

The Republic of the Sudan
**Ministry of Environment
& Physical Development**

HIGHER COUNCIL FOR
ENVIRONMENT & NATURAL
RESOURCES

General Secretariat

**Environment Protection
Act 2001**

In the name of Allah, the Gracious, the Merciful

**The Environment (Protection)
Act, 2001**

Be it hereby made, by the president of the republic and approved by the national assembly in accordance with the provisions of article 90 (1), of the constitution of the republic of the Sudan, 1998, the following provisional decree:-

Chapter 1
Preliminary Provisions
Title and Commencement

1. This Provisional Decree may be cited as the, “Environment (Protection) Act, 2001”, and shall come into force, as from the date of signature.

Repeal and Saving

2. The Environment and Natural Resources Supreme Council Act, 1991 shall be repealed; provided that there shall remain in force the regulation and measures made hereunder, until revoked, or amended, in accordance with the provisions of this Act.

Interpretation

3. In this Act, unless the context otherwise requires:-

“ Competent authority”, means all, or any of the organs having the competence of protecting the environment, provided for in section 16.

“Council”, means the Environment and Natural Resources Supreme Council, established under the provisions of section 5;

“Environment”, means the group of natural systems, of the constituent thereof, of basic elements, such as water, air, soil and

plants animals organisms and also includes the groups of social and cultural systems, in which man and the other organisms live, and derive the food thereof, and perform their activity therein;

“Ministry”, means the Ministry of Environment and Physical Development.

“Natural resources”, means the renewable and nonrenewable natural resources;

“Pollution”, means the changes, effected by man, in the environment, and such effects, as may result there from, to man and the living organisms, of nuisance, injuries, diseases or death, directly, or indirectly, or corruption of the basic elements of the environment, or contravention of the prevailing and known systems thereof, and the same includes pollution of the air, water, soil and plants;

“Protection of the environment”, means preserving the exact equilibrium of the environment, and not affecting such equilibrium, and preventing the pollution and deterioration of the same, and rationalizing utilization, in accordance with the capability of resources and not to cause of extinction of any of the living organisms.

“Secretariat- General”, means the Secretariat- General of the Environment and Natural Resources Supreme Council, established under the provisions of section 8 (2);

“Secretary General”, means the person appointed, under the provisions of section 8 (2);

“State, s Council”, means the Protection of the Environment State, s Council, established under the Environment State , s Council, established under the provisions of section 15.

Environmental Objects

4. The competent organs shall , upon exercising the functions, or laying down the policies thereof, strive to achieve the following:-

- (a) protection, purity, natural equilibrium and preserving the constituents of the environment, or the basic elements and the social and cultural systems thereof,

- in achievement of safety and sustainable development, for the benefit of generations;
- (b) promoting the environment, rational and sustainable use of the natural resources, for the purpose of development and conservation thereof;
 - (c) linking between the issues of the environment and development;
 - (d) ascertaining the responsibility of the competent authority, for protection of the environment, and the serious striving to achieve such protection.
 - (e) Activating the role of the competent authority, and the organs belonging thereto, and preventing laxity and short comings of performance.

Chapter II
The Council
Establishment of the Council

5. (1) There shall be establish a council, to be known as the “Environment and Natural Resources Supreme Council”, having corporate personality.
- (2) The headquarters of council shall be in the Khartoum state.
 - (3) The council shall be under the supervision of the president of the republic.

Constitution of the Council

6. (1) The council shall be constituted ,by decision of the Council of ministers ,under the chairmanship of the minister ,and membership of the competent ministers, and a number of member of those in who sufficient know how ,experience and interest in the affaire of the environment and natural resources are present,
- (2) The Secretary –General of the Council shall be member and reporter.

