

DECREE No. 2022/5074 /PM OF 04 JUL 2022  
TO LAY DOWN PROCEDURES FOR THE CONTROL OF THE SOCIAL  
COMPLIANCE OF PROJECTS.-

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

- Mindful of the Constitution;
- Mindful of Law No. 2006/012 of 29 December 2006 to lay down the general rules and regulations governing partnership contracts;
- Mindful of Law No. 2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities;
- Mindful of Law No. 2013/003 of 13 April 2013 governing cultural heritage in Cameroon;
- Mindful of Law No. 2016/017 of 14 December 2016 to institute the Mining Code;
- Mindful of Law No. 2019/008 of 25 April 2019 to institute the Petroleum Code;
- Mindful of Law No. 2019/024 of 24 December 2019 to institute the General Code of Regional and Local Authorities;
- Mindful of Decree No. 92/089 of 4 May 1992 to specify the duties of the Prime Minister, Head of Government, as amended and supplemented by Decree No. 95/145 of 4 August 1995;
- Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government, as amended and supplemented by Decree No. 2018/190 of 2 March 2018;
- Mindful of Decree No. 2017/383 of 18 July 2017 to organize the Ministry of Social Affairs;
- Mindful of Decree No. 2019/001 of 4 January 2019 to appoint a Prime Minister, Head of Government;
- Mindful of Decree No. 2008/0115/PM of 24 January 2008 specifying the enforcement clauses of Law No. 2006/012 of 29 December 2006 to lay down the general rules and regulations governing partnership contracts, as amended and supplemented by Decree No. 2014/2343/PM of 31 July 2014;
- Mindful of Decree No. 2013/0171/PM of 14 February 2013 to lay down the procedures for conducting environmental and social impact assessments;
- Mindful of Decree No. 2013/0172/PM of 14 February 2013 to lay down procedures for conducting environmental and social audit;
- Mindful of Decree No. 2018/4992/PM of 21 June 2018 to lay down the rules governing the maturation process of public investment projects,

**HEREBY DECREES AS FOLLOWS:**

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

**SECTION I**  
**PURPOSE AND SCOPE OF APPLICATION**

**ARTICLE 1.-** This decree lays down procedures for the control of the social compliance of projects.

**ARTICLE 2.-** (1) The social compliance of projects shall ensure that the population in general, and socially vulnerable groups in particular, are protected from the adverse human and social impacts caused, directly or indirectly, by private and public projects.

(2) The public projects referred to in paragraph 1 above shall be those carried out by a public entity or by a private person entrusted with a public service mission, either under the public investment budget or under public-private partnership contracts.

(3) The Minister in charge of Social Affairs shall control the social compliance of projects, in conjunction with the relevant line ministries.

## **SECTION II** **DEFINITIONS**

**ARTICLE 3.-** For the purpose of this decree and its implementing regulations, the following definitions shall apply:

**Social compliance of projects:** A set of social assistance actions taken at institutional, legal and technical levels to control and manage the human and social risks associated with projects;

**Preliminary Social Assessment:** A systematic assessment to determine the baseline psycho-emotional, socio-cultural and socio-economic living conditions in the area where a project is to be implemented;

**Social Impact Assessment:** A systematic assessment that analyses and anticipates possible negative or positive, direct or indirect psychological, social, economic and cultural impacts on the living conditions of the population affected by a project.

## **SECTION III** **BASIC SOCIAL PRINCIPLES**

**ARTICLE 4.-** The social compliance of projects shall be guided by the following principles:

- principle of social progress;
- principle of social justice;
- principle of national solidarity;
- principle of social precaution;
- principle of social responsibility;
- principle of social participation;
- principle of right of access to information;
- principle of social subsidiarity;

**ARTICLE 5.-** (1) The principle of social progress shall imply that all economic action should be aimed at improving the living conditions of the population.



(2) The principle of social justice shall imply that the fruits of economic growth should be shared equitably, without discrimination, for the well-being and development of all, bearing in mind the interests of vulnerable groups.

(3) The principle of national solidarity shall be expressed by the fact that the objectives of sustainable development must be achieved collectively and for the benefit of the community, with prior sharing of the effort in proportion to the actual capacity of each member of the community.

(4) The principle of social precaution shall imply that any natural or legal person whose action is likely to affect the physical, mental, socio-economic and psycho-emotional well-being of an individual, group or community, should strive to eliminate such action to avoid such effects.

(5) The principle of social responsibility shall be expressed in the fact that any natural or legal person who, by his or her action or negligence, causes harm to the physical, mental, socio-economic or psycho-emotional well-being of an individual, group or community, shall be obliged to compensate for it, without prejudice to any criminal proceedings relating thereto.

