

netherlands commission for environmental assessment

Cameroon

Profile Background | EIA profile | SEA profile

See also Webpages (7) | Projects (5) | Library (7)

EIA profile

EIA background

Country contact on EIA

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History of EIA

From a legal point of view, the Law 94/001 of 20th January 1994, which lays down requirements for the management of forestry, wildlife and fisheries, firstly explicitly required environmental assessment in Cameroon. It was limited to projects that may affect the equilibrium of the forest though. The framework law No 96/12 of 5 August 1996 on environmental management then introduced with its article 17 the principle of environmental impact assessment on a broader scope. It determines that an EIA is required for any project that may affect the environment. Subsequently, several other sectorial laws like the Mining Code explicitly mentioned the need to conduct EIA.

At the regulatory level, the term EIA was introduced through Decree No. 84-797 of 17 July 1984 which gives provisions regarding the Ministry of Planning and Territorial Administration. In fact, the first paragraph of Article 53 of this decree explicitly assigns the responsibility for conducting EIA for development projects to a department of that ministry. This decree and subsequently following ones, however, did not provide any details on the types of projects that are subjected to EIA or on procedural requirements. Decree 2005/0577/PM of 23 February

2005 finally specified the procedures for carrying out environmental impact studies. Several ministerial orders followed including one that included a list of projects that are subjected to EIA. Since February 2013, it is the Decree No 2013/0171/PM, which lays down rules for conducting environmental and social impact studies. It explicitly mentions the social aspect of the impact study, as it is referring to Environmental and Social Impact Assessment (ESIA) rather than to Environmental Impacts Assessment (EIA). This Decree also legally introduced Strategic Environmental and Social Assessment (SESA) and the Environmental Impact Statement (EIS) as tools for environmental assessment.

At the organizational level, in 1996 the Permanent Secretariat of the Environment (PSE) was established. It was responsible for impact assessments within the Ministry of Environment and Forests (MINEF). In 2005, the PSE became the Ministry of the Environment and Nature Protection (MINEP). Since a government reform in 2012, the Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED) is in charge of ESIA.

Year of introduction of EIA legislation

1996

Legal framework for EIA**First framework law**

Environmental management law no. 96/12 of 05 august 1996.

Year of introduction of first framework law

1996

Approving authority of first framework law

The order has been issued by prime minister.

First national detailed regulation for EIA

Decree 2005/0577/PM of 23 February 2005 firstly layed down the procedures for carrying out EIA. It was replaced by Decree 2013/0171/PM February 14, 2013

Year of introduction of first national detailed regulation for EIA

2005

Approving authority of first national detailed regulation for EIA

The order is issued by prime minister.

Recent updates and additions to the EIA legislation

- Decree No. 2001/718/PM September 03 2001 on the organization and functioning of the Interministerial Committee for the Environment and Decree 2006/1577/PM of 11 September 2006 amending and supplementing certain provisions of Decree No. 2001 / 718/PM of 3 September 2001 on the organization and functioning of the Interministerial Committee for the Environment
- Order No. 0070/MINEP of 22 April 2005 laying down the different categories of operations whose implementation is subject to an EIA
- Order No. 00004/MINEP of 3 July 2007 laying down the conditions for the registration of consultants to conduct environmental impact assessment studies and environmental audits
- Order No. 00001 MINEP of 13 February 2007 establishing the general content of the terms of reference for environmental impact assessment studies
- Decree No. 2008/064 of 4 February 2008 laying down the procedures for administering the National Fund for the Environment and Sustainable Development
- Since 2013, Decree No.2013/0171/PM of February 14, 2013 lays down rules for conducting environmental and social impact studies. It was signed by the Prime Minister, Head of Government.

Current framework law for EIA

Environmental management law no. 96/12

Current national detailed regulation for EIA

Decree 2013/0171/PM

Sector-specific procedures or regulations on EIA

Some other sectoral laws require EIA among which:

- Law 94/001 of 20 January 1994 on forestry, wildlife and fisheries
- Law No. 98-15 of 14 July 1998 concerning the establishments classified as dangerous, unhealthy or inconvenient;
- Law on water
- Law No. 98-022 of 24 December 1998 governing the electricity sector;
- Law No. 665 of December 07 1999 relating to Petroleum Code;
- Law No. 001 du 16 April 2001 on the mining code in the Republic of Cameroon;
- Law No. 2002-013 of 30 December 2002 on the gas code in the Republic of Cameroon;
- Decree No. 99/818 PM. of 09 November 1999 laying down the implementation and operation of establishments classified as dangerous, unhealthy or inconvenient.
- Decree No. 2002/648 PM of 26 March 2002 laying down detailed rules for the application of Law No. 001 of 16 April 2001 relating to the Mining Code.

