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Community participation and environmental decision-making in the Niger Delta

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Abstract

The participation of communities in the process of environmental decision-making in Nigeria and the Niger Delta region in particular is a relatively new process. There are many practical problems ranging from financial support, methods used and the willingness of identified stakeholders to participate.

This paper seeks to highlight recent developments in community participation and environmental decision-making in the Niger Delta, using the EIA Decree of 1992 as a reference point. The EIA Decree of 1992 is the only legislation that refers to participation of the communities when environmental decisions are being made. The study reported here aimed to examine differences and similarities between the identified stakeholders interviewed in the research, in order to highlight areas of improvement that will encourage positive changes to the process and foster better relations between the stakeholders.

The paper provides a brief background to community participation in the Niger Delta region and reports on the research approach adopted. Interviews with stakeholders in the EIA process were undertaken to provide a better understanding of public participation in practice under the EIA Decree. While participation was found to be now firmly on the agenda, there is still much to do to engender greater awareness of EIA and the potential benefits participation can hold.
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1. Introduction

Nigeria, as a developing country and because of the types of activities and livelihood of the people in the Niger Delta, faces particular types of environmental problems. This implies that the solutions to resolve them will also be relatively specific to the country and the Niger Delta region in particular. Environmental considerations in Nigeria are given a relatively low political and financial priority, due to the pressures of more immediate problems like food, shelter, clothing and health care. The new trends in global environmental concerns have had positive and negative consequences for Nigeria. Planned projects whether by companies, government or non-governmental organisations (NGOs) now have to meet relatively high environmental standards. This increases the burden on developing countries that are already trying to cope with basic survival issues for an ever increasing population. With the trend moving towards sustainable development, it is apparent that environmental issues
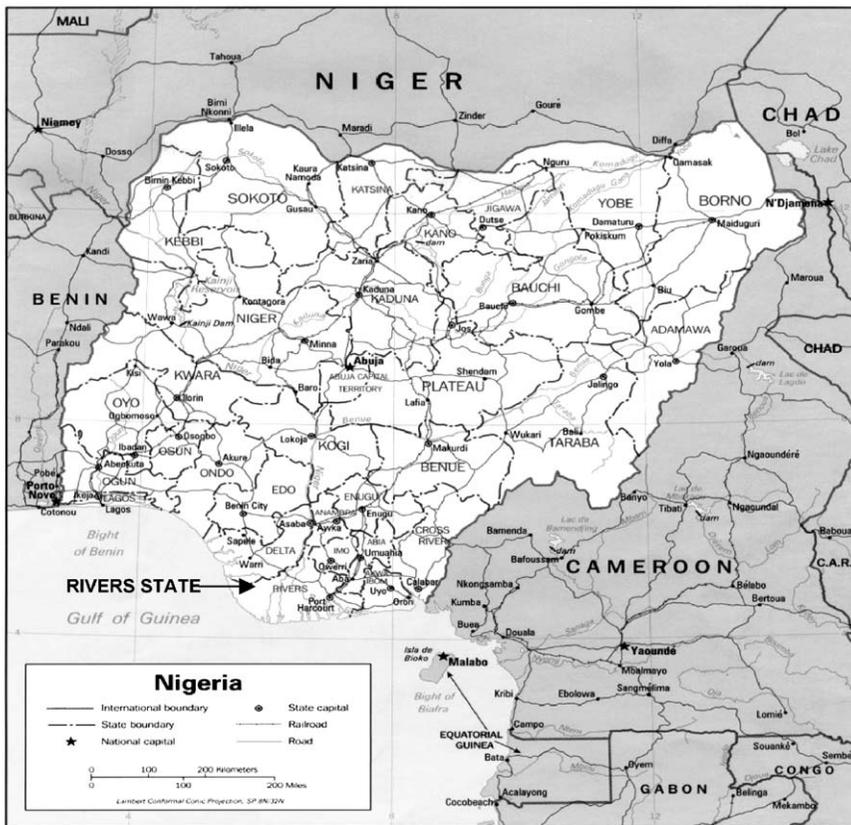

Fig. 1. Location of Rivers State, Nigeria.

cannot be looked at in isolation from social and economic aspects. They are intimately related and need to be addressed together to improve the environmental and socioeconomic standards of life in the Niger Delta region.

This paper begins by providing a background to community participation in the Niger Delta region and the approach to the research undertaken, which was conducted by interviewing identified stakeholders (an indigenous oil servicing and multinational oil company; members of a local community in Rivers State (see Fig. 1); the Federal Ministry of Environment; and an NGO) that are affected by the environmental impact assessment (EIA) process.

2. Background

In the late 1980s, Nigerian communities were rarely aware of proposed projects in their area; they only became aware of them when companies started moving in to begin work. The trend then was that the elders and youth groups would be visited by representatives of the company to inform them they were around and pay their respects. Prior to EIA legislation in 1992, companies were not legally required to carry out EIAs and it was not mandated that communities contribute to or participate in the process, voicing their opinions on the possible effects of projects on their immediate environment and livelihood. When the environment started becoming polluted and sources of livelihood were reduced and sometimes cut off, community unrest began peacefully and then gradually became more rampant and violent in the Niger Delta. It became necessary for companies and the government to find ways in which they could engage and consult with communities before and during projects. Initially, it was based more on community assistance, where companies decided on what projects they felt would be useful to a community (e.g. a water project or a community clinic) and in the process provide jobs for the duration of the project (Burns et al., 1994). This was seen as a way of contributing to the host community (more as a community or public service) and had nothing to do with active participation of the community in contributing to the real environmental decisions being made.

