

République Of Sénégal
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Ministry of Environment and Sustainable Development

Department of Environment and Classified Establishments

Environmental Compliance and Environmentally Sound Management for Development Project Implementation in Senegalese Context

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PLAN OF THE PRESENTATION

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INTRODUCTION

- Environmental and natural resources preservation and sustainable management is a major concern in Senegal.
- Senegalese authorities acknowledge the importance of environmental resources which sustain economic and social development since all development activities (agriculture, fisheries, mining, tourism, etc.), are based on natural resources exploitation.
- Availability of an Environmental Policy guidances with a 5-years horizon time, demonstrating the willingness of authorities to set up and regularly update a clear vision for sustainable use of the nature and its

ENVIRONMENTAL ISSUES

- All types of pollutions (solid and liquid waste managements issues and atmospheric emissions);
- Unsound use of chemicals in development sectors such as agriculture and fisheries;
- Technological and industrial risks of accidents and disasters;
- Climate change and its adverse effects (land salinization, drought, coastal erosion, specific health issues);
- Biodiversity loss and species extinction;

BRIEF OVERVIEW ON SENEGALESE ENVIRONMENTAL LAW

- The right to have an healthy environment is stipulated in the Senegalese Constitution (Article 8 of the Constitution).
- This right is strengthened by several laws and codes that aim to protect and ensure a sustainable exploitation of natural resources :

Environmental Code, Forestry Code, Mining Code, Hunting and

Wildlife Protection Code, Agro-forestry & pastoral Law, Water Code, etc.

- These various codes and laws have a dual objective to contribute to poverty reduction strategy and to the achievement of a sustainable development.

BRIEF OVERVIEW ON SENEGALESE ENVIRONMENTAL LAW (bis)

- In addition to national laws, Senegal has ratified almost all Multilateral Environmental Agreements (MEAs) which are part of the legal system.
- The areas covered by MEA's are, amongst others, coastal and marine resources and pollution, ozone protection, climate change, biological diversity, drought and desertification, chemicals, hazardous waste, forests, wetlands, fauna protection, world heritage site.
- The legal framework also includes decentralization laws which give to local authorities and local communities the right and the opportunity to sustainably manage their own

ENVIRONMENTAL AND SOCIAL IMPACTS ASSESSMENTS

- Support decision-making processes with an "ultimate objective [to provide to] decision-makers with an indication of the likely consequences of their choices" (Wood *et al.*, 1992).
- Minimize and mitigate the negative impacts of plans, strategies, policies, projects and generally development activity and help to maximize positive impacts from development activities.
- Should be completed at the very beginning of the planning processes and should include all types of development activities (Wood *et al.*, 1992).

LEGAL FRAMEWORK OF ENVIRONMENTAL AND SOCIAL IMPACTS ASSESSMENTS

- Environmental and social assessments for projects, programs, development plans and policies is mandatory (Environmental Code, Loi 2001-01, 2001).
- Senegalese Environmental Code establishes a mandate to complete prior or post environmental and social assessment:

"Any project or activity that may affect the environment, as well as policies, plans, programs, and regional and sectorial studies will be subject to an environmental assessment" (Article L 48, Loi 2001-01, 2001).

- Process by which environmental and social impacts assessments are implemented is described in the Decree No. 2001-282 of April, 12th, 2001, in

