



WEBINAR

Advancing Environmental Assessment in Africa

Featuring a consultation on the upcoming DBSA Handbook on Environmental Assessment Legislation in Sub-Saharan Africa, 4th Edition

Thursday, December 10, 2020

2 PM to 3:30 PM (SAST)



Creating Markets, Creating Opportunities



**Sustainable
Banking
Network**



Climate change, transboundary impacts, gender, and health are just some of the critical issues at stake in **advancing and increasing the value of environmental assessment in financing activities in Africa.**

Today we will explore **current and emerging priorities** for commercial banks, development finance institutions, prospective developers, government authorities, non-governmental organizations, and environmental assessment (EA) practitioners, as they collectively strive to improve environmental assessment on the continent.

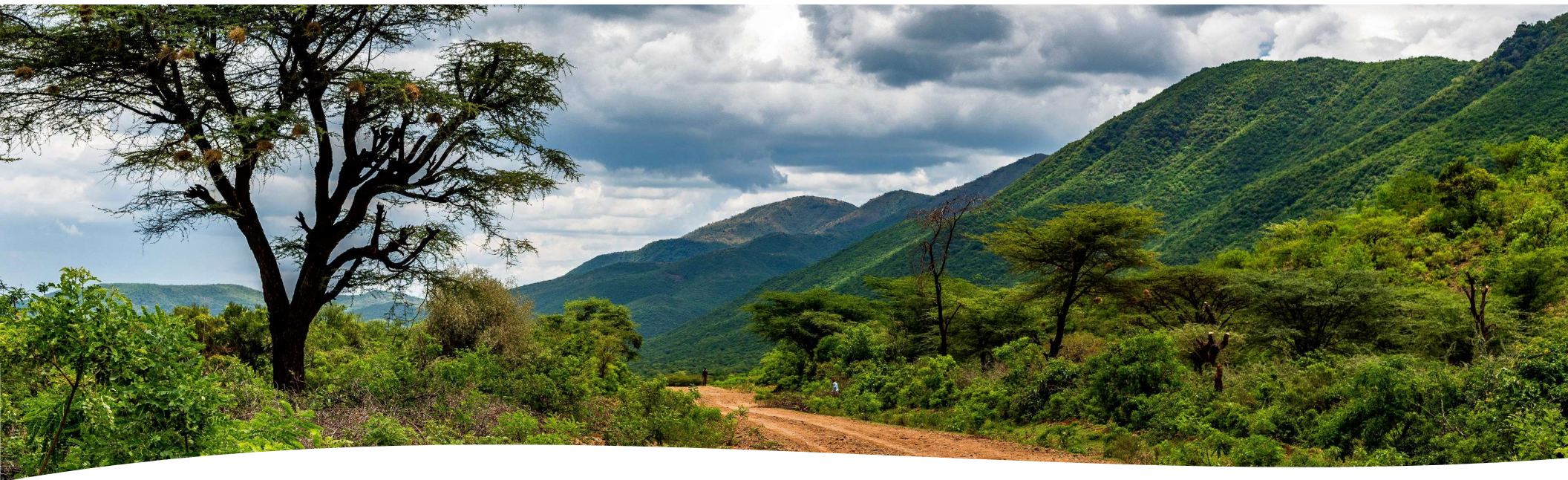
The webinar also features a **consultation on the upcoming 4th edition of DBSA's Handbook on Environmental Assessment Legislation in Sub-Saharan Africa.** The new edition covers the institutional, legal, and procedural frameworks for Environmental Assessment in 26 countries. Participants are invited to provide feedback on ways the next edition can be improved!



Consultation draft
**African environmental assessment
legislation handbook**

Includes 26 country systems
English · French · Portuguese
4th Edition

DBSA
Development Bank of Southern Africa
Building Africa's Prosperity



- Legislation has limits
- Financial sector regulators are starting to come into this space and can help to strengthen the implementation of environmental assessment by FIs
- DFIs have a critical role to play in making their own processes transparent during all the phases of a project, particularly early planning - i.e. before things are set in stone from an institutional and bureaucratic perspective
- Information is critical to enable stakeholders and civil society to contribute and raise flags
- Civil society can play a very important role as advocates in helping FIs and governments to do the right thing



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OPENING REMARKS

- LIBBY DREYER, Head: Environmental Social Sustainability, Development Bank of Southern Africa

PROMOTING STRONGER STANDARDS OF ENVIRONMENTAL ASSESSMENT IN AFRICA

- HAMAH NDLOVU, ESG Manager, Sub-Saharan Africa & Middle East and North Africa, IFC

TRENDS IN ENVIRONMENTAL ASSESSMENT IN AFRICA & HIGHLIGHTS FROM THE HANDBOOK

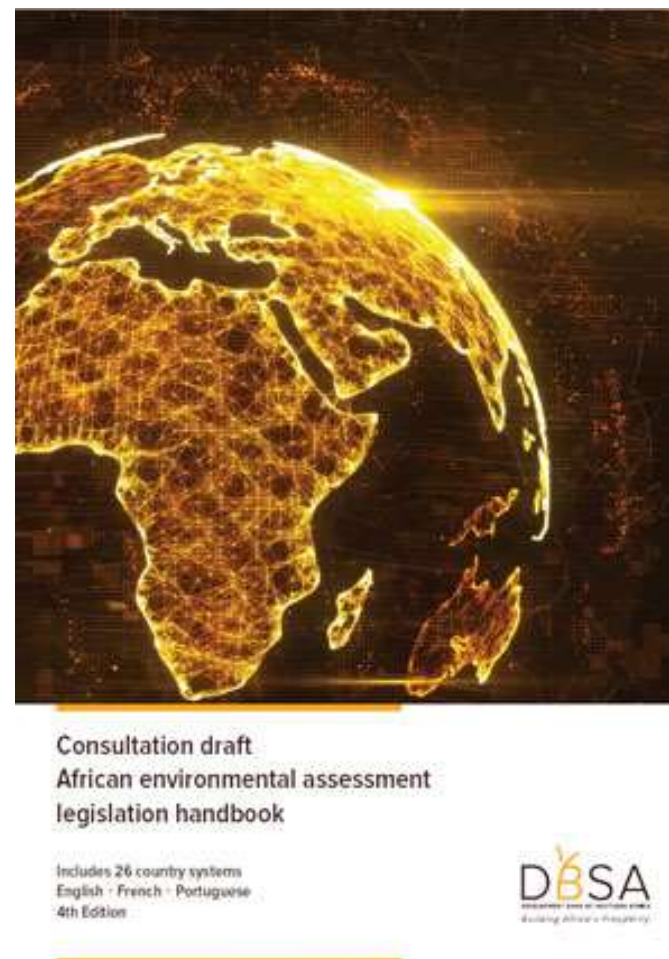
- BRYONY WALMSLEY, consultant to DBSA, compiler and lead author of the upcoming Handbook On Environmental Assessment Legislation In Sub-Saharan Africa

