# Environmental Democracy: Towards National Climate Change Legislation

A comprehensive assessment of the gaps and challenges within current Legislation, Policies and Strategies in The Gambia, and recommendations for a new National Climate Change Act

A Report

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### 1. Introduction

#### 1.1 Context

The Gambia is a low-lying country with over 48% of the total land area below 20 m above mean sea level and nearly one-third of the country, at or below 10 m above mean sea level (Duguma et al., 2020). It is one of the most vulnerable countries to the negative effects of climate change and variability, despite its minimal share of global GHG emissions (estimated at 0.01%). Its vulnerability is on account of its location and geography (Xuehui, H. and Kirabaeva, K., 2024), with large areas of the country exposed to windstorms, droughts, floods, soil erosion and saltwater intrusion.

The Gambia faces significant challenges due to climate change, which is exacerbated by its lowlying topography, weak infrastructure and reliance on rain-fed agriculture. Key impacts include:

- **Increased Temperature:** Projections indicate that mean temperatures may rise by 1.7 to 2.1°C by 2050 and by 3.1 to 3.9°C by 2100 relative to the year 2000.
- Sea Level Rise: A potential rise of up to 1 meter could inundate over 8% of the country's land area, impacting major urban areas like Banjul and critical infrastructure such as ports (Jaiteh and Baboucarr, 2011).
- **Droughts and Flooding**: The frequency and severity of droughts are expected to increase, leading to ecosystem degradation and reduced agricultural productivity<sup>1</sup>. Conversely, flooding events may become more common due to extreme weather patterns.
- **Salinization**: Rising sea levels could lead to salinization of coastal aquifers, which are vital for drinking water supplies in urban areas.
- **Ecosystem Vulnerability**: Coastal ecosystems, including mangroves and wetlands, are at risk from both inundation and increased salinity, threatening biodiversity and local livelihoods.

The rising temperatures combined with changing rainfall patterns pose serious risks to agriculture, water resources, and overall food security in The Gambia. The Gambia government recognizes these vulnerabilities and is working on strategies for climate adaptation and sustainable development to mitigate these impacts. Despite the ambitious climate targets set out in the Second Nationally Determined Contribution (NDC2) and Long-term Climate Neutral Development Strategy (LTS), there remain key governance hurdles in The Gambia. Addressing this will require an integrated climate and development strategy, based on sound data and rigorous analysis, and the ability to translate scientific findings into policies. The National Climate Change Policy of The Gambia (2016) has outlined a number of national-level institutional arrangements to promote climate change mainstreaming and implementation of climate-resilient development activities.



<sup>&</sup>lt;sup>1</sup> <u>https://www.elibrary.imf.org/view/journals/018/2024/005/article-A001-en.xml</u>

The legal status of this National Climate Change Policy is a framework policy instrument that is backed by law. Unfortunately, there is no Climate Change Act in The Gambia which parallels and enforces this Policy, and hence the legal backing in the first instance is extrapolated from the authority of the Ministry of Environment, Climate Change and Natural Resources (MECCNAR). This legal backing provided to the NCCP by extrapolation from the authority of MECCNAR is now deemed inadequate to regulate emerging issues and challenges related to the implementation of climate change in The Gambia. A National Climate Change Act is now more urgently needed than when it was first called for in 2016 by the National Climate Change Policy (2016 – 2025). MECCNAR and all other relevant stakeholders, notably the National Assembly, need to design the Act and continue to process to enactment by the President of the Republic and the National Assembly.

#### 1.2 Current Governance Structure

The Cabinet of Ministers is responsible for advising the President of The Gambia and for carrying out other functions as prescribed by law. The ministry responsible for environment, climate change and natural resources (MECCNAR) is mandated to protect, monitor and conserve the environment, biodiversity and climate change for current and future quality of life and economic development needs of present and future generations of citizens of The Gambia.

The National Assembly is primarily responsible for the enactment of laws (including approval of financial appropriation bills), ratification of treaties, keeping local and national development issues in the public policy space, and oversight of organs and agencies of the executive branch of government. Currently, the National Assembly in its 5th legislative session has eight standing committees, nine select committees, including a committee on 'Environment, Sustainable Development and NGO affairs', and seven international parliamentary delegations to ensure responsiveness and operational efficiency vis-à-vis internal and external challenges.

An independent judiciary is guaranteed under the Constitution. By Section 120 of the Constitution, Superior, Magistrate and Cadi Courts are established in The Gambia.<sup>2</sup> Tribunal courts may be established by an Act of the National Assembly. The judicial power of The Gambia is vested in the courts and shall be exercised by them according to the respective jurisdiction conferred on them by law.

Two Departments under the Judiciary that are critical in providing services to Government and its institutions and agencies, are the Civil Litigation and International Law Department and the Legislative Drafting Department. The Civil Litigation and International Law Department is mandated to provide legal services to Government in all areas of public and private law, administrative law, constitutional law, public international law and private international law. The Department also provides legal services to Government Ministries, Departments, Agencies and The Gambia's

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<sup>&</sup>lt;sup>2</sup> https://www.nyulawglobal.org/globalex/Gambia1.html

overseas missions, with an emphasis on adherence to Rule of Law, Good Governance and Justice for all. It is headed by the Director and consists of Principal State Counsels, Senior State Counsels and State counsels. The Legislative Drafting Department specialises in preparing all government bills in accordance with current best practices in the field. The ultimate goal of the Legislative Drafting Department is to translate policy into laws which are unambiguous.

#### **1.3 Environmental Democracy**

Environmental democracy is the idea that public participation is vital to making decisions about natural resources and land that are fair and in the best interests of citizens. According to the UN Rio Declaration on Environment and Development of 1992, which informs the approach of Westminster Foundation for Democracy (WFD<sup>3</sup>), environmental democracy has three pillars: transparency, participation and justice. Openness and transparency are required to help citizens, civil society, media, businesses, the courts and the international community understand what is happening in relation to the environment and how their governments are responding. On participation, the public – particularly those most affected by climate change and environmental degradation – need to be able to voice their concerns and influence policy making for the right decisions to be made and for these choices to have legitimacy. Thirdly, if enforcement of environmental legislation and treaties is to have meaning, and people's human rights are to be respected, then there must be effective mechanisms for challenging the action – or inaction – of governments in acting as environmental stewards for current and future generations.

Strong environmental rule of law, good information, and accountability are crucial. Realising international environmental treaties such as the Paris Climate Agreement requires the translation of these commitments into domestic laws and regulations by democratic means. Citizens, political parties, journalists and parliaments need the capacity and resources to use the extensive evidence available on climate change and environmental degradation to inform and influence policy development. Almost every country in the world has legislation dedicated to the protection and preservation of the environment. However, the implementation and enforcement of these laws does not go far enough to address environmental justice is severely limited. Few parliaments effectively hold their executives to account for failure to deliver on environmental commitments. Countries and their institutions of governance need support to make sure they deliver on them.

WFD supports a democratic response to global environmental crises by working with parliaments, political parties and civil society. There are strong links between action to address climate and environmental crises and action to strengthen democracy. Increased participation of all people in decision-making and strong environmental rule of law are crucial to delivering action on climate change. WFD works with local partners to address the urgency of the climate crisis in a way that

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<sup>&</sup>lt;sup>3</sup> Global-environmental-crises-a-democratic-response WFD 2020-updated.pdf

facilitates ambitious action and includes everyone. WFD's operating ethos is to be responsive to local contexts and the needs and priorities of those with whom it works.

The Westminster Foundation for Democracy (WFD), with support from the British High Commission in Banjul, have launched an Environmental Democracy Project aimed at addressing climate change issues in The Gambia<sup>4</sup>, notably through identifying a legislative way forward. The project seeks to identify and tackle gaps and challenges at both policy and institutional levels through participatory approaches involving a diverse range of stakeholders, including parliamentarians, Civil Society Organizations (CSOs), and the media. The project aims to address these issues and challenges by engaging in adaptability measures and involving parliamentarians in the legislative process. Research has identified gaps in The Gambia's environmental legislation and the involvement of lawmakers in climate-related issues, which the project intends to highlight<sup>5</sup>. The project is conceived to ensure that parliamentarians are informed and equipped to develop better policies, especially in relation to climate change, and to notably be involved in the process of the development of a Climate Change Act in The Gambia. The project is primarily led by National Assembly members with support from WFD and the project's goal is to build the capacities of these National Assembly members to address national gaps in the fight against climate change, including the urgent need for a comprehensive National Climate Change Act (NCCA) as called for by the National Climate Change Policy (2017 – 2025)

The National Assemblies Environmental Committee, with support from WFD and a Consultant, undertook a legislative review to map existing obligations for The Gambia on Climate Change, including existing national plans, strategies and legislation. This mapping led to the convening of stakeholders together both to welcome actors to the program, to WFD, and to each, as well as convening them through a series of sectoral workshops to discuss and share feedback on the legislative review. This gap assessment feedback reflects the views of the National Assembly Select Committee and other relevant stakeholders with the aim of securing a commitment from them to draft a motion calling for a Gambian Climate Act. The workshop highlighted the urgency of climate action, emphasising the need for the National Assembly to address The Gambia's environmental challenges through effective legislation. The discussion underscored the importance of a collaborative approach, involving not only the National Assembly but also communities and other stakeholders, to ensure successful climate change legislation. Furthermore, increasing public understanding of climate change was identified as essential for effective policy formulation and community engagement in mitigation efforts.

