

Research Article

# Urban Waste Management Under Cameroonian Law

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## Abstract

The issue of urban waste management, and even more so urban waste disposal, is one of the factors that can jeopardize sustainable development in urban areas. In the case of cities in developing countries in general, and in Cameroon in particular, the situation is more delicate, and the concept of sustainability must be put into perspective, as the current generation's well-being is hampered by various structural and organizational factors. As such, it is clear that urban waste management in our cities is a genuine concern for preserving our environment in an ecologically sustainable manner. This leads us to question the nature of the legal framework for urban waste management in Cameroon. In short, is urban waste management in Cameroon legally regulated? The purpose of this research will be to analyze the behavior of African states, taking the example of Cameroon, in addressing the issue of urban waste management through the managerial philosophy embodied in their national legislation in light of international requirements in this area.

## Keywords

Management, Urban, Waste, Cameroon

## 1. Introduction

The concept of sustainable development, regardless of its spatial dimension, refers in its current meaning to the management of the relationship between economic activity and the environment as a source of extraction and receptacle for the waste generated by economic activity. It (sustainable development) is becoming increasingly relativized as the current generation sees its well-being hampered by various factors, both structural, such as population growth, rural exodus, stagnation and regression in infrastructure, etc., and organizational, such as uncontrolled urban growth, bureaucracy, outdated behaviors, etc.

This challenge has led to overpopulation in urban areas that consume enormous quantities of products (food, chemicals, technology, etc.) that produce significant amounts of waste, requiring better management for the preservation and

protection of our environment. For a better understanding of our research, entitled: "urban waste management in Cameroonian law", it seems appropriate to clarify the terms that constitute the said theme.

Thus: Management is defined as an action or a way of managing, administering, directing, or organizing something. Better still, management is a process that aims to coordinate an organization's resources (human, material, financial) in order to achieve set objectives. It is a cross-functional function that encompasses all activities necessary for planning, organizing, directing, and controlling a company's activities.

According to Law No. 96/12 of August 5, 1996, establishing the framework law on environmental management, Article 4 (c) defines waste as: any residue from a production, transformation, or utilization process, any substance or mate-

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rial produced, or, more generally, any movable or immovable property abandoned or intended for abandonment; Urban waste is all waste from households (garbage, glass, packaging, plastics, cardboard, paper, wood, kitchen waste, etc.) as well as all other waste of similar composition (particularly from industries and crafts).

Urban waste management is, so to speak, a key concern in cities in developing countries in general, and particularly in Cameroon, as all state institutions are involved to varying degrees. The roles are obviously different, and one can distinguish between planning, standardization, management, and enforcement institutions. Cameroonian law constitutes the legal arsenal in this area.

In light of the above, one may legitimately ask whether the fate of future generations is not at risk of being further compromised by the poor conditions in which the current generation lives, by disposing of waste using traditional methods such as uncontrolled landfilling and open-air burning, potentially leading to ecological, economic, and social disasters.

In this regard, it is clear that waste management in our urban areas constitutes a genuine concern for preserving our environment in an ecologically sustainable manner. This leads us to question the nature of the legal framework for urban waste management in Cameroon. In short, what is the nature of the legal framework for urban waste management in Cameroon?

Thus, research on urban waste management under Cameroonian law offers an interesting key to understanding the overall issue of sustainable development, in the sense that urban waste management appears, in its theoretical foundations, to be directly linked to the economic, social, environmental, and cultural dimensions of sustainable development. That said, urban waste management can be analyzed through the concept of sustainable development, given that effective waste management involves the implementation of the principles of intra- and intergenerational equity, economic efficiency, and environmental preservation, as well as societal participation.

To address our concerns, our analysis will be structured around two points. The first section will examine the legal framework for urban waste management in Cameroon. The second section will focus on the changes to this legal framework, projecting the adoption of new, modern strategies and techniques for rigorous, environmentally sound urban waste management in Cameroon.

## 2. The Legal Framework for Urban Waste Management in Cameroon

To clarify the legal framework for waste under Cameroonian law, we will examine, in turn, the regulatory mechanisms and the constraints associated with implementing these provisions.

### 2.1. Regulatory Mechanisms for Waste Management in Cameroon

This primarily involves highlighting laws and other texts.

#### 2.1.1 Laws

The following will be highlighted: Framework Law No. 96/12 of August 5, 1996, on environmental management, and Law No. 2019/024 of December 24, 2019, establishing the General Code for Decentralized Local Authorities.

- i) The Framework Law on Environmental Management in Cameroon.

