

The Role of Environmental Impact Assessment Law in Advancing Public Participation and Sustainable Development in Nigeria and Scotland: Challenges and Lessons

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Abstract

This article critically examined the role of Environmental Impact Assessment (EIA) law in advancing public participation and sustainable development in Nigeria and Scotland, highlighting their respective challenges and lessons. EIA serves as a crucial regulatory instrument for balancing developmental aspirations with environmental sustainability goals while providing a platform for participatory governance that ensures community perspectives are considered in decision-making. The study traces the historical evolution of EIA laws in both jurisdictions, with Nigeria enacting the Environmental Impact Assessment Act of 1992 and Scotland incorporating the European Union Directive 85/337/EEC, subsequently refined under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Although both frameworks mandate public involvement, their effectiveness differs significantly due to varying socio-political, cultural, and institutional contexts. In Nigeria, weak enforcement, limited institutional capacity, political interference, and low levels of environmental literacy undermine the credibility and inclusiveness of EIA processes, rendering them often symbolic. Conversely, Scotland's EIA system benefits from entrenched transparency, robust institutional frameworks, and a civic culture supportive of environmental governance, which enhance both accountability and sustainability outcomes. The comparative analysis reveals that effective implementation of EIA requires more than statutory provisions; it depends on institutional strength, public awareness, and mechanisms that ensure public input is

meaningfully integrated into decision-making. The article concludes that Nigeria can learn from Scotland's experience by enhancing institutional resources, simplifying technical reports, improving environmental education, and embedding accountability through judicial review, thereby transforming EIA law into a substantive tool for environmental justice, inclusive participation, and sustainable development.

Keywords: Environmental Impact Assessment, Public Participation, Sustainable Development, Nigeria, Scotland, Environmental Governance.

1. Introduction

Environmental Impact Assessment (EIA) law has developed into one of the foremost regulatory mechanisms for balancing agendas for development with environmental protection and sustainability objectives. The practice of reviewing the potential environmental impacts of projects prior to project approval represents both a preventative tool, and an arena for affected communities and stakeholders to participate in decision-making.¹ This article places EIA within a larger discussion of sustainable development and focuses on its contributions to enhancing transparency, accountability, and inclusivity in governance. By emphasizing that public

1 Aidonojie, Paul & Anani, Osikemekha & Agbale, Omohoste & Olomukoro, John & Adetunji, Charles. (2020). Environmental Law in Nigeria: A Review on its Antecedence, Application, Judicial Unfairness and Prospects. 1. 212-221.

participation is much more than an optional extra, but rather an important principle of effective EIA procedures to ensure that environmental decisions include the voices, values, and concerns of affected people.² Drawing on this context, this article takes a comparative look at Nigeria and Scotland. These are two countries with important differences in legal traditions, political systems and social and economic realities. Scotland has a tradition of public consultation that is underpinned by a very specific environmental institutional framework, while Nigeria continues to face systemic difficulties like the presence of weak enforcement mechanisms, limited awareness in local communities and political interventions. This article seeks to explore how the contextual issues in these two cases influence the extent to which EIA generates participatory governance and sustainable development. The article explores the stages in the EIA process in the two jurisdictions, how accessible and inclusive the process is for the public, and the structural barriers to active public engagement.³

In addition, the debate encompasses more than legal parameters, and takes into account the socio-cultural understandings and economic and political factors or influences on the degrees and quality of participation in EIA processes. Factors such as literacy rates, economic inequalities, independence of institutions, and social understandings of governance play a critical role in determining the extent to which communities can actively participate in environmental decision-making processes. Through comparing the experiences in Nigeria and Scotland the article highlights not only the lessons learned by each

jurisdiction, but recommends reforms to be made to public participation for the continuous advancement of environmental justice and sustainable lifestyles in Nigerian society and beyond. Ultimately, the introduction has opened the door for a comprehensive examination of how EIA law can be improved for developmental projects to be both environmentally sound and socially inclusive.⁴

2. Historical Evolution of EIA Laws in Nigeria and Scotland

The development of Environmental Impact Assessment (EIA) laws in Nigeria is closely linked to the international interest generated by the 1972 Stockholm Conference on the Human Environment, which called upon states to recognize and integrate environmental considerations into its development planning efforts. Prior to the EIA laws, Nigeria's environmental governance system was deeply fragmented with several sectoral laws regulating air pollution, uses of land, and extraction of natural resources.⁵ After several iterations of efforts to establish a legal framework pertaining to EIA, it was only in 1992, that it became a legal requirement for projects likely to affect the environment significantly to require EIA.⁶ The Act was based on international best practices but was designed for the socio-economic context of Nigeria, with the intention to develop a legal framework in keeping with the goal of aligning development with environmental conservation. Despite its suggested progressive approach and state of the art provisions of EIA, it must be noted that it is

2 Ola C.S. (1984). Town and country planning and Environmental Laws in Nigeria, 2nd ed (Ibadan: University Press) 165.

3 Mmadu. R. (2013). Judicial Attitude to Environmental Litigation and Access to Environmental Justice in Nigeria: Lessons from Kiobel. Afe Babalola Uni: J Sust. Dev. Law Pol 2(1): 8.

