

ENVIRONMENTAL IMPACT ASSESSMENT AND ITS IMPLICATIONS ON THE HOUSING SECTOR IN NIGERIA*

Abstract

Environmental Impact Assessment (EIA) is necessary to foster sustainable development by providing guidelines that will enable large scale development to protect vital resources and ecological functions or the wellbeing, lifestyle and livelihood of the communities who depend on them. This paper has considered environmental impact assessment in Nigeria through the lens of the Environmental Impact Assessment Act 1992. The study found that the Act is a response to agitations and advocacy on the global landscape to ensure sustainable development. EIA strikes a balance between development and environmental protection. Although the process is still evolving in Nigeria, there are pros and cons of the full implementation of EIA on Nigeria's housing sector.

Keywords: *Environmental Impact Assessment, Housing, Implications, Nigeria*

1. Introduction

The explosive population growth in the world and urbanization have consequently resulted in development in land that is unsuitable for occupancy generating negative resultant effect on the neighbouring communities in long term.¹ A third world country, like Nigeria, has had a fair share of such uncontrolled development resulting in slums and shanties. The UN-Habitat, in its Global Report on Human Settlements, 'The Challenge of the Slums', states that slums and urban poverty are not only a consequence of the rapid demographic changes, but mainly the result of a failure of housing policies, legislations and delivery systems, as well as of national and urban policies.² A deeper interpretation of this failure can be determined by the low capacity of government and planning institutions, which in many cases are operated under the influences of bad governance, corruption, lack of professional skills, dysfunctional land markets, and, most important, lack of political will. As it has been said before, each of these failures adds pressures to the economic and social burden of the poor and constrains the opportunity for human development that urban life offers.³ The externalities present in slums increase the cost of necessities such as water, energy transport, reducing productivity and economic opportunities both in the formal and informal economy. But Mabogunje and Olotuah⁴ argued as follows:

The quality of the environment in most urban centres in Nigeria is not so much dependent on the material characteristics of buildings but on their organization as spatial units. Buildings are poorly laid out with inadequate roads between them and inadequate drainage and provision for refuse evacuation. There is a high incidence of pollution (water, solid waste, air and noise) and inadequacy of open spaces for other land uses. All these constitute urban poverty consequential of the rapid urbanization in the country. Urban poverty finds expression in an environment characterized by high densities of buildings, the crowding of large numbers of people into those buildings, lack of space for open air living between houses, poor health, substandard housing, and acute environmental and sanitary problems. This is the environment in which the Nigerian urban poor live.

Environmental Impact Assessment (EIA) is, therefore, necessary to foster sustainable development by providing guidelines that will enable large scale development to protect vital resources and ecological functions or the wellbeing, lifestyle and livelihood of the communities who depend on them. In other words, it ensures that any housing efforts intended to uplift social development needs to comply with the EIA regulations.¹ The following issues are critical to an effective EIA for a residential community:⁵ Effects on microclimate and air pollution; Effects on geology and soil; Effects on surface water and groundwater; Effects on foul drainage; Ecological impacts, including effects on existing habitats and the creation of new habitat; Effects on land-use, including effects on agriculture, existing industry and infrastructure on the site, and recreation; Landscape and visual impact;

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¹ Shadung John Moja and Simphiwe Ntokozo Mnguni, 'The Implementation of Environmental Impact Assessment (EIA) Regulations in the Construction of Low Cost Houses in Newcastle, South Africa' *Canadian Centre of Science and Education Journal of Agricultural Science* [2014](6)10,1.

² UN-Habitat, 'The Challenge of Slums' *Global Report on Human Settlements* [2003], 2-3

³ Ibid

⁴ AO Olotuah and SA Bobadoye 'Sustainable Housing Provision for the Urban Poor: A Review of Public Sector Intervention in Nigeria' *The Built & Human Environment Review*, [2009] 2

⁵ John Glasson and Riki Therivel and Andrew Chadwick, *Introduction to Environmental Impact Assessment: Principles and Procedures, Practice and Prospects* (2nd edn, ULC Press Limited 1999) 264-265.

Effects on human beings, including (a) effects on the existing population (on local properties, the coalescence of settlements, the generation of additional new community (population and community structure, employment creation, physical form, architecture community facilities and accessibility); Effects on the cultural heritage; Effects on material assets.

2. Conceptualization of Terms

It is imperative to briefly expatiate on some of the terms, understanding of which would aid this discourse.

