



Country Report

Policy, legislation and institutional analyses
and recommendations for LBSA Protocol
ratification and implementation

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Author	J. Legaie

Policy, legislation and institutional analyses and recommendations for LBSA Protocol ratification and implementation

Victoria **Address**
Mahe
Seychelles
+248 723506 **Telephone**

j.legaie@env.gov.sc **E-mails**
jlegaie@gov.sc

LIST OF ACRONYMS

AG	Attorney General
CBO	Community Based Organisation
DOE	Department of Environment
EPA	Environment Protection Act
EEZ	Exclusive Economic Zone
EIA	Environment Impact Assessment
EMPS	Environment Management Plan of Seychelles
IOTC	Indian Ocean Tuna Commission
LBSA	Land Based Sources & Activities
LPG	Liquefied Petroleum Gas
LWMA	Landscape & Waste Management Agency
NGO	Non Governmental Organisation
PDF	Praslin Development Fund
PET	Poly Ehtylene Terephthalate
PHA	Public Health Act
PUC	Public Utilities Corporation
SAICM	Strategic Approach for International Chemicals Management
SIF	Seychelles Island Foundation
S4S	Sustainability for Seychelles (NGO)
STB	Seychelles Tourism Board
TCPA	Town and Country Planning Act
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNIDO	United Nations Industrial Development Organization
WIOLab	Addressing Land Based Sources & Activities in Western Indian Ocean
WIOMSA	Western Indian Ocean Marine Science Association

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Executive Summary

The Seychelles is dependent on tourism and fisheries as the main source of revenue both of which are linked to its environment. In addition to this, the country is a biodiversity hotspot with many living organisms found nowhere else in the world. The need to preserve this fragile environment in the face of economic development and population pressure has resulted in the adoption of sustainable practices in the early 1980's. As such the country is considered a pioneer in environmental management and has taken significant strides in this direction. It comes as no surprise that many of the initiatives to address pollution are already in place and the aim to achieve a high level of environmental performance.

The objective of this study is to assess the policy, legislation and institutional frameworks and make recommendations for LBSA Protocol ratification and implementation. In doing so the consultant found that there is **already legislation in place for LBSA protocol implementation in the Seychelles**. The main framework for this is the Environment Protection Act 1994 and its Regulations, being the Landscape & Waste Management Agency Regulations and the EIA Regulations. However it is seen that some new regulation will need to be enacted specifically for hazardous materials and waste in order to ensure a complete life cycle management of these materials. This will ensure that priority substances under Annex II are further managed.

In terms of **institutional mechanisms, the overall framework is in place** but is fragile due to lack of human and financial resources. It is fortunate that the LBSA protocol comes into force in 2010 when the Environment Management Plan of Seychelles (EMPS) for the period 2011-2020 is under development. The EMPS has a secretariat to oversee the strategy and this has been identified for strengthening. An important institutional component for the Department of Environment is the Conventions Unit, which oversees environmental conventions management in the country in particular with respect to reporting and other commitments to the extent possible. The unit is however short staffed and relies on the focal persons to push for domestication of international treaties. The function of this section will have to be revised and strengthened in future interventions.

In terms of implementation of new laws, the procedures for drafting and implementing are simple. However, it is found that there is a shortage of capacity with respect to drafting within the AG office which subsequently delays implementation of new laws. This delay is a function of the type of regulation and the amount of work already with the office. It is therefore required that this hurdle be overcome to smoothen implementation processes.

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Chapter 1: General Introduction

1.1 Background

This report assesses the policy, legislation and institutional frameworks in Seychelles relevant to LBSA and makes recommendations for LBSA Protocol ratification and implementation as part of the Seychelles commitment as signatory to the LBSA protocol under the Nairobi Convention. In doing so, the report includes a general description of key elements of the coastal and marine environment of the Seychelles including potential land based sources and activities. In Chapter 3, the consultant undertakes the assessment of policies and institutional mechanisms already in place including gaps and recommendations. Finally a brief description is made of the in country procedures for the ratification and implementation of international conventions where strengths and gaps are also analysed.

1.2 Coastal and Marine Environment of the Seychelles

The Seychelles is an island archipelago in the Western Indian Ocean located between 3 and 10 degrees south of the equator and between longitude 46 and 57 degrees east. It has a total land mass of 455 square kilometers of which more than 45 per cent are protected areas, and an Exclusive Economic Zone (EEZ) covering 1.374 million square kilometers. Seychelles consists of 115 islands, of which 42 are granitic and the rest of coralline origin.

The main granitic islands, also known as the inner islands, in descending order of size, are Mahé, Praslin, Silhouette and La Digue. The main outer islands are, from North to South, Bird, Denis, the Amirantes group, Alphonse, Coetivy, and the Aldabra, Cosmoledo and Farquhar groups.

1.2.1 Climate

The climate is equatorial with an average rainfall of 2,200 mm. Humidity is uniformly high, and mean temperatures at sea level range from 24°C to 30°C. The prevailing winds bring the wet northwest monsoon from December to March and the drier southeast monsoon from May to October. Climatic conditions, however, vary dramatically between islands, mainly in relation to their altitudes and positions; the mean annual rainfall in the country diminishes on a trajectory from the north-eastern to the southwestern island. Rainfall can be as high as 5,000 mm per year on the top of Morne Seychellois (900 m.) on Mahé and as low as 867 mm on the coralline island of Assumption (Walsh 1984). The main granitic islands lie to the north of the West Indian Ocean cyclone belt, but they can suffer storm surges from cyclonic activity to the south. Seychelles lies in the South Equatorial Current.

The main terrestrial habitats of the granitic islands are; a) beach and dune vegetation; b) lowland and coastal forests up to 200-300m; c) intermediate forests from 200 to 500m altitude; d) granite inselbergs or “glacis” outcroppings; and e) mountain mist forests over 400-500m. On the coralline islands, the higher parts are characterized by mixed scrub vegetation. Coastal habitats include a variety of wetland types, rocky shores and sandy shores. Marine habitats include 1,690 km² of reef habitats that may be broken down into three types: a) fringing reef; b) atolls; and c) platform reefs. Offshore environments include submarine plateaux.

