

Decree No 2006/088 of 11 March 2006
relating to the setting up, organization and
functioning of the National Anti-corruption
Commission

The President of the Republic,

Mindful of the Constitution,
Mindful of Decree No. 2004/320 of 8 December 2004 to organize the
Government,

Hereby decrees as follows:

Chapter I
General Provisions

Article 1: (1) A National Anti-Corruption Commission hereinafter referred to as “the Commission”, abbreviated “NACC”, is set up.

(2) The Commission shall be placed under the authority of the President of the Republic.

(3) Its headquarters shall be in Yaounde.

Article 2: (1) The Commission shall be an independent public body charged with contributing to the fight against corruption.

(2) In that capacity, it shall notably be responsible for:

- monitoring and evaluating the effective implementation of the governmental anti- corruption plan;
- gathering, centralizing and analyzing denunciations and information forwarded to it in respect of corrupt practices, deeds and facts and similar offences;
- Conducting all studies or investigations and proposing any measures aimed at forestalling or curbing corruption;
- carrying out, where necessary, on-the-spot controls of the execution of projects, as well as the evaluation of conditions of public contract awards;
- disseminating and popularizing anti-corruption instruments;
- identifying the causes of corruption and proposing to the relevant authorities, measures likely to lead to its eradication from all public or semi-public services;

- performing any other duties assigned it by the president of the Republic.

Article 3: (1) the Commission may initiate proceedings for any corrupt practices, deeds and facts and similar offences with which it is acquainted.

(2) Any natural person or corporate body may also lodge with the Commission, any complaint or denunciation in respect of corrupt deeds and facts.

(3) The Commission shall be bound to protect its sources of information. Provided that, where the malicious intent of the informer is established, the commission shall disclose the source concerned at the behest of the court.

Chapter II

Organization

Article (4): The Commission shall comprise:

- The Coordination Committee;
- The Permanent Secretariat.

I - Coordination Committee

Article 5: Under the authority of the Commission Chairperson, the Coordination Committee shall be responsible for:

- establishing direct contacts with Members of Government and heads of public and semi-public services;
- authorizing missions of Commissioners;
- ensuring discipline, efficiency and effectiveness of Commission members and staff;
- preparing an annual programme of activities of the Commission in accordance with its duties; and ensuring the implementation thereof.

Article 6: Besides the Chairperson and Vice-Chairperson, the Coordination Committee shall comprise 9 (nine) members chosen from among personalities from the administration and civil society, who have shown proof of integrity in the exercise of their duties and are of good moral conduct.

Article 7. (1) Commissioners must possess recognized professional experience in areas falling within the Commission's remit.

Article 8. (1) The Chairperson, Vice-Chairperson of the Commission and members of the coordination Committee shall be appointed by decree of the President of the Republic for a term of 3 (three) years, renewable once where necessary.

(2) The above provision notwithstanding, in case of gross misconduct, the term of office of the Commission Chairperson or of members of the Coordination Committee may be terminated at any moment.

(3) In the event of legal proceedings or manifest conflict of interest, the appointing authority shall suspend the Commissioner concerned from duty.

Article 9. (1) In the event of death while in office or wherever the Commission Chairperson or a member of the Coordination Committee is no longer able to perform his duties, he shall be replaced.

(2) Where the Commission Chairperson is temporarily unavailable or is suspended, the Vice-Chairperson of the commission shall deputize up to the end of the period of unavailability or suspension.

II. Permanent Secretariat

Article 10. Under the authority of a Permanent Secretary, who shall be the main administrative assistant of the Commission Chairperson, the Permanent Secretariat shall be responsible for:

- handling matters of the Commission;
- coordinating activities of the structures of the commission;
- ensuring the training and retraining of Commission staff;
- assisting Commissioners on investigation missions;
- participating in gathering evidence within the framework of inquiries conducted by the Commission;
- collecting, centralizing and analyzing information and denunciations in respect of corrupt practices, deeds and facts or similar offences;
- conducting studies on capacity building for anti-corruption bodies,;
- analyzing reports from anti-corruption units in ministries;
- preparing meetings and drawing up half-yearly and yearly reports of the NACC.
- monitoring the implementation of Commission recommendations.