Environment

Black's Law Dictionary, however, defines the environment as '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, affect the quality of people's lives.'⁶ This definition is very limited and essentially ignores the presence and interaction of man or animal. The primary Nigerian law on the environment, the NESREA Act, defines 'environment' to include water, air, land and all plants and human beings or animals living therein and the inter-relationships which exist among these or any of them.'⁷

Sustainability

The United Nations Environment Programme (UNEP) defined 'sustainability' as the intensified and sustainable demand for land, water, marine and coastal resources resulting from the expansion of agriculture and uncontrolled urbanization leading to increased degradation of natural ecosystems⁸ which erode the life supporting system that upholds human civilization. Caring for natural resources and promoting their sustainable use is an essential response of the world community to ensure its own survival and well-being. Since the word 'Sustainable' is used to define itself, it would not be out of place to give a simple dictionary meaning of the term in order to aid our understanding. To sustain means to maintain the continued existence of a thing over a period of time, while sustainable refers to an action or process which can continue or last for a long time.⁹

Development

'Development', on the contrary, has been defined by the United Nations Declaration on the Right to Develop as 'a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.'¹⁰

Environmental Impact Assessment

Simply put, Environmental Impact Assessment (EIA) is the process by which the effect of developmental projects on the environment is evaluated before the commencement of such projects. The EIA Act 1992 provides that public or private sector of the economy shall not undertake or embark on public or authorise projects or activities without prior consideration, at an early stage, of their environmental effects.¹¹ Hence, 'EIA attempts to determine the effects of modernization processes with agriculture, industrialization, urbanization, oil and other mineral exploration and exploitation, transportation, housing pattern and cultural heritage on the existing equilibrium relationship between the surroundings and its inhabitants between project conception and completion.'¹² The process of development, more often than not, alters the environment but the goal of EIA is to ensure that such alterations do not have adverse effects on the Environment, and where negative effects are envisaged, measures are put in place to mitigate them if the projects in question cannot be stopped outright.

3. Historical Background of EIA in Nigeria

Before the discovery of oil in the 70s, the Nigerian economy was totally dependent on agriculture. However, the oil boom moved the country from dependence on agriculture to dependence on (crude) oil. With the huge financial resources made available by oil, industrialization began to take place, hence, people went in search of white-collar jobs, and as a consequence, unguided urbanisation also began to occur as a result of rural-urban migration, since

⁶ 6th edition

⁷ The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, which repealed the Federal Environmental Protection Agency Act

⁸ <<http://www.unep.org/unep/sub1.htm>> accessed 15 May 2013

⁹ Ibid, note 3

¹⁰ United Nations Declaration on the Right to Development 1986 A/RES/41/128, Para. 2, preamble. See also L.A. Atsegbua et al, *Environmental Law in Nigeria* (Ababa Press, 2004) pp 57-58.

¹¹ Section 2(1)

¹² L Hart & S Orupabo 'Applicable International Environmental Impact Assessment Laws for the Niger Delta Area of Nigeria' *African Journal of Environmental Science and Technology* (2016) 10(11), 387

there was no development policy in place.¹³ As a product of industrialisation, there continued unchecked and unmitigated assault on the environment, ‘uncontrolled population growth, desertification and deforestation’ which led to the devastation and degradation of the environment became the order of the day. As good as development is, it was fast becoming an impediment to environmental protection because the necessary legal, institutional and policy framework that could have guided it had not yet been put in place. On the international scene issues of sustainable development featured first of all at the Stockholm Conference on the Human Environment in 1972, a period when the environmental protection had begun to attract global interest. At this time, many developing states including Africa, were of the opinion that the international call for environmental protection would be tantamount to doing so at the expense of their own economic development. The Conference set the stage for global environmental assessment, and for addressing the links between environment and development and was thus It was therefore an important milestone in drawing attention to the need for holistic and integrated development planning, as well as addressing intergenerational equity issues.¹⁴ However, the concept of sustainable development was actually projected worldwide through the report of the World Commission on Environment and Development (WCED) entitled ‘Our Common Future’, otherwise known as the ‘Brundtland Report’ in which sustainable development was defined as development that ‘meets the needs of the present without compromising the ability of future generations to meet their own needs.’ It questioned the pathways of development followed by the rich and the poor countries, and called for revisiting societal goals to take into account environmental integrity, social justice and equity, the welfare of current and future generations, and public participation in development.¹⁵

