

OBTAINING CONSTRUCTION PERMITS IN CAMEROON: DEALING WITH THE LAW

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Introduction



Infrastucture is a prerequisite for economic development. It forms the backdrop of sustained economic progress, creates employment opportunities and improves citizens' quality of life. To this end, the World Bank created the "Doing Business Index" to measure the performance of countries. Admittedly, construction permits comprise a sub-category of the overall index where Cameroon ranks from 166th in 2019 to 167th in

2020. This article looks at current legislation for obtaining construction permits, the various parties involved and the implications for Cameroon's economic development.

The findings are accompanied by key recommendations, advocating for digitizing and streamlining the process of obtaining construction permits, lessening the administrative bottlenecks and supporting infrastructural development. One should note that the need to obtain construction permits is consistent with Law No. 2004/003 of April 21st 2004 to Regulate Town Planning in Cameroon. The conditions under said law are outlined as follows;

Multiplicity of conditions

In the absence of a valid permit, proprietors are liable to a penalty amount of 30% the buildings' total cost. Law No. 2004/003 of 21 April 2004 outlines nine conditions necessary to obtain a construction permit. According to this law, the Proprietor should obtain;

- Recent proof of land ownership
- A certificate of urban planning
- An approval of the overall plan and the site plan by the department of surveys
- A geotechnical assessment
- A certificate of conformity and ;
- Submit a completed application form alongside municipal council's documents.



It takes fifteen days after the date of submission of application for the Mayor to verify the application. The ensuing validation is a pre-requisite for the review board to discuss the application before a final decision from the mayor.

Before the permit is obtained, the applicant has contact local authorities where the land is located, hire an authorised supervision agency to assist, get an inspection team composed by the city council to inspect the land. Deliberations by the team will determine if the permit will be issued or not. The process is even more convoluted by an additional list of over ten documents to be submitted alongside the multiplicity of conditions. The long procedure involved in getting a construction permit is a disincentive for citizens with the intention to apply.

Procedures and fees

The case studies used in this paper on the procedures and fees related to obtaining construction permits are Buea and Yaoundé. Buea is among the fastest growing towns in Cameroon with increasing infrastructural and socio-economic activities. Most buildings in this town – be they commercial or residential – are owned by Cameroonians in the diaspora¹. The lack of a digitized streamlined process has impeded the process of obtaining construction permits. The consequence includes buildings constructed in a haphazard manner, in risky areas with little or no considerations for town planning regulations.

Buea is a volcanic town prone to seismic activities, which exposes the buildings to risk of natural disasters. The official requirements for obtaining a construction permit in Buea includes:

- Proof of land Ownership
- Four (04) copies of the architectural plan
- Six (06) buildings and situation plans issued by the Surveys Department.
- A structural analysis signed by an Engineer of the National Order in the case of storey buildings and;
- A land tax receipt

In addition to the above, financial obligations include a 1% payment of the estimated cost of the building to the Buea Council Treasury, a 25 000 FCFA, 50 000 FCFA or 75 000 FCFA fee for a bungalow, one and two storey buildings respectively to the joint commission.

Additionally, the official registration cost approximately 4 000 FCFA and a town planning certificate estimated at 25 000 FCFA. After fulfilling the above, the joint commission sits and evaluates and if approved, the permit is issued by the Mayor of the Buea Council. In Yaounde, the Capital of Cameroon, the procedure is slightly different. The owner obtains a list of documents to provide and a form to fill from the Yaoundé City Council. There are three types of building permits;

- Building permit issued when there is a land title
- The implantation permit which is a temporal permits awaiting a land title issued by the Government Delegate of the Yaoundé City Council.
- Building permits for communal houses

1. Based on findings from the thematic report, Dealing with Construction permits in Cameroon. Nkafu Policy Institute (2020).

The requirements for obtaining a construction permit in Yaoundé starts with the filling of a registration form and purchase of stamps, providing certificates of property, urbanization, plan situation and mass plan, a building plan and descriptive estimates of the septic tank. Each document is presented in either 4 or 5 copies depending on the surface area. Officially, it takes 90 days to obtain a construction permit in Yaoundé. An architect in the Yaoundé City Council informed the Nkafu study team that, the Yaoundé City Council facilitates the process of obtaining building permits.

Actors involved in the process

The principal actors involved in the issuance of construction permits in Cameroon are the City Council or Mayors of the Sub-divisional councils, The Ministry of Housing and Urban Development in collaboration with other ministries like the Ministry of Territorial Administration, the Ministry of Energy and Water Resources and the Ministry of Environment and Nature Protection), including inspectors and security officers.

The numerous parties involved in this process further confirms the complexity of procedures, norms, conditions, and documents required to obtain the permit considering that they all have different roles to play. This has severe economic and financial repercussions.

Recommendations

In order to encourage Cameroonians to apply and obtain construction permits, incentives such as property tax reduction or exemptions by the government should be used to encourage citizens.

It is extremely important to harmonize the procedures and requirements for obtaining construction permits in Cameroon. Having different procedures and requirements in different towns impedes efficiency, especially for foreign investors. Burundi, for example, has

made considerable progress by harmonizing its laws nationwide.

In order to streamline the process for foreign investors, the one-stop-shop online mechanism should be made 100% effective and digitized to improve governance whilst eliminating unnecessary expenditures. It is imperative to digitize filing and processing, evaluating applications and issuing building permits online via a digital platform. This will reduce the time taken (90 days), cost, and procedures as well as improve transparency and traceability. It will equally facilitate the process for obtaining a digital construction permit for foreign and local investors. A system of electronic licensing should implement, in order to make it easier for investors to access information and permits.

The Government should impose sanctions and/or create financial incentives for authorities who do not respect delays for the issuance of various documents required to obtain a construction permit. There is also urgent need to reduce the time taken to obtain permits for water supply as 50 days is lengthy and ineffective.

Conclusion

This article finds the process of obtaining construction permits to be necessary, but convoluted with lengthy procedures that could be digitized. The latter will improve the flow of information, reduce administrative bottlenecks and improve Cameroon's ranking in the construction permit indicator. Furthermore, a transparent and digitized process will incentivise foreign direct investment over the long run.



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