Guidelines

- Guide for the implementation and evaluation of environmental impact assessment in Cameroon (2008)
- Manual for the general procedure of environmental impact assessments and audits (2010)

Objective of EIA

According to Article 17 of the framework law related to Environmental Management (1996), the EIA assesses the direct and indirect effects of a project on the ecological equilibrium of the settlement area or any another region, the environment and quality of life of people and the impact on the environment in general following the requirements of the Terms of Reference.

Scope of EIA application

All projects that affect the environment are subjected to EIA. Decree 2013/0171/PM of February 14, 2013, introduced alongside the comprehensive EIA and the simplified EIA and the environmental impact statement (EIS). Order No. 00001 MINEP of 13 February 2007 establishing the general content of the terms of reference for environmental impact studies should be reviewed to adapt to this new categorization.

Exemptions from EIA application

The existing regulation does not provide for exemptions as such, but Article 23 of the 2013 Decree states that the EISA concerning projects that have to do with national security or defense are not subjected to the public hearing procedure.

Institutional setting for EIA

Central EIA authority

Ministry of the Environment, Nature Protection and Sustainable Development (MINEPDED) is the central EIA authority

Other key (governmental) parties involved in EIA, and their roles

- Ministry of Environment is in charge of the procedure;
- Sectoral Administrations advise on the terms of reference, reports and participate in the surveillance and monitoring
- The interministerial Committee on the Environment must give an opinion on the quality of reports prior to their approval by the Minister

Mandate for exemption of EIA obligation

A mandate for exemptions is not defined formally, but it is implicitly assumed that it is the MINEPDED.

(De)centralisation of EIA mandates

The new decree n° 2013/0171/PM of 14 February 2013 assigns responsibility to municipalities to decide on the issuance of the environmental compliance certificate for projects subject to impact statement after having consulted the responsible local services of MINEPDED.

EIA procedure

Overview EIA procedure

In Cameroon, a simplified Environmental Impact Statement (EIS), the summary ESIA and the comprehensive ESIA (similar procedures as for SESA) are distinguished. The EIS is made for small-scale projects or business / facilities that are not subject to an audit or ESIA but are likely to have significant effects on the environment. Environmental and Social Impact Assessment (ESIA) applies to the projects of medium and high scale that may have adverse effects on the environment.

For the Environmental Impact Statement (EIS), the following stages are considered:

- Screening
- Drafting of terms of references to be approved by the relevant municipality
- Elaboration of the Environmental Impact Statement
- Review of the Environmental Impact Statement (EIS)
 - Decision of the municipality after advice from the local responsible of MINEPDED services

For the process of ESIA / SESA the following steps are required:

- Screening (not mandatory)
- Preparation of ToR to be approved by the MINEPDED after the advice of the relevant sectorial administration
- Preparation of the ESIA / SESA report with public consultations
- Review of ESIA report / SEA and public hearing

- Decision of the Minister in charge of the environment on the quality ESIA / SESA report

Screening

Screening requirement and authority

While the ministerial order 0070/MINEP of 22 April 2005 lays down the different categories of operations whose implementation is subject to an EIA, this order would have to be adapted to the Decree of 14 February 2013.

Screening should thus be done following a ministerial order that is yet to be published. It will determine the type of projects that are subjected to ESIA and SEA.

Screening process

The Decree provides that the list of activities subject to impact statement is determined by the municipality after the motivated opinion of the locally responsible services of MINEPDED. (Article 18-2).

The list of activities that are subjected to ESIA / SESA will be determined by order of MINEPDED.

Provision for sensitive areas

Supplementary requirements to the EIA can be demanded for sensitive areas. Criteria are defined on case-by-case basis.

Contents of the starting document

Screening is not formally defined. Thus there is no formal document that is required at this stage.

Timeline Screening

There is not a formal deadline for the screening

Scoping

Scoping requirement

Scoping is formally required.

Scoping process

EIS

Before starting his EIS, the promoter must have the related draft ToRs approved. In this regards, he submits them to the municipality of the locality where the project would be implemented, in addition to a general project file containing a request to conduct the EIS along with the related draft ToR and the payment of examination fees of the file. Two copies of the file are sent to locally responsible of the services of MINEPDED. According to the existing order, the draft ToRs are approved by the ministry in charge of the environment in order to obtain the authorisation to conduct the study.

