



## ENVIRONMENTAL IMPACT ASSESSMENT PRACTICE IN NIGERIA AND FACTORS HINDERING THE EFFECTIVENESS

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### Abstract

*Environmental impact assessment as a sustainable development management tool necessary for our own safety, good health and that of the ecosystem. However, the practice of environmental impact assessment in Nigeria, even with the availability of relevant legislations and guidelines is not effective as it was originally intended. This study is basically aimed at identifying and discussing the factors that are hindering the effectiveness of EIA practice in Nigeria. The method adopted for the study is basically desk top review where relevant information and documents including EIA reports were examined. Eight factors which include lack of transparency during scoping, inadequate public participation, lack of communities' awareness of their role in EIA study and absence of formal EIA review criteria have been identified as factors hindering the effectiveness of EIA practice in Nigeria. Based on the findings of the study, it is concluded that though, there are relevant legislation and guidelines for the conduct of EIA study, the practice of EIA in Nigeria does not meet the purpose and original intent for the establishment of the EIA system due to the factors identified. It is recommended that government and private project proponents should not see EIA as just project approval requirement but a necessary process to safeguard our environment and human health.*

**Keyword: Environmental, Impact, Assessment and Review.**

### 1.0 INTRODUCTION

The environment predates the creation of man; hence all efforts must be made to preserve this valuable gift of God. Mankind was created by God into a very serene environment that was well garnished with plants and network of rivers to water the plants. Since creation, man has been exploiting the fruits of the plants for food, following divine instruction. Man was also instructed to dress and to keep (improve and protect) the beautiful environment he was created into.

However, after the fall of man, he went beyond just exploiting the fruits of the plants for food but went further to exploit the leaves of the plants in the beautiful environment to cover his nakedness (comfort) when he became conscious of his nakedness. Ever since man began to fend for

himself, he has engaged himself in ceaseless and mindless exploitation of natural resources to cater for his wellbeing and comfort. With the wellbeing and comfort mindset, man began to pay little or no attention on improving and protecting the environment and this has resulted to uncontrolled and unguided exploitation of environmental resources.

As science and technology advances, man's effort towards exploiting environmental resources and converting them into products to meet his needs got mechanized and this further compounded man's negative impact on the beautiful environment he was created into. The activities of man on earth have resulted to two dimensional stresses on the environment. (i) Unsustainable exploitation and utilization of environmental resources. (ii) Degradation of the quality of the



environment by way of toxic emissions, effluents discharge and waste generation and deposition, all of which have negatively affected the environment. Agarwal (2005) corroborated this, when he asserts that “The problem of environmental degradation in modern society has risen mainly due to certain reasons among which is thoughtless exploitation of resources.

In realizing the negative consequences of man’s activities on the environment and the interdependence between ecology, social and economic development, nations and organisations have adopted measures to control anthropogenic activities in a manner that foster improvement and protection of the environment. A key tool that has been adopted globally to promote sustainable development is the Environmental Impact Assessment (EIA). EIA is an environmental management tool which aim is to ensure that environmental impact assessment is conducted for any major proposed developmental project or program that may have potential or significant impact on the environment. According Jain and Sunil, (2008) environmental impact assessment is a pointer to the environmental compatibility of projects in terms of their location, suitability of technology and efficiency in the use of resources. EIA finds a correlation between various activities of a project and environmental attributes with the ultimate aim of protecting the environment (Venugopala, 2005)). EIA was developed in the United States of America (USA) in the 1960s and has since been adopted by many countries in the world. Leu *et al*, (1996) asserts that, Environment Impact Assessment (EIA) has been adopted as an environmental management and planning tool by many developed and developing countries after its introduction in the United States of America (USA) in the late 1960s. According to Annandale (2001), the importance of EIA among environmental management tools has grown to be internationally accepted. Many nations including Nigeria have adopted Environmental Impact Assessment (EIA) study before embarking on any development and production project to establish the potential impact on the environment (Mansi and Nwachukwu, 2014)

In Nigeria, EIA was introduced in the early 1990s. EIA study is aim at accomplishing certain objectives among which is; to facilitate informed decision making, including setting the environmental terms and conditions for implementing the proposal. It has been made mandatory by law before certain categories of industrial and development project can commence in the country. However, observation on the manner in which EIA process is conducted in Nigeria revealed that in the country, the conduct of EIA process is not producing the desired result that meet the original intention and spirit of EIA study. The objective of this paper is to x-ray factors hindering the effectiveness of EIA study in Nigeria with view to proffering recommendations gear towards enhancing the effectiveness of EIA as an environmental management tool in Nigeria.