Seychelles has been classified as one of the world's "hottest biodiversity hot spots". The unique biodiversity of Seychelles has developed largely because of its long geological history of isolation, allowing evolution to follow its own course in relative isolation from the continents. The granitic islands are ancient remnants of Gondwanaland and have been separated from the continental landmasses of Africa and the Indian subcontinent for more than 65 million years. The granitic islands are a repository of over 80 endemic species of flowering plants, 10 endemic species of ferns and 62 endemic species of bryophytes. The latter are found mostly in the intermediate and mist forests of the interior mountains. The granitic islands are generally characterized by a rugged central range of hills with many steep, smooth, bare rock inselbergs known as "glacis". The hills of the granitic islands are often surrounded by a narrow, flat, sandy and often marshy coastal strip of land. The outer islands are coralline islands that have developed from the slow accretion of coral living in shallow waters. The coralline islands are small, flat and geologically much younger than the granitic islands. While still diverse, they do not harbour the same degree of species endemism as the granitic islands. The coral islands have 15 known floral endemic species. The island of Aldabra is the largest raised coral atoll in the world, and is considerably older than the other coralline islands and accordingly has a higher degree of endemism.

1.2.2 Terrestrial Biodiversity

The following describes some of the additional key features of the terrestrial biodiversity:

- Thirty endemic taxa of birds occur, including 8 that are classified as globally threatened. The endemic birds of the granitic islands, e.g. Magpie Robin (*Copsychus sechellarum*) and Seychelles White-eye (*Zosterops modesta*) have been studied extensively and are the focus of ongoing conservation programmes.
- The archipelago has the highest ratio of amphibian endemics of any island group in the world. Two species of snakes, about 22 endemic species and subspecies of geckos and skinks and one chameleon are endemic to the islands.
- At least three endemic species of terrapins have been described from Seychelles.
- Aldabra has the largest surviving wild population of giant tortoises in the world (around 140,000), and the last remaining wild populations of tortoises in the Indian Ocean.
- The river and wetland ecosystems of the granitic islands support a number of endemic aquatic species including the endemic crab genus *Seychellum*, certain species of mayflies and caddis flies, and the snail *Paludomus ajanensis*.
- Endemic fishes found in the freshwater habitats are *Pachypanchax playfairii* and *Parioglossus multiradiatus*, recently discovered in 2005.
- The terrestrial molluscs of Seychelles show high endemism on some granitic islands and on Aldabra.
- Endemism in scorpions, spiders and insects is very high. The biota includes the world's largest millipede. Many species are single island endemics.
- Some 7% of the invertebrate species can be considered threatened, and of these some 50% are critically endangered.

1.2.3 Marine Biodiversity

Although the marine fauna of Seychelles remains largely unexplored, and the inventory is incomplete, recent surveys have shown diversity to be high. While the terrestrial fauna and flora of Seychelles are quite well studied and understood, the marine biodiversity of this equatorial zone is more poorly known. The marine and coastal environment contains a storehouse of many different species of mangroves, seagrasses, algae, phytoplankton, zooplankton, sponges, corals, crustacea, molluscs, echinoderms, reef and pelagic fish, sea turtles, sea birds and marine mammals. The islands provide breeding and nursing grounds for many sea birds and fish. The position of Seychelles in the central southwest Indian Ocean ensures that these islands act as stepping stones for marine dispersal between the western Indian Ocean and the eastern Indian Ocean/western Pacific, with the range enhanced by the monsoonal system.

Chapter 2: Land Based Sources and Activities

2.1 Overview of priority sectors

This chapter provides an overview of priority sectors and also potential land based sources of pollution in the country.

2.1.1 Fisheries

The fisheries sector in Seychelles is critically important both for assuring food security and economic development. In terms of foreign exchange earnings it surpasses tourism, although the number of people employed in the sector has remained stagnant (except for tuna canning), accounting for 15% of total formal employment. The industrial fisheries have grown considerably over the last two decades, expanding in tandem with the development of industrial tuna fisheries in the Western Indian Ocean. Seychelles now serves as the regional hub for industrial tuna fisheries and hosts the secretariat of the Indian Ocean Tuna Commission (IOTC). The industrial tuna fishery of the Western Indian Ocean is considered to be one of the few industrial fisheries of the world that still has some potential for sustainable development. The industrial fisheries target tuna and tuna like species. Semi-industrial fisheries have only been developed since 1995, with the construction of a small, locally-owned fleet of medium-sized longliners (12-22 meters) that mainly target swordfish and tuna. Although industrial fisheries constitute a major source of foreign exchange earnings for the Government, it is the artisanal fisheries that remain of great importance in terms of assuring food security to communities, and generating local employment.

Small-scale artisanal fisheries have developed to exploit a high diversity of species and habitats. This has resulted in a wide array of boat/gear combinations and strategies. Nearly 60% of a total of 1750 artisanal fishers are employed in the demersal line fishery that exploits the waters of the Mahé and Amirantes Plateaux using the “whaler” category of boats. This fishery targets the Lutjanids (snappers), Serranids (groupers), Lethrinids (capitaines) and Carangidae (carangues). The resources of the near shore reef ecosystems are exploited primarily by the trap fishery using small boats (Mini-Mahés) and traps fabricated out of local materials. The artisanal net fishery targets non-sedentary fish, mostly mackerel, using small boats. The octopus, lobster and crab fisheries employ relatively small numbers of people. The octopus fishery in Seychelles is almost totally an artisanal effort. The lobster fishery is subdivided into: a) the area around the granitic islands; b) the rest of the Mahé Plateau. The live fish fishery has not been developed except for a recent trial in the Farquhar Group by the Chinese. The sea cucumber fishery is the first to have a participatory management plan, which was developed in 2005 and the number of boats licensed for this fishery has been limited to 25.

2.1.2 Tourism

Prior to completion of the international airport in 1971, the only access to Seychelles was by boat. The tourism industry expanded greatly after the opening of the airport. Tourist arrivals increased steadily for the first 25 years, reaching 47,280 by 1982 and peaking at 130,955 in 1996. The country has over 150 hotels. A total of 43% of all hotels and guesthouses are found on Mahé, 32% on Praslin, 17% on La Digue and 8%

on other islands. The Seychellois tourism sector provided for 20% of national employment. It generated 30 % of the country's foreign exchange earnings.

2.1.3 Agriculture

Agricultural development in the Seychelles went through major changes from the 1800's through to 1960. With the growth of the tourism industry, there was a major exodus of labour from agriculture into construction, tourism and other related sectors. The production of traditional crops declined drastically. Agriculture in Seychelles is now characterized by small farms and farmers employ various levels of technology and management, some of it fairly sophisticated. Currently, about 500 registered farms are dispersed throughout the major granitic islands of Mahé, Praslin and La Digue, where they are found on both the coastal plateau and the steeper terrain. Out of a potential agricultural area of 2,900 ha, 600 ha are under some form of agricultural production. Only about 200 hectares are under intensive cultivation. There are about 400 registered crop farmers, some 1,500 legal pig farmers and 55 licensed poultry farmers. In addition, a number of urban households engage in backyard vegetable production. Farming land is either leased from the State, or is privately owned. Current agricultural production meets about 4% of the local demand for beef, 50% for pork, 60%-70% for vegetables and fruits, 80% for poultry and 100% for eggs.

