

DECREE N° 2024 / 00176 /PM OF 26 FEB 2024

**ESTABLISHING THE TERMS OF MANAGEMENT OF WATER USED FOR AGRICULTURAL PURPOSES AND MAINTENANCE OF HYDRAULIC INFRASTRUCTURES IN IRRIGATED AREAS IN CAMEROON.-**

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

- Considering the Constitution;
- Considering Law n° 96/12 of 5<sup>th</sup> August 1996 relating to the framework law relating to environmental management;
- Considering Law n° 98/005 of 14<sup>th</sup> April 1998 relating to the water regime;
- Considering Law n° 2017/010 of 12<sup>th</sup> July 2017 relating to the general status of Public Establishments;
- Considering Law n° 2017/011 of 12<sup>th</sup> July 2017 on the general status of Public Enterprises;
- Considering Law n° 2019/02 of 24<sup>th</sup> December 2019 relating to the General Code of Decentralized Territorial Communities;
- Considering Decree n° 92/089 of 4<sup>th</sup> May 1992 specifying the responsibilities of the Prime Minister, modified and supplemented by decree n°95/145 bis of 4<sup>th</sup> August 1995;
- Considering Decree No. 2005/118 of 15<sup>th</sup> April 2005, organizing the Ministry of Agriculture and Rural Development;
- Considering Decree No. 2011/408 of 9<sup>th</sup> December 2011 on the organization of the Government modified and supplemented by Decree No. 2018/190 of 2<sup>nd</sup> March 2018;
- Considering Decree No. 2012/501 of 7<sup>th</sup> November 2012 organizing the Ministry of Water and Energy;
- Considering Decree No. 2019/001 of 4<sup>th</sup> January 2019 appointing a Prime Minister, Head of Government;
- Considering Decree No. 2019/320 of 19<sup>th</sup> June 2019 specifying the terms of application of certain provisions of Laws No. 2017/010 and 2017/011 of 12<sup>th</sup> July 2017 relating to the general status of public establishments and public enterprises;
- Considering Decree No. 2001/164/PM of 8<sup>th</sup> May 2001 specifying the terms and conditions for withdrawing surface water or groundwater for industrial or commercial purposes;
- Considering Decree No. 2001/165/PM of May 8, 2001 specifying the terms of protection of surface water and groundwater against pollution,

**HEREBY DECREES:**

**CHAPTER I**  
**GENERAL PROVISIONS**

**ARTICLE 1.-** This decree sets out the modalities for the management of water for agricultural purposes and the maintenance of hydraulic infrastructures in irrigated areas in Cameroon.

**ARTICLE 2.-** Without prejudice to the laws and regulations in force relating to land and state property, irrigated areas and hydro-agricultural developments can be created and managed by the State, decentralized Territorial Authorities, a public establishment, a public company or a legal entity under private law.

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SECRETARIAT GÉNÉRAL  
DIRECTION DES AFFAIRES ADMINISTRATIVES  
ET DES REQUÊTES

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**ARTICLE 3.-** For the purposes of this decree, the following definitions are accepted:

**Hydro-Agricultural Development (HAD):** structured and organized set of works and equipment making it possible to irrigate and drain agricultural land comprising several irrigated areas. It includes water mobilization, transport, regulation, distribution and drainage works, and traffic routes;

**Management code:** set of rules and contractual provisions which govern the use of water, the exploitation and management of irrigated areas by agricultural producers;

**Public entity:** public body that fulfils a mission of general interest

**Agricultural water:** water used in agriculture, livestock and fish farming.

**Dewatering works:** groundwater sampling device.

**Producer organization:** group of natural or legal persons with legal personality and equipped with bodies with specific skills to defend and satisfy the common interests of their members, whose main income-generating activity is agriculture.

**Irrigated perimeter:** demarcated area of agricultural exploitation on which an irrigation infrastructure is developed and whose subdivision is subject to network layout constraints adapting to the irrigation/drainage topography, as well as hydraulic management linked to distribution of some water;

**Sampling point/Water mobilization point:** watercourse, artificial or natural lake and/or borehole;

**Royalty Fee:** tax due in return for the use of a public service or the operation of public equipment;

**Pumping station:** a structure containing a pump (or several pumps) at a catchment point that is used to pump water from a water source into a canal.