## **2.0 METHODOLOGY**

The research method adopted for this study, is basically desk top study in which information were gathered from secondary sources including academic journals, EIA reports, books and EIA drafts

### **A. Historic perspective of Environmental Impact Assessment**

In the early 1960s, the effects of industrial activities and new technology on the quality of the environment reached a worrisome dimension that gave birth to environmental activism as a result of public concern for the environment. For instance, Rachel Carson published an environmental write up titled “the silent spring in 1962” which document the adverse environmental effects caused by the indiscriminate use of pesticides. The increasing pressure of environmental activism made government and industries to think of ways to protect the environment while conducting public and private activities. This led to the introduction of EIA.

The first formal EIA was introduced in the United States of America (USA) following the formulation of the National Environmental Policy Act (NEPA) of 1969. The National Environmental Policy Act (NEPA) seeks to ensure that environmental concerns were considered in the decision making of the federal



government agencies. Section 102 (2)(c) of the act required agencies to prepare a detail statement on the environment impact of proposals and other major federal actions significantly affecting the quality of the human environment. The act also provides that, the statement referred to as an “environmental impact Statement. “(EIS) should include details on:

- Any adverse environmental effects which cannot be avoided should the proposal be implemented.
- Alternatives to the proposed action. Since 1969, a host of other countries have adopted EIA legislations. In 1977, the European Commission began drafting a directive on EIA and finally published a proposal in 1980. The directive No 85/337/EEC on the assessment of the effects of certain public and private projects on the environment was issued. The EIA directive was adopted in July 1985 and member states had up to 3<sup>rd</sup> July, 1988 to implement the requirements.

In Pakistan, EIA was made mandatory for every project likely to cause adverse environmental impact from July, 1994.

This was immediately followed by the formulation of a guideline for preparation and review of EIA report in 1997 by a competent authority (Obaidullah and Hameed, 2006). In Canada, EIA was introduced in the year 1973 with the passage of the federal cabinet directive. This was followed by the passage of the Canada environmental Assessment Act (CEAA) in 1992 and came into force in January, 1995. The Canadian Environmental Assessment Act 2012 (CEAA2012) and its regulations established the legislative basis for the federal practice of EIA in most of the region in the country. CEAA2012 came into force on 6<sup>th</sup> July, 2012 and it replaced the former Canadian Environmental Assessment Act 1995 (Canada Impact Assessment Agency, 2012).

In Netherland, EIA was provided for in the Dutch legislation on 1<sup>st</sup> September, 1987. The categories of projects which were require an EIA are summarized in the Dutch legislation, the wet

millieubeheer. The use of thresholds for activities makes sure that EIA is obligatory for these activities that may have considerable impacts on the environment. The EIA report is required to provide adequate description of the proposed activity, give clear discussion of the environmental impact of the proposed action and provide possible alternatives with less negative impacts.

In Nigeria, Environmental impact Assessment study was introduced following the illegal dumping of toxic waste in Koko in 1987 in the then Bendel State now in Delta State (Nerry and Akpofure, 2006., Egbo and Nwachukwu, 2014). In response to that ugly incident, the federal government of Nigeria promulgated the harmful waste act which provides a legal frame work for the effective control of the disposal of toxic and hazardous waste into any environment within the country. This was immediately followed by the establishment of a regulatory body; the federal environmental protection agency (FEPA) in 1988 (Egbo and Nwachukwu, 2014). FEPA on assumption of office formulated the National Policy on the Environment which became the main working document for the improvement and protection of the Nigeria Environment. To further strengthen the environmental protection drive of the Federal Government, the Environmental impact assessment (EIA) Act otherwise known as (CAPEI2LFN2004) was established. This act provides an additional safeguard with same aim of protecting the Nigerian environment. It is particularly directed at regulating the industrialization process with due regard to the environment. By this act, every industrial/ plan development activity that falls under the FEPA, S mandatory list cannot be undertaken without an initial environmental Impact Assessment study to ascertain the environmental consequences of the project and consideration of possible alternatives.

International Association for Impact Assessment (AIA) defines EIA as the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made (Saddler, 1996). EIA is unique because it requires decision



makers to account for environmental values in their decision and to justify those decisions in the light of detail environmental studies and public comments (Commission for the European Communities, 1985)

**B. EIA best practice operating principle**

These principles describe how the basic principles of EIA best practices should be implemented. They provide the initial guidance on how to undertake EIA study and the results EIA practitioners are expected to deliver.