The initial concerns of communities were issues of employment, unfulfilled promises by companies regarding infrastructure and environmental problems like oil spills, noise, flare lights, etc. The communities would stage peaceful demonstrations, company management and chosen members of a community would meet to discuss the problems and possible solutions. Solutions agreed upon were, according to stakeholders (Adomokai, 2002), sometimes not adhered to by companies. Such actions led to increased distrust and dissatisfaction within communities, and violence because young people in particular felt that was the only way they would be listened to, that the government was not concerned with their problems and that it was the only language the companies and government would understand.

The first environmental decree that alluded to anything closely resembling public involvement was the Federal Environmental Protection Agency (FEPA) Decree No. 58 of 1988. It was established as a result of the toxic waste incident of 1987 in Koko, Delta State (Olsen and Princen, 1994). An illegal toxic dump was discovered in Koko, a small village in Delta State. The source of the waste was Italy, and diplomatic pressure was put on Italy by Nigeria and the international community (Olsen and Princen, 1994).

Although the Decree mentioned public investigations for pollution, it did not make any reference to public participation in any form. In 1992, the FEPA developed the Environmental Impact Assessment Decree No. 86 of 1992 (Federal Republic of Nigeria, 1992). This was a major milestone in the fight for the right of the public to environmental information and the right to participate in the process of environmental decision-making. This is the only regulation available in Nigeria that considers public participation in environmental decision-making. It contains several sections that clearly state the need for public participation in the EIA process. Discussions held with Federal Ministry of Environment officials indicate that the development of the EIA Decree was the first sign that government was becoming increasingly sensitised to the environmental and community issues in the country (Adomokai, 2002).

Although the EIA Decree and process in Nigeria is still young, it is currently the only and most effective way of achieving more sustainable development. In the Niger Delta, where oil pollution and contamination is a serious issue that has attracted international interest, it becomes even more critical for the decree to be properly implemented.

2.1. EIA Decree No. 86 of 1992

The EIA Decree was developed by the FEPA and enacted by the Federal Government (Federal Republic of Nigeria, 1992). The objectives of the Decree were to integrate environmental concerns into major development activities, implement appropriate policies at all levels and encourage the development of procedures for exchanging information, notifying and consultation between groups and individuals whose activities may have significant environmental impacts. Two permissions are required in this process—a formal permit from FEPA and a social licence from the host community, which is informal; this allows project proponents to work freely and peacefully in the host communities. Various sections within the Decree seek to ensure environmental assessment and participation in any proposed public or private project. For example, the Decree requires that 'the public and private sectors of the economy shall not undertake or embark or authorise projects or activities without prior consideration, at an early stage, of the environmental effects'. Section 7 of the Decree states that "before the agency gives a decision on any activity to which an environmental assessment has been produced, the agency shall give an 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''. Section 26a (ii) of the Decree states that ''after taking into consideration the mandatory study report and any comments filed pursuant to section 19(2), the Council shall refer the project to mediation or a review panel in accordance with section 25 of this Decree where, in the opinion of the Council, public concerns respecting the environmental effects of the project warrant it''. Section 27b of the Decree also supports 26a (ii). The review process in Section 25 of the Decree implies that comments and issues identified by the public should guide FEPA in making decisions on whether projects should be approved or not (Adomokai, 2002; Alo, 1998).

Any EIA document prepared must include reports and minutes of meetings of community or stakeholder participation conducted. The EIA report must also be placed in a minimum of five public locations, which includes the affected community for 21 working days before the public review is held. This ensures that individuals who have comments and concerns to make are given the opportunity to do so. The Decree clearly specifies three types of projects that may require an EIA. Mandatory study activities are in category 1 and require the development of a formal EIA report and include projects like airports, drainage and irrigation systems, and petroleum developments (see also FEPA, 1995). Projects in category 2 are the same as in category 1, but on a smaller scale. Those to be carried out in environmentally sensitive areas will be moved to category 1 and a full EIA conducted. The third category includes projects for which an EIA is not mandatory, but for which a screening report needs to be done, for example projects deemed to have minimal effects on the environment.

The environmental assessment process includes a screening or mandatory study with a prepared report, an assessment by a review panel, and the design and implementation of a follow-up programme to the project, which has to be developed and submitted to the FEPA (FEPA, 1994). A review panel considers various factors when deciding whether to approve a project that includes 'comments concerning those effects received from the public' (Section 17(c) of the Decree).

Decisions must be made available to the public. Sections 32–39 of the Decree state that the review panel must consist of the FEPA, affected State and local authorities and recognized NGOs. The Decree clearly states the public must be consulted during the development of EIAs in Nigeria. Efforts have been made by FEPA to train and raise awareness of communities on environmental issues and sustainable development (Alo, 1998).

