



Environmental Impact Assessment (EIA) Effectiveness and “Local Context”: The Case of Nigeria

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Doctor of Philosophy

Tokunbo Alaga Olorundami

Faculties of Humanities and Social Science
School of Architecture Planning and Landscape
Newcastle University

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Dedication

This thesis is dedicated to the memory of my late father, **High Chief Paul Duroti Olorundami** (The Olulaga of Ijumuland, The Eleti of Ekinrin-Adde) who in his lifetime, sacrificed his opportunity to undertake his PhD at the University of California to meet family demands. He would have been proud to see this day. May his soul continue to rest in peace.

Abstract

Principles of environmental impact assessment have been in use in Nigeria since 1969, first with respect to oil and gas exploration and subsequently (in 1992), for development planning in other sectors. Existing research suggests that the use of EIA has not generally been effective in preventing adverse environmental impacts. Context is an important factor to consider in EIA, and an understanding of what it means is understood to be important to the promotion of a better performing and effective EIA system. This thesis investigates the meaning and implication of “local context” in EIA, and how contextual factors in formal and informal aspects of the Nigerian system exerts influence on EIA effectiveness. To meet this aim, this thesis answers the following research questions: what constitutes “local context” in EIA practice and how does it influence effective EIA practice? What contextual factors are associated with EIA implementation in Nigeria and how do these factors influence effective EIA practice? How do actors within the Nigerian EIA practice exert influence on EIA effectiveness? This thesis employs a qualitative research strategy, utilising both primary and secondary data. A multidisciplinary review of relevant literature in fields closely related to EIA and of the environmental assessment literature, was conducted to unpack the meaning of context and its use in EIA, particularly in terms of the extent to which different locales are represented and considered in EIA practice. This led to framing of “local context” in terms of the interaction between formal and informal factors in the EIA system. Using a case-study approach, the views of key actors in the Nigerian EIA system were obtained. A range of data collection methods were used including interviews, focus groups and a questionnaire survey. The research findings revealed that EIA in Nigeria is a formal process implemented within unique community structures, traditions, customs and practices, defined by the interaction of formal and informal factors operating at different levels. Furthermore, the case-study findings show that informal aspects were not accounted for in the EIA process, leading to the exclusion of so-called informal groups, who are not recognised by EIA system and the traditions in the community, raising concerns about legitimacy, fairness and justice. A key finding in this study is that there is a lack of synergy between formal and informal factors in the Nigerian EIA system, and this undermines the requirements of the “local context” for effective EIA.

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Table of Content

Contents

Dedication	i
Abstract	ii
Acknowledgements	iii
Table of Content	v
List of Tables, Figures, Boxes and Plates	ix
Abbreviations and acronyms	xiii
Chapter 1. The Influence of Context on EIA Effectiveness	1
1.1 Introduction	1
1.2 Statement of the Problem	3
1.3 Aim of Study.....	7
1.4 Methodological Approach	8
1.5 Research Overview	9
Chapter Two: Effectiveness of Environmental Impact Assessment (EIA)	12
2.0 Introduction	12
2.1 Origins of Environmental Impact Assessment (EIA).....	12
2.2 Internationalisation of EIA	14
2.3 EIA Implementation, Strategies and Influencing factors	18
2.4 Defining Effectiveness in EIA.....	24
2.5 Challenges to Effectiveness of EIA	27
2.5.1 Challenge of Manipulation.....	27
2.5.2 Challenge of Pluralism.....	28
2.5.3 Challenge of Cost	29
2.5.4 Challenge of Capacity.....	31
2.6 Potential for Learning in EIA	33
2.7 Conclusion.....	35
Chapter Three: Context and Effective EIA practice	38
3.1 Introduction	38
3.2 Interdisciplinary Analysis of the Concept of Context.....	38
3.2.1 Context in Environmental Management.....	41
3.2.2 Context in Spatial Planning	44

3.2.3 Context in Political Science	49
3.2.4 Context in International Environmental Standards	55
3.3 Local Context in EIA.....	59
3.3.1 Categorization of Context in EIA	60
3.4 Synthesis of literature review and Design of Conceptual Framework.....	62
Chapter Four: Research Methodology.....	67
4.0 Introduction	67
4.1 Methodology.....	67
4.1.1 Epistemological and Ontological Views	68
4.2 Research Strategy	69
4.2.1 Stakeholder Mapping.....	74
4.3 Case Study Selection Strategy.....	75
4.3.1 Criteria for Selection of Case Study and Case Study project	76
4.4 Research Design.....	78
4.5 Data Collection.....	80
4.5.1 Primary Data Sources.....	80
4.5.2 Secondary Data Sources.....	85
4.6 Method of Analysis	87
4.6.1 Nvivo Software analysis	87
4.6.2 Discourse Analysis.....	87
4.6.3 Document Analysis (DA).....	88
4.6.4 Data Management	88
4.7 Cultural Sensitivity as a Result of Historical Antecedents.....	88
4.8 Research Reflexivity and Methodological Issues	89
Chapter Five: Context of Nigeria EIA Practice	91
5.1 Introduction and background	91
5.2 Nigerian Environmental Governance System and Legislative Governance Framework for EIA.....	91
5.2.1 EIA Legislative Reforms in Nigeria.....	102
5.2.2 Institutional Arrangements (IA) For Implementing EIA in Nigeria	103
5.2.3 Relationship between Actors in the Nigerian EIA Process and Governance System.....	106
5.3 Community Engagement and Inclusion of Informal Groups in EIA Process in Nigeria.....	113
5.4 Experience in EIA Practice in Nigeria	115
5.4.1 Peculiarities of EIA Standards in Nigeria	116

5.4.2 Accreditation of Practitioners into the Nigerian EIA Practice.....	118
5.4.3 Capacity of EIA Regulators	123
5.4.4 Use of International Standards in the Nigerian EIA Regime	125
5.4.5 Accountability in implementation of EIA	128
5.4.6 Inclusion of the Informal Groups of Communities in the EIA Process.....	129
5.4.7 Access to Justice and Negotiations with Informal Groups in EIA Process	131
5.5 Conclusion.....	132
Chapter Six: Case Study Results	134
6.1 Introduction	134
6.2 State Level EIA Practice and Governance in Ogun State, Nigeria	135
6.3 Power Sector EIA Guidelines.....	138
6.4 Community Governance in Ejio-Ewekoro	140
6.4.1. Traditions, Culture, and Community Arrangements in EIA.....	142
6.4.2 Community Engagement and Inclusion of the Informal Groups in EIA	1438
6.5 Power Relations at Government Regulatory Level	149
6.6 Analysis of EIA Report for Proposed 310MW Independent Power Plant at Ejio-Ewekoro.....	150
6.7 Perception on Factors of Local Context in EIA Implementation.....	154
6.7.1 Accountability in Community Engagement in EIA:	154
6.7.2 Land and Land-Use Perception in EIA	156
6.7.3 Community Needs as Local Context Factor in EIA Effectiveness	156
6.8 Power Relations in the 310MW Independent Power Plant EIA Project	158
6.8.1 Power relations within the Community.....	158
6.9 Local and International EIA Consultants: Relationship on the EIA for the Case Study Project.....	162
6.9.1 Power relations with LC and IC on the Case Study Project.....	164
6.10 Conclusion.....	164
Chapter Seven: Local Context as an Influencing Factor on EIA Effectiveness in Nigeria	167
7.0 Introduction	167
7.1 Informal Aspect of Nigerian EIA System	167
7.1.1 Dynamics of Cultural System and Power Relations in EIA	167
7.1.2 Intersection and Importance of Culture in Understanding EIA in Nigeria	168
7.1.3 Legitimacy and Inclusion in EIA Process.....	171
7.2 Formal Aspects of Nigeria EIA System	173
7.2.1 Dynamics of Political System and Power Relations in EIA	173

7.2.2 Legislation as a Factor in Effective EIA Regulation and Governance	175
7.2.3 Standards for EIA Governance and Implementation	178
7.2.4 Capacity of Actors in Effective Implementation of EIA	181
7.2.5 Justice, Fairness, and Accountability in EIA Implementation	184
7.2.6 Institutional Arrangements (IA) for EIA Implementation	185
7.3 Learning potential for greater EIA Effectiveness in the Nigerian	187
7.4 Conclusion.....	189
Chapter Eight: Conclusion	192
8.1 Introduction	192
8.2 Revisiting the Research Questions.....	192
8.2.1 Conceptualising the Meaning and Implication of “Local Context” in EIA Effectiveness.....	193
8.2.2 Contextual Factors in Nigeria and their Influence on EIA Effectiveness.....	195
8.2.3 EIA Actors and their Influence on EIA Effectiveness.....	200
8.2.4 Power Relations and Power Positioning for Effective EIA	203
8.3 The Interplay of Formal and Informal Settings for EIA Implementation in Nigeria	205
8.4 Contribution to knowledge, Potential areas of future research and Limitations of research.....	206
8.5 Conclusions and Recommendations	212
References	218
Appendix 1: Questionnaire	247
Appendix 2 : Sample of Interview questions used for the interview of Local and International EIA consultants/Practitioners	250
Appendix 3: Interview Question Design – The Focus – EIA Regulators at Federal, States, and Local level for the Case Study Area	253
Appendix 4: Focus Group – The Focus – Community Groups, Informal Groups, for the Case Study Area.....	255

List of Tables, Figures, Boxes and Plates

Tables

Table 3.1: Formal and Informal contextual factors in EIA practice

Table 4.1: Research Approach

Table 4.2. Showing the matching of research questions to data collection strategy

Table 4.3: Identified Gatekeepers for Data collection

Table 5.1. Showing different types of Guidelines used by the FME for EIA governance (Source, FME, 2019)

Table 5.2: Showing the perception of EIA Practitioners on triggers for the legislative review of the EIA Act

Table 5.3: Showing the different stages in the EIA Process, the Actors for each stage, and the role they play. Source: (Interview follow-up telephone conversation with the President of the EIA Practitioners Association of Nigeria, April, 2020)

Table 5.4: Respondents' disciplines and educational background

Table 5.5: Showing the types of accreditation respondents received to practise EIA in Nigeria

Table 5.6: Showing the different approaches used by responses for Public Participation

Table 5.7: Showing the methods and approaches used by informal groups to make demands

Table 6.1: Showing the different approaches used by responses for Public Participation

Table 6.2: Table showing the summary of knowledge areas for learning potential for local and international EIA practitioners

Figures

Figure 1.1: Map of Nigeria showing the administrative boundaries of 36 States and the Federal Capital. (Source:<https://www.nationsonline.org/oneworld/map/nigeria-administrative-map.htm>)

Figure 3.1. Illustration of the Concept of Local Context in EIA

Figure 3.2: A visualization of the consideration for the conceptual framework for this research

Figure 4.1: A display of the strategy to be deployed in this research

Figure 4.2 Map of Ogun State, inset location of State on Nigeria Map. (Source: Oyedepo et al., 2015)

Figure 4.3 Display of the research design and how data was collected

Figure 5.1. Displaying the Federal Ministry of environment structure of governance for the environmental system: (Source; Adapted from the ead.gov.ng, climatechange.gov.ng, and with contribution from field work June 2019).

Figure 5.2: The respondents' perception of the peculiarities of the Nigerian EIA regulatory guidelines.

Figure 5.3: Procedural Flowchart for Nigerian FME EIA (Source: Irtwange and Sha, 2009) as prescribed by the EIA Act 1992.

Figure 5.4: DPR EIA Procedure. (Source: DPR, 2002, 132-143; Lawal, 2012)

Figure 5.5: Level of Agreement or Disagreement with the notion that EIA regulators are over-centralised in Nigeria and lacking local presence at State or local government levels.

Figure 5.6: Showing the group of Actors in the Nigerian EIA Practice Space (Source: Interview PS002, June 2019)

Figure 5.7: Showing respondents' view on groups in the informal sector of communities and their potential to enhance EIA process if included.

Figure 5.8: Respondents perspective on the capacity of informal groups to self-organise and the impact of same on EIA.

Figure 5.9: Showing the View of Respondents on the Capacity of Informal Groups to Self-organise themselves to influence the EIA process.

Figure 5.10: Showing the Years of Experience of the Respondents.

Figure 5.11: Sector of experience of the respondents.

Figure 5.12: Perception of respondents on use of EIA in the Nigeria regime.

Figure 5.13: Showing the perception of respondents on the use of EIA, based on their respective highest qualifications.

Figure 5.14: Respondents' educational qualifications.

Figure 5.15: Showing the documentation process for Accreditation of EIA Consulting Firms.

Figure 5.16: Showing Respondents' Perception by Sector of Experience, on the need for Accreditation to Practice EIA in Nigeria.

Figure 5.17: The use of international EIA standards in Nigeria is lacking the relevant capacity to capture the true realities of the people's needs and culture.

Figure 5.18: Showing sectorial opinion of respondents' on the use of international EIA standards in Nigeria lacking the relevant capacity to capture the true realities of the people's needs and culture.

Figure 5.19: The use of International EIA Standards in Nigeria is a means to close the gap in the Nigerian standards.

Figure 5.20: The current EIA guidelines are adequate for ensuring accountability.

Figure 5.21: The Sectorial Perception of the Respondents on current EIA guidelines' capacity to adequately ensure accountability, justice, and legitimacy.

Figure 5.22: list of identified Informal groups in the Nigerian EIA Regime; (Source : Field Data, EIA Practitioners Survey. June, 2019).

Figure 5.23: Showing Respondents' Perception on the level of access the informal groups have to seeking justice.

Figure 6.1: Ogun State Environmental Implication Studies Procedure (Source, OGEPA, Abeokuta Ogun State, 2019).

Figure 6.2: Power sector Guideline's description of important elements of the environment to be covered in EIA.

Figure 6.3: Map of Ogun State Showing Ewekoro; (Source- trumpetmediagroup.com/trumpet-Ogun/opinion/ogun-state-2015).

Figure 6.4: showing the Model of the power station at EJio Ewekoro Community area.

BOXES

Box 2.1: International treaties with EIA as a condition for development

Box 4.1. Functionalities of Nvivo Software (Source: Lewins and Silver, 2007)

Box 7.1: Relevant Historical Perspective on the Nigerian EIA Law

Plates

Plate 1: Photo of a community cement shop along the transect walk

Plate 2; Photo showing the nature of the underground water, with evidence of high deposit of limestone

Plate 3: Photo showing the skyline of the community with cement factory dominantly visible over the landscape.

Plate 4: Photo showing the condition of the community road

Plate 5: Photo showing researcher standing in the major road through the community market

Plate 6: Researcher standing at the entrance of the community clinic

Plate 7: Researcher at one of the focus group in the community

Plate 8 Researcher at one of the focus group in at the market place with sellers who have been selling at the market for over 25 years

Plate 9: Researcher with a cross section of the informal group known as omo onile after a focus group

Abbreviations and acronyms

ADB	African Development Bank
AEIAN	Association of Environment Impact Assessment of Nigeria
CBO	Community Based Organisation
CDA	Community Development Association
CIA	Cultural Impact Assessment
CR	Critical Realism
CSR	Corporate Social Responsibilities
DA	Document Analysis
DFI	Development funding Institution
DM	Decision Making
DPR	Department of Petroleum Resources
DS	Decision Support
EA	Environmental Assessment
EAD	Environmental Assessment Department
EAG	Environmental Assessment Guidelines
EC	European Commission
ECOWAS	Economic Community of West Africa States
EGASPIN	Environmental Guidelines and Standards for the Petroleum Industry in Nigeria
EIA	Environmental Impact Assessment
EIS	Environmental Implication Study
EIS	Environmental Implication Studies
EIS/R	Environmental Impact Statement/Report
EITI	Extractive Industries Transparency Initiative
EM	Environmental Management
EMF	Environmental Management Framework
EPA	Environmental Protection Agency
ESDP	European Spatial Development Perspective
ESIA	Environmental and Social Impact Assessment

EU	European Union
EV	Environmental Vulnerability
FCT	Federal Capital Territory
FEPA	Federal Environmental Protection Agency
FG	Focus Group
FME	Federal Ministry of Environment
HIA	Health Impact Assessment
IA	Institutional Arrangements
IAIA	International Association for Impact Assessment
IC	International Consultant
IDP	International Development Partners
IFC	International Finance Corporation
LC	Local Consultant
LGA	Local Government Area
MDG	Millennium Development Goals
MECD	Mines Environmental Compliance Department
NEMA	National Environment Management Authority
NEPA	National Environmental Policy Act
NESREA	National Environmental Standards Enforcement Agency
NGO	Non-Governmental Organisation
NPC	National Population Commission
OECD	Organisation for Economic Cooperation and Development
OGEPA	Ogun State Environmental Protection Agency
PAP	Project Affected People
PEIA	Plan EIA
PJEIA	Project EIA
PrSE	Private sector experience
PuSE	public sector experiences
QA	Quality Assurance
REDD+	Reducing Emissions from Deforestation and Forest Degradation ‘Plus’

SDG	Sustainable Development Goals
SEA	Strategic Environmental Assessment
SIA	Social Impact Assessment
SIDA	Swedish International Development Cooperation Agency
SMC	Supreme Military Council
SSI	Semi-structured interviews
SV	Site Verification
TOR	Terms of Reference
UK	United Kingdom
UN	United Nations
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
USA	United States of America
WB	World Bank
WHO	World Health Organisation

Chapter 1. The Influence of Context on EIA Effectiveness

1.1 Introduction

Environmental Impact Assessment (EIA) is the “process of identifying, predicting, evaluating and mitigating the biophysical, social and other effects of proposed developments prior to a major decision being taken and commitments made” (International Association for Impact Assessment (IAIA), 2009 in Glasson and Therivel, 2019 pp3). EIA is a systematic process, aimed at providing information on environmental consequences of a project to decision makers, and promoting environmentally sound alternatives and sustainable development (Jay et al., 2007). EIA is implemented through processes with the involvement of the following key actors: proponents, decision maker, assessor (EIA practitioners), and reviewer (could be the regulatory agency or a board), and expert advisers (this could include non-governmental organisations (NGOs), the public and the media) (Wathern, 2013).

The implementation of EIA follows set procedures, with one stage leading to the other. The stages of this process may be different from one jurisdiction to the other. However, a generic process is described by Glasson and Therivel (2019) as follows: the EIA process starts with a screening where it is decided if a project would require EIA or not. The definition of significant impact for deciding if a project needs EIA is determined by the jurisdiction. Scoping follows the screening process. It seeks to identify the scope of the information to be covered by the environmental impact assessment. This would normally define what impact is to be addressed as well as its extent. This information could include possible impacts from all the alternatives with a view to addressing them. Consideration of alternatives seeks to ensure that proponents reflect on the possibility of alternative location, scale, processes, layout, operating conditions and no action options. Other stages of the EIA process include conducting an environmental baseline study, predicting impacts, the identification of main impacts, evaluation and assessment of the significance of identified impacts, mitigation, public consultation, presentation of an environmental impact statement/report (EIS/R), and review of assessment through appraisal of EIS/R. Decision making, post-decision monitoring, and audit to compare actual outcomes with predicted outcomes are the other processes involved in EIA.

There are qualities associated with effective EIA, namely: (a) participation—meaning the process is inclusive and open to all interested parties, (b) transparency—the process is honest and open for all to see, (c) certainty—there is an agreed time frame for delivery, (d) accountability—decision makers are answerable for every decision, (e) credibility—referring to adherence to professionalism and objectivity, and (f) cost effectiveness—the assessment should ensure environmental protection at the least cost possible (Morrison-Saunders and Bailey, 2000; Wood, 2003; Glucker et al., 2013). Additionally, whether EIA is effective is to be evaluated against the context in which the EIA is implemented (Fischer and Gazzola, 2006).

EIA as a planning decision support tool has been criticised as not being effective enough in capturing the information required for assessing the environmental impact of a project and therefore, providing the much-needed advisement for planning decision making (Emmelin, 2006; Jha-Thakur et al., 2009; Marara et al., 2011; Morgan, 2012; Wilson et al., 2017; Loomis and Dziedzic, 2018; Clark et al., 2019). For example, in Nigeria, the use of EIA has been described as a duplication of processes (Echefu and Akpofure, 2002), and an imitation of processes from the United Kingdom and the United States (Ogunba, 2003). This suggests that EIA could be implemented and yet the end result of environmental protection may not be achieved. This further highlights the need to make EIA effective for the place in which it is being used. Several factors account for why EIA has not been as effective as it should be, for example, individual professional conduct of practitioners (Morrison-Saunders and Retief, 2012), poor legislation for EIA (Nakwaya-Jacobus et al., 2021), and the level of inclusion in public participation (Loomis et al., 2021). Several identified factors are connected to specific jurisdictions, such that what works in one place may not work so well in another. As part of ongoing evaluations of the use of EIA for effectively informing planning decision making, the context within which EIA is implemented has been placed high amongst other factors, earlier highlighted (Lee and George, 2000; Fischer and Gazzola, 2006; Marara et al., 2011), making it an invaluable consideration in the evaluation of EIA effectiveness.

Context, defined by the Oxford Dictionary as circumstances, conditions or factors that form the setting of an event is explored in this study as factors in a place which could influence the effectiveness of EIA. The notion of context thus suggests that EIA is not implemented in a vacuum. There are factors like institutional arrangements, politics and political systems, and legal

frameworks that guide and influence the process. Factors forming the context of EIA implementation could also be local peculiarities of culture and traditions, referred to as “local context” in this study. As Fischer and Gazzola (2006) argue, these contextual factors are relevant in assessing EIA effectiveness in a place because the meaning and criteria for measuring effective EIA will be different from country to country. This study will therefore explore what and how contextual factors within the formal and informal aspects of community life affect EIA effectiveness. The findings in this study will provide more understanding of the influence of context in EIA practice, especially in a multicultural, developing country like Nigeria. It will also enhance the understanding of the context of EIA practice in Nigeria at a general practice level, and more specifically, “local context”.

While EIA is set up to influence planning decision-making, it is also expected that the use of this tool will lead to organisational learning and transformation over time (Jones and Morrison-Saunders, 2017; Jha-Thakur and Fischer, 2016) and that the knowledge gained will be taken into account to guide the continuous improvement of the practice. Indeed, because EIA was designed for use in the USA, and later adopted by other countries, it is common in literature to find comparisons of jurisdictions, with a view to learning how to make EIA more effective (Fischer et al., 2009; Hanna et al., 2011; Lomis and Dziejczak, 2018; Cruz et al., 2018). International organisations have aided the spread and adoption of EIA (Hironaka, 2002), especially in developing countries where EIA is made a condition for securing financial aid to support developmental projects and plans. For projects with such international colouration, it is not uncommon to see international EIA consultants working with local EIA consultants to implement EIA; for example, Bitondo (2000) described an EIA conducted in Cameroon jointly by Cameroonian and Brazilian EIA consultants. This relationship suggests that some form of learning between the local and international consultants is possible, specifically, about the local context in which EIA is being implemented, and how best to adapt EIA in that context. The potential for learning in EIA, taking into account the context of EIA implementation, will be explored in this study.

1.2 Statement of the Problem

Having set out the importance of context to the question of EIA effectiveness, this research will consider what context means and how it affects EIA effectiveness, and it will do this in relation to

Nigeria. Nigeria is a multi-cultural country that operates a federal system of government with the use of EIA spanning over twenty-eight years. The context in which EIA is practiced and implemented at subnational levels has not been well captured and analyzed in literature. In addition to the federal government, there are also 36 state governments with their own respective state environmental protection arrangements. Nigeria is divided into six geo-political zones, namely, South-West, South-East, South-South, North-East, North-West, and North-Central. Each zone comprises of six states, making 36 states and a Federal Capital Territory (FCT), Abuja (Arowosegbe, 2016). A map of Nigeria is shown in figure 1.1 below. Within the federal arrangement in Nigeria, EIA falls within the exclusive responsibility of the Federal government.



Figure 1.1: Map of Nigeria showing the administrative boundaries of 36 States and the Federal Capital.
 Source: <https://www.nationsonline.org/oneworld/map/nigeria-administrative-map.htm>

Over 500 languages/dialects are spoken in Nigeria amongst the over 190 million strong population. The composition of Nigeria therefore presents a picture of a particularly complex and highly diverse place. One implication of this complexity for this study is that EIA implementation cannot be studied across the whole country. This research therefore chooses a particular community within which EIA was implemented to understand the general contextual factors that affect EIA

implementation in Nigeria and the specific or peculiar factors in that community (referred to as “local context”) which could impact on effective EIA implementation. This study will be undertaken within the confines of a particular project for which EIA was conducted. This approach will produce broad themes that could be applied when studying contextual relevance and EIA effectiveness in Nigeria. In view of this, the Ewekoro Power Plant project located in Ejio Ewekoro Community in Ogun State in the South-West geo-political zone of Nigeria is chosen as the focal point in Nigeria for this research. The process of arriving at this choice is explained in sections 4.3 and 4.3.1 of this research work.

Another implication of the complex and diverse Nigerian society is that the importance of “local context” to understanding EIA effectiveness is further highlighted as a key consideration for effectiveness to be achieved. The use of EIA in Nigeria was initially limited to crude oil exploration activities and operated by the Department of Petroleum Resources (DPR), and till date, this system remains in place (Ogbodo, 2009). However, for decision support in development planning, EIA was adopted through the Federal Environmental Protection Agency (FEPA) Decree No. 58 of 1988 and EIA Decree No. 86 of 1992, both aimed at protecting the Environment (Olokesusi, 1990; Echefu and Akpofure, 2002; Ogunba, 2004). Evidence in literature indicates that the Nigerian EIA practice is patterned after that in developed countries and has not been effective in ensuring environmental protection (Echefu and Akpofure, 2002; Ogunba, 2004).

The diverse and complex nature of the Nigerian society raises questions about the utility of patterning a tool like EIA after developed countries with different societal characteristics. Indeed, the heterogeneous nature of the country suggests that EIA implementation will have associated complexities of tribal and location-related issues. Thus, the context within which EIA is implemented in Nigeria ought to be taken into account in the EIA practice itself—a task that is the focus of this research.

Apart from the general notion of context as vital to understanding and assessing EIA effectiveness, this study will highlight the “local context” in that impact on EIA effectiveness in the Nigerian system. In Nigeria, issues like community affinities and traditions form part of the “local context” in which EIA is implemented (Yakubu, 2018) and which should be understood and accounted for when studying EIA effectiveness in Nigeria. Another important aspect of local context in Nigeria

is the prevalence of informal systems which varies across communities, highlighting the importance of context when investigating EIA effectiveness (Nwaka, 2005; Okeahialam and Osuji, 2019). Thus, understanding context and how the “local context” impacts on EIA effectiveness in Nigeria is the major focus of this study.

There are reoccurring conflicts that have made Nigeria a hot spot for continental and global concerns in recent times. The major sources of conflict in the country are ownership and control of land, access to natural resources, ethno-religious differences, and struggle for power (Abdul, 2011; Fatai, 2017; Omeje, 2017; Babatunde, 2018). All of these form the backdrop against which EIA is implemented and some, more than others feature in EIA implementation, such as land ownership and control. These are factors that could influence the level of effectiveness in EIA implementation and should be better analysed as part of the context in which EIA is implemented in Nigeria.

The Nigerian EIA system is influenced by international practice and practitioners. This is especially evident in projects with financial input from international finance bodies such as the World Bank. International EIA practitioners work alongside and interact with local EIA practitioners on these projects, thereby creating a relational working experience with potentials for learning. This research will study this as a contextual factor, by exploring the interactions of local and international practitioners (as a very important set of actors) in the Nigerian system. This will also aid the understanding of the learning opportunity present in the interaction of local and international practitioners within the study area in Nigeria.

This study is important because EIA effectiveness has been on the forefront of scholarly debates in EIA for many years now. The context of EIA practice has been argued as a fundamental consideration for evaluating the effectiveness of EIA (Doyle and Sadler, 1996; Lee and George, 2000; Fischer and Gazzola, 2006; Marara et al., 2011; Wells-Dang et al., 2016; Kolhoff et al., 2016), and very importantly, the need to study “local context” at sub-national levels has been identified as a gap in EIA research (Marara et al., 2011). This research is therefore well situated within the scholarly debate for the advancement of the science and art of EIA, through findings that will enhance the understanding of the influence of “local context” in EIA, and how best to account for same to achieve greater EIA effectiveness.

The choice of Nigeria as the study area for this research is informed by several factors. Firstly, there is a paucity of internationally published literature on the effectiveness of EIA practice in the country. Although Nigeria is a country that utilises EIA as a means of achieving environmental protection, the country is famed for environmental degradation that has been associated with its development projects (BBC News, 15 June 2010; BBC News, 30 May 2013; The Guardian, 13 February 2017; Ezeigbo and Ezeanyim, 1993; Orisakwe, 2009; Agyeman, 2003; Caravanos, 2017). As the 12th largest oil producing country in the world and the largest in Africa (Kadafa, 2012; Omeje, 2017), Nigeria has, for a long time, been the poster child for the resource curse which amongst other things, includes serious environmental degradation manifested in soil erosion and solid waste menace (Akinbami et al., 1996), loss of fragile ecosystems and marine pollution (Fasona and Omojola, 2009), poor air quality arising from oil and gas exploration (Olowoporoku et al., 2011), and degradation of coastal areas (Croitoru et al., 2020). Local circumstances in Nigeria have contributed to this state of affairs (Agbazue and Ehiemobi, 2016). This corroborates the assertion in literature that the effectiveness of EIA could be influenced by the context of practice (Doyle and Sadler, 1996; Lee and George, 2000; Fischer and Gazzola, 2006; Marara et al., 2011). Nigeria also has recognised that its extractive activities must be checked to prevent further adverse effects on the environment, thus reinforcing the importance of this study (Bassey, 2020; Okpanachi, 2011; Chindo et al., 2014). This study will contribute to highlighting the relevance of effective EIA for sustainable development in Nigeria.

Additionally, while several studies have reported the state of EIA implementation in Nigeria, some from a legal regulatory point of view (Olokesusi, 1998; Echefu and Akpofure, 2002), or from the perspective of the state of the development of the practice (Ogunba, 2004), their findings suggest that more needs to be done to ensure EIA is effective in the country. This study will fill some of the gaps identified in literature by providing new evidence to show the state of EIA practice in Nigeria from the point of view of local context and suggesting ways to deal with the identified problems.

1.3 Aim of Study

This research aims to understand the meaning of “local context” and its implication in EIA implementation, and how the factors of “local context” influence the effectiveness of EIA in Nigeria.

In order to achieve the research aim, the following objectives will be pursued:

- a) Develop an understanding of the influence and implications of context in EIA practice through critical analysis of relevant literature.
- b) From the understanding of context in objective (a), define a framework for understanding the meaning and influence of “local context” on EIA effectiveness in Nigeria.
- c) Investigate and identify the local contextual factors that are specific to the Nigerian EIA practice.
- d) Identify the role of EIA actors in EIA effectiveness, and how local contextual factors affect/influence EIA effectiveness and in practice in Nigeria.
- e) Evaluate the interactions of the local and international EIA practitioners while jointly working on an EIA in Nigeria, with a view to identifying learning opportunities for greater EIA effectiveness.

Research Questions

To achieve the objectives set out above, the following research questions have been formulated to guide the research:

- 1) What contextual factors are associated with EIA implementation in Nigeria and how do these factors influence effective EIA practice?
- 2) What constitutes “local context” in EIA practice and how does it impact on effective EIA practice?
- 3) How do actors within the Nigerian EIA system exert influence on EIA effectiveness?
 - 3a) What is the nature of power relations between the different groups of actors involved in the EIA process in Nigeria and how does it impact on EIA effectiveness in the regime?
- 4) Are there any learning potentials that can be identified from the interactions of international and local EIA practitioners operating in Nigeria?

1.4 Methodological Approach

The methodological approach of this research relies on the understanding of the influence of “local context” through investigation of the formal and informal settings in which EIA is implemented.

This study will employ the qualitative research strategy to provide an in-depth and clear identification of the contextual factors influencing EIA in the study area.

The ontological inclination is within constructivism and the epistemological leaning is interpretivism. Constructivism allows the creation of knowledge from an individual perceptual understanding of the reflection on external realities (Franklin and Volk, 2021). Interpretivism as the epistemological learning helps to provide the philosophical grounding for reaching conclusions on thoughts and information in this research work.

The literature review helps to position the research within current thought on the relevance of context when investigating EIA effectiveness. Using a mixed method for data collection, combined with a case study approach, the general perspective of context and the specific factors of “local context” are explored in detail for a well-reasoned understanding of its influence on EIA effectiveness. This study combines the use of semi-structured interviews, observation and focus groups to elicit information on the positions of key EIA stakeholders and groups at practice and community levels. It also uses questionnaires amongst the EIA practitioners to further explore ideas raised from the interviews and focus groups. Document analysis will allow for the scrutiny of different relevant documents, including the EIA report for the case study project, legal and legislative documents at federal and state levels, and sectorial guidelines for EIA. Within the case study, a community and a selected project will be investigated. The host community to the EIA project, composed of different groups, will be sampled, and the project EIA report evaluated against the data from the community and the narrative of the EIA assessors and regulators. This will allow for a close-up look at the factors of local context, at practice, community, and regulatory levels, as the case study method demands.

1.5 Research Overview

This thesis is structured into 8 chapters as follows:

Chapter One

This chapter provides an introduction of the research agenda and the background to the research, which aims to understand how the “local context” of EIA implementation exerts influence on its

effectiveness. The chapter sets the pace for understanding that while there is a general context within which EIA is implemented, there is also a more specific “local context” at community levels, and both hold the potential to influence EIA effectiveness. Also, the chapter sets out the aim, objectives, and research questions framing the research.

Chapter Two

Chapter Two is a review of literature focused on understanding the current debates on EIA effectiveness. The chapter considers the origin and internationalisation of EIA, how effectiveness is defined and different perspectives on EIA effectiveness. The review also considers the issues of learning in EIA and how this is relevant to effectiveness of practice. In chapter two, the notion of context as a necessary consideration for evaluating EIA effectiveness is established.

Chapter Three

This chapter unpacks the meaning of context in general, thereby providing the setting for understanding what “local context” factors are and the influence same could exert on EIA effectiveness. It considers literature in closely related fields to EIA such as environmental management, international standards, political science, and spatial planning in an effort to arrive at a definition of local context from a multidisciplinary perspective. From the definition of context, the dimensions of “local context” as divided into formal and informal categories are then introduced and framed into the conceptual framework underpinning the research.

Chapter Four

The methodology for the research is presented in this chapter. It includes the ontological and epistemological stances for this research, the case study approach and the methods for the collection of data and analysis. This chapter shows how the study combined the use of several methods for data collection, as a means to meet the needs of the different groups in the research; the regulators, the practitioners and community actors, and to elicit the required information.

Chapter five

This chapter identifies and distils the contextual themes across the different data frames of the research. The findings are focused on EIA practice, giving a general perspective of the factors of context and local context within the regulatory and practice regime of the EIA system in Nigeria,

covering the formal and informal contextual realms associated with EIA process and implementation.

Chapter six

This chapter focuses on results from focus groups held with different community groups, and the analysis of the case study project. Results in this chapter give a more specific perspective on what the “local context factors” in the study area are, and their potential influence on EIA effectiveness in the study area. Based on the project level findings, a tentative illustration of what might influence EIA effectiveness in Nigeria is showcased in this chapter. This chapter also presents findings from interviews with the local and international EIA practitioners who implemented the EIA in the community, showing how a formal EIA system is encumbered by the informalities in the community settings.

Chapter Seven

In this chapter, the findings and results are synthesized and discussed. The chapter draws on evidence in literature, positioning and triangulating the findings with broader debates about theory and practice in EIA. This chapter presents analysis of data showing how contextual factors in the wider Nigerian EIA practice with a formal procedural engagement, fails the test of local context when faced with cultural belief systems at community level, and how these undermines EIA effectiveness.

Chapter Eight

This is the conclusion chapter. It captures how the research questions asked in chapter one were answered and also links each question to the overarching aim on the study. This chapter also showcases the major findings and contribution to knowledge, limitations of the study and potential area of future research. In the concluding section, recommendations are made, based on the findings in this research, on how EIA can be improved in the Nigerian system.

Chapter Two: Effectiveness of Environmental Impact Assessment (EIA)

2.0 Introduction

This chapter primarily examines the meaning of effectiveness in Environmental Impact Assessment. It does this by beginning with an exploration of the origin of EIA and its internationalisation. It then considers global perspectives on what defines effective EIA practice by reviewing literature from different jurisdictions. From the consideration of global perspectives, the contextual factors associated with the challenges to EIA effectiveness will also be evaluated to deepen the understanding of the influence of context in EIA implementation. This will be useful in later chapters where the interaction between context and EIA effectiveness is analysed.

2.1 Origins of Environmental Impact Assessment (EIA)

The use of EIA in development planning decision making can be traced back to the United States of America's (USA) National Environmental Policy Act (NEPA) of 1969, which came into force on 1st January, 1970. (Fischer, 2016). Its introduction was informed by the need to protect the environment and people from the negative impact that may arise from development projects (Caldwell, 1988; Fischer, 2016b). Cultural, social, and economic changes in the USA in the 1960s influenced the introduction of EIA (Weston, 2003). The sociological roots of EIA are well captured in the literature; many countries introduced planning strategies in order to protect public interests and ensure equal rights and allocation of resources (Piketty, 2014; Flint Ashery, 2017). The stepwise process of systematic procedural implementation attributed to EIA has also been described as a reflection of the cultural and social demands of the time in which it was introduced in the USA. EIA is argued to have emerged at a time when rationalist thinking was on the rise, a thinking that requires technical evaluation to be made for objective decision making (Jay et al., 2006), and many governments are guided by rational utilitarianism (the view that the role of government is to minimize pain and maximize happiness) in the pursuit of development options (William and Dupuy, 2017). However, a rationalist approach to EIA does not necessarily align with the empirical realities of environmental decision making in development planning particularly in less mature EIA jurisdictions (Owens et al., 2004; Jay et al., 2007). This notion about a rationalist approach to EIA underscores the possibilities of the context in which EIA is implemented influencing EIA, especially considering that there exist different values and interests that may form the options to allow or reject a project, in a developed and developing country.

There are indications that countries have adopted the use of EIA as a direct response to an environmental challenge. In Nigeria for example, although principles of EIA were in use since 1969, albeit limited to the oil industry, it was the 1988 Koko community pollution incident involving nuclear waste dumped by an Italian company (Echefu and Akpofure, 2002; Ogunba, 2004; Hamadina et al., 2007; Evelyn and Tyav, 2012; Adeola, 2017; Buck, 2017) that prompted the need for EIA for development planning. In South Africa, initial efforts to preserve wildlife by the colonial settlers later led to the bringing together of several stakeholders and experts in 1979, culminating in the introduction of EIA as a means for better management of environmental change in the country (Sowman et al., 1995). In China, it was the disturbing trends of industrial pollution that lead to the eventual introduction of EIA in the country (Wang et al., 2003). In India, EIA started as part of administrative procedure for reaching a decision on river valley projects (Jha-Thakur and Khosravi, 2021).

While for many countries where EIA is now in use, EIA adoption was triggered by the existence of local environmental problems; for others, especially less developed ones, it has been linked to external pressure. For example, Cameroon is reported to have adopted EIA following pressure from international agencies (Bitondo, 2000). Columbia is noted to have implemented EIA because of the international agreements signed by the country (Toro et al., 2010); and the UK, Germany, and Denmark also reportedly formally adopted the use of EIA primarily in response to the European Union's (EU) EIA Directive (Hanusch and Fischer, 2011; Arts et al., 2012). The formal adoption of EIA by several European countries led to the development of various EIA legislations and supporting guidelines for its implementation since EU Directives work by allowing member states focus on achieving the stated aim of the Directive while choosing how to transpose same into law. The Finnish EIA legislation was partly driven by her political and economic integration with the European Community (Pölonen et al., 2011). And Turkey is reported to have amended her EIA regulations to fit the EU procedure in view of her readiness to join the EC (Elvan, 2018). In this regard, political and economic factors can be seen as the key drivers for the adoption and origination of EIA in these countries.

2.2 Internationalisation of EIA

EIA has been rated as the second most globally accepted and used decision support tool, next to economic cost-benefit analysis (Retief and Chabalala, 2009; Fischer, 2016b). The rapid internationalisation of EIA is one factor that has generated considerable interest amongst scholars in EIA research circles. Although some level of pluralism/diversity exists in the interpretation of EIA by most countries, the use of the generic EIA components, namely, screening, scoping, public participation, consideration of alternatives, mitigation and follow-up is common practice (Wood, 2003; Glasson *et al.* 2006; Retief *et al.*, 2011).

Wood (2003) argues that the involvement of international agencies in EIA has also contributed immensely to the spread and adoption of EIA. For instance, the Organisation for Economic Cooperation and Development (OECD) recommended EIA for adoption by its member States in 1974. Currently, there are 36 member states which are developed countries. The OECD has also made EIA a requirement for granting financial aid to developing countries (OECD, 1992; OECD, 2018). Hironaka, (2002) argues that international organisations have played a major role in the diffusion of EIA legislation, especially with several international organisation now leading the fight for better global environmental protection and sustainability. In 1989, the World Bank (WB) decided that as a condition for the granting of loans, borrowers should undertake EIA under the Bank's supervision for major projects. The WB's membership which currently stands at 189 countries comprises both developed and developing countries (Wood, 2003; World Bank, 2018). Similarly, the United Nations Environment Programme (UNEP) made EIA part of its recommendations to its members—the United Nations has 193 member states and two non-member observers (Schmidt, 2019). Again, this international organisation has influenced both developed and developing countries with respect to EIA.

Not only was the adoption of EIA spearheaded by international organisations, some of them have also issued guidelines for conducting EIA. In 1988, UNEP issued such guidelines (UNEP, 1996, 2004). Its most recent guide titled 'An Introduction to Environmental Assessment' is directed at persons involved in decision or policy making 'in regard to the environment and sustainable development' (UNEP, 2015). It has separate guidelines for EIA in Africa (UNEP, 1994). The African Development Bank (ADB) also issued environmental assessment guidelines (EAG) for implementation of the Bank's environmental policy in 1992 (ADB, 2001).

The internationalisation of EIA also advanced after several international conferences aimed at creating awareness on the devastating impact of anthropogenic activities on the earth, and the contribution of uncontrolled developmental activities and natural resource exploitation (Anago, 2002; Glasson and Therivel, 2013). Starting with the first Earth Summit in Stockholm in 1972 leading to the adoption of the millennium development goals (MDG) in 2000 and more recently in 2016, the sustainable development goals (SDG), countries of the world appear to be combining forces to ensure that the continuous negative impact of development activities are checked. Several principles have emanated from various international conferences, and they have been linked to the spread of EIA (Hironaka, 2002). For example, Principle 10 of the Rio Declaration outlined values that underpin the need for an inclusive approach to public participation in EIA. Also, Principle 11 of the Rio Declaration calls for contextually relevant environmental legislation and standards.

The near universal adoption of EIA may be seen from the following numbers: it is reported that 191 of the 193 member states of the United Nations either have laws or are under an international obligation to implement EIA as a planning decision support tool (Glasson et al. 2005; Li, 2008; Morgan, 2012; Morrison-Saunders, 2012; Noble, 2015; Fischer, 2016b). The international arena has therefore become a forum for drawing attention to the threat of climate change and other environmental problems. This has also led to the political recognition and inclusion of EIA in several international treaties, protocols, agreements, and conventions at the global level (Morgan, 2012) as indicated in Box 2.1 below:

- The Convention on Wetlands of International Importance (Ramsar convention); 1971.
- The United Nations Convention on the Law of the Sea (Geneva Convention); 1982
- The convention on environmental impact assessment in a transboundary context (Espoo Convention) 1991.
- The Protocol on Environmental Protection to the Antarctic Treaty (Madrid Convention) 1991.
- The United Nations Framework Convention on Climate Change (Rio convention); 1992.
- The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters; (Aarhus Convention) 1998.

Box 2.1: International treaties with EIA as a condition for development

The treaties listed above are examples of international agreements requiring state parties to implement EIA as one of the requirements in the governance of project approvals (UNECE, 1991; Morgan, 2012; European Commission, 2017).

Regional efforts have also played a critical role in entrenching the use of EIA. Notable is the first EU EIA Directive 85/337/EC, issued in 1985, but which has been amended severally to improve practice (Heinelt, 2018). The latest amendment, Environmental Impact Assessment (EIA) Directive (2014/52/EU), came into force in 2014. All EU member states were required to conduct EIA before approving projects likely to have significant effects on the environments by virtue of the size, location or nature of these projects (Article 4, EIA directive 85/337/EC). This Directive served to galvanise action in favour of EIA in Europe. It was on the basis of this Directive that the UK, for example, promulgated its EIA legislation. Since the EU dealt with EIA via a Directive as opposed to a regulation, member states were free to devise their laws howsoever they wanted as long as the goal, procedural requirements and scope of application specified in the Directive were met.

Similar initiatives can be observed on the African continent. One such initiative arose from the African Ministerial Conference on the Environment held in Nairobi, Kenya in 1998, with ministers of environment from several African countries meeting to formalize the use of EIA (Li, 2008; Kakonge, 2013). Betey and Essel (2013) argue that although there has been a rise in the use of EIA in Africa since the 1980s, many African countries including Algeria, Burkina-Faso, Gabon, Ghana, Gambia, Mauritius, Nigeria and Senegal have a system that is based on practices and experiences from more developed countries. For example, in Ghana, the Netherlands has been part of the process to remodel the EIA system, and recent reforms now ensure only certified EIA practitioners are allowed to practise in the country (Betey and Essel, 2013), as is the case in the Netherlands. Indeed, the guidelines on EIA implementation handed down to developing countries by some international funding agencies may be mirrored after EIA in developed countries. Although it is common to see the adoption of international EIA guideline in some developing countries, this has not necessarily given rise to greater levels of EIA effectiveness (Appiah-Opoku, 2001).

Implementing EIA because of imposed conditions by international funding agencies could amount to a “top-down approach” (Boyle, 1998; Le Gouais and Plain, 2003), and has been identified as less participatory and with propensity to fail in effective implementation (Fraser et al., 2006). These types of assistance for capacity improvement in EIA are popular from development agencies to developing countries. However, how these agencies consider local circumstances and adapt to them, is unclear. Development assistance from foreign donors has been alleged to stand in the way of understanding country-based EIA practice (Bitondo, 2000; Bitondo et al., 2014).

Some earlier scholarly publications advocating the need for developing countries to adopt EIA argue that it was in these countries’ own interest and for the protection of the environment (Tolba et al., 1987; Sammy, 1987). Specifically, Kibria (1985) argues that many developing countries found that the use of EIA is effective in the management of their environmental resources. While this may be so for some countries, recent studies present arguments showing that there are varied perceptions on the question of EIA effectiveness, and the level of effectiveness perceived to have been achieved in EIA practice, especially in developing countries (Kolhoff, 2009; Kakonge, 2013; Gebreyesus et al., 2017; Chanchitpricha and Bond, 2018; Kolhoff, et al., 2018; Loomis and Dziedzic, 2018). It is hard to make a clear distinction between developed and developing country’s

preference on what defines EIA effectiveness and the priorities for effective implementation, however, the section explores some thought from literature

2.3 EIA Implementation, Strategies and Influencing factors

This section critically analyses how EIA is implemented across different jurisdictions with view to establish contextual basis for the subject of effectiveness in EIA practice and implementation. It identifies key EIA-influencing factors to enhance the understanding of the role of contextual factors in EIA effectiveness. It is apt to note that implementation of an adaptive tool such as EIA to solve a problem in a context different from that in which it was developed can be very challenging (Wang et al., 2018; Bizikova et al., 2018). There are boundaries in the form of political systems, institutional arrangements, people and their way of life around EIA systems (Loomis and Dziedzic, 2018), and they influence the EIA practice, including the mode of adapting EIA to a country's planning system and its mode of operation (Morgan, 2012; Veronez and Montano, 2015; Loomis and Dziedzic, 2018), and this is responsible for variations in EIA implementation and definition of effectiveness (Rozema and Bond, 2015). From evidence in literature (Appiah-Opoku, 2001; Marara et al., 2011; Morgan, 2012; Khan et al., 2020), two broad categorizations can be made on the aspects in which EIA influence occurs, namely: procedural and other system issues. They are considered in more detail below.

Procedural Aspects

There are set procedures for implementing EIA. The standard procedure begins with screening. This is where the project is subjected to consideration against set criteria for projects that could bring about significant impact on the environment. This is followed by scoping which involves process of estimating the extent and depth of the matters to be investigated in the EIA. Public participation in EIA is considered a standard part of the procedure as are a consideration of alternatives, mitigation of environmental impacts identified and follow-up or monitoring. Notwithstanding this set procedure, there are variations in the following of these procedures. For example, who does what while carrying out a particular stage of the procedure is different across jurisdictions. To elucidate this point, across Europe, it is common practice for the project proponent to take responsibility for carrying out and reporting the EIA (Graggaber and Pistecky, 2012). However, in some jurisdictions, it is the regulatory authority that has responsibility for

reporting the EIA (Lyhne et al., 2015). The EIA report is a vital document showing the details of the assessment carried out and providing stakeholders and observers a chance to evaluate what the EIA describes as significant negative impact from a project. How might this difference impact on the quality of the EIA? Would a proponent do a better job at reporting the EIA than the regulator or are there checks provided in the system to ensure that EIA reporting is carried out properly, notwithstanding who does the reporting? Indeed, Enríquez-de-Salamanca (2018) posits that it is the different stakeholders that take part in the EIA process and their respective interests that bring about the cause for concern in the implementation of EIA procedures. One of such areas of concern with procedures is the incidences of copying and pasting, it has been reported that scoping report and terms of reference, and other instances, complete sections of EIA report have been copied or plagiarised in some EIA jurisdiction, (Nwoko, 2013; Willaim and Dupuy, 2017). The implication of the practice of copy and pasting on procedural processes for effective EIA will be far reaching, it begs the question of what type of procedures will produce an EIA with results that is plagiarised from existing EIA reports. This could have immense influence of EIA effectiveness and environmental protection.

To use another example, the different institutional arrangements (IA) across different jurisdictions are vital points of EIA implementation that reveal that the context of EIA practice is a vital consideration in its effectiveness. IA should support procedures that will enhance quality assurance, for instance, in Finland, quality assurance is within the public domain through public participation (Pölonen et al; 2011); in the Netherlands, it is an exercise carried out by the Netherlands EIA Commission (Art et al., 2016), while in the United States, it is in the domain of the courts (Pölonen, 2007). Public participation in EIA process has been identified as a means for gaining the social license for project implementation at community level, and it also gives legitimacy to the EIA process (Jijelava and Vanclay, 2017). Thereby making public participation an important procedural aspect of EIA implementation and consideration of its effectiveness. Bond et al., (2016) analysed the legitimacy of decision-making in EIA, using the game theory framework, they defined the conditions for legitimacy based on timing of decision information, behaviour type of decision maker, and level of public engagement. And they found that the broader level of consensus was more instrumental to achieving legitimacy in decision-making process. Community involvement in EIA through the process of public participation has different

colouration, based on the value system in a place and the institutional arrangement for public participation. This provides some indication of the role of contextual factors, which have informed the way each country has decided to enforce quality assurance.

With respect to scope of EIA coverage, in Nigeria, the institutional arrangements were such that EIA was first limited to the oil and gas sector until it was reviewed to cover infrastructure development (Ogunba, 2004; Kolawole, 2015; Fasina, 2016). Similarly, Pölönen et al., (2011) describe the EIA practice in Finland as limiting and inadequate, as it does not apply to forestry activities because large-scale logging operations are not regulated in Finland. These examples show that a project that might be identified during the screening stage of EIA as requiring the conduct of an EIA in one jurisdiction may not be so identified in another jurisdiction. Similar results may ensue from the scoping stage, this difference further reinforces the contextual dimension to the definition of effectiveness in EIA. What is common to these narratives on EIA implementation is the contextual basis of that underpins the arguments, which suggests that procedural approaches can become avenues for contextual factors in a place to exert influence on effectiveness.

System Aspects

As a decision support tool for planning, EIA is mostly done before project approval, that is, ex ante (Pope et al., 2017). However, there are system-based preferences to this. It has been reported that EIA in some countries in South America is mostly carried out after project approval (Glasson and Salvador, 2000; Fonseca and Sánchez, 2015; Fonseca and Sánchez, 2015). This is probably due to overcentralized regulatory and institutional arrangements for overseeing EIA (Glasson and Salvador, 2000), an assumption strongly supported by Gibson (2012) who argues that the EIA system under a federal assessment regime would lead to fewer, fragmented, and late EIA that would be characterised by inefficiencies. Nevertheless, the federal system has worked successfully for some countries like Germany where the EIA system is adjudged the most efficient in Europe (Barker and Wood, 1999; Pinho et al., 2010).

There may be different considerations underlying the introduction or use of EIA. These underlying considerations may impact on EIA and form part of the context in which EIA operates. To use the example of the EU, the EU arrangement provides, with regards to member states, parity of

standards and growth of environmental protection efforts on the continent (EC - European Commission, 1985). The European Commission (EC) has passed over 200 pieces of legislation covering different aspects of the environment, with the main motivation for the EU being the strengthening of economic ties between member states (Heinelt, 2018). Heinelt (2018) opines that the legal foundations of the EU environmental policies are not primarily based on environmental protection, and the Commission's advisory committees were more accessible to (and constituted by) economic bodies rather than environmental bodies. This opinion highlights the need to understand how political motivations behind EIA legislations influence EIA practice.

EIA legislations guide the implementation of EIA across different jurisdictions. In the EU, since EIA is legislated by individual member states, there will be differences in the law. However, they must align with the EU EIA Directive. Although the EU EIA Directive has been widely recognised as contributing to improved implementation of EIA, leading to increasing environmental awareness and integration of environmental values into development/planning decision making in the EU (Arts et al., 2016; Heinelt, 2018), it has been criticised for its “command and control” approach, and this was one of the leading factors in the debate that led to the exit of the UK from the EU (Brexit) (Hilson, 2018; Carter, 2018). Nevertheless, one may argue that the fact that member states can promulgate their own laws means they can adapt same to fit their context of practice.

Still on the point of EIA legislation being different, in Angola, there is no requirement by law for scoping and review in the EIA process (Rebelo and Guerreiro, 2017), and this is as their system deem fit. Scoping and review may be viewed as vital aspects of the EIA process because scoping helps decide what issues should be assessed and reported on and to what extent. The review process is essential for driving learning and environmental protection as it allows for judging whether the EIA was properly done and what could be done differently in the future. The absence of these stages in the implementation of EIA in Angola is a contextual factor that could affect EIA effectiveness. Whereas, in South Africa, Tanzania and Mozambique, public participation is mandatory during scoping (Rebelo and Guerreiro, 2017). The scope of legislation could thus set a system which may have a limiting effect to EIA effectiveness (Toro, et al., 2010). Indeed, clear legislation has also been highlighted as a necessary requirement for EIA to be effective (Abaza et al., 2004; Aung et al., 2020). If ambiguous words are used, then EIA effectiveness would be

undermined as what is required would be unknown. Using clear wording will include words that are either passive or active, For example, the wording for the section allowing public participation in the Nigerian EIA legislation is ambiguous. It simply requires that before decisions are made on projects, the agency responsible for making these decisions should give an opportunity for the public to comment (Nigerian EIA Act 1992, section 7). This can be interpreted in many different ways, in relations to timing, scope, and in the definition of who the public is.

Turning away from examples from the African continent to the Asian continent, differences in EIA legislations may further be observed from Suwanteep et al. (2016) who argue that Thailand's EIA form is distinct from that of China and Japan because Thailand mandates the consideration for health impact assessment in project assessment. Health impact assessment is not mandated in EIA in the other two countries. This may indicate the importance placed on the health of the populace by the Thai government. Whatever the explanation for including health impact assessment in EIA, it is apparent that EIA is not carried out in isolation within a country. The context in which it operates is vital in how it is implemented.

Many countries have unique cultural and historical attributes that have informed how this governance system is designed and the style of EIA in use. For example, in China, there is a long tradition of environmental protection dating back to more than 2000 years (Wang et al., 2003), and this tradition has informed the system of current EIA practice. The use of the “Three Simultaneities” (that is: the anticipation of pollution at the (1) design (2) construction and (3) operation stages of a project lifecycle) prepared the country for the eventual introduction of EIA in 1979, but it was not until 2014 that EIA reports became accessible to members of the public (King and Olsen, 2013; Enserink et al., 2015). The Chinese EIA system is divided into two broad types: the Plan EIA (PEIA) and the Project EIA (Suwanteep et al., 2016). Hung Lo et al., (2000), argue that China being a non-democratic country, has a style of EIA that is structured by regime type and cultural consideration shaped by informal politics. The PEIA is very much a reactive process, exclusively implemented by government agencies with little outside influence and is initiated after a planning decision has been taken (Che et al., 2011). The project EIA is, however, dedicated to construction and infrastructure projects and incorporates public participation (Suwanteep et al., 2016). A valuable indicator to take from the China style of implementing EIA

is that there is an intricate link between the context of practice and the mode of implementation of EIA, and this may lead to either promoting EIA effectiveness or undermining it.

