

DECREE No. 2020/77³ OF 24 DEC 2020
 to lay down conditions for discharge of the duties of
 Public Independent Conciliator in the North-West
 and South-West regions

THE PRESIDENT OF THE REPUBLIC,

Mindful of the Constitution;

Mindful of Law No. 2019/24 of 24 December 2019 to institute the General Code of Regional and Local Authorities;

HEREBY DECREES AS FOLLOWS:

CHAPTER I
GENERAL PROVISIONS

ARTICLE 1: This decree lays down conditions for discharge of the duties of Public Independent Conciliator in the North-West and South-West Regions.

ARTICLE 2: (1) The Public Independent Conciliator shall be an independent authority, with a regional jurisdiction.

(2) He shall have legal personality and financial autonomy.

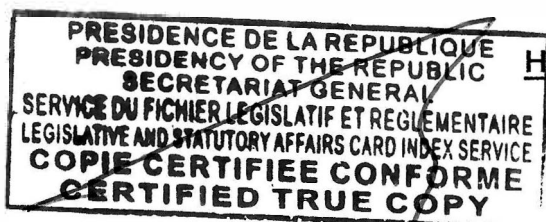
ARTICLE 3: (1) The office of the Public Independent Conciliator of the North-West Region shall be located in Bamenda, Mezam Division.

(2) The office of the Public Independent Conciliator of the South-West Region shall be located in Buea, Fako Division.

(3) The Public Independent Conciliator referred to in paragraphs (1) and (2) above must reside at the place where his office is located.

ARTICLE 4: (1) The Public Independent Conciliator shall, in his Region of competence, be responsible for:

- examining and amicably settling disputes between users and regional and council administrations;
- defending and protecting rights and freedoms in the relationship between citizens and the Region or the councils of the Region;
- designing and implementing measures to prevent and combat any direct or indirect discrimination against users of regional or council services;
- ensuring that persons serving in the regional or council administration fulfil their ethical obligations;



- conducting any investigation on the functioning of regional and council services, at the request of 5 (five) parliamentarians or 5 (five) regional councillors;
- preparing an annual report on the state of relations between citizens and regional and council services.

(2) He may also propose statutory and regulatory amendments to the President of the Republic, with a view to improving the quality of regional and council services.

CHAPTER II APPOINTMENT AND FRAMEWORK FOR DISCHARGING THE DUTIES OF PUBLIC INDEPENDENT CONCILIATOR

ARTICLE 5: (1) The Public Independent Conciliator shall be appointed by decree of the President of the Republic for a six-year non-renewable term, upon the concerted proposal of the representative of the State and the President of the Regional Executive Council.

(2) The consultation referred to in paragraph (1) above shall be initiated by the representative of the State. A report on the consultation shall be duly signed by the representative of the State and the President of the Regional Executive Council.

(3) At the behest of the representative of the State, a list of at least 3 (three) candidates shall be submitted to the President of the Republic.

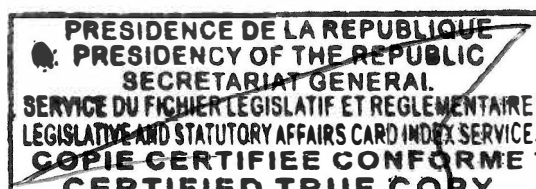
ARTICLE 6: The persons proposed to discharge the duties of Public Independent Conciliator must meet the following conditions:

- be of Cameroonian nationality and native of the Region of discharge of the duties;
- be at least 35 (thirty-five) years old;
- have wide experience and proven integrity and objectivity;
- be able to express themselves in both official languages;
- must not have been subject to a disqualification or final conviction for a crime or misdemeanour.

ARTICLE 7: (1) Before assuming office, the Public Independent Conciliator shall take the oath before the competent Court of Appeal within 30 (thirty) days of his appointment.

(2) The wording of the oath pronounced in English, shall be as follows: “*I (full name) do solemnly swear that I will loyally and faithfully execute with probity, impartiality and independence the duties of Public Independent Conciliator entrusted to me, that I will uphold professional secrecy, and that I will fulfil in everything I do the obligations they impose on me*”.

ARTICLE 8: (1) The duties of Public Independent Conciliator shall be incompatible with the holding of an elective office, exercise of a liberal profession, a public or private employment or the exercise of any paid professional activity.



(2) The holder of a public office or of a liberal function who accepts appointment as Public Independent Conciliator shall, ipso facto, renounce his function.

(3) The Public Independent Conciliator who is a public servant shall be placed on secondment from his service of origin from the date of appointment. Those who are State employees governed by the Labour Code shall be automatically placed on secondment, with suspension of their contract.

(4) The appointment of an employee of a public body or a private entity as Public Independent Conciliator shall entail suspension of the employment contract for the period of discharge of this duty.