2.2. Public participation experience

There was and still is a basic perception on the part of project proponents that involving communities in the environmental decision-making process opens companies to increased problems and demands from communities, which would in turn lead to increased costs, a prolonged project cycle and extension of delay

before commencement of projects (Amy, 1987; Fischoff et al., 1981; Shepherd and Bowler, 1997).

The knowledge and experience of local communities is crucial to the decision-making process as companies benefit from their knowledge. This is a view supported by Appiah-Opoku (2001) and can be clearly seen in the legislation and policies of both the developed and developing countries. They bring a new view and information to the decision-making process (Sheate, 1994; Petts, 1999; Bisset, 2000). Though, sometimes the information from communities may not be scientifically based, it is based on experience, knowledge of the land and history passed on through generations. The concerns of communities even when made were previously discounted and not seriously considered in the decision-making process. Possible reasons for this may have been the government and companies having no use for their opinions, or that they felt superior to the indigenous communities (Griggs, 1999). Other researchers like Fischoff et al. (1981) are of the opinion that developers may feel that involving communities will delay or revise their projects. It is also their opinion that community participation in the decision-making process may be irrelevant, because they do not have the required expertise to participate effectively and that informing the community of the benefits of the project is sufficient.

It was evident that project proponents were not prepared to go beyond the minimum to allow community participation and buy-in to projects; this is one of the keys to ensuring a peaceful, successful and sustainable project. Projects that have been successful in the past seem to be those that have had 'involved' participation, successful in terms of continuity and sustainability of projects, reduced environmental impacts, etc., while those that were unsuccessful did not have participation as part of the process (Bass et al., 1995).

Communities in Nigeria, and specifically the Niger Delta, gradually became aware of the seriousness of the situation after the Koko incident (Olsen and Princen, 1994) and environmental activists started fighting for the rights of communities with regards to controlling their resources and issues of environmental pollution in the Niger Delta. It should be emphasised that, even then communities were still not fully engaged in participating in the process, they were more concerned with the financial benefits and compensation from projects than actual protection of the environment, and to a certain extent this attitude still holds in some communities (Adomokai, 2002). There is also the view that corruption may play a significant role in the decision-making process (Wood, 2003).

Increasingly, all stakeholders realise that communities have valuable and useful contributions to make with regards to environmental decisions relating to the environment (World Bank, 1996). They also know that this has to be carried out in a systematic way. These changes may be attributable to the increased awareness by all stakeholders of environmental issues; the implementation of the EIA Decree; violent disturbances in the absence of participation, and international promotion of best practice in the rights of communities to infor-

mation and involvement in decisions that affect them (e.g. through the Rio Declaration) (UNCED, 1992).

Communities, who may not have the knowledge or confidence to adequately represent themselves in such fora, find that they do not contribute much to the process. However, some communities who have individuals interested in the process and are educated ensure they participate in the process in order to ensure the interests of the community as a whole are incorporated in the EIA process. This has usually come about because of environmental problems that have arisen from projects carried out by companies in their communities. Companies are not allowed to begin projects in such communities unless an EIA has been carried out with full involvement of the community and an open forum must also be held. A few communities have taken this approach further by constituting committees who have environmental specialists, lawyers and consultants to act on their behalf. They are usually indigenes from the community who provide the service free of charge to the community. This signifies a new and promising trend in community participation in the Niger Delta and shows the ingenuity of communities in being proactive, thereby ensuring their interests, especially with regards to environmental rights and protection, are included in the decision-making process. Examples include Bonny town in Rivers State, where the Bonny Environmental Committee Consultants (BECC) is comprised of indigenous consultants—lawyers, environmentalists, etc.—who participate fully and are consulted when projects are planned for Bonny (Adomokai, 2002). They consult with the indigenes of Bonny and ensure their comments and concerns are included in the decision-making process. In Gbaran, Bayelsa State the community set up a committee called Biosphere Monitors, who are indigenes and environmental experts. They monitor the impact of proposed company activities in their community especially as it relates to the oil and gas industry (Adomokai, 2002). Both of these examples, therefore, represent forms of what might be regarded as a 'qualified public'.

It should be noted that it was not only companies and governments in the past that did not carry out proper consultation with the public, neither did agencies like the World Bank. But this is also changing (World Bank, 1996). However, while awareness and opportunity have improved, other day-to-day concerns still predominate. These still need to be resolved and considered in relation to environmental issues arising from projects, in order to maximise sustainability of communities both environmentally and socioeconomically. The needs and concerns of communities are increasingly being considered together, to secure environmental protection and other positive benefits from the project for communities. The fact that community participation is emerging as a major player in policy could be seen as an acceptance that communities have a bigger role to play in what was previously seen as a 'community service' delivery (Burns et al., 1994).

In developed and developing countries, many governments and companies are moving beyond the mandatory requirements of legislation to trying to include communities in environmental decision-making, and now realise it is more cost

effective and less problematic to involve communities from the beginning of the decision-making process in relation to projects and programmes. Even when the company, or in some cases the government, carrying out the project cannot implement all the demands made by the community, the community at least feels that their views have been listened to, considered in the final decision-making process, are important and could make a difference (Bisset, 2000; Sheate, 1991). This can enable communities to feel more a part of projects, accept some changes when they are proposed and most especially gives them the opportunity to make their views heard and as much as possible to create the opportunity for their concerns and suggestions to be properly addressed.

