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PUBLIC PARTICIPATION IN ENVIRONMENTALDECISIONS INNIGERIA: A NEW FORCE FOR ENVIRONMENTAL LAW DEVELOPMENT

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Abstract

The paper examined the topic; "Environmental Public Participation in Nigeria: A New Force for Environmental Law Compliance and Enforcement". The research methodology adopted is the Doctrinal Research Method where both primary sources of law derived from statutes, and secondary sources of information derived from textbooks, Journals and online articles from verified sources were relied on. The objective of the presentation includes: the conceptual clarification of terms such as environment, public participation, environmental public participation; examining the Legal and institutional Framework for Enforcement of Environmental Laws in Nigeria; analyzing the concept of Environmental Public Participation in Nigeria, highlighting the legal provisions for Environmental Public Participation in laws such as the Environmental Impact Assessment (EIA) Act, Petroleum Industry Act, 2021, National Environmental Standard Regulatory and Enforcement Agency (NESREA) Act 2007, etc, highlighting the enforcement regime of Public Participation in Environmental Laws in Nigeria, Environmental Public Participation and International laws ratified by Nigeria, a comparative analysis of best practices from other jurisdictions. The paper finds that public participation is a veritable tool for environmental law compliance and enforcement in Nigeria; that as comprehensive as the Nigerian environmental laws may seem in the books, they are plagued with the challenge of adequate implementation, checks and supervision; the high level of illiteracy and ignorance of their existing rights among settlers in our rural villages also hinders the effective enforcement of environmental laws; and not omitting the recurring issue of corruption and fraud in all strata of government and among officers of the law. The paper gave a concise conclusion on the issue of environmental public participation in Nigeria, as well as practicable recommendations on more enlightened ways Nigeria can embrace Environmental Public Participation as a vital tool for compliance and enforcement of her environmental laws through adopting a legal framework that draws on international laws of public participation and laws of other nations.

Keywords: Public Particiapation, Environmental Law & Enforcement in Nigeria.

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1. Introduction

Public participation is the interaction between government and civil society including the process by which government and civil society open dialogue, establish partnerships, share information, and otherwise interact to design, implement, and evaluate development policies, projects and programs. Participation in environmental decision-making is an effective tool to establish environmental priorities, offer solutions to environmental challenges and prepare, execute and apply the most accurate decision possible. The general benefits of public participation in environmental issues are educating the public and making them aware of environmental issues, using the knowledge and expertise of stakeholders to improve plans and policies, more public understanding and supporting more openness and transparency in decision making. One of the emerging key components of enforcement and compliance to Environmental laws is Public Participation. It provides democratization, transparency and accountability of Environmental projects. Environmental Public Participation therefore, refers to the process whereby stakeholders and members of the public make input into the law-making process to influence the outcome of such environmental laws and their overall implementation. Although the awareness of the concept is relatively new to Nigerian legislations, its emphasis has become the mainstay of such existing laws. The gross inadequacy of the basic mechanisms for public participation especially in environmental issues will include; lack of access to information or information exchange and citizens involvement.

2. Conceptual Clarification

Environment: The term Environment is an ambiguous term, subject to many interpretations. It could be used to encompass anything from the whole biosphere to the habitat of the smallest creature or organism on the surface of the earth. According to Okorodudu- Fubara[2] concept of environment is new and still in its developmental stage, hence little attempt has been made to define it with precision and thus views the environment as a complex of physical, chemical, and biological factors/processes which sustain life. According to her, Man is part of the network ofnatural components which make up the planet ecosystem and that science and history have both agreed that before the advent of Man, the environment had already existed.[3] The Concise Oxford Dictionary defines environment as "the physical surrounding, conditions, circumstances etc in which a person lives.[4] For the Black's Law Dictionary[5], Environment is "The totality of physical, economic, cultural, aesthetic and social circumstances and factors which surround and affect the desirability and value of property, and which also affects the quality of people's lives. There are many other definitions[6] but the NESREA Act[7] gives a succinct definition. S.37 of the NESREA ACT[8] defines environment to include: water, Air, land and all plants and human beings or animals living therein and the inter- relationship which exists among these or any of them.

Environmental Law: Law is defined as a way of regulating human behaviour. Environmental law is a term that is used to include the various laws that are applied to the environment. Legally speaking, Environmental law is the body of laws concerned with protecting the resources of land, air, and water (The three Environmental media) as well as the flora and fauna which inhabits them. As a body of law, Environmental law has come of age. It originated as a collection of rules that grew up sporadically as a haphazard and piecemeal response to specific environmental problems but has now achieved a certain amount of coherence in the sense that it has a clear and unified philosophical foundation.[9]Black's law Dictionary[10]has defined Environmental Law as "the field of law dealing with the maintenance and protection of the environment, including preventive measures such as the

[2] M.T. Okorodudu- Fubara, law of Environmental protection: material and Text (caltop publications ltd,1998)1.
[3] ibid.
[4] Concise Oxford Dictionary 12th edition,2011
[5] Black's Law Dictionary, 2nd Edition,
[6] Henry Combell, Black (6th edition Ist Paul Minnesota west **publishing, 1990) 524** last visited 7th July 2022**.**
[7] National Environmental Standards and Regulations Enforcement Agency (NESREA) ACT 2007.
[8] S.37 NESREA Act 2007.
[9] J. Thornton, S Beckwith, Environmental law (2nd edition, Sweet & Maxwell,2006)6
[10] Black's Law Dictionary, 2nd Edition,

requirements of the Environment Impact Assessment as well as measures to assign liability and provide cleanup for incidents that harm the environment."

Participation: Participation is the real involvement of all social actors in social and political decision-making processes that potentially affect the communities in which they live and work.[11]

Public Participation: Public participation can be any process that directly engages the public in decision making and gives full consideration to public input in making such decision. It involves the use of techniques such as public meetings and hearings, advisory committees, interactive workshops, interviews, questionnaires, focus groups and other methods to identify public concerns and preferences and address them during decision making. The main aim of public participation is to encourage the public to have meaningful input into the decision-making process. Public participation thus provides the opportunity for communication between agencies making decisions and the public.[12]
Environmental Public Participation: An important component of environmental protection is the opportunity for public participation. The public is engaged in making decisions regarding environmental issues. Public participation has been enshrined in International environmental law via such instruments as the 1992 Rio Declaration and the 1998 Aarhus Convention. The public has rights to participate in environmental decision-making processes, the right to information concerning the environment and activities affecting it and the right of access to justice.[13]

Environmental Protection: Environmental protection refers to any activity that aims at the prevention of deterioration, regeneration, environmental preservation and improvement. According to Okonkwo T. Environmental protection is a practice of protecting the natural environment on individual, organizational or governmental levels for the benefits of both nature and humans which can be by way of placing restraints on activities that cause degradation.[14]

Environmental Law Compliance and Enforcement: Environmental compliance refers to adherence to environmental laws, regulations and standards designed to protect the environment. Effective legislation is needed in order to prevent misused degradation of the environment. Thus, Environmental enforcement refers to the set of actions that a government takes to achieve full implementation of environmental requirements (compliance) within the regulated community and to correct or halt situations or activities that endanger the environment. Enforcing environmental standards and regulations is one of the surest ways Governments can use to checkmate the negative impacts of multinational corporations' activities on the environment and on the lives of inhabitants of host communities.[15]

3. Legal and Institutional Framework for Environmental laws National Legislation

3.1.1 The Constitution of the Federal Republic of Nigeria (1999) as amended:

The Constitution of the Federal Republic of Nigeria (1999) as amended is the supreme law. It is the grand norm. The constitution provides that: Nigeria shall be a federation constituting of states and a Federal Capital Territory[16] The 1999 constitution provides for environmental objective which was not in the previous constitutions, that is, both the 1979 and the 1989 constitutions of the Federal Republic of Nigeria[17], this is a new innovation in the new constitution, considering the importance of the environment to human beings. Also, the framers of this constitution must have had the crises of the Niger Delta in the mind when drafting it and this highly commendable. Section 20 of the 1999 Constitution provides that: 'the state shall protect and improve the environment and safeguard the water, air, land, forest and wildlife of Nigeria'[18] However, non-compliance to any of the provisions of the section is not justifiable. Section 4 of the Constitution vests the power to make laws for the

[11] Picolotti and Taillant (eds) *Linking Human Rights and the Environment* 50, accessed 28th July,2022.
[12] "Public participation" http://www.doc. govt.nz.>sci. accessed 19th July 2022.
[13] Tori Chai, The importance of public participation. April 1,2016. Jesus clinic.info.yorku.ca. accessed on July 19, 2022.
[14]T. Okonkwo, Environmental Law; Multidisciplinary Approach. (Fine finishing ltd, Lagos, 2014; 10th Edition, p4-5)
[15]Z. Osuyi Edo, Journal of Sustainable Development in Africa (Vol 14, No.6 2012), accessed on 19th July, 2022.
[16] S. 12 CFRN 1999
[17] S. *Ibid*. S. 13
[18] S. *Ibid* S. 20

Federation in National Assembly, which shall have the power to make laws for the peace, order and good governance of the Federation and any part thereof with respect to any matter included in the exclusive list set in part II of the schedule to this Constitution.
Thus, the Federal Government must legislate on all matters in the exclusive legislative list, it also has power to legislate on the concurrent legislative list.[19]

3.1.2 National Environmental Standards and Regulation Enforcement Agency (NESREA) Act 2007

In 1988, following the dumping of toxic waste in Koko village, Delta State, by an Italian company, Nigeria's consciousness to environmental protection was re-awakened. The incident caused widespread skin diseases, drought, and extinction of many crops' varieties around the region. Consequently, the military Junta, headed by General Ibrahim Babangida promulgated the Harmful Waste (Special Criminal Provisions) Degree No 42.[20] This Degree facilitated the establishment of the Federal Environmental Protection Agency (FEPA)[21]. The FEPA became the lead agency which was for the first time charged with the administration and protection of the environment of Nigeria. In 1999, FEPA and other relevant departments in other ministries were merged to form the Ministry of Environment, but without an appropriate enabling law on enforcement issues. Consequently, there was the need to either amend the FEPA or create a new agency which will be statutorily empowered to enforce the regulations. Thus, in line with the Constitution of the Federal Republic of Nigeria (as amended),[22] the National Environmental Standards and Regulations Enforcement Agency (NESREA)[23] was established in 2007 as a parastatal of the Federal Ministry of Environment Housing and Urban Development.