4 Ibid.

5 Peter H.S. (2012). The Evolution of international Environmental Law, The Oxford Handbook of international law, Bodansky D. Brunnee, J. Hey, E. (Eds). The Evolution of International Environmental Law. 1-17. DOI: 10.1093/oxfordhb/9780199552153.013.000 2.

6 Environmental Impact Assessment Act, Cap E12, LFN 2004

lacked enforcement because interactive public institutional capacity and political will.⁷

The Nigerian Environmental Impact Assessment Act of 1992 represented a marked shift from the past approaches of reactive environmental regulation to preventive, participatory action. The law requires project proponents to prepare Environmental Impact Statements (EIS), and it allows for public participation in the decision-making process. In the subsequent years, amendments and subsidiary legislative regulations have sought to expand the remit of the EIA, covering the cumulative impacts of projects and social consideration of the projects in the economy. Despite these developments, gaps in implementation continue to exist, such as lack of consultation, delays in assessments, and poor enforcement, which have raised questions as to its efficacy for sustainable development. These issues represent broader issues of governance in Nigeria, including ineffectiveness in overlapping institutional mandates, as well as enthusiastic attempts to achieve economic growth while endeavoring to practice environmental sustainability.⁸

The development of EIA law in Scotland has been heavily influenced by European Union environmental policy. Following the EU Directive 85/337/EEC on EIA, the UK Parliament adopted EIA requirements into UK domestic law in 1988.⁹ This was the starting point for structured assessment procedures for planning choices taken in Scotland, enabling planning decisions containing consideration of environmental impacts. EIA was strengthened by subsequent regulations, namely the 1997 regulations and the 2011 regulations, which

generally clarified procedural matters and increased the number of projects requiring EIA. Once devolved powers emerged in Scotland as a result of the Scotland Act 1998, Scotland was able to refine EIA to respond to its individual needs and further embed public participation in planning culture, meeting international obligations to the Aarhus convention.¹⁰

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 are the current field of EIA regulation in relation to Scotland, which have been revised to incorporate parts of the revised EU Directive (2014/52/EU). The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 emphasize transparency, public accessing of documents, and the incorporation of environmental considerations into administrative decision-making from the earliest stages.¹¹

Scotland's development trajectory shows that EIA law has incrementally strengthened within the context of supranational law, and local political intention to govern through participation in relation to environmental impact assessment. By comparison, Nigeria has fallen behind in capacity in relation to enforcement, where in Scotland, EIA law is embedded in planning law. Scotland demonstrates how legal evolution, institutional robustness, and cultural acceptance of consultation can change EIA from a procedural compliance exercise into an instrument of sustainable development.¹²

3. Overview of the Stages in the EIA Process

The Environmental Impact Assessment (EIA) process is a key process for evaluating the

7 Olowoporoku O.A. (2017). A recipe for disaster: An assessment of environmental sanitation situation in Nigeria. MAYFEB J. Environ. Sci 1: 1-5

8 Peter H.S. (2012). The Evolution of international Environmental Law, The Oxford Handbook of international law, Bodansky D. Brunnee, J. Hey, E. (Eds). The Evolution of International Environmental Law. 12-14.

9 EU Directive 85/337/EEC on EIA

10 Holder, J. & Lee, M.; Environmental Protection, Law and Policy, Cambridge, Cambridge University Press, 2007, 156.

11 Revised EU Directive (2014/52/EU)

12 Glasson, J., Therivel, R. & Chadwick, A.; Introduction to Environmental Impact Assessment, London, Routledge, 2012, 187.

environmental consequences of proposed projects to ensure that likely adverse effects are identified and mitigated before the project is implemented.¹³ Nigeria and Scotland both have EIA processes, but major differences exist in their stages, legal systems, and extent of public participation. Nigeria's EIA process is regulated by the Environmental Impact Assessment Act No. 86 of 1992, which prescribes steps such as screening, scoping, impact assessment, mitigation, public consultation, and decision-making.¹⁴ The strict framework that exists is still not implemented in practice, particularly with respect to the active involvement of the public in the scoping and decision-making stages. Public consultations are generally inadequate, and information is poorly communicated, with little opportunity for meaningful participation by the community. This shortcoming undermines identification of local environmental concerns and formulation of appropriate mitigation strategies.¹⁵ Conversely, Scotland's EIA system, based on the Environmental Assessment (Scotland) Act 2005 and the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, is highly focused on wide-ranging public involvement at several levels, including screening, scoping, consultation, Environmental Statement review,