Negative aspects of the process however still include: delays to some projects; most of the public are not aware of their right to participate in the EIA process (Brito and Verocai, 1999); the public are generally not aware of the Decree and what it requires of all parties; and individuals generally do not participate in the process for various reasons including ignorance and language barriers (Bisset, 2000).

3. Research methodology

A series of semi-structured interviews and discussions were undertaken in Rivers State, Nigeria in order to investigate the extent of community and stakeholder participation in the EIA process under the 1992 EIA Decree. Interviewees were asked to respond to pre-set, semi-structured questions, but at the end of the interview, interviewees were also given the opportunity to talk about specific issues they may have been concerned about and to ask questions. The aim of using this interview method was to enable detailed information to be gathered about community participation in environmental decision-making. The groups interviewed were identified as key stakeholders for community participation in environmental decision-making, based on their previous experience of projects and through informal discussions which enabled a degree of snowball sampling. They included staff of a multinational oil and indigenous oil servicing company, environmental regulatory bodies (Federal and State Ministries of Environment), members of a community in Rivers State and an NGO.

The total number of interviewees was 25 and, due to this relatively small sample, the results should not be seen as wholly representative of the situation in the Niger Delta, but rather as illustrative. However, the sample numbers need to be seen in the context of the fact that participation in the region is in its infancy and many people still view the process with suspicion. Being able to interview 25 participants, therefore, was considered to be quite a success. Interviewing all the identified stakeholders in one EIA study area and comparing their views enabled the researcher to get a more complete picture of the views of each group. The interviewees in each group spanned different social and economic levels. This ranged from relatively senior staff like managing directors and heads of

Table 1
Key interview questions

No.	Question
1	How has community/public participation changed over the past 20 years?
2	What role has your organisation played in ensuring communities are involved in the process of environmental decision-making?
3	Do both multinational and indigenous companies carry out EIAs?
4	How effective is the level of information exchange between the stakeholders in the process of environmental decision-making?
5	What are the positive and negative aspects of the current process for making environmental decisions?
6	What roles have each group to play in order to ensure adequate community/public participation in contributing effectively to environmental decisions that affect them?
7	How aware do you think the public are about the EIA Decree of 1992?

department to junior staff in companies and in communities from the well educated to the less educated. The sampling procedure was based on the need to sample as wide a range of stakeholders as possible, but was also invariably determined by the accessibility and willingness of the stakeholders to take part in the study. The intent was to achieve approximate numbers of participants more or less in proportion to the numbers of people constituting each stakeholder group. The researchers are of the opinion this was achieved. There were 25 participants, 5 from a multinational oil company, environmental regulatory bodies (Federal (2) and Rivers State (1) Ministries of Environment), an indigenous company (3) and a community (14) in Rivers State, including an NGO.

A pilot study was carried out among the identified stakeholders, six people from all the identified stakeholder groups participated. This ensured that individuals from the key groups were used to fine-tune the questionnaire. The method of the pilot study was in-depth interviews using the original questions developed for the interviews. The aim was to ensure all aspects of the interview questions were tested for validity (content and construct) and reliability. They were all considered by addressing each of them individually. Phrasing and arrangement of the interview questions were revised after the pilot study and comments received from the interviewees.

Reliability was controlled by developing an interview protocol in order to allow for uniformity and comparability of the sessions and to ensure that key aspects of the interview process were carried out for each interview to reduce potential bias. Table 1 above shows examples of the key questions asked and these have been used as the basis of the analysis.

4. Analysis of interview results

The results from this study are presented after collating and analysing the responses to interview questions used from each interview. Quotations from

interviewees, where they are used to illustrate attitudes and perceptions, have been made anonymous in order to protect the identity of the interviewee. The results were analysed qualitatively, identifying broad themes that emerged from the interview findings and related broadly to the key questions in Table 1.

Table 2 shows a general breakdown of comments made by interviewees. 95% of the interviewees were male and 5% were female. In the opinion of the researchers, the proportion of males to females in the study would appear on the basis of observation to be a reasonable reflection of the level of participation of each gender in the process of actively consulting communities, and of the cultural traditions and the willingness of each gender to participate in this research study. This is a significant issue in itself and worthy of specific further study.

The level of education of the stakeholders interviewed was very high: 4% had PhDs, 37% had a Masters degree, 42% had a Bachelors degree, 15% had secondary level education and 2% had primary school education. The individuals interviewed for the community had varying levels of education—three primary school leavers, two had secondary school education, five had bachelors and four masters degrees respectively. The high level of education among community participants perhaps reflects the important community role played by highly qualified local people. There was no indication that these differences made any significant impact on the study, as most of the respondents held relatively similar views on the key issues. The types and levels of jobs of the participants varied from farmers, shopkeepers, EIA facilitators, project engineers and managing directors of companies.

4.1. Changes in participation over the past 20 years

Community participation has improved over the last 10 years and brought many positive benefits for all stakeholders, but especially for the communities affected. This is mainly attributed to the rate of unrest in communities, slightly increased awareness of the public, the promulgation and implementation of the EIA Decree 1992 and the very visible negative effects of company activities on the environment, which affects the livelihood of local communities. Communities are increasingly aware and more interested in participating in the process. According to a community interviewee:

> ...now everyone, from a child to the old man knows about environmental issues and the need to prevent such problems. We are predominantly farmers and therefore whatever affects the land affects us.