2.2 Potential Land based sources of pollution

The Seychelles depend very much on Tourism and Fisheries and therefore have had a long history of sound environmental management. As a result there is a high standard of solid waste collection and disposal. A sewer network was constructed in the early nineties and centralized municipal wastewater treatment facilities constructed on Mahe. In view of limited land, there are limited large scale agricultural activities and therefore pollution from this activity and other diffuse sources can be minimal. A ban on importation of old vehicles with annual testing of vehicles for their road fund license means that vehicle emissions has improved over the last 20 years.

2.2.1 Solid waste management

Solid waste in the Seychelles is collected daily from municipal bins and brought to a controlled landfill on the outskirts of the city. Industrial and commercial wastes are collected by the Landscape & Waste Management Agency as well as several private companies. A very high collection rate is achieved in the Seychelles with nearly all the waste totaling 50,000 tonnes being collected and landfilled on annual basis.

The Ministry of Environment have in place a recycling scheme for PET plastic bottles where they are collected through a refundable deposit system at Redeem centres, shredded and exported out of the Country. For 2009, about 19 million beverage bottles were sent for recycling against an estimated generation of 21 million bottles which represents just over 90% of the bottles manufactured or imported into the country. Several other recycling schemes exist in particular for scrap metal which is driven by market forces.

The Government also ensures the cleaning of roads, bin sites, and rivers in the districts. The Wetland Unit of the Department of Environment oversees the cleaning of rivers in the country through competitive tendering. At the time of writing all rivers are being cleaned on a monthly or bi-monthly schedule.

Despite these improvements, waste management remains critical in view of lack of sufficient capacity and finance to sustain and improve the service being rendered.

2.2.2 Waste water management

The Public Utilities Corporation (PUC) is the authority responsible for management of water and waste water in the country. The Seychelles relies on a combination of local treatments in the form of septic tanks and centralized treatment systems using a network of pipes and pumping stations. The capital city of Victoria is on the greater part fully sewered and sewers exist in densely populated areas in the Northern part of Mahe. These infrastructures were built in the early nineties covering Victoria and Beau Vallon area. However most of the other areas on Mahe are not sewered and entire islands e.g. Praslin and La Digue are still to be sewered. The existing sewers are in generally critical condition requiring constant repairs and are in need of refurbishment. Leaks are likely to increase if the network is not refurbished leading to pollution of rivers.

Chapter 3: Policies, legislation and institutional frameworks relevant to Land Based Sources and Activities

The Seychelles have significant legislation in place which already meets the requirements of the LBSA Protocol. All developments in the country have to be approved by the Planning Authority which is composed of representatives of different sector including Ministry of Environment.

3.1 Overview of policy and legal framework, national laws and regulations

This part provides details on the environmental policy and legislative framework in the country.

Article 38 of the **Constitution of Seychelles 1993** states that it is the right of every person to live in and enjoy a clean, healthy and ecologically balanced environment. The State undertakes to put in place measures to promote the protection, preservation and improvement of the environment; to ensure sustainable socio-economic development by judicious use and management of resources; and to promote public awareness of the need to protect, preserve and improve the environment. Similarly Article 40 of the constitution makes it a duty of every citizen to protect, preserve and improve the environment.

The **Environment Protection Act (EPA), 1994 (Cap 71)** provides for the protection, prevention, control and abatement of environmental pollution. It also provides for preservation and improvement of the environment through the integration of environmental consideration into development process. The Act which is administered by the Department of Environment as the designated Authority also makes provisions for the Authority to co-ordinate the activities of other agencies concerned with the protection of the Environment.

Section 6 of the Act gives the minister power to prescribed standards for quality of effluent. The **Environment Protection (Standard) Regulations 1995** prescribes effluent quality standards and the discharge of effluents to a recipient system from any industry or operation. It specifies maximum concentrations for a range of pollutants which may be present in effluent discharges.

Under section 9 of the Act, the minister has power to establish noise emission standards from various sources including construction sites, plants, machinery, motor vehicles, aircraft, industrial and commercial activities as may be necessary to preserve the environment. The **Environment Protection (Noise Emission Standards) Regulations 1999** sets the limits of noise level in respect of areas and times referred to in the Schedule to the Regulations. Noise emitted in excess of these Standards is prohibited except where an authorisation has been granted by the Department of Environment.

Section 12 of the Act provides for the management of waste and also provides the minister with the power to designate the Agency responsible for the management of wastes. The Landscape and Waste Management Agency is responsible for the

management of wastes; the designation, monitoring and regulation of waste disposal sites.

Section 15 of the Act requires that an environment impact assessment study be carried out and that an environmental authorisation is obtained if any person commences, proceeds with, carries out, executes or conducts or causes to commence, proceed with, carry out, execute or conduct any prescribed project or activity in a protected or ecologically sensitive area. The criteria establishing the necessity of an EIA is found in the **Environment (Impact Assessment) Regulations, 1996 amended in 2000** which lists categories of projects or activities requiring environmental authorisation. Schedule 1 of the Regulations lists the prescribed projects and activities which necessitate an authorisation.

The EIA regulations are the only piece of legislation that gives legal status to the draft Land Use Plan. The EIA process includes an extensive consultation process such as scoping and public meeting. It can be used as surrogate for stakeholder consultation.

The **Environment Protection (Restrictions on Plastic Bags) Regulations, 2008** prohibit the manufacture, importation, trade and commercial distribution of plastic bags below 30 microns within the Republic of Seychelles. These types of plastic bags were being discarded into the environment therefore causing visual pollution and are a threat to marine and land biodiversity.

PET Plastic Regulations (Trades Tax (Imports) Regulations 2005 was amended in 2007 to include a tax of up to 30 per cent on all pre-form bottle of plastic and an additional levy of 70 cents per bottle.

Under the **Public health Act, 1960 (Cap 189)** the Ministry of Health is invested with some competences related to water protection. Under section 5 of the Minister may make regulations to provide for the chemical examination and bacteriological examination of any supply or source of supply of water which is or may be used for drinking or domestic purposes. The minister may also make regulations to provide for the control and administration of the flow of water in any natural or artificial watercourse which is or may be used for irrigation or agricultural drainage.