and decision-making. This approach fosters transparency and ensures that community insights significantly influence environmental assessments.¹⁶ One of the major differences between both systems is the scoping process. In Nigeria, the process is often without significant public input, leading to studies that potentially may not adequately reflect the environmental and social functions of the affected areas. The Environmental Impact Assessment Act forces public participation, yet it does not offer complete guidelines for effective involvement, thereby making the process sporadic.¹⁷ Scotland, however, demands extensive public participation during the scoping phase, when the stakeholders such as communities, green groups, and industry can contribute to terms of reference of the impact assessment. Additionally, the Environmental Statement also remains available for public scrutiny in Scotland with requirements that the public objections as well as views are to be heard by decision-makers before providing permission for a project. This organized interaction ensures that various points of view are taken into account, resulting in stronger and community-sensitive environmental studies.¹⁸ Furthermore, Scotland's decision-making stage legally requires that public feedback is

13 Convention on Biological Diversity. (2010). What is Impact Assessment? Retrieved, from <https://www.cbd.int/impact/whatis.shtml> accessed 25 August, 2025.

14 Mygov.scot, Environmental Impact Assessment (EIA), Overview; Stages of the EIA process, <https://www.mygov.scot/eia>, accessed 25 August, 2025.

15 Lasisi, A. K. S.; Public participation in environmental impact assessment: Case study of projects in Lagos State, Nigeria. Research and Development Department, Office of Environmental Services, Ministry of the Environment, Lagos State. 2010. See also: Environmental impact assessments don't work in Nigeria: here's why.

16 Scottish Government. Environmental assessment. Retrieved March 25, 2025, From <https://www.gov.scot/policies/environmental-assessment/>. See also: Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Available at: <https://www.legislation.gov.uk/ssi/2017/102/contents/made> accessed 25 August, 2025.

17 Lasisi, A. K. S.; Ibid.

18 Scottish Government. (2017). Planning circular 1/2017: Environmental impact assessment regulations 2017. Retrieved March 25, 2025, from <https://www.gov.scot/publications/planning-circular-1-2017-environmental-impact-assessment-regulations-2017/pages/3/> accessed 25 August, 2025.

included, and clear reasons are provided for approving or rejecting projects.¹⁹ This approach builds public trust and makes processes more accountable. Information is made easily accessible, with reports published online and public hearings held to discuss them. In Nigeria, the decision-making process often lacks such openness, and projects may be approved without thorough discussion or timely communication with affected communities. Often, EIA findings and public inputs are ignored due to bureaucratic hurdles, and those who are unhappy with decisions have little chance for legal redress.²⁰ These differences highlight the need for Nigeria to improve its EIA framework by enhancing public participation, ensuring transparency at all steps, and setting up clear methods for incorporating community feedback into environmental decision-making.

4. The Role of EIA Law in Advancing Public Participation and Sustainable Development in Nigeria and Scotland

Environmental Impact Assessment (EIA) law has become an important regulatory strategy to factor environmental considerations into planning for economic development without compromising the integrity of the natural environment. Among other functions, EIA law allows for the facilitation of sustainable development by making an assessment of the potential environmental, social, and cultural impacts of proposed developments prior to approvals being granted. Additionally, EIA law is a point of participatory governance that allows stakeholders and communities to have

a role in decisions that impact their environment and livelihoods. In other words, EIA law is positioned at the intersection of environmental justice and democratic governance, enabling Nigeria and Scotland to pursue outcomes that value ecological integrity and societal needs.²¹

The Environmental Impact Assessment Act of 1992 in Nigeria was a significant legislative development to claim collation of sustainable development and increasing public participation and agency in environmental governance. It sought to achieve this goal through the institutionalization of mandatory Environmental Impact Assessments for projects of significant environmental effects to strike guarantees for the best interest of communities and civil organizations to have opportunities to make their claims in project planning, care and requirements.²² This legislation had all of the framework required for a progressive initiative; however, implementation issues regarding government awareness, state and local government capacity to carry out the programs and plans, and interference of political leaders meant that effective public engagement was never developed genuinely. Meetings and public hearings become merely symbolic gestures of inclusion often presenting technical reports in technical language well out of reach for grassroots stakeholders. Accordingly, there is under-realized potential offered by the EIA legislation for actively engaging and collaborating with stakeholders towards achieving sustainable development objectives.²³

19 Scottish Government. (2017). Planning Circular 1/2017: Environmental Impact Assessment regulations. Retrieved March 25, 2025, from <https://www.gov.scot/publications/planning-circular-1-2017-environmental-impact-assessment-regulations-2017/pages/13/> accessed 25 August, 2025.