Article 11. The Permanent Secretariat shall comprise:

- the Investigations Division;
- the Prevention and Communication Division;
- the Studies and Cooperation Division;
- the Mail and Records Service;

- the General Affairs Service;
- the Translation Service;

Article 12. (1) Under the authority of a division head, the Investigations Division shall be responsible for:

- assisting Commissioners on investigation missions;
- participating in gathering evidence within the framework of inquiries conducted by the Commission;
- conducting special inquiries ordered by the Commission Chairperson;
- collecting, centralizing and analyzing information and denunciations in respect of corrupt practices, deeds and facts or similar offences;
- preparing Commission missions;
- following up legal and disciplinary proceedings;
- performing any other duties assigned it by the Commission Chairperson or the Permanent Secretary.

(2) Beside the division head, it shall comprise 5 (five) research officers and 5 (five) assistant research officers.

Article 13. (1) Under the authority of a division head, the Prevention and Communication Division shall be responsible for:

- proposing measures to prevent and eradicate corruption;
- informing the public on activities to prevent and combat corruption;
- raising awareness and informing the public on the Anti-Corruption drive;
- drafting and implementing the Commission's communication drive;
- performing any other duties assigned it by the Commission Chairperson.

(2) Besides the division head, it shall comprise 2 (two) research officers and 3 (three) assistant research officers.

Article 14 (1) Under the authorization of a division head, the Studies and Cooperation Division shall be responsible for:

- conduction studies on capacity-building for anti-corruption bodies;
- compiling performance statistics and indicators;
- developing partnerships with national and international anti-corruption bodies;
- collecting and keeping documents;
- establishing a documentation center;
- conducting any other studies entrusted to it by the Chairperson or Permanent Secretary of the Commission.

(2) Beside a division head, it shall comprise 2 (two) research officers and 3 (three) assistant research officers.

Article 15. Under the authority of a service head, the Mail and Records Service shall be responsible for;

- Receiving and dispatching incoming and outgoing mails;
- Keeping the card index and records.

Article 16. Under the authority of a service head, the General Affairs Service shall be responsible for:

- managing personnel;
- preparing and executing the budget;
- preparing quarterly and annual management and budget execution reports;
- preparing mission orders to be submitted to the Commission Chairperson for signature;
- managing, maintaining and keeping equipment;
- designing and implementing the data-processing master plan of the commission;
- conducting studies on the development, operation and maintenance of the computer network and applications of the Commission;
- developing databanks and databases of the different computer sub-systems of the commission;
- ensuring the securement, availability and integrity of the Commission's computer systems.

Article 17. Under the authority of a service head, assisted by a deputy service head, the Translation Service shall be responsible for the routine translation of the Commission's documents.

Chapter III **Functioning**

Article 18. (1) The Coordination Committee shall meet at least once every month at the behest of its Chairperson.

(2) The Coordination Committee may validly conduct business only in the presence of two-thirds of its members.

(3) Decisions of the Coordination Committee shall be taken by a simple majority of members present. In case of a tie, the Chairperson shall have the casting vote.

Article 19. The Commission shall duly investigate, within a reasonable time-frame, upon receipt of any denunciation or matter referred to it.

Article 20. Commissioners shall be vested with the relevant powers to monitor, assess and investigate in the performance of their duties.

To that end, Commissioners on assignment:

- shall have a right to access all government, semi-public and private services as well as all documents and information needed for the discharge of their duties;
- may resort to any competent authority for assistance in the discharge of their duties;
- shall be authorized to request information from any public servant, whether an official or not, as well from any natural person or corporate body awarded a public contract.

Article 21. (1) Any refusal to collaborate with or support a Commissioner discharging his duties may lead to disciplinary or administrative action.

(2) Where such refusal is by a member of Government or manager of a public or semi-public enterprise, the matter shall be reported immediately to the President of the Republic.

