

SUSTAINABLE PROCUREMENT ENVIRONMENT AND SOCIAL STANDARDS CENTRE OF EXCELLENCE (SPESSCE), AHMADU BELLO UNIVERSITY ZARIA

Executive Short Course on:

OVERVIEW OF THE EVOLUTION OF ENVIRONMENTAL AND SOCIAL
IMPACT ASSESSMENT (ESIA) PROCESS IN NIGERIA AND AT THE
WORLD BANK

24 – 28 January, 2022

Issue of the Hour: Nigeria's Challenges in Environmental
Assessment

A. Bello
SPESSCE, ABU
mabello@abu.edu.ng



The topic in context

To enhance **sustainable capacity in the management** of procurement, environmental and social **standards** in the public and private sectors

Evolution of **Environmental** and Social Impact **Assessment** (ESIA) process in **Nigeria** and at the World Bank

Nigeria's Challenges in Environmental Assessment

OUTLINE:

- Historical development of Environmental Assessment
- History of EIA in Nigeria
- Legal bases for EIA in Nigeria
- Forms of Impact Assessment
- The EIA Process
- Challenges associated with EIA practice in Nigeria
 - Policy issues
 - Practice + professional competence
 - Social challenges

ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT ASSESSMENT

An **environmental assessment** is concerned with the following:

- ☐ Identification of possible environmental effects of a proposed project;
- ☐ Proposing measures to mitigate adverse effects; and
- ☐ Predicting whether there will be significant adverse environmental effects, even after the mitigation is implemented

HISTORICAL DEVELOPMENT OF ENVIRONMENTAL ASSESSMENT:

Historical Epoch	Development of EIA
Pre-1970	<p>Project review based on the technical/engineering and economic analysis.</p> <p>Limited consideration given to environmental consequences.</p>
Early/mid – 1970s	<p>EIA introduced by NEPA in 1970 in US.</p> <p>Basic principle: Guidelines, procedures including public participation requirement instituted.</p> <p>Standard methodologies for impact analysis developed (e.g. matrix, checklist and network).</p> <p>Canada, Australia and New Zealand became the first countries to follow NEPA in 1973-1974. Unlike Australia, which legislated EIA, Canada and New Zealand established administrative procedures.</p>

Historical Evolution of Environmental Assessment:

Historical Epoch	Development of EIA
Late 1970 and early 1980s	<ul style="list-style-type: none">❑ More formalised guidance.❑ Other industrial and developing countries introduced formal EIA requirements (France, 1976; Philippines, 1977), began to use the process informally or experimentally (Netherlands, 1978) or adopted elements, such as impact statements or reports, as part of development applications for planning permission (German states [lander], Ireland).❑ Use of EA by developing countries (Brazil, Philippines, China, Indonesia)❑ Strategic Environment Assessment (SEA), risk analysis included in EA processes.❑ Greater emphasis on ecological modelling, prediction and evaluation methods.❑ Provision for public involvement.❑ Coordination of EA with land use planning processes.

Historical Ev. Cnt'd

Historical Epoch	Development of EIA
Mid 1980s to end of decade	<p>Project review based on the technical/engineering and economic analysis.</p> <p>In Europe, EC Directive on EIA establishes basic principle and procedural requirements for all member states.</p> <p>Increasing efforts to address cumulative effects.</p> <p>World Bank and other leading international aid agencies establish EA requirements.</p> <p>EIA initiated in Nigeria in response to Koko event</p> <p>Spread of EIA process in Asia.</p> <p>Limited consideration given to environmental consequences.</p>

Historical Ev. Cnt'd

Historical Epoch	Development of EIA
1990s	<p>Requirement to consider trans-boundary effects under Espoo convention.</p> <p>Increased use of GIS and other information technologies.</p> <p>Sustainability principle and global issues receive increased attention.</p> <p>India also adopted the EIA formally.</p> <p>Formulation of EA legislation by many developing countries.</p> <p>Rapid growth in EA training.</p>

History of EIA in Nigeria

The Harmful
Wastes Decree of
1987

*Response to
dumping of
toxic waste in
Koko, Bendel
state*

Decree 58 of
1988 - FEPA

National Policy
Plan (NPE) **1989**

**The EIA Decree No.
86 of 1992**

Pollution abatement
Regulation **1991**

Decree 59 (**1992**)
States and Local
EPAs

Isah, (2012)



LEGAL BASES FOR EIA IN NIGERIA

- ☐ The DPR Environmental Guidelines and Standards (EGAS) of 1991 ,
- ☐ the Federal Ministry of Environment (FEPA/FMENV) EIA Decree 86 (1992)
- ☐ *EIA Procedural Guidelines 1995*
- ☐ the Town and Country Planning Decree 88 (1992)
- ☐ States Environmental Regulations - EAs

FORMS OF IMPACT ASSESSMENT

- **Health Impact Assessment (HIA)** and
- **Social Impact Assessment (SIA)** that are used to assess the health and social consequences of development so that they are taken into consideration along with the environmental assessment
- **Strategic Environment Assessment (SEA)** refers to systematic analysis of the environmental effects of development policies, plans, programmes and other proposed strategic actions.