As far as waste is concerned, under section 16 of the Act the term “nuisance” is defined *inter alia* as “(g) any deposit of material in or on any building or street which causes damp in any building so as to be injurious or dangerous to health;” and further “(q) any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is injurious or dangerous to health;” Given that the Minister of Health has an overall competence to fight against nuisances there might also be some overlap with the competences of the Minister of Environment. It has to be noted, however, that the competence of the Minister of Health is restricted to those actions that tend to the protection of human health compared to the competence of the Minister of Environment.

The **Pesticides Control Act, 1996** regulates the manufacture, distribution, use, storage and disposal of pesticides for the protection of public health and the environment. It also restricts the manufacture, import, export, sell, offer for sale, supply, use, store, transport, possess, dispose or otherwise dealing with any pesticides. The Act also makes provisions for the labelling of such chemicals. It also makes provisions for the establishment of the Pesticides Board.

The **Public Utilities Corporation Act, 1960 (Cap 196)** regulates the use of water throughout the country. It also regulates the deposition of sewage and the operation of sewage disposal system both public and private. The **Public Utilities (Sewage) Regulations (1987)** provides for the supply, control and management of sewage. No person may use, install and maintain a private sewage disposal system in a designated sewerage area without permission from the Corporation. Only land owners living outside sewerage areas are required to use, install and maintain a private sewage disposal system. The corporation also directs the disposal method for sewage or non-domestic effluent.

The **Town & Country Planning Act, 1972 (Cap 237)** establishes the Planning Authority which has the mandate of regulating and controlling all development of land within the country. Section 3 of the Act provides that no person shall carry out any building operations without a planning permission issued by the Town and Country Planning Authority.

Section 4 makes provisions for the preparation and adoption of a development plan for the whole of Seychelles. Such a development plan (or **Land Use Plan**), which may include maps, shall specify areas for roads, public buildings, and nature reserves, including open spaces. The plan is to be reviewed every five years.

One of the conditions for development is that no building should be erected within **25 metres from the high water mark**. This condition is mainly put to protect the sand dunes on the coasts from severe erosion. This is however, only a policy decision and should be incorporated into the law.

The **Land Reclamation Act, 1961 (Cap 106)** lays down the procedure to follow for reclamation of land by filling any foreshore. A person who believes that the proposed reclamation may adversely affect either the property owned, or public rights or the natural beauty of the coastal area may object to the reclamation.

The **Beach Control Act, 1971 (Cap 14)** makes provision for preserving the natural amenities of the seashore and inshore waters and for protecting the peaceful enjoyment thereof.

The **Removal of Sand and Gravel Act, 1982 (Cap 203)** provides for the licensing and control of the removal of sand and gravel. Following the impact of the activity on beaches, a ban on removal of sand from the beach and the plateau on the Seychelles have been imposed. However, removal of gravel from rivers is still permitted subject to authorisation under the Act.

The **National Parks and Nature Conservancy Act, 1969 (Cap 141)** makes provision for National Parks, Strict Natural Reserves, Special Reserves and Areas of Outstanding Natural Beauty (protected areas). It also establishes the National Parks and Nature Conservancy Commission which has the power to designate any area as a National Park or other protected areas mentioned above and also to describe the different types of activities which are prohibited in such areas.

The **State Land and River Reserves Act (1903) (Cap 228)** protects state land, rivers and streams in the Seychelles Islands. It also describes the type of activities which are

prohibited within 50 feet from the river without authorization. Rights of a person bordering rivers are also defined in this Act.

The **Forest Reserves Act, 1955 (Cap 84)** provides for the establishment and protection of forest reserves. It gives the minister power to declare an area a forest reserve and also restricts certain activities to be carried out in such places.

In addition to the above legislative measures, the current Government policy restricts development to the coastal zone especially for Praslin Island where there is a restriction on development above the **50m contour line**. This is only a policy decision and needs to be regulated in order to have legal status.

The main development sectors are guided by strategic documents such as the **Vision 21**, which is a 10-year strategic framework dividing the industry into various components, including sections on ecotourism and the integration of tourism for environmental sustainability, guides tourism planning and development. There is also the **National Agricultural and Fisheries Policy (2000 –2010)**, in tandem with the inshore fisheries management strategy seeking to enhance food security in a sustainable manner.

Although there are adequate legislative measures in place, most of them are outdated. The main legislation which is, the EPA is outdated and needs to be revised in order to take into account other issues related to land based sources and activities. Other legislation such as the Town and Country Planning Act should also be revised to include the Land Use Plan and other policies mentioned above. There is also the need to regulate the transportation, storage and use of chemical within the country and to set up standard for air pollution.

Although there is a need to incorporate all policy decisions into the law, it may not be possible to regulate all of them, especially the 25 m setback from high water mark due to rocky shores or existing sea wall in certain areas.

3.2 Institutional Framework

The **Department of Environment** within the Ministry of Home Affairs, Environment and Transport is the Authority designated under the Environment Protection Act 1994, for enforcing environmental protection related legislation in Seychelles. It comprises several divisions and sections, among which two divisions dealing with land based sources and activities, are given below.

1. The Wildlife, Enforcement and Permit Division comprises of the Standards and Enforcement Section and the Environment Assessment and Permit Section. The functions of the Division are to implement the Environment Protection Act and its regulations, and related policies, laws and programs.

(a) **The Standards and Enforcement Section** conducts monitoring and enforcement activities on the prevention and abatement of environmental pollution; the monitoring, collection of samples, lab testing, and collection of data on air, water, marine and noise pollution emissions and ambient quality; and collecting and submitting appropriate evidence on violations of the law.

(b) The **Environment Assessment and Permit Section** enforces the Environment Protection Act 1994 and the Environment Protection (Impact Assessment) Regulations, 1996 and other related legislation and also advising on development proposals to ensure that development takes place with minimal negative environmental impacts.

2. Division of Risk and Disaster Management is a division within the Department of Environment dealing mainly with disasters. It is responsible for the protection of the population, properties and also the environment to ensure that there is no degradation of the environment. It also makes recommendation to the Government as to the best ways to use land use plan.

Other agency and authority were established under the Environment Protection Act 1994 dealing with land based sources and activities.

(i) **Landscape and Waste Management Agency** is governed by the Environment Protection (Landscape and Waste Management Agency) Regulations 2009. It is responsible for the overall management of waste including the monitoring and control of waste disposal sites in the country. It is also responsible for the maintenance of all drains including repairs and do all that is necessary to maintain and improve the landscape of urban centers, road and highway corridors, public parks and other public places. It also plans, coordinates and monitors the development and management of public landscaping in the country.