The Cameroonian legislature stipulated in Article 42 of Law No. 96/12 of August 5, 1996 of the Framework Law on Environmental Management that: "Waste must be treated in an environmentally sound manner in order to eliminate or reduce its harmful effects on human health, natural resources, flora and fauna, and even on the quality of the environment." Furthermore, any person who produces or possesses waste must ensure its disposal or recycling themselves, or have it disposed of or recycled at classified facilities approved by the administration, after obtaining mandatory notification from the environmental administration. In short, this law strongly affirms the option of ecologically rational waste management in our country.

- ii) The various laws on decentralization.

The institutional framework has evolved considerably in Cameroon regarding decentralization, as many powers have been transferred to Decentralized Territorial Authorities (DTAs). These powers relate to matters necessary for economic, social, health, educational, and sports development. The transfer and distribution of powers are governed by the principles of subsidiarity, progressiveness, and complementarity. This highlights the following: the Decentralization Orientation Law and the other various related laws.

#### *The Decentralization Orientation Law.*

The Article 1 of Law No. 2004/017 of July 22, 2004, on the orientation of decentralization, establishes the general rules applicable to territorial decentralization. Indeed, decentralization consists of the transfer by the State to decentralized territorial authorities of specific powers and appropriate resources. According to Cameroonian law, it constitutes the fundamental axis for promoting development, democracy, and good governance at the local level. Within the meaning of this law, the Decentralized Territorial Communities (CTDs) are the regions and the municipalities.

However, the State provides supervision over decentralized local authorities. These state supervisory powers are exercised under the authority of the President of the Republic, by the Minister responsible for Local Authorities, and by the State representative in local authorities. These are the Ministry of Local Authorities, the Governors, the Prefects, and the Sub-Prefects.

*The law establishing the rules applicable to municipalities.*

For Cameroonian legislators, municipalities must have a general mission of local development and improving the living conditions of their residents. These powers are economic, environmental, health, sociocultural, and sporting. Furthermore, they are central to waste management in our country through specific powers.

*Law No. 2019/024 of December 24, 2019, establishing the General Code of Decentralized Local Authorities.*

According to Law No. 2019/024 of December 24, 2019 on the general code of decentralized territorial authorities which repealed Law No. 2004/018 of July 22, 2004 setting out the rules applicable to municipalities, the municipality constitutes the basic decentralized territorial authority with a general mission of local development and improvement of the living environment of residents. This is why the Cameroonian legislature has made the mayor a key player in the implementation of environmental policy. It is clear, moreover, from the provisions of paragraph 3 of Article 60 that: "When the emergency so warrants, municipalities must take all enforceable measures designed, ex officio, to put an end to the disturbance. If necessary, they may request the assistance of law enforcement." The mayor has the power to take enforceable measures in emergencies and may request the assistance of law enforcement if necessary.

### 2.1.2. Other Texts Relating to Waste Management

This section will address, in turn, the texts relating to waste management, those related to waste management, and those relating to environmental management.

#### i) Texts relating to waste management.

First of all, it should be noted that the State has defined the general rules for the management and control of classified establishments and the waste they generate through various government structures, including the Ministry of the Environment and Nature Protection, created by Decree No. 2004/1320 of December 8, 2004, reorganizing the Government, now supplemented by Decree No. 2012/431 of October 1, 2012, organizing the Ministry of the Environment, Nature Protection and Sustainable Development in Cameroon (MINEPED). Then, decrees No. 2005/0577/PM of February 23, 2005 [1], No. 99/820/PM of November 9, 1999 [2] and No. 99/821/PM of November 9,

1999 [3], No. 99/822/PM of November 9, 1999 [4], No. 2001/165/PM of May 8, 2001 [5], No. 2001/163/PM of May 8, 2001 [6], No. 2001/216 of August 2, 2001 [7]. Finally, decrees No. 93/302 of October 22, 1993 [8], No. 2006/424 of December 9, 2008 [9], and No. 2012/2809 of September 26, 2012 [10]. Then, it is also appropriate to cite the infra-decree texts which are the works of the administrative authorities, namely: the ministers, the Governors, the Prefects and Sub-Prefects and the decentralized administrative authorities, they make it possible to specify the content of the decrees.

#### ii) Related texts relating to waste management.

The first category includes texts relating to urban planning [11], civil protection and emergency relief [12], and mining

[13] and oil exploitation [14].

The second category includes texts dealing with municipal organization [15].

It is also worth mentioning here that the Criminal Code [16], which punishes, in its Articles R.367, R.369, and R.370, non-compliance with legal provisions concerning waste management.

Finally, speaking of texts relating to environmental management, it is clear that many texts, both legislative and regulatory, are devoted to the environment, addressing waste management. They also apply to a variety of areas, including provisions relating to waste generated in the context of related activities. This is the case in veterinary health [17] and plant protection [18]. They may also aim to protect and exploit certain resources, such as water [19], forests, and wildlife [20]. Finally, these texts may aim to regulate certain activities or institutions that are potentially harmful to the environment or contribute to its protection, such as hazardous establishments [21], standardization [22], radiation protection [23], biotechnology [24], environmental impact studies [25], and environmental control and protection stations [26].

