

Nigeria

Country: [Nigeria](#) [1]

EIA Law: Environmental Impact Assessment Decree, No. 86 of 1992

Law Link: [Link](#) [2]

EIA Guidelines or Other Guidance: Environmental Impact Assessment Procedural Guidelines (FEPA, 1995)

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: "Where a project for which an environmental assessment is not required under section 15 of this Decree is to be carried out in Nigeria and the Agency or the President, Commander-in-Chief of the Armed Forces is of the opinion that the project is likely to cause serious adverse environmental effect on Federal Lands or on lands in respect of which a State or Local Government has interests, the Agency or the President may establish a review panel to conduct an assessment of the environmental effects of the project on those lands." Decree No. 86, sec. 51

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: Decree No. 86, secs. 16, 22

Criteria for Screening: List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: "Where the extent, nature or location of a proposed project or activity is such that is likely to significantly affect the environment, its environmental impact assessment shall be undertaken in accordance with the provisions of this Decree." Decree No. 86, sec. 2(2); see also Schedule 1 (listing mandatory study categories)

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: Responsibility for preparation of the EIA is not clearly addressed in the EIA laws. From context, it appears to be the responsibility of the project proponent. See Decree No. 86, sec. 23(a) (agency must ensure that an EIA report is prepared and submitted to the agency); see also sec. 25(1) (after "receiving" EIA, agency shall publish notice)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: This is not expressly addressed in the law, but is presumed from the context.

EIA Contractor Qualifications: No

Conflict of Interest: No

Terms of Reference: No

Days for Decision Maker Review: Not specified

Automatic Approval: No

Automatic Approval Detail: The EIA law does not expressly provide for automatic approval.

Written Decision: Yes

Written Decision Detail: "The Agency's decisions on any proposed activity subject to environmental impact assessment shall. . . be in writing[.]" Decree No. 86, sec. 9(1)(a). In addition, the Agency must advise the public of mitigation measures and monitoring activities that will be required. See Decree No. 86, sec. 41(2)

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: "Where the Agency has given certain conditions before the carrying out of the project, the conditions shall be fulfilled before any person or authority shall embark on the project." Decree No. 86, sec. 13(2); see also sec. 10 (granting Council authority to determine whether a project and its impacts on the environment should be subject to supervision)

Expiry of Decision: Variable

Financial Assurances or Bond: No

Interdisciplinary Team: No

Range of Alternatives: Yes

Range of Alternatives Detail: An EIA must include "an assessment of the likely or potential environmental impacts on the proposed activity and the alternatives. . . ." Decree No. 86, sec. 4(d); see also sec. 17(2)(b) (EIA must include consideration of " alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means")

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Health impacts

Economic impacts

Mitigation: Yes

Mitigation Detail: The EIA must include "an identification and description of measures available to mitigate adverse environmental impacts of [the] proposed activity and assessment of those measures. . . ." Decree No. 86, sec. 4(e); see also sec. 17(1)(d)

Monitoring Plans: Sometimes

Monitoring Plans Detail: It is within discretion of Agency to decide whether the EIA process will include "the design and implementation of a follow-up program." Decree No. 86, sec. 16; see also sec. 17 (mandatory study must include a discussion of "the need for and the requirements of any follow-up program in respect of the project")

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: "After receiving a mandatory study report in respect of a project, the Agency shall, in any manner it considers appropriate, publish in a notice setting out the following information – (a) the date on which the mandatory study report shall be available to the public; (b) the place at which copies of the report may be obtained. . . ." Decree No. 86, sec. 25(1)

Final EIA Available: Yes

Final EIA Available Detail: The EIA must be made available to members of the public; however, the agency has sole discretion to determine the place(s) where the assessment may be obtained. See Decree No. 86, sec. 25(1)

Final EIA Locations: Other

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: "For the purpose of facilitating public access to records relating to environmental assessments, a public registry shall be established and operated in accordance with the provisions of this Decree in respect of every project for which an environmental assessment is conducted." Decree No. 86, sec. 57(1). The registry "shall contain all records and information produced, collected or submitted with respect to the environmental assessment of the project . . ." Id., sec. 57(3). Some information may be withheld from public disclosure. See Id., sec. 57(4), (5), (6)

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: "The report of the Agency shall be made available to interested person or group." Decree No. 86, sec. 9(2) [Note: "Report" refers to the Agency's decision] "If no interested person or group requested. . . the report, it shall be the duty of the Agency to publish its decision in a manner by which members of the public or persons interested in the activity shall be notified." Decree No. 86, sec. 9(3)

Public Scoping: Yes

Public Scoping Detail: The EIA Decree seems to suggest that there is public involvement during the screening process. Section 17(1)(c) states that every screening shall include a consideration of "comments concerning [environmental] effects received from the public, [in] accordance with the provisions of this Decree"

Public Participation Opportunities: Scoping

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Sometimes

Public Meetings Detail: Public hearings are held if the EIA is referred to a review panel pursuant to section 27 of Decree No. 86. If referral occurs, the review panel "shall, in accordance with the provisions of this Decree and its terms of reference. . . hold [a] hearing in a manner that offers the public an opportunity to participate in the assessment. . . ." Decree No. 86, sec. 37(b)

Public Input at Meeting: Yes

Public Input at Meeting Detail: The review panel "shall, in accordance with the provisions of this Decree and its terms of reference. . . hold [a] hearing in a manner that offers the public an opportunity to participate in the assessment. . . ." Decree No. 86, sec. 37(b); see also sec. 44(c)

Criteria to Hold Public Meeting: The proposed project is controversial

Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Final EIA: Variable

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: "After receiving a mandatory study report in respect of a project, the Agency shall, in any manner it considers appropriate, publish in a notice setting out . . . the deadline and address for filing comments on the conclusions and recommendations of the report." Decree No. 86 sec. 25(1)(c). Prior to the deadline, "any person may file comments with the Agency relating to the conclusions and recommendations of

the mandatory study report [EIA]." Id., sec. 25(2)

Response to Public Comments: Yes

Response to Public Comments Detail: See Decree No. 86, secs. 17(1)(c), 26

Facilitation of Public Participation: No

Project Monitoring: Yes

Project Monitoring Detail: If the Agency decides to permit a project to be carried out "it shall, in accordance with this Decree, design any follow-up programme that it considers appropriate for the project and arrange for the implementation of that one." Decree No. 86, sec. 41(1)

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