

The Quarry Industry and the Cameroonian Law

Enow Godwill Baiye*

Abstract

Quarrying like other mining sectors contributes significantly to the socio-economic development of many countries, providing raw materials for local industries and for exports, facilitating the provision of infrastructures such as roads and the opening up of remote areas as well as providing employment opportunities. To promote the development of this sector in Cameroon, Law No. 2016/017 of 14 December 2016 on the Cameroonian Mining Code amending and supplementing Law No. 2001/01 of 16 April 2001 was promulgated. In this regard, this study seeks to examine the extent to which the Cameroonian laws regulate the operations and activities of quarry operators in Cameroon. The study relied on published and unpublished studies carried out in the quarry sector in Cameroon to gather the secondary data that facilitated the development of this work. The study reveals that although quarry activities have contributed to sprout economic development in the country, the environmental and health benefits of this activity that cannot be ignored. In this light to promote sustainable quarry operations in Cameroon, the researcher emphasised on proper follow-up and monitoring of quarry operations in Cameroon with stringent sanctions instituted against any operators who fail to comply with the laws that regulate this sector of the economy.

Keywords: Quarry, quarry operators, quarrying, quarry permits, quarry licences

GENERAL INTRODUCTION

Quarry as part of the extractive industry is a form of mining that is centered on the extraction of rocks or minerals from the earth's surface through the use of man power and machinery [1]. Similarly, quarry refers to a site to which the ground is excavated or blasted for the purpose of extracting and removing rock material from any land [2]. Cameroon produces different quarry substances ranging from loose materials (clays, pebbles, laterites, pozzolans, sands) and hard materials (stones) in 10 regions of the country [3]. Quarry in Cameroon is been carried out in different forms: artisanal, industrial and semi mechanized production. The promulgation of Law No. 2016/017 of 14 December 2016 on the Cameroonian Mining Code (hereinafter referred to as the Mining Code) amending and supplementing Law No. 2001/01 of 16 April 2001 are the principal laws that regulate this sector.

Quarrying like other mining sectors contribute significantly to the socio-economic development of many countries, providing raw materials for local industries and for exports, facilitating the provision of infrastructures such as roads and the opening up of remote areas as well as providing employment opportunities [4]. The importance of this sector in a country cannot be over emphasized. Today we

depend on this sector to construct, improve and maintain our homes, hospitals, water and sewage systems [5].

*Author for Correspondence

Enow Godwill Baiye
E-mail: enowgodwillbaiyebaiye@gmail.com

PhD in English Private Law, University of Dschang, Cameroon

Received Date: July 14, 2022
Accepted Date: July 18, 2022
Published Date: August 31, 2022

Citation: Enow Godwill Baiye. The Quarry Industry and the Cameroonian Law. National Journal of Labour and Industrial Law. 2022; 5(1): 15–22p.

According to reports from Ministry of Mines, Industry and Technological Development (MINMIDT), the quarry industry remains one of Cameroon's development pillars contributing greatly to the GDP of the country [6]. In 2021, income from quarries resulting from the issuance of artisanal mining permits for quarrying substances

by type of substance was estimated at 11,650,000 CFA francs, income from quarries resulting from the issuance of semi-mechanized operating permits by type of quarry substance estimated at 11,282,800 CFA francs, income from quarries from the quarry extraction tax by type of material estimated at 534,127,531 CFA francs and income from the surface royalty of quarries by region estimated at 16,099,525 CFA francs [7].

However, over the years this sector has witnessed a drop in the issuance of quarry permits. The issuance of permits for the recognition of quarry substances in Cameroon has decreased considerably since 2018, from 33 permits issued in 2018 to 06 in 2021 [8]. In addition, over the period 2018 to 2021, the number of quarries decreased. It went from 434 in 2018 to 377 in 2021. With regard to the production of quarry substances, in 2021, the minimum industrial production of laterite, pozzolan, clay and sand is around 1,340,999 m³, as against 98,257 m³ for semi-mechanized production and 479,016 m³ for artisanal production.

The sector offers prospects and limitations to sustainable development in the nation. The potential merits of this sector are show cased as products of the extractive industries such as minerals and quarry stones which are essential for nearly all segments of the economy [9]. Quarries are generally used for extracting building materials that include sand, gravel, limestone, building stones and other relatively cheap and bulky raw materials [10]. However, their extraction also presents risks to the environment.