The governance model in use in a place, for example, parliamentary system and federal system, also impacts on the EIA implementation process. Decisions that are made in agreements with principles of democracy are usually adjudged more legitimate than others because they allow participation of citizens in the decision-making process (Arnesen, 2017). In a non-democratic society, one is unlikely to see public participation given pride of place during EIA, this is because the EIA processes will run as part of the existing system, which is very unlikely to give high consideration to community consensus or seeking community permission. Governance models also contributes to access to justice in relations to environmental issues, reinforced by Retief et al., (2020), arguing for administrative justice as a proviso for acceptability of EIA decision making, with focus on procedurally fairness, reasonableness, and lawfulness, in line with Kidd's (2018) legitimating principle. The political and governance systems do have far-reaching effects on aspects of the EIA process, like public participation being just one example. To give another example, in the UK, the political arrangement of devolution of powers also impacts on how EIA is implemented. The local planning authorities are the competent authorities to make decisions on EIA (Arts et al., 2012) and there are differences in the EIA practice across England, Scotland, Wales, and Northern Ireland (Fischer et al., 2018). In Germany mentioned earlier, the federal system of government controls and manages the process, although state level legislation also exists (Wende et al., 2012), while in countries like South Africa, a provincial system applies (Sandham et al., 2013).

There are other considerations that also influence the implementation of EIA at country levels. To use the case of Japan, several efforts have been made to improve on the EIA practice since it was first introduced in 1972 (Fukushima, 2015). However, a notable event that shifted the scope of EIA implementation in Japan was the "Great East Japan Earthquake" which led to a special consideration for post-disaster construction work in the country (Nakamura, 2015; Suwanteep et al., 2016). This is a peculiar contextual factor, geophysical in nature, placing Japan within the pacific ring of fire where minor and major earthquakes and tremors are common, being responsible for shaping EIA implementation in the country.

In South Africa, EIA is implemented to produce an environmental sensitivity map which helps to direct where an EIA is required or not. The screening process is part of an environmental management framework (EMF) aimed at ensuring the preservation of environmental sensitivity of spatial components in South Africa (Marais et al., 2015). This practice may not be unrelated to the history of apartheid in the country (Musavengane and Leonard, 2019), a history that has made the country a learning ground for land ownership with former colonial rulers. Extensive public participation is emphasised in the South African EIA (Marais et al., 2015) although this has not made the system effective as outcomes are judged as poor (Retief, 2010). While it has been noted that the context of EIA practice influences EIA, specifically, its quality, and its effectiveness, it is necessary to look into EIA effectiveness more closely to understand the concept. This is what the section immediately following does.

2.4 Defining Effectiveness in EIA

As a general concept, effectiveness is defined as the degree to which objectives are achieved and the extent to which targeted problems are solved (Business Dictionary, 2018). Similarly, the Cambridge Dictionary (2018) describes effectiveness as the ability to be successful and produce the desired result. By the definition of effectiveness, EIA effectiveness can be considered against the set objectives for EIA, and in achieving these objectives, effectiveness is realised. As a decision support tool, the fundamental goal of EIA is to identify and predict the environmental effects of proposed projects before they are carried out (Glasson and Therivel, 2011; Noble, 2014). This is to ensure informed decision making and to mitigate any negative impacts at project approvals. EIA thus provides a means to evaluate development actions (Clark, 1984), with a view to making informed decision about a project after due consideration of potential negative impacts, however, the EIA objectives are set against the values of the users of EIA.

Cilliers et al., (2020) evaluate the effectiveness of EIA in terms of the benefits that can be derived from the use of EIA, using the concept of sustainable development, and arguing that benefits align more with effectiveness. The point to note is this, because EIA objectives can be framed around the values and benefits a system seeks to achieve from it, it can be contextualised. For example, some of the EIA objectives set by regulatory authorities include conflict resolution so as to reduce appeals, contribution to professional knowledge, enhancement of the confidence of politicians to take decisions, and informing and educating people about development planning (Cilliers et al.,

2020). Essentially, the criteria for defining effectiveness, which is based largely on EIA objectives, is determined by the context of EIA practice (Fischer and Gazzola, 2006).

The need to examine the effectiveness of EIA has been widely recognised in literature (Arts et al., 2012, Bond and Morrison-Saunders, 2013; Hansen and Wood, 2016; Lyhne et al., 2017). Effectiveness of EIA is a difficult subject to engage with, given the diversity of priorities, guidelines, and expectations from one EIA system to the other (Chanchitpricha, 2012). It has, however, been linked to two key indicators: the integration of environmental values in decision making and enhanced environmental awareness through EIA activities/processes (Runhaar and Driessen, 2007; Runhaar et al., 2013; Hansen and Wood, 2016). Because environmental values differ from place to place, there is a need to adapt EIA to the context of practice. Also, EIA being a tool that can adapt to different needs is pluralistic in nature. Plurality of EIA in this sense refers to the capacity for EIA to be used in different contexts to guide planning decision making from diverse environmental values and conflicts (Owens et al., 2004; Weston, 2010). The innate plurality of EIA as a tool also demands that any meaningful evaluation of EIA effectiveness should consider the socio-economic, political, and cultural context in which the tool is used (Morgan, 2012; Lyhne et al., 2017).

Since every jurisdiction utilizing EIA has its own legal, political, and administrative structures, arriving at common criteria for defining what effectiveness in EIA is likely to be is impossible (Wood, 2003; Clausen et al., 2011). Effectiveness in EIA has thus been the subject of a long-standing debate amongst scholars (Stewart-Oaten et al., 1986; Sadler, 1996; Van Doren et al., 2013; Rozema and Bond, 2015; Hapuarachchi et al., 2016; Loomis and Dziedzic, 2018). Polonen et al., (2011) argue that when a policy objective is met, effectiveness has been achieved. Arts et al., (2012) consider effectiveness within the scope of procedural effectiveness, which is the extent to which adherence to formal EIA procedures has been achieved. Rozema and Bond (2015) argue that effectiveness of EIA should be placed within the ambit of inclusiveness. Consequently, effectiveness of EIA is determined by the level to which civic society is accommodated within the EIA process. In a completely different submission, Elling (2009) avers that EIA is effective when processes are conducted within reasonable resources, alluding to the fact that the conducting EIA should not cost any more than necessary resources to achieve set objectives and requirements. The argument by Elling highlights the importance of resources in any system of EIA practice, and the

implications of resource availability or lack of same for rich and poor countries in their efforts to deliver an effective EIA.

Several authors agree that to attain better effectiveness, the context of practice must be well-understood and integrated into the EIA implementation process (Kornov and Thissen, 2000; Nitz and Brown, 2001, Fischer, 2005; Bina, 2008; Marara et al., 2011; Kolhoff et al., 2016; Wang et al., 2018). Therefore, considerations of EIA effectiveness should recognise the pluralistic nature of the tool vis-a-vis the purpose and objective of the assessment (Pölönen et al., 2011; Rozema and Bond, 2015; Hansen and Wood, 2016).

A form of categorisation of effectiveness may be observed from the literature. Arts et al., (2012) describe effectiveness at system level as one which requires proper legislation in place and other context fixed requirements, like a governance mechanism. At project level, effectiveness depends on the capacity and interests of actors engaged in the EIA process, the power relations involved in the process and the level of interest the decision makers have in environmental protection and sustainability (Runhaar and Driessen, 2007; Arts et al., 2012).

Bond et al., (2013) framed effectiveness around any process that directs decision making towards sustainability. While this may be helpful, there is no consensus on the issue of sustainability, thus leaving the question open-ended. For Kolhoff et al., (2018), EIA effectiveness can be evaluated at the organisational level. This involves looking at the capacity of an organisation to deliver an effective assessment for sound decision making. Sadler's (1996) submission on effectiveness is comprehensive; it provides various aspects of effectiveness to guide practitioners and regulators. Sadler (1996) posits that the focus of process effectiveness in environmental assessment (EA) is the level to which impact is made on decision making. This author sets out three dimensions to effectiveness namely, (a) the Procedural dimension, (b) the Substantive dimension, and (c) the Transactive dimension. These dimensions to EIA effectiveness by Sadler (1996) are the most cited and discussed in literature. Baker and McLelland, (2003) added a fourth dimension, namely, Normative effectiveness.

Procedural effectiveness describes compliance with set procedures and regulations; for example, how the practice meets accepted principles of inclusivity and public participation within a

particular jurisdiction (Baker and McLelland, 2003; Bond et al. 2013). Substantive effectiveness is about the extent to which set aims and objectives are met. Here, environmental issues are considered in decision making, and the outcome measured against contextual variables (Baker and McLelland, 2003; Arts et al., 2012; Chanchitpricha and Bond, 2013; Bond and Morrison-Saunders, 2013; Veronez and Montaña, 2015). One key aspect of substantive effectiveness is the opportunity to learn from knowledge created on causal mechanism of effects that are assessed and the contextual factors that bring them about (Kørnø and Thissen, 2000; Runhaar and Driessen, 2007; Arts et al., 2012). Transactive effectiveness is measured by the extent to which substantive objectives are delivered by procedural processes of EIA and when time and other resources are efficiently utilised (Baker and McLelland, 2003; Chanchitpricha and Bond, 2018). Regarding normative effectiveness, Morrison-Saunders (2013) argues that it is the degree to which EIA achieves a combination of social and individual norms.

Several viewpoints on what constitutes effectiveness in EIA have been stated above, and an observation common to them is that they are set within the context of EIA practice. More so, the EIA objectives that must be achieved for effectiveness to be realised, are themselves defined by the values and needs in the context of practice. This indicates that effectiveness in EIA is dependent on, and best evaluated against the standards and requirements of the context of practice, including its ability to adapt to meet different needs.

2.5 Challenges to Effectiveness of EIA

Despite efforts to ensure effectiveness of EIA practice in different regimes, the results reported in literature have shown poor performance for many of these regimes. Seeing as there are different perspectives to EIA effectiveness, the results will be based on the effectiveness criteria adopted by the researchers. Still, there are several challenges identified in literature as contributing to undermining the effectiveness of EIA processes. This section provides a critical analysis of these challenges with a view to deciphering the extent to which they are contextually based.

2.5.1 Challenge of Manipulation

It is widely recognised that manipulation of EIA outcomes, processes, and reports (Lawrence, 2003; Williams and Dupuy, 2017; Enriquez-de-Salamanca, 2018; Bond et al., 2018; Carter, 2018) is common to EIA implementation in many countries. Enriquez-de-Salamanca (2018) describes manipulation in EIA as much more than a powerful person or a public officer using their position

to amend or distort the evidence presented in the environmental impact statement/report (EIS/R). The author argues that the possibilities of manipulation differ from one stakeholder to the other, and this is dependent on their respective vested interests. Different forms of manipulations have been identified as constituting a challenge to effectiveness in EIA, namely, false information or exaggeration of facts/information, withholding information—a practice that is common with developers in their dealings with the public (Glasson et al., 2012), providing false unfeasible alternatives (especially with mitigation measures), undervalued or overvalued impact, confusing the facts by complicating the reports with complex information (Eckerd, 2017), bribes and kickbacks (Abidin, 2010; Dugherty, 2015; Irim et al., 2016; William and Dupuy, 2017), and extortion (Enriquez-de-Salamanca, 2018). There is also the challenge of powerful people in a society asking for special favours. In this regard, De Leo (2017) identifies the influence of the Italian mafia on the outcome of planning applications in Sicily. All forms of manipulation in EIA present a challenge that could negatively undermine effectiveness if not identified and addressed. Manipulation in any guise in EIA could create other challenges down the value chain of planning governance. Manipulation of EIA outcomes could lead to serious socio-economic and environmental impact that may create public disturbances in a society, loss of natural environment, pollution, and in extreme cases, loss of life (Watson, 2009).

2.5.2 Challenge of Pluralism

EIA is by its nature pluralistic, being a tool that can be adapted to fit different sectors of application and needs. This is both an advantage and a challenge to overcome. Pluralism is cited as a key criterion for EIA effectiveness—in this regard, ensuring that careful consideration is given to affected and concerned parties in the EIA process (Bond et al., 2013; Veronez and Montaña, 2015). It is argued that pluralism leads to contested views, and within EIA research, this pluralistic nature has led to diverse views on the subject of effectiveness that could be confusing (Bond and Morrison-Saunders, 2013), except when considered within a context. Arguably, pluralism in EIA also means that the different actors that are involved in the process will seek to implement their diverse values to achieve their desirable outcomes (Adger et al., 2003; Cape et al., 2018). It is important to note that pluralism in EIA provides a means for different views to be collected and evaluated for the greater good of all. The adaptive nature of EIA also suggests that elements of pre-framing the possibilities of a desired outcome will be more pronounced.

Leuscher (2012) identifies several perspectives to pluralism, namely, plurality of people who assess a situation or an environmental condition from separate values and perspectives, plurality of theoretical approaches, and the plurality of methodologies, all of which could impact on the effective implementation of EIA. The plurality of expectation and preference that comes with each stakeholder is particularly considered to be a serious problem to EIA (Peterson, 2010, Bond et al., 2013; Cape et al., 2018). Cape et al., (2018) identify a number of actors and how their values clash in the EIA process. The developers aim for a speedy approval with the least protest possible; local environmental groups are often concerned with ensuring protection of the local environment and livelihoods of local residents, amongst other interests. This challenge, if well managed, depending on the context of practice and the institutional governance, could support the positive notion that EIA provides a platform to put forward different views and interests in a transparent way against the notion that local groups, powerful persons, could potentially seize the opportunity to promote selfish and personal interests that could have far reaching effects on the values that promote EIA effectiveness. When the practicality of working out these different interests are confronted by low and inadequate capacity for EIA that has been identified in some EIA jurisdictions (Khan et al., 2018), pluralism becomes a weakness. Arguably, some of the issues with EIA effectiveness in some countries can be linked to the challenge of pluralism, for instance, the issue of corruption earlier identified, (Shepherd, 2012; Kakonge, 2013; Williams and Dupuy, 2017; Enríquez-de-Salamanca, 2018). The issues of corruption and inequitable distribution of resources has been identified as a major challenge associated with resource extraction, and this has also contributed to political strife in many communities (Bruch, 2019). Where a robust consideration is given to diverse views and values, EIA could limit corruption, especially when transparency and inclusivity guide the pluralistic approach to views and interests associated with the project.

2.5.3 Challenge of Cost

The cost burden of implementing project EIA has been a subject of debate amongst scholars and practitioners. Costs associated with the EIA process and specialist involvement in the EIA processes (Cape et al., 2018) presents a serious challenge to effective EIA practice (Wood, 2003; Retief and Chabalala, 2009; Williams and Dupuy, 2017; Looms and Dzedzic, 2018), and this is likely to exert a higher degree of impact in poorer countries. The subject of costs in EIA implementation has not been adequately researched, although EIA implementation is argued to be an expensive undertaking (Retief and Chabalala, 2009; Walthem, 2013; Loomis and Dzedzic,

2018). On the other hand, it is argued that the costs are outweighed by the benefits it delivers to the environment (Marshall, 2004, 2005; Andrews, 2013). Clearly, wealth is not evenly spread across countries of the world. Since EIA is a costly venture, in countries where the problem of poverty is more pressing, the amount of money set aside for EIA may not be enough to deliver an effective process (Morgan, 2012; Gebreyesus et al., 2017). Andrews (2013) calls to question the cost effectiveness of EIA and argues that proponents who voluntarily seek to conduct an environmentally focused EIA may be placed at a financial loss. The Kenyan EIA system has taken a drastic step to bring down the overall cost of construction by removing the EIA licensing fee of 0.05% of the project cost from January 2017 (National Environment Management Authority (NEMA), 2017). This gesture from NEMA underscores the seriousness of this challenge and how a country like Kenya is responding to it.

Retief and Chabalala (2009) describe four principal costs in EIA: costs of delay, costs of documentation and administration, costs of mitigation, and costs of uncertainties. They argue that “direct cost of EIA” usually forms the focus of research, although there are far greater costs to consider. The burden of costs could reduce the quality of EIA, for example, where funds are not readily available, proponents/practitioners may be forced to cut corners on the delivery of the EIA, thereby making it a mere tick box activity (Khan et al., 2018). In such circumstances, society may incur far greater costs in environmental remediation. The costs of the negative effect of the development may be more than the original costs of delivering an effective EIA. An apt example is the Ogoni clean-up in Nigeria, estimated to cost the government \$100 billion and to last for at least 30 years (Madu et al., 2018; Etekpe, 2018). The pollution caused from petroleum exploitation activities in Ogoni land could have been averted if a proper EIA was carried out and followed.

The burden of costs has also been identified with follow-up responsibilities. Marshall (2005) argues that proponents were more disposed to follow-up responsibilities under favourable financial conditions. This suggests that where the costs of follow-up are considered a burden, follow-up activities may not happen. Morrison-Saunders et al. (2003) suggest that some costs will go to the proponents and some to the competent authorities, in follow-up activities. In a similar vein, the associated costs of mitigation have been noted as having the capacity to undermine EIA effectiveness (Arts et al., 2012; Lyhne et al., 2018). Mitigation is a key part of the EIA process. Mitigation measures can be very expensive, for example, re-routing a road to avoid a nesting site

(Sharma, 2011), thereby increasing the overall costs of a project. Another example is the problem of gas flaring in the Niger Delta region in Nigeria. Since the costs of re-injecting associated gas (that is gas mixed with crude oil) is much greater than flaring gas, oil companies choose to pay a penalty to cover gas flaring rather than investing same in re-injection of the gas. It is clear to all stakeholders involved that the optimum mitigation measure is gas re-injection but prohibitive costs stand in the way of adopting or mandating this measure. Mitigation measures must be efficiently implemented for the EIA to be effective, a task that is impossible without adequate funding to cover the cost (Momtaz and Kabir, 2013). Arts et al. (2012) considered the link between high costs of mitigation and decision making in the UK and Netherlands and made the suggestion that higher costs of mitigation may limit the use of EIA results in decision making.

2.5.4 Challenge of Capacity

Capacity of actors (referring to persons involved in the implementation of EIA including regulators, practitioners, project affected people, and project proponents) to effectively participate in the different stages and processes of EIA has also been identified as a key consideration in the overall effectiveness of EIA within a context of practice (Arts et al., 2012; Lyhne et al., 2018; Kolhoff et al., 2018). The capacity to steer the assessment towards integration of environmental values in decision making, and deliver an assessment that is clearly reported, were top amongst the expectation of actors highlighted by Arts et al. (2012). In India the limitations of capacity to regulate check compliance has been reported (Jha-Thakur, 2011; Jha-Thakur and Khosravi, 2021). Capacity in this study refers to the following: financial capacity, technical expertise, and availability of the necessary infrastructure to deliver effective EIA. Learning the skills and thus having the requisite capacity for EIA is argued as a fundamental need for effective EIA implementation (Jha-Thakur et al., 2010; Fischer, 2016; Sánchez and Mitchell, 2017; Bond et al., 2018), and the participatory nature of EIA is an added factor highlighted as contributory to learning (Hisschemöller and Cuppen, 2015). In a study carried out by Khan et al., (2018), they argue that the Pakistan EIA system has weak implementation because the competent authority lacks the capacity to perform its functions. Kirchhoff (2006) argues that the capacity to implement an effective EIA still dominates the debate in the Brazilian EIA system, and even after over thirty years of EIA implementation in the same country, the problem persists (Fonseca et al., 2017).

One may question whether the countries that have adopted EIA also prioritize the need to learn the skills necessary for its implementation. It is not just a Brazilian problem; several other regimes are grappling with the challenge of capacity to effectively implement EIA. For example, in Slovakia (Zvijáková et al., 2014) as in Tanzania and Rwanda, poor performance of EIA was attributed to the lack of personnel capacity (Marara, et al., 2011). In Iran (Khosravi et al., 2019a), local capacity to work with EIA was also identified, Kabir and Momtaz, (2013) argue that one of the key limitations of the Bangladeshi EIA system has to do with inadequate capacity of the Department of Environment and the proponents. Fischer et al. (2018) underscore the limitation of some local councils in the UK in meeting the demands of EIA applications due to shortfall in funding and shortage in staff from inability to hire competent hands. In comparing Kenya and Ethiopia, Gebreyesus et al. (2017) conclude that the challenge of capacity is linked to the poor performance of EIA in these countries and that the consultant and the competent authorities do not have the capacity to undertake EIA. Where this capacity is lacking, an excellent institutional and legislative framework will be useless (Bond et al., 2017). For example, lack or shortage of appropriate and accessible information to establish baseline conditions has hampered the effectiveness of EIA in some countries (Appiah-Opoku, 2001; Wood, 2003; Badr, 2009), and this is due to the lack of database capabilities and capacity in the respective EIA system. The expectation of capacity for effective EIA is not only limited to the competent authority and EIA practitioners or consultants. The capacity of the community to participate in the EIA process has also been highlighted as a necessary condition for effectiveness in EIA (Diduck et al., 2013; Udofia et al., 2017).

EIA has been described as a science and an art (Cashmore, 2004; Morrison-Saunders and Sadler, 2010), and in more recent times, technology is being used as a vehicle to implement EIA (Gonzalez et al., 2008; Campo, 2012; Clavreul et al., 2014). Consequently, the capacity to deliver an effective EIA will require the capacity to think scientifically and deploy the use of technology when necessary. Clearly, it is a technical field of practice with a high demand on specific skills and capabilities. If those who seek to use EIA as a decision support tool lack the capability to use the tool, it is questionable what they deliver in view of the overarching goal of sustainable development and environmental protection.

2.6 Potential for Learning in EIA

As a highly technical and adaptable tool, EIA presents an opportunity for continuous learning (Sánchez and Morrison-Saunders, 2011; Enríquez-De-Salamanca, 2018; Khan et al., 2018), and the challenges identified in the section above can be said to be potential areas for improvement through learning. Learning has been identified as a critical part of environmental assessment processes (Fischer et al., 2018) and as a measure of effectiveness in environmental assessment (Fischer et al., 2009; Kidd et al., 2009; Jha-Thakur et al., 2009; Jha-Thakur et al., 2010; Bond et al., 2013). An adequately organised learning framework has also been identified as a means for fostering learning for a wide group of people (Fischer et al., 2009; Fischer et al., 2016). Learning in environmental assessment can be experiential-learning by doing, transformative-reflexive, collaborative-shared or group type, instrumental-scientific and technical, and organisational-single, double, and triple loop learning (Saarikoski, 2000; Fitzpatrick, 2006; Gazzola et al., 2011; Gerlak et al., 2018). Learning styles may also differ because learning in EIA is influenced by contextual factors (Gazzola et al., 2011; Fischer, 2016). Impact assessment has been conceptualised as a learning process (Sanchez and Mitchell, 2017), however, where efforts are not channelled towards learning, the potential gains may be lost. Learning is, however, one of the goals of impact assessment (Bond et al., 2013). It occurs in EIA when reflections are made upon actions taken and from the consequences of practical steps and decision made to achieve the goals of EIA (which is, informed planning decision making, sustainable development, and environmental protection) (Forester, 2013; Hansen and Wood, 2016).

A number of learning approaches have been identified in EIA literature: learning through public participation, organisational learning, and experiential learning (Gazzola et al., 2011; Sanchez and Mitchell 2017). Each of these approaches appears to take care of the different groups of stakeholders in the EIA process. One may argue that experiential learning describes learning for practitioners, organisational learning has to do with the competent authorities and agencies of government involved in the EIA process (as regulators and consultees) and learning through public participation extends to the affected and interested members of the public. These approaches also fall within the three broad categorisations of learning: “single-loop” (“know-how” or “know-about”), “double-loop” (“know-why” or learning to acquire knowledge and comprehension for better application), and “triple-loop” (challenging the norm) learning (Argyris and Schon, 1978; Fischer et al., 2009).

Transformative learning could occur from the “single-loop” type of learning. Instrumental learning is linked to the “double-loop” type and is also comparable to transformative learning because it refers to the reflection on the assumption which underpins the action taken in the EIA process (Reed et al., 2010). With the “single-loop” learning, the argument is that learners will mostly get the chance to become more aware of things to change their attitudes. With the “double-loop”, knowing why the processes are the way they are and what is working and what is not provides a deeper or higher level learning (Sinclair et al., 2008; Gerlak et al., 2018). Triple-loop learning involves the learner challenging the norms, values, and higher order mentality that underlie the actions that drive the process (Reed et al., 2010) in a given context of governance. It can be argued that all three: single-loop, double-loop, and triple-loop learning, are linked to EIA processes and development. It is arguable that EIA is more concerned with the triple-loop learning since it is a tool that seeks to challenge and change the norm in decision making in planning governance, and also bring about a change in the attitude and way of life to ensure sustainable development and environmental protection in a society.

Learning in environmental assessment is a major discussion in literature (Fischer et al., 2009; Gazzola et al., 2011; Bond et al., 2013; Sanchez and Mitchell 2017). However, in the study area (Nigeria), the type of learning, type of learners, and the approach to learning in the EIA regime, which is critical to the level of effectiveness, has not been evaluated. It is important to know how knowledge is created and preserved in the study area, as this is a critical aspect of EIA effectiveness.

Khosravi et al. (2019a) argue that a number of factors contribute to how knowledge is created for learning to happen in EIA practice. Mainly, the level of EIA development in a context of practice can determine if the practitioners and other stakeholders can learn from EIA to advance their practice. This factor highlighted by Khosravi et al. (2019b) suggests that the level of EIA development is directly related to the learning potential from EIA system. Although some countries are still at that stage where they are learning the basics about EIA implementation, lower level learning (referring to stakeholders’ skills and knowledge of EIA) still happens even in this circumstance (Jha-Thakur and Fischer, 2016). It is, however, not a rule that countries with well-developed EIA systems also have higher level learning taking place. Some EIA jurisdictions that are developed have also been identified as going through lower levels of learning (Khosravi et al.,

2019a). Higher levels of learning come with EIA knowledge created where practical experience is developed and shared, through the outcomes and interactions (Jha-Thakur and Fischer, 2016). In other words, EIA should be effectively implemented for higher level of learning (which refers to learning through EIA and its outcomes) to take place Jha-Thakur et al (2009). What seems to be emerging from the above argument is that the notion of context is deemed critical to learning as learners are required to be sensitive to the contextual framings to learning in planning decision making (Gazzola et al., 2011). The thinking that EIA is embedded in a context-specific set of institutional arrangements, regulations and circumstances resonates with the argument for sensitivity to context as a critical underpinning to exploring the learning potentials of EIA practice in different systems (Gazzola et al., 2011; Fischer, 2016). In this regard, the relations between local and international EIA practitioners working together in the Nigerian practice space suggest there are potentials for mutual learning on how to adapt international methods and skills in a way that is contextually acceptable, leading to greater effectiveness.

2.7 Conclusion

This chapter set out the origin of EIA in the United States and how it came to be internationalised. Its adoption by Nigeria was also discussed. It is the second most globally accepted and used decision support tool, next to economic cost-benefit analysis. This chapter identified the mandatory requirement by international organisations and agencies for EIA to be conducted, especially with respect to projects involving lending from these international agencies, such as the OECD, the World Bank and the AFDB as a major driver for the internationalisation of EIA. The need to fund development activities through loans or aid from these international funding bodies meant that countries, particularly developing ones had no choice but to adopt EIA. This is not a negative thing in view of the benefits of EIA. Also, the large membership of international organisations recommending EIA such as UNEP meant that take up was widespread. Environmental awareness also contributed to the global use of EIA. Additionally, regional efforts such as the EU EIA Directive 1985 galvanized action on EIA adoption in Europe.

With internationalisation of EIA came the issue of pluralism. EIA became a tool used in different countries with different local circumstances, highlighting that the context of practice is an important lens through which to assess EIA effectiveness. This chapter thus reviewed literature on

EIA implementation to show the different ways in which the tool is been used across different jurisdictions. While an exhaustive review of this is not possible in view of how widespread EIA use is globally, this review showed that various factors account for the difference in EIA implementation including the existence of different legislations providing for EIA, institutional arrangements, historical considerations, and governance models. One point that stood out from the review was that different circumstances accounted for why EIA was implemented differently across different jurisdictions.

This chapter also reviewed literature with respect to the subject of EIA effectiveness. Conformity to procedure, prioritisation of sustainability, organisational capacity and the ability to advance learning were identified as elements of EIA effectiveness. The comprehensive analysis of effectiveness propounded by Sadler (1996) will be instructive in later chapters when EIA effectiveness is analysed in the study area.

This chapter also considered various challenges to effectiveness identified in literature. They included prohibitive costs of EIA, manipulation in EIA, pluralism in EIA and capacity of actors to conduct effective EIA. Again, these challenges are contextually relevant. Lastly, this chapter identified learning potential within an EIA regime as also contextually relative. In view of the pre-eminent position of context in EIA implementation and effectiveness, the next chapter will explore in more detail what context means and will utilise the findings in assessing EIA effectiveness in the study area in subsequent chapters.

For many countries, improvement of their EIA system to make it effective is top priority, and that means paying attention to implementation rather than procedural affirmation or a tick box disposition (King and Olsen, 2013). This involves ensuring the frameworks and guidelines are well suited for capturing the key issues of the assessment in the context within which EIA is implemented, as these are vital considerations for effectiveness in EIA practice and outcomes (Suwanteep et al., 2016). The potential strength from EIA being adaptable to implementation style in a place is equally threatened by styles of implementation where the goals are not fully aligned to effective outcomes, one that serves the good of all. It will also make a veritable contribution to knowledge to understand how some of the factors that EIA is tailored to, may also impair its effectiveness. This analysis of evidences in literature in this chapter, underscore the need to

evaluate the meaning of context as a consideration for better evaluation of effectiveness of EIA, the implication of context as key factor in EIA process, as a precursor to investigating the influence of local context on EIA effectiveness. The central point of this chapter is that EIA effectiveness means is dependent meeting the EIA objectives, which are context based and that there is a consistent understanding of EIA effectiveness in the jurisdictions studied.

Chapter Three: Context and Effective EIA practice

3.1 Introduction

The influence of context on the effectiveness of EIA has attracted increasing attention and support in scholarly literature (Kornov and Thissen, 2000; Nitz and Brown, 2001, Fischer, 2005; Gazzola, 2008; Bina, 2008; Marara et al., 2011; Kolhoff et al., 2016). Context awareness in EIA is useful for integrating the context in which EIA is carried out into environmental assessment and planning in order to maximise effective use of EIA as a tool for planning purposes (Bina, 2008). Another reason why it is critically important to make a link with the “context” of EIA practice while implementing EIA (Van Doren et al., 2013), is that pursuing an EIA without a clear understanding of the context in which the tool will be deployed creates a higher level of environmental vulnerability (EV). In this regard, EV is the level of exposure the natural and cultural environment has to potential negative impact expected from a project, and presumptions that future conditions might change in a negative direction (Bradley and Smith, 2004).

This chapter will analyse the meaning and implication of context in EIA practice and how it reflect on what defines “local context”, as reported in literature. It will do this through a multi-disciplinary review of literature, looking at fields closely related to EIA, namely, spatial planning, political science, environmental management, sustainable development, and international development. A conceptual framework for this study will be derived from a synthesis of the analysis done in the previous chapter and this current one.

3.2 Interdisciplinary Analysis of the Concept of Context

The term “context” in its generic form means “[t]he circumstances that form the setting for an event, statement, or idea, and in terms of which it can be fully understood” (Oxford Dictionary, 2018). The use of “context” cuts across many academic disciplines. Context can be used in place of words like situation, environment, setting, scene, climate, atmosphere, state of affairs, surroundings, and condition (thesaurus.com, 2013; Anderson and Shifrin, 2017). Context therefore can be said to be a means for defining the extent or borders in which an event or argument subsists.

The implication of the Oxford Dictionary’s definition of context is that meaning can change with context. Thus, the meaning of a word is at stake with every change in context (Simons, 2015; Anderson and Shifrin, 2017), implicatively, words that describe aspects of EIA in one context may mean something different in another. Drawing on this explanation, in the practice of EIA, context

may be considered as any given economic, social or environmental setting that can influence the process and outcome of EIA (Savati et al., 2018). The general notion is that there are place-specific factors associated with demographic, socio-economic, geographical, political, cultural, and ecological conditions that influence EIA processes and the effectiveness of the tool in any planning system (Salvati et al., 2017). When issues of context are discussed in the EIA literature, it is focused on the tangible and formal aspects; which are mainly the institutional arrangement, legislation, and stages of EIA implementation, and does not capture the intangible (referring to the cultural dynamics and belief systems) and informalities in a place. Places in which EIA is carried out are dynamic and complex with local circumstances (both tangible and intangible) getting in the way or looming large on the processes. Instead of the emphasis on the formal tangible and generic approach, considerations should be given to the more specific local conditions/environment in which the EIA tool is developed and implemented (Gazzola et al., 2011). Thus, this study moves away from a generic notion of context to more specific considerations in the study area, here referred to as “local context”. This is with a view to emphasizing how specific factors such as locality, culture, tradition, belief systems, capacity and capability, amongst others influence EIA.

Context may be viewed as an amorphous concept (Fitzpatrick, 2012) and its definition can vary with application (Lovett and O'Neill, 2012). Allan (2018) describes context as the circumstances in which an event occurs, but not just an event, it could apply to a spoken word. A word which is an insult in one context could be a compliment in another. An item such as a stick which could be used to support walking could also be used for digging, fighting and punting, depending on the context. For Øvretveit et al. (2011), context is everything that is not the intervention. If this statement is taken in relation to EIA as a planning intervention, EIA is the intervention and the actors, the institutional arrangements, the power relations, the cultural and traditional aspects, and the local biophysical environment are what makes “local context”. Information that is used to describe an entity can also be referred to as context; a locale can be a place, a person or an object (Fischer, 2005; Sharif and Alesheikh, 2018; Temdee and Prasad, 2018). EIA is mainly about information conveyance; it can operate as a vehicle for conveying the understanding of the context before development takes place. It also provides a means to predict and provide understanding of how that context (or an aspect of it) might change as a result of the proposed development.

There are political, socio-cultural, economic, and biophysical characteristics to a place and consequently, the context of EIA. Political characteristics refer to the processes, institutional arrangements, and mechanisms by which government decisions are arrived at in different places (Mouffe, 2011). This goes beyond formal political processes and structures in a society as there are informal systems that have proven to be equally critical and powerful in many societies (Mehta, 2019). Regarding political context, it may be seen that EIA processes are reliant upon decisions that are based on the political and institutional arrangements in a jurisdiction (Wood, 2003). Thus, arrangements within a jurisdiction may be such as favour environmental protection over development agendas. This prevailing condition may amount to bias against development projects and impact on EIA. For example, a city may have heritage features to protect as with the city of St. Andrews in Scotland (Clifford and Warren, 2005), or where there may have been incidences of environmental abuse and risk to public health from poor environmental conditions that have resulted from development (Carley and Christie, 2017), this setting could impact EIA. This will be different from a place where the government is ambitious about development and downplays environmental protection (Betey and Essel, 2013), in other words, the priorities of governments of a locale could contribute to influence on EIA.

Within a place, socio-cultural affinities and factors, mainly derived from the interaction of people in a place could define the context in which EIA is implemented (Arnaboldi et al., 2014). The social context of EIA is most likely going to be different from one location to the other, especially across country and tribal lines, because part of what informs the nature of the practice are the peculiarities associated with the immediate physical and social settings in which it is practiced (Öhman, 2018). Social context holds information about social structures and meanings (Talen et al., 2018) and how they develop/are developed, even from early times (Gerson et al., 2016). A vital aspect of social context is the type of economic activities in existence.

Economic factors are also key components of what makes a place, and the peculiar resources available within a place are sometimes the main contextual factor. For example, Aberdeen is described as the oil capital of Europe (Adams, 2016) and has attracted a global skill set suited to oil and gas development to the city. There are other cities of the world known for their respective economic activities, which contribute to making a place or defining the context of the place.

Biophysical factors such as boundaries created by nature, hills, rivers, and streams, amongst others, are physical characteristics that are key considerations that inform the way EIA is carried out (Hill et al., 2018). They can thus play a role in defining the “local context” of a specific EIA practice. So, understanding context, and more specifically “local context”, from an interdisciplinary position is important. This will be undertaken in the subsequent sessions.

3.2.1 Context in Environmental Management

Environmental management (EM) is rapidly becoming a major focus of all levels of government (Barrow, 1999; Barrow, 2006; Liebow, 2007), considering the need to protect the environment in which we operate in. EM is a process concerned with identifying environmentally desirable options, and the technological, physical, social, economic, cultural, and political constraints associated with identifying and pursuing an inclusive EM goal (El-Kholy, 2001; Barrow, 2006). It also deals with ensuring policy alignment to the social and ecological context of environmental challenges/problems (Epstein et al., 2015; Knox et al., 2016; Al-Akl et al., 2018). Environmental issues are intricately linked with socio-economic factors to such an extent that they are sensitive to them, and respond to them (Barrow, 2006). Essentially, social factors hold cultural expressions, and can shape how environmental issues are addressed in a society as seen in the decommissioning of the Brent Spar oil platform incident between Shell and the environmental non-governmental organisation (NGO), Greenpeace (Bennie, 1998; Shell, 2008; Carter, 2018; Brieger, 2019). The Royal Dutch Shell Group faced public outcry against the method (dumping in the deep sea) chosen for decommissioning the Brent Spar oil facility in the North Sea, which was approved by the British regulator. Greenpeace’s occupation of the Brent Spar and their allegation that the Spar still contained oil that could cause environmental pollution led to consumer boycott of Shell’s products across Europe. Although Greenpeace apologised for misinforming the public about the right amount of oil left in the Brent Spar (Shell, 2008; Wright and Boué, 2018), it was able to force Shell to abandon the planned decommissioning method and seek other means. This shows how the mobilization of public opinion into action in a location can create the needed attention to a ‘perceived’ environmental problem and force action. In a different example, in the Nigerian oil producing communities, economic resource extraction has out-balanced safe environmental conditions and given rise to biodiversity loss and pollution (Onwuka, 2005; Odoemene, 2011; Mogaji, 2018; Chukwuka, 2018). More so oil exploration has left many communities in the Niger delta of Nigeria in poverty and social pollution (Osugwu and Olaifa, 2018; Collins, 2018). This

has led to outcries that forced the government and companies responsible to take remedial action. Thus, contextual issues such as interests, level of environmental awareness, and poverty, can influence the direction of effort for environmental management and what aspect of the environment to focus intervention on.

Some authors have highlighted different aspects of human behaviour to show that environmental problems are socially constructed. For example, Asiyambi et al., (2019) explored the behaviour of people at local level and how their relations with neoliberal conservation efforts were informed by historical and place-based beliefs and values. The notion of social construction in environmental perception has become more evident as efforts are being made to introduce interventions for environmental protection in some communities. An example is the United Nation's (UN's) Reducing Emissions from Deforestation and Forest Degradation 'Plus' (REDD+). A clash in values was reported with the REDD + model. The people in the affected community had lived and interacted with historic values and experiences that had contributed to their perception and social construction of self-identity and found it difficult to accept the REDD+ model (Asiyambi et al., 2019). The REDD+ model provides a range of diverse values and agencies geared toward forest carbon and climate change mitigation, using conservation initiatives based on a system of forest and water resources preservation. However, in Ekuri community, the history of dependence on forest resources and ownership of these rights was seen to be challenged by to the REDD+ model (Asiyambi et al., 2019), a model that ran parallel to the belief system of the community. Intricately linked to nature by cultural practices (Asiyambi et al., 2019), and also because of the complex social relations, aspirations, and needs in the community (Setyowati, 2020). In other words, the REDD+ model had vague contextual relevance.

How people behave towards an intervention that requires the implementation of tools like EIA can be shaped by internal diversities in a local community like age, gender, religion, class and livelihood issues (Hall et al., 2015), as well as by external matters like institutions and laws (Lemke, 2015). The belief system in rural communities is part of a culture that predates the formalisation of EIA and the institutional arrangements for implementing same. Such attributes of a place are at the core of "local context", and this also influences EIA effectiveness.

Kurian (2018) argued for the place of women in environmental protection and sustainable development. He (1995, 2018) argues that there is gender bias in the administration of EIA and the masculinist viewpoint dominates planning policies. In view of this argument, and considering that in some cultures, women are not permitted to own land, it becomes obvious that the contribution of a whole gender may be eliminated from the collective assessment of the impact of a development that will affect all. The evaluation of culture and integration of cultural values in EIA has the potential to make EIA more effective (Kurian, 1995, 2018). However, culture does not stand alone. It is informed by historical practices that influence perception and may contribute to the sense and identity of people in and how the priorities for environmental management for a place are defined.

Liberatore (1995), Taylor (2000), and Ehresman, and Stevis (2018) argue that there are forces within a context, related to institutional, political, and economic factors that shape the framing around environmental problems to make them an issue within one context and a non-issue in another. Dispensa and Brulle, (2003) and Anderson (2013) stress the significance of the role of the media in social construction of environmental problems in a study that analysed 25-30 years media coverage of environmental problems and how certain environmental issues became prominent in the 1980s, suggesting that the focus of the media in a community plays a role in how people frame issues in relation to environmental protection.

Greider and Garkovich (1994) and Denzin (2016) also argue that through symbolic interactionism, landscapes and environments have been defined, and the self-definitions are grounded in culture and a reflection of societies and people within the same environment or circle of influence. These factors are different from one place to the other; for example, since the departure from Neolithic lifestyle, societies around the world have seen different systems of government and the creation of different environmental problems (Glasbergen and Blowers, 1995; Spector and Kitsuse, 2017). Liberatore (1995) and Agyeman (2013) argue that relative importance of socio-economic factors, if taken in the context of prevailing cultural, economic and political conditions, mirrors the environmental issues in different societies. Understanding that environmental problems have 'physical' properties that are shaped by social processes (Porter, 1995; Hoppe and Hisschemöller, 2018) further supports the notion of context in environmental management and by extension in EIA, as the physical properties and the social processes consist in an interlocking series of

individual judgements within a frame or context (Holdgate, 1986; Spector and Kitsuse, 2017). Consequently, in environmental assessment, contextual considerations should form the very basis for governance of environmental problem prevention and control. The crux of this position is that environmental problems emanate from the interaction of society with nature (Bird, 1987; Borgwardt et al., 2019), people give meaning to events based on their social interaction, and this meaning is not permanent. It is also shaped by further interaction with one's environment (Brondizio and Le Tourneau, 2016; Borgwardt et al., 2019). It should be expected that the notion of interaction will produce varied outcomes in terms of perception and behaviour, from place to place, based on respective cultural and historic events and antecedents (Denzin, 2016).

3.2.2 Context in Spatial Planning

Another closely-related field in which the concept of context is strongly evident is spatial planning. In many countries, including Nigeria, EIA is part of the spatial planning system, and it involves the careful organisation of space to meet different needs in a society (Albrechts, 2004), with management of diverse interests within the same environment or locale. It is about place making capitalizing on local community assets to create public spaces that meet the health and wellbeing needs of all. It is also about conforming to the community vision, how to remove the old without destroying the heritage values, and how to introduce new objects with due consideration to the needs of all (Lozano-Perez, 1983; Loh, 2019). Spatial planning is a cultural construct (Gazzola and Onyango, 2018), with local efforts shaped by local intentions and hands, although sometimes influenced by international and global agenda for the good of all. Spatial planning is a complex mix of socio-economic, socio-cultural, and socio-political identities in a society (Healey, 2006; Harvey, 2015) which derives its value for making judgement from the cultural context of time and place (Stephenson, 2008 in Roe, 2016). Considering that these values change over time and space/context (Roe, 2016), it raises the question of how people change their use of space and perception of spatial planning.

While planning in a place may be influenced by global events, planners strive for local interpretation and the preservation of local identities (Kunzmann, 2004). Some of the earliest notions of spatial planning were shaped by local events; for example, the industrial revolution of the 19th century, rapid population growth leading to overcrowding and boom in businesses accompanied by the public failure to manage unwanted physical development and pollution

(Amati, 2016). One of the foremost efforts to secure the health of the public using planning interventions in London is the Sir Edwin Chadwick's Report (Finer, 2016). Where environmental pollution and disease (Like the 1854 London cholera epidemic) led to the introduction of laws to control and curb environmental and health related challenges, like the Smoke Nuisance Abatement Act 1853 (Cullingworth and Nadin, 2002) or the Town and Country Planning Act 1909 which banned building back-to-back housing (Amati, 2016). Problems of segregation and racism in the United States of America also led to planning reforms (Yiftachel, 1998; Healey, 2003; Faludi, 2013). Most countries have a planning system that is daily confronted with the challenge to 'adapt' to substantive or contextually relevant agendas balancing the government's need for economic development and the people's need for feeling safe and well in their environment (Healey, 1996b; Thornley, 2018).

The basic underpinning to the notion of context in spatial planning is the fact that all spatial planning endeavour is either local, national or regional. This means that it must satisfy the quality of meeting the local, national, and regional contextual needs to a reasonable extent (Healey, 1996b; Sykes, 2008; Vigar, 2009; Hebbert, 2010; Grant, 2019). For example, there are transnational efforts across Europe to spread a culture of development planning, such as the European Spatial Development Perspective (ESDP) (Sykes, 2008) which gave rise to shared objectives and plans for the future of European cities. Given the antecedent of cities evolving along the lines of contextual values and identities, it is safe to say that understanding the spatial planning of a city cannot be complete without accounting for how the people organise and live their lives (Mira et al., 2003). Even in instances where planning involves a regional approach as in Europe, it is with flexibility to accommodate diversities and local values of respective Member States (Sykes, 2008; Vigar, 2009; Oliveira, 2015). It is not unusual to find labels on planning systems to signify the values/context they subscribe to, for example, the European spatial planning system (Nadin and Stead, 2008) or the Islamic spatial planning system (Barau, 2010; Tavassoli, 2016). It is becoming increasingly popular for the local people to be involved directly in planning their city. In the UK, for example, this has led to the introduction of the Localism Act 2011 which seeks to increase the participation of local people in the planning of their neighbourhoods (Layard, 2012).

Land use patterns also reflect different socio-economic contexts. Savati et al., (2018) investigated urban expansion in European cities and concluded that there were socio-economic factors at local

levels driving land use patterns across different cities in Europe. These changes in land use are influenced by context/place specific factors associated with the cultural, historical, political, demographic, socio-economic and geographic background of a place (Couch and Karecha, 2006; Arribas-Bel et al., 2001; Salvati and Carlucci, 2016; Savati et al., 2018). As with environmental management, spatial planning reveals the critical role of contextual consideration in place making and preservation of the identity of cities. So, if a planning system is sensitive to the context it exists in, could the spatial planning context influence the effectiveness of the EIA practice either positively or adversely?

3.2.2.1 Context in Place Making

The subject of place and how a place is made is critical to this research, and a core issue in spatial planning. This is because it has a far-reaching impact on the context in which EIA is practiced, considering that what is obtainable in place making is different from place to place, especially with multicultural societies (Insch, 2011; Kaplan, 2017). The concept of place goes beyond the physicality of a city. It covers a broad spectrum of aspects that relate to the human sciences (geography, anthropology, landscape architecture, environmental psychology, planning, environmental assessment, and philosophy) and is sometimes used loosely with different applications (Friedmann, 2010), much like the word, context. A place can be as small as a single room and as big as the entire planet earth. There are different sides to it: physical, metaphysical, sensual, spiritual, type of life, mobility, inclusion, culture, music, food, dance steps, politics, and other forms of personal and inter-personal links that can be used to describe a place (Friedmann, 2010; Cresswell, 2014; Larsen and Harrington Jr, 2018).

So, what is a place? According to Larsen and Harrington Jr (2018), a place is a locality that contains meaning and characteristics that make it distinctive from other locations. Places are made out of spaces, which refers to the surface of the earth, euclidean or geometric, and the spatial distribution and patterns of object within spaces and places. A space becomes a place through human experience and action, attachment, memories and actions (Nairn and Kraftl, 2016). However, beyond the experience, the essence of place is in the intentionality of dwelling, and being in the world (Withers, 2009). Spatial planning efforts have been directed at shaping places for many years now, and Healey (2003) has argued that a collaborative approach is more viable for

sustainable place making because it leads to creating public value, as places are shaped collaboratively. Instinctively, the value in Healey's submission also points to the value of people in a place and their contribution to how and when their environment is shaped, and this is expected to bear context-based identities (Healey et al., 2003; Healey, 2018). The portrayal and attribution of people, and socio-cultural practices are strongly linked to particular places (Cresswell, 1992; Cresswell, 2014), indicating that people are not only responsible for making places, but they are indeed a product of the places they live in and experience (Nairn and Kraftl, 2016). A place, being not just a location in space, holds identities and norms that are not physical but could be seen in the placement and arrangement in the physical space.

The conceptualization of space as a social construction has been criticized. Wither (2009) and Casey (2013), argue that before there can be construction, one must be in a place, and so place comes first and it is within the structure of place that the construction of social identities arises. Place is primary because it is a fixed spatial container to construct meaning in society (Withers, 2009). Why is this important? It is the place where the identities of young and old people are shaped, where they experience their daily geographical features and activities (Nairn and Kraftl, 2016), and a place where adults live and re-live their experiences (Friedmann, 2010). The African proverb that says "it takes a community to raise a child" is indicative of how communities thrive on shared identities in neighbourhoods from place to place (Boger, 2009). As early as 1887, neighbourhood identities were already present in the United States (Harvey, 2015). Race and class affinities were used to describe them, and these, somewhat, also described the people who lived there (Boger, 2009). People describe neighbourhoods using words that give human characteristic to something that is not human, for example, a friendly, wealthy, bad, or rich neighbourhood. In relation to EIA, types of neighbourhoods in a place or region, which is a collection of places with features and purpose-specific constructs (Sinz, 2018), could constitute a contextual factor in EIA governance.

In EIA, it is the end result of a carefully designed project plan that becomes a place, a fusion of several considerations all into one meaningful assemblage that is captured by a project for implementation. Place making is a multi-faceted approach to planning, design and management of public places for an improved environment that supports good quality of life (Sofield et al., 2017). Additionally, issues of gender, sexuality, race, class, and religion among others are subsumed in

various undertakings including legal, discursive, institutional efforts in place making, all demonstrating the exercise of power (Withers, 2009, Casey, 2013; Tovar-Restrepo and Irazábal, 2014; Huggins et al., 2017). With the knowledge of a place and the inherent capacity to influence the identities and character of persons, it becomes clear that it is a complex activity which can be viewed from different lenses, depending on the aims or intentions of the maker (Hultman and Hall, 2012; Birkeland, 2017; Richards and Duif, 2018). For example, place making efforts can be aimed at pursuing a tourism, technological, and heritage-led agenda or through the use of iconic architecture, monumental art works, sculptures and other artistic activities. These are different approaches and will produce different outcomes in place making (Hultman and Hall, 2012). The implication of these for EIA is that a place with a place making agenda will probably be more open to some projects while others may not enjoy so much favour in terms of people participation and institutional/political will. There are also other factors, for example boundaries of places do not necessary coincide with decision-making and layers of power-relation that are associated with decision on project of regional or national importance. For example, in Nigeria, decisions are taken centrally by the federal ministry of environment on major projects (Ogunba, 2003), and a similar situation exist in several countries, where the State authorities can make decision on projects of “national interest” (Blowers, 2017). This points to the governance of place making and how the formal arrangements for place making are made to enhance effective outcomes for the good of all.

3.2.2.2 Context in Place Identity and Sense of Place

The way people in a society see their environment has been the subject of research in the field of cultural geography and other fields of study. Lynch (1960) describes the city as a construction in space. Like an architectural building, it is created with an image in mind or with the hope to achieve one, and the character of the city is informed by her history, culture, economy, and the physical/ecological features in the environment (Strauss, 2017). This perspective on the image of a city also underscores the sense of a place and goes on to inform how people protect a place, and the definition of context of a place. There is ontological relevance to the value of place; it serves as the basis for existence of society, and as a window to the social interaction and phenomenon at play in a place (Gieryn, 2000). The relevance of place attachment in this research is premised upon the fact that places contribute to forging social identities, and people or community identities are intricately linked to the sense of attachment to a place, which also affect how societies respond to climate change (Feitelson, 1991; Devine-Wright, 2013). A ‘[p]lace is not just a thing in the world

... place is also a way of seeing, knowing and understanding the world' (Cresswell, 2003, p. 11 in Devine-Wright, 2013, p. 62). The images and sense of places, which are created to enhance a location, are determined by decisions of people who have inclinations that are informed by experiences and belief systems. Where the sense of a place is not a unified or shared experience, could this type of sense of a place influence the effectiveness of EIA, if there are different groups within a place with separate values and interest in the place? The argument for and against local and global place attachment suggests that a set of people can feel a special sense of attachment to a place ('topophilia'), so much so that their response to protect the same place is informed mostly by the type of attachment they have for the place (Feitelson, 1991; Jasanoff, 2004; Devine-Wright, 2013). Social values and identities underpin place attachment and contributes to the transformation of space to place (Tuttle, 2021), and resident attitude hold bond to a place that are both emotional and socio-physical in nature (Strzelecka et al., 2017). The value derived from the sense of place and attachment to a place gives more understanding to the issues associated with context, and the possibilities of complexities of local context.

3.2.3 Context in Political Science

Political scientists have considered to a great extent how politics influences the relationship between economics and government support (Banfield, 1964; Hegarty, 1980; Lewis-Beck, 1988; Paldam, 1991; Powell and Whitten, 1993; Anderson, 2000; Aplin and; Bramson, 2015; Spring, 2018). In a study of behavioural disposition of voters in an election, the context within which the election took place has been reported to be responsible for voter's behaviour in an election. For example, economic prosperity or failure in a place can be a main reason why voters favour a candidate (Anderson, 2000; Bengtsson, 2004; Stegmaier and Lewis-Beck, 2013). This is an indication that the political context is a social construct, which creates influence that determines events and conditions in a place. Political influence is expressed in power relations and also links with legitimacy; a central concept in understanding the survival of political systems (Arnesen et al., 2019). "Legitimacy is regarded as a reservoir of loyalty upon which leaders can draw, giving them the discretionary authority they require to govern effectively" (Arnesen et al., 2019 pp179). How decisions are made in a society are governed by the political system therein, and the nature of the citizen participation, also set the level of acceptance and legitimacy for the process of decision making (Arnsene, 2017). This influence, which is localised, can also be deployed to influence EIA processes.

The notion of (political) context here is seen to delimit the extent to which a well-founded theory in one political environment is unfounded in another political environment. Political context, which is a combination of the following factors: constitutional form—whether presidential or parliamentary, the party system, the level of democracy measured by the respect for fundamental human rights, and clarity of responsibility (Powell and Whitten 1993; Bratton et al., 2012), affects the relationship between voting intentions and economic perceptions (Powell and Whitten 1993). Powell and Whitten (1993) argue that the reason cross-national comparisons of the performance of incumbents fail to replicate the within-country outcomes is mainly due to the electoral context within which electorates choose and the policymaking context in which the evaluation is carried out. Things take a different turn when placed within an African and some European contexts where some studies posit that votes are based on nationalist/ethnicity views and not economic or policy factors (Morrison, 1974; Posner, 2004; Ferree, 2006). Suggesting that no matter how badly an incumbent performs in office, he could still win the election because he is from a particular tribe/nationality.

Political context could also play a role in understanding the influence of context on the EIA process and outcomes. This is because politics pervades the theory and practice of instruments of impact assessment (Richardson, 2005; Cashmore et al., 2010), making EIA part of a complex political and administrative process. From the initial task of deciding whether an EIA is needed for a project, to the final stage of decision making, the influence of political powers can be observed (Formby, 1990; Boggs, 1991, McCullough, 2017). Some governments (for example, Rwanda) have been reported to deliberately avoid or delay referring selected projects to the appropriate departments to avoid EIA processes because EIA is seen as a hindrance to economic growth (Glasson and Salvador, 2000; Fonseca and Sánchez, 2015; McCullough, 2017). Political influence (this could come in the form of powerful government officials with vested interests and in the form of interest groups and informal agreements between powerful groups in a specific society) has also been reported in the process and outcomes of EIA (Boggs, 1991; Spiegel, 2017).

The notion that the more democratic (referring to a high level of government accountability and openness) a society is, the more effective its EIA is likely to be (Bragagnolo et al., 2017; Kolhoff et al., 2018) has been met with counter arguments (Kelsall et al., 2016; McCullough, 2017). An example is from the US where EIA started. Clearly it is a country with a strong democratic culture,

however, in the same country, groups like Democrats Against Agenda 21, have exercised their full rights to reject the implementation of EIA, describing it as infringing on their property rights (Trapenberg Frick et al., 2015). Thus, while democratic principles can influence EIA, it may not be within the premise of developed or underdeveloped democracies, as they both can influence the process in different ways. Monteiro et al., (2018) argue that public institutional arrangements, which is a function of the political system and culture in a place, could impact on the effectiveness and outcome of EA processes. For instance, some countries have arrangements which promote community consultations of a pluralistic nature (e.g the Netherlands), others are structured in favour of single consultation action (e.g China or Vietnam) (Clausen and Pedrono, 2011; Wang, 2017). Clearly, there is strong link between the performance of country-based EIA regime and the political system in place. While environmental agencies and NGOs in advanced democracies have been reported to be more autonomous (Kolhoff et al., 2009), it is not known how much influence, and in what direction, they are contributing to making EIA processes more effective. McCullough (2017) calls for research into the understanding of how informal processes and structures allow politics to undermine the goals of EIA in different political contexts; this is well framed within the concept of political ecology (Tschakert and Singha, 2007; Campbell, 2016).

Political considerations shape landscape, influencing the direction of planning systems and land use patterns; they define the elements of context that are being considered in this study, making it a veritable component of context to look. It is expected that an understanding of how EIA practitioners in Nigeria engage with the political context will bring about a better understanding of how context influences the effectiveness of EIA.