## 2.2. Constraints of Urban Waste Management in Cameroon

The magnitude of the urban waste management problem, in particular, and the environmental problem in general, is closely linked to the country's economic and social development process. As such, it is important to place the issue of urban waste within the LDCs within the general context of the economic and social development model followed by developed countries. To this end, several constraints can be highlighted, namely: regulatory and institutional constraints, and weak financial, technical, and technological capacities.

### 2.2.1. Regulatory Constraints

Cameroon's urban waste law is incomplete because it is characterized by an extremely fragmented legal environment and the imprecision and lack of rigor of the provisions of the Penal Code.

#### i) An extremely fragmented legal environment.

Regulating urban waste in Cameroon is a major concern for environmental protection. However, it is clear that the regulatory framework for urban waste management in our country is extremely fragmented. It consists of a considerable number of laws and regulations that must be consulted to understand the responsibilities and procedures for managing urban waste, and then to identify among their standards relating to said management those that are relevant for regulatory purposes. This fragmentation is detrimental to the clarity of waste regulations and once again demonstrates the lack of specific and appropriate legislation on the subject.

It must be said, however, that regulatory fragmentation is not unique to Cameroon. In French law, for example, the

legal regime for waste management is the result of a plurality of texts. However, there is a basic text which provides the general framework, Law No. 75/633 of 15 July 1975 on the elimination of waste and the recovery of materials in France, clarified and supplemented by several specific texts [27].

#### *Institutional fragmentation.*

In Cameroon, we are witnessing a multitude of interventions in the urban waste sector without really knowing who is doing what. This institutional vagueness does not make waste management easy in Cameroon. Thus, at the state level, several ministerial departments find themselves involved in waste management, even if this is done to varying degrees. Like the interference posed by Decree No. 2011/408 of December 9, 2011, on the organization of the Government, which grants the Ministry of Housing and Urban Development the competence in matters of social development of neighborhoods, hygiene and sanitation as well as the supervision of the collection, removal and treatment of urban waste, the mission assigned to the Ministry of the Environment and Nature Protection and Sustainable Development, which is responsible for environmental management and determines public policies in matters of waste management and that of the Ministry of Economy, Planning and Regional Development, which is responsible for urban planning and hygiene and sanitation management.

The framework law is certainly a little more detailed, but contains only general rules. It also refers to an implementing decree intended to govern the operations of collection, sorting, storage, transportation, recovery, recycling, or any other form of treatment, as well as the final disposal of waste; in other words, the practical management of waste. This is not surprising, moreover, from a law intended to establish "the general legal framework for environmental management in Cameroon".

In response to the shortcomings in the provisions of the framework law concerning waste sorting, collection, etc., it is worth mentioning that an implementing decree No. 2012/2809/PM of September 26, 2012, setting out the conditions for sorting, collection, storage, transportation, recovery, recycling, treatment, and final disposal of waste, was signed, thus addressing concerns about the shortcomings in the provisions of the framework law. However, despite this regulatory overhaul, it should be noted that the legal regime for waste management in Cameroon relies on a plethora of other texts. The shortcomings in these regulations are attributable to the weakness of the laws and the bodies responsible for enforcing the current law. This troubling situation, linked to the poorly defined scope of legal intervention, reinforces the incivility of the population by encouraging them to flout the laws.

#### *Regulatory fragmentation.*

Cameroon has taken adequate legislative measures to address environmental issues. However, there is not an abundance of legal texts specifically devoted to waste management. The main reference texts on the subject are too laconic.

Indeed, the 1989 law focuses primarily on prohibiting and punishing the introduction of hazardous waste into Cameroon. It contains barely a paragraph relating to their management, with only two obligations: declaration of the volume and nature of production and disposal that is safe for humans and the environment. It refers to a decree for its implementing procedures.

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#### ii) *The Vagueness of the Provisions of the Penal Code.*

The legislative branch's primary duty is to legislate. It is responsible for some of the shortcomings in Cameroon's criminal waste law. Indeed, the Penal Code, whose rules are designed to punish any breach of the law, is imprecise and lacks rigor in matters of waste management.

##### *The Lack of Clarity of the Provisions of the Penal Code.*

Currently, only one provision of this text directly refers to environmental protection. This is Article 261, which punishes pollution. However, not only is this provision imprecise, but it also accidentally protects the environment; this lack of precision is only evident in the prohibition of polluting drinking water that may be used by others, and atmospheric pollution.