The negative impacts emanating from the industry operations are progressively breeding conflicts between the quarrying operators and the abutting communities. This was clearly demonstrated in the Tchipo District found in Bamougoum, West region of Cameroon where the Chinese company, China Longteng operates a gravel quarry on an industrial scale over an area of 12 ha [11]. The presence of the quarry in this area has been a major threat to the livelihood of the inhabitants of this community and also to the environment. The inhabitants of this area have decried the operations of the company in the following words:

We can no longer cut leaf in the field to pack couscous. Let's not talk about vegetables anymore. In the dry season all the plants are white because they are covered with cement. Even the bamboos that grow in the vicinity have no nectar left. The raffia wine that we drink here is harvested elsewhere [12].

The negative effects of quarry operations are not only limited to the loss of biodiversity, but also cause noise pollution and in a greater extend, deformation of the landscape. In this regards, this study seeks to examine the extent to which the Cameroonian laws regulate the operations and activities of quarry operators in Cameroon.

ELIGIBILITY OF QUARRY OPERATORS (QOs) IN CAMEROON

Over the years, the principal law that regulates the mining sector and the quarry sector was Law No. 2001/01 of 16 April 2001 which was amended and supplemented by Law No. 2016/017 of 14 December 2016 instituting the Cameroonian Mining Code. The Mining Code serves as a blue print for the quarry industry in Cameroon. The aim of this law is to govern mining activities and promote investments in the mining sector of the republic of Cameroon. Also, the Code aims at furthering and encouraging the exploration and exploitation of mineral resources necessary for economic and social development as well as poverty alleviation [13].

The Code defines quarry substances as building materials or industrial materials extracted through excavation or other methods, with the view of supplying materials intended for building commerce, industry or manufacture [14]. The Code lays down rules for the extraction of quarries by quarry operators in Cameroon, beginning with the conditions of eligibility, insurance of quarry permits and sanctions for non-respect of the stipulated conditions.

Any natural person or corporate body is eligible to carry out quarrying extractions/operations in Cameroon. This does not depend on the nationality of the individual. However, the exploration of quarry materials must be authorized [15]. The operators can either be issued quarry licenses for temporary quarries or a quarry permit for permanent quarries [16]. The competent authority to issue these authorisations is the Minister in charge of Mines after consultation with the competent administrative authorities, and local communities concerned [17].

Quarry Licenses for Temporary Quarries

Just as the name implies, these licenses are issued for a limited period of time. This is a license issued by the Minister in charge of Mines for the extraction of quarries valid for a period of 2 years [18]. The Code is silent as to the renewal of these licenses. In order to promote the quarrying activities in Cameroon, the Code equivocally considered any license void if it is not being put into use within a period of 12 months from the date it was granted.

Quarry Permit for Permanent Quarries

A quarry permit as issued by the minister in charge of mines is granted for a period of 5 years renewable indefinitely for a period of 3 years [19]. However, the renewal of such permit will be subjected to the payment of renewal fees as a guarantee to ensure that the holder of such permit will fulfil his obligations. In order to promote the quarrying activities in Cameroon, the Code equivocally considered any license void if it is not being put into use within a period of 12 months from the date it was granted. The owner of a quarry permit shall demarcate the area defined in the permit with boundary stones and landmarks.

RIGHTS ATTACHED TO QUARRY LICENSES AND QUARRY PERMITS

A quarry licence or permit confer upon its beneficiary the exclusive right to extract quarry substances within the boundaries of its area under conditions defined in such license or permit [20]. Also, it should confer to the holders the right to transport or cause to transport extracted quarry materials and their primary derivatives to the storage, treatment or loading sites and the rights to sell such products on the domestic market or export them [21]. The right given to the operators to export the quarry products shows the willingness of the Cameroonian legislators in promoting and encouraging quarry operations in Cameroon.

They shall also have the right to install within the boundaries of their sites, machinery for excavation, crushing, sizing and stacking quarry products and to construct temporary buildings for use as offices or stores but not for housing employees other than watchmen [22].

The holders are further permitted installed plants for packing and primary treatment of quarry materials [23]. Holders are also permitted in writing to authorize a third party to mine quarry materials within the license or permit area [24]. But it is worth noting that quarry licences are not transferrable or assigned to third parties. Quarry permits can only be transferable upon approval from the Minister in charge of Mines.