Although there is an increase in participation and concern for the environment there is still a tendency for some communities to demand compensation instead of trying to resolve the potential environmental impact on their environment. The responses from the interviews suggest a general view that communities are still

Table 2
General responses of interviewees to key questions

No.	Question	Comments by interviewees
1	How has community/ public participation changed over the past 20 years?	**Multinational oil company** It is a new process, we have a lot to learn but it is a good beginning. Consider that even 10 years ago it was difficult to get companies to invite communities to make contributions to EIAs, or for even FEPA to enforce the decree. Things are improving. . . **Indigenous oil servicing company** Communities also came to request that they be included in the process of making decisions that affect them whether positively or negatively, this was not done 15 years ago... **Ministry of Environment** The level of participation before the EIA decree was promulgated was virtually non-existent, there have been a few awareness drives but it is still not up to the level that would make drastic and meaningful changes to the system. Things are better, but there is a lot of work to be done. . . **Community** . . .now everyone, from a child to the old man knows about environmental issues and the need to prevent such problems. We are predominantly farmers and therefore whatever affects the land affects us.
2	What role has your organisation played in ensuring communities are involved in the process of environmental decision-making?	**Multinational oil company** . . .we train and make our staff aware of changes in the process, and as much as possible make host communities aware of proposed projects and open for a where these issues are discussed. **Indigenous oil servicing company** We do not go through the process since we work for big oil companies and they have carried out EIAs for the job we are going to do. . .but that is not to say that other indigenous company's do not actively conduct discussions with communities with regards to environmental problems that may arise from their activities.

Table 2 (*continued*)

No.	Question	Comments by interviewees
		...we try to make company's understand that community participation is not a one time process, but a lifelong process that ensures sustainability of projects. We are also trying to educate communities on their role in participating in such processes, what it is and how it can benefit them.
		Community
		...this is what we have been fighting for from the government and companies.
		...we are not asking them to pay for the EIA report; we are ready to do that. Look at Bonny; they have a committee made up of environmental and health experts set up specifically to liase with companies that want to carry out projects in their community. They ensure the EIA is properly done and that the interests of the community are protected.
3	Do both multinational and indigenous companies carry out EIAs?	Multinational oil company
		I know that oil companies have to and we do, I am not sure of indigenous companies
		Oil companies have to, the stress of not doing one is too much. Smaller indigenous companies, I am sure they don't, the large ones probably do, at least I am aware MTN did on, it was in the papers...
		Indigenous oil servicing company
		I know big companies have to depending on the project, apart from that, am not sure...
		Ministry of Environment
		...there is some indication that this (focussing on the oil companies to carry out EIAs) may be going on, there is no deliberate attempt to target anybody.
		...it is just easier to deal with larger companies, because they understand the issues at hand and have more resources to go through the process.
		Community
		...Whether you are a multinational or indigenous company, you will do an EIA in this community...

Table 2 (*continued*)

No.	Question	Comments by interviewees
4	How effective is the level of information exchange between the stakeholders in the process of environmental decision-making?	**Multinational oil company** …we have opened our books and hearts, they are also reciprocating, …in the past we were trusted but, now people want transparency and they want to be involved. This has led to the company giving out as much information as possible to the public. **Indigenous oil servicing company** …companies that carry out projects on behalf of other companies will provide all the information that is required. **Ministry of Environment** With respect to communities, we make available all information provided by companies with regards to projects in their communities. The communities also provide information they feel may be necessary in making decisions with regards to projects, companies are willing to give a lot of information. But they also realise that once the information gets to us it becomes accessible to the public. This introduces a certain level of reluctance on the part of companies to provide certain details when asked for by us and communities. **Community** Companies give information now because of demands for transparency and accountability. But they have a long way to go before we can say they give full and unbiased information.
5	What are the positive and negative aspects of the current process for making environmental decisions?	**Multinational oil company** ...the communities are beginning to take their future into their own hands and calling for more to be done. **Indigenous oil servicing company** …in the past companies would just go and pay compensation to the community and they are welcomed and accepted, both parties not concerned about what would happen to the environment after the project is finished, this is no longer the case. There is increasing concern for the environment by all parties. **Ministry of Environment**

Table 2 (*continued*)

No.	Question	Comments by interviewees
		Consulting with communities prolongs the amount of time needed before projects can be implemented. But then again this ensures the environment is protected.
		Project proponents do not inform communities and the us on time when projects are being planned and during development of the EIA. This leads to problems, especially when it is time to consult the communities as they feel they have not been ignored during the process and the agency.
		. . .the decree itself, although silent in many places about participation has guidelines which help in the interpretation of the decree and the guidelines, particularly the procedural ones, which indicate how to get and ensure participation from companies. . .the problem is with implementing this.
		Community
		There is little improvement in the way in which some companies inform us about projects that are planned in our area. I personally am not convinced that our inputs are used when decisions are taken, with regards to environmental issues that affect us.
6	What roles have each group to play in order to ensure adequate community/ public participation in contributing effectively to environmental decisions that affect them?	Multinational oil company
		I would like to see the issue of economic compensation de-emphasised by communities, communities should 'participate honestly' in making contributions to the environmental decision-making process and the government should, '. . .live up to its responsibilities. The regulatory bodies need to make more of an effort to educate the public on their responsibilities and roles they have to play in the whole process. Companies for their part should endeavour to educate the public about environmental issues/problems that may affect them, especially in host communities where they work.
		Indigenous oil servicing company
		Communities should be ready to dialogue peacefully and make their opinions known to the companies and regulatory bodies, so that a peaceful and clear resolution could be reached.
		Companies for their part should be open and receptive to the opinions and concerns of host communities and be willing to explain the environmental problems that could arise from projects, what they intend to do to reduce the effects and if possible ensure the problems do not occur at all.