The Gambia has been reporting to the UNFCCC through its National Communications and the Nationally Determined Contributions (NDC) commitments, setting ambitions to mitigate these effects as well as responding to adaptation plans, in addition to setting National agenda and ways forward, starting with the National Climate Change Policy of 2016. However, despite these arrays of



<sup>&</sup>lt;sup>4</sup> <u>https://www.wfd.org/news/tackling-climate-change-wfd-launches-environmental-democracy-project-gambia</u>

<sup>&</sup>lt;sup>5</sup> https://www.voicegambia.com/2024/10/07/wfd-launches-environmental-democracy-project/

frameworks and policies, legislative gaps remain, and so it is the intention of this consultancy, as well as the programme more broadly, to contribute to the ongoing discussion on a legislative way forward for The Gambia regarding climate, including the envisaged Climate Act as laid out in the National Climate Change Policy (2016 – 2025) and the most recent Recovery Focused National Development Plan (RFNDP 2023 – 2027). This project not only intents to highlight policy gaps but also the limited participation of major stakeholders in climate change governance, processes, and negotiations nationally and internationally. These stakeholders include senior policy makers (Cabinet Ministers Permanent Secretaries and CEOs of Agencies) in the public sector, representatives of the private and business sectors, Civil Society Organizations, Women Organizations and Associations, Grassroots level communities, Local Government Authorities and most of the National Assembly Members. In most climate change events and processes, there is inadequate representation of the private and business sectors by The Gambia Chamber of Commerce and Industry (GCCI), and inadequate representation of women by the Women Chamber of Commerce. Gambian Youths are mostly well represented at climate change negotiations but inadequately represented in national level climate change activities outside of negotiations. Many of the youths are also left out due to inadequate capacities and access to climate change finance and projects.

### 2. The Gaps Assessment

#### 2.1 Methodology

The objective of this Gap Assessment is to highlight the gaps and challenges that exist in current national and sectoral legislation, policies, plans and programmes that may contribute to the development and implementation of a National Climate Change Act in The Gambia. This consultancy study used a qualitative investigation to identify gaps and challenges regarding the adequacy, relevance and effectiveness of current national and sectoral laws, policies, strategies, plans and programmes in addressing current and future climate change impacts. Extensive literature review and two stakeholder engagement workshops were conducted to obtain information through the administration of a questionnaire. The Questionnaire was administered by stakeholders during a Workshop supported by WFD and also by consultations with stakeholders. The draft report was subjected to a broader stakeholder validation during a third workshop organized by the WFD and the National Assembly, where the report was validated.

This study was conducted with limited resources and within a tight time frame, and while it provides valuable insights and recommendations, there is potential for a deeper exploration with additional resources and time. With further investment in both, a more comprehensive analysis could be conducted, leading to further identification of gaps and recommendations for a Climate Act. Any further study should notably involve the National Assembly, and specifically the dedicated Select Committee on the Environment, given their oversight function on this matter. However, it is believed the findings presented within this report present a solid foundation for future dialogue on the development of a National Climate Change Act.



#### 2.2 Assessment results

#### 2.2.1 Vulnerability and impacts to inform a National Climate Change Act

From the questionnaire, and consultations, it was possible to determine the sectors that impact the climate are also the most vulnerable to climate change. These sectors, (Agriculture; Energy; Environment and Natural Resources; Fisheries; Gender, Children and Social Welfare; and Water Resources) were selected because they impact climate change, but they are also the most vulnerable to climate change, as indicated in the responses contained in Table 1 below. It is also noted that some respondents, such as the agriculture and natural resource-dependent communities, selected some of the sectors because of the significant roles these sectors play in supporting their livelihoods.

The vulnerabilities of these sectors are emphasized in The Gambia's National Communications (NATCOM1, 2003; NATCOM2, 2012 and NATCOM3, 2020) to the UNFCCC; the National Adaptation Programmes of Action (NAPA, 2007); the Nationally Appropriate Mitigation Actions (NAMA, 2015 – National, Agriculture and Energy); the National Climate Change Policy, 2016 – 2025 (NCCP, 2016); the Nationally Determined Contributions (NDC1, 2015 and NDC2, 2021), The Gambia 2050 Climate Change Vision, (VISION, 2021); The Gambia Long-Term Climate-Neutral Development Strategy (LTS, 2022).

Sector	Less Vulnerable	Moderately Vulnerable	Vulnerable	Very Vulnerable	Highly Vulnerable
Agriculture					
Education					
Energy					
Environment and Natural					
Resources					
Finance					
Fisheries					
Gender & Social Welfare					
Tourism					
Trade and Enterprises					
Transport					
Youth and Sports					
Water Resources					
Works & Infrastructure					
Livestock					
Lands					

Table 1: The level of vulnerability of the following sectors to Climate Change

Sectors identified as highly vulnerable include Agriculture; Energy; Environment and Natural Resources; Finance; Fisheries; Gender, children and Social Welfare; Youth and Sports; Water Resources and Livestock. Agriculture is the most vulnerable sector to climate change because 98% of agricultural lands in The Gambia are rain-fed. The sector contributes 26% of GDP and employs about 68% of the labor force. Climate change impacts this sector through:

• Rainfall variability, leading to fluctuations in crop yields. Yields of some major crops have decreased by as much as 30% since the 1960s.



- Decreased rainfall and increased temperatures are expected to constrain the productivity of crops like maize, groundnuts, and millet. Total rice production dropped by significantly due to poor soil fertility and erratic rainfall.
- Hyper-salinity in rice-growing swamp areas, which is negatively impacting the country's goal of self-sufficiency in food production.

In the Fisheries sector, climate change and variability affect fisheries and fish resources in several ways, including:

- Hyper-salinity in mangroves and other wetland ecosystems could result in systematic spawning and breeding, reducing populations of economically important fisheries species.
- Increased average temperature and reduced precipitation is also affecting the fisheries sector by altering fish habitat availability and quality.

The water sector is under constant pressure from climate change, including a drop in annual rainfall of around 30% between 1950 and 2000, as well as greater penetration of oceanic saline water in the River Gambia during the dry season months. Construction of a dam in The Gambia River could result in reduced freshwater recharge downstream, causing hyper-salinity in mangrove and other wetlands along the river's estuary zone.

Windstorms and flash floods also cause the most damage to property in The Gambia, resulting in significant infrastructure damage, injuries and fatalities, and loss and damage to agricultural crops. The high and persistent vulnerability to climatic shocks is exacerbated by physical and financial limitations that impede economic growth.

Degraded savannah woodland ecosystems, poor pasture, and insufficient water in drought years are major constraints on the livestock sector and human livelihoods. Indirect effects of droughts are increased forest and woodland degradation through frequent bushfires, changes in land use, and overall reduction in biodiversity.

As a low-lying country, climate change poses major development challenges as productive sectors such as agriculture, forestry, wildlife and tourism would be adversely affected by rises in sea level. The Gambia relies on fossil fuel imports for its energy supply, and climate change is impacting this sector.

Having determined the level of vulnerability of the sectors, the next step was to conduct the qualitative analysis of relevant Acts/Bills, Policies, Strategies, and Plans to examine the depth of representation of climate and climate change in these documents. For quick analysis, emphasis is placed on the quantification of the mere mention or presence of climate and climate change as keywords in the documents. Bearing in mind that some of the interviewees are more familiar with "environment" as also covering climate, the quantification of the term environment was also analysed.

## 2.2.2 Relevance of, Gaps and Challenges within the current Legislation, Policies and Strategies to inform the process to develop a National Climate Change Act.



## 2.2.2.1 Relevance of selected legislation and policies to the development of a Climate Change Act.

**The Constitution of The Gambia (1997):** The Constitution does not specifically mention climate and climate change. However, it can be related to the climate change Act through its specific articles on the preservation of the environment (e.g., 192: (3)(h); and Duties of a citizen 220 (1)(j).

#### The Wildlife Conservation Act, 1977 and The Biodiversity and Wildlife Act 2003

There is no mention of Climate or Climate Change in these Acts. However, in the Interpretation section of the Act, mention is made in relation to the human activities that are disruptive to wildlife and the <u>natural environment and</u> are prohibited. The Power to Regulate: (8f) section of the Act also contains the prohibition of human settlements and other activities disruptive of wildlife and the <u>natural environment</u>. These are relevant regulations to the process of development of the Climate Change Act.

The National Water Resources Council Act 1979 and The Gambia Water Bill 2014: No mention of the environment in the Act. In the Financial Provisions (11.1) of the 2014 Bill prospecting, analysing, supplying, and regulating the waters incur costs. The Government determines and approves the basis for the charges including the cost of regulating and administering the sector, the recovery of costs related to the supply of services, and the costs of protecting <u>the environment</u>. These provisions of the Water Act and Bill make them relevant to the process of developing the Climate Change Act, as the Climate System is the origin of water in all its states (air, liquid, and solid) and the location of these waters (atmosphere, hydrosphere, and cryosphere) are part of the climate system which must be regulated by the Climate and Climate Change Act when developed.

**The Local Government Act, 2002:** There is no mention of climate or climate change in this Lands Act. However, the following sections of the Act draw attention to the management of the environment (which is part of the Climate System) and hence make the Act very relevant to the process of development of the Climate Change Act. These are (a) Section 49(3)(8): clearly defines the Central Government's responsibility for the provision of services related to land, mines, mineral and <u>the environment;</u> (b) under 71(1), the Council is responsible for (a) the management and biodiversity of <u>the environment</u>; (c) the conservation, sustainable management and biodiversity of <u>the environment</u>; (d) under 71(2)(a) monitor the state of <u>the environment</u> within its Area and the impact <u>on the environment</u> of developmental activities; (e) under 139(1)(f): Powers to protect <u>the environment and take preventive measures against bush fires</u> are conferred on the District Authority by the Law; and (f) 146(2) duties to protect and preserve <u>the environment</u> of his or her village; are conferred on the Alkalo by this Law.

#### The Forest Act 1998 and the Forest Act 2018:

There is no mention of climate and climate change in the two Forest Acts. However, the following principles and provisions in the two Acts make the Acts relevant in the development process of the Climate Change Act.



- (a) The principle of equity and inclusiveness recognizes the rights of access to, and ownership of, forest resources by communities. It will ensure that monetary and non-monetary benefits derived from the utilization of forests reach the communities in a manner that will sustain their interest in forest protection and conservation. It takes into account the need for consideration of gender equality in forest management and the informed involvement of all stakeholders in forest-management-decision-making processes. It will consider cultural heritage, paying attention to traditional knowledge forest/tree management practices.
- (b) Strategy: Review legislation to strengthen private tree and forest tenure rights.
- (c) Forest categories (7): Protection forests are forests are managed for the main purpose of maintaining or improving the **local environment.**
- (d) For Private Forests 87(2) and 53. Control of Private Plantations: (2) Private plantations shall not be controlled or monitored by the Forestry Department except if they are likely to cause damage to any neighbouring forest or to <u>the local environment.</u>
- (e) 81. Procedure for the adoption of fire management plans: Fire management plans shall be prepared by Regional Forest Offices in consultation with the Regional Office responsible for <u>Environment</u>, and all other stakeholders within the Region.
- (f) 82(1): Forestry impact assessment of farming, industrial projects and other activities in forest areas Cap: Where farming, industrial projects or other similar activities in forest areas are not assessed for the environmental impact as provided in the National Environment Management Act, the developer of such activity shall be required to submit a project brief to the Director stating.

