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LAW NO. 96/12 OF 05 AUGUST 1996 RELATING TO ENVIRONMENTAL MANAGEMENT

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The National Assembly has deliberated and adopted,
The President of the Republic enacts the Law set out below:

PART I

GENERAL PROVISIONS

Article 1:

This law lays down the general legal framework for environmental management in Cameroon.

Article 2:

- (1) The environment constitutes a national common heritage in the Republic of Cameroon. It is an integral part of the universal heritage.
- (2) Its protection and the rational management of the resources it provides to human life are of general interest. These resources concern mostly the geosphere, the hydrosphere, the atmosphere, their material and immaterial content, as well as the social and cultural aspects they comprise.

Article 3:

The President of the Republic shall define the national environmental policy. Its implementation shall devolve upon the Government, which shall apply it, in collaboration with the decentralized territorial authorities, grassroots communities and environmental protection associations.

To this end, the Government shall formulate national strategies, plans or programmes for the conservation and sustainable use of environmental resources.

Chapter I

DEFINITIONS

Article 4 :

For the purpose of this law, and its enabling instruments, the following definitions shall apply:

«air »:

shall be the elements comprising the atmospheric fluid and whose physical, chemical or any other modification may threaten living things in ecosystems and the environment in general;

«Environmental auditing»:

shall be the systematic, documented and objective appraisal of the situation ,of the management of the environment and its resources;

«Waste» :

shall be any residue from a production, processing or utilization process, any substance or material produced or, more generally, any movable and immovable goods abandoned or intended to be abandoned;

«Sustainable development»:

shall be a mode of development which aims at meeting the development needs of present generations without jeopardizing the capacities of future generations to meet theirs;

«Continental waters» :

shall be the hydrography whole of surface and underground waters ;

«Maritime waters» :

shall be the brackish waters and all sea waters under Cameroonian national jurisdiction;

«Ecology» :

shall be the study of relationships existing between the various living things and their surroundings;

«The ecosystem» :

shall be the dynamic complex comprising the community of plants, animals, micro-organisms and their living environment which, through their interaction, make up a functional unit;

«Effluent» :

shall be any processed or unprocessed liquid and gaseous evacuation of domestic, agricultural or industrial origin, discharged directly or indirectly into the environment;

«Waste disposal»:

shall be ail the operations comprising the collection, transportation, storage, and processing necessary for the recuperation of useful materials or energy, and for their recycling, or any deposit or discharge of any other product in appropriate areas under conditions geared towards avoiding harmful substances and environmental degradation;

«The environment» :

shall be ail the natural or artificial elements and bio geochemical balances they participate in, as well as the economic, social and cultural factors which are conducive to the existence, transformation and development of the environment, living organisms and human activities;

«Ecological balance» :

shall be the relatively stable relationship created progressively in time between man, the fauna and flora, as well as their interaction with the conditions of the natural environment in which they live;

«Classified establishments»:

shall be establishments which are sources of danger or disaster threatening for the security, sanitation or the convenience of the neighbourhood or for public health, agriculture and for fishing;

«Human settlements»:

shall be ail the urban and rural centres irrespective of their type and size, and ail facilities they must contain to ensure a sound and decent existence for their inhabitants;

«Environmental impact assessment»:

shall be any practical measures ensuring that waste is managed in such a way as to protect human health and the environment, against the harmful effects this waste may have;

«Waste management» :

shall be the collection, transportation, recycling and elimination of waste, including the monitoring of disposal sites.

Chapter II

GENERAL OBLIGATIONS

Article 5:

The laws and regulations shall guarantee the right of everyone to a sound environment and ensure a harmonious balance within ecosystems and between the urban and rural zones.

Article 6:

- (1) Public and private institutions shall, within the context of their competence, sensitize all the populations on environmental problems.
- (2) The institutions shall consequently include programmes in their activities to provide better knowledge of the environment.

Article 7:

- (1) All persons shall have the right to be informed on the negative effects of harmful activities on man, health, and the environment, as well as on the measures taken to prevent or compensate for these effects.
- (2) A decree shall define the context and conditions for exercising this right.

Article 8:

- (1) Associations regularly declared or recognized as publicly useful and exercising their statutory activities in the field of environmental protection may only contribute to the actions of public and semi-public environmental institutions following an authorization issued in keeping with the terms and conditions laid down by special instruments.
- (2) Authorized grassroots communities and associations contributing to all actions of public and semi-public institutions working for environmental protection may exercise the rights of the plaintiff with regard to facts constituting a breach to the provisions of this law and causing direct and indirect harm to the common good they are intended to defend.