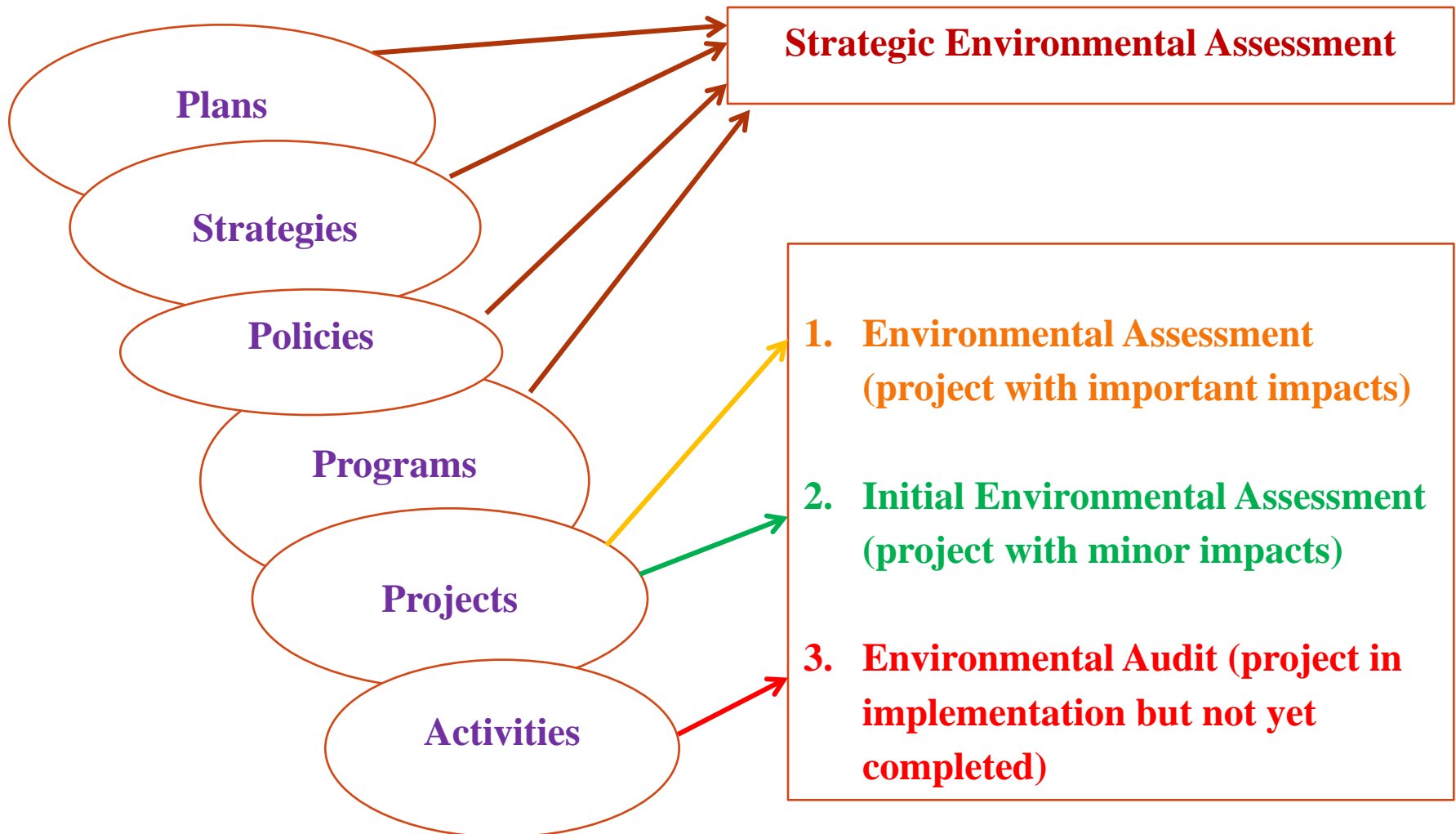
LEGAL FRAMEWORK OF ENVIRONMENTAL AND SOCIAL IMPACTS ASSESSMENTS (bis)

Article R 38, line 2 : *“EIA are completed prior to any administrative authorization required for the completion of a proposed activity”*

Article R 40 : Classification of EIA into 2 types :

- **Category 1 :** Environmental Assessment of Projects with major impacts
- **Category 2 :** Initial Environmental Assessment for projects with minor impacts

TYPES OF ENVIRONMENTAL AND SOCIAL IMPACTS ASSESSMENTS AND IMPLEMENTATION LEVELS



In accordance with Article R 41, complementary regulations describe the others aspects of EIA related to :

- Public participation (Arrêté N° 009468, 2001)
- Technical Validation Committee Organization (Arrêté N° 009469, 2001)
- Requirements to perform ESIA activities (Arrêté N° 009470, 2001)
- Elaboration of Terms of Reference for EIA (Arrêté N° 009471, 2001)
- Contents of EIA report (Arrêté N° 009472, 2001).

OTHER STATUTORY GUIDELINES AND TECHNICAL TOOLS

- Prime Minister Order N° 009/PM/SGG/SP, 2001 on EIA implementation
- Prime Minister Order N° 0001/PM/SP du 22 mai 2007 On Environmental Code Implementation
- Liquid Waste Standards (NS 05-061)
- Atmospheric Emissions Standards (NS 05-062)
- Allowable Cadmium rate Standards for fishing products (NS 03-045)
- Allowable Mercury rate Standards for fishing products (NS 03- 046)
- Reference guidelines sectorial pour les EIE (23 sectors)
- Senegalese Nomenclature for classified installations

CONCLUSION

- After more than a decade of EIA implementation, we acknowledge that development actors are now aware about the necessity to complete environmental assessments and to implement environmental management plan in order to ensure the sustainability of their activities.
- We also acknowledge that there are some limits in the implementation process because of institutional, technical, financial and human constraints.
- However, these limits are being overcome through training and capacity building activities and through a review of the Environmental Code.

A close-up photograph of a black and gold fountain pen writing the words "Thank You" in a cursive script on a white surface. The pen is positioned on the right side of the frame, with its nib touching the end of the word "You".

Thank You

For futher information consult : www.denv.gouv.sn