

Best practice public consultation and participation in IA for large development projects- a case study example from Nigeria

By

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Public participation encompasses a range of procedures and methods designed to consult, involve, and inform the public to allow those that would be potentially affected by a decision or policy to have input into the process. In Nigeria, the main legal instrument for EIA is the Nigerian National Policy on the Environment, promulgated in 1989. National requirements for public participation and consultation as part of the conduct of EIA are further outlined in the procedural guidelines that contained a systematic and semi-comprehensive approach to the conduct of EIA and details about the stages of the EIA process, including categorization of projects into classes I, II and III. The EIA Act No. 86 of 1992 made the preparation of Environmental Impact Assessments mandatory for all industry planning new projects. Until very recently however, not much of PP has been conducted to meet international requirements. A major driver of best practice PP for projects' development is international funding requirements. Impact assessment involving best practice PP for one such projects in accord and comparable to international standards is the proposed Lekki Port (a deep water seaport), located some 60 kilometres east of the city of Lagos, Nigeria. A far-reaching public consultation and participation programme which won the admiration and approval of Nigeria's Federal Ministry of Environment was conducted early in 2013. This paper presents the field experience of the case study and concludes that best practice instruments such as PP in IA when properly utilised work best for social and economic development.

1.0 Introduction

Different organizations and countries sometimes use different terminology – be it “consultation,” “public consultation,” or “public participation” –to express similar concepts and principles. By definition, the term participation typically refers to some aspect of local community involvement in the design, implementation and evaluation of a project or plan (Brown and Wyckoff-Baird 1992). According to Smith (1983), public participation encompasses a range of procedures and methods designed to consult, involve, and inform the public to allow those that would be potentially affected by a decision or policy to have input into the process. The latter are also known as stakeholders, which include (IFC 2007, p.10): “...persons or groups who are directly or indirectly affected by a project, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. Stakeholders may include locally affected communities or individuals and their formal and informal representatives, national or local government authorities, politicians, religious leaders, civil society organizations and groups with special interests, the academic community, or other businesses”.

Stakeholder engagement broadly refers to a framework of policies, principles, and techniques which ensure that citizens and communities, individuals, groups, and organizations have the opportunity to be engaged in a meaningful way in the process of decision-making that will affect them, or in which they have an interest. Thus, public participation can be recognised as a practice of stakeholder engagement.

There is a very rich literature on the significance of public participation in addressing environmental problems and reaching environmental decisions (e.g., Skelley, 2001; Appiah-Opoku, 2001; Rowe and Frewer, 2004; Bartholomew, 2007; Du Plessis, 2008; Fagbohun, 2010; Lee *et al.*, 2013). The relevance of public participation in attaining sustainable development (Conrad *et al.*, 2011) has further increased the prominence of the concept. Benefits such as enhancement of public trust, accountability, transparency and public sensitisation have been associated with public participation (Bartholomew, 2007; Spindel and Powell, 2009; Conrad *et al.*, 2011). Various authors have also published diverse accounts on the effectiveness of public participation towards tackling a

range of environmental issues such as climate change and Environmental Impact Assessments (EIAs), etc. (see for example, Verschuuren, 2005; Spindel and Powell, 2009; Lee and Chaytor, 2012; Lee *et al.*, 2013). There are similarly different accounts of the performance of public participation (Bartholomew, 2007; Culley and Hughey, 2008; Ndubueze, 2010; Conrad *et al.*, 2011; Lee *et al.*, 2013). The knowledge and understanding of the public on environmental matters has been discovered to influence the willingness and capacity of the public to participate in environmental decision making (Wesselink *et al.*, 2011) and hence the performance of public participation.

Public involvement in the form of consultation and participation is an accepted integral part of the EIA system in Nigeria. As a legal and administrative requirement, no approval is granted to any project EIA without evidence of public consultation and participation of the affected population. In spite of this recognition however, the practice of public participation in the EIA process in Nigeria has been hampered by the absence of the necessary provision under the EIA legislation, and illiterate and poor communities who are vulnerable to monetary inducements (Echefu and Akpofure, 2003). For the over 20 years of the existence of the EIA system in Nigeria, practitioner's observation has shown that not much of public participation and consultation has been carried out and the many attempts have failed to meet international requirements. This has necessarily led to the reworking of ESIA Reports to meet the required standards. Very recently however, the due course and importance of public participation has begun to be emphasized, thanks to international funding requirements (WB group/IFC/Equator Principles). One of such projects that had to meet the rigours of the PP/C is the proposed Lekki Port (a deep water seaport), located some 60 kilometres east of the city of Lagos, Nigeria. A far-reaching public consultation and participation programme which won the admiration and approval of the Nigeria's Federal Ministry of Environment was undertaken for the project in order to meet international funding requirements. This paper presents the field experience of a practitioner.

In the subsequent sections, the paper makes a presentation of the project that gave rise to the best practice PP, along with its processes, and concludes with summary/recommendations for a sustained best practice of public participation to accompany social and economic development efforts.

