

CLIMATE CHANGE LEGISLATION IN

SENEGAL

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Senegal

Legislative Process

The Republic of Senegal, which achieved independence from France in 1960, has a legal system based in French civil law and is a semi-presidential liberal democratic republic. The most recent constitution was adopted and promulgated in 2001 and has been amended numerous times, most recently in 2008. The President is the head of State, while the Prime Minister is the head of Government and both the Government and Parliament possess legislative power.

Senegal currently has a unicameral Parliament, the National Assembly, composed of 150 seats, 90 members of which are elected by direct and popular vote and 60 of which are selected on the basis of proportional representation from a list of political parties. All members serve five-year terms. The most recent parliamentary election was held in 2012 and the next election is due to be held in 2017. The legislature has periodically fluctuated between a unicameral and bicameral parliament, and has been unicameral since 2012.

The legislative process in Senegal is comprised of three stages: drafting of the text, parliamentary scrutiny, and presidential sanction. Laws regarding public finance and security have a special procedure, but ordinary laws all follow the same process. Proposals can be drafted by members of the Assembly or by the competent bodies of the various ministries of the executive power.

In the first phase, the draft text is evaluated by one of eight permanent commissions or a special committee of the Assembly, depending on the subject. Following initial passage, the text is included in the agenda of the plenary session and discussed amongst all members of the Assembly in a public session. Once approved or amended by a majority of votes, the final text is submitted to the general secretariat of the government and the President. The President has 15 days to sanction the new law, which will then be published in the official journal to enter into force.

Approach to Climate Change

Climate change policy and legislation feature in a complex framework of co-operation. Since Senegal's 1996 institutional reform, policy-making has been highly decentralised, as local and regional authorities share competences with the national government over several issue-areas, including climate change. Moreover, the international community also plays a leading role in this process, with international organisations and foreign countries working closely with the

government and/or civil society on climate issues. As a result, climate change is linked to the promotion of sustainable development, defined in both social and economic terms, and features in a huge range of policy areas, being related to poverty reduction and the promotion of the United Nations Millennium Development Goals.

Senegal has been very active in taking part in global climate governance, especially at the UN level. The country released both a National Adaptation Plan (2006) for the UNFCCC and a National Strategy for Sustainable Development (in 2005), as part of the regional initiative of the UN Economic Commission for Africa. Senegal is also one of the key players behind the Great Green Wall Project. Conceived by the African Union, the project aims to halt the advance of the Sahara desert and entails co-operation amongst 11 countries in the region.

At the national level, the foundation of the National Committee on Climate Change (COMNACC) in 2011 contributed to creating a central platform for co-operation on climate change. One of the key roles of the Committee is following the activities developed at the UNFCCC, thus reinforcing the link between global and national climate politics.

Senegal approaches climate-related issues in association with its quest for development. On this basis, the 2009-2015 Environment and Natural Resources Sector Policy Letter defines as main objectives of environmental policy the promotion of a sustainable environment to be achieved by the incorporation of sustainable development principles in various national policies.

Energy Supply

Energy supply is dominated by biomass (47%) and oil (48%), with the remaining 5% provided by coal, natural gas, hydropower, and solar. All fossil fuels are imported, leaving the country highly vulnerable to price increases. The significant dependence on biomass, specifically wood and charcoal, has also taxed the native forests, contributing to their degradation.

Despite the negligible amount of installed renewable generating capacity, Senegal has significant solar energy potential, providing a strong opportunity to develop photovoltaic solar power. Wind energy potential is also significant between Dakar and Saint Louis and large hydropower potential is estimated to be as high as 1,400MW.