PANEL DISCUSSION

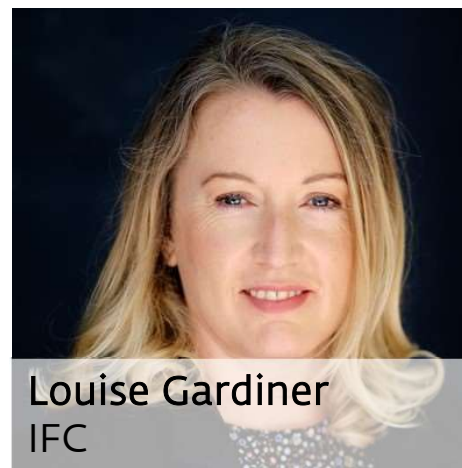
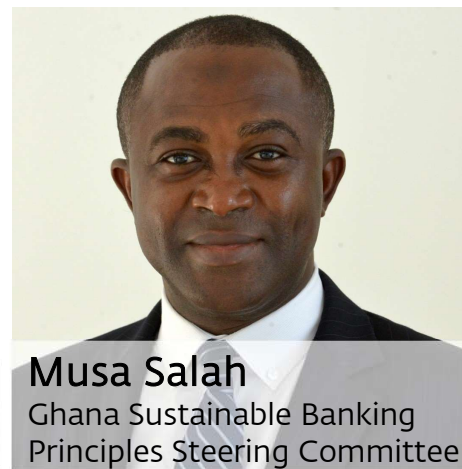
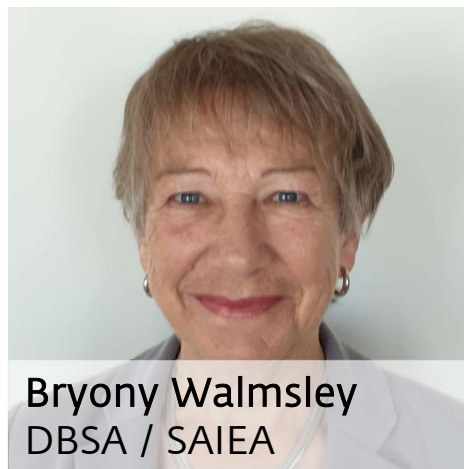
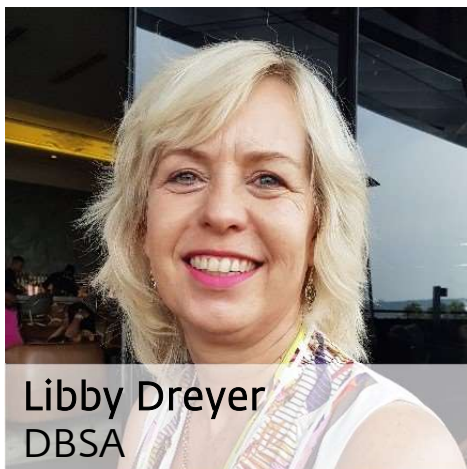
- LEANNE GOVINDSAMY, Programme Head: Corporate Accountability and Transparency, Centre for Environmental Rights (CER)
- MUSA SALAH, Chair: Ghana Sustainable Banking Principles Steering Committee

MODERATION

- LOUISE GARDINER, SBN Africa Coordinator



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Opening remarks

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LIBBY DREYER

Head: Environmental Social
Sustainability, Development
Bank of Southern Africa

WEBINAR ADVANCING ENVIRONMENTAL ASSESSMENT IN AFRICA

INTRODUCTORY COMMENTS: 10 DECEMBER 2020



WE ARE AN INFRASTRUCTURE DEVELOPMENT FINANCE INSTITUTION OPERATING IN AFRICA



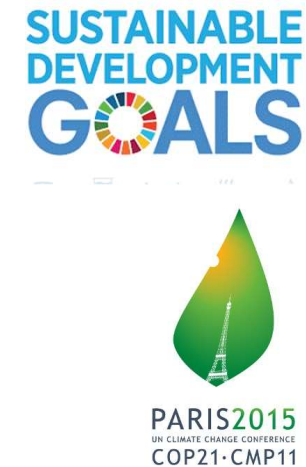
National



Continental



Global



Adopt an ESG lens to develop sustainable products & services.

Encourage clients to invest in natural capital & contribute to the Paris Climate Agreement;

Integrate ESG in lending processes to support transition to inclusive & sustainable society.

Require clients to adopt good corporate governance practices.

Encourage meaningful stakeholder participation throughout project development & implementation

Insist that clients respect stakeholders' human rights

Support local community in skills & inclusive economic development;

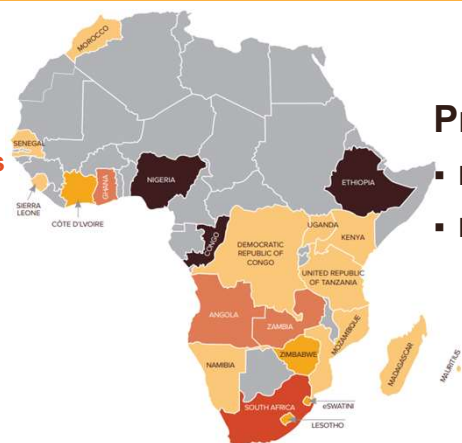
Provide transparent & accountable project information.

OUR MANDATE IS TO WORK WITH OUR PARTNERS TO DELIVER RESPONSIBLE INFRASTRUCTURE INVESTMENT SOLUTIONS DBSA

CLIENTS

Public

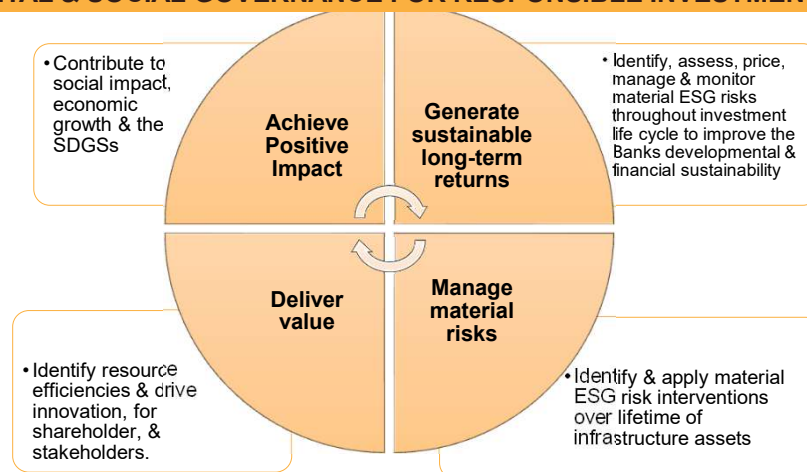
- Municipalities
- SOEs
- Sovereigns



Private

- PPPs
- Private sector

ENVIRONMENTAL & SOCIAL GOVERNANCE FOR RESPONSIBLE INVESTMENT



PRODUCTS

1. Plan

- Municipal assessments
- Bulk infrastructure plans
- Infrastructure planning advice

2. Prepare

- Project identification
- Feasibility assessments
- Technical assistance
- Programme development
- Project preparation funds

3. Finance

- Long-term senior and subordinated debt
- Corporate and project finance
- Mezzanine finance
- Structured financing solutions

4. Build

- Managing design and construction of projects in education, health and housing sectors
- Project management support

