



## **COMPROMISE OF COMMUNITY RIGHTS**

### **BRASS LNG PROJECT AND ADMINISTRATION FLAWS OF ENVIRONMENTAL IMPACT ASSESSMENT**

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*Community concerns throw up fresh questions on adopted procedure of implementing the environmental impact assessment law in Nigeria.*

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## 1.0 INTRODUCTION

The Brass Liquefied Natural Gas (Brass LNG) project is one of many ventures intended to harness Nigeria's abundant natural gas reserves in the Niger Delta region of the country. With projections for increase in global demand for natural gas, the Brass LNG, and similar projects, promise significant revenues for the government and huge profits for corporate promoters. Host communities of the Brass LNG also hope that the project will bring 'development' to areas that have borne negative impacts of over fifty years of oil and gas exploitation.

Petroleum infrastructures are not entirely new to the coastal communities in the Brass area. The area is site of a major crude oil storage and export terminal. Yet, for the Brass LNG to accommodate the development desires of communities, effort must be made to address potential environmental and social problems associated with the project.

Part of this can be achieved with government and project developers complying with environmental impact regulatory laws.

Nigeria enacted the Environmental Impact Assessment Act of 1992 to address the potential negative environmental and social impacts of industrial activities and development projects. Compliance with the law was expected to begin from the conception stage and down through the entire life of a project, and its different decommissioning phases. By faithfully abiding with the requirements of the EIA law, the Brass LNG could be carried out with some level of assurance that the integrity of the natural environment and the safety of the communities around it would be guaranteed. The land, water and air should be secured from pollution. A properly conducted EIA should ensure the life of the people would not be worse-off as a result of the project, but rather be improved or in the minimum, protected.



This Briefing presents community perception of the EIA process for the Brass LNG; and it looks at the options for improving EIA compliance regime for the benefit of both the host communities and the Brass LNG Company.

While considering the fragility of the natural environment and the participation rights of communities in the EIA process, this Briefing focused on the livelihoods and broad socio-cultural interests and realities of Twon-Brass, Okpo-Ama and Ewo-Ama people. The three are the closest communities to the project site in the Brass area of Bayelsa State, Nigeria (see Figure 1 for the geographical location of Brass).

Also included is a background to liquefied natural gas (LNG) development in Nigeria; as well, EIA legislation and practice in the country was briefly examined to provide insight into the challenges confronting the Brass LNG consortium, the government and communities. Also, the results of assessment of community perceptions from which our conclusions and recommendations were drawn, form part of the Briefing.

## 1.1 LNG IN NIGERIA

Up to the beginning of the second half of the twentieth century, natural gas was considered a waste product. However, volumes of this natural resource were increasingly released as by-product of crude oil extraction. Currently, the global demand for natural gas has climbed to over 20% of energy consumption with the promise of future increases just as the pressure mounts for energy sources that emit less greenhouse gasses.

Believed to be an environment-friendly and efficient energy source, natural gas is reputed to be the cleanest-burning of conventional fuels. Characteristically, it produces lower levels of greenhouse gas emissions than heavier hydrocarbon fuels (e.g. coal, oil). Economically, natural gas is cheaper to use than most other conventional fuels, and its use cut across fuelling power generating sets, powering household heating systems, and providing raw material for consumer products (chiefly, plastics).

In Nigeria, studies that span over a decade confirmed the feasibility of harnessing LNG for largely economic purposes (chiefly export). The incorporation of Nigerian Liquefied Natural Gas Company (NLNG) in 1989 kicked off investment in the LNG sub-sector of the nation's

petroleum industry. This pioneer LNG sector investment has got in place now, an operating plant that occupies some 2.27 square kilometres of mostly reclaimed land on the Bonny Island, in Rivers State, Nigeria. Requiring about 3.5 bcf/d (billion cubic feet per day) gas feed intake for full capacity production, the plant produces 32 million tonnes of LNG per annum, and 4 million tonnes of Liquefied Petroleum Gas (LPG) per annum.

Despite interruptions by agitating communities and youths over increasing generalized poverty and socio-political deprivations in the region, the successes associated with NLNG provide some appealing impetus. Thus far, the ground seems set for further LNG investment in the Niger Delta region of Nigeria.



Bonny LNG Plant

## 2.0 BRASS LNG PROJECT

Currently, the Brass LNG Company is owned by a consortium of corporations: ConocoPhillips, Total SA<sup>1</sup> and Eni SpA<sup>2</sup> hold 17 per cent stake each; LNG Japan and Itochu Corporation hold 4 per cent and 3 per cent respectively and; a joint venture between Sahara Group and Sempra Energy has 2 per cent; Nigerian National Petroleum Company (NNPC) has 40 percent stake in the company. However, NNPC plans to scale down its equity in the project, as it has done before, by ceding another 10 per cent to Bayelsa and Rivers States.<sup>3</sup> The company was established to build and operate a two-train liquefied natural gas plant (with five million metric tonnes per annum production capacity per train). During its first 20 years of production, the Brass LNG plant is expected to produce 10 million tonnes of liquefied natural gas per year.