The NESREA Act has repealed the FEPA Act[24] and today, NESREA is the enforcement agency for environmental standards, regulations, rules, laws, polices and guidelines in Nigeria.[25] NESREA is a body corporate with perpetual succession and common seal and may sue and be sued in its corporate name.[26] The agency is also charged with the responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources in general and environmental technology which include co-ordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement of environmental standards.[27]NESREA is also charged with the responsibility of enforcing environmental control measures through registration, licensing and permitting systems other than in the oil and gas sector as well as conduct environmental audit and establishment data bank on regulatory and enforcement mechanisms of environmental standards amongst other functions.[28] How well the agency has fared in living up to its roles is another question but the government and citizens of Nigeria must however support the agency to achieve the laudable objectives stated in the Act.

[19]Part I of the Second Schedule to the Constitution which contains items on the exclusive legislative list are meant to be acted upon by the Federal government alone which are of relevance to environmental issues. These include aviation; drugs and poisons; fishing and fisheries, maritime shipping and tidal water and river and its effluents, meteorology, mines, mineral including oilfields, mining, geological survey and natural gas, national parks, nuclear energy, quarantine, and water from source deemed by the National Assembly to affect more than one state. The National Assembly has enacted laws aimed at protecting the environment as would be discussion in this research. By virtue of Section 1 (1) & (3) of the Constitution, the Constitution is supreme, and its provisions have binding force on all other laws in Nigeria and as such a law or laws that are inconsistent with its provisions shall be declared invalid.
[20]Harmful Waste (Special Criminal Provisions) Act.
[21] Repealed FEPA Act, Decree No. 58 1988.
[22] S. 20 CFRN provides that the state shall protect and improve the environment and safeguard the water, air and land, forest, and wildlife of Nigeria.
[23] Signed into law by late President Umaru Musa Yar'Adua, GCFR, the NESREA Act is published in the Federal Republic of Nigeria official Gazette No 92, vol. 94 of 31st July 2007
[24] NESREA Act 2004 S. 36.
[25]*Ibid* 2007 S. 1 (2)
[26]*Ibid* S.2
[27]*Ibid* S. 7 (a) (b)
[28] (n. 10) S. 7 (k)

3.1.3 National Oil Spill Detection and Response Agency (NOSDRA) Act 2006

The NOSDRA Act was enacted by the National Assembly of the Federal Republic of Nigeria on the 8th October 2006 as an agency with responsibility for preparedness, detection and response to all oil spillage in Nigeria as set out in Section 5 of the Act.[29] Some of the objectives include to coordinate and implement the National Oil Spill Contingency Plan for Nigeria; establish the mechanism to monitor and assist or where expedient direct the response, including the capability to mobilize the necessary resources to save lives, protect threatened environment and clean up to the best practical extent of the impacted site. The Act, though limited to oil activities, scores a breakthrough by the Government in her efforts towards environmental protection especially in the Niger Delta environment which has suffered the rampant oil spillages from oil exploration and exportation activities.[30]

3.1.4 The Nigerian Mining Corporation Act 1972

The Act established the Nigerian Mining Corporation as a statutory corporation empowered to engage in prospecting, mining and refining minerals of various kinds occurring in Nigeria apart from coal and petroleum. The Act also defines the functions and powers of the corporation and provisions with respect to its administration. The corporation shall principally explore and prospect for, work, mine or otherwise acquire, process, and dispose of minerals of various kinds occurring in Nigeria.

3.1.5 The Petroleum Act 1969 (now Petroleum Industry Act 2021)

This was the first legislation that regulates oil and gas in Nigeria. Section 1 of the Act states that; "the entire ownership and all petroleum in under or upon any land in Nigeria are vested in the state 'which is the Federal Government of Nigeria.' This Act provides for the exploration of petroleum form territorial waters and the continental shelf of Nigeria, and it vests the ownership of, and all on-shore and off-shore revenue of, and petroleum resources in the main legislation regulations oil and gas production in Nigeria. It is organized into five sections *viz*: oil explorationlicenses, oil prospection, oil mining licenses, right of pre-emption, repeals and transitional and savings provisions. The Act empowers the Minister in charge of petroleum resources to grant three types of interests namely exploration, prospecting, and production rights. The petroleum Act and regulations made pursuant to it are the primary tools for environmental regulation in the oil and gas sector. The minister is also vested with powers to make regulations for the protection of the environment.[31] The Act further vest power on the Minster to also make regulations for safe working of petroleum operations, preventing pollution of water courses and the conservation of petroleum resources, among others. Some of the petroleum Regulations which are pursuant to the Petroleum Act includes:

3.1.6 The Petroleum Refining Regulations (Petroleum Act 1969.)

Section 43 (3) [32] of the regulation requires the manager of a refinery to take adequate measures to prevent and control pollution of the environment while section 45[33] stipulates the penalty meted for any contravention of the regulation which could be a fine or imprisonment.

3.1.7 The Mineral Oil (Safety) Regulations 1963 to the Petroleum Act

These regulations prescribe rules for the safe drilling, produce, storage and handling of mineral oils by holders of leases or licenses to prevent the pollution of the environment. It specifies tanks to be constructed in such a way that leakages into water shall be contained. The regulations also define offences and prescribes penalties for such offences.[34]

3.1.8 The Petroleum (Drilling & Production) Regulations to the Petroleum Act

These Regulations implement provisions of the petroleum Act with respect to (applications for) oil exploration licenses and oil prospecting licenses and relative operations of bore holing and oil

[29] The NESREA (Establishment) Act 2006 S. 5
[30] The functions and powers of the agency are so extensive to enable it to discharge its duties.
[31] Petroleum Act 1969 (as amended); In *A.G. Federation A.G Abia State & Ors* (2002) 6 NWLR (pt.764) 542.
[32] S. 43 (3) Petroleum Act 1969.
[33] *Ibid* S. 45
[34] Regulation of the Mineral Oil (Safety) Regulations to the Petroleum Act 1969.

extraction. They also set out rights and powers of licenses and lessees under the Act and require licensee or lessee to adopt all practicable precautions, including the provision of up-to-date equipment approved by the Director of Petroleum Resources, to prevent the pollution of inland waters, rivers, water resources, the territorial waters of Nigeria or the high seas.[35] The Regulations contain robust provisions to prevent environmental pollution in the Nigeria oil sector.

However, lack of proper monitoring and enforcement mechanism limit the entire relevance and usefulness of the regulations. Also, Regulation 36 provides that the licensee or lessee shall maintain all apparatus and appliances in use in his operations and all boreholes and wells capable of producing petroleum in good repairs and conditions and carry out all his operations in a proper and work like manner[36]

3.1.9 Harmful Waste (Special Criminal Provision) Act 1988

This Act was enacted in the wake of the Koko toxic waste saga to prohibit the carrying, disposing, and dumping of harmful waste on any land, territorial waters, or seas. Section 15 of the Act defines harmful waste as *"any injurious, poisonous, toxic or notions substance which includes nuclear waste emitting any radioactive substance, if it is in such quantity as to subject any, person to the risk of death, injury, or incurable impairment of physical and mental health…"*[37] Section 1 of the Act makes it an offence for anyone who without lawful authority to carry, deposit, dump, or import, sell, offer for sale, negotiate nor purchase any harmful waste on any land, territorial waters etc.[38]

Again, the Act lists parties to the crime[39] and makes provisions for crimes committed in prosecution of a common purpose[40] and the accessories after the fact.[41] Any person found guilty of a crime under Sections 1 to 5 of the Act shall be sentenced to life imprisonment. In addiction, the Act confers powers on police officers to search, seize and arrest.[42] Some sections of the Act are however commendable such as the sections that deal with the exclusion of diplomatic immunity and the one that provides for civil liability to the existing criminal liability.[43]

3.1.10 The Nigerian Territorial Wastes Act 1967

According to Olawuyi, "territorial waters" refers to any area of water over which a country has authority[44] and this includes internal water, the contiguous zone, the exclusive economic zone and potentially the continental shelf. The Nigerian Territorial Water Act declares the territorial sea of Nigeria "for all purposes to include every part of the open sea within twelve nautical miles of the coast of Nigeria (measured from the low water mark) or the seaward limits of inland waters.[45]" The Act establishes Nigeria's sovereign right over the territorial sea and also makes any act or omission committed in Nigerian water if it is done under any enactment enforced in Nigeria or upon Nigeria soil or internal waters, would be an offence, punishable under the Act especially matters relating to the environment.[46]