3.2.3.1 Context in Power Relations

A society is a complex mix of power groupings, which in turn, are reflected in a society's institutional structures and policies (Khan, 2010; Kelsall et al., 2016). The subject of power in relation to EIA has not been treated very widely in literature (Wells-Dang et al., 2016). Power is a broad term that could have different meanings. It is a vital aspect of EIA because the processes are entangled in political processes and power relations (Wells-Dang et al., 2016; McCullough, 2017). When the distribution of benefits and resources in a society is consistent with the spread of power bases and supported by the institutions in the society, a political settlement or power relation is in place (Khan, 2010). It is a form of social order in which political compromise is reached between

powerful groups in a society. This is structurally different in developed and developing societies (Khan, 2010).

The insidious expression of power in society is well reported within impact assessment governance and shows that the rational exercise of power in collective societal decision making can be coercive (Cashmore et al., 2010). Negotiation of power distribution in EIA transactions across levels of governance in a country is visible in literature. Cashmore et al., (2010) made this point with reference to SEA in China. The acceptance of knowledge in EIA, is also an act of power, reflecting how the “scientification” of society downplays cultural knowledge and authority (Cashmore, 2008: Cashmore et al., 2010). Understanding the influence of power relations in the process and the effectiveness of EIA is a necessary step toward better performance and implementation. EIA requires and involves some level of interactions with people and agencies. Foucault considers social interaction as “inevitably and inescapably power relation” (Patton, 1994, p64). It therefore suggests that the interactions that take place in the EIA process are subject to power relations. The understanding of the dominant groups in a society and how their powers influence EIA could provide some insight into EIA effectiveness and outcomes in relation to these powers.

EIA practice depends on the capacity and capabilities of the institutions within a context of practice. It is a known fact that institutions function differently across countries due to the differences in political contexts (Khan, 2010). An observation of the processes of an EIA (that is, from screening to the monitoring stages) and the actors involved in these processes (that is the competent authorities, project proponents, EIA practitioners, environmental groups, the people and other stakeholders) suggests that there is power to be exercised in the processes. This power is situated in the formal and informal interactions within an EIA process and affecting every decision made. McCullough (2017) argues that countries which mimic institutional arrangements in more developed systems are usually held back by the influence of informal rules and deep power relations on the performance of the institutions. The type of power relations in a society will determine how the state delivers and implements policies and interventions in the society (Kelsall et al., 2016). It is therefore an important contextual factor that could influence EIA.

Different views have been expressed on what political settlement or power relations in a society is. Kant’s legalistic politics is a form of regulative measures that seeks to ensure that all citizens

are treated with respect under a judicial system with a moral code with the state as the enforcer (Honig, 1993). In Foucault's modality of power, he breaks the concept of power down to ability, agency, dominion, and potential, arguing that societies have seen different eras with different modes of power in dominance. However, the political theory has not kept up with the tenure of change in society, referring to the period of feudalism, to Monarchy, and to democracies. (Patton, 1994; Fendler, 2010; Allen, 2018). Rightly so, Foucault saw societies in their power forms and modes, how they have transited or progressed from one age to the other and yet display elements of the old forms of power.

Kelsall et al. (2016) discuss four power relations typologies and argue that they form the reason why some societies succeed in implementing development agendas and why others fail. They are as follows:

(i) The dominant developmental minded power form: This describes a situation in which the leader in power has controlling influence over government institutions and yet is development driven. With this kind of power dynamic, one may suggest that undue influence on EIA processes is likely to be prevalent.

(ii) In the second typology which is slightly different from the first and is described as dominant-predatory, the leader or the group in control of power has discretion over the institutions and procedures but does not pursue development agendas.

(iii) The third typology is described as the elitist competitive clientelist arrangement. Here, power is obtainable through elections as prescribed and implemented by the state's democratic institutions. However, access to compete for power is limited to a group of elites (for example, Nigeria). This system is prone to inconsistent policies due to the cycle of power changing, which is every 4 or 5 years, making long term planning goals of low priorities to the leaders.

(iv) The fourth typology is the inclusive competitive clientelist arrangement. Under this system, power is also obtained through elections which are conducted by democratic institutions, but unlike the former, all persons in the society can vie for power. It is not limited to an elite group. All four forms of power relations are likely to produce different types of influence on EIA practice, but this cannot be known except there is more evidence to prove the type of influence these

typologies can exert. Influence created through power is a fundamental resource required to affect the outcome of EIA process. As described by Arnstein's ladder of citizen participation, to have participation without redistribution of power can be empty and frustrating, belonging to any of these classification of participation: Citizen Power, Tokenism, and Nonparticipation, is a function of power (Arnstein, 1969). What is clear from these typologies is that power relations in a society has the capacity to influence processes such as EIA, and depending on the kind of power relations present in a jurisdiction, will produce varied levels of effectiveness (McCullough, 2017).

There are 8 levels in the 8 rungs of Arnstein's ladder of participation, manipulation and therapy are in the class of nonparticipation, informing and consultation are in the class of tokenism, to power holders, these 4 rungs are enough for participation (Arnstein, 1969). However, the upper 4 rungs holds decision clout; placation, partnership, delegated power, and citizen control, are better placed to affect outcomes and are accessible sense of participation to more powerful persons or groups (Arnstein, 1969). With these forms of power relations examined in this section, an EIA system in different context of power relations, will produce varied levels of participation and effectiveness, weak to moderate (McCullough, 2017). And more so, in public participation, an essential part of EIA, which has been reported to reify power relations (Cashmore and Richardson, 2013), and indication to the possibilities of allocation of power at different levels of decisions making (Jordan, 2000). The power dynamics presented in the analysis of Arnstein's ladder of participation is rife for understanding the possibilities of a situation in which an imbalance in power relation could influence the process of public participation and EIA outcomes/effectiveness

In communities, there are informal power relations, a typical example is the "omo onile syndrome" in Nigeria (meaning children of the owners of the land in the Yoruba language), a group of powerful but informal groups who hold powers to collect revenue and stop EIA processes, informally. It is described as a syndrome because of the confrontational style of the actors who are seen as a cultural menace to society and associated with violence (Akinyele, 2009; Ayodele, 2017; Aderogba and Adeniyi, 2018). Akinyele (2009) describes the *omo onile* as owners of the land who do not exercise any restraint in collecting their own land rent and market tolls, beside the official government taxes and rates for rented lands. They are seen as a result of long-standing failure of the government to ensure social security in communities (Ayodele, 2017).

This practice of informal power relations can form part of the “local context” in which EIA is implemented, and could influence its effectiveness. The formal system is defined by legal and institutional frameworks forms the general context of EIA practice, however, the existence of certain informal systems in certain places alludes to the “local context” and cultural practices. In some jurisdictions, such informal systems are subject to coercive state response (Kamete, 2017), and the systems themselves are laden with subjugation, which characterises the political ecology around a host community to a project (Spiegel, 2017). In Nigeria at community levels, the dynamics of power relations reveal a complex system, with informal power forms that must be pleased despite formal government conditions having been satisfied (Akinyele, 2009; Agbibo, 2018). Consequently, regardless of legislation to inform and enforce the practice of EIA, informal rules and unwritten laws also determine outcomes on land-related assessments (Hansen et al., 2013; McCullough, 2017).

De Leo (2017) describes how the Sicilian Mafia used their powerful networks to influence planning outcomes and decisions to protect their business interests. The persistence of informal rules creates situations which influences the functioning of formal institutions, thereby weakening formal processes that should produce effective outcomes. This trend in informal power relations account for why developing countries that mimic effective institutions and practices in developed countries fail to successfully implement similar practices in their own domain (McCullough, 2017). However, informal rules and institutions can be as important as the formal ones and may be necessary for the successful implementation of EIA as they can positively influence the proponents and the process of EIA (Kolhoff et al., 2009). Additionally, the value of an indigenous knowledge system in the informal domain for the promotion of conservation initiatives and environmental protection has been identified as indispensable (Bisong and Andrew-Essien, 2010).

3.2.4 Context in International Environmental Standards

The use of EIA in any country requires that practitioners adhere to guidelines that are backed by legal frameworks, and enforced by institutional arrangements. These requirements set out the standards for EIA and are so recognised in this study. When the set rules for implementing EIA are set or are created by international organisations, they are referred to in this study as international standards. These standards derive from values and expectations of what is to be done to meet the expected short term; which is to arrive at informed planning decision, and long term;

which is to achieve environmental protection based on set standards, outcomes for environmental interventions like EIA (Kolhoff et al., 2018). Environmental standards have been linked to the performance of EIA (Sadler, 1996; Kolhoff et al., 2018), They are a reflection of the values of the context they have been written for (Garcia, 2018), in relations to attitudes towards the environment, respect for the rule of law, and the political will to ensure environmental protection in a country. The promotion of international environmental standards by organisations like IFC and WB, has resulted in many developing nations relying on these standards, rather than depending on more contextualized environmental issues and priorities (Hironaka, 2002).

Environmentally concerned international organisations with interest in promoting trade and development have enhanced the spread of EIA through their policies, it is important to add, not in a coercive way (Hironaka, 2002). However, international environmental standards have become a means for limiting and admitting countries into trade and agricultural partnerships at a global level (Faour-Klingbeil and Todd, 2018; Kaplinsky, 2018). A situation that suggests that countries will rather align to standards that get them the much needed financial aid, than go through the rigours of ensuring and enforcing a contextualized standards (Hironala, 2002). McMichael (2000) describes the environmental standards and conditions in many developing countries and some inner cities in developed countries as poor, leaving many exposed to hazards from pollution, overcrowding, and health challenges. The low standards in some of these countries are only echoes of deeply enshrined issues like poverty and corruption (Masron and Subramaniam, 2019).

Environmental standards in a country will determine the criteria for assessing what is significant impact in EIA, and thereby reflect the overarching attitude towards environmental protection (Ehrlich and Ross, 2015). Although, several countries align themselves with environmental standard thresholds that are set by international organisations, like the world Health Organisation (WHO). For example, they have guideline that set limit on different areas of human environment and wellbeing (WHO, 2020). The interaction between country based and international standards, creates a convergence of standards with capacity to create fluidity between entities (Garcia, 2018), a veritable means for recalibration of country-based environmental standards for improved EIA. For example, the EU directives on EIA, has been a major enhancement to environmental protection efforts in several European countries (Cherp, 2001). The convergence of standards implies, that while two standards may be informed by different values and factors of context, they are able to

combine with due consideration for what is best environmentally for the context of use. International environmental standards have also driven the direction of trade across continents, with certain companies preferring to relocate to places with less stringent local environmental standards (Low, 2016).

Standards may be used to guide EIA practice in various jurisdictions. These standards may be contained in legislative instruments or may be styled as guidelines without the force of law but nevertheless, mandated to be used. They essentially provide guidance on how EIA should be carried out. It is possible that standards to be used in EIA are created by international organisations (such as the World Bank or the AFDB), in which case this thesis refers to them as international standards. These standards derive from values and expectations of what is to be done to meet the short-term goal of informing planning decisions, and the long-term goal of environmental protection (Kolhoff et al., 2018). Environmental standards have been linked to the performance of EIA (Sadler, 1996; Kolhoff et al., 2018). They are a reflection of the values of the context for which they have been written (Garcia, 2018). These values cover attitudes towards the environment, respect for the rule of law, and the political will to ensure environmental protection in a country. However, the promotion of international environmental standards by organisations like the World Bank, has resulted in many developing countries relying on these standards which were not drawn up to take account of their particular circumstances (Hironaka, 2002; Abman, 2018).

Environmentally concerned international organisations with interest in promoting trade and development have enhanced the spread of EIA through their policies, although not in a coercive way (Hironaka, 2002). However, international environmental standards have become a means for limiting and admitting countries into trade and agricultural partnerships at a global level (Faour-Klingbeil and Todd, 2018; Kaplinsky, 2018). This situation may cause some countries to align with standards that get them the much needed financial aid, than go through the rigours of ensuring and enforcing standards specifically taking their context into account (Hironaka, 2002). International financial organisations have developed a set of environmental and social standards that must be fulfilled by borrowing countries as part of procedures for gaining access to funding (SIDA, 2005; IFC, 2012; McCullough, 2016; WB, 2017). International standards are commonly used as yardstick defining health-conditions of local communities, an example, is the WHO

standards of human health in relation to water and air qualities. Also, there is the set standard of doctor to patient ratio, safe noise limits for the human environment, amongst others (WHO, 2010; European Environment Agency, 2016; WHOa, 2018; Inomata, 2018; WHOb, 2018). Similarly, UNESCO sets the standard for education, for example, teacher to student ratio. There are a number of international standards with respect to EIA; for example, the Swedish International Development Cooperation Agency (SIDA) guidelines for EIA in international development cooperation. In these guidelines amongst other things, SIDA reserves the right and responsibility to provide specific information on SIDA's requirements for the implementation and content of the EIA (SIDA, 1998; 2002). Also, one of the minimum requirements for any poverty focused programme or project for SIDA is that EIA must be carried out on the project (SIDA, 2005). In a similar vein, the International Finance Corporation (IFC) has environmental and social due diligence procedures that are integrated into their overall business activities. They will only finance investment activities that meet the requirements of specific performance standards (IFC, 2012). There is also the World Bank (WB), with clearly stated requirements that all 'borrowers will conduct environmental and social assessment of projects proposed for Bank financing to help ensure that projects are environmentally and socially sound and sustainable. The environmental and social assessment will be proportionate to the risks and impacts of the project. It will inform the design of the project, and be used to identify mitigation measures and actions and to improve decision making' (WB, 2017).

The interaction between country-based and international standards creates a convergence of standards with capacity to create fluidity between entities (Garcia, 2018), a veritable means for recalibration of country-based environmental standards for improved EIA. For example, the EU Directive on EIA has been a major enhancement to environmental protection efforts in several European countries (Cherp, 2001). Still, there may be tension if different standards co-exist and are applied in the same area. This leads this writer to question how this state of affairs may affect EIA effectiveness, especially in view of the fact that the study area, Nigeria, is one that regularly receives funding from international agencies mandating EIA according to certain standards. Also, what gains or learning opportunities may be gotten from the co-existence of these standards in terms of better environmental outcomes?

3.3 Local Context in EIA

This section looks at “local context” as opposed to the generic notion of context. “Local context” may be viewed as a sub-set of the generic notion of context. Generic contextual factors may be common across several jurisdictions implementing EIA. However, “local context” will be specific to the particular community in which EIA is being implemented. Thus, from the discussion earlier undertaken in this chapter, factors falling within the general notion of context include the political system, the legislative framework, and the institutional arrangements for overseeing the conduct of EIA. “Local context” on the other hand reflects realities in a community in which a development takes place. In the study area, for example, this includes cultural hegemony, traditions and belief systems, how people feel about a development, informal groups’ participation in community life and poverty amongst others. These are important considerations in EIA effectiveness. “Local context” in EIA can be described as the social, cultural, economic factors in the place in which a project is to be sited. Utilizing the different factors that have emerged from the interdisciplinary evaluation of the meaning of context, and in view of the fact that EIA requires interaction with key stakeholders (both formal and informal) in a place in order to inform planning decisions (see figure 3.1), this thesis defines “local context” in EIA with respect to the study area as:

The interaction of formal and informal socia-cultural, institutional, political, environmental, and economic circumstances in a place in which EIA is implemented and the information used to describe the interaction as an advisory for planning decision making.

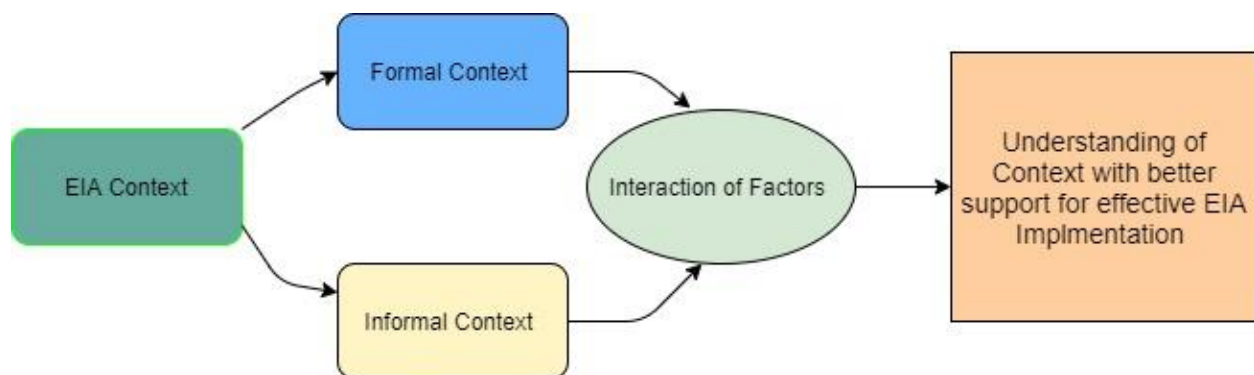


Figure 3.1. Illustration of the Concept of Local Context in EIA

3.3.1 Categorization of Context in EIA

The traditional approaches to categorization are prone to using appearance features as the main criteria for selecting and grouping; elements of colour, texture, and shape are prominent for categorization (Galleguillos and Belongie, 2010). The process of categorizing objects, items, and entities into groups can be done in various ways such as by manual selection, automated, taxonomic and natural selection. Objects may also be categorised by context. (Attardi, et al., 1998; Ceci and Malerba, 2007; Gray et al., 2019). By natural selection, some items will fall into groups like living and non-living, or by specific similarities or dissimilarities, in which case features or functionalities of items identify them into their groupings.

In this study, a simple taxonomic categorization is used to achieve the abstraction of the factors of context in which EIA is implemented. This is based on the work of Rosch (1999) whose principle of categorization has been used widely in different fields of study (Guastavino, 2018 and Kallens et al., 2018). This principle prescribes the relation of contextual factors to places and also makes an assumption about the nature of attributes of real world locale that underpin the claim that there is structure or order in the world. There are several groupings and categorizations of context that can be identified in literature; for example, Perera et al., (2014) identify primary and secondary categories of context. The secondary being information deduced from the primary, while the primary is the information derived directly from the entity. Dey et al., (2001) suggest four categories of context: location, status, identity, and time. Context can also be seen in the general and specific categorization (although it may be impossible to place a set of information in such loose undefined category) it is all based on the information provided and the intent for which it is provided (Sharif and Alesheikh, 2018).

Context in EIA can also be categorized into formal and informal. This is mainly because of the regulatory style of EIA governance and the fact that it involves stakeholders and right holders that come from the organised sectors and informal groups that may not be recognised by the formal institutions (Esteves et al., 2012; Glasson and Therivel, 2013; Gillespie, 2017; Kanu et al., 2018; Loomis and Dziedzic, 2018). The elements of order, control, management, conflict resolution, and environmental restoration that EIA seeks to bring about (Kakonge, 1998; Schuhmann and Kropp, 2018) suggest that on the other side of the formal governance measures is an informal receiving end with both ends equally exposed to being influenced by the other.

After carefully considering the process of EIA, from the screening to the follow-up/monitoring stages, a number of contextual factors have been deduced from the interactions that go on throughout the EIA process, and they can be broadly categorized into formal and informal context as shown in table 3.1.

Formal Contexts in EIA	Informal Contexts in EIA
<ul style="list-style-type: none"> • Institutional arrangements • Legal framework • EIA Formal Consultees • Legislative/Regulatory guidelines • Political System • Environmental awareness • Formal power relations • Economy • Justice system • Power Relations • EIA Implementation Style 	<ul style="list-style-type: none"> • Community Hegemony • Cultural practices • Traditional Institution • Local community groups • Informal Power Relation • Locale and place Identity • Indigenous environmental practices • Economic situation • Communication system • Belief system

Table 3.1: Formal and Informal contextual factors in EIA practice

The formal context refers to those factors that are officially recognised in the jurisdiction where EIA is being implemented; factors that have the element of order, which is they are done in prescribed way whether by statute or other regulation. These factors may have government control/management, for example, the legal regulation of EIA by a government department (legal context and institutional framework). They could also be controlled by other stakeholders; for example, EIA practitioners following the set procedures and processes for conducting EIA.

The informal context is the opposite of the formal context. It refers to those factors that are not officially recognised, that have not emanated from formal channels such as the law or the regulator. It may have emanated from the people and generally lacks or have minimal involvement of any

formal institutional or government control. Examples of factors that constitute the informal context include the cultural practices of the people and their belief system, especially with regards to environmental protection and sustainability. A form of noticeable interaction is discernible between the formal and informal contextual factors in a place. The formal EIA process takes place in an area where informal contextual factors exist. This is an inevitable interaction that will be explored in subsequent chapters of this thesis.

3.4 Synthesis of literature review and Design of Conceptual Framework

In this literature review, the notion of context was explored under the following subject areas: environmental management, spatial planning with the sub-categories of place making, place attachment and identity, political systems with sub-category of power relations, and international standards.

The following themes emerged from the analysis of the literature: Power, Place/Space, Culture/History/Traditions/Gender, People, Accountability, Perception, Legitimacy, Public Participation, Inclusion, Planning system, Justice system/Human rights, Ownership, Laws/Regulations/Guidelines, Economic situation, Identities, Religion, Spatiotemporal scale, Land use, Skills and Capacities. Some themes were more common than others across the different subject areas. Consequently, a synthesis was carried out to arrive at the areas of key interactions that reveal the context factors present in EIA implementation. These emergent themes or context factors represent what should be focused on in a bid to understand “local context” in the practice of EIA in the study area.

Power is a theme common to all of the subject areas reviewed. Naturally, this includes its sub-category, power relations. This context factor is relevant, whether categorised as a generic context factor or a local context factor. Again, it could fall under formal and informal context categorization because power relations exist in situations whether formally recognised or not. Within the EIA process, power relations are present throughout. As Cashmore et al (2010) show that all aspects of EIA are essentially political, it means that from the decision to mandate the conduct of EIA with respect to a project to approving the carrying out of the project, power relations will be present. Specific examples of power relations include how power is wielded or exercised by the indigenous people who own the land in the community (Rightholders) where a

project is to be carried out. This power over land may conflict with formal arrangements about legal rights to collect levies on the land, or sell the land. This could go on to affect or inform how EIA practitioners deal with the issues the community may present as conditions to cede their land for the proposed development.

The power relations at the community level shows two major groups: the rightholders and the stakeholders. The rightholders refer to the first settlers who lay claim to ownership of water, lands, and other natural features of the community (like mountains and mineral deposits) while community stakeholders covers community residents who may be affected by a proposed development or have interest in same (Bastakoti and Davidsen, 2015; Udofia et al., 2017; Karidio and Talbot, 2020). In EIA, dealing with stakeholders is common practice. Insufficient information on rightholders is reported as a challenge to their engagement with processes in EIA (Udofia et al., 2017), and it is also difficult to articulate the concerns of rightholders into national interventions (Bastakoti and Davidsen, 2015). This underscores the need to consider how rightholders and stakeholders are represented in EIA processes, as they are both going to be impacted by development project.

With respect to the study area, Nigeria, the presence of this context factor, power, requires that questions such as ‘how does power influence EIA in the Nigeria planning regime? And ‘how does this impact of EIA effectiveness?’ Considering the power of the right holders; who lay claims to rights of ownership to community’s lands and resources, and on the other hand is the power of the government as the regulators, residents of community who are part of the project affected persons (PAP) in the community.

Another context factor is the notion of people and their perception of the efforts of the competent authority to conduct EIA, how it is conducted, and their participatory role in the process. In many instances, the issue of perception is also laced with issues of legitimacy. This is because the people may consider themselves as their own authority as reported in literature with the *omo onile* (a Yoruba word meaning child of the [original] landowner) practice in some parts of Nigeria (Raji et al., 2018; Babatunde, 2018). In such a case, where there is a sense of dual authority, how is legitimacy dealt with?

Still on the matter of the people's perception of EIA, while the people may not question the need to bring development to their community(ies), how this development is achieved can sometimes be an area of contention (Kurian, 1995), especially in places where there are historical antecedents that have not been favourable to the people. For example, in South Africa, the history of apartheid has left people with attitudes of apathy, suspicion, inferiority, and cynicism towards planning initiatives and the government's institutional urbanisation plans (Tomlinson, 2017; Schoeman, 2018). This type of history clearly impacts on the people's perception and shapes the institutional structure within a society and the interest groups therein. How interest groups negotiate for relevance in EIA, and how this influences the effectiveness of the EIA process will be considered in more detail in this research.

One of the many significant contributions of EIA/ EIS/R is the opportunity for political interaction between the citizens, politicians, bureaucrats and the experts/practitioners, with each group pressing for their respective interest within their respective planning regime (Barlett and Baber, 1989; Kurian, 1995; Formby, 1990; McCullough, 2017; MacKinnon et al., 2018). Within the processes of planning, there are opportunities for interactions between the formal and informal sectors of a society. This is because governments apply formal guidelines, frameworks, and laws to manage the expectations and needs of people, who on the other hand have their own expectations and in some places, a cultural system that is unknown to the formal process. As efforts are made to protect the environment, and the needs and demands of different sectors, groups and individuals in a place are channelled through the instrumentation and processes of EIA. People interact within a somewhat formal and informal arrangement, to ensure desired ends are well integrated with broader scope of environmental protection and sustainable development. While different countries are at varied stages of the evolution in the use of EIA (Gibson, 2002; Ogunba, 2004; Khosravi et al., 2019a), what is common to countries that use EIA is the interaction of contextual factors as a part of the EIA process. Studies on the complex interactions among groups, individuals, agencies, and other stakeholders that participate in the EIA process have tended to focus on the decision makers, experts, and political leadership (Kurian, 1995; Kolhoff et al., 2009; McCullough, 2017), leaving out the informal groups that exist in places. In figure 3.2, the issues considered in the literature review and the themes that emerged leading to the framing of formal and informal systems in the consideration of local context, which forms the conceptual framework for this

research. The presumption that because EIA is a formal process, it is implemented formally and therefore should only consider what is formalised and recognised in law may have left many developing nation's (Like Nigeria) EIA system in a struggling state of ineffectiveness. This is because their systems are not as formal as the ones in the country where EIA has been copied from, this argument is to support the need for a more formidable conceptualisation of EIA, with the framing of formal and informal aspects as indicated in figure 3.2.

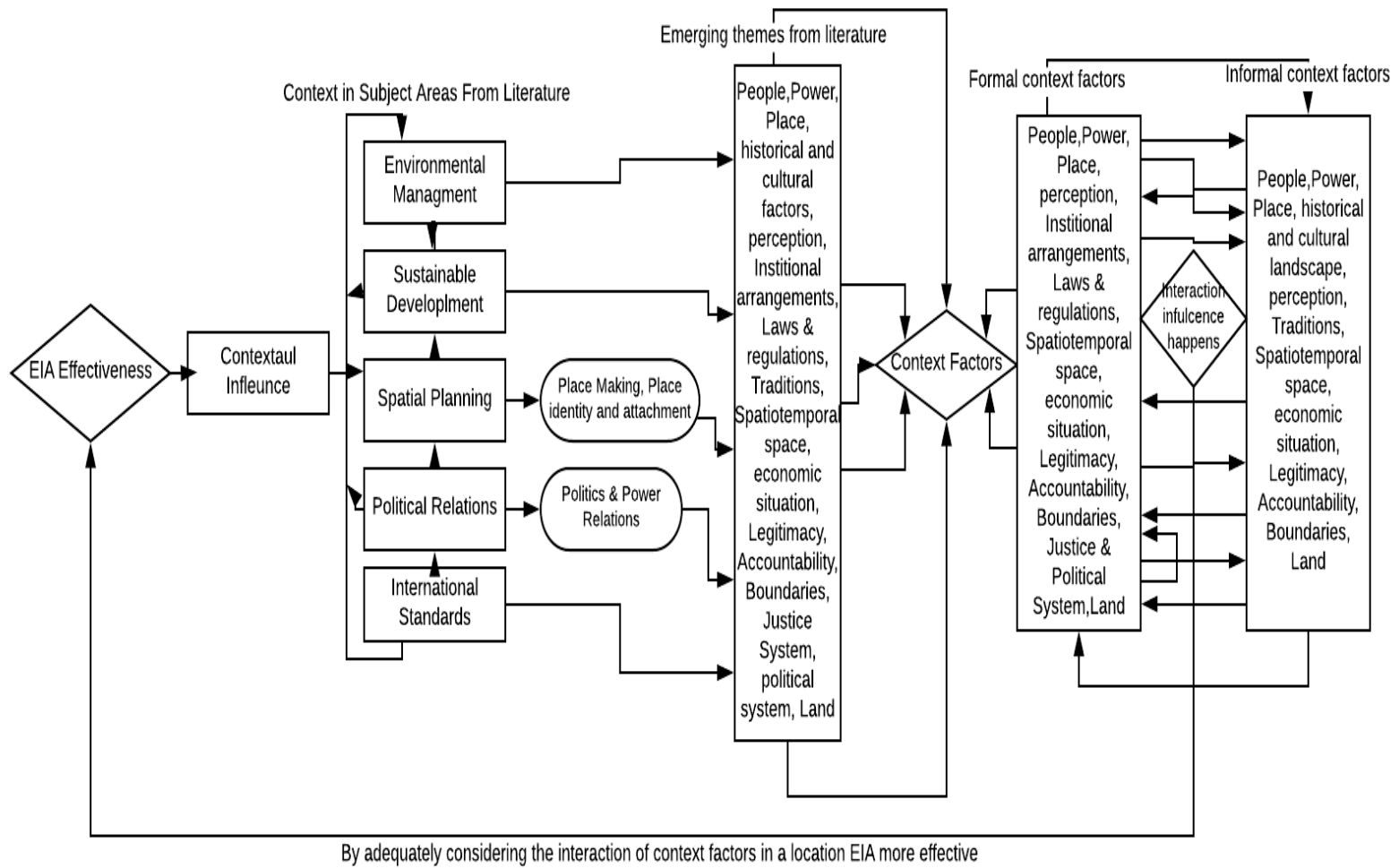


Figure 3.2: A visualization of the consideration for the conceptual framework for this research

Chapter Four: Research Methodology

4.0 Introduction

This chapter explains the methodology adopted for this research. It sets out the methods of data collection and analysis and justifies the theoretical leanings of the study (ontological and epistemological). The ethical considerations and limitations of the different methods used are also evaluated. This study which focuses on EIA practice in Nigeria uses a case study (the Power Plant project at Lafarge Cement Company in Ejio Ewekoro community of Ewekoro local government area (LGA) of Ogun State, Nigeria) as a means to look closely at the influence of factors of local context on EIA. This chapter will therefore also discuss the case study approach, the selection of the particular case study and how utilizing this case study will achieve the purpose set out immediately above. All these considerations will be considered in the order stated above.

4.1 Methodology

The aim of this research is to investigate and understand the influence of “local context” in EIA effectiveness, and what potentials for learning may exist through EIA implementation in the study area, namely, Nigeria. This research considered the deductive approach of reasoning as a means to arrive at a robust synthesis of analysis to meet the aim of the study. The deductive approach was useful for achieving the aim of this study because it began with the already established general position that context is a critical requirement for evaluating the effectiveness of EIA and moved to identify in more specific terms, what context is and how local contextual factors impact on EIA effectiveness. This research therefore worked from a general known—that context is an influencing factor in EIA effectiveness—to more specific knowns, namely, finding out what constitutes “local context” and how it actually influences EIA effectiveness in Nigeria.

Four questions were asked to guide the investigation in this study:

- 1) What constitutes “local context” in EIA practice and how does it impact on effective EIA practice?
- 2) What contextual factors are associated with EIA implementation in Nigeria and how do these factors influence effective EIA practice?
- 3) How do actors within the Nigerian EIA system exert influence on EIA effectiveness?

3a) What is the nature of power relations between the different groups of actors involved in the EIA process in Nigeria and how does it impact on EIA effectiveness in the regime?

4) Are there any learning potentials that can be identified from the interactions of international and local EIA practitioners operating in Nigeria?

Table 4.1 provides a brief description of the research approach with the details of the ontological and epistemological positions and methods adopted for collecting and analysing data in this research.

Epistemological Position	Critical Realism
Ontological Position	Interpretivism
Strategy	Qualitative
Research Methods	Case Study
Method of Data Collection	Interviews, Personal Observation, Focus Group Discussion, Document/analysis, and questionnaire
Method of Analysis	Content analysis, discourse analysis, critical analysis.

Table 4.1: Research Approach

4.1.1 Epistemological and Ontological Views

Epistemologically, this study considered the paradigm of Critical Realism (CR) which seeks to account for the occurrence of a phenomenon in reality based on observed or experienced events/practices using an analytical strategy termed “retroduction” (Haigh et al., 2012). Retroduction refers to a means of knowing the factors that are fundamental to the existence of a phenomena; without the identified factors, the circumstance of context cannot exist (Meyer and Lunnay, 2013). Critical realism has been identified with EIA research because it accepts the validity of science and social science in the search for the truth and for explaining phenomenon in the world (Sinclair et al., 2008; Bond et al., 2018).

CR creates a background that opens up a world of possible outcomes and different depths of understanding for the subject matter of the research. For example, the focus of this research requires the teasing out of multiple causes from an in-depth exploration of the context of the subject matter under research (Bhaskar, 2013; Edwards et al., 2014). The CR approach will therefore help this research to be robust in terms of the number of sources and issues it will consider. In the CR research approach, using one or several observations of an event/entity as a basis for coming up with a theory or drawing a conclusion may be difficult. This is true for

this research which understands that the context may not be the same everywhere. This in turn, means that the conditions required for EIA to be effective are not the same everywhere. The CR approach therefore recommends that one looks beyond the events observed, to explain and achieve a “level- abstracted view” (Eder-Vass, 2010). This involves going beyond ascribing casual significance to an observed phenomenon.

The ontological position of this study is interpretivism, this ontological method allows the hidden meaning in data to be examined and yet allows the researcher to observe through her own lens (Van der Walt, 2020). Considering that this research is aimed at finding meaning to what defines context/local context in EIA implementation, and to understand the influence of local context on EIA effectiveness, interpretivism provide the needed scope for the study. Interpretive paradigm to research allows the research to create knowledge through the perception and experience of participant (Thanh and Thanh, 2015), and to understand context, this research relies on the experience and perception of those who have shared knowledge and experience of the context under investigation. This research has adopted a qualitative strategy, and interpretive paradigm supports the qualitative research strategy which gives room for exploring socially constructed realities that are complex and ever changing (Thomas, 2003; Thanh and Thanh, 2015).

4.2 Research Strategy

A qualitative strategy was employed in this research. This strategy is appropriate due to the nature of the research problem being investigated, and because it is suitable for research problems involving social factors that have not yet been exhaustively considered (Cresswell, 2007). Also, the qualitative strategy allows for adapting methods of data generation to fit the sensitive nature of the social context of a research (Ritchie et al., 2013), as it is in this study. In research that concerns EIA effectiveness, the most often used methods are qualitative in nature including case studies, interviews, review of documents, content analysis, comparisons, and surveys (Duffy and Tschirley, 2000; Art et al., 2012; Zvijáková et al., 2014; Suwanteep et al., 2016; Loomis and Dziedic 2018). This research combines the use of several methods, namely, interviews, focus groups, observation, questionnaires, and document analysis to elicit the required data to answer the research questions set out above.

In utilizing the case study approach, this writer worked firstly with gatekeepers to help map the case's context to identify the key stakeholders in form of groups and individuals that were sampled for this research. This was necessary to develop the data collection plan. After the

context mapping, appropriate data collection methods were assigned to the different groups as illustrated in the figure 4.1 and table 4.2 below.

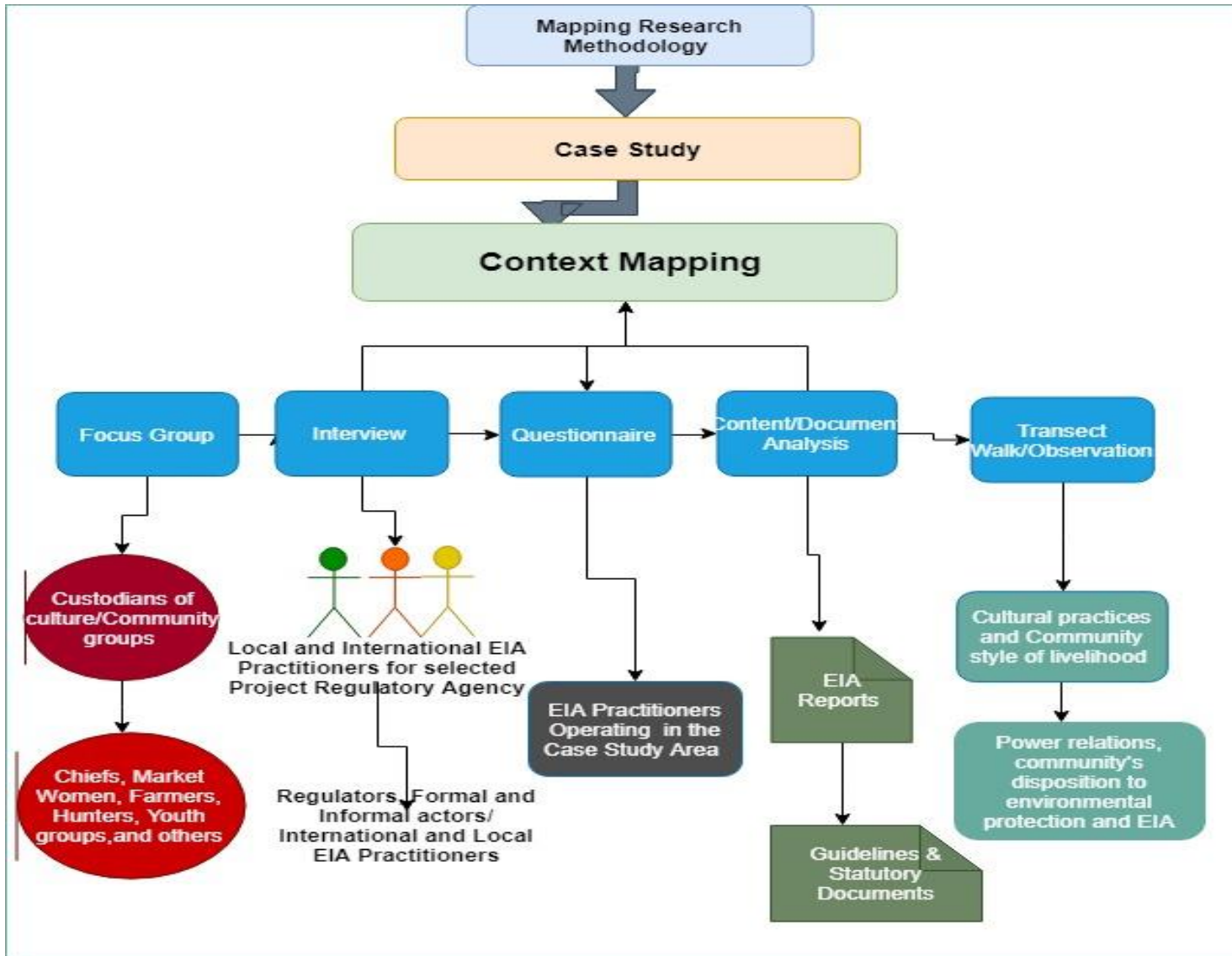


Figure 4.3: A display of the strategy to be deployed in this research

Research question	Data needed to answer the question	Source of Data	Method of Data Collection	Method of Analysis
1. What constitutes “local context” in EIA practice and how does it impact on effective EIA practice?	Literature from journal articles, books, and published and unpublished research works. The perspectives of the local and international EIA practitioners on their background and training on EIA with reference to their context of practice.	<ul style="list-style-type: none"> Literature review Local and international EIA practitioners Laws and guidelines 	<ul style="list-style-type: none"> Desktop critical review of literature Interviews Document analysis 	<ul style="list-style-type: none"> Critical Analysis Discourse Analysis Document Analysis
2. What contextual factors are associated with EIA implementation in Nigeria and how do these factors influence effective EIA practice?	Interview responses to questions eliciting the nature of interactions between the local and international EIA practitioners who worked on the selected case study project.	<ul style="list-style-type: none"> EIA practitioners in the study area Community actors in selected case study area (Chiefs, youths, women, farmers, and others). 	<ul style="list-style-type: none"> Questionnaires Interview Focus Group 	<ul style="list-style-type: none"> Discourse Analysis
3. How do actors within the Nigerian EIA system exert influence on EIA effectiveness?	Focus group responses from the relevant community groups operating formally and informally. Survey of practitioners and interviews of key industry actors.	<ul style="list-style-type: none"> EIA practitioners operating in the case study area. Community groups The informal traditional institutions/ and local arrangements in the community 	<ul style="list-style-type: none"> Interview Questionnaire Focus group 	<ul style="list-style-type: none"> Discourse Analysis
3a What is the nature of power relations between the different groups of actors involved in the EIA process in Nigeria and how does it impact on effective EIA in the regime?	Interview responses from relevant persons or groups from the communities in the case study area. Interview responses from regulators and practitioners, particularly those who worked on the EIA of the selected case study project.	<ul style="list-style-type: none"> Community groups Leaders and members of informal arrangements in the community in the study area. Formalised actors, regulators and practitioners 	<ul style="list-style-type: none"> Focus group Interviews 	<ul style="list-style-type: none"> Discourse Analysis
4. Are there any learning potentials evident from the interactions of	Responses to specific questions to identify the key touch points for learning in the interaction of the two groups of	<ul style="list-style-type: none"> Nigerian-based EIA practitioners who are responsible for the EIA 	<ul style="list-style-type: none"> Interview 	<ul style="list-style-type: none"> Discourse Analysis

international and local EIA practitioners operating in Nigeria?	practitioners working within the study area. EIA reports – identification of best practice.	of the selected project in the case study area <ul style="list-style-type: none"> • Nigerian-based EIA practitioners working for foreign/international based EIA companies with presence in Nigeria. • EIA reports for the selected project in the case study area. 	<ul style="list-style-type: none"> • Document analysis 	Content Analysis
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Table 4.2. Showing the matching of research questions to data collection strategy

To provide further clarification to the research strategy, the research questions are matched against the required data for answering them and the methods for collecting and analysing the data.

4.2.1 Stakeholder Mapping

In this research study, stakeholder and rightholder mapping was employed as a means for gathering the initial information about possible stakeholders and potential respondents in the case study area and with the project site. In this regard, stakeholders are all the persons involved in the implementation of the case study project within the community and persons who will be affected or impacted by the selected case study project. Rightholder are those who hold rights to ownership of lands in the community. There are formally recognised rightholders who lay claim to land based on ancestry, and there are informally recognised rightholders known as “omo onile” who lay claim to ownership of land by the use of force (Ayodele, 2017).

Access and Gatekeepers

In a bid to get access to the different community groups for the purpose of data collection, it was essential that a person who understood the culture and traditions of the people led the way to help secure access to appropriate authorities and contact persons. A gatekeeper can take many forms including a guard in a building, a community King, an influential member of a group or even a staff of an organisation. They serve as a middleman between the data collector and a potential respondent (Lavrakas, 2008). Gatekeepers are central to access; they also cast some influence on the success of the research as they can hinder or help, depending on their thoughts on the value of the research (Reeves, 2010; Singh and Wassenaar, 2016), and should therefore be selected thoughtfully.

This study used external and internal gatekeepers. The external gatekeeper was the primary means of gaining access to the community where internal gatekeepers were identified for the different groups.

Gatekeeper	Roles	How Contact was made
Director of EIA, Federal Ministry of Environment (FME) in Abuja, Nigeria	This gatekeeper assisted the writer in securing the EIA report for the selected project in the case study area.	This writer made initial contact with the gatekeeper at the 2018 IAIA conference in South Africa and this was followed up with an appointment for the face to face interview.
President and Vice-president of the Association of Environment Impact Assessment of Nigeria (AEIAN)	These gatekeepers assisted with surveying EIA practitioners based on set criteria of length of industry exposure and level of experience.	Initial contact was made at the IAIA conference in South Africa, followed by a visit to both gatekeepers at their offices in Abuja and Lagos for the interview.

President of the local Chapter in Lagos		Same as above.
Local Government Area (LGA) Gatekeeper	<p>This gatekeeper assisted the writer in getting access to the community gatekeeper who is the King of the town, and must give his blessings for the data to be collected.</p> <p>He also helped to map the community to identify any other groups or individuals that should be included in this study.</p> <p>He facilitated movement around the community and with the different groups, explaining the mission of the researcher in the local language.</p>	Initial contact was by telephone based on the recommendation of the Director of EIA, FME, Abuja, Nigeria.
King (King's Palace)	As the main gatekeeper of the community, the king gave his blessings for the research to be done and assigned a palace guard to follow the researcher throughout the study.	This contact was facilitated by the LGA gatekeeper.
Local Government Liaison Officer, Youth Leader, and Environmental officer at the community market.	Each gatekeeper identified a group and helped the researcher gain access to them. They also facilitated the data collection and ensured that all the groups and community's values and traditions were respected during the data collection.	At the community level, meetings with the different groups were facilitated by the gatekeeper who already made contact to prepare them for the data collection.

Table 4.3: Identified Gatekeepers for Data collection

4.3 Case Study Selection Strategy

Considering the aim of this research which is to understand the meaning of local context and how the factors of local context influence the effectiveness of EIA in Nigeria, and considering the objectives of this research as outlined in chapter one, it was important to adopt the use of case study so as to examine local context in more detail. A case refers to a unit of analysis, an individual or a place (Noor, 2008). A case study allows for the integration of several evidence gathering methods to achieve a stated research aim. It involves analysing a complex real-life situation, examining the how and why of a case within a set context (Anderson, 1993; Gerring and Cojocar, 2016). In this study, the case represents a place with a thriving EIA practice, where project-based EIA is required by law for project approval.

There are several case study approaches that can be identified in the literature. Case studies can be descriptive, explanatory, exploratory, and cross-case synthesis (Yin, 2011). The descriptive

case study is focused on the details of the case under reference. It asks questions aimed at a phenomenon to elicit facts and purposefully scrutinize them to gain in-depth understanding thereof (Noor, 2008; Mills et al., 2010). Explorative case study is used to conduct an initial exploration of a phenomenon before carrying out further studies. It can be likened to a pilot study (Zainal, 2007; Yin, 2011). Explanatory case study examines data in the case very closely, to give a clear understanding of a phenomenon (Zainal, 2007; Yin, 2011). With the cross-case synthesis, the goal is to explore, validate, and test the association among identified concepts in cases under consideration (Nöhren M. (2016). In this study, to achieve the aim of the research, the explanatory case study approach was adopted. The explanatory case study was used to understand the influence of local context on EIA practice in the study area.

4.3.1 Criteria for Selection of Case Study and Case Study project

The case study in this research is a community/town within a local government area (LGA) of a State in Nigeria and the case study project is the Ejio Ewekoro Power project at the Lafarge Cement industry. There are several known strategies for selection of cases, although these strategies are grouped into two major approaches: random and information-oriented selection (NCHRP Report, 2009). The random approach suggests there are no preconceived criteria for the selection, while the information oriented selection is the direct opposite. It is a selection made based on specific information and criteria, and is more targeted approach (Seawright and Gerring, 2008). This study used the information-oriented selection approach as it was considered apt to achieve the research objectives of this study. This was based on criteria listed below.

1. The State within which the case study project is set will have a formal requirement for EIA at State level, and play host to a large project with capacity to impact community life, biodiversity and involve community resources such as the land or river.
2. The LGA and community within which the case study project is set will have a clear mandate for community engagement and also play host to a project to be funded by an international organization. The project EIA will have been conducted and concluded with a decision made; its EIA report will be accessible for this study.
3. The selected case study project should have both local and international EIA practitioners working on the project. Local EIA practitioners are those who are work with or own a

Nigerian EIA firm; international practitioners are those who work for or own an EIA firm with an international branch or registered outside Nigeria.

4. The selected community is one that has a formally recognized traditional system in place, with a council of Chiefs headed by a King, and that works with the local government in the administration of cultural festivals and community affairs. This criterion was essential for studying power-relations at community level.

After careful consideration, Ogun State of Nigeria was selected, serving as a single case approach to develop an in-depth understanding of the influence of “local context” in EIA practice. Ogun State is one of the most industrialised states in Nigeria, ranking third after Rivers and Lagos States, respectively (Ibenegbu, n.d.). Ogun State is located in the southwestern part of Nigeria. It was created from the old Western Region of Nigeria on the 3rd of February 1976 and named after the Ogun River that runs across the state from the north to the south. (Otuh et al., 2019; Ogun State Government of Nigeria, 2019). Ogun State is bordered by Oyo and Osun States to the north, Ondo State to the east, Lagos State and the Atlantic Ocean to the south, and the Republic of Benin to the west (Ogun State Government of Nigeria, 2019). The state is located along the West African trade route, making it one of Nigeria’s access routes along the Economic Community of West Africa States (ECOWAS). Ogun State is reported to have about 7.1million people (2016 population census) with a landmass of 16.432 sq.km. The State is predominantly made up of five tribal hegemonic groups: Egbas, Ijebus, Yewas, Remos, and Aworis, all in the Yoruba ethnic group (Ogun State Government of Nigeria, 2019). The State also includes settlers from other tribes in Nigeria, and other nations of the world. Due to its nearness to some international borders and the commercial capital of Nigeria (Lagos), Ogun state is arguably the most industrialized state in Nigeria, with the highest concentration of industries in Nigeria (Ezeh, 2017) suggesting the state would have seen several EIA and community engagements for projects. Ogun State has 20 local government areas (LGA), namely: Abeokuta North, Abeokuta South, Ado-Odo/Ota, Ewekoro, Ifo, Ijebu East, Ijebu North, Ijebu North-East, Ijebu Ode, Ikenne, Imeko Afon, Ipokia, Obafemi Owode, Odogbolu, Odeda, Ogun Waterside, Remo North, Sagamu, Yewa North, and Yewa South (Adeyeye et al., 2018), displayed in figure 4.2 below. In this research work, the selected case study project is located in Ejio in Ewekoro LGA.

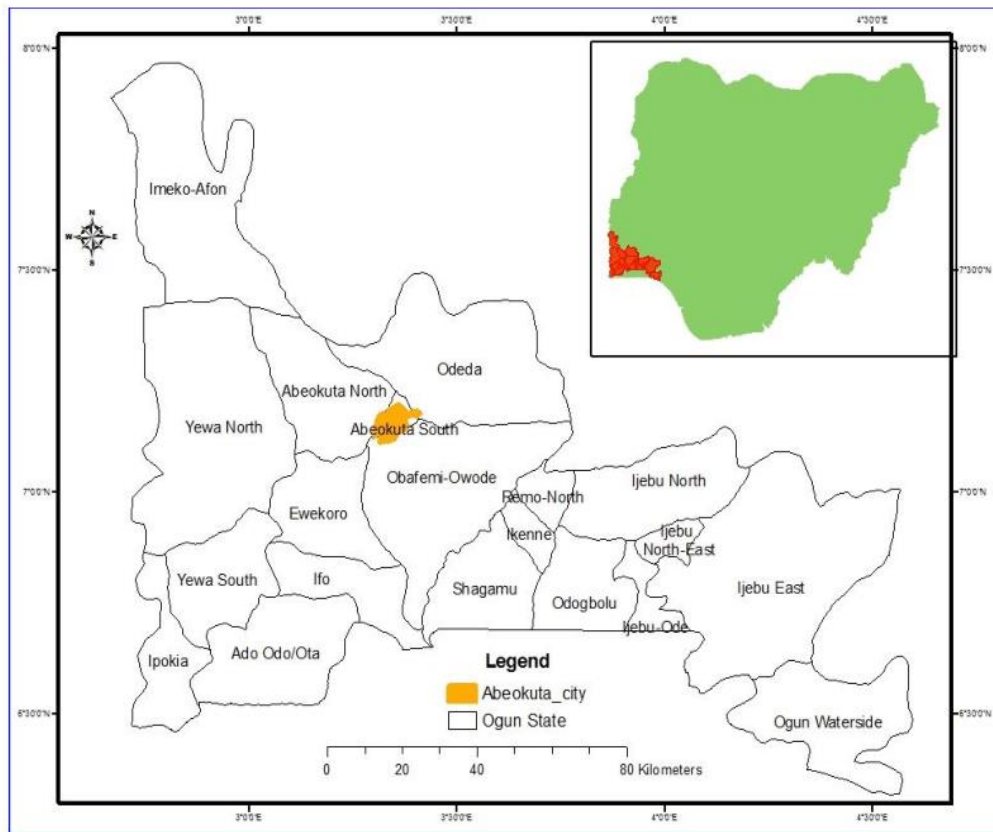


Figure 4.2 Map of Ogun State, inset location of State on Nigeria Map. Source: Oyedepo et al., 2015

The state government also has her own state-run EIA system known as Environmental Implication Studies (EIS). The case study LGA is the Ewekoro LGA, and the community is Ejio-Ewekoro. The project selected is the 310 MW Independent Power Plant plus 5.6 km Eijo-Ewekoro Transmission Line and Associated Facilities, which was funded through a joint venture, involving local and international proponents. The EIA involved both international and local EIA consultants and practitioners. The selection of a case study with the involvement of local and international EIA consultants/practitioners, provides a unique opportunity for evaluating the influence of international practice and standards on local context.

4.4 Research Design

As earlier indicated, a mixed method was used to elicit the data for this research, especially for the primary data. This involved interviews of key actors in the community and key EIA stakeholders in the formal arrangement for implementing EIA in Nigeria, including the Director of the regulatory agency (Federal Ministry of Environment, Environmental Assessment Department and NESREA), President and Vice-president of the practitioners'

association (AEIAN), the Director of State regulatory agency (OGEPA) and some practitioners with over 20 years' experience. In addition, focus groups of community members were held. This was to inform the design of the questionnaire to EIA practitioners. The reason for conducting the interviews and focus groups before designing the questionnaire for the practitioners was to get sufficient information to ensure the right questions were asked in the questionnaire. Issues that needed clarification from EIA practitioners were identified and investigated further through the questionnaire. The research design was therefore aimed at eliciting an understanding of context in EIA implementation in Nigeria generally, and with the case study, a much closer look at issues associated with local context and how they impact on EIA effectiveness. The questions asked allowed for a depth of issues to be revealed (Van Teijlingen, 2014).

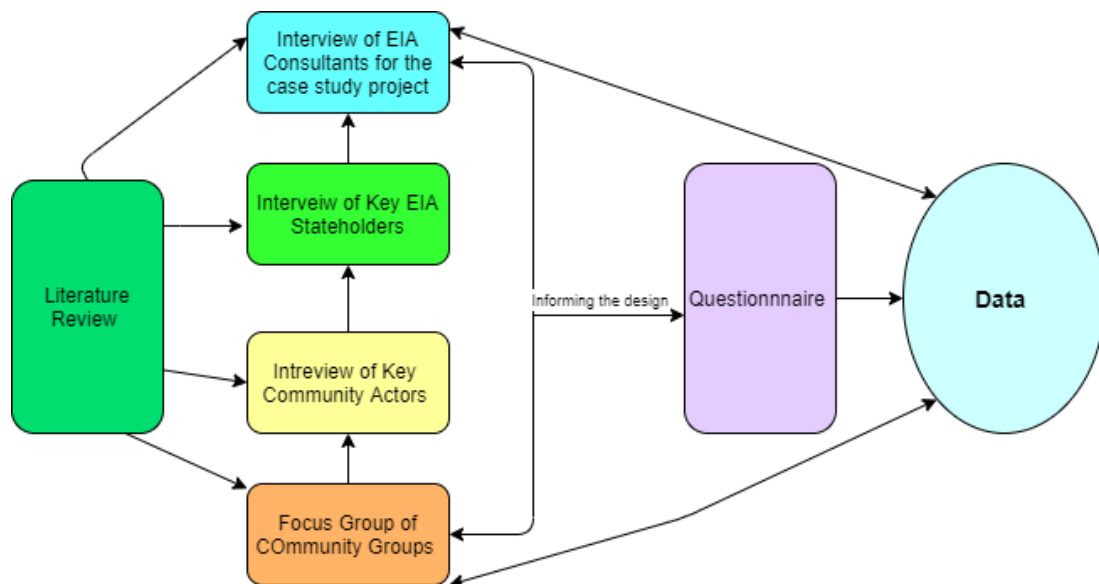


Figure 4.4 Display of the research design and how data was collected

The key issues that emerged from the literature review served as the prism for identifying the perspective and understanding of the interviewee on the context of EIA practice (Kurian, 1995). Questions were carefully framed to ensure coverage of key issues pertinent to the research questions (See Figure 4.4 above). The context factors identified from literature featured in the interview design to reveal their influence or otherwise on EIA implementation in the case study area.

4.5 Data Collection

4.5.1 Primary Data Sources

The primary data sources were located in the case study area and in Abuja where the headquarters of the ministry of environment is and Abeokuta the State Capital of Ogun State where the State ministry of environment is located. At the community level, they included representatives of both formal and informal groups in the community, including the King and Chiefs who are classed as the formal community consultees, the community development association (CDA), informal local leaders and their groups, namely, farmers, hunters, and marketplace sellers. At the community level, the focus of the data collection was on understanding the balance of authority in the community, covering issues of justice, inclusion, accountability and equity, all of which are germane to effective EIA implementation. The justification for having focus groups with community groups is that it helps in defining the “local context” of the case study area. And the community respondents can be in their safe space, able to discuss freely without holding back. The formal respondents included the regulators at State and Federal level, EIA practitioners in Nigeria, and the local and international consultants who delivered the EIA for the selected case study project.

In sampling for single case study, the practice is to identify units within the case study and this can be done purposively (Bryman, 2016). These units will be sampled using purposive sampling, key stakeholders in the units will be targeted. In the study area, the Community development association (CDA), the informal youth group (Omo Onile), market sellers, and King of the community were sampled. The justification for sampling the community groups is, and linked to, what the people represent in defining the local context of a place.