Obligations of Quarry Operators in Protecting the Environment

The 2016, Mining law unequivocally spelt out some of the obligations of quarry operators in Cameroon. One of such obligations is the protection of the environment by the quarry operators operating in Cameroon. The 2016 Mining Law is categorically clear on the fact that any mining and quarry operation undertaken must comply with the laws and regulated force relating to sustainable environmental protection and management [25].

Apart from the non-industrial mining license, the exploration permit and the license for non-industrial quarry mining for domestic purposes, the granting of mining titles, quarry licenses and permits shall be subject to the prior conduct of an environmental and social impact assessment [26],

a hazard and risk assessment and provision of an environmental management plan as provided for by the laws and regulations in force in matters relating to the protection and sustainable management of the environment [27].

Regarding the rehabilitation, each operator shall be responsible for the restoration, rehabilitation and closure of quarry sites [28]. The operations include removal, by the operator, of all facilities, including any mining or quarry plant found on the land [29]. The quarry sites must be restored to stable conditions of security, agrosylvopastoral productivity and appearance close to their original state or conducive to any new and sustainable development deemed suitable and acceptable by the authorities in charge of mines, the environment and any other relevant authority [30]. The post-inspection establishment of the proper rehabilitation and restoration of the mining sites by the authorities in charge of mines and the environment or any other relevant authority shall result in the grant of a discharge which shall release the former operator of any obligation concerning his former mining title, his quarry license or permit [31]. However, the former operator shall remain responsible for any damage discovered subsequently in connection with his previous activities on the site.

At the end of the quarrying activities, buildings out, buildings shaft, galleries and all permanent structures in general that have been erected for quarry operations shall be secured to meet safety conditions provided in the environmental management and quarry rehabilitation plan [32]. The Environmental Management plan describes how an action might impact on the natural environment in which it occurs and set out clear commitments from the person taking the action on how those impacts will be avoided, minimised and managed so that they are environmentally accepted [33]. The objective of conducting environmental rehabilitation is to ensure that all environmental aspects required for eventual mine closure or to minimised ongoing environmental liabilities are adequately addressed before reclamation activities on a stew are completed [34-35].

IMPACT OF THE QUARRY INDUSTRY IN CAMEROON

Quarrying activities have been regarded as one of the informal activities which have the potential of contributing to the development and economies of communities where ever the quarry companies are installed. But at the same time, the environmental and health impacts of mining on surrounding communities have been a major concern to governments, the general public and stakeholder organizations and individuals. This section of this article examines the potential problems caused the quarry industry in Cameroon.

Loss of Human Life

Gravel extraction has been a major cause of death in the quarrying extraction communities. It is a normal phenomenon that during quarrying operations, stones are blasted which have the effects on destroying houses and in some cases lead to death. This was the case with the Tchipo quarry where a stone had come out of the quarry and crushed a barrel next to which a child was standing leading to his eventual death [36]. The ground vibrations produced by the quarry industry are also an endurance to procreation. Many women in the quarry producing areas have had miscarriages due to ground vibrations.

Noise Pollution

Sound blasting is another negative effect associated with the quarry industry in Cameroon. Many local residents in the quarrying areas in Cameroon have abandoned their homes to take refuge in other areas safe from the tremors and deafening sounds of blasting associated with quarry activities [37]. Noise is the most perceptible nuisances for humans. They result from the operation of the various machines on the site, the falling of blocks, the generator, the rotation of trucks and other vehicles [38].

Erosion and Soil Degradation

Quarry alters the landscape more than any other localized industrial activity. Quarry activities have extensively contributed to the removal surface soil in the areas where these activities take place in

Cameroon. Erosion and soil degradation have become unavoidable with quarry operations in Cameroon. The exposed soil is exposed to all forms of weathering leading to erosion, and in extreme cases, land slide. The inhabitants of the Tchipo quarry expressed that trees and vegetation are cleared with heavy machines without replacement thereby depriving the land of its nutrients, and consequently rendering the land infertile for farming.

Loss of Biodiversity

The development of the quarry site remains one of the main causes of destruction of the biodiversity like; felling of trees, destruction of fauna habitats, flora, and easy access to poaching in Cameroon [39].

Challenges faced by the Quarrying Industry in Cameroon

The quarry industry in Cameroon faces several challenges. This section of the work is devoted to examine these challenges.

Lacunae of the Mining Code

The Code uses terms without explaining what they are. For instance, the Code uses terms like quarry permits, quarry licenses, artisanal quarry semi-mechanized and industrial quarry without defining them. This only puts the reader in a state of dilemma. In addition, though the Code provides for consultation of the local population where the quarry permits or licences are to be issued, the Code fails to provide any sanction if this procedure is not respected, leaving the local community at the mercy of the Minister of Mines.

