

Italian oil giant, ENI, is set to become the first and the only upstream oil and gas company operating in Ghana's offshore exploration area to comply with the Fisheries Act of 2002 (Act 625) by undertaking a Fisheries Impact Assessment (FIA) for its offshore project area.

Other companies at various stages of exploration and production, including Tullow, Kosmos and partners, have so far refused to comply with the requirement to undertake a fisheries specific impact of their activities. Information sourced from the Civil Society Platform on Oil and Gas suggests that Eni-Ghana Exploration and Production Limited is currently conducting a FIA as the company readies itself to develop its Offshore Cape Three Points (OCTP) blocks. An official of Eni-Ghana confirmed this to Public Agenda last week, explaining that, "It is a requirement of the Government of Ghana and as a company we abide by 'it.'" The official, however, declined to make further comments, saying it would issue a statement to the media as soon as it was done with the assessment.

The move by Eni-Ghana is seen by industry watchers, including the Civil Society Platform on Oil and Gas, Coastal Resources Centre and the Fisheries Alliance, as a positive one that will set a new standard for legal compliance by companies, and help minimise the toll of exploration and production activities on fisheries, especially on Marine mammals.

The Fisheries Act requires that an FIA be conducted before the commencement of any activity that could possibly have adverse effect on the country's fishery resources. Section 93 (1) of the Act stipulates that: "A person or government department or other agency planning to conduct any activity other than fishing, which is likely to have a substantial impact on the fishery resources or other aquatic resources of Ghana, shall inform the Fisheries Commission of the plans prior to the commencement of the planned activity with a view to the conservation and protection of the resources."

Sub-section (2) of the section further states that: "The Commission may make or require reports and recommendation by those conducting the planned activity regarding the likely impact of the activity on the fishery resources or other aquatic resources of Ghana and possible means of preventing or minimizing adverse impacts, which shall be taken into account by the person, government, department or other agency in the planning of the activity and in the development of means of preventing or minimizing any adverse impacts." Sub-section (3) underscores: "The requirement under this section shall be in addition to any other requirement of the Environmental Protection Agency."

Though the requirement is without prejudice to the Environmental and Social Impact Assessment (ESIA), the Jubilee Partners excused themselves from complying with the provision on the account of the requirement of the Fisheries Act, and for that matter, integrated an assessment of fisheries impact into the study. But Dr Steve Manteaw, Chairman of the Civil Society Platform on Oil and Gas, says: "The EIA which was undertaken by jubilee Partners was flawed in many respects and would not have passed in any country which is serious about its environment." He adds: "If a proper fisheries impact assessment had been undertaken, it would have been possible to explain the recent unusual high incidence of recorded whale deaths

along the coast of Ghana".

What is even more disturbing about the situation is the poor state of institutional preparedness to enforce the FIA requirement. The Fisheries Commission itself has not established the framework for the conduct of the exercise. The Commission has no guidelines. So it is not clear what format the report must assume, and whether or not a permit would have to be issued. "The poor state of our institutional, preparedness to enforce the law accounts for the non-compliance by companies," says Dr Manteaw.

Tullow last Friday indicated its willingness to undertake a FIA for its Tweneboa-Enyenra-Ntomme (TEN) project. At a meeting with Ghanaian civil society stakeholders in the oil and gas industry in Accra, Mr Charles Darko, General Manager of Tullow Ghana, welcomed ENI's move, saying as torch-bearers Tullow provided opportunities for their peers to learn from Tullow's mistakes and that nothing stops his company from going back to see how things they have done in the past could be improved.

Eni-Ghana entered Ghana through the acquisition of majority stakes in the OCTP and Offshore Cape Three Points South (OCTPS) exploration licenses. Eni's entry followed an agreement reached with Vitol Upstream Ghana Limited (VUGL), part of the Vitol Group, to assign a majority interest in both licenses, as well as operatorship to Eni. The new license participating interests, which will be the same for both blocks, will be Eni Ghana 47.22% (operator); VUGL 37.78%; and the state-owned Ghana National Petroleum Corporation (GNPC) 15%. GNPC have the option for an additional 5% in OCTP and 10% in OCTPS.

Source: Public Agenda