In 2012, the International Renewable Energy Agency (IRENA) prepared, in collaboration with the government, a Renewable Readiness Assessment (RRA). In the foreword to the RRA, the Minister of Energy and Mines articulates that the country's energy policy aims to increase the proportion of renewable energy and biofuels in the energy mix by 15% by 2020. The RRA identifies four recommendations for itself: (1) detailing a comprehensive strategy for mapping

renewable energy potential across the country, (2) facilitating grid integration of renewable sources via enforcement and implementation of the Renewable Energy Law (passed in 2010); (3) restructuring the institutional, legal and regulatory framework for biofuel production and adapting to small-scale renewable projects; and (4) identifying market conditions necessary for private sector involvement in renewable development.

Energy policy is outlined under “Letters of Policy Development of the Energy Sector” (LPDSE). The first letter was drafted in 1997 adopting policy measures to be implemented in a five-year period to decrease the cost of energy supply, curbing inefficiency, and increasing funds to develop the energy sector. The second LPDSE was adopted in 2003. Coming into force in 2008, the third LPDSE restructures energy policy by identifying the strategic role renewables could play in energy and transportation. Following from the third LPDSE, institutional, legislative and regulatory structures were strengthened to encourage the development of renewable generation.

In 2006, Senegal adopted the National Bioenergy Strategy, to help reinforce energy security by increasing bioenergy production. The strategy centered on the development of jatropha (a species of flowering plant) for biodiesel and sugarcane for ethanol production. The production of ethanol is also included in policies on agriculture sector. Following the launching of the 2006 Strategy, the government institutionalised the National Committee on Biofuels (CNB) to promote co-ordination between the various governmental bodies involved in policy-making on biofuels.

Energy Demand

Energy demand is growing; however, the current electricity supply is unreliable and residents and businesses experience recurring power outages. Only about 40% of people have access to electricity; although the urban electrification rate is as high as 70%, only 22% of the rural population has electricity. The 2008 LPDSE aims to increase the national electrification rate to an average of 75% by 2012, in an environmentally aware manner.

In 2008, the Senegalese Rural Electrification Agency (ASER) concluded an agreement with the World Bank launching a series of activities under the Clean Development Mechanism (CDM). The Energy Efficient Lighting Programme aims to provide more affordable electricity to rural areas, providing 1.5m energy efficient compact fluorescent lamps to rural communities. Expecting to save 120,000 tonnes of CO₂-equivalent GHG emission reductions with the new light bulbs, ASER will then sell these GHG reductions to the Community Development Carbon Fund, managed by the World Bank.

REDD+ and LULUCF

As a result of the decentralisation of policy-making implemented in 1996, local authorities have a high degree of autonomy over the management of land use and natural resources, including forests. Thus, policies formulated at the national level provide guidelines for the development of local initiatives. The National Forest Service plays a crucial role in supporting local communities, advising on the management and financing activities of forest and land use issues. As part of these initiatives, in 1998 the Ministry of Environment launched the National Action Programme Against Desertification, developing a long-term plan with measures to tackle the issue.

The National Forest Policy 2005-2025 provides the basis for national plans and programmes in these areas. Grounded on the principle of decentralisation and the fight against poverty, the main objective of the plan is to contribute to poverty reduction by promoting sustainable management and conservation of biodiversity and forest resources, reaching a socio-environmental balance, but also meeting the needs of the population.

Adaptation

The 2006 National Adaptation Programme of Action (NAPA) highlights the three priority areas for climate change adaptation: coastal zones, water infrastructure, and agriculture sectors. It also outlines the following priority adaptation responses: restoration of mangrove swamps, reforestation, biological stabilization of sand dunes, protection against beach erosion, salinisation prevention measures, irrigation and water conservation projects, soil fertility restoration, crop alternatives, and education.

More than 75% of the population is dependent on the land for their well being, in particular rain-fed crops, and fluctuations in seasonal weather patterns are already highlighting the necessity of implementing adaptation measures in the agriculture sector. Specifically, there is a need for scientific data regarding meteorological patterns, soil fertility and adaptive seed varieties.

