

**DECREE No 2009/248 of 05 August 2009**

to lay down the methods of evaluation and distribution  
of the Common Decentralization Fund

**THE PRESIDENT OF THE REPUBLIC,**

Mindful of the Constitution;  
Mindful of Law No 2004/ 017 of 22 July 2004 on the orientation of decentralization;  
Mindful of Law No 2004 / 018 of 22 July 2004 to lay down rules applicable to Councils;  
Mindful of Law No 2004/019 of 22 July 2004 to lay down rules applicable to regions;  
Mindful of Law No 2007 /006 of 26 December 2007 on the financial regime of the State;  
Mindful of Decree No 2000/362 of 11 December 2000 to re organize the Special Council Support Fund for Mutual Assistance, as amended and supplemented by Decree No. 2006/186 of 31 May 20006;  
Mindful of Decree No. 2004/320 of 08 December 2004 to organize the Government, as amended and supplemented by decree No. 2007/263 of 07 December 2007;  
Mindful of Decree No. 2008/013 of 17 January 2008 of the organization and functioning of the National Decentralization Council;  
Mindful of Decree No. 2008/014 of 17 January 2008 on the organization and functioning of the Inter-Ministerial Committee for Local Services,

**HEREBY DECREES AS FOLLOWS:**

**CHAPTER I**

**General Provisions**

**1. - (1)** This decree lays down the methods of evaluation and distribution of the Common Decentralization Fund instituted by Law No 2004/017 of 22 July 2004 cited above.

(2) The Common Decentralization Fund is intended for the partial financing of decentralization.

2 – (1) The finance law shall each year, on the proposal of Government, determine the fraction of State revenue to be transferred to the Common Decentralization Fund.

(2) The proposal cited in (1) above shall be submitted for approval to the National Decentralization Council by the Inter-Ministerial Committee for Local Services.

3. - The following shall be eligible for the Common Decentralization Fund: regions, councils, council unions and city councils.

4. - The criteria for the distribution of the Common Decentralization Fund shall be laid down each year by the decree of the Prime Minister, after the approval of the National Decentralization Council.

5- Part of the amount of the Common Decentralization Fund shall be devoted to strengthen the means of action of deconcentrated services of the State that assist or support regional and local authorities in the accomplishment of their missions.

## **CHAPTER II**

### **ON THE ANNUAL EVALUATION OF THE COMMON DECENTRALIZATION FUND**

6- (1) Recurrent and investment financial charges resulting from the transfer of powers to regional and local authorities shall be subject to an annual evaluation by the Inter- Ministerial Committee for Local Services.

(2) Proposals for the funding of the said charges by the Common Decentralization Fund shall be submitted to the National Decentralization Council, for the corresponding amount to be recorded in the finance bill.

7- All new recurrent or investment charges that devolve unto regional and Local authorities due to the modification by the State, by statutory means, of regulations relating to the exercise of the powers transferred, shall be compensated for by an appropriate transfers to the Common Decentralization Fund recorded in the finance law of the financial year following the modification.

**8.** - In view of the evaluation provided for in 6 (1) above, the Minister in charge of Regional and Local authorities shall establish an estimate of the needs of each component of Common Decentralization Fund and for each beneficiary, based on the reports of regional and local planning commissions, socio-economic and budgetary data of regional and local authorities, as well as the objectives and imperatives of State budgetary alignment.

**9.** - The finance law of each year shall record, at the diligence of the Ministers in charge of Finance and Planning, the fraction of State revenue devoted to the Common Decentralization Fund, according to the related Government proposal cited in 2 above.

### **CHAPTER III**

#### **ON THE DISTRIBUTION OF THE COMMON DECENTRALIZATION FUND**

- Common Recurrent Fund;
- Common Investment Fund.

### **SECTION I**

#### **ON THE COMMON RECURRENT FUND**

**11-** (1) the Common Recurrent Fund is devoted as a priority for:

- some mandatory expenses of regional and local authorities and their establishments, notably payment for personnel and elected officials;
- the partial financing of functioning charges resulting from the exercise of powers transferred by the State;
- deconcentrated services of the State in conformity with 4 of this decree.