20 Disciplines. Environmental Impact Assessments in Nigeria. Retrieved from <https://disciplines.ng/environmental-impact-assessments-in-nigeria/> accessed 25 August, 2025.

21 Adelekan, I. O., Olaniyan, A., & Ojo, J. A. (2019). Environmental Impact Assessment in Nigeria Challenges and Opportunities. *Journal of Environmental Management*, 234(1), 123-134.

22 Ogunleye, O. J. (2020). The Effectiveness of Environmental Impact Assessment in Nigeria: A Critical Review. *International Journal of Environmental Research and Public Health*, 17(12), 4500.

23 Ibid.

In contrast, Scotland has developed a fairly strong set of EIA law, with particular emphasis placed on European Union and international environmental law in direction has influenced its growth. In 1988, the UK apportioned Directive 85/337/EEC into legislative form within the UK (and abroad) and this first, and later amendments through at least six more directives, provided the impetus for a fully fledged legislative scheme in Scotland.²⁴ The issuing of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, which associated itself with the implementation of EU Directive 2014/52/EU, requires clearly set systematic consultation procedures at each the stages of the EIA process. Additionally, there is an inbuilt culture of public participation in planning; albeit, as previous, there are information paths that are user friendly, and, with the backing of strong institutions that would enforce this upon public bodies. This whole legal/institutional framework, enhances transparency, and legitimisation of environmental decision making within Scotland.²⁵

The emphasis of EIA law on advancing sustainable development within both jurisdictions demonstrates the role of broader social-political context, with Nigeria having an agency who will engage EIA and compliance with the law facing recurrent challenges made worse by economic pressures, governance structures that do not support compliance by government institutions, and the inability or unwillingness of governments to prioritize environmental forms of accountability over revenue generation. In contrast, Scotland's regulatory infrastructure has a more developed culture of accountability and in which there is generally more widespread environmental awareness

among the populace in general. In light of these contexts; it can be explained why the EIA acts primarily as a substantive planning decision making tool in Scotland – whereas, there have been many missed opportunities for EIA to engender substantive importance in decision making in Nigeria. The significance of this finding is that EIA laws will be effective based on contexts and not just by virtue of their content.²⁶

However, Nigeria and Scotland demonstrate the potential for EIA as a change tool for participatory governance. In Nigeria, civil society interventions and grassroots activism sometimes relied on EIA as a legal means of opposing environmentally damaging projects and for enforcing accountability. We see that in Scotland, environmental NGOs and communities have seen the EIA provisions used in an effort to influence planning decisions and promote environmental justice.²⁷

In both jurisdictions, EIA has become more than just a regulatory exercise; it is viewed as increasingly democratized and allows for more participatory engagement from marginalized groups while holding policy makers to account for development decisions that affect ecological and social values.²⁸

To move ahead, reforms will be needed for EIA law to take a stronger role in supporting public engagement and sustainable development. In Nigeria, there could be great strides in engagement and development

²⁴ Directive 85/337/EEC

²⁵ Nwoko C. O. (2013). Evaluation of Environmental Impact Assessment System in Nigeria. *Greener Journal of Environmental Management and Public Safety*, 2(1), 22-31.

²⁶ Ogunbode, S. O., & Adeyemo, A. M. (2021). Public Participation in Environmental Impact Assessment: A Case Study of Nigeria's EIA Process. *Environmental Impact Assessment Review*, 87(5), 106-115.

²⁷ Echefu N., & Akpofure E. (2024). Environmental Impact Assessment in Nigeria: Regulatory Background and Procedural Framework. *Journal of Environmental Management*.

²⁸ Ogunleye O. J. (2020). The Effectiveness of Environmental Impact Assessment in Nigeria: A Critical Review. *International Journal of Environmental Research and Public Health*, 17(12), 4500.

through simplification of technical documents; by translating reports into local dialects; by developing or strengthening institutional capacity. In Scotland, there is a need to uphold the levels of engagement experienced in the pre-Brexit era, as the UK pulls away from the EU there needs to be ever greater vigilance and cooperation to help maintain a high degree of similarities to the conditions in the EU so as not to compromise environmental protection. Ultimately, EIA law in both jurisdictions suggests that meaningful public participation is a considerable component of development that is not only economically feasible but also socially just and environmentally sustainable.²⁹

4. Analysis of the Challenges in Effective Implementation of the EIA Processes

Effective application of Environmental Impact Assessment (EIA) procedures is faced by several challenges in Nigeria and Scotland with varying degrees of impact due to varying legislations, institutional capacity, and socio-political contexts. Weak enforcement of EIA legislations is one of the primary challenges in Nigeria.³⁰ Despite the existence of the Environmental