

FEDERAL MINISTRY OF ENVIRONMENT
COMMENTS ON THE WORLD BANK ENVIRONMENTAL AND
SOCIAL FRAMEWORK (FIRST DRAFT CONSULTATION DOCUMENT)

1. **General Remark**

The draft Environmental and Social Framework document prepared by the World Bank has provided a strong pedestal on which the Bank's vision for Sustainable Development could be effectively anchored. The inclusion of a section on grievance redress and accountability is particularly encouraging and much welcomed. The Ministry notes that the specific attempt to synergise the proposed framework with country/Borrower processes as well as opportunities for technical assistance to enhance country capacity in conducting environmental and social assessments is quite in order. Few observations below are directed at further enriching a very good work.

2. **Objectives and Principles**

- Pg 8 para 2, Observations – Nigeria does not have frameworks but extant laws and policies. The use of framework is not recognized in the relevant Ministry.

Suggestion

Through this is later described in para 24 page 13, could this come early in the documents?.

- Pg 10, para 5- No mention of safety of Dam, project in disputed Areas and on International Waters probably because of being legal. However to be in Sink it will be appropriate to give consideration.

4. **Non-Discrimination and Equal opportunity**

- Pg 37 para 9c last sentence – Each project could see this and interpret differently.

5. **Pg 28, para 30, When this results what do we do? Who does it?**

6. **Associated Facilities**

- Pg 27 footnote, sexual orientation – Our law is against homo?

7. **On pages 5&6 on vision for Sustainable Development it was observed that it does not recognize the role of the host government in terms of ensuring that the Environmental Social Framework meets regulatory requirements of the host nation.**

8. On page 11, para 11, The World Bank should be able to recognize Associated Facilities that possess Environmental Impact Assessment Approval from the relevant National Authority in view of the fact that most of them will be operational.

9. **Environmental and Social Commitment Plan**

While the provision for the development and adoption of Environmental and Social Commitment Plan (ESCP) is okay, this should be simplified and made an integral part of the traditional Environmental/Social Management Plan of an EIA/SEA report. This would ensure harmony in the process and avoid high cost of producing separate documents.

10. **Environmental and Social Standard**

On page 36 para 4, the non application of ESS2 to government civil servants deployed to World Bank assisted projects except for the provisions of paragraphs 15-21 on pages 38 and 39 – Is noted. However, to discourage disenchantment and frustration among the various categories of staff working on the project, once a civil servant is formally deployed to a World Bank supported project, he/she need to be given additional allowance(s) in view of the work load of such project.

11. There is need to develop a separate environmental and social standard for prevention and reversal of soil and land degradation in order to give prominence to that aspect of the Bank's intervention programmes particularly in developing countries. Some prominence should also be given to energy efficient project as done for Green-House Gases and water consumption projects under the ESS3 section on Resource Efficiency and Pollution Control.

xxx Sustainable livelihood / Squatters right / Compensation – what is the position of the WB ESS

12. **Gap Analysis (WB E&S and National law**

The following key areas were taken into consideration in the Evaluation of Nigerian EIA implementation process against the World Bank Safeguards.

- i. Assessment of project alternatives
- ii. Consultation
- iii. Involuntary Resettlement]Cultural heritage
- iv. Ethnic Minorities and vulnerable people
- v. Environmental Assessment

Suggestion to improve Nigeria EIA practice:

- Need for the procedural guidelines to specify involvement of key stakeholders in the consideration of project alternatives and other areas where specific elements of the project are not explicitly covered by procedural guidelines such as involuntary

resettlement, stand alone Resettlement Action Plan (RAP) should be required, Criteria for full RAP or abridged RAP should be specified as part of ToR approval for such project.

- Guidelines for the conduct of RAP need to be developed.
- Specific clear-cut directive on National EIA law Ethnic minority, vulnerable people/indigenous people, as well as on Biodiversity and cultural heritage site are required – e.g establish link between local people and cultural heritage site, obtain inventory of cultural heritage resources before project implementation (i.e in project description), predict likely impacts of project on cultural resource, consult local people with regard to cultural heritage and engage local people as stakeholders in preservation of cultural resources.
- Functions and services of natural habitats and ecosystems need to be systematically assessed and evaluated and the ecological, social, and economic values of such functions quantified as part of cost/benefit analysis of programme and projects.

13. **General Overview of Nigerian EIA law/WB E&S**

a. General overview of the Nigerian Environmental and Social regulatory law currently being practiced include pre-project Commissioning (EIA), Post project Commissioning, Environmental Audit, EMPs & periodic monitoring. Also, efforts to integrate best practices into the existing EIA process – Scoping activities, concept of the project area of Influence, public disclosures and strategic Environmental Assessment (in the upcoming revised EIA Act) are being made.

b. **Issues**

The proposed World Bank Environmental and Social (E&S) framework is project specific in nature. Sectors wide E&S such as Telecom and power sector impact can be significant. The World Bank plays significant roles in sector developments in Nigeria (e.g power and infrastructure sectors).

- The Federal Ministry of Environment institutional and capacity challenges to support the proposed World Bank E&S Framework need to be addressed.

c. **Thinking**

- The proposed World Bank E&S framework need to address sector wide E&S risks and impacts and also consider tools such as Strategic Environmental Assessment.

The Federal Ministry of Environment will need to work closely with World Bank in implementing the proposed E&S framework in Nigeria. The World Bank need to consider

appropriate institutional strengthening and capacity building initiative that can enhance the Federal Ministry of Environment's ability to provide the required support. For example, effective training on the following technical areas can help –

- i. Environmental and Social Management System
- ii. Environmental and Social due Diligence
- iii. Best practice stakeholder Engagement
- iv. Resettlement Action Plan
- v. Environmental and Social Commitment Plan
- vi. Biodiversity Conservation and offset, etc

XXX → Simplify Indigenous people / project affected Communities, project host Communities
14. Some areas where World Bank E&S are inconsistent with National law:-

- i. Recruitment of International Consultant/Local consultant/Nigerian local content policy
- ii. Project screening criteria (classification)/Local Intelligence as one of the criteria
- iii. World Bank period of Disclosure/National law period of disclosure

15. Financial Intermediaries (FI)

- i. Capacity of National FI to handle World Bank E&S
- ii. Nature and scope of funding by National FI
- iii. Is the role of Financial Intermediaries going to improve financial, social and Environmental outcomes?

** Guide on Mandatory Activities — open ended - what happen to a proposed nuclear plant where nuclear plant is the only feasible option in locality.
16. Others and Editorial

- a. Page 1, para 2 (last bullet) and para 3. The use of the word 'Non-mandatory' and 'must' are considered contradictory, I suggest that the word Non-Mandatory be expunged and replace with 'it will serve as'.
- b. Page 1, para 5, instead of 'that the' replace with 'which the'
- c. Page 2, para 18, The remark earlier made in respect of para 11 page 11 can be the best way forward regarding the proposal in para 18 of pg 12.
- d. Pg 37, para 11, second line – 'choice' 'Not Choosing'.
- e. Pg 39, para 21, like 3, 'policies will be put' NOT 'policies will put'.
- f. Page 48, para 18- Is considered to be an unnecessary repetition as para 26 on pg 27 has taken care of the same issues.

17. **Conclusion/Closing Remark.**

The framework is quite good, comprehensive and forward looking. The Environmental and Social commitment plan is one of the beautiful parts of the draft framework. Often, the regulators in Nigeria want to see the level of commitment on the part of the project proponent and this makes this kind of expectation come out more strongly especially with regard to Implementation of Management Plan and Monitoring. ESS1 – Annex 3 is also another aspect of the draft that is adding colour.