

**Analysis of the draft revision of the 2018 decree establishing,  
organising and operating the EITI Implementation Monitoring  
Committee in Cameroon.**

**CSO-EITI Extended College**

**August 2023**

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# 1 INTRODUCTION

This analysis is a contribution to the consultation and participation of the college of civil society organisations in the preparation of the draft decree by an ad hoc group.

The consultation and participation of the college of CSOs in this process aims to understand in detail the various provisions and articles proposed in the text in order to assess their coherence, their compliance with existing laws and regulations, as well as their relevance to the objective of the draft revision and to formulate proposals for improvement.

The analysis examined the summary content of the draft revision on the basis of the key articles, chapters, sections and subjects covered. It can be broken down as follows:

The report of the ad hoc group recalls that the objective of the revision project is to "align the EITI Committee with the New Standard 2019". In this respect, it should be recalled that the letter from the EITI Executive Director of 20 August 2021 to the Minister of Finance, Chairman of the EITI-Cameroon Committee, regarding the lifting of Cameroon's suspension, highlights the revision of the 2018 Decree following a participatory process as an important corrective measure following the Validation during which the governance of the Multi-Stakeholder Group was deemed "inadequate".

## 2 CONTENT SUMMARY OF THE DRAFT REVISION

**Creation of the EITI Cameroon National Committee:** The draft revision creates an EITI Cameroon National Monitoring Committee, which is a public body with legal personality and financial autonomy. The Committee's headquarters are in Yaoundé.

**Definitions:** The decree introduces, for pedagogical purposes and to avoid any ambiguity, definitions for key terms related to the EITI, such as the Independent Administrator, the Cameroon National EITI Committee (or Multi-stakeholder Group), the EITI Declaration, the EITI Data, the Extractive Industries Transparency Initiative (EITI), the EITI Standard, the Implementing Countries, the EITI Perimeter, the EITI Report, and the Materiality Threshold.

**Mission of the EITI National Committee:** The National Committee is responsible for promoting good governance, transparency and accountability in the management of extractive resources for the benefit of all citizens. It supervises the implementation of the EITI in Cameroon, adopts and executes the work plan for this implementation, identifies obstacles and proposes corrective measures, promotes transparency in the administrations and public and private entities in the extractive sector, supervises the EITI declarations of companies, ensures the publication of information on State payments and revenues linked to the extractive sector, seeks international technical and financial assistance, ensures Cameroon's representation at international meetings on the EITI, and prepares an annual report on its activities.

**Organisation and operation of the National Committee:** The National Committee is made up of a Supervisory Board (decision-making and strategic guidance body) and a Permanent Secretariat (executive body). The Supervisory Board is chaired by the Minister of Finance and comprises members representing the public sector, Parliament, local authorities, the private sector and civil society organisations. The Permanent Secretariat is coordinated by a Permanent Secretary appointed by the Minister of Finance and includes management units responsible for various areas such as communication, cooperation, data management, etc.

**Financial resources:** The National Committee's financial resources come from contributions from extractive sector companies, development partners and the State budget for the implementation of the work plan validated by the Committee.

**Financial provisions:** The National Committee has a special cash or imprest account for the management of part of the appropriations entered in the budget. A quarterly financial report is submitted to the Committee for information, and a financial audit of the Committee's employment account is carried out each year.

**Remuneration and allowances:** Members of the National Committee, including the Permanent Secretary and the Committee's staff, are entitled to certain allowances and reimbursement of expenses related to their duties.

### 3 CONTENT ANALYSIS

The creation and designation of the EITI as presented reinforces the political affirmation of the Cameroonian government as a member of the EITI. It has two administrative supervisory bodies, one financial (MINFI) and the other technical (MINMIDT). This affirmation can still be consolidated by a designation of ownership of transparency in the extractive industries in Cameroon.