5. Maintain

- Supporting maintenance/ improvement of social infrastructure projects

THE BANK ADOPTS BEST PRACTICE APPROACHES & TOOLS IN ENVIRONMENTAL AND SOCIAL MANAGEMENT



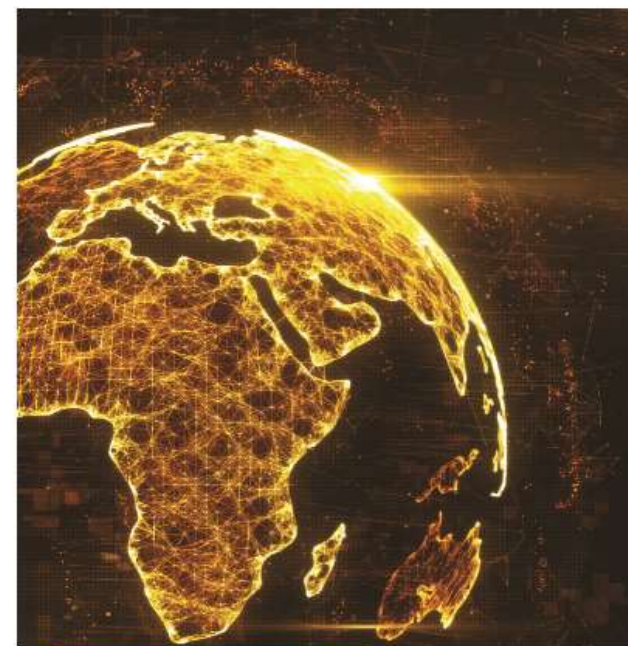
OUR ESG OFFERING

Building a sustainable investment portfolio

Finance sustainable projects

Build effective partnerships for sustainability

- DBSA's mandate is to partner with institutions committed to sustainable development practice in Africa
- The handbook is an essential tool which informs both DBSA work & that of all sustainability practitioners in Africa
- Regular updates of the publication enables ESG practitioners on the continent to keep abreast of evolving legislation
- The handbook encourages adoption of best practice both within DBSA & by our sustainable development partners.



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BEST PRACTICE APPROACHES: PROTECT OUR ASSETS



"We need to take stock and attach value to our natural resources and ecosystems, such that we may include their value in planning and decision-making processes, as well as in our national accounts and balance sheets."

President Ian Khama, Botswana, 2012

1

ACKNOWLEDGE COMMON OWNERSHIP

We are a continent of over 600 million people, who benefit from the vibrancy of our youth, the immense cultural diversity and histories of our continent.
Africa's collective wealth is expressed in our biodiversity, rich flora and fauna, presence of over 1 100 mammal & 2600 bird species

2

RECOGNISE THE VALUE OF OUR ASSETS

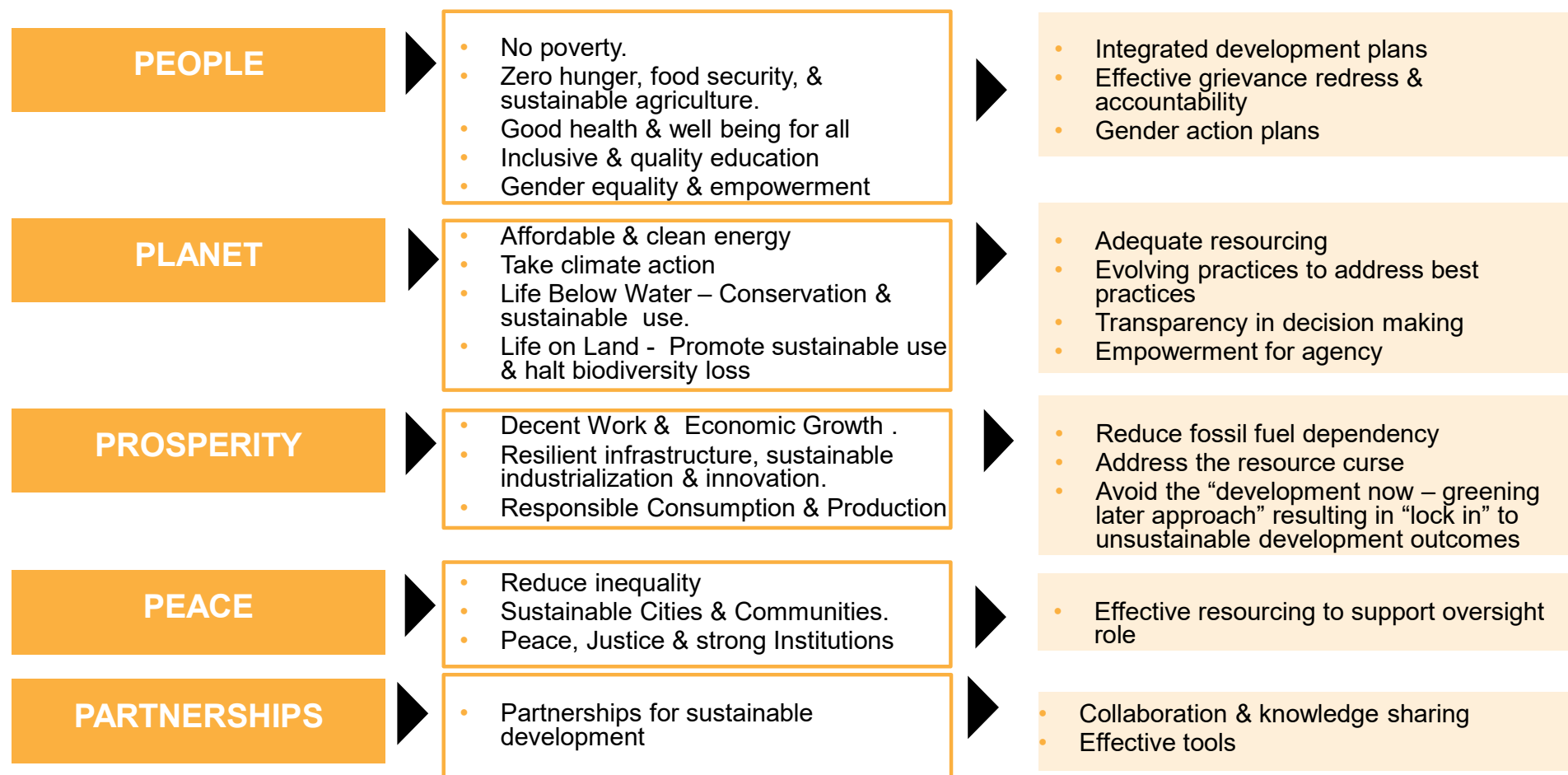
We depend on Africa's biodiversity and ecosystems for our livelihoods. Our water systems and natural resources are the bedrock from which we build are our economic, social and spiritual well being.

3

MANAGE THE ASSETS FOR COMMON GOOD

If we are all to thrive, we need to put in place the management systems and processes that ensure common benefits are achieved for communities, the public and private sectors.
A systems approach to environmental and social assessment can support the achievement of environmental justice for all.