Chapter III

FUNDAMENTAL PRINCIPLES

Article 9:

Within the framework of the laws and regulations in force, rational environmental and natural resource management are based on the following principles:

- a) the principle of precaution, according to which lack of certainty, given the current scientific and technical knowledge, should not retard the adoption of effective and commensurate measures aimed at preventing a risk entailing serious and irreversible damages for the environment at an economically acceptable cost;
- b) the principle of preventive action and correction (through priority at the: source) of threats to the environment by using the best available techniques at an economically acceptable cost;
- c) the pollute and pay principle according to which charges resulting from measures aimed at preventing, reducing and fighting against pollution and the rehabilitation of polluted areas shall be borne by the polluter;
- d) the principle of liability according to which any person who, through his actions, creates conditions likely to endanger human health and the environment shall eliminate or cause the said conditions to be eliminated in such a way as to avoid the said effects;
- e) the principle of participation according to which:
 - each citizen shall have access to information on the environment, including information on dangerous substances and activities;
 - each citizen shall have the obligation to safeguard the environment and contribute to its protection;
 - corporate bodies and private citizens shall, in all their activities conform to the same requirements;
 - decisions on the environment shall be taken after consultation with the sectors of activity or groups concerned, or after a public debate when they are of a general nature;
- f) the principle of substitution according to which in the absence of a written general or specific rule of law on environmental protection, the identified customary norm of a given land, accepted as more efficient for environmental protection, shall apply.

PART II

PREPARATION, COORDINATION AND FINANCING OF ENVIRONMENTAL POLICIES

Article 10:

- (1) The Government shall prepare environmental policies and coordinate their implementation. To this end, it shall :
- Establish quality norms for air, water, soil and any other norms necessary to safeguard human health and the environment;
 - Establish links between pollution, the state of biodiversity conservation and the state of the environment in general;
 - Initiate research on the quality of the environment and related areas;
 - Prepare an amendment of the National Environmental Management Plan in keeping with the interval provided for in article 14 of this law, with a view to adapting it to the new demands in this field;
 - Initiate and coordinate actions warranted by a critical situation, an environmental state of emergency or any other situations that may constitute a serious threat to the environment;
 - Publish and disseminate information on environmental protection and management;
 - Take any other measures necessary for the application of this law.

- (2) The Government shall be assisted in its mission of formulating, coordinating, implementing and monitoring environmental policies by an Inter-ministerial Committee on the Environment and a National Consultative Commission on the Environment and Sustainable Development whose duties, organization and functioning shall be laid down by the enabling decrees of this law.

Article 11:

- (1) A special Fund, called the "National Environmental and Sustainable Development Fund" hereinafter referred to as the "Fund" is hereby set up with the following objectives:
- Contribute to the financing of environmental auditing;
 - Provide backstopping for sustainable development projects;
 - Provide backstopping for environmental research and education;
 - Support programmes promotion clean technologies ;
 - Encourage local initiatives on environmental protection and sustainable development;
 - Support legalized associations involved in environmental protection which carry out significant activities in this domain;
 - Backup the actions of ministries involved in environmental management.
- (2) The organization and functioning of the Fund shall be laid down by a decree of the President of the Republic.

Article 12:

- (1) The resources of the Fund shall come from:
- Contributions from the State; contributions from international donors;
 - Voluntary contributions;
 - Proceeds from fines on compromises as provided for by this law;
 - Donations and legacies;
 - Sums recovered from the rehabilitation of polluted areas;
 - Any other revenue appropriated or authorized by law.
- (2) These resources shall only be earmarked for purposes matching the objectives of this Fund.

PART III

ENVIRONMENTAL MANAGEMENT

Chapter I

THE NATIONAL ENVIRONMENTAL MANAGEMENT PLAN

Article 13:

The Government shall draw up a National Environmental Management Plan. The Plan shall be amended every 5 (five) years.

Article 14:

- (1) (1) The Administration in charge of the environment shall ensure the inclusion of environmental concerns in all economic, energy, land and other plans and programmes.
- (2) Furthermore, the said Administration shall ensure that the international commitments of Cameroon relating to the environment are introduced in national environmental laws, regulations and policies.

Article 15:

The Administration in charge of the environment shall plan and ensure the rational management of the environment, set up an environmental information system comprising a database on the various aspects of the environment, at national and international levels.

To this end, it shall register all scientific and technological data relating to the environment and keep an updated compendium of environmental national laws and regulations and international legal instruments of which Cameroon is a party to.

Article 16:

- (1) (1) The Administration in charge of the environment shall draw up a bi-annual report on the state of the environment in Cameroon and table it before the Inter-ministerial Committee on the Environment for approval.
- (2) This report is published and widely distributed.

Chapter II

ENVIRONMENTAL IMPACT ASSESSMENT

Article 17:

- (1) The promoter or owner of any development, labour, equipment or project which may endanger the environment owing to its dimension, nature or the impact of its activities on the natural environment shall carry out an impact assessment, pursuant to the prescription of the specifications. This assessment shall determine the direct or indirect incidence of the said project on the ecological balance of the zone where the plant is located or any other region, the physical environment and quality of life of populations and the impact on the environment in general.

However, where the said project is undertaken on behalf of the national defence services, the Minister in charge of defence shall disseminate the impact assessment under conditions compatible with national defence secrets.

- (2) (2) The impact assessment shall be included in the file submitted for public investigation where such a procedure is provided for
- (3) The impact assessment shall be carried out at the expense of the promoter.
- (4) The terms and conditions for applying the provisions of this article shall be laid down by an enabling decree of this law.

Article 18:

Any impact assessment that does not comply with the prescriptions of the specifications shall be null and void.