The definitions in the draft revision are intended to enlighten and educate readers about the concepts and terms of the EITI standard. They are therefore of an educational nature, in the sense of the interpretation of the EITI protocols and guidelines by its various stakeholders (administrations, private sector and civil society organisations)

Article 4 of the draft revision designates civil society entities (the National Episcopal Conference of Cameroon, the Council of Protestant Churches of Cameroon, the Islamic Cultural Association of Cameroon, the President of the Cameroon Section of Transparency International or his representative, the President of the Union of Journalists of Cameroon or his representative and two representatives of other civil society organisations involved in monitoring the extractive industries. The same applies to the members representing the private sector (the President of the Cameroon Inter-Patronal Group or his representative).

In addition, the draft revision sets out the distribution of representatives within the colleges.

The provisions of the draft revision relating to the operation of the Committee are aligned with the Standard and may be supplemented by subsequent acts.

### 4 LEVEL OF COMPLIANCE WITH THE REQUIREMENTS OF THE STANDARD AND CONSEQUENCES

First of all, with regard to the committee's mission as set out in Article 3 of the draft decree, we note that the aspect relating to the impact of the disclosure of information within the framework of the EITI is not taken into account. According to requirement 7 of the EITI Standard, the committee's role is not limited to ensuring the publication of EITI reports or systematic disclosure. The multi-stakeholder group is also responsible for facilitating public debate and outreach, "taking into account the challenges that exist in terms of the needs and access to information of different groups of citizens".

Secondly, referring to the EITI Standard and the report of the last Validation in general and the letter from the Executive Director to MINFI in particular, Article 4 of the draft, dealing with the organisation of the National Committee, reiterated the limitations that gave rise to criticism at the last Validation, namely the failure to respect the EITI principle of independence in the appointment of members representing the colleges of civil society organisations and the private sector.

While the typological definition of the civil society college (in the draft decree) has the advantage of highlighting a form of CSO structuring within the meaning of Cameroonian law (religious, secular and corporatist associations and NGOs in this case), their designation has a limitation in that it departs from the EITI protocol on the participation of civil society, whose "representatives will include

members who are heavily involved in the EITI process, including (but not limited to) members of the multi-stakeholder group". In the draft revision, as this interpretation of the EITI protocol only applies to "representatives of other CSOs", it makes the above-mentioned CSO entities and their representatives "es-qualités" stakeholders outside the EITI Standard. Finally, the same applies to the private sector college, which is required to include as representatives "the President or his representative".

The consequences of the above can be summarised as follows:

- Weak cohesion within the constituencies, particularly civil society and the private sector;
- Weak governance of the Multistakeholder Group;
- Cameroon's suspension from the next validation (1 October 2023);
- The deterioration of Cameroon's international image.

## 5 RECOMMENDATIONS

To correct these limitations and anticipate the consequences, the College of CSOs recommends that:

1. Within the meaning of Article 1 of the draft revision, the designation "National Committee for Transparency in the Extractive Industries " hereinafter referred to as "CONATIE", a public body with legal personality and financial autonomy, be adopted.
2. In line with the interpretation of the EITI Standard, the definitions of "Civil Society College" and "Private Sector" are expanded in the draft revision;
3. Within the meaning of the EITI protocols relating to the participation of civil society on the one hand and the private sector on the other, all the representatives of the colleges of civil society and the private sector are appointed in accordance with the provisions of paragraphs 4 and 5 of Article 4 of the draft revision;
4. The number of representatives allocated to the various civil society and private sector colleges is not divided among them;
5. With regard to the legal framework for mining, the decree ensures that all mining sub-sectors: industrial, artisanal and quarrying are represented on the committee;
6. The principle of equity and inclusion, through gender representation in the appointment of representatives of the Colleges within the Committee, be recalled in the draft revision, particularly in relation to the representation of the Civil Society College. ;
7. Within the meaning of requirement 7 of the Standard, add the mission of creating and organising public debate and local communication of EITI information to the list of tasks devolved to the EITI Committee set out in Article 3 of the draft decree;
8. In order to monitor implementation more effectively, the National Committee should be organised into specialised committees for "Finance and Audits", "Data Transparency", "Impacts and Accountability", "Partnerships", etc.

In short, the enlarged College of CSOs, while highlighting and consolidating the strengths of the draft revision, identifies the points at risk of negative consequences and proposes corrective measures.

*Yaoundé, 10 August 2023*

*The Enlarged College of CSOs (Cf. Attendance list)*