BEST PRACTICE APPROACHES: IMPLEMENT THE SDGS TO ADDRESS AFRICA'S ENVIRONMENTAL, SOCIAL & GOVERNANCE CHALLENGES



BEST PRACTICE APPROACHES: PIVOT FROM IMPACT ASSESSMENT TO UNLOCK TRANSFORMATIONAL IMPACT



Finance for Biodiversity

- Supporting local actions for green recovery
- Enhancing biodiversity & invest in ecological infrastructure
- Utilising traditional knowledge to enhance biodiversity

Climate financing

- Global scaling up of financing & funding instruments
- Commitment to responsible ESG supports the transition to a sustainable low carbon future

Infrastructure solutions

- Technology advances open the way for greener & more sustainable infrastructure
- Urbanisation & investment in urban infrastructure creates opportunities for green cities & sustainable communities
- Technology & built infrastructure on its own is not a panacea

Project implementation considerations

- Need to pursue environmental justice
- Free prior & informed consent in project & programme implementation
- Interventions to address unintended results of development
- Appropriate financing to address environmental & social externalities – project finance / balance sheet & blended finance

BEST PRACTICE APPROACHES: ADDRESSING THREATS TO ACHIEVING SUSTAINABILITY



Quality of Environmental and social impact assessment – public oversight

Pricing for sustainability – appropriate allocation

Capacity constraints – private and public sector

Regulatory oversight – role of financiers

Competing developmental priorities – balancing goals, priorities & solutions

Building a sufficient pool of green projects to provide effective livelihoods to address inequality, poverty & unemployment

DBSA SOUTHERN AFRICAN INSTITUTE FOR ENVIRONMENTAL ASSESSMENT PARTNERSHIP

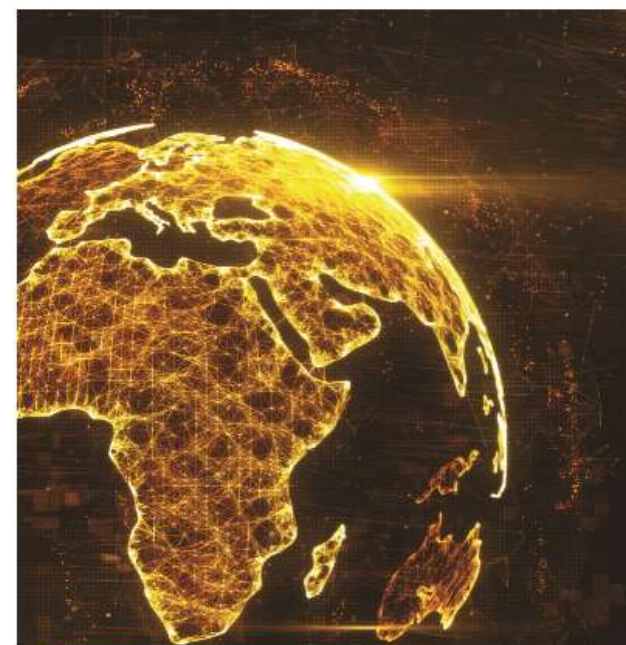


CONSULTATION FOR FINALISATION OF HANDBOOK

<https://www.dbsa.org/EN/About-Us/Publications/Pages/African-environmental-assessment-legislation-handbook.aspx>

Comments, corrections and additions to this consultation draft are welcome.

Please address them to [Libby Dreyer](mailto:LibbyD@dbsa.org) (LibbyD@dbsa.org) to reach the DBSA by **29 January 2021**



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THANK YOU

Promoting stronger standards of environmental assessment in Africa

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HAMAH NDLOVU

ESG Manager, Sub-Saharan
Africa & Middle East and North
Africa, IFC

Trends in environmental assessment in Africa & highlights from the Handbook

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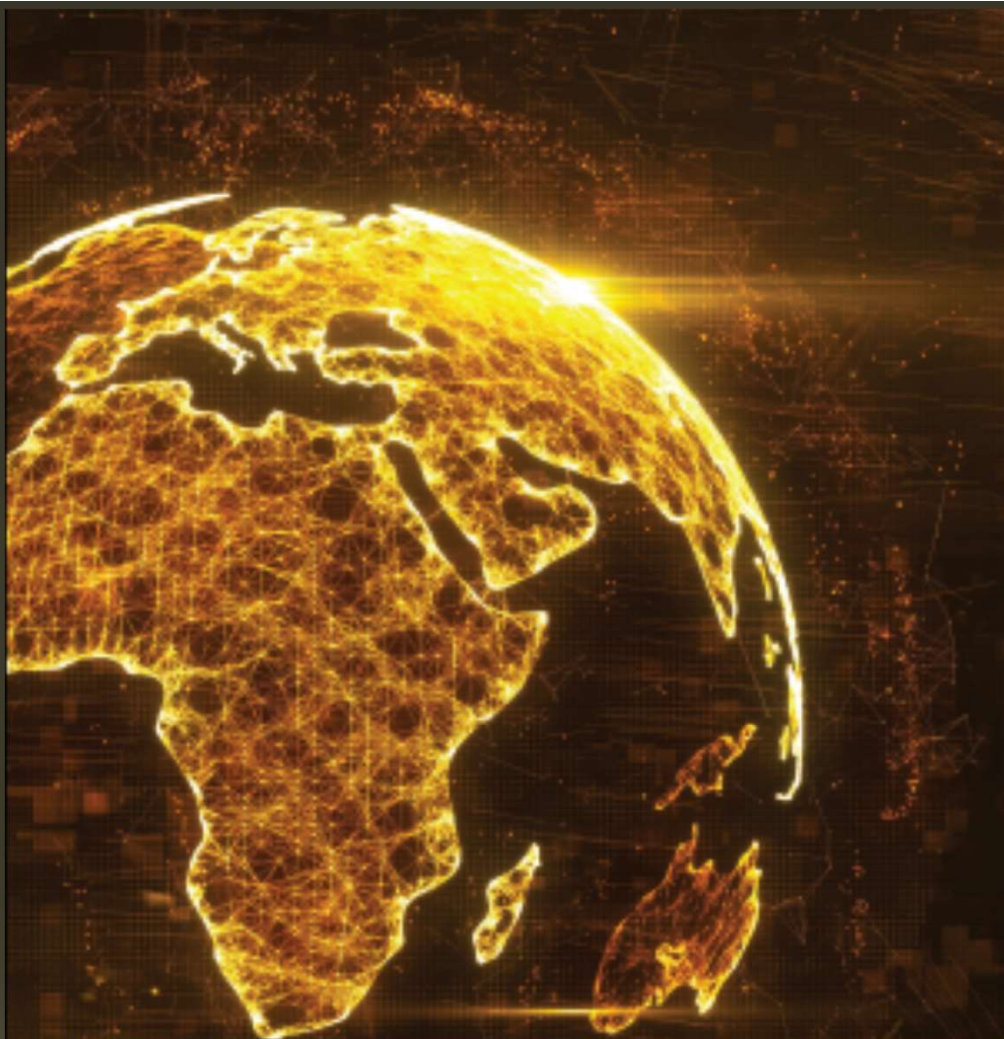
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DBSA
development bank of southern africa
building africa's prosperity



