

SANITATION COUNTRY PROFILE GAMBIA

Decision-Making

- A. Basic Sanitation
- B. Solid Wastes
- C. Hazardous Wastes
- D. Radioactive Wastes

Programmes and Projects

- A. Basic Sanitation
- B. Solid Wastes
- C. Hazardous Wastes
- D. Radioactive Wastes

Status

- A. Basic Sanitation
- B. Solid Wastes
- C. Hazardous Wastes
- D. Radioactive Wastes

Capacity-Building, Education, Training and Awareness-Raising

- A. Basic Sanitation
- B. Solid Wastes
- C. Hazardous Wastes
- D. Radioactive Wastes

Information

- A. Basic Sanitation
- B. Solid Wastes
- C. Hazardous Wastes
- D. Radioactive Wastes

Research and Technologies

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Financing

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- B. Solid Wastes
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Cooperation

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Decision-Making: *National Environmental Management Act:* The principal instrument of environmental legislation in The Gambia is the National Environmental Management Act (NEMA) 1994. This Act establishes the National Environmental Management Council (NEMC) and the National Environment Agency (NEA), together with technical working groups and local Environment Committees. It provides for the introduction of environmental impact assessment and auditing as part of the environmental planning process. The main sections relevant to the Environmental Quality Monitoring and Enforcement Project are contained in Part VI (Environmental Standards), Part VII (Environmental Management), Part VIII (Pollution Control) and Part IX (Inspection, Analysis and Records), and are as follows:

- (i) section 28 empowers NEA to establish standards and monitoring procedures for twelve specified environmental media, including air quality, water quality and solid waste.
- (ii) Section 38 provides for an industrial discharge permitting system to be set up by regulations. Discharge of "any dangerous material or substance" into water or other environmental media is prohibited, except in accordance with the regulations. In addition to criminal penalties, provision is made for restitution and compensation.
- (iii) Section 39 prohibits pollution of the environment in excess of the standards set under section 28. In addition to criminal penalties, provision is made for restitution and compensation.
- (iv) Section 41 enables the Agency to appoint environmental inspectors by notification in the *Gazette*.
- (v) Section 42 provides powers for inspectors to enter premises, examine records, undertake monitoring, seize vehicles/plant, close processes, issue improvement notices and make arrests.
- (vi) Section 43 specifies the procedures for taking samples for analysis, according to a tripartite sampling procedure.
- (vii) Section 44 empowers the NEMC to designate laboratories as analytical laboratories or reference laboratories for the purposes of the Act.
- (viii) Section 45 empowers the NEMC to appoint public officers to serve as analysts or reference analysts for the purposes of the Act.
- (ix) Section 46 requires designated laboratories to issue certificates of analysis in respect of substances submitted to it.
- (x) Section 47 enables the NEA to require the keeping of records for the purpose of environmental auditing, monitoring, pollution control, inspection or other purposes and to require records to be transmitted to the Agency.

The NEMA therefore provides the framework for environmental quality standards, monitoring and enforcement covering waste management activities. It is understood that the implementation of the standards, monitoring and discharge permitting will require the issue of Regulations by the National Environmental Management Council.

Although the wording of the NEMA sections 38 and 39 with respect to pollution offences is very broad, it remains as yet untested since the first prosecution under these sections has yet to be brought. Advice from the Ministry of Justice is that a prosecution for a pollution offence would need to be supported by evidence of actual damage done to the environment and to other interests such as agriculture, including monitoring data, photographs and evidence gathered by a police investigating officer. The power under section 42 for NEA Inspectors to close processes has not yet been used, and it is understood that it is unlikely that such action would be taken unless a successful prosecution for a pollution offence had first been obtained.

Public Health Act: The Public Health Act 1990 provides for the Director of Health Services to undertake a range of functions to preserve health. The collection and disposal of solid waste was originally included within these, but this responsibility was subsequently transferred to the local authorities, with the Director of Health Services retaining a monitoring and regulatory role. This function is exercised through the Public Health Inspectorate. The Act provides powers for Health Officers to enter premises for inspection and take possession of dangerous premises for the purposes of executing remedial works.

