

THE CHALLENGES OF THE ENVIRONMENTAL IMPACT ASSESSMENT PRACTICE IN NIGERIA

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Abstract

The enactment of the Environmental Impact Assessment (EIA) Act 86 of 1992 brought fundamental changes in the environmental management in Nigeria. This Act promotes Environmental Assessment, gives it strong legal support and defines the institutional setup for the management of the environment. Project proponents and approval authorities are beginning to appreciate the importance of EIA study as a decision making tools and for the legitimization of sound projects for the objective of achieving a sustainable developments. However, the Act and its practice are fraught with many challenges. EIA is often conducted long after the project proponents have become attached to a design concept. The other challenges include; performance and accountability failure of the responsible authority, proponents desire to simply fulfill “all righteousness”, professional incompetence of EIA practitioners, poor screening and scoping, ineffective coordination, poor public participation, lack of post project monitoring and the implementation of mitigation measures.

Keywords: *Accountability, environmental impact assessment, practice, Nigeria, challenges; awareness.*

I. INTRODUCTION

The performance of Environmental Impact Assessment (EIA) has become a common feature in environmental management debates among scholars, practitioners, Non Governmental Organizations (NGOs) and the government agencies in Nigeria. Despite the environmental legislations, policies and programmes in the statute, the country continues to experience monumental environmental degradation.

The discussions on the challenges of the EIA practice in Nigeria have covered a wide range of issues including an assessment of the compliance, responsibilities, efficiency and the performance of the EIA process.

Various theoretical frameworks have been sighted in explaining the challenges and effectiveness of EIA practice. The concern is that EIA is meant to inform decision makers and influence designers, increase project benefit and reduce environmental effects associated with the proposed project Sosovele (2011). According to Vog (2008) EIA’s effectiveness is affected

by institutional behavior such as government and public participation. Sosovele (2011), Suggests that the main issue is that the introduction of Impact Assessment has rarely been accompanied by capacity development necessary to prevent it from being manipulated.

Kolhoff (2008) argued that EIAs are effective in western countries and limited in effectiveness in developing countries, leading to the conclusion that the country’s specific context has greater influence on the performance of the EIA system. The project specific or stand alone EIA has been a thorny issue since the advent of its process, the common conception of EIA as a planning tool to forecast and evaluate the impacts of a proposed project and it’s alternatives. This perspective of EIA as a planning tool has been referred to the technocratic paradigm, since it is a view widely held by engineers and scientists who conduct EIAs (Formby 1990: 191)

As a planning tool, EIA serves largely to inform interest parties of the likely environmental impacts of a proposed project and its alternatives. It illuminates environmental issues to be considered in making decision. It forces a ‘hard work’ at the environmental effects of projects, and it facilitates coordination among those affected by the proposed project. (Ortolano & Shepherd, 1995). The technocratic paradigm of EIA seen by Formby (1990) ignores politics and models decision making in an unrealistic way. Culhane (1993: 741) noted that decisions on significant public or private development projects are not, in fact, made following the logic of the rational model. Instead, decisions are influenced by non scientific factors, such as agency and corporate power and interest group politics. Courses of action are often determined intra organizational politics and inter organizational rivalries than by scientific studies of environmental impacts.

Generally, the main purpose of an EIA is to enable decision makers make informed and appropriate decision on the proposed project in order to minimize environmental issues through planned environmental and social management action. Sosovele (2011) noted that EIAs are conducted within specific sociological and cultural contexts which influence their outcome and effectiveness. Therefore, it is crucial to reflect not only on procedures, but also on institutional capacity, norms and culture that will be upheld in order to make the

process effective. The norms and culture include the recognition and respect for the rule of laws, procedures and the values and relationship that support those systems.

In this paper, the challenges of EIA are assessed based on compliance, responsiveness and the efficiency of the process. It starts with the extent to which developmental activities that require EIA's are actually subjected to this process before their commencement. Recently, Cross River State Government cancelled the ground breaking ceremony of the 260 – kilometer dual carriage way due to the complaint from the Federal Ministry of Environment that EIA on the proposed road was yet to be carried out and if allowed to go on, would cut through the Cross River National park.