Potential Disputes between Quarry Operators and the local Community

Quarry operators face serious disputes over the extraction of quarry products in Cameroon. This is the case with the Pozzolana mining company (societe d'extraction et de transformation de pouzzolane). The company is currently clashing with the municipal authorities of Njombe-Penja, in the littoral region of Cameroon, regarding the exploitation of an 8 ha Pozzolana quarry [40]. This resulted to the suspension of the quarry activities by the mayor of that locality terming their activity as "illegal". The mayor equally demanded a monthly payment of between 3 and 5 million CFAF in the framework of a shared management agreement between the quarry operator and the municipality of Penja [41].

The company has however debunked the suspension and indicates that its activities are legal and comply with Law No. 2016/017 of 14 December 2016 instituting the Cameroonian Mining Code. It pointed out that article 71 of the Code *subjects the exploitation of quarry substances to prior obtention of prospecting permit for new sites or an access authorisation for old quarries* which they have respected. They also pointed out that a careful analysis of both the latter and of Law No. 2019 /024 of December 24, 2019, on the General Code of decentralized territorial communities shows that the exploitation of industrial quarries is not among the powers transferred to municipalities by the state.

Destruction of the Environment

Quarry operations continue to account for the destruction of the environment. As the study has revealed, quarry operations have exposed the surface sub soil to erosion, deformed the landscape which now constitute danger to the inhabitants around the quarry operating areas in Cameroon. In addition, it has led to disequilibrium in the natural ecosystem as lands are being deforested and the use of machines which often causes vibration has not only resulted to sound pollution but also air pollution and landslide.

Weak follow up Committee

Quarry activities expose the community to serious environmental harms. This explains why before such activities take place, the operators are required as prescribed by the law to carry out an environmental and social impact assessment in the quarry areas. This is to minimize the risks of such activities on the community. However, for such assessment to be effective, it requires constant

monitoring and follow-up by the competent authorities. This to an extent has not been the case in Cameroon as the follow up committee are often corrupt and take “*brown envelope*” causing them to allow the operators to continue with their activities irrespective of the effects on the environment and the community. Since the outbreak of the Coronavirus in Cameroon, the inhabitants of the Tchipo quarry pointed out that monitoring committee on the abuses by the Chinese company in the area have not been effective.

Problem of Compensation

During quarry operations, the operators are required to compensate the inhabitants if such an activity causes harm to them. This is clearly worded in the Mining Code: *people affected by mining or quarry operations shall be entitled to compensation the amount of which shall be deducted from the ad valorem tax and from tax on the extraction of quarry products [42]*. The operators are usually required to construct broad health centers and even schools. However, in most of the quarry areas in Cameroon, the provisions of the mining code are just worded without effective implementation. The inhabitants of the Tchipo quarry decry the evil practices of the Chinese company that promised to open a compensation fund but till date have not received any of such compensation.

GENERAL CONCLUSION

The quarry industry no doubt has greatly contributed to the development of the Cameroon's economy. It serves as a source of raw material for construction of roads, houses, air ports and other infrastructural development. The sector has also employed thousands of Cameroonians who are directly and indirectly involved in the sector. Through the issuing of the quarry permits and licenses, it has acted as a source government revenue. That notwithstanding this sector has significantly contributed to environmental degradation which poses a threat to sustainable quarry operations in the Cameroon. The findings of this work establish that quarrying activity in the quarry operating areas has affected the environment by leaving footprints on the surfaces which are not easy to rehabilitate. In addition, quarry activities have not only degraded lands where such activities take place but have also affected water and air quality. Thus to promote sustainable quarry operations, the researcher recommends the following:

Some of the provisions of the 2016 Mining Code should be amended to suit modern day quarry practices in the world. For example, clear definitions should be provided to terms used by the Code and also sanctions should be instituted against the competent authorities who fail to consult the local communities before issuing of quarry permits and licenses as provided in the Code. This will promote transparency and accountability in the operations of quarry activities in Cameroon.

Frequent follow-up and monitoring should be carried out in the quarry operating areas. This will minimize the potential risk of environmental abuses of the quarry areas. This will also enhance the rehabilitation of the area after such activity.

Furthermore, the quarry operators should be encouraged to carry out sustainable quarrying by using machines that are more environmental friendly.