##### *The lack of rigor of the provisions of the Criminal Code.*

Given the imprecision of the aforementioned Article 261, a fundamental question arises: To whom does the legislator of the Criminal Code leave the task of legislating on major risks, Genetically Modified Organisms, waste, noise, etc.? To this end, it is therefore appropriate to mention that it (the provision of Article 261 of the Criminal Code) accidentally protects the environment insofar as it appears in this Code not as an environmental protection measure, but as a measure



to combat "harm to health." Even if there is not much of a leap from health protection to environmental protection. Furthermore, it should be mentioned that Law No. 65/LF/24 of 12 November 1965 on the Penal Code includes, in addition to the provisions on general criminal law, also applicable to environmental law, an embryo of special environmental criminal law in its Articles 187 (damage to classified property), 227 (fire and destruction), 228 (dangerous activities), 258 (alteration of foodstuffs). In this respect, a review not only of the regulatory framework but also of the consultation framework is required in the area of waste management in Cameroon.

#### *The Ineffectiveness of Judicial Sanctions*

The ineffectiveness of judicial sanctions is reflected in the judiciary's failure to comply with criminal sanctions relating to waste law in the framework law and the virtual non-enforcement of criminal sanctions. It must be said that the waste litigation regime in Cameroon is complex. Unfortunately, this legal framework has not yet been implemented, as the parties prefer settlements and arbitration avenues provided for by the legislature.

### **2.2.2. Institutional Constraints**

Governance in urban waste management in our country is characterized by a permanent conflict between the administrative institutions responsible for waste management and the municipalities. This situation gives rise to the politicization of waste management by making local administrations increasingly unable to monitor and evaluate waste management activities in their respective local communities. However, it should be mentioned that both the central and local administrations have shortcomings in terms of democracy, transparency, accountability to the public in their activities and in their relations with civil society.

- i) Confusion and conflicts of jurisdiction in urban waste management.

An examination of waste management stakeholders in Cameroon revealed a plurality of stakeholders, both public and private. While private stakeholders intervene based on their responsibility for waste production or by offering waste treatment services, public stakeholders operate based on missions assigned to them by laws and regulations. This state of affairs can pose problems, at least for national public stakeholders, in terms of overlapping responsibilities and coordination difficulties that can reduce their effectiveness.

#### *Overlapping responsibilities among the various stakeholders involved in waste management.*

Indeed, this plurality of stakeholders, in a context of fragmentation and fragmentation of the legal and regulatory framework, leads to overlapping responsibilities. Certain institutions may be assigned similar or complementary responsibilities, and this is particularly notable for central administrations. For example, the Ministry of the Environment, Nature Protection and Sustainable Development (MINEPDED), which is the central administration primarily

responsible for environmental matters, is responsible for monitoring and ensuring compliance with environmental standards for sanitation. The Ministry of Water and Energy (MINEE), for its part, is responsible for the design and implementation of sanitation programs. While not contradictory, these responsibilities are structured in such a way that their implementation requires clear understanding and collaboration between these administrations.

These jurisdictional conflicts also arise between CTDs and, more specifically, between municipalities and urban communities. Both are responsible for the cleaning of roads and public spaces, monitoring and controlling industrial waste management, and household waste management. This situation is certainly not specific to waste management, but it takes on particular importance in this area given the challenges at stake, namely the preservation of the environment and human health.

#### *A lack of coordination and efficiency.*

It has already been noted that the multiplicity of stakeholders in waste management is a source of jurisdictional conflicts. However, it also has another effect: it blurs responsibilities, which are fragmented or shared among the various stakeholders. This leaves us with unclear and poorly defined responsibilities, with little clarity as to which administration should intervene, for example, in urban waste collection. Added to this is insufficient coordination among stakeholders. However, in such a context of scattered and overlapping skills, cooperation and coordination between stakeholders are necessary for efficiency.

Although it is worth noting the existence of the Interministerial Committee of the State, whose role is to coordinate the various ministerial departments in environmental matters, including waste management. This body can remedy this situation of overlapping competences and lack of coordination [28]. However, doubts remain as to the effectiveness of this body and especially its real capacity to influence and federate the actions of the various ministerial departments.

- ii) The weakening of the actions of Decentralized Territorial Authorities (DTAs) by the supervisory power.

In Cameroon, the decentralization orientation law specifies in Article 66 the supervision exercised by the State over municipalities. As such, with regard to administrative supervision, there are three levels of legal supervision in Cameroon: the Prefect, the Governor, and the Minister of Territorial Administration and/or the Minister of Decentralization [29]. The term "supervision" is used to refer to all the controls exercised by State representatives over the bodies and actions of municipalities. The exercise of supervision, recognized by law as noted above, pursues noble objectives, namely: to enforce the rule of law and preserve the State's interests in the face of particular or local interests. However, the exercise of this supervision presents numerous dysfunctions which not only paralyze the municipal apparatus, but will also constitute obstacles to the decentralization policy in the future. As an illustration, we can cite some of these dys-

functions. The regular levies made on municipal resources by the administrative authorities for more or less personal purposes. They (administrative authorities) are thus served in hard cash, fuel vouchers, and various gifts. They use the municipality's vehicle fleet as they please and are taken care of during their multiple rounds [30].

