

REPUBLIC OF CAMEROON

PAECE - WORK - FATHERLAND

LAW N^o **98 / 021** OF **24 DEC. 1998**

TO ORGANIZE THE PORTS SECTOR

The National Assembly deliberated and adopted,
The President of the Republic enacts the law set
out below :

CHAPTER 2

THE NATIONAL PORTS AUTHORITY

SECTION 4: The legal form, organization and functioning of the National Ports Authority referred to in Section 3 above shall be laid down by statutory instruments.

SECTION 5: The National Ports Authority shall have the prerogatives of a public authority.

In this capacity, it shall, *inter alia*, be responsible for:

- planning the development of national ports;
- formulating port safety and policing norms and monitoring the implementation thereof;
- participating, as and when necessary, in the negotiation of ports agreements concluded by the government;
- monitoring the application of laws and regulations relating to the protection of the port environment;
- monitoring the application of port laws and regulations as well as performance;
- ensuring compliance with the rules of competition in ports activities;
- supervising ports activities;
- monitoring the implementation of the ports cost-effectiveness plan.

SECTION 6: The National Ports Authority shall define the conditions for the transfer and carrying on of port activities.

(2) The autonomous port body shall transfer the activities referred to in Sub-section (1) above to the private sector.

(3) However, where any of the activities mentioned in Sub-section (1) cannot be transferred to the private sector, the autonomous port body may exceptionally manage it directly, upon the recommendation of the competent Advisory Policy Committee. In such case, the Advisory Policy Committee shall recommend the conditions under which the activity shall be managed.

SECTION 10: (1) Ship building and repair shall be conceded or, where necessary, transferred to the private sector.

(2) The terms and conditions for ship building or repair concessions or transfers mentioned in Sub-section (1) above shall be laid down by separate instruments.

SECTION 11: (1) The autonomous port body shall be responsible for coordinating activities within its port area.

(2) To that end and in its capacity as manager of the landed property of the port, the autonomous port authority shall ensure:

- the protection of the port environment;
- the safety of exploitation operations;
- port safety and policing;
- the management and maintenance of port infrastructure and equipment;
- the renewal of port infrastructure.

Furthermore, the autonomous port body shall act as foreman for works assigned to specialized enterprises, under the conditions laid down in Section 6 of this law.

(3) The autonomous port body shall draw up the investment programme for the renewal of port infrastructure. The autonomous port body, the competent Advisory Policy Committee and the National Ports Authority shall jointly decide on the programme and the conditions under which it shall be implemented.

CHAPITRE V

TRANSITIONAL AND FINAL PROVISIONS

SECTION 14 : Port investments may be granted the benefits of the Investment Code.

SECTION 15 : (1) The measures provided for by this law shall be the subject of a plan of action drawn up by the Government and implemented within a period not exceeding 2 (two) years with effect from the date of enactment of this law.

(2) The plan of action referred to in Subsection (1) above shall, in particular, determine the modalities and plan for the transition from the present port management structures instituted by this law.

SECTION 16 : The provisions of Section 15 above notwithstanding, the setting up of the National Ports Authority, autonomous port bodies and Policy Advisory Committees shall be effected within a time-limit of not more than 6 (six) months with effect from the date of enactment of the law.

SECTION 17 : (1) Pending the actual putting in place of the National Ports Authority and autonomous port bodies and up till the end of the time-limit laid down in Section 16 above, the present port management structures shall continue to operate according to their articles of association.

(2) At the end of the time-limit prescribed in Section 16 above, the present port management structures shall be automatically dissolved.

ARTICLE 18 : The procedure for implementing this law shall be laid down by decree as and when necessary.

SECTION 19 : This law shall be enacted, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

YAOUNDE, the 24 DEC. 1998



PAUL BIYA

PRESIDENT OF THE REPUBLIC.

CHAPTER 1

GENERAL PROVISIONS

SECTION 1: This law shall govern the organization of the ports sector in Cameroon.

SECTION 2: The State shall define the national policy on ports.

To this end, it shall:

- determine port sites;
- approve general plans for port development;
- co-ordinate port activities with other modes of transport;
- lay down rules for the protection of the port environment and for port safety;
- ensure that each port body referred to in Section 3 below contributes towards the optimization of the whole port transport chain.

SECTION 3: The ports policy referred to in Section 2 above shall, in accordance with the provisions of this law, be implemented by the ministry in charge of ports, and, under its supervision, by the following structures set up by this same law:

- the National Ports Authority;
- Autonomous Port Bodies;
- Policy Advisory Committees.

SECTION 7: (1) The resources of the National Ports Authority shall derive from:

- royalties paid by each autonomous port body;
- subsidies, where necessary;
- gifts and legacies;
- any other source laid down by the Finance Law.

(2) The rate and conditions for the collection of the royalties to be paid by autonomous port bodies provided for in Subsection (1) above shall be determined by separate instruments.

CHAPTER III

AUTONOMOUS PORT BODIES

SECTION 8: (1) The management, promotion and marketing of each port shall be ensured by an autonomous port body.

(2) The creation, legal form, organization and functioning of the autonomous port body shall be determined by statutory instruments.

SECTION 9: (1) The commercial and industrial activities carried out in each autonomous port body shall concern mainly:

- warehousing;
- cargo handling;
- transit;
- tugging;
- consignment;
- fuelling of ships;
- stocking;
- management and maintenance of terminals;
- industrial installations;
- piloting.

SECTION 12: (1) The resources of each autonomous port body shall derive from:

- royalties for the use of port property as defined under Sub-section (2) of this Section;
- where necessary, proceeds of services provided in accordance with the provisions of Section 9 (3) above;
- gifts and legacies.

(2) The port property referred to in Sub-section 1 above shall comprise national land and port equipment and infrastructure.

(3) The rates and conditions for the collection of the royalties provided for in Sub-section (1) above shall be determined by each autonomous port body, in conjunction with the competent Policy Advisory Committee.

CHAPTER IV

POLICY ADVISORY COMMITTEES

SECTION 13: (1) A Policy Advisory Committee is hereby set up within each autonomous port body, in accordance with Section 3 of this law.

(2) The Policy Advisory Committee shall comprise mostly port operators and users. It shall be consulted on all issues relating to the programming of investments, the organization of operations, the fixing of service charges of operators in the port, the promotion of the port and the exchange of information.

(3) The organization and functioning of Policy Advisory Committee shall be determined by statutory instruments.

(4) The recurrent budget of the Policy Advisory Committee shall be borne by each autonomous port body.