Other issues include institutional framework, legal regime, stakeholder's participation and capacity building. Accountability on the part of the responsible government institutions strongly affects the compliance and the effectiveness of EIA.

II. EVOLUTION OF ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS IN NIGERIA

Environmental Impact Assessment (EIA) as it is used today has its origin in the United States National Environmental Policy Act of 1969 (NEPA). This law resulted from actions of the government in the late 1960's that had some significant environmental problems. Ortolano & Shepherd (2012) observed that the appetites of large infrastructure agencies in charge of water resources projects, highways and energy facilities appeared to be unquenchable and the mission statements of those agencies did not force them to account for the adverse environmental impacts of their actions. With the public wide spread awareness and mounting pressure of the damaging effects of these developments on the environment the US congress passed the NEPA ACT of 1969. This act required all federal agencies to consider the environmental impacts of their decisions. The act included "action forcing provisions" to ensure that agencies gave more than lip service to their new responsibilities (Ortolano & Shepherd 2012). One of the provisions of the Act states that all agencies of the federal government shall include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment a detailed statement by the responsible official on the environmental impacts of the proposed action and its alternatives otherwise known as environmental impact statement (EIS) and the process of preparing and distributing the statement.

This process was formalized by regulations (U. S. Council on Environmental Quality 1986). Including preliminary assessments to determine if an EIS is necessary, a scoping process to identify the main environmental issues to be examined, provisions for the public and agencies to comment on a draft EIS and opportunities for citizens to sue federal agencies that fail to meet their responsibilities under NEPA (Ortolano 2012).

By the early 1990s, over 40 countries had EIA programs (Robinson 1992). It is important to note that there are variations in the scope and quality of EIA among and within countries.

Due to bilateral and multilateral agreements, aid agencies often call for EIAs are sometimes imposed on countries that have no formal programmes.

United Nations Conference on the Human Environment (UNCHE) held in Stockholm, 1972 and the Nairobi conference of 1982 that addressed the connection between the environment and development with special reference to sustainable environment through environmental protection and the conservation of national resources had profound influence on the development of EIA practice in Nigeria.

The first step in the process of institutionalizing EIA in Nigeria dates back to 1975 with the creation of a Division of Urban Development and Environment within the Federal Ministry of Economic development that was influenced by Stockholm and Kenya conferences (Nwanfor 2006). The catalyst for the promulgation of an environmental law was promoted by the illegal dumping of 3,880 tons of toxic and hazardous waste of Italian origin at the small town of Koko in the former Bendel State, now Delta state, in 1987. (Nwanfor 2006 FEPA, 1991 a) The response was great environmental awareness among Nigerians and the subsequent enactment of the harmful Toxic Waste Criminal Provision Act 42 of 1988. Furthermore, the federal government established Federal Environmental Protection Agency (FEPA) by Act 58 of 1988 as a parastatal of the Federal Ministry of Works and Housing.

In 1989 at Basel convention, the United Nations Environment Programme (UNEP) passed the resolution on trans boundary movement of Toxic and Hazardous wastes trade in developing countries.

FEPA was the agency responsible for environmental protection from its creation in 1988 until it was absorbed into the Federal Ministry of the Environment (FMENV) in 1999. The most remarkable factor that influenced the FEPA was the United Nation Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil in 1992, otherwise known as the Earth Summit. The conference consolidated the conceptual

gains of Stockholm, 1972. International Union for the Conservation of Nature and Natural Resources (IUCN) of 1980 and world commission on Environment and Development (WCED) of 1980.

It was after this “Earth Summit” that the federal government promulgated the famous EIA Act 86 of 1992 under FEPA.

Due to the country’s drive for sustainable development, FEPA was absorbed into FMENV in 1999, and this brought together stakeholders in the environment sector for effective co ordination and for better management of the Environmental Renewal and Development Initiative (ERDI) with primary objective to take full inventory of our natural resources, assess the level of environment restoration and rejuvenation measures and to evolve and implement additional measures to halt further degradation of our environment (Nwafor 2006).

