NOTIFICATION BY CAMEROON

The following notification, dated 24 January 1990 has been received from Cameroon and updates the information in notification DPG/Notif.83.13.

LEGISLATION AND PRACTICE OF CAMEROON REGARDING THE INTRODUCTION, PRODUCTION, STORAGE, POSSESSION, TRANSPORTATION, TRANSIT AND DUMPING OF TOXIC OR DANGEROUS WASTE ON THE NATIONAL TERRITORY

The practice of Cameroon is codified as Act No. 89/027 of 29 December 1989 adopted by the National Assembly and enacted, in accordance with the Constitution of the Republic, by the President of the Republic.

Article 1: The introduction into, the transit through, the production, storage, possession, transportation, and dumping of toxic and/or dangerous waste of any type on the national territory are hereby prohibited.

Article 2: Materials containing inflammable, explosive, radio-active, and toxic substances that endanger human, animal and plant life and the environment shall be considered as toxic and/or dangerous waste.

Article 3:
(1) Notwithstanding the provisions of Section 1 above, local industries which, by the nature of their activities produce toxic and/or dangerous waste shall be required to:
- declare the volume and nature of the waste;
- ensure they are eliminated without endangering man and his environment.

(2) The conditions for implementing this section shall be fixed by decree.
Article 4:

(1) Any unauthorized person who carries on the introduction into and transit through the national territory of toxic and/or dangerous waste of any type, or who produces, stores, possesses, transports, or dumps same on the national territory shall be punished with death; and

- any unauthorized person who fails to immediately eliminate the toxic and/or dangerous waste produced by his undertaking in accordance with the conditions laid down in this law and in subsequent regulations shall be punished with imprisonment for from 5 (five) to 10 (ten) years and with a fine of from CFAF 5,000,000 (five million) to CFAF 500,000,000 (five hundred million).

(2) The provisions of Sections 54 and 90 of the Penal Code relating to suspended sentence and to mitigating circumstances shall not be applicable.

(3) When the offence is committed by a corporate body, the criminal liability shall be borne by the natural person, appointed or not, who by the nature of this duties is responsible for the management, surveillance or supervision of the activities of the said corporate body.

The corporate body implicated and the convicted party or parties shall be jointly and severally required to pay the fines, civil claims, costs and expenses.

Article 5: The court to which the case is referred shall order any person found guilty of introducing, producing, storing, possessing, transporting, transiting or dumping toxic and/or dangerous waste to eliminate them immediately and restore the place to its original state.

The same court may also order the closure of the undertaking.

Article 6: The conditions for implementing this law shall be fixed by decree.

Article 7: This law shall be registered and published in the Official Gazette in English and French.