3.1.11 The Quarantine Act 1926[47]

This is an Act to provide for and regulate the imposition of quarantine and to make other provisions for preventing the introduction into and spread in Nigeria, and the transmission from Nigeria, of dangerous infectious diseases. It is the privacy law governing the prevention and suppression of dangerous infectious diseases in Nigeria. "Dangerous infectious diseases" means cholera, plague,

[35]Regulation of the Mineral Oil (Safety) Regulations to the Petroleum Act 1969.
[36]NMCA LFN 2004, Cap N120 51
[37]Regulation 25 of the Petroleum (Drilling and Production) Regulations to the Petroleum Act
[38]*Ibid*Regulation 36.
[39]S. 15 Harmful Waste (Special Annual Provisions) Act 1988
[40]*Ibid* S. 1
[41]*Ibid* S. 2
[42]*Ibid* S. 3
[43]*Ibid* S. 5
[44]D. S Olawuyi, *The Principle of Nigerian Environmental Law* (Age Bablia University, 2013)
[45] The Territorial Wasters Act of 1967 S.1; *A.G. Federation A.G Abia State & Ors* (2002) 6 NWLR (pt.764) 542
[46]*Ibid* S. 3 (6)
[47] Enacted 27/5/26, then cap Q1, LFN, 2004 and now amended QA 2021 after the outbreak of Covid19 Pandemic.

yellow fever, smallpox and typhus, Ebola and includes any disease of an infectious or contagious nature which the President may, by notice, declare to be dangerous infections disease within the meaning of this Act.[48] The most recent Covid-19 falls within this category. The violation of any regulation is punishable with a fine or a term of imprisonment. The 2014 Ebola outbreak and more recently the Covid-19 pandemic is a national wakeup call and trigger on the need for effective quarantine laws in Nigeria to curb the introduction and spread of infectious disease in the environment. It is noteworthy that in the heat of the Covid-19 Pandemic, the quarantine Act 2004 was repealed and reenacted as Quarantine Act 2021.

3.1.12 Associated Gas Re-Injection Act[49]

This is an important piece of Regulation which addressed the menace of atmosphere pollution through gas flaring in Nigeria. According to its preamble, it was an Act to compel every company producing oil and gas re-infection and detected plans for implementation of gas re-injection. The Act has a commencement date of 28th September 1979 and at it specifically provided that flaring of gas should cease on or before first day of January 1984. Section 2 made it mandatory for oil companies to submit detailed plan for the implementation of gas re-injection. While section 3 prescribed offences which are punishable by the withholding of all or part of any entitlement by the Minister of Petroleum Resources.[50] Though the Act is worthy of commendation, it failed in stopping gas faring after the due date. Today, 43 years later, gas flaring continues unabated.

3.1.13 The Oil in Navigable Water Acts 1968

The preamble states: *"an Act to implement terms of the International Convention for the prevention of pollution of the sea by oil in 1954 and to make procession for such invention in the navigable water of Nigeria".* It may be said that the most comprehensive legislation on oil pollution in Nigeria is the Oil in Navigable Waters Acts No.34 of 1968[51]. The Act created the following anti-pollution offences: Discharge of oil into prohibited sea areas; Discharge of oil into Nigerian waters; Failure of install oil; Pollution equipment on ships; Failure to keep records of oil matters; Failure by harbour authority to provide oil reception facilities; Failure to report the presence of oil in harbour waters.[52]

The Federal Government derives its legislative competence to make this legislation from S. 74 of the 1963 Republican Constitution which tested it with exclusive legislative power in respect of implementation of international treaties. There are also several penalties. A person found guilty of the offence of discharging oil into prohibited seas or Nigeria territorial waters r of failure to equip a ship with pollution prevention or reduction equipment shall be liable to pay a fine not exceeding five hundred pounds[53]. However, the main defect of the Act lies in the numerous defenses contained therein. Notwithstanding, it is true that the seas and oceans are part of the global environmental challenges in view of their strategies importance and this need to be protected by the international community of which Nigeria is a part. The implementation of this convention at a time Nigeria had joined the list of countries exporting petroleum was a right step in the right direction since the problem of the sea by oil is transboundary which requires international co-operation to deal with.

3.1.14 The Environmental Impact Assessment Act 1992

This Act compels every major development project which is likely to have an adverse impact on the environment, must be subjected to an environmental impact assessment prior to its commencement.[54] Therefore, an Environment Impact Assessment (EIA) is an assessment of the potential impacts whether positive or negative, of a proposed project on the natural environment. The goals and objectives of E.I.A as specified in section 51 *viz*: to establish that before any public or private activity that may have significant environmental effect is undertaken, such effect shall first be considered, to

[48] Section 1, 2, 3 Quarantine Act 2021.
[49]Associated Gas Re-Infection Act Cap 26 LFN 1990
[50](n. 33) SS. 2, 3
[51]New Cap 337 LFN 1990
[52]*Ibid* SS 1, 2, 3
[53] (n. 35)SS 5, 7, 10
[54] Environmental Impact Assessment Act 1992 SS. 1, 2

promote the implementation of appropriate policies throughout the country, through which the goals and objectives in the paragraph active may be realized, to encourage the development of procedures for information exchange, notification and consultation between organs and persons when proposed activities are likely to have significant environment of border towns and villages. The EIA prohibits the undertaking of, or embarking on project, which may significantly affect the environmental without prior consideration of their environmental effects.[55] Section 6-11 of the Act[56] provides that before a decision is reached whether positive or not, opportunity must be given to government agencies, members of the public to make comments on the environmental impact assessment of the proposed activity.

3.1.15 Nuclear Safety and Radiation Protection Act 1991

The Act established the Nigerian Nuclear Regulatory Authority and its Governing Board and the National Institute of Radiation Protection and Research. This body is drafted with the responsibility to ensure nuclear safety and radiological protection regulation in Nigeria. It is also mandated to control and regulate the use of radioactive substances and equipment emitting and generating ionizing radiation in Nigeria.[57] The general functions and powers of the authority are spelt out in Section 4 which includes the protection of life, health, property, and the environment from the harmful effects of ionizing radiation to registered premises where they must be compulsorily kept. It also provides that no person shall produce or market any consumer product containing radioactive substance without license issued by the Authority. The Authority is empowered to make regulations with the consent of the President according to Section 47[58] of the Act.

3.1.16 The Nigerian Safety and Security of Radioactive Source Regulation 2006 ("Safety Regulations")

The objective of this regulation is to ensure that an important level of safety and security of radioactive source is attained thereby reducing the rules of accidently or malicious harmful exposure to cause harm to persons, the society, and the environment.

3.1.17 Niger-Delta Development Commission (NDDC) Act, 2000

This Act is concerned with using allocated fund to tackle ecological problems arising from the exploration of oil minerals in the Niger-Delta. The Act[59] empowers the commission to plan and to implement projects for the sustainable development of the Delta in the field of transportation, health, agriculture, fisheries, urban and housing development, etc. The commission under this Act, has a duty to liaise with oil and gas companies and advice stakeholders on the control of oil spillages, gas flaring and other related forms of environmental pollution. As essential as this Act may appear, it makes no clear provision for public participation of local communities in the planning and execution of the Commission's projects, save to advice stakeholders on the control of oil spillages, gas flaring and other related forms of environmental pollution. However, the Commission has designed a master plan for the development of the region and has held stakeholders' meetings designed to collect input from local communities.[60]

3.1. 18 Criminal Code Act 1990, Cap C38 LFN 2004

By virtue of Section 247 of the Criminal Code Act,[44] it is an offence to pollute the atmosphere in such a way as to make it harmful to the health of persons in general dwelling or carrying out business in the neighborhood. Any person found guilty shall on conviction be liable to the criminal penalties imposed by the act. In addition, under Section 245 of the same Criminal Code, any person who

[55] (n. 38) S. 3
[56] *Ibid* S. 16
[57] NSRPA 1991 SS. 1 – 4.
[58] *Ibid* S. 47.
[59] Section 7(1) (b) of the NDDC Act, *Cap N*68, *LFN* 2004.
[60] Y. Omorogbe "the legal framework for public participation in decision-making on mining and energy development in Nigeria: Giving voice to the voiceless" in D. Zillman, A. Lucas, and GR Pring (eds)Human Rights in Natural Resources Development: Public Participation in the sustainable development of mining and energy resources (2002, Oxford University Press) 549 at 560.

corrupts or fouls the water of any spring, stream, well, tank, reservoir, or place, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanor, and thus liable to imprisonment for six months.

4. State Legislations

4.1.1 Rivers State Environmental Protection and Management Law 2019

After much public outcry, the state, in its effort to end the soot situation caused by illegal oil refining (Kpofire), the State House of Assembly amended the state Environmental Protection and Management Law. The law seeks to punish anyone found culpable in contributing to the soot situation in Rivers State. It also imposes a duty on every citizen 'protect and improve the natural environment including forests, lakes, rivers, and wildlife'.[61]

5. Challenges Facing National Environmental Protection Laws in Nigeria

Although the Nigerian Government has done well in developing a robust legal framework at the national level to protect the environment, there are however some issues and challenges facing the legal Framework which constitute obstacles to the realization of the specific objectives of each statute and the general aim of environmental protection in the country.