The Brass LNG consists of both onshore and offshore facilities. The onshore facilities will be located on the shoreline east of the Brass River. The facilities will occupy approximately 628 hectares of land adjacent to an existing Nigerian Agip Oil Company (NAOC) onshore Brass Oil Terminal Facility. The onshore facilities<sup>4</sup> will comprise of:

- Two 5 million Tonnes Per Annum LNG production trains
- LPG production facilities
- Condensate recovery facilities
- 250,000 cubic meter LNG two-tank storage facilities
- 130,000 cubic meter LPG three-tank storage facilities
- One 500, 000 barrel capacity Natural Gas Liquids (NGL) tank
- Refrigerant storage area
- Metering skid
- Carbon dioxide, water mercury removal equipment
- Power generation and other utilities
- Flare structure with wet, dry and marine flares
- Administrative blocks of building, control room, warehouse, staff accommodation quarters etc
- Quay wall construction dock adjacent to existing sheet piled quay to the north of the existing NAOC Oil Terminal
- Land side end of pipe trestle
- Outfall line to discharge effluent water.

**Similarly, the major offshore components of the project shall be:**<sup>5</sup>

- Access trestle: 8 km piled structure
- Berths: 2 no. East berth (A) combined LNG/LPG
- West berth (B) dedicated LNG
- Breaker water: 1300m long and approximately shore parallel, in approximately -8m LAT (lowest astronomical tide) water dept
- Manoeuvring area: 1300m X 700m, at a design depth of -15m LAT
- Approach channel: 245m wide and 8 km long at an orientation of 330°, at a design depth of -15m LAT
- Marine operations platform
- 2 no. Loading platforms 1 at each berth

<sup>1</sup>Total Société Anonyme (Total Public Limited Company)

<sup>2</sup>Ente Nazionale Idrocarburi (Agip)

<sup>3</sup><http://sweetcrudereports.com/2012/02/03/final-agreement-on-brass-lng-expected-next-quarter/>; <http://www.nigeriannewsservice.com/nns-news-archive/news-blocks/nnpc-may-cede-9-stake-in-brass-lng-to-japanese-us-firms>

<sup>4</sup>Brass LNG Limited (2007). EIA of the Brass LNG Dredging Activities. Draft Final Report

<sup>5</sup>Brass LNG Limited (2006). EIA of the Brass LNG Project, Volume 2a (Offshore Component). Draft Final Report

Berthing and Mooring Dolphins at each berth  
Compressor platform  
Flare platform  
Offshore logistics base.

The Brass LNG is estimated to cost \$12 billion on completion.<sup>6</sup> Approximately three to four years are required to complete its multiple phased construction period. Project promoters project that the plant will create job opportunities for between eight-to-nine thousand skilled and unskilled employment for its workforce peak phases.

As at June 2011, members of the consortium were yet to sign a Final Investment Decision (FID). The delay in signing the FID has been linked to the delay of the Nigerian National Assembly in passing the Petroleum Industry Bill (PIB), which should contain fiscal terms for projects like the Brass LNG. However, the contract for the frontend engineering and design of the plant was awarded to Bechtel Corporation in 2004. In 2010, the board of Brass LNG Company did approve the publication of the invitation to tender for the plant.<sup>7</sup>

However, potential and associated impacts of the Brass LNG project on the biophysical, socio-economic and health environments should be enormous, given its size and components operations, as well as the sensitive marine environment it is proposed to be sited.

### **3.0 BRASS LNG PROJECT COMMUNITIES**

The Brass local government area (LGA) of Bayelsa State is the site of the Brass LNG plant. The local government has an area of 1,404km<sup>2</sup> and a population of 185,049 at the 2006 census.<sup>8</sup>

Brass is a coastal LGA. The LGA is located, as it were, in a fragile ecosystem, albeit, known to be rich in biodiversity. Apart from rich fisheries, marine animals like Sea turtles, manatees, shoreline birds and other threatened marine species have been identified in relative population within the coastal zone in Nigeria which include Brass LGA.<sup>9</sup>

Some of the important environmental problems that have been identified as bedeviling Niger Delta coastal communities, like Brass are manageable, or avoidable; they include:<sup>10</sup>

- Coastal and marine pollution
- Oil spills
- Coastal erosion and flooding
- Physical modification and destruction of habitats.

<sup>6</sup><http://www.lngworldnews.com/nigeria-brass-lng-project-on-hold/>

<sup>7</sup><http://www.lngworldnews.com/nigeria-brass-lng-fid-delayed/>

<sup>8</sup>National population Commission (NPC). The 2006 Nigerian Population Census.

<sup>9</sup><http://www.unep.org/AbidjanConvention/docs/THE%20STATUS%20OF%20THE%20NIGERIAN%20COASTAL%20ZONES%20version%202.pdf>

<sup>10</sup><http://www.unep.org/AbidjanConvention/docs/THE%20STATUS%20OF%20THE%20NIGERIAN%20COASTAL%20ZONES%20version%202.pdf>

Of the main project communities of Twon-Brass, Okpo-Ama and Ewo-Ama, a significant proportion of members live off the natural resources of the Brass River estuary system as fisher-folks. Some are engaged in other trades that are based on the forest resources of the Brass segment of the Atlantic coastal zone.