Article 19:

- (1) The list of the various categories of operations whose implementation is subject to an impact assessment as well as the conditions under which the impact assessment is published shall be laid down by an enabling decree of this law.
- (2) The impact assessment shall necessarily comprise the following indications:
 - analysis of the initial state of the site and its environment;
 - reasons for choosing the site;
 - appraisal of the foreseeable consequences of the implementation of the project on the site and its natural and human environment;
 - outline of the measures envisaged by the promoter or owner to eliminate, reduce and, if possible, compensate for the harmful consequences of the project on the environment and the estimates of ensuing expenses;
 - presentation of other possible solutions and reasons for which the project was selected, from the point of view of environmental protection.

Article 20:

- (1) Any impact assessment shall give rise to a reasoned decision by the competent Administration, after approval by the Inter-ministerial committee provided for by this law, under pain of the absolute nullity of the said decision.

The decision by the competent Administration shall be taken within a time- limit of 4 (four) months as from the date of notification of the impact assessment.

After this deadline, and in the event of silence from the said Administration, the promoter may begin his activities.

- (2) Where the impact assessment is not known or the impact assessment procedure is totally or partially disrespected, the competent Administration, or if need be, the Administration in charge of the environment shall demand the implementation of appropriate emergency procedures to suspend the work envisaged or already initiated. These emergency procedures shall be initiated "without the sanctions provided for by this law.

Chapter III

PROTECTION OF THE RECEPTOR ENVIRONMENT

Section I

PROTECTION OF THE ATMOSPHERE

Article 21:

The following shall be prohibited:

- endangering the quality of air or provoking any form of modification of its characteristics thus possibly producing harmful effects on public health and property;
- discharging any pollutant into the air, especially smoke, toxic, corrosive or radioactive dust or gases beyond the limits laid down by the enabling instruments of this law, or by special instruments as the case might be;

- discharging odours which, by virtue of their concentration or nature, are particularly inconvenient for man.

Article 22:

- (1) In order to avoid atmospheric pollution, buildings, agricultural, industrial, commercial and cottage industrial establishments, vehicles or other movable objects possessed, exploited or owned by any private individual or corporate body shall be constructed, exploited or used in a way as to meet the technical norms in force or established in application of this law or special instruments.
- (2) Specially protected areas subject to particular measures shall be erected where necessary by a decree at the proposal of the territorially competent Senior Divisional Officer, when the level of pollution observed is below the minimum quality level laid down by regulation or in the face of some circumstances conducive to degradation.
- (3) In order to limit or prevent a foreseeable increase in atmospheric pollution, especially following industrial and human development, and to specially protect the environment and preserve human health, sensitive areas may be created and demarcated by a joint order of the Ministers in charge of the environment, public health-, territorial administration and mine at the proposal of the territorially competent Senior Divisional Officer.
- (4) The Senior Divisional Officer may institute emergency procedures to cope with atmospheric pollution, with the approval of the competent local technical services.

Article 23:

- (1) When persons responsible for discharging pollutants into the atmosphere beyond the norms laid down by the Administration do not respect regulations, the competent administration shall issue them a notice to pay in this light.
- (2) Where this notice to pay is ineffective or does not produce the estimated effects either within the prescribed deadline or automatically in an emergency, the competent Administration shall, in consultation with the Administration in charge of the environment and the others concerned, suspend the functioning of the said plant or implement the necessary measures at the expense of the owner or recover the cost of the measures from the said owner.

Article 24:

To protect the atmosphere, the competent Administrative units, in collaboration with the Administration in charge of the environment and the private sector, shall take measures geared towards:

- implementing the Montreal Protocol and the amendments relating thereto;
- developing renewable energy;
- preserving the regulatory function of forests on the atmosphere.

Section II

PROTECTION OF CONTINENTAL WATERS AND FLOOD PLAINS

Article 25:

Continental waters constitute public property whose use, management and protection shall be subject to the provisions of this law and those of the laws and regulations in force.

Article 26:

The Administration in charge of water resources shall make an inventory establishing the extent of pollution of continental waters in keeping with physical, chemical, biological and bacteriological criteria. This inventory shall be amended periodically or each time an unusual pollution affects the state of these waters.

Article 27:

Flood plains shall be specially protected. This protection shall take into consideration their role and importance in biodiversity conservation.

Article 28:

The regulations on the protection of continental waters shall be the object of a special law.

Article 29:

Pending the provisions of article 30 below, direct or indirect spill incidents, discharges, dumping of any kind, and more generally, any act likely to provoke surface or underground water degradation through the of modification their physical, chemical, biological or bacteriological characteristics shall be prohibited.

Article 30:

- (1) An enabling decree of this law shall draw up the list of harmful or dangerous substances produced in Cameroon whose direct or indirect discharge, spilling, dumping, immersion or introduction into Cameroonian continental waters are either prohibited or subject to prior authorization.
- (2) The discharge of waste waters into the public purification network shall not hinder the conservation of works nor the management of networks.
- (3) Plants discharging waste waters into Cameroonian continental waters established before the promulgation of this law shall conform to the regulations within a time-limit laid down by an enabling decree of this law.

Plants set later on shall conform to the norms of dumping laid down by the regulation force.