This principle will inform the development and subsequent enforcement of the Climate Change Act.

#### The National Climate Change Policy of The Gambia 2016 - 2025

The legal status of the National Climate Change Policy is a framework policy instrument that is backed by law. In the absence at this stage of a Climate Change Act, the legal backing in the first instance is extrapolated from the authority of the MECCNAR, or similar government ministries. The National Climate Change Policy is a cross-cutting policy that applies to all other sectors that are likely to be affected by climate change, or that can play a role in climate change adaptation or mitigation. The Gambia's response to climate change is guided by eleven principles, which are consistent with the existing national policy framework, aligned to the United Nations Framework Convention on Climate Change, and have been informed by relevant international best practice. Some of the Principles of the NCCP, (e.g., duty to maintain a decent environment) are drawn from the National Environment Management Act (1994). The Vision, provisions, and goals can inform the development of the National Climate Change Act and also emphasize the inter-linkage between environmental integrity and climate resilience.

#### The National Forest Policy 2021 – 2030

This new policy envisions contributing to the implementation of The Gambia's obligations in the frameworks of international and sub-regional conventions and agreement that the country is party to. These include the United Nations Convention on Biological Diversity (UNCBD), the United Nations Convention to Combat Desertification (UNCCD), the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on International Trade on Endangered Species of Wild Fauna and Flora (CITES), the Convention on Wetlands of International Importance (Ramsar) and the ECOWAS Forest Convergence Plan, amongst many others in which forestry is an important component. The policy takes into consideration the need to strengthen the



complementarity between forestry and other development sectors such as parks and wildlife management, fisheries, agriculture, water resources, land and community development. One of the cross-cutting enablers identified for the successful implementation of the strategic priorities of the National Development Plan (NDP), which this policy seeks to support is "Promoting environmental sustainability, climate resilient communities and appropriate land use". The maintenance of a sustainably managed forest cover is a prerequisite to attaining these ends.

#### The Climate Change Integrated National Trade Policy (2018 – 2027)

The relevance to climate change regulatory framework is shown by climate-related provisions which include general provisions on the environment (e.g. provisions to uphold or enforce climate environmental laws), provisions on pursuing the liberalization of environmental goods and services, and provisions on climate-related co-operation (e.g. provisions specifying co-operation on carbon markets or renewable-energy technologies). Liberalization of trade in environmental goods and services, mutual recognition or harmonization of regulatory standards, reducing the harmful effects of energy subsidies, promoting climate-friendly government procurement and investment, as well as institutional and procedural suggestions for reform. Mutual co-operation that focuses on specific clean-energy technologies or the further development of carbon markets. In Trade governance may be beneficial for regional agreements addressing climate change and trade to ensure that the negotiation and implementation of regional agreements are carried out in a transparent fashion, with a view to building trust between members and non-members and showcasing achievements.

#### The Gambia National Climate Change Integrate Transport Policy

The adequacy principle of the Transport Policy makes it relevant to climate change as all efforts will be made to adapt the transport sector to climate change, provide higher specifications for existing transport infrastructure; raise awareness of projected impacts of climate change on the transport sector; ensure efficient design of urban areas and their associated transport networks; create and promote new partnerships with government and civil society as well as collaboration with industry and customers to advance policy solutions. Raise the Companies' understanding and quantification of risks to infrastructure to justify capital investment and assess supply-chain risk and build resilience.

To meet the efficiency principle, government will use regulatory and sustainable options for demand management, materials efficiency, and circular material flows as well as new production technologies to reduce greenhouse gas emissions from the industry, energy and transport sectors. The Safety Principle of the Policy recognizes that transport exposes people to a certain risk, but that the only acceptable safety goal (whether in aviation, maritime or road transport) is the elimination of fatalities and serious injuries through regulations. Relevance to the Climate Change Policy and Act is achieved through the Safety Principle which ensures safety through interventions such as improved and climate-proofed highways and power plants; climate-resilient housing and improved aviation, maritime and water infrastructure, etc.

The Equity Principle of the Policy provides relevance through inclusive governance that prioritizes equity and justice to men, women, children and differently-abled persons. Adaptation planning and implementation leads to more effective and sustainable adaptation outcomes. Adaptation and



resilience to climate change risks are often reduced through carefully designed and implemented laws, policies, processes, and interventions that address context specific inequities such as based on disability, age, location and income. These approaches focus on adaptative capacity-building, and meaningful participation of the most vulnerable and marginalized groups (people with disabilities, older persons and rural communities), and their access to key transportation systems.

## 2.2.3 Gaps within existing Acts, Policies and Strategies to inform process of development of a National Climate Change Act.

The following is a summary of the Gaps identified by the study:

- 1) Legislature, policies and strategies developed and enacted before 2015<sup>6</sup> lack reference to climate and climate change.
- 2) Financial and knowledge limitations, and inadequate access to climate information and capacity development through education are gaps needed to be addressed in a Climate Change Act. Few legal personnel, as well as National Assembly members in The Gambia are knowledgeable in climate change and those few that are, are the few that have only recently been participating in climate change negotiations from COP28. It will require financial resources to train a cohort of legal personnel, as well as NAMS, to be involved in the drafting and enforcement of the National Climate Change Act.
- 3) The lack of a regulation and policy on categorization, exploitation and utilization of soils is a gap.<sup>7</sup> Climate and climate change laws and regulations related to land and land use can be applicable to the promotion and enhancement of soil structure stability, surface cover, and organic matter content. They can also regulate soil contamination especially the applications of sewage sludge, wastewater, fertilizers, and pesticides on farms and can protect consumers by holding parties responsible for soil contamination.
- 4) Inadequate planning, unregulated development in the urban environment and the absence of building materials alternative to cement and concrete such as compressed earth-blocks are gaps. These may lead to heat islands in major settlements. Property damage arising from extreme weather events like heatwaves and floods, often lead to lawsuits against developers, building owners, or government entities for failing to adequately address climate change risks in building design, building materials and regulations. Development, adoption, updating and enforcement of building codes to address climate change impacts will promote building resilience against extreme weather events. A Climate Change Act can contain adequate provisions that will include sufficiently stringent building codes and also enforcement actions against building owners who fail to comply with the climate-related building codes.



<sup>&</sup>lt;sup>6</sup> The Constitution of The Gambia (1997); The National Environment Management Act, (NEMA) 1994; The Wildlife Conservation Act, 1977; The Biodiversity and Wildlife Act 2003; Then National Water Resources Council Act 1979; the Gambia Water Bill 2014; The Local Government Act, 2002, etc.
<sup>7</sup> The National Environment Management Act, (NEMA) 1994

- 5) The inadequate regulation and monitoring of shoreline erosion due to sea level rise, mining beach sand and other human activities along the coastal zone of The Gambia is a big gap. The Coastal Zone of The Gambia includes the shoreline, the beach and all the land that is 20kms inland from the shoreline. A Climate Change Act will be required to address these gaps.
- Inadequate knowledge and the non-acceptance of wildlife conservation and development as crucial livelihood of the communities are serious gaps. Biodiversity and wildlife conservation promotes and enhances healthy ecosystems that regulate climate and natural disasters, further protecting communities from environmental threats. Protecting wildlife and natural habitats can attract tourists, generating income through activities like wildlife viewing, nature walks, and community-based homestays. Provision of alternative income sources to communities encourages their participation in management of the natural resources and thus reduce pressure on wildlife and habitats. A Climate Change Act is required to address conflicts between economic development projects and protected areas; enforce environmental regulations, balance the needs of local communities with conservation efforts, provide liability for climate change-related damage, and navigate international agreements like the Convention on Biological Diversity (CBD) to ensure coordinated conservation strategies across borders. The provisions contained in the Act and any other related regulations must (a) ensure development projects undergo thorough environmental impact assessments to identify and mitigate potential harm to biodiversity before receiving permits; (b) provide legal frameworks for managing protected areas, including enforcement mechanisms to prevent illegal activities like poaching, logging, and land conversion; and (c) provide legal frameworks to address the impacts of climate change on wildlife and ecosystems, including potential relocation strategies for species facing shifting habitats; and establishing legal mechanisms to hold corporations and governments accountable for environmental damage caused by development activities.
- 7) In the urban areas, the absence of recreational parks and greenbelts is both environmentally unhealthy, socially depriving and a gap in in planning of large settlements. Another gap is the uncontrolled infrastructure development that has caused the encroachment of developments into previously designated green belts or recreational parks in the Greater Banjul Area (GBA)<sup>8</sup>. Urban green belts are considered the lungs of the cities as they act as a sink for some of the harmful gases released by vehicles and industries operating in the city area.
- 8) The obsolete nature of the 20-year-old Local Government Act is a serious gap<sup>9</sup> as issues and events related to land use, land tenure and ownership are very dynamic. The divergence between state agents' perceptions and those of the local communities is challenging and



 $<sup>^{\</sup>rm 8}$  The Wildlife Conservation Act, 1977 and The Biodiversity and Wildlife Act 2003  $^{\rm 9}$  The Local Government Act, 2002

presents a gap. Under a changing climate, a lack of land use law and regulations can lead to a multitude of legal issues, including disputes over property rights due to rising sea levels, displacement of communities from affected areas, increased vulnerability to natural disasters, challenges in adapting land use to changing climate conditions, and potential legal battles concerning who is liable for damages caused by poorly managed land use practices, particularly in scenarios like deforestation or unsustainable agriculture. A National Climate Change Act is required legal backing and responses to communities living in areas prone to extreme weather events like floods or droughts that may need to be relocated, raising legal concerns about land acquisition, compensation, and the rights of indigenous populations. The Climate Change act must also be designed to answer legal questions that arise regarding who is liable for damages, including landowners, developers, and government entities in the events that land use practices contribute to climate change impacts like flooding or wildfires. The act must protect communities disproportionately impacted by climate change, especially marginalized groups, that may face difficulties accessing legal remedies to address land use issues.