ESIA

The sponsor shall submit to the competent administration and MINEPDED in addition to the general project file his request for the conduct of the ESIA with the ToR of the study and a receipt of payment, against the deposit slip, of examination fees amounting to FCFA 1500000 (Summary ESIA) 2,000,000 FCFA (comprehensive ESIA). Article 8 (3) of the Decree prescribes that the MINEPDED shall provide a standard model of Terms of Reference (ToR) for

the EIS, the ESIA and SESA depending on the activities. This should be done after consulting the CIE. Thus, an adaptation of the MINEP order No. 00001 of 13 February 2007 establishing the general content of the terms of reference for EIA is expected.

Contents of the scoping document

EIS

In case of an application for making an EIS, the promoter's file should contain: (i) the general dossier with information on the project or activity, (ii) a request for completion of the EIS mentioning the social relevance of the project, social capital, the respective sector of the activity and the number of jobs provided through the project, (iii) the ToRs of EIS accompanied by a descriptive checklist describing and supporting the project, with the emphasis on preservation of the environment and the reasons for choosing the site, (iv) the receipt of payment of examination fees to be determined by the municipalities.

ESIA

Likewise, in case of an application for an ESIA, the ToR shall contain the following information: (i) a general description of the project or activity, (ii) a request for completion of the ESIA mentioning the social relevance of the project, social capital, the respective sector of the activity and the number of jobs provided through the project, (iii) the ToRs of ESIA accompanied by a descriptive checklist describing and supporting the project, with the emphasis on preservation of the environment and the reasons for choosing the site, (iv) the receipt of payment of examination fees as provided for in Article 17 of the 2013 Decree.

Timeline scoping

EIS

The locally responsible services of MINEPDED have 15 days to give its opinion. If the municipality does not react within 30 days after the deposit of the draft ToRs, the latter shall be deemed approved.

ESIA

The competent authority has 10 days to send its comments in relation of the ToRs to MINEPDED. The MINEPDED has 20 days from the date of receipt of the motivated advice of the competent authority, to take its decision regarding the approval of the ToR. After this time, the terms of reference shall be considered approved.

Assessment and reporting

Assessment process

EIS

An EIS is done before the implementation of the project or before a business or facility that are subjected to it are run.

The realization of the EIS is under the responsibility of the promoter of the project or activity which is to be undertaken. An EIS can be conducted by anyone with the required expertise and who may be hired by the proponent for it.

It can be assumed that the impact statement must be made after a rigorous and relevant scientific approach.

Once the EIS is finalized, the proponent shall submit the report to the municipality (number of copies not specified) and pay the fees for the report

review whose amounts and methods of collection would be determined and specified by relevant municipalities (Article 19 -2 of the Decree).

ESIA (summary and comprehensive)

In case the ToRs are approved, the proponent conducts the ESIA based on the set of specifications of the ToRs which mention the contents of the ESIA based on its category, the level of analysis required, responsibilities and obligations of the proponent.

The conduct of summary and comprehensive ESIA is to be entrusted, at the choice of the proponent, to a consultant, a consulting firm, a non-governmental organization or an association approved by the MINEPDED with a priority given nationals in the case of equal qualifications.

Any impact study must involve the participation of the public through public consultations.

Once the report is prepared, the promoter shall submit 22 copies of the report against a receipt to the competent administration (2) and to MINEPDED (20).

Contents of the EIA report

According to the 2013/0171/PM Decree of 14 February 2013 and the general guide to conduct EIA of May 2008, the basic content of EIS, comprehensive and summary ESIA is as follows:

EIS

- The summary of report in a simple language
- The description of the project or facility
- The description of the state of the site and its physical, socio-economic, biological, and human environment
- Identification of possible effects of the implementation of the project or facility on the natural and human environment
- Measures to avoid, reduce, eliminate or compensate the damaging effects on the environment and the corresponding expenditure estimates
- The program of education and information as well as reports of consultations with local communities
- The terms of reference of the EIS
- A review of the legal and institutional framework

Summary ESIA

- The summary report in a simple language
- The description of the environment of the site and region
- The project description
- The review of the legal and institutional framework
- The report of the field visit
- An inventory and description of project impacts on the environment and proposed mitigation measures
- The terms of reference of the study
- The environmental and social management plan
- The relevant references

Comprehensive ESIA

- The summary of the specific information required in a simple language;
- Description and analysis of the initial state of the site and its physical, biological, socio-economic and human environment

- Description and analysis of all natural resources and socio-cultural elements that may be affected by the project, as well as the reasons for choosing the site
- Description of the project and the reasons for his choice among the alternatives
- The review of the legal and institutional framework
- Identification and evaluation of possible effects of the implementation of the project on the natural and human environment;
- Indication of the measures to avoid, reduce or eliminate harmful effects on the environment
- The program of education and information as well as minutes of meetings with the population, non-governmental organizations, trade unions, opinion leaders and other organized groups involved in the project
- The environmental and social management plan of the project with the control mechanisms including its environmental monitoring plan and, where applicable, the compensation plan
- The terms of reference for the study, as well as references

Review

Review process

According to Article 20 of the Framework law on the management of the environment, any impact assessment gives rise to a reasoned decision of the Administration in charge of the environment, after the advice of the Interministerial Committee for the Environment (CIE).