(6) The principle of social participation shall be reflected in the fact that decisions concerning the management of externalities or social effects of a project must be taken after consulting the social groups targeted or potentially affected, either in a direct or collateral manner, or after a public deliberation in case of the general application of the decisions.

(7) The principle of the right of access to information shall imply that everyone has the right to be informed about the adverse effects of a project on his physical, mental, socio-economic and psycho-emotional well-being and about the measures taken to prevent, mitigate or compensate for those effects.

(8) The principle of social subsidiarity shall imply that, in the absence of a written rule of law on social protection, the customary law of a given territory, identified and found to be more effective for the protection of social rights, shall be directly applicable.

## **CHAPTER II**

### **CONTROL OF THE SOCIAL COMPLIANCE OF PROJECTS**

#### **SECTION I**

#### **CONTENT OF SOCIAL COMPLIANCE**

**ARTICLE 6.-** The social compliance of projects shall be defined by their ability, in both conception and execution, to manage the human and social risks that may arise before, during or after the exploration, installation or operation phases of such projects.

**ARTICLE 7.-** (1) The human and social risks of the projects referred to in Article 6 above shall include the following threats:

- loss of family or social stability and inter-community balance;

- social exclusion from a stratum, age group, sociological component or socio-professional category of the population;
- loss of livelihoods or decline in purchasing power;
- undermining of decent standards of living;
- spread of social ills and the emergence of all forms of trafficking that impact on human development and physical and social integrity;
- emotional or psychological distress and disorders;
- deprivation or destruction of property of traditional, cultural or sacred value.

(2) A Social Project Management Manual, adopted by decision of the Minister in charge of Social Affairs, shall define the conditions and procedures for managing the human and social risks referred to in paragraph 1 above.

**ARTICLE 8.-** The management of the risks referred to in Article 7 above shall be conducted without prejudice to the statutory powers devolved to other line ministries by the laws and regulations in force.

## **SECTION II**

### **REFERENCE FRAMEWORK FOR THE CONTROL OF SOCIAL COMPLIANCE**

**ARTICLE 9.-** The control of the social compliance of projects shall be carried out based on the following cumulative reference framework:

- respect for basic social principles referred to in Article 4 of this decree;
- consideration, elimination, mitigation or compensation, as the case may be, of the human and social risks referred to in Article 7 of this decree;
- inclusion in one of the social approaches to project management.

**ARTICLE 10.-** The social approaches to project management shall be broken down as follows:

- Disability and vulnerability approach;
- Gender-specific approach;
- Social inclusion approach;
- Human rights-based approach.

**ARTICLE 11.-** (1) The disability and vulnerability approach shall be an advocacy tool to facilitate the inclusion of concerns of persons with disabilities and/or vulnerable groups in fair, sustainable and participatory development policies and strategies.

(2) The gender-specific approach shall be an approach that proscribes discrimination and other gender-based inequalities in Government operations, projects or programmes carried out for the benefit of communities.



(3) The social inclusion approach shall make it possible to assess the capacity of a project to significantly contribute to poverty reduction and the improvement of living and working conditions of the local population directly affected by the project.

(4) The human rights-based approach shall make it possible to assess the capacity of a project to promote, protect or safeguard the economic, social and cultural rights of the local population, and to prevent any violation thereof.

### SECTION III CONTROL PROCEDURES

**ARTICLE 12.-** Any project may be subject to *ex-ante*, *en curso* and *ex-post* control of social compliance.

**ARTICLE 13.-** (1) Prior to the beginning of works, any project must:

- be subject to a preliminary social assessment or a social impact assessment, as the case may be;
- be subject to social supervision through the inclusion of social clauses in the developer's specifications, based on findings from the preliminary social assessment or social impact assessment;
- include a social and economic assistance plan for the local population and, where appropriate, a protection plan for vulnerable indigenous groups affected by the project.

(2) Procedures for carrying out the preliminary social assessment and the social impact assessment referred to in paragraph 1 above shall be laid down by regulation.

(3) Models of the social plans referred to in paragraph 1 above shall be established by decision of the Minister in charge of Social Affairs.

**ARTICLE 14.-** (1) During the implementation and operation phases, any project may be subject to the following controls:

- compliance based on the social clauses of specifications and social plans referred to in Article 13 above;
- application of laws and regulations in force, as well as international conventions on social matters.

(2) The controls referred to in paragraph 1 above may be planned or carried out unannounced, in conjunction with the other line ministries.

(3) At the end of the control, a report shall be drafted and submitted to the Minister in charge of Social Affairs, with a copy to the project developer or manager.

(4) If the report referred to in paragraph 3 above is not satisfactory, the concerned shall be requested to take appropriate corrective measures within a period specified by the specialised services of the Ministry in charge of Social Affairs.