In contrast to rural droughts, the peri-urban areas around Dakar have witnessed recurrent flooding. Senegal is implementing a Stormwater Management and Climate Change Adaptation Project, launched in 2013 to improve flood prevention and stormwater management particularly around Dakar. A 2014 World Bank Implementation Status report reveals the project is on track with about 50% of emergency drainage works complete, resulting in the protection of 18,500 people and 88ha of flood prone area. The 2014 target is the protection of 32,250 vulnerable people and 125ha of land.

Senegal: Legislative Portfolio

Name of law	Renewable Energy Law (No. 2010-21)
Date	20 December 2010
Summary	<p>Regulates the renewable energy sector outlining goals, laying the foundation for a feed-in-tariff scheme, and providing tax incentives for development.</p> <p>Specifically, the law establishes the legal framework for the sustainable development of renewable energy. Goals outlined in this legislation include: reducing dependence on fossil fuels, diversifying the energy mix, reducing GHG emissions and facilitating domestic energy production. The law directs the Ministry of Renewable Energies to establish and regulate incentive schemes for renewable development, including: (1) a tax exemption for the purchase of equipment required for renewable generation intended for domestic consumption; and a (2) tax relief scheme for renewable energy technology research. The Law also requires electricity network operators to connect renewable generation facilities to the grid.</p>

Name of law	Law 2010-22 Regulating the Biofuels Industry
Date	22 June 2010
Summary	<p>The Law aims to develop the biofuels sector, establishing norms and conditions for the production and exploitation of biofuels in the national territory as well as for international co-operation. More broadly, the law aims to contribute to environmental protection and increase the value of forest and agricultural resources. Overall, the law expects to increase access to energy, promoting economic growth and social welfare. The law covers all components of biofuels sector, from production to processing, storage to transportation and distribution.</p> <p>It grants biofuels the fiscal benefits established under the Great Agricultural Offensive for Food and Abundance Programme. Thus, revenues generated from biofuel activities are exempted from taxation for a period of five years. The purchase of seeds and equipment for the production and export of biofuels are exempted from value added taxes for an indeterminate period of time.</p> <p>According to the new law, biofuels projects are eligible to certifications under the CDM. The ownership over these carbon credits should be negotiated between the State and the “promoters”.</p>

Name of law	Environment Code (Law 2001-01)
Date	12 April 2001
Summary	<p>The Code recognises the environment as national and international patrimony, establishing that all citizens have the right to live in a healthy environment, but are also responsible for its protection. Thus, environmental conservation must be integrated in national policies addressing socio-economic development and cultural issues.</p> <p>The key instruments for environmental protections outlines in the Code address: biodiversity; desertification; forest management; air pollution; urban planning; and hazardous waste disposal. Commitments undertaken under the framework of the United Nations are highlighted as the basis for actions on climate change (with reference to the UNFCCC) and the control the emission of pollutants (recalling the Vienna Convention and the Montreal Protocol).</p>

All activities within this broad range of areas must have an environment permit issued by the competent authorities, on the basis of an impact assessment study. The assessment criteria consider the impact of the activity on climate change, ecosystem, natural resources, archaeological and historical buildings and the welfare of the population.

Infringements to the articles of the Code are subjected to penalties, varying from fines to imprisonment.

Senegal: Executive Portfolio

Name of Policy	Decree No. 2014-880 on the powers of the Minister of Environment and Sustainable Development
Date	22 July 2014
Summary	<p>Outlines the responsibilities of the Minister of the Environment and Sustainable Development, including protecting the environment of Senegal against pollution of any kind and ensuring that polluting activities do not impact the living conditions of the Senegalese people.</p> <p>Further directs the Minister to:</p> <ul style="list-style-type: none">• Protect waterways• Preserve fauna and flora• Protect the coasts, estuaries, and marine life from erosion• Protect endangered species• Fight desertification and promote soil rejuvenation policies• Develop environmental education• Promote the forest economy via the sustainable use, ensuring the implementation of reforestation policy• Participate in the implementation of water conservation policy• Manage a climate change monitoring mechanism and track climate change trends.

