

Summary of the NCEA's main observations

Introduction

The Environmental Agency of Benin (*Agence Béninoise pour l'Environnement*, ABE) asked the Netherlands Commission for Environmental Assessment (NCEA) for advice on the scope of the Environmental and Social Impact Assessment (ESIA) for the deep-sea port at Sèmè-Podji. In March 2015, the project developer submitted to the ABE a preliminary document that was called the "Terms of Reference". A working group of the NCEA went to Benin in June 2015 in order to gather additional information. This advice is based on that information. The Terms of Reference proposed by the developer have been compared with legislation and international practice. The NCEA is of the opinion that the developer's Terms of Reference cannot be used as the final scope of the ESIA and has made several specific recommendations. The advice is divided into two parts: the ESIA scoping process (Chapter 3) and the content of the ESIA scope (Chapter 4 et seq.).

ESIA scoping process

According to the procedures currently in effect in Benin (see Annex B), in addition to the proposed Environmental Assessment Decree (agreed by the Council of Ministers on 25 May 2015) and international practice, the developer's Terms of Reference still take insufficient account of the fact that the project requires decisions to be taken at various levels, each with its own level of environmental assessment (and specific Terms of Reference). The current impact assessment will inform decision-making for a build-operate-transfer (BOT) contract. The assessment should focus on elements that can be included in this contract; therefore the ESIA should only describe the impact of variables that could be decided through this contract. In order to put the current ESIA and its Terms of Reference into perspective, it is necessary to analyse how the BOT contract will relate to all government decisions relating to the Sèmè-Podji port. The position of the BOT contract envisaged will determine the available alternatives and variables for the ESIA and thereby which environmental and social impacts require mitigation.

Content of the ESIA scope

The NCEA is of the opinion that the developer's Terms of Reference are not yet complete. It recommends specifying in more detail how the impact of the following alternatives/measures will be described in the ESIA:

In relation to technical risks:

- Risk of accidents caused by onsite operations. This risk will be influenced by the location of activities, generic equipment and the conditions the developer imposes on concession holders.
- Maritime safety and prevention plan. The developer could be made responsible for management, steering and towing. It could also be given a mandate to put international conventions into practice.

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In relation to other impacts:

- Erosion of coastal sediment. This poses potential risk in terms of using the coast towards Nigeria.
- Nuisance and accident risk caused by land transportation relating to port operations. The developer should estimate and measure the impacts carefully and examine ways of monitoring potential problems. The second port should also reduce transportation from the existing port across the town of Cotonou.
- Maritime and coastal ecology. There are major issues in this respect.
- Social impact on the population, particularly at Sèmè-Podji. The population and residential areas will expand as a result of jobs created both directly and indirectly by the port. The developer should also consider the population which lives on the site and uses the land, including fishermen.
- Nuisance the port causes to residents. There is a potential risk of noise pollution, a large increase in traffic, air and water pollution, and solid waste. These problems could be mitigated by an appropriate site-based master plan and by using generic equipment provided by the developer and concession holders, who could be subjected to general constraints specified in their individual ESIA's.
- Where impacts cannot be mitigated in a way that is acceptable to the State or that fulfils the developer's social responsibilities, particularly in relation to biodiversity and local populations, it is recommended to explore options for compensation.