It is easy to understand that the mayor, as the main actor in urban waste management in Cameroon, is tied hand and foot by the exercise of supervisory power, which does not give him much room for maneuver in his actions, and consequently no longer effectively fulfills his role in waste management. This is a shame for a national policy already widely criticized for its backwardness in waste management in particular and the environment in general. In this respect, the Cameroonian legislator would benefit from properly organizing a regime for repressing violations of the provisions in force, which regime should be severe, especially since the "outlaws" in this case are those who are supposed to implement the environmental protection policy. There is an urgent need for things to change because this is a clear violation of the right to a healthy environment, which is nevertheless enshrined in the preamble of our Constitution.

### 2.2.3. Weak Financial, Technical, and Technological Capacity

Organizations responsible for waste management generally suffer from a glaring lack of financial resources, which characterizes the weakness of self-financing capacity and the substantial resources allocated to waste management.

- i) Weak financial capacity linked to the lack of incentive pricing for waste management in Cameroon.

Apart from the resources from the National Fund for the Environment and Sustainable Development that local authorities may have at their disposal to protect the environment in Cameroon, namely government grants, contributions from international donors, voluntary contributions, proceeds from transaction fines as provided for by law, donations and bequests, sums collected for site restoration, and any other revenue allocated or authorized by law, no incentive pricing is authorized for waste in general, and for garbage collection in particular. In fact, municipalities do not have the right to collect a tax or fee from a user for the collection of household waste in order to change their behavior.

- ii) Lack of technical and technological resources linked to the poverty of the population.

Professor Alexandre Kiss stated in a 1997 lecture [31] that poor countries do not always have the economic or scientific means to ensure compliance within their jurisdiction, for example, with the principles and rules prohibiting the transport of hazardous waste. He was echoed in his assertion four years later by Mahfoud Ghezali [32], who pointed out that forty years after the adoption of the Charter of the Declaration of Human Rights, poverty has continued to expand. These two authors respectively discuss the impact of poverty and the lack of scientific, technical, and material resources

on the fight against waste and the growth of poverty forty years after fundamental human rights were adopted.

In Cameroon, the situation is identical. Poverty continues to increase, which is an obstacle to the fight against waste. When the population is poor, it does not support any development policy, much less policies aimed at protecting the environment. As for the scientific and technical means for the fight against urban waste, Cameroon currently does not have enough adequate infrastructure to manage its waste in an ecologically rational manner.

In light of the above, these shortcomings foster incivility and anarchy in waste management in our country. Furthermore, given the ever-increasing concentration of populations and activities in urban areas, generating enormous quantities of various waste, with particularly harmful consequences for the health, environment, environment, and quality of life of the population, it is clear that their collection is still carried out in an anarchic manner. However, the quality of life of populations living in urban areas depends largely on the ability of cities to provide them with a healthy and quality environment.

In Cameroon's large and medium-sized cities, household waste management is handled by the Hygiene and Sanitation Company of Cameroon (HYSACAM). However, as in many African cities, many neighborhoods in these cities still do not benefit from a waste collection service, which is limited to collection, transportation, and landfilling. It is worth mentioning that once collected, the waste is transported to the storage center where it is simply buried in bins (large pits), without really worrying about the external effects linked to this burial.

However, it should be noted that the collections organized by the Cameroon Hygiene and Sanitation Company (HYSACAM) are in some cases poorly organized, as the arrival of trucks responsible for collecting household and similar waste in neighborhoods is often haphazard [33]. It is also clear that some garbage bins are not emptied for seven days, a very long time for these bins to contain the enormous quantity of household waste.

In light of the above, it is clearly established that urban waste management in Cameroon is legally regulated, but this legal framework is weakened by a number of constraints. In light of this, is it not appropriate to consider the gradual adoption of an adequate legal framework and new methods and modern techniques for the environmentally sound management of urban waste in Cameroon?

## 3. The Reorganization of the Legal Framework and the Adoption of New Waste Management Tools

Cameroonian urban waste law must be developed in accordance with the standards of modernity in this area. Its gradual adaptation must be achieved through a legal frame-

work that would oblige the population to act in accordance with the regulations in force, while sanctioning those who do not comply. This regulatory framework will serve as a functional basis for stakeholders responsible for waste management, on the one hand, in the development of this legal framework, which will take into account the types of urban spaces (capital city, crossroads city, transit city, maritime city, etc.), the main activities carried out there, and the firm commitment of public authorities and populations, and on the other hand, those responsible for urban waste management, to implement and comply with the established legal provisions. To achieve this, it will be essential to gradually adopt the legal framework and new methods and modern techniques for the ecologically and rational management of said urban waste.