Semi-structured interviews (SSI)

There are different typologies of interview, and it is the degree of structure that brings about the variations (Punch, 2013). Interviews can be structured, semi-structured or unstructured; it all comes down to the choice and capability of the interviewer and the nature and direction of enquiry (Byram, 2015). Semi-structured interviews (SSIs) provide the balance between the two ends of restrictiveness and unscripted responses which may not bring about the needed depth of analysis (Dunn, 2000; Bryman, 2015). It is an interview designed to collect subjective responses, where respondents answer open-ended questions that could bring about further questions to elicit more facts or figures that could enrich the depth of the enquiry (Bartholomew et al., 2000; Jamshed, 2014).

This study employed SSI to elicit data as it is more suitable for achieving the aim and objectives of this study compared with the structured and unstructured type. Interview as a method of critical enquiry is used for gathering relevant accounts of the realities in which the respondent or interviewee lives or works (Rubin and Rubin, 2011; Packer, 2017). In this study, the data gotten from interview of the King and focus groups involving community groups on the select case study project was compared to data provided by EIA practitioners who worked on the EIA for the selected project in the case study area. The Interview questions and focus group discussion guide are included in appendices 3 and 4 respectively.

Interviews were also conducted with key stakeholders in the Nigerian EIA practice, namely, the federal and state regulators, the leadership of the practitioners' association, and long-standing EIA practitioners, specifically those with over 20 years' experience. In total, 12 interviews were conducted across 4 Nigerian cities, namely, Abuja, Lagos, Ewekoro, and Abeokuta. Those interviewed were 7 EIA practitioners, 3 regulators, and 2 community-based actors (the community King and the Chairman of the Community Development Association). The questions were written down and administered to the respondents orally in a face-to-face meeting which was recorded after obtaining signed consent. The findings from these interviews provided views of the Nigerian EIA practice covering its formal and informal aspects. The data gotten from these interviews, in addition to data from the focus groups, was used to inform a questionnaire administered to EIA practitioners to further elicit data from them on the influence of "local context" on effective EIA practice. Specifically, 2 local and international EIA practitioners that implemented the EIA for the selected case study project were interviewed to elicit data on their perception and experience of the influence of local context in EIA. As part of the interviews for the local and international EIA practitioners who conducted the EIA for the selected case study, considerations were given to exploring the learning opportunities in the interactions of local and international EIA practitioners. The number of respondents for the SSI were 12, 7 EIA practitioners, 3 regulators, and 2 community based actors (a traditional ruler and chairman of the community development association).

Ethical Consideration and Procedure of this Research

Ethics is a philosophical study that deals with right and wrong behaviour (Rani and Sharma, 2012). It focuses on the study of standards of conduct and how actions are coordinated to meet set aims (Gajjar, 2013). Within the sphere of scientific research, the application of ethics reduces the fabrication and misrepresentation of facts and findings. Rani and Sharma (2012)

argue that historical antecedents in research practices have contributed to shaping the need and relevance of ethics in research. In environmental research, ethical considerations have been used to guide research activities to ensure that they deliver research outcomes that are fair and sustainable (Hrudey et al., 2021). In ensuring this research is ethical, a number of ethical considerations were upheld throughout the different stages of this research work. These included:

- Protection of the rights of the research participants and communities through the offer of anonymity of respondents.
- Voluntary participation of respondents.
- Informed consent granted by participants: participants were informed of the purpose and benefits of the research to environmental sustainability and protection.
- Cultural sensitivity to the community norms and traditions so as to avoid offending the people.

Focus Groups

A focus group (FG) is a group interview involving several persons on a specific subject matter. Usually, the focus group should be small enough to manage and ensure that all participants have an even opportunity to be heard (Punch, 2013; Bryman, 2016). It is a method for “getting into the heads” of the participants to know what they really think and how they feel about the subject of the discussion (Pierce et al., 2015). The number in a group is recommended to be between 6 and 10 (Bryman, 2016). FGs are not interviews in which questions are asked with the expectation of answers. Rather, it is a discussion and the role of the interviewer changes to that of a moderator. Like interviews, a focus group can be structured, semi-structured, and unstructured (Stewart and Shamdasani, 2014); it is the design of the questions that defines the structure of the FG. For this study, a semi-structured focus group was employed. This was so that the focus of the discussion could be maintained whilst also allowing for free thought on related issues.

Three FGs were carried out at the community level, namely, with the market sellers (Group 1 with 6 participants), the CDA together with the community nurse and youth leader (group 2 with 8 participants), and lastly, with the informal youth group known traditionally as “omoni” (Group 3 with 15 participants). See appendix 4 for guide questions for FG. It was decided not to include the King and his Chiefs in the focus groups as their presence may deter free

expression of opinions in the groups. Each focus group had a leader, and the researcher moderated the sessions. The FG discussions explored issues on power, justice, equity, and accountability in EIA as it relates to the community. It enabled the researcher understand the role of the community in the EIA process, their experience from the case study project, and other relevant issues like the informal cultural requirements and practices that define the way of life of the people as a reflection of the “local context”. The target was to ensure the number of respondents per unit was adequate to generate the required data to answer the relevant research question and aim of the study (Creswell, 2015; Malterud et al., 2016). It was also to be manageable within the set time for this study.

Observation

Observation is a method of data collection with a strong tradition in the social sciences. It is used for collecting data about people, processes, and cultures (Kawulich, 2012). It has also been used in research relating to EIA (Stewart-Oatenetal., 1986; Usher, 2000). One of the best ways to learn about the many different groups that make up a society is to observe them carry out the natural activities that are part of the groups’ behavior (Angrosino, 2012). Observation is considered a veritable supplementary means of gathering additional data to substantially enrich data from other sources (Bass and Milosevic, 2016). There are three major types of observation:

- (a) Controlled observation, which is usually structured.
- (b) Naturalistic observation which is more suited for spontaneous behaviour of participants in their natural environment and
- (c) Participant observation technique where the observer is part of the observed group as a participant and could be a covert or overt observer (McLeod, 2015).

This study combined the naturalistic technique and the participatory observation technique. The units were observed in their natural surroundings, although their behavior may not have been as spontaneous as one would expect if the group was not being observed. This method of data collection was used mainly for observing spaces in the community and the users of same. The observation was aimed at understanding the nature of social interactions in the community, the arrangements of neighborhoods, the community behaviour, and non-verbal cues that may

not be adequately captured by the audio recording. They were noted in the field notebook as the interviews and focus groups took place.

Questionnaires

The use of questionnaires is relatively common in EIA research (Rega and Baldizzone, 2015; Marr, 2019). Researchers would normally use questionnaires to elicit data if they are not collecting any by observation or measurement. In this study, questionnaires were self-administered, containing mostly close-ended questions (Bryman, 2016). Questionnaires are common with both qualitative and quantitative research strategies and can be in different forms such as online or paper. The questionnaire for this research was designed based on the views expressed on specific subject areas, as indicated in the questionnaire (See Appendix 1) and focus groups. The questionnaire was pilot tested to identify any problems before implementing the full survey, and to test the quality of responses and appropriateness of the questions to address the research aim. 5 respondents participated in the pilot and the responses led to an amendment of the final questionnaire. One of the issues highlighted in the pilot was the length of the entire survey and numbers of questions, this was addressed by reviewing the structure of the survey. In this study, the online version, using the Jisc online survey software (Bristol online), was used, mainly to reach more practitioners, as they are not co-located in the same state. Using an offline version would have been expensive and more time consuming, considering the logistic arrangements required to reach each respondent. It was also convenient for the respondents and the researcher as they could be completed at the convenience of the respondents but within the timeframe assigned.

The use of this method was limited to EIA practitioners in the study area. Respondents were contacted using the database of the AEIAN. A structured questionnaire (see Appendix 1) with 28 main questions and sub-questions used to get the opinions of the practitioners on how they consider their practice in view of contextual factors that exist in a place where EIA is implemented. The questionnaire consisted of a list of questions influenced by data from the interviews and focus groups and the conceptual framework for this study, which covered five areas, namely, respondents' background and general knowledge, influence of context in EIA implementation, what is viewed as contextual factors at community level, contextual factors in institutional set-ups and how best to use these contextual factors for an effective EIA. 160 questionnaires were sent out and 43 responses were received.

Transect-walk

The community is a place made up of people who share an identity and have common practices reflected in areas such as the local use of space, consequently, a walk through the community to identify any unique or reoccurring feature was necessary. Transect-walk has been used as a tool for community mapping, participatory rural appraisal studies, and community-based environmental assessment (Mahiri, 1998; Spaling, 2003; Puranik, 2018; Feurer et al., 2019). A transect-walk is a walk along a defined path (transect) to identify pre-selected categories of features in a community, usually, features describing and showing land-use, landscape, biodiversity, and vegetation types.

In this study, the transect-walk was carried out to capture socio-cultural and informal elements of the community's life. The walk started from the palace of the King to the community centre and from the community clinic to the security post outward in four directions (north, south, east, and west) with a view to identify the major land-use type, cultural identities in the landscape, place making practices/patterns, and any other forms of cultural representation. With the help of the community gatekeeper, the perceivable interests of the people, social or historical point of reference in the community were identified along the transect walk.

4.5.2 Secondary Data Sources

Secondary data is data collected by someone other than this researcher. Reports, government policy documents and legislation are good sources of secondary data for research (Bryman, 2016). Sources of secondary data used in this study include: EIA reports and other relevant statutory documents such the Nigerian EIA legislation, the Nigerian power sector EIA guidelines, and the Ogun State of Nigeria EIA guidelines. These were accessed through the environmental assessment unit (EAU) of the Nigerian Federal Ministry of Environment. EIA reports for selected projects in the case study area were subjected to content analysis to further the understanding of the subject matter under investigation, particularly, how the report captures issues about "local context" in the EIA process. For the document analysis carried out in this research, the relevant legislations and guidelines for the EIA process for the selected case study project were examined for information on how context was represented in EIA.

As this study also seeks to understand the standards international organizations deploy in the study area, and how they conform to or diverge from the local guidelines, and their relevance to “local context”, documents stipulating international standards for EIA were also examined.

Literature Review

The use of literature reviews to identify the gaps in literature and present the scope, rationale, and conceptual framing of the research is also very founded in this study. This study started with a review of literature to establish the gaps that exist with regards to the subject of context and EIA effectiveness. There were two chapters for the literature review. The first literature review chapter dealt with issues relating to EIA, namely, the internationalization of EIA, perspectives on EIA across different jurisdictions, the meaning of effectiveness in EIA, and the potential for learning in EIA. The first port of call in the literature review was to understand how issues associated with EIA effectiveness were reported in EIA scholarly publications. Books and major EIA journals were accessed for papers on EIA effectiveness and the issues and challenges associated with this effectiveness. Country-based research papers were of particular interest in the search, especially papers from developing countries, like Nigeria. It was established in the first literature review chapter that context is a valid basis for evaluating the effectiveness of EIA, but the meaning and implication of context in EIA was not so clearly addressed in literature.

This necessitated the second literature review chapter in which the subject of context, what it means, and how it could influence the practice of EIA was thoroughly evaluated and critically discussed in view of EIA effectiveness. To do this, a multi-disciplinary literature search in disciplines that are closely related to the field of EIA was carried out, namely, environmental management, sustainable development, political relations, spatial planning and place attachment, and international standards. A coordinated search within the respective disciplines in relation to context was carried out. This led to a working meaning of context and what this might mean for EIA. The literature review provided the needed basis to develop a conceptual framework for this research, based on the factors that form the context, their interaction and influence on the effectiveness of EIA.

4.6 Method of Analysis

A major part of the data analysis started at the data collection stage. Since different data collection methods were used in this study, different means of analysis were employed to help draw robust conclusions.

4.6.1 Nvivo Software analysis

The transcribed data was analyzed using Nvivo software at the first instance. This process was aimed at distilling the data sources into nodes. The nodes served as a basis for discussions and drawing analytical arguments on issues relevant to the research aim such as power relations, legislation, culture, tradition and capacity for EIA. The transcribed data (from audio to text) from the interviews and focus groups were uploaded to the software for storage and management, and exploring connections with themes, and searching for patterns and code responses for comparison across the data frames.

1. Mapping and exploring connections, relationships, patterns, processes, and ideas within data
2. Searching key words and text phrases
3. Annotating of text data
4. Organising and searching data according to themes
5. Storage and management of annotated data

Box 4.1. Functionalities of Nvivo Software (Source: Lewins and Silver, 2007)

4.6.2 Discourse Analysis

Discourse analysis as an approach to data analysis is applied to different forms of communication, including talk, newspapers articles, and texts. It compares written or spoken language in relation to its social context (Bryman, 2016). This analysis was applied to the data collected from the focus groups and the face-to-face interviews, noting particularly, the use of language to convey meaning of context, the broader non-linguistic social practices and attitude to EIA in the case study. This method is particularly suited for this data and study because discourse analysis has the capacity to analyse how language (both spoken and written) enacts cultural and social perspectives, identities, and interactions (Schiffrin, 1994; Gee, 2004; Tannen et al., 2015). It also advances the understanding of various social perspectives around

the influence of context on the effectiveness of EIA in the study area. One key area in which discourse analysis has been used is in the understanding of power relations, where language is seen as a power resource (Fairclough, 2013; Bryman, 2016), and power relations is essential in this research.

4.6.3 Document Analysis

Document analysis is the process of interpreting documents to give clarity to the subject under investigation (Bowen, 2009). It has also been described as a process for eliciting social meanings in written text (O'Connor, 2019). Two key types of documents formed part of the data to be analysed in this research study, namely, the EIA reports/EIS/R for the selected case study project and the legislative document providing the statutory framework guiding the EIA process and practice for the type of project selected in the case study. These are a representation of a distinct sense of reality in their own rights, and a window that could reveal the underlying social complexities and realities of a subject matter (Atkinson and Coffey, 2011; Bryman, 2016). By analyzing the EIA report, supplementary information was gleaned on how contextual realities are taken into account in an EIA. Additionally, the analysis of data collected from the community on local context was compared with information reported about context in the EIA report to confirm the validity of the conclusions of this study and further the understanding of how context influences EIA effectiveness.

4.6.4 Data Management

An audio recorder (able to record clearly and with a large storage capacity) was utilized for the interview sessions. This was backed up with another device. All recordings were transcribed, and all transcriptions were securely stored on different platforms, namely, google drive, Dropbox, the writer's personal hard drive and the Newcastle University's cloud system through OneDrive. This was to ensure that there were multiple options available to access the data in case one option failed. The data collected was also held confidentially under the Newcastle University data protection policy to ensure that the anonymity and privacy of respondents were protected.

4.7 Cultural Sensitivity as a Result of Historical Antecedents

Cultural sensitivity is usually part of the ethical considerations in community-based research, and this study is not any different. It involves cultural characteristics, attitudes, values, traditions, norms, experiences and beliefs of the targeted respondents (Guntzviller, 2017). There were reasons to give special attention to the nature of cultural sensitivities that may be

present in this study. Because issues of power relations and land ownership were discussed, and Nigeria has historical antecedents of war and skirmishes between settlers and indigenes (Nwagwu, 2016), participants had to be made to feel safe about participating in this study. Community conflicts, boundary clashes, power tussles, and dialect/tribal diversities are common trends in many communities in developing countries (Osinubi and Osinubi, 2006; Nwagwu, 2016; Wilson et al., 2018). Additionally, research works with people in traditional communities have peculiarities of being culturally sensitive (Arensberg, 2017). In this study, measures were taken to identify the nature of each group that participated in the focus groups; full disclosure of the data required was presented, including how the data would be used, and that full anonymity of individuals and groups of respondents would be enforced.

4.8 Research Reflexivity and Methodological Issues

The research approach adopted for this study presented an initial concern about how to merge different data types and analytical approaches. However, in the end, this became a source of a rich and more enhanced understanding of the issues associated with local context.

The choice of a case study project presented some limitations, especially with regards to data collection. Having to travel between several cities to connect with the required persons made data collection difficult but proved to be worthwhile in providing good insight into the institutional arrangement for EIA in Nigeria. Having to cover 100s of kilometres to reach federal, state, local government, and community actors in the EIA implementation process underscores the need for a database system in the Nigerian EIA practice.

Developing a conceptual framework from the EIA literature and an additional consideration of the meaning of context from a multi-disciplinary standpoint meant that explanatory links needed to be achieved. While this was an initially confusing and difficult exercise, it shaped the research focus meaningfully.

Preconceived ideas can form systematic error that could skew the result of a research. Recognising and understanding bias is a crucial necessity to successful evidence-based research (Galdas, 2017). From the interview and focus group engagement with the community actors in the case study area, there was a strong sense of “us versus them”, between the traditional and clan leadership and other community members in the informal groupings. This researcher, being a person from the wider Yoruba tribe, although not from the case study area, was prone to bias as one whose family is from one of the ruling traditional institutions. Being aware of this helped the researcher ensure a balance of opinions by giving all sides the same

fair chance to speak freely. This was achieved by holding meetings with all groups on separate occasions. Additionally, designing the questionnaire for the practitioners' survey from ideas and issues arising from the focus groups and interviews helped reduce the introduction of preconceived ideas.

Chapter Five: Context of Nigeria EIA Practice

5.1 Introduction and background

This chapter presents an analysis of the findings on the context of EIA practice in Nigeria, identifying and distilling contextual themes across the different data frames. It starts with a discussion of the legislative framework for EIA practice in Nigeria followed by an analysis of EIA reforms. It continues with an analysis of EIA practitioners' perspective on the context of EIA practice, informed by survey (with 43 respondents) and interview (12 interviews) findings. These findings focus on matters of EIA regulation, community relations, and the role of informal groups in community consultations, and the implication and use of standards in EIA implementation in the study area. The results presented in the chapter provides answers to the research questions directed at understanding how actors in the Nigerian EIA system exert influence on EIA effectiveness, what contextual factors are associated with EIA implementation in Nigeria and the influence they have on EIA effectiveness. It also partly answers questions on power relations and if there are potentials for learning in the interactions that take place in the EIA process.

5.2 Nigerian Environmental Governance System and Legislative Governance Framework for EIA

The Nigerian environmental management system is governed by a multi-sectorial approach, under the Federal Ministry of Environment's (FME) technical departments and agencies (see Figure 5.1 below). As part of the system, states and local governments also have regulatory mandate. All the 36 states and the federal capital, Abuja, have a functional ministry of environment saddled with the duty of protecting their respective environments. However, there are responsibilities exclusive to the Federal Government, and EIA is one of such. The general law mandating the performance of an EIA before certain development projects in the country is approved is the Environmental Impact Assessment Act (EIA) No. 86 of 1992. However, there are also legislations that reiterate this requirement for particular development projects dealt with under the specific laws such as section 33 of the Nigerian Urban and Regional Planning Act 1992, paragraph 5.3.4 of the Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) for the Department of Petroleum Resources (DPR) and section 8(1) b (iii) of the Nigerian Minerals and Mining Act No 20 of 2007.

The EIA Act of 1992 is the overarching legislation for EIA because its operations cut across different sectors and involves different ministries, as indicated in figure 5.1. In this research, the focus will be on the EIA Act 1992, enforced by the EA department of the FME. The EA

department oversees the implementation of EIA, and the National Environmental Standards Enforcement Agency (NESREA) oversees the accreditation of EIA consulting firms are part of a governance system for the environment, under the Nigerian Minister of Environment. This study frames the Nigerian EIA implementation interactions in the formal and informal spheres of society, the EIA Act is mainly aligned to formal process and formally recognised community consultees. The formal interactions are adequately controlled by the provisions of the law and the administrative frameworks, the informal is controlled by cultural hegemony and belief systems. These are jointly evaluated against the background of “local context” as an influential factor in EIA effectiveness and provisions of the law. The inclusion of the communities and informal groups in the figure 5.1, is to highlight the important role they play in the EIA process, from observation from field-work, community groups are keen about playing active roles on issues of environment, although the law does not adequately make provisions for all groups. The EIA Act made provisions for all interested members of public to be consulted before decision is made, and in this regards, the informal groups at community levels are a relevant part of the interested public. Although this provision has not been adequate results in sections of this work will show.

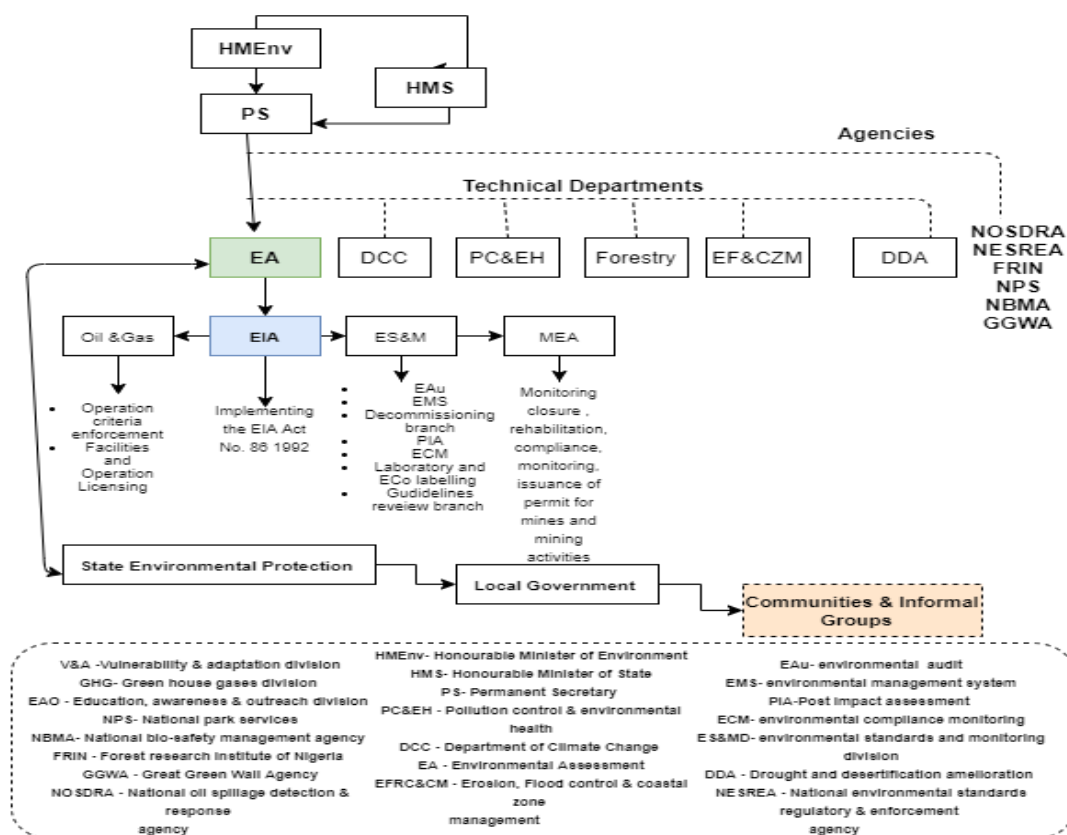


Figure 5.5. Displaying the Federal Ministry of environment structure of governance for the environmental system: Source; Adapted from the ead.gov.ng, climatechange.gov.ng, and with contribution from field work June 2019.

The EIA Act 1992 empowers the FME to enforce the implementation of EIA before approval of certain developmental projects. Under section 1(a), the government itself (federal, state and local) is subject to the Act) and therefore must comply with it before it authorizes certain projects as part of normal governance. The objectives of the EIA Act are

- (a) To ensure that the environmental effects of proposed activities are considered before a decision is taken to allow the proposed activities to go on.
- (b) To promote the implementation of appropriate policy covering all federal, state and local areas so that the goal stated in (a) above can be achieved, and
- (c) To facilitate information exchange, consultation and notification when environmental effects are likely to be transboundary in nature.

Section 2(2) describes projects requiring an EIA as those that are 'likely to significantly affect the environment' The Act does not define what significant environmental effect means, yet section 61 defines environmental effect as

- (a) Any change that the project may cause to the environment;
- (b) Any change the project may cause to the environment, whether such change occurs within or outside Nigeria, and includes effect of such change on health and socio-economic conditions.

Notwithstanding, the Act lists in the schedule certain projects for which the carrying out of an EIA is mandatory. These projects include the construction of airports, mining, and petroleum extraction projects, amongst others. It must be stated that this list is not exhaustive, therefore, new projects may be so classified through subsidiary legislation. This is one of the shortcomings of this EIA Act as it means that certain projects with potential to cause serious environmental damage may escape EIA, not being listed in the schedule and no criteria exist in the Act to determine their status.

Some projects are, however, excluded from EIA. As stated in section 14, these are

- (a) Projects which the regulatory agency is of the opinion is on the list of projects which the President or the Council is of the opinion is unlikely to have significant environmental effects.

(b) Projects that are to be carried out during a national emergency for which temporary measures have been taken by the Government;

(c) Projects, which in the opinion of the Agency, are in the interest of public health or safety.

While projects listed under (b) are understandably exempt from EIA, it is unclear why option (a) is available seeing as the President or Council may not be experts in assessing the environmental effects of a project. Also, option (a) is unclear because while it acknowledges that there is a list of EIA-exempt projects by the President or the Council, it refers to the regulatory agency forming an opinion that a project is on that list when the regulatory agency could simply have consulted the list.

With respect to option (c), it is not apparent that the interest of public health and safety are in conflict with environmental protection. In fact, environmental protection is sometimes integral to health and safety.

In section 4, the Act lists the minimum content on what is expected to be done in the EIA. They include a description of the proposed activities, any environmental effects from the activities, mitigation measures for the identified environmental effect and whether any transboundary effect is likely. In section 6, requires the regulatory agency to consider the EIA impartially before making a decision. Before the agency makes a decision on the EIA, it shall, under section 7, ‘give opportunity to government agencies, members of the public, and experts in any relevant discipline and interested groups to make comment on the EIA of the activity.’

The interviewed regulator, indicated that some gaps exist in the Act:

... now almost three decades (of using the same EIA Act), we have discovered there are lots of omissions [gaps] due to emerging global issues [that we need to attend to] ... The gap of site-specific project impact assessment is a major one, climate smart actions, cultural heritage, resettlement plan, restoration plan ... and other social issues. (Interview FME001).

Additionally, a practitioner who has over 20 years EIA experience in Nigeria indicated:

Our EIA law is a bit generic, so it gives them [referring to regulators and practitioners] room to determine what is in scope and what is out of scope. Even though the law has not changed, we find that the practice is better, partly because of DFI's involvement in projects in Nigeria... (Interview PS001)

The respondents were well aware that there is a need for an updated EIA Act to enable improvement in EIA implementation in Nigeria. Furthermore, the Act, which should form the standard guide for good practice, gives room for personal judgement on issues that are not well defined in the EIA Act. Section 14 providing for public participation is one such example. It is not clear how communities are to be consulted, the timing and level of inclusion, particularly a community with strong cultural hegemony in place. The Act simply says members of the public should be given the opportunity to comment before a decision is made by the regulator. The EIA Act should provide some standard(s) to enhance quality assurance.

The use of the EIA Act has created tension in the Nigerian EIA regime. These are analysed by looking at the provisions of the Act and factors of context provided by respondents. While generally, the National Assembly (legislature) has power to amend the EIA Act, under section 59, the FME is empowered to produce subsidiary legislation. Other agencies such as the DPR may produce sectorial guidelines for EIA as has been done with the EGASPIN. This is a means to ameliorate the effect of a dated EIA Act. A member of the regulatory team indicated thus:

At the level of government, they are looking at the gaps in the Act, but we help the system with the guidelines that are being produced. We have up to 17 guidelines rolled out last year (2018); the old ones are being reviewed. We aim to ensure issues are looked at in respective sectors to allow for specific management. So, each issue is covered separately; for example, in power, we have renewable energy, hydro, and nuclear guidelines... (Interview FME001).

The guidelines cover aspects that are not covered in the Act, for example, Strategic Environmental Assessment (SEA) and Health Impact Assessment (HIA). These guidelines, displayed in table 5.1, are indicative of the advancement in EIA practice that are beyond the provisions of the EIA Act. While one may argue that the gaps in the EIA Act are being plugged by guidelines, making agitations for update redundant, it is apt to point out that the legitimacy of the guidelines may be challenged in the courts as deviating from the EIA Act.

Types of Guidelines	Types of Guidelines
Environmental Impact Assessment (Act 86), 1992 Guidelines for Review of Reports in Nigeria	National Guidelines on Spilled Oil Finger Printing
Guideline for Environmental Impact Assessment (Act 86), 1992 Guidelines for Waste Management Facility.	National Guidelines on Environmental Audit in Nigeria
National Requirements and Guidelines on Environmental Management System in Nigeria	EIA Guidelines for Bitumen Exploration
Guidelines for Environmental Impact Assessment EIA (Act 86), 1992 Sectorial Guideline for Dredging Activities	National Guideline for Environmental (Act 86, 1992) post Impact assessment.
Procedural Guidelines	National Guidelines on EIA for Telecommunication
Environmental Impact Assessment Sectorial Guidelines for Oil and Gas Industry Projects	National Guidelines on EIA for Nuclear Power Plant Project
Mining EIA Guidelines	National Guidelines on EIA for Power Sector Projects
Agriculture and Rural Development	National Guidelines on EIA for Renewable Energy Projects
Infrastructure	National Guidelines on EIA for Health impact Assessment
National Policy on Environment	National Guidelines on EIA for Pesticides Plant
National Guidelines on Waste Disposal through Underground Injection	National Guidelines on EIA for Urban Development
National guidelines on Registration of environmentally Friendly Products and Eco-labelling	National Guidelines on Strategic Environmental Assessment
National Guidelines and Standards for Water Quality in Nigeria	National Guidelines for EIA on Social Impact Assessment
National Guideline on EIA for Decommissioning	National Guidelines on EIA for Biophysical Studies

Table 5.1. Showing different types of Guidelines used by the FME for EIA governance (Source, FME, 2019)

Notwithstanding the flexibility of subsidiary legislation such as guidelines, the results in figure 5.2 shows that 29.3% of respondents consider the current regulatory guidelines for EIA as being inadequate for ensuring effective EIA, and therefore require updating. One respondent noted: “the current regulatory guidelines are surprisingly silent on quality issues”.

22.4% of the practitioners surveyed considered the guidelines to be context specific and relevant to the Nigerian context. The power sector guidelines apply to this thesis’ case study project (Ewekoro Power Plant project) and will be examined in more detail in the next chapter in relation to their relevance to the local context of the case study. 12.1% said the guidelines are of international standard. 22.4% agree that the existence of multiple regulatory frameworks make the EIA process complicated, and 10.3% view the EIA guidelines as easy to use. The majority of the EIA practitioners surveyed believe that the current regulatory framework is inadequate and complicated by the multiple legislation for EIA in the system.

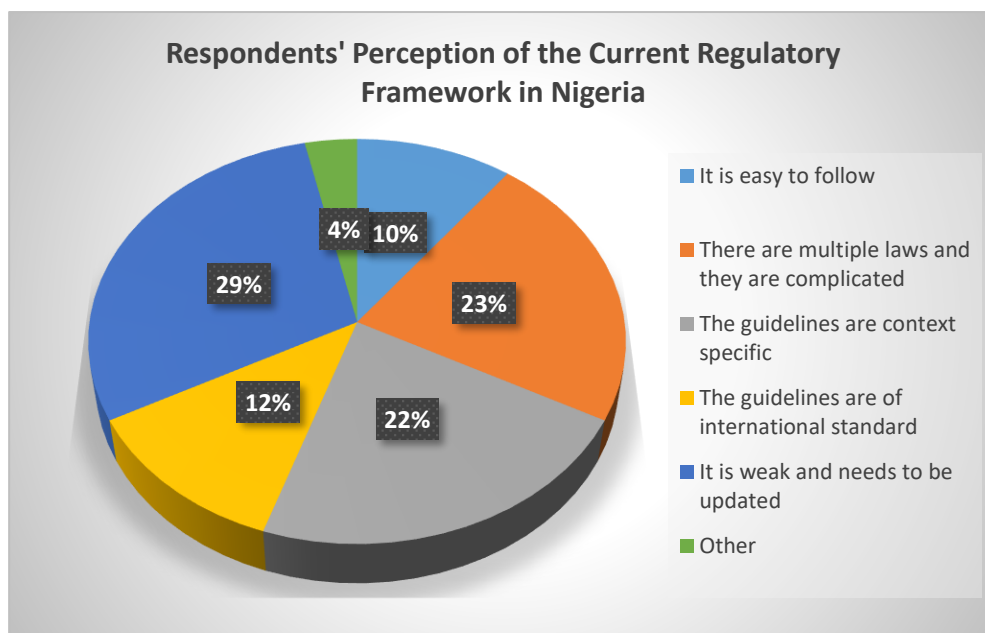


Figure 5.2: *The respondents’ perception of the Nigerian EIA regulatory guidelines.*

While the federal government, through FME, is solely responsible for EIA regulation, with a duty to allow states to make input before decisions are made, in reality, some states like Ogun State are not satisfied with this and have decided to run their own system of environmental assessment. In this regard, a practitioner stated:

What you find in Ogun state [where they have their own EIA system] reflects the current realities in terms of the agitation of States about how EIA studies are done in Nigeria.

EIA act imposes the duty of implementing EIA to the FME; they then carry the States along. However, we cannot deny the fact that it is a major revenue generation for the FME, so the States who host the projects are unhappy and some have gone to court, and it has not been successful (Interview PS002).

The above statement suggests a tension between the federal and state governments in relation to EIA governance in Nigeria, a situation that could impact on cordial collaboration between states and federal agencies for effective implementation of EIA. This is a pointer to the influence of power relations between the state and federal authorities on EIA and also underscores the need to balance powers involved in EIA. This will be examined in more detail in the next chapter.

In the operations of the regulatory agencies and ministries, there are overlapping duties with regards to EIA. For example, while the EAD of the FME exercise general oversight of EIA, the DPR is responsible for the governance of EIA in the oil and gas sector (Olokesusi, 1998; Collins et al., 2008; Nwocha, 2014). Procedures for approval and timing of the relevant stages of EIA are different for the DPR and the FME (see figures 5.3 and 5.4 respectively). For example, the DPR does not use an expert review committee for the EIA review before approval as this is done in-house, unlike the FME's EIA. Also, the DPR's process is specific to the oil and gas industry unlike the FME which applies generally, and also has elongated procedures with baseline study for both dry and wet seasons, the DPR is tailored to the industry and has a more recently updated Environmental Guidelines and Standards for the Petroleum Industry. A respondent reported that projects with DPR approval have had to be rescinded by State authorities for failing their own environmental standards. Multiple platforms for EIA do not favour collaboration, and this makes the EIA process complicated for proponents of projects that have oil and gas and other industrial purposes. They require different EIAs for the same project. A similar overlap of duties exists between NESREA and the EAD of the FME. This has given rise to tension between these two government regulators, a situation that can impact on EIA effectiveness. NESREA was created under the NESREA Act of 2007 and saddled with the responsibility of ensuring environmental protection and development of the environment, diversity conservation, and sustainable development of Nigeria's natural resources and environmental technology (NESREA, 2007; Nwocha, 2014). Section 2(a) of the NESREA acts provides that NESREA "shall be the enforcement Agency for environmental standards, regulations, rules, laws, policies and guidelines". It is apparent from reading this section that there is an overlap of duties between NESREA and the EA department of the FME. NESREA is further responsible for overseeing compliance with international treaties and agreements on

the environment, climate change, biodiversity conservation, and desertification, amongst others. NESREA also carries out accreditation of EA consultancy firms (Interview PS001). It has offices in the six geo-political zones of Nigeria (NESREA, 2019).

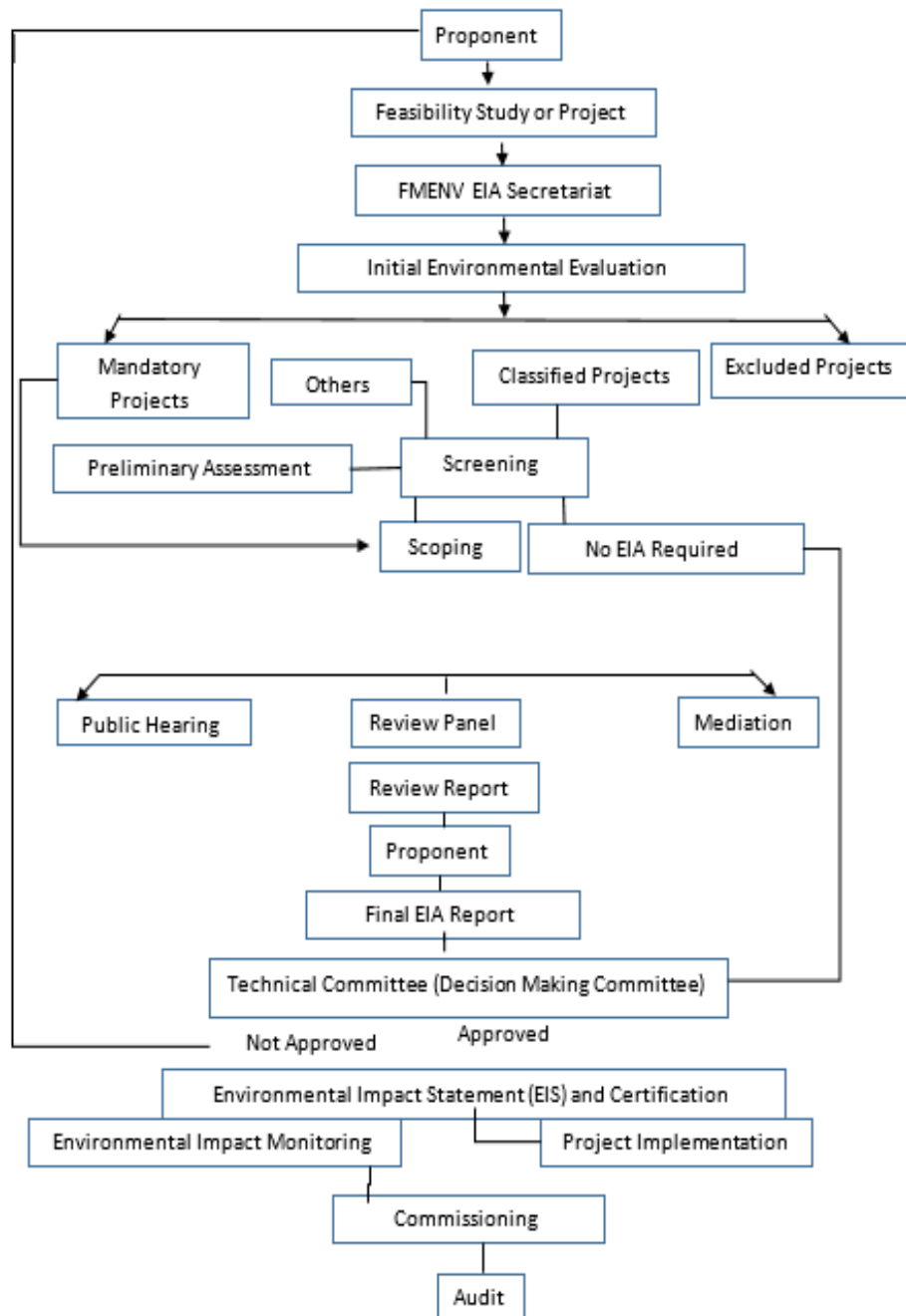


Figure 5.3: Procedural Flowchart for Nigerian FME EIA (Source: [Luwanga and Sha, 2009](#)) as prescribed by the EIA Act 1992

Some respondents confirmed that there is tension between regulatory agencies and tiers of government, and that this tension has further heightened the need to have a legislative review of EIA to define roles between regulatory agencies and government for improved EIA practice. The confusion of roles in EIA between different government agencies is a matter that has been heard by a court of law, and despite recent court judgement that shows that NESREA holds the mandate for EIA enforcement in Nigeria, the EA department of the FME continues to act as regulator for EIA. A respondent stated that there is an informal agreement for better relations between the regulatory agencies, but it is not clear that this is the case.

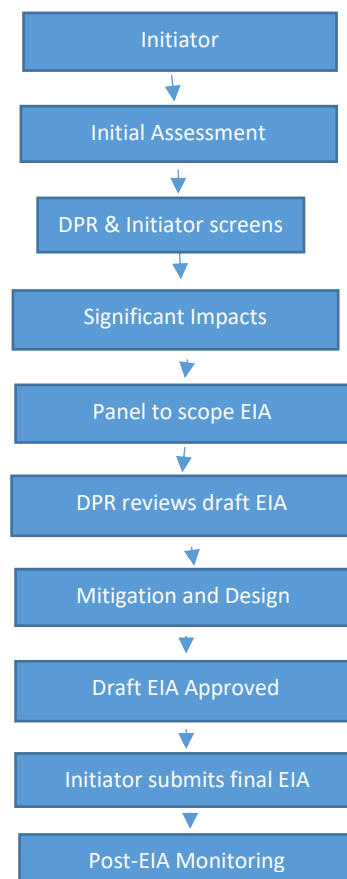


Figure 5.4: DPR EIA Procedure. (Source: DPR, 2002, 132-143; Lawal, 2012)

The Nigerian Minerals and Mining Act No 20 of 2007, chapter 4, reveals environmental consideration and rights of the host community are to be considered and reported in the EIA report. In Part 5, the Mining regulations stipulate that all holders of mining and exploration licenses must comply with, and perform all environmental obligations contained in the Act; which includes conducting EIA and submitting a report before approval for mining to

commence is made. This is to further the conversation on multiple platforms for EIA in Nigeria, and the complications of cost for proponents who have projects that may have multi-sectorial involvements, thereby requiring several EIAs.

In addition to the inadequacy of the EIA Act identified earlier, the level of regulatory supervision is also adjudged inadequate for effective coverage of the nation's EIA system. One of the leaders of the practitioners' association stated:

Frankly speaking, when you submit a document, they [referring to the regulators] comment on it and that is it. That is where the relationship stops. I say this with pain, and I have reviewed several reports ..., so you see a lot of gaps through the process of an EIA.... Even more damaging to the entire regulatory process is the capacity of the experts reviewing the EIA, many of them are ignorant of the situation they are looking to review... (Interview PS001)

This statement shows practitioners have expectations from the regulators. While this is not stated in the EIA Act, it is an indication that the current practice situation may benefit from some guidance provided by the regulators to practitioners. If supervision is expected as part of the regulatory oversight functions, at what stage should this be provided and to what extent? This provision of better information in this regard could help manage expectations between EIA practitioners and the regulators. This situation highlights the importance of actors as a contextual factor that could impact on EIA effectiveness. This is considered in further detail in 5.2.3 of this chapter.

The EIA Act requires that the public be given the opportunity to comment on the EIA of a proposed activity. It is on this premise that community engagement is enforced. In the process of consulting communities, proponents, regulators and practitioners are expected to comply with the traditions of the community. For example, with the selected case study project in this study (discussed in the next chapter), a respondent stated:

You know that community consultation is not the same for every community. You need to follow the traditions for consulting the king and his council. This is a very sensitive subject and that's why international consultants prefer us to do this. With the power project, of course we went to the Baales [traditional rulers] to tell them our intentions and then they directed us to the persons to speak to. So, it is a local bureaucracy (Interview PS003).

There are informalities in the traditional domain at community levels that show up in EIA interactions. The traditional institutional governance and other group compositions at

community level which are not captured in the Nigerian EIA Act are sometimes part of the EIA implementation process. The King and his council of chiefs, officially recognised by the local and state governments, are at the helms of affairs at community level. Clan heads who form another layer of traditional government in the community are also in place. Groups like the Community Development Association (CDA), market sellers association and the informal youth group (known as omo onile) also exist but are not formalised for EIA consultation, mainly because they are not recognised as stakeholders. This is the character of the community in the study area, and when it comes to public consultation for EIA, this is often limited to a set of formal consultees, who are mostly community elites and land owners. The practice in community consultation is that the King recommends who should be consulted in the community, and this is arrived at based on the clan's headship, as indicated below:

We will welcome them [referring to the EIA team] the traditional way. We will bring kola and drink and then listen to them and receive the official letter and forms for us to fill as the community. Thereafter I will send them to meet with the families and clans that own the lands on which the development will happen (Interview C001).

The dynamics of power relations, linked with culture and tradition, in the consultation of the formalised traditional institutions and the informal groups in the community are very different from one part of Nigeria to the other. This is evaluated further in chapter 6 of this research work, which focuses on the EIA case study.

5.2.1 EIA Legislative Reforms in Nigeria

In October 2018, the EIA Bill to repeal the existing Act and enact the EIA Act, 2018 was presented to the National Assembly. A new EIA Act had become necessary, according to the Director of the EAD, FME, because of omissions in the current Act which has been in use since 1992. The proposed Act was meant to take EA beyond the site-specific approach to a more cumulative assessment approach. However, this law was not passed, and no specific reasons were given, but this response suggests it may be due to political affiliations.

That's what I'm telling you that they have politicised everything. We are talking about a standard of 1992, Prominent Professors have written to them and given the reasons for new standards, but they don't care as long as you don't belong to their political party, they will drop it somewhere, they will not pass it (Interview PS003).

This response highlights the fact that where political affiliation is needed to ensure the passing of a bill that is about environmental protection, the environment is likely to suffer as the political power necessary may not be present. Incidentally, the objectives of the proposed EIA Bill are the same as the existing EIA Act, except for some few cosmetic changes such as

substituting policies for policy or interstate for trans-state. The Bill is similar to the Act but introduces some new material such as in section 8 where it provides for public participation before a decision is made on a project. While this seems fleshed out, it is not significantly different from the current Act as the same criticisms may be levelled against it. Strangely, the Bill places the decision-making power in the Minister as opposed to the Agency under the Act. The criteria for excluding projects from EIA remain the same but notably, the Bill provides for Strategic environmental assessment (SEA), Social Impact Assessment (SIA), and Health impact assessment (HIA). The non-passage of the bill into law suggests that Nigeria still considers the current law as fit for purpose or there is a need for more consideration of the many issues associated with the bill.

The practitioners' survey in table 5.2 shows that the following were triggers for the EIA legislation review: environmental protection needs (31.9%), compliance with international standards (30.4%), political manipulation (15.9%) making donor agencies (international development partners (IDP) happy (10.1%), and social pressures (7.2%).

Political manipulation (politicians in power)	11	15.9%
Compliance with international standards	21	30.4%
Environmental protection needs in development planning	22	31.9%
Social pressure	5	7.2%
Donor agencies' agenda for sustainable development	7	10.1%
Others (This includes issues not listed above)	3	4.3%

Table 5.2: Showing the perception of 43 EIA Practitioners on triggers for the legislative review of the EIA Act

5.2.2 Institutional Arrangements (IA) For Implementing EIA in Nigeria

The law sets out the institutional arrangements (IA) for EIA, and IA are a contextual factor that defines the approach to EIA implementation and by extension its effectiveness. IA in Nigeria take the form of a centralised system which has been identified as a major area of tension with practitioners and state governments as it creates the “us versus them” divide; a “silo effect” which makes “the current system too top-down and formalised away from the realities of the people who are most concerned” (Interview PS005). In this arrangement, the federal government through the FME controls and oversees all EIA activities/processes from Abuja, the capital city. The state government in the study area, however, finds this system

objectionable as revealed earlier, with some state governments now initiating their own EIA system. The centralised institutional arrangement for EIA in Nigeria is linked to the political culture in the country as suggested by this respondent:

The political culture and style, and also the “big-man syndrome” in Nigeria— in this case, the federal government is the big man and people in the space treat them as such and nobody wants to stand up to the big-man. So, this is also there, and for some time the States have always ceded that authority willingly to the federal government, but it seems things will have to change (Interview PS001).

The federal regulators have expressed concerns about the agitation of some state governments, alleging that if the states were to take over the duty of EIA, there will be widespread environmental abuse because state governors will abuse their powers (Interview FM001). This position will be evaluated in more detail in the case study, especially in relation to the power relations between federal and state governments.

In criticising the centralised approach to EIA governance, practitioners argue that the regulators do not have the capacity to cover the entire country effectively:

...the capacity at federal and state level... is where you are going to see ... disparity. So, these capacity issues are in there because of the over-centralisation of EIA ... in Abuja. The country has run a centralised system since the military era (Interview PS002).

In the survey of the wider practitioners, the results show that 69% of respondents agree and strongly agree that the central regulatory style is inadequate for effective EIA in Nigeria, as shown in figure 5.7 below.

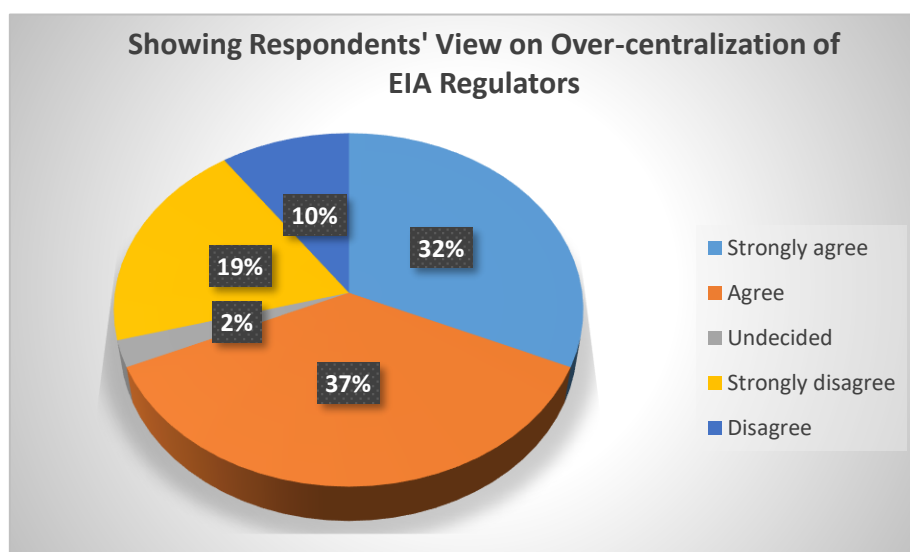


Figure 5.7: Level of Agreement or Disagreement with the notion that EIA regulators are over-centralised in Nigeria and lacking local presence at State or local government levels.

The views of respondents from the survey on over-centralisation of regulatory functions aligns with the views of practitioners who were interviewed, suggesting that this is a major contextual issue that influences EIA effectiveness in Nigeria. The duplication of institutional processes for EIA earlier mentioned leads to increased costs for proponents and has become a source of frustration to EIA practitioners. Three different interviewees stated:

Everything you have done with the federal, the state also wants the same— double dipping with the proponents again. After federal approval, states will ask for their own (Interview PS003).

NESREA is also saying a similar thing [wanting the proponents to meet some conditions], and the proponent is just frustrated. So, all these things are just the local Nigerian situation and they [regulators] are not ready to listen to those in the field (Interview PS004).

There is a need to streamline the role of the state, federal, and local government, because they all come at the project wanting something from the EIA. There should be a clear mandate for EIA. It's not fair on the proponents to be getting approval from all tiers of government over the same project (Interview PS001).

There is also the administrative cost which is prohibitive, these views indicate that the prohibitive costs of EIA can make compliance difficult. “Usually, the cost of reviewing an EIA can be up to 4 million naira, incurred by the proponent. After that there is still self-assessment charges of another 1.5 to 2million naira. This makes some proponents not do federal EIA” (Interview PS006).

Proponents should not be spending so much. Nobody is saying the EIA should not be done, but the regulatory cost is just too much. It should be reduced to a concise amount. The procedure and the cost should be streamlined so you don't have such a lengthy and costly EIA process. And everything taking place in Abuja makes the speed slower. Things should be done electronically to save time (Interview PS005).

The IA for awarding contracts (referring to the process of competing for the EIA jobs by the consultants) for EIA is another area of tension. Practitioners expressed their frustration from the abuse of the system, and this they argue is due to regulatory faults in the IA, as indicated here:

The space has become a place for all comers that anybody who wants to make quick money can just get the EIA job for a cheap amount and do what he likes and go. So, imagine the drop in price and see how the quality has dropped (Interview PS003)

Civil servants in the Ministry of Environment have their own environmental companies, and most of those who have relatives working in the government environmental agencies have accreditation for their family members, just for them to get the contracts as source for the EIA (Interview PS003).

The views above suggest that IA are important contextual factors that could influence the effectiveness of EIA. The Nigerian EIA IA is linked to underpin the general EIA practice-related issues that affects the practitioners, proponents, other tiers of government and all stakeholders in the effective implementation of EIA.

5.2.3 Relationship between Actors in the Nigerian EIA Process and Governance System

There are various actors with different roles across the different stages of EIA. These actors are the regulators, proponents, EIA practitioners, development finance institutions, the community and NGOs (see figure 5.8 below). Their interactions reveal their power positions in the EIA process and its implication for the governance of EIA in Nigeria. Table 5.3 below shows each actors role at each stage of the EIA process and a remark on the contextual factors evident in the various actors' interactions and their power position. The interactions of these actors in the EIA process may be classified into formal and informal interactions. The formal interactions are structured and follow prescribed rules, and outcomes are predictable. The informal interactions are mainly guided by community hegemony and group dynamics; with different groups and interests, the outcomes are not predictable.

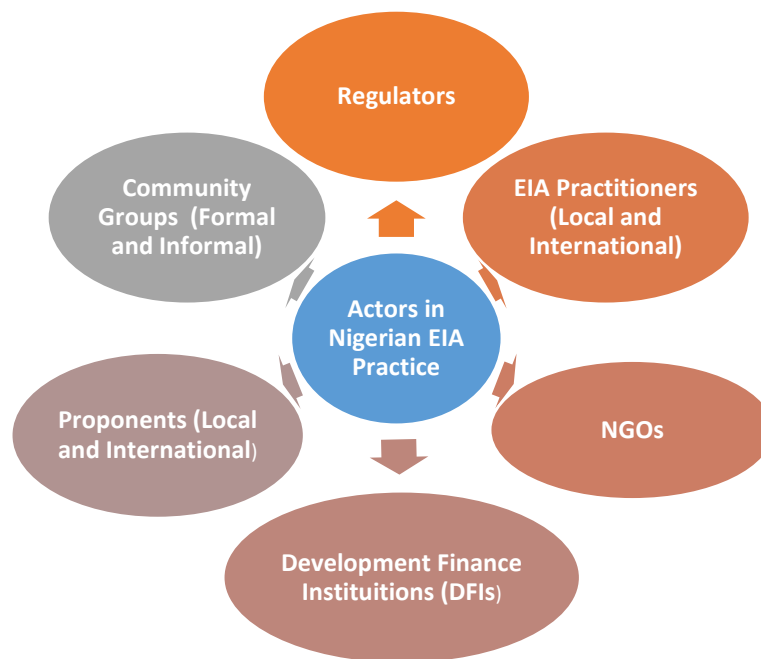


Figure 5.8: Showing the group of Actors in the Nigerian EIA Practice Space (Source: Interview) PS002, June 2019)

Regulators enforce the law, as well as accredit EIA consulting firms. EIA consultants, who can be local or from abroad, carry out the EIA and produce the relevant reports. The proponents are either local or international project owners; they sometimes rely on DFIs for their funding. “The DFIs have become very influential in the Nigerian EIA practice space. Through their standards, which are requirements for securing funding for projects, they shape the style and nature of EIA implementation in Nigeria” (Interview PS002).