**The LNG plant will occupy approximately 628 hectares of land along the Brass River and Bight of Bonny.** The offshore facilities will extend up to 8 km into the sea. The Brass Export Terminal operated by Nigeria Agip Oil Company (NAOC) adjoins the proposed project site on the same Brass Island. All these will increase the pressure on land in the project communities, as well as increase the competition between the oil and gas operators and community fisherfolks, for space along the nearshore areas where community fisherfolks operate.

There is some enthusiasm in Brass and Bayelsa State in general that the Brass LNG will contribute to reversing the decades-long economic hardship and neglect by government and oil industry. However, for such positive outcomes to be achieved, effort must be put in place by all concerned to ensure that there are mechanisms to reduce, as well as to mitigate adverse impacts on the natural environment and social systems of the project communities. There should be measures put in place to boost livelihoods of the local population in an atmosphere devoid of the avoidable pollution that has characterised oil and gas exploitation in the area. These are some of the critical challenges the EIA for the Brass LNG should address.

#### **4.0 THE BRASS LNG EIA**

The EIA of Brass LNG was split into an onshore component EIA (Volume 1) and offshore component EIA (Volume 2). In addition, two separate EIA reports were conducted for dredging/sand winning and for the proposed installation/operations of a waste incinerator. On the overall, the field data gathering for the EIA reports took place from 2003 to 2006. The datelines on the EIA reports bear 2006 and 2007.<sup>11,12</sup>

In preparing the reports, Brass LNG Company claimed, in the EIA reports, that affected communities participated in the various mandated processes, while guidelines of the regulating agencies were followed. The agencies and guidelines cited in the EIA reports were:

- Federal Ministry of Environment
- Department of Petroleum Resources
- Bayelsa State Ministry of Environment
- International Conventions/Guidelines and Agreements to which Nigeria is a signatory, and
- Environmental Guidelines of International Lending Organizations.

Brass LNG Company also claimed, in the EIA reports, that the guidelines above were applied in conducting the project EIA in respect of the following activities:

- Site clearance and preparation
- Pile driving
- Sand winning and transport of materials for plant site preparation
- Canal dredging and construction dock preparation with access road construction from dock to site
- Site fencing and construction site development, and
- Onshore construction.

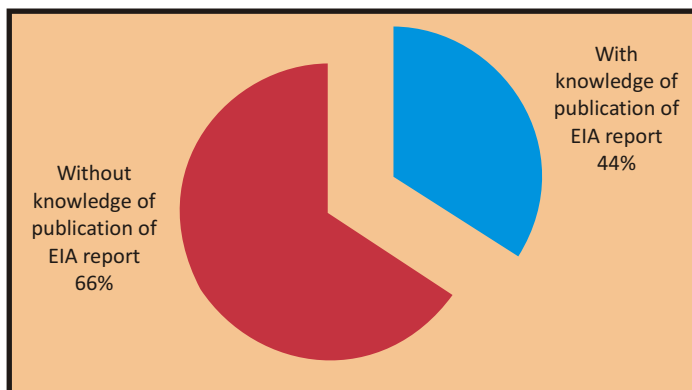
<sup>11</sup>Brass LNG Limited (2006). EIA of the Brass LNG Project, Volume 2a (Offshore Component). Draft Final Report

<sup>12</sup>Brass LNG Limited (2007). EIA of the Brass LNG Dredging Activities. Draft Final Report

## 5.0 COMMUNITY PERSPECTIVES ON BRASS LNG EIA

The fundamental legislation requiring and guiding the conduct of EIA in Nigeria is the Environmental Impact Assessment Decree (now Act) 86 of 1992. Matters directly and indirectly related to local communities and populations where projects (development or commercial) are sited, are captured in various sections of the EIA Act. Thus, affected communities have rights, which including right to participate and make contribution to the preparation of the EIA report of a project in ways that take care of their interests. It therefore follows that the preparation of the EIA report of any project should entail the involvement of affected communities and populations. In addition, the EIA process requires monitoring the project activities over its entire life and decommissioning; this has to be done by implementing the recommendations of the EIA report which requires that communities affected are as

of right expected to be involved as part of a continuing process. A review of some of the essential subject matters provided by the law that border on community involvement and interests are presented in Appendix 1.