BRYONY WALMSLEY

Consultant to DBSA, compiler
and lead author of the upcoming
Handbook On Environmental
Assessment Legislation In Sub-
Saharan Africa



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Trends in EA policy and law in tackling emerging issues

Bryony Walmsley, SAIEA





This presentation

- The history of the Handbook
- Progress in ESIA legislation
- Challenges for EA law and policy
- Way forward



Southern African Institute for Environmental Assessment



- Was established in 2001 with World Bank seed funding
- Mandate to improve legal, policy and institutional capacity in Southern Africa through:
 - Capacity building and training to improve the practice of environmental and social impact assessment (ESIA)
 - External guide and review to build institutional capacity and improve ESIA quality
 - **Provision of tools to help improve ESIA practice e.g. guidelines, manuals, checklists, Handbooks, etc.**

Evolution of the Handbook on Environmental Assessment Legislation



- From 13 countries in 2003 (English only) to 26 country systems in 2020 (English, French and Portuguese)
- Inclusion of emerging issues: climate change, gender, health, workplace health and safety, certification of consultants, Strategic Environmental Assessment and Trans-boundary impacts



Who uses the Handbook?

- ESIA consultants
- Development Finance Institutions
- Environmental authorities
- NGOs
- Academics
- Developers

ESIA legislation: progress

Issue	2007 (1 st edition)	2020 (4 th edition)
Countries with an ESIA Act	86%	100%
Environment as a stand-alone ministry	27%	23%
Environment as part of a broader ministry with conflicting mandates	67%	65%
Environmental authority/agency (as a statutory separate entity reporting to a Board)	0%	46%
Public participation in scoping and EIA stages	27%	46%
Public hearing only	33%	11.5%
Strategic Environmental Assessment required for PPP	60%	65%
SEA regulations and guidelines	0%	35%
Formal registration of ESIA practitioners	20%	55%

Status of ESIA legislation & policy

- 50% of countries have an environmental policy which is more than 20 years old
- Only 23% of countries have developed a new environmental policy since 2010
- All countries have ratified the UNFCCC, but only 50% of countries have a climate change policy in place... but
- Most of these policies post-date the ESIA laws and so climate change assessment is not a mandatory requirement in ESIA
- Only 31% (8) countries have an ESIA Act dating from post-2010 (of which 5 since 2015)
- Out of 43 SSA countries (with EIA law):
 - 64% include 'social' in the term 'environment'
 - Only 12% include 'health'



**Institute for Sustainable Futures Report:
Going 100% renewable power means a lot
of dirty mining (17 April 2019)**



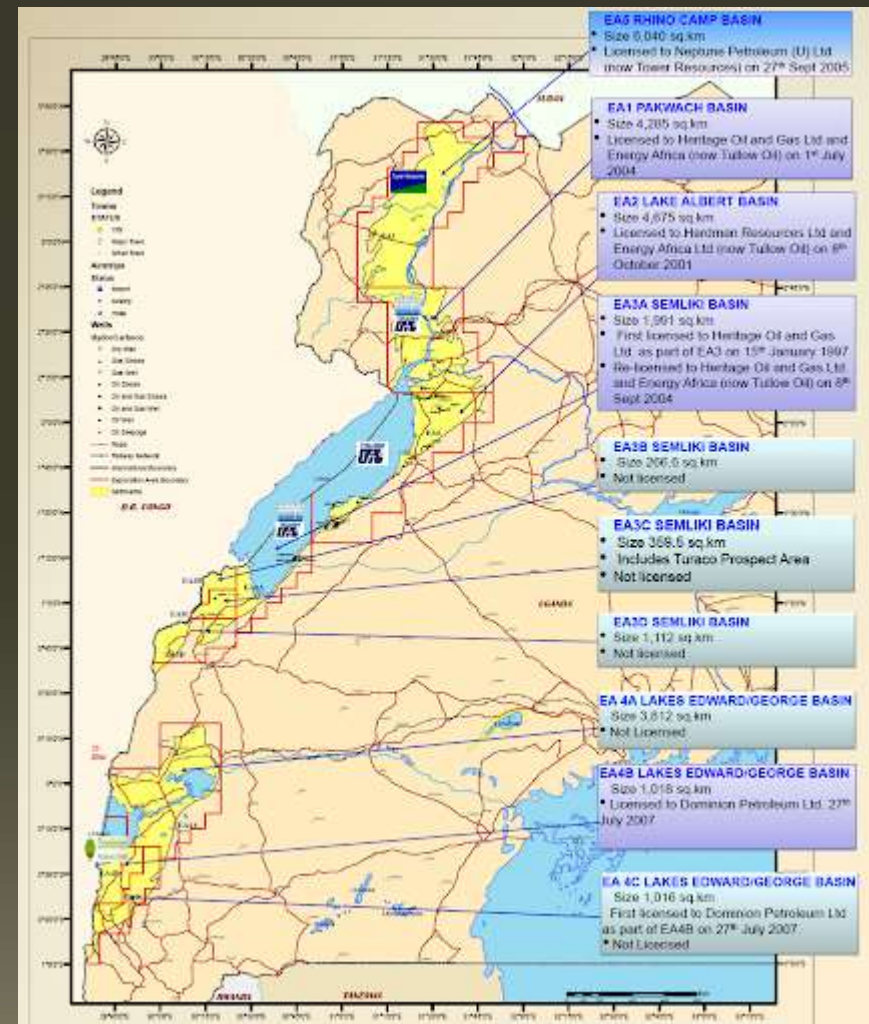
**Are Environmental and Social safeguards being
applied throughout the project life cycle?**



Challenge: how to maximise socio-economic benefits in a sustainable manner?



Are Environmental and Social Safeguards working?



Challenge: how to address climate change?

Are Environmental and Social Safeguards doing enough about climate change?



Challenge: increase use of SEA

In Kampala:

- 8 major expressways
- Standard gauge railway
- Port facilities
- 2 industrial estates
- New hospital
- Satellite town
- Several private and public housing projects
- Sewage and drainage works
- High voltage transmission network upgrade