Plants set up after the date of promulgation of this law shall, as soon as they go operational, conform to the norms of dumping laid down by the regulation force.

Section III

PROTECTION OF THE COAST AND MARITIME WATERS

Article 31:

- (1) Without any prejudice to the relevant provisions of the international conventions relating to marine environmental protection duly ratified by the Republic of Cameroon, the discharge and immersion into the maritime waters under Cameroonian jurisdiction, as well as the incineration of all substances likely to:
 - endanger human health and maritime biological resources;
 - hinder maritime activities, including navigation, aquaculture and fishing;
 - alter the quality of maritime waters from the point of view of their use;
 - downgrade the value of authorization and the touristic potential of the sea and the coast.
- (2) The list of these substances shall be specified by an enabling decree of this law.

Article 32:

- (1) In the event of damages to or accidents in any ship, aircraft, device or platform transporting or carrying hydrocarbons or harmful or dangerous substances in waters under Cameroonian jurisdiction, which may create a serious or imminent danger for the marine environment and its resources, the owner of the said ship, aircraft, device, or platform shall be charged to pay for the rehabilitation of the contaminated site by the competent marine authorities, in application of the regulations in force.
- (2) Where this charge is not heeded to or does not produce the expected results either within the given time-limit, or automatically, in an emergency, the competent authorities shall carry out the necessary measures at the expense of the ship-owner, trader or owner and shall recover the sum of the cost of the measures from the later.

Article 33:

- (1) The captain or officer in charge of any ship, aircraft, or device transporting or carrying hydrocarbons or harmful or dangerous substances in the sea waters under Cameroonian jurisdiction shall notify the competent authorities, by any means, of any event occurring on board and which is or could constitute a threat to the marine environment and related interests.
- (2) The provisions necessary to prevent or fight against any marine pollution originating from ships and plants situated at sea and/or on land shall be stipulated by an enabling decree of this law.

Article 34:

- (1) The Administration in charge of lands may upon request, grant authorization to occupy public land. Any such occupation shall not hinder free access to the marine public lands free movement on shore, nor promote erosion or degradation on the site.
- (2) Only light and dis-imputable plants, excluding any construction in concrete or, for housing, shall be authorized to occupy the public marine and river domain on a private and temporary basis.

Article 35:

A non identified zone whose regulations shall be laid down by the legislation on lands, shall be demarcated along maritime coasts, river banks and lake sides.

Section IV

PROTECTION OF SOILS AND THE SUB-SOIL

Article 36:

- (1) The soil and sub-soil as well as the limited renewable or non-renewable resources contained therein, shall be protected against any forms of degradation and jointly managed rationally by the competent Administrations.
- (2) An enabling decree of this law, prepared in collaboration with the Administrative units concerned, shall lay down:
 - the specific conditions for the protection and fight against desertification, erosion, loss of arable land and pollution of the soil and its resources by chemicals, pesticides and fertilizers;
 - the list of fertilizers, pesticides and other chemical substances whose use shall be authorized or encouraged in agriculture;
 - the authorized quantities and the terms and conditions for their use, so that the substances do not endanger the soil quality or other receptor environments.

Article 37:

- (1) Holders of mining permits or quarrying permits shall rehabilitate the exploited sites.
- (2) However, holders of mining permits and quarrying permits may choose to pay the financial cost of rehabilitation carried out by the competent Administration.

The amount of and the terms and conditions for paying the relevant charges shall be laid down by an enabling decree of this law.

The corresponding sums shall be paid to the Fund provided for by this law and shall not be earmarked for other uses.

Article 38:

- (1) The allotment and management of land for agricultural, industrial, urban or other uses, as well as prospecting, research Or exploitation of sub-soil resources likely to endanger the environment, shall be subject to the prior authorization of each Administration concerned and after the obligatory opinion of the Administration in charge of the environment.
- (2) An enabling decree of this law shall lay down the conditions for issuing the authorization provided for (1) the above and the activities and uses which, on account of the dangers they pose for the soil, the sub-soil or their resources, shall be prohibited or subject to special procedures.

Section V

PROTECTION OF HUMAN SETTLEMENTS

Article 39:

- (1) The protection, conservation and enhancement of the cultural and architectural heritage are of national interest.
- (2) They are an integral part of the national policy of environmental protection and development.

Article 40:

- (1) Urban development plans and public or private housing development plans shall take into consideration environmental protection while choosing locations for economic activity and residential and leisure zones. Prior to their implementation, these plans must record the obligatory opinion of the Administration in charge of the environment.
- (2) Urban centres shall comprise recreational grounds and lawns in a harmonious proportion laid down by urban development instruments and the Law on Forestry given the available space, the land occupation ratio and the population residing therein.

Article 41:

Building permits shall be issued duly taking into account the presence of classified establishments and their impact on the environment, and may not be issued or may be subject to special prescriptions jointly prepared by the Administrations in charge of the environment and housing, where the intended buildings are likely to have negative consequences on the environment.

Chapter IV

PLANTS CLASSIFIED AS DANGEROUS, IN-HYGIENIC OR INCONVENIENT AND POLLUTING ACTIVITIES

Section I

WASTE

Article 42:

Waste shall be treated in an ecologically rational manner to eliminate or curb their harmful effects on human health, natural resources, the fauna and flora, and on the quality of the environment in general.