(ii) **Seychelles National Park Authority** is governed by the Environment Protection (Seychelles National Parks Authority) Order 2009 and is responsible for the management of the terrestrial and marine protected areas (national park). It monitors and controls all activities within a National Park and also combats threats to biodiversity. It prevents, detects and suppresses forest fires and the spread of invasive species. It also prevents, detects and prosecutes illegal activities including poaching of forest resources.

There are other organizations dealing with land based sources and activities in the country and they are:

3. Public Utilities Corporation (PUC) is the statutory body for management of water and waste water under the PUC Act 1960. The body is responsible for all aspect of water supply and demand management

4. Praslin Development Board (PDF) regulates development on the island of Praslin. The Board also engages in waste collection, cleaning and management of the solid waste dumping site.

5. La Digue Development Fund functions in a similar manner to Praslin, by regulating development on the island of La Digue. The Fund is composed of members of the national assembly and other important individuals to the island

6. Ministry of Health; Environmental Health Section enforces the Public Health Act and has powers to shut down premises if there is likelihood of contamination to water or food.

7. District Administrators are appointed public servants responsible for district development. At the moment they assist the Landscape & Waste Management Agency and Department of Environment in the monitoring of district cleaning work involving road cleaning, cleaning of rivers, bus shelters and other built public infrastructure.

8. Seychelles Planning Authority was established under the Town and Country Planning Act 1972 and is the Authority implementing the development plan for the country. It proposes the manner in which land in Seychelles may be used (whether by the carrying out thereon of development or otherwise e.g. allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan) and the stages by which any such development may be carried out.

9. Ministry of National Development is the authority responsible for land management in the country. The Ministry consults with the other Ministries and Departments for location of industries, residential and recreational areas. Guidance on the use of land comes from the environment field and this is derived from data and existing plans such as sensitive area atlas.

10. Seychelles Agricultural Agency is the authority which promotes food security in the country. The authority is implementing a program to map and better administer agricultural land due to the fact that a large portion of the most productive agricultural land in the country lies on the coastal plain.

11. Seychelles Tourism Board. This Board advises and assists the Government in the development of infrastructures supporting the tourism industry. It also explores new avenues for the development of new tourism products that will incorporate the culture, history, environment and the local community.

There is also the **EMPS Committee** which is the principal institutional mechanism for addressing national and international environmental concerns in the Seychelles, but it lacks a comprehensive framework for linking these with other national development priorities or activities of the other sectors. The difficulties faced are in part due to the limited number of staff, technical skills, funding and also the lack of utilisation of annual plans and targets which are necessary for the Committee to effectively target and manage its work. An Action Plan was developed for the EMPS Coordinating Unit, but capacity has been insufficient to implement the plan.

Seychelles has limited capacity to undertake national reporting to the Conventions and MEAs in general, often resulting in the late or even non-submission of reports. There is a need to restructure and strengthen the conventions unit to ensure better coordination of conventions management and ensure that implementation is being carried out including regular reporting.

There is a lack of institutional knowledge of limiting the incorporation and implementation of international commitments in the local context and national capacity available outside of the public sector is not properly harnessed to bridge this gap.

There is also a lack of established institutional capacity through training courses. Action is needed to create technician and management training courses that integrate national and global environmental management scenarios.

3.3 Civil society, private sector, research/education institutions, CBOs and NGOs.

- **Nature Seychelles** is an NGO affiliated with Birdlife International. It is involved in biodiversity related activities on Mahe and other islands such as bird and turtle monitoring and staff training.
- **Green Island Foundation** is involved in the management and conservation of biodiversity and is currently involved in such activities on Denis Island.
- **Seychelles Islands Foundation (SIF)** manages the Vallée de Mai and Aldabra, both protected areas. Both sites which are host to numerous protected species have been designated as World Heritage sites by UNESCO. SIF cooperates with government agencies and civil society organisations in carrying out its duties. It also directs and controls the type of activities which should be done in those protected areas.
- **Sustainability for Seychelles (S4S)** is an environment NGO that focuses on sustainability issues and environment education.
- **Terrestrial Restoration Action Society of Seychelles (TRASS)** is committed to the restoration of degraded terrestrial sites of the islands of Seychelles. Its aim is to mobilise actions by interested parties to restore, enhance, maintain and safeguard such areas, especially those affected by fires. One of the main objectives of TRASS is to work in partnership with private landowners, government, private sector and other NGOs to restore degraded areas.
- **Wildlife club of Seychelles** is dedicated to promoting conservation action through environmental education. It is run by volunteers, mostly teachers and staff, as well as some parents. They meet after school, on weekends and during school holidays where they learn how to identify and solve environmental problems. This has helped children to become more environmentally conscious.
- **Marine Conservation Society of Seychelles** undertakes specific monitoring and research programmes in close collaboration with other institutions and private islands (E.g. cetacean and whale shark monitoring and data collection, beach erosion and turtle monitoring).

3.4 Institutional framework and legislation for international and transboundary cooperation

Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC), Rotterdam, 1998

The Convention was adopted in 1998 with the aim of promoting a shared responsibility between exporting and importing countries in protecting human health and the environment from the harmful effects of certain chemicals and pesticides, by controlling and monitoring trade. Seychelles signed the Convention in 1998. The

Convention has been implemented, to a certain extent, through the Environment Protection Act 1994 and the Pesticides Control Act, 1996.

Protocol on Liability and Compensation for Damage resulting from the Transboundary Movements of Hazardous Wastes and their Disposal, 1999

This Protocol which was adopted in 1999 makes provision for a comprehensive regime for liability as well as adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes, including incidents occurring because of illegal traffic in those wastes. Seychelles has not ratified or signed this protocol. However, section 12 of the EPA covers the movement of hazardous waste.

Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, 1989

The Basel Convention which came into force in 1992 seeks to reduce the movements of hazardous waste between countries and to prevent transfer of hazardous waste from developed to less developed countries. It is also intended to minimize the amount and toxicity of wastes generated and to assist less developed countries in environmentally sound management of the hazardous and other wastes they generate.

Seychelles acceded to the Convention in 1993 and it has been implemented into the national law through the Environment Protection Act, 1994. Section 12 of the Act prohibits disposal of hazardous waste except in accordance with the authorisation from the Agency responsible for the management of waste. The Act also regulates the transboundary movement of hazardous waste and its transport within or through Seychelles or export hazardous waste to any country without an Authorisation from the Agency or the prior informed consent of the receiving country without an Authorisation from the Agency.

The management of hazardous waste is also dealt with under the Environment Protection (Impact Assessment) Regulations for the manufacture, handling, storage and transportation of hazardous chemicals or substances as projects or activities requiring environmental authorisation.