Furthermore, on the international scene, the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro, Brazil, in June 1992, was pivotal in the global discourse on environmental protection and development. At the end of the Conference, 27 principles collectively known as the Rio Declaration emerged. Principle 2 of the Declaration reads: ‘States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.’ The declaration captures properly, the concept of environmental sustainability and development; while it recognizes the right of peoples to development, it states that: ‘The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.’¹⁶ The 1992 Rio on Environment and Development recognized and defined the rights of the people to be involved in the development of their economies, and the responsibilities of human beings to safeguard the common environment.¹⁷ The declaration was built upon the basic ideas concerning the attitudes of individuals and nations towards the environment and development first identified at the 1972 Stockholm Conference. The Rio Declaration stated that long term economic progress guaranteed if it was linked with the protection of the environment. The declaration highlighted the following principles:

- (a) People are entitled to a healthy and productive life in harmony with nature
- (b) Development today must not threaten the needs of present and future
- (c) Nations have the right to exploit their own resources, but without causing environmental damage beyond their borders
- (d) Environmental protection shall constitute an integral part of the development process
- (e) Eradicating poverty and reducing disparities in living standards in different parts of the world are to achieve sustainable development whilst meeting the need of the majority of the people.
- (f) Environmental issues are best handled with the participation of all concerned citizens.
- (g) The polluter should in principle bear the cost of pollution
- (h) Sustainable development requires better scientific understanding of the problems. Nations should share knowledge and technologies to achieve the goal of sustainability.

The Rio Declaration 1992 actually prompted the promulgation of the EIA Decree No. 86 in Nigeria in 1992

¹³ Nerry Echefu & E Akpofure ‘Environmental impact assessment & E in Nigeria: regulatory background and procedural framework’ (UNEP EIA Training Resource Manual - Case studies from developing countries), 64

¹⁴ Economic Commission for Africa Sustainable Development Report on Africa: Managing Land-Based Resources for Sustainable Development <<http://www.uncsd2012.org/content/documents/SDRA1%20managing%20land>> accessed 13 May 2013

¹⁵ Ibid

¹⁶ Principle 3.

¹⁷ Sustainable Environment. <http://www.sustainable-environment.org.uk/Action/Rio_Declaration.php> accessed 23 April 2013

4. Sustainable Development: The Focus of EIA

It is out of order to discuss EIA without taking more than a cursory look at the concept of Sustainable Development. A number of scholars have defined 'Sustainable Development', but in 1987 the World Commission on Environment and Development defined the term to mean 'Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'¹⁸ It is the facilitator for balancing the conversion of nature's resource with the need for development that is, improving the quality of human life while living within the carrying capacity of supporting ecosystems.¹⁹ The sustainable development captures and aims at balancing two main issues, which are environmental development and economic protection. The economic development can also be referred to as a means of the poverty alleviation.²⁰ Economic development should be reconciled with the environmental protection; these two are interdependent and mutually reinforcing. As the result, it is important to understand the two practical implications embracing these objectives of sustainable development.²¹ The concept of sustainable development has been expanded to encompass four interpretations as follows:²²

- (1) The need to preserve natural resources for the benefit of future generations (the principle of 'intergenerational equity')
- (2) The need to exploit natural resources in a manner which is sustainable or prudent (the principle of 'sustainable use')
- (3) The equitable use of natural resources by taking into consideration the needs of others to the use and enjoyment of the scarce or finite resources (the principle of 'equitable use' or 'intra-generational equity')
- (4) The need to ensure that environmental considerations are integrated into the economics of development plans, and also the inclusion of development needs in the application of environmental objectives (the principle of 'integration').

EIA Provisions for Housing in Nigeria

According to Olokesusi, in actual fact, EIA process in Nigeria has been categorized into three types, based on six criteria: Project magnitude; Extent or scope; Duration and frequency; Associated risks; Significance of impacts; and Availability of mitigation measures for associated and potential impacts identified.²³ Category one covers projects where EIA is mandatory (housing projects with a minimum size or capacity up to 50 hectares falls under this category), while category two captures the same projects in the mandatory list, except in their size and capacity. The category one projects are a lot bigger in size. The Act explains that the projects in this category, located in environmentally sensitive areas (ESAs) will be assigned to category one, and will attract a full EIA scrutiny. But for projects not located in an ESA, a comprehensive EIA may not be required, but a partial EIA. To ameliorate any negative impact of the project, mitigation measures or any further action may be required including an adjustment to design, depending on the nature and magnitude of impact. Category three, on the other hand, covers essential programmes. They include institutional development, education, health, and family programmes. Such programmes are to attract full EIA process if they involve physical outputs such as buildings and ancillary facilities. The categorisation above-stated notwithstanding, there are projects exempted from EIA processes in Nigeria. EIA of a project shall not be required under the following situations:²⁴

- a. Where in the opinion of NESREA, the project is in the list of projects where the president, Commander-in-Chief of the Armed Forces or the Council is of the opinion that the environmental effects of the project are likely to be minimal;
- b. Where the project is to be carried out during national emergency for which temporary measures have been taken by the government;
- c. Where the project is to be carried out in response to circumstances that in the opinion of the agency, the project is in the interest of public health or safety.