Article 43:

(1) Any person who produces or owns waste, shall eliminate or recycle it, or have it eliminated or recycled in plants authorized by the Administration in charge of classified establishments, after the obligatory opinion of the Administration in charge of the environment.

Besides, the person shall inform the public of the effects of waste production, owning, elimination or recycling on the environment and public health, presiding the rules of confidentiality and the measures intended to prevent or compensate its negative effects.

2) The conditions under which waste is collected^ sorted out, stored, transported, recuperated, recycled or processed in any other way, and finally eliminated to avoid over-producing or wasting retrievable waste and environmental pollution in general shall be laid down by an enabling decree of this law.

Article 44 :

The introduction, discharge, storage or transit of waste on the national territory and produced outside Cameroon shall be formally prohibited given the international commitments of Cameroon.

Article 45:

A regulation laid down by the joint orders of the competent administrations shall govern the manufacturing, importation, owning with the intention of selling or placing at the disposal of consumers, making of waste-generating products or materials so as to ease the elimination of the said waste, or if need be, prohibit these activities.

Article 46:

(1) Decentralized territorial councils shall eliminate household waste, possibly with the competent State services, in keeping with the laws in force.

(2) Besides, they shall:

- ensure the elimination of all midnight dumping;
- ensure the elimination of abandoned dumps with the assistance of the competent State services or authorized enterprises, when the owner or author of the dump is not known or identified.

Article 47:

(1) The person producing or processing waste shall eliminate the said waste under the joint authorization and monitoring of the Administrations in charge of the environment and mines respectively, in accordance with prescriptions laid down by regulation.

- (2) Waste shall be discharged into dumps that are periodically inspected and which respect the minimum technical norms of dump management.
- (3) Special industrial waste considered dangerous on account of their properties shall not be dumped in stock plants receiving other categories of waste.

Article 48:

- (1) When waste is abandoned, dumped or processed in violation of the prescriptions of this law and its enabling regulations, the authority vested with police powers shall automatically eliminate the said waste at the expense of the said producer, after charging the producer to pay.
- (2) The Administration shall oblige the producer to deposit to a public accountant a sum corresponding to the cost of the work to be done. The competent public accountant shall be appointed by order of the minister in charge of finance.

Article 49:

Waste immersion, incineration or elimination by any procedure in the continental and/or maritime waters under Cameroonian jurisdiction shall be strictly prohibited, duly taking into account the international commitments of Cameroon.

Article 50:

- (1) The obligation of general maintenance which the public land dealers are subject to shall include those to eliminate, cause to be eliminated, or recycle waste contained in the land.
- (2) The dumping of waste on public land shall be strictly prohibited, including public maritime land such as defined by the laws in force.

Article 51 :

- (1) Waste shall only be buried in the sub-soil with the prior joint authorization of the competent administrations which shall lay down the technical prescriptions and special rules to observe.
- (2) The burial of waste without the authorization provided for in sub-paragraph (1) of this article shall lead to an excavation, of the waste by the person who buried it, or, after a charge to pay from the competent Administration, in collaboration with the other Administrations concerned.

Article 52:

- (1) Areas damaged by work done without authorization or without observing prescriptions, and sites contaminated by midnight dumps or unauthorized buried waste shall be rehabilitated by officials or the closest possible restoration to their original state.
- (2) Where a notice of the competent administration has no follow-up for one year, the State shall rehabilitate the site in collaboration with the other administrative units concerned.

Article 53:

The discharge of a pollutant into the air, water or soil shall be subject to an authorization. The conditions for the issue of this authorization shall be laid down by an enabling decree of this law.

Section II

CLASSIFIED ESTABLISHMENTS

Article 54:

Factories, workshops, warehouses, building sites, and on the whole, industrial, cottage industrial or commercial plants exploited or owned by any private individual or corporate body, private or public institution, and which pose or may pose dangers for public health, security, hygiene; agriculture, nature and the environment in general, or disadvantages for the conveniences for the neighbourhood shall be subject to the provisions of the laws and regulations in force on classified establishments.

Article 55:

- (1) In order to prevent and control accidents in classified establishments, the official in charge of the classified industrial or commercial establishment shall carry out a study on the dangers involved before opening the said establishment.
- (2) The study on the dangers involved provided for in sub-paragraph 1 above shall comprise the following indications:
 - inventory and description of dangers according to their internal or external origin;
 - risks involved for the environment and the neighbourhood;
 - justification of techniques and envisaged procedures for risk prevention;
 - the plant design;
 - exploitation guides;
 - means of detection and intervention in the event of a disaster.

Article 56 :

- (1) The exploiter of any first or second-class establishment as defined by the law on classified establishments shall establish a specific emergency plan to alert f the competent authorities and neighbouring populations in the event of a disaster or threat of a disaster, the evacuation of persons and means of preventing the disaster.
- (2) The emergency plan shall be approved by the competent Administrative which shall regular ensure the good condition and worthiness of the material provided to implement the plan.

