

REPUBLIQUE DU CAMEROUN
Paix- Travail- Patrie

MINISTRE DE LA DECENTRALISATION
ET DU DEVELOPPEMENT LOCAL



SECRETARIAT GENERAL
DIVISION DES AFFAIRES JURIDIQUES

REPUBLIC OF CAMEROON
Peace-Work-Fatherland

MINISTRY OF DECENTRALIZATION
AND LOCAL DEVELOPMENT

SECRETARIAT GENERAL
LEGAL AFFAIRS DIVISION

INFORMATION NOTE

On the implementation of the legal provisions relating to incompatibilities, obligation of residency, automatic secondment of State employees and suspension of employment contracts of employees in the public, semi-public and private sectors elected as council executives.

From 9 February to 3 March 2020, Cameroon witnessed an election period marked, in particular, by the selection of members of deliberative and executive organs in councils and city councils. Despite the disputes arising from the process, the exercise was in compliance with the laws and regulations in force.

At the end of this process, the Minister of Decentralization and Local Development hereby reminds players in decentralization that the President of the Republic's decision to accelerate and deepen decentralization is firm. This mechanism is translated not only in the sustained transfer of new powers and substantial resources to local authorities, but also in the effective involvement of the population in managing local affairs and the enhanced accountability of persons elected to council organs.

In this regard, the General Code of Regional and Local Authorities enacted on 24 December 2019 provides a status for local elected officials that grants significant rights to municipal councillors, mayors and deputy mayors. These include the right to training and information, the right to protection, the right to health and a funeral, the right to means of transport and travel, the right to remuneration, various allowances and benefits related to the exercise of their mandate, in particular, a special allowance in lieu of a pension in the event of termination of office of members of the council executive.

Conversely, the law requires local elected officials, in particular the members of executive organs of councils and city councils, to serve and be committed to their functions by devoting their time to the full exercise of their mandate. As such, any State or local authority employee elected mayor or deputy mayor is automatically placed on secondment in the council or city council. Similarly, the employment contract of a State employee governed by the Labour Code or a private sector employee elected to the above-mentioned posts is suspended for the duration of the term of office. That means the person concerned may not, during this period, combine their council executive office and pay with any other salary or allowance in the civil service. This provision is enforceable immediately after establishment of the election and cannot be waived.

The provision of deputy mayors being obliged to serve and be devoted to their duties, in any case, is part of the endeavour to increase their involvement in the management of local affairs, as they must, within the framework of express delegation of authority, be entrusted with specific matters or responsibility for a programme.

Regarding the suspension of contract provided for by the General Code of Regional and Local Authorities, this is a safeguard provision, which is also in conformity with the Labour Code, since the employees concerned may, if they so wish, return to their jobs after the term of office.

In addition to the rule of non-accumulation, the General Code of Regional and Local Authorities imposes on local elected officials who are members of the executive organ an obligation of residency, which is the obligation to effectively reside in the area of jurisdiction of the local authority and the obligation to perform

the duties of local elected official on the premises and in the area of jurisdiction of the local authority. Through this requirement, the Code seeks to place, at the helm of councils, devoted men and women committed to serving the population and their community. This obligation is accompanied by sanctions ranging from suspension of pay or duties to dismissal of members of the council executive after a formal notice remains unheeded. The administrative authorities who are representatives of the State shall, by law, oversee this.

And, in order to make sure that local elected officials are permanently and effectively present in their council service, the Code gives a list of offices that are incompatible with the functions of mayor, in particular:

- member of the government and persons ranking as such;
- member of the National Assembly and senator;
- administrative authority;
- ambassador or official in a diplomatic mission;
- court president;
- director-general or director of a public establishment or State-owned company;
- ministry secretary-general and person ranking as such;
- central administration director;
- president of a regional executive council;
- member of the forces of law and order;
- staff or employee of the council concerned;
- staff of financial services having access to the finance or accounts of the council concerned.

The implementation of this mechanism, which is instructed by the President of the Republic, helps enhance the much-desired autonomy and promotion of sound, effective and responsible management of local authorities which are the nursery of the nation's emergence.

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