¹⁸ The World Commission on Environment and Development's (The Brundtland's Commission) report on 'Our Common Future' (Oxford University Press 1987)

¹⁹ W. Ajai, 'Achieving Environmental Protection through the Vehicle of Human Rights: Some Conceptual, Legal and Third World Problems' [1995](5)(1) *UBLJ* 41

²⁰ M. B.M. Alhaji., 'From Rio to Johannesburg: Reflections on the Role of International Legal Norms in Sustainable development' [2003] 16 *Georgetown International Environmental Law Review* 31

²¹ A. Viriyo, Principle of Sustainable Development in International Environmental Law <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2133771> accessed 10 May 2013

²² T.J. Beckwith, *Environmental Law* (Sweet & Maxwell 2004) 46

²³ Femi Olokesusi 'Legal and Institutional Framework of Environmental Impact Assessment in Nigeria: An Initial Assessment' 1988 *Elsevier Science Inc.* 161-165

²⁴ *Ibid*, s 15

The exemptions to EIA may eventually lead to the defeat of its purpose in some cases, especially the first and third exemption, that is a. and c. Except there is an emergency, EIA requirement should not be waived on any ground whatsoever, the Act itself reveals that the process is one which would usually involve the expertise of skilled professionals, hence, that the President or the Agency is of the opinion that environmental impacts of developmental projects would be minimal should not be a ground upon which EIA should be waived. Furthermore, EIA itself is in the interest of public health and safety, therefore, any other project that is to be carried out in the interest of public health and safety should not be exempted from EIA, except, of course, in cases of emergency. On what constitutes EIA, the Act provides that ‘An environmental impact assessment shall include at least the following minimum matters, that is –

- (a) a description of the proposed activities;
- (b) a description of the potential affected environment including specific information necessary to identify and assess the environmental effects of the proposed activities;
- (c) a description of the practical activities, as appropriate;
- (d) an assessment of the likely or potential environmental impacts on the proposed activity and the alternatives, including the direct or indirect cumulative, short-term and long-term effects;
- (e) an identification and description of measures available to mitigate adverse environmental impacts of proposed activity and assessment of those measures;
- (f) an indication of gaps in knowledge and uncertainty which may be encountered in computing the required information;
- (g) an indication of whether the environment of any other State, Local Government Area or areas outside Nigeria is likely to be affected by the proposed activity or its alternatives;
- (h) a brief and non-technical summary of the information provided under paragraph (a) to (g) of this section.²⁵

The information provided as of environmental impact assessment shall be examined impartially by NESREA which shall afford government agencies, members of the public, experts in any relevant discipline and interested groups the opportunity to make comment on environmental impact assessment of the activity. Before giving a decision as to whether or not the project should be carried out without first considering comments from the aforementioned. The Act provides under Section 8 that the Agency not give its decision as to whether or not the project should be authorized appropriate time has elapsed for the consideration of comments from relevant quarters, including the public. Thereafter the report of the Agency shall be made available to the interested persons or groups and where no request is made, the Agency has a duty to publish its decision in such a way as to notify the public and interested persons.²⁶ This by far is one of the most radical provisions of the Act- the fact of public participation in the EIA process.

5. Housing in Nigeria: A Developmental Issue

It has been stated that the purpose of EIA is to ensure that developmental goals, such as provision of housing, are achieved through sustainable means. In Nigeria, there is a sizeable number of the populace without any form of shelter at all or residing in dilapidated or unimprovable housing conditions. It is common place for residents of housing settlements with serious sanitation problems to have to cohabitate with pungent odours oozing out of dump sites and blocked mosquito- infested drainages. While this unpleasant situation is felt by the majority of the people, the most affected are the low-income earners, the underemployed and the unemployed; in a nutshell, the poor class.²⁷ Quite a good number of the problems related to housing in Africa can be identified as basic and pertaining to the economic development of the continent; while others may be peculiar to housing, they may be a direct result of the former. Developmental problems that have impacted the housing sector include but are not limited to the following:

Economic Issues: These include inflation, high interest rates, low income of unemployment and underemployment. All these issue impact directly on the cost of building houses and on affordability of adequate housing. Most of the population in Africa, not just in Nigeria, do not have the economic wherewithal to acquire modern housing and many therefore resort to self-help where the owner has to bear the financial burden as well as every other the risk associated with construction.²⁸ In my opinion, this could have been responsible for the use of low quality materials and poor professional expertise been employed on building sites which have often been identified as probable causes for collapse of buildings.