**Water user:** moral or physical person to whom the right to use the water resource in an irrigated area, within the framework of prescribed uses is granted.

**ARTICLE 4.-** (1) The Hydro-Agricultural Developments created by the State are part of the public domain. As such, the public entity is responsible for ensuring long-term management.

(2) The developments referred to in paragraph 1 above, in whole or in part, as well as the specific public service activities carried out there may be subject to management delegated in accordance with current legislation.

**ARTICLE 5.-** (1) Without prejudice to the laws and regulations in force, each public entity responsible for the management of an irrigated area draws up an Area Management Code irrigated areas for which it is responsible.

(2) The Management Code referred to in paragraph 1 above contains exclusively the provisions relating to water management and guarantees of quality and performance in the execution of infrastructure maintenance work.

(3) The entry into force of the Management Code referred to in paragraph 1 above is subject to its approval by the Minister responsible for technical supervision of the public entity.

**CHAPTER II**  
**WATER SAMPLING**

**ARTICLE 6.-** (1) The water to be collected is surface and groundwater.

- (2) Surface water is identified as: runoff water, streams and stagnant water.
- (3) Groundwater is infiltration water and aquifers.

**ARTICLE 7.-** (1) Water withdrawal can only be carried out at identified mobilization points and according to the thresholds authorized by the legislation in force and the International Conventions ratified by Cameroon.

- (2) The use of water in irrigated areas is exclusively for agricultural use.

**ARTICLE 8.-** (1) Before the opening of each agricultural campaign, the public entity, on the basis of the analysis of hydrometeorological data, defines the quantities of water to be taken by the co-contractor, at the mobilization points of water in accordance with the legislation in force, the Agreements and Conventions ratified by Cameroon.

- (2) The public entity ensures compliance with the withdrawal quantities defined in paragraph 1 above.

**CHAPTER III**  
**WATER AND INFRASTRUCTURE MANAGEMENT**

**ARTICLE 9.-** Water users, in particular farmers operating in the irrigated perimeters, must respect the water discharge standards defined by the legislation in force.

**ARTICLE 10.-** (1) Without prejudice to the laws and regulations, the public entity manages, operates and maintains major structures, including retention dams, water pumping stations, protective dikes, irrigation and drainage networks, other water drainage works and traffic routes.

- (2) The user of water infrastructure, co-contractor referred to in Article 8 above, ensures its day-to-day management, in order to enable irrigation and drainage following the technical protocol defined in the irrigated area management code.

- (3) In this light, it cannot modify, reconstruct or improve the infrastructures which are transferred into operation, other than in accordance with an express written agreement of the public entity, following a duly motivated request.

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**CHAPTER IV**  
**SANCTIONS**

**ARTICLE 11.-** (1) Without prejudice to the sanctions provided by the Penal Code, the Civil Code, as well as the laws and regulations in force, any withdrawal of quantities of water, exceeding the limits defined at the start of the agricultural campaign is subject, depending on the case, to suspension or cancellation of the agreement signed between the public entity and the co-contractor water user.

(2) The regime of sanctions referred to in paragraph 1 above is defined in the Code for management of irrigated areas cited in article 5 of this decree.

**ARTICLE 12.-** After concertation from the administrations in charge of agriculture and water and without prejudice to legal proceedings, the sanctions provided for in article 11 above are also applied in the following cases:

- non-compliance with the specifications;
- behaviour compromising the operation of the areas or the sustainability of the infrastructure.

**CHAPTER V**  
**MISCELLANEOUS AND PROVISIONS**

**ARTICLE 13.-** In order to ensure equitable, efficient and ecologically rational management of water, water users can form producer organizations, in accordance with current legislation.

**ARTICLE 14.-** The Ministers responsible for water and agriculture are, each in whatsoever concerns, responsible for the application of this decree which will be registered, published following the emergency procedure, then inserted in the Official gazette in French and English. /-

Yaounde, 26 FEB 2024

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