SEA represents a proactive approach to integrating environmental considerations into the higher levels of decision-making.

THE EIA PROCESS

Although legislation and practice vary around the world, the fundamental components of an EIA would necessarily involve the following stages (CBD 2010):

1. **Screening** to determine which projects or developments require a full or partial impact assessment study;
2. **Scoping** to identify potential impacts relevant to assess and possible alternative solutions or mitigation options
3. **Assessment and evaluation of impacts and development of alternatives**, to predict and identify the likely environmental impacts of a proposed project or development, including the detailed elaboration of alternatives;

Stages of Environmental Impact Assessment

4. **Reporting the Environmental Impact Statement (EIS) or EIA report**, including an environmental management plan (EMP), and a non-technical summary for the general audience.
5. **Review of the Environmental Impact Statement (EIS)**, based on the terms of reference (scoping) and public (including authority) participation.
6. **Decision-making** on whether to approve the project or not, and under what conditions; and
7. **Monitoring, compliance, enforcement and environmental auditing.** Monitor whether the predicted impacts and proposed mitigation measures occur as defined in the EMP.

EIA Practice and Procedures – A comparison

Global North	Global South
<p>Well-framed EIA legislation in place. For instance, in Canada, Canadian Environmental Assessment Act regulates EIA while EU countries are guided by Directive on EIA (1985).</p> <p>In developed countries, active involvement of all participants including competent authority, government agencies and affected people at early stages of the EIA. This makes the process more robust and gives a fair idea of issues, which need to be addressed in the initial phase of EIA.</p>	<p>Lack of formal EIA legislation in many developing countries. For instance, EIA is not mandatory in many African countries</p> <p>Limited involvement of public and government agencies in the initial phases. This often results in poor representation of the issues and impacts in the report, adversely affecting the quality of the report.</p>

cseindia.org

Adapted from: Centre for Science & Environment, 2006



WORLD BANK GROUP



EIA Practice and Procedures – A comparison

Global North	Global South
Integrated approach to EIA followed. All aspects including social and health taken into account.	Mainly environmental aspects considered. Poor on social or health aspects.
Proper consideration of alternatives in EIA	The consideration of alternatives in developing countries is more or less absent.
The process of screening is well defined. For instance, in EU countries competent authorities decide whether EIA is required after seeking advice from developer, NGO and statutory consultees. In Japan, screening decision is made by the authorizing agency with respect to certain criteria. In Canada, federal authority determines whether an environmental assessment is required or not.	In developing countries, screening practice in EIA is weak. In most cases, there is a list of activities that require EIA but without clear threshold values.

EIA Practice and Procedures – A comparison

Global North	Global South
Scoping process is comprehensive and involves consultation with all the stakeholders. In many countries like US, Netherlands, Canada and Europe, the involvement of the public and their concern are addressed in the scoping exercise. Besides this, funding organisations such as World Bank, ADB and ERDB have provision for consultation with the affected people and NGOs during identification of issues in scoping exercise.	Scoping process in most developing countries is very poorly defined. In many countries including China, Pakistan, etc. there is no provision for scoping. In some countries like in Nigeria and Indonesia, a term of reference is followed for scoping while in some countries like Ghana, Taiwan and Chile, a general checklist is followed. In countries where it is undertaken, there is no public consultation during scoping. Moreover, in most developing countries, scoping is often directed towards meeting pollution control requirements, rather than addressing the full range of potential environmental impacts from a proposed development.

EIA Practice and Procedures – A comparison

Global North	Global South
Most reports are in local language	Most reports are in English and not in the local language.
A multi-disciplinary approach. Involvement of expert with expertise in different areas.	Lack of trained EIA professionals often leads to the preparation of inadequate and irrelevant EIA reports in developing countries
Two tier of EIA review, One conducted after the completion of EIA to check the adequacy and effectiveness of EIA and the second done before decision-making.	Poor review or monitoring.
Expertise in EIA: The International Association for Impact Assessment (AIA) and other organisations demonstrate that there are a large number of individuals with the capability to design, conduct, review and evaluate EIAs from countries of the North. The major portion of teaching about environmental assessment also takes place in industrial countries.	The expertise in EIA is slowly developing. In most cases, students from the developing countries go to the developed countries to gain knowledge of the subject.