EIA Stage	EIA Actors	Roles the EIA Actors Play	Interaction and Relationship of Actors
Registration of Intent	<ul style="list-style-type: none"> • Proponents • EIA Practitioners • Regulators 	<p>The proponent submits interest for EIA with proposal and the Terms of Reference (TOR).</p> <p>Regulators accept and issue a form.</p>	<p>The interaction is formal because it is within the formalised arrangements for EIA and the outcomes are predictable. The proponent initiates the EIA with the EIA practitioner providing support. Terms of Reference (TOR) for the EIA are proposed. The regulators accept the proposal to initiate the EIA and initiates screening with forms to be completed.</p>
Screening	<ul style="list-style-type: none"> • Proponents • EIA Practitioners • Regulators 	<p>The regulators review the TOR in the proposal for EIA.</p> <p>EIA consultants join the site verification team.</p>	<p>The regulators hold the control in this process. Interaction is formal because it is part of the procedural requirements for EIA involving the regulators, EIA consultant and the proponent. Regulators decide the outcome, with site verification as part of the screening.</p>
Site Verification (SV)	<ul style="list-style-type: none"> • Regulators • EIA Practitioners • State Ministry of Environment • Local Government • Host Community Representative 	<p>The regulators lead to verify the content of the TOR in the proposal submitted. The relevant stakeholders such as ... at the state, local government and community level are carried along.</p> <p>In this role, the regulators are expected to be adequately skilled to identify the relevant information for sampling and data collection. However, respondents argue that in many cases, the officers sent for the SV do not know enough to guide the consultants who may have to ignore the guidelines provided for more informed and well assessed guidelines for the data collection. Also, the mapping of community</p>	<p>The interactions are both formal and informal. The formal interaction is between the regulators and the proponent, while the community is engaged informally to present the EIA team to them. A respondent, however, mentioned that before this happens, several informal meetings would have taken place between the proponent and the community leaders. The details and style are generally unknown.</p> <p>Also, the EIA consultant informally speaks to people in the community to understand the terrain and identify community stakeholders. The regulators take the lead and appear to hold the control.</p> <p>SV is crucial to the entire EIA process in Nigeria, it provides information on the methodology for the EIA, and context mapping takes place. The regulators use information from the SV to provide guidance for the project, informing on</p>

		stakeholders is done at this stage although in many cases, it amounts to tokenism.	sample size, sample points, and community stakeholders mapping-for consultations.
Scoping	<ul style="list-style-type: none"> • Federal Regulators • EIA Practitioner • Proponents • Host Community • State and Local Government 	<p>The regulators moderate the scoping workshop which holds at the project site, when possible, (that is, if safe to do so). The scoping workshop may hold in Abuja, especially for large infrastructural projects (indicating more government interest involved). The regulators take the lead while other actors are expected to provide inputs to ensure the scoping produces the best outcome.</p> <p>An interviewee indicated that the regulator creates a major problem for the EIA process by making unwarranted promises to the community during the SV and scoping workshop.</p>	<p>The regulators moderate the scoping workshop which holds at the project site when possible, depending if safe. The scoping workshop may hold in Abuja, especially for large infrastructural projects (indicating more government interest involved). The interaction is semi-formal to informal because the community is allowed to participate and formal language and processes do not work with the people. “We must speak their language and come to their level” (Interview PS001).</p> <p>Some proponents connive with the community representative to bring a rented crowd to act as the community during the scoping workshop. This is done to minimise the chances of conflicts arising from the demands of the community. “This is staged by some proponents to meet the requirements. Of course, they buy every other stakeholder, to ensure they have their way” (Interview PS001). This state of affairs is an indication of a proponent’s power to minimize the power and expression of the community.</p>
Baseline Studies, data collection, analysis and reporting	<ul style="list-style-type: none"> • Regulators • EIA Practitioner • Host Community • State Ministry of Environment • Local Government 	<p>The EIA practitioner works with the reviewed TOR to execute the EIA.</p> <p>The host community plays a major role to negotiate the protection of community interest and that of the PAPs. By law, they are expected to be consulted. The regulators work with</p>	<p>The interaction here is a mix of formal and informal. The EIA practitioners take the lead in the data collection and because there are different stakeholders within the project space, interactions take different approaches to suit the stakeholders.</p> <p>The community sets the pace in the public engagement by determining/permitting the method of engagement,</p>

	<p>the state and local government to monitor the data collection process (this is only in principle as the reality is different).</p> <p>The regulators follow the data to the laboratory to ensure analysis is correct. Again, this is not always the case.</p>	<p>ensuring the traditions of the land are followed. Essentially, the community must permit the bio-physical studies, and if the community groups have been met and agreements reached, the consultant will have a smooth data collection. However, in some cases, this stage is the most difficult because the regulators have made promises they cannot keep to the community. Although EIA practitioners take the lead, on many occasions, the community makes demands and they may only cooperate when they know their demands are met. The community's leadership holds considerable power in the consultation.</p>	
<p>Review Panel Holds Session</p>	<ul style="list-style-type: none"> • Federal Regulators (Review panel) • EIA Practitioner • Host Community • State Ministry of Environment • Local Government • NGOs 	<p>After 21 days of displaying the report at the state or local government, the regulators set up the review panel.</p> <p>The host community is invited to attend and make a case for any issues in the report.</p> <p>NGOs attend to makes comments.</p> <p>State and local governments are also invited to attend.</p> <p>The EIA practitioner is present to answer questions on work done.</p>	<p>This interaction starts with the formal display of the EIA report; the public are expected to read and send comments to the FME before the review panel makes a decision on the EIA/project approval. The review panel is a formal interaction.</p> <p>In some cases, the host community attends the panel to ensure they prevent the project's approval or to make a case for their demand.</p> <p>Proponents may take steps to prevent host communities and PAPs from attending the review such as asking for several postponements of the panel meeting or renting a crowd to attend in place of the community. This shows an uneasy relationship between these parties.</p> <p>The method of displaying the report for 21 days has been described as disadvantageous to the host community, because the report is displayed in the state ministry or the</p>

			local government office and not at the host community, and the language for communicating the report is the official English language. A respondent indicated that this practice is faulty because it denies the people who are most concerned the chance to see the report before the review.
Approval of Project	<ul style="list-style-type: none"> Federal Regulators (Office of the Minister of Environment) 	Based on the recommendation of the review panel, the minister gives the final approval	The interaction is formal and is done only within the Ministry.
Monitoring	<ul style="list-style-type: none"> Federal Regulators EIA Practitioner Host Community State Ministry of Environment Local Government NGOs The Proponents 	<p>The regulators are expected to monitor the state of the environment based on assessment indicators at regular intervals.</p> <p>The host community is expected to report negative impact to the local government which then makes a case to the state government to engage the federal government.</p> <p>The proponent is also expected to have a system for monitoring in collaboration with the community and the EIA practitioner.</p>	<p>From the respondents' submissions, the interactions in this stage are meant to be both formal and informal.</p> <p>For formal interaction, the regulator works with the proponents to ensure monitoring.</p> <p>For informal, the proponent stays in touch with the community. However, one proponent stated "this does not happen, so we really don't have much experience with this stage. But when people start protesting about the conditions of their environment, it becomes obvious that monitoring has not been done" (Interview follow-up telephone call, PS001). Another respondent said: "Except in cases of very open and widely publicised negative impact, like with the oil and gas sectors and communities in the Niger-Delta of Nigeria, the regulators do not bother themselves" (Interview follow-up telephone call PS001)</p>

Table 5.3: Showing the different stages in the EIA Process, the actors for each stage, and the role they play. Source: (Interview follow-up telephone conversation with the President of the EIA Practitioners Association of Nigeria, April, 2020)

One major finding in table 5.3 is the critical role SV plays in the effectiveness of EIA, considering that SV is used to determine the details of the scoping, if SV are not done, scoping reports will be mere fabrication and this will impact negatively on level effectiveness. It is important to note, where information about a location is held in a database, it is common practice to use this information as a time saving measure, instead of going for physical site verification. As indicated by this respondent, who indicated that familiar location usually receive less verification from the regulators, because they have some data having they can use to make necessary judgements conducted:

When you have a location that you have done series of studies, they don't need to involve the community, they will look at complains from previous studies and other information there and put it together to it work...but if it's a new location that you have not done any job there and they have not gone there before, they may request for new information (Interview PS003).

Also, the power position of the community is buried in a much-formalised EIA process and the roles of informal groups are not clear in the law because they are not recognised. The processes are formalised and lacking provisions to allow the voice of the community through, especially as with those who are not recognised as community consultees.

5.2.3.1 Local and International EIA Interactions in Nigeria

The Nigerian EIA practice space is rife with the participation of DFIs; consequently, international EIA practitioners are involved in the system. The interactions of local and international practitioners create some tension in the system. In relation to information sharing, respondents consider this to be poor, and this can undermine EIA effectiveness as indicated below:

... the quality of any EIA study is as good as the quality of information you get from the client. International project proponents tend to treat project information with local EIA practitioners with disdain. But with the international consultants they give them more than they require (Interview PS001).

There are situations where “international consultants tend to be more respected by proponents, compared to the local ones (Interview PS001)”, leading to pay gap between local and international practitioners. A respondent stated:

There is always the tendency to under-pay us. Of course, they have a brand name that is huge and so they get big money for the job but pay us little. We think we are bringing significant value and we should be fairly rewarded for our efforts. Sometimes, we have had to let go of their job because of the pay (Interview PS002).

Another area of tension is that local EIA practitioners consider their knowledge of local issues superior to that of their international colleagues.

Our knowledge of the local issues which is our strongest point is also one of the main reasons why we sometimes have a fight with the international consultants. Their shallow knowledge of local issues leads to friction. (Interview PS004).

The results suggest that mutual respect is lacking in the interaction between the local and international practitioners. While the local practitioner acknowledges that “they [international practitioners] have best practice expertise”; he equally considers that “the local knowledge brought to the table is what allows their expertise and best practice work for the Nigerian environment” (Interview PS002)

5.3 Community Engagement and Inclusion of Informal Groups in EIA Process in Nigeria

As part of the EIA process in Nigeria, public consultation is expected. However, in practice, the method for consulting interested members of the public who live in communities that host projects excludes some groups. 63.4% of practitioners surveyed agree that they have encountered informal groups in the EIA process while 36.6 % disagree. In figure 5.9 below, 83.4% of respondents either strongly agree or agree that while informal groups exist, they are not consulted during the EIA process, mainly because they are not recognised as stakeholders in the EIA process. Surprisingly, these informal groups are considered to be self-organised and able to influence action in their communities and in EIA, as indicated in figure 5.10 below.

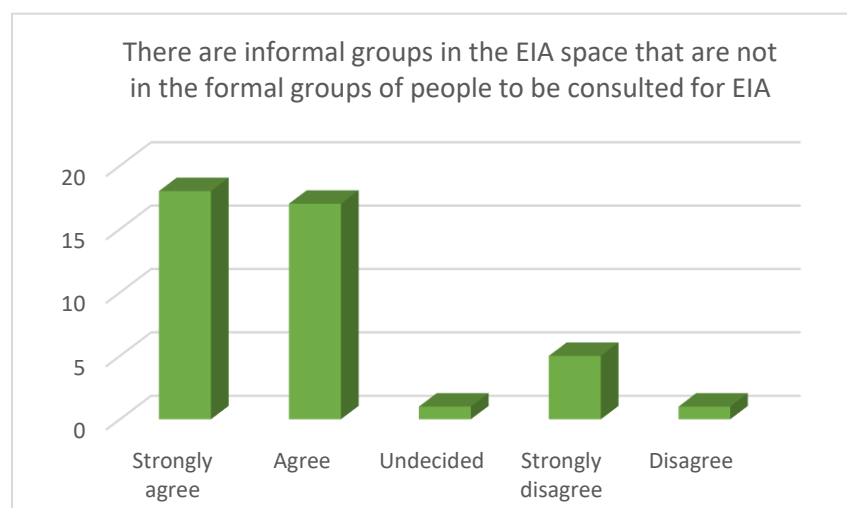


Figure 5.9: Showing respondents' view on groups in the informal sector of communities and their potential to enhance EIA process if included

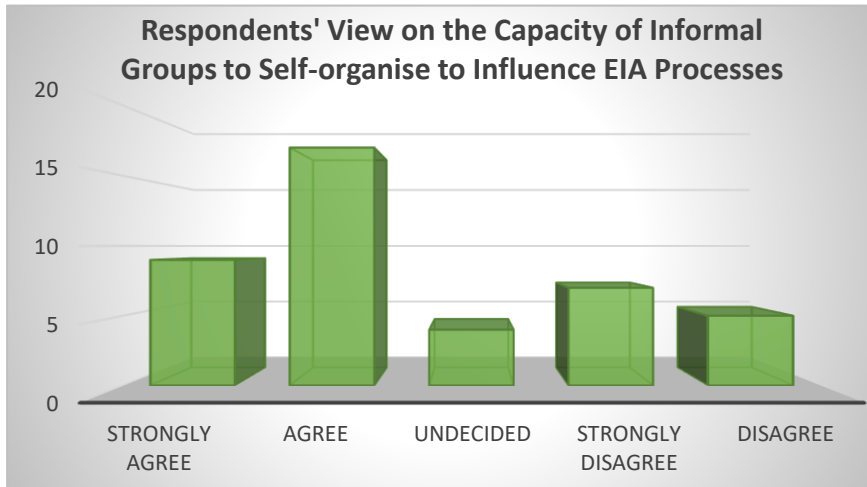


Figure 5.10: Respondents perspective on the capacity of informal groups to self-organise and the impact of same on EIA

The understanding that informal groups can self-organise to deploy their influence in pursuance of their interest in EIA is a view that appears to have a generational perspective. In figure 5.11 below, respondents with practice experience from 1- 13 years mostly agree with this notion while those with 14 to over 20 years' experience disagree. This generational trend suggests that informal groups are more recognised by the younger generation of practitioners than the older.

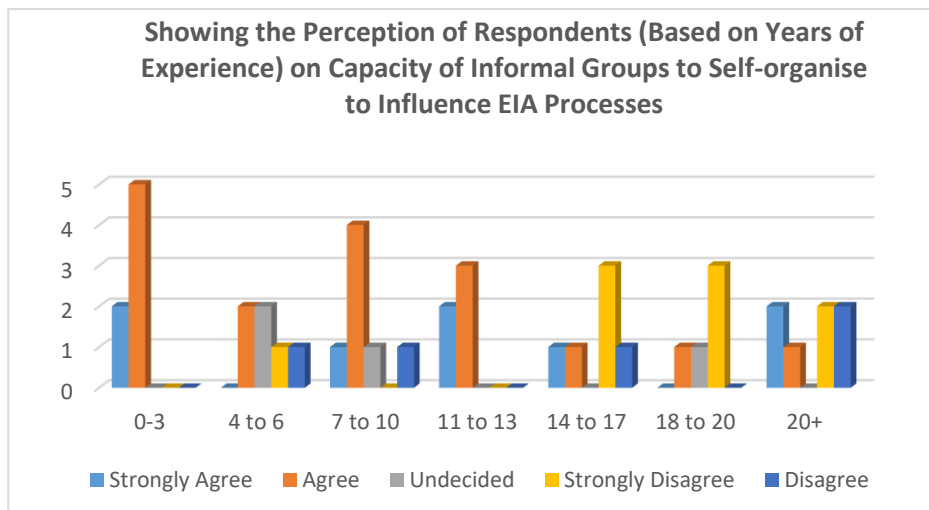


Figure 5.11: Showing the View of Respondents on the Capacity of Informal Groups to Self-organise themselves to influence the EIA process

5.4 Experience in EIA Practice in Nigeria

The practice experience of respondents in terms of number of years is reported in figure 5.12. 56% of respondents have over 10 years' experience while 17% are at entry level (1-3 years in practice). This is important because it shows that there are new entrants into the practice space, indicating that the field is not static. Also, the 31% (which are between 4-10years) who may be regarded as being at the intermediate level are a critical group of practitioners when considering the growth and sustenance of EIA practice in Nigeria. This is relevant information for understanding the state of growth in the Nigerian EIA practice.

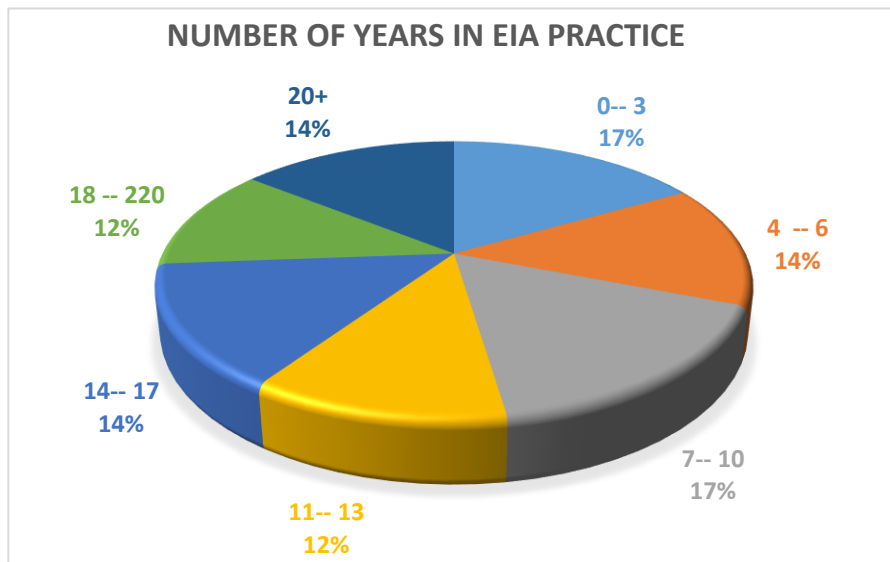


Figure 5.12: Showing the Years of Experience of the Respondents

The government does not conduct EIA; they regulate and accredit consultancy firms to conduct EIA for both private and public projects. Respondents in this study have private and public sector experiences (PuSE). PuSE refers to involvement in EIA for public sector projects.

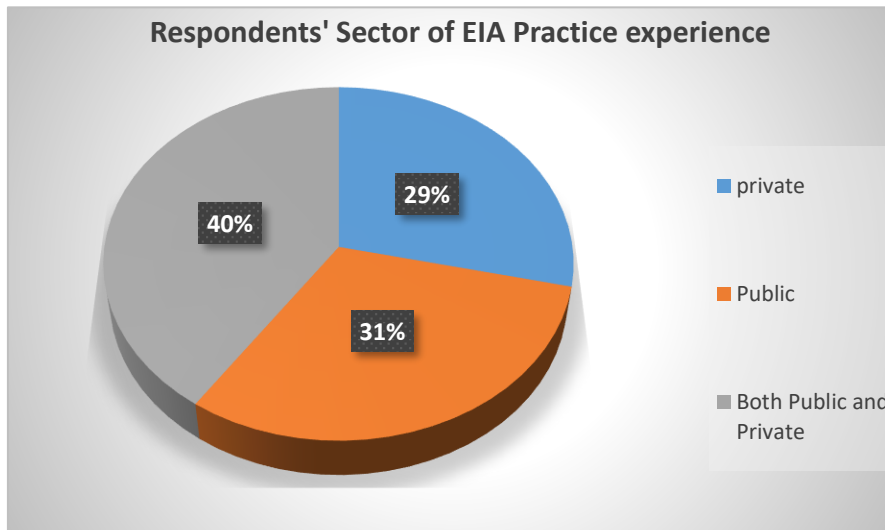


Figure 5.13: Sector of experience of the respondents

Private sector experience (PrSE) refers to practitioners who have worked for only projects that have been sponsored or owned by private sector organisations. From figure 5.13 above, majority (40%) have both PuSE and PrSE, 29% are PrSE and 31% PuSE respectively. These statistics helps one understand the different experiences of practitioners and thereby understand the views represented in the practice space of the context in the Nigerian system.

5.4.1 Peculiarities of EIA Standards in Nigeria

EIA standards are measures of quality that help maintain an effective practice regime. Several standards are in operation in Nigeria, making quality assurance difficult in the regime. There are some standards set by the regulator and standards set by some proponents who provide finance such as the World Bank.

Some practitioners have turned to standards they consider higher to meet the needs of project funders, and the regulators permit this practice as noted below.

World Bank has their own different standards, so what we do is that we accept some reports with different standards because of the requirements of the finance institutions. So, we have some reports that are titled 'Environmental and social impact assessment and some are environmental impact assessment'. We take them both. This is because we understand the peculiarities associated with the different financial organisations that fund projects in Nigeria (Interview FME001).

Furthermore, the “Ministry does not have any guide about impact. The consultants have to develop their own methodology. The Ministry has no standard method. They allow you use whichever one you want and then justify it” (Interview PS003).

While these standards somewhat enhance the local practice, they also appear to overwhelm the growth and development of Nigerian EIA standards. As one practitioner (respondent) highlights,

Yes, I agree completely that international standards are blocking the development of local EIA practice in Nigeria. That's why understanding the 'why' of EIA requires the knowledge of context. So, if they bring their standards here, it will not work as they have designed it because it has to be domesticated (Interview PS002).

The likes of World Bank who fund projects in Nigeria, subject the project to international type EIA and this helps to feed the Nigerian EIA system with best practices, IFC and other DFIs as well. And this is to the extent that the FME has not pushed for the Nigerian EIA law to be revised to catch up with its own practice. (Interview PS002).

The disposition of the regulators and EIA practitioners to use foreign standards in the practice space stems from the need to align with international best practice. However, practitioners are divided on the use in the Nigerian regime. Starting with the basic understanding on how EIA is to be used, the results suggest varied ideas. 67% see EIA as both a decision making (DM) and decision support (DS) tool, 14% see it as a DS, and 19% as a DM tool, see Figure 5.14.

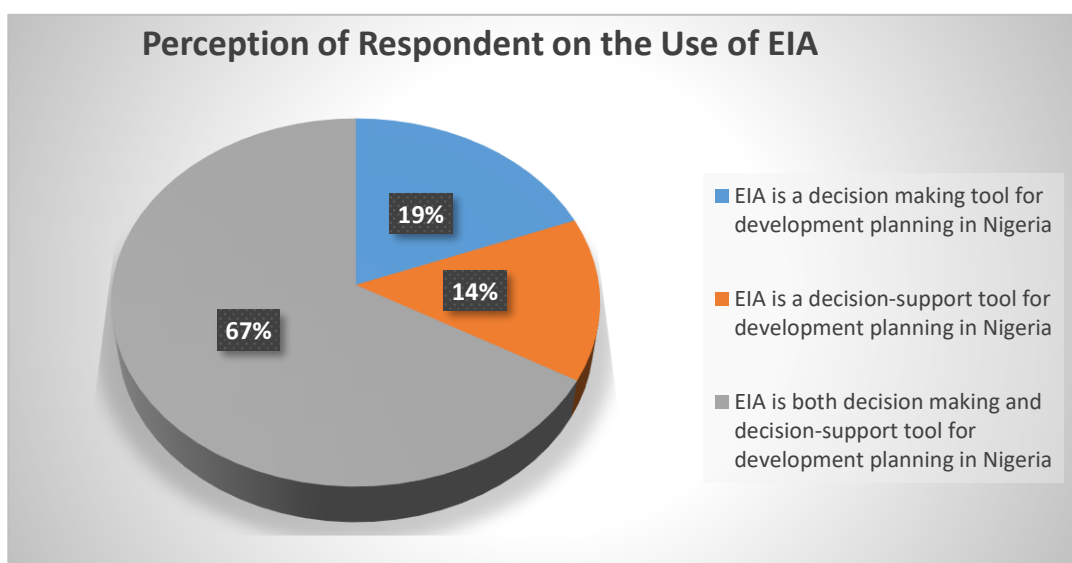


Figure 5.14: Perception of respondents on use of EIA in the Nigeria regime.

The above difference also colours the perception on standards for effective EIA practice in the regime. The EIA Act is silent on whether it is a DM or DS tool. This is a limitation of the EIA Act, considering that the law should enhance a unified understanding to forestall multiple interpretations. The results thus show that the conceptualisation of EIA and how it is used to inform planning decisions is not standardised amongst practitioners in Nigeria.

The divided perceptions of the respondents may be influenced by their educational attainment. A discernible pattern is observed and reported in figure 5.15 below where eight of the nine PhD holders view EIA as both a DM and DS tool; only 1 sees it as a DS 16 of the 24 MSc. holders view it as both a DM and DS, 5 of them see it as a DM and 3 as DS. The BSc holders were, however, not united in their views; 3 agree to EIA being for DM, 2 for DS, and 4 for both. This information is relevant for understanding the different views on EIA in the Nigerian regime and how education is shaping the perspectives of the EIA practitioners.

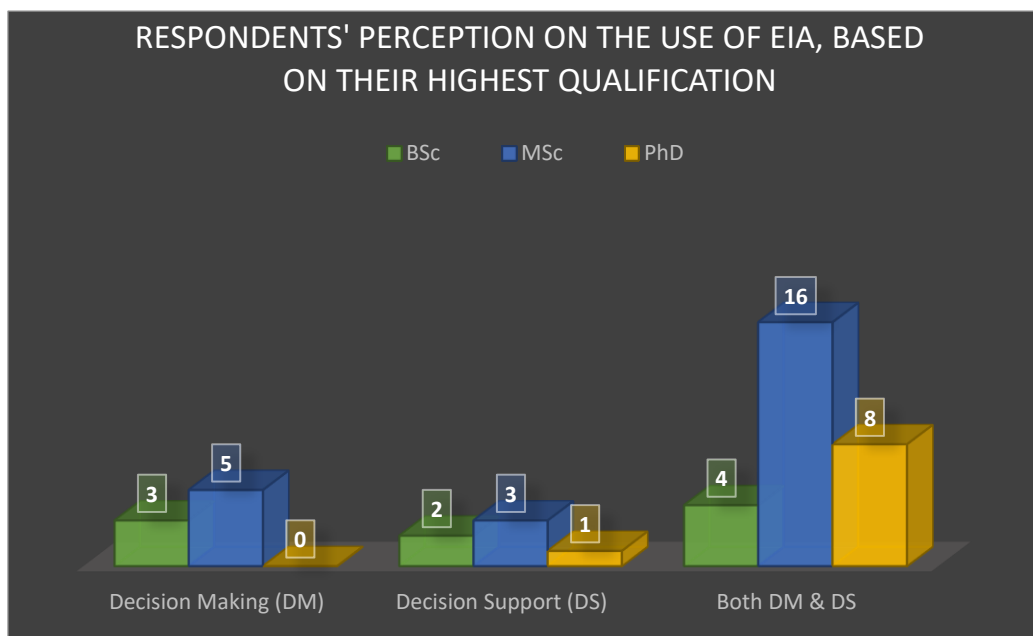


Figure 5.15: Showing the perception of respondents on the use of EIA, based on their respective highest qualifications

A unified understanding on the use of EIA as a planning decision tool will further the standardization of processes.

5.4.2 Accreditation of Practitioners into the Nigerian EIA Practice

The process of admitting EIA practitioners into the practice space is another contextual factor considered, and it portrays the standards in the practice environment. How practitioners are admitted and the skills they must possess to practice could influence EIA effectiveness. The regulators and practitioners alike, are frustrated by the current practice where anybody can become an EIA practitioner. One of the leaders of the Practitioners' Association noted:

The requirement for practice is such that you can build a company and then get some experts to go with you to get the accreditation; that is why the system is flawed. So, the person may not necessarily be a practitioner. It could be a businessman who goes to

get the CVs of people who can practice, then gets the accreditation to do the business of EIA (Interview PS001).

Potentially, this situation could militate against effective EIA implementation. A practitioner stated: *“I think we presently have so many briefcase consultants. Every Tom, Dick and Harry is a consultant, and the regulation has no clear mandate on who comes into the space and what exams to write to get qualified”* (Interview PS004).

Notwithstanding, the average EIA practitioner holds a B.Sc., indicating that education is highly regarded in the EIA regime. A majority hold a second degree as indicated in figure 5.16 below, showing 24 masters degrees, 9 PhDs and 8 first degrees. Additionally, the practice space is a multi-disciplinary one. In table 5.4, environmental management-related subjects are dominant but there are also other fields represented.

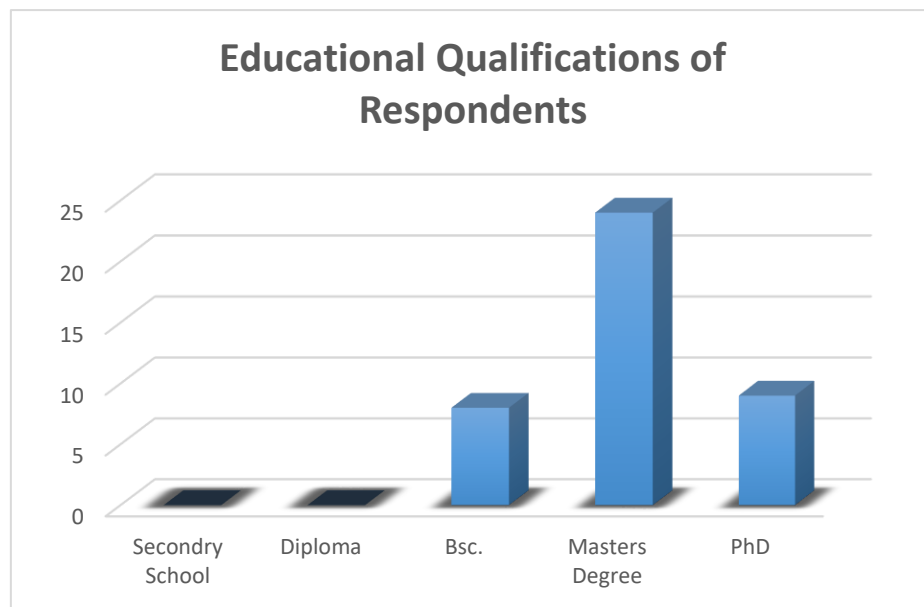


Figure 5.16: Respondents’ educational qualifications

Disciplines	Frequency of occurrence
Environmental Management and Planning,	12
Climate Change, Biochemistry, Geography, and	2
Environmental Resource Management,	2
Environmental Science, Biodiversity	2
Management, Urban Waste Management,	2
Ecology, Rural Development	1
Environmental Impact Assessment (EIA)	1
Law	1
Political Science	1
Science	1
Environmental Biology	2
Agro Forester	2
Applied Geology and Geology	2
Ruminant Nutrition and Management	1
Chemistry, Industrial Chemistry, and Environmental Chemistry	2
Biochemistry and Occupational Health	2
Environmental Engineering	3
Veterinary Surgery	1
Applied Hydrology	3

Table 5.4: Respondents' disciplines and educational background

The EIA Act does not specify who qualifies to engage in EIA practice. However, NESREA conducts the accreditation of EIA consulting firms. This is done by a committee made up of members from different departments of the FME, including the EA department. The question about how EIA practitioners get into practice is also essential for tracking the pathway into EIA practice. As researched, 52.5% of respondents (21 persons) affirm that they had accreditation to practice while 47.5% (19 persons) did not. When asked what requirements were met for accreditation, the responses in table 5.5 below show different views and understanding of the requirements.

Type of Accreditation Received	Frequency of Occurrence
Company Registration with FME, NESREA, and State EPA	15
Masters in Environmental Management Qualification, Equipment/Facilities owned	3
Educational Qualification/Hands on Experience	5
Membership of Professional Bodies like AEIAN	6
Years of Experience	4
Training	3

Table 2.5: Showing the types of accreditation respondents received to practise EIA in Nigeria

The majority have indicated the NESREA accreditation. Next are those who see their education as the means to practice; others think belonging to the professional body is sufficient. These diverse opinions underscore the ambiguity in the entry requirements into EIA practice in Nigeria, and show the need for standardisation of EIA practice in Nigeria. Nevertheless, some respondents hold the view that accreditation is non-existent in the EIA regime since only consultancy firms, not individuals, are accredited to practise by the authorities. In order to be accredited by NESREA, the firm must pay a non-refundable fee, fill an application form and then submit other necessary documents such as a tax and VAT clearance certificate, evidence of company registration, memorandum and articles of association of the company, evidence of registration with other relevant regulatory bodies, evidence of any previous jobs successfully carried out and an indication of area(s) of expertise, which may be Environmental Audit, Environmental Management Systems, Environmental Studies, Waste Management, Environmental Technology, and Environmental Laboratory Services. There is no further procedure in the accreditation process other than that applicants would be contacted for an interview and then notified of the outcome (NESREA, 2019). NESREA requires a 7seven-process documentation for accreditation process shown below in figure 5.17.

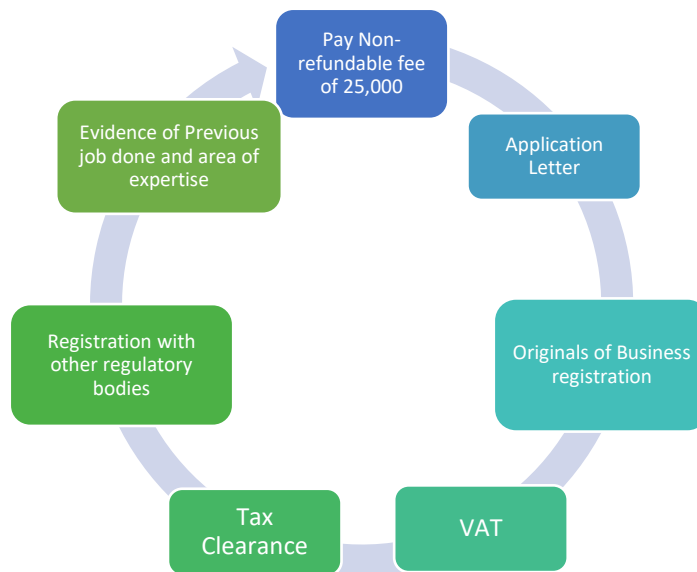


Figure 5.17: Showing the documentation process for Accreditation of EIA Consulting Firms

In figure 5.18, the perception of the respondents on accreditation by sectors of experience is displayed. The PuSE mostly say there is no accreditation to practice, while those in the PrSE or with experience in both private and public sectors say they have been accredited to practice. It is obvious there is a lack of uniformity with regards to the requirement for EIA practice in the Nigerian EIA. What is noted here is not the right or wrong answers to the question about accreditation, but the diverse perception of practitioners in table 5.5.

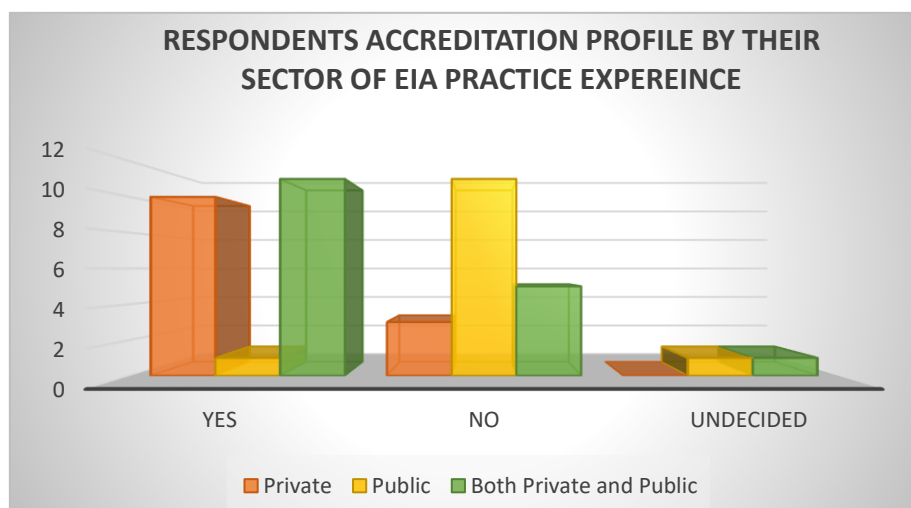


Figure 5.18: Showing Respondents' Perception by Sector of Experience, on the need for Accreditation to Practice EIA in Nigeria

The results show that practitioners do not go through any special vetting process to practise. An thus indicating the possibility that those who practice may not have any specialised training for EIA, or are subscribed to a unified understanding of what is required for effective EIA.

5.4.3 Capacity of EIA Regulators

The FME's capacity as regulator is crucial to the question of EIA effectiveness. It is, thus, evaluated as a context factor in the Nigerian EIA. A number of findings were deduced from the interviews and are analysed. Firstly, regulators are employed through the civil service employment system, which is based on merit; however, the process of appointing personnel into the regulatory role is linked to political actors who seek to protect self-interests by giving jobs as favours (Interview PS003). This practice may have created a regulator with inadequate skills, leading to negative impact on EIA effectiveness. As one respondent stated:

...the capacity of the guys from deputy directors downward, goodness gracious me! It's like last year's world environment theme. It could be catastrophic the way plastic is at sea, because they have become basic administrators moving file but not really doing the work of the environment, and this could have far-reaching implications down the line. I am extremely worried (Interview PS001).

When the response above is considered against the response of a practitioner on the subject under consideration (quoted below), it can be deduced that the recruitment of regulatory staff can also become a point of negative influence on EIA effectiveness.

Take the process of data collection, when some of the regulators come around to do their own calibrations, you are left to wonder if they know what you are doing? I told you this earlier... the federal ministry of environment... has no capacity to supervise a consultant, you look at their equipment and everything they use, and you will be forced tell them to go away that they are here to play. How can someone think he can take soil sample with cutlass and just do what he likes? (Interview PS004).

Secondly, centralisation of the regulator's activities over Nigeria's landmass of 923,763km² with a population of almost 200 million, and an EAD of 200 staff capacity is indicative of the mismatch in capacity. When compared to the size of the country, the central EIA governance is grossly inadequate for effectiveness to be achieved for EIA processes, especially in relation to monitoring after approval as indicated below:

What you find out is that after the EIA is done, the FME can no longer effectively monitor the project. We have projects that are all over the place, in corners of the country, but they [FME] are in Abuja and they do not have the capacity to oversee the projects (Interview PS003).

This centralised arrangement has also led to the concentration of EIA skills at the federal capital, Abuja, compared with the states and LGAs. This was noted thus:

So, this capacity issue is there because of the over –centralisation of EIA to the centre, in Abuja. They are holding unto a lot powers and this is because of the culture in the nation. The country has run a centralised system since the military era. The standards are different, especially at State level. It is crushingly low at State level. (Interview PS001).

Regulators' capacity for information sharing in the regime is also restrictive, and this has impacted on bench marking good and bad practices in the regime. EIA reports are centrally housed in the FCT, and "it is very difficult to access reports. The FME will tell you someone paid for it and they cannot give it out" (Interview PS006).

Some respondents indicated that the regulators do not have the capacity for site verification (SV) and in some cases they simply copy an old terms of reference (TOR) and paste it for another project. As indicated below,

You discover that the scope of work and TOR for this project is still the same thing with the one you did before... You know they [regulators] are busy and cannot go out for all the SV... and they struggle but they just keep doing it anyhow.... (Interview PS003).

The response above clearly indicates that the manpower of the regulators is bringing about far-reaching negative impact on effectiveness in the area of ensuring due diligence in SV, which is critical to an effective EIA.

In making a decision about an EIA, the regulator, under section 35 of the EIA Act, may:“(a) Appoint as members of the panel including the chairman thereof, persons who, in the opinion of the Council, possess the required knowledge or experience; and (b) Fix the terms of reference of the panel.”

The panel gives recommendations for or against project approval and are expected to have the capacity for EIA review. However, the membership of the review panel has been criticised as lacking the right knowledge/skills. One respondent stated:

The law [referring to the EIA Act] is a drawback, and then when you want to review [EIA Reports], they bring old hands that also do not understand new methods in design and EIA (Interview PS004).

Furthermore, “there are instances where persons on the panel are there to protect some special interest or are people who have made bids for the same contract and failed” (Interview PS001). The panel is an expert committee; their capacity to evaluate EIAs is intricately linked to the capacity of the regulators who select and appoint the panel. A respondent stated: “There was a

review panel that the man [reviewer] said he has never seen the particular type of engine in the project design, and you want him to review and give good results?” (Interview PS003). Another noted that in some situations “some of the reviewers are also consulting practitioners who are out to do favours to their friends, so there is conflict of interest at times...” (Interview PS001). Another area of tension is the use of different scales by the reviewers, as noted by respondent below:

You go for a review panel, they will ask you to remove an item. Then you go for another and yet they will ask you to add it, because they have different scales for measuring what is right (Interview PS001).

Inconsistencies in procedure suggest a lack of standards for an ethically sound review process in the EIA system. The issues highlighted with the review panel can erode public confidence and quality assurance in the EIA process, thus undermining its effectiveness.

5.4.4 Use of International Standards in the Nigerian EIA Regime

Where (international) standards are contextualised and adequate to meet the needs, there is a greater chance for EIA to be effective. This notion was evaluated against the practice experience of the respondents. In figure 5.16 below, 50% agreed or strongly agreed that the use of international EIA standards in Nigeria lacks the capacity to capture the true realities of the people’s needs and culture. While 47.6% disagreed or strongly disagreed with the same notion, 2.4% were undecided. In figure 5.17 below, further analysis indicates that the sector of experience plays a role in the perspective held. 9 of 14 respondents with PrSE disagreed that international standards are inadequate for capturing contextual realities; 3 agreed and 2 were undecided. However, those with both PuSE and PrSE were more in agreement, with 9 aligned and 6 misaligned to the notion. Private sector practitioners are dominantly involved with international organisations and their experiences suggest the standards are adequate for capturing the contextual needs in Nigeria.

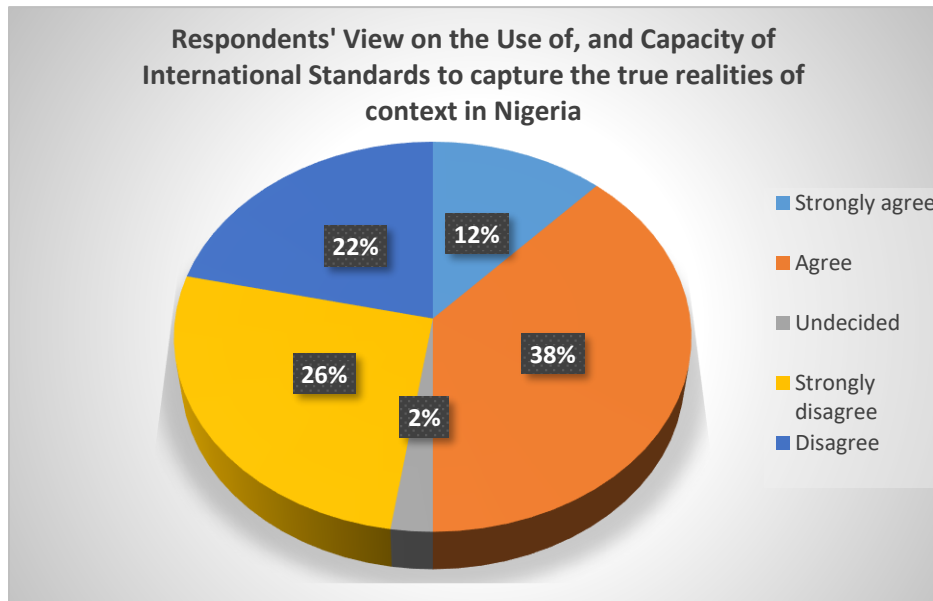


Figure 5.19: The use of international EIA standards in Nigeria is lacking the relevant capacity to capture the true realities of the people's needs and culture

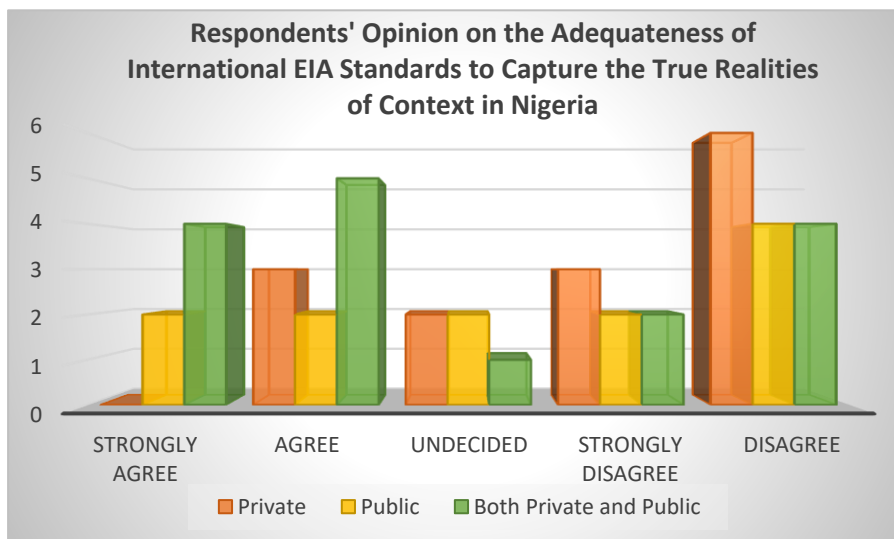


Figure 5.20: Showing sectorial opinion of respondents' on the use of international EIA standards in Nigeria lacking the relevant capacity to capture the true realities of the

Despite the divided views on the use of international EIA standards, the general position of the respondents, as shown in figure 5.21, is that the use of international EIA standards in Nigeria are a means of enhancing and complementing local standards.

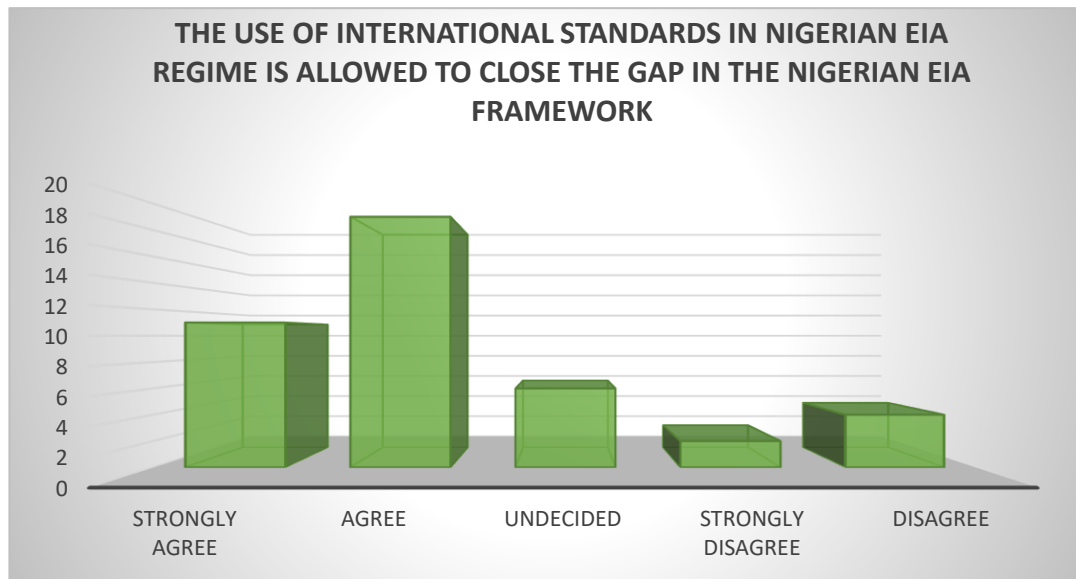


Figure 5.21: The use of International EIA Standards in Nigeria is a means to close the gap in the Nigerian standards

A practitioner indicated: “*If the EIA is World Bank or IFC standards[sic], it goes without saying that one must do a full-scale consultation to meet all stakeholders as the standards of the funders*” (Interview PS003) This respondent is suggesting that there are higher standards applied in community consultation with international projects. This is an indication of the inconsistency of standards in the handling of projects that are local and with Nigerian proponents, in comparison to the ones sponsored by international funding organisations and with international proponents. The positive influence of international standards in the Nigerian EIA system is attested to below:

They (the International Proponents) come with international standards that enriches [sic] the local standards, because if you take a study written by an international consultant and one written by a local consultant, you will see the difference, so they enrich the study itself and I encourage that (Interview PS001).

If it is just a local project and the impact is not sensitive, definitely, it will comply with the local standard. But for most of the bankable projects, they comply with the IFC, except projects being funded by African Development Bank (ADB).... But it depends on where the money is coming from like I said earlier, and it depends on the sensitivity of the project (Interview PS003).

When asked what sensitivity is being referred to, the respondent explained as follows:

...because of culture and politics... a lot of vested interest makes it a lot sensitive, and government projects are not all that regulated because it is about one government agency speaking to another government agency, but the private sector has to go through the ropes (Interview PS001).

The comments above suggest that Nigerian EIA standards may not meet the threshold value for “bankable” projects (a word used for describing projects that require funding from financial

organisations both local and international). Therefore, practitioners seek out other standards to enhance their work to satisfy the DFIs. However, the use of international standards also creates problems that are specific to the contextual realities in Nigeria. One respondent noted that the World Bank usually includes the costs of social impact of a project in the project details, but this is counterproductive in Nigeria because community groups make demands for money listed under community engagement and social impact. The implication is that social impact may be left unassessed because community actors have collected the funds budgeted for the assessment. This also shows how some community groups see EIA as a money-making venture.

5.4.5 Accountability in implementation of EIA

Access to justice, fairness of dealings, and legitimacy of processes are major components of accountability in EIA. Accountability in this study involves taking responsibility for the outcome of a project whose EIA was approved. Access to justice, however, means that actors involved in/or affected by the EIA process can seek redress and get a fair judgement when the need arises while legitimacy refers to conformity with the legal framework for EIA (Cambridge Dictionary, 2019), both of which are intricately linked in EIA governance. In figure 5.19 below, 52.3% of practitioners perceived the level of accountability as inadequate, 42.9% disagreed, while 4.8% were undecided. In figure 5.20, respondents with PrSE generally favoured the notion of inadequate accountability whilst those with PuSE disagreed.

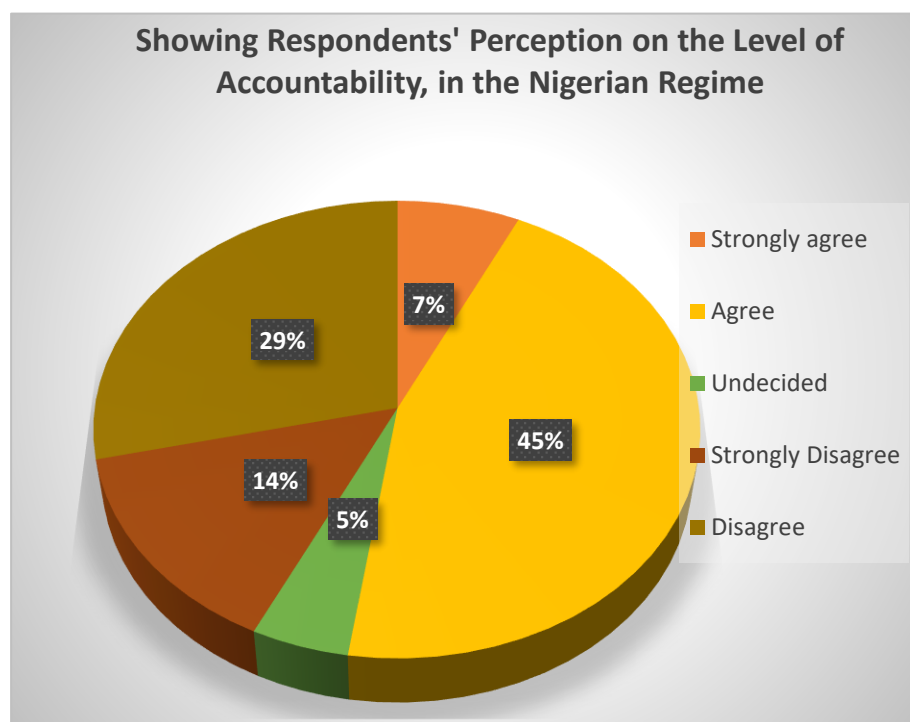


Figure 5.22: The current EIA guidelines are adequate for ensuring accountability.

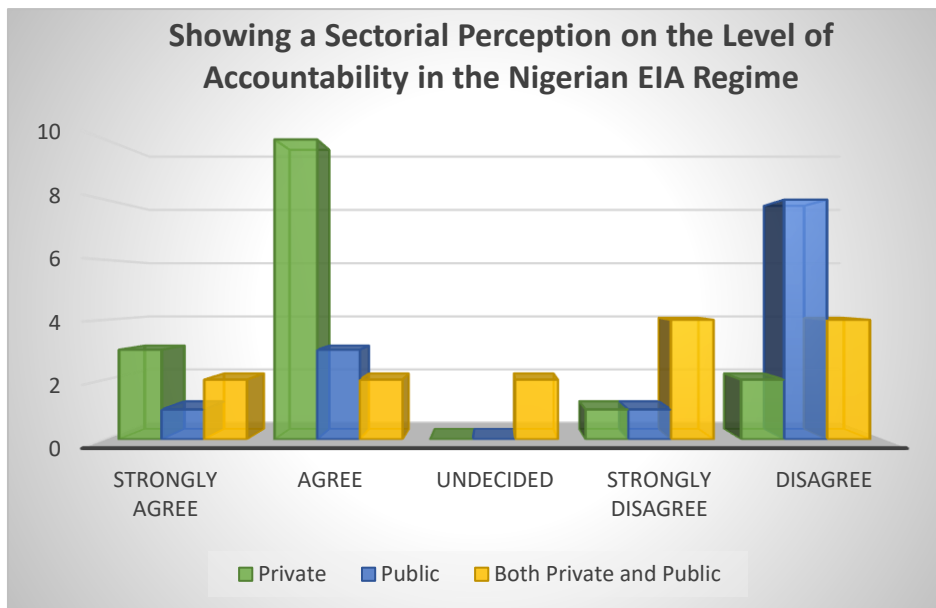


Figure 5.23: The Sectorial Perception of the Respondents on current EIA guidelines' capacity to adequately ensure accountability, justice, and legitimacy

5.4.6 Inclusion of the Informal Groups of Communities in the EIA Process

The perception of the practitioners was elicited on the subject of inclusion and participation of the public in EIA. Section 7 of the EIA Act provides that

Before the Agency gives a decision on an activity to which an environmental assessment has been produced, the agency shall give 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.

Public participation is implied from this section 7. However, the term “public” appears generic, and thus open to subjective interpretation, for example, who makes up the relevant public? This highlights the fact that adequate laws are required for ensuring public participation. In Nigeria, some informal groups may be excluded from the definition of public as indicated in the response below:

“The informal groups may worsen the situation as they are likely to be after something completely different. The participation of learned NGOs and representatives of 'affected' communities may yield better results than these informal sector guys” (Practitioners Survey response, June 2019).

The above statement suggests support for why EIA practitioners exclude the informal groups. It also gives a sense of formalisation of public participation, leading to the exclusion of people outside the formally recognised consultees. The ambiguity in the definition of “public” in the EIA Act militates against inclusive participation, potentially impacting EIA effectiveness.

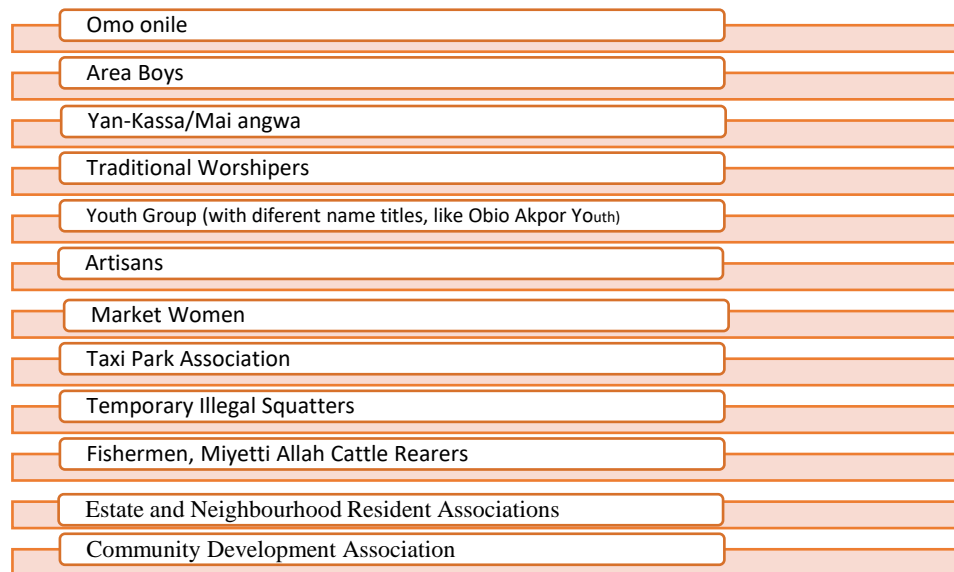


Figure 5.24: list of identified Informal groups in the Nigerian EIA Regime; Source (Field Data, EIA Practitioners Survey. June, 2019)

Revealingly, 16 (35.7%) of the 43 respondents disagree that informal groups are accounted for in the EIA process suggesting that public participation may not always amount to inclusion of the informal groups. The implication of this is that EIA could be conducted without the contribution or participation of a major section of the community/project affected people (PAP). Although a majority of 27 persons (64.3%) agree that the informal sector is included in the process, those who disagree have done so despite the provisions of the law requiring “public participation”.

A number of approaches for public consultation were identified by the respondents in table 5.6 suggesting that practitioners use different standards for implementing public participation. Some specific comments regarding public participation made by respondents included: “most times it's just an exercise in futility here”. Such comments suggest the need for a standardised approach to public participation in EIA and the role of the community in EIA.

Approaches for Public Participation	Frequency of Occurrence
Consultation	6
Documentation and Monitoring	2
Through Corporate Social Responsibilities (CSR)	8
Through questionnaire and literature review	7
Field sampling	3
Through stakeholder engagement	9
Through the need of the community	7
Through impact mitigation monitoring	2
Through scoping workshop	3

Table 5.6: Showing the different approaches used by responses for Public Participation

5.4.7 Access to Justice and Negotiations with Informal Groups in EIA Process

Practitioners score access to justice for informal groups low in the Nigerian EIA system. The results in figure 5.25 are additional information on the sense of justice in the regime. 52% agreed that there is no access to justice for the informal groups, 41% disagreed. In addition to being excluded from the EIA process, informal groups may not have access to justice. These factors, if jointly considered in relation to accountability and fairness which should be major components of an effective EIA, suggests injustice is rife in the EIA regime. And this may have informed the methods informal groups resort to, as shown in figure 5.7.

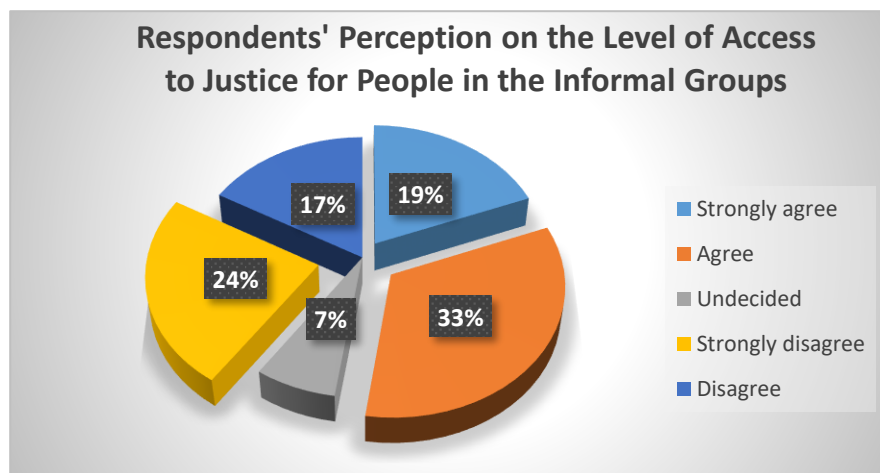


Figure 5.25: Showing Respondents' Perception on the level of access the informal groups have to seeking justice

Practitioners highlighted their experience with informal groups. Table 5.7 below suggests these were mostly antagonistic rather than collaborative. This is unsurprising in view of inadequate inclusion in the EIA process, which may lead to poor access to justice. The approaches adopted, illustrated in table 5.7, and could also make proponents and EIA consultants less collaborative and defensive, minimising the chances of an effective EIA enriched by a robust public consultation and participation.