9) The non-existence of a national land use policy and plan is a serious gap<sup>10</sup> and has often resulted in the allocation of land for inappropriate use, such as the conversion of forest land for agricultural use and settlement. Technical and professionally qualified personnel are inadequate and presents a gap in forest management especially at the local level. The weak administration of the Department of Forestry is a gap that has not allowed the government and its agencies to ensure that the rights and privileges of the participating communities and individuals are protected, through a transparent administration of the forest laws and regulations.

#### 2.2.3.1 Challenges identified from the assessment and to inform the process of development of a Climate Change Act.

The following is a summary of challenges that have been identified during the desk review and stakeholder consultations.

- 1) The lack of a regulation and policy on categorization, exploitation and utilization of soils provides inherent challenges<sup>11</sup> and likely negative implication for representing climate and climate change regulatory on agricultural development as well as for coastal protection.
- 2) One major challenge facing the government is the need to identify alternative building materials to beach sand, which will help protect the coastline from further degradation. Armed with the Mines and Quarries Act, the Geology Department has not been able to completely stop illegal beach sand and laterite mining in restricted areas<sup>12</sup>. A climate change Act with



 <sup>&</sup>lt;sup>10</sup> The Forest Act 1998 and the Forest Act 2018
 <sup>11</sup> The National Environment Management Act, (NEMA) 1994
 <sup>12</sup> The National Environment Management Act, (NEMA) 1994

adequate provisions will encourage halt on sand mining and use alternative building materials and technologies.

- 3) One of the biggest challenges facing the wildlife sector today is getting the public to accept wildlife development as an important activity for economic development and environmental protection. Other challenges and gaps include<sup>13</sup> (a) weak enforcement of the provisions of the Act; (b) inadequate involvement of the local communities in wildlife management and the sharing of benefits that accrue from this management system; (c) communities view of protected areas as their properties seized by government; (d) Indiscriminate burning of habitats and the 'illegal' harvesting of wildlife resources the encroachment of parks and protected areas by croplands and settlements.
- 4) The authority to exploit the nation's water resources is vested, in separate Acts, in both the Department of Water Resources and the National Water and Electricity Corporation. This poses a serious regulatory challenge for the rational management and utilization of the nation's water resource<sup>14</sup>.
- 5) The mismatch between the mandates of the relevant institutions and the resource requirements and availability for the enforcement of the regulatory mandates is a serious challenge. Government policies on, and definition of, ownership and user rights of natural resources are unclear and present serious challenges in enforcement of the Lands Act<sup>15</sup>.
- 6) Land erosion, loss of soil fertility and dropping water tables are major challenges closely linked to poor forest management and also reduce productivity of livestock, fisheries, wildlife, landscapes, trees and shrubs, and tourism development in The Gambia. Agriculture, natural resources, and other land-based sectors (water, fisheries, livestock, wildlife) operate under different, unharmonized and sometimes conflicting policies. There are challenges of implementation of these policies and have sometimes generate conflicting land-use practices to the detriment of the existence of a healthy forest estate. Uncontrolled harvesting of trees for fuel wood and charcoal production and utilization by the population is a challenge and it is among the leading causes of forest degradation in The Gambia. Population increases and their need for bioenergy enhances the challenging increase in the use of wood and charcoal for domestic energy and put more pressure on the country's remaining forest resources<sup>16</sup>.

### 3. Recommendations for a future National Climate Change Act

The following recommendations from the consultations and desk review are put forward to lift the identified Gaps and Challenges.



<sup>&</sup>lt;sup>13</sup> The Wildlife Conservation Act, 1977 and The Biodiversity and Wildlife Act 2003

<sup>&</sup>lt;sup>14</sup> Then National Water Resources Council Act 1979 and the Gambia Water Bill 2014 <sup>15</sup> The Local Government Act, 2002

<sup>&</sup>lt;sup>16</sup> The Forest Act 1998 and the Forest Act 2018

- 1) The next round of revising the 1997 Constitution should include climate and climate change and distinguish it from environment. Incorporating climate change into a country's constitution ensures the stability of keeping action to mitigate and adapt to climate change under checks and balances because of the stable nature of a constitution. However, a Climate Change act is required to walk around the potential conflict between the long-term, stable nature of a constitution and the urgent, rapidly evolving nature of climate change, which may require flexible policy adjustments that could be hindered by rigid constitutional language. other issues include interpreting the scope of climate-related rights, potential judicial overreach in policy decisions, and challenges in enforcing such provisions against government actions that might contradict climate goals.
- 2) A study should be conducted to determine coastal erosion due to sea level rise and rainstorms, the dynamic movement of the beach sand and then identify coastal areas where sand can be mined with minimal damage. The Coastal Zone of The Gambia includes the shoreline, the beach and all the land that is 20kms inland from the shoreline. This is the home to expensive hotels and beach resorts and above average wealthy Gambians and non-Gambians with expensive landed properties almost on the shoreland. As sea levels rise, coastal property owners may face legal disputes regarding ownership of land that becomes submerged, leading to questions about compensation and potential government intervention to manage coastal retreat. There are frequent disputes and conflicts over whether the Department of Physical Planning and the Landowners should allow development in the areas at risk of coastal erosion and flooding and as to who has the legal responsibility for protecting coastal infrastructure. Legal requirements for property sellers to disclose potential climaterelated risks associated with a property, such as flood risk or erosion do not exist or are ignored, as well as litigation against sellers for failing to disclose structures and materials at risks of climate change impacts. There are also potential for class action lawsuits against the Department of Physical Planning for failing to adequately address climate change risks in urban planning. A Climate Change Act will be required to address these gaps, with regulations being introduced and enforced through regular monitoring.
- 3) The development process of a National Climate Change Act must tackle these challenges and issues of conflict head-on backed by effective enforcement of laws and regulations in the Act. Opportunities exist for the private sector's involvement in nature conservation works, especially in the light of the booming tourist industry. A viable National Climate Change Act should enable the private sector to access prime conservation areas by appropriately working around the customary land tenure system in the country.
- 4) Proposed climate change regulations and law that include the establishment and sustainable management of parks and open green spaces through tree growing for recreational purposes and the creation of open spaces<sup>17</sup> are recommended. In land use planning terms, the primary



<sup>&</sup>lt;sup>17</sup> The National Environment Management Act, (NEMA) 1994

function of the Green Belt is to prevent urban sprawl, a phenomenon whereby cities expand outwards into neighbouring countryside, which eventually results in towns and cities merging and the valuable green space between them being damaged or lost altogether. A National Climate Change Act to regulate and minimize air pollution due, particularly, to greenhouse gases emissions from vehicular and industry fumes in the cities is required. The Act must establish and provide legal regulation of the procedures and criteria for excluding land plots from the green belt, the regulation of village development processes within the green belt, the establishment of a comprehensive list of agricultural types of permitted use, and the establishment of the procedure for the development of specialized plans or strategies for the use and protection of the green belt<sup>18</sup>.

- 5) It is recommended that the proposed National Climate Change Act should include the establishment, institutionalization and regulation of the following:
  - Water harvesting technologies, techniques and storage facilities for multipurpose uses.
  - Minimization of environmental hazards and degradation associated with uncoordinated and unplanned water use and development and to reduce the related financial and health risks.
  - Strengthening the human capital, institutional and enforcement capacities of the mandated institution especially in terms of monitoring and measuring equipment and assessment tools.
  - Development of comprehensive water resources, weather and climate policies that take into consideration changing climate and impacts.
- 6) Establish an independent water authority with powers to regulate and plan the use of both ground and surface water resources to ensure the sustainable management and utilization of the resource.
- 7) A National Climate Change Act should be a regulatory mechanism to allow for the orderly exploitation of the water resource by vesting the responsibilities for the regulation of water resources management to a single institution – The National Water Resources Management Authority (NWRMA)<sup>19</sup>.
- 8) Under the Lands and Land Use sector, there is the need for a review of existing acts and legislation with a view to integrating local perceptions, interest, knowledge and skills, in the body of laws, rules and national programmes that affect the interest and well-being of the local communities. Under a changing climate, a lack of land use law and regulations can lead to a multitude of legal issues, including disputes over property rights due to rising sea levels, displacement of communities from affected areas, increased vulnerability to natural disasters, challenges in adapting land use to changing climate conditions, and potential legal battles



<sup>&</sup>lt;sup>18</sup> Lisina, Natalia, Aleksandra Ushakova, and Svetlana Ivanova. 2024. Green Belt Legislation Regulation: Comparative Legal Research. Laws 13: 58. https:// doi.org/10.3390/laws13050058
<sup>19</sup> The National Water Resources Council Act 1979 and the Gambia Water Bill 2014

concerning who is liable for damages caused by poorly managed land use practices, particularly in scenarios like deforestation or unsustainable agriculture. A Climate Change Act is required to provide legal backing and responses to communities living in areas prone to extreme weather events like floods or droughts that may need to be relocated, raising legal concerns about land acquisition, compensation, and the rights of indigenous populations. The Climate Change law must also be designed to answer legal questions that arise regarding who is liable for damages, including landowners, developers, and government entities in the events that land use practices contribute to climate change impacts like flooding or wildfires. The law must protect communities disproportionately impacted by climate change, especially marginalized groups, that may face difficulties accessing legal remedies to address land use issues. For effective enforcement of laws and regulations related to land, it is recommended that:

- The authority vested in the Geology Department should be matched with the requisite resources to monitor and enforce the provisions of the Act.
- A coastal development policy should be established for planned development along the coast and the sustainable utilization of coastal resources.
- The local government authorities should employ urban forestry interventions and enforce park development for a better urban environment.
- 9) For effective and efficient mitigation of greenhouse gas emissions and concentrations, it is recommended to enact, adopt and operationalize the current Carbon Trading Bill as a standalone law or of a national Climate Change Act and to serve as a reliable legal framework for attracting finance and building investor confidence. A legal definition of carbon rights might be required to secure carbon ownership of individuals or groups involved in activities of forest carbon sequestration. Rights to carbon or benefits that flow from carbon should be distinguished from the rights to the carbon credit itself (or the title to the carbon emission reductions) in defining forest carbon rights. Definitions of carbon rights may differ between states in relation to their association with the land (individual versus communal/private versus public). Transactions options will affect the potential need to separate property rights on carbon from other ownership rights (interests) on forest lands (e.g. user rights). Forest carbon rights may be granted through registration in land administration systems. Registries and certificates might include rules concerning the control over transferability, inheritance, extinction and subdivisions of carbon property rights.
- 10) Establishment of REDD and REDD+ mechanisms, where adopted at the national level will need to be regulated under a Carbon Trading Bill and/or a national Climate Change Act. Legal issues related to REDD+ include land and forest rights, benefit sharing, and free, prior, and informed consent (FPIC). Land and forest rights include (a) customary rights by recognizing customary rights as important part of the equation; (b) Tenure system by clarifying tenure rights at the beginning of any stakeholder engagement which can help with REDD+ implementation; (c) Land ownership by local communities and indigenous peoples often lack formal legal title to their land. It is necessary to legalize and regularize benefit sharing (a) through designing effective mechanisms to share benefits and (b) contracts that may



determine how financial benefits are shared. During the development and enactment of the National Climate Change Act, these provisions must be taken into consideration.