A mixed team (Competent Authority and MINEPDED) goes to the field for (i) to verify qualitatively the information contained in study and obtain the opinion of the people concerned (ii) establish an evaluation report to be transmitted to CIE in a minimum of 15 days for a summary ESIA and 20 days for a comprehensive ESIA.

MINEPDED forwards to CIE the report of the ESIA, the report of the assessment of the EIA made by the MINEPDED, and the report of the assessment of records of public consultations and public hearings for consideration. When the CIE is summoned to examine an EIA report, it analyzes the report in terms of form and content. CIE concludes its review with an advice report, which summarizes the major findings or observations that captured the attention of members at the end of the evaluation of the report. The opinion of the CIE is essential prior to the approval of an EIA by the Minister for the Environment.

Also the competent authority conveys its comments to MINEPDED after receipt of the report. The MINEPDED then decide on the admissibility of the ESIA and notify the promoter 20 days upon receipt of the mixed committee report. The inform the proponent of the admissibility of the report and have it published in the press, radio, etc. or they formulate comments for making the ESIA admissible.

Review expertise

It may happen that the CIE does not have sufficient expertise to assess some reports that are transmitted. To overcome this difficulty and in accordance with the decree creating the CIE, the Chairman of CIE may call on outside experts for their skills on the items on the agenda to participate in the committee without voting . This allows the CIE, in addition to benefit from the knowledge and analyzes of experts in relevant fields of the

environment to improve its analysis of EIA reports and to strengthen the capacities of its members in EIA.

Timeline Review

EIS

The municipality has 30 days from the date of receipt of the EIS to give an answer to the proponent after receiving the advice of the local responsible services of the MINEPDED.

ESIA

CIE has 20 days to give its opinion on the report. After this period, its opinion shall be deemed favourable.

Decision-making

Integration of EIA into decision-making

EIS

Three answers are possible after the impact statement was examined:

- Favorable decision: the attestation of conformity is issued by the municipality to the promoter
- Conditional decision: the municipality tells to the promoter by writing which measures have to be taken to comply and receive the attestation of conformity
- Non-favorable decision: prohibition of implementation of the project or suspension of activities concerned.

ESIA

The approval of the EIA report is a prerequisite for the decision on the project. In practice, the approval of the EIA report means the granting of environmental compliance certificate.

The decision is based on the following documents: the EIA report, the evaluation report of the mixed team as an outcome of the review process, the public participation documents and the recommendations of the CIE.

The Minister decides on the Impact study. three cases are possible:

- Favorable decision: an environmental compliance certificate is issued
- Conditional decision: the minister tells by writing the promoter what to do to comply and get the environmental compliance certificate
- Non-favorable decision: it implies the prohibition of the implementation of the project.

Competent authority

MINEPDED

Decision documents

No information

Decision justification

No information

Decision publication

The Minister is not required to publish its decision.

Timeline decision-making

The Minister has 20 days after notice of the Interministerial Committee for rendering its decision.

In case of silence from MINEPDED, the impact study is deemed admissible.

Monitoring, Compliance and Enforcement

Compliance monitoring

Any project for which an environmental assessment (EIS, ESIA) is done, is subject to the administrative and technical supervision of the competent authorities. This supervision focuses on the effective implementation of the ESMP included in the EIS and the ESIA. In each Division of the country, a Committee for the technical and administrative supervision of ESMP exists.

The promoter is required to produce an interim report on the implementation of the ESMP. On the basis of this report, additional corrective measures may be adopted by the MINEPDED after consulting the CIE to account for effects not initially or insufficiently appreciated in the impact studies.

External monitoring

The MINEPDED may use private expertise for monitoring, surveillance and monitoring of ESM, as prescribed by the regulations on public procurement.

Non-compliance penalties

According to article 7 of the 2013 Decree 2013, a proponent of a project which is required to perform an ESIA, SEA or EIS can be sanctioned as provided by laws and regulations.

EIA evaluation

No information

Payment system

EIS

Administrative fees for the evaluation of ToR or the report are to be determined by the municipalities.