**Chart 1: Communities' knowledge of existence of approved Brass LNG EIA report.**

Social Action conducted a survey, in the main project communities of Twon-Brass, Okpo-Ama and Ewo-Ama, to assess the experiences of community involvement in the Brass LNG EIA process, and to document community perspectives of the multibillion dollars project;

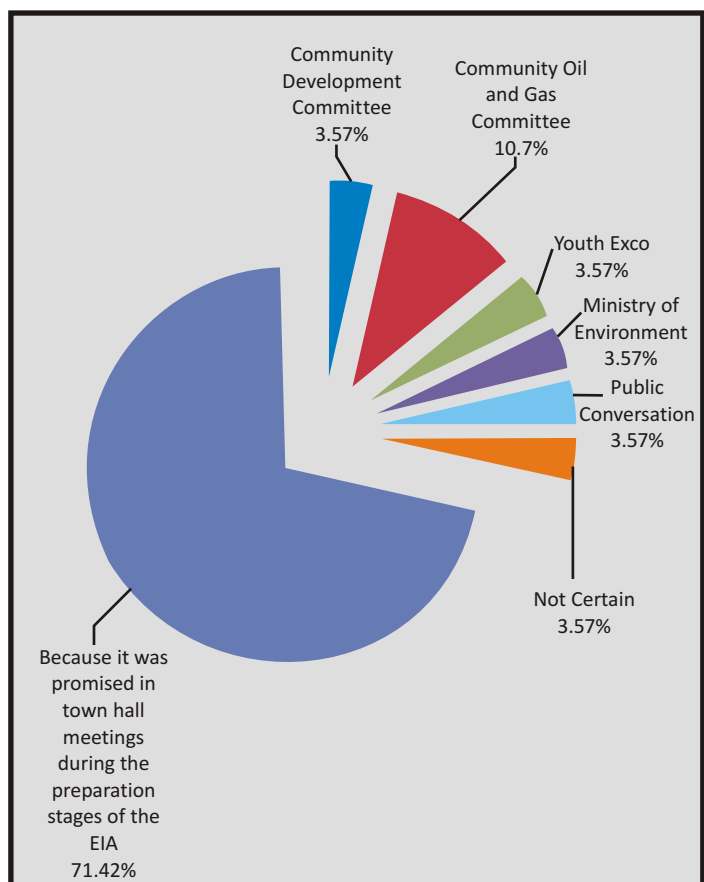
some detailed survey data are presented in Appendix 2. Salient aspects of the survey outcomes are illustrated in Charts 1 to 11 below.

### 5.1 Existence of Brass LNG EIA Report

Chart 1 illustrates the communities' knowledge of the existence of the approved Environmental Impact Assessment (EIA) Report of the Brass LNG. A third of the total respondents have knowledge of the existence of the final report of the EIA. However, in interviews, none of them claimed to have seen the document.

### 5.2 Source of Information on Existence of Brass LNG EIA Report:

The means by which community members were able to know of the existence of the Brass LNG EIA published report is illustrated in Chart 2; it varies widely. Of 28 respondents who claimed to know about the existence of the EIA report, over 70 per cent claimed that their knowledge was based on EIA preparation town hall meetings promises, prior to its publication.

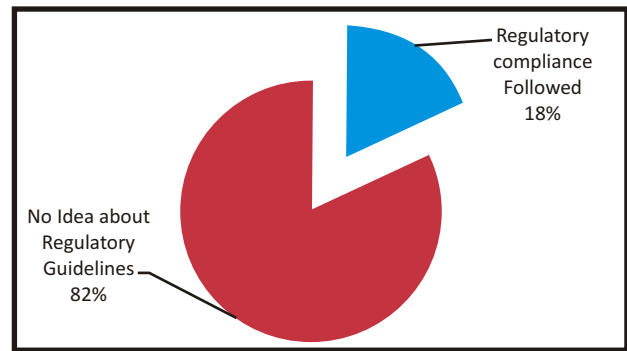


**Chart 2: Source of information on existence of Brass LNG EIA report**

### 5.3 Perception on Level of Compliance with Regulatory Guidelines

The Community perception on Level of compliance with regulatory guidelines in the course of preparation of the EIA report is captured in Chart 3.

Although, the federal authorities endorsed the EIA report of Brass LNG, community people who are aware of the approved document expressed various opinions over level of compliance with regulatory guidelines in the course of its preparation.



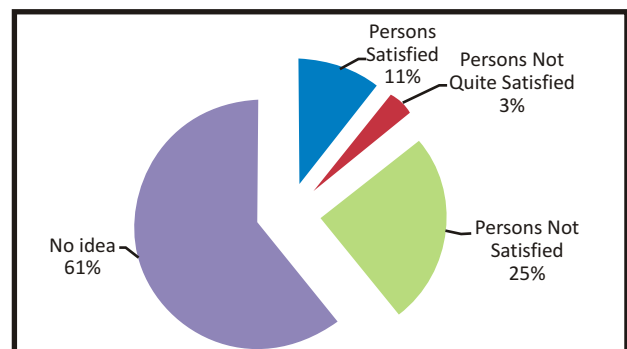
**Chart 3: Perception on Level of Compliance with Regulatory Guidelines**

Only five out of twenty-eight (about 18%) claim that regulatory guidelines were followed in preparation of the EIA report; the rest have no idea or “don't know.”

Community members demonstrated “no idea” over guidelines followed in preparing the EIA report of the Brass LNG project. Knowledge of national and international guidelines on environmental best practice through the EIA process is clearly far from populations in local communities most of whom may merely participate in ceremonies associated with preparing the EIA report.