III. LEGAL FRAMEWORK OF EIA PROCESS

In the past the government at different levels had made several efforts towards environmental legislation in response to environmental degradation occasioned by unsustainable economic activities, particularly the exploitation of natural resources, uncontrolled urbanization and industrial development, urban solid waste management etc. The principles of environmental protection are found in the express provisions of the constitution articulated in terms of the states obligation to its citizens, to safeguard the national environment (Nwafor 2006).

Several environmental laws such as harmful wastes (special criminal provision) Act 42 of 1988, FEPA Act 58 of 1988 as amended by Act 59 of 1992 and 1999 had been enacted but this paper dwells specifically on EIA Act 86 of 1992.

The EIA Act 86 of 1992 (Federal Republic of Nigeria, 1992) outlined the goals and objectives of an EIA, the minimum content of an EIA and a list of activities that are not permitted to go ahead until the Federal Environmental Protection Agency (FEPA) (now FMENV) has been consulted and has given its approval (Federal Ministry of Solid Materials Development, 2004). This main thrust of the EIA Act is that EIA shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and subject to a decision of a competent authority. The EIA Act makes the EIA mandatory for development projects likely to have adverse impacts on the environment prior to implementation.

Nwoko 2013 observed that prior to the enactment of the EIA Act 86 of 1992 in Nigeria, project appraisals were limited predominantly to feasibility studies and economic cost benefit analysis and that most of the appraisals did not take environmental costs, public

opinion, social and environmental impacts of development into consideration.

For its implementation, EIA has a set of procedural guideline – the 1995 Environmental Impact Assessment Procedural guideline (FEPA 1995a). The preparation of the guideline was facilitated by the cooperation of international environmental institutions in providing support for the development of the EIA process in developing countries. FEPA developed the procedural guideline with the technical assistance of the United Nations Environment Programme (UNEP). The guidelines were formulated under EIA Act to assist the project proponents in conforming to the requirements of the Act (FEPA 1995a). They specify the steps to follow in the EIA study in order to ensure compliance with the EIA Act and with maximum consideration given to sustainable development (Nwafor 2006) In almost all cases, the technical activities at successive stage include; project proposal, screening, scoping, EIA study, EIA report, review, decision and conditions for approval and certification, mitigation compliance, monitoring and environmental auditing (Post commissioning) (Alo 1999). The procedural guidelines categorize projects into Category I (Full scale EIA), Category II (Partial EIA) and Category III (No EIA necessary). (Nwafor 2006). EIA writing format is included in the guidelines and other guidelines followed afterwards.

It has been over 20 years since the EIA Act was promulgated in Nigeria but one wonders if EIA process has become more effective than the period prior to 1992. This paper attempts to answer this question by looking at the role, environmental decision making, effectiveness, accessibility, influence, popularity, accuracy and the methods of the assessment.

IV. ENVIRONMENT IMPACT ASSESSMENT (EIA) PRACTICE IN NIGERIA

This paper made a brief description of EIA procedure as dictated by the EIA Act and subsequently made an elaborate account of what is really operational in Nigeria.

The EIA process is guided by the EIA procedural guideline (FEPA, 1995a) prepared in accordance with the EIA Act 86 of 1992. The guidelines indicate the various steps and stages to be followed from project conception to commissioning.

The approval procedures follow the following segments, Project proposal, Initial Environmental Examination (IEE), screening, scoping, EIA study, Review, decision making, monitoring and auditing.

The objectives of the EIA include:

- To establish the likely environmental effects of proposed activities before a decision is taken to implement them;
- To promote the implementation, in all Federal lands, State and local government areas, of appropriate polices consistent with all laws and decision – making processes through which the above goals maybe reached; and
- To encourage the development of procedures of information exchange, notification and consultation between institutions and people when proposed activities are likely to have a significant effect on boundary or trans – state or on the environment bordering towns and villages (Nwafor 2006).

As in other countries with EIA procedure, Nigeria uses EIA procedure for encouraging decision of development investment on environmental quality and natural resources productivity.

EIA Act requires that the EIA be mandatory in all major development projects (as categorized) right from the planning stage to ensure that consequent environmental problems on a result of such developments are addressed and appropriate mitigation measures assured prior to project implementation.

Proponent of an EIA includes all agencies, institution (Public or Private) except exempted to do so.