6. Environmental Public Participation in Nigeria

Environmental Public Participation means the provision of opportunities for early and effective Public Participation in decision-making where members of the public are informed about their opportunities to actively participate in making decisions on issues affecting their environment, and includes: Informed citizen participation, mechanism for integrating citizen concerns into public policy making, enhanced ability of governments to respond to public concerns and demands, build consensus, improve acceptance of and compliance with environmental decisions, build ownership of the decisions.[62] Public Participation in environmental issues in Nigeria, must be sought in a transparent and consultative manner, in order to provide adequate opportunities for members of the public to express their views.

7. Objectives of Environmental Public Participation in Nigeria

1. **Influencing Decisions:** Environmental Public participation enables those that will be affected by decisions concerning the environment, to influence such decisions. Individuals have "he right to be informed, to be consulted and to express their views on matters which affect them personally and their environment. Since environmental decisions literally affect everybody's quality of life, it would thus be undemocratic or unethical not to provide the public with opportunities to participate.[63]
2. **Enhancing democratic capacity:** Environmental Public participation enables individuals to develop their citizenship skills in environmental issues (such as interest articulation, communication, and cooperation) and, at the same time, provide them with an opportunity to actively exercise citizenship.
3. **Social Awareness:** Environmental Public participation enables deliberations among stakeholders and thus lead to social awareness.
4. **Empowering and emancipating marginalized individuals and groups:** Environmental Public participation changes the distribution of power within society, thus empowering formerly marginalized individuals and groups.
5. **Harnessing local information and knowledge:** Environmental Public participation enhance the quality of the decision output by providing decision-makers with environmentally and/or socially relevant information and knowledge. Decision-makers may want to fill (technical) information gaps by trying to retrieve environmentally and/or socially relevant information from local stakeholders.

[61] See Rivers State Environmental Protection and Management Law 2019

[62] Jiman Chado and Foziah Bte Johar, Public Participation Efficiency in Traditional Cities of Developing Countries: A Perspective of Urban Development in Bida, Nigeria (http://creativecommons.org/lisenses/by-nc-nd/4.0/, last visited 7th July, 2022)

[63] Hartley and Wood, 2005; Leroy and van Tatenhove, 2001, accessed 279th July 2022.

6. **Testing the robustness of information from other sources:** Environmental Public participation increases the quality of the decision output by testing the robustness of information from other sources.
7. **Generating legitimacy:** Environmental Public participation legitimizes the decision-making process.
8. **Resolving conflict:** Environmental Public participation contributes to the identification and resolution of conflict before final decisions are made and thus facilitate implementation.

8. Environmental Public Participation and Enforcement of Environmental Laws in Nigeria

With the proliferation of environmental laws in Nigeria, it is only natural to expect more feasible implementation and enforcement of their provisions. However, it is disheartening to note that the reverse may be the case for most of the said laws. We will therefore consider the provisions of various laws dealing with environmental issues to identify the extent to which they infuse the thriving concept of public participation.

Implied Public Participation under the 1999 Constitution of the Federal Republic of Nigeria

The Constitution which is the supreme law of Nigeria recognizes the importance of improving and protecting the environment and makes provision for it. **Section 20** makes it an objective of the Nigerian state to improve and protect the air, land, water, forest and wild life of Nigeria. **Section 12** establishes impliedly that international treaties (including environmental treaties) ratified by the National Assembly should be implemented as law in Nigeria. **Sections 33 and 34** which guarantee fundamental human rights to life and human dignity respectively have also been argued to be linked to the need for a healthy environment to give these rights effects. A combined reading and application of these Sections of the 1999 Constitution for most environmentalists, is sufficient to sustain an argument in law for environmental public participation.

Public Participation under the National Environmental Standard Regulations Enforcement Agency (NESREA) Establishment Act 2007

As earlier stated, the NESREA Act 2007[64] established the National Environmental Standards and Regulations Enforcement Agency, which Agency is charged with the responsibility of protecting and developing Nigeria's environment. The NESREA Act and Regulations constitute Nigeria's attempt to address lapses in the provisions of Federal Environmental Protection Act (FEPA) 1988, on environmental regulations, standards and enforcement mechanisms which resulted over the years in high rates of non-compliance with environmental Laws, Regulations, and Standards. **Section 7 (a), (b) and (l)** provides that: *The Agency shall--- (a) enforce compliance with laws, guidelines, policies and standards on environmental matters;(b) coordinate and liaise with stakeholders, within and outside Nigeria, on matters of environmental standards, regulations and enforcement; (l) create public awareness and provide environmental education on sustainable environmental management, promote private sector compliance with environmental regulations other than in the oil and gas sector and publish general scientific or other data resulting from the performance of its functions;*

Before the Agency decides on the assessment, it is obliged to give opportunities to public participation. In this regard, section 7 of the Act states that before the Agency gives a decision on an activity to which an environmental assessment has been produced, the Agency shall give opportunity to government agencies, members of the public, experts in any relevant discipline and interested groups to make comment on environmental impact assessment of the activity. Where the report of the assessment is sent to a review panel, the act stipulated that the public be given the opportunity to participate and a summary of comments received from the public should form part of the review panel's report to be submitted to the Council.[65] A critical analysis of the provisions however will reveal that the level of public participation can at best be described as "legitimizing participation".[66]

[64]Section 1 NESREA, Act 2007, Cap 164 Laws of the Federation of Nigeria, 2004

[65]Section 37 EIA Act, 1992.

[66] For a further discussion on the types of participation under EIA, see; Stærdahl, J., Schroll, H., Zakaria, Z., Abdullah, M., Dewar, N., and Panich, N. (2003), 'Environmental Impact Assessment in Thailand, South Africa, Malaysia and Denmark, Working Report.' Available online at Site last http://www.ruc.dk/upload/application/pdf/9c4d310e/workingpaper1.pdf. Accessed 29th July, 2022.

This provision merely involves the public in the EIA process to perfunctorily satisfy the requirement of the law without the process having any meaningful input or effect on the quality of the assessment.

Public Participation under Environmental Impact Assessment Act 1992

Environmental Impact Assessment (EIA) is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse. Public Participation in EIA is a systematic process of identifying, predicting and evaluating potential impacts associated with a developmental project.

The objective of public participation in EIA is to achieve the following:

1. Ensure public participation in the definition of environmental policy objectives and decision making.
2. Ensure public confidence in the administration of the environment by demonstrating the resolve of government to enforce the environmental stewardship of government agencies and organs, corporate citizenship of government agencies and organs, corporate citizens and elite organizations.
3. Grant the citizenry access to environmental information and data thereby promoting the quality of environmental management and compliance management.

The principal law on EIA in Nigeria is the Environmental Impact Assessment Act, 1992. The Act makes EIA mandatory for development projects likely to have adverse impacts on the environment prior to implementation. The EIA Act made it compulsory for certain projects to have an EIA before they can be carried out. Public participation in EIA can be promoted under certain conditions; Firstly, public involvement needs to begin before project planning and decision-making. The decision to participate must be genuine. Secondly, public involvement can be used to create a project that is more suitable to, and accepted by, the public. Thirdly, public can be a crucial and valuable source of expertise before, during and after project planning and decision- making. The procedure for achieving public participation provided under **Sections 25, 39, 41, 42, 43, and 44** of the EIA Act are as follows:

a. The developer submits an EIA report to the Agency
b. The Agency examines the report and makes same available to government agencies, members of the public, experts in any relevant discipline and interested groups who are given the opportunity to participate in the EIA review process at a given location for at least 21 working days on national and local dailies and announcements on electronic media, Act requires the project proponent to bring evidence in the form of a report which indicate that the development project will not cause harm to the environment in order to achieve sustainable development and if the project is likely to harm the environment, the project proponent is required to proposed measures that shall be undertaken to prevent, reduce or control the adverse impact on the environment.
c. The review panel meetings are held in the public so that stakeholders and the public can utilize this opportunity to put forwards their views and concern for consideration
d. The Review Panel or Mediation Report shall again be made available to the public for comments following which the Review Panel may either approve or reject the EIA.
e. Where the EIA is approved, a monitoring or follow-up programme is drawn up and still made available to the public before a certificate is issued.

The provisions of the EIA Act encourage the involvement of the public in almost all the stages of EIA processes of; Project Proposal, Initial Environmental Examination (IEE)/Preliminary Assessment, Screening, Scoping, EIA Study, Review, Decision Making, Monitoring, and Auditing.[67]

Environmental Impact Assessment is also widely accepted as a mechanism for public participation in planning processes and decision-making and as a tool to provide information and data to the public regarding projects and other activities in the country and failure to comply with EIA is a serious problem. However, some setbacks suffered as result of the lapses of the EIA Act, 1992 include:

[67] United Nations Environment Program, Environmental law Guidelines and Principles Environmental Impact Assessment (1991), accessed 29th July 2022.

i. The Act did not give room for public participation after the certificate has been issued and/or during the monitoring or follow-up stages of project implementation.The Act did not provide specifically that developers should consult the local communities.
ii. Nigerians are not fully participating in EIA process due to inadequate legal framework. The law does not provide for an effective sanction for failure to consult the public in EIA process.
iii. There is also lack of communication between government and the people. The Government should carry out enlightenment programmes and use social scientists to reach out to the populace.
iv. There is the further problem of lack of transparency as it appears that most developers are not transparent in releasing information concerning the exact impact of their projects in the EIA process and because of lack of experienced professionals in the field, the developers get away with whatever information they submit.
v. The public generally believe that they do not have the ability to test the information or comment on it, hence they stay away.
vi. EIA documents are drafted in technical terms thus making it difficult to solicit involvement from the affected public who are mostly uneducated. Thus, lack of technical capacity, knowledge and experience in environmental matters remain a major setback even where they are aware.