### 5.4 Community Satisfaction over the Content of the EIA Report

The level of community satisfaction over the content of the EIA report is depicted in Chart 4. Out of twenty-eight respondents who claimed to know about the existence of the final report of the Brass LNG EIA, only 11% said they were satisfied with the information contained therein; 3% said “not quite” satisfied, while 25% said “not satisfied; over 60% have “no idea” on the matter.

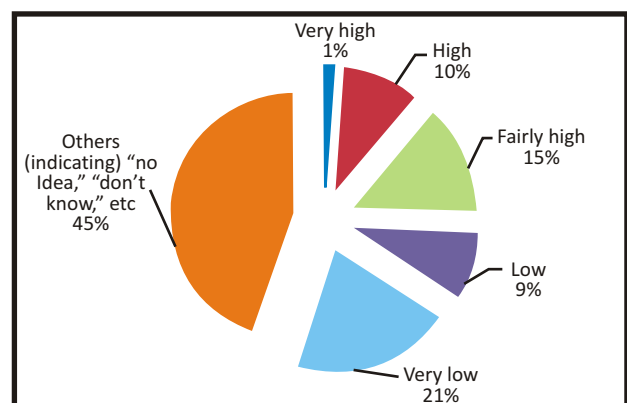


**Chart 4: Community “non-satisfaction” over the content of the EIA report**

Thus, Community satisfaction over the content of the EIA report throws up fresh dimension of significant challenge on the hitherto adopted procedures of implementing the environmental impact assessment law as a regulatory mechanism of which community participation is vital. How valuable is the current process and the reports produced there from, to communities who are key stakeholders in any development process?

### 5.5 Level of Community Mobilization and Participation in the Brass LNG EIA process.

The perception of community people on community mobilization and participation through awareness creation, sensitization exercises and facilitation during the EIA process is indicated in Charts 5 to 9.

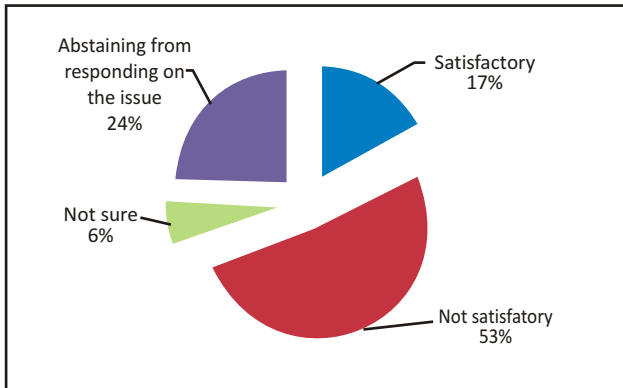


**Chart 5: Level of community participation in the EIA process**

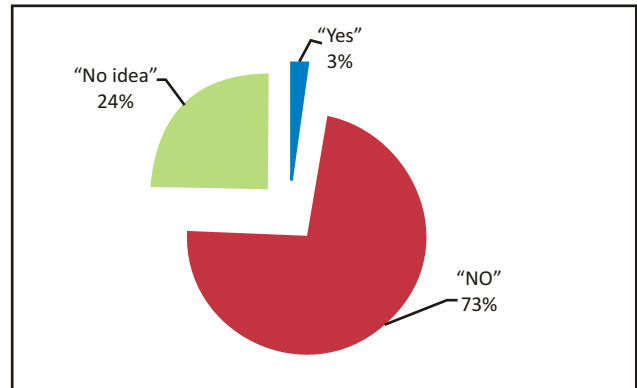
The Level of community participation in the EIA process is illustrated in Chart 5. Forty-five per cent (45%) of respondents could not form definitive opinion on level of community participation, by



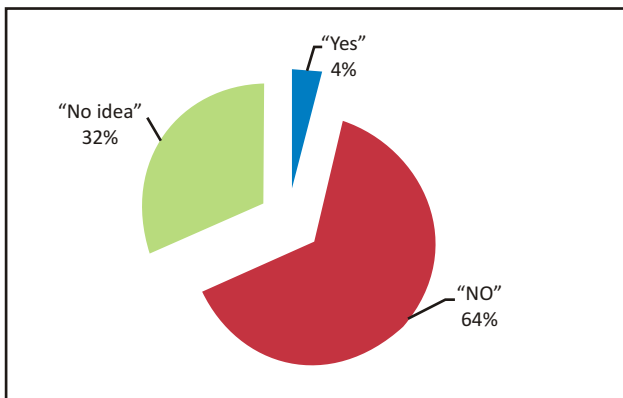
saying “no idea” or “don't no”. However, one respondent claimed: “there is secrecy about the process”. The survey sought to establish, from the perception of the community folks, whether the actual level of community participation was far from satisfactory. Over 50% of the respondents indicated that the Brass LNG EIA process was not satisfactory (Chart 6). Furthermore, over 70% and 60% of respondents indicated that there was no facilitation of knowledge tours/trips by Brass LNG Limited and Brass Communities, respectively (charts 7 and 8) to LNG production activities, elsewhere. Such tours/trips could serve as a veritable means of bringing home to the community folks the diverse impacts of the establishment of an LNG industry within a setting where community folks live off the natural resources. On account of community mobilization and participation in the Brass LNG EIA process, over 50 per cent of respondents were of the opinion that Brass LNG Company was not transparent<sup>13</sup> (Chart 9).



