Commissie voor de milieueffectrapportage

The role of the NCEA in developing countries, experiences from Ghana

Ineke Steinhauer
Netherlands Commission for Environmental Assessment

25 Nov. 2010, Oslo, Norway

EIA & SEA in the Netherlands

- Legislation introduced in the 80s
- NCEA is independent, has legal basis and is involved in all EIAs/SEAs in the Neth.
- Advice on ToR for and reviews of environmental assessments of plans, programmes and projects, to competent authorities
- NCEA does not elaborate EIAs/SEAs

NCEA's international work

1) Advice on ToR for and reviews of environmental assessments of plans, programmes and projects

2) Capacity development of systems and institutions to improve the environmental assessment practice

3) Knowledge and learning resources on environmental assessment

Funding & secretariat

- The international department operates under an agreement with the Ministry of Foreign Affairs.
- This started in 1993, with a special focus on countries eligible for Dutch International Cooperation.
- The NCEA's secretariat consists of 10 staff members for international cooperation (of 60 in total).
- For advisory services, tailor made working groups of experts are installed, for the composition of which the secretariat can lean on a pool of experts.

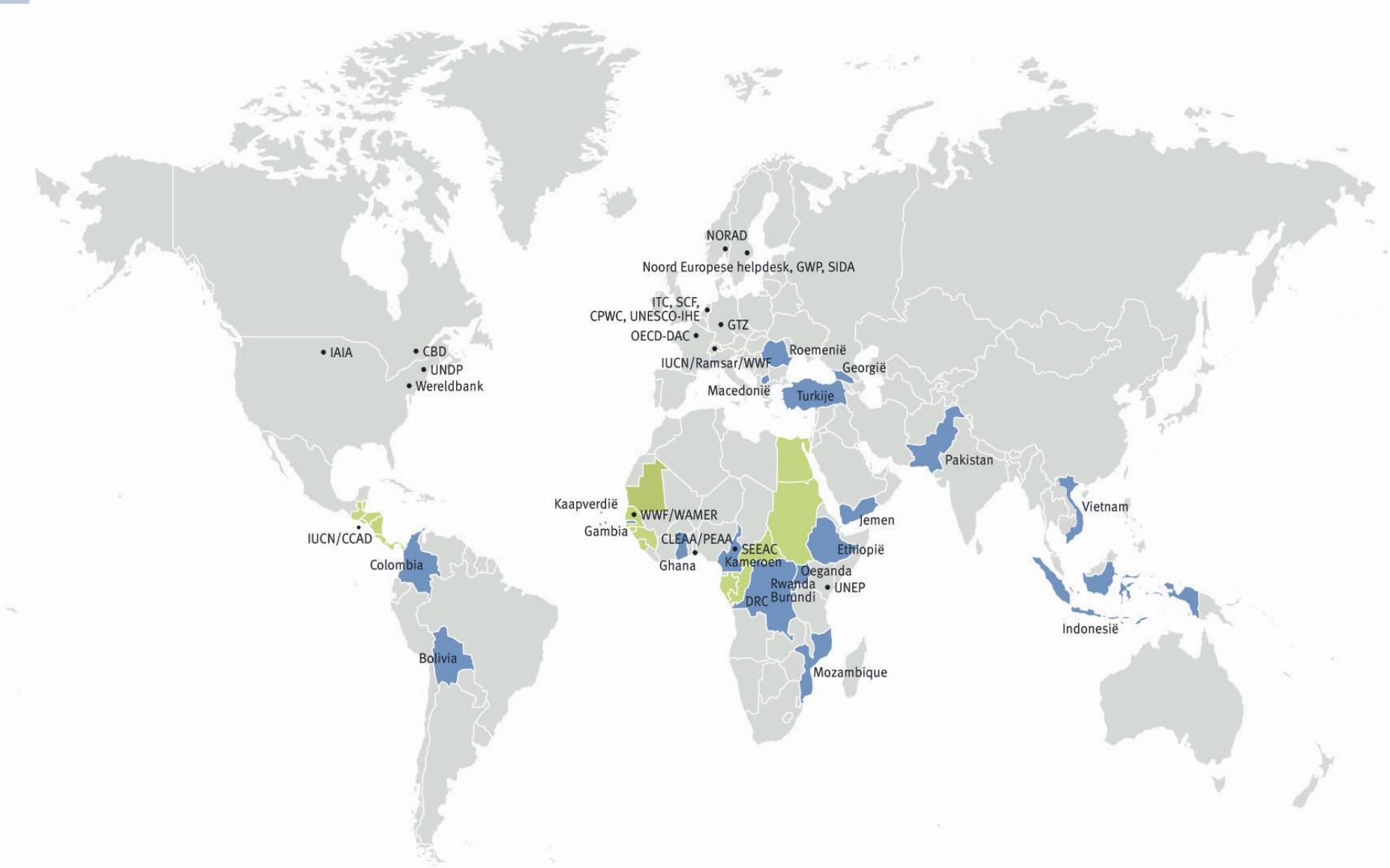
Who can ask for support

- Demand driven
- Support to:
  - DGIS partner countries' governments
  - Netherlands Embassies
  - strategic partners (World Bank, OECD, CBD, NORAD)
  - NGOs in partner countries/regions (training)
- As much as possible in close cooperation with counterpart

Results (int.)

- Around 100 independent advisory reports about 60 projects and plans (3000 in the Netherlands)
- 60 Secretariat advisory reports
- Almost 50 capacity development workshops
- Publications
- Products and services in 7 regions in different continents, 20 countries in Asia, 25 in Africa, 12 in Latin America and 7 in Europe.

NCEA activities 2009



Examples of advice **EIA** in the oil and gas sector

- Georgia The Baku-Tbilisi-Ceyhan oil pipeline and the South Caucasus gas pipeline
- Peru Hydrocarbon Appraisal and Development in Camisea
- Chad / Cameroon Chad Oil Export Project
- Ghana Ankroba Petrochemical Plant
- Ghana West African Gas Pipe Line
- Surinam Tout Lui Faut Oil Refinery
- Ecuador Heavy Crude Oil Pipeline
- Mozambique Offshore Oil exploitation
- Mozambique Sasol Petroleum Temane gas project
- Mauritania Offshore oil exploitation
- Rwanda Methane harvesting in Lake Kivu

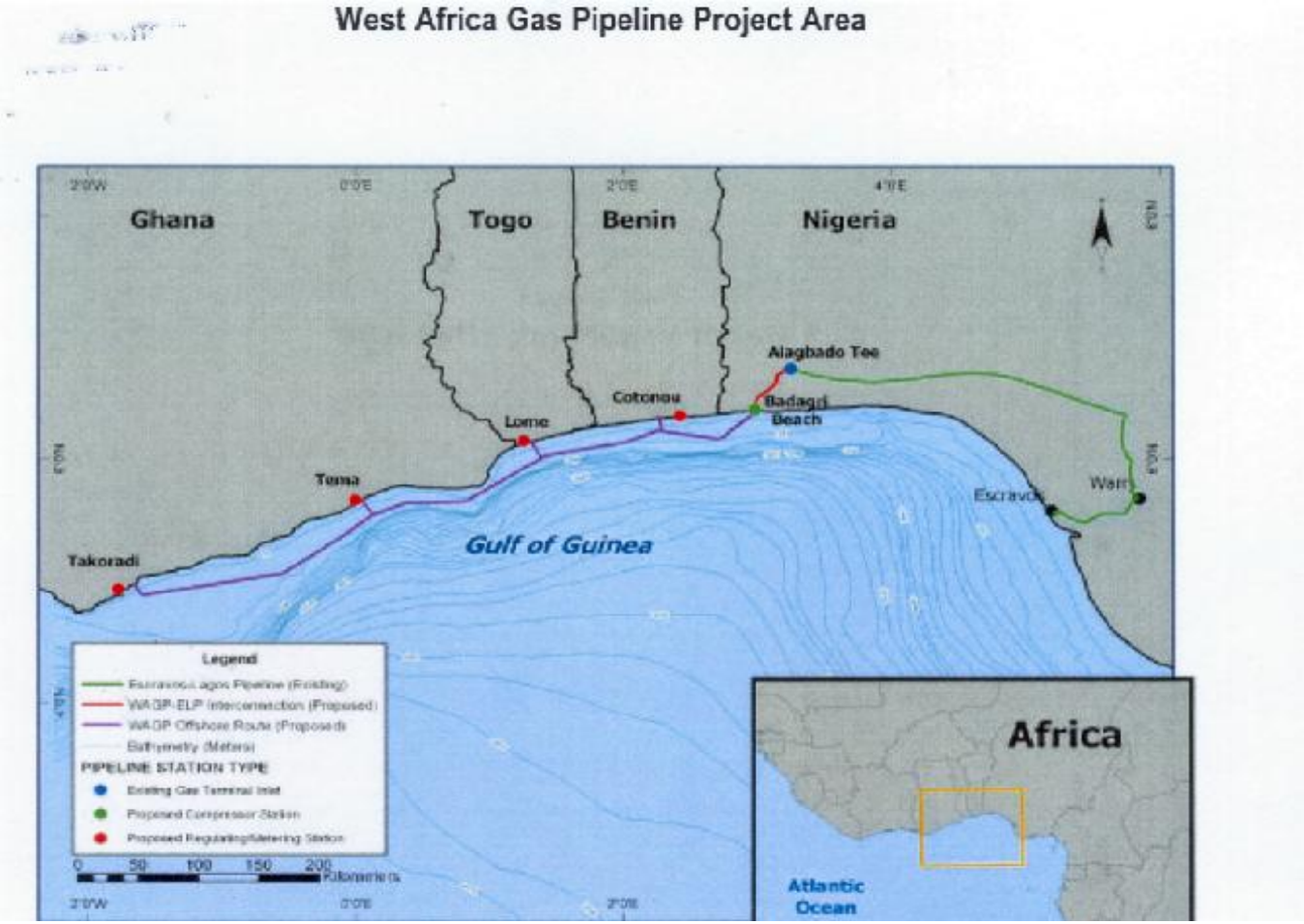
Examples of advice **SEA** in the oil and gas sector