ARTICLE 9: (1) The Public Independent Conciliator shall be bound by professional secrecy and the obligation of confidentiality.

(2) He shall refrain from any activity likely to jeopardize the independence and dignity inherent in his duties.

(3) He shall not receive or seek instructions within the limits of his powers.

ARTICLE 10: (1) The duties of Public Independent Conciliator shall end at the expiry of his term of office, upon resignation or death.

(2) The duties of Public Independent Conciliator may be terminated by decree of the President of the Republic in one of the following cases:

- physical or mental disability jointly established by the President of the Regional Council and the representative of the State after the opinion of an approved medical officer;
- occurrence of one of the cases of incompatibility provided for in Article 8 above;
- final conviction involving afflicting and infamous punishment.

(3) In the cases provided for in paragraphs (1) and (2) above, the representative of the State and the President of the Regional Executive Council shall submit to the President of the Republic the list of candidates, under the conditions provided for in Article 5 above and in accordance with the following deadlines:

- at least 30 (thirty) days prior to expiry of the ongoing term;
- within 30 (thirty) days following resignation, death or the occurrence of one of the cases mentioned in paragraph (2) above.

(4) The replacement of the Public Independent Conciliator, for a new term, following the occurrence of one of the cases mentioned in paragraphs (1) and (2) above shall be in accordance with the procedure described in Articles 5 to 7 of this decree.

(5) In the event of vacancy of the position of Public Independent Conciliator, the most senior research officer shall dispatch day-to-day business. In the event of equal seniority, the eldest research officer shall assume duty.



CHAPTER III
REFERRAL OF MATTERS TO AND PROCEDURE BEFORE THE
PUBLIC INDEPENDENT CONCILIATOR

ARTICLE 11: (1) A complaint may be lodged with the Public Independent Conciliator by any natural or legal person who considers that his rights and freedoms have been infringed by the functioning of the regional or council administration or regional or council public institutions or groups of councils.

(2) A complaint may also be lodged with the Public Independent Conciliator by any person who considers himself to be a victim of direct or indirect discrimination prohibited by law or an international commitment to which Cameroon is a party.

(3) The Public Independent Conciliator may intervene only where the following conditions are met:

- the dispute must be between a natural or legal person or a public employee and a regional or council service;
- the petitioner must have filed a prior appeal with the body involved in the dispute;
- no competent court must have ruled on the matter.

(4) The Public Independent Conciliator may not intervene in disputes:

- between private individuals and public services of the State and its branches in the North-West and South-West Regions, or between the said services and their branches;
- between the services of regional or council administrations;
- between local elected officials;
- between private individuals.

ARTICLE 12: (1) Referral to the Public Independent Conciliator shall be by way of a simple petition.

(2) The petition referred to in paragraph (1) above shall bear the following information:

- the full name, occupation and domicile of the petitioner;
- the name of the accused administration or regional or council public service;
- the statement of the facts that prompted the petition;
- the arguments put forward;
- where applicable, a list of exhibits tendered in support of the petition.

ARTICLE 13: (1) Notwithstanding the provisions of Article 12 above, the Public Independent Conciliator may admit oral complaints directly.

(2) In case of an oral complaint, the petitioner shall be heard with minutes taken down by the office of the Public Independent Conciliator.

(3) In any event, the complaints referred to in paragraphs (1) and (2) above shall be recorded and transmitted by any means leaving a written trail.

ARTICLE 14: (1) The Public Independent Conciliator shall examine the petition submitted to him within 60 (sixty) days, make recommendations to guarantee respect for the rights and freedoms of the injured party and settle the dispute brought before him or prevent the recurrence thereof.

(2) The petition may be examined through a review of documents. On-site investigations may also be conducted during the examination.

(3) Where the recommendations referred to in paragraph (1) above are not implemented, the Public Independent Conciliator may order the regional or council administration or regional or council public institutions or groups of councils at issue, to take the necessary measures within a specified period of time.

(4) In case of failure to comply with his order, the Public Independent Conciliator shall draft a special report, which shall be communicated to the accused and to the representative of the State in the regional or local authority concerned. The report and the response of the accused may be made public, as appropriate.

ARTICLE 15: (1) The officials of the accused regional and council public administrations and institutions shall make available to the Public Independent Conciliator at his request, all the information or documents necessary for his investigations.

(2) No piece of information or document requested shall be denied the Public Independent Conciliator on account of their secrecy or confidentiality, in compliance with the laws and regulations in force.

(3) All complaints shall be examined in accordance with the adversarial principle.

