Netherlands Commission for Environmental Assessment

Cameroon

EIA profile

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Overview ESIA procedure

In Cameroon, a simplified Environmental Impact Statement (EIS) and the comprehensive ESIA are distinguished.

The Environmental Impact Statement (EIS) includes the following steps:

- 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
- Decision of the municipality, after advice from the local MINEPDED services

ESIA includes the following steps:

- Screening (not mandatory)
- Preparation of ToR to be approved by the MINEPDED after advice from the relevant sector administration
- Preparation of the ESIA report with public consultations
- Review of ESIA report and public hearing
- Decision of the Minister in charge of the environment on the quality ESIA report

Screening

Screening process

Screening is not a legally required step. However:

- the Decree (2016)determines the type of projects that require *ESIA*.
- the list of activities that need *EIS* is determined by the municipality, after the motivated opinion of the locally responsible MINEPDED service.

Supplementary requirements for the ESIA can be demanded for sensitive areas, with criteria defined on case-by-case basis.

source

Decree 00001/MINEPDED (Feb 2016)

Contents of the starting document

Screening is not mandatory and there are no formal documents required.

Scoping

Scoping process

Scoping is formally required both for EIS and ESIA.

EIS

Before starting the study, the draft ToR must be approved by the municipality of the project location. To this end, the proponent submits the required documents to the municipality and sends two copies of the file to local service of the MINEPDED.

ESIA

First, the proponent submits to the competent administration and MINEPDED the general project file, a request to conduct the ESIA, the ToR for the study and pays the examination fees. The proponent is required to use the standard format provided by Decree 00001 of February 2007.

Contents of the scoping document

Scoping document of an EIS / ESIA contains:

- General description of the project or activity.
- Request to carry out 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.
- Justification of the project, with an emphasis on preservation of the environment and the reasons for choosing the site.
- The ToR for the EIS / ESIA .
- The receipt of payment of examination fees.

Timeline scoping

- For *EIS*, the local service of MINEPDED has 15 days to give its opinion. If the municipality does not react within 30 days after receiving the draft ToR for the EIS, the latter shall be deemed approved.
- For *ESIA*, the competent authority has 10 days to send comments on the ToR for an ESIA to MINEPDED. When they receive the competent authority's comments, MINEPDED has 20 days decide on whether or not to approve the ToR. If this period is surpassed, the ToR shall be considered as approved.

Assessment

Assessment process

EIS

The project proponent is responsible for the EIS. Once final, the proponent submits the EIS report to the municipality and pays the fee for review as determined by relevant municipalities.

ESIA

For both the simplified and the comprehensive ESIA, first a ToR must be approved. The proponent selects a consultant, a consulting firm, a non-governmental organisation or an association approved by the MINEPDED to conduct the study. It is required that nationals are prioritized in case of equal qualifications. The proponent is responsible for ensuring that the ESIA is conducted conform the agreed ToR for the study.

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

Once the ESIA report is prepared, the proponent submits copies to the competent administration (2 copies) and to MINEPDED (20 copies).

Contents of the EIA report

The basic contents of EIS, comprehensive and summary ESIA are 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.

source

Decree 2013/0171 and the general guide to conduct ESIA of May 2008.

Accreditation of consultants

The decree 00004/MINEP (July 2007) sets the conditions to approve consultants who may carry out environmental impact studies and audits. This decree provides that foreign consultants must enter joint ventures with one or more authorized national consultants.

Review

Review process

The review process contains several steps:

- A mixed committee - representatives from the competent authority and MINEPDED - visits the projectlocation to verify the information contained in the study and to collect the opinion of people concerned.
- The committee produces and transmits an evaluation report
- MINEPDED forwards to Committee for the Environment (CIE) the 1) ESIA report, 2) the committee's evaluation report and 3) the records of public consultations and public hearings. Also the competent authority conveys its comments on the report to the MINEPDED.
- The CIE reviews all the documents received and produces an advice report which summarizes its major findings and observations. This is sent to the Minister for the Environment.

- After receiving CIEs advice, the Minister informs the proponent of its opinion within twenty days.•If a study is approved, this decision is published in the press, radio, etc.
- Otherwise, the proponent receives comments to make the ESIA admissible.

source

environmental management law (article 20)

Review expertise

It may happen that the CIE does not have sufficient expertise for the review. In such case, the chairman of the CIE may engage experts in the committee, without right to vote.

Timeline Review

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

For *ESIA*, CIE has 20 days (15 for a *summary ESIA*) to give its opinion on the report. After this period, its opinion is deemed favorable.

Decision making

Integration of ESIA into decision-making

The decision to approve an EIS/ESIA is separated from granting a certificate of conformity/environmental licence. The approval of the EIS/ESIA report is a prerequisite for the approval of a project. In practice, the approval of an EIS/ESIA thus means the granting of a certificate of conformity/environmental licence.

EIS

The municipality can draw one of the following conclusions based on the EIS review:

- Favourable decision: the municipality issues a certificate of conformity to the proponent.
- Conditional decision: the municipality writes the proponent which measures have to be taken to comply and receive the certificate of conformity.
- Non-favourable decision: prohibition of implementation of the project or suspension of activities concerned.

ESIA

The Minister can draw one of the following conclusions based on the ESIA review:

- Favuorable decision: an environmental licence is issued.
- Conditional decision: the minister tells by writing the proponent what to do to comply and get the environmental licence.
- Non-favourable decision: it implies the prohibition of the implementation of the project.

source

Article 3 of Decree 2013/0171

Decision justification

The Minister is not required to publish its decision.

Timeline decision-making

The Minister has 20 days after CIE's advice, to render its decision.