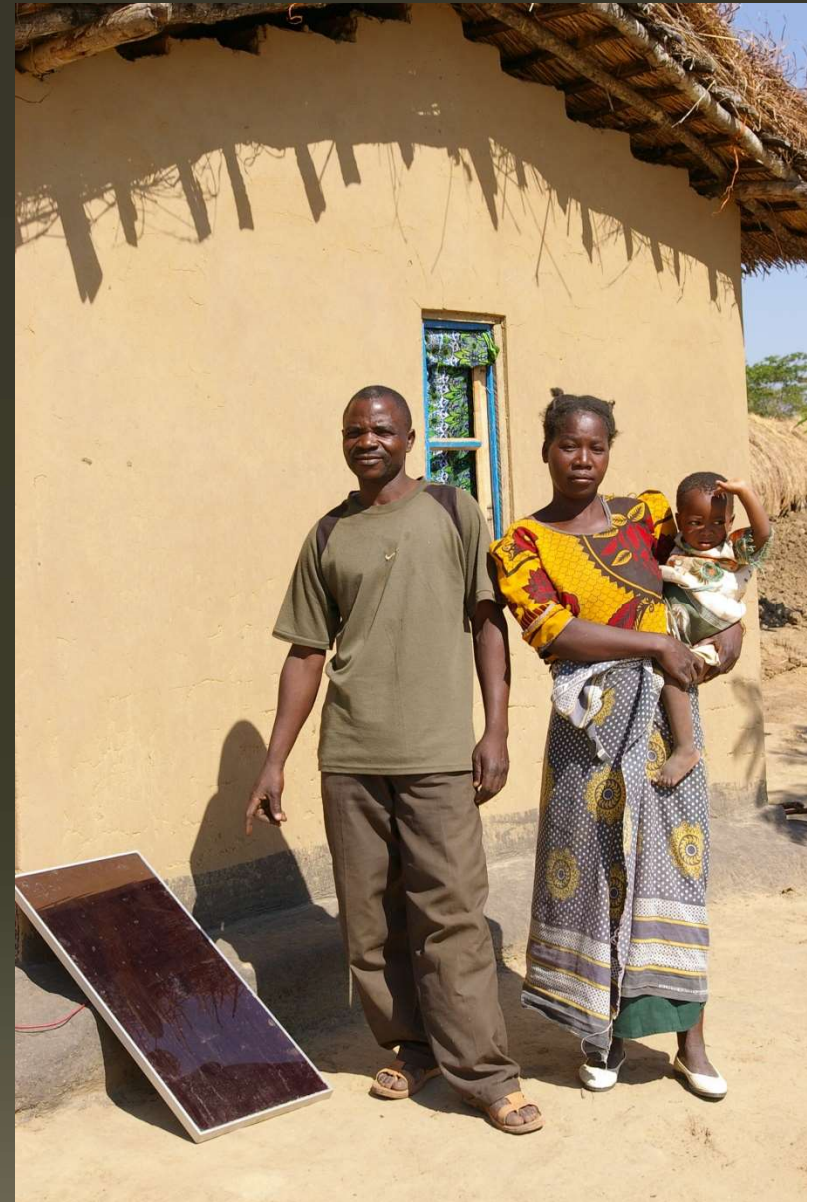
Do traditional Environmental and Social Safeguards work in situations like this?

Using ESIA legislation to transition to a more sustainable future

- Legislation and policy over 10-15 years' old needs to be updated to reflect emerging issues e.g. human rights, health, climate change, trans-boundary impacts, SEA and life cycle analysis
- Need to continue to strengthen the capacity of environmental authorities to:
 - audit project implementation as per the ESMP
 - enforce the permit conditions
 - impose penalties for non-compliance
- Climate change assessments should be mandatory for large-scale projects:
 - Is the project resilient to climate change?
 - How will the project contribute to achieving the UNFCCC goals?
- Increase the use of Strategic Environmental Assessment
 - Introduce relevant legislation and guidelines
 - Increase institutional capacity
 - Provide budgets for SEAs to be undertaken for all large PPPs

Therefore, as laws and policies continue to evolve, the African EA Legislation Handbook will be regularly updated to keep pace with emerging laws and practice as we transition to a more sustainable future

Thank you!

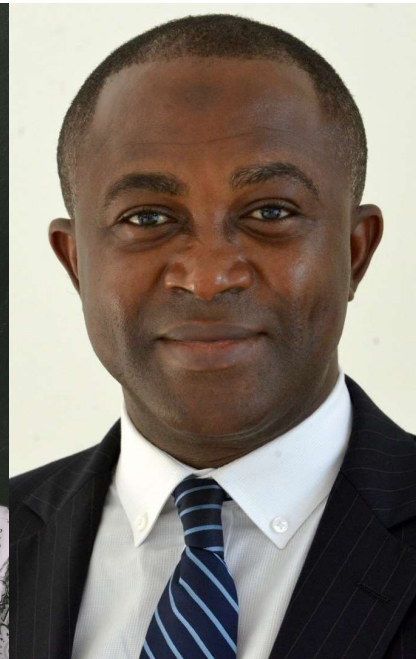


Panel Discussion

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LEANNE GOVINDSAMY

Programme Head:
Corporate Accountability
and Transparency, Centre
for Environmental Rights
(CER)



MUSA SALAH

Chair: Ghana
Sustainable Banking
Principles Steering
Committee



Advancing Environmental Assessment in Africa: What are Emerging Priorities for Environmental Assessment and Decision- making

10 December 2020

**Presentation by Leanne Govindsamy, Centre for Environmental
Rights**

Climate, Health and Environmental Impacts

- ❖ Transparency and Disclosure
 - [Full Disclosure 5](#)
- ❖ Robust Policies and Guidance for Decision-making
 - [Financing Fairly](#)
- ❖ Litigation and Advocacy
 - [Thabametsi Power Plant is shelved \(EA set aside\)](#) / EMSEZ
- ❖ Civil Society is engaged with public policy on development
 - [Life After Coal and 350.org – Financing a Sustainable Economy](#)



About the Financing Fairly Report: South Africa

- A pilot study aimed at evaluating whether or not the FFGI Methodology could be effectively used to assess DFIs
- Framing the research results
 - Focus on climate change and nature themes
 - Linking the policy assessment to national policies and international guidelines on sustainable development as well as constitutional imperatives
 - Engagement with the DFIs and wide ranging partners
 - Strategic communications and advocacy



Centre *for* Environmental Rights
Advancing Environmental Rights in South Africa

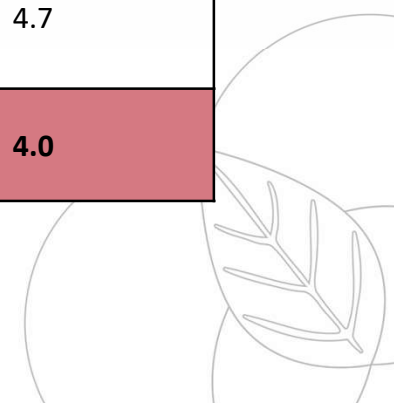


Scoring and Assessment

THEMES / SECTORS	EIB	AFDB	FMO	DBSA	NDB	IDC	AVERAGE SCORE
Climate Change	7.9	2.1	4.0	1.3	0.8	0.0	2.7
Corruption	8.3	7.1	7.5	3.3	3.3	3.3	5.5
Gender Equality	6.4	3.2	2.5	3.0	1.3	1.3	3.0
Health	8.0	7.5	5.6	3.4	4.7	0.0	4.9
Human Rights	7.7	7.7	6.2	4.0	2.3	0.0	4.6
Nature	8.7	8.0	5.3	5.6	5.0	0.0	5.4
Financial sector	1.8	2.0	1.4	0.5	0.0	0.0	1.0
Power Generation	6.7	6.8	4.2	4.4	2.4	0.5	4.2
Transparency and Accountability	8.8	6.1	6.1	3.6	1.6	1.8	4.7
AVERAGE SCORE PER DFI	7.1	5.6	4.8	3.6	2.4	0.8	4.0