### 3.1. The Ongoing Reorganization of the Legal Framework for Ecologically Sound Management of Urban Waste

In Cameroon, the Framework Law constitutes the main source of criminal law relating to waste, although reference may be made to the provisions of the Criminal Code. This opportunity will allow for the amendment of criminal provisions and the reorganization of general provisions governing urban waste management.

#### 3.1.1. Amendment of Criminal Provisions Governing Urban Waste Management

Amending criminal provisions governing waste management in Cameroon will allow public prosecutors to increasingly investigate cases related to the environment in general, and waste in particular, to combat the exponential growth of waste and prevent environmental pollution. As such, failure to punish polluters will slow down the State's waste management policy.

However, it is worth mentioning that our regulatory framework for waste management could be more effective if the penalties contained in the framework law are transposed into the Penal Code, in order to encourage more responsible behavior among citizens regarding waste. It is therefore understandable why Vincent Zakane [34] emphasizes that "legal sanctions are the best guarantee of compliance with the law." To achieve this, it is therefore important to criminalize environmental law in Cameroon and implement restrictive measures to punish any environmental damage.

##### i) Criminalization of Environmental Law in Cameroon.

While the courts are occasionally seized of violations of wildlife legislation, other areas do not seem to be prosecuted, perhaps due to the primacy of the settlement procedure, but certainly due to the lack of research and the establishment of environmental offenses. As such, the implementation of environmental criminal law will constitute a new phenomenon in Cameroonian regulation.

Although international in nature, the evolving issues sur-

rounding this concept require the participation of all social stakeholders in its implementation process in order to develop a legal instrument that strengthens the legal framework for urban waste management and increases the severity of enforcement in the detection of waste management offenses.

#### *Strengthening the legal framework for urban waste management.*

Strengthening the legal framework for urban waste management through environmental criminal law will make it possible to address the violations committed by various waste producers, the components of which will be linked to environmental protection by creating air law, water law, land law, human activities law, noise law, classified facilities law, sanitation law, major industrial or natural hazard law, nature protection law, chemical products law, and waste law.

For other authors, environmental criminal law will be "a discipline ancillary to environmental law, governing the criminal sanctions that give force to its prescriptions." [35].

Indeed, the development of environmental law will lead to that of environmental criminal law, since most legislative and regulatory prescriptions will be accompanied by criminal sanctions [36]. The implementation of environmental criminal law will encompass all attitudes, including abstention, and measures intended to ensure compliance with the rule of law and its enforcement. Environmental criminal law will proceed largely by injunction addressed to individuals and legal entities: the duty not to do, these are the numerous prohibitions; the duty to act, and here we encounter various types of obligations.

Ultimately, this is why injunction, control, and sanction constitute the trilogy of the implementation of environmental criminal law. National environmental criminal law will therefore be found essentially in three legislative sets, namely: the criminal code, the framework law relating to environmental management, and provisions specific to certain areas.

##### ii) Strengthening the enforcement of violations related to urban waste management.

The increased severity of enforcement is characterized by the increase in the number of judicial police officers with special jurisdiction to investigate and report violations, the specific responsibility of the individuals involved, and the severity of the penalties imposed.

Regarding the investigation and reporting of violations, Article 88 (1) of this framework law stipulates that, in addition to the judicial police with general jurisdiction, sworn agents of the environmental administration or other relevant administrations, including those in the fields of land, land registry, urban planning, public works, forestry, the merchant navy, mining, industry, and tourism, are responsible for investigating and reporting violations. These special police officers are not always equipped to properly carry out this mission.

Then, with regard to liability, specifically in civil matters, any person who, through their actions, creates conditions likely to harm human health and the environment is required

to ensure or arrange for their elimination under conditions that avoid said effects. Thus, the polluter-pays concept may be implemented, according to which the costs resulting from measures to prevent, reduce and combat pollution, and the restoration of polluted sites, should be borne by the payer.

Finally, criminal sanctions: legal action is brought before the criminal courts, and penalties may be imposed on the perpetrators according to the classic distinction between primary penalties (imprisonment, fines) and accessory penalties (confiscation, forfeiture of rights, closure of the establishment, publication of the judgment). This is the case of Press Release No. 00006/MINEPDED/SG/DNC of February 4, 2013, summary of environmental offenses from January 1 to September 30, 2012.