Name of Policy	Ministerial Decree No. 9317 establishing the organization and functioning of the National Greenhouse Gas Reduction Programme through energy efficiency in the building sector and related regulation
Date	17 June 2013
Summary	<p>Decree No. 9317 establishes the National Greenhouse Gas Reduction Programme through energy efficiency in the building sector. The overall objective of the programme is to develop energy-efficient practices in the residential and commercial buildings construction sector.</p> <p>The programme aims in particular at:</p> <ul style="list-style-type: none">- increasing the number of energy efficient building construction projects using innovative building materials and practices;- developing standards for energy efficient construction;- increasing the number of construction professionals integrating the energy efficient building standards in their project design and construction process. <p>The 'Ministerial Decree No. 9318 on the establishment, composition and functioning of the National Programme Steering Committee for Greenhouse Gas reduction through energy efficiency in the building sector' (17/06/2013) then creates the inter-ministerial National Programme Steering Committee for Greenhouse Gas reduction through energy efficiency in the building sector and of the Project "Production of thermal insulating materials based on typha" (cattail – type of plant with good insulation properties and high yields).</p>

Name of Policy	Decree No. 2013-684 on the establishment, organization and functioning of the National Agency for Renewable Energies
Date	17 May 2013
Summary	The Decree establishes the National Agency for Renewable Energies (ANER), under the technical supervision by the Minister for Energy. ANER's mission is to promote the use of renewable energy, including bioenergy. As defined in the text of the Decree, the Agency should in particular participate in the definition and formulation of energy policy, contribute to the development of an attractive legal and regulatory framework for the development of renewable energy, popularise the use of equipment for the production of electricity from renewable sources, conduct prospective and strategic studies for the development of renewable energy, contribute to the improvement of research and development and encourage technological inventions for renewable energy, and develop and implement information, awareness, communication, demonstrating education and training of technical interest, economic, social and environmental development of renewable energy.

Name of Policy	Decree 1577 Regulating the Inter-ministerial Committee on Renewable Energy
Date	17 February 2011
Summary	Decree 1577 creates and regulates the functioning of the Inter-ministerial Committee on Renewable Energy, bringing together the Ministry of Energy and the Ministry of Renewable Energies. Operating under the supervision of the two ministries, the Committee aims to ensure co-ordination of actions and programmes on renewables, improving efficiency in the sector. Meeting monthly, the Committee is formed of four representatives from each of the two Ministries, although members of the staff of other governmental bodies may take part in the meeting when the issues discussed relate to their agendas.

Name of Policy	Decree No. 2008-38 on the powers of the Minister of Biofuels, Renewable Energies, and Scientific Research
Date	25 January 2008
Summary	The Decree defines the powers of the Minister of Biofuels, Renewable Energies and Scientific Research related to preparation and implementation of policy on exploration and exploitation of alternative energy sources and promotion of scientific research. In particular, the Minister is responsible drawing up development plans and programs to support clean energy sources and to significantly reduce the use of fossil fuels; ensures the adequacy of specific up-to-date technology choices for solar, hydro and wind energy sources and to this end promotes the basic and applied research in conjunction with national development policies.

Name of Policy	National Bioenergy Strategy
Date	2006
Summary	The National Bioenergy Strategy aims to contribute to national energy security through the production of bioenergy, for transport as well as power generation. It concentrates on developing jatropha (a species of flowering plant) for biodiesel production and sugarcane for ethanol production. The Strategy set an informal goal of planting "a total of 320,000 ha of jatropha by 2012, by providing each of 320 rural communities with 1,000 ha of jatropha seedlings, which would be used to produce a total of 1.2bn litres of jatropha oil to meet annual petrol and diesel needs" (IRENA 2012). However, the implementation of the Strategy has been so far incomplete.

