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MINISTRY OF ENVIRONMENT AND NATURE PROTECTION

**Directorate of Environment and Classified
Establishments**

REPORT

**Workshop on Project on Development of National Legal
Databases on Environmental Law Information in Africa for
French-Speaking Participating Countries**

Senegal, August 17-18, 2005

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INTRODUCTION

Scheduled in Dakar, Senegal 17 - 18 Aug. 2005, at the Hôtel Indépendance, this Workshop on "Project on Development of National Legal Databases on Environmental Law Information in Africa for French-speaking Participating Countries" was jointly organised by the United Nations Environment Programme (UNEP) and the Ministry of Environment and Classified Establishments of Senegal; it brought together UNEP experts, representatives of francophone countries participating in the said-project (Burkina Faso, Côte d'Ivoire, Senegal, Mali, Congo, Central African Republic, Gabon, Chad and Cameroon), as well as a number of invited resource persons; the list of attendance is appended to this document.

It is worth noting that this 36 months duration Project fits within the framework of the global environmental information portal (UNEP.net), and joint UNEP/IUCN/FAO work on providing global access to environmental law information (ECOLEX). It aims at developing national databases for access of all stakeholders concerned to environmental law information on the one hand, and capacity building on maintenance and regular updating of these legal databases, on the other. In fact, the Project is based on the fact that today many countries are facing real difficulties to access environmental law information which is essential for a sound management of environment and natural resources; although this information is available it is scattered in various institutions and is ill organised. As a consequence, all categories of stakeholders (decision-makers, legal practitioners, magistrates and lawyers, parliamentarians, academia and researchers, as well as general public) have difficulties collecting and using it.

On completion, the Project on Development of National Legal Databases on Environmental Law Information in Africa should allow an improvement of legal services, training of experts in web-based data collection, organisation and processing, whence an improvement of management of environmental and natural resources issues.

The workshop took the form of an international dialogue, with a series of papers presented by UNEP experts followed by discussions that allowed cross-fertilisation between the various country delegates attending.

I. The opening ceremony

The opening ceremony was chaired by Mr Mamadou TALL, Permanent Secretary, Ministry of Environment and Nature Protection of Senegal, in the presence of Mr Bakary KANTE, Director, Division of Policy Development and Law, UNEP, Mrs Fatima Dia TOURE, Director, Environment and Classified Establishments, Mr Kémoko DIAKITE, Head of Division, International Conventions and Agreements, Ministry of Foreign Affairs, Mr Labba TOURE, representing the United Nations Development Programme and the FAO representative.

1.1: Address of Mr Bakary KANTE

Mr Bakary KANTE started by recalling that the workshop was second to that organised two weeks ago in Nairobi, Kenya for English-speaking African countries. In doing so he underscored that beyond the objective of the Project to bridge the digital divide between developing and developed countries in accessing environmental law information through information technology, it also intends to enhance access to online information in Africa. Therefore, it contributes to the implementation of Principle 10 of the Rio Declaration inviting States to facilitate and encourage public awareness and participation by making information widely available; it also fits rightly within the Bali Strategic Plan on Capacity Building and Technology Transfer and the WSSD implementation plan calling on all countries to promote public participation, including through measures that provide access to information regarding legislation, regulations, activities, policies and programs.

Mr KANTE also insisted on the importance of environmental law which is a prerequisite for the elaboration and implementation of any environment management policy. According to him, for the Project objectives to be fully reached it is necessary that the databases set up be regularly fed.

He concluded by expressing on behalf of the UNEP Executive Director his sympathy and appreciation of the long standing true cooperation enjoyed by his institution and Senegalese authorities in charge of environment and nature protection.

1.2: Speech of Mr Mamadou TALL, Permanent Secretary, Ministry of Environment and Nature Protection

Following Mr Bakary KANTE, the Permanent Secretary of the Ministry of Environment and Nature Protection, Mr Mamadou TALL expressed his pleasure to chair the opening ceremony of the Workshop, which has come at an opportune time, knowing that it will

allow African countries to have new efficient data collection, dissemination and decision-making tools.

In his address, Mr Mamadou TALL laid a strong emphasis on the importance of developing national web-based legal databases for the promotion of environmental good governance, based on time-saving and advanced research. For him, "in this globalised world where the golden rule is dexterity and efficiency, it would not be acceptable to see African countries lagging behind while information and communication technologies offer the opportunity to considerably save time and make productivity gains, through the Internet and computers". However, he recommended that all arrangements be made in order that databases are better organised, regularly updated and maintenance ensured.