²⁵ Ibid, s 4

²⁶ Ibid, s 9(2)&(3)

²⁷ A.A. Hammond, ‘Housing in Africa: Problems, Prospects and Strategies. Paper presented to the third international seminar on structural masonry for developing countries’, held in Mauritius, July 1990. <<http://www.greenstone.org/greenstone3/nzdl?a=d&d=HASH01691872b64c5faad271500>> accessed on 12 March 2014

²⁸ Ibid

Increased population and Urban Growth Rates: Increase in population automatically demands increase in housing facilities and other social amenities that make houses habitable. These include water, electricity, good roads, as well as easy access to hospitals, schools and transportation. Many cities in Nigeria did not urbanize in a sustainable way hence the creation of urban slums. Lagos State in Nigeria is a well know urban city but full of pockets of slums here and there in areas such as Mushin, Ijegan, Agbado-Ijaye and the likes. Persons have been rendered homeless because timely compliance with town plans was not ensured. The Abuja demolitions under Mallam Nasir El Rufai are also a good case in point.

Environmental Degradation is also a major problem.

Natural Disasters such as flooding reduce the number of already existing inadequate housing stock. Houses have been destroyed by flood and as a result of which persons have been rendered homeless. Some of the issues which border on environmental degradation and natural disasters are actually man-made. Unsustainable practices have led to environmental degradation and non-compliance with standards and building codes have caused the collapse of several buildings and houses which have claimed lives. Regularly, reported cases of collapsed buildings come up in the news and it is still uncertain if any of the defaulters have been prosecuted and penalized accordingly. Nigeria's housing sector is fraught with other problems, some of which are identified below. These problems as it were make it more essential for EIA to be carried out in the housing sector.

Land Tenure System/ The Land Use Act

The land tenure system under the Land Use Act of 1978 and the cumbersome process for registration of properties in have been identified as some one of the obstacles to housing development and home-ownership in Nigeria. The Land Use Act which governs administration of land in Nigeria vests ownership of land in state governors; and all that is issued upon acquisition and registration of property under this system is Certificate of 'Occupancy' – not of 'Ownership.'

Collapse of Buildings

One of the major causes of destruction of lives and property in Nigeria in recent times has been building collapse. In 2013, buildings collapsed in parts of the Federal Capital Territory Abuja, Kano, Ibadan and many other states across Nigeria, claiming several lives and properties.²⁹ Lagos State was the worst hit; it had the largest percentage of building collapse involving two-storey, three- storey, two-floor and basement, seven-floor cause-level buildings. The problem with Nigeria is that standards are not respected except they are enforced and the government's enforcement power is been weakened by corruption. Virtually all laudable project/programs or laws put in place get undercut by corruption. Nigeria has a building code, but how well have people been made to comply with it over the years?

Slum Settlements, Demolitions and Forced Evictions

This is has become a problem on our hands in Nigeria. The *Oto Ilogbo* community in Lagos 'presents a picture of urban despair, a literal and figurative wasteland littered with castaway people, trash and brutal downside of unrestrained oligarchic capitalism. An assemblage of 15,000 Lagosians' makeshift homes fashioned mostly from scrap wood and corrugated metal roofing built haphazardly between staggering towers of compacted refuse, Oto-Ilogbo represent what happens when a government hoards its wealth and turns its back from its people. With the help of advocacy groups, its residents were d first to sue Lagos state government and successfully halt the planned razing of their homes.'³⁰ Oftentimes, government thinks that the way to address urban poverty is to evict and destroy entire communities to make way for office buildings and sophisticated structures. According to a resident of *Oto Ilogbo*, a slum in Lagos, 'government creates slums because if you evict people from slums on one side without providing an alternative, then we move to other slums because people need to live.'³¹ This is highly instructive and thought-provoking for Government and stakeholders in the housing sector. In the Badia East slum, on Feb 2013 the Lagos state government demolished 2237 homes.³² Occupants received no compensation and no alternative housing arrangement was made by authorities. Residents watched as their homes were razed down and the police assisted in the exercise. They were not allowed to take their belongings. A month later, the police returned to harass the homeless families in their camps and to chase them away from there. In July 14 1990, about 300,000 Lagosians were evicted from the slums known as Maroko and had their houses demolished after being given only 7 day notice. That area is now being occupied by the rich class. In 2011, Social and Economic Rights Centre (SERAC) an NGO filed a law suit for protection of fundamental rights after the government marked buildings with 'abatement of nuisance notices' which are usually posted just before slum areas are destroyed. The

²⁹ Ibid note 19

³⁰ Adams Connor, 'Lagos Slum's Legal Victory Presents Path to Future For Nigeria's Least Fortunate' *International Business Times* on 27 Nov 2013 < <http://m.ibtimes.com/lagos-slums-legal-victory-presents-path-future-nigerias-least-fortunate-1485706>> accessed 25 March 2014

³¹ Ibid.