### 4. Conclusion and next steps

In this assessment report, current laws, policies, strategies and plans have been examined to determine their relevance to future processes of developing a National Climate Change Act for The Gambia. Due to the "age" of most of the laws reviewed, climate and/or climate change is not mentioned in them, with few of them containing text on the environment, possibly as a surrogate implication of climate. Most people find the difference between the environment and the climate system to be insignificant and so the two terms can be used interchangeably, with this being misleading for the citizenry and even for some decision makers. It may not be straightforward to review and revise most of these irrelevant laws and regulations reviewed in this study. It is therefore integral to develop a National Climate Change Act that will build on the inadequacies of the current laws and regulations.

From 2010 activities implemented by some climate change projects have increased the awareness and knowledge of the population on climate and climate change and the need to integrate and mainstream climate and climate change issues into the national and sub-national development frameworks. In 2022 and 2023, more than ten policies had climate change integrated in them. The assessment results presented on these newer policies (Tourism, Trade, Transport, Gender, Fisheries, Biodiversity and Wildlife, Environment, etc.) and strategies show greater relevance to the process of development of a Climate Change Act. Information from these climate change integrated policies and strategies were used to define their relevance to influencing the development of the Climate Change Act.

The stakeholder consultations and desk review of existing laws, policies, strategies and plans have identified some relevant contextual factors that will be important for the successful development and enactment of a National Climate Change Act of The Gambia. Coordination and enforcement mechanisms between sectors are low and conflicting, as the laws and policies contain overlapping sectoral mandates and roles. An example relevant to the development of a National Climate Change Act is the land issue between the Ministry of Lands, the Department of Forestry, Department of Parks and Wildlife, and Estate Agents. Ownership is conflicting, such that Ministry of Land may allocate reforested land to Estate Agencies for settlement purposes in contradiction to the reforested land serving as climate change mitigation or adaptation purposes under Forestry, Parks or Agriculture. The new National Climate Change Act should contain principles and regulations to clearly define and categorize the land for climate change purposes.

The information generated from the review of existing sectoral laws, policies strategies provide concrete policy insights to enable the drawing of broader lessons to begin to disentangle the different contextual factors for the design of regulations, including the climate change Act. However, there is comparatively little information from the literature on the required consequences of non-compliance to inform the process of designing the National Climate Change Act.



Both the National Climate Change Act and the potential Carbon Trading Bill will potentially promote innovation and technological advancements, as businesses seek more efficient ways to reduce their carbon footprint. Engaging in carbon trading presents The Gambia with a unique opportunity to generate revenue from its natural resources and climate-resilient initiatives. By participating in carbon trading, The Gambia can capitalize on its rich biodiversity, such as its mangroves and forests that act as natural carbon sinks. This allows for the generation of carbon credits, which can be sold to developed nations needing to offset their emissions. The revenue from carbon trading can be utilized in renewable energy, sustainable agriculture, and climate adaptation measures, enhancing the Gambia's resilience to climate change impacts.

By providing financial incentives for emissions reduction, the bill aims to drive investment in renewable energy, energy efficiency, and other climate-smart technologies. The potential benefits of a well-designed carbon trading scheme are numerous. It can help The Gambia meet its international climate commitments under the Paris Agreement, contribute to global efforts to mitigate climate change and stimulate economic growth by creating new jobs and investment opportunities in the clean energy sector.

#### Next steps

The **NEXT STEPS**, following this assessment report, will be to follow the recommendations to fill the gaps and lift the challenges in the development of the National Climate Change Act of The Gambia. The development of a National Climate Change Act would examine the process of creating legislation aimed at mitigating and adapting to climate change, including key considerations like setting emissions reduction targets, establishing governance structures, incorporating adaptation strategies, engaging stakeholders, and navigating political complexities to achieve a robust and effective law. The development of a National Climate Change Act should involve the following general steps.

- 1. Conduct climate change vulnerability and impact assessment. This will include the development of a National Greenhouse Gas Inventory by inventorying current greenhouse gas emissions levels across different sectors (Energy including transportation; Industrial processes and product Use (IPPU); Agriculture (including livestock), Forestry and Land Use (AFOLU) and Waste Management. For The Gambia, the tool that can be used is the IPCC GHG Inventory Software.<sup>20</sup> This step also includes a climate change vulnerability assessment to identify areas most impacted by climate change. There are assessment models used for the various sectors (agriculture, forestry, water resources, fisheries, livestock, etc).
- 2. Conduct a GHG Mitigation Assessment and develop a Mitigation Strategy, paying specific attention to the GHG Inventory in the previous step. The GHG Inventory will provide quantitative levels of emissions per inventory category from which the mitigation assessor will prioritize the sectors or categories for the mitigation assessment to determine the maximum

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<sup>&</sup>lt;sup>20</sup> The IPCC Inventory Software version 2.691

levels of emission reductions. This step is concluded by developing and implementing a GHG Mitigation Strategy. If there is a valid stand-alone National GHG Inventory (NIR) that is about two years that will be valid and sufficient for the purpose. Valid emissions data and information may also be found in a valid BUR, BTR, or NATCOM.

- 3. Conduct an Adaptation Assessment and develop an Adaptation Strategy, paying specific attention and allocating the most resources to the sectors that are most impacted by climate change in the previous step. Recent climate change adaptation data and information may be found in a valid NATCOM.
- 4. This step of the process of the development of a National Climate Change Act is called Goal Setting through the establishment of ambitious long-term emission reduction targets, such as net-zero by 2050 a specific date. It is also necessary to define interim targets for progress monitoring and evaluation.
- 5. The fifth step includes Policy Development using the identified mitigation strategies under sections 1 and 3 like renewable energy mandates, carbon pricing mechanisms, energy efficiency standards. Develop adaptation strategies to address climate impacts, including infrastructure improvements, disaster preparedness, and coastal management.
- 6. Step 6 is Stakeholder Engagement that is valid and applicable from the beginning in Stem 1. For every step conducted, stakeholders include consultations with diverse groups including businesses, civil society, academia, and local communities to gather input and build consensus. In The Gambia, most of the stakeholders engaged are members of the National Climate Committee, chaired by the Direct of the Climate Change Secretariat at MECCNAR. The National Climate Committee has an Inventory Team, a Vulnerability and Impacts Team, a Mitigation Team, and a Cross-cutting Team for assessment of other thematic work.
- 7. In Step 7, the Legislative Framework is drafted by outlining the climate change goals, policy instruments, and enforcement mechanisms. The climate legislative framework describes an important subset of climate laws that link national and international agendas. Framework climate laws share some or all of the following characteristics: (a) they set out the strategic direction for national climate change policy; (b) are passed by the legislative branch of government; (c) contain national, long-term, and/or medium targets and/or pathways for change; (d) set out institutional arrangements for climate governance at the national level; (e) are multi-sectoral in scope; and (f) involve mechanisms for transparency and/or accountability<sup>21</sup>. The latest generation of climate laws also detail mechanisms for citizen participation, particularly to inform the choice of the policy pathways required to deliver high-level objectives, to ensure that the policies and measures to be implemented adequately



<sup>&</sup>lt;sup>21</sup> Accountability mechanisms in climate change framework laws - Grantham Research Institute on climate change and the environment

address distributional impacts and other climate justice issues, and build a broad societal buyin of said policies, which in turn is a critical enabler of implementation. A governing body similar to The Gambia National Climate Change Council in the NCCP (2016), the Committee on Climate Change in the UK Climate Change Act (2008), and the Climate Change Commission of New Zealand established in December 2019; is established to oversee implementation and monitoring of the Act and report to the National Assembly on an ongoing basis, and at least every time that a Nationally Determined Contribution (NDC) under the Paris Agreement is prepared by the Government, as well as every time that a Biennial Transparency Report (BTR) reporting progress is submitted to the UNFCCC Secretariat. These bodies also provide advice to Governments on climate change mitigation and adaptation, monitor progress toward the set targets emissions budgets, and the implementation of a National Adaptation Plan. Under this step the legal mandate for climate change is established, the roles and responsibilities of government agencies and relevant sectors are defined and mechanisms for monitoring, reporting, and enforcement of compliance are created.

- 8. An Implementation Plan is developed under step 8 with detailed action plans developed for each sector with clear timelines and responsibilities and funds are allocated for necessary investments.
- 9. Robust Monitoring and Evaluation systems are established under step 9 to track progress towards emission reduction targets and policies are regularly revised and adjusted based on data and stakeholder feedback. This monitoring process and role should be led by the National Assembly, in partnership with stakeholders providing evidence, as part of their role in conducting its oversight function over the executive.
- 10. Step 10 takes into account cross-cutting issues such as equity and justice to ensure policies address potential disproportionate impacts on vulnerable communities; technology innovation that promotes research and development of clean technologies and international cooperation: that aligns national climate policies with global commitments. As institution representing the people, the National Assembly should create avenues for citizen participation in climate governance to address these equity and justice aspects, to ensure legislation address these impacts, i.e., through ongoing collaboration with CSOs and citizens to strengthen government bills related to climate action and applying a climate justice lens to them.
- 11.A National Climate Change Fund should be established that will ensure a national commitment to climate change. This could be done through National Assembly allocations on the national budget.