**ARTICLE 15.-** Projects may be subject to a social audit under conditions and procedures defined by regulation.

**ARTICLE 16.-** (1) The social impact assessment and the social audit provided for in Articles 13 and 15 above shall give rise, in the event of compliance with social standards, to the establishment of a Favourable Social Control Report issued by the Ministry in charge of Social Affairs.

(2) The Favourable Social Control Report referred to in paragraph 1 above shall be an indispensable document for the issuance of the Environmental and Social Compliance Certificate. This Certificate shall be co-signed by the Ministers in charge of the Environment and of Social Affairs.

**ARTICLE 17.-** (1) The Environmental and Social Compliance Certificate referred to in Article 16 above shall be an indispensable condition for the granting of a maturation approval for any public investment project. It shall be required for the review of the maturation file during:

- Regional Meetings for Project Maturation and Programming;
- sessions of the Internal commission for the maturation of companies and public institutions projects;
- sessions of the Internal commission for the Maturation of Investment Projects of public administrations;
- sessions of the Inter-ministerial Technical Committee of Experts in charge of reviewing maturing files submitted by the contracting authority, set up within the Ministry in charge of public investments;
- Extended Programming Conferences.

(2) Notwithstanding the provisions of paragraph 1 above, the environmental and social compliance certificate shall be an integral part of the feasibility file prepared by the public administration initiating a proposed project under a public-private partnership.

#### **SECTION IV** **CONTROL OFFICERS**

**ARTICLE 18.-** The control of the social compliance of projects shall be done by:

- the Head of the National Brigade for the Social Compliance of Projects;
- National Controllers;
- Deputy National Controllers;
- Regional Heads of the Social Action Control Brigade;
- Regional controllers.



**ARTICLE 19.-** (1) The officers in charge of controlling the social compliance of projects shall have access to all sites, premises and facilities of the projects and entities concerned where social compliance standards may be violated, to carry out any necessary investigation to establish the findings and circumstances of the violations.

(2) The officers in charge of controlling the social compliance of projects may request the police force to assist or track the violations mentioned in paragraph 1 above.

(3) The officers in charge of controlling the social compliance of projects shall propose adjustment, settlement or arbitration measures.

(4) The conditions and procedures for exercising the duties of officer in charge of controlling the social compliance of projects shall be defined by regulation.

**ARTICLE 20.-** (1) The officers in charge of controlling the social compliance of projects shall receive a bonus called a quota, out of the fees for the review of the Terms of Reference of social impact assessments and social audits.

(2) The terms and conditions for the sharing of the quota provided for in paragraph 1 above shall be defined by regulation.

### **CHAPTER III** **MONITORING OF THE SOCIAL COMPLIANCE OF PROJECTS**

**ARTICLE 21.-** (1) A National Committee for Monitoring the Social Compliance of Projects shall be set up.

(2) The Committee referred to in paragraph 1 above shall be responsible for giving its opinion especially on:

- the social clauses in the specifications of developers and contracting authorities;
- the admissibility and approval of the social impact assessment, including the social and economic assistance plan and the protection plan for vulnerable indigenous groups;
- the conditions and technical procedures for carrying out social audit;
- the conditions and technical procedures for carrying out social impact report;
- the terms of reference for social impact assessments, strategic social assessments and social impact reports for each activity;
- the issuance of the Favourable Social Control Report;
- the duration of the social impact study in conjunction with the relevant line ministry.

(3) It shall approve the annual evaluation report on the national situation of the social compliance of projects.

**ARTICLE 22.-** (1) Chaired by the Minister in charge of Social Affairs, the Committee shall comprise the following:

- two (2) representatives of the Ministry in charge of Social Affairs, including the Head of the National Brigade for the Social Compliance of Projects;



- one (1) representative of the Ministry in charge of environment;
- one (1) representative of the Ministry in charge of Regional Development;
- one (1) representative of the Ministry in charge of Public Works;
- one (1) representative of the Ministry in charge of Finance;
- one (1) representative of the Ministry in charge of Water and Energy;
- one (1) representative of the Ministry in charge of Urban Development;
- one (1) representative of the Ministry in charge of Mines;
- one (1) representative of the Ministry in charge of Transport;
- one (1) representative of the Ministry in charge of Rural Development;
- one (1) representative of the Ministry in charge of Regional and Local Authorities;

(2) The composition of the Committee and its Technical Secretariat provided for in Article 24 of this decree shall be established by decision of the Minister in charge of Social Affairs.

(3) Notwithstanding the provisions of paragraph 2 above, the Chairperson of the Committee may invite any natural or legal person, based on their expertise or experience on the subject matter, to take part in the deliberations in an advisory capacity.