Section III

HARMFUL AND/OR DANGEROUS CHEMICAL SUBSTANCES

Article 57:

- (1) Harmful and/or dangerous Chemical substances which, on account of their toxic nature or their concentration in biological chains, or likely to be a danger for human health, the natural environment, and the environment in general when they are produced, imported into the national territory or dumped into the environment, shall be controlled and monitored by the competent technical Administrative units, in cooperation with the Administration unit in charge of the environment.
- (2) Radioactive substances shall be governed by a special law.

Article 58:

An enabling decree of this law taken jointly by the competent administrative units shall regulate and lay down:

- the obligations of manufacturer and importers of chemical substances intended for marketing, the composition of preparations placed on the market, the volume to be marketed;
- the list of substances whose production, importation, transit and movement on the national territory are prohibited or subject the prior authorization of the Administrative unit in charge of the control and monitoring of chemical, harmful and dangerous substances;
- the conditions, mode, itinerary and schedule of transport, as well as all prescriptions relating to the conditioning and marketing of the substances mentioned above;
- the conditions for issuing the prior authorization;
- the list of substances whose production, importation, transit and movement on the national territory are authorized.

Article 59 :

- (1) The chemical, harmful and dangerous substances manufactured, imported or sold in violation of the provisions of this law shall be seized by the officials in charge of suppressing fraud, or those on oath from the competent. Administrative units.
- (2) When the substances mentioned in (1) pose a real and imminent danger, they shall be destroyed or neutralized as soon as possible by the Administrative units mentioned in (1) above, at the expense of the offender.

Section IV

RESONANT AND OLFATORY NUISANCES

Article 60:

- (1) The emission of noise and odours likely to be harmful to human health, excessively inconvenience the neighbourhood and endanger the environment shall be prohibited.
- (2) Persons emitting this noise and odours unnecessarily or without any precaution shall take all the necessary measures to suppress, prevent or limit their propagation.
- (3) In the event of an emergency, councils shall take all the necessary security measures intended, as a matter of course, to put an end to the trouble. If need be, they may seek the assistance of government forces.

Article 61:

An implementation decree of this law taken in collaboration with the competent administrative units shall determine:

- the cases of and conditions under which noises made without absolute necessity and without taking precautions shall be prohibited or regulated;
- the conditions under which the buildings, industrial, commercial, cottage industrial or agricultural establishments, vehicles or other movables possessed, exploited or owned by any private individual or corporate body, shall be exploited, constructed or used in a way as to comply with the provisions of this law and its enabling instruments;
- the conditions under which all security measures shall be taken by the council to automatically put an end to danger, without any prejudice to the possible penal sentences;

- the deadline to be respected in compliance with the provisions of this law and the date of publication of each enabling regulation.

Chapter V

NATURAL RESOURCE MANAGEMENT AND BIODIVERSITY CONSERVATION

Article 62:

The protection of nature, the preservation of animal and plant species and their habitat, the maintenance of biological balances and ecosystems and the conservation of biodiversity and genetic diversity against all causes of degradation and threats of extinction are of national interest. It shall devolve on the Administration and each citizen to safeguard the natural heritage.

Article 63:

Natural resources shall be managed rationally to meet the needs of the present generations without comprising the capacity of future generations to meet their own needs.

Article 64:

- (1) Cameroon's biodiversity is used sustainably, especially through:
- an inventory of existing species, particularly of those that are endangered;
 - management plans of species and the preservation of their habitat;
 - a system on the control of access to genetic resources.
- (2) Biodiversity conservation through the protection of the fauna and flora, the creation and management of natural reserves and national parks shall be governed by the laws and regulations in force.
- (3) The State may erect any part of the national territory into an ecologically protected area. Such an area shall be the subject of an environmental management plan.

Article 65:

- (1) Scientific exploration and biological and genetic resource exploitation in Cameroon shall be done under conditions of transparency and in close collaboration with national research institutions and local communities and should be profitable to Cameroon. The exploration and exploitation should be done under the conditions stipulated by the international conventions relating thereto, duly ratified by Cameroon, especially the Rio Convention of 1992 on biodiversity.
- (2) An enabling decree of this law shall lay down the terms and conditions under which foreign researchers and Cameroonian research institutions and local communities shall collaborate.

Article 66:

An enabling decree of this law shall determine the historic, archeological and scientific sites, as well as the sites that are of special panoramic beauty, and shall ensure their protection and lay down the conditions under which they shall be managed.

Article 67:

- (1) Mining resources and quarries shall be explored and exploited in an ecologically rational manner, making allowance for environmental considerations.
- (2) These activities shall be carried out in keeping with the provisions of the laws in force.

Article 68:

- (1) The protection of land against erosion and the prevention and fight against desertification are publicly useful. These actions are taken particularly through the planning of the land use and zoning, reforestation as well as the dissemination of ecologically efficient methods of land use.
- (2) These activities shall be carried out in keeping with the laws in force and the enabling instruments of this law, as well as the relevant international conventions duly ratified by Cameroon.

Article 69:

- (1) Resources shared with other States shall be managed sustainably, and as much as possible, in cooperation with the State concerned.
- (2) This cooperation shall be by virtue of the international conventions signed between the States sharing these resources.