9. Public Participation under the Petroleum Industry Act 2021

Host communities are integral stakeholders for successful operations in the petroleum industry.[68] Under the PIA Act, 2021 a whole Chapter has been dedicated to the development of host communities.[69] The Act creates a framework to support this development, fosters sustainable prosperity and provides direct social and economic benefits to the host communities from petroleum operations.[70] It also seeks to enhance harmonious coexistence between the communities and the operating companies.[71] The Act defines host community as any community situated in or appurtenant to the Area of Operation of a licensee or leasee (hereafter known as "Settlor"), and any other community as the Settlor may determine.[72]

The Act provides for a trust to be created on behalf of the host communities. The trust should be incorporated with the Corporate Affairs Commission within 12 months from the effective date of the Act for existing licenses or prior to commencement of commercial operations for new licensees. The trust will establish a fund which will be financed by an annual contribution of 3% of actual annual operating expenditure of the preceding financial year of upstream companies. The trust can also be funded through donations, gifts, grants or honoraria and also any profits or interests accruing to the reserve of the Fund. Any existing host community development projects should be transferred to the trust. Contributions made within the 12-month prescribed for incorporation regarding ongoing projects will be deemed a valid contribution under the Act. Utilization of host community trust funds, Tax Implications and Permissible Deductions.[73]

The Board of trustees shall in every year allocate funds received in the following proportion; 75% to the capital fund for capital projects, 20% to the reserve fund to be invested for use where there is cessation in the contributions from the Settlor, an amount not exceeding 5% for administrative cost of running the trust. The funds of the trust shall be exempted from taxation. Furthermore, any payment made by the settlors to the fund shall be deductible for tax purposes. In any year where an act of

[68]The Petroleum Industry Act; Redefining the Nigerian oil and gas landscape, August 2021, www.pwc.com/ng, accessed 7th July 2022
[69] Chap 3, Section 234-257 of the Petroleum Industrial Act, 2021.
[70] Prior to the enactment of PIA, there were two broad categories of host community development initiatives. The first category is voluntary and it involves operators (of oil mining leases) instituting community development initiatives managed mainly under (Global) Memoranda of Understanding (MOU), which are negotiated between individual operators and the respective host communities; these MOUs are sometimes midwifed by the host state government. The second broad category are government-led initiatives, in particular the Niger Delta Development Commission (NDDC) initiatives. NDDC Act requires oil/gas producing (including gas processing) companies within the Niger Delta basin to pay an annual NDDC levy, which is equal to 3% of their annual budget.
[71] Section 234 PIA Act, 2021
[72] Section 235 PIA Act, 2021, In addition, for Settlors operating in shallow water and deep offshore, host community will be the littoral communities and any other community determined by the Settlor. The settlor, or operator on behalf of a collective of settlors must incorporate and be responsible for a trust, overseen by a Board of trustees, for the benefit of the host communities.
[73] Section 236 PIA Act, 2021

vandalism, sabotage or other civil unrest occurs which causes damage to petroleum and designated facilities or disrupts production activities within the host communities, the community will forfeit its entitlement to the extent of the cost of repairs. Failure to incorporate a trust will lead to revocation of license or the lease. As a condition for the grant of a license or lease and prior to the approval of the environmental management plan, the licensee or lessee is required to pay a prescribed financial contribution to an environmental remediation fund for the rehabilitation or management of negative environmental impacts of the petroleum operation. The financial contribution will take into account the size of the operations and the level of environmental risk.[74]

The Host Community Trust Fund is expected to drive prosperity in the industry if adequately implemented **such that host communities feel a sense of belonging as direct beneficiaries of resources within their domain leading to developments and well-deserved prosperity for their people.** The creation of an environmental remediation fund with monies to be set aside by licensees and independently managed is good news for the environment and the people. It will ensure that in the event of pollution or degradation of the environment, measures are taken to promptly remediate the damage and restore the environment as quickly as possible.

One major lacuna of the PIA 2021 concerning Host communities is the absence of a dispute resolution mechanism between host communities and operators.[75] The PIA identifies that this would be issued by the regulators. With barely 3 months to the deadline for the implementation of the Host Community Development Trust (HCDT), it is important that these regulations are issued so that operators may incorporate them into the constitution of the HCDT.[76]

10. Public Participation under the Oil Pipelines Act 1965, Minerals Act 1963, NOSDRA Act 2006

The legal basis for entitlement to compensation and damages comes from **Sections 11(5) and 20** of the Oil Pipelines Act 1965, **Sections 125 (b)** of the Minerals Act and to some extent **section 19** of NOSDRA Act. **Section 11 (5)** of the Oil Pipelines Act 1965 provides that the holder of a license shall pay compensation to any person whose land or interest in land is injuriously affected by the exercise of the right conferred by the license, and to any person suffering damage because of neglect on their part and to any person suffering as a consequence of any breakage of or leakage from the pipeline or an ancillary installation. **Section 19** empowers NOSDRA to assist in mediating between affected communities and the oil spiller and ensure appropriate remedial action and compensation is paid. It is however curious to know that the compensations mentioned in these laws are mostly not standardized by any law or rules. So practically, it may be based on the bargaining power of those involved.

11. Environmental Public Participation under International Laws

Many international organizations and agreements have infused the idea of public participation in environmental issues. Under international law, there are three occasions where public participation is necessary in the EIA process, namely: access to information from the early stage, access to decision making, efficient administration of justice.[77] Between 1970's and 1980's, there were growing concerns over environmental issues. This was discussed at most international conferences and a number of bilateral and multilateral agreements were reached. These include:

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[74] Section 238 PIA Act, 2021

[75]The objective sought to be achieved by this Chapter of the Act is laudable. It introduces a sustainable framework by which license holders can administer their corporate social and environmental responsibilities. The definition of host community gives the settlors some level of discretion since they are best placed to determine their host communities. This definition also ensures that impacted communities are catered for even where they are not host communities by ordinary definition. The introduction of the host community trust may however increase the administrative burden of settlors. The contribution is, in principle, a duplication of the Niger Delta Development Commission (NDDC) levy which is still in force. It may be necessary to collapse the NDDC structure into the Host Community arrangement if the latter turns out to be effective and impactful in bringing about the elusive development in the region.

[76] Section 235 PIA Act, 2021

[77] Dinah Shelton, 'Background Paper No. 1, Human Rights and Environment Issues in Multilateral Treaties Adopted between 1991 and 2001**,** Joint UNEP-OHCHR Expert Seminar on Human Rights and the Environment, 14-16 January 2002, Geneva.

Earth Summit in Rio, 1992

Agenda 21, adopted at the Earth's Summit in Rio in 1992 declares: *"One of the fundamental prerequisites for the achievement of sustainable development is public participation in decision making. Furthermore, in the more specific context of Environment and development, the need for new forms of participation has emerged. This includes the needs of individuals, groups, and organizations to participate in the environmental impact assessment procedures and to know about and participate in decisions, particularly those that potentially affect the communities in which they live and work".*[78]

The 1992 U.N. Conference on Environment and Development (UNCED):

The conference held in Rio de Janeiro, with 178 countries attending to take stock of developments since the Stockholm Conference,[79] reiterated the relationship between the environment and sustainable development and declared that to attain sustainable development, environmental protection should constitute an integral part of the development process. **Principle 10** of the Rio Declaration is particularly important as it formulated the link between human rights and environmental protection largely in procedural terms.[80]This provision summarizes the Three pillars of international law as: access to information, public participation, and access to justice. Principle 10 of the Rio Declaration Public Participation[81] entails: informed citizen participation; mechanism for integrating citizen concerns into public policy making; enhanced ability of governments to respond to public concerns and demands, build consensus, improve acceptance of and compliance with environmental decisions; build ownership of the decisions; opportunities for early and effective public participation in decision-making; members of the public should be informed about their opportunities to participate in decision making processes at an early stage, public participation should be sought in a transparent and consultative manner, providing adequate opportunities for members of the public to express their views.[82]

The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters: (the Aarhus Convention 1998)[83]

The Convention recognizes citizens' environmental rights to information, participation and justice and it aims to promote greater accountability and transparency in environmental matters.[84] As the only existing legally binding instrument to implement principle 10, it has drawn global attention and has inspired the development of similar processes and instruments in other regions.[85] The Convention

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[78] The preamble to Chap 23 of Agenda 21, approved by the UN Conference on Environment and Development on 13 June 1992: UN doc A/CONF.151/26 (vol I-III) 1992, accessed 29th July 2022 .

[79] Positive results of the conference include the publication of Agenda 21, the Convention on Biological Diversity, the Framework Convention on Climate Change, the Rio Declaration, and a statement of non-binding Forest Principles. See generally http://www.ecouncil.ac.cr/rio/earthsummit.htm.

[80] Dinah Shelton, 'Background Paper No. 1, Human Rights and Environment Issues in Multilateral Treaties Adopted between 1991 and 2001', Joint UNEP-OHCHR Expert Seminar on Human Rights and the Environment, 14-16 January 2002, Geneva.