Functions and powers of the Council

7. The Council shall have the following functions and powers ,namely to:-

- a. draw the general policy, in co-ordination with the competent organs, in the following matters:-
 - (i) natural resources, including determining, development and rationalizing the means of use, management and portion, from deterioration thereof, in an integrated and balanced and form ,in such way ,as may secure the sustainable, increasing and continuous proffering of the same :
 - (ii) Protection of the environment in general.
- b. co-ordinate the business of the state's council ,and the efforts targeting to determine and evaluate the country's natural resources ,specify the uses thereof ,in the present and future time ,observe such variable ,as may occur therein .specify the areas exposed to the dangers of environmental degradation, such as encroachment of desertification and environmental pollution, and lay down priorities of general and integrated surveys and studies of such national resources ;
- c. lay down long term federal programmer for the most ideal and balanced use of the natural resources, maintenance and conservation of the environment and follow-up the implementation of the same ,in co-ordination with the competent bodies;
- d. periodically revise the legislations having connection ,to ascertain comparability and fitnesses thereby, for the international standards, for development of the environment, and national resources, Use and maintenance thereof, and submit recommendations, to the competent bodies, with respect of the same;
- e. co-ordinate efforts of the State relating to joining agreements pertaining to the environment, and specify the bodies entrusted with implementing such agreements;
- f. constitute specialized technical committees, to aid it, in the performance of the business thereof;
- g. strive to rally government, people's local and international sources of funding, for the implementation of the programmes of development and maintenance of natural resources, and protection of the environment, in co-operation with competent bodies;
- h. encourage scientific research, in all the fields of the environment and natural resources, and subsidize the same ,in co-

operation with researches national center and the universities and specialized research institutes;

i. lay down a federal plan ,for the promotion of environmental awareness and sustainable use and maintenance of natural resources, and strive to include the same, in the educational and media curricula, in co-operation with the competent bodies and involve public and popular media,

j. approve the organizational chart of the Secretariat- General;

k. make internal regulations, to organize the procedure of meetings thereof.

The Administrative organization of the council

8. (1) The Council shall convene at least twice annually, and the Chairman thereof may call it, to convene, whenever he deems the same necessary. The internal regulations shall specify the manner of management of meetings, the quorum and the system of voting therein.

(2) The council shall have a secretariat-general, headed by a secretary- general, to be appointed by the council of ministers, upon the recommendation of the chairman of the council, and membership of chairmen of any technical, or specialized councils, as the council may appoint.

(3) The secretariat- general shall have the following functions, to;

(a) supervise all the administrative, clerical and financial business of the council, and the affairs of employees thereof;

(b) prepare the agenda of meetings of the council, and the technical committees thereof, in consultation with the chairman of the council;

(c) collect the integrated studies of development, maintenance and use of the environment and natural resources, and co-ordinate the same;

(d) prepare the necessary data and plan, for drawing and implementing policies, as the council may prescribe;

(e) keep records and documents, and all such, as may relate to the technical, administrative and financial sides, at the quarters of the council;

(f) any such other functions, as the council may assign thereto.

Specialized Councils

9. (1) The council may establish specialized council; provided that it shall have regard to benefit of the incumbent specialized councils.
- (2) Specialized councils shall be under the supervision of such competent body, as the council may specify.
- (3) Specialized councils shall exercise the following functions and powers, namely to:-
 - (a) tender technical consultancy, to the council, whenever the same is required there from;
 - (b) assist, in laying down, the general policies of the council;
 - (c) evaluate such programmers and projects, as may be the fruit of the general policies.

The Financial Resources the Council

10. The financial resource of the council shall consist of the following:-
 - (a) such allocations, as may be appropriated thereto; by the state;
 - (b) donations, gifts and aids;
 - (c) such other resources, as the minister may approve.

Budget of the Council

11. (1) The council shall have an independent budget, to be prepared, in accordance with sound accountancy bases.
- (2) The council shall prepare, with three months, before the end of the financial year, proposals of the budget, and submit the same through the chairman thereof, to the competent bodies, for approval of the same.

Deposit of the council funds

12. (1) The council shall deposit the funds thereof, in current, or deposit accounts, with the bank of Sudan, or any such other bank, as the bank of Sudan may approve.
- (2) Disposal of such accounts shall be as to such manner, as the regulations may specify.

