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20 December 2024

Permanent Secretary
Ministry of Environment, Climate Change and Natural Resources

Issues and Concerns over the Preservation and Protection of the Environment

We are writing to you to express pertinent issues and concerns about the growing threats and destruction we have noticed confronting the totality of our environment across the country. The Gambia's expressed commitment to the preservation and protection is historic which has been immortalized in the Banjul Declaration issued by Pres. Sir Dawda Kairaba Jawara in 1977. In the Declaration, Jawara, said,

"It is a sobering reflection that in a relatively short period of our history most of our larger wildlife species have disappeared together with much of the original forest cover. The survival of the wildlife still remaining with us and the setting aside of protected natural habitats for them is the concern of all of us.

It would be tragic if this priceless natural heritage, the product of millions of years of evolution, should be further endangered or lost for want of proper concern. This concern is a duty we owe to ourselves, to our great African heritage and to the world.

Thus, I solemnly declare that my Government pledges its untiring efforts to conserve for now and posterity as wide a spectrum as possible of our remaining fauna and flora."

Mrs. Manjang, this statement should be your guiding principle and objective as a Minister and a Ministry. We have noted that since 1977, the Gambia has created all necessary laws for the preservation and protection of the environment in general. Furthermore, the Gambia has ratified all necessary regional and international instruments and signed all declarations, agendas and other commitments geared towards the preservation and protection of the environment.

However, we note with sadness that for the past 47 years since the Banjul Declaration, there has been fast and increasing threats and destruction of the environment, especially under your watch. As an organization set up to ensure transparency, accountability and adherence to the rule of law for the good governance of the Gambia which includes effective preservation and protection of our environment, we wish to raise the following issues and concerns for your urgent attention and action.

1. De-reserving of Monkey Park

Recently you told Members of the National Assembly of the Cabinet decision to de-gazette Monkey Park. We find this decision to be both illegal as it violates the domestic and international obligations of the Gambia to the environment.

While the Forestry Act 2018 empowers the Minister to de-reserve the whole or part of a forest park (s.22), it must be noted that such a decision must heavily consider domestic, regional and international laws, declarations, agendas and commitments on the environment. Furthermore, the decision to de-reserve a forest must consider the state of the environment and the impact of climate change on the lives and livelihoods of citizens.



For that matter, we consider the decision therefore to de-reserve part of Monkey Park for the benefit of a private business severely ignores fundamental obligations and commitments of the Gambia Government to the environment, sustainable development and the future of the Gambia and her citizens.

In this regard, we wish to demand full information as to the justifications for the de-reserving of this forest. In this request, we wish to find out if the community of Bijilo and other stakeholders in the environment sector have been adequately consulted to arrive at this decision. As a Minister and Ministry, you do not have the absolute and unilateral decision to de-reserve our forests. The forest is the collective heritage of all Gambians for which no institution or individual has the prerogative to decide it unilaterally.

2. De-gazetting of Nyanaberi Forest Park and Bijilo National Park

In October 2023, you made an announcement that the Cabinet had approved the de-gazetting of the Nyanaberi Forest Park and Bijilo National Park. Upon our review and findings, we did not find any legal, social, economic or environmental justification or benefit for this action. Rather we find this decision to be arbitrary and unilateral, which severely undermines the preservation and protection of the environment thereby threatening the lives and livelihoods of communities surrounding the forest, and its flora and fauna.

We demand that you provide us with any legal or environmental justification for this decision, if there is.

At the time, the respective communities as well as environmental experts, organizations and activists had raised concern and objection to your decision which was blatantly ignored.

3. Allocation of Part of Salagi Forest to GACH Global

We have also noted with shock and deep concern your recent decision to allocate a portion of the Salagi Forest Park to the Gambia-Angola China Holding Company (GACH) to use as a depot to store basalt. It is observed that Salagi Forest has already suffered huge encroachments over the years thereby putting the life and future of the forest at great risk.

The responsibility of your Ministry is to preserve and protect the forest for the benefit of the surrounding communities and the Gambia at large. Before this decision to give a portion to GACH Global Company, we recall the attempts by your Ministry in 2019 to de-reserve parts of Salagi Forest prompting an open protest letter from former top officials of your Ministry to the President of the Republic.

In their appeal and concern, they lamented that the decision would go counter to, *“the NDP goal to ensure our environment is sustainably managed and conserved...”* and *“a significant setback in meeting our commitments to Multilateral Environmental Agreements and National Policies.”*

These seasoned former civil servants who preceded you in the Ministry and possess far greater expertise and experience in environmental management reminded the President of the Gambia’s domestic and international obligations to the protection of the environment. They concluded that,



“De-reserving a portion of this park will present a significant setback to achieving these long-term conservation commitments, national or international and will represent serious disregard for all the effort and money spent by the Gambian people during the 67 years of protection and management.”