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### 6. Annexes

### 6.1 Annex 1 – Questionnaire

## (1) Using the Table below rank the level of vulnerability of the following sectors to climate change

Sectors	Less	Moderately	Vulnerable	Verv	Highly
	Vulnerable	Vulnerable		Vulnerable	Vulnerable
Agriculture					
Education					
Energy					
Environment and Natural Resources					
Finance					
Fisheries					
Gender, Children and Social Welfare					
Tourism					
Trade and Enterprises					
Transport					
Youths and Sports					
Water Resources					



Works and Infrastructure			
Livestock			
Lands and Regional Governments			

## (2) List of the Acts/Bills/Regulations and Policies of the Sectors and their Relevance to Climate and Climate Change

Sectors	Acts/Bills/Regulations	High/Medium/Low	Policies and	High/Medium/Low
	_	Relevance to a	Strategies	Relevance to a Climate Act
		Climate Act	_	
Agriculture				
Education				
Energy				
Environment				
and Natural				
Resources				
Finance				
Fisheries				
Gender,				
Children and				
Social Welfare				
Tourism				
Trade and				
Enterprises				
Transport				
Youths and				
Sports				
Water				
Resources				
Works and				
Infrastructure				
Health				

#### (3) Evaluate the alignment of the Acts and Policies to a potential Climate Act

Legislature/Policy	<b>Description of Alignment</b>	Score	Alignment
	1. The sector policy aligns strongly with the mitigation (greenhouse gas reductions, adaptation/resilience, and sustainable development potentials	3	High alignment
e.g., National Environment Management	2. Although the policy supports mitigation, adaptation and sustainable development, it is less clear and distinct as to how the indicators could be achieved.	2	Partial alignment
Act (NEMA)	3. The sector policy supports a particular climate indicator but there is a lack of evidence to support alignment with it.	1	Limited alignment
	4. There is no evidence in the document to suggest that the sector policy supports the implementation climate and climate change indicators.	0	No alignment
National Forest Act, 2028	1. The sector policy aligns strongly with the mitigation (greenhouse gas reductions, adaptation/resilience, and sustainable development potentials	3	High alignment



		Although the policy supports mitigation, adaptation and sustainable development, it is less clear and distinct as to how the indicators could be achieved.	2	Partial alignment
		The sector policy supports a particular climate indicator but there is a lack of evidence to support alignment with it.	1	Limited alignment
	4.	There is no evidence in the document to suggest that the sector policy supports the implementation climate and climate change indicators.	0	No alignment
	1.	The sector policy aligns strongly with the mitigation (greenhouse gas reductions, adaptation/resilience, and sustainable development potentials	3	High alignment
e.g., National Climate Change Policy	2.	Although the policy supports mitigation, adaptation and sustainable development, it is less clear and distinct as to how the indicators could be achieved.	2	Partial alignment
(2010-2023)	3.	The sector policy supports a particular climate indicator but there is a lack of evidence to support alignment with it.	1	Limited alignment
	4.	There is no evidence in the document to suggest that the sector policy supports the implementation climate and climate change indicators.	0	No alignment

## (4) Based on the List of the Acts/Bills/Regulations and Policies of the Sectors and their Relevance to Climate and Climate Change, briefly state what gaps may exist.

Sectors	Acts/Bills/Regulations	What Gaps exist in relation to Climate and Climate Change	Policies and Strategies	What Gaps exist in relation to Climate and Climate Change
Agriculture				
Education				
Energy				
Environment and			(5)	
Natural Resources				
Finance				
Fisheries				
Gender, Children and				
Social Welfare				
Tourism				
Trade and Enterprises				
Transport				
Youths and Sports				
Water Resources				
Works and				
Infrastructure				

## (6) A Climate and Climate Change Law does not exist in The Gambia. In developing a National Climate Act, please list some of the challenges that you foresee in the process.

No.	Challenges/Constraints	Suggested steps to remove the challenges
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# 6.2 Annex 2: Results of Desk Review and Stakeholder Consultations

	Legislature Reviewed									
Legislature	Content in relation to Climate and Climate Change	Content in relation to Environment	Gaps, challenges and recommendations that can inform the process of development of a Climate Change Act.							
The Constitution of The Gambia (1997)	No mention of Climate or Climate Change	Specific content on the preservation of the           Environment         (e.g., System of Local           Government         192:         (3)(h); Economic           Objectives 215.         4)(d), and (4)(e); and Duties           of a citizen 220         (1)(j).	The absence of climate or climate change-related text in this major national legislature is a Gap. However, the development process of a National Climate Change Act can learn from this Act by borrowing drafting text that is well crafted for the citizenry to understand and value the climate system, which is vast and more fundamental.							
The National Environment Management Act, (NEMA) 1994.	Under PART 1: PRELIMINARY and Interpretation, the climate is mentioned as follows: • "Element", in relation to the environment, means any of the principal constituent parts of the environment including water, atmosphere, soil, vegetation, <u>climate,</u> sound, odour, aesthetics, fish and wildlife.	<ul> <li>The NEMA is the legal framework for the control and management of the environment. NEMA prioritizes:</li> <li>i. improvement and strengthening the institutional framework for environmental management.</li> <li>ii. mainstreaming environment issues in policy and planning processes.</li> <li>iii. strengthening environmental regulatory framework and enforcing the regulatory codes, and environmental regulations fully.</li> <li>iv. Ensuring the functioning of institutional and legal frameworks for sustainable management and protection of the coastal zone and its resources.</li> <li>v. strengthening environmental advocacy and sensitisation for sustainable development.</li> </ul>	One major challenge facing the government is the need to identify alternative building materials to beach sand, which will help protect the coastline from further degradation. Armed with the Mines and Quarries Act, the Geology Department has not been able to completely stop illegal beach sand and laterite mining in restricted areas. In the absence of the adoption and promotion of alternative building materials such as compressed earth blocks, it will be difficult to regulate the mining of the beach sand under climate change-induced sea level rise and erosion. This will be a gap in the formulation of the National Climate Change Act. The lack of regulation and policy on the categorization, exploitation, and utilization of soils is a gap and provides inherent challenges and likely negative implications for representing climate and climate change regulations on agricultural development as well as for coastal protection.							



	<ul> <li>"Environment" means the physical factors of the surroundings of the human being including land, water, atmosphere, <u>climate</u>, sound, odour, taste, the biological factors of fauna and flora and the social factor of aesthetics and includes both the natural and the built environment;</li> </ul>	<ul> <li>vi. ensuring the participation of the private sector, CSO, Non-Governmental Organization, and youth and women's groups in sustainable natural resource consumption.</li> <li>vii. supporting decentralisation and Local Government Reform for community based natural resource management and sustainable development planning; and</li> <li>iii. improving environmental quality monitoring and enforcement and solid waste management.</li> </ul>	Similarly, the unregulated urban environment may lead to serious heat islands in major settlements. Proposed climate change regulations and law that include the establishment and sustainable management of parks and open green spaces through tree growing for recreational purposes and the creation of open spaces.
The Wildlife Conservation Act, 1977 The Biodiversity and Wildlife Act 2003 <sup>22</sup>	No mention of Climate or Climate Change.	Under Interpretation human activities disruptive of wildlife and the <u>natural</u> <u>environment</u> are prohibited Part of this Act. Power to Regulate: (8f) prohibition of human settlements and activities disruptive of wildlife and the <u>natural environment</u> Interpretation Section, Para 2. In this Act, "eco-system" means their <u>non-living environment</u> interacting as a function unit; Wildlife means (c) all free ranging vertebrates in their free or <u>natural environment</u> . Under Protected Areas (2), the exploitation and development of infrastructure shall be subject to such <u>environment laws</u> and no.13 of 1994 Regulation of the NEMA Act, 1994 and 	<ul> <li>The absence of climate or climate change related text in this natural resources Act is a Gap. However, the development process of a National Climate Change Act can learn from this Act by borrowing drafting text.</li> <li>One of the biggest challenges facing the wildlife sector today is getting the public to accept wildlife development as an important activity for economic development as an environmental protection. Inadequate knowledge and the nonacceptance of wildlife conservation and development as crucial livelihood of the communities are serious gaps. Other challenges and gaps include:</li> <li>Weak enforcement of the provisions of the Act.</li> <li>Inadequate involvement of the local communities in wildlife management and the sharing of benefits that accrue from this management system.</li> <li>Communities view of protected areas as their properties seized by government</li> <li>Indiscriminate burning of habitats and the 'illegal' harvesting of wildlife resources</li> <li>the encroachment of parks and protected areas by croplands and settlements.</li> <li>The development process of a National Climate Change Act must tackle these issues of conflict head-on backed by effective enforcement.</li> <li>Opportunities exist for the private sector's involvement in nature conservation works, especially in the light of the booming tourist industry. A viable Climate Change Act should enable the private sector to access prime conservation areas by appropriately working around the customary land tenure system in the country.</li> <li>In the urban areas, the absence of recreational parks is both environmentally unhealthy, socially depriving and a gap. Another gap is the uncontrolled infrastructure development has caused the encroachment of developments into previously</li> </ul>
Then National Water Resources Council Act 1979 The Gambia Water Bill 2014 <sup>23</sup>	No mention of climate or climate change.	No mention of environment in the Act. <b>11(1) Financial Provisions:</b> Prospecting, analysing, supplying and regulating the waters incur a cost. The Government determines and approve the basis for the charges that include the cost of regulating and administering the sector, the recovery of costs related to the supply of services and the costs of protecting <u>the environment.</u>	The absence of climate- or climate change-related text in these water resources Acts is a surprisingly serious gap, as the Water Resources Department is the home of meteorological and climate services. However, the development process of the National Climate Change Act can learn from these Acts by borrowing drafting text. The authority to exploit the nation's water resources is vested, in separate Acts, in both the Department of Water Resources and the National Water and Electricity Corporation. This poses a serious challenge for the rational management and utilization of the nation's water resource. A Climate Change Act should be a regulatory mechanism to allow for the orderly exploitation of the water resource by vesting the responsibilities for the regulation of water resources management to a single



<sup>&</sup>lt;sup>22</sup> A lot of references to natural resources.
<sup>23</sup> Reference to Climate Change is "The rights, assets, obligation and liabilities of the dissolved Department of Water Resources shall be transferred to the National Water Resources Management Authority under the Ministry of Fisheries and Water Resources".

