

3.2.8 Seychelles

(From V. King and B. Walmsley: SAIEA 2003)

a) Legal framework

The Seychelles Charter of Fundamental Human Rights and Freedoms, Article 38 provides for environmental protection and states that:

“The State recognises the right of every person to live in and enjoy a clean, healthy and ecologically balanced environment and with a view to ensuring the effective realisation of this right the state undertakes:

- i) To take measures to promote protection, preservation and improvement of the environment*
- ii) To ensure sustainable socio-economic development of the Seychelles by judicious use and management of the resources of the Seychelles.*
- iii) To promote public awareness of the need to protect, preserve and improve the environment.*

Furthermore, the Constitution, Article 40 (e), also allows for every citizen to protect, preserve and improve the environment. The fact that the highest law in the Seychelles, the Constitution, provides for the protection of the environment is very positive.

The Environment Protection Act

There are numerous laws dealing with environmental issues. Of these, EIA is entrenched within the Environment Protection Act No. 9 of 1994 whose aim is to *“provide for the protection, improvement and preservation of the environment and for the prevention, control and abatement of environmental pollution.”*

The essential issues on the EIA regulations are outlined in part within the Environmental Protection Act. These regulations (Impact Assessment Regulations) are established through Sections 15 and 40 of the Environmental Protection Act. The projects or activities outlined below require an EIA:

- An activity listed in the Schedule 1 to the regulations;
- A project in protected area or ecologically sensitive area listed in Schedule 2 to the regulations;
- Any other project or activity likely to have a significant impact on the environment.

b) EIA Process

Information of governance and legal setting for Seychelles could not be obtained. Only the EIA process is depicted in Figure 5 below.

Figure 5. The EIA process in Seychelles



b) Public participation

Public involvement in the EIA Regulations is confined to the two-week public review period for the final EIA report (Class 1 EIA only). Public participation is not provided for in the EIA guideline documents prepared by the Ministry of Environment. However, the typical terms of reference prepared for undertaking the EIA makes provision for the involvement of interested and affected parties. The terms of reference makes reference to the involvement of civil society and NGOs. The EA process is regarded as being deficient in the area of public participation, and the following limitations have been acknowledged:

- The commenting period (two-weeks) is inadequate;
- Lack of understanding of the EIA process which results in lack of interest;
- The public which does not read newspapers do not notice the advertisements notice on the availability of the report;
- The EIA report is in most cases accessible at a fixed location (Botanical Gardens in Victoria) and a fixed time (between 08:00 and 15:00, Monday to Friday). Except for the projects from other islands;
- The report is finalized before any public involvement;
- No feedback to the public on the impact of their comments;
- Lack of empowered to comment on technical reports which intimidates the public;
- Fear of speaking out against Government;
- Inadequate capacity of NGOs to effectively participate in environmental decision-making. Especially because the legislations does not make provisions regarding their participation;
- No feed back mechanisms to the agencies consulted.

Media coverage

Of the four main newspapers, two of these are government-controlled while the opposition party produces the other two. Environmental coverage in all these newspapers can be regarded as being satisfactory. However, as much as government newspapers are objective, there is a bias towards the good news. On the other hand the opposition papers specialise in criticising governments' environment-related activities and thus a balanced view of issues is difficult to obtain. The one government-owned TV station and the two radio stations also provide extensive environmental coverage.