- ToR for SEA of oil and gas developments and coastal zone management, Mauritania
- ToR for SEA for oil and gas development in protected areas in Bolivia
- Regional workshop on SEA for oil and gas, Senegal
- Advise and coaching on SEA for oil and gas sector Ghana
- Advice and coaching on SEA for Albertine Graben, Uganda
- Regional workshop on SEA for extractive industries (a.o oil and gas), The Gambia
- SEA training on oil and gas, Uganda

EIA WAGP Ghana

- The West African Gas Pipeline Company (WAPCo) intended to construct an onshore and offshore gas pipeline transmission system that will deliver natural gas from Nigeria to commercially viable markets in Benin, Togo and Ghana.

Project area



Proposed project

- 690 km gas pipeline transmission system, onshore and offshore from Nigeria to Ghana
- at distances from 16km to 25km from the shore in water depths ranging from 24m to 72m.
- lateral connections to bring gas onshore in Benin, Togo, and Ghana (with two delivery points). These laterals extend onshore between 110m and 5.1km.

EIA review

- In view of the strategic nature of the proposed project, the potential trans-boundary impacts and the strong interest of the public, the Ghanaian EPA composed an inter-sectoral team to undertake the review (16 persons)
- Outcome of the review: recommendations to:
  - either submit a revised EIS,
  - conduct further studies considered necessary or
  - to finalise the report for decision making on environmental permit granting.

NCEA involvement

- the EIS posed a great challenge to the EPA in view of the limited local capacity and experience in dealing with gas pipeline projects.
- EPA solicited assistance from NCEA

Visit of NCEA team to

- Participate in review meetings of the EPA team
- Undertake field visits with the team
- Comment on the output of the review team
- Comment on the review process and advise on how similar exercises in the future may be conducted
- Review the draft EIS and advise the EPA on its shortcomings

Ghana review team

Representatives of Ministries, Agencies, Professional bodies, Research Institutions and EPA staff. The team has been divided into four groups:

- Public Health and Safety
- Project Specification and Alternatives
- Socio-Economic
- Ecology

NCEA review team

- Chairman
- Technical secretary
- Marine ecologist
- HSE expert
- Oil and gas expert (public consultation)

Review findings

- In general the EIS is of good quality
- However, also a number of deficiencies, that apply both to contents and process.
- Recommendations:
  1) proponent addresses some of these shortcomings **before** decision making on license granting
  2) other information gaps can be addressed **after** decision making on the licence, can be introduced as preconditions in the license and should be addressed before the start of the construction.

Essential shortcomings

1) maps of the pipeline route, including lateral pipelines, with the local characteristics offshore and onshore
2) alternative most friendly to the environment, e.g. more environmentally friendly shore-crossing of pipelines, and work methods for placing the gas pipeline in the seabed which will have less effects on the marine environment

Essential shortcomings

3) Quantitative risk assessment for the safety of the offshore pipeline, to decide:

- in which areas the pipeline should be placed *in* the seabed instead of *on* the seabed
- at which depth the pipeline must be placed for sufficient protection
- whether or not a protection layer is to be placed on top of the pipeline in the seabed (sand, gravel, rock materials).