[81] Provision 10, It states: "E*nvironmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, everyone shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided."*

[82] Amman, Jordan, Access to information, public participation, and access to justice in environmental matters; Engaging national governments in the conversation, West Asia Regional Consultative Meeting 26-27 November, 2013, http://www.unep.org/civilsociety/Portals/59/Documents/Resources/guidelines_to_access_to_env_info_2.pdf;;http://www.unep.org/civilsociety/Portals/59/Documents/Resources/Commentary-to-theguidelines-for-the-development-of-national-legislation.pdf last visited 7th July, 2022)

[83] More popularly referred to as the Aarhus Convention after the Danish city where it was adopted in June 1998.

[84] United Nations Economic Commission for Europe (UNECE), *Environmental Rights Not A Luxury*, Press Release onGeneva, 29 October 2001.

[85] "foreword by the Secretary-General of the United Nations", Mr. Ban Ki-Moon in Jonas Ebbesson and others, "The Aarhus Convention: An Implementation Guide", United Nations publications, 2014, accessed 7th July, 2022.

establishes that sustainable development can be achieved only through the involvement of all stakeholders, and links government accountability and environmental protection. It acknowledges that we owe an obligation to future generations.[86] The provision of the Aarhus Convention 1998 dealing with the content and extent of public consultation are contained in **Articles 6, 7, and 8**: the activities to which they relate are listed in annex 1 to the convention. These activities include: energy (including oil and gas refineries, installations for gasification and liquefication, nuclear power stations etc), the mineral industry, the chemical industry, waste management, extraction of petroleum and natural gas for commercial purposes, pipelines for the transport of gas, oil and other chemicals, etc.[87]The Convention includes three main components: the right to know, the right to participate in decision-making and the right to redress or review. In general, the Convention is characterized by the following features relevant to human rights:

a. It requires Parties to guarantee rights of access to information, public participation in decision-making and access to justice in environmental matters. It also refers to the goal of protecting the right of every person of present and future generations to live in an environment adequate to health and well-being. These rights underlie the various procedural requirements in the Convention.
b. It establishes minimum standards to be achieved but does not prevent any Party from adopting measures which go further in the direction of providing access to information, public participation, or access to justice. The Convention prohibits discrimination based on citizenship, nationality or domicile against persons seeking to exercise their rights under the Convention.
c. It imposes obligations on public authorities, which are broadly defined to cover governmental bodies from all sectors and at all levels and bodies performing public administrative functions. Bodies acting in a judicial or legislative capacity are excluded. The definition of "public authority" also covers the institutions of regional economic integration organizations which become Party to the Convention (e.g., the institutions of the European Union).
d. It contains a general requirement on Parties to promote the application of its principles within the framework of international bodies and processes in matters relating to the environment.

Importance of Environmental Public Participation in the enforcement of Environmental Laws

1. It can enhance the democratic legitimacy of environmental decisions and thus facilitate smoother implementation and enforcement of laws.
2. It can manage the social conflict by minimizing the conflicts that arise during a project, and lead to a greater accountability and effectiveness in decision making.
3. Public participation can also improve policy implementation by increasing the legitimacy of the decision-making process.
4. It is an effective means through which local concerns, values and traditional knowledge are raised.
5. It helps to produce more accurate results that better suit the needs of the host communities and the general economy, to ensure better management of the environment and natural resources.[88]
6. Affected persons who are likely to be otherwise unrepresented in, for example, environmental assessment and decision-making processes are provided an opportunity to present their views.
7. Communities may provide useful additional information to decision-makers especially when cultural, social or environmental values are involved that cannot be quantified easily.
8. Accountability of political and administrative decision-makers is likely to be reinforced if environmentally relevant processes are open to public view. Openness puts pressure on administrators to follow, for example, a required procedure in all cases.
9. Without integrating the viewpoints of citizens, environmental policy runs the risk of being delayed early in the implementation phase. Public participation enhances community ownership

[86]The Convention sets out the key elements of public participation and its provisions have become widely recognized as a benchmark for environmental democracy. They include access to environmental information, early and ongoing involvement of the public in decision-making, broad scope of participation, transparent and user-friendly processes, an obligation on authorities to take account of public input, a supportive infrastructure, and an effective means of enforcement/appeal.

[87] Article 6 (1)(a) of the Aarhus Convention 1998.

[88] Tori Chai, "The Importance of Public Participation", clinic.info.yorku.ca,2016, accessed 7th July 2022.

of decisions and resultant outcomes because of the community being part of the wider decision-making process.[89]

10. Stakeholder engagement may result in partnerships or alliances between interested parties and local government.[90]
11. Public confidence in the reviewers and decision-makers is enhanced since citizens clearly can see in every case that all environmentally-relevant issues have been fully and carefully considered
12. It improves process quality by exerting pressure on project sponsors/donors to address the negative environmental impacts of some projects.
13. It draws attention to the concerns of the local people and by focusing on specific issues of local concern, the process has made more relevant and useful and even reduces /conflict.
14. It induces many of the larger agencies and commercial organizations to set up special environmental units.
15. It extends and improves public awareness of environmental concerns and promotes the sustainability of some environmental projects.
16. It builds and strengthens indigenous capacity and give greater access to community skills and knowledge.
17. It improves community understanding of conservation issues and responsibility for conservation outcomes.
18. It reduces cost for the developers as key issues are identified early in the process and potential delays in decision making are reduced.

Challenges Environmental Public Participation in existing Environmental Laws in Nigeria

1. Most of our existing Nigerian Environmental laws contain no practical guidelines on how to achieve community involvement through public participation.
2. Other Environmental Laws and Policies in Nigeria incorporate and emphasize the need for public participation without adequate provisions for meaningful tools/methods or processes for the practical achievement of such participation.
3. There's the general challenge of implementing the provisions of environmental public participation in Nigeria.
4. Public participation is often viewed as hampering decision-making progress and as preventing swiftness in processes aimed at social and economic development.
5. Uneducated people or people with negativeintentions often partake in public participation processes, which could affect the merits of their input.
6. Without a generically applicable policy, governments experimenting with public participation cannot do so responsibly and constructively.
7. The developmental needs of the country are seen by the government as overriding the wellbeing of sectors of the population and environmental issues.
8. Community fragmentation occasioned by inharmonious and uncooperative community indigenes which results in inter-community, intra-community, inter-ethnic community conflicts versus oil company conflicts which are most often over sharing benefits from oil and property rights.
9. In many cases, oil output is disrupted by pipeline sabotage attacks on facilities and by bunkering-the tapping of pipelines by certain individual of host communities to steal petroleum.
10. The poverty in the rural oil-producing communities engenders weak bargaining power and effective negotiation skills.
11. Most companies in Nigeria have conducted activities which have adverse environmental and social impacts on local communities without adequately mitigating the impacts, or involving local communities in decision about what activities will be conducted and how, or without

[89] Kartez, J. D. (1993). Quick deals and raw deals: a perspective on abuses of public ADR principles in Texas resource conflicts. *Environmental Impact Assessment Review*, 13(5). 319–30. DOI: 10.1016/0195-9255(93)90023-5, accessed 29th July, 2022.

[90] Evans *et al Governing Sustainable Cities* 111 , accessed 28th July, 2022.

working government agencies to encourage reallocation of revenues and other benefits to affected communities.[91]

Practical realities of environmental public participation and non-public participation in Nigeria

The practical effects of public participation in the enforcement of environmental laws in Nigeria have to be considered in the light of major realities such as oil spills, sabotage of oil installation by hostile oil communities and bunkering activities/ oil theft, pipeline vandalization, several demonstrations by host community indigenes at the gates of companies, pollution which occurs as a result of drilling, seismic activities, oil exploration, loading, transportation and refining, and gas flare.[92]

There are evidences to show that between 1999 and 2004, 2,200 oil spill sites were discovered in Niger Delta.[93] According to Shell Petroleum Development Company (SPDC) report, between 1989 and 1994 it recorded an average of 221 spills per year involving 7,350 barrels of oil per annum. In all, about 95percent of these incidences were not cleaned up contrary to National Oil Spill Detection and Response (establishment) Act (NOSDRA Act)[94] 2006, which stipulates that oil spills must be prevented as much as possible while clean-up exercise should start within 48hours of occurrence with a purpose of rehabilitating the soil and restore it back to its normal state.Oftentimes, when pollution occurs, oil companies especially SPDC usually attribute the act to sabotage by the indigenes. However, the communities and many NGO's have disagreed with this assertion, claiming that the actual cause of oil pollution is ruptured pipeline as a result of old age.[95]

Therefore, an oil spill and ongoing fire in the Niger Delta region of Nigeria indicates how badly relations between international oil companies like SPDC and oil producing communities have deteriorated. In 2004, a rupture in a high-pressure 28-inch pipeline operated by SPDC cause an oil spill at Elokpokwuodu community in Rukpokwu in Obio/Akpor Local Government Area of River State, it took the collective effort of members of the community via the media and internet, to make undertake SPDC into to clean their environment and negotiate compensations.[96]

The worst known environmental disaster involving SPDC occurred in Bodo creek between October 5, 2008 and 2009 when about 4,320 barrels of oil flooded Bodo environment daily for about 72 days destroying marine life and totally paralyzed fishing and farming activities. Bodo rejected the meager offer of compensation by the Royal Dutch Shell on Friday 13 September 2013. SPDC continued to manipulate the investigation for a long time until the communities with the help of Amnesty International got justice for them on 20th June 2014 and was asked to pay $50 million compensation to the affected communities.[97] In 2015 SPDC accepted responsibility for two oil spills and agreed to pay $76 million to the Bodo community ana assist the clean-up.

