
DECREE No. 2024 / 05248 /PM of 19 NOV 2024
To lay down the conditions and procedures for the establishment of protected areas and exclusion of land and mineral substances from mining activities.-

THE PRIME MINISTER, HEAD OF GOVERNMENT,

- Mindful of** the Constitution;
- Mindful of** Law No. 76/25 of 14 December 1976 to establish regulations governing cadastral surveys and records;
- Mindful of** Law 96/12 of 5 August 1996 on the framework law relating to environmental management;
- Mindful of** Law No. 2011/008 of 6 May 2011 to lay down guidelines on regional planning and sustainable development in Cameroon;
- Mindful of** Law No. 2019/012 of 19 July 2019 to lay down the general framework for radiological and nuclear security, nuclear safety, civil liability, and Safeguards enforcement;
- Mindful of** Law No. 2023/014 of 19 December 2023 relating to the Mining Code;
- Mindful of** Ordinance No. 74/2 of 6 July 1974 to establish rules governing land tenure;
- Mindful of** Ordinance No. 74/2 of 6 July 1974 to establish rules governing State lands;
- Mindful of** Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister, as amended and supplemented by Decree No. 95/145 of 4 August 1995;
- Mindful of** Decree No. 2011/408 of 9 December 2011 to organise the Government as amended and supplemented by Decree No. 2018/190 of 2 March 2018;
- Mindful of** Decree No. 2012/432 of 1 October 2012 to organise the Ministry of Mines, Industry and Technological Development;
- Mindful of** Decree No. 2019/001 of 4 January 2019 to appoint a Prime Minister, Head of Government,

HEREBY DECREES AS FOLLOWS:

CHAPTER I
GENERAL PROVISIONS

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ARTICLE 1 (1) This Decree lays down the conditions and procedures for the establishment of protected areas and exclusion of land and mineral substances from mining activities.

(2) This decree is taken, pursuant to the provisions of Sections 7 and 92 (3) of the afore-mentioned Law relating to the Mining Code.

(3) It specifies the terms, conditions and procedures for establishing protected areas, excluding land and mineral substances, and compensation to operators in case of the exclusion of mining sites or mineral substances from exploration and exploitation activities.

ARTICLE 2.- Exclusion shall refer to an administrative measure by which the State suspends exploration or mining activities either on a specific site or for a given mineral substance.

ARTICLE 3.- Protected areas shall refer to areas within which prospecting, exploration and mining are prohibited.

CHAPTER II

CONDITIONS FOR THE ESTABLISHMENT OF PROTECTED AREAS AND EXCLUSION OF A SITE OR ANY MINERAL SUBSTANCE FROM MINING ACTIVITIES

PART I

CONDITIONS FOR ESTABLISHING PROTECTED AREAS

ARTICLE 4.- The establishment of protected areas shall seek to ensure the protection of buildings, cities, cultural sites, endemic species, tourist sites, graves, water sources, communication routes, civil engineering structures, public utility works, archaeological sites, farms, protected areas and any places deemed necessary to be protected for the preservation of the environment and for the general interest.

ARTICLE 5.- (1) Any area wherein an archaeological discovery or any other scientific or historical discovery has been made, and which not covered by a mining title, licence or permit, may be declared a protected area.

(2) The holder of a mining title, permit or licence shall be required to immediately declare such discovery to the Minister in charge of mines who may, pursuant to the provisions of paragraph (1) above, temporarily prohibit any mining activity on the area concerned, in accordance with the procedures laid down in this Decree.

ARTICLE 6.- (1) Prospecting, exploration or mining works may not be undertaken less than five hundred (500) meters from the boundaries of:

- a mining site or quarry;

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- built properties, villages, settlements, wells, religious buildings, cultural or worship places;
- various routes and networks, including communication routes, water pipes and power conduits, civil engineering structures;
- all protected areas as defined by forestry and environmental laws and international conventions.

(2) Line ministries, in charge of the preservation of the areas defined in Paragraph (1) above, shall be required to forward to the Minister in charge of mines, within ninety (90) days as from the date of signature of this decree, the geographic coordinates of the areas thus identified.

(3) The Minister in charge of mines shall, by order, specify the indications and geographic coordinates of the areas concerned.

(4) The order provided for in paragraph (3) above shall be published and updated every year in a journal of legal notices at the behest of the Minister in charge of mines.

(5) Sign posts shall be put up, at the behest of the Ministry in charge of mines, on the sites and areas referred to in paragraph (1) above, to inform about the existence of the above mentioned perimeter which is excluded from all mining activities.

ARTICLE -7.- All sites that have been identified as protected areas shall be recorded and updated in the relevant Mining Registry.

PART II **CONDITIONS FOR THE EXCLUSION OF A MINERAL SUBSTANCE OR SITE FROM MINING ACTIVITIES**

ARTICLE 8.- (1) A site may be excluded from exploration or mining activities once it has been established by any interested party that the site presents a hazard that may cause damage to the environment, human life or is found on a priority development area, for which the development of resources is carried out by the State or the Regional and Local Authorities through differentiated bold public actions.

