils concerned and subject to the provisions of the law on the orientation of decentralization

Article 95:

Where matters other than those referred to in Section 94 above are discussed, the representative of the State in the region where the meeting is being held shall declare the meeting dissolved.

Article 96:

Mixed groupings may be set up by agreement among the regions and the State, with public establishments, or with councils for the purpose of carrying out work or providing a service deemed useful for each of the parties.

Article 97:

- (1) A mixed grouping shall be a corporate body governed by the law. It shall be authorized and abolished by decree of the President of the Republic.
- (2) The authorization decree shall approve the conditions of functioning of the grouping and shall determine the conditions for exercising administrative, financial or technical control.
- (3) The laws and regulations governing public establishments shall be applicable to mixed groupings.

Article 98:

- (1) A mixed grouping may realize its objectives notably through direct exploitation or through simple taking of shares in companies or bodies with majority public shares, under the same conditions as regions.
- (2) The conditions for such shareholding shall be fixed by constituent instruments.

Article 99:

The conditions of application of this law shall be determined by statutory instrument.

Article 100:

All previous provisions repugnant hereto are hereby repealed.

Article 101:

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

Yaounde, 22 July 2004.

**Paul Biya,
President of the Republic.**