**Table 2.1: EIA best practices operating principles.**

<b>Best practice activities</b>	<b>Explanation</b>
Screening	To determine whether or not a proposal should be subjected to EIA and, if so at what level detail.
Scoping	To identify the issues impacts that are likely to be important and establish terms of reference for EIA.
Examination of alternatives	To establish the preferred or most environmentally sound option for achieving the objectives of a proposal.
Impact analysis	To identify and predict the likely environmental, social and related effects of the proposal.
Mitigation and impact management	To establish the measures that are necessary to avoid, minimize or offset predicted adverse impact and where appropriate, to incorporate these into an environmental management plan system
Evaluation of significance	To determine the importance of acceptability of residual impacts that cannot be mitigated.
Preparation of environmental impact statement	To document the impacts of the proposal, the significance of effects and the concern of the interested public and the communities affected by the proposal.
Review of the EIS	To determine whether report meets its terms of the references, provides a satisfactory assessment of the proposal and contains the information required for decision making.
Decision making	To approve or reject the proposal and to establish the terms and conditions for implementation.
Follow up.	To ensure compliance with the terms and conditions of approval, to monitor the impacts of development and the effectiveness of mitigation measures, and where required, To undertake environmental audit and process evaluation to strengthen future EIA applications and mitigation measures and to optimize environmental management

**C. EIA processes and procedures in Nigeria.**

In line with its mandate as provided for in the decree 86, the Federal environmental protection agency (FEPA) now Federal ministry of Environment (FMEnv) developed procedural guidelines for the conduct of EIA Study in Nigeria. The guidelines established the steps to be taken to obtain an EIA in Nigeria. These are shown in Table 2.2



**Table 2 .2: Procedural steps for obtaining EIA in Nigeria.**

<b>Steps</b>	<b>Actions</b>	<b>Note</b>
Step 1	Project proponent sent Application to Federal ministry of environment (Responsible authority)	
Step 2	Federal ministry of environment issue screening report to the applicant (Project proponent) for scoping and preparation of Terms of Reference (TOR)	TOR includes scope of the proposed EIA study which is defined accordingly by Federal ministry of environment (FMEnv)
Step3	Applicant (Project proponent) carries out the EIA study	Consultants are usually hired to undertake the study.
Step 4	Draft EIA report is subjected in 15 copies to the FMEnv	The report must annex records of results of public participation
Step 5	Within 15 days of receipt of the draft EIA report, FMEnv concludes evaluation of the draft report and select review method which is then communicated to the applicant (proponent)	Review methods usually employed are: <ul style="list-style-type: none"> <li>• In house review</li> <li>• panel review</li> <li>• public review</li> <li>• mediation</li> </ul>
Step 6	Within one month of review process, review comments are sent to the proponent.	Public takes part only if FMEnv chosen method permits it.
Step 7	Final EIA report addressing and proffering answers to review comments are submitted within six (6) months to FMEnv.	
Step 8	Both parties, FMEnv and project proponent set conditions establishing a follow up program	“No project” if the review comments are adverse and not properly addressed or unsatisfactory.
Step 9	Within one month of receipt of the final EIA report by the responsible authority which has been adjudged as satisfactory, committee approves and issue Environmental Impact Statement (EIS) with certification	Appropriate conditions and validity period are clearly stated.
Step10	With EIS and certificate, proponent commences the project implementation	
Step 11	If project is not commissioned within the validity period on the certificate, a revised and updated EIA report becomes necessary for revalidation.	

Source: (Kennedy, 2011)

**D. Values and objectives of EIA study Core values of EIA.**

- I. Sustainability: EIA process will result to environmental safeguards.
- II. Integrity: EIA process will conform to agreed standard.
- III. Utility: EIA process will provide balance credible information for decision making.





### Objectives of EIA

Environmental Impact Assessment studies have both short and long term objectives which include:

- to improve the environmental design of a project proposal.
- to ensure that resources are used appropriately and efficiently.
- to identify appropriate measures for mitigating potential impacts of proposal.
- to facilitate inform decision making including setting the environmental terms and conditions for implementing project proposal.
- to protect human health and safety.
- to avoid irreversible changes and serious damage to the environment.
- to safeguard valued resources, natural areas and ecosystem components.
- to enhance the social aspects of project proposals.