### 3.2.2. Reorganizing the General Provisions for Urban Waste Management in Cameroon

This will involve further involving Decentralized Local Authorities (DLAs) in urban waste management and promoting the decentralization policy within the structures involved in the management of said waste.

- i) Greater involvement of Decentralized Local Authorities (DLAs) in urban waste management.

Two areas seem relevant to this end: finalizing the process of decentralizing waste management and establishing a waste control body.

*Finalizing the process of decentralizing urban waste management.*

The logic of decentralization dictates that local affairs be resolved at the local level, and municipalities have the advantage of proximity to the waste producers in their constituencies. They can therefore take potentially more effective action with them. It is therefore appropriate to directly confer responsibility for waste management in their constituencies on DLAs. This does not necessarily have to be an operational management mission, but rather one of supervising treatment facilities and monitoring compliance with regulations. It will also be necessary to allocate the necessary resources to them, in particular by increasing the State's contribution or imposing taxes on waste producers through "direct municipal taxes."

Furthermore, nature can be better protected within local authorities, as mayors hold real decision-making powers to protect the environment [37], in accordance with Article 46 (1) of Law No. 96/12 of August 5, 1996, establishing the framework law on environmental management. They can thus take measures to prevent or eliminate pollution and nuisances by ensuring the protection of green spaces and contributing to the beautification of municipalities. It is therefore clear that these local elected officials are closer to civil society. Their impetus for a new dynamic of sanitation policy lies in the development of national strategies, plans, or programs aimed at ensuring the conservation and sustainable use of environmental resources.

*The establishment of an urban waste management control*

*body in the CTDs.*

In view of the overlapping jurisdictions between the various administrations responsible for waste management. It is appropriate to establish a body whose role will be to monitor the quality of waste management and to contribute to improving waste management in each municipality, as it should control the waste produced in its administrative district.

The nature of this body will be particularly useful insofar as the decentralization of waste management must be encouraged. This body will not only monitor facilities but also support private operators. For example, it could take over some of the operational responsibilities of these administrations and exercise them under their supervision. It will thus be a public administrative institution with legal personality and financial autonomy. Its role will be to ensure that waste is disposed of safely for humans and the environment. It could be considered a "support body" for CTDs and private waste management operators, which could be involved in issuing permits or approvals, inspecting disposal or storage sites, and collecting and managing information [38], particularly waste statistics.

- ii) Promoting the decentralization policy within the structures involved in urban waste management.

In Cameroon, to institutionalize this decentralization process, it will be necessary to consider the rationalization of responsibilities between the different actors involved in waste management by focusing on the redefinition of their roles, the abolition of the single nature of funds and the adaptation of the institutional apparatus to this process of decentralization of waste management, to make it more efficient.

Appropriate legislative measures regarding waste management must be taken into account within the administration and our local communities, as the operational gaps and lack of clarification of the responsibilities of the various stakeholders involved in waste management and environmental protection lead to failures attributable primarily to the weakness of laws and responsible bodies, and the inability and/or refusal of local elected officials to enforce the laws in force.

To improve this situation, waste management and environmental participation must be considered comprehensively by integrating among local elected officials and the population the principle that the environment is a concern for present and future generations.

## 3.2. The Adoption of New Modern Methods and Techniques for the Environmentally Sound Management of Urban Waste

The adoption of new modern methods and techniques for waste management in Cameroon can be considered a *sine qua non* condition for better protecting our environment in the face of growing degradation and pollution.

*The Implementation of New Waste Management Methods*

The framework law stipulates that: "Any person who pro-



duces or possesses waste must ensure its recycling themselves [...] or have it [...] recycled." Recovery is given scope in Section II of Chapter IV of the Decree of September 26, 2012, on the conditions for sorting, collection, storage, transportation, recovery, recycling, treatment, and final disposal of waste, where the relevant rules are set out. Waste recovery will be effective in Cameroon if, and only if, new waste management methods and techniques are implemented.

- i) The implementation of new, rigorous and environmentally sound methods for the management of urban waste in Cameroon.

The implementation of new waste management methods will highlight the three (03) R method of waste, namely: reduce, reuse, recycle, and promote small recycling, sorting and pre-collection waste companies for the purposes of better, rigorous and ecologically rational management of said waste.

#### *Promoting the three (03) "R" method for waste.*

Recovery in waste management is the treatment of waste intended for a new use. It consists of reuse, recycling, or any other action aimed at obtaining reusable materials or energy from waste [39].

The 3R principle, namely: reduce, reuse, and recycle will reduce the production of waste requiring collective treatment. However, reducing the volume of waste automatically means reducing the number of garbage trucks on our roads, reducing waste incinerated or sent to landfills, etc. Reducing waste at the source is the best solution for reducing waste and saving raw materials such as wood, oil, or water.