Methods and Approaches Used by the Informal Groups to make Demands	Frequency of Occurrence
Dialogue and consultations	6
Making trouble to get attention	9
Violent and threatening	6
Direct confrontation and demanding money for settlement	6
Through consultation and memorandum of understanding	4
Through comments to the job ministers	2
Through the Kings or community leaders or Local Government Chairmen	5
Through petitions to the Federal Ministry of Environment	4

Table 5.7: Showing the methods and approaches used by informal groups to make demands

5.5 Conclusion

This chapter provided analysis of data that identify contextual factors with associated issues in the Nigerian EIA practice, through the intersection of the roles of actors in the formal and informal aspects in the EIA process. The analysis showed that the EIA Act which is the major EIA legislation is dated in comparison to advancements in EIA practice, and accounts for some of the challenging contextual factors in the EIA system. In this regard, quality assurance is undermined by variable applicable standards as the law is not clear on the standard; inadequate legislative provisions make the role of informal groups in the EIA process a matter of subjective interpretation to EIA consulting practitioners; it also does not clarify how EIA is used to inform development planning decisions. In addition, an over-centralised EIA system makes the regulator's supervisory duties difficult. As the system is highly formalised, the inclusion of informal groups in the EIA process is difficult, the roles of the several regulatory departments of governments overlap, leading to confusion of process. The analysis also showed that notwithstanding the issues identified, access to justice appears unclear for aggrieved parties. It is therefore a system where the regulators are favourably positioned in the power relations

throughout the EIA process. In the next chapter, this thesis will analyse data in relation to EIA practice at a closer scale to the community, in a case study.

Chapter Six: Case Study Results

6.1 Introduction

In the previous chapter, an analysis of the Nigerian EIA system was presented. It explored the context of the legislative and governance framework, with the involvement of the different formal and informal actors. This chapter presents a closer and more detailed view of context by evaluating EIA practice at state level, with Ogun State as the Case Study State, and EIA implementation from the perspectives of community engagement and participation. This is done from a number of angles. First, this is through the case study of EIA practice at state level exploring the state's owned EIA system, and then looking at a select case study project: the Ejio 310MW independent power plant project; the engagement of community and the EIA consultants in the EIA for the 310MW independent power plant project. Analysis of this case study affords the chance to zoom into the formal and informal aspects of EIA to reveal the "local context" at the sub-national level where the project is hosted. This chapter also presents analysis of perception of local context from the interviews and focus groups held in the case study area. This covers intangible social dimensions of EIA implementation processes, the identities and power relations issues associated with implementing effective EIA within the community and how EIA informs environmental sustainability in development planning. Local context is also evaluated and analysed from the perspectives of local and international consultants who conducted the EIA for the Ejio power plant. The results in this chapter provide more evidence to help answer some of the research questions in this study, specifically, the understanding of how local context can influence EIA effectiveness.

This study has highlighted learning as a major contributor to EIA effectiveness; consequently, results of the evaluation of the relationship of local and international EIA practitioners is presented in this chapter with a view to identifying learning potentials for better EIA effectiveness.

6.2 State Level EIA Practice and Governance in Ogun State, Nigeria

The geography of Ogun State favors the location of industry, and this has also informed the need for the state to invent her own EIA system to curb the impact of industrialization on the environment. The Ministry of Environment in Ogun state was created in July 2003 (Ogun State Government website, 2019). The Ministry has five departments and two agencies, one of which is the Ogun State Environmental Protection Agency (OGEPA). Ogun state runs an EIA system called Environmental Implication Study (EIS). According to the head of the EIS unit, "it is set up as a means to fill the areas of gaps in the FME's EIA guidelines, to meet her own mandate

for protecting the State's environment" (Head of EIS Unit, 13th June, 2019). The Ogun State EIS is aimed at stopping the chances of "Salami Slicing", which is when a proponent splits a project into a number of separate small projects that do not exceed the EIA screening threshold and do not hold significant effect when considered on a case by case basis (Enríquez-de-Salamanca, 2016). As indicated:

We have EIA coordinated by FME... and we found out that Ogun State being the industrial capital of Nigeria, we have a lot of industry that are outside the mandatory list...it has to do with the installed capacity of the project or facility. Let's say for a facility that has an installed capacity of 50 tonnes and above, you have to conduct mandatory EIA for the FME, so what happens to below 50? Supposing you have two or three factories with capacity of say 40 each, own by the same or different persons in the same environment, their cumulative impact will be more than a 50 tonnes capacity, so that is why we decided at State level that anything below 50, we will do our own version, called EIS, to cover for the gap (Interview SP002).

The EIS is coordinated under a technical department of OGEPA, aimed at projects that are not covered under the FME EIA regime (Head of EIS Unit, personal communication, 13th June, 2019). The EIS procedure is displayed in figure 6.1, showing a slightly different approach to the FME EIA procedure. The EIS is different because the procedure does not include scoping, and it sets a time limit for every stage of the EIS; this is not a provision in the FME EIA. Also, the EIS report is reviewed in-house by the state regulators, unlike the FME where a team of external experts are invited to review the EIA report. Although the State EIS is fashioned after the FME EIA, it is streamlined and is less rigorous. Unlike the FME's EIA where data is collected in wet and dry seasons, the state EIS is done with data collection and analysis in two months, which may fall in either dry or wet season. This suggests a form of watered down EIA system at the state level, although it is used mostly as a means for environmental awareness on the need to take a procedural approach to the consideration of the impact of development on the environment. And this was indicated in this response:

What we do with EIS is enlightenment and persuasion. When it is necessary, we enforce, but only as the last resort. We give a lot of time and warning and guidance before we make a move to enforce (Interview SP001).

This suggests a deliberate effort at instituting a collaborative attitude with respect to EIA at the state level, and a concern about environmental awareness with proponents and the host communities.

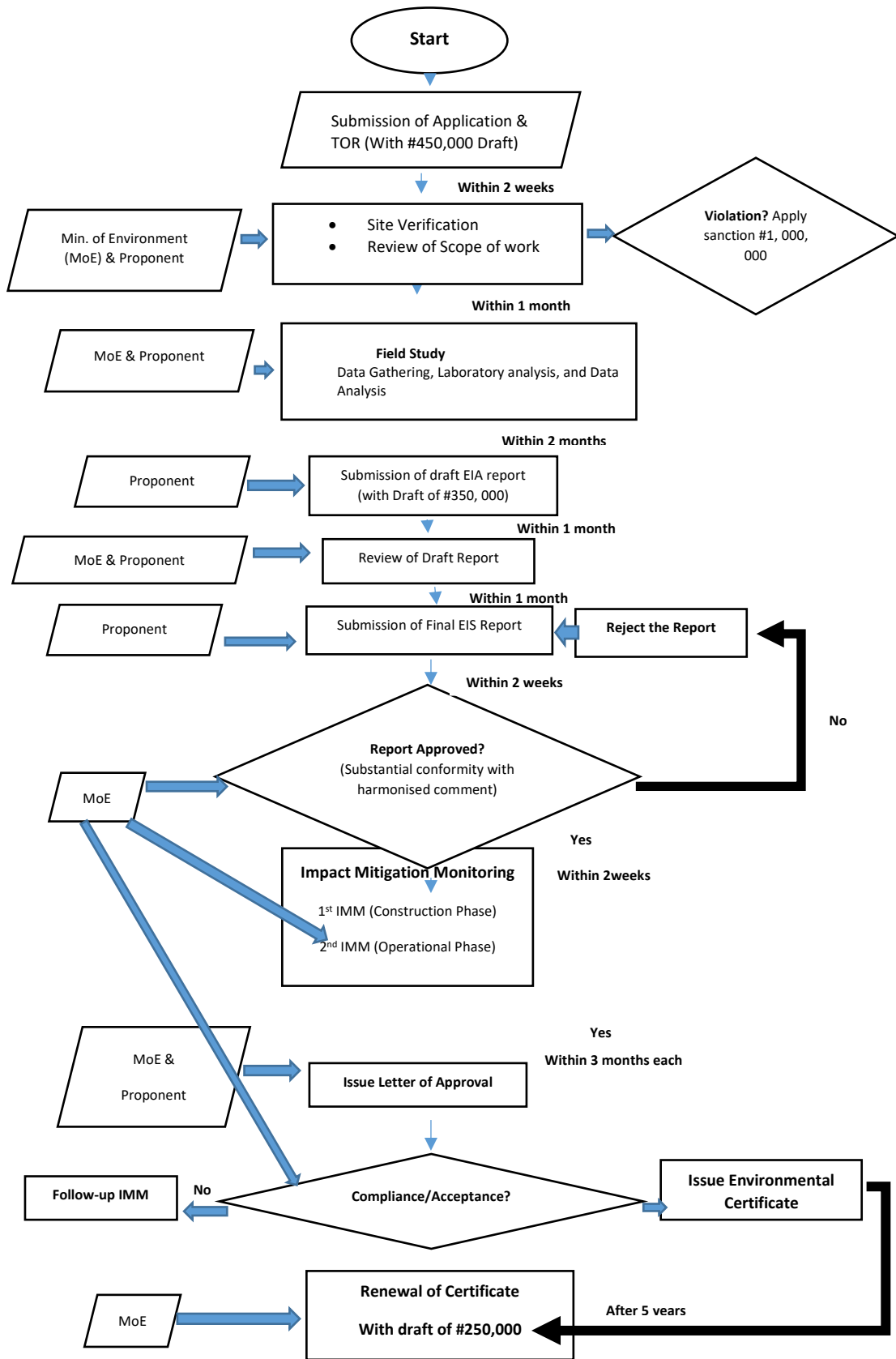


Figure 6.1: Ogun State Environmental Implication Studies Procedure (Source, OGEPA, Abeokuta Ogun State, 2019)

The EIS procedure recommends that proponents submit an intent of development to the Ministry of Environment early in the life of the project, followed by a payment of ₦450,000 Nigerian Naira. Next is the site verification and technical briefing. Once terms of reference (TOR) are approved, field study can commence and the EIS report must be submitted within two months of commencing the field study along with an additional sum of ₦350,000 Nigerian Naira. The review of the EIS report must be done within one month from date of submission. This is done in-house by ministry staff with recommendations to the Commissioner for Environment, who makes the final decision. After three months of the construction phase, impact mitigation monitoring (IMM) is done and after five years, the environmental certificate for the project is renewed at the cost of ₦250,000 Nigerian Naira.

Penalties are assigned if proponents default, for example, by clearing the site before EIS approval, failing to conduct field study within one month of receipt of TOR, and failing to submit draft EIA report within two months of field study. There is no clear mandate for public participation in the EIS guidelines for the state; however, data collection must include health, social, and economic data.

6.3 Power Sector EIA Guidelines

As indicated in chapter five, guidelines were regularly updated to infuse best practice into the EIA system, and the EIA guidelines for power projects is one of such. These EIA guidelines take a sectorial approach in the implementation of EIA for environmental sustainability of the sector (EIA guideline for Power Sector, 2013). The guidelines has two sections provided in 70 pages; the size of the guidelines has been highlighted as a challenge to easy implementation, as indicated by a practitioner:

The process in the guidelines is cumbersome, but it is so for a reason and it is because of the unethical practices; it is not nice. But it is not even effective to curb the unethical practices, because there is a human factor in it. It is not so much of the guidelines; it is the working of it. The hugeness of the document can really be discouraging for even honest people (Interview PS001).

Notwithstanding, the guidelines give directions on what is expected for every major power project with focus on planning, design, construction, operation and maintenance, and decommissioning of the project. The main focus is to address environmental impact at an early stage through EIA and control environmental hazards in on-going projects. In the provisions of the guidelines, the proponent is expected to provide a clear and detailed description of the current environmental conditions for the area of project influence. The areas expected are listed in figure 6.2.

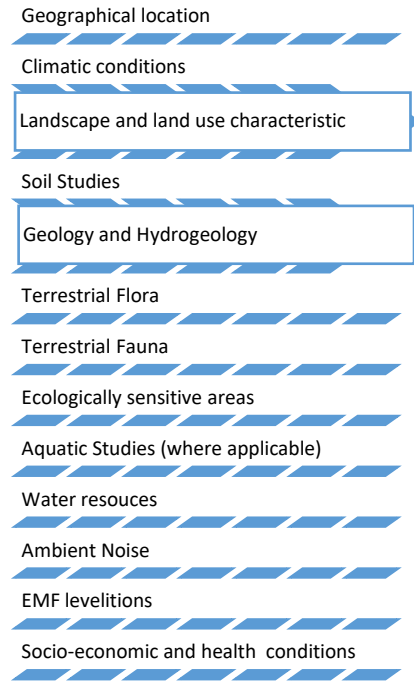


Figure 6.2: Power sector Guideline’s description of important elements of the environment to be covered in EIA

Although the guidelines have provided a list that appears to cover all aspects of the environment, the description in figure 6.2 leaves a lot uncovered in relation to the meaning and scope for each item. In a multi-cultural society, with an imbalance in power relations, it is likely that it is the cultural values of the powerful will be captured in the EIA. Results in this study have shown that the use of these guidelines had not resulted in an effective EIA for the case study community of Ejio-Ewekoro, with particular focus on how cultural hegemony determined how different groups participate in EIA processes at community level.

The guidelines include a list of potential negative impacts from power projects (specifically listing thermal (fossil fuel) power, wind energy, and electric transmission line), with mitigation and control measures suited to them. It can be observed that the guidelines give no general or specific instruction relating to public participation and community relations. There are no clear provisions in the guidelines to cater for the social issues in a place and identities in which the project will be implemented. This makes the document appear technical although written in simple language and expected to serve as a guide for implementing EIA in a multi-cultural country like Nigeria. The details of issues like belief system, tradition of land ownership, right holders and first settlers and cultural hegemony that define the local context in which projects are hosted were not mentioned. Issues of a cultural, historical, and traditional nature, such as the potential impact on cultural values, historical grounds and protection of heritage, and potential change to cultural practices and norms, were not mentioned in the potential negative

impacts. Yet these are the characteristics that contribute to the core identities of communities in which projects are hosted, as with the case study area. However, in the checklist for power generation project, important cultural and historical areas are listed as items to cover but does this suffice for issues of land ownerships and the complexities of family hegemony in the acquisition of land in communities like Ejio-Ewekoro? Also, from the guidelines, it is unknown what defines “major power projects”; what is the threshold of generating capacity that would require an EIA.

6.4 Community Governance in Ejio-Ewekoro

Ewekoro local government area (LGA) is one of the 20 LGAs in Ogun State (see figure 6.3), formally administered by an elected Local Government Chairman (Ogun State Government of Nigeria, 2019). Culturally, Ejio-Ewekoro has a king known as an Oba, His Royal Highness, the Elejio of Ejio Community, who is responsible for overseeing the traditional arrangements in form of festivals and other important heritage related duties in the community, and this is patterned after the Yoruba nation’s identity (The Nation, February 15, 2017). The community is situated in the rainforest of western Nigeria and receives an annual rainfall of 100-150cm with a distinct dry and wet season (Gbadebo et al., 2010). The weather condition is a critical factor for EIA implementation, especially for baseline studies, as two separate studies are required for each season (dry and wet) (Ogele F, personal communication, May 30, 2019).

Ewekoro is noted for cement mining. Mining for cement in Ewekoro started in 1959, described as “sleepy and serene” before the establishment of cement factories (Oluseyi et al., 2011; Afolabi et al., 2012 pp 52; Okoro et al., 2017). The people of Ejio-Ewekoro started off as farmers and hunters, but in recent times, most of the households now engage in different forms of trade, for example selling of cement, and groceries (Adeolu, 2017). The vegetation around the community was originally tropical rain forest, but due to cement production activities, grasslands and shrubs constitute the dominant vegetation in the community (Oguntoke et al., 2012). Sugarcane is grown in commercial quantity; Ejio Ewekoro experiences groundwater pollution and limestone dust pollution (Mafimisebi, 2011; Oguntoke et al., 2012).

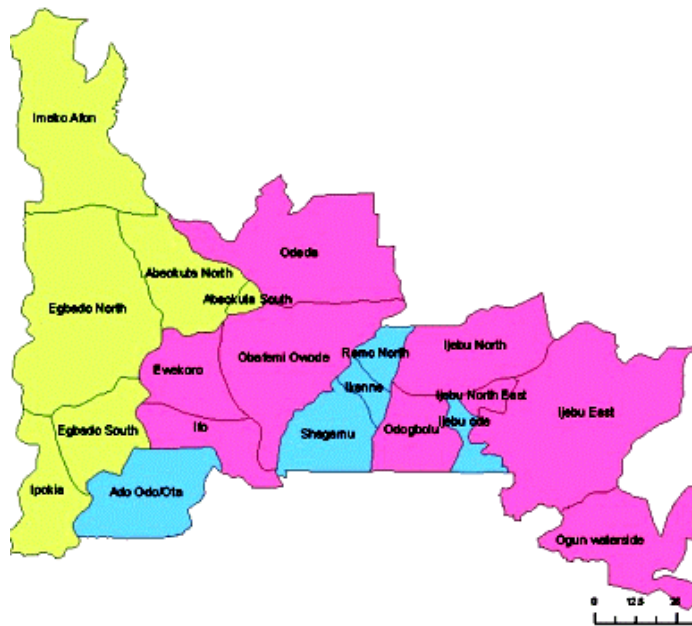


Figure 6.3: Map of Ogun State Showing Ewekoro; Source- trumpetmediagroup.com/trumpet-Ogun/opinion/ogun-state-2015

Ejio-Ewekoro community is observed to have both formal and informal governance arrangements coexisting in relation to environmental matters. Regarding formal arrangements, the state’s OGEPA runs the EIS in collaboration with the local government; OGEPA’s administrative oversight functions extend into every corner of the state’s territory. Also, the local government council is responsible for specific affairs in the local area, especially environmental sanitation. The local government authority deploys environmental protection officers to oversee sanitation duties in markets and other public areas. The Nigerian federal government through the FME also has statutory duties to enforce environmental protection laws and EIA in the community. The reign of the traditional ruler is officially recognised by the government and the community has her own traditional methods for enforcing environmental abuse. For example, one respondent stated:

There are certain areas that tradition dictates that if you do anything in the forest, something harmful will happen to you, and people stay away because they don’t want the gods to harm them. So, you will see some forest where the deities live, you cannot dare to go there because of the fear of the consequences (Interview CP001).

Their operations are informal and align with traditions and cultural practices, and the same goes with their mode of operations, which is by the word of the King, unlike the vehicle of written law.

With informal governance in the community, the king and chiefs are custodians of tradition and land in the community— this is an important role linked to EIA, specifically community consultations. There is also the Community Development Association (CDA) set up to raise funds for community development through collaboration with both visitors and settlers (Focus Group, June 2019). The CDA’s efforts are a voluntary response to poor government funding. Other informal groups include the “Omo Onile” group which seeks to have an input in land transfer transactions, the market women association, road transport workers association, hunters association, amongst others. All these groups create a complex power dynamic in the community, exerting their rights to the community in different ways with far-reaching implications for EIA/EIS in Ewekoro.

6.4.1. Traditions, Culture, and Community Arrangements in EIA

The traditional beliefs, cultural practices and community arrangements form the core of the contextual factors in which EIA is implemented in a community. Tradition determines a lot, especially in relation to land, a very critical resource in EIA as indicated in the response below:

Families are owners of land; it is families that sell land, so one family cannot cross his father’s land to go and sell another family’s land. They sell and issue receipt to buyers (Focus Group C003).

The religious beliefs of people in the community also shape both the use of space and the cultural landscape and sense of place attachment in the community as shown in the statement below:

You see we have a deity that we worship in this land. The power line ran right on top of the shrine of the deity, and right now we don’t know where it will be moved to... Even the king does not know. So whatever adjustment can be done, should be done. Oloke is the name of the god and we worship him every year (Focus Group OM001).

The statement above represents both cultural and spatial affinities in the community. Where some people or groups are excluded from the EIA process, information about values, identities, and sense of place attachment which is relevant to making informed decisions on a project will go unaccounted for, thereby making the EIA less effective.

Another traditional practice in the study area is the one linked to environmental conservation practices, indicated in the statement below:

There are certain areas that tradition dictates that if you do anything in the forest, something harmful will happen to you, and people stay away because they don’t want

the gods to harm them. So, you will see some forests where the deities live, you cannot dare to go there because of fear of the consequences.... So, folklore, scare stories, and royal decree are our means for protecting our environment. This still works even with modernisation. Everybody respects the dictates of tradition (Interview C001).

Clearly, this community understands the need to forestall negative environmental impacts and have done so by the use of traditionally imposed fear to deter environmental abuse. Furthermore, there are bye-laws to aid environmental protection, for example, poultry farms are not allowed in the community because “the foul smell from the chickens affects the community... from experience.... Before the investors come, the community knows what to allow...” (Focus Group C004). This suggests that the community has a sense of land-use planning and moderation, and community wellbeing is a factor in assigning land to use. A respondent noted in this regard:

There is a land down the road. Someone ... wanted to build a church [on that land], but we told them there are two churches there already and we don't want to add more to avoid noise (Focus Group C005).

The submission above points to community's preference for land use, and thus reinforces the critical role of the people. Although they operate informally in most instances, they also have existing systems of control of development.

Reflections on community life from the transect walk

A transect walk through the community also revealed some information that is relevant for understanding the socio-economic setting, aspects of the cultural landscape of the community, and the community life. This is reported in this study with a set of plates, as follows:



Plate 1: Photo of a community cement shop along the transect walk (Source: Research Field Work)

Plate1 shows a cement shop. This is one of many small shops in the town in close proximity to cement factories. The once farming community now has several small shops with cement on display. And as Plate 2 shows, the community has a high deposit of limestone. The community tour guide on the transect walk noted that it was difficult to get clean water from their wells and digging boreholes for clean water is a very herculean task.



Plate 2; Photo showing the nature of the underground water, with evidence of high deposit of limestone (Source: Research Field Work)

At the southern end of the community, the skyline is occupied with the image of the cement factory, which is in close proximity to the power project, indicated in plate 3. The visual impact of the factory on the community landscape is very huge and portrays a dominance over the image of the society playing host to it.



Plate 3: Photo showing the skyline of the community with cement factory dominantly visible over the landscape. (Source: Research Field Work)

The obvious sense of rural poverty can be seen with the poor state of the roads, displayed in Plate 4, and the marketplace, displayed in plate 5. These two examples are instructive for understanding why all respondents from the community in the case study appear to see EIA as process in which community needs are met in exchange for their approval for the project. Rural poverty as a local contextual factor is instrumental to the disposition of the community regarding their participation in the EIA process, and their level of engagement.



Plate 4: Photo showing the condition of the community road (Source: Research Field Work)



Plate 5: Photo showing researcher standing in the major road through the community market (Source: Research Field Work)



**Plate 6: Researcher standing at the entrance of the community clinic
(Source: Research Field Work)**



Plate 7: Researcher at one of the focus groups in the community (Source: Research Field Work)



Plate 8 Researcher at one of the focus groups at the market place with sellers who have been selling at the market for over 25 years (Source: Research Field Work)



Plate 9: Researcher with a cross section of the informal group known as” omo onile” after a focus group (Source: Research Field Work)

The transect walk was important as an additional layer of data was collected to the end that it provided some perspective for understanding the behaviour and tone of response of respondents in the community. For example, on the issue of seeking justice, the disposition of the community is that it is a lost course of action and there is a mistrust in their relations with

the factory owners. Also, given the dominance of the cement factory over the skyline of the community and the history of neglect, which is obvious in the state of community facilities, and exclusion of informal groups on past projects, it is to be expected that relationship will not be cordial. Also, the fact that most of the persons in the group that formed the “omo onile”, were mainly seeking for jobs and looking to make a living from the opportunity they felt the project provides underscores the other issues in the socio-economic situation of the community. All of these issues in the community define the local context and have the potential to influence the effectiveness of EIA.

6.4.2 Community Engagement and Inclusion of the Informal Groups in EIA

Cultural norms and traditions guide community activities in Ejio-Ewekoro, and for a public engagement like EIA, going through the palace of the community head is part of the tradition of the people. The EIA Act of 1992 prescribes, in relation to public participation in section 7, that:

Before the agency gives a decision on an activity to which an environmental assessment has been produced, the agency shall give 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.

The term “public participation” as earlier indicated in section 5.2 is used in generic terms and leaves room for a high level of subjectivity in terms of what actually constitutes participation by the public. In the case study area, the term “public” is likely refer to people who are resident in the community, either as first settlers and right holders to lands, or migrants that have settled in the community, and others who may be interested in the project. However, results in this study show cultural hegemony are used in determining who should be consulted when it comes to matters that relate to land. Consequently, persons or groups that are not culturally recognised and formally known, are excluded from the EIA process. In some cases, informal groups are seen as outsiders to the process of community engagement in EIA, as indicated in section 5.4.6. The point to note in relation to the earlier point in chapter five about the informal groups listed in figure 5.24 is that the flexibility to the definition of “public” in the EIA Act is not sufficient for inclusive participation of informal groups as identified in the case study area. Some results from the case study disagree with results from the wider consultation of EIA practitioners, especially when considered against the results presented in sections 5.2 (which speak to the EIA Act and provisions for understanding public consultation) and 5.4.6 (which shows how contextual factors produce poor level of inclusion in the EIA process) of chapter five. In this

regard, results from the case study analysis show that all the informal groups in the community were not consulted for the case study project. This does not align with evidence from the survey of EIA practitioners, where 35.7% of respondents disagreed with the notion that informal groups are included in the EIA process, and 64.3% of respondents agreed that the informal sector is included in the EIA process. However, with the extrapolation of other facts, like community elites who are members of the traditional institution being more favoured as official consultees in EIA process, and the lack of proper guidance on what defines public in public consultation, There might be an explanation for the disagreement in representation of evidence from results in this study. Practitioners believe they are following the law when they apply their subjective ideas to interpret the requirement for public participation. Unfortunately, this may turn out to be sectional as it excludes certain persons or groups and represents a partial assessment of the local context, with the implication ‘[a]for decisions on the EIA being that the decision is based on incomplete information.

With the case study community, results from focus groups show that the groups have no formal methods for seeking redress, an indication to suggest that the informal methods listed in table 5.6 are the alternatives available for seeking redress within the framework of community engagement.

6.5 Power Relations at Government Regulatory Level

At the level of government, power is wielded in intra and inter agency collaborations and expressed in a number of ways such as in official directives, purportedly backed by the constitution for the pursuance of EIA/EIS. An example of an official directive is the directive to proscribe the “omo onile” youth group. The government of Ogun State had disbanded them and proscribed their operations, confirmed in the response below:

In Ogun state there is nothing like omo onile. There was an Act to eliminate their existence. But basically, the EIA or EIS gives power to the people... Until you make the people a part of the project, you are wasting your time... (Interview SR002)

The state government, in exercising her duty to ensure order in society, had proscribed “omo onile”, and to the government, this group had been eliminated by their so doing. Nevertheless, this group is still very much in existence (this researcher held a focus group with them), and still operate in the case study community.

Still on power in the EIA process, approval for projects is granted by the Commissioner of Environment, a political appointee of the state governor. The regulators of EIS at OGEPA consider this a problem, as indicated below:

I think that is a constitutional problem [referring to the decision making rights of the Commissioner]; even the EIA Act empowers the Minister at the Federal level to approve... (Interview SR002).

The appointments of the Commissioner and Minister of Environment are political exercises. This could encourage special favours to be granted to other politicians against the recommendation of the review committee as suggested by a former Commissioner of Environment when asked if politicians enjoy such special favours:

Oh yes, it is true and I can give you instances. The company I shut down was responsible for selling oleum to the state government's water corporation, but they were polluting the environment. So when all these interests are at play, there is power play and I was asked to open the factories. I told the governor no, but eventually he used his executive power to remove the police from the shutdown, but it was without my consent and it is wrong... (Interview SR001)

This speaks to the nature of approval and level of public scrutiny of EIA/EIS in Ogun State, and Nigeria. The impact of such imbalance in power relations in EIS can undermine public confidence and quality assurance in development planning.

6.6 Analysis of EIA Report for Proposed 310MW Independent Power Plant at Ejio-Ewekoro

The proposed 310MW independent power plant is an upgrade to the existing 90MW power plant and includes 5.6km transmission line in Ejio-Ewekoro, Ewekoro LGA, Ogun State (Environmental and Social Impact Assessment (ESIA) Report, 2018). The project is funded under a joint agreement between a cement company and the International Finance Corporation (IFC); with an investment of \$300 million, making it a project with international interest. The EIA was undertaken in accordance with the 1992 Nigerian EIA Act and the World Bank's EIA requirements; a local and an international EIA consulting firm jointly executed the EIA. The project will contribute 260MW of power to the national grid. Although the power plant is located in Ejio-Ewekoro, the plant's power line runs through several communities where possible impact can occur (a model of the plant can be seen in figure 6.4 below). The EIA report is written in technical language and would be difficult to understand by someone who does not have the requisite technical understanding.

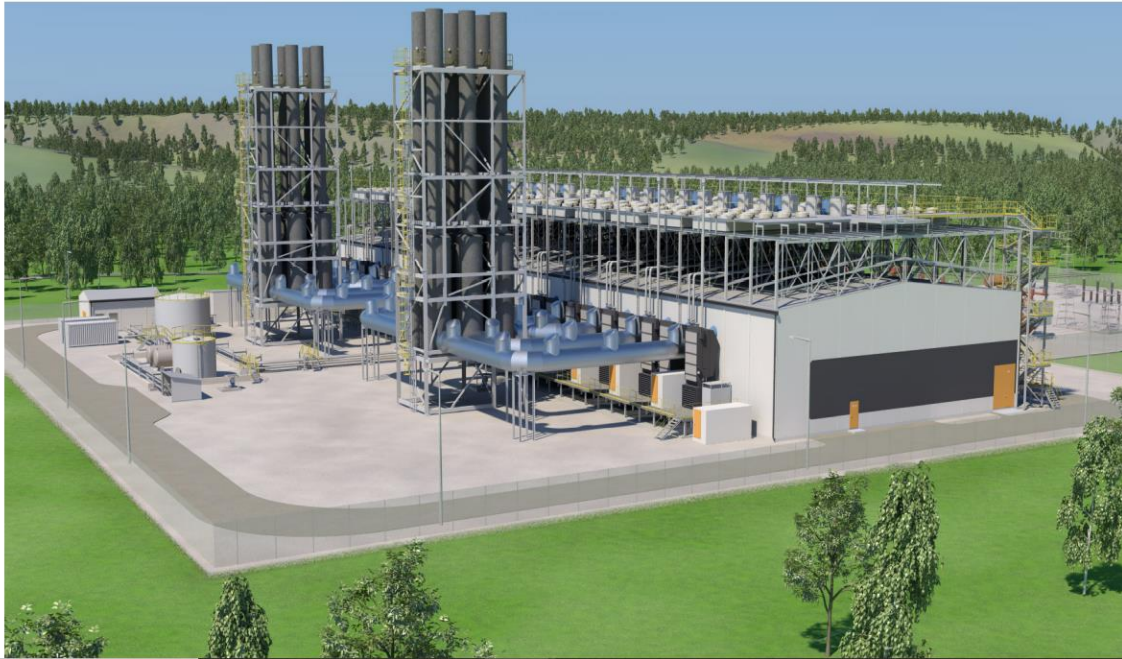


Figure 6.4 showing the Model of the power station at EJio Ewekoro Community area (Source: Environmental and Social Impact Assessment of Proposed 310MW IPP at Ewekoro, Ogun State, Nigeria. Draft Report, 2015).

The EIA report for the case study project is titled: Environmental and Social Impact Assessment (ESIA) of the Proposed 310MW Independent Power Plant at Ewekoro, Ogun State, Nigeria. The 388-page report is subjected to context analysis and evaluation with a view to identifying evidence of the representation of the context in which the EIA was conducted. This information is vital for understanding how context links to the effective implementation of EIA. Details of the report will be compared with the information derived directly from the community and the project EIA consultants to aid the analysis of context.

From the policy framework on which basis the EIA was implemented, the IFC performance standard on environmental and social sustainability, objectives PS5 on land acquisition and involuntary resettlement, PS7 on indigenous people, and PS8 on cultural heritage were considered inapplicable to the case study project's EIA. Although it is reported that no new lands were acquired for the project, the community groups, especially the "omo onile", laid claim to the land, on which basis they made claims for construction trucks to pay them some sum of money for coming into the community. In the words of the "omo onile",

Go to any project site, the boys of the area always have the right to collect dues. This road is ours and ... they should arrange for us to get jobs and what the boys need is for each trailer load to be charged 1000 naira for the boys. This is our right and it should be protected (Focus Group ON004).

The power line runs through several community lands suggesting that communities' cultural landscape will be crossed and PS8 should be applicable. Although the Nigerian constitution does not recognise indigenous people, three major tribes are identified. Therefore, communities that fall within the project site have people (natives) who form the clans, making PS5 on land acquisition and involuntary resettlement and PS7 on indigenous people also relevant.

The ESIA report under review provides evidence of the existing environment; relevant biophysical, climatic, geological, and socio-economic indicators were reported. Under the socio-economic baseline studies, consultation with the traditional ruler and the local government were reported with photos of medical investigation activities with tables showing the average blood pressure of a cross-section of people. However, the display of community demographic information did not include skills analysis (a critical information for understanding the socio-economic impact) of the population to determine the possibility of transferring job (direct, indirect, and induced jobs) benefits to the community, and where possible, identifying the areas of needs for upskilling (Franks and Vanclay, 2013). Results in this study show a recurring point of emphasis with the respondents at community level—they wanted jobs for the unemployed. Also missing in the relevant section of the ESIA report are details of the community concerns raised in the consultations, information that is relevant for revealing the factors of local context in the community. For example, because the project is associated with the already existing cement company, concerns expressed are linked to ongoing impact from the cement company:

We saw the impact of blasting the limestone and rocks; houses now have cracks in their walls. In a community, they installed an alarm so when they want to blast, they will sound the alarm. And because of that, the people cannot rear any animals because of the noise from the blast. Animals run away from the community because of the noise, and the well is also polluted; the water is not drinkable (focus group C003).

Additionally, concerns of inclusion in the benefits and processes were raised from the focus group:

If they want to bring project to this community, all the stakeholders must be carried along, not only the traditional rulers, the CDA and all excos, the youth and all others

must be carried along for them to have a smooth running in the land (Focus Group C004).

We realised that a selected few in the community are receiving a hazard allowance and benefit, because they are the landowners, but the impact affects more people, but only a few are receiving the monies (Focus Group C004).

Concerns of the community, like the types highlighted above, were missing in the report, implicatively showing how much of context information is represented and reported in the EIA process and report.

Also, reported increased vehicular traffic due to construction activities has a major significant impact on community safety, also linked to the demand made by the “omo onile” youth group, indicated below:

What we want is for peace to reign when the trucks are passing, so that they should give us what is due to us. What the boys need is for each trailer load to be charged 1000 naira for the boys. This is our right and it should be protected (Focus Group ON005).

With respect to mitigations of the environmental impact identified, a traffic management plan is to be used with collaboration from the contractors and the local authorities to manage the situation to avoid any accidents. However, the “omo onile” youth group, were not considered in the mitigation plan, an indication that they were not consulted. One area of divergence in view is the level of inclusion in community engagement. While the EIA practitioners indicated that they consulted all the relevant groups, the “omo onile” youth group, the CDA, market women stated that they were not consulted, although the King and the community hospital Matron were consulted.

In the stakeholder identification list for the community consultation, relevant groups were identified under very broad sub-headings, for example, community-based organisations (CBO). This type of grouping does not reflect the contextual realities in the community. This also makes it impossible to track the nature of the comments that each group had made during consultation, comments that were missing from the report. It is unclear if there are some impact of the project in its different stages (construction, maintenance and operation, and decommissioning) in relation to the people in the community and their way of life. The report is very descriptive about the cultural and traditional arrangement inherent in the community, with evidence lacking the required critical analysis that is associated with impact assessment analysis. There is a sense of generalisation and lack of structure about the report of the social impact and community consultation, making it difficult to identify which community or groups

in the community is being referred to. For example, it is reported that the general comment of the people living in the project area is positive as they see the project as a means to better socio-economic life, although there were concerned about vibrations. It is unclear if all nine communities in the project area expressed the same concern.

The report is silent on issues relating to justice and fairness in the distribution of benefits across the different groups in the affected communities, the issues of visitors and natives of the land and power of the community clans, and these are issues that define the context of the project. The contextual factors (as identified in this work) present in the community in which the project is undertaken were not reflected in the report. No mention is made of the power wielded by clans/families, the CDA or agitations of the “omo onile”, for example. The ESIA report did not identify any of these contextual factors, indicating that the report does not adequately represent or take account of the local context.

6.7 Perception on Factors of Local Context in EIA Implementation

The host community is composed of different groups; their concerns and contribution are critical for effective EIA implementation. With the case study project under review, the perception of the community and EIA consultant are evaluated to understand how they perceive issues relating to the realities in the implementation of EIA.

6.7.1 Accountability in Community Engagement in EIA

There are specific arrangements for accountability made by the state government with the traditional rulers to manage land acquisition. While communities own and sell communal lands, a certificate of occupancy is issued by the federal Ministry of Lands. This creates a sense of accountability within the community and helps to forestall problems where corporations arbitrarily acquire community lands. This indicates the existence of informal systems in development planning. This is shown in the statement below:

I am the custodian of all the lands in the community. There is a form and government is trying in that aspect. Whatever happens in the whole community, I have to sign off the application and we can checkmate any illegal sales in the community. Traditionally, I am the custodian, although families own land (Interview C001).

The statement above suggests the king of the community is the rightful channel for the government to deal with in respect of accountability in land-related issues and by extension in matters of EIA. However, there are other groups like the CDA who clearly wish to be carried along in these matters, but are not as indicated in this response:

I do not know much about it [EIA]. They are concealing the details from the people, so we won't know the atrocities committed since inception of what they are doing there. (FG 001).

The statement above, made by the CDA chairman, suggests that accountability by the traditional ruler does not effectively translate to accountability to the entire community. The CDA being an informal organisation within the community, saddled with the duties of providing social amenities in the community are left in the dark when it comes to accountability in EIA. This point underscores the complexity of community hegemony in the EIA process at community level. In cases where a group is edged out of the power arrangement, they may not be carried along in communications with the state and the EIA consultants, leading to feelings like the one displayed in the comment above.

Accountability is linked to justice. Individuals and community groups feel overpowered where it concerns accessing justice in the EIA process as indicated in the statement below:

When you talk about equity, justice, and fairness, there is nothing like that. If you try to seek justice, they will call you from Abuja and ask somebody to come and see you or intimidate you. This is a very difficult problem that we are facing here. The Nigerian factor is very bad... (FG C002)

Would the community consider taking EIA matters to court to seek justice if necessary? The response below suggests a lack of confidence that justice would be served:

You can never get justice against the government. They own the court and the land. The only reasoned thing to do is to ask for compensation. We know the outcome of the court case already (Interview C001).

The disposition of the community to seeking justice, and by implication, accountability, may be informed by the governance approach at the local level. High-handedness and force are used to achieve objectives, as indicated in this statement:

... We have too many illiterates and you have to force them to take action on a particular matter. I can take you down to see what I mean; I have to lock some shops to drive compliance at times (Interview C003)

The statement above shows the government is making effort through enforcement to achieve compliance from the locals. However, this also suggests an imbalance in the power relations as the people do not have an assurance of justice. This shows that in EIA process, the

interactions between the community, the government, and the developers, can put the community at a disadvantage in negotiations.

6.7.2 Land and Land-Use Perception in EIA

Land is a unique resource and an indicator for understanding local context at community level. It shows the values of the people in economic and cultural terms. Development projects on community lands are viewed as a collective gain at community level as indicated in this response:

I am happy with what my brother said earlier, so job opportunities is [sic] a great one. It also makes the value of land appreciate and you will have more experts coming to the community (FGC003).

The statement above indicates that land shapes conversations in EIA at community level; the economic gains in value of land is a prism for viewing developments. However, if this is not taken into account in environmental impacts, it could undermine the effectiveness of EIA.

Farmlands are part of community heritage and contribute to defining the local context in the study area. In the EIA process, it is a point of concern for the community, as reflected in the response below:

We have some farmland around the site. I will want to know the distance they will give from the project to the farmland because if they will be using some explosives in the project site, so it won't be harmful to the farmers (Interview C001).

Land is an underpinning determinant in community consultation, and besides the concerns of ownership, community subsistence also forms part of the concerns in relation to land and EIA.

6.7.3 Community Needs as Local Context Factor in EIA Effectiveness

The diverse groups that make up Ejio-Ewekoro community represent different interests and values as can be seen in the results in this section. They shape conversations during community consultation and ultimately influence the EIA. For example, the “omo onile” group have an interest in jobs. They noted:

All the youth here are from this community. We all have skills/trade. Some can supply materials, and this is something that we should get easily from the project. They should protect our interest as local youths who can do some work.

A community nurse in the focus group noted that the health facilities needed to be improved upon, as stated below:

In this community... The amenities here are inadequate... the clinic is not in good shape and has no capacity to make people get better. . . I even made a case to the CDA chairman yesterday (Focus Group CN 001).

The focus group for the market women also provided some perspective on the socio-economic needs of the community. Although this group acknowledged positive impact from development projects in terms of more cash to be spent at the market, they noted their need for better amenities thus:

Yes, firstly, the market should be repaired. It will benefit everybody.... There is no water, no toilet, and we need electricity...They should make roads and allow people drive in... That is why people go to the big shopping malls, and they are taking away our market here because the floor is bad... (Focus Group MK001)

The diversity of needs is not the same as that of values. However, the expectations of the different groups from EIA, as indicated in their submission about the needs they expect proponents to meet, suggest the value additions the different groups expect. This diversity of needs leads to pluralism of values in the EIA process and the discussions around social consideration and transferring benefits of a project to the community. While the diverse needs noted are all valid and should be respected, problems might arise where these needs are not met. It may give rise to acrimony between the traditional ruler, the family/clan heads and other community groups, and this could negatively impact the EIA for a project. A situation such as this may see EIA consultants entangled in family and community feuds, bringing about delays or having to take sides. The King of the community suggested that the need for development in the community is a major factor influencing the opening of the doors to developers (Interview C001). However, not all community needs are material in nature (like roads or water), some are based on cultural heritage and the belief system in the community, for example,

Where the project will be sited is on the land that houses some of the deities, I don't know if the project will have any impact on them. They have been there for 100 to 200 years. So those are the things they will need to guard against[sic], how we preserve those things, so that we can tell the next generation about them, and so we can see the trend of our development, even though we do not believe in them anymore, but it will be great to know what our forefathers worshiped.

This point is further reinforced in the focus group held with the informal youth group, “omo onile”. They were passionately interested in the well-being of the community deity arguing that:

They [developers] have shifted the god to a new location but we want it to be properly done. They should build a house for the deity so we can identify that as the good that the project brought to our land (FGCY001)

One area of concern from the community is the fear of the unknown. The community fears what change could occur to their way of life, as shown in this response:

I fear, the people coming have diverse ways of life, and as our people interact with them, they may change their ways. In our culture, it is tradition to kneel or prostrate to greet, but these people do not consider these ways. Before long, our people will forget and may even begin to disrespect elders...cultural practices about greeting and interacting is endangered (interview C001).

The above shows the local context in which EIA takes place in the study area. The demands of the different groups in the community creates a sense that the EIA is more about meeting community needs and not about assessment of environmental impact and mitigation of negative impacts.

6.8 Power Relations in the 310MW Independent Power Plant EIA Project

The negotiations and interactions involved in EIA require that power is wielded as an essential part of the process. This section considers the interactions of actors in the EIA process through their voices, firstly, at the community level, and then between the regulators and EIA practitioners.

6.8.1 Power relations within the Community

Power is assigned in the community by hegemonic arrangements; the traditional rulers are recognised officially by the government as the channel of command for EIA consultation. It appears that the families/clans draw their power and influence from their right to the ownership of lands as indicated in the response below:

...if you make a report to the company, their lawyer will come and be saying [sic] that they have been here since 1914, and that the people who just bought land in recent times are making issues, that they should have gone somewhere else to buy land (Focus Group C002).

Even the King is subject to the same rules as he also had to buy land from the holders for his palace. He said:

... like my own palace location, I paid for the land because it is not the area my family owns land; if you go to my family lands, I will also sell to you. That's the way it is (Interview C001).

The statements above suggest that the powers of the king over lands is not absolute. Within each clan are families that hold rights to lands and have the right to be consulted in EIA. Nevertheless, the impact of a development project is felt by both landowners and tenants who are renting houses in the community. When consulted for EIA, the traditional ruler chooses the consultees in accordance with his governance arrangements, which excludes several persons/groups. This was indicated in the words below:

We have our ways so what we require from them is the consultation fee. This will go to the family. We have an unwritten agreement that nobody should sell our land, so we lease it, so whatever the amount certain percentage will go to the community and another to the family (Interview C001).

By evaluating the submissions of groups and individuals, the understanding of their respective power and influence in the EIA process becomes clearer. Evidence from the data shows that EIA practitioners follow the traditional channels in community consultation (which is through the traditional ruler). This is indicated here in these words:

Community consultation is not the same for every community, you need to follow the traditions for consulting the king and his council. This is a very sensitive subject and that's why international consultants prefer us to do this. With the power project we went to the Baales who are the different community Kings to tell them our intentions and then they directed us to the persons to speak to. So, it is a local bureaucracy (Interview SP003).

However, this approach excludes some groups in the community, referred to in this study as informal groups, earlier listed in figure 5.24, because they are not members of the clans of first settlers, and also not formally recognised.

There is a sense of modality of power which aligns with Foucault's theory on modality of power, in that the communities have evolved a system of adapting to the hold onto power by the use of traditional hegemony. Despite the reign of democracy in Nigeria, in the community, power is not inherent in the institutions (both formal and informal), but in the individuals operating the institutions. Although the King is the custodian of culture, tradition, and lands, there are families that must first decide on how much they want for the land before the King can approve it. Where the interests of the King and the family/clan clash, the King may override the latter's decision resulting in a feud that could impact negatively on the proposed development. A sense of this was inferred from the response below:

... we will not call them “omo onile”. In fact, the current project we are working on, there is a group that have objected that they own the land and will not allow any other person to be involved with the project... But I have told them that their land is not existing in isolation to other lands around. If they want to take all the gains of the land then they should make sure they get an airstrip for the investors to fly into their land, because as long as they will pass through other people’s land, it is only reasonable that they all benefit... (Interview C001)

Still on power, it may be worth considering the power wielded by CDA in community relations. In this regard, a respondent noted: “there is a major difference between the traditional institution and the CDA leadership, the CDA leaders cannot call for an “Oro” (a traditional ritual festival)” (Focus Group C001), but the traditional leaders can thereby showing a clear distinction in the roles, as the traditional council is composed of owners of the lands in the community. The CDA impose development levies and they have some powers to enforce compliance in the community, as indicated in the response below:

The CDA is like the fourth tier of government. You know we have the federal, state, and local governments... they [CDA] run the affairs of the community like a formal government (FGC003).

Although the CDA and the traditional institution work collaboratively, there is separation of powers between them, as indicated in this response:

The CDA does not have the right to meet at the Baale (king’s) house. If they do that, it means [they] are subjecting [themselves] to the Baale [and] all information relating to CDA will be open secret and we don’t want that. We respect each other’s roles and everybody holds their own side (Focus Group C002).

The traditional institution holds the powers over the lands and major ritual in the community. They are also the port of call for community consultation by the local consultants. But the CDA appears to have been marginalised in relation to the EIA for the project under review. They firmly indicated their exclusion. Although the CDA is at the forefront of development initiatives in the community, their exclusion may be attributed to the fact that it is the families/clans that stand to be consulted as indicated in the response below:

After welcoming them [EIA consultants and developers], we have four clans, and we will send them to the clans. Then the clans will go to the family that owns the land, and from there we will carry on to arrive at a decision (Interview C001).

This statement further suggests that community consultation revolves around land ownership, a system criticised by the CDA in these words:

I cannot say much about it [the selected case study project] because I do not know much about it. They are concealing the details from the people so we won't know the atrocities committed (Focus Group C001).

Clearly, complex power relations exist at the community level. Although the king is the head of the community and the first port of call in EIA consultation, events that follow rest with clan heads and the families that own the lands in the community. The powerful clans remain in control of all benefits accruing to the community through the project lifecycle, notwithstanding that others may also be impacted by the project. Echoing this are the statements below:

We know that settlers and visitors are dwelling together in the land, but what we don't know is what is due to the visitors. How will the landowners ensure that those who have bought the land but are not from the community, how do we protect their own right to the benefits.... (Focus Group C004).

We realised that a selected few in the community are receiving a hazard allowance and benefit because they are the landowners, but the impact affects more people, but only a few are receiving the monies (Focus Group CY004).

Another group which also wanted to have its voice heard in the EIA process but indicated its exclusion is the market women association. Representatives of this group noted:

It will be the people of the village close to the project that will be able to tell you something about that. We were not consulted on any matter... and we understand they always settle [that is, pay monetary compensation to] the people of the community every year (Focus Group MKW001).

The women believe they were wrongfully excluded from any consultations notwithstanding that the market is part of the support structure for the community. They indicated that “the gas and dust that comes from the industry come through here; it impacts on our water too, and when you leave water open it will become dusty” (Focus Group MK001). This serves to reinforce the fact that land ownership through clans/families is the determinant factor in consultation.

The “omo onile” group also had their voice suppressed in EIA consultations. Although the group clearly indicated that they were not consulted for the project under review, the local EIA consultants indicated that the group accosted them:

While working, they once prevented work, they came to stop us, saying we will not work or do anything, but we appealed to them and at the end of the day we became friends (Interview LC001).

The “omo onile” group has their own means of reaching an agreement with the practitioners, and this may be while they are in the field already collecting data, with the community's

approval. The “omo onile” have been known to wield illegal power, making demands without any legal backing. However, these demands are not alien to experienced consultants or even purchasers of land. A former Commissioner of Environment noted that the confrontation would not have been necessary:

[u]sually the demands of the “omo onile” should have been taken into account by the consultant So, the consultation didn’t go well. If it did, it would have spotted these things (Interview SR001)

The above statement suggests that adequately capturing the local context is vital to effectively implementing EIA in the study area.

6.9 Local and International EIA Consultants: Relationship on the EIA for the Case Study Project

The EIA power project case study affords a chance to zoom further in the working relationships between the local and the international EIA practitioners, to gain insight on learning potentials for greater EIA effectiveness. The unique characteristic of an EIA that is being jointly executed by a local consultant and an international consultant could hold potential learning opportunities that could be contextually relevant to the Nigerian practice space. This section evaluates the interaction and working relationship of the EIA consultants, and considers flows of relevant information between them, nature of the working relations, and the potentials for learning in their interactions. In the previous chapter, the practitioners indicated there is potential for learning in the interactions of the local consultants and international consultants. However, there were areas of friction in their relations, and as indicated below, information sharing was one of such.

Information is central to effective implementation of EIA. How it is collected, interpreted and shared/reported underpins good EIA practice. The project under review, being a joint development project between three international organisations with one being the funder (IFC) saw the involvement of an international EIA company. When asked why international consultants and local consultants jointly executed the EIA, the local consultants and international consultants responded respectively:

The proponent employed us to get the permit for them to carry out their project. But the proponent also belongs to a consortium... they requested for the international consultants to join the work (Interview LC001)

The local company initially had been involved with the cement company many years ago. However, they lacked the capacity to address the issues and prepared the report to international standard. As the project proponent is an international firm, they needed to hire a firm that can do the job to produce an international standard EIA (Interview IC001)

The involvement of the two consulting firms appears to serve the purpose of meeting the local and international requirements for project approval and funding. The local consultant was responsible for conducting the baseline studies because they were more conversant with the terrain and the international consultant put the report together to meet “international standards” (Interview IC001). The local consultant asserts that information sharing between the proponent and IC could be better as indicated in the statement below:

There was no information sharing. The international consultant were able to get information from the proponents. This information was not made available to us from the beginning of the project. And they still complained because the proponent only gave them about 85% of information (Interview LC 001).

This suggests that information sharing was hampered because the proponent held back information from the local consultant and international consultant, and the international consultant also held back information from the local consultant, an indication that they may have gone to the field misinformed about the true nature of the project. The above relationship shows how poor interaction between the local consultant, the international consultant, and the proponents can undermine effectiveness in EIA implementation.

Also, the local consultant and the international consultant differed in opinion on the amount of information required for the EIA report to be submitted to the authorities. This is revealed in the response below:

But if you want to submit a report, the ministry will tell you the information is too much, that why are giving them this type of information. But the international proponents and funders will love to have everything (interview LC001).

Additionally, the use of difference standards is obvious in the interaction of the local consultant and the international consultant, the local consultant said:

We did the field work, put the report together in line with FME and submitted to the client in Nigeria. They reviewed it with their consortium and then requested ...additional information... that they have new information from the IC that is better about some aspects of the work (Interview LC001).

The nature of the project warranted the involvement of an international consulting EIA firm; however, the interactions of the local consultant with their international consultant could limit the level of effective EIA practice in the Nigerian system.

6.9.1 Power relations with LC and IC on the Case Study Project

Results in this study show that misunderstanding occasioned by differences in experience is identified from the working relationship between the local and international EIA consultants for the case study project. They both displayed mutual respect for each other and showed considerable understanding of what is required for effective EIA in the project and the environment. However, the need to be in control seemed to have overshadowed their interactions. For example, when asked who took the lead in the EIA process (the intention of this question was to ascertain leadership and power influence, and this was made clear to both respondents), they both responded that each took the lead, suggesting there was some tension between both parties. The local consultant implied that they knew “more about the land” (Interview LC001) that was why they took the lead. In their words:

Concerning the local socio-economic issues, their perspective is limited. It is zoomed out from the realities on ground. Looking at the local area, you just put yourself in it. We are on ground and socio-economic is not something you predict from afar (Interview LC001)

The international consultants also implied that the locals did not know some technical aspects of EIA to deliver the report, so they took the lead. They argued that their leadership is derived from their capacity and skills to deliver an international EIA. This was indicated in the words below:

We took the lead. If you see the report, you will see our name there. We did everything including the writing and final reporting. Of course, the local consultants also learned from us.... they can meet up with the local standards, but they cannot meet up with the international standards, for example, simulation modelling. (Interview IC001),

Clearly the power relations appear stiff. The local consultants believe this may be connected to the fact that the international consultants also have a local presence in Nigeria and they are in competition. The interaction of these two groups of practitioners also raises concerns about capacity in terms of skills, knowledge, and resources for EIA:

The problem is that you have IC as competitors on ground because we have worked with three or four consultants like that, one from India, one from South Africa, and one from the United States. But these ones were not resident in Nigeria. So, the way we enjoyed working with those ones is not the way we enjoy working with this one (Interview LC001).

The nature of power relations between these practitioners could impact on the quality of the EIA as it could lead to a situation where the real focus is lost to the battle for dominance. Within the power relations, there is an opportunity for learning if both sides define a more amicable working relationship, the areas for potential learning are highlighted in table 6.2:

Area of learning potential for local EIA Practitioners	Area of learning potential for International EIA Practitioners
Technical knowledge	Local/indigenous knowledge
Reporting EIA	Community Issues and local content
Dealing with environmental sensitivity	Peculiarities of locations of interest
Donor agencies'/funders' requirements	Localised engagement of the informal sector
New technologies and advanced tools and facilities	Local environmental knowledge
Predictive modelling	Local regulations, government processes/bureaucracy
Data management, Creating EIA Databases	Nigerian EIA procedures
Laboratory analysis	Communities' cultures and area of influence
Marrying foreign based recommendations with local realities	Community participation
Standardised analytical equipment, use of environmental equipment	Security and risks

Table 6.2: Table showing the summary of knowledge areas for learning potential for local and international EIA practitioners

6.10 Conclusion

This chapter set out to take a closer and more in-depth look at the local context in which EIA is implemented, using the case study of a power plant at Ejio-Ewekoro in Ogun State. The analysis from the case study revealed some context factors that were not visible in the earlier chapter, where the Nigerian EIA practice system was analysed. The case study state, Ogun State, indicated lack of confidence in the FME's EIA system to protect the Ogun State environment; consequently, they designed and use their own system of EIA to forestall the perceived deficiencies in the FME's EIA system. The state EIS is somewhat different from the FME's. It is designed to be timeous and more collaborative with all actors. However, it is patterned to follow some of the procedures of the FME's EIA, and also challenged by similar shortfalls, for example, the role of communities in the EIA process and the inclusion of informal groups. The community under review has their own system built on culture and

traditions, a system that does not necessarily align with the formalities of the EIA process; for example, community consultation does not necessarily have to be for all members of the community or those who live in the project affected sections of the community as this requirement of community consultation is satisfied when clan heads have been informed and engaged.

What can be seen from the analysis of the different views and perspectives about the contextual realities in which EIA is implemented is that informal groups are systemically excluded. The EIA Act does not give enough indication about how and when communities should be engaged in the EIA process. Additionally, the notion of needs in community consultation has become prevalent at the community level, with little attention paid to issues of potential environmental impact arising from the proposed development.