In most cases several efforts made by the oil producing communities to checkmate the unwholesome practices and get compensated for damages to their land have been resisted by the multinational oil giants with the Federal government and occasionally, states as collaborators. While groaning under the pains of negative socio-economic, health and environmental impacts, the communities have little recourse under the Nigeria's weak and ever corrupt legal system that could have assuaged their sufferings. Each time they resorted to legal solutions, oil companies usually take advantage of the court either to seek perpetual injunction or embark on repeated appeal until the instigators run out of funds, give up or die.[98] It is in order to redress this flagrant and deliberate trampling on the rights of

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[91] Yinka Omorogbe, "The Legal Framework for Public Participation in Decision-making on Mining and Energy Development in Nigeria; Giving Voices to the Voiceless", accessed 7th July 2022.

[92] Okonkwo, E (2014). '**Oil-pigmented Niger Delta: C**an effective enforcements of the Oil Pollution, accessed 7th July 2022

[93] (National Environment, 2004; Amnesty International, 2009, accessed 7th July 2022)

[94] NOSDRA Act (2006). National Oil Spill Detection and Response Agency. (Establishment) Act, CAP 157 LFN 2006; Abuja: Federal Ministry of Environment,

[95] Amnesty International (2011). *Petroleum, Pollution and Poverty in the Niger Delta. Eyes on Nigeria, United States*. http://www.eyesonnigeria.org/EON_Extractives.html, accessed 29th July, 2022.

[96] Tim Caoncannon shell fight fires over Niger Delta oil spill, Pambazuka news, https://www.pambazuka.org, accessed 29th July, 2022

[97] Owolabi, T. *(Friday, Sep 13, 2013)* Nigerian villagers reject Shell oil spill compensation offer. Reuters - UK Focus. https://uk.finance.yahoo.com/news/nigerian-villagers-reject- shell-oil-164841366.html. accessed 29th July, 2022.

[98](US. NGO's Delegation Trip Report, 1999)

the oil communities that violent environmental activism has developed over the years in the Niger Delta Region.[99]

Again, it took the people of Ebubu Community of Ogoni 40 years to get judgement to be compensated for the massive oil spills that affected about 255.369 hectares of their land in 1970. Oil companies are not bothered about this time lag as they lose nothing. Because of this delay, cost and the problems with the judicial system in Nigeria, People many times will not sue and may not get compensated.[100]Another reality is the avaricious tendencies of leaders of oil-producing comminates. Such communities which may be most affected by the deleterious `environmental changes resulting from a project are also the ones which will resist any attempts at relocation or discontinuation at the initial stages, because of the obvious developmental benefits of any natural resource industry for the averaged deprived and under developed rural community in Nigeria.
The Kaiama Development is also a communique issued at the end of the "All Ijaw Youths Conference" held in December, 1998at the Ijaw town of Kaiama.[101] It declared that "all land and natural resources (including mineral resources) within the Ijaw territory belong to the Ijaw communities and are the basis of our survival". In 2006 the court ordered SPDC to pay $1.5 million to the Ijaw people of Bayelsa for the environmental degradation in the area.

No question, most oil-producing communities often live without basic amenities and infrastructure and have suffered years of neglect. Lasting peace is impossible as long as this state of affairs continues. Over the years, the oil communities have found ways to assert rights over their natural resources. No wonder, in November 1990, the Ogoni's presented the Ogoni Bill of Rights to the government.This was a document that stated their point of view from a historical perspective and demanded political autonomy to participate in the affairs of the Federal Republic of Nigeria as a separate and distinct unit.[102] This included: the right to the control and use of a fair proportion of Ogoni economic resources for Ogoni Development.

Furthermore, a result of the negative publicity from the Ogoni crisis, SPDC undertook in the course of a year, an internal and external consultative process about its Statement of General Business Principles and came out with a new one in March 1997.The new Statement recognised the five (5) areas of responsibility: to stakeholders, to customers, to employees, to those with whom they do business with, and to the society. Concerning their responsibility towards society, they are now committed to conduct business as responsible corporate members of society, to observe the laws of the countries in which they operate, to express support for fundamental human rights in line with the legitimate role of business and to give the proper regard to health, safety and the environment consistent with their commitment to contribute to sustainable development.[103] In line with this Shell BP has taken several steps, including the appointment of a Senior Director to be responsible for corporate responsibility issues and the organization of regular workshops for the communities and strategic groups of society.In recent times, most companies in oil-producing communities are increasingly are reinventing themselves as environmentally friendly and sensitive to the needs of the people impacted on by their activities.

[99] Aworawo, D (2002). Nigeria from independence to the year 2000. In Akinjide Osuntokun et al, pg 266, accessed 29th July, 2022.
[100] (Vanguard newspaper, July 6, 2010, accessed 29th July, 2022).
[101]The Kaiama Declaration by the Ijaw Youths of the Niger Delta, available at http://www.nigerianscholars.afracanqueen.com, accessed 29th July, 2022.
[102] Ogoni Bill of Rights para 20, available at http://www.nigerianschorlars.africanqueen.com, accessed 29th July, 2022.
[103] Human rights watch, the price of oil, Corporate Responsibility and Human Rights Violation in Nigeria's Oil Producing Communities, Human Rights Watch 1999, at 182-185, accessed 29th July, 2022.

Judicial pronouncements on public participation issues in the enforcement of environmental laws

At least two environmentally relevant decisions of courts to date addressed issues of public participation in environmental issues. In both instances the need for more proactive measures of enforcement of environmental rights through public participation is emphasized.

Firstly, the Nigerian case of **Okpabi & Ors *v.* Royal Dutch Shell Plc & Anor**[104]. The appeal concerned two sets of proceedings, the Ogale proceedings and the Bille proceedings. In the Ogale proceedings the appellant claimants are a Nigerian farming and fishing community of approximately 40,000 individuals in Rivers State, Nigeria. The claim was brought by the leadership of the Ogale Community, namely the King, HRH Emere Godwin Bebe Okpabi, and the Council of Chiefs, suing both for themselves and in a representative capacity on behalf of the people of the Ogale Kingdom. In the Bille proceedings the appellant claimants are 2,335 individuals who live in the Bille Kingdom, a remote riverine community in Rivers State, Nigeria. The claims alleged that numerous oil spills have occurred from oil pipelines and associated infrastructure operated in the vicinity of the appellants' communities. The appellants alleged that these oil spills have caused widespread environmental damage, including serious water and ground contamination, and have not been adequately cleaned up or remediated. It was said that as a result of the spills, the natural water sources in the appellants' communities cannot safely be used for drinking, fishing, agricultural, washing or recreational purposes. The appellants' case is that the oil spills were caused by the negligence of the pipeline operator, the second respondent, The Shell Petroleum Development Company of Nigeria Ltd ("SPDC"), a Nigerian registered company.[105] SPDC is a subsidiary of the first respondent, Royal Dutch Shell Plc ("RDS"), a UK domiciled company and the parent company of the multinational Shell group of companies. The appellants' case against RDS is that it owed them a common law duty of care because, as pleaded, it exercised significant control over material aspects of SPDC's operations and/or assumed responsibility for SPDC's operations, including by the promulgation and imposition of mandatory health, safety and environmental policies, standards and manuals which allegedly failed to protect the appellants against the risk of foreseeable harm arising from SPDC's operations. The UK Supreme Court allowing the appeal held among other things[106] that Royal Dutch Shell Plc ("RDS"), though a subsidiary of SPDC, owed them a common law duty of care because, as it exercised significant control over material aspects of SPDC's operations and/or assumed responsibility for SPDC's operations in Ogale and Bille (Ogoni communities) in Rivers State, Nigeria.

Secondly, a South African case which addressed the issues of public participation is the case of ***Petro Props (Pty) Ltd v Barlow and Another***[107], here the court dismissed the application for an interdict to prevent a public campaign against the construction of a fuel service station and convenience store on an ecologically sensitive wetland. Essentially the case involved the weighing up of the section 25 constitutional property right of the applicant against the section 16 constitutional right to freedom of expression of the respondent. The court found that the interests of the respondent and her associates had been selfless and that their *modus operandi* had been entirely peaceful and geared towards balanced public participation.[108] Quite laudably so, the court made it clear that no decision-making power or process in terms of the *Environment Conservation Act* 73 of 1989 could be immune from public debate or the lodging of representations[109] and that it wanted to prevent a situation that would deter people with environmental objections from stepping forward as active citizens.[110]

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[104] [2021] UKSC 3 *On appeal from: [2018] EWCA Civ 191,* per Lord Hamblen, accessed 29th July 2022

[105]It operated the oil pipelines and ancillary infrastructure on behalf of the unincorporated joint venture between the state-owned Nigerian National Petroleum Corporation ("NNPC"), Total E&P Nigeria Ltd (formerly Elf Petroleum Nigeria Ltd and a subsidiary of Total, "Total E&P"), Nigerian Agip Oil Company ("NAOC", a subsidiary of ENI) and SPDC. The percentage participating interests of these companies in the joint venture are as follows: NNPC - 55%, Total E&P - 10%, NAOC - 5%, and SPDC 30%.

[106] the UK Supreme Court has ruled that oil polluted Nigerian communities can sue the concerned oil company in English Courts.