Table 2 (*continued*)

No.	Question	Comments by interviewees
		Ministry of Environment
		The agency has to actively improve and increase the level of awareness of all stakeholders, especially the communities with regards to what the EIA decree entails and its importance. Companies and the communities themselves also have to be part of this process. Project proponents should be sincere and demonstrate true concern for the communities' welfare.
		The EIA decree needs to be updated by FEPA, the guideline and procedure needs to be reviewed to reflect exactly what is on ground and what is applicable internationally. Communities still more concerned with compensation rather than harm to the environment. They need to be educated to change their mindsets and the dangers of looking for compensation to the detriment of the environment.
		Community
		The regulatory bodies should enforce the decree and help us protect ourselves, this is their mandate. Companies need to be honest about all their activities and projects and the consequences of their actions on host communities.
		. . .the government should consider everyone as a unity. So that they can see what is paining these people and if they are in that situation it will also pain me. If they do that, then they will carry the community along when things are affecting that community.
7	How aware do you think the public are about the EIA Decree of 1992?	Multinational oil company
		The Nigerian public is basically not aware of the EIA decree and what it contains. People in the Environment field and those that work in Oil and Gas companies, yes. Communities in the Niger Delta region I believe are more aware of the EIA decree.
		Indigenous oil servicing company
		The public in general are not aware of the EIA decree and the few who do know very little about it, only individuals working in the fields of environment, NGOs, consultants or oil companies know about it.

Table 2 (*continued*)

No.	Question	Comments by interviewees
		Ministry of Environment
		The public in general might not be aware that the decree requires a lot of participation from the public. But I am of the opinion that the general public are aware the decree exists and that companies are supposed to comply with the requirements of the decree before they could commence with any project.
		Community
		I don't think many people know about the decree.
		Well, generally speaking most people do not know about it and the few that do just know it exists with no details as to what it is all about.

very focused on economic compensation with the environment seen as a sideline. The response to this by a community interviewee was:

> ...when people cannot feed, clothe, provide good accommodation for their families or good education for their children, how can you come and tell them to be properly concerned for the environment? When you resolve developmental issues and the basic needs of the people then we can begin to talk about the environment properly.

This view was also supported by the company and agency interviewees. All interviewees agreed that community participation in relation to making environmental decisions is a relatively new process and a learning process for all stakeholders. The general opinion is that a lot of work still needs to be done in order for the process to achieve its full potential.

4.2. Facilitation of public involvement by organisations

Companies have begun educating and sensitising their staff and the communities where they work on environmental issues and the need for them to work together in order to protect the environment. Regulatory bodies, more importantly, are beginning to educate the general public on what EIA is, its importance to all stakeholders, especially the host community, how it affects them and why they should participate in the decision-making process. Not least, this is the only forum available to the communities in which to make their views heard and included in the final decisions that are made. The regulatory bodies are also beginning to insist that companies implementing projects should first of all visit and discuss with host communities about their project and the roles they all have

to play to protect the environment. This will enable the communities to be carried along and involved from the beginning of the project. An interviewee from the agency said that:

> …we try to make companies understand that community participation is not a one time process, but a lifelong process that ensures sustainability of projects.

The communities are now willing to participate in the process; they want to be carried along right from the project initiation. Some also insist that EIA must be carried out with their full involvement before companies will be allowed to work in their area. An interviewee commented that:

> …this is what we have been fighting for from the government and companies.

They do not want project proponents to simply develop an EIA report and bring it to them. Another interviewee said:

> …we are not asking them to pay for the EIA report; we are ready to do that. Look at Bonny; they have a committee made up of environmental and health experts set up specifically to liase with companies that want to carry out projects in their community. They ensure the EIA is properly done and that the interests of the community are protected.

Communities need to see and understand what and how they have contributed throughout the process. The communities have tried to ensure this themselves by halting projects when no EIA has been carried out or when they are not properly consulted. The more educated individuals in the community now actively participate and try to educate and involve others in the community.

4.3. Multinational and indigenous companies attitudes to EIAs

Very few indigenous companies actually carry out proper participatory processes or EIAs. A managing director of an indigenous company interviewed commented that:

> …but that is not to say that other indigenous companies do not actively conduct discussions with communities with regards to environmental problems that may arise from their activities.

This is usually limited to large companies and is also dependent on the type of project being planned. Companies are encouraged by government to do so, although there were indications that the focus was specifically upon multinational companies, though this is not a planned attack. One interviewee commented:

> …there is some indication that this may be going on; there is no deliberate attempt to target anybody.