Mr TALL also commended UNEP, the FAO and the IUCN for this very good initiative and offered his words of welcome to Senegal to all participants; he then declared opened the workshop and expressed the wish for successful deliberations.

II. Organisation of the Workshop

2.1: Wednesday, 17 Aug. 2005

On Wed. 17 Aug., three papers were presented by the UNEP experts, followed by discussions. The representatives of Burkina Faso and Congo took over and presented the situation of environmental law in their countries, as well as their experience in database development and use of information and communication technologies.

2.1.1: UNEP experts' presentations

- ❖ **Presentation by Mr Mamadou Kane on "The objectives of the Project on Development of National Databases for Information on Environmental Law in Africa"**

Mr Kane started by recalling that on 2004, UNEP jointly launched the Project with the FAO and the IUCN; the time line of the Project is 36 months, normally ending in 2007.

The Project targets various French-speaking countries of Africa (Burkina Faso, Côte d'Ivoire, Senegal, Mali, Congo, Djibouti, Central African Republic, Gabon, Chad and Cameroon) and English-speaking countries of Africa (Ghana, Malawi, Mauritius, Kenya, Tanzania, Nigeria, Lesotho, Botswana, Mozambique and South Africa).

The aim of the Project is to help Governments and people concerned access environmental law information through a web-based legal database and capacity building for development, maintenance and updating of national legal databases. It is in line with the implementation of the principle of enforcement and compliance with environmental law, including international agreements signed within the framework of MEAs; it should contribute to the achievement of Millennium Goals for sustainable development.

Environmental law implementation in Africa faces many difficulties, especially the lack of access to environmental law information which is necessary for the development of legal tools to promote a sound management of the environment. Furthermore, information available is not organised, it is scattered in different institutions and is difficult to access. Thus, not only the public at large but also decision-makers have problems when looking for environmental management information. This subsequently hampers enforcement and compliance with laws, effective participation of the public, teaching of environmental law, filing or defending cases, compliance with administrative and legal procedures relating to it. Considering the various categories of stakeholders concerned (decision-makers, magistrates and lawyers, parliamentarians, academia and researchers, as well as grassroots populations), Mr Kane showed that they all need access to environmental law information, regardless of the level at which they need it.

❖ **Presentation of Mr Kelly Kabiru on “Technology, Information and Communication : the importance of accessing and sharing information for web-based legal databases”**

After providing the background to the development of the Internet following the research result of the US Defence Secretary in the mid-seventies, and shown the mean share of Africa in Internet usage compared with the rest of the world, Mr Kabiru focused on core benefits of sharing information which are the following:

- Reduction in the cost of access to information – ICT’s contribution is the expansion of knowledge and its obverse, the reduction of uncertainty ;
- Enhancing end-user convenience – Affordable access, 24X7 availability, user-friendly but powerful search tools, feedback mechanisms.

He then argued for the need for the legal system to have a tool for on-line data retrieval. Law firms came late to the Web because of security fears. In his words “Twenty-five years ago, the card catalogue was generally the best research aid and means of organizing and accessing a collection of legal materials”, but this system has proved to be an incomplete and inefficient form of knowledge management.

Included among the reasons why the legal firms opted for web-based technology is the availability of information, because databases are more comprehensive and uniform; added to this are other advantages like the size of data available, their longevity, easy maintenance and updating.

Mr Kabiru concluded his presentation saying that for legal information to be accessed and shared in a manner that is cost-effective and convenient to all it would need to be promoted from its traditional off-line state into a web-based hybrid database system.

❖ **Presentation of Mr Mamadou Kane on “Contents for an Environmental Law and Policy Webpage” and on “Roles of participating agencies and Governments”**

Mr Kane started with a paper on draft webpage contents for a national database; this webpage should contain a number of elements, including Primary Legislation (acts/statutes/decrees of Parliament, etc. in full downloadable format), Subsidiary Legislation (local and territorial administration rules and regulations), Bylaws, Ordinances, Rules, Licenses, Permits, Forms), Environment Guidelines , court and Tribunal Decisions , Multilateral Environment Agreements, Reports, Policies and Plans.