For Summary ESIA

Review of ToRs 1.5 million FCFA and Review ESIA report 3 million FCFA

For comprehensive ESIA/SEA

Review ToRs 2,000,000 FCFA and Review report 5,000,000 FCFA

Public participation

Public participation requirements for EIA process stages

Two forms of public participation is required for ESIA by law: public consultations during the assessment stage and public hearings during the review stage.

Public participation arrangements

Public consultation is a meeting during the conduct of ESIA in the areas affected by the project. 30 days prior to the first consultation, the proponent is required to forward to the representatives of the concerned people the programme of the consultations which was approved by MINEPDED. It contains dates and places of meetings, a descriptive and explanatory memorandum of the project and the objectives of the consultation program. Wide dissemination of the program is made and for any public consultation

meeting the minutes are signed by the promoter and representatives of the population. Copies of these minutes are attached to ESIA report.

After notification of the admissibility of the report or in case of silence MINEPDED a broad public consultation is made: the **public hearing**. The public hearing is a form of advertising of the ESIA report to record any objections and allow people to comment on the findings of the study. The public hearing process culminates in a report made by the ad'hoc committee formed for this purpose. The report is submitted to the CIE and is part of the evaluation process. People are invited to the dates and places of reading rooms provided with registers to keep a record of all their observations, comments and suggestions on the ESIA report / SEA.

Public participation guidance

There is no specific guidance on public participation.

Access to information

The EIA report which is publicly available at the time of the public hearing. Conditions for the availability of the other documents and decisions to the public are not specified.

Information dissemination

EIA reports are available on a central point, at the department of EA of the MINEP in the capital Yaoundé.

Timeline for public comments

There is no official timeline for public participation. But it is said that the ad hoc committee created to draft the report on public participation should do so within 30 days.

Costs for public

No information. It remains that they are fully covered by the sponsor.

Public comments

In practice, reading rooms are provided with registers in which all the comments of the public are recorded. These are the registers which are transmitted to the ad hoc committee to present an evaluation report of the public hearing.

Public comments in decision-making

The report of the ad hoc committee on the public hearing is submitted to CIE and is part of the evaluation of the quality of the report.

Legal recourse

Possibilities for appeal

Administrative appeals are possible

Decisions that can be appealed

Legal appeals are possible at all stages and for all decisions relating to EIA.

Who can appeal

Any stakeholder can appeal.

EIA practice

Annual no. of EIAs

About 150

Central EIA database

Database is under development

Accreditation of consultants

The ministerial order No. 00004/MINEP of July 3, 2007 sets the conditions for approval of consultants to carry out studies and environmental impact audits. It will have to be reviewed to be adapted to the new decree. This order specifies that foreign consultants must necessarily for joint ventures with one or more authorized national consultants.

Practice reviews

Several practice reviews have been published, including:

- Alemagi, D., Sondo, V.A. and Ertel, J. (2007) Constraints to environmental impact assessment Practice: a case study of Cameroon. *Journal of Environmental Assessment Policy and Management*. September 2007, vol. 9, no. 3, pp. 357-380.
- Bitondo, D. (2000) Environmental assessment in Cameroon: state of the art. In: *Impact Assessment and Project Appraisal*, Volume 18, number 1, March 2000, pp 33-42.
- Tekeu, J.C. (2004) *Rapport sur la Pratique des Etudes d'Impact Environnemental (EIE) au Cameroun*. Addis Ababa: Economic Commission for Africa (ECA).
- Cyrille Valence Ngouana Kengne , Serge Emeran Menang Evouna & Dieudonné Bitondo (2013): Public hearings in environmental and social impact assessment for energy sector projects in Cameroon, *Impact Assessment and Project Appraisal*, DOI:10.1080/14615517.2012.759454
- Bitondo, D. et André, P. 2007. Contextual phases in the institutionalisation of the environmental assessment of road development in Cameroon. *Impact Assessment and Project Appraisal*, 25 (2), June 2007, pp 139-148.

Professional bodies

ACAMEE

Non-governmental EIA guidance

ACAMEE made available to MINEPDED an information system for environmental data management (SIGEES) within the framework of a joint project.

Capacity development

There are relevant capacity programs by:

- PRECESSE: Environmental and Social Capacity Building for the Energy Sector Project

- CRESA: Regional Study Center specialized in Agriculture-Forestry
- MOGED: Knowledge for the Use of Environmental Tools for Development
- The Netherlands Commission for Environmental Assessment runs the SEEAC programme. This regional programme supports the EIA-associations in 7 Central African countries, including Cameroon.

EIA links

Links to laws/regulation

ACAMEE: <http://acameeonline.org>

Other relevant links on EIA

Netherlands Commission for Environmental Assessment | t +31 30 2347660