³² Amnesty International, 'Badia East community; Hundreds of family homes destroyed' < <http://www.amnesty.org/en/appeals-for-action/LWM2013-Nigeria>> accessed 25 March 2014

said lawsuit helped to keep some slums areas from being reduced to rubble by the Lagos State Government to make room for an unspecified redevelopment project. On March 5 2013, Justice OO Femi Adeniyi in his judgment stated that the environmental sanitation law of 2001 does not authorize demolitions' and that government ought to have come up with its plan for the proposed development. SERAC deemed the judgment 'a small but meaningful achievement in the struggle to protect the social and economic rights of all Lagosians, uphold the rule of law and curb executive lawlessness'³³

6. EIA and Public Sector Intervention in the Provision of Housing

The category of individuals or organizations that should be involved in the EIA review process is composed of stakeholders in the area of concern. It involves the Project proponent, the Government representatives (which can be federal, state, or local authority), the Public (which comprises the local community, pressure or interest groups, and every other voluntary groups or organizations, and may be professional groups). Scholars have opined that one aim of the EIA process is to provide insight into a project, so that a better decision may be made.³⁴ They also posited that consultation can help to ensure that the quality, comprehensiveness and effectiveness of the EIA, as well as the views of the various groups are adequately taken into consideration in the decision making process. It can be understood from the historical landscape of housing policy formulation in Nigeria that housing provision through government intervention has largely fallen under the exemption list. This consequently means that actualizing policy formulated towards housing provision does not necessarily have to be thoroughly scrutinized to ensure strict adherence with standard, no inclusion of local communities in site selection and design, and in execution of projects to ensure the housing provision does not have negative effect on the socio-cultural structure of the end users. The purpose of EIA is to ensure that developmental goals are achieved through sustainable means. Hence, sustainable housing provision³⁵ must be such that is consistent, and duplicable process of meeting housing need of the people, who are largely economically incapable. It should ensure proper definition of the housing need and the due participation of the end users to ensure their satisfaction. Housing programmes often fail due to lack of due consultations with local end users of housing provisions.³⁶ This is because attitude towards space use and organizations are culturally influenced, and each people group have their unique way of relating with their environment. The multi-ethnic composition of Nigeria, therefore, must be considered in any housing intervention. The lack of proper inclusion in housing provision and in land tenure system for the urban poor has largely precipitated into increasing slum development in Nigerian urban community. To really understand the importance of inclusion, the study of successful and failed interventions in housing provisions around the world will reinforce this view. The first case study is Kibera, Kenya.³⁷ Kenya's Ministry of Housing, with the support of UN-Habitat and several other donor agencies, launched a Slum Upgrading Project (KENSUP) and erected a flagship multi-storeyed concrete building called 'The promised land' by the local people. It is a heavily subsidized apartment blocks with basic services like water, sanitation, and electricity, all of which were not so easily available in slums. The project right from inception did not enjoy acceptance by the intended residents, who later moved out of the apartment and back to the slum they were relocated from. Thereafter, the occupancy void was quickly taken over by the middle class income earners looking to get good but cheap accommodation. Although this provide a rental reward for the 'slum landlords', it became obvious that the policy framework for addressing the Kibera slum was ineffective and therefore failed as a result of lack of genuine citizens' inclusion in the process. The following may be deduced from the Kenyan experience:

- (a) The failure of the government to ensure the adequate inclusion of the citizens in the entire process strengthens the already bad feeling of exploitation and mistrust among the locals. This is typical of the Nigerian society. An effective approach will be a wholesome inclusion of the slum community in the entire process to ensure transparency.
- (b) The project disrupted the entire communal life of the community. This is not an effective solution. EIA process which included the participation of affected people would have considered the impact of projects on the communal life of the people.