Chapter VI

RISKS AND NATURAL DISASTERS

Article 70:

On the initiative of each competent administration and in concert with the other administrative units, as well as under the coordination of the Administration in charge of the environment, a national map and monitoring plans of high risk and natural disaster zones, especially seismic and/or volcanic zones, flood zones, zones likely to experience landslides, marine and atmospheric pollution risk zones, drought and desertification zones as well as magmatophreatic eruption zones, shall be prepared.

Article 71:

Risk prevention shall comply with the principles of this law as well as the relevant provisions provided for by the, specific instruments in force.

PART IV

IMPLEMENTATION AND FOLLOW-UP OF PROGRAMMES

Single Chapter

PARTICIPATION OF POPULATIONS

Article 72:

Populations shall be encouraged to participate in environmental management, especially through:

- free access to environmental information, pending the imperatives of national defence and state security;
- consultative mechanisms to take stock of the opinion and contributions of the populations;

- representation of populations within environmental advisory bodies;
- production of environmental information;
- sensitization, training, research and education on the environment.

Article 73:

Environmental education should be introduced in primary and secondary school curriculums as well as in institutions of higher learning.

Article 74:

In order to strengthen environmental awareness in the society and increase the sensitization on and participation of populations in environmental issues, the Administration in charge of the environment and communication, as well as other Administrative units and public bodies concerned shall launch information and sensitization campaigns using the media and other means of information.

To this end, they shall make use, of the traditional means of communication as well as the traditional authorities and associations working in the field of the environment and development.

PART V

INCENTIVE MEASURES

Article 75:

Any operation contributing to the elimination of erosion and the effective fight against desertification, and to the promotion of the rational use of renewable resources, especially in the savannah zones and the northern part of the country shall benefit from a support from the fund provided for by this law.

Article 76:

- (1) Industrial establishments importing equipment to enable them eliminate green house gases like carbon dioxide, chlorofluorocarbons, in their manufacturing process or in their products, or to reduce any form of pollution shall benefit from a reduction of the custom duty on these equipment; the proportion and duration of which shall be determined by the Finance Law as and when necessary.
- (2) Private individuals and corporate bodies promoting the environment shall benefit from a deduction on taxable profits according to the terms and conditions laid down by the Finance Law.

PART VI

LIABILITY AND SANCTIONS

Chapter I

LIABILITY

Article 77:

- (1) Without any prejudice to the sanctions applicable within the framework of penal liability, any person transporting or using hydrocarbons or chemical, harmful and dangerous substances, or any operator of a classified establishment who has caused body or material damage directly or indirectly linked to the exercise of the above mentioned activities shall be liable for damages without the need to prove his offence.
- (2) The reparation of the damage mentioned in (1) of this article shall be jointly borne when the author of the damage proves that the body or material damage is the fault of the victim. It shall be exonerated in the event of a “force majeure”.

Article 78:

When the constituent elements of the offence originate from an industrial, commercial, cottage industrial, or agricultural establishment, the owner, operator, director or manager as the case might be, may be liable to fines or legal fees owed by the authors of the offence, and to the rehabilitation of the sites.

Chapter II

SANCTIONS

Article 79:

The following persons shall be liable to a fine of 2,000,000 (two million) to 5.000.000 (five million) CFA francs and a prison sentence of 6 (six) months to 2 (two) years or only one of these two sanctions:

- Any person having implemented a project needing impact assessment, without carrying out such assessment;
- Any person having implemented a project that does not conform to the criteria, norms and measures spelled out for the impact assessment;
- Any person having obstructed the checks and analyses provided for by this law and/or its enabling instruments.

Article 80:

Any person who dumps toxic and/or dangerous waste on Cameroonian territory shall be liable to a fine of 50,000,000 (fifty million) to 500,000,000 (five hundred million) CFA francs and life imprisonment.

Article 81:

- (1) Any person having imported, produced, owned and/or used harmful or dangerous substances in violation of the regulations shall be liable to a fine of 10.000.000 (ten million) to 50,000,000 (fifty million) CFA francs and a prison sentence of 2 (two) to 5 (five) years or only one of these two punishments.
- (2) In the event of subsequent offences, the maximum total amount of the sanctions shall be doubled.

Article 82:

- (1) Any person having polluted, or degraded soils and sub-soils, altered the quality of air and waters in violation of the provisions of this law shall be, liable to a fine of 1,000,000 (one million) to 5.000.000 (five million) CFA francs and a prison sentence of 6 (six) months to 1 (one) year or only one of these two.
- (2) In the event of subsequent offences, the maximum total amount of the sanctions shall be doubled.