The EIA report for the select case study project did not contain sufficient information to aid the understanding of the community's local context. For example, from data collected from community actors (referring to both formalised and informal groups in the community), land is a rallying point in the community and a determinant factor for inclusion in the EIA process. It is also the anchor upon which the "omo onile" group lays claim to dues from construction activities. The operations, concerns, relations of the formal and the informal and unrecognised groups in the community were not captured in the EIA report. Analysis of the EIA process shows formal and informal interactions are common in the EIA process, with formal ones more dominant. In these interactions, the community is favourably positioned in the power relations when they are being consulted; however, with regards to actual assessment in relation to the project, the proponents and the EIA consultants are fully in control. The analysis of power relations in the entire EIA process indicates an imbalance that favours the FME and the project proponents, while in the community, the traditional leaders and clan heads hold the power because tradition empowers them to so do, and they are the officially recognised community consultees. Other informal groups, like the CDA and the Omo onile are disproportionately displaced in the community power relations in EIA.

The interaction of the local and international EIA practitioners who consulted on the project clearly indicates the areas of potential for learning in their interaction. While the local EIA practitioners can learn about better ways of writing up EIA reports, the local knowledge held by the local practitioners are invaluable in helping international consultants do their work.

In the next chapter, this thesis will discuss the implications of the findings in the data analysis with a synthesis of the evidence in literature earlier presented. It will also attempt to answer the research questions set out in chapter one.

Chapter Seven: Local Context as an Influencing Factor on EIA Effectiveness in Nigeria

7.0 Introduction

“...whilst SEA [EIA] effectiveness criteria can successfully help practitioners, they need to be tailored to the specific system [context] of application” (Fischer and Gazzola, 2006).

This chapter discusses the results presented in chapters 5 and 6, within the context of the literature and of the research questions. This is done using the themes from the conceptual framework; namely: legislative framework, culture and tradition, institutional arrangement, power relations, capacity and skills, accountability, justice and fairness presented in chapter 4 section 4.4; and the emergent themes of informalities, legitimacy and inclusion. The chapter is split into two major sections, reflecting the focus of the research placed on the framing of formal and informal engagements within EIA processes and practice spaces. This chapter also discusses the potentials for learning in the interactions between EIA actors in the EIA system, focusing on the interactions and work relations between international and local practitioners.

7.1 Informal Aspect of Nigerian EIA System

7.1.1 Dynamics of Cultural System and Power Relations in EIA

“...an individual’s identification with higher social units—community, nation, and world—strengthens its in-group solidarity and empathy and, in consequence, its readiness to protect the environment benefiting the in-group’s welfare” (Brieger, 2019)

The community in the case study of this research has several groups with different values and interests. These groups exist within a larger community arrangement and power dynamics that are controlled by cultural systems. The traditional rulers are formally recognised as consultees for EIA making them the first port of call in community consultations. They also have an input into what families and clans should be consulted on. Their recommendation is usually based on land ownership, a symbol of power in the case study area, their formal recognition as consultees also enhances their power position in EIA processes in the community. When asked how the community conducts EIA consultation, the community King answered by expressing details of the traditions that guide the process. After kola is served, the families that own the lands are identified and consulted privately, this runs parallel to the provisions of the EIA Act, which states that all interested members of public be allowed to comment on the EIA. This suggests the presence of traditions that are defined by a cultural hegemony, one that is linked to ownership of lands and clan affiliations. Suwanteep et al., (2016) argue that culture has the capacity to inform the methodologies for implementing EIA. In this regard, results in this research show that the existence of certain traditions/culture can lead to the exclusion of some people from the EIA process. Although managing the environment has been described as a

cultural issue (Vastalo et al., 2017), where cultural practices run counter to the principle of inclusion in EIA, deliberate effort should be made to address aspects of the local context that can negatively impact on EIA.

Mehlum et al. (2006) argue that imbalances in power create conditions of secrecy which also promote corrupt practices. Results in this study show that informal groups perceive the community elites as having a secret pact with proponents, and that their exclusion is deliberate. EIA is unpopular with them as they see it as a government process, run by the powerful members of the community to help a business take up land in the community. It is as Arts et al. (2012) identified, power positions of EIA actors impact on EIA effectiveness. Undue influence of political and economic power blocs in a community can override the quest for quality assurance (Bruch, 2019).

Although there are informal systems that have proven to be powerful in many societies (Mehta, 2019), in this research, the informal groups identified were unable to exert substantial influence as they were excluded from the EIA process by formal arrangements. Nevertheless, these groups exert some power over the EIA process, albeit through illegal means. Akinyele (2009) indicated that informal groups have the capacity to hold project proponents to ransom, despite formal processes being fulfilled, and in some cases, the informal actors' demands must be met for any progress to be made. Results in this study show this to be true where EIA consultants were asked to stop their baseline studies by the "omo onile" youth group even though the former had statutory and traditional (community) approval to proceed. Problems like this could be avoided by favouring inclusion over exclusion. In view of Brieger's (2019) argument that social identity on environmental concerns could unfold as a central element of culture, achieving a collective social identity for environmental protection, one which could contribute to effective EIA, would require a high level of inclusion to get individuals and groups to support environmental protection efforts.

7.1.2 Intersection and Importance of Culture in Understanding EIA in Nigeria

Culture is a critical factor when considering issues with social implication ... at the nucleus of social issues are background factors that inform cultural practices about environmental protection and management that shape communities (Qin, 2016).

Since culture became accepted as an aspect to be considered in planning, alongside social, economic and ecological considerations (Partal and Dunphy, 2016), it has gained prominence in EIA. Results in this research show that various aspects of the EIA process are subsumed within cultural considerations and determined by traditions. The notion of place identity and

attachment form part of the local context within which EIA takes place in a community, and this has links to culture and traditions as reported in this study. For community groups, their concern and attachment to their land is underpinned by the need to protect the deity and preserve the house of the god as results in this study shows. For community groups, they believe that their attachment to their community gives them the right to directly derive benefits from the project, as many of the groups misconstrue EIA as a negotiation on what to give in exchange for land. For these groups, local attachment to place is proof of right to ownership of the community. This “right” referred to here is not the same as those of the rightsholders identified in the previous section whose rights are linked to land ownership. The co-existence of rightsholders and what may be referred to as rights-claimants and possibly, conflict between them, is a local contextual factor that could impact on EIA. Indeed, in focus group sessions held with some informal groups in the case study community, the use of “they”, in the responses of the informal groups, indicates the “us versus them” dichotomy, highlighting their awareness of their exclusion.

This research shows a culturally preferred way for community engagement in EIA, through nominated people, this nomination is based on an established culture in the community. This practice define local context in relation to community engagement in EIA. Proponents and EIA consultants usually have to respect traditional demands, and since the EIA Act is silent on the same issue, tradition usually wins. Lawal et al. (2013) indicated that public participation is not fully integrated into the Nigerian EIA system, results in this study does not fully support this submission, a selective public participation determined by cultural systems is in practice. EIA requires the collection of all possible information to help ensure informed decision in development planning, “and therefore requires maximum degree of participation” (Hisschemöller and Cuppen, 2015, p. 37). Also, the system of making announcements on radio and displaying reports at the local and State government offices is assumed to mean public participation, and this is not the case. Communities are no longer exclusively occupied by first settlers and landowners; there are other people and groups that belong to the community. Upholding a culture which excludes members of a community adversely impacts on EIA effectiveness. To Hall et al., (2015), the disposition people have towards an intervention like EIA can be shaped by internal diversities in a local community such as age, gender, religion, class, livelihood issues. In this light, the cultural class system is a strong local context factors used for aspects of EIA process, thereby influencing the level of effectiveness achieved in the

study area. This cultural system raises concerns about the legitimacy of a project amongst all community groups, especially the informal ones that are left out of the EIA process.

Language as a part of the culture of a community is found in this research to play a major role in EIA effectiveness, especially at community level. Language is the primary means of communication and should be considered highly in community engagements. Del Furia and Wallace-Jones (2000) identified the critical role effective communication plays in EIA, arguing that the lack of face-to-face communication (not foreseen by law) increases the chances of misunderstanding, limiting in turn the chances of reaching a consensus. Additionally, they note that the level of power the type of communication attributes to the public undermines the level of participation and inclusion. Results in this study indicate, that as part of community engagements, some consultants/proponents may display the project at the local government office, or in some cases, at their offices which may be very far from where the project is to be sited. In addition to people not being able to afford the time and costs to travel to the local government office, they may experience a language barrier as project designs are very technical and written in the English language. The practice of displaying the project design and EIA report aligns with global practices; however, it is contextually weak and serves very little purpose, and is a tick-box practice if it cannot be understood. In the study area, the native language is spoken before English and where illiteracy may be a problem, a better and more effective approach, suitable to the local context, would be to display the project in the community's town hall, with the town crier announcing the duration of the display. Also, assigning an interpreter to explain the details of the project in a language the community can understand and to collect their comments and feedback, would also be beneficial. Kakonge (1996) argues for a communication strategy relevant to the sociocultural context, to be adopted to facilitate dialogue between project planners/officials and the affected communities. And this aligns with the findings of this research, especially in relation to the closing of the gap between the people and the processes of engagement.

The provision for community engagement in the EIA Act needs to be clear enough to encourage collaborative planning, with more involvement and participation of communities informing the design and implementation of projects. Results of the review of the case study project's EIA report shows a lack of depth in the analysis of the cultural framework of the community. Partial and Dunphy (2016) explained the importance of culture in EIA enhancing the relevance of local knowledge and the likely impacts of a proposed development on the way of life of people or of a community through cultural impact assessment (CIA). Results in this study show that

the lack of representation of cultural aspects and of the wider local context in the Nigerian EIA system, is not contributing to enhancing local knowledge, nor is it preserving the way of life of the people.

Results in this research show that traditional belief systems for how to relate with the environment exist in communities. This local knowledge should form an important part of EIA seeing that it is an essential contributor to the values of the community (Fischer, 2005; Sharif and Alesheikh, 2018; Öhman, 2018; Temdee and Prasad, 2018). Local knowledge could contribute to a more sustainable development considering that human activities are shaped by needs, some of which are cultural in nature. The King of the case study area highlighted the use of myth (lands protected by the gods) as a means of enforcing conservation of the community forest.

7.1.3 Legitimacy and Inclusion in EIA Process

“If little or no political legitimacy can be gained from including people in the decision-making process, the implication is that citizen participation should not be introduced into political processes for its own sake” (Arnesen, 2017).

Securing a host community’s support for a project is critical to project legitimacy in EIA. Jijelava and Vanclay (2017) describe this as the ‘social license to operate’. Indeed, Rozema and Bond (2015) note that effectiveness of EIA should be placed within the ambit of inclusiveness. Inclusion is essential to achieving legitimacy for project in EIA process. The process of public participation is a goal in itself, because it gives some legitimacy to a proposed project (Glucker et al., 2013). This submission by Glucker et al. (2013) relates to where there is fair inclusion of all members of the community, and not a sectional representation, as is the case from the results of this research. And more so, the Nigerian EIA Act provides nothing to indicate the timing of community engagement, which means it could come at any stage of the EIA process, with Bond et al., (2016) conditions for legitimacy, timing of decision information is included in the definition. In this regards, the Nigerian EIA Act, appear to have positioned the EIA process to implement EIA that may fall below the standards of good timing in decision information/legitimacy, with the highly subjective clause on community engagement.

Bond et al. (2016) define the conditions for legitimacy based on game theory, with timing of decision, behaviour of decision makers, and the level of public engagement as the key considerations. In relation to the results in this research, legitimacy based on game theory will fail because the assumption that all actors are interacting on a common rule is not the case with actors in the case study for this research. And this is another key area where the adoption of an

international-style EIA fails the test of context in the Nigerian EIA system. In addition to the “omo onile” group stated to have been excluded from the EIA process in the case study project, the Community Development Association (CDA), another informal group, was excluded. While it may be argued that the former group has been proscribed by the Ogun State government due to their illegal imposition of ground rent on developers and so should not be consulted, there does not seem to be a valid reason for excluding the CDA especially since the group exists to support development in the community. How then can legitimacy be ascribed to projects when PAPs are excluded from EIA? Incidentally, EIA is meant to increase the chances of project legitimacy. Thus, legitimacy is simply assigned when regulators approve a project, and not necessarily through agreement of stakeholders or community unanimity on what is fair and acceptable (Bond et al., 2016). As part of the local context in this study, cultural systems define the legitimacy of project at community levels, not the formal process that seek to approval the projects.

The political science literature reviewed in this study highlights the conditions for ascertaining political legitimacy. Arnesen et al. (2019) argue that public perception on political legitimacy is based on the level of turnout and size of the majority. In this study, if the level of community turn-out for public consultation is to be the yardstick for measuring the legitimacy of the project under review, then legitimacy is in question as a large section of the community is routinely excluded.

In the policy making context of political legitimacy, Arnesen, (2017) considered the way common good is spent on a particular decision and found both input legitimacy which has to do with direct decision-making influence, and output legitimacy which is the level of an authority’s consideration of citizen’s interests and concerns are essential in reaching a decision that aligns with the citizens aspiration. In this research, neither input legitimacy nor output legitimacy may be found. The community does not have decision making influence and the EIA regulatory authority’s decision does not reflect the interests and concerns of the citizens since a large section of these citizens were excluded from the process and the final decision only took account of the interests of an elite few. So project legitimacy is a matter determined by the regulators after the proponents has secured the approval of the community elites.

In the case study area, the efforts made to secure community legitimacy through EIA has left the community divided, an induced impact of EIA on the community cohesion. Induced impacts have been identified as being poorly captured in EIA (Hapuarachchi, et al., 2016), and

can increase the vulnerability of people, aggravate social tensions, and compromise their health, livelihoods, and wellbeing, (Brownlie et al., 2018). This is evident in the study area where informal groups resort to desperate measures. Without the needed legitimacy, other sources of power will be used to enforce citizen compliance (Arnesen, 2017). This will impact the effectiveness of EIA, a tool that should be instrumental to identifying and reducing negative impact from a project/development.

7.2 Formal Aspects of Nigeria EIA System

When EIA is highly politicised, it can become a cosmetic tool to embellish development (Enríquez-de-Salamanca, 2021)

7.2.1 Dynamics of Political System and Power Relations in EIA

The implementation of EIA is supported by political systems, and this is a contextual factor that can impact and does impact on EIA. Loomis and Dziedzic (2018) argue that political systems which include people are boundaries around EIA systems and they frame the basis of the practice. A political system comprises the processes, institutional arrangements, and mechanisms by which government decisions are arrived at (Mouffe, 2011). Results in this research show that the centralised EIA system in Nigeria is patterned after the federal political system where the federal government has exclusive rights to certain matters but shares jurisdiction with state governments in other matters. EIA is one such exclusive right that the Federal Government of Nigeria holds, and as mentioned previously, this right is exercised in the form of a centralised system. The possibility of establishing regional offices to deal with EIA across the country was suggested as a way to get around the problems of the current centralised EIA system but this was not accepted.

Intricately linked to the political system is the power relations dynamics between the federal and state governments. Lobbying for control over resources has been a continuous feature of the Nigerian political system and it is within this setting that EIA is implemented. This agitation for resource control has led to a duplication of the EIA process through the state-run EIA system which some states, like Ogun State, insist on even though EIA is clearly within the remit of the federal government. This struggle to exercise control over resources could negatively impact on EIA effectiveness in various ways.

For one, proponents, who are aware that the state governments, by their introduction of a state-overseen EIA, are simply seeking to make some money, may decide to perform a substandard EIA for both the federal and state requirements since the sub-optimal state of affairs may have

caused them to lose faith in the necessity of the entire EIA process. Indeed, this outcome is not far-fetched in view of one respondent's statement that '[i]t's not fair on the proponents to be getting approval from all tiers of government over the same project (interview with EIA practitioner June, 2019).

Additionally, the duplication of the EIA process across federal and state government levels means a duplication of costs. The cost implications may mean that some proponents cut corners while conducting the EIA, a situation which could impact on quality assurance, and consequently, adversely impact on how effective EIA is.

Political influence on EIA is another angle through which it may be observed that power relations impacts on EIA and its effectiveness in Nigeria. Results in this research indicates that this is common with projects that have government interest. When projects have government backing or are owned by the government, approvals for project EIA are granted quicker, suggesting preferential treatment in the EIA process for private and government-owned projects. Not only is time a factor in government-backed projects, these projects may be approved despite community concerns, or expert opinions suggesting otherwise. As expected, this type of influence on EIA effectiveness is likely to be negative. Indeed, there is evidence in literature to show that this practice can hinder EIA effectiveness. McCullough (2017) argues that politicians stand in the way of the processes of the EIA to ensure the outcomes meet their private business interests.

Notwithstanding this, results in this study show that regulators are working to minimize political influence and to improve EIA in Nigeria. They expect to achieve this by strictly adhering to the law on EIA conduct and reporting, enforcing the protection of forestlands and maintenance of a compensatory plan for PAPs.

Political influence can also be observed in the cycle of election for political office holders, described by Kelsall et al. (2016) as making EIA prone to inconsistent policies due to change in power, which in Nigeria is every 4 years. This indeed, impacts on long term planning goals. Results in this research show that the non-revision of the EIA Act is due to political disagreements. This has seen the new proposed EIA bill denied approval twice in the last ten years. As the industry has been weakened by the limitations of the current EIA law identified in section 5.2, one would have expected the revision of the EIA Act to be a matter of priority. It seems the political will to elevate environmental protection through EIA is lacking in the

study area. Betej and Essel (2013) argue that where a government's political will is not geared towards environmental protection, it would impact on EIA effectiveness.

7.2.2 Legislation as a Factor in Effective EIA Regulation and Governance

“Stronger environmental legislation and a clearer definition of roles and responsibilities is also thought to be important in order to make SEA [EIA] effective” (Fischer and Gazzola, 2006).

Results in this study provide evidence of how the Nigerian EIA laws influence EIA practice, and consequently, the level of effectiveness. How the provisions of the EIA Act are understood and used is essential for meeting the demands of local context. From the results in this study, practitioners indicate that the EIA law may be a disadvantage to those working with or towards securing international funding. This contextual issue has compelled practitioners to seek other standards in a bid to help proponents meet the requirements for funding. As indicated by a practitioner; “we use Nigerian law for local projects. For the international donors or DFIs, it must comply with specific regulations and best practices, so we use IFC or World Bank Standards” (Interview, June 2019). A regulator similarly noted: “there are different standards but we have our own EIA law... so what we do is that we accept some reports with different names [standards] because of the requirement of the finance institutions.... This is because we understand the peculiarities associated with the different financial organisations that fund projects in Nigeria” (Interview, June 2019).

The Nigerian EIA Act has not been revised in over two decades. Since the Act was adopted, practice has evolved and the nature of impacts to consider has also changed to encompass aspects that are not considered in the current EIA Act. Some of the gaps highlighted were issues surrounding cultural heritage, climate smart action, resettlement plans, amongst others, all indicating that EIA practice has outgrown the EIA Act. With respect to opinions in literature about the role of EIA legislation in enhancing effectiveness, Morrison-Saunders and Retief (2012) argue that changing the behaviour of practitioners rather than changes to legislation, is a necessary requirement for effectiveness. However, Arts et al. (2012) link EIA effectiveness to the characteristics of its legislation. Results in this study show that a change in behaviour of practitioners and further changes in legislation are both necessary for greater effectiveness to be achieved in the Nigerian EIA system. In fact, it may be argued that a change in law may lead to a change in behaviour making legislative amendments essential.

Several countries favour amending EIA legislations. The EU member states are a good example, considering that several amendments have been made to the EU EIA Directive in

over 30 years since it was first introduced (Lonsdale et al., 2017). In this light, it is arguable that the Nigerian EIA Act, having existed for more than 28 years in a dynamic field like development planning, with changes in the behaviour of people and nature of society, requires a review. As Lostarnau et al. (2011) argue, environmental legislation that arose from foreign pressures and not from inner conviction has resulted in an implementation process that bears less relevance to the context of practice and the society it is implemented. The Nigerian EIA Act was developed after consulting several countries, and as results show in this study, the law has not become well aligned to the local context in which it operates. This is buttressed by the opinion of a respondent who stated thus: “EIA requires the knowledge of context, so if they bring their standards here, it will not work as they have designed it because it has to be domesticated” (Interview, June 2019).

Results in this research also show that the use of three independent EIA laws in the regime has created some sense of confusion for proponents. The three systems are backed by different legislations at the federal level: the EIA Act 1992, the Town and Country Planning Act 1992, the Petroleum Act 1969, and the Mining Act, 2007. At state level, there are also independent systems under the control of state governments. All these systems have been described to be at different stages of evolution (referring to the level of effectiveness, number of reviews to the laws, and the level of compliance recorded) and also fall short of expectations for an effective EIA system (Ogunba, 2004; Nwoko, 2013). Results from this research align with submissions by Ogunba (2004) who argued for a unified EIA system against the current practice with several independent systems and by Nwoko (2013), who identified weak coordination of regulatory agencies and implementation of EIA in Nigeria. Additionally, Wilson et al. (2017) describe the Nigerian EIA regime as having duplications and conflicts of interests among regulatory authorities, leading to poor EIA.

Findings in this study show tension between NESREA and the EAD of the FME regarding the right to enforce the provisions of the law on EIA. The responsibility for overseeing EIA in Nigeria is vested in NESREA by the NESREA Act of 2007. However, what obtains in practice is different. Notwithstanding a court judgment stating clearly that NESREA has the mandate to enforce EIA (NESREA, July 17th, 2018), the EAD of the FME has continued to oversee EIA. No document exists evidencing the delegation by NESREA of its responsibilities to the EAD. This raises questions of legitimacy.

In Slovakia, the review of the EIA law included improved delineation of EIA responsibilities between the Ministry for the Environment and the regional and district environment offices (Zvijáková et al., 2014). In view of tensions between NESREA and EAD of the FME, a committee produced a white paper which acknowledged “clear cases of overlapping and duplication of functions as well as conflict of mandates”, and it was recommended that a committee be established for information sharing and synergy between the two agencies. This arrangement is used to manage the tension between agencies regarding overlap of EIA duties. However, it does not seem that this has not worked; as a respondent indicated, “NESREA is constitutionally empowered to enforce EIA in Nigeria, however we do not have a seat on the review panel and the EAD of the FME continues to run EIA” (Telephone follow-up interview, July 2020). This state of affairs is further complicated by similar relations between different tiers of government (federal and State) in the coordination and implementation of EIA. Jha-Thakur and Fischer (2016) observed a similar trend with the UK system and argued that multiple platforms and legislations confused some actors and complicated the EIA system, but this does not necessarily become a weakness.

Another problem area with the current legislation is the clarity of its provisions. From the EIA Act, it is at times difficult to know what is within the scope or out of scope for EIA. For example, section 7 of the Act requires that comments be allowed from members of the public and interested groups before a decision is taken on a project. This can be interpreted in different ways as it is not clear from whom comments should be taken and how these comments should be used in the EIA. This study also showed that “public” has been interpreted to mean formally recognised groups to the exclusion of informally constituted groups. In the EIA report for the case study project, there was no evidence of the public’s or interested parties’ comment. There were photos of engagement with the traditional ruler and local authority but no report of what was said and the implication of the concerns of the community to the project. There is also no clarity on when public comments should be considered. This aligns with Steinmann’s (2001) view about public participation coming too late to influence design alternatives in the EIA process. This means that practitioners and proponents cannot be held as having fallen foul of the law since the law itself is imprecise on when and how these comments are to be used in the EIA. This has produced a public engagement that falls within the lower degrees of nonparticipation and tokenism (Arnstein, 1969).

With regards to the level of subjectivity in the Nigerian EIA, seeing how public consultation was implemented in the case study project, it can be argued that practitioners' main concern is ticking the boxes for public consultation. Wilson et al. (2017) argue that in places where EIA methods are left to the discretion of practitioners, this potentially leads to conflict of interests. Practitioners who are hired by the proponents to do a cost-effective EIA may be pressured to rationalise lower standards of analysis

The EIA Act and guidelines reviewed in this research are silent on quality assurance (QA) issues. Noble (2004) evaluated QA in relation to practitioners' capacity, decision panels' capability, and in relation to minimising the impact of bias and subjectivity in decision making, concluding that there is not enough guidance for practitioners. Results in this study show lack of QA in the implementation of EIA and across the practice space. Areas identified included production of the TOR, admission of practitioners into the practice space, set up of the review panel, and consultation and inclusion of communities, amongst others. To elaborate, results in this study show that supervisory oversight of the regulators is questionable and practitioners' sincerity of purpose in their duties has fallen short of standards. As earlier noted, regulators and practitioners were reported to engage in copying and pasting TOR and existing EIA reports. Proponents have been reported to rent a crowd to stand as the PAP from the community to pass the review panel. These all indicate that the law needs to deal with QA issues in the EIA system. The arguments advanced in this section are echoed in literature. Betey and Essel (2013) argue that many African countries like Nigeria have an EIA system that is developed on experiences of more developed countries, with a need for realignment to contextual factors in the country of use.

7.2.3 Standards for EIA Governance and Implementation

... in developing countries, the statutory environmental standards are mostly derived from European and North American Standards, and hardly bear relations to the culturally accepted standards and knowledge of response (Schmidt et al., 2008).

With gaps earlier identified in the Nigerian EIA Act, there are several standards in use in EIA in Nigeria. This has made standardisation of EIA practice in Nigeria difficult. With respect to EIA practitioners' (both local and international), there is sometimes a preference for other standards from outside the Nigerian EIA system. And these standards influence the level of rigour applied in the EIA implementation. For example, a respondent noted in relation to public consultation: "the EIA if done well must have consultation... but if the EIA is World Bank Spec or IFC standards, it goes without saying that one must do a full-scale consultation to meet

all stakeholders as the standards of the funders” (Interview, June 2019). A standard that clearly shows why, who, and how public participation is conducted to balance the distribution of power within society, and ensure legitimacy of the project in the community (Glucker et al., 2013). Applying Albrecht’s (2016) reflection on aspects of the EU directive for public consultation, which shows considerations for who, when and how the public consultation is done, also identifying three focal principles: emancipation (ensuring self-determination), effectiveness (taking local knowledge into due account), and legitimacy (through transparent and democratic process) in public consultation. This shows how requirements of standards influence processes, and the example of public participation in the study area suggests there are different standards depending on the funders of the project. It is expected that similar considerations are made for other aspects of the EIA process, indicating that multiple standards also mean different scale of effectiveness in the EIA system.

The transfer of standards through the influence of financial institutions introduces some benefits to the standards for EIA deliverables in Nigeria, aligning with Gazzola and Jha-Thakur’s (2009) submission that the EU EIA Directives are impelling the advancement of EA systems internationally, leading to a standardisation of the way in which EA is practiced. The results in this research show that while this is true of the EIA practice space in Nigeria, the international standards also appear to delay the emergence of more contextualised standards for EIA practice. This also highlights a situation where some projects are held to much higher standards because they are funded by banks and development agencies, and the ones by the public sector or local proponents are held to a different standard. This type of disparity reflects the need for standardization in EIA practice in Nigeria, contributing to its effectiveness and quality assurance.

Furthermore, results in this study show that in the study area, there are no standards regarding EIA practitioners’ qualification to practice. A respondent noted, when asked if there was a system for accreditation of practitioners; “it does not exist...we have not talked about it yet, but this is something we should be talking about. A body of knowledge that everybody can relate with and that is contextually relevant to Nigeria for accreditation of practitioners” (Interview, June 2019). Results also show that the practice of plagiarising EIA reports is common. This may be attributed to poor capacity to conduct EIA by some practitioners. These results have led to this writer to agree with Williams and Dupuy (2017) that a gap exists between the rationalist approach and the empirical realities in the decision making environment for EIA. In Nigeria, without clear standards for certifying practitioners, there are chances this

will impact negatively on effectiveness of EIA. In Albania, practitioners are accredited to practice in specific areas of expertise, with defined qualifications, and the law also penalises by revocation of practice licence, should an expert submit three poor EIAs in a row (Williams and Dupuy, 2017). This type of clarity, if present in the study area, will enhance EIA practice for greater effectiveness, and also provide a framework for quality assurance and consistency in judgements.

Although the practice of copying and pasting EIA reports has been attributed to a lack of standards for identifying who should be practicing, and what qualification they should possess before conducting EIA, this could also be an outcome of cost-cutting to make up for the EIA duplication process in existence in the study area and consequently, the costs duplication associated with the system. Notwithstanding, two different problems could induce a similar response as evident in this case from the results. What is clear is that these contextual issues need to be addressed if EIA effectiveness is to be enhanced in the study area. The practice of copying and pasting has been reported in international literatures as a drawback to EIA effectiveness, for example in Rwanda (Kabera, 2017) and in Pakistan (Nadeem and Hameed, 2008), and it has accounted for variable quality of EIA in Albania (Williams and Dupuy, 2017).

Still on standards, country-based environmental standards for determining what significant impact is in EIA has been identified as a means for understanding the general attitude to environmental protection in a country (Ehrlich and Ross, 2015). In view of this position, it can be argued that the use of international standards in Nigeria portrays an artificial attitude to environmental protection and not the actual attitude in the country, seeing that the country-based standards are not clearly discernible in its EIA practice. It makes it difficult to identify national priorities for environmental protection in the country. Country-based standards, may, in the case of Nigeria help to determine the type of approach suited to the EIA process in different communities. In view of the inferior position of local standards, compared with international standards, there is a lost opportunity to develop the former to take account of the local context in which it operates.

Additionally, clarity in Nigeria's EIA standards would help eliminate confusion about whether EIA is a decision making or decision support tool. A unified understanding of the purpose and intent of EIA is essential for effectiveness.

Vanclay (2020) argues that the priority given to individualistic, western, and rational way of thinking is an associated complexity in project impact assessment, and highlight the need to

respect local cultures. Results in this study support Vanclay's (2020) above, with evidence showing practitioners avoid some community groups to avoid embarrassment to the international proponents, because their standards do not understand local idiosyncrasies. Meaning that they implement an EIA that is internationally acceptable but locally detached from some of the people in the community. Garcia (2018) argues that the convergence of standards brings about a unique interaction with capacity to enhance fluidity between entities, leading to the recalibration of country-based environmental standards. However, results in this study show that the use of IS has stunted the growth of local practice, aligning with Bitondo et al. (2014), who argue that development assistance stood in the way of understanding country-based EIA practice in Cameroon. Although the use of IS has also led to the recalibration of country-based environmental standards, the outcome standards are mainly a reflection of the international version and not enriched by local context factors and values.

7.2.4 Capacity of Actors in Effective Implementation of EIA

Learning the skills and thus having the requisite capacity for EIA is a fundamental need for effective EIA implementation (Jha-Thakur et al., 2010).

Having the required skills and capacity to effectively implement EIA is an essential quality for achieving EIA effectiveness in a system. Results in this study show that the three groups of actors interviewed in this study, namely: regulators, EIA practitioners, and community groups have areas where their capacity for conducting or supporting EIA can be improved on.

Beginning with community groups, it is acknowledged that while they have an awareness about EIA, they lack adequate understanding of the tool. Rather than see EIA for what it is or at least what it is supposed to be, it is viewed as a tool for assessing the needs of the community and an opportunity for the community to make demands in exchange for their support for a project. Results from practitioners' survey shows that some community groups are avoided because practitioners consider them to lack understanding of what is required for engaging with the EIA process. If the community does not understand its role in contributing to environmental protection and sustainability through its participation in the EIA process, then they are very unlikely to fulfil that role. As one respondent argued, "informal groups may worsen the situation as they are likely to be after something completely different. Participation of NGOs and representatives of 'affected' communities may yield better results than these informal sector guys" (Practitioners Survey response, June 2019).

Sometimes, communities do not know their rights such that they fail to complain and seek redress when their right to be consulted is not respected. As noted earlier with regards to the

case study, some community consultation was reported to have been carried out in relation to the case study project. However, the report did not show any critical engagement with the community in relation to assessment of potential impact and mitigation options and a picture taken with the traditional ruler was presented as evidence of community consultation, without more. It is not evident that the community sought to redress this situation. Still there is the problem of access to justice as the results show that sometimes, communities are unable to effect any changes even if they attempted to complain.

Moving on from the community group actors to regulators, it is argued that there is a deficiency in the regulator's capacity to provide regulatory oversight for effective EIA implementation across Nigeria. The level of governance and regulatory framework for EIA are identified in international literature as essential indicators for effective EIA practice. International literature has shown lack of national capacity (referring to capacity at all levels of government) for effective implementation of EIA (Betey and Godfred, 2013) in some jurisdictions. For example, in South Africa, issues of capacity were identified in some provinces leading to ineffective screening and failure to conduct follow-up (Duthie 2001). And with some countries. Results in this study show a lack of regulatory presence at local government areas—a situation that has implications for monitoring and follow-up. Respondents in the practitioners' survey perceive the centralised EIA system in use as a major drawback. Additionally, the regulator has inadequate manpower to cover the entire country. The situation is the same at the state level as regulatory operations are concentrated at the capital and far ends of a state are ignored. This challenge could be resolved if EIA is devolved with shared responsibilities between the three tiers of government (federal, state, and local). As with results in this study, some limitations of the federal EIA system were highlighted in the review of international literature in section 2.3. Indeed Gibson (2012) argues that a federal EIA system is characterised by inefficiencies, like late EIA, fragmented and fewer EIA.

Another area of poor regulatory oversight is in the appointment of persons to the EIA review panel. Results from this study indicate that regulators have sometimes appointed unqualified members to EIA review panels. Clearly, this could impact on the integrity of the final decision in the EIA process. One respondent stated that once, a panel member admitted to not having ever seen the type of engine under review. This respondent correctly questioned how that panel member could be expected to make an informed decision in those circumstances. He stated, “this is open confession of lack of capability” (Interview, June 2019). Esteves et al. (2012)

argue that limitations on regulators' capacity could significantly impact on EIA and increase the chances for assessment that is of minimum quality.

In addition to the above, there have been reported cases of conflict of interests involving members of the panel. This conflict of interests has taken several forms including a panellist entitled to share benefits from the project under review or representing persons with vested interest in the project. Additionally, some panellists are themselves EIA consultants who had expressed interest in the contract for the EIA and lost. If a review panel makes a recommendation on an EIA report without careful consideration due to one of the reasons listed above, how can it be said that the aim of environmental protection that EIA is set to achieve has been met? Indeed, it has been argued that the capacity of regulatory actors can define effectiveness, especially considering the level of interest the decision makers have in environmental protection and sustainability (Runhaar and Driessen, 2007; Arts et al., 2012).

Still on regulators as important actors in the EIA process, their capacity to adequately regulate EIA in the study area has been called into question. The issue of copying TOR for a project and pasting it onto another project has been identified previously. While it is a serious matter when unskilled practitioners engage in copy and paste activities, it is more serious when regulators are no different and the negative impact on EIA effectiveness could be significant. Indeed, Khosravi et al., (2019b) indicate that human capacity development is a necessary factor in addressing the weaknesses of EIA when they identified a shortage of resource capacity for inspection of EIA in Iran. This position is relevant to the results in the study area. Adequate training for regulators could help solve some of the problems discussed in this section. Incidentally, the EAD of the FME has in-house trainings occasionally but at the Ogun State level, staff engaged in the EIA process had not received training of any sort.

Community capacity for EIA (referring to what the community knows about the process and how it is used to inform planning decisions) is also crucial to EIA effectiveness. Results in this study show that the community in the case study is unaware of their role in the EIA process. If the community does not understand its role in contributing to environmental protection and sustainability through its participation in the EIA process, then they are very unlikely to fulfil that role. As one respondent argued, 'informal groups may worsen the EIA process as they are likely to be after something completely different.

The capacity of EIA practitioners is another important factor in the study area that could impact on EIA effectiveness seeing as they do the actual assessment and engagement with all relevant

stakeholders in the EIA process. Results of the interviews in this study indicate strongly that EIA practice in Nigeria has been infiltrated by practitioners who know little about EIA. Marara et al. (2019) identified the shortage of skilled experts as a contributor to poor level of EIA effectiveness in some countries. The study area lacks a system for aggregating the type of EIA skills in the system and how to enhance same for effective EIA implementation. The practitioners' survey showed an interdisciplinary interaction in the EIA practice space, with professional disciplines cutting across health sciences, environmental studies, social sciences, arts and humanities. However, individual skills, relevant to EIA seem underplayed within the regime. As earlier indicated, there are no requirements in the EIA law for practitioner accreditation, only accreditation of EIA consulting firms. This has given rise to widespread process abuse. Individuals with the right connections to people in government agencies have been known to assemble teams of professionals to attend accreditation panels on their behalf to get their firms accredited to conduct EIA. Once gotten, they go on to use their contacts to get EIA jobs and they sometimes produce EIA reports by copying existing reports or doing a poor assessment. Incidentally, both the regulators and the EIA consultants interviewed complained about the quality of some EIA reports. Considering the pivotal role of practitioners in EIA, it is important that this group of actors possess the right skills for EIA and that this is prioritised in the study area.

Considering their pivotal role, the influence EIA consultants/practitioners exert on effectiveness in the system is a critical factor, results in this research indicates there is a high demand on contextualized capacity and this underpins the relevance of learning for continuous improvement for EIA practice.

7.2.5 Justice, Fairness, and Accountability in EIA Implementation

...justice requires EIA decision-making to be lawful, procedurally fair and reasonable (i.e. being rational and proportional) (Retief et al., 2020).

This research shows there is low confidence in the possibility of getting justice for environmental grievances. One respondent stated: "you know we are facing some issues now, concerning Transmission Company of Nigeria. On this project, they say they don't pay for land. How do you want to take care of the people who will be displaced? Is that law?" (Interview, June 2019). This type of issue increases the tension between the community, EIA consultants, and the government. This low confidence may not be unconnected to the poor level of inclusion highlighted in community consultation in this study. This, again, may explain the resort to self-help by informal groups in a bid to get justice as reported in table 5.7. Indeed,

52% of respondents agree the informal groups have no access to justice in addition to being excluded from the EIA process. Although, 41% disagree on this point, the evidence shows that the sense of accountability and justice in the system is low. Additionally, both formal and informal groups in the community indicated that there is an unfair treatment when issues of justice arise in the EIA process. This state of affairs, in turn, is a major contributor to the level of uncertainty in the Nigerian EIA system characterised by violence. Retief et al. (2020) argue that having a functional administrative justice system operational in the EIA process will help to reduce the uncertainties associated with EIA, and regulatory agencies' dealings with citizens will be improved. On accountability, results in this study show no system checks are in place to ensure practitioners are held accountable for the EIA reports they submit, and the review panels for the recommendations they make to aid decision making. And having checks in a system to ensure fairness, accountability, and justice in the dealings of EIA actors will improve the level of EIA effectiveness and enhance quality assurance. Morgan (2012) argued for a system of environmental justice and inclusivity in EIA practice, indicating that access to justice in EIA agrees with the principles of Aarhus convention. Research results on review panels earlier presented supports the use of extra scrutiny in the selection of panel members to ensure accountability, fairness and justice in their duties, especially given the types of complaints highlighted in the results in this study including conflict of interests and lack of relevant skills. Although these are issues relating to capacity, they exist due to a lack of an accountability system for checking the actions of practitioners and regulators alike.

In light of the above, it is worth reiterating the position of Bice and Fischer (2020) that for EIA to continue to be useful tool into the 21st century, remaining effective and meaningful, it must hold to the fundamental values of justice.

7.2.6 Institutional Arrangements (IA) for EIA Implementation

...public institutional arrangements, which are a function of the political system and culture in a place, could impact on the effectiveness and outcome of EA processes (Monteiro et al., 2018).

It was noted earlier that EIA is a matter exclusively reserved for the federal government; however, some state governments, like Ogun State, operate their own state EIA style system. The OGEPA operates an EIS for projects sited in Ogun State, and the state regulators argue that they are only covering areas which the federal EIA does not cover. It was noted that this federal and state EIA requirement amounts to a duplication. There is no evidence that the OGEPA is better at regulating EIA than the FME. OGEPA itself notes logistic challenges preventing it from undertaking effective monitoring and follow-up activities in these words,

“[with] the road conditions in the state and transportation with travelling time, it can sometimes take a whole day to get to parts of the state. These logistic issues are sometimes making it hard to do the job” (Interview, June 2019). Indeed, Memon (2000) argues that the effectiveness of EIA cannot be viewed in isolation from the institutional arrangements in a regime, adding that the politics between tiers of government, and administrative arrangements are key factors to consider. Results in this study align with Memon’s (2000) observation. The use of words such as “wanting a piece of cake” to identify the reason why some State government now have their own EIA system, indicate more than just an interest in environmental protection but rather, an interest in the financial gain from requiring an activity. Additionally, there are questions on legitimacy when the constitution that places EIA squarely within the jurisdiction of the federal government is violated.

This problem with the IA is linked to the problem of capacity as the way the regulators are organized means they are unable to perform some of the basic duties associated with EIA such as follow-up and monitoring. It is also linked to power relations where states jostle for power and resource control with the federal government. It is further linked to the problem of informal groups exclusion as the existence of informalities at the community level are ignored for the highly formalised institutional system. Addressing the deficiency of the current IA could help address some of the problems linked to it, thereby making EIA more effective in Nigeria.

In the Nigerian experience, there are historical influence on the style of IA, and some of the wordings of the EIA Act also reflects the days of military dictatorship, a period in which institutional powers are vested in individuals, see box 7.1.

The Nigerian EIA system was created during the military era under a decree of the Supreme Military Council (SMC), Decree 86 in 1992. This history is relevant for understanding aspects and wording of the current EIA Act. In section 15, an EIA shall not be required for projects which the President deems to be likely to have minimal environmental effect. The President appeared 17 times in reference to key decisions and waivers in relation to EIA. This trend is common to a military dictatorship, as was the case when the law was written.

Box 7.2: Relevant Historical Perspective on the Nigerian EIA Law (Source: Ogunba, 2004)

Institutional powers have been assigned to the President, and although Nigeria is now a democracy, there is a reflection of the past military dictatorship in the current EIA Act. The Head of State of the SMC had the power to suspend large parts of the constitution and to issue decrees at will. Folarin (2016) identified this style as common to military dictatorship in Nigeria. The trend has negative implications for collaboration, civic cooperation, and quality assurance for EIA in a democratic setting. The posture of the law shows strong political influence. The political history of Nigeria where institutional powers are assigned to individuals (for example, the President) has influenced the country's EIA system, as indicated in section 15, see box 1. This further underscores the need to revise the current EIA act, to strengthen the role of institutions, regulators, and a better balance of power between EIA actors.

7.3 Learning potential for greater EIA Effectiveness in the Nigerian

...government regulators and stakeholders can learn throughout the [E]IA process, thus potentially improving its effectiveness, with arguably more sustainable outcomes (Sánchez and Mitchell, 2017),

Given the importance of local context to EIA, particularly in the study area, Nigeria, there is much to learn for effective EIA to be achieved, and the interaction of the local and international EIA consultants presents opportunities for some learning to happen. Learning has the potential to transform individual, community, and organisational values, standards and practice (Gazzola et al., 2011; Cruz et al., 2018). Despite the existing need for learning, it has been identified that learning is an area of challenge in the Nigerian EIA regime. One respondent stated thus: “[w]e do not have a structure for learning in the practice space in Nigeria. We need the associations [of practitioners] to put courses together to allow this happen” (Interview, June 2019). Having a structure for learning is critical for improving EIA

Focusing on the relationship between local and international practitioners in view of the fact that they sometimes work together on EIA projects, the results in this research show that there is the potential for each group of practitioners to learn from each other. The interaction of the local consultants and the international consultants in charge of the case study project corroborated this position. Areas of learning opportunities here highlighted focus broadly on cultural understanding and technical capabilities. In the survey of practitioners in this study, 30 (71.4%) of the 43 respondents had worked for both local and international proponents, while 13 (28.6%) had worked for only local proponents, suggesting that majority of the respondents

had experienced the international dimension of EIA. Both LC and IC need to learn how to take account of cultural practices at community levels when conducting EIA.

The community also need to take the responsibility for social learning in their interactions with EIA. Learning through experience and community participation is what Sánchez and Mitchell (2017) describe as social learning (SL), and opportunities for SL exist at organisational and community levels. Considering the identified interactions (formal and informal) within the practice space, practitioners could learn through institutionalised information sharing and reflection on processes. Result in this study show that some SL has happened in the community, however this learning isn't suited to understanding EIA, rather, it has been towards an increased awareness about the need to make demands from proponents to get what they can, using the EIA process. Both Cruz et al., (2018) and Sánchez and Mitchell, (2017), conceptualized learning in EIA within the remit of who can learn, what can be learnt, and where can the learning take place and what outcomes can be achieved. What can be learnt by both parties, from the case study project is listed in Table 6.2. It shows that LC can learn mostly hard skills such as best practice in EIA and technological skills, while the IC can learn soft skills, which are mostly context-based such as how culture and tradition impacts on EIA participation in a community.

Information is key to EIA implementation, however, results in this study show the need to learn how best to present project details to the community, with international organisation, full disclosure may be best practice, but this runs against local contextual understanding. Where IA favour learning, it becomes a system agenda for all to comply with. As Cruz et al., (2018) argued, contextual factors in the forms of IA and organisational culture are possible influence to learning processes and outcomes, thus affecting the effectiveness of EIA systems. However, what is learnt should be conditioned to the local context of practice for effective implementation.

Within the Nigerian EIA regime, the results indicate that more can be done if the regime is to benefit from organisational learning for improved practice and greater effectiveness. One of the respondents noted that although there is some learning, this is inconsistent and unofficial. Gazzola et al. (2011) argue that there is greater possibility for organisational learning where holders of power and influence are interested in views that support learning within an organisation/system. In the Nigerian EIA system, regulators hold great power and influence over the EIA process, but it cannot be said that they are disposed to supporting learning. An

example may be drawn from the fact that the regulator sets out no minimum condition for becoming an EIA practitioner, and learning is not institutionalised. If a body of knowledge is created for EIA practice, and continuous professional development was mandated, EIA in Nigeria could be improved upon. As Sinclair et al. (2008), note, EIA can be understood as a learning platform, providing opportunities to learn how contextual factors could be addressed in EIA to make it more effective (Fitzpatrick 2006; Bond et al. 2010; Bond and Pope 2012; Cruz et al., 2018).

7.4 Conclusion

This chapter discussed the results of this study by considering the influence of local context on EIA effectiveness in Nigeria. This discussion was carried out under the following headings: culture and power relations, the legal framework for EIA, actor capacity in EIA, institutional arrangements for EIA, justice, fairness and accountability and learning potential in EIA. The framing of context within formal and informal interactions in EIA process also enhanced the understanding of the local context in Nigeria, especially at sub-national level within the community in the case study. The informalities reported at community level has implication on issues of legitimacy, justice, fairness and accountability, and power relation in EIA processes.

With respect to culture and power relations, the cultural hegemony present in the case study area was highlighted as impacting on EIA, specifically on the issue of public participation and inclusion in EIA. The cultural hegemony was evident through the leaders of the community choosing those to be consulted for EIA and restricting this to landowners while excluding other PAPs just because they are non-landowners. Power was shown to be wielded by landowners, but it was not clear that their influence went beyond being consulted as how much of their views is taken into account in the EIA process is unclear from the law.

Indeed, the problem identified above seemed to stem from the EIA Act, the overarching EIA law in the country. The Act makes EIA a highly formalised exercise leading to the non-recognition and exclusion of informal groups. Additionally, this Act needs to be reviewed as it is dated. Politics and political power were seen as factors hampering such revision.

In view of this, both Nigerian standards and international standards are in use in EIA in Nigeria, with the latter covering up for the deficiencies of the former. Still, international standards do not always take account of the local context of EIA implementation. The gaps in the legislative instrument for EIA also has implication on how EIA is understood, and how it is implemented,

especially with practitioners' preference for international standards that are more acceptable to DFIs.

Poor capacity of EIA actors was identified as another contextual factor militating against EIA effectiveness. This was the case for the community who see EIA as a money-making venture, the regulators who are too few and sometimes unskilled in overseeing EIA so that it is effective or the EIA practitioners who, without any minimum standards required for them to practise, may be unskilled too. This problem of capacity could also be linked to the law.

Since there will be grievances when development and the environment are in issue, the critical role of accountability, justice and fairness was highlighted. It was clear to see that this is one area where EIA effectiveness is brought low seeing as there is no clear accountability for the actions of EIA actors, specifically the regulators who make decisions and the practitioners who conduct the EIA. Again, this was linked to the deficiency in the law.

In discussing the institutional arrangements for EIA, this chapter showed that not only is the capacity of the institutions involved in EIA an important factor in EIA effectiveness, streamlining the institutional arrangements for EIA could mean that the current problems in the Nigerian regime such as duplication of EIA requirements and duplication of costs leading poor motivation to conduct proper EIA could be addressed.

EIA is meant to serve as a means for ensuring environmental and social safeguards, but for whom? If sections of the communities are excluded, how will the social safeguards be assured through the use of EIA in development planning activities? In this research, both the regulators and the practitioners agree the Nigerian EIA Act needs to be reviewed, as it is no longer fit for the current realities, although it has always had gaps in relations to local context.

Lastly, this chapter identified that opportunities for learning exists in the interaction between local and international EIA practitioners working in Nigeria. The former could learn best practice and other technical skills from the former while the former could learn the importance place of local context in ensuring a fair and inclusive EIA.

What stands out from the discussion is how linked the contextual issues impacting EIA effectiveness are. In the discussion, the despicable practice of copying and pasting EIA reports was linked to both poor capacity of EIA practitioners and inadequate institutional arrangements. The inadequate institutional arrangements were linked to the power relations and political system prevalent in the country. The problem with inclusion of informal groups

was linked to justice, fairness and accountability where it was seen that if grievances would not be redressed, then there was no way to enforce inclusion. The EIA law appears to influence other contextual factors. Since the EIA Act determines how things are done, a starting point for dealing with the problems identified is to make the law fit for purpose.

Chapter Eight: Conclusion

8.1 Introduction

This thesis unpacked the meaning of, and investigated the influence of “local context” on EIA effectiveness in Nigeria, using primary and secondary data. The initial review of literature resulted in framing the influence of contextual factors into formal and informal domains in which EIA engagements occur. And thereafter, the understanding of the local context was analysed along the formal and informal aspects of EIA processes. This research was supported by a case study which ensured a much closer look at local contextual factors and practices at the sub-national level (in the community), and by an analysis of the interaction between local and international EIA practitioners with particular attention paid to learning. This chapter presents the concluding reflections on the findings discussed in the thesis, especially in light of the research questions, and sets out the contribution to knowledge and areas for future research.

8.2 Revisiting the Research Questions

A key argument in this research is that the context of EIA practice reveals factors that influence the effectiveness of EIA. Therefore, knowing these factors (addressed as “local context” in this study), which also stem from the interactions between state and federal systems and how they exert influence on EIA effectiveness, presents an understanding for improving EIA effectiveness. Several scholars agree that the context of EIA implementation is a key consideration for evaluating EIA effectiveness (Fischer, 2005; Fischer and Gazzola, 2006; Runhaar and Driessen, 2007; Arts et al., 2012; Van Doren et al., 2013; and Khosravi et al., 2019a). However, discussions on context in literature to date do not provide enough coverage and depth for understanding the role of informal cultural practices and its interplay with formal ones, especially at the sub-national level in a developing country like Nigeria.

In view of this study’s aims to understand the meaning of context and its implication in EIA implementation, and how the factors of “local context” influence the effectiveness of EIA in Nigeria. In order to achieve the research aim, the following research questions were formulated to guide the research:

1. What constitutes “local context” in EIA practice and how does it impact on effective EIA practice?
2. What contextual peculiarities are associated with EIA implementation in Nigeria and how do these peculiarities influence effective EIA practice?
3. How do actors within the Nigerian EIA regime exert influence on EIA effectiveness?

3a. What is the nature of power relations between the different groups of actors involved in the EIA process in Nigeria and how does it impact on effective EIA in the regime?

4. Are there any learning potentials that can be imbibed from the interactions of international and local EIA practitioners operating in Nigeria?

In this chapter, the focus will be on how the research findings provide answers to the above questions to meet the research aim.

8.2.1 Conceptualising the Meaning and Implication of “Local Context” in EIA Effectiveness

Conceptualising context in EIA effectiveness requires an understanding of the collective role of the people, organisations, culture, institutional arrangements and power relations that are embedded in the implementation of EIA processes. This is essential for ensuring that effectiveness criteria are tailored to the context in which the EIA is to be implemented (Fischer and Gazzola, 2006). The governance of EIA should ensure adequate consideration for formal and informal aspects that interplay in EIA implementation. In the Nigerian EIA practice, results in this study do not find the required understanding and synergy between the federal, state, and local government with respect to EIA implementation. Although the collective role of the three tiers of government in ensuring environmental protection is accepted, what they should actually do with regards to EIA is neither clear in the law nor in practice. The weakness of the federal EIA system for effective governance of EIA implementation across the broader systems of the society has been reported in literature (Glasson and Salvador, 2000; Gibson, 2012; Fonseca and Sánchez, 2015), a notion that results in this study align with. This was highlighted as the federal government promulgating legislation on EIA and designating a particular agency to oversee it but some state governments, have also set out their own version of EIA. The ambiguity in roles and lack of clear collaboration between the tiers of government influence EIA practice and effectiveness, and the reasons for this conclusion are elucidated on in subsequent sections of this chapter.

Findings from a review of the multi-disciplinary and international literature show an understanding of context as encompassing formal and informal socio-cultural, institutional, political, environmental, and economic circumstances affecting an EIA system. This led to a definition of “local context” as the interaction of formal and informal socio-cultural, institutional, political, environmental, and economic circumstances of a place within which EIA is practiced and implemented. Factors that constitute local context in literature are defined by historical, political, social and legislation factors. These may be further distilled into various

forms such as the potential of indigenous knowledge impacting on EIA effectiveness (Usher, 2000), the challenges with preserving wildlife (Sowman et al., 1995), the need to deal with issues of pollution (Wang et al., 2003; Ogunba, 2004), and political recognition amongst members states in international organisations (Morgan, 2012); these factors have shaped the local context of EIA. Other contextual factors present in the setting in which EIA is implemented include the legislative framework, political systems, land use and spatial planning preferences/systems, and the nature of place attachment.

The formal context of EIA in Nigeria is aligned to international practice, giving prominence to procedural validity such as screening, site verification, scoping, baseline studies, community consultation, and review panels, before decisions are made. Substantive issues such as whether the formal approach is suitable to the culture and tradition of the host community, for instance, with respect to how the community is organised, and the language of communication, are not addressed in the Nigerian EIA system and this means that important information is missed in EIA considerations. As indicated by Suwanteep et al., (2016) who argue that cultural consideration has the capacity to inform the methodologies for implementing EIA and Vastalo et al., (2017) who note that managing the environment is a cultural endeavour, it is important that in Nigeria, in addition to the formal process for EIA, the law and practice recognise or fully acknowledge that issues such as cultural traditions could influence EIA effectiveness. Since EIA is meant to serve as a boundary object that provides a link between all interested parties in a project and their respective considerations (Stoytcheva, 2013), which are then needed to inform planning decision making, it is important that in a country like Nigeria, characterised by widespread informal interactions (evidenced in the cultural belief systems and traditions within a community) that are or may be relevant to the effective implementation of EIA, that these interactions are not ignored. Notwithstanding this, it is not the case that all of the informal aspects impacting on EIA are ignored in the practice of EIA. Rather, some aspects are recognised as shown from the case study in this research.

The careful consideration of local contextual factors will help EIA practitioners have realistic expectations with regards to the level of effectiveness achievable in the system (Hilding-Rydevik and Bjarnadóttir, 2007; Runhaar and Driessen, 2007; Van Doren et al., 2013; Khosravi et al., 2018). Results in this study shows a highly formalised EIA process, with the exclusion of some informal groups, it may be difficult for practitioners to form a realistic expectation of the level of effectiveness achievable in the Nigerian system. Context in EIA is therefore more than the formalised processes of implementing EIA, it encompasses the reception and inclusion

of community groups and identities in ways that are acceptable to their cultural and socio-economic dispositions. Considering the evidence in literature on what factors might constitute local context in EIA, and this thesis' characterisation of these factors into formal and informal categories, this study proposes the alignment of EIA practice in Nigeria with the reality of the existence of the informalities present in the jurisdiction that impact on EIA effectiveness.

The contextual factors reported in this section describe the sense of local context from international literature and indicate the crucial and essential role they play in the effectiveness of EIA, showing that without full representation of the local context (both formal and informal aspects), effectiveness cannot be achieved. EIA is about the integration of environmental values into the decision-making process to enhance environmental awareness (Runhaar and Driessen, 2007; Runhaar et al., 2013). Thus, the results showing the exclusion of informal groups in this study indicate the presence of an ineffective EIA framework. It is therefore essential that the way EIA is understood and implemented, be more aligned to the framing of formal and informal aspects of a place, for effectiveness to be achieved. Conceptualisation of local context for effective EIA is thus evidence based, developed from a system in which EIA is assumed effective because it is formally implemented, yet there are factors that hold back the processes from its full potential. The conceptualisation of EIA within the formal and informal settings presents an opportunity to fully capture EIA from the point of view of local context as presented in this study, a framework with assurances of greater effectiveness.