Accounts and auditing

13. (1) The Council shall keep regular and accurate accounts, for the revenues and expenditures thereof, in accordance with sound accountancy bases.
- (2) The Auditor-General's Chambers shall audit the accounts of the Council, after the end of each financial year.

State's Councils

14. There shall be established, in every state, under a stat's law, a state's environment and natural resources council, and be constituted by a decision of the Governor, under the chairmanship of the competent state's minister and membership of ministers having concern with the environment, and organs and institutions concerned, and a number of members; provided that they shall be possessed of know how and experience, in the environment and natural resources affairs.

Functions of the State's Council

15. The State's Council shall exercise the functions, set out in the state's law; provided that regard, in the same, shall be had to the functions conferred upon the council, in accordance with the provisions of the Act, and such policies, as the council may lay down.

The Competent Authority

16. Every one of the organs hereinafter mentioned shall be deemed an authority having competence of protection of the environment and striving to achieve the objects provided for in section 4, namely:-
- (a) The council, in accordance with the functions and powers conferred thereupon, under the provisions of this Act;
 - (b) Federal ministries, organs and institutions concerned with the health and protection of the environment, in all the health, agricultural, industrial, housing, economic, cultural and social fields, and otherwise, in accordance with the powers conferred thereupon under the laws in force;
 - (c) State's councils and ministries and organs and state's institutions concerned with the protection and promotion of the environment.
 - (d) Such national societies and institutions interested into promotion and protection, as may be permitted to work in the state, in consideration that protection of the environment is a people's work requiring enabling the society to play its role, in organizing the people's effort, at both the federal and state's levels.
 - (e) Native administration.

Chapter 111
General policies and Directives
For Protection of the Environment

Environmental evaluation and follow –up

- 17.(1) Notwithstanding the provisions of any other law ,with respect to permit ,by the competent authority, for projects, or programmers, every person, who desires to enter into any such project, as may probably affect the environment and natural resources negatively, shall present an environmental feasibility study, signed, on the part of the evaluation and follow-up committee, which is constituted by the council.

(2) The environmental feasibility study of the project shall show the following

- (a) the expected impact of the proposed project upon the environment,
- (b) such negative effects of the project, as may be avoided upon execution of the project,
- (c) the available alternatives of the proposed project,
- (d) sufficient explanation that the short term exploitation of the natural resources and the environment does not affect the proffering of such resources, in the long run,
- (e) where the project is connected to exploitation of the non-renewable natural resources, the said feasibility study shall include the continued exploitation of such resources,
- (f) such precautions, as may be adopted, for containing and restricting the negative effects of the project.

Duties of the competent authority to have due regard to Environmental policies

18. The competent authority shall have due regard to, and follow the following policies and directives, for the protection and promotion of the environment, in the state, to:-

- (a) lay down and approve such standards of quality, as may lead to protection of the environment, promotion and follow-up of abundance thereby,
- (b) conserve the various sources of water and protect the same, against pollution and rationalize use of water,
- (c) conserve air, food, soil and vegetation cover, and protect the same, against pollution and deterioration
- (d) conserve animals and other living organisms, and protect them, against the dangers of extinction, by excessive hunting of, or attacking the same
- (e) develop mining and exploration programmes, in accordance with sound environmental standards and specifications
- (f) conserve archeological and tourist sites, and protect the same, against deterioration and transgressions thereof,

- (g) disseminate environmental awareness and culture, among citizens, and activate the role of information, in the field of protection of the environment,
- (h) embody the curricula of environmental science and culture in the educational programmes of, schools, universities, institutes and other educational institutions, in the state
- (i) co-ordinate and co-operate, with the various national and foreign societies, institutions, councils and corporate persons interested in the environment and protection thereof,
- (j) follow-up of the strict implementation of laws of the environment, without affecting the laws organizing justice organs.

Duty of all to report dangers

19 .(1) Every person, whether natural, or corporate, shall report such dangers, as may threaten the environment, and contravention of the provisions of the Act and otherwise of other laws relating to the health and protection of the environment, and tender such assistance and potentialities, as may be required for protection of the environment, and he shall have the right to refund any such expenses, as he may have incurred towards performing such duty, from any of the competent authorities concerned, as may perform this duty towards him

(2) subject to the provisions of laws organizing civil rights and procedure, every person shall have the public right of instituting a civil suit, where there occurs any injury to the environment, without need to prove his relation to such injury .