Each Webpage should have linkages to other websites, e.g. international organisations like UNEP, FAO. All web sites should have a searchable engine with keywords common to all participating countries.

General information on institutional and administrative setting, background to policy and law development, details or summary on how laws are formulated and adopted, relevant topical issues, as well as contact addresses of institutions dealing with environment management could also be included.

The second presentation of Mr Mamadou Kane highlighted the importance of the role of participating agencies and governments. In this regard, countries will have to appoint and maintain a national focal point, identify the sources of environmental law and policy information, ensure data authenticity and credibility, ensure that the development and use of data are in accordance with the laws and policies, organize the database while ensuring availability of original texts, develop remote data entry service to allow data entry by associates, ensure technical maintenance

of the software and website, develop a network of associated contributors, ensure sustainability of the database maintenance and update.

As for the role of IUCN and FAO, it consists in putting in place the means required to create links between available information and their databases (ECOLEX and FAOLEX), but also with other databases containing quality information on environmental laws, especially databases developed by international, regional and national institutions; it also consists in providing information that has been collected over time on environmental law that is relevant to participating countries and providing technical advisory services to them.

As for the role of UNEP, its responsibility will be to prepare training materials and programmes on developing and maintaining environmental law databases, develop templates and lay out of the information for use by the participating countries, develop key words to be used for searching in the websites, provide technical assistance to the participating countries, where necessary, promote methods for using the internet and information technology to enhance public awareness of environmental law, provide authentic legal texts, oversee the implementation of the project by providing advisory services at the national level, provide resources necessary and feasible to ensure establishment of the national databases, and finally link the national databases to the UNEP websites.

2.1.2: Discussions

After all papers were presented discussions followed focusing over all on:

- The importance of the Internet as an information transmission tool;
- The importance of regular updating of databases, as well as follow up and maintenance;
- The value of sharing information which helps reduce cost and save time,
- The harmonisation of the French-speaking Africa protocol,
- The integration of environmental status data in webpage contents,
- The need to break the barriers of State sovereignty and information withholding,
- The interest of developing websites which are simple and easy to search, so that the public at large has an improved access to information,
- The importance of capacity-building for the various stakeholders concerned, especially through the development of training plans,
- And in the long run, capitalisation of the Project achievements,

- The need to verify authenticity and credibility of data,
- The identification of the national focal point in a rather short time so as to allow project activity start-up,
- Ownership of Project by countries, who must take it as their own and not a UNEP one,
- The need to include environmental standards in the webpage contents, e.g. those relating to air or water quality.

Questions relating to the practical aspects of Project implementation have been raised; for instance, concerning the official date for the Project start-up, the participants raised the issue relating to project duration which normally goes from 2004 to 2007; and yet the project is waiting to be officially launched for French-speaking countries that have just been informed.

In the discussions, recommendations were made for UNEP or participating countries to consider (See chapter III of this document).

2.1.3: Country Presentations: Burkina Faso and Congo

To close the first day of the workshop, representatives of Burkina Faso and Congo were asked to make a presentation on the status of environmental law in their countries and their experience in database development.

From these, it appeared that Burkina Faso has put in place a national information management programme, with the support of the World Bank; it is through this network that information on water, soils and environment in general is disseminated. This programme has led to the development of an information database at the national level, the production of a report on the state of the environment in Burkina, the setting up of a national environmental information system that soon will be on-line, a database of experts and consultancy firms involved in environmental issues, and the dissemination of information on all on-going programmes and projects. In addition, an environmental network called Media-terre and an African capacity-building network were set up under the aegis of UNEP. Throughout his intervention the representative of Burkina laid a strong emphasis on the PADELIA Project and the role it has played in enabling them to proceed with capacity-building for legal practitioners (lawyers and magistrates) and formulate an environmental code. He also quoted the existence of a website in the Ministry in charge of Environment in Burkina.

As for the representative of Congo, he mainly focused on the institutional framework managing environmental issues; these are taken care of under the 1991 Act on Environment Protection. The rights of every Congolese to a healthy environment, the Forestry code, the Merchant navy code, the Water code, etc., are all enshrined in the Congolese constitution. In the same vein, Congo has ratified several international conventions and adopted the CEMAC law on the management of substances that deplete the ozone layer.

The representative of Congo also insisted on their production of a collection of all documents relating to environment protection, from early independence to 2002.