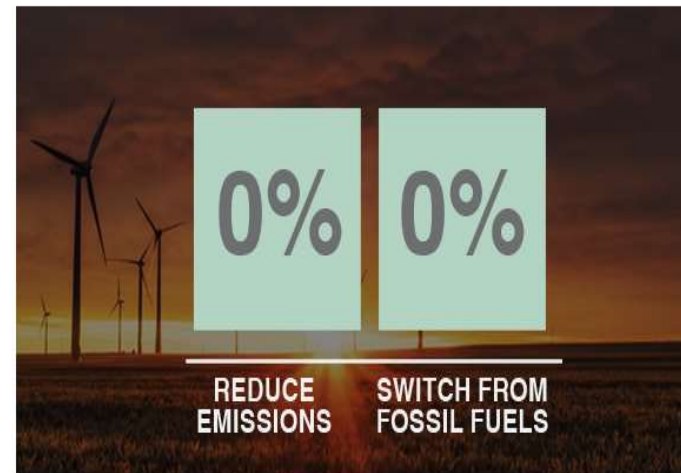
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Advancing Environmental Rights in South Africa



THE IDC'S INVESTMENT IN SA's TOP GREENHOUSE GAS EMITTERS:



THE IDC'S SCORE FOR POLICIES THAT COMBAT CLIMATE CHANGE:



Investment policies influence the future.
Stop financing fossil fuels.



Centre *for* Environmental Rights
Advancing Environmental Rights in South Africa



**FOR COMBATTING CLIMATE CHANGE
THE IDC SCORED:**

00.00

**A just transition requires a just recovery.
Finance a renewable future.**



Centre for Environmental Rights
Advancing Environmental Rights in South Africa



DO EITHER OF THESE DFIs:

	DBSA	IDC
HAVE A POLICY TO RESTRICT FINANCE AND INVESTMENT IN COAL-FIRED POWER AND COAL MINING?	NO	NO
BELIEVE COAL MINING IS UNACCEPTABLE OR UNDESIRABLE?	NO	NO

Investment policies influence the future.
Stop financing coal.



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www.cer.org.za



[/CentreEnvironmentalRights](https://www.facebook.com/CentreEnvironmentalRights)



[@CentreEnvRights](https://twitter.com/CentreEnvRights)

Presenter:

Leanne Govindsamy

Attorney and Head of Programme:

Corporate Accountability and
Transparency

Launch the new DBSA Handbook on Environmental Assessment Legislation in Selected Countries in Sub-Saharan Africa (4th edition)

A view of the Draft Chapter 11 (Ghana)

Ghana Sustainable Banking Steering Committee

Thursday 10 December 2020



Sub-Topic of the Presentation

- ▶ The current legislation, practices, and capacities related to environmental assessment in Africa, and
- ▶ What is needed to strengthen environmental assessment to help the financial sector respond to new sustainable finance expectations of financial sector regulators.

Draft Chapter 11 (Ghana)- Content Analysis

Constitution provision

- ▶ Article 36(9) of the 1992 Constitution of Ghana: “The State shall take appropriate measures needed to protect and safeguard the national environment for posterity; and shall seek cooperation with other states and bodies for purposes of protecting the wider international environment for mankind.”
- ▶ Article 41(k) of the 1992 Constitution of Ghana mandates every citizen to protect and safeguard the environment.

Policy and Governance Framework

- ▶ Ministry of Environment, Science, Technology and Innovation in 1993

Legislative and Regulatory Institution

- ▶ Environmental Protection Agency (1994) Act 490 established the institutional mandate for the protection and improvement of the environment in Ghana.

Draft Chapter 11 (Ghana)- Content Analysis

Operational and compliance framework - The Environmental Assessment Regulations (1999) LI 1652, which inspired the formulation of preventive tools by EPA in the pursuit of sound environmental management.

- ▶ Environmental Impact Assessment (EIA) process,
- ▶ Environmental Management Plans (EMPs)
- ▶ Processes for the decision-making with respect to applications for an environmental permit, and how to appeal the decisions taken.

Other national policy and constitutional acts relevant to the EPA act are:

- ▶ Energy Commission Act 541 of 1997
- ▶ Hazardous and Electronic waste control and management Act 917 of 2016
- ▶ National Environmental Policy 2012
- ▶ National Climate Change Policy 2013

Draft Chapter 11 (Ghana)- Observation

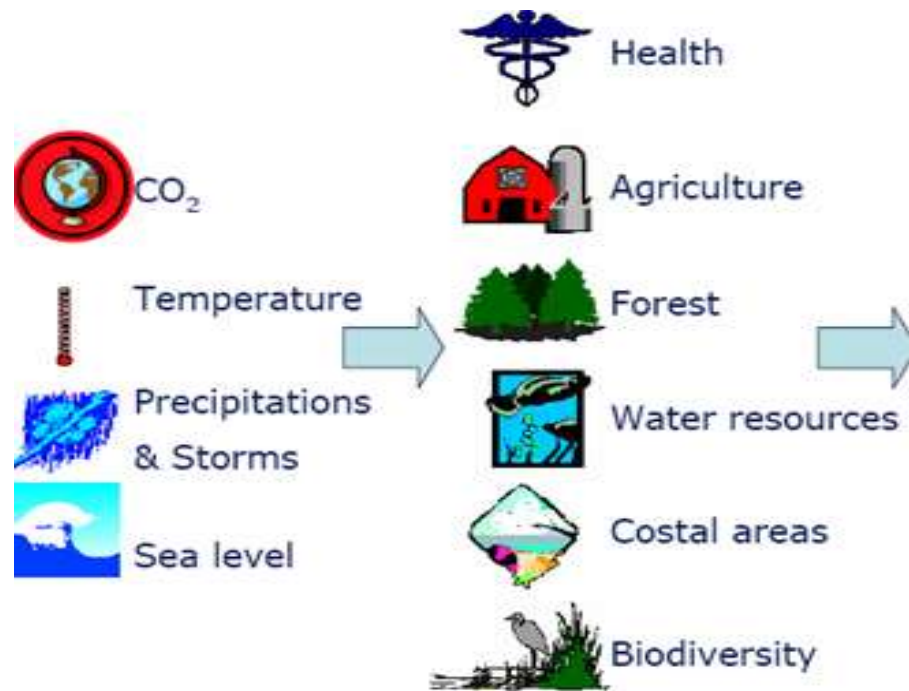
Inspection and Monitoring

‘....although monitoring by the EPA is not specifically required in the current Act or Regulation, most large-scale projects, which required an EIA to be conducted are inspected by the EPA at least once per year to ensure compliance with the conditions of the environmental permits and the approved EMP’

EPA is strengthening its inspection and monitoring capabilities by the following:

- ▶ Amending the establishing Act 490 and LI 1652 to incorporate mandatory requirement for inspection and monitoring.
- ▶ Additional hiring to supplement its staff strength and cater for the emerging responsibilities, which will include a more frequent inspection and compliance monitoring visits to the project sites.
- ▶ Enhanced awareness on the important of EIA as a planning tool for effective project operations and implementations

Global Mega Trend - Climate Risk Creates Risk for Financial Institutions



Deter Investments

Physical assets

Agricultural output

Clients' relationship

Business risk assessments

Cost of doing business

Business environment & FDI flows

CLIMATE CHANGE – financial institution's response through the sustainable banking