CHAPTER IV **OFFICE OF THE PUBLIC INDEPENDENT CONCILIATOR**

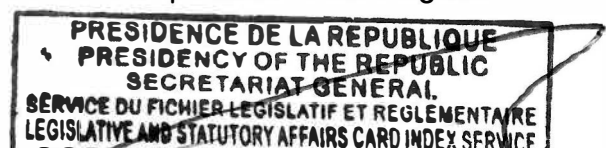
ARTICLE 16: (1) The Public Independent Conciliator shall have an office.

(2) The Public Independent Conciliator shall lay down the organization of his office, in accordance with Article 17 below.

ARTICLE 17: (1) The office of the Public Independent Conciliator shall comprise 5 (five) research officers, 5 (five) executive staff members and 10 (ten) support staff.

(2) The Public Independent Conciliator shall directly recruit and manage staff governed by labour law.

(3) Recruitments within the Public Independent Conciliator's office referred to in paragraph (1) above must reflect the socio-cultural composition of the Region.



(4) Civil servants and State employees governed by the Labour Code, as well as State employees in service in regional and local authorities or other public law legal persons shall not be recruited to work in the Public Independent Conciliator's office.

CHAPTER V FINANCIAL PROVISIONS

ARTICLE 18: (1) The Public Independent Conciliator shall derive his resources from allocations included each year in the State budget.

(2) The Public Independent Conciliator shall not directly receive resources from a foreign State, an international organization, a non-governmental organization, natural persons and private law legal persons.

(3) Funds from partners shall be made available to the Public Independent Conciliator through the State, under the conditions provided for by the regulations in force.

ARTICLE 19: The resources of the Public Independent Conciliator shall be public funds. As such, they shall be managed according to the rules provided for under the financial regime of the State and other public entities.

ARTICLE 20: (1) The Public Independent Conciliator shall be the principal authorizing officer of his budget. He may appoint delegated authorizing officers under the conditions set forth in the regulations in force.

(2) In his capacity as authorizing officer, he shall be subject to the same liability regime as the authorizing officers of State appropriations.

ARTICLE 21: As part of the preparation of the finance law, the Public Independent Conciliator shall submit a draft annual budget and investment plans to the Minister in charge of finance and the Minister in charge of public investment respectively, with a copy to the Minister in charge of regional and local authorities.

ARTICLE 22: The management of the Public Independent Conciliator's funds shall be subject to auditing by the competent State services.

ARTICLE 23: Each year, the Public Independent Conciliator shall forward his administrative account to the Minister in charge of finance.

ARTICLE 24: (1) An Accounting Officer and a Specialized Finance Controller shall be appointed to the Public Independent Conciliator's office by order of the Minister in charge of finance.

(2) They shall perform their duties in accordance with the laws and regulations in force.

(3) Every year, the Accounting Officer shall forward his management account to the Audit Bench of the Supreme Court, to the Minister in charge of finance and to the Minister in charge of investment under the conditions laid down in the laws and regulations in force.



(4) Every year, the Specialized Finance Controller shall submit his report on the execution of the Public Independent Conciliator's budget to the Minister in charge of finance and to the Minister in charge of investment.

CHAPTER VI
MISCELLANEOUS AND FINAL PROVISIONS

ARTICLE 25: (1) The Public Independent Conciliator shall submit to the President of the Republic an annual report on the state of relations between citizens and regional and council services. The report shall present the balance sheet of his activities.

(2) A copy of the said report shall be forwarded to the competent representative of the State and to the President of the Regional Executive Council, within 10 (ten) days of its transmission to the President of the Republic.

(3) The Public Independent Conciliator shall publish the report referred to in paragraph (1) above within 30 (thirty) days of its transmission to the President of the Republic.

ARTICLE 26: (1) The Public Independent Conciliator shall have rank and prerogatives of President of Regional Executive Council.

(2) The research officers of the Public Independent Conciliator's office shall have rank and prerogatives of Questor of Regional Executive Council.

ARTICLE 27: (1) The monthly salary and benefits of the Public Independent Conciliator shall be laid down by decree of the President of the Republic.

(2) The monthly salary and benefits of the staff of the Public Independent Conciliator's office shall be laid down by decree of the Prime Minister, upon the proposal of the Public Independent Conciliator.

ARTICLE 28: State services shall collaborate with the Public Independent Conciliator in the discharge of the duties assigned to him.

ARTICLE 29: This decree shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

PRESIDENCE DE LA REPUBLIQUE
PRESIDENCY OF THE REPUBLIC
SECRETARIAT GENERAL
SERVICE DU FICHIER LEGISLATIF ET REGLEMENTAIRE
LEGISLATIVE AND STATUTORY AFFAIRS CARD INDEX SERVICE
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Yaounde, 24 DEC 2020

Paul Biya
PAUL BIYA
PRESIDENT OF THE REPUBLIC