Chapter 1v

Contraventions, sanctions and penalties

Contraventions

20 .Notwithstanding the provisions of any other law, there shall be deemed to be contravention of the provisions of his Act, any of the following acts:-

Notwithstanding the provisions of any other law , there shall be deemed to be contravention of the provisions of his

- (a) pollution of air, by effecting any change in the constituents thereof, quantitatively ,or quantitatively ,as by natural may be injurious to man and other living organisms, or any of elements of the environment,
- (b) pollution of water sources ,such as rivers, seas, lakes, ponds, channels, canals, courses and natural and artificial water storage and reservoirs and otherwise, wherein water is kept, for man and animal use;
- (c) pollution of food ,by living organisms, such as harmful bacteria, worms and insects causing disease ,or by natural, or artificial inpyts, or by chemicals, heavy metals, or dust of the types thereof, or ashes of the types of the same
- (d) pollution of soil, by adding materials, or compounds injurious to the constituents thereof ,or increasing the salts therein above the usual limit, or throwing refuse, or natural, or artificial materials injurious to the health in the soil;
- (e) Epidemic pollution, which causes affection with infectious and fast spreading micro-organisms, such as cholera cholera, plague, leprosy and otherwise of diseases;
- (f) radio-active pollution resulting from unclear explosions, unclear fission and otherwise;
- (g) Acoustic pollution resulting from high sounds, noise or uproar;
- (h) Photo pollution, by exposing any person to artificial excessive or unsuitable lighting;
- (l) space pollution resulting from physical, or chemical operations, or otherwise, which affect the stratospheres of the earth atmosphere, or outer space .
- (j) Endangering animals and other living organisms, by excessive hunting, or attacking the environments and natural reserves thereof.
- (k) Removal-and felling of trees and desertification of vegetation.
- (l) To change the natural pathway of water, river, valleys, floods and trespass thereof.
- (M) Dispersal of genetically modified organisms without compliance whit the regulatory measures.

Penalties

21. (1) whoever contravenes the provisions of section 20 shall be punished, with imprisonment, for term, not exceeding three years, or with fine, not exceeding one million Sudanese diners, or with both ,and the materials subject of the contravention my also be forfeited ,for the benefit of the authority concerned with the contravention.

(2) the court may in case of conviction suspend the project, establishment or the place which is the source of contravention partially or totally or revoke the license totally or partially .

(3) The penalty provided for in sub-section (1),may beredoubled,in case of repetition of the contravention.

(4) Compensation may be adjudged ,for the redress of the material damages resulting from the contravention ,in accordance with the provisions of this act

(5)

The competent court

22. Jurisdiction, for trying the contraventions of the act ,shall vest into environmental special courts, to be established by the chief justice ,and ordinary criminal courts shall have jurisdiction, in such areas ,as wherein there are no environment courts,

Severer penalty inflicted

23. Where The penalty ,provided for in section 21, is inconsistent with any other penalty ,provided for in any other law punishing for the same contravention, the court shall inflict server penalty.

Chapter v

General provisions

Standers and means of combating pollution

24. The Ministry, in co-ordination with the council and the competent authority, shall specify the standards and means of combating and restricting pollution, in the various fields, for the purpose of declaration and publication thereof, by all the mass media.

Procedure of entry and search of establishments

25. The competent authority, after obtaining the permission of the competent prosecution bureau, may enter and search any establishment, project, place or otherwise, for the control, suspension, or prevention of contraventions of the provisions of this Act.

Provisions of international agreements applied

26. Without prejudice, to any other provisions in this Act, the competent authority shall abide by applying the provisions of bilateral and international agreements and protocols, which have been approved, or to be approved, or acceded thereto in the future.

Power of making regulations

27. The council on the approval of the minister, make such regulations as many be necessary for the implementation of this Act.