Concerning the use of information and communication technologies, he brought to the attention of participants that in his country all ministries have their own website, but access to these is difficult due to high cost of connection.

2.2: Thursday 18 Aug. 2005

After the short summary of the previous day's work presented by Mrs Takia Fall from the Directorate of Environment, Senegal, the remaining Project countries proceeded with their country presentation on the status of national environmental legislation and the use of information and communication technologies. This was followed by Mr Kelly Kabiru's presentation on the relationship between the Internet and socioeconomic development and an open discussion.

2.2.1: Country Presentations

The representative of the Central African Republic (CAR) started by recalling that before the political crisis that affected his country there were many hard copy data that, circumstances dictating, came out of the offices into the streets often serving as food packing papers. In 1996, the International Association for the Development of Environmental Information partnered with ministerial departments and non-governmental organisations to help put in place an electronic database. In addition to that database, Government has its own database which is operating more or less satisfactorily. As for what is available in terms of environmental legislation, CAR has a Hygiene Code and an Environment code; in addition, within the framework of CEMAC all member countries are in the process of formulating a basic law in this regard for harmonisation purposes. What hampers the CAR efficiency are forest fires and political and military crises. From a technological point of view, an enabling environment is

helping the national network operate very well. A lot of data is already on-line. In 2003, with the advent of high speed transmission devices, a lot of Internet Cafés have cropped up and media also flourished.

He concluded highlighting that the project comes at an opportune time knowing that it will help specialise the websites and better coordinate environmental information.

The next country presentation came from the Mali representative. From his presentation, it appeared that in his country they launched the process of putting in place a national information management system in 1990 when they elaborated a National Action Plan for environment. Previously, there was a desert control system. This was an information system on desertification, which progressively became the environment monitoring and information system on the Internet. This system manages issues relating to desertification, climate change, biodiversity, ozone layer depletion and wetlands. Data is disseminated through libraries, thematic cards, specific programmes and projects...

Mali is facing a number of constraints: access to the Internet is not possible for all administrative bodies and it is impossible to widely disseminate data to users. The only existing environmental site is hosted at UNITAR. Furthermore, no training for its utilisation was provided before the Mali PADELIA Project came in to help bridge the gap. Environmental jurisprudence in Mali is almost unavailable because referral to courts and tribunals in environmental matters is very low. Mali concluded with a recommendation that university lectures in Mali include environment law and capacity-building for the various stakeholders, especially magistrates and technical services.

In the past, it was GTZ contribution that helped update the database but this programme ended in February 2005.

The presentation from Gabon showed that since 1993 this country had issued an outline law for environmental issues, as well as a collection of legal documents in that field; they also have a documentation service with an electronic library collecting all environmental information. At the institutional level, there is a General Directorate for Electronic Services responsible for managing all civil service computer-related matters. The Ministry of Environment does not have its own website, although there is intranet. As for the Directorate of Environment, it is confronting a problem of instability since it is hosted in different ministries according to political circumstances. However, there is a Ministry reorganisation project within the framework of which it is planned the creation of a directorate in charge of environmental information.

Gabon has a sizeable wealth of environmental law because legislation is already available, as is a database on environmental information and skilled human resources for its management. The only remaining problem is that of synergising with the various structures.

Concerning Cameroon, several electronic databases are operating in several locations and there is also an environment information centre.

In terms of environmental legislation, an outline law on Environment protection was adopted, as was a Forestry law and a law on Wildlife and Hunting. Next to this legislation, there is another one on biosafety, and these various legislations are coupled with rules, orders and regulations. There is also a National Action Plan for environment.

Plans are made for the establishment of a database to take on board information relating to environmental issues, such as water and sanitation. Similarly, it is planned at the level of the Ministry in charge of environment a network management of environmental issues.

When implementing these activities Cameroon encountered some difficulties: training needs in information and communication technologies, limited public awareness, law enforcement problems and a limited access to information.

As for the representative of Senegal, she recalled that Senegal acceded almost all international conventions on environment protection. At the national level Senegal has adopted a number of essential documents which are the reference framework for any environment protection action at the national level. Among others, a new environment code was issued in 2001 together with the subordinate legislation (popularisation of the environment code, publication of the comic Environment code, ...), a National Action Plan for Environment and an environment policy letter constituting the national reference framework defining the major orientations of the environment management policy, a national biodiversity conservation strategy, a national implementation strategy for the UN Convention on Climate Change, a national profile for chemicals management, bylaws regulating EIA-related activities and sector-wide guides orienting the environment impact assessment procedure, and water and air standards. Bylaws to supplement the arrangements of the new code are in the pipeline, as is an action plan on sustainable production and consumption modes. Senegal also has a mobile air quality control lab.