Article 22. (1) Findings of the investigations conducted by the commission shall lead to disciplinary or legal proceedings.

(2) Where deeds and facts likely to be considered as corruption or any related offence are established, the Commission shall gather evidence and forward the file to the President of the Republic for appropriate decisions.

(3) However, in order to establish a case of *flagrante delicto* following denunciation, the Commission shall request the competent State services. The Commission Chairperson may directly contact the Minister in charge of Justice, and inform the employer of the accused person(s) thereof.

Article 23. (1) The Commission Chairperson and members of the Coordinating Committee may follow up legal proceedings in court.

(2) To that end, the Commission Chairperson shall appoint a representative of the Commission.

Article 24. (1) The Commission's annual action programme shall be approved by the President of the Republic.

(2) A report shall be drawn up following each Commission assignment. It shall be forwarded to the President of the Republic and to the government services responsible for implementing its recommendations.

(3) The commission shall submit to the President of the Republic an annual report on the anti-corruption drive.

(4) Such annual report shall be published.

Chapter IV Rights and Obligations of Commissioners

Article 25. (1) Commissioners shall be bound to professional secrecy. They shall swear the oath before the Supreme Court.

(2) The oath shall be as follows: “I undertake to discharge my duties with integrity, without fear or favour and in total independence, in accordance with the Constitution, laws and regulations of the Republic”.

Article 26. (1) The State shall be bound to protect Commissioners against threats, contempt, assault, insult or defamation to which they may be exposed on account of or in the discharge of their duties.

(2) The State shall be bound to compensate Commissioners for any damages suffered as a result of deeds of the Commission. In such case, the State shall automatically substitute for the victim to obtain from the accused persons the refund of the sums paid by it to the Commissioner concerned as compensation and other expenses incurred.

(3) Subject to compliance with the constitution as well as the laws and regulations in force, Commissioners may not be prosecuted, pursued, arrested or detained for opinions expressed or acts committed in the performance of their duties.

Chapter V Financial Provisions

Article 27. Commission resources shall be derived from:

- State budget appropriations;
- funds from development partners;
- sundry gifts and legacies;
- any other resources.

Article 28. (1) The Commission shall manage part of its budget as a special imprest.

(2) The Commission may open a bank account for other resources.

Article 29. The acceptance of resources other than those of the State shall be subject to the prior approval of the President of the Republic.

Article 30. The Commission Chairperson shall be the authorizing officer.

Article 31. (1) The budget of the Commission shall be governed by public accounting rules and shall be managed in accordance with the laws and regulations in force.

(2) Funds from partners, gifts and legacies shall be managed in accordance with conditions agreed upon by the parties and recorded in compliance with public accounting rules.

Article 32. The management of the Commission's funds shall be audited by the competent services of the State.

Chapter VI **Provisions Relating to Human Resources**

Article 33. The Commission may call on short-term staff or sworn experts.

Article 34. (1) The staff of the Commission shall be made up of civil servants or State employees seconded or posted by the administration.

(2) However, the Commission may recruit its own personnel, if need be.

Article 35. (1) The Permanent Secretary shall be appointed by decree of the President of the Republic.

(2) The division heads, research officers, assistant research officers, service heads and their assistants shall be appointed by decision of the Commission Chairperson following a resolution of the Coordinating Committee.

Article 36. The staff rules and regulations, the types and rates of the benefits of the Chairperson and Vice-Chairperson, members of the Coordinating Committee and the officials as well as the other staff members, shall be fixed by the Coordinating Committee following the approval of the President of the Republic.

Chapter VII
Miscellaneous and Final Provisions

Article 37. The Commission shall draw up and adopt its internal rules and regulations.

Article 38. Special instruments of the Prime Minister shall, as and when necessary, define the conditions of implementation of this decree.

Article 39. All previous provisions repugnant hereto, in particular, those of Order No. 1/PM of 4 January 2000 to set up the Anti-Corruption Observatory, are hereby repealed.

Article 40. This decree shall be registered, published according to the procedure of urgency and inserted in the *official Gazette* in English and French.

Paul BIYA
President of the Republic.