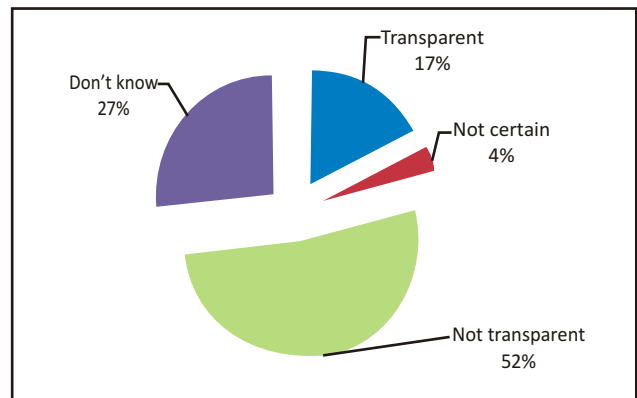
**Chart 6: Community perception on the adequacy of actual level of community participation**



**Chart 7: Brass LNG facilitation of knowledge tours/trips of community to LNG production activities elsewhere**



**Chart 8: Brass communities' facilitation of knowledge tours/trips to LNG production activities elsewhere**

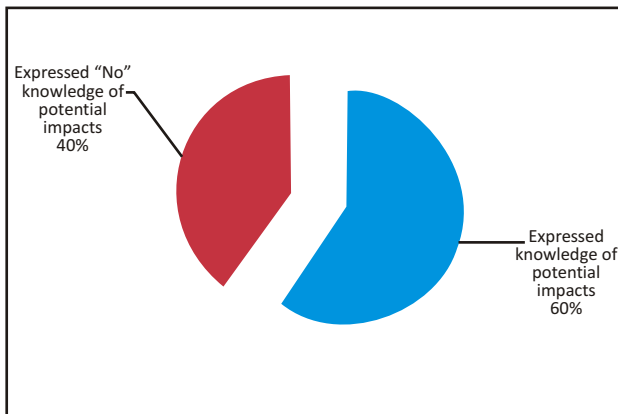


**Chart 9: Perception of community people on Brass LNG's transparency over the EIA process**

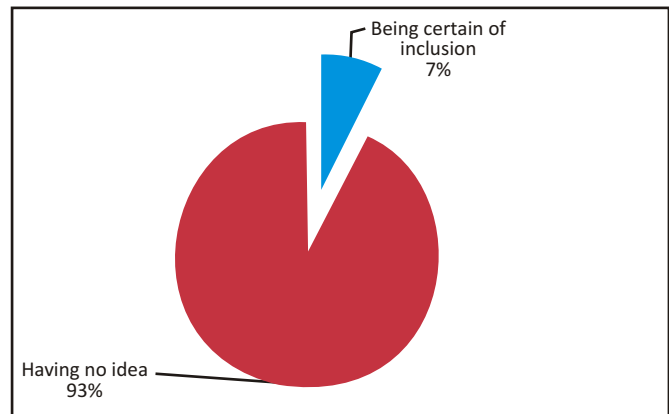
## 5.6 Brass LNG Potential Negative Impacts on the Communities

Chart 10 illustrates the community awareness of potential negative impacts of the Brass LNG project. Sixty per cent (60%) of respondents has an awareness of the potential negative impacts of the Brass LNG project. Some of the potential negative impacts identified by Brass communities include deforestation and destruction of wildlife habitat, Pollution and environmental degradation and Influx of population. Others are Stress on social infrastructure /amenities, increasing prevalence of diseases (especially HIV/AIDS) and, Increase in river/sea craft traffic and rate of accident (see Table 1). The community perceptions on whether their identified potential negative impacts are captured in the Brass LNG EIA report are indicated in Chart 11. Just about seven per cent (7%) of the respondents was certain the community-identified potential negative impacts were included in the Brass LNG EIA report. However, over 90% of the respondents were reticent towards the issue.

<sup>13</sup> Although, community technical committee was believed to have represented community interest over preparation of the EIA report, the allegation of secrecy by some respondents suggest that the committee input into the process may not be wholly reliable.



**Chart 10: Community awareness of potential negative impacts of the Brass LNG project**



**Chart 11: Community perception on inclusion of community identified potential negative impacts in Brass LNG EIA report**

**Table 1: Some of the Potential Negative Impacts Identified by Brass Communities**

S/NO	Named Potential negative impacts (by respondents)
1.	Increase in crime rate and social vices (prostitution, sexual abuse, fraud, etc)
2.	Decrease in sea food capture
3.	Increase in community strifes and disputes
4.	Increase in cost of living
5.	Deforestation and destruction of wildlife habitat
6.	Increase in social and cultural stress on family unit and values
7.	Increase in sanitation (waste disposal) problems
8.	Increase in prevalence of diseases (especially HIV/AIDS)
9.	Stress on social infrastructure /amenities (for: e.g. education, health, water facilities, etc)
10.	Pollution and environmental degradation
11.	Increase in river/sea craft traffic and rate of accident
12.	Influx of population
13.	Disruption of age-old values/ traditional customs
14.	Inadequate and unsuitable corporate social responsibility on the part of Brass LNG