### E. Expected outcome of a good and effective EIA study.

A good and effective EIA study is expected to result to:

- A systematic identification of the views and inputs of those consulted including the balance of opinion on major issues and areas of agreement and disagreement.
- Comparison of the impacts of the main alternatives considered with an environmental justification for the preferred alternative.
- Best estimate, prediction and evaluation of the potential significant residual effects that cannot be mitigated.
- Feasible cost effective measures to mitigate the main impacts identified (Environmental management plan).
- Preparation of an EIA report that presents the information in the form that is clear, understandable and relevant for decision making noting any important qualifications for the predictions made and mitigation measures proposed.
- Resolution of problems and conflicts during the EIA process to the extent this is possible.

- Design of environmentally sound and acceptable projects that meet health and environmental standards and resources management objectives.
- Provisions for the unforeseen impacts or mitigation measures that do not work as intended.

### 3.0 FACTORS HINDERING THE EFFECTIVENESS OF EIA STUDY IN NIGERIA

There are relevant legislations and procedural guidelines for the conduct of EIA in Nigeria; however, having relevant laws and guideline in place is not a guarantee for effective EIA practice. The practice of EIA study must be in line with the original intent and purpose of EIA. However, this is not the case as there are certain factors hindering the effectiveness of EIA practice in Nigeria. According to Olusegun (2003) The EIA system in Nigeria has produced intricate legislation and guidelines, but fall short of first rate practice. The factors hindering the effectiveness of EIA study in Nigeria are:

#### I. Emphasis on economic benefits at the detriment of environmental concern.

It has been globally recognized that there is interdependence between ecology, social and economic development and therefore if a project is to be embark upon, it is very vital to consider the environmental consequences of such projects as well as the economic benefit. However, it has been observed in Nigeria that most times economic benefits of projects most especially if it is a Government projects, economic benefits are emphasis and given due consideration to the detriment of the environment and often times at the long run environmental consequences that would have been avoided begin to plague the people after the project have been implemented. A case in point is the Federal government housing project along Elebele road in Bayelsa were hydrological study of the area was not done and now the houses are always immerse in



water level above the DPC of the houses during the raining/flood period.

## **II. Inadequate public involvement/participation.**

One of the basic principles of EIA is public participation which provides that; the process of EIA should provide adequate opportunities inform and involve the interested and affected public and their inputs and concerns should be addressed explicitly in the documentation and decision making (Egbo and Nwachukwu, 2014). Public participation is important process in EIA study as without the public involvement, there will be high tendency to hide things which can eventually lead to corruption and conflict among stakeholders (Persson, 2006). However, this is not the case in practice in Nigeria. Host communities of project and other affected interest groups are not properly informed during scoping exercise and other stages of the EIA process; hence their worries and concerns are usually not taken into consideration in decision making, project design and site selection. A review of some EIA reports on development projects revealed that many do not state views express by host communities and other affected persons and how it has been addressed in the report because such level of involvement or public participation never took place in the entire process. Nwoko (2013) affirms the inadequate level of public participation in EIA process in Nigeria when he asserts that “deficiencies of EIA practice in Nigeria include poor quality of EIA report and weak public participation”. Community groups come with legitimate knowledge, diversity of experience, values and beliefs that can be incorporated into the EIA (Catt and Murphy, 2003 and Persson, 2006). These divers opinions enrich the decision making process (Catt and Murphy, 2003). However, this rich wealth of experience of the local people is misplaced in Nigeria since it is usually not harnessed in the EIA study in Nigeria.

## **III. Reduction of EIA to mere literature review exercise.**

EIA is a very potent and veritable tool for sustainable environmental management; however, a critical review of selected EIA reports revealed that in Nigeria, EIA study has been reduced to mere literature review exercise. In some cases, the project has already commenced before EIA study is undertaken. This means that no consideration of alternative is done either in project design/method or location. In some of the reports, detail baseline studies on the host environments are not conducted. For instance, seasonal variation affects environmental attribute but some of the EIA report turn are volume literature review with only scanty current data.

## **IV. Lack of transparency during scoping.**

The scoping phase of EIA study is a period to identify the issues and impacts that are likely to be important and to establish terms of reference for the EIA study. It is also during the scoping that host communities of proposed projects express their fears, worries and environmental concerns of the proposed project. These views are supposed to be taken into consideration and used in the establishment of terms of reference (TOR) for the EIA study. However, it has been observed that often times, project proponents are not transparent in their dealings with host communities during scoping. What they do is gather few persons such as the Chiefs and Community Development community members and tell them sweet things about the project they want to embark, make frivolous promises which they don't really mean to keep. They deceive the people to write their names on a list for disbursement of kola nut or transport. This list unknowingly to the host community is used by proponent as an attendance list for a scoping meeting in which the communities have endorsed whatever document the proponent is going to present to the responsible authority concern. Scoping should be dependent on professional judgment and expertise of the



local authorities (Snell and Cowell, 2006; Wood et al., 2006). The lack of transparency in the involvement of host communities and other relevant stakeholders during scoping exercise of EIA study constitute a constrain for effective scoping.