8.2.2 Contextual Factors in Nigeria and their Influence on EIA Effectiveness

This thesis set out to answer the question of contextual factors and their impact on EIA effectiveness in Nigeria. The contextual factors impacting on EIA identified in this study included (a) the legal framework governing EIA, (b) the culture and traditions of communities in which EIA is implemented, (c) the political system that permeates and indeed, influences development and economic activities in the country, Nigeria, (d) the institutional arrangements for implementing EIA and accessing justice in cases of grievances and (e) the role of actors in EIA implementation. Categorized into formal and informal aspects of EIA, these contextual factors were shown to exert influence on EIA effectiveness. These factors have been identified across different countries in international literature as factors that influence the effectiveness and outcome of EIA (Arts et al., 2012; Rozema and Bond, 2015; Loomis and Dziedzic, 2018; Khosravi et al., 2019b).

The contextual factors identified in the results in this research are intricately linked, formal and informal alike, and are sometimes intertwined with each other. To illustrate this, the political

system might and actually does impact on the legal framework governing EIA. The legal framework, in turn, impacts on matters such as access to justice in cases where parties are aggrieved following a decision taken on the basis of an EIA. The legal framework also has a bearing on quality assurance (QA) in the system as it is compliance with the law in the conduct of an EIA that is generally used to measure EIA performance in relation to how it was conducted. To reiterate, Since the ultimate goal of EIA is to enhance the possibility of high-quality environmental and development planning decision making (Pölonen et al., 2011), a deficiency in quality assurance in a regime could adversely impact on EIA effectiveness.

Nigeria's operation of a federal system of government has a significant bearing on the style of EIA practised in Nigeria, namely, a centralised institutional arrangement for the governance of EIA. This style of EIA, in turn, significantly impacts on EIA effectiveness although in Germany, where it is in use, scholars have reported some level of effectiveness (Barker and Wood, 1999; Pinho et al., 2010). This thesis discussed criticisms of the centralised approach to EIA implementation as identified in the results of this study. This included obvious problems involving the manpower available to oversee effective administration of the EIA processes. This study showed that it is evident when one looks at the size of the personnel at the Environmental Assessment Department of the Federal Ministry of Environment (the regulator) vis-à-vis the size of the country, that effective supervision or regulation of EIA is practically impossible. This study showed that the deficiency in personnel size has been cited as a reason for the slow pace of work with respect to EIA and other serious problems such as the of copying of Terms of Reference (TOR) from old projects unto new ones notwithstanding that these projects are different, with different biophysical and geographic properties. It would certainly be difficult to achieve effective EIA when confronted with these kinds of problems.

Indeed, the current IA also been cited as the reason for poor oversight of follow-up and monitoring activities. This problem is not far-fetched considering the logistics involved in traveling the length and breadth of a country as big as Nigeria to oversee EIA. This could manifest as an excuse to relegate follow-up and monitoring post EIA decision making as unimportant aspects of EIA, an issue that has been identified in international literature. Pinto et al (2019) identify governance arrangements as a major factor to consider in EIA follow-up arrangements; Morrison-Saunders et al (2021) argue that follow-up should be tailored to the context to be effective. The problem under consideration could be solved by altering the political system where EIA regulation is concentrated in the federal government and granting specific roles in EIA to States and local government councils If EIA is to be more effective in

Nigeria, this problem of capacity for follow-up needs to be addressed by the federal and state governments.

This thesis also highlighted as a contextual factor impacting on EIA effectiveness in Nigeria, the confusion about what agency of government actually regulates EIA in Nigeria. While the EIA Act and the NESREA Act are clear on the identity of the regulator as NESREA and there is a court decision holding that this is indeed the correct position, the Environmental Assessment Department of the FME is known to act as the regulator of EIA. How this impacts on EIA effectiveness may be seen in the area of legitimacy. Indeed, the legitimacy of an EIA approved by a purported regulator who actually has no powers to make decisions on EIA can be called to question, particularly before the courts of law.

It seems that the legal framework governing EIA in Nigeria looms large amongst the contextual factors identified in the Nigerian EIA regime. This framework determines the regulatory system in place for EIA and how EIA is to be conducted. Unfortunately, this thesis showed that this very important contextual factor is negatively impacting on EIA effectiveness because, at the moment, it is not fit for purpose. Marara et al (2011) identified the use of EIA legislation that was created for developed countries in some developing countries and argued that this has had negative impact on effectiveness of EIA. This thesis showed that the Nigerian EIA law is dated, not taking into account advancement in EIA practice including matters currently topical such as climate smart action, cultural heritage and resettlement plans. The law also reflects ideas that may not be suitable to the Nigerian context, for example, the style of communication with local communities during community consultation may be weak locally. Plans to review the EIA Act has not met with success, notwithstanding the general acknowledgement in the country that a review of the Act could improve EIA effectiveness.

A number of development projects are sponsored by DFIs such as the World Bank, they demand extra scrutiny on areas like climate adaptation plans and cultural heritage, and practitioners have to look to the standards of these DFIs to address these areas. The DFIs require that their standards be followed as a matter of compliance for securing funding. Since the Nigerian law is silent on the interaction of these international standards with local standards, these standards exist side by side with local ones informally, leading to questions about quality control in the system. Additionally, these international standards were not designed specifically with Nigeria in mind, and as results in this study show, implementing some aspects of the international standards may be unfit in view of some local peculiarities aligning with the earlier

identified argument in the previous paragraph by Marara et al (2011). What this signifies with respect to this thesis is that these international guidelines are designed to enforce a standard that may not align with contextual peculiarities in Nigeria. The implication is that EIA produced following these standards may be contextually out of touch and lack substantive effectiveness in the Nigerian practice space, particularly with respect to communities affected by a project.

In addition to the above, the non-clarity on some very important issues dealt with in the Act impact negatively on EIA effectiveness. One such issue is public participation in EIA. No details on acceptable public participation exists in the law and the ambiguity in the words used in the statute means that anything taking the form of public participation could pass as compliance with the law. This thesis highlighted how this could effectively alienate large sections of the public who might be affected by a particular development project. This problem certainly ties in with the non-recognition, and consequently, non-inclusion of informal groups in a community consultation during EIA notwithstanding members of these groups could be affected by the particular project. The benefits that may have been brought to the EIA process could be lost due to inadequate forms of public participation, thus adversely impacting on EIA.

Further areas of clarification of the law concerns the existence of multiple legislation as part of the system's statutory framework for EIA. Such clarification would help resolve problems of compliance with the law and duplication of costs associated with compliance with different laws.. One of the obvious consequences of admitting different standards in the Nigerian regime is the sense of informality within the formal EIA arrangements. For example, regulators admit to showing understanding in relation to proponents who submit a different style of EIA to what the Nigerian law demands. Also, at the community level, consultations are conducted in alignment to community customs and traditions, formal processes are interpreted using traditions that are unknown to the EIA law.

Further clarification in the law on matters such as public participation may help improve EIA effectiveness in the Nigerian regime. At present, all the law requires is comment by the public, and this has exerted influence on effective EIA implementation in relation to the level of inclusion and style of public consultation. Details regarding this are not provided, including who constitutes the public, how such comments might be made and at what stage of the EIA, when such comments should be invited and what consideration might be given to these comments in the eventual decision making. The benefits that may have been brought to the

EIA process could be lost due to inadequate forms of public participation, thus adversely impacting on EIA.

Notwithstanding this thesis' stance on the recognition of the culture and traditions present in communities in which development projects take place, this thesis also found that some traditions that have been accepted into EIA practice such as consulting the traditional ruler of a community who then decides on who may participate in the EIA, specifically clans who own lands as original indigenes, actually perpetuates the exclusion of some project affected persons and fosters the hegemonic position prevalent in a community. Addressing this by clarifying in the law who the public means in public participation and overall, providing a solution that elevates inclusion over exclusion could enhance EIA effectiveness in Nigeria.

This leads on to a discussion of political influence on the EIA process. This thesis showed that the conduct of EIA and decisions taken with respect thereto should be allowed to be independent. It is reported in international literature, for example that in Tanzania, projects with political interest do not get approval based on considerations of the result or recommendations of the EIA, but by a special political decision system (Marara et al., 2011). The aim of EIA is to enable sound planning decision making and achieve environmental protection. Thus, allowing political self-interests dictate the course of actions is unlikely to achieve these aims, especially when the political class is more interested in economic development, including, personal economic development ones, as opposed to a balance between environmental protection and economic development. One area this thesis highlighted as evidence of such political influence is in the area of the powers allocated to the President of Nigeria in section 15 of the EIA Act to decide that conditions exist making it unnecessary to conduct an EIA. This thesis advocates for this provision to be expunged seeing as the President is unlikely to be in a position to make this kind of decision as he may not be an expert on EIA matters. Moreover, this will weaken institutional authority as the President is an individual and the law gives him a blanket power to act. Results in this study showed that projects that are sponsored by politicians (for example, state Governors or Ministers) get waivers in relation to due diligence in the implementation of EIA. Indeed, this contextual factor can adversely affect EIA effectiveness.

As mentioned above, most of the contextual issues in the Nigerian EIA system are linked to the governing law on EIA and how it has been interpreted. The framing of formal and informal aspects to the system in which EIA is implemented provides a new perspective for

accommodating cultural complexities of traditions in the procedural requirements of the law in EIA processes in Nigeria. In light of this view, it should be a major focus of reforms in the Nigerian EIA system, for EIA effectiveness and improvement. This thesis takes the position that the law is a veritable tool for achieving this.

8.2.3 EIA Actors and their Influence on EIA Effectiveness

This thesis showed that the actors that play a role in the EIA process are a critical part of what makes EIA effective or ineffective, and they might also play a role in defining formality and informality in the wider EIA system. Context factors like capacity for effective EIA, accountability and fairness, and how EIA laws are used in cultural locales are subject to the perception and interpretation of these actors. A high level of subjectivity operates in the implementation of EIA in Nigeria, for example, in public participation. What is in scope and out of scope requires actors to make judgments on matters not clearly provided for. The quality of these judgments would certainly be informed by the capabilities of these actors. In this study, research question 3 set out to understand how the roles played by actors in the Nigerian EIA system exert influence on EIA effectiveness. Three major groups of actors, namely: the regulators, practitioners, and the community actors were considered in this study.

This thesis found that the required capability for effective EIA in Nigeria on the part of the regulators as an essential actor is strained. It was noted earlier that this arises from the centralised system of governance which then impacts on the size of the workforce or manpower available to oversee EIA in a country. When this problem was highlighted earlier, it was with respect to the political system present in the country impacting on EIA, but it is also a relevant issue in the matter of actor capacity in relation to EIA effectiveness in Nigeria.

This thesis showed that EIA practitioners highlighted a lack of understanding on the part of some regulatory personnel of the focus and issues required for EIA. This led them to question the regulators' capacity to regulate EIA. This deficiency on the part of the regulatory staff certainly has an impact on EIA effectiveness in the country. Indeed, as regulators hold significant power in the EIA process, their actions could misguide proponents in the conduct of EIA which might eventually result in a poorly implemented EIA. Results in this study had shown that in some instances regulators do not provide proper clarity to practitioners on the best way to minimize uncertainties. In short, the inadequacy of the regulator could result in undermining EIA effectiveness. This issue of regulatory capacity as relevant to EIA effectiveness was discussed by Marara et al., (2011), Bond et al., (2017) and Kolhoff et al., (2009).

This study also highlighted the fact that EIA practitioners, as essential actors in the EIA practice space, come from a variety of disciplines. This multidisciplinary background, indicating a rich interdisciplinary interaction could hold the potential for a more robust EIA. In spite of this, the lack of accreditation of practitioners or even of a minimum qualification to be possessed by EIA practitioners meant that quality control was called into question. It is concluded that the lack of a unified system for accreditation of practitioners can exert a major influence on EIA effectiveness in the Nigerian system, considering how that a unified understanding of what EIA is and how to implement same could improve the capability for EIA practice.

With community actors, this thesis showed that the major area of influence on EIA is in their understanding of what EIA is and what it seeks to achieve with community consultation. Results in this study showed that community groups see EIA as a needs assessment and a chance to make demands on the proponents in exchange for their approval. Indicatively, the core issues of environmental and socio-economic considerations were somewhat jettisoned for negotiations with the community on what could be done for them. Thus, with community actors focused on negotiating needs rather than raising valid point on environmental impact, their role as collaborators in shaping their environment is played down, and some of the information that could enrich the EIA is never provided.

At the core of influence of actors is the issue of capacity for, and capabilities to participate in the EIA processes. It would be beneficial if the actors in the Nigerian EIA system had a shared understanding of contextual issues and how that there is an existence side by side of both formal and informal aspects of context. This makes the need for learning a critical consideration in the evaluation of the actors' influence on EIA effectiveness in Nigeria, and this is dealt with in the sub-section below.

8.2.3.1 Potentials for Learning for Improved EIA Effectiveness

This section provides answers to question 3b which asked about the potentials for learning, particularly focused on actors identified in this study as international and local EIA practitioners. This study highlighted the interactions of local and international EIA practitioners working together on EIA projects in Nigeria. This study showed that learning is a critical requirement for EIA effectiveness, without which practice and implementation processes can become outdated and ineffective. Indeed, it is as Caldwell (1998) argues that the full benefit from EIA depends upon the internalization of the processes and findings using structures that are suitable to the context of practice and “unless EIA contributes to organizational learning and to review of agency priorities, its effective implementation is

unlikely” (pp13). The results in this thesis showed that there are opportunities for learning in the Nigerian EIA system, in the interactions of the local and international practitioners. Their respective practice experiences hold symbiotic learning opportunities. The local EIA Practitioners are inclined to learn from international colleagues, some technical aspects of the EIA process (for examples, how to run a dispersion model) and writing EIA reports to a standard acceptable to the international funders. The international EIA practitioners depend on the local Nigerian practitioners to handle the people-facing, community engagement and baseline studies for the EIA. This is an indication of a collaborative and potentially beneficial learning opportunity for both. For the Nigerian practice, having a system for capturing and using the lessons learnt as part of efforts to improve EIA is another area with the potential for organisational learning. Incidentally, results in this study show that there are no organisational structures for ensuring learning from practice interactions is ongoing for improving EIA effectiveness.

A difference in the emphasis on training at the federal and state level for EIA practice was identified in the data from respondents where results showed that staff members of the federal government had attended some form of in-house training to improve their skills in the area of EIA regulation. However, at state level, there was no such record of trainings. Jha-Thakur et al., (2009) had indicated that differences in planning scale and local spatial planning system (contextual issues) could influence how learning takes places and what types of learning actually occurs. In Nigeria, the scale of planning at federal and state levels indeed shows that learning is emphasized at the federal level, with focus on acquiring international best practice, although this does not necessarily add value to contextual effectiveness. At state level, experiential learning opportunities are relied upon by the personnel. Learning becomes very relevant to effective EIA practice when it is aimed at understanding how best to adapt EIA to contextual realities. The results in this study show that there is room for learning amongst regulatory actors, especially in relation to defining a more culturally sensitive EIA which caters for all and not just the powerful elites in the community.

Learning is quite imperative for the Nigerian EIA regime given the complexities of context and the demands on the EIA processes. At community levels, communities could be made aware of the purpose for EIA which is not about needs assessment and meeting community demands but assessing environmental impacts and setting out mitigation strategies for the ultimate purpose of environmental protection. Community actors need to learn about their role in effective implementation of EIA. Learning is indeed vital for continuous improvement of EIA

and EIA effectiveness in a regime like Nigeria where contextual complexities manifested in formal and informal aspects presents additional layer of challenges to the EIA process. Learning is instrumental for improving the capacity of actors to effectively play their respective roles in EIA effectiveness, whether as regulators, practitioners or members of a community affected by a proposed project.

8.2.4 Power Relations and Power Positioning for Effective EIA

The fourth research question sought to understand how power relations between the various EIA actors influence the role they play in EIA and the effectiveness EIA in Nigeria. This thesis showed that power is wielded across all the stages of the EIA process, making it crucial in EIA effectiveness. The findings in this study align with views in international literature on the role of power relations in EIA where there is a call for a shift to equitable negotiations with different stakeholder groups and more ethical reflexive ways. (Flyvbjerg, 2000; Elling, 2009; Morgan, 2012, Spiegel, 2017). The following conclusions were drawn from results in this study in relation to the following groups of actors: the regulators (referring to agencies of the FME), between the local and international practitioners, and within the community. There is yet the general sense of power relations between all actors involved in the EIA process. Balance of power and power relations are critical to achieving EIA effectiveness (Williams and Dupuy, 2017; Arts et al., 2012), especially where some actors are at a disadvantaged position when EIA is being implemented.

Between regulators, the power tussle between the two major departments of the FME, the Environmental Assessment Department and the National Environmental Standards and Regulations Enforcement Agency (NESREA) is evident. Indeed, their regulatory roles in the EIA process overlap. As noted in this study, although the NESREA Act of 2007 empowers NESREA to act as the enforcement authority for EIA, it is the Environmental Assessment Department that takes the lead on EIA enforcement in Nigeria. Implicatively, the agency of government empowered to enforce EIA, is displaced by a more “powerful” agency in the duties of enforcement. Within the regulatory actors, the powers of the President to make judgement over what projects need EIA and those that do not, gives an undue advantage to politicians over institutions to ensure effective use of EIA in planning and developing management.

Within the ranks of EIA practitioners, this study revealed some imbalance in the power relations dynamics as deduced from the interactions of the local and international EIA practitioners. The results in this study showed that international practitioners enjoy better access to information from the proponents and regulators alike, seemingly indicating that the

international practitioners wield more power than local practitioners. The sense of imbalance in the power relations dynamics between international and local practitioners is further reinforced by pay disparity. In the implementation of EIA on a project with international funders, the local EIA consultants are in a disadvantaged position since there is a sense of considering them as inferior to the international practitioners, and this could influence EIA implementation and consequently, effectiveness in the system.

At the community level, it was found that an imbalance in power relations is largely embedded in institutionalised cultural traditions. The traditional hegemony present in communities is allowed to influence EIA such that persons who do not belong to certain families and clans are edged out of the EIA process. Indeed, power in the community is tied to land ownership. Ownership of lands means that a party is entitled to have a say during community consultations in EIA. The shared sense of community is thus fragmented along powerful lines of clan ownership of lands. In the particular community studied, the tradition which the King of the case study community had to adhere to was to confer with the powerful land-owning families. This has been interpreted to mean that this clan and families will be the ones to be consulted in EIA processes. The power of the clans are enhanced by the formal recognition accorded to the Chiefs and King as the formal EIA consultees in the community, so informal groups like the “omo onile”, the Community Development Association (CDA) and the market sellers association are positioned outside the circle of influence in the EIA process. Implicatively, community consultation that is meant to generate a cross-section of concerns across the community, becomes an exclusive consultation for the concerns of the elite and powerful in the community.

Across the different groups of actors, a pattern can be perceived: one in which formal processes appear to enhance the power positions of some and reduce this for others, for example, the community elites against the informal groups. The regulators are a very dominant force in the power relations dynamics in the Nigerian EIA system while the informal groups in communities are most at a disadvantage notwithstanding that the country is characterised by the existence of informalities across various aspects of national life. This raises the question of who EIA is effective for in the country; if EIA is implemented based on the concerns of the community elites, it is not effective for those who are left out. Furthermore, arriving at decisions based on selective assessment of the view of a few powerful persons is likely to produce outcomes that could divide the community along power lines. It seems reasonable to

conclude that this situation may contribute to lowering EIA effectiveness in the Nigerian regime.

8.3 The Interplay of Formal and Informal Settings for EIA Implementation in Nigeria

The findings in this research underscore the proposition for a more contextualized definition of EIA in Nigeria, one that gives consideration to both the formal and informal settings in which EIA is implemented. From the results and answers to questions asked in this research, an interplay between the formal and informal settings of EIA can be perceived. This can be harnessed for better collaboration to improve EIA effectiveness. Formal EIA processes are implemented in a setting comprised of unique community structures, unique affiliations between communities and nature, unique traditions and customary practices which are still very prevalent and enforced on a daily basis, sometimes overriding formal systems because they are deeply rooted traditions. However, because the informal settings and the systems associated with same are not fully identified and integrated into the EIA practice, there are tensions arising from EIA in some communities, giving rise to concerns about project legitimacy. Within the cultural systems in the case study community are existing groups, many of them are not formally recognised, and they self-organise and are very functional, such as the CDA. It is at the intersection of the formal systems with informal ones that formal processes sometimes tend to adopt informalities, and with the low emphasis on quality assurance highlighted in this study, subjectivity becomes a means for abuse of process, especially because of the gaps in the provisions of the law that does not cater for informal aspects of EIA.

The existing system in the community contributes to the tension in the EIA process, because the formal processes that should serve as a platform for all (both formal consultees and people in informal groups) also contributes to widening the gap between groups in the community by simply aligning with the powerful people. Unfortunately, it is difficult to decipher how concerns about accountability and fairness in the EIA process can be resolved when the system that leads to the unfairness in the first place is legally recognised. It was the firm belief of people in the informal groups that there are no possibilities for seeking justice for grievances or any point in seeking justice at all. This is understandable since the courts only recognised persons who have the right of standing before it. The response that the government could not be fought in their courts further raises questions on how power could be balanced so that the EIA process is fair to everyone involved. Indeed, this study has shown the current prevalence of the “us versus them” situation, where the less powerful informal groups view the government regulators as part of the gang up against them because they work only with formal consultees.

The interplay between the formal and informal settings of EIA could be smoother and collaborative, especially if the law is reviewed to take account of the rife nature of informalities in the system. The unique setting in which EIA is implemented in Nigeria ought to be fully acknowledged in the formal EIA system as EIA effectiveness in Nigeria is intricately linked with the extent to which the formal and informal aspects are aligned to the values of effective EIA.

8.4 Contribution to knowledge, Potential areas of future research and Limitations of research

This PhD thesis has contributed to knowledge in a numbers of ways: it has contributed to the theory on how to assess EIA effectiveness through its categorisation of contextual factors into formal and informal. It has also provided insight into the place of local context as opposed to context in EIA practice and effectiveness. This thesis has contributed insight into the methodological approach to knowledge creation in EIA research. These contributions advance knowledge in specific areas of ensuring EIA serves specific context-based purposes and issues in communities where EIA is implemented. The findings provide new perspectives or enhances existing perspectives on the need to make EIA practice more contextually effective. This research also acknowledges areas in which further research work can be done to understand issues this research has highlighted, but not dealt with in the course of meeting the aim of the research.

Contributions to Knowledge

One aspect in which this study has contributed to knowledge is in its exposition of the formal and informal interactions that take place in EIA in the study area. The findings, in this regard, may have theoretical implications on how to study and design the implementation of EIA. The empirical findings of this study showed a considerable lacuna exists between the formal and informal realms involved in EIA implementation in Nigeria, and this has negatively impacted on EIA effectiveness. EIA is implemented as a formal process in Nigeria, as with other areas of the world. However, the way in which some aspects of the economy are organised and the way of life of the people in Nigeria reveals a large informal sector, not captured by or reflected in the strictly formal way that EIA is implemented. Specifically, although community consultation follows formal channels with formal community consultees, this study showed that this makes EIA procedurally compliant with general practice but contextually weak. This

practice is unlikely to shape places with shared values, a reminder of Healey's (2003) notion on collaborative approach to planning which presents a viable pathway for sustainable place making because it leads to creating places shaped collaboratively. This thesis has therefore highlighted the weakness of a highly formalised EIA system implemented in communities with largely characterised by the presence of informal groups (are not recognised for the simple fact that they are informal) and other informalities present in the community. This thesis showed that effectiveness of EIA in the study area is hinged on the synergy between these two realms and provides a framework for assessing EIA effectiveness in the Nigerian system. There are other societies of the world characterised by a large informal sector, especially some developing countries. This thesis' exposition of the interplay between the formal and informal contextual factors could contribute to better understanding EIA in these other countries and reviewing same to make it more effective.

In this study, the meaning and implication of context in EIA was investigated and unpacked. This was done by exploring the meaning of context from a multidisciplinary perspective, and then arriving at a well-rounded meaning for "local context" and how this might apply to the implementation of EIA. The use of the word "context" in relation to peculiarities of the factors in a place where EIA is implemented has sometimes been loosely done in the EIA literature. A generic idea of context is usually what is alluded to in literature without an in-depth focus on local context. This thesis highlighted the place of the local context in which EIA is implemented in Nigeria and the implications of this on EIA effectiveness. Furthermore, the factors of "local context" in Nigeria and the influence they exert on EIA effectiveness were identified, making the framing of factors into formal and informal an additional theoretical perspective to EIA effectiveness as shown above. This contributes to ongoing research to understand what might constitute contextual factors in EIA considerations and its effectiveness. Additionally, results in this study showed that the Nigerian EIA system may be relying more on procedural compliance as a measure of effectiveness, and this leaves out issues such as legitimacy of decisions made in regard to the project, inclusion of some project affected persons, fairness and justice, accountability, and cultural considerations that are peculiar to the study area. From the results in this study, it was apparent that this style of EIA has created a system of ticking boxes, rather than ensuring due consideration to the contextual factors of a place in a bid to implement an EIA that will lead to community cohesion and accord legitimacy to a project. Project impacts on the intangible cultural heritage issues are as essential as the impact on tangible ones, especially in culturally complex and sensitive communities.

This study showed a strong influence of international practice and standards on the Nigerian EIA system. However, the use of international best practices as a yardstick for measuring good practice in Nigeria does not necessarily add up as effectiveness of EIA, based on findings in this research. And this reinforces the view of Fischer and Gazzola (2006) which affirms that the best basis for evaluating the effectiveness of EIA is against the parameters that are defined by the context in which the EIA is implemented. International best practices are not contextualized best practices, and as this study has reported, some international standards force practitioners to avoid local peculiarities because these standards were not created with due consideration to them. The notion of best practices, therefore, should be underscored by this question: whose best interest is served by the best practices? If the application of international standards results in exclusion of certain cultural affinities, clearly there is a disparity in the value attached to contextual relevance in EIA effectiveness.

Plurality of values is common to EIA. Findings in the study indicate this is more complicated at community levels because the understanding of what EIA is meant to achieve is either misconceived or unknown to community actors. The community's values do not necessarily agree with the values for which EIA is to be implemented. This was clearly seen with the case study community where matters of rural poverty and unemployment had misinformed some of the groups in the community who saw EIA as a means to an end. And where EIA has been implemented without them, they have felt cheated and deprived of the value they felt EIA should add to them. Plurality of views and values are better understood within contextual confines. This study provides additional understanding to the subject of plurality in EIA, with results showing the influence of cultural practices and plurality of community values, and how these impact on EIA effectiveness.

One of the gaps identified in literature relates to the studying of contextual issues at sub-national level (Loomis and Dziedzic, 2018) where the cultural peculiarities and statutory issues that impact on EIA (Gazzola et al., 2011) can be better assessed. In this context, this study provides clearer and closer perspective on issues associated with EIA implementation at sub-national levels in Nigeria. The results in this study unpacked certain specific aspects of culture, like the groupings in the communities and the use of hegemony in EIA participation, and how this practice impairs the sense of project legitimacy in the community. The results also suggest that the very formal approach to EIA in Nigeria is mainly favourable (in terms of participation to voice out concerns or interest in a project) to community elites. In light of the culture and practices in the community, formal EIA processes may be interpreted by informal rules

informed by these cultural perspectives. In the context of statutory processes, this thesis showed how EIA at sub-national levels could be impacted by issues that stem from failure by the federal and state governments to align their stances on EIA implementation, displayed in different ways such as a multiplicity of laws applicable to EIA that confuse the process and consequently, impact on EIA effectiveness.

In relation to EIA practice, findings in this study provide fresh understanding on areas that need an improvement in order to achieve greater effectiveness. Findings in this study show there are good reasons to consider the accreditation of practitioners to practice EIA in a particular jurisdiction. Firstly, accreditation of practitioners can enhance the unification of the requisite knowledge and understanding of EIA for effective EIA practice. Due to no provisions for accreditation and the allowing of just about anyone to practice EIA in Nigeria, this thesis showed that there was divergence amongst practitioners on the role of EIA in planning decision making. Secondly, requiring that persons aspiring to be EIA practitioners hold certain minimum standards might help to reduce the incidences of poorly conducted EIA and the particular problem identified in the Nigerian EIA practice space, namely, plagiarising of old reports in EIA reporting. The system for reviewing EIA reports and making recommendations for planning decisions can be better improved to ensure quality assurance, inclusion of stakeholders/right holders, and an ethical perspective for accountability, justice and fairness.

The study exposed the level of one-sided dominance of the formal EIA governance process and the community elites over informal community groups and less powerful people in the community. Indeed, this could be the situation in other developing states where there is a disparity in class. This study has thus highlighted this as an area to be considered while assessing EIA effectiveness in societies constituted in a similar manner to Nigeria. The understanding that sustainable places are created from collaborative planning efforts suggests that the current imbalance in power relations in the EIA process will lead to unsustainable outcomes.

This research evaluated the EIA laws and guidelines against the contextual peculiarities in the Nigerian regime. Its portrayal of how an EIA legislative framework could be out of touch with advancement made in EIA practice and international developments in environmental protection contributes to knowledge on how legislative issues impact on EIA effectiveness. In relation to

contextual relevance, the EIA laws should be clearer on specific areas relating to culture, how community participation should be conducted, communication in EIA and inclusion of informal groups. These considerations are relevant if EIA effectiveness is to be achieved.

Limitations of study

A number of limitations can be noted in this study. They are as follows:

The use of semi-structured interviews on seven respondents who are key stakeholders and the survey of 43 practitioners in the Nigerian EIA system limits the generalisability of the research findings beyond the sample size. The number of practitioners in the Nigerian EIA practice space are currently unknown. However, the survey was sent out to 160 members of the Association of Environment Impact Assessment of Nigeria (AEIAN) and only 43 practitioners returned their responses.

The case study in this research work portrays a cultural hegemony of one of the major tribes in Nigerian, and also falls within the Yoruba tribal dynamics. In a country with three major national tribes, and about 540 tribes in total, speaking different languages including about 540 dialects, the cultural and traditional possibilities forming the context within which EIA is implemented will surely be more. And in this regard, the case study limits the chances of making generalizable conclusions that will suffice for the entire country, and the EIA system in it. Finally, there were limitations with regards to the extent and reach of this researcher due to the Newcastle University travel risk assessment and United Kingdom Government Foreign and Commonwealth Office (FCO) country travel advisory at the time of the field work. This meant that only specific locations were visited.

Reflection on Research and Areas of Potential future research

An important question to ask in relation to the conceptual framework developed by this research must be: how should the informal settings to EIA be accommodated in an inclusively representative manner for effective EIA? The submission that the context in which EIA is implemented is the best basis for assessing its effectiveness (Fischer and Gazzola, 2006; Marara et al., 2011; Khosravi et al., 2019a) suggests that both formal and informal aspects which form the peculiar issues in a regime implementing EIA should be represented in an examination of EIA effectiveness. This study relied on this notion as the basis for asking the question on what constitutes context in EIA as a basis for evaluating the influence of local

context on EIA effectiveness in Nigeria. The conceptual framework applied in this study gave rise to the enhanced perception of the intricate existence of informalities in EIA processes at the sub-national level. This raised the question about the how effective or not the implementation of EIA in Nigeria is. This research is guided by the yearning to understand how local contextual factors in places where EIA is implemented exerts influence on implementation and practice effectiveness.

The following areas have been identified as having potential for further research, these areas are outside the scope of this particular research analysis and aim. These include:

- This research has shown that the formal EIA process in Nigeria has not accounted much for the informalities and the cultural dynamics of communities and localities. In this regard, it would be essential to take further this issue to understand how best to integrate the formal and informal settings in an effective EIA process in Nigeria.
- Issues of justice, accountability, and fairness are key indicators of an effective EIA process, yet they are not well defined or easily discernible in the Nigerian EIA system. It is essential to find out more about these issues in relation to the Nigerian EIA system
- Aligning the focus and elements of EIA effectiveness in the Nigerian system towards the contextualized factors in the Nigerian practice remains a subject needing more study. This will further the understanding of how effectiveness criteria converge or diverge with respect to cultural values and traditional considerations in communities and the groups therein.
- Learning holds the potential for adapting EIA to the contextual factors in a regime, and this study has identified the potentials for learning in the working relationship of local and international EIA practitioners. Beyond this unique arrangement, there is a need for organisational learning. However, creating an organisational structure for learning and converting the gains to improved EIA practice for greater effectiveness in the Nigerian system is an area needing more studies.
- The sense of power relations reported in this study suggests an unhealthy imbalance between different actor groups in EIA implementation. This means that there could be a benefit if deliberate research efforts were pursued, aimed at understanding the power relations situations in the Nigerian EIA system with a view to developing a suitable pathway for better relations for EIA effectiveness.

- The Nigerian EIA regime has several operational legislations for EIA, and some states, like Ogun State, Lagos State, Rivers State, and Kaduna States also run a separate EIA system for their respective States. There is therefore a need to understand how these systems coexist within the Nigerian jurisdiction and how they can better work together to achieve the ultimate goal of an effective EIA system.

Finally, this research's case study is situated in a location with one of the three major tribes in Nigeria. Further research on the influence of local context on EIA effectiveness in the other two major cultural contexts (Igbo and Hausa) would be expected to enrich the literature on the subject and further expound on issues discussed in this research.

8.5 Conclusions and Recommendations

This research has been able to investigate what might constitute context in a place where EIA is implemented, and how it influences EIA effectiveness. The findings build on existing evidence in literature to provide additional evidence to support the understanding of context on the one hand, and “local context” on the other hand. With context applying more to the formal and general arrangements and tangible aspects of EIA and “local context”, the particular and intangible community systems and the outcome of the interplay with formal processes. The perspective on local context presented in this study offers a more nuanced understanding of the sense of context that better reflects the nature of developing countries like Nigeria. The EIA system in Nigeria has adopted an international style of EIA, and the current practice is heavily influenced by international practice, so much so that the proposal to review the EIA Act is mainly due to advancement in international practice. This is against the background of the contextual factors that have been analysed and discussed in this study, and the need for more contextualised EIA practice where processes are adapted to the Nigerian “local context”. In this study, the influence of local context on EIA effectiveness is more pronounced because of the wide gap between formal and informal aspects of the society in which EIA is implemented. In other words, EIA in Nigeria is not well adapted to the Nigerian local context. Community traditional structures exist on the basis of customs that are defined by cultural practices that predate the existence of EIA. Till date, the Nigerian EIA appears to have ignored these practices, yet they are a main contextual factor influencing EIA effectiveness at sub-national levels in Nigeria.

This research highlights the complexities of local context, with tensions between the formal and the informal operating at different levels: between the international and national, national

and state, national and local, and local (formal) and local (informal). The expectation of a more adaptive practice, one that caters for the contextual factors discussed in this research has been shown to be both important and useful and therefore recommended. The validity of claims to EIA effectiveness, criteria for effectiveness and relevance of methods for assessing this may need to be re-thought to ensure the local context elements existing alongside the Nigerian EIA system are taken into consideration. The framing of formal and informal aspects to EIA implementation in this study provides a platform for ensuring equity and fairness in the conceptualisation, implementation, and governance of an EIA that will be effective for all in Nigeria. It is recommended that practitioners recognise the importance of categorising contextual factors into formal and informal aspects, for effective EIA implementation in Nigeria. In table 8.1 below, some specific recommendations are tailored to some context-based challenges identified from the results in this study. These recommendations are also cross-examined against evidence in international literature. The reason for placing the recommendations against international practice literature is to enhance the understanding of the use and to showcase them within international practice, while ensuring contextual effectiveness is a priority in implementing them.

Identified Challenges	Recommendation	How Recommendation is positioned in International Literature
<p>Gaps in the EIA Legislation</p> <ul style="list-style-type: none"> • Gaps in areas of justice, accountability and quality assurance • Relevance of the EIA Act to current advancement in EIA practice • Gaps in relation to level of inclusion for informal groups • Gaps in relation to community hegemony, the place of right holders and the constitution of stakeholder • Meaning of public in the EIA Act, and how community consultation is carried out and reported • Multiple legislation for EIA • Reviewing the current EIA Act to meet international best practice 	<ol style="list-style-type: none"> I. Laws should take into account, the legitimate interests and rights of individuals and groups and should only affect those rights to the minimum extent necessary to achieve desired health objectives. II. The EIA Act to be upgraded to reflect best practices that are relevant to the contextual realities of communities. III. Introduce sections and clauses in the bill that can strengthen environmental governance. Especially to address the multiple systems for EIA governance, harmonise the federal and state system under one system. IV. Introduce sections and clauses in the bill that can strengthen environmental governance and adapting the review of the EIA Act to reflect more of local context. V. It is recommended that the multiple EIA laws should be harmonised into one functional law or properly devolved to allow local, state, and the federal government share the load of regulatory supervision to make EIA more contextualised and effective. VI. The review of the EIA Act should be separated from the creation of an Environmental Assessment (EA) Act, to accommodate other flavours of EA, like HIA, SEA, and SIA. 	<p>Project and process legitimacy is considered highly in the effectiveness of EIA, in Western Australia, legitimacy is expected to be achieved by the inclusion of a wide range of stakeholders (Pope et al., 2018; Getty and Morrison-Saunders, 2020).</p> <p>The effectiveness of EIA is strongly linked to useable legislation for respective country based context (Ebisemiju, 1993, Wood, 2003), in Slovakia, the review and streamlining of national EIA laws with EU legislation has been highlighted as a major step towards the country's EIA effectiveness (Zvijáková et al., 2014).</p>
<p>Centralised system of EIA governance</p>	<p>A shared system of governance for EIA should be employed, one that allows active involvement of State and Local government.</p>	<p>Briffett (1999) argues for a decentralised EIA system in Malaysia, describing the use of the centralised EIA system as lacking the structural support for effectiveness and only</p>

		leading to long and tedious bureaucracies, a means to an end and not a beneficial intervention to planning systems in Southeast Asia
Overlap in roles of regulatory agencies	Areas of overlap of duties between relevant MDAs in relations to EIA, the new laws should address the overlaps. For example who should carry out supervision and monitoring? And the roles of the different levels of government and institutional agencies.	Memon (2000) made a case for devolution of powers for effective administration and implementation of EIA in Malaysia, citing the different levels society and the need for collaboration to ensuring some uniformity of practice.
Divergent Views about the Use of EIA Practitioners	Legislation to allow clearly defined roles of AEIAN in accreditation and licensing of EIA practitioners as a means to find a unified understanding for how EIA is used and implemented.	In Albania a system of accreditation is used to enforce the understanding of expertise requirement to practice in s specific areas of EIA (Williams and Dupuy, 2017). A similar system is suggested for Egypt to cater for the knowledge gap for ensuring an effective EIA (Badr, 2009).
Language of Communication in Community engagement/consultation	Use of local dialect to communicate invitations and use of same with an interpreter to explain project details at community consultations. This will enhance the level of inclusion, especially for informal groups where many have limited formal education and command of the use of English language.	EIA as a tool for environmental integration must meet the demands of inclusion to be effective, one of such demands is in the area of communication, especially when dealing with indigenous and cultural groups. In Japan the use of formal processes with indigenous people resulted in miscommunication (Nakamura, 2008), and use of written communication in communities with little formal education has increased marginalisation of critical stakeholders (Hughes, 1998). In western Australia, written communication are converted to forms of communication that are understandable along cultural frames for the inclusion of Aboriginal people Faircheallaigh, 2009).
Conflict of interest in the constitution of review panels and abuse of process by practitioners	The review panel should include the formal and informal actors, composed of regulators, subject matter experts, practitioners, and community groups. This will allow a more balanced power relations in the review panel. A seal of ownership should be implemented for all EIA reports, this will allow the tracking of poor reports for penalties	The use of review panel to verify the quality and outcomes of EIA is a popular practice in Egypt, the demand for effectiveness has seen the regulatory authorities training staff to review EIA report (Badr, 2009). This simply shows that the regulators are adapting to their won context, this is highly recommended for practice in Nigeria.
The weak sense of organisational learning in the Nigerian EIA system	A statutory requirement to track lessons learnt in EIA, with a view to continuously improve practice through reflective practice. The opportunities for learning in the collaboration of local and international practitioners	Institutional processes and channels for learning in EIA is well highlighted in international literature, (Morrison-Saunders and Arts, 2005) explained how learning from experience is being enhanced in Quebec, Canada, through

	should be harnessed for improved effectiveness in Nigeria.	careful curation of all EIA records into a publicly accessible database to promote learning from experience.
Over reliance on International Standards	The preference for the use of international standards in Nigeria is encouraged by the gaps in existing legislations for EIA, it is recommended that necessary reviews of legislation to close the gaps and make the Nigerian EIA laws contextually adaptive for peculiarities in Nigeria. Considering that the enforcement of international standards subdue the development of local standards which holds better potential for accommodating local contextual concerns, this recommendation will minimize the impact of international standards on the growth of local practice.	Bitondo et al. (2014) highlighted the delay in the growth of local systems for EIA due to the reliance on, and involvement of International organisations in EIA practice in Cameroon. The recommendation to look inwards the country based system to define a more contextualised system fit for the country's EIA is popular in international practice.

Table 8.1 Recommendation to Specific Issues Identified in the Nigerian EIA system

It is recommended that the review of the EIA law should aim to ensure clarity in the wording, and that regulatory powers are placed within the remit of the respective institutions that regulate EIA, in addition to recommendation in table 8.1. Also, the EIA Act will require a review to ensure it is fit for the context and usable for implementing effective EIA. This will prevent the use of multiple standards, overlap of duties amongst regulatory agencies, and the exclusions of sections of the society from the EIA process. It is recommended that when defining the public, issues identified with public participation such as the relegated status of informal groups, the elevation of original settlers in a community or landowners, the pre-eminent position of traditional rules in community consultation be addressed. As non-original settlers and non-landowners in a community could be PAPs, it is recommended that they be clearly defined in the class of public to be consulted. While this thesis has emphasised the exclusion of informal groups in the study area and highlighted their dissatisfaction with being excluded, it is acknowledged that there may be an infinite number of informal groups, which could spring up without notice, therefore, a blanket provision to recognise informal groups may be unhelpful. Nevertheless, the public can still be defined in such a way that persons affected by a project are not excluded from EIA participation notwithstanding their membership of informal groups.

Whilst this study has identified contextual factors that can exert influence on EIA effectiveness, to a large extent, it is the rigidity of the formal process that has allowed informal cultural expressions to predefine whose voice will be heard in the EIA process. Therefore, the framing of formal and informal interaction in the consideration of contextual influence in the Nigerian EIA practice provides a more reasonable approach to prevent the blindness of the formal process to the informal sector in the EIA system.

In conclusion, it can be argued, that the local contextual factors identified in this study adversely impact on EIA effectiveness. In chapter 1, it was noted that a framework for assessing EIA was provided by Morrison-Saunders and Bailey, 2000, Wood, 2003, and Glucker et al., 2013, are namely: (a) participation—meaning the process is inclusive and open to all interested parties, (b) transparency—the process is honest and open for all to see, certainty—there is an agreed time frame for delivery, (c) accountability—decision makers are answerable for every decision, (d) credibility—referring to adherence to professionalism and objectivity, and (e) cost effectiveness—the assessment should ensure environmental protection at the least cost possible.

With respect to participation, this thesis showed that the EIA process in Nigeria is not inclusive and open to all interested parties. Some parties are excluded for various reasons including their non-ownership of land in the community in which a development project is to be sited. The EIA Act itself does not adequately cater for participation by all interested parties.

On transparency, this thesis showed that the EIA process in Nigeria sometimes lacks transparency. It cannot be said that the EIA process is honest and open for all to see. Dishonesty was highlighted in the copy and paste activities sometimes carried out by regulators and EIA practitioners. Also, the exclusion of certain members of the society from the EIA process meant that the EIA was not open for all. And indeed, respondent from the informal groups alleged that “they (referring to the community elites) didn’t want the wider community to know what transaction was going on with the proponents”.

On accountability, this thesis showed that decision makers are not answerable for every decision they make with respect to EIA. Indeed, the responses from the community respondents indicated that seeking justice or accountability was a herculean task with respect to which they did not expect to be successful.

On credibility, this thesis showed that high subjectivity displayed by both regulators and practitioners in a system with inadequate clarity in legislation and guideline, in some aspects of EIA such as public participation raised questions of credibility. The earlier mentioned copy and paste issue is totally at variance with the notion of professionalism and objectivity that credibility offers. The incompetency and conflict of interest of some EIA panel members who are on the panel to decide on an EIA and of some practitioners since there is no minimum standard for engaging in EIA practice is another evidence that militates against a finding of credibility in the Nigerian EIA system. Additionally, the non-settled status of the regulator’s identity at the federal level, whether it is NESREA or the Environmental Assessment Department of the Federal Ministry of Environment calls the credibility of the EIA process in Nigeria into question.

On cost effectiveness, this thesis showed that a multiplicity of laws on the same issue leads to more costs being incurred by proponents. Also, in some cases, both the federal and state governments require EIA to be done, leading to more costs. This means that cost effectiveness in environmental protection needs to be addressed in the Nigerian EIA system.

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Effectiveness of strategic environmental assessment - the significance of learning Urmila Jha-Thakur , Paola Gazzola , Deborah Peel , Thomas B. Fischer & Sue Kidd

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Appendix 1: Copy of Questionnaire



School of Architecture, Planning and Landscape

Mapping the Realities of Local Context in EIA Implementation in Nigeria

Dear Sir/Madam:

I am a PhD candidate at Newcastle University, UK, conducting fieldwork in support of my research which seeks to understand the true realities of context in Environmental Impact Assessment (EIA) and gain a better understanding of the influence of context in effective EIA implementation. As a practicing EIA expert, your opinion and perspective on the subject matter will be very valuable.

I would be very grateful if you could kindly assist me by completing the following questionnaire, which should take around 20 minutes to complete. The findings will be anonymised and aggregated, and used solely for academic purposes.

I would be grateful if you could please return the completed questionnaire by the 20th of June, 2019. Thank you in advance for your time and contribution.

I agree to the data provided being used in the research.

Sincerely Yours

Tokunbo Olorundami

T.A.Olorundami2@newcastle.ac.uk

Part A: Background of Respondent

1. Gender: Male, Female, Prefer not to say
2. Please select: Age: 18-30, 31 - 40, 41-50, 51-60, 61+
3. What is your level of education:

- a. What is your area of discipline?
- 4. Number of years in EIA practice: 0-5, 6-10, 11-15, 16-20, 20+
- 5. What sector do you work in? Private or Public
- 6. What group of project proponents have you worked for? Local, International, both local and international

Part B: Formal Regulatory Environment for EIA in Nigeria

- 7. The Nigerian EIA regulatory guidelines are very clear and easily understandable. Strongly agree.....agreedisagree.....Strongly disagree
- 8. What are the underlying triggers for the ongoing EIA legislative reforms? Political manipulation, compliance with international standards, environmental protection, donor agencies' agenda, others, list....
- 9. Do you agree that the Nigerian EIA regulators allow the use of different standards (such as World Bank EIA guidelines and Swedish International development cooperation EIA guidelines) in dealing with international proponents and sponsors working in Nigeria? Strongly agree.....agree.....disagree.....Strongly disagree
- 10. The current EIA guidelines are adequate for ensuring accountability, justice, and legitimacy. Strongly agree.....agree.....disagree.....Strongly disagree

Part C: EIA Implementation/Practice at State Level

- 11. EIA is a vital part of decision making for environmentally sound development planning in Nigeria. Strongly agree –.....agree.....disagree.....strongly disagree
- 12. What best describes the Nigerian EIA system? Please list.
- 13. What are the strengths of the Nigerian EIA system? Please list
- 14. What challenges can you identify with EIA in Nigeria? Please list them.
- 15. EIA in Nigeria is effectively implemented to advise development planning and promote environmental protection. Strongly agree ----- agree.....disagree.....-Strongly disagree
- 16. Whose views are accounted for in the EIA Scoping process (designated consultees, formal community representatives, the wider public, others – please state?) and how are these views incorporated into the process?
- 17. How will you rate the current capacity and skills of EIA practitioners for implementing effective EIA in Nigeria? Very Low, Low, Adequate, High, Very High
- 18. How do you define the context (local circumstances) of a proposed development project, and which aspects of this context do you take into consideration in EIA practice and how is it reported? Please write short description

Part D: Informal Aspects of the Nigerian EIA Environment

19. In the Nigerian EIA regime, there are relevant informal sectors besides the formal arrangements that could participate to enhance EIA implementation and outcomes.

Strongly agree,.....agree.....disagree.....Strongly disagree

20. Have you encountered an informal sector in the course of your EIA practice?

a. If yes, please name them...

21. The informal sectors of communities in Nigeria are considered in EIA process.

Strongly agree.....agree.....disagree.....Strongly disagree

22. How do the public, informal groups, or the community negotiate their interest in the EIA process?

23. It is difficult for EIA practitioners to understand community values and culture in EIA implementation

Strongly agree,.....agreedisagree.....Strongly disagree

Part E: Learning in Practice and Interaction of Local and International Practitioners

24. How do you (as a Nigerian EIA expert) work with international practitioners (that is, other EIA consultants abroad or working in Nigeria)/proponents (i.e. EU, World Bank)?

a. Remotely, co-located, sub-contractor, consultants, other

25. What standards (e.g FEPA EIA Decree No. 86, 1992 or World Bank EIA guidelines) are in use when working with international practitioners/proponents?

a. International standards, Nigerian standards, both Nigerian & international, others

26. In what areas can the international practitioners learn from the Nigerian-based practitioners? Please list ...

27. In what ways can the Nigerian EIA practitioners learn from the international practitioners? Please list

28. What are the advantages and disadvantages of working with International EIA practitioners working on projects in Nigeria? Please list

Appendix 2: Sample of Interview questions used for the interview of Local and International EIA consultants/Practitioners



Interview Question Design – The Focus – local and International EIA Practitioners for the Selected Case Study Project

The interview for the above group of the respondent will focus on the following sections:

1. Background
 - a. Information about the experience,
 - b. Qualification, EIA training
 - c. which do you find more relevant in your practice, Your education discipline or your knowledge of EIA. If without formal EIA training, how do you know what to do?
 - d. Number of years of practice
 - e. How did you get into EIA practice?
2. Engagement with Formal System in EIA Practice/Policy
 - a. what is the norm in the practice of EIA for formal consultations. Did you consult any sister agencies while conducting baseline studies? Name them please
 - b. what does the statutory document recommend ? Does it change for every location and project?
 - c. Can you explain how EIA is regulated and what contacts did you have with the regulators while working on this project?
 - d. Do you feel that international practitioners and proponents get special attention from the regulators and if they use their own standards or the statutory guideline for Nigeria?
3. Implementation of an Effectiveness of EIA
 - a. What is your perception on the need for EIA as a tool for environmental sound decision support for development planning?
 - b. What is lacking in the Nigeria EIA implementation
 - c. How do you rate the level of international influence on the local EIA practice?

- d. what factors do you consider most influential in implementing EIA in this project.
 - e. What are the challenges preventing effective EIA implementations in Nigeria, from the project.
4. Engagement with the informal sector
- a. What do you consider as the informal sector?
 - b. How informal groups are identified and dealt with in the EIA process
 - c. Are there any provisions for considering the informal sector in Nigerian EIA practice?
 - c. How did you engage the informal sector while working on this project?
 - d. What did you do with the information collected from the informal sector?
 - e. Are there any regulatory requirement to consider and include the informal sector in the EIA process?
- a. Public participation process – Formal and informal
 - b. How did you conduct this and what did you find relevant in the participation of the public to the project.
 - c. Who decides the group to contact and how it the contact made?
 - d. Are there any cultural or traditional practices that were considered in the implementation of this project’s EIA
 - e. How do you report cultural and traditional element of the assessment?
 - f. How do the public negotiate their interest in the EIA process?
6. Interaction with International or Local practitioners
- a. Did you enjoy working with an international EIA consultants on this project?
 - b. How did you work together, did you work side by side or you split the task and who did what?
 - c. who took the lead in the project implementation ?
 - d. Where co-located in the same office or working separately, If separately how frequently did you meet?
 - e. How did you manage any of the differences that arose, and what were they based on ?
 - f. How do you rate the practice performance of the local/international practitioners on this project?
 - g. what standards did you work with, the international or the Nigerian standards ?

7. What are the learning points in the interactions/what grey area/convergence and divergence of standards?

8. Focus on the perception of the traditions and culture of the study area in relations to the EIA regime

10. Perception of the regulators
 - a. Are the guidelines adequate to implement a context focus EIA?
 - b. What areas are most useful part of the regulatory guideline?
 - c. What is most useless part of the regulatory guideline?
 - d. Are there any areas needing improvements?
 - e. How to perceive the regulatory approach to local and international practitioners
 - f. Do you consider that the result of the EIA you conducted was taken into considerations in the decision to approve the project?

11. How does learning take place within the EIA practice, for continuous development of the sector?

12. Do you consider EIA a waste of time and money?

13. Given the chance to design an environmental impact assessment tool for the Nigeria environment, tell me what you consider

Appendix 3: Interview Question Design – The Focus – EIA Regulators at Federal, States, and Local level for the Case Study Area



Interview Question Design – The Focus – EIA Regulators at Federal, States, and Local level for the Case Study Area

1. Background
 - a. Information about the experience,
 - b. Qualification, EIA training
 - c. How did you come into EIA regulatory practice?
 - d. The number of years of practice
 - e. Number EIA you see in a year –
 - f. When last was the regulatory framework update?
 - g. Where can one find the guidelines for EIA, are they available to all?
 - h. Power relations between regulators, practitioners, and the community.
 - i. How many EIA do you conduct per year- Capacity to do the Job?
 - j. Capacity for follow-up and monitor.
2. How do you rate the state of the Nigerian environment as regulators of the EIA regime?
Has EIA made much impact? if yes , how, if no why
2. b What is the current legislative and regulatory guideline for EIA ?
3. Evaluate the current regulatory framework by looking at the current legislative and legal instruments for EIA, focusing on the relevant section on public participation
4. Where does the Nigerian regulatory framework sit within global best practice?
5. Which country did Nigeria pattern her EIA regulation and guideline after, what informed our regulations, what is the gold standard for Nigeria?
6. Are there specific guidelines requirement that is focused on ensuring contextual relevance of EIA especially for including the informal sector (e.g. omo ni le)?
7. What are the triggers for the ongoing legislative reforms and who moved for the reforms?
8. Effectiveness of EIA

- a. How do you measure effective EIA?
 - b. What do you look out for in measuring the effectiveness of EIA?
 - c. What are the regulatory goals (refer to the document to identify them), have they been achieved so far? if not why
9. What specific steps have been taken to domesticate EIA in the country and enforce same at State and local levels?
 10. What is the place of culture and traditions in the regulatory framework? i.e. How does it ensure fairness, inclusion, and justice to the host community's way of life?
 11. What are the difficulties being experienced with project host communities- especially in the case study area
 12. The political dimensions to regulation in EIA – what are the interests taken into consideration as regulators
 14. In what ways do the EIA regime in Nigeria manage community expectations from Project in their community?
 15. What are the legal instruments available to the community for seeking justice when they feel aggrieved?
 16. What are the challenges with implementing EIA in Ogun state?
 17. Are there any regulatory oversight considerations to issues of culture and traditions in the implementation of EIA in the different part of the country, i.e North, South, West, and East? And how do you follow-up in practical terms?
 18. Power relations with the communities, informal groups, and practitioners – Who decides where a project should be sited, how do you relate with the EIA practitioners
 19. How do you deal with international proponents, funders, and practitioners who work in Nigeria, do you expect them to comply with the Nigerian guideline and how do you rate their own? E.g World Bank EIA guideline?
 20. Local and international standards in Nigeria? How do you regulate international practitioners and proponents (WHO, UN, UNICEF, FAO, etc) operating in Nigeria? How do you deal with informal groups who decide against your regulatory mandate on a project EIA process?
 21. Learning opportunities in the interaction of local and international practitioners.

Appendix 4: Focus Group – The Focus – Community Groups, Informal Groups, for the Case Study Area



Focus Group – The Focus – Community Groups, Informal Groups, for the Case Study Area. These are probe questions to guide the focus group discussion

1. Can you discuss how this group came about- the background?
 - a. About the group
 - b. What purpose does your group serve in the community?
 - c. How long in existence
 - d. Do you have rules?
 - e. How do you choose your leaders?
 - f. How do you operate?
 - g. Do you know what EIA is?
 - h. Have you been consulted for an EIA before? If yes how many?
2. Let's talk about the companies/projects in your community?
3. Does your group consider the operation of the projects good for the community?
4. Let's talk about your expectations from the EIA process?
5. How does this place define you are a people, will this project change who you are in 20-50 years?
6. Can we talk about your consideration to ensure that your expectation are meet?
7. Let's talk about the Project XYZ, what do you know about it?
8. Was your group consulted when the EIA was done? If yes How-who contacted you (looking for who is responsible for looking meeting the community-especially how the EIA practitioners make contact), if NO
9. How do you use the environment, are there special species that are unique to your environment and do they mean anything special to you.
10. How do you protect the environment traditionally?
11. What is your voice, values, concerns, and were they heard in the EIA process.

12. Lets talk about land ownership and acquisition, how is it done?
13. Let's talk about what your group will like the EIA to consider?

14. Let's talk about your experiences of the project since it began operations, do you consider it good for the interest you represents
15. Let's talk about what you like to change about the project?
16. Can you tell me if your group is recognized when issues of community development planning are considered? What are do you consider important in development planning?
17. Let's talk about the cultural or traditional process this project has an impact on in your opinion?
18. Let's talk about the cultural or traditional process this project has helped improve?
19. Let's talk about justice, equity, accountability (of your group to the community and the community to you), legitimacy, and land use
20. Can you talk about your decision on issues of environmental protection, what does your group consider important for protecting?
21. Let's talk about the history of your community – how did your community come about?