A better approach was adopted in Medellin, Columbia.³⁸ Upgrading Medellin slum was quite a task uphill that involve experimentations which eventually yielded an action framework for the successful Medellin slum upgrade. Objectives for the slum upgrade were drawn up as follows:³⁹

³³ Ibid, note 30

³⁴ John Glasson, Riki Therivel, Andrew Chadwick, *Introduction to Environmental Impact Assessment: Principles and Procedures, Practice and Prospect*. (2nd ed. ULC Press Limited, 1999)160.

³⁵ A.O. Olotuah & SA Bobadoye 'Sustainable Housing Provision for the Urban Poor: A Review of Public Sector Intervention in Nigeria' *The Built & Human Environment Review*, Vol. 2, Pp. 8-9. 2009

³⁶ Ibid

³⁷ How to solve a slum: Poor residents push back on government housing plans. <http://www.seattleglobalist.com/slumrising-parttwo>, accessed 24 June 2013

³⁸ Camilo Andres Calderon Arcila, 'Learning from Slum Upgrading and Participation, A case study of participatory slum upgrading in the emergence of new governance in the city of Medellin-Colombia' KTH, Department of Urban Planning and Environment Division of Environmental Strategies Research' (fms, Kungliga Tekniska Hogskolan, Stockholm 2008) <www.infra.kth.se/fms> accessed 20 June 2017

- (a) Empower community based organizations, through training of community leaders, the creation of activities and spaces that allow the community to be informed, supervise and evaluate the projects that are being implemented.
- (b) Stimulate adequate interventions of the administration in the areas, based on the creation of municipal, sector and thematic committees that will aim at bringing together efforts from the administrative institutions and agencies as well as the public, private and academic ones. Additionally it will help reaching national and international institutions and resources.
- (c) Improvement of public space, through the construction of new public parks and squares as well as the improvement of the existing ones.
- (d) Improve and promote the continuity of the pedestrian mobility, by the construction of pedestrian bridges and the improvement of pedestrian paths that connect the different areas which are divided by the topographical conditions of the areas.
- (e) Construct and improve community facilities, such as new public libraries, bus terminals, police stations, spaces for public access to internet and centres for business development. As well the improvement of existing education centres, school restaurants, health centres and sport areas.
- (f) Stimulate housing programs, based on the regularization, improvement, legalization of existing dwellings and the construction of new buildings.
- (g) Alleviate the deterioration of the natural environment, based on processes of reforestation, programs and projects for black water treatment, erosion control and waste management. As well as the relocation of dwellings located in areas of high risk and the implementation of programs of prevention and control of new constructions in this areas.

To achieve the above, the scheme identified three (3) components to this. They were Physical component, Social component, and Institutional component. The Physical component addressed the planning, design, and implementation of projects that would improve the low quality and quantity of public spaces and places, housing, road and pedestrian infrastructure as well as the natural environment. In terms of public spaces and places, it aimed at improving and constructing communal facilities where the satisfaction of the collective needs such as recreation, culture, education and leisure could be realized. In relation to the road and pedestrian infrastructure, it aimed at the improvement of the mobility, accessibility and connectivity between the different neighbourhoods and the city. In relation to housing, it incorporated mechanisms of legalization of tenure, relocation of dwellings located in areas of high risk, and the construction of new ones. Finally by doing all these actions and complementing them with special programs there could be an improvement of the natural environment. The Social component guaranteed the participation and involvement of the community in the process, by bringing closer the administrative institutions and the community in order to have a higher effectiveness of the actions and a greater sense of satisfaction and appropriation of the projects and programs by the community. The Institutional component provided the cohesion and communication platform for all the stakeholders to interrelate both in the government and non-government sector, and formal and informal sector. It provided the administrative and coordinative platforms that ensure that the project has a smooth sail from design to execution, and to maintenance. The approach of the Columbian government paid off due to the inclusion of the benefiting populace in the planning process, and by extension in the policy formulation, in spite of years of major drawbacks experienced in the government's earlier attempt at addressing the slum and housing need in Medellin. Infrastructural developments that foster community life typical of slum neighbourhoods were also provided, apart from the provision of basic infrastructure like road, electricity, and so on. Relevant stakeholders and skilled professionals were engaged for a good and qualitative design for the enhancement of the urban space and legislations were equally put in place to ensure the security of land tenure. Hence, government policy was backed up by actions. This goes to show that enacting laws and formulating policies.