#### **V. Lack of EIA review criteria.**

While there are legislations and procedural guidelines for carrying out EIA study in Nigeria, there are no EIA review criteria. The review method is left at the discretion of the responsible authority (FMEnv) in which case the officials only draw from residual knowledge and quite often decision on review method is influenced by project proponent. Hence EIA reviews are haphazardly done and not robust enough to address deficiencies. Tailored method is often a bottleneck for forecasting environmental effects especially when official recommended methods are often outdated, unsuitable for the context of a specific case (Kruopiene et al., 2009). In some instance review comments raised during EIA public display period are not addressed as stakeholders who raised issues that may not be favourable to the interest of the applicant (Project proponent) are not invited to defend their comments and objections.

#### **VI. Absence of an independent body/authority for EIA review and quality assessment.**

The absence of an independent EIA review body/authority is another factor that is hindering the effectiveness of EIA practice in Nigeria. A situation where the Federal ministry of environment stays in Abuja to control and directs everything that has to do with EIA, from screening, deciding review method and approval does not give room for independent and in-depth review of EIA. This has made the review of EIA a mere necessary step that must be undertaken to get project approval, thereby undermining the real essence of the EIA system. Obaidullah and Hameed, (2006) affirmed the effect of absence of independent EIA

review body to the effectiveness of EIA practice when they reported that “The absence of an independent EIA review and quality assessment has been a major factor that works against EIA report quality and efficiency”

#### **VII. Lack of community awareness on their role during EIA study.**

Community groups have legitimate wealth of knowledge, diversity of experiences, values and believes system that can help to enhance the quality and effectiveness of EIA (Catt and Murphy, 2003; Persson, 2006) in Olusegun, (2013). However, if communities are not aware of their role in EIA study, this wealth of knowledge and diversity of experiences cannot be harnessed The lack of community awareness of their role in EIA study is a major factor working against the effectiveness of EIA practice in Nigeria as Project proponents are exploiting the communities lack of awareness of their role to cover up shady practices. A situation where a project proponent will report in an EIA that fishing pond dug by the natives as a means of livelihood on project site is a pit that might have been opened up by bulldozer during site clearing is a clear demonstration of exploitation of community vulnerability and ignorance on EIA issues to the disadvantage of host and impacted communities.

#### **VIII. Lack of effective monitoring during project implementation.**

Regular monitoring of the implementation of environmental impact mitigation measures and audit are key component of the EIA process. However, after EIA approval much attention is given to the project implementation while monitoring of implementation of mitigation measures outline in the EIA report are often times relegated to the background. The responsible authority in Abuja to wait for Proponent to send monitoring report and this gives room to send in report in their favour at the detriment of host communities and the environment. Even if the staff of the Federal





ministration of environment will come to the site for monitoring, they depend on proponent to provide travelling logistics, a situation which gives room for monitoring result to be doctored in a favour of the project proponent. Host communities which are supposed to put pressure on project proponent to implement mitigation measures as outline in the report are quite often interested in soliciting for menial jobs and petty contracts at the expense of their health and environment. Obaidullah and Hameed (2006) reported that print and electronic media reports revealed that one's project starts operation, no mitigation measures or community facility are provided, the proponent don't even bother to listen to affected communities unless NGO come forward to the aid of the communities.

#### **4.0 CONCLUSION AND RECOMMENDATIONS**

##### **4.1 Conclusion**

Undoubtedly, there are relevant legislations and guidelines for the conduct of EIA study in Nigeria. Steps listed by the international best practice principles are also in place. However,

these principles and guidelines are not followed according the original intension and purpose for conducting EIA in Nigeria, hence the effectiveness of EIA as sustainable environment management tool is being hindered by certain human factors which if not address will undermine national drive for sustainable development.

##### **4.2 Recommendations**

- I. Government and private developers and multinational companies should not see EIA as a mere project approval requirement but a necessary process to protect our environment, public health and value natural resources.
- II. There should be regular community training on the roles of host and other impacted communities during EIA studies.
- III. There should be an independent commission for EIA review and quality assessment.
- IV. There should be vigorous public enlightenment campaign on the importance of public participation in EIA process.



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