Section 14 of the Act provides for the management of hazardous substances. It states that no person shall handle or cause to be handled any hazardous substance except in accordance with such procedures and after complying with such safeguards as may be prescribed. The following documents have been issued by SBS to support this section: SBS 1994 SS 36 94 Code of Practice for Handling, Storage and Disposal of Hazardous Chemicals & other Agricultural Pesticides; SBS 1995 SS 45 95 Code of Practice for the Disposal of Hazardous and Radio-Active Waste. The aim of these Codes of Practice is to minimise the adverse effects of domestic and industrial chemicals by strengthening measures to regulate their import, sale, storage, use and disposal.

United Nations Convention on the Law of the Sea (UNCLOS) 1982

This Convention defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. Seychelles ratified the said Convention in 1991.

Seychelles ratified the Convention in 1991 and it has been implemented into the national law through the Maritime Zones Act, 1999 which determines the maritime zones of the country. Furthermore, the Maritime Zones (Marine Pollution) Regulations, 1981 provide for the protection and the preservation of the marine environment as well as the prevention and control of marine pollution. The Regulations also prohibit the discharge of any oil or oily mixture into the territorial waters of the Seychelles from any place on land.

The Nairobi Convention, 1985 and its Protocols (Amended in 2010)

The Nairobi Convention which was signed in 1985 came into force in 1996. It was replaced in 2010 by the Amended Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean. It seeks to protect, manage and develop the marine and coastal environment of the Eastern and Southern African Region of the Western Indian Ocean. It also provides a mechanism for countries to cooperate regionally. There are several internationally sponsored activities and projects in the country which are implementing the said Convention.

One of the projects sponsored by the WIOLab and which is directly related to the land based sources and activities is a sewage treatment system situated at Brilliant, Mahe. This system treats waste water coming from several blocks of flats by use of natural system. This system has been proved to be very effective and the Government is now considering introducing the system in various districts on the main island especially where there is no sewer network available with the hope of improving the quality of waste water being discharged into the environment.

There is as yet no formal institutional framework to domesticate international conventions; this is largely done by the respective focal points. UNDP (GEF) is implementing a project entitled “Capacity Development for Improved National and International Environmental Management in Seychelles.” The aim of the project is to increase capacity for effective environmental management to address national and global environmental issues by ensuring that International environmental conventions are effectively managed; donor-funded projects are designed to help Seychelles meet international and national environmental commitments and priorities; and Institutional framework to effectively implement Seychelles’ environmental plan is put in place.

3.5 Interactions, gaps and overlaps in governance.

Interactions

In Seychelles there are sufficient forum for interaction on LBSA issues such as The Planning Committee which is represented by members from different ministries and organizations including the Seychelles Chamber of Commerce which is an NGO.

There is also the EMPS committee where the contributions of stakeholders are taken into consideration by the government. They are very much involved in the decision making process.

In many instances where the Public Health Act fails to cater for offences dangerous to human health, the Environment Protection Act will come into play so as to bring those offenders to justice. A very good example is where the offender is doing reparation of

boats in a residential area using substances which are dangerous to human health. Although this type of offence is dangerous to human health, it is dealt with under the EPA instead of the PHA.

Overlaps

Enforcement of legislation remain a challenge as in most other countries the resources to accomplish this is often limited. There is significant overlap in implementation of pollution cases between the Ministry of Health and the Department of Environment. On the greater part the Department of Environment is responsible for implementing but sometimes it may be carried out by the Ministry of Health under the Public Health Act.

Similar overlap occurs in the implementation of recycling strategies where EPA gives power to the Minister to prescribe fees on manufacturers for treatment of their waste but for which the same can be accomplished under the Trades Tax Act of the Ministry of Finance. This is the case for the importation of PET plastic beverage containers where a levy is in place under the Trade Tax Act.

There are other organizations conducting similar activities within the country and this cause confusion. For example, the monitoring of vehicles which has failed to secure their load is done by officers from the Department of Environment and officers from the Seychelles Land Transport Agency. For this type of offence, an officer from the Department of Environment will fine the offender SR500 for the offence whereas an officer from the Seychelles Land Transport Agency will fine the offender a fine of SR200 for that same offence.

Another example is the illegal discharge of sewage and also the pollution of rivers. There are three organizations dealing with these types of activities and they are the Environment Enforcement Unit of the Department of Environment, the Public Health Unit of the Department of Health and the PUC. This causes confusion because many times one of them may rely on the other for enforcement purposes. This may result in no enforcement at all and the polluters may therefore go free.

There is also the issue whereby not all organizations are using their power under the law to enforce regulations. One example is that most offences regarding oil spill pollution at sea are dealt with by the Department of Environment instead of the Department of Natural Resources. Another example is the issuing fixed penalty notice to people littering the public place. This notice can be issued by all authorized officers empowered under the EPA such as officers of the Department of Environment, Highway Patrol officers, Police officers, District Administrators and Head teachers among others. But the only two groups of people issuing the said notice are officers from the Department of Environment and Highway Patrol Officers.

Gaps

In the past few years, the government of Seychelles has streamlined its system and there are now fewer officials in the public service. This has resulted in a lack of capacity to enforce regulations.

There is also the issue of unavailability of specialized equipment for example, there are no equipment for pesticides identification in fresh water.

Seychelles has many laws and regulations but most of them are outdated. There is therefore the need for revision of those laws but the lack of funding is preventing this from happening. There is also a shortage of legal draftsman in AG's office for the revision and drafting of legislation.

There are many policies being implemented but they cannot be enforced because they have no legal status e.g. 25 m set backs for construction from high-water mark.

3.6 Adequacy for compliance to LBSA Protocol.

The Seychelles already have sufficient policies, legislation and institutional mechanisms in place to comply with the LBSA protocol. These measures are reported below for the relevant articles of the protocol.

Article 5 – Pollution from point sources

The Department of Environment have capacity to ensure that pollution from point sources is based on Best Available Technique and actively regulates the discharges due to these sources. A preliminary hotspot analysis was carried out under the WIO LaB Project and effluent discharge parameters are already established under the Environment Protection Act. Notwithstanding these accomplishments, no national standard currently exists for emission to air. Environmental quality objectives although implied are not explicitly stated in the current legislation. These areas would need to be strengthened in order to fully comply with the LBSA Protocol.