Another respondent said that:

> ...it is just easier to deal with larger companies, because they understand the issues at hand and have more resources to go through the process.

For Government projects, community participation with regards to environmental effects of projects is rarely carried out. When it is carried out, it is usually under pressure from NGOs and the regulating bodies. One example is the dredging of the River Niger, where after a lot of agitation from the affected communities and pressure being put on the government an EIA was carried out with community and public fora held to get the input of affected communities and experts. This was not a detailed process. It was recommended that more studies and consultations be carried out to assess the impacts. In the meantime, the project has already begun (Wolf et al., 2003).

4.4. Effectiveness of information exchange between stakeholders

The general opinion is that each stakeholder provides information to the requesting party when it is asked for during the EIA process. A company interviewee said that:

> ...in the past we were trusted, but now people want transparency and they want to be involved. This has led to the company giving out as much information as possible to the public.

Some of the respondents felt that not all information is given and that sometimes important but sensitive information may be held back for various reasons—such as protecting the company from information theft, to hide something or to protect the public at large. It was the opinion of respondents that companies provide information to the communities because of the demands from communities and the world at large for transparency and accountability and not because they were particularly concerned about the community making inputs to the EIA process or actually wanted the community to know what they were doing and how it affected them. It was felt that the companies have a long way to go before it can be said that full and unbiased information is provided to communities.

4.5. Benefits and problems of the current process for making environmental decisions

The interviewees could not think of many negative aspects to the process apart from a delay in implementing projects, and the fact that most of the public are not aware of the EIA Decree, its requirements and their right to participate in the EIA process and be given necessary information to enable them to contribute meaningfully to the process. Some of the respondents also noted that, even when notice is given for individuals to participate in the process, they generally do not participate for various reasons, which include

ignorance, ambivalence and the belief that their comments will not be used in making decisions. All groups interviewed were of the opinion that a lot of the time feedback and comments received from the public are not used in the final decision-making process. However, in their opinion, the new process of active participation by communities is a clear improvement on what was being done in the past. The process is not yet fool proof, but it is a start. Positive aspects include the fact that some communities are beginning to participate actively and make contributions to the decision-making process, and the process assures them that their concerns about the environment can be taken into consideration during project planning and development. As one interviewee put it:

> ...the communities are beginning to take their future into their own hands and calling for more to be done.

The process also improves the image of the companies, as it suggests they are concerned with the effect their activities could have on the host communities. They hope that this will reduce (and has to a certain extent reduced already) the level of conflict between companies and communities. It was the opinion of the respondents that the benefits outweighed the problems.

4.6. Opportunities for stakeholder groups to encourage participation

The general view was that communities should be sensitised to the reality and implications of their environment being damaged by the activities of companies in their environment. Communities, it was felt, should make efforts to de-emphasise the issue of economic compensation. Regulatory bodies are also encouraged to become more proactive in enforcing and implementing the law and, with the assistance of companies, should educate the public about their roles and responsibilities and environmental issues/problems that may affect them. It was felt that the EIA Decree of 1992 needed to be reviewed to reflect more accurately what is happening on the ground and what is applicable internationally.

4.7. Public awareness of the 1992 EIA Decree

Most of the respondents were of the opinion that the Nigerian public in general were not particularly aware of the EIA Decree and what it entailed. They felt that communities in the Niger Delta region were more aware of the EIA Decree because of their past experience with controversial projects (e.g. in the oil industry). The respondents did not feel that the public were very knowledgeable about the contents of the Decree, but that they knew it was available; it addressed environmental concerns, but might not be aware that the Decree requires a lot of participation from the public to make it effective. Nine of the individuals

interviewed from the communities did not know about the EIA Decree. The remaining five knew about the Decree and were knowledgeable about details in varying degrees. This ranged from the very knowledgeable to a basic awareness of the Decree.

5. Discussion

A comparison of the responses from discussions held with each stakeholder group was made and no significant differences were observed in their opinions. The responses of the stakeholders to questions were relatively similar.

The EIA Decree, although lacking in some areas (Echefu and Akpofure, 1999), is a good beginning to the process. This is supported by discussions with agency staff with one commenting:

> ...the decree itself, although silent in many places about participation has guidelines which help in the interpretation of the decree and the guidelines, particularly the procedural ones, which indicate how to get and ensure participation from companies...the problem is with implementing this.

It is effective to a certain extent in ensuring community/public participation in environmental decision-making process and ensuring EIAs are conducted, but it still requires a lot of work especially in the implementation and feedback phase. Here, there are problems of project proponents not adhering to the decree, difficulty in implementing the decree, understaffing and under funding of the ministry. All these issues and more need to be resolved in order for the Decree to become wholly effective.

Although there has been an increase in the level of participation, it is still relatively low and below a level that would have widespread impact on decision-making. Many members of the public/communities still have a feeling of 'no confidence' and distrust of the intentions of the government and companies and their ability to protect the environment effectively and for regulatory bodies to supervise, monitor and ensure adequate environmental protection. The agency, companies and even the public are still of the view that some stakeholders participate in the process with motives that differ from the issue at hand, with no intention of protecting the environment. This jeopardizes the protection of the environment, and is detrimental to the whole process, which reduces the capacity for building trust. An important point that has been clearly indicated in the literature (e.g. Vari and Caddy, 1999) and that has been highlighted from the interviews conducted in this research is the lower level of interest in environmental issues in developing countries. This is mainly due to poverty and more pressing problems of providing the basic necessities of life—food, shelter and clothing.