***“The Brass LNG project is a major economic source for Nigeria, but the federal government should ensure the community people are enlightened about its negative and positive impacts and of any progress being made about them”***

## 6.0 COMMUNITY CONCERNS, OBSERVATIONS AND GENERAL RECOMMENDATIONS

While responding to the substantive matters addressed by questionnaire, respondents freely expressed their feelings over a number of related issues. Among them are the following concerns, observations and recommendations:<sup>14</sup>

### On the EIA

The LNG is a major economic source for Nigeria, but the federal government should ensure the community people are enlightened about its negative and positive impacts and of any progress being made about them

Whatever EIA carried out, the report should be readily available to the communities concerned  
The community should have an EIA follow-up committee that has the interest of the people at heart

There is need to educate the community more about the EIA process, most of the community members have inadequate knowledge about it.

EIA review meetings should be held with the project communities.

The Local government council should play an effective role in the EIA process

The current status of the Brass LNG EIA process is not known to majority of the people in project communities. Information about this should be made available to the communities immediately

Copies of the full volumes of the Brass LNG EIA report should be made accessible in the communities immediately.

Ample participation opportunity in the EIA process should be given to the communities.

### On Community Development

Brass LNG Company should organize Business Opportunity town hall meetings or seminars where the community will be exposed to more information on livelihoods

The Company should live up to its corporate social responsibility by assisting in alleviating poverty in the project communities

The Company should invest in community social infrastructures and scholarship.

### On Employment Matters

The employment of members of the community by the Company should not be neglected

Employments should be well paid for

Women should also be given employment

Those whose means of livelihood (fishing and farming) would be affected by the project should be provided with alternative means of income generation

Teachers, health workers and others rendering public/government services should be assisted with means of coping with increased cost of living.

### On Community-Company Interrelationship

The Brass LNG Company and the community should be in good terms.

The Company should endeavour to ensure, in whatever that is done, that the interest of the communities should be put to priority

The Company should abide by its promises to communities

Community representatives and leaders should be more transparent in relating with the ordinary people

### On Local Business Issues

The project communities are apprehensive of the potential impacts of Brass LNG on livelihoods and local business

<sup>14</sup> Concerns, observations and recommendations emerged from a Social Action research conducted in May and June 2011 at Twon Brass, Ewo-Ama and Okpo-Ama communities.

### **On General Concerns**

A serious information gap exists between the communities and the EIA process as obviously reflected by respondents. The EIA process is central to the present and future relationship between the communities and Brass LNG.

Therefore Brass LNG Company should re-engage the communities, demonstrate more transparency and work towards a more satisfactory relationship with the project communities.

The local government council should be more involved in resolving potential threats to the livelihood resources and welfare of local communities. The council should therefore be adequately involved in facilitating local communities to participate effectively in EIA processes.

For best practice and better corporate social responsibility, Brass LNG Company should go further than merely working to obtain Environmental Certification. Environmental sustainability, corporate social responsibility and equity should guide its present and future operations in the project communities. There is real room for improvement.



Gas flaring across the Niger Delta adversely affects the surrounding natural environments posing threat to wildlife and vegetation

## APPENDIX 1:

### ASPECTS OF THE ENVIRONMENTAL IMPACT ASSESSMENT DECREE (NOW ACT) 86 OF 1992 BORDERING ON COMMUNITY INVOLVEMENT AND INTERESTS

Some of the essential provisions of the law that border on community involvement and interests are stated below:

- A. *Part 1 section 1(c): "To encourage the development of appropriate procedures for information exchange, notification and consultation between organs and persons when proposed activities are likely to have significant environmental effects on boundary and trans-state or on the environment of bordering towns and villages."*

This provision forms part of the objectives of the EIA process. It provides that information exchange, notification and consultation would not only extend to communities but also persons affected in their individual capacity.

- B. *Part I section 4(h): The least minimum matters to be addressed by the EIA to include "A brief and non-technical summary of the information provided under paragraph (a) to (g) of this section," which ought to be widely circulated.*

Thus, communities ought to have ready access to EIA reports.