Concerning the Senegalese experience in the field of databases and NICT, the Ministry of Environment and Nature Protection has its own website, as does the Directorate of Environment. In the website of the Directorate of Environment, there is a Documentation entry and in the latter there is a Laws & Regulations sub-entry where relevant environment protection legal documents are indexed. The two websites are managed by computer specialists highly knowledgeable in website management; they formally and technically provide fulltime management of these sites, and update their contents.

At the end of the various presentations, the UNEP experts noted that generally speaking countries have the necessary input to set up these national legal databases: political will, legal documents and institutions.

2.2.2: Presentation of Mr Kelly KABIRU on "Internet and Socioeconomic Development"

The key question raised by Mr Kabiru is this one: How can the Internet impact on economic development?

To answer this question, he laid an emphasis on the importance of access to information as a human development index. Thus, there is need to provide information to populations because it impinges on health (especially in telemedicine), on information and on education through distance learning and dissemination of local indigenous knowledge.

In Africa the major challenge is that of improving the infrastructures for a good quality of life. Such being the case, the Internet and the information and communication technology issues are not well developed, since they are not seen as priorities compared with poverty. There is need then to develop the Internet in Africa, as a tool for integrating and mainstreaming of underprivileged groups.

Mr KABIRU concluded his presentation by underscoring that for the Internet to fully play its role every country should have a policy that is defined in relation to that aspect, and also appropriate standards be developed. Added to this must be the recruitment and training of human resources for website management.

2.2.3 : Discussions

The country presentations and the paper presented by the UNEP expert prompted discussions which can be summarised as follows:

- The need to give good training to legal practitioners and computer specialists, within the framework of the Project on development of national legal database;
- The importance of developing community-based Internet, especially Internet cafés, to allow wider access to information;
- The development of a strategy to secure information stored at UNEP Headquarters level and their dissemination in several countries.

III. Recommendations

From the discussions and UNEP Experts and country presentations it appears that participants have great hopes in the Project and this is expressed both in the specific and general recommendations relating to the objective of the Project. They have formulated expectations the substance of which is presented below.

3.1: General Recommendations

The general recommendations made by the workshop participants hinge on the following points:

- Simplicity of databases in order to allow all categories of stakeholders to access relevant information on environmental law;
- Authentication of data through a thorough checking, thus avoiding the wrong information to be put across databases;
- UNEP support in terms of backstopping to national focal points (training, capacity-building and equipment);
- Strengthening environmental law in every country and harmonisation of legislation at the sub-regional level;
- Internet access to all civil servants in all African countries;
- Establishing an organised body in charge of drawing up an official statement in case of an environmental law offence, so that populations can enforce environment protection legislation;
- Networking between participating countries in order to develop exchange of information and create an on-line discussion forum;
- Harmonisation of presentation and contents of databases to allow comparability of information and good use of positive experience from the others, and avoid pitfalls elsewhere encountered;

- National budget allocation for part of the database development and management costs to ensure sustainability and monitoring;
- UNEP implementation of all required arrangements so that the workshop organisation and participants management are handled as best as possible. In this regard, workshop documents should be sent to participants well ahead of time.

3.2: Specific Recommendations

They focused on:

- ✓ The identification of a focal point in each country in no more than one month and the expression of political will to participate in the Project, through a letter to be sent to UNEP. This letter should also contain a statement of the country to use any useful means for the success of the Project;
- ✓ The detailed assessment of country needs within the objectives of the Project in no more than two months;
- ✓ The development of a work plan in no more than three months, starting from the date of notification of Project budget amounts for each country;
- ✓ The preparation and implementation of a data collection plan.

CONCLUSION

The closing ceremony was chaired by Mrs Fatima Dia TOURE, Director of Environment and Classified Establishments of Senegal who strongly recommended participants to act diligently in relation to the workshop recommendations; to conclude she thanked participants and wished them safe journey back home.

In their turn, participants thanked Mrs Fatima Dia TOURE, and through her the host country, Senegal, for having hosted the workshop, and reasserted their strong desire to take part in the Project.

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