Article 83:

- (1) Any captain of a ship who is guilty of dumping hydrocarbons or other marine environmentally harmful liquid substances into marine waters under Cameroonian jurisdiction in violation of the provisions of this law and its enabling instruments or international conventions relating to the prevention of marine pollution to which Cameroon is a party, shall be ; liable to a fine of 10.000.000 (ten million) to 50,000,000 (fifty million) CFA francs and a prison sentence of 6(six) months to 1 (one) year or only one of these two sanctions.
- (2) When the offending boat is other than a tanker, and the gross registered tonnage is lower than 400 (four hundred), the sanctions provided for in sub-paragraph I of this article shall be reduced, while the minimum fine shall not be lower than 1,000,000 (one million) CFA francs.
- (3) In the event of subsequent offences, the maximum total amount of the sanctions shall be doubled.
- (4) The sanctions provided for by this article shall apply without prejudice to the right to compensation of public or private establishments as well as of persons having suffered damages originating from pollution.
- (5) The sanctions provided for by this article shall not apply to dumping by a ship to ensure its own security or that of other ships, or to save human life; neither shall they apply to discharges resulting from damages suffered by the ship without the establishment of any offence against its captain or crew.

Article 84:

- (1) Any person having operated a plant or used a movable object in violation of the provisions of this law shall be liable to a fine of 500,000 (five hundred thousand) to 2,000,000 (two million) CFA frs and a prison sentence of 6 (six) months to 1 (one) year, or only one of these two sanctions.
- (2) In the event of subsequent offences, the maximum total amount of the sanctions shall be doubled.

Article 85:

The sanctions provided for by this law shall be supplemented by those contained in the Penal Code as well as in various sectoral laws applicable to environment protection.

Article 86:

The sanction shall be doubled when the above-mentioned offences are committed by an official of the Administration in charge of environmental management, or with their complicity.

Article 87:

The provisions of articles 54 and 90 of the Penal Code relating to stay of proceedings and mitigating circumstances shall not apply to the sanctions provided for by this law.

Chapter III

ESTABLISHMENT OF INFRINGEMENTS

Article 88:

- (1) Without prejudice to the prerogatives of the public prosecutor, and the judicial police vested with general competence, the officials on oath of the Administration in charge of the environment and other Administrative units concerned, especially those of the cadastral survey, town planning, public works, forests, the merchant, mines, industry, labour and tourism services shall be in charge the research and establishment of infringements in keeping with the provisions of this law and its enabling instruments.
- (2) The officials mentioned in sub-paragraph (1) above shall take an oath before the competent court, upon the request of the Administration concerned, following the terms and conditions laid down by an enabling decree of this law.
- (3) In the exercise of their duties, the officials on oath shall carry their professional card.

Article 89:

Any established infringement shall be the subject of a regular report. Infringements shall be sought for and established by two officials who shall cosign the report. The report shall be authentic until a plea of forgery is introduced.

Article 90:

- (1) Any report establishing an infringement shall be forwarded immediately to the competent Administration which shall notify the offender of it. The offender shall have a time-limit of 20 (twenty) days as from the date of notification to contest the report. After this time-limit, any contesting shall be inadmissible.
- (2) Where there is contesting within the time-limit provided in sub-paragraph I of this article, the reclamation shall be examined by the competent Administration.

Where the contesting is founded, the report shall be closed with no follow-up.

Where the contesting is unfounded, and in the absence of a final compromise or arbitration, the competent Administration shall undertake legal proceedings in keeping with the law.

Chapter IV

COMPROMISE AND ARBITRATION

Article 91:

- (1) The Administrative units in charge of environmental management shall have the full right to effect a compromise. To do this, they shall be duly notified by the defaulter.
- (2) The amount of the compromise shall be fixed in consultation with the Administration in charge of finance. This amount shall not be lower than the minimum of the corresponding sanction.
- (3) The compromise shall be effected before any possible legal procedure, under pain of nullity.
- (4) All proceeds from the compromise shall be paid to the fund provided for by this law.

Article 92:

Parties to an environmental dispute may settle the dispute by a joint agreement reached through arbitration.

Article 93:

- (1) Traditional authorities shall have the competence to settle disputes relating to the use of some natural resources, especially water and pastures on the strength of the local ways and customs, without infringing on the right of the parties to the conflict to refer the matter to the competent courts.
- (2) A report on the settlement of the conflict shall be drawn up. A copy of this report duly signed by the traditional authority and the parties to the conflict or their representatives shall be deposited with the administrative authority under whose territorial jurisdiction the village community or the site of the conflict is situated.

PART VIII

MISCELLANEOUS AND FINAL PROVISIONS

Article 94:

Mangrove ecosystems shall be specially protected, taking into account their role and importance in marine biodiversity conservation and the maintenance of Coastal ecological balances.

Article 95:

The State shall ensure "in situ" and "ex situ" conservation of genetic resources in accordance with the terms and conditions laid down by special laws.

Article 96:

- (1) Any decision taken or authorization given within the framework of this law, without the prior opinion of the Administration in charge of the environment as provided for by the said law shall be null and void. Any person interested in taking action may invoke the nullity of the said decision or authorization.
- (2) The enabling decree of this law shall lay down, as the case may be, the terms and conditions under which the Administration in charge of the environment shall give its prior opinion.

Article 97 :

The enabling decrees of this law shall lay down the said terms and conditions as and when necessary.

Article 98 :

- (1) This law shall apply without any prejudice to the compatible provisions of the special laws in force on environmental management.
- (2) However, the provisions of article 4 (1) No.9/27 of 29 December 1989 on toxic and dangerous waste, are hereby repealed.

Article 99 ;

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

Yaounde, 05 August 1996

Paul Biya
President of the Republic