- C. *Part I section 7: Requiring the giving of "opportunity to government agencies, members of the public, experts in any relevant discipline and interested groups to make comment on environmental impact assessment of the activity."*

- D. *Part I section 9 (2, 3 & 4): "The report of the Agency shall be made available to interested person or group. If no interested person or group requested for the report, it shall be the duty of the Agency to publish its decision in a manner by which members of the public or persons interested in the activity shall be notified. The Council may determine an appropriate method in which the decision of the Agency shall be published so as to reach interested persons or groups, in particular the originators or persons interested in the activity subject of the decision."*

- E. *Part II section 16 & 17: Participation in "every screening or mandatory study," which requires "comments concerning those effects received from the public..."*

- F. *Part II section 22 (3): Before taking a course of action in relation to a project pursuant to subsection (1) of this section, the agency shall give the public an opportunity to examine and comment on the screening report and any record that has been filed in the public registry established in respect of the project..."*

- G. *Part II section 25 (1 & 2): "After receiving a mandatory study report in respect of a project, the Agency shall, in any manner it considers appropriate, publish in a notice setting out the following information*

- A) *the date on which the mandatory study report shall be available to the public*  
b) *the place at which copies of the report may be obtained; and*

- c) *the deadline and address for filing comments on the conclusions and recommendations of the report.*  
*“Prior to the deadline set out in the notice by the Agency, any person may file comments with the agency relating to the conclusions and recommendations of the mandatory study report.”*
- H. Part II section 31: *“Where a project is to [be] referred to mediation or a review panel under [the] Decree, the Council shall, within a prescribed period, refer the Council project*  
a) *to mediation if the Council is satisfied that*  
i) *the parties who are directed affected by or have direct interest in the project have been identified and are willing to participate in the mediation through representatives, and*  
ii) *the mediation is likely to produce a result that is satisfactory to all of the parties.”*
- I. Part II section 34 (1 & 2): *“A mediator shall not proceed with a mediation unless the mediator is satisfied that all of the information required for a mediation is available to all of the participants. “A mediation shall, in accordance with the provisions of [the] Decree, and the terms of reference of the mediation*  
a) *help the participants to reach a consensus on*  
i) *the environmental effects that are likely to result from the project*  
ii) *any measures that would mitigate any significant adverse environmental effects, and*  
iii) *an appropriate follow-up programme... ”*
- J. Part II section 37: *“A review panel shall, in accordance with the provisions of [the] Decree and its terms of reference*  
a) *ensure that the information required for an assessment by a review panel is obtained and made available to the public*  
b) *hold hearing in a manner that offers the public and opportunity to participate in the assessment...”*
- K. Part II section 39: *“On receiving a report submitted by a mediator or review panel, the Agency shall make the report available to the public in any manner the Council considers appropriate and shall advise the public that the report is available.”*
- L. Part II section 41 (2) (b): *“The agency shall advise the public of*  
a) *its course of action in relation to the project*  
b) *any mitigation measure to be implemented with respect to the adverse environmental effects of the project*  
c) *the extent which the recommendations set out in any report submitted by a mediator or a review panel have been adopted...”*
- M. Part II section 47: *“The Council shall not approve a substitution pursuant to subsection 46 (1) of [the] Decree unless the Council is satisfied that (b) the public has been given an opportunity to participate in the assessment..., and (d) the report has been published.”*
- N. Part II section 57: *“For the purpose of facilitating public access to records relating to environmental assessment, a public registry shall be established and operated in accordance with the provisions of the Decree in respect of every project for which an environmental assessment is conducted...”*

**APPENDIX 2: SOME DETAILS OF THE SURVEY DATA FROM TWON-BRASS, OKPO-AMA AND EWO-AMA INDICATING EXPERIENCES OF COMMUNITY INVOLVEMENT IN THE BRASS LNG EIA PROCESS AND THEIR PERSPECTIVES OF THE MULTIBILLION DOLLARS PROJECT.**

A total of 82 copies of the questionnaire administered were successfully retrieved from respondents. Due to the random method of administering the questionnaire, an even and fair sample of the population was captured. This is reflected clearly from the age-bracket categories, gender and multi-occupational base of the respondents. The detailed survey data are presented below:

**1. Respondents According to Community-by-Community Basis**

Community	Number of respondents	Percentage of total
Twon Brass kingdom	36	43.90
Okpo Ama Kingdom (comprising of Ewo Ama)	42	51.22
Others*	04	4.88
Total	82	

\* Others are visitors / non-natives temporarily residing in the communities at the time of the survey.



Section of the access road to Brass LNG Plant site

## 2. Respondents' Occupations

Occupation	Number	Percentage of total
Students	13	15.85
Private businessmen (in petty trading, artisan, food vendor services/jobs, etc)	23	28.05
Retirees	7	8.54
Civil servants	20	24.39
Fishing/farming individuals	15	18.29
Others	4	4.88
<b>Total</b>	<b>82</b>	<b>100</b>

One fisherman claimed to be doing petty farming; another claimed to be doing bricklaying

Two civil servants claim to be doing petty fishing.

## 3. Respondents by sex

Sex	Number	Percentage of total
Female	34	41.46
Male	48	58.83
<b>Total</b>	<b>82</b>	<b>100</b>



Communities of Brass are among many neglected and suffering the brunt of oil and gas extraction by international oil companies in the Niger Delta





Soldiers in the background guarding the entrance of the access road to Brass LNG Plant site

#### 4. Respondents According to Age Bracket

Age bracket	Number of respondents	Percentage of total
18 - 28 years	20	24.39
29 - 39	18	21.95
40 - 50	23	28.05
51 - 61	13	15.85
62 and above	8	9.76
<b>Total</b>	<b>82</b>	

# SOCIAL ACTION BRIEFING

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