2.0 Case study example of best practice public participation: the Lekki port and harbour project

As part of the Nigerian Government major port reform programme designed to support government's overall economic policy objective to increase private investment and promote private sector-led economic growth, the Federal Government of Nigeria (FGN) has prepared a national strategy for developing Greenfield ports along Nigeria's 853 kilometre coastline to meet the country's growing trade sector. A critical element of the strategy is the proposed Lekki Port. The port is to be located in the Ibeju-Lekki Local Government Area (LGA) of Lagos State, about 60 kilometres east of the city of Lagos. The area proposed for the port is 90 hectares, which is part of the Lagos Free Trade Zone (LFTZ).

To address the power requirements for smooth operation of the port, a 30 MW capacity captive power plant to be built on 1 hectare (Ha.) of land north of the port area is also proposed. The power plant which shall use modular, simple-cycle package industrial combustion turbine generators will use diesel as source of energy at the initial stage with plans to source gas from the Nigerian Gas Company's gas system in future operations.

The required permits and permissions had been granted to the Lekki Port for construction and operation from all tiers of governmental authorities and agencies. The ESIA Report for the captive power plant was also completed.

Public Consultation and Participation to best practice for the Port and Harbour project

According to the International Association for Public Participation, public participation involves five elements in increasing order of public influence (IAP2 2007): **Inform** – to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions; **Consult** – to obtain public feedback on analysis, alternatives and/or decisions; **Involve** – to work directly with the public throughout the process to ensure that public

concerns and aspirations are consistently understood and considered; **Collaborate** – to partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution and **Empower** – to place final decision making in the hands of the public. The public consultation procedure employed for the Lekki Port and Harbour Project followed that of the IAP2.

After due identification of project stakeholders, PC/P in line with IAP2 model were employed to reach the local communities: press releases, targeted towards those papers commonly read by the people in these locations; distribution of summary information both in English and the Yoruba language about the project, its environmental and social effects, positive and negative and mitigation measures for residual adverse impacts as proffered by experts; public meetings held in the town or village to which they were specifically invited; exhibitions either before public meetings or on a permanent basis; face-to-face discussions, including surveys of opinions (socioeconomic); and dissemination of non-technical reports and brochures to local population.

A public consultation and participation meeting was conducted at the port site early in December 2012 to disseminate the information related to upcoming Lekki Port and captive power plant projects. Public announcements in national and local newspapers of the EIA review meeting of the 33 MW power plant projects were made. Banners and posters were also used as outreach media. Extensive public consultations and participation followed in the Lekki port project footprint area, particularly with the identified six (6) stakeholders' TOLLIM communities (Itoke, Oke Segun, Lujagbe, Lekuru, Idotun and Magbon Segun) from mid to late January 2013. Participants received early notification of meeting dates and venues, and were transported to venues as necessary. The language used in consultations was appropriate for the participants, i.e. the Yoruba. Participants were drawn from the spectrum of affected population: community leaders, representatives, opinion leaders/formers, women, youth groups and fishermen groups.

Over 20 formal meetings, group discussions and in-depth-interviews were held regarding the port and captive power plant projects activities starting from the formal launch of the Lekki Port Project in 2011. Nine community-wide meetings and focus group discussions (FGDs) were also held with a variety of Project-Affected Community groups from the project environment.

Overview of the Issues discussed and Responses by Project Sponsor

The major issues of concern and importance raised by the affected communities and groups during the social interaction and public consultations can generally be summarized as:

(i) Relocation and resettlement of affected communities; (ii) Employment opportunities for residents of the TOLLIM communities; (iii) Compensation for land acquired about a decade ago by TOLLARAM (Viva Methanol); (iv) Concerns with establishment of skills acquisition programmes and empowerment of women-folks through micro-credit scheme; (v) Fears that project construction and operational activities could interrupt fishing around and within port exclusion zone area and make fishing activities unsafe; (vi) Effects of port construction on houses through vibration (piling activity), noise and air quality reduction and hence impact on health; (viii) Desires and demand for community development through infrastructural provision-electricity provision from power plant or facilitation from national grid, reconstruction of community roads, potable water provision, enhancement of education through scholarship awards and establishment of post primary institution and public toilets.

The proponent responded to all the issues and concerns entertained by the affected population and enhancement measures have also been proposed for benefits sharing from project implementation. The LPLE has planned for continuous consultations all through the project life.

3.0 Conclusion and recommendations

Impact assessment (IA) to meet national and international regulatory requirements has been undertaken for the proposed Lekki Port project. Public participation, an important aspect of the process has also been duly conducted, involving the wide spectrum of identified stakeholders,

particularly the local proximate project-affected village communities. The project was widely accepted both to the local population and the regulatory authorities. The conclusion can be drawn that public consultation and participation could in real terms lead to social and economic development if the required protocols and processes are followed through to the letter.

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