The emerging issues from this research highlight the fact that the trend in involving communities/public in environmental decision-making in developing countries is changing. The attitude of project proponents ignoring or not consulting with the public when projects are being planned and of communities accepting whatever plans developers have without making contributions appears to be on the decline. Individuals are increasingly knowledgeable, educated, aware and proactive about environmental issues that affect them. They are demanding involvement, justice and equity when projects are proposed. At the same time, project proponents, especially multinational companies, acknowledge the fact that, in order to be responsible neighbours and protect the environment in which they operate and carry out their activities, they need to include the communities and public in key environmental decisions that are taken. The following key areas have been highlighted:

- All stakeholders need to be properly educated in the process of community participation especially as it relates to the Nigerian environment, which sometimes has the tendency to get violent when environmental and other associated issues are not properly addressed.
- Although the communities are concerned for their environment, it is obvious from discussions that they are not addressing this concern as effectively as possible. This is attributed mainly to poverty, inadequate awareness, information and advice. It is essential, therefore, that, in developing countries in particular, the economic and social aspects of sustainable development, as well as the environmental, are addressed at the same time, in order to make the issues as relevant as possible.
- Community/public participation has increased and improved over the past 20 years due to increased awareness, development of the EIA Decree, better education and information of all stakeholders (especially the communities) and greater encouragement of communities/public to be involved. However, it is still very much on a rising curve.
- Regulatory bodies need to do more to ensure that companies, both multinational and indigenous, implement the EIA Decree to the letter, especially with regards to community/public participation.
- All stakeholders have developed and implemented various strategies to ensure there is more effective participation in environmental decision-making. This includes the multinational company developing a more detailed and applicable procedure for carrying out EIAs and consulting with communities; regulatory bodies developing training programmes in order to educate communities on the advantages of participating in such decision-making processes; and communities that have internal groups that consist of environment scientists, environmental lawyers, etc., who ensure that when projects are being proposed in their area all environmental impacts and implications are considered genuinely and the best decisions made to benefit the environment and community.

6. Conclusions

Companies are apprehensive about participation (fearing delay or conflict), but at the same time need communities to participate in environmental decision-making process. They need to know what the communities need and the problems they face and also gain the support and 'licence to operate' from the community in order to ensure projects progress smoothly. While environmental decision-making should be evidence based, it also involves personal value judgements, which are based on different experiences. Community opinion may differ depending on the project because the values of the communities will vary with different stages of their development and growth. The key is to balance differing opinions in order to seek a consensus that will be beneficial and acceptable to all stakeholders.

For community participation to be effective, there has to be proper and improved awareness, planning and willingness of all stakeholders to work together. It requires continuous and innovative ways to ensure the process is useful, efficient, effective and successful. What has been gathered from this research is that community participation is still developing and that all stakeholders in the process need to become more aware of the problems faced by each group in order to have common grounds with which to work, thereby effectively improving and protecting the environment. Although much still needs to be done, it is noted that participation has improved and become more effective and will continue to do so as the process and stakeholders progress through this rapid learning phase. However, wider conclusions with respect to the rest of Nigeria should not necessarily be drawn from this paper.

The importance of early participation cannot be over emphasised, as in the long run it makes better sense to engage host communities early on when decisions are being made about projects that will affect their present and future way of life, whether positive or negative (Alo, 1998). For participation to be useful and beneficial to all stakeholders, project proponents—whether government or private sector—have to be willing to learn from and understand communities affected. Communities equally need to appreciate the perspectives of project proponents, so that gainful compromises can be made, not only with regards to the environment, but also to the economic and social aspects of developing in a sustainable manner.

Assessing the effectiveness of community participation in environmental decision-making requires an understanding of political context, suitability of the decision-making process, the planning process, community awareness of environmental issues, willingness of individuals to participate in the process and how selfless individuals, communities and project proponents are ready to be.

Sustainable development is a key factor that contributes to ensuring the right decisions are taken which will influence the environment. In the Nigerian context especially, the environment cannot be readily separated from the community's concern for economic and social issues. They are integral parts of each other and all stakeholders agree on this view. An interviewee from the community said:

> ...when our surface resources are taken from us for their projects, and we are not compensated, how are we to participate fully in the community economically? It is only when you provide adequately for the community and empower them, then we can now talk about this environment properly.

When the basic needs of the people are adequately resolved to make them independent and build their capacity, and when their attention has been diverted from the immediate problem of basic survival, they will be more able to give proper attention and concern to the environment, and also actively contribute to solving identified environmental problems whether they arise from projects or other sources. Progress in development and concern for environmental issues, however, are far from mutually exclusive. Kofi Annan, Secretary General of the United Nations, has expressed this very clearly (Annan, 2001, pp. 182):

> It is said that we face a choice between economic growth and conservation, when in fact growth cannot be sustained without conservation.

The challenge is to ensure that the development path is more sustainable than those paths previously taken by the already industrialised nations. If carried out carefully, appropriately and with full participation, this can offer real win–win situations.

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