**ARTICLE 23.-** (1) The Committee shall meet once a quarter in an ordinary session and, as and when necessary, in an extraordinary session, when convened by its Chairperson.

(2) Convening notices, together with the draft agenda and working documents shall be sent to members at least seven (7) days prior to the meeting.

(3) The Committee may validly deliberate on the agenda only if at least two-thirds (2/3) of members are present or represented.

(4) Decisions of the Committee shall be made by a simple majority of its members. In the event of a tie, the Chairperson shall have the casting vote.

**ARTICLE 24.-** (1) The Committee shall have a Technical Secretariat for the performance of its duties, whose work shall be coordinated by the Head of the National Brigade for the Social Compliance of Projects.

(2) The composition, organisation and functioning of the Technical Secretariat shall be laid down by decision of the Minister in charge of Social Affairs.

**ARTICLE 25.-** (1) At the end of each session of the Committee, a detailed report shall be sent, at the request of its Chairperson, to the Prime Minister, Head of Government.

(2) The annual report on the Committee's activities shall be sent to the Prime Minister, Head of Government, no later than the end of January of the year following the year in question.

#### **CHAPTER IV** **SANCTIONS**

**ARTICLE 26.-** (1) Any project developer who fails to comply with the recommendations of the social impact study, the social clauses of the specifications, the social audit, the social and economic assistance plan for the local population or the plan for the protection of vulnerable indigenous groups shall be liable to the withdrawal of the Favourable Social Control Report, after formal notice has remained without effect.



(2) In the event of a second offence, and without prejudice to the criminal proceedings provided for by the laws and regulations in force, the developer may, as the case may be, be suspended or stripped of the right to carry out the implementation or operation of the project concerned, or of any other project.

**ARTICLE 27.-** Without prejudice to the administrative and judicial sanctions provided for by the laws and regulations in force, any control officer responsible for controlling the social compliance of projects, found guilty of forgery in the drafting of a Favourable Social Control Report or a report of misconduct, shall be subject to the following sanctions:

- reduction, suspension or withdrawal of the quota provided for in Article 20 of this decree;
- temporary or permanent ineligibility, as the case may be, for any control of the social compliance of projects.

## **CHAPTER V**

### **TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS**

**ARTICLE 28.-** Project developers in the implementation or operation phases shall have a period of one (1) year to comply with the provisions of this decree.

**ARTICLE 29.-** (1) The functions of Chairperson and member of the National Committee for Monitoring the Social Compliance of Projects, as well as Coordinator, member and rapporteur of the Technical Secretariat shall be honorary.

(2) However, the persons concerned and persons invited in an advisory capacity may be entitled to a session allowance and work facilities, in accordance with the regulations in force.

**ARTICLE 30.-** (1) The operating costs of the Committee shall be charged to the budget of the Ministry in charge of Social Affairs.

(2) The Committee shall also receive financial support to the tune of fifty percent (50%) of the costs of reviewing files provided for in Article 20 of this decree, paid to the specialised payroll of the Ministry in charge of Social Affairs.

(3) The Chairperson of the Committee shall be the authorising officer for its budget. He may delegate this role to the Coordinator of the Technical Secretariat. He shall designate a controller who shall be responsible for accounting tasks, if need be.

**ARTICLE 31.-** Special instruments shall specify, where necessary, the terms of application of this decree.

**ARTICLE 32.-** All previous provisions repugnant to this decree, particularly those of Decree No. 2013/0171/PM of 14 February 2013 to lay down the procedures for conducting environmental and social impact assessments and Decree No. 2013/0172/PM of 14 February 2013 to lay down procedures for conducting environmental and social audit, are hereby repealed.


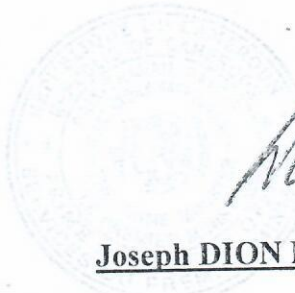
**ARTICLE 33.-** The Ministers in charge of Social Affairs, public investments, environment and finance, the contracting authorities, the State Engineering Administrations in their respective areas of competence, as well as Chief Authorizing Officers and Delegates of the Public Investment Budget shall, each in his or her area of responsibility, ensure the application of the provisions of this decree, which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and French.

Yaounde, 04 JUL 2022

**THE PRIME MINISTER,  
HEAD OF GOVERNMENT**

SERVICES DU PRÉSIDENT DE LA RÉPUBLIQUE  
SECRETARIAT GÉNÉRAL  
DIRECTION DES AFFAIRES GÉNÉRALES  
ET DES RELATIONS

COMMISSAIRE GÉNÉRAL

  
  
**Joseph DION NGUTE**