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

Possibilities for appeal

Administrative appeals are possible. Legal appeals are possible at all stages, by any stakeholder and for all decisions relating to ESIA.

Follow-up

Compliance monitoring

Any project for which an EIS or ESIA is done, needs to be supervised by the competent authorities. This supervision focuses on the effective implementation of the Environmental and Social Management Plan (ESMP) included in the EIS or ESIA. In each Division of the country, a committee exists that is responsible for the technical and administrative supervision of ESMPs.

The proponent is required to produce an interim report on the implementation of the ESMP. Based on this report, MINDEPDED can demand for additional corrective measures, after consulting the CIE,to address the effects which were not foreseen, or insufficiently covered in the impact study. The MINEPDED may use private expertise to monitor the ESMP.

Non-compliance penalties

A proponent of a project which is required to perform an ESIA, SEA or EIS can be sanctioned as provided by laws and regulations.

source

Article 7 of the 2013 Decree

Stakeholder engagement

Public participation requirements for ESIA process stages

Public *consultation* is required for ESIA during the assessment stage and public *hearings* during the review stage.

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

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

Timeline for public comments

There is no official timeline for public participation. But it is said that the review committee drafts a report on the public participation within 30 days.

Access to information

The ESIA report 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.

ESIA reports are available on a central point, at the department of environmental assessments of the MINEPDED in the capital Yaoundé.

ESIA practice

Annual no. of ESIAs

Between 2012 and 2016, annual number of studies (EIS and ESIAs) varied between 129 and 162.

Central ESIA database

Database is under development

Professional bodies

ACAMEE

source

ACAMEE

Relevant links

https://www.resourcedata.org/dataset/rgi--february-2013-fixing-modalities-for-carrying-out-environmental-and-strategic-impact-assessments/resource/48e8d57e-ecca-4181-8a08-209dc2eac1cc

Background information

History of ESIA

The term EIA was introduced by the Decree 84-797 (July 1984), organising the Ministry of Planning and Territorial Administration. The law 94/001 (January 1994) was the first law that explicitly required environmental assessments for projects which may affect the equilibrium of forests.

Later in August 1996, the environmental management law 96/12 broadened the scope for environmental impact assessments, by demanding EIA for projects that may affect the environment. In the same year, the Permanent Secretariat of the Environment (PSE) was established under the Ministry of Environment of Forests (MINEF), as the organisation responsible for impact assessments. Since a government reform in 2012, MINEF changed into the Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED).

It was not up until February 2005 that details on procedural requirements for environmental impact studies were specified by Decree 2005/0577/PM, which was replaced eight years later by Decree 2013/0171/PM. The latter adopted the requirement to include social aspects into environmental studies and introduced Strategic Environmental and Social Assessment (SESA).

Legal framework

Enabling law

The environmental management law 96/12 (August 1996) and in particular its article 17, lays down the foundation for environmental impact assessments.

National detailed regulation

Detailed regulations for ESIA are:

- Decree 2001/718/PM of September 2001, modified by Decree 2006/1577/PM in September 2006, outlining the organisation and functioning of the Inter-Ministerial Committee on the Environment (CIE).
- Decree 00001 of MINEP of February 2007 defining the general contents of the Terms of Reference for environmental impact studies.
- Decree 00004 of MINEP of July 2007 defining the conditions to approve environmental consultants to carry out environmental studies and audits.
- Decree 2013/0171/PM of February 2013 providing the procedures and rules for environmental and social impact assessments.
- Decree 00001 of MINEPDED of February 2016 establishing the category of activities that should be subject to ESIA or SEA.
- Decree 00002 of MINEPDED of February 2016 providing a format for the Terms of Reference and the contents for EIS.

Guidelines

- Guide for the implementation and evaluation of environmental impact assessment in Cameroon (2008) exists. This Guide still has to be adopted to be in line with the Decree 0171/PM adopted in 2013.
- Manual for the general procedure of environmental impact assessments and audits (2010).

Sector specific procedures or regulations

Some other sector laws also require E(S)IA incuding:

- 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.

Scope of application

Projects that may affect the environment are subject to ESIA. Alongside the comprehensive ESIA, projects can also require a more simplified ESIA or an environmental impact statement (EIS). The EIS is made for small-scale projects or business facilities with likely effects on the environment. Environmental and Social Impact Assessment (ESIA) applies to projects of medium and high scale with potential significant effects on the environment.

Exemptions from application

Existing regulations do not provide for exemptions, but ESIAs for projects concerning national security or defence are not subject to the public hearing procedure.

source

Article 23 of Decree 2013/0171/PM

Institutional setting

Central ESIA authority

Ministry of the Environment, Nature Protection and Sustainable Development (MINEPDED)

Other key (governmental) parties

Sector ministries play a role in the ESIA procedure at different stages, in particular in approving ToR's and the studies, and the monitoring the environmental and social management of projects.

The inter-ministerial Committee on the Environment (CIE) must give an opinion on the quality of reports prior to their approval by the Minister.

(De)centralisation of mandates

The approach to environmental management in general is multi-sectoral, regional and decentralised. MINEPDED is the coordinator, supported by an Inter-Ministerial Committee on the Environment (CIE).

When an EIS is required, the competent municipality decide on the issuance of the environmental compliance certificate, after consulting the responsible local services of MINEPDED.

source

Decree 2013/0171

Payment system

EIS

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

Summary ESIA

The fee to review ToRs is 1.5 million FCFA and ESIA reports 3 million FCFA.

Comprehensive ESIA/SEA

The fee to review a ToR is 2,000,000 FCFA and a report 5,000,000 FCFA.

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