An EIA report must contain a description of the proposed activities, a description of the potentially affected environment and an assessment of the environmental effect of the activity, including the direct and indirect, the cumulative, the short and long term effects and the alternatives. Also included is the mitigation measure to address the environmental impacts of the proposed activity.

It also includes an indication whether the state on areas outside the country is likely to be affected by the proposed activity or its alternative. A brief non – technical summary (i.e. executive summary) of all these is attached and submitted in a booklet form to the Federal Ministry of Environment (FMEM) for scoping and placed on public display for 21 working days to enable government agencies, members of the public, experts in any relevant discipline and interest groups to make comment in Environmental Impact Assessment of the activity.

The EIA Act exempts certain projects which may include;

- those projects which in the opinion of president is of minimal environmental impact.
- project to be carried out during a national emergency and for which the government has taken temporary measures; and
- projects in the opinion of the ministry which are in the interest of public health and safety.

These can only be approved and signed by Mr. President.

Scholars have made attempts to compare the performance of EIA through the quality of EIA report, EIA procedural implementation and the factual development planning. This paper labored to describe the real practice of EIA, the effectiveness and weaknesses in Nigeria.

V. METHODOLOGY

This paper made extensive use of literature reviewed by other scholars that dwelt on the adherence to legal requirement, awareness and effectiveness of EIA. Interviews with major actors in the environmental development and approvals were conducted. These include staff of FMENV Abuja, consultants and practitioners. The questions explored knowledge of the environmental laws, institutional responsibilities and mandates; whether decision about development projects were informed by EIA as required by the law and if follow – ups are ensured for compliance.

VI. RESULTS

This paper through its investigations observed the extent and how the institutions mandated with the responsibilities to ensure compliance are following up the implementation of the EIA laws as stipulated in the Act; the project from private and public sector that require mandatory EIA are subjected to the EIA Act in Nigeria.

It is interesting to note that between 2010 and 2015, only 277 EIA reports were approved (Fig. 1) despite the heavy construction projects scattered all over the federation (See table 1).

TABLE 1: (FMENV: September, 2015) EIA

SECTORS	2010	2011	2012	2013	2014	2015	TOTAL
Oil & Gas	3	4	2	18	8	5	40
Mining	2	1	3	1	8	1	16
Infrastructure	1	2	2	14	11	3	33
Telecoms	0	0	0	39	74	12	125
Manufacturing	3	3	4	7	12	2	31

Agriculture	0	0	0	0	1	0	3
Waste	0	0	0	2	1	0	3
Power	1	0	3	9	9	6	28
TOTAL	10	10	14	90	12	29	277

REPORT APPROVALS

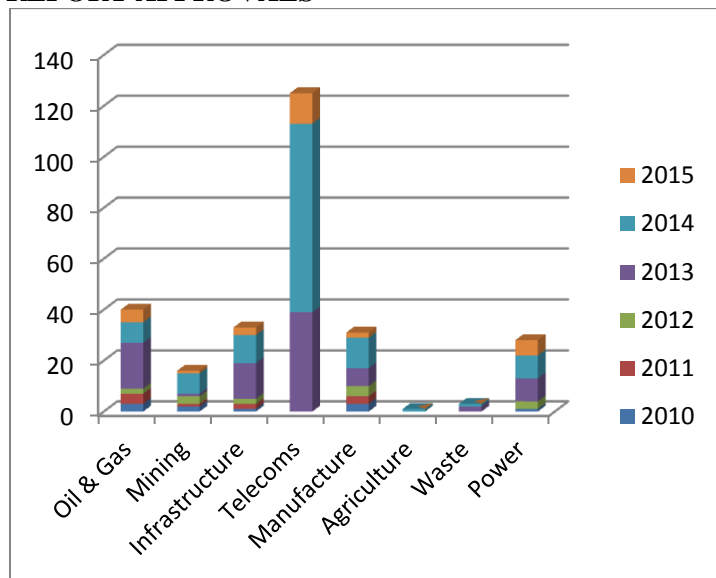


Figure 1: CHART OF EIA REPORT APPROVALS (2010 – September, 2015)

Unfortunately, the total number of EIAs submitted for this same period and data regarding average time of approval was not made available for this study.