Article 6 – Pollution from diffuse sources

Potential for pollution from diffuse sources in the Seychelles can be attributed to vehicular emission since there is no major agricultural or other related infrastructure. The threat of air pollution has been reduced considerably, since in the early nineties, Government phased out kerosene stove ovens in place of LPG for cooking and imposed a ban on importation of old second hand vehicles. The latter action has meant that most vehicles in the country are now not more than 10 years old, are using unleaded fuel and have functioning catalytic converters. Although emissions from private vehicles are clean, public transportation buses are nonetheless relatively polluting in view of the aging fleet. This aspect would need to be considered in future management interventions for public transportation needs for the islands. In terms of big hotels, most use golf carts and buggies which are battery operated and the Government is currently looking at pilot schemes for battery operated vehicles on the third populated island of La Digue.

The Seychellois people have a culture of burning waste from sweeping their yard especially leaves. Open burning is dying slowly on the main island due to urbanisation but is still practiced at time especially in low residential places. Notwithstanding air pollution, fire threatens the unique biodiversity of the Seychelles and therefore the Department of Environment have a procedure to control open burning. This requires that all proponents apply for a burning permit issued by this Department and visits are made to ensure that environmental nuisances are minimised. These initiatives have contributed greatly to the air quality in the islands.

Article 7 – Other harmful activities

There is at present a hazardous waste management system in place which partly complies with the Basel Convention. This procedure requires disposers to identify and characterise their waste according to the Basel Convention and UN Hazard number including the packaging and mode of transport. The notification document and mode of disposal is approved by the focal institution before the material can be transported in the country from generator to disposer. This system has worked very well in tracking the chemicals including those in Annex II of the LBSA protocol, which require disposal. However there are areas for improvement such as classification of waste which have not yet been formalised. A holistic life cycle approach is also required in order to track hazardous materials from importation to disposal. A National Implementation Plan (NIP) for Persistent Organic Pollutants (POPs) has been developed with funding from GEF and technical assistance from UNIDO. Activities under the POPs NIP are being supported through the fifth GEF country allocation (GEF V).

A Pesticide Board exists to screen the importation and management of pesticides in the country. This board has however not been active and under the framework of a recent UNITAR project entitled Strategic Actions for Integrated Chemical Management (SAICM), a strategy for integrated chemical use is being developed for implementation in the next 2 years.

Article 8 – Transboundary pollution

The Seychelles is isolated from neighbouring countries and shares no rivers or other resources. In this context, transboundary issues experienced in main land Africa is not relevant. The main issue would be in connection to shipping, control of ballast water and marine accidents such as major oil spill in the region. There is already work carried out in this area, the Seychelles has developed its Oil Spill Contingency plan and sourced the materials and manpower needed to act in cases of oil spills. The Marine highway project which is being implemented has already achieved much in terms of this objective.

Article 9 – Measures of implementation

In terms of implementation, a national environmental strategy exists in the form of the EMPS which is of 10 year duration. All elements of environmental management are planned for the forthcoming decade going as far as prioritising projects that will be implemented in order to meet the objectives of the strategy. The EMPS 2000-2010 is the referenced document and a new document is being produced by a team of local consultants for the period 2011-2020. It is thus an opportune time to ensure that the priorities of the LBSA protocol are adequately integrated. The institutional mechanism for mainstreaming the protocol objectives into policy therefore already exists and will be used for this purpose.

Article 10 - Compliance and enforcement

There is in the Department of Environment a Conventions Unit which handles the coordination and domestication of international conventions. At the moment the resources for this is limited as the section is staffed by one person only and with no dedicated budget. On a more general level, the enforcement of requirements of the protocol under the respective existing legislation is being carried out by the Standards and Enforcement Section of the Ministry of Environment. The section has environmental inspectors to inspect and enforce the environmental legislation but they lack training.

Article 12 – Data collection, monitoring and Evaluation

Data collection and monitoring is carried out but to a limited extent and only in conjunction with projects since funding and human resources are limited. There is currently an ongoing project to establish the mechanism to develop a state of the environment report. This would contain indicators to measure and assess the state of the environment.

Article 13: Environment Impact Assessment

Environmental management and development are legislated primarily by two Acts the TCPA 1972 and the EPA 1994 (and its 1996 EIA regulations). The Planning Authority established under the TCPA deals with aspects of physical planning and standards whilst the EPA addresses the environmental aspects of development through its EIA regulations and associated sensitive areas atlas. The EIA regulations ensure that all major developments are required to conduct an EIA and engage in public consultation. The guidelines for the EIA are issued by the Department of Environment which follows the process and ensure that the law is respected. The TCPA and the EPA are equal in authority and mutually supportive in the development process with approval required from each for a development to go forward but both pieces of legislation are outdated and need to be revised to include other issues such as the impacts from land reclamation, removal of sand on beaches and also to regulate the Land Use Plan and the 25m from high water mark policy. There is also the need to recruit and train more staff for the enforcement of the EIA recommendations and compilation of environmental data.

3.7 Intervention measures and strategies

Intervention measures and strategies have already been commented upon. The main thrust is the EMPS 2011-2020 which is already mainstreaming most of the requirements of the protocol into the strategy for the next 10 years. This would include update to the legislation to synergize the requirements of the LBSA Protocol as well as supporting in country institutions with resources and capacity. In parallel to this the EMPS secretariat would require strengthening in terms of human resources in order to adequately fulfill its mandate overseen by a strong steering committee.

The second approach would be to restructure and strengthening of the conventions unit. This will ensure better coordination of conventions management and ensure that implementation is being carried out including regular reporting.

Chapter 4: Processes for Ratification and Implementation of International Conventions

4.1 Process for ratification and implementation of international conventions

The process for ratification and implementation of international conventions rests with the Ministry of Foreign affairs. The procedure depending on the type of convention or treaty is as follows:

- a) The Cabinet reviews the matter and resolves on it through *Cabinet's Decision*.
- b) The Secretary to the Cabinet informs the technical Ministry and the Ministry of Foreign Affairs of the Cabinet's Decision.
- c) If the Cabinet gives its approval to the recommendations contained in the Memorandum, the dossier is prepared by the relevant technical Ministry for submission to the President and to the National Assembly.
- d) The Treaty is then sent to **the President** for assent. If assented, the Government's recommendation (for approval) is forwarded by the Secretary to the Cabinet to the Honorable Speaker of the National Assembly for the matter to be brought to the attention of the Assembly, as provided for under article 64.4 of the Constitution.
- e) The Secretary to the Cabinet circulates copies of relevant documents to the technical Ministry (corresponding extract of the Cabinet's Decision), to the Ministry of Foreign Affairs (corresponding extract of the Cabinet's Decision, Memorandum to Cabinet) and to the Clerk of the National Assembly (Text of the Treaty).
- f) The **Ministry of Foreign Affairs** submits to the Leader of Government Business in the National Assembly copies of text of the Treaty and Cabinet Memorandum. At this stage, if necessary, the Ministry of Foreign Affairs elaborates a *Brief on the Treaty* which should be complementary to the information already contained within the Cabinet Memorandum presented by the technical Ministry.