Name of Policy	Ministerial Decree 1220 establishing the National Climate Change Committee (amended by the Decree 2011-1689)
Date	7 March 2003 (amended 2011)
Summary	<p>The Decree formalises the creation of the National Climate Change Committee (NCCC) with jurisdiction over all domains related to the activities related to the UNFCCC and its legal instruments, such as: a) technological transfer; b) energy efficiency; c) promotion of renewable energy; d) carbon emissions reduction; e) capacity building for biodiversity preservation; f) management of marine resources; g) pollution management.</p> <p>The NCCC plays key role in raising awareness and disseminating information on climate change issues, as well as assisting the development of national and local projects within this area.</p> <p>Constituted of several bodies of the executive power, non-governmental organisations, universities and research institutes, and civil society organisations, the NCCC is directed by a president and a vice-president nominated by the Ministry of Environment. Meetings are convened upon request of the presidency and decisions are adopted by consensus.</p>

Sources:

- Food and Agriculture Organization (2006) The national forest programme in Senegal: developing decentralized planning and management capacities. Available at: <http://www.fao.org/docrep/009/a0970e/a0970e12.htm> (accessed on 4 October 2014).
- Government of Senegal, Laws and Regulations (2014) <http://www.gouv.sn/-Lois-et-reglements-.html> (accessed on 4 December 2014).
- Lo, Henri and Emmanuel Tumusiime, “The Influence of US Development Assistance on the Adaptive Capacity to Climate Change: Insights from Senegal,” (accessed on 10 October 2014).
- Ministry of Environment and Nature Protection (2010) Second National Communication to the UNFCCC. Available at: <http://unfccc.int/resource/docs/natc/sennc2exsum.pdf> (accessed on 3 October 2014).
- Ministry of Environment and Nature Protection (1998) Forest Code. Law. 98/03 (accessed on 3 October 2014).
- Ministry of Environment and Nature Protection (1999) Initial National Strategy for the Implementation of the UNFCCC. Available at: <http://unfccc.int/resource/docs/natc/sennc1add1.pdf> (accessed on 4 October 2014).
- Oxfam America Research Backgrounder series (2013): <http://www.oxfamamerica.org/static/media/files/senegal-climate-change-research-backgrounder-7-23-13.pdf> (accessed on 3 October 2014).
- Republic of Senegal (2001) Environment code. Law N.2001-1. 15 January 2001. Available at: www.environnement.gouv.sn/IMG/pdf/code_env.pdf (accessed on 4 October 2013).
- Senegalese Official Journal (2003) Ministerial Decree 1220 establishing the National Climate Change Committee. & March 2003. Available at: <http://www.jo.gouv.sn> (accessed on 6 October 2014).
- Senegalese (2003) Association of technical norms. Air Pollution. Norm 05-062. 28 October 2003. Available at: www.saed.sn/pollution-ns05062_aw.pdf (accessed on 4 October 2014).
- “Senegal Storm Water Management and Climate Change Adaptation Project, Implementation Status and Results” (2014) The World Bank. <http://documents.worldbank.org/curated/en/2014/08/19939565/senegal-stormwater-mgt-climate-change-adaptation-project-p122841-implementation-status-results-report-sequence-04> (accessed on 3 October 2014).
- “Senegal Renewable Readiness Assessment,” (2012) International Renewable Energy Agency. <http://www.irena.org/DocumentDownloads/Publications/IRENA%20Senegal%20ORRA.pdf> (accessed on 3 October 2014).
- Senegalese Official Journal (2014) <http://www.jo.gouv.sn>.
- “Senegal Climate Risk and Adaptation Country Profile,” (2011) The World Bank Group. http://sdwebx.worldbank.org/climateportalb/doc/GFDRRCountryProfiles/wb_gfdr climate_change_country_profile_for_SEN.pdf (accessed on 6 October 2014).
- “Senegal,” CIA World Factbook (2014). <https://www.cia.gov/library/publications/the-world-factbook/geos/sg.html> (accessed on 6 October 2014).