A sharp increase in 2013 was as a result of new policy guidelines introduced and followed – up in 2012. By 2014, the commitment on the part of FMENV dropped and so also was EIA reports. In telecommunication sector, prior to 2013, individual network operated with a general EIA report approved from inception, but now, they are required to submit EIA report on every mast. In Agriculture and waste management, little or no EIA report was approved. Despite the number of infrastructural projects scattered over the country, only 33 were approved during the period under review.

This study found that federal and state government were implementing construction projects that fall under mandatory EIA list without approval. Cases in point include centenary city, Abuja. Atlantic City, Lagos and recently, 250 km road project in Calabar.

VII. DISCUSSION ON SHORT COMINGS OF EIA PRACTICE IN NIGERIA

In as much as EIA Act 86 of 1992 practice in Nigeria is laden with several setbacks, there are some positive sides to it. The EIA programme has affected the

organizational structures and decision making procedures of project proponents. The result may not be high, probably, due to the process being undertaken too late and project proponents concerned primarily with meeting administrative requirements. Some of the positive attributes include withdrawal of unusual projects, legitimization of sound projects, selection of improved project locations, reformation of plans, redefinition of goals and responsibilities of project proponents and the proponent refrain from proposing an environmentally damaging project for the fear that it would not survive a review of its environmental impacts. On the other hand, the performance of EIA since its enactment is partly systemic and may likely continue because many project proponents do not view EIA as useful, but rather as a requirement to be completed and a hurdle to be jumped along the way to project implementation.

In a bid to leave a legacy for the 100 years anniversary of the amalgamation of Nigeria, the past administration conceived an ambitious project - a smart city along the same lines as Dubai, Monaco and Singapore without EIA approval. This is similar to the case in the Linha Vermelha, a highway in Brazil that connects the airport serving Rio de Janeiro with downtown Rio. As reported by Ortolano, 1993:356, the agency responsible for environmental assessments in the state of Rio de Janeiro was put under substantial political pressure to exempt the project from EIA requirements. The exemption was granted. Ironically, political pressure to build the highway in time to serve the 1992 United Nations Conference on Environment and development was partially responsible for the short – circuiting of EIA procedures.

Although this paper lacked concrete evidence, the responsible authorities and the practitioner have been variously accused of corruption, greed and graft which have exacerbated the problems of environmental management with reference to the EIA process in Nigeria.

ADMINISTRATION

EIA procedure in Nigeria is characterized by conflict of roles, mandates and responsibilities among the different levels of governments; federal, state and local government authority. The conflicts revolve around overlaps, duplications, inconsistencies in the constitutional and legislative mandates and foundation that govern the relationship of the three tier of government. Apart from this conflict, accountability is a major setback in ensuring adherence to laws, norms, rules and procedures of EIA. Some scholars have looked at EIA effectiveness from the perspective of legal frameworks, stakeholder's participation, clarity of

institutional mandates, adequate human and financial resources to perform EIA's, clear definition of objectives and purpose of EIA (Sadler, 1996).

Part of the problem is, also, the inability of the responsible agencies to have the courage to tell promoters and the government that certain decision cannot be taken prior to EIA on some projects for fear of being seen as anti – development and in some cases anti – government programme.

At times, pure politics leads to efforts to get around EIA requirements. An illustrative case is the centenary city, Abuja project which has been a topical issue for some time now.

SENSITIZATION AND AWARENESS

It was observed that awareness on legal requirement was low among different decision makers in Nigeria. Some of the responsible authorities and practitioners of EIA have little knowledge of the environmental management laws and their requirements on EIAs for various project; the responsible authorities are expected to implement the laws as part of government's collective responsibilities.

SCREENING AND SCOPING

These have been part of major conflict in EIA process. This is because EIAs are done on individual projects not on programmes or policies. The influence of EIAs will be better felt if applied at the level of programme i.e collection of individual projects such as a coordinated series of dams on an integrated set of research investigations. The term Strategic Environment Assessment (SEA) has been introduced to mean the application of EIA in strategic planning and policy making although Rosario Partidario, (1993) maintains that the concept of SEA still lacks a practical conceptualization.