National Assembly

- a) According to the "National Assembly Standing Orders", the Treaty is presented to the Members as a *Motion* which is debated and voted on.
- b) The decision is taken through *Resolution*. A letter formally informing of the Assembly's Resolution is sent by the **Clerk of the National Assembly** to the Secretary to the Cabinet. This letter is copied to the Ministry of Foreign Affairs.

Preparations for Notification Abroad

- a) Following a favorable resolution of the National Assembly with regard to the Treaty, the Ministry of Foreign Affairs prepares three originals of the *Instrument* (of Signature, Accession, Acceptance, Adhesion or Ratification). The three originals are sent to the President's Office.
- b) The President proceeds with the *execution* of the Treaty through signature of three originals of the Instrument. Then the three originals are subsequently sent back to the Ministry of Foreign Affairs.
- c) Following the receipt of the three Instruments signed by the President (which are unsealed) the Ministry of Foreign Affairs forwards them to the Attorney General's Office.
- d) The Attorney General's Office affixes the *Seal of the Republic of Seychelles* to two of the originals of the Instrument already signed by the President; the third one is embossed. The three originals are returned to the Ministry of Foreign Affairs.
- e) The Ministry of Foreign Affairs files the embossed original of the Instrument and keeps one of the sealed originals as a spare document in the pocket of the file; in the event that the original sent abroad in the first place goes astray.

Notification Abroad

- a) The Ministry of Foreign Affairs prepares a *Note Verbale* which accompanies the Instrument and formally presents it to the Organization or State **depository** of the treaty.
- b) The Note Verbale and the remaining sealed original of the Instrument are transmitted to the depository of the treaty. If possible, the transmission are done through the corresponding Seychelles Embassy, accredited Embassy or High Commission nearer to the depository's premises abroad, by inserting the documents in the diplomatic bag.
- c) To guarantee expeditious notification and orderly arrival, copies are sent to the destination by fax. If the documents (Note Verbale and Instrument) cannot be sent in the diplomatic bag then they are dispatched by other safe and appropriate means, such as courier companies.

Entry into Force

To consider the process complete it is crucial that the Ministry of Foreign Affairs receives an acknowledgment letter from the depository confirming receipt of the Instrument. The treaty will enter into force for the Republic on the date specified by such a letter or according to the provisions of the treaty itself. Finally, a copy of the acknowledgement letter shall be sent to the Technical Ministry and to the Secretary to the Cabinet.

4.2 Development of new legislation

The procedure to develop new legislation in the Seychelles starts with a cabinet paper by the technical Ministry which details the requirements of the new law. When cabinet approval is received, the Ministry forwards the request to the legal draftsmen from the Attorney General's office. The legal draftsmen then propose a first draft which is circulated for comments. If the law concerns a regulation under an Act, the Minister signs the document which becomes law and is published in the official gazette. If the law concerns the creation or amendment to an Act, then it has to have the endorsement of the Parliament before signature by the Minister into law.

At the moment there is a shortage of human resources for drafting and a backlog of tasks with the Attorney General's office. This is seen as a major hurdle to the process of domestication of international treaties. In view of this the process can take quite a long time to complete depending on the priorities and availability of staff at the AG office.

Chapter 5: Conclusions and Recommendations

It is found that there is already significant legislation in place for LBSA protocol implementation in the Seychelles. The main framework for this is the Environment Protection Act 1994 and its Regulations. However it is seen that some new regulation will need to be enacted specifically for hazardous materials and waste in order to ensure a complete life cycle management of these materials. There is also the need to revise the EPA and its EIA Regulations to ensure that priority substances under Annex II are adequately managed.

Other legislation such as the Town and Country Planning Act should also be revised to include the Land Use Plan and other policies mentioned above. There is also the need to regulate the transportation, storage and use of chemical within the country and to set up standard for air pollution.

In terms of institutional mechanisms, the overall framework is in place but is fragile due to lack of resources. Since the EMPS for the period 2011-2020 is under development there is opportunity to coordinate the implementation of the LBSA protocol with this process. The main institution to coordinate implementation is the Conventions Unit but this unit is short staffed and relies on the focal persons to domesticate environmental treatise. There is a need to restructure and strengthen the unit to ensure better coordination of conventions management and ensure that implementation is being carried out including regular reporting. There is also the need to build up the capacity of the EMPS **Committee** in terms of technical skills and funding.

There is an urgent need to recruit and train more staff for the enforcement of the EIA recommendations and compilation of environmental data. Environmental inspectors need to be properly trained so as to better enforce the environmental legislation.

In terms of implementation, the drafting and implementing of laws are quite simple but there is a shortage of capacity especially for drafting within the AG's office which subsequently delays implementation of new laws. This delay is a function of the type of regulation to be enacted, especially where the drafters have no knowledge of the conventions, and the amount of work already with the office. It is therefore required that his hurdle be overcome to smoothen implementation processes.

REFERENCES

Carolus, I., 2007 National Report on the Status of Ratification of International Conventions relevant to Land-based Sources and Activities Management in Mauritius. Unpublished Report submitted to UNEP/WIO-LaB Project/Nairobi Convention Secretariat, Nairobi, Kenya,

Regional Synthesis Report on ratification and implementation of international conventions relevant to land based activities/sources of pollution of the coastal and marine environment of the WIO Region. 2009, UNEP/Nairobi Convention Secretariat and WIOMSA.

The nature and extent of environmental crimes in Seychelles. A situation report published in 2009 by the Institute for Security Studies (ISS).

Global Environment Facility PDF-B “Mainstreaming Biodiversity in Production Landscapes and Sectors in Seychelles” (Ferguson and Carolus) (2005) “Institutional and Policy Report” Republic of Seychelles (1997) “Seychelles Biodiversity Strategy and Action Plan”

UNEP/GPA & WIOMSA (Momanyi A.) (2004) “Review of National Legislations and Institutions Relevant to Tourism, Ports, Land Reclamation and Damming of Rivers in selected countries along the Western Indian Ocean”

UNEP-GEF WIO-LaB Addressing Land Based Activities in the Western Indian Ocean (Carolus), (2006) “Report on Legal, Policy and Regulatory Frameworks in the Seychelles”

UNEP-GEF WIO-LaB Addressing Land Based Activities in the Western Indian Ocean (Carolus), (2006) “Report on the Status of Ratification and Implementation of Relevant International Conventions”

6. Appendices

Terms of Reference