[107]2006 (5) SA 160 (W), https://sweetcruderreports.com , accessed 29th July 2022

[108] Par [55] at 183I-184B.

[109] Par [73.2]-[73.3] at 189B-F.

[110] Par [59]-[60] at 185C-E.

12. Highlights of Best Practices of Environmental Public Participation in Selected Countries

South Africa

The South African legislature in recent years went about incorporating public participation in the laws regulating environmental decision-making.[111] The body of applicable laws mainly developed in response to democratic change in 1994 and the adoption of the Constitution of the Republic of South Africa, 1996 (the Constitution).[112] Section 24 of this Constitution contains the environmental right of South Africa's citizens and states that: *"Everyone has the right:(a) to an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that: (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.*

Section 24(b) requires positive action on the part of government by means of reasonable legislative and other measures, which arguably implies a need for public participation in environmental decision-making at all levels. The other constitutional rights that support the latter idea includes the right to access to information (section 32) and the right to just administrative action (section 33). The Constitution furthermore provides in section 152(1)(e) that one of the objectives of local government is to encourage the involvement of communities and community organizations in the matters of local government.[113]

In South Africa, particular emphasis is placed on the role of local authorities or municipalities in facilitating public participation in decision-making generally.[114] As a result, the *Local Government: Municipal Systems Act* 32 of 2000 (the Systems Act) and the *Local Government: Municipal Structures Act* 117 of 1998 (the Structures Act) also serve to strengthen the constitutional framework. Section 5 of the Systems Act is rather extensive and provides that members of the local community have the right to contribute to decision-making processes and to submit written or oral recommendations, representations and complaints to the municipality. Citizens also have the right to prompt responses to their written or oral communications, including complaints, to the municipality and to be informed of decisions affecting their rights, property and reasonable expectations. The South African law framework serves to show how an environmental right and the implied right of all to participate in environmental decision-making may be strengthened by subsequent legal developments – causing an amplified ripple-effect. In South Africa, particular emphasis is placed on the role of local government in furthering public participation as is evident from the Systems Act and the Structures Act.

India

India's national EA legislation was enacted in 1994 by a regulation passed under their Environmental (Protection) Act, 1986. The legislation is called the Notification on Environmental Impact Assessment of Development Projects.[115] It has been amended several times over the years, including the major changes in 1997 that made public hearings mandatory.

Germany

As environmental information comes from many sources and is held by different public authorities, it can vary widely in content and format. The German Environmental Information Portal, PortalU (www.portalu.de), launched in 2006, is an instrument that aims to coordinate the diverse range of environmental information that is available on the Internet. The main objective of PortalU is to improve access to environmental information held by or for public authorities in Germany. It aims to

[111] 2006 DEAT *South Africa Environmental Outlook* xix, accessed 29th July, 2022.

[112]The South African law framework serves to show what an important role public participation legally is required to play as a result of a Bill of Rights that, *inter alia*, provides for an enforceable substantive environmental right.

[113]Sections 195(e) and (g) state that as one of the basic values and principles governing public administration the public must be encouraged to participate in policy-making and that transparency must be fostered by providing the public with timely, accessible and accurate information.

[114] 2006 DEAT *South Africa Environmental Outlook* xix, accessed 29th July, 2022.

[115] Government of India, Ministry of Environments and Forests, 1994, 2002, the National Environment Appellate Authority Act 1997, Act No. 22 of 1997, New Delhi, http://www.envfor.nic.in/legis/others/envapp97.html, accessed 29th July, 2022.

be the one-stop portal for public environmental information in Germany. To date, over 3 million web pages and over 500,000 database entries from public authorities are available from about 350 public institutions and organizations at the national, Länder (federated state) and municipal level. Both environmental experts and the public can access the portal free of charge.[116]

Public participation in decision-making and the means of notification in Poland

Under the Polish Act on Access to the Information on the Environment, Public Participation and the Environmental Impact Assessment of 3 October 2008, the notification of the public is the responsibility of the competent authority (i.e., the authority responsible for making the decision or adopting a strategic document) and must be provided by the following means; placing the information on the Internet homepage of the authority (via a so-called "Public Information Bulletin"), publishing the information in the customary way at the seat of the authority (usually by placing the information on the notice board), Posting notices in the vicinity of the proposed project, in the case of proposed plans, programmes, policies, etc., by publication in a newspaper of applicable geographical circulation, where the seat of the competent authority is located in a community other than the community relevant to the subject of the notification, by publication in the local press or in a manner commonly used in the locality or localities relevant to the subject of the notification. In addition, the Administrative Procedure Code requires those having a legal interest in the decision-making (usually immediate neighbours) to be notified by individual notice (usually by registered letter).

E-representation Platform in Bulgaria

Bulgaria's e-representation platform is an Internet-based instrument for electing civil society representatives to participate in various administrative bodies taking decisions in environmental protection and sustainable development in Bulgaria. It was set up by Bulgarian environmental NGOs in 2005 in accordance with the election procedure developed by the environmental NGO community at a series of national conferences. It is now regularly used by several governmental bodies, including the Ministry of Environment and Waters, the Ministry of Regional Development, the Ministry of Agriculture, the Ministry of Health, and the Sofia Municipality. The online platform is a useful tool for government and municipal bodies seeking the input of civil society representatives in their work, while at the same time enabling the environmental NGO community to nominate and elect their representatives and to receive feedback from them. The platform has to date been used to elect approximately 50 civil society representatives to about 40 administrative bodies.

Engaging Citizens in Climate Policy-Making: Ireland's Citizen Assembly

Deliberative democratic innovations are an increasingly popular tool in environmental policy-making. In 2017, Ireland's Citizen Assembly took up the challenge of addressing "How the State can make Ireland a leader in tackling climate change". Created in July 2016 and chaired by former Supreme Court judge Mary Laffroy, the Assembly included 99 Irish citizens chosen randomly to represent the views of the people of Ireland. Over the course of two weekends, the group attended multiple presentations from climate change and energy experts and reviewed submissions from a diverse range of non-governmental organizations, advocacy groups, industry representatives and academics. Following intense deliberation, the Assembly issued 13 recommendations to the State, including a unanimous call for Ireland to take a leadership role in addressing climate change.[117]

Environmental laws and issues of environmental protection are dynamic in nature. All over the world we observe a push for more action in the protection of the environment through the all-encompassing concept of public participation among other things which is an essential tool for achieving global sustainable goals. Whereas some countries like South Africa have been proactive in the adoption of public participation as a tool for enforcement of her environmental laws by constitutionalizing the concept, other countries like Bulgaria, Germany, and India have embraced the media and information technology made available through the internet and public hearings to encourage public participation

[116] PortalU (www.portalu.de), accessed 29th July 2022.

[117] Smith, G. (2014). *Options for Participatory Decision- Making for the Post-2015 Development Agenda*. http://www.fdsd.org/site/wp-content/ uploads/2015/04/Options-for-participatory-decision-making-paper.pdf, accessed 29th July 2022.

in their legislations. Nigeria can adopt such best practices in her legislations to encourage more public participation and engender compliance and enforcement of her environmental laws.

13. Conclusion

Environmental Public Participation is key to achieving sustainable development and environmental goals. Governments cannot reach environmental protection goals alone – they need support and guidance from the public. Public participation in environmental decision-making is about linking the citizen to environmental governance and it provides the means through which environmental rights are exercised. Public participation is synonymous with stakeholder dialogue. Public Participation on issues pertaining to the Environment in Nigeria is extremely low. Many factors account for this including lack of relevant skills and experience in Public Participation, and negative perception of the public process by Regulators. Again, it is fast becoming a customary rule of international law to recognize the right of people to enjoy a healthy environment conducive for their well-being. Where the indigenes become right-holders, they are empowered to enforce these 'rights' legally thus increasing the onus to perform appropriately on the industry, the involvement of the public in the decision-making process. Environmental problems cannot be solved effectively by government alone. Protecting the environment requires the joint effort of governments and the public and is ultimately reliant on good environmental governance. Public participation has the potential to improve accountability for the effective management of resources and the development of appropriate means to protect the environment of communities of people, which ultimately is what we have environmental rights for today. What remains in need is extensive exploration of a hybrid of effective tools to unlock and fully realize this potential.

14. Recommendations

An effective public participation in activities of the environment does not happen by accident. It must be carefully planned. To achieve this, we make the following recommendations:

1. Revision of legislation merely would be the first step in formulating a broad policy for constructive public participation. We sincerely recommend the amendment of the Constitution of the Federal Republic of Nigeria 1999, to expressly provide for public participation in environmental issues as a right enforceable under Chap 4 of the Constitution.
2. The government should collaborate with the sector and provide an enabling environment while continually improving the legislation guiding the industry. Administratively, operators should be allowed to discharge their duties with minimal interference while the regulators maintain proper oversight.
3. The EIA laws in Nigeria should be amended to give room for public participation after the issuance of certificate and commencement of project.
4. The Government should encourage environmental awareness programmes to be organized to educate the Nigerian masses on the need to be environmentally alert of the negative environmental impacts on their environment.
5. There should be an enforceable and exemplary penalty for failure to submit and carryout EIA on any project.
6. Improved institutional frameworks and participatory processes in environmental issues will engender more effective public participation in Nigeria.
7. Improved information (technology) and informed citizenry will make for increased public participation in decision-making on environmental issues especially in the rural areas
8. Training citizen as experts in environmental issues to represent the public in matters concerning the environment.