In light of the foregoing, we are therefore perplexed as to why you would approve the allocation of any portion of this forest to a business enterprise! We consider your decision to be illegal, irresponsible and a direct attempt to destroy the Gambia’s forest cover and its benefits to our people and life in general.

Therefore, we wish to find out about your justification for this decision.

We have noted that the residents of Sukuta and environmental stakeholders have already objected to this decision. This decision clearly and directly undermines the Gambia’s legal obligations and commitment for the preservation and protection of the environment. Hence your decision raises the question of whose benefit are you seeking to protect: the environment or private interests?

4. Concern over poor enforcement of environmental laws

In our monitoring of the environment around the Gambia we have noted gross inadequacy in the enforcement of environmental laws. These laws have created several institutions and regulations under your Ministry for the purpose of preserving and protecting the environment. These institutions are equipped with necessary public resources to enable them to perform their functions diligently and effectively.

We have noted that your Ministry and its satellite institutions and agencies are failing to effectively, fully and consistently enforce laws and regulations. The evidence of this lies in the glaring and indiscriminate dumping in forest parks. We have found dumping not only in and around forests such as Monkey Park, Salagi, Nyambai, Kabafita, and Furuya forests, just to mention a few, but also there is widespread litter and dumping in our streets, beaches, and communities with perpetrators facing no consequences.

What we have observed is that your Ministry is not effectively performing its functions as required by law hence undermining the preservation and protection of the environment. We therefore urge you to make a personal and institutional effort and commitment to ensure the full implementation of environmental laws within the length and breadth of this country.

5. Concern over Encroachments on the Environment

We are equally shocked and concerned over the widespread encroachment of businesses on the environment in full view of your Ministry. Our forests, beaches, wetlands, rivers and atmosphere are protected by both domestic and international laws which place legal obligation on yourself as the Minister and your Ministry to uphold and enforce.

We have noted immense construction activities by public institutions and private businesses in the following places:



- i. In the Tanbi and Bund Road area in Banjul, a large part of the area has been cleared and developed with structures thereby threatening the flora and fauna.
- ii. At the Denton Bridge area and along the coastline in Banjul there is unchecked sand mining and the building of structures including a petrol station on the beach. These activities have severely affected mangroves and their attendant wildlife, as well as affecting the coastline and communities along the coast.
- iii. Along the Kotu Stream, several encroachments are taking place on the sanctuaries, wetlands and beaches. These activities are further reducing the fauna and flora in these areas.
- iv. In forest parks especially within the Greater Banjul Area and West Coast Region, several and widespread encroachments can be noticed as public institutions, businesses and individuals clear forests and build structures that have no benefit to the environment other than to destroy them in total contravention of environmental laws.

In conclusion Madam Minister, we are writing to you this urgent letter of concern to express our opposition to the decisions that you and your Ministry and the Cabinet have been taking to de-reserve or de-gazette forest parks. We wish to raise our concern at the poor enforcement of environmental laws thereby undermining the preservation and protection of the environment. We note with grave concern that the Gambia is fast losing its forest cover and wildlife hence the urgency to reverse this trend cannot be over-emphasized.

The preservation and protection of the environment is a fundamental human rights issue for which your Ministry and the Government have a constitutional obligation to respect, protect and fulfil. In this regard we would like to remind you of the vision and mission of your Ministry which are respectively,

“The Gambia’s environment and natural resources are sustainably managed for the benefit of all citizens in a coordinated manner.”

“To ensure that Gambia’s environment and natural resources are sustainably managed and conserved for the benefit of all (including future generations), and to increase resilience to climate change.”

The trends taking place within the environment clearly depart from your Ministry’s vision, mission and objectives which are derived from the Constitution and laws of the Gambia.

For that matter, we submit this official letter to your office not only to express our concerns and objections to your decisions on the environment which we consider illegal and detrimental to national interest, but also to demand your response to this letter with the necessary legal explanations and justifications for your decisions and actions.

Above all, we are writing to you to ask you to stop and reverse from the path of environmental destruction and rather position yourself on the path that has been



constitutionally, legally and institutionally carved out for you as a Minister and your Ministry for the preservation and protection of the environment.

As a human rights organization, EF Small Centre will continue to monitor the performance of your functions and obligations as a Ministry to ensure that our environment is well preserved and protected. We are willing to partner with your Ministry to support this endeavour.

Similarly, we reserve the right and duty to seek legal action and other means of accountability to ensure that your Ministry and its departments and agencies are upholding and enforcing the law in protection of the environment.

In the Interest of Human Rights Protection,

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Madi Jobarteh
Executive Director

Cc: Permanent Secretary, Ministry of Fisheries and Water Resources
Solicitor General, Ministry of Justice
Inspector General of Police
Chair, National Assembly Select Committee on the Environment
Chair, National Human Rights Commission
Executive Director, National Environment Agency
Director, Department of Parks and Wildlife
Director, Department of Forestry
President, Gambia Environmental Alliance
President, Gambia Bar Association
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