#### *Promoting small businesses involved in recycling, sorting, and pre-collection of waste.*

The integration of a new dynamic in urban waste management should involve promoting small businesses involved in recycling, sorting, and pre-collection of said waste. It is worthy of interest and effect for the protection of the environment because the development of these sectors of activity will allow the mayors of the different Decentralized Territorial Communities to sign partnership contracts with operators operating in the field, to improve the quality of waste management in their municipalities.

Furthermore, it will enable the intensification of waste sorting, pre-collection, and recycling, both at the base and at waste disposal sites. This intensification will only be possible if mobilization, awareness-raising, and technical and financial support are factored into this process. This will further encourage stakeholders to undertake waste recovery and reuse projects in order to improve the quality, efficiency, and knowledge acquisition in this sector.

- ii) The implementation of new techniques for rigorous and environmentally sound urban waste management in Cameroon.

The implementation of new techniques to improve the quality of urban waste management requires scientific and technological means, as well as community-based waste recovery initiatives for environmentally sound waste man-

agement.

#### *Develop scientific and technological resources.*

The implementation of new urban waste management techniques requires scientific and technological resources. To achieve this, it will be necessary to identify and widely disseminate these technologies and methods that can minimize waste. Furthermore, it is clear that community-based waste recovery initiatives have the dual advantage of solving an environmental problem and contributing to job creation.

However, it should be noted that several community-based waste recovery initiatives have been successful around the world, and it would be important to examine the conditions for their feasibility in Cameroonian cities to address urban waste management issues in our country.

#### *Develop new urban waste management techniques.*

Once collected and stored, waste can be treated in various ways. We generally distinguish between energy recovery, which is done through the incineration process, biological recovery, which is done through the composting process, and storage or controlled landfilling of waste.

In short, one of the problems that has been identified in relation to the management of waste, not only urban waste but also other types of waste, is the lack of specific texts and the scattering of regulations, which leads to consulting a large number of regulatory texts on the matter. The adoption of a specific law on the rigorous and ecologically rational management of waste in Cameroon will highlight the expression of the harmonization of waste law, the desire to protect our environment from the harmful effects of waste and the strengthening of the level of involvement of civil society in waste management.

## Abbreviations

CTDs	Decentralized Territorial Communities
DTAs	Decentralized Territorial Authorities
HYSACAM	Hygiene and Sanitation Company of Cameroon
LDCs	Local Decentralize Communities
MINEE	Ministry of Water and Energy
MINEPDED	Ministry of the Environment, Nature Protection and Sustainable Development

## Conflicts of Interest

The author declares no conflicts of interest.

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- [1] Decree No. 2005/0577/PM of February 23, 2005.
- [2] Decree No. 99/820/PM of November 9, 1999, Setting the conditions for approval of natural or legal persons to operate pollutant control laboratories.

- [3] Decree No. 99/821/PM of November 9, 1999, Setting the conditions for approval of natural or legal persons to carry out inspections, controls, and audits of establishments classified as dangerous, unsanitary, or inconvenient.
- [4] Decree No. 99/822/PM of November 9, 1999, Setting the conditions for the appointment of inspectors and deputy inspectors of establishments classified as dangerous.
- [5] Decree No. 2001/165/PM of 8 May 2001, Specifying the terms and conditions for protecting surface water and groundwater against pollution, in its Article 15, which stipulates that: "natural or legal persons who own installations connected to public or private sewer networks, to artificial water drainage channels or to wastewater treatment plants, are subject to the payment of a sanitation tax, in accordance with the terms and conditions set out in the Finance Act."
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- [7] Decree No. 2001/216 of August 2, 2001, Establishing a Special Account for Financing Sustainable Development Projects in Water and Sanitation.
- [8] Decree No. 93/302 of October 22, 1993, Ratifying the Bamako Convention on the Prohibition of the Importation into Africa of Hazardous Wastes and on the Control of Transboundary Movements and Management of Hazardous Wastes Produced in Africa.
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- [14] Law No. 99/013 of December 22, 1999, on the Petroleum Code.
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- [16] Law No. 75/13 of December 8, 1975, regulating veterinary health inspection and its implementing.
- [17] decree No. 86/711 of June 14, 1986, establishing the procedures for veterinary health inspection.
- [18] Law No. 90/013 on Phytosanitary Measures.
- [19] Law No. 98/005 of April 14, 1998, governing water regulations.
- [20] Law No. 2024/008 of July 24, 2024, relating to the forest and wildlife regime, 94/01 of 20 January 1994 on the forest, wildlife and fisheries regime, Decree No. 74/990 of 16 December 1974 establishing the conditions for packaging and transporting fishery products and Order No. 0222/A/MINEF establishing the procedures for developing, approving, monitoring and controlling the implementation of management plans for production forests in the permanent forest estate.
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