			institution - The National Water Resources Management
			Authority (NWRMA).
			It is recommended that the proposed Climate Change Act should include the establishment, institutionalization and regulation of the following:
			Water harvesting technologies, techniques and storage facilities for multipurpose uses.
			<ul> <li>Minimization environmental hazards and degradation associated with uncoordinated and unplanned water use and development and to reduce the related financial and health risks.</li> </ul>
			• Strengthening the human capital, institutional and enforcement capacities of the mandated institution especially in terms of monitoring and measuring equipment and assessment tools.
			• Development of comprehensive water resources, weather and climate policies that take into consideration changing climate and impacts.
			<ul> <li>Establish an independent water authority with powers to regulate and plan the use of both ground and surface water resources to ensure the sustainable management and utilization of the resource.</li> </ul>
The Local	Non mention of climate	Section 49(3)(8): the Central Government is	The obsolete nature of the 20-year-old Local Government Act
Government Act, 2002	and climate change.	responsible for provision of services related to land, mines, mineral and <u>the environment</u>	is a serious gap as issues and events related to land use, land tenure, and ownership are very dynamic. The mismatch between the mandates of the relevant institutions and the
		Under 71(1), the Council is responsible for (a)	resource requirements and availability for the enforcement of
		conservation of <u>the environment</u> ; (d) the	on, and definition of, ownership and user rights of natural
		biodiversity of <u>the environment</u> ,	of the Act. The divergence between state agents' perceptions
		Under 71(2) (a) monitor the state of the	and those of the local communities is challenging and presents a gap. There is a need for a review of existing acts and
		environment within its Area and the impact	legislation to integrate local perceptions, interests, knowledge,
		activities;	affect the interest and well-being of the local communities. For
		Under 139(1)(f): Powers to protect the	effective enforcement of laws and regulations related to land, it is recommended that:
		environment and take preventive measures against bush fires are conferred	The authority vested in the Geology Department should be matched with the requisite resources to monitor and enforce
		on the District Authority by the Law.	<ul><li>the provisions of the Act.</li><li>A coastal development policy should be established for</li></ul>
		environment of his or her village; are	planned development along the coast and the sustainable utilization of coastal resources.
		conferred on the Alkalo by this Law	<ul> <li>The local government authorities should employ urban forestry interventions and enforce park development for a</li> </ul>
			better urban environment.
			policy and legislation to ensure that natural resource
			management issues are fully addressed, to, for example, avoid potential conflicts during the implementation of the various policies.
The Forest Act 1998 and	No mention of climate and climate change	Forest categories (7): Protection forests are forests are managed for the main purpose of	Forests also have a unique potential to contribute to climate change mitigation by reducing emissions and enhancing
Forest Act	a The principle	maintaining or improving the local	carbon sinks. Depending on the extent of deforestation,
2016.	of <b>equity and</b>	environment.	rainfall.
	inclusiveness. This principle recognizes	<u>Under the administration of Forests</u> 81(1) farmers, industrial, and other developers shall	Forests mitigate climate change by absorbing carbon dioxide
	the rights of access to,	submit a project brief to the Director.	from the atmosphere through photosynthesis, storing this carbon in their trunks roots and leaves effectively acting as a
	forest resources by	For Private Forests, 87(2) Private plantations	carbon sink, which helps to reduce the amount of greenhouse
	communities. It will ensure that monetary	snall not be controlled or monitored by the Forestry Department except if they are likely	gases present in the air and slow down the rate of climate change; this process is called carbon sequestration.
	and non-monetary	to cause damage to any neighboring forest or	Strategies include minimizing disturbance during baryesting
	the utilization of forests	53. Control of Private Plantations: (2) Private	activities, reducing the width of forest roads and helping trees
	in a manner that will	plantations shall not be controlled or monitored by the Department of Forestry	get re-established taster after harvest. Creating more forests through afforestation and enhancing growth in existing forests
	sustain their interest in	except if they are likely to cause damage to	are two ways to increase forests as carbon sinks.
	conservation. It takes	environment.	



into account the need		Reducing deforestation and restoring forests are effective ways
for consideration of	81. Procedure for the adoption of fire	to mitigate greenhouse gas (GHG) emissions. This can be
gender equality in	management plans: Fire management plans	done by planting new forests, protecting existing forests, and
forest management	shall be prepared by Regional Forest Offices	restoring peatlands and mitigating deforestation through (a)
and the informed	in consultation with the Regional Office	afforestation by planting new forests in areas where forests
involvement of all	responsible for the Environment, and all	have been lost or never existed, (b) reforestation by restore
stakeholders in forest-	other stakeholders within the Region.	forests that have been lost (c) restoring wetlands, which are
management-decision-		carbon-rich and offer a low-cost climate solution; (d) carbon
will consider cultural		dioxide from the air and store it in their trunks leaves and
beritage paving	82(1): Forestry impact assessment of	roots: (a) using wood products for wood-based construction
attention to traditional	farming, industrial projects and other	instead of steel, aluminum, or concrete, etc.; and (f) use wood
knowledge forest/tree	activities in forest areas Cap: Where	waste to produce renewable energy )bioenergy).
management practices.	farming, industrial projects or other similar	
	activities in forest areas are not assessed for	It is also recommended to adopt and operationalize REDD and
Strategy: Review	National Environment Management Act the	REDD+ mechanisms which are cost effective financial
legislation to	developer of such activity shall be required to	mechanism that cut greenhouse gas emissions through forest
strengthen private tree	submit a project brief to the Director stating.	carbon sequestration in turn for financial reward. 'REDD'
and forest tenure	3	stands for Reducing emissions from deforestation and forest
rights;		degradation in developing countries. The + stands
It was also promised on		nor additional lorest-related activities that protect the climate,
the government and its		conservation and enhancement of forest carbon stocks
agencies ensuring that		
the rights and		REDD+ sustainably improves the socioeconomic conditions of
privileges of the		forest dependent communities through carbon crediting and
participating		allows forest ecosystems and communities to become resilient
communities and		to floods and droughts. REDD-plus identifies the potential of
individuals are		carbon credit generation through avoided deforestation and
protected, through a		degradation. By preserving existing stands of forest and
transparent		utilizing them sustainably, carbon sequestration potential will
forest laws and		be emilanced.
regulations		REDD-plus is part of the Paris Agreement and it helps
regulations.		developing countries reduce emissions from deforestation and
Provide training for		forest degradation through (a) development and
communities, women,		implementation of national strategies and policies to reduce
youth and NGOs/CBOs		emissions and then the countries receive payments based on
to enhance community-		verified emission reductions. REDD+ activities include:
level understanding of		<ul> <li>Sustainable forest management</li> </ul>
responsibilities, rights		Conserving forests
and privileges in forest		<ul> <li>Enhancing forest carbon stocks</li> </ul>
management.		Conspire building
		Capacity building
		Technical assistance
No mention of climate		<ul> <li>Demonstration activities</li> </ul>
and climate change		Results-based finance
		Legal issues related to REDD+ include land and forest rights,
		benefit sharing, and free, prior, and informed consent
		(FPIC). Land and forest rights include (a) customary rights by
		(b) <b>Tenure system by</b> electifying tenure rights at the beginning
		(b) <b>Tenure system by</b> clamying tenure rights at the beginning
		implementation: (c) I and ownership by local communities
		and indigenous peoples often lack formal legal title to their
		land. It is necessary to legalize and regularize benefit
		sharing as a (a) Mechanisms through Designing effective
		mechanisms to share benefits is important;
		Contracts: Contracts may determine how financial benefits are
		shared.
		Free prior and informed concert (EDIO) is but ()
		Free, prior, and informed consent (FPIC) include: (a)
		for EPIC: (b) onsuring EPIC is respected: (c) barmonizing
		sectoral laws: (d) strengthen institutional coordination and
		public participation: (d) institutionalize carbon tenure and
		rights; identify drivers of deforestation is important.
		Reliable legal frameworks are important for attracting finance
		and building investor confidence. A legal definition of carbon
		rights might be required to secure carbon ownership of



The Gambia C Renewable Energy Act, r 2013	Climate and climate change are not nentioned in this Act.	16(2) The I the permittir impact, The objectiv the use of  reliance ar emissions, and protect	Ministry shall simplify ng process, environmental  ves of this Act are to- (a) promote f renewable energy resources, to achieve greater energy self- nd thereby reduce and promote economic growth tion of the environment in The	seque carbor credit definir differ facilita need owner rights) registr certific transfe carbor LESS( enviro forest overla addres progra criteria owner harmo have o atthou Vietna specia seque mecha benefir could minorir gende Respo Chang permit	stration. Rights to carbon or benefits that flow from a should be distinguished from the rights to the carbon itself (or the title to the carbon emission reductions) in g forest carbon rights. Definitions of carbon rights may between states in relation to their association with the (individual versus communal/private versus public). Int options can be considered at the national level to te carbon. Transaction options will affect the potential to separate property rights on carbon from other ship rights (interests) on forest lands (e.g. usufruct . Forest carbon rights may be granted through ation in land administration systems. Registries and ates might include rules concerning the control over erability, inheritance, extinction and subdivisions of a property rights. DNS LEARNED Existing land, forestry and nmental laws provide a starting point for establishing carbon ownership, although the challenge posed by pping or unregistered claims to land should be seed beforehand. Also, whether existing use rights is the right to create and benefit from a forest carbon is a matter that would benefit from a forest carbon is a matter that would benefit from a lature and ship of carbon rights. For example, reforms aiming to nize PES definitions in forest and environmental laws currently been approved by the Congress of Mexico, gh carbon rights have not been specifically defined10. In m, the specific regulations on the allocation of lized use of forest lands could be used for carbon stration and for recognizing collective carbon rights. If anisms are available to ensure equitable sharing of ts within the community, Resolution 30a/2008/NQ-CP also be seen as linking carbon ownership with ethnic ty tenure rights on forest lands taking into consideration requality in tenure governance msibilities identified in the Act can inform the Climate le Act in the development and use of targets, tariffs, s and reporting.
	Р	olicies. St	rategies. Plans and Progra	ammes	s Reviewed
Policy, Strategy and Plans Content in relati Climate and Cli Change		ation to Climate	Content in relation to Environment	D	Gaps, challenges and recommendations that can inform the process of development of a Climate Change Act.
The National Climate Change Policy of The Gambia 2016 - 2025	Climate is mentioned Climate change climatic, 3 times	d 559 times. 375 times,	Environment is mentioned 28 tim	es	
The Gambia's Long-term Climate-neutral Development Strategy (LTS) 2050	Climate was mentioned 320 times; climate change 142 times, and climate 3 times. This is not surprising as the document represents the major long-term strategy of Government.		Environment was mentioned 40 times but only the following three mentions are action-related; the remaining 37 mentions are names of institutions (MECCNAR, GEF, UNEP, etc.). The primary set of measures to be implemented by the Government and relevant Ministries include environment and climate-friendly consumer practices.		Environment mentioned 40 times but only the following three mentions are action related; the remaining 37 mentions are names of institutions (MECCNAR, GEF, UNEP, etc.). Primary set of measures to be implemented by the Government and relevant Ministries include environment and climate friendly consumer practices.
			focus: 4. Managing our coast.	s in a	Managing our coasts in a changing environment: climate-aware Integrated Coastal Zone Management