Essential shortcomings

4) Prevention of conflicting forms of land use near the gas pipeline and R&M station, e.g. through spatial planning decisions, including those addressing human populations, or the establishment of buffer zones

5) Emergency Response capacity and capabilities that WAPCo would establish in Ghana as well as the additional demands to be made on GoG or Private Emergency Response Organisations

Strategic questions

- How does the WAGP relate to the energy planning and distribution in Ghana?
- How can the people of Ghana benefit from WAGP, how are social benefits claimed by the WAGP reflected in the GPRS or can they be integrated?
- Will the WAGP cause induced development, what kind of foreseeable new developments should be anticipated?

Addendum to EIS of WAGP

- EPA has been able to improve EIA quality through asking for an Addendum
- There was sufficient information available then to proceed with decision making
- Attention to follow-up of stakeholder consultation was recommended once final decisions of the project had been taken.

Advice on permit conditions

- EPA invited NCEA to give comments on the draft-permit for the WAGP, that had been prepared by EPA

- Recommended to include strict provisions to enable monitoring of the project by the authorities to ascertain compliance to regulations, permits and agreements.

SEA follow-up

- Energy sector SEA has been undertaken by now (UNDP)
- EPA has started SEA for the oil and gas sector (2010)

Discovery of Jubilee field

Why SEA?

- This discovery has resulted in 9 offshore licenses granted for exploration and over 20 companies have submitted applications
- There are serious policy choices and social and environmental considerations that need to be addressed
- Ghana needs to develop the institutional capacity to manage the development of its oil and gas resources, as well as the associated economic multiplier effects.

Purpose of the SEA

- Ministry of Energy and the Environmental Protection Agency are now undertaking an SEA of the oil and gas sector.
- To have a holistic view of the entire off-shore and on-shore environmental and other impacts that may arise as a result of the exploration and the production of oil and gas resources.

What has been done?

- Development of draft Terms of Reference for SEA in March 2009 by EPA
- Screening was conducted to solicit the opinion, concerns and expectations of stakeholders, particularly the communities within the coastal areas of the Western region in September to October 2009, and a screening report issued in November, 2009.
- A preliminary SEA workshop was held in February 2010 on the practical organization and implementation of the SEA

SEA and link to planning

- A key step in the SEA process involved identifying the formal decision making process(es) to which the SEA could be linked, e.g;
  - The Energy Policy
  - The Gas Master Plan
  - Future decision making processes and other policy development.

Existing and planned PPPs

- Energy policy approved in Feb. 2010, did undergo SEA, except for the oil and gas chapter which was recently incorporated into it.
- Gas master plan was being drafted, and expected to be ready in July 2010
- Future decisions to be taken in Cabinet or Parliament according to the political agenda or other planning processes in relation to oil and gas, such as a revenue management bill, and a local content policy

Expected outputs of SEA

- SEA had to deliver immediate results to influence gas master plan before July 2010 (ex-ante)
- SEA report ready by the end of 2010, including ‘advisory notes’ for different future PPPs related to oil and gas sector (ex-ante)
- Specific advisory notes will be prepared for the oil and gas sub-sector chapter in the new energy policy (ex-post).

SEA scoping

- A preliminary scoping report was prepared which formed a basis for a series of stakeholder consultations (Feb. 2010)
- Two scoping workshops held in March 2010 Accra and Takoradi with over 100 participants.

Contents of scoping report

- The purpose of the SEA, how the SEA is linked to planning/decision processes and what are the decisions about
- The geographical scope of the study, (whether the study should focus on the offshore petroleum resources or all areas of potential oil finds)
- A first qualitative assessment of the environmental issues related to oil and gas development, on the basis of 3 scenario's for oil and gas exploration and exploitation

NCEA/Norway co-operation

1) Advice on ‘Approach for the Ghana SEA for the oil and gas sector’ January 2010
2) Input given (texts) for preliminary and final scoping report (co-production of Ghanaian SEA team, NCEA and Norwegian consultant), March and June 2010
3) Participation in scoping workshops, facilitating meetings, and coaching of Ghanaian SEA team

Results so far

- Meeting requirements under the NREG program (the SEA was put there as a so-called ‘trigger’). Donor parties in NREG were satisfied with the progress made which made budget release possible for 2010.
- Key issues identified in the scoping report by the preliminary analysis of the three scenarios are being integrated into the gas master plan. The master plan is not ready but the scenarios served as a basis for the plan.