Mali

EIA profile

Updated to: 13 March 2019

Overview ESIA procedure

The ESIA process in Mali includes the following steps:

- stamped application
- decisions on the proponent's obligations (screening)
- terms of reference (scoping)
- public consultation
- conducting the study
- analysis of the report (review)
- environmental permit and monitoring and follow-up.

However, public consultation can not be considered to be of a public nature: neither the ToR nor the ESIA report nor environmental permits must be published or subjected to public scrutiny. Yet a 2001 law creates the right of everyone to free access to environmental information.

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See the french version https://www.eia.nl/fr/pays/mali/profil-eies

Screening

Screening process

The DNACPN decides.

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Contents of the starting document

The content of the stamped application is prescribed. If the DNACPN decides that an ESIA is required, the proponent must submit a draft terms of reference in accordance with the guidelines provided by the DNACPN.

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Timeline Screening

No maximum time specified.

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Scoping

Scoping process

The proponent must submit draft terms of reference. After a field visit a committee made up of the relevant technical services, the DNACPN approves them.

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Contents of the scoping document

Terms of reference.

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See the french version https://www.eia.nl/fr/pays/mali/profil-eies

Timeline scoping

15 days.

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Assessment

Assessment process

The state or local authority consults the public to obtain its opinion (see below). The proponent must append the minutes of the consultations to its impact study report. This report must be written by a consultant of choice of the promoter, according to the texts in force (which are not specified). In practice, environmental certification of consultants does not exist. But technical guides exist and are available at the DNACPN.

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Contents of the EIA report

- Summary
- Legal / legal framework impacts
- Basic data
- Project description
- List of EIA Report Editors
- Impacts
- Alternative options
- Follow up proposal
- Differences between knowledge and information
- Minutes of the public consultation

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Accreditation of consultants

There is no accreditation system in place. According to Article 17, the promoter must call on a consultant of his choice.

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Artivlr 17, See the french version https://www.eia.nl/fr/pays/mali/profil-eies

Review

Review process

The environmental scan and review is done by an interdepartmental technical committee that has already completed an on-site visit. The Committee's review ensures that all elements of the Terms of Reference have been thoroughly and properly addressed and verifies the viability of the information provided in the report. Subsequently, the proponent incorporates all comments into the final ESIA report and submits it to the DNACPN for an environmental permit from the Minister.

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Review expertise

The technical committee responsible for the review is composed of representatives from all technical departments involved in a project and therefore involves the participation of experts from other government agencies.

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Timeline Review

31 à 60 days

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See the french version https://www.eia.nl/fr/pays/mali/profil-eies

Decision making

Integration of ESIA into decision-making

Once the ESIA report is accepted, the Minister of the Environment issues an environmental permit. This is an official decision.

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Decision justification

The Minister is not required to publish the ESIA Decision and Report, to provide a transparent explanation of the permit or to include other elements than those already contained in the ESIA.

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Timeline decision-making

After submission of the EIA report, the Minister has 45 days to communicate his/her decision. If it does not do so, the promoter is allowed to implement the project.

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Possibilities for appeal

The 2001 law nor the 2018 decree speak of appeal.

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Follow-up

Compliance monitoring

The proponent must implement a plan for monitoring the quality of the environment and the legality of its activities in collaboration with respected technical services and the local administration of the Directorate. The DNACPN is responsible for compliance with the permit and oversees the implementation of the monitoring plan. The respective sector ministries and the ministry in charge of the environment control the environmental monitoring. In addition, local authorities in the project area and state technical services are involved in local monitoring. Before the end of the project, the proponent must also conduct an environmental audit. This audit is subject to an analysis by the interdepartmental technical committee for environmental analysis. If the analysis concludes that the promoter complies with its commitments and obligations, the Minister of the Environment issues a certificate of environmental authorization. If, during the implementation of the project, the environmental measures prove to be inadequate, the Ministry in charge of the environment, in consultation with the ministry of the sector concerned, can ask the promoter to adapt the measures according to the needs.

Modification of projects requires approval of the DNACPN.

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Non-compliance penalties

In the case of infractions, the penalties are imposed by the Minister of the Environment in consultation with the relevant sectoral minister. The work may be suspended and the environmental permit can be revoked permanently without refund.

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Stakeholder engagement

Public participation requirements for ESIA process stages

Participation is recommended but the timing is not specified. The results are assigned by all parties and appended to the ESIA report. The terms and conditions are described by ministerial decision. It defines three stages:

1. First, the authorities are informed of the beginning of the project
2. Secondly, the actors concerned are informed of the beginning of the impact study
3. At the end of the study, ways to integrate the concerns of the public are discussed.

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Presumably ministerial decisions refer to Inter-departmental Order 2013-0256.

Timeline for public comments

No maximum time specified.

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Access to information

The ESIA decree does not create mandatory transparency except public consultation. But the 2001 law creates a right for everyone to access environmental information.

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ESIA practice

Annual no. of ESIAs

In 2009, 120 EIA reports have been produced.

source

EIA Mapping

Professional bodies

- West African Environmental Assessment Association (AOAEE).
- Malian Association of Environmental Assessments: The headquarters of the Association is Hamdallaye ACI, Rue 390, Porte 388, BPE 566, Phone (00223) 20 29 66 18/66 92 66 76 (Bamako, Mali). President: Harouna Coulibaly [hscoulibaly@yahoo.fr]
- National Association for EIA in Mali; Contact: Mori Kaba Diakité [mkdadescom@yahoo.fr]

Background information

History of ESIA

Already in 1991, a law on environmental protection provided for provisions on ESIA. In 1999 the ESIA regulation got in place and provided more detailed information on the ESIA process. Since then, Mali's ESIA system has been refined through the publication of new regulations and amendments.

The Pollution and Nuisance Act of 2001 provides the current legal framework and in 2018 the current ESIA decree was adopted.

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Legal framework

Enabling law

Law No. 01-020 on pollution and nuisances of 2001 is a new version of Law No. 91-04 / AN-RM on the protection of the environment and living conditions. Chapter 2 states that for projects that may have a negative impact on the environment and the living conditions of the population, an ESIA is required.

This works as a framework for the 2018 ESIA Decree, Environmental Audits and Strategic Environmental Assessments.

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National detailed regulation

Decree N ° 2018-0991 / P-Rm Of 31 December 2018 Relating To The Study And Notice Of Environmental And Social Impacts

source

http://www.fao.org/faolex/results/details/fr/c/LEX-FAOC183373/

Guidelines

Around 2006, a series of sectoral guides was prepared. The NCEA has no copies of the final versions.

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Scope of application

Public and private projects, consisting of works, developments, constructions or other activities in the industrial, energy, agricultural, mining , artisanal, commercial or transport, telecommunications and hydrocarbons.`` `` ``

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Decree No. 2018 -0991 states in its Article 5:

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Exemptions from application

The Minister in charge of the Environment can subtract some ESIA projects.

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Institutional setting

Central ESIA authority

The National Directorate for Pollution and Nuisance Control (DNACPN). It is a Directorate of the Ministry of the Environment, Sanitation and Sustainable Development. The DNACPN is represented at regional and local level by its regional directorates.

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Other key (governmental) parties

The Ministry of Environment, Sanitation and Sustainable Development (MEADD) is a key player in the ESIA process as it issues environmental permits. An Interministerial Technical Committee is responsible for quality control of the ESIA.

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(De)centralisation of mandates

ESIA decision-making always takes place at the national level

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Payment system

Proponent pays fees for ESIA - to the EIA Quality Assessment Agency (direct method)

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Contact

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See the French version of the country profile