Netherlands Commission for Environmental Assessment

Benin

SEA profile

Updated to: 29 November 2019

Overview SEA procedure

Decree 2017-332, article 9, stipulates the administrative and technical procedures of the SEA:

- Transmission of the draft document, accompanied by a draft Terms of Reference to the ABE, either at the request of the organization responsible for the PPP.
- Preliminary examination, and preparation of an opinion to inform the manager about the environmental obligations and the conditions for carrying out the SEA.
- Processes of the writing of the SEA. Atthe end of each phase of the process, the team of experts reports to the ABE, which makes its observations and recommendations.
- Transmission of the SEA report to the Minister, accompanied by a summary note of the recommended environmental measures and the monitoring methods.
- Delivery of an environmental feasibility visa by the Minister in charge of the Environment.

At the end of the first four phases of the process, the team of experts reports to the ABE, which makes its observations and recommendations during a presentation meeting.

Establishing context

Screening process

A document describing the programme to be evaluated, accompanied by a draft Terms of Reference (TOR) is sent to the ABE which carries out a preliminary examination, approves the draft TOR after amendment. The ABE also prepares a recommendation (for signature by the Minister of sustainable development) to inform the organization responsible about the environmental obligations and the conditions for carrying out SEA.

Timeline Screening

15 days

Identification of stakeholders

Even if the importance of public participation is explicitly underlined (article 7), the identification of stakeholders is not described either in the decree or in the 2006 guide.

Implementing SEA

Scoping process

The scoping is not defined in much detail. It is implicit that the scoping is done by preparing the ToR for the SEA.

Baseline data

The process of an SEA consists of using study reports. The synthesis of the information collected will make it possible to identify the environmental problems of the territory studied.

source

guidelines (not formalized) 2006

Alternatives

The guide (not yet formalized) includes requirements on alternatives. A zero option (do nothing) can be evaluated during this step.

Also, strategic axes, which take into account environmental potentials and constraints linked to development needs and vision, must be formulated.

Content of SEA report

- a non-technical executive summary;
- methodology used;
- context and the framework for the preparation, updating or approval of the document concerned in relation to the national guidelines for socio-economic development and sustainable development;
- the strategic environmental diagnosis presenting the current and past environmental situation as well as its probable evolution in time and space in the event of status quo;
- an environmental analysis of the orientations and options provided for in the document, making it possible in particular to check their compatibility with the legislation in force and the principles of sustainable development adopted by Benin;
- the identification of the main conflicts and potential effects linked to the orientations and options selected in the document;
- the proposal for environmental measures to be included in the document submitted for assessment, including technical, regulatory, institutional and capacity-building measures;
- the proposal of a monitoring-evaluation and reporting mechanism for the implementation of the measures and recommendations.

source

decree 2017-332

Review process

In each step of the process, documents are submitted to ABE. The ABE staff validates the documents.

Participation in review

Public participation in the review of an SEA is not described in the decree (only an ad hoc technical committee is mentioned). However, the decree stipulates that "The process of Strategic Environmental Assessment is based on the principles of transparency, precaution and participation." (article 7)

Informing decision making

SEA and planning decision-making

The SEA report, once amended by an ad hoc technical committee of experts set up by the ABE, is sent after correction to the Minister, accompanied by a summary of the recommended environmental measures and the monitoring procedures.

The final document, verified by the ABE following this integration, is subject to an environmental feasibility visa issued by the Minister.

Follow-up

Monitoring and evaluation

In the SEA report, a proposal for a monitoring-evaluation and reporting mechanism for the implementation of the measures and recommendations is required.

The methodological guide (not formalized) requires that at each stage of implementation, the competent structures monitor and assess the level of respect for the principles contained in the strategic document.

The responsibility for monitoring SEAs, as well as coordinating the whole process, and its periodic review if necessary, rests with the EBA.

SEA practice

Annual no. of SEAs

In practice, not many SEAs are carried out in Benin. There are a few examples (e.g. on the development of the Poverty Reduction Strategy), but this is not done annually

Professional bodies

The Beninese Association for Environmental Assessment Professionals (ABPEE in French), established in 1998, aims to promote effective and systematic EA practice in Benin.

Relevant links on SEA

https://read.oecd-ilibrary.org/development/strategic-environmental-assessment-in-development-practic

e_9789264166745-en#page9

Background information

History of SEA

In Benin, some legal provisions are provided for SEA. The environmental law no. 98-030 makes some reference to SEA and the EIA guidelines (2001) imply that the EIA procedures are also applied to projects and programmes. These guidelines thus indicate an EIA-based approach of SEA.

In 2017, Decree No. 2017-332 of 06 July 2017 on the organization of environmental assessment procedures in the Republic of Benin was introduced, which includes provisions on procedures relating to SEA.

In 2006, methodological guidelines for SEA were prepared, but not formalized.

With respect to its practice, Benin has limited experience with SEA's. Some examples are available (e.g. on park management, water, tourism). Also a SEA on the 2nd version of the poverty reduction strategy paper has been conducted.

Legal framework

Enabling law

Several articles of the environmental law no. 98-030 make reference to SEA. They provide explicitly or more implicitly for environmental assessment of policies, sectoral strategies, plans and programmes.

In addition, decree 2017-332 has some more detailed guidelines on SEA.

National detailed regulation

DECREE N "2017- 332 of 06 July 2017 on the organization of environmental assessment procedures in the Republic of Benin.

Sector specific procedures/regulations

Several sectoral guidelines exist for EIA in Benin, e.g.:

- sectoral guidelines for dams and hydroelectric plants;
- sectoral guidelines for pipelines;
- sectoral guidelines for the management of protected areas and forests management;
- sectoral guidelines for water supply projects;
- sectoral guidelines for electrification;
- sectoral guidelines for tourist projects;
- decree 2003-332 on waste management and the disposal of hazardous waste.

It is not clear to what extent these guides are applicable to SEA.

Guidelines

Methodological guide for SEA (2006) (still a draft, not clear if this will be completed and formalized).

Scope of application

Decret 2017-332 states that policies, strategies, plans or programs that may have an impact on the environment are subject to the Strategic Environmental Assessment.

A list of specific topics such as agriculture, fishing, energy, etc. is included (article 8).

Exemptions from application

PPPs related to national defense (under state secret) may be exempted from an SEA process.

SEA approach

Decree 2017-332, article 9, stipulates the administrative and technical procedures of the SEA (see below).

SEA tiering with ESIA

The methodological guidelines for SEA (not formalized) mentions the relations between EIA and SEA and that SEA is beneficial for EIAs. They mention that SEA can timely detect the effects of projects which are part of a strategy and that it can reveal potential conflicts that could arise in the future. Thus, SEA can help to reduce such impacts and thus can accelerate the conduct of EIA's on projects that are part of the policy, programme or plan for which an SEA is conducted.

Institutional setting

Central SEA authority

The Benin Environmental Agency (ABE) is the central EA authority that has the mandate to implement the different stages of the SEA procedure. It reports to the Ministry responsible for the Environment which provides the legal framework for environmental protection and is responsible for main decision-making during the SEA process. However, ABE has corporate status and is financially independent.

Initiator of the SEA

The Strategic Environmental Assessment is initiated either ex officio by the Minister at the request of the Agency or at the request of the body responsible for the PPP concerned (a line ministry, inter-ministerial committee, decentralized representations, etc.).

source

decret 2017-332

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