The quarry operators should practice corporate social responsibility in the quarry areas to prevent potential disputes that may arise between the operators and the community. This is so because the community are the people who suffer greatly when such activities take place.

REFERENCES

1. MINMIDT. Statistical Yearbook of the Mining, Industry and Technological Development Sector in Cameroon. 2021; 2p. Samba G, *et al.* Effects of Quarrying Activities on Environmental Sustainability in Makenene, Centre Region, Cameroon. Journal of Environment and Earth Science. 2022; 12(1): 12–19.
2. Ministry of Natural Resources and Environment. Study on the Potentials and Opportunities for Overseas Direct Investment in Mining and Quarrying, Putrajaya. 2017; 1p.

3. MINMIDT. *Loc. Cit*, note 1. 2021; 2p.
4. Salawu O, *et al.* Artisanal Quarries in Kaduna Metropolis with Associated Socio-Economic Benefits. *Sci World J.* 2020; 15(4): 1–6.
5. Tcheunta J, *et al.* Production and merchandising of building raw materials in Cameroon: the case of Ebebdá sand. *Revista de Investigación Multidisciplinaria.* 2021; 3(4): 18–66.
6. *Ibid.*
7. MINMIDT, (2021), *Op. Cit*, note 1, PP.25-27.
8. *Ibid*, P.2.
9. United Nations Development Programme (2018); Chuhan-Pole *et al.* Mining in Africa: are local communities better off? 1818 H Street NW, Washington, DC 20433: A copublication of the Agence Française de Développement and the World Bank, International Bank for Reconstruction and Development / The World Bank; 2017.
10. Kindiga W. Environmental and Land Use Impacts of Quarrying Along Ngong River in Embankasi. A Dissertation Submitted in Partial Fulfillment for Masters of Arts Degree in Urban Regional Planning in the Department of Urban and Regional Planning, University of Nairobi. 2017; 1.
11. Ngounou B. (2021). Cameroon: The Environmental Disaster of the Tchipo Quarry. [Online]. *Afrik 21*.
12. Ngounou B. *Op. Cit*, note 10. 2021.
13. Section 1(1) of the Mining Code.
14. *Ibid*, Section 2.
15. *Ibid*, Section 53(2).
16. *Ibid*, Section 53(3).
17. Section 53(3) of the Mining Code.
18. Section 55(1) of the Mining Code.
19. *Ibid*, Section 55(2).
20. *Ibid*, Section 57(1).
21. *Ibid*, Section 57(2).
22. Section 57(3) of the Mining Code.
23. *Ibid*, Section 57(4).
24. *Ibid*, Section 55(1).
25. Section 135(1) of the 2016 Mining Code.
26. Decree No. 2013/0171/PM lay down rules for conducting environmental and social impact assessment. This Decree amended and replaced Decree No. 2005/0577. Enow B. Implementation of Oil Contracts under Cameroonian Law. A Thesis Submitted and Publicly defended for the Award of a Doctor of Philosophy (Ph. D) in Law, Comparative Law Research Unit (COMLARU), University of Dschang. 2022; 1–445.
27. *Ibid*, Section 135(2).
28. Section 136(1) of the 2016 Mining Code.
29. Section 136(2) of the 2016 Mining Code.
30. *Ibid*, Section 136(3).
31. *Ibid*, Section 135(6).
32. *Ibid*, Section 140.
33. Department of Environment. Environmental Management Plan Guidelines. 2014.
34. Adams D. Gold Ore Processing: Project Development and Operations. Second edition. Amsterdam Netherlands: Elsevier Science; 2016. p. 12.
35. Aigbedion I, *et al.* Environmental impact of mineral exploitation in Nigeria. *Int J Phys Sci.* 2007;2(2):033–8.
36. Ngounou B. *Op. Cit*, note 10. 2021.
37. Tiffany F. Extractive industries in Cameroon: A source book for teachers. For UNAFAS Conservation Values Programme, working with RELUFA. 2012.
38. Guimolaire D, *et al.* Characteristics and Environmental Impact of Pozzolan in the Tombel Graben Quarry. *Journal of Environment and Earth Sciences (JEES).* 2021; 2(4): 44–53.

39. Ibid.
40. Business in Cameroon. (2020). Njombe-Penja: Communal Authorities and Mining Company SEP Clash Over the Exploitation of a Pozzolana Quarry. [Online]. Stratline Limited.
41. Ibid.
42. Section 89 of the Mining Code.