Other Legislation: Other legislation which is of relevance to waste management includes the following:

General Environmental Legislation/Institutional Issue:

Local Government (City of Banjul), Chapter 33:02, Act 1 of 1946
 Local Government, Chapter 33:01, Act 26 of 1963
 Territorial Sea and Contiguous Zone, Chapter 26:02, Act 4 of 1968
 Continental Shelf, Chapter 26:01, Act 11 of 1965

Public Health and Pollution Control:

National Water Resources Council, Chapter 66:02, Act 22 of 1979
 Hazardous Chemicals and Pesticides Control and Management Act, 1994
 Plant Importation and Regulation, Chapter 58, Act 2 of 1936
 Prevention of Damage by Pests, Chapter 60:02, Act 5 of 1962
 Environmental Protection (Prevention of Dumping), Chapter 72:02, Act 15 of 1988

Natural Resources Management:

Forest, Chapter 61, Act 9 of 1977
 Forest Regulations, Chapter 61, 1978
 Wildlife Conservation, Chapter 62:01, Act 1 of 1977
 Fisheries Act, 1991, Act 10 of 1991
 Fisheries Regulations, 1995
 Minerals, Chapter 64, Act 21 of 1953
 Petroleum, Chapter 65:01, Act 14 of 1921
 Petroleum (Exploration and Production), Chapter 65:02, Act 13 of 1986

Infrastructure and Industr:

Ports, Chapter 68:01, Act 21 of 1972, Amended by 17 of 1976, 21 of 1977
 Factories, Chapter 56:02, Act 1 of 1941
 Hotels and Restaurants, Chapter 94:01, Act 16 of 1974

Land Tenure and Land Use:

Lands (Provinces), Chapter 57:03, Act 16 of 1945
 State Lands Act 1990

Land Acquisition and Compensation Act 1990
 Physical Planning and Development Control Act 1990
 Land Use Regulations, 1995
 State Lands Regulations, 1995
 Development Control Regulations, 1995
 Draft Plans Regulations, 1995

- E. Basic Sanitation: See above.
- F. Solid Wastes: See above.
- G. Hazardous Wastes: See above.
- H. Radioactive Wastes: See above.

Programmes and Projects

- A. Basic Sanitation: No information available.
- B. Solid Wastes: No information available.
- C. Hazardous Wastes: No information available.
- D. Radioactive Wastes: No information available.

Status

- A. Basic Sanitation: No information available.
- B. Solid Wastes: No information available.

C. Hazardous Wastes: The priority hazardous wastes in the Gambia were classified as follows: Clinical wastes; expired banned drugs – pharmaceutical and veterinary; obsolete banned pesticides; used oil- virtually all industries claim they are reselling it or exporting to Senegal; asbestos waste from demolition and autobreak linings; dry cell batteries containing mercury, cadmium and lead which need standards on the imported products; plastics; metal scraps/ car batteries; household waste; sewage sludge from septic tanks; acids/alkalis from batteries, soap and soft drink manufacturing; PCB's contained in transformer oils – over 30 used transformers are currently being imported into the Gambia; waste chemicals/ wastes from institutional and industrial labs; incinerator ashes; contaminated soils from oils and batik waste.

Particular comments were made on current poor clinical waste management, currently expired drugs are being openly burnt whilst obsolete pesticides are being exported for safe disposal. PCB transformer oils need to be drained and replaced and exported for burning at high temperatures. NAWEC need to identify where PCB's have been buried. At Kotu Power Station there is approximately 2,000 t of heavy fuel sludge on site and the impacts are obvious though an incinerator is about to be built to burn this waste. Landfill sites are not currently managed in an environmentally sound manner, the 1988 Environmental Protection and Dumping Act is not enforceable, however waste legislation is being drafted and will soon go to the National Assembly.

- D. Radioactive Wastes: No information available.

Capacity-Building, Education, Training and Awareness-Raising

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Information

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Research and Technologies

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Financing

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Cooperation

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- B. Solid Wastes: No information available.

C. Hazardous Wastes: The Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal was adopted in 1989 as a step towards global co-operation to address the problem of hazardous waste dumping. African states including The Gambia felt that the Basel Convention did not go far enough to address some of their concerns. This led to the adoption in, 1991, of the Bamako Convention on the Ban of Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa. Since 1991, most of the issues included in the Bamako Convention have been incorporated in the Basel Convention. The main exception is control of nuclear waste, which is only covered by the former.

The Basel and Bamako Conventions were not been ratified by the Cabinet of The Gambia during the consultants visit, although a Cabinet Memorandum recommending ratification of the Basel Convention had been tabled by the National Environment Agency. The only current national legislation in The Gambia is the Environmental Protection (Prevention of Dumping) Act of 1988. However since the consultant prepared this report, both the Bamako and Basel Conventions have been ratified by the National Assembly.

- D. Radioactive Wastes: No information available.

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