7. Implication of EIA on the Nigerian Housing Sector

The Declaration on the Right to Development has stated that 'the human person is the central subject of development and should be the active participant and beneficiary of the right to development',⁴⁰ Development often takes place in an uneven way such that a country may have a very high GDP, for instance, from the exploration and exploitation of rich oil reserves and mineral resources, while the larger percentage of the population lives in poverty, want, deprivation and lack of access to basic human needs like education, health and adequate housing.⁴¹ This is typical for Nigeria and indeed many developing countries. For instance, Nigeria makes so much money

³⁹ Ibid

⁴⁰ United Nations Declaration on the Right to Development, Art2

⁴¹ Human

Development

Indicators

http://www.bbc.co.uk/schools/gcsebitesize/geography/development/contrasts_development_rev4.shtml accessed 4 March 2014

from crude oil yet more than half of its population live in abject poverty and cannot access or afford things as basic as qualitative education, health care services, clean portable water as well as decent housing. Therefore, to measure the real level of development, it is highly imperative to also factor in, the non-economic aspects of a nation's development.⁴² Housing is one of the human development indicators which should be considered for assessing how much the 'human person' has benefitted from the economic development of the State. Housing is more than a roof over one's head, rather, it encompasses every social service and convenience that leads to worthy living; its key role is to keep man safeguarded against physical and cultural hazards in his physical environment. EIA ensures that housing provision is more than shelter. It has been afore mentioned that natural disasters such as flooding reduce the number of already existing inadequate housing stock and Houses have been destroyed by flood and as a result of which persons have been rendered homeless. EIA assesses both the long and short term effects of proposed developmental projects on the environment as well as alternatives and measures to be taken to mitigate the adverse effects. Therefore, natural disasters, like flooding, which are a consequence of siting of housing and other developmental projects in certain areas that eventually render persons homeless can be identified and dealt with ahead of time. Similarly, EIA can help to control and guide the process of urbanization. Increase in population automatically demands increase in housing facilities and other social amenities that make houses habitable. These include water, electricity, good roads, as well as easy access to hospitals, schools and transportation. Many cities in Nigeria did not urbanize in a sustainable way hence the creation of urban slums known for filth. Lagos State in Nigeria is a well know urban cities but full of pockets of slums here and there in areas such as Mushin, Ijegan, Agbado-Ijaye and the like. A proper implementation of EIA, particularly the aspect of public participation can help to ensuring sustainable urbanization, which would further lead to healthier communities. Also, a full effective implementation of EIA would mean an increase in cost and timeframe of development because identification of subject issues and the assessment of environmental impacts would require the services of skilled professionals. Furthermore, interaction with government agencies is a legal requirement before the commencement of project, application has to be made to NESREA in writing for the identification of subject activities and environmental assessment applied as the activities being planned.s.2(4). While section 7 of the Act appears to be the provision that enables public participation, it can also be manipulated to effect delay and may lead to bureaucratic bottlenecks in the developmental processes. The process spelt out in the Act demands that developers interact with more governmental agencies, especially NESREA, and given what the Nigerian public service is, the EIA may either be unduly influenced or delayed.

8. Conclusion and Recommendations

This paper has considered EIA in Nigeria through the lens of the EIA Act 1992. The Act itself is a response to agitations and advocacy on the global landscape to ensure sustainable development. EIA strikes a balance between development and environmental protection. Although the process is still evolving in Nigeria, there are pros and cons of the full implementation of EIA on Nigeria's housing sector. And as examples drawn from Kenya and Cambodia indicate, public participation, especially of end users, would aid the process and make it more effective and beneficial. Amongst other things, EIA as a tool of sustainable development, if properly deployed, can enhance sustainable urbanization and further guarantee healthier communities and the protection of environmental rights. The ICESCR in Article 11 puts States under an obligation to recognize 'the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the 'continuous improvement of living conditions.' Public participation and controlled urbanisation are sure steps to help the Nigerian Government in the fulfilment of its obligations with respect to adequate housing. In the same vein, UN-Habitat has noted that political will is key to the improvement of housing and living conditions, but not without the participation of stakeholders, especially the people. Accordingly, it stated thus: 'the most important factor that limits progress in improving housing and living conditions of low-income groups in informal settlements and slums is the lack of genuine political will to address the issue in a fundamentally structured, sustainable and large-scale manner. There is no doubt that the political will to achieve long lasting and structured interventions constitutes the key to success, particularly when accompanied by local ownership and leadership, and the mobilization of the potential and capacity of all the stakeholders, particularly the people themselves. Lessons from several countries underscore the importance and the fundamental role of sustained political will and commitment in improving or reducing slums.'⁴³ Although the comment above was passed with respect to reduction of urban slums, it is equally true for EIA. Strong political will and genuine public participation will deliver the desired effects of EIA on the housing sector in Nigeria.

⁴² Ibid

⁴³ UN-Habitat, The challenge of slums: Global Report on Human Settlements 2003, p.6