

**-----**

**DECREE No. 2010/0239/PM OF 26 FEB 2010**

**to lay down conditions for the exercise of some powers transferred by the State to councils relating to safe drinking water supply in areas not covered by the public water distribution network conceded by the State. /-**

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

- Mindful of the Constitution;
- Mindful of Law No. 098/005 of 14 April 1998 on the water system ;
- Mindful of Law No. 2004/017 of 22 July 2004 on the orientation of decentralization;
- Mindful of Law No. 2004/018 of 22 July 2004 to lay down rules applicable to councils;
- Mindful of Law No. 2009/011 of 10 July 2009 to lay down the financial regime of the Regional and Local Authorities;
- Mindful of Law No. 2009/018 of 15 December 2009 to lay down the Finance Law of the Republic of Cameroon for the 2010 financial year;
- Mindful of Law No. 2009/019 of 15 December 2009 on the local fiscal system;
- Mindful of Decree No. 92/089 of 04 May 1992 to define the duties of the Prime Minister, as amended and supplemented by Decree No.95/145-bis of 4 August 1995;
- Mindful of Decree No. 2004/320 of 8 December 2004 to organize the Government, as amended and supplemented by Decree No.2007/268 of 7 September 2007;
- Mindful of Decree No. 2005/087 of 29 March 2005 to organize the Ministry of Energy and Water Resources;
- Mindful of Decree No. 2008/013 of 17 January 2008 to lay down the

organization and functioning of the National Decentralization Council;

Mindful of Decree No. 2008/014 of 17 January 2008 to lay down the organization and functioning of the Inter-Ministerial Committee for Local Services;

Mindful of Decree No. 2009/222 of 30 June 2009 to appoint a Prime Minister, Head of Government,

**HEREBY DECREES AS FOLLOWS:**

**CHAPTER I**

**GENERAL PROVISIONS:**

1. – This decree lays down conditions for the exercise by councils, as from the 2010 financial year, of some powers transferred by the State relating to safe drinking water supply in areas not covered by the public water distribution network conceded by the State, especially the project ownership and management of wells and boreholes. /-

2. - Notwithstanding the provisions of 1 above, councils may, on special authorization of the State contract-holder, ensure, from their own resources, the project ownership and management of wells and boreholes in the areas conceded to the said contract holder.

3. – Councils shall exercise the powers transferred by the State relating to the project ownership and management of wells and boreholes, without prejudice to the following State responsibilities and prerogatives:

- design and implementation of sustainable water and sanitation development plans and projects;
- definition of guidelines, national policies and strategies on water resources management ;

- spring and mineral water exploitation;
- laying down of conditions for the protection and exploitation of surface and underground waters.

4. – (1) The powers transferred by the State relating to the project ownership and management of wells and boreholes shall be exercised by the councils within the strict respect of the laws and regulations in force.

(2) The execution of the related expenses shall respect the provisions of the Public Contracts Code.

### **CHAPTER III**

#### **ON THE PROJECT OWNERSHIP AND MANAGEMENT OF WELLS AND BOREHOLES BY THE COUNCIL**

5. – Project ownership and management of wells and boreholes shall mean the exercise of the following activities at the local level:

- studies, construction and development of wells and boreholes;
- sustainable water conservation, protection and use;
- Care and maintenance of wells and boreholes within the council's jurisdiction;
- taking all necessary measures to ensure public hygiene and sanitation within and around the said wells and boreholes;
- care and maintenance of safe drinking water supply structures ;
- keeping a council file of safe drinking water supply structures.

6. – The control of the quality of safe drinking water from wells and boreholes managed by the council shall be ensured, at all times, by the State personnel in charge of water resources, the environment and public health, sworn and commissioned to this effect.

### **CHAPTER IV**

## **ON THE TRANSFER OF RESOURCES**

7. - (1) Wells and boreholes built by the State for safe drinking water supply shall be managed by the council.

(2) The said wells and boreholes shall remain State property and shall neither be sold nor given away free of charge.

8.- The list of wells and boreholes assigned to council by the State shall be defined by an order of the Minister in-charge of Water Resources.

9. – The transfer by the State of powers relating to the project ownership and management of wells and boreholes shall be accompanied by the concomitant transfer of resources necessary for their normal exercise by the councils.

10. - The Finance law of the State shall, each year, provide for the resources necessary for the exercise of the powers transferred to councils relating to the project ownership and management of wells and boreholes.

11. – Besides the resources transferred by the State, the council may benefit from the support of partners for the exercise of the powers transferred relating to the project ownership and management of wells and boreholes.

12. – (1) The financial resources transferred by the State shall exclusively be reserved for the exercise of the corresponding powers.

(2) The said resources shall be recorded in the council budget.

(3) Their management shall respect the budgetary and accounting principles in force.

### **Chapter V**

## **MISCELLANEOUS AND FINAL PROVISIONS**

13. - The terms and technical conditions for the exercise of the powers

transferred by the State relating to the project ownership and management of wells and boreholes, as well as the use of the corresponding resources shall be laid down in the duty specifications prepared by the Minister in charge of Water Resources.

**14.** - The State shall ensure the monitoring, control and evaluation of the exercise of the powers transferred to councils relating to project ownership and management of wells and boreholes.

**15.** – (1) The council and the competent decentralized services of the State shall prepare a six-monthly report on the state of implementation of the powers transferred relating to project ownership and management of wells and boreholes.

(2) The said report shall be addressed to the Minister in charge of Decentralization and the Minister in charge of Water Resources.

**16.** –The Minister in-charge of Decentralization and the Minister in-charge of Water Resources shall, each in its own sphere, be charged with the implementation 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, 26 February 2010

**YANG Philemon**  
**PRIME MINISTER,**  
**HEAD OF GOVERNMENT**