(2) A mineral substance may be excluded from exploration and mining if it holds strategic stakes for the State, or if its mining may have adverse effects on the health, safety and sanitation of the population or the environment.

(3) Sites that are already protected by specific sectoral or general provisions may be excluded from exploration or mining activities.

ARTICLE 9.- (1) The following may be subject to exclusion:

- sites with geo-tectonic, geo-structural or geo-dynamic hazards likely to result in collapse, landslides, faults, fissures, or eruptions (volcanic risks);
- priority development areas;
- disfigured urban areas and highly degraded areas with both economic and social disadvantages;
- sites deemed necessary for the preservation of the environment and the general interest.

(2) Exclusion may be pronounced to safeguard areas with substances that pose increased risks to health, sanitation, safety or the environment.

ARTICLE 10.- A mineral substance may be excluded from exploration and mining activities if its mining:

- poses a disproportionate risk to public health, national security or the environment;
- is likely to compromise the conservation of heritage sites or the preservation of the biodiversity;
- is of superior interest to the State.

CHAPTER III
PROCEDURES FOR ESTABLISHING PROHIBITED AREAS AND
EXCLUDING SITES OR MINERAL SUBSTANCES FROM MINING
ACTIVITIES

ARTICLE 11.- Protected areas shall be demarcated with clear details of their geographic coordinates at the behest of the Minister in charge of mines in conjunction with relevant administrative bodies.

ARTICLE 12.- (1) Any site that is subject to exclusion shall first be demarcated by the competent services of the Ministry in charge of mines.

(2) Within fifteen (15) days following the demarcation, a demarcation report shall be drawn up by the competent services of the Ministry in charge of mines and notified, where necessary, to operators concerned with the site or with the protected area.

(3) The Demarcation report referred to in paragraph (2) above shall be registered and published at the Mining Registry which shall then update the coordinates of the relevant site.

ARTICLE 13.- (1) The establishment of a protected area or the exclusion of sites or mineral substances from mining activities shall be laid down by order of the Minister in charge of mines which shall clearly state the following:

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- the designation of the relevant area or site with the exact geographic coordinates in case the exclusion concerns a site;
- the nature of (the) mineral substance(s) excluded, together with their specific characteristics in case the exclusion concerns a substance, where applicable;
- reasons for exclusion or prohibition;
- terms and conditions for publishing and the effects of the exclusion on pre-existing mining rights.

(2) The exclusion or prohibition order shall be published in the Official Gazette or in a journal of legal notices.

ARTICLE 14.- The exclusion or prohibition order shall halt any pending examination procedures for applications targeting the site or substance concerned.

CHAPTER IV

COMPENSATION TO MINING OPERATORS AFFECTED BY EXCLUSION OR PROHIBITION MEASURES

ARTICLE 15.- (1) The establishment of a protected area or the exclusion of any site or mineral substance resulting in the loss of mining rights shall give rise to a compensation to mining operators affected by the exclusion of the site or the mineral substance in accordance with the provisions of this decree.

(2) The compensation referred to in paragraph (1) above shall consist in the attribution of a new site for the mining of the same substance or of a similar substance.

ARTICLE 16.- (1) Any request for compensation drafted by the operator referred to in Article 10 above shall be forwarded to the Minister in charge of mines within fifteen (15) days as from the date publication of the exclusion or prohibition order under the risk of forfeiture.

(2) The application file for compensation referred to in paragraph (1) above shall be submitted in three (3) copies to the Minister in charge of mines and shall include the following:

- an application for compensation stamped at the current rate and addressed to the Minister in charge of mines;
- a copy of the instrument which excludes or prohibits the site or the substance;
- a certified true copy of the mining title, permit or licence issued and any subsequent renewing, where appropriate, issued prior to the exclusion instrument;

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- a financial evaluation report outlining the financial statements of the company notably, investments made before the exclusion date and losses incurred due to the cessation of activities;
- activity reports approved by the competent services of the Ministry in charge of mines and attesting to the continuity of the activity for the year N-1 from the date of signature of the exclusion decision;
- supporting documents attesting to payment of taxes, fees and royalties owed as a result of mining activities for the past three years.

(3) The operator concerned shall not be entitled to any compensation in case there was no activity prior to the exclusion instrument, duly ascertained by the Ministry in charge of mines.

(4) Within sixty (60) days from the receipt of the application, a joint assessment shall be carried out by the Ministries in charge of mines, state property and finance at the behest of the Minister in charge of mines working with the operator, to decide on the compensation.

(5) In the event that the application for compensation is rejected, a notification stating the reasons for the rejection shall be sent to the operator.

CHAPTER V **MISCELLANEOUS AND FINAL PROVISIONS**

ARTICLE 17.- Any person carrying out prospecting, exploration and mining activities in violation of the provisions of this decree shall be liable to sanctions provided for by regulations and laws in force.

ARTICLE 18.- This decree which goes into effect as of the date of signature, shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and in French. /-

Yaounde, 19 NOV 2024

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**THE PRIME MINISTER,
HEAD OF GOVERNMENT,**



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