Banking tool-

- Climate & Environmental and Social Risk
- Sustainable Business
- Sustainable Finance



Ghana Sustainable Banking Principles (SBP)

A collaborative initiative of:

- The Bank of Ghana
- Ghana Association of Bankers
- Ghana Environmental Protection Agency
- Support of IFC and PwC

Principle 1

- Identify, measure, mitigate and monitor environmental and social (E&S) risks
- ✓ identify E&S opportunities in the bank business activities

Principle 2

- Promote good environmental, social and governance practices in bank's internal business operations

Principle 3

- Promote good corporate governance and ethical standards

Principle 4

- Promote gender equality

Principle 5

- Promote financial inclusion

Principle 6

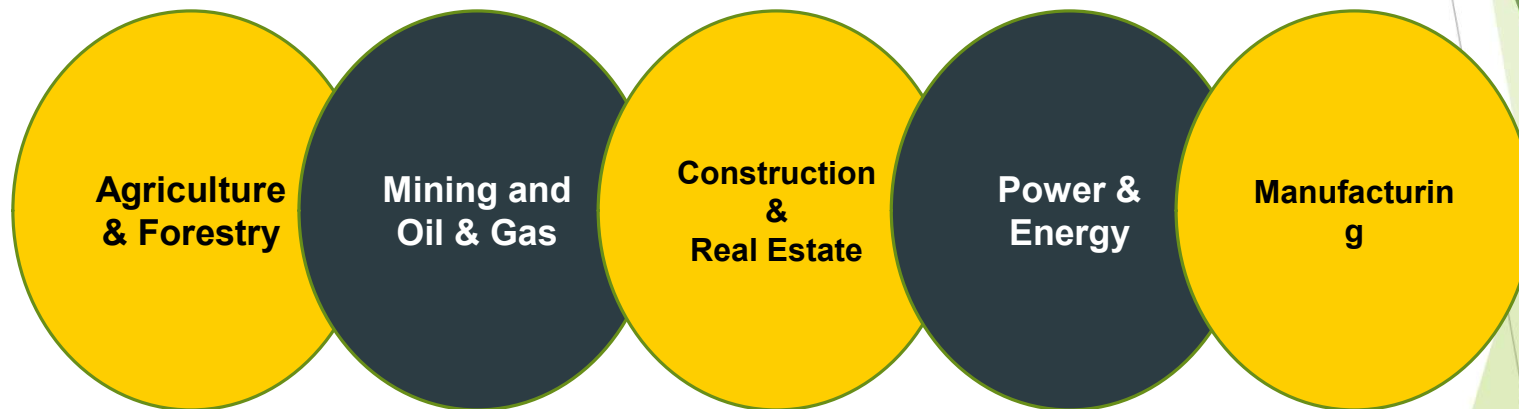
- Promote resource efficiency and sustainable consumption and production

Principle 7

- Reporting

SBP - Eligible Sectors

The Ghana Sustainable Banking Principles provide explanation on how to apply relevant Principles in managing credit transactions in accordance with these key sectors



Roadmap for the Implementation of Ghana Sustainable Banking Principles

Following the launching of the Sustainable Banking Principles, ongoing activities include:

- ▶ Finalization of the Monitoring Guidelines and Reporting Template
- ▶ Capacity building training of relevant staff of the universal banks
- ▶ Awareness raising for alignment and buy-in of the critical stakeholders, both in the public and private sectors as well as the civil society organization
- ▶ Establishment of implementation structure within the banks
- ▶ Continuous engagement with all stakeholders for inputs and feedbacks

Conclusion – Continuous Learning & Development

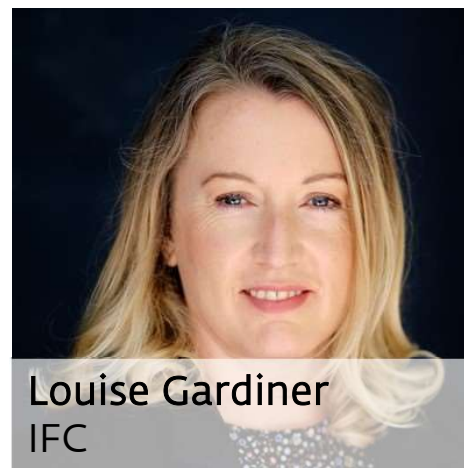
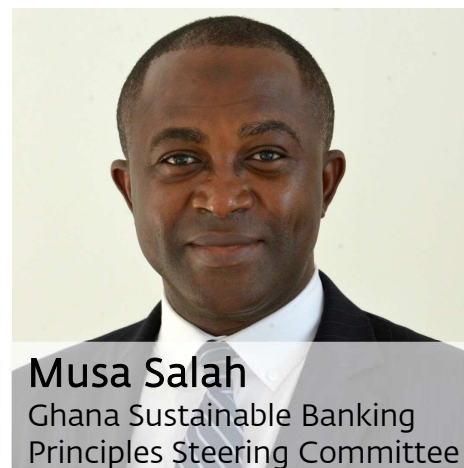
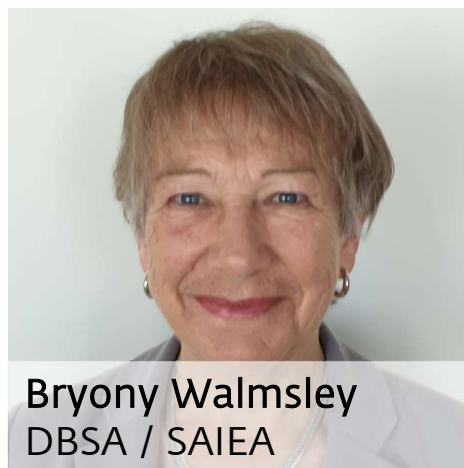
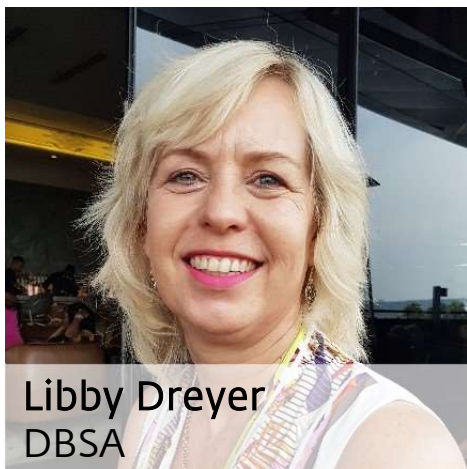
Thus far -

Collaborative partnership of the BoG, EPA and GAB on the development of SBP has created the desired value addition for the environmental assessment in Ghana

Evidently, the strategic integration of economic, social and environmental factors in decision-making is not only a value addition to bank's businesses, but also help to ameliorate economic imbalance and social inequality, as well as help to mitigate the rates of environmental pollution and climate change.

Thank you

Q&A + Conclusions **WEBINAR** | Advancing Environmental Assessment in Africa





WEBINAR

Advancing Environmental Assessment in Africa

Featuring the launch of the DBSA Handbook on Environmental Assessment Legislation in Sub-Saharan Africa, 4th Edition

Thursday, December 10, 2020

7 AM to 8:30 AM (EST)

Thanks!