CHALLENGES OF ENVIRONMENTAL ASSESSMENT IN NIGERIA

POLICY ISSUES

LAWS & INSTITUTIONS

- ☐ The DPR Environmental Guidelines and Standards (EGAS) of 1991 ,
- ☐ the Federal Ministry of Environment (FEPA/FMENV) EIA Decree 86 (1992)
 - EIA Procedural Guidelines 1995*
- ☐ the Town and Country Planning Decree 88 (1992)
- ☐ National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 (No. 25 of 2007)
- ☐ States Environmental Agencies – NESREA Vs KEPA 2015

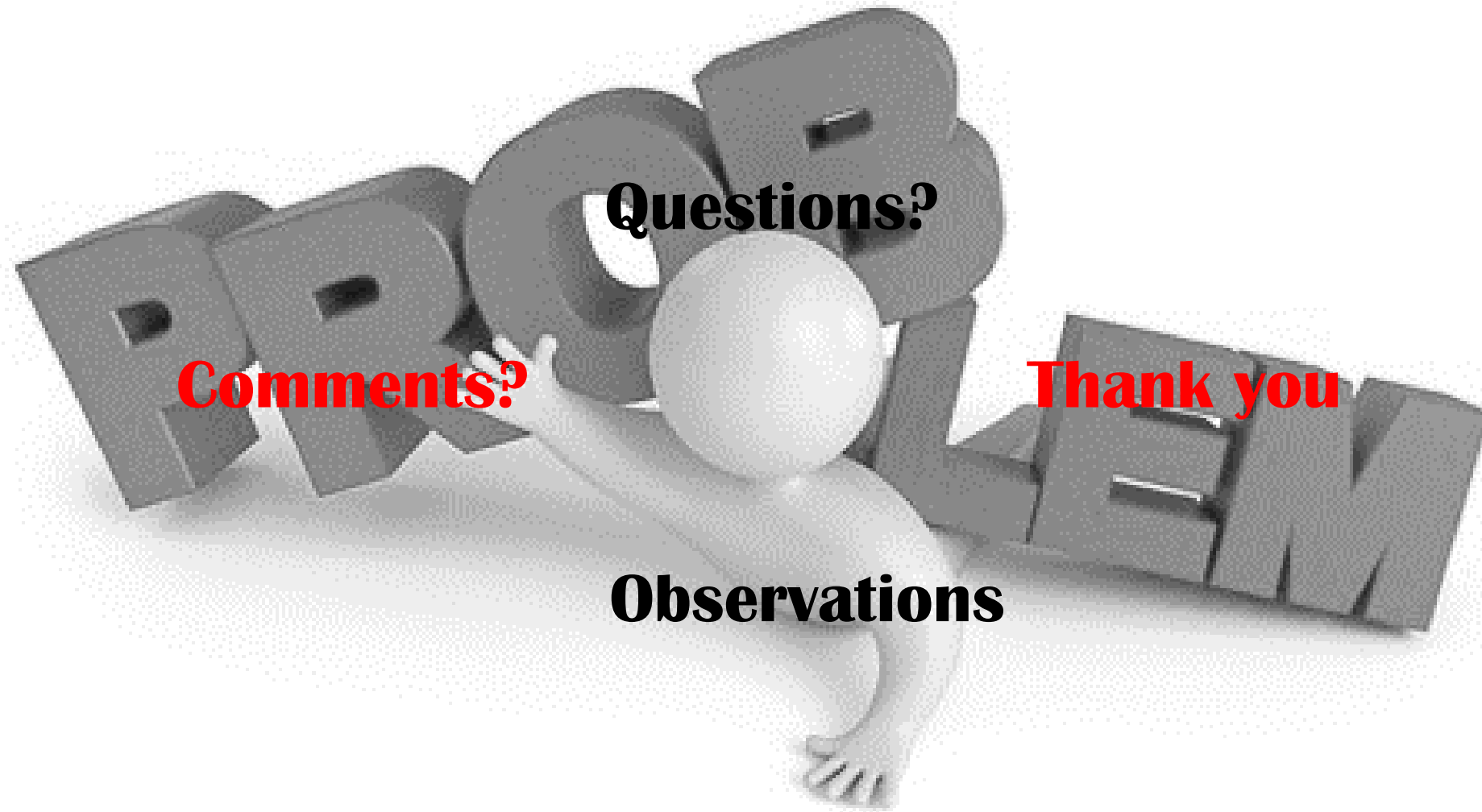
PRACTICE

- ☐ Lack of credibility and transparency
- ☐ Absence of effective Sanctions
- ☐ Abuse of the exclusion clause in the EIA Act
- ☐ A large percentage of Nigerian populace is unaware of EIA provisions and their rights of objection to environmentally unfriendly prospective projects during the 21 days public display of EIA drafts
- ☐ Lack of adequate professional competence – tailored training

OUR CONTRIBUTION

#	CHALLENGE	POSSIBLE WAYS OF ADDRESSING IT
1	Institutional overlap	Decentralise governance. Education, effective communication
2	Adequacy/clarity of policies	Meaningful participation in policy making
3	Institutional capacity	Training
4	Poorly informed citizens	Innovative information sharing in local languages, channels
5	Poor Citizens' participation	Enlightenment, incentives, Rel. Institutions, time
6	Technical expertise	Training & retraining in "best practice"
7	Projects/programmes' sustainability	Legal provision for ...
8	Credibility and transparency issues	Attitudinal change
9	Ineffective sanctions	





Questions?

Comments?

Thank you

Observations