		changing environment: climate-aware Integrated Coastal Zone Management	There is continuous indiscriminate disposal of waste in
		There is continuous indiscriminate disposal of waste in the Bakoteh area, creating environmental pollution in the neighbouring communities	the Bakoteh area, creating environmental pollution in the neighbouring communities
The MECCNAR	Climate was mentioned 117	Environment mentioned 106 times	
Strategic Plan (2019-2022)	times; climate change was mentioned 79 times.	The Gambia also faces significant challenges in relation to <u>the</u> <u>environment and climate change</u> including land degradation, coastal erosion, loss of forest cover, biodiversity loss, poor management of pesticides and waste, and <u>poor planning and</u> <u>weak enforcement of existing laws and policies.</u>	
		Over the last three decades, lead agencies responsible for <u>the</u> <u>management of specific environment</u> <u>and natural resources sectors</u> have developed <u>policy frameworks and</u> <u>legal instruments to guide the</u> <u>governance and management of</u> <u>natural resources and environmental</u> <u>assets.</u>	
		However, <u>misalignment between</u> <u>some policies and legal instruments</u> <u>remains a major challenge, as</u> <u>conflict among some policies is still</u> <u>evident.</u>	
		As a result, this Strategic Plan will among other things harmonize all environment and natural resources policies under the purview of MECCNAR to help ensure effective policy coherence and coordination of implementation.	
Forest Policy 2021 – 2030	Climate is mentioned 27 times; climate change is mentioned 24 times, no mention of climatic.	Environment is mentioned 28 times	I nere are many legal and policy challenges related to forest and by extension its relation to climate change. Natural resources, agriculture, and other land-based sectors are operating under different, and sometimes conflicting policies and their implementation generates conflicting land-use practices to the detriment of the existence of a healthy forest estate. The non-existence of a national land use policy and plan has often resulted in the allocation of land for inappropriate use, such as the conversion of forest land for agricultural use and settlement. Uncontrolled harvesting of trees for fuel wood and charcoal production is among the leading causes of forest degradation in the Gambia. It is reported that forest in the Gambia provides 90% of the country's domestic energy needs in the form of fuel wood and charcoal.
			increased beyond the capacity of the Department to control.
			Increased population and consequential demand for land for expansion of existing settlements and the creation of new ones, especially through the emergent real estate agencies is causing unprecedented encroachment into existing forest areas and the conversion of abandoned agricultural space or fallow lands, which have the potential to grow back into forest, to create new settlements.



	Unless the country resorts to better land use planning and the strict implementation of these plans, the forest resource is likely to continue to degrade and diminish in area, potentially resulting in significant loss in its environmental protection functions, placing the same population at increasing risk of climate-related disasters, such as floods and drought and deceases.
	Administratively, the Department of Forestry (DoF), has been constrained by human and financial resources limitations. Especially at the professional cadre.
	Conflicts of mandates between forestry and related sectors such as wildlife, lands and agriculture, is a principal challenge resulting from overlap of institutional responsibilities.
	Inadequate knowledge, capacity and collaboration amongst local communities, Civil Society Organizations (CSO), Non-Governmental Organization (NGO) and local authorities, poses challenges to their effective engage in forest protection and management.
	Forest fires have been amongst the biggest enemy to forest conservation and development in the country. Although there had not been a
	Inadequate and irregular monitoring of fires is a gap.
	The challenges posed by reduced annual rainfall amounts, the resultant moisture stress the soils and land cover, have increased the intensity and frequency of forest fires resulting in the death of mature and young trees alike, contributing significantly to forest degradation.
	Inadequate public support to prevent and control fires is a gap and is due to general apathy towards the phenomenon amongst the local population many of whom see fire prevention and management as the responsibility of the Department.
	Uncontrolled and over grazing poses a serious challenge for forest regeneration because the regeneration is either consumed or trampled to death making forest restoration works ineffective. The situation is further complicated by the occasional drought or long period of dry spell that renders the regrowth weak and vulnerable to the impacts of fires and grazing.
	Apart from community-owned forests under community forestry arrangements with the Department, which are often closely protected, the rest of the state forests, including those forest parks not under JFPM programme, remains 'open to unrestricted use' as the public does not feel responsible for their management. Protecting and controlling the use of this vast open forest estate is therefore left to the Department of Forestry which has serious human resource and infrastructural capacity and mobility limitations to adequately oversee the management of the forest estate of the country.
	In its efforts to inculcate a culture of tree planting and tree management amongst the local population, the Department of Forestry has been challenged by the lack of interest in plantation establishment and tree management amongst the general public, despite the obvious benefits for fuelwood, timber, and fencing- post-production.



			The back-to-the-land policy of the Second Republic encouraged and caused rampant and uncontrolled encroachment into and destruction of natural forest stands.
			Furthermore, the judicial system has not been up to expectations with the consequence that cases remain pending in some local tribunals and magistrate courts for a long time before they are heard. This has negative implications for accountability in the sector. Neither the staff of the department nor the law enforcement officers or personnel of the judiciary system can be adequately held accountable for the lapses in enforcing the forest laws due to capacity and structural inadequacies.
			Sustainable forestry management is not done in a vacuum. It is based on reliable data and information. Unfortunately, data and information on the forestry sector is at best scanty and its availability 'epileptic' since it relies on project opportunities as opposed to planned and regularly executed surveys and assessments funded by the Government.
			It is a gap that information such as the forest area and density, species composition, removals, regeneration rates, fires coverage and damage, and deforestation and forest degradation rates are not readily available in the country.
			Unless controlled by enforceable laws and regulations, more pressure will continue to be exerted on the country's remaining forest resources.
			Inadequate data on trade involving forest products and the numerous employment opportunities the sector offers is a serious gap that masks the contribution of forestry (1% of GDP).
			The proposed Climate Change Act should emphasize popular participation in forest resource management and recognize multiple- use forestry, in line with the environmental and socio- economic policy objectives of the Government. The Act should be designed to facilitate and promoted poverty alleviation from the active involvement of the local communities and the private sector in the management and development of the forest resources.
Climate Change and EbA Integrated National Tourism Policy (2022 – 2031)	Climate is mentioned 48 times; climate change is mentioned 30 times; climatic is mentioned 2 times	Environment is mentioned 69 times.	Gaps include absence or limited high value/high impact tourism as opposed to the current emphasis on high volume/less impact tourism. Challenges arising from environmental sustainability; product differentiation; service quality; digitalization; health and safety protocols, global trends in destination marketing.
			Tourism in The Gambia is facing stiff competition from other destinations that offer higher quality infrastructure, a more diversified product mix and lower prices.
			The personal values of foreign tourists do not sufficiently reflect the values and culture of the country. These are met with intolerance by some local citizens. Poor communication and Inadequate and ineffective collaboration between authorities and actors are gaps.
			There are also several challenges in promoting domestic tourism in the Gambia, namely: inadequate knowledge of destination by the locals who would now be the primary source market; transport connectivity; negative perceptions that tourism is for the rich and



			foreign; less hospitable treatments to local tourists by service providers; and lack of disposable income.
			Other challenges are (i) poor service delivery across the tourism value chain; (ii) slow delivery of service including waiting times for orders in restaurants; (iii) gaps in bar service, wine, and alcohol knowledge; (iv) inadequate foreign language skills by frontline hospitality staff – particularly important in relation to expansion to new destinations; (v) inadequate human capacity at supervisory and management levels; (vi) inadequate use of hotel software systems for the staff especially in the front office to enhance speed and
			communication purposes jobs to be done.
The National	Climate is mentioned 76 times;	The Vision of the Policy is "by 2031	A situational analysis of the fisheries and aquaculture
Climate Change	climate change is mentioned 61	to have a progressive, vibrant and	sector made to inform and justify the interventions and
Integrated	times and climatic is mentioned	resilient fisheries sector that	measures proposed in this policy focused on the
Fisheries and	once.	while safeguarding the	resource base, socio-economic importance and
Aquaculture		<u>natural environment</u> and resource	potential and the performance of the fisheries and
Polic (2022 -		base.	aquaculture sector. The challenges identified for
2031)		rine guiding principles and core	isneries and aquaculture development include climate
		development of an enabling	pollution babitat loss and over-exploitation. The
		institutional environment that	consequences of these stressors are potentially
		facilitates investments in fisheries	catastrophic – both for aquatic biodiversity and the
		and aquaculture and promotes	communities that depend on fisheries resources for
		Gambian ownership and	jobs, food and other opportunities.
		shareholding in the sector.	
			Gaps include inadequacy ineffective management and
			sustainability of fisheries and aquaculture resources;
			unreliable and inadequate information and data on
			instelles and aquaculture due to insumchent data,
			hased adaptation and ecosystem approaches to
			fisheries: and inadequate investment in fisheries and
			aquaculture infrastructure and facilities for landing,
			handling, transportation, cold storage, processing and
			marketing of fishery products. Inherent challenges
			include the development of responsible aquaculture for
			sustainable outcomes; illegal fishing due to weak
			enforcement of fisheries regulations and use of illegal
			methods; limited capacity for extension, inspection,
			change vulnerability impacts and inadequate
			capacities to adapt: degradation of the territorial and
			aquatic ecosystems that serve as snawning grounds of
			fish; access to finance and credit facilities. fisheries
			and aquaculture inputs and other productive
			resources.



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