(2) It shall also finance:

- the functioning of deconcentrated services of the State cited in 5 (2) above.

- The functioning of the National Decentralization Council, the Inter-Ministerial Committee for Local Services, as well as any other organ in charge of monitoring, coordination and evaluation of the implementation of decentralization.

(3) Part of the Common Decentralization Fund shall equally be devoted for special recurrent or emergence expenses for some regional and local authorities notably when:

- their insufficient financial resources may jeopardize the realization or execution of their public service missions;
- the level of indebtedness does not allow for the normal exercise of their powers;
- exceptional emergency expenses are needed following a disaster
- their enclavement or border situation requires special aid.

**12.** - The distribution of the Common Recurrent Fund according to the various uses cited in 11 above shall be determined annually by a decree of the Prime Minister.

## **SECTION II**

### **ON THE COMMON INVESTMENT FUND**

**13-** (1) the Common Investment Fund shall be devoted as of priority:

- to the investment expenses of regional and local authorities and their establishment, notably, equipment, basic service supply to the population, development, maintenance and the poverty alleviation;
- to the partial funding of investment expenses resulting from the exercise of powers transferred by the State.

(2) it shall equally finance among others:

- the investment needs of the deconcentrated services of the State cited in 5 (2) above;
- the conduct of preparatory works towards the transfer of powers and resources as well as studies and other attendant reforms of the decentralization process.

(3) Part of the Common Investment Fund shall equally be devoted to special equipment or emergency expenses for some regional and local authorities under the same conditions as stated in 11 (3) above.

**14.** - The distribution of the Common Investment Fund according the various uses cited in 13 above shall be determined annually by a decree of the Prime Minister.

## **CHAPTER IV**

### **ON THE DISBURSEMENT OF THE COMMON DECENTRALIZATION**

**15. -** (1) The corresponding share of the Common Decentralization Fund shall be disbursed quarterly to the beneficiary councils, council unions and city councils, through the intermediary of the Special Council Support Fund for Mutual Assistance (FEICOM).

(2) The conditions for the disbursement of resources of the Common Decentralization Fund to the regions shall be determined by a special instrument.

(3) Transfers shall be made to the bank accounts of beneficiary regional and local authorities, opened in an authorized bank.

**16. -** (1) A joint order of the Ministers in-charge of Finance, Investments and the Minister in-Charge of Regional and Local Authorities shall authorize the disbursement of the funds cited in 15 above.

(2) It shall specify the amount transferred to each beneficiary regional and local authority as well as the use for which the corresponding resources are allocated.

**17. -** (1) The resources from the Common Decentralization Fund shall be recorded in the budget of regional and local authorities, respectively under the heads “Recurrent” and “Investment”.

(2) Their management shall respect the budgetary and accounting principles in force.

**18. -** The corresponding shares of the Common Decentralization Fund shall be transferred to:

- the Prime minister’s Office, for resources intended for the functioning of the National Decentralization Council;
- the Ministry in-charge of Regional and Local Authorities for resources intended for the functioning of the Inter-Ministerial Committee for Local Services as well as for the funding of studies or attendant reforms of the decentralization process.

**19- (1)** The share of the Common Decentralization Fund reserved for deconcentrated services of the State shall be transferred to the State representatives in-charge of exercising supervisory authority over regional and local authorities.

(2) A joint order of the Minister in-charge of Finance and the Minister in-charge of Regional and Local Authorities shall authorize the disbursement of the funds and specify the amount allocated to each State representative as well as the use for which they are allocated.

#### **CHAPTER IV**

#### **FINAL PROVISIONS**

**20.** - This decree shall be registered and published according to the procedure of urgency, and then inserted in the Official Gazette in English and French.

**PAUL BIYA  
PRESIDENT OF THE REPUBLIC**