An EIA for programmes or policies prevents decision makers from missing out cumulative effects and also provides an opportunity to mitigate or abandon environmentally unsound concepts before they are turned into projects. In addition, programmatic EIAs enhance inter-agency coordination and yield efficiency. If an EIA was done as a programme (e.g future set of land development projects), then any future project consistent with the programme could proceed without having to redo the analysis of environmental impacts already accounted for in the programmatic EIA (Ortolano 1995). As observed in the Chinese practice of preparing EIAs for industrial development zones, if a factory chooses to locate in an industrial development zone that has an EIA for the entire zone, the factory's EIA requirements are minimal. If the factory locates in the same city but outside the zone, it must generally do a complete EIA.

PUBLIC PARTICIPATION

Public participation still remains one of the weak links of the EIA process in Nigeria. The critical factor is a lack of appropriate skills and prior experience in public participation on the part of the EIA teams, the public, and the FMENV.

However, Nwoko, 2013 observed that the major drawback is that the Nigeria public is comparatively indifferent and poorly informed about the potential negative environmental effects and especially the long – term effect. Added to this is the low literacy level and poverty that make such exercise a waste of time to an average rural poor. Information dissemination which should have been very aggressive through the use of the local mass media and local town criers are hardly put in effective use. Furthermore, the adequacy of the mandatory 21 – day display of the EIA report for members of the public to make comments especially for very complex projects is inadequate.

However, those opportunities for public participation are limited since by the time they occur, agencies, decision makers have often become attached to a particular course of action. Ortolano 2012 noted that public involvement is often reduced to public relations or defending a decision that has (with the possible exception of mitigation measure) already been made. In many cases, the influence of citizens opposed to a plan is limited to attempts at either halting a project or forcing the inclusion of mitigation measures.

EIA REVIEW

The EIA Act stipulates that EIA report shall be reviewed by the FMENV, the designated regulatory authority in order to aid decision making. Method of review includes an in – house technical review in case of a partial EIA or by a panel of experts. In the case of a full EIA, an independent panel of the experts "Knowledgeable" in the subject of the project and the contents of the EIA report. One of the major problems is ensuring objectivity and avoiding arbitrariness since the responsible authority may have a vested interest in the decision about a proposal. To ensure objectivity and credibility, it is important to employ the following methods:

The use of review criteria, the accreditation of EIA report review body, the setting up of an independent review body, the wide publication of the results of the review and the full involvement of the public especially the affected communities.

In Ontario, Canada, the minister of the environment was granted significant authority for reviews and decision making on cases subject to full individual assessment requirements but in controversial cases there is usually a referral to independent administration tribunal, the Environment Assessment Board, which carries out

public hearings and makes the final decision (Subject to cabinet revision or reversal). (Gibson 1993:18).

MITIGATION MEASURES AND MONITORING

Generally, EIAs recommend actions to mitigate adverse impacts of proposed projects but hardly have assurance that the proposed mitigations will be implemented. In some cases the recommendations consist of actions that the project proponent has no authority to implement (e.g a measure that calls on residents near a proposed road to install double glazed windows to offset increased traffic noise).

Nwoko, 2013, expressed that the weaknesses in the implementation of an environmental management plan, mitigation measures and post decision monitoring can be explained by the lack of adequate workforce, logistics and enforcement machinery.

Many EIA specialists surveyed by Ensminger and Mclean, 1993 Felt that the “Lack of guidelines and action – forcing mechanisms” to ensure implementation of impact mitigations was an important deficiency of NEPA process in the United States. The general absence of follow – up to check on weather mitigation measure were implemented is a problem. Propositions have been made for extensive post – project environmental impacts monitoring. They include; enhancing forecasting capabilities and improving project outcome. Under the circumstances the process of conducting an environmental impact study can be viewed as part of a scientific experiment in which predicted impacts constitute a hypothesis that can be tested by gathering data on impacts that occur after the proposed action is taken. In this way, the process of doing EIAs “Provide an opportunity to contribute to scientific knowledge” (Caldwell, 1982, as interpreted and cited by Culhane 1993: 69).

QUALITY OF EIA REPORT

The EIA Act stipulates that EIA report should be accurate, concise and as clear as possible. Unfortunately, EIA reports submitted are voluminous (encyclopaedic), unreliable and highly subjective. This gives credence to the notion that some of the EIA consultants, the review committee members and approval authorities are incompetent. Added to this is the proponent that allocates insufficient resources for the production of sound EIA report believing that EIA report is just to “fulfill all righteousness”.

EIA PROFESSIONALS

Closely related to the quality of EIA report is the experience, qualification and responsibilities assigned to the EIA professionals. The FMENV should as a matter of priority maintain a database of credible EIA

professional consultants with requisite experience and expertise in EIA preparation and implementation. It is also imperative to maintain environmental data for the convenience of the EIA professionals. Project proponents need to involve professionals that are conversant with specific projects for better results.

LEGAL SYSTEM

This paper observed that the operational environmental laws and legislation fall short of an instrument for effective environmental protection. Most of the existing penalty provisions are too poor and cannot provide a deterrent with the harm or damage inflicted on the environment and through it the population (Nwafor, 2006). Presently, our environmental laws are going through some amendment and it is hoped that when passed our environment will be better served.

ROLE OF GOVERNMENT, PROJECT PROPONENTS, COMMUNITIES AND CIVIL SOCIETY ORGANIZATIONS

It has severally been observed in this paper that the effective performance of EIA Act in Nigeria lies mainly with the competence, technical and management capabilities of the EIA team and the responsible government agencies saddled with the responsibility of conducting and implementing of EIA procedure.

There are so much signs of indifference at all tiers of government. In the Niger Delta, for instance, the oil companies are daily destroying the environment and NNPC which is a joint partner to the oil companies encourages them.

The implementation of EIA process faces: problems of lack of effective monitoring and enforcement by the FMENV; the absence of follow – up guidelines and lack of feedbacks through follow – ups; absence of clear responsibility for what happens to the environmental management plan. Project proponents will help the environment by: dropping environmentally damaging elements of a proposed project; minimizing adverse effects by scaling down or redesigning a project; repairing, rehabilitating, or restoring those parts of the environment that are adversely affected by project. The affected communities although constrained by inadequate information, low literacy level and poverty, should participate during scoping.

It is equally necessary to commence EIA early and carry the communities along. Studies have shown that in countries with strong democratic traditions and a highly informed citizenry, implementation of EIA does not necessarily translate into increased citizen participation in government decision making for a large number of projects and plans. Sanchez, 1993 observed that decision process is dominated by technical specialists and civil

servants and not heavily influenced by participation in EIA.

However, as Non Governmental Organizations (NGOs) have made increased use of appeals to administrative tribunals to ensure that EIA requirements are administered carefully.

The freedom of information laws make it relatively easy for citizens and NGOs to obtain copies of documents in the files of government agencies. EIA implementation is heavily influenced by court action brought by NGOs.

Unfortunately, NGOs in Nigeria are yet to key into change mantra in environmental protection.

VIII. CONCLUSION

The Environment Impact Assessment Act 86 of 1992 has undoubtedly changed the way project proponents and the approval authorities do business. There is an increase in the number of EIA reports approved, although marginal, considering the number of major ongoing projects in the country. This study observed that one of the challenges facing EIA practice in Nigeria lies with the effectiveness, accountability and the awareness of project proponents, approval agencies, NGOs, EIA consultants and the affected communities. The EIA Act has a systematic problem as have variously been observed by some scholars. EIA is conducted as a one – time exercise whereas the process of design is cyclical and iterative. EIA is not well integrated into decision making as it is often conducted late in planning, often long after project proponents have become attached to a particular design concept. EIA occurs at the project level but not generally at the policy or program level where decisions are made that foreclose some types of alternatives.

The Act may be better served if beneficial activities like strategic (or programmatic) EIAs, Cumulative Impact Analyses, Risk Assessments, Social Impact Studies, public involvement that is timely and meaningful, post project monitoring that are frequently conducted to ensure that proposed mitigations are implemented. Periodic environmental audit of projects to ensure compliance with environmental sound practice is highly imperative. Finally, government as a matter of urgency must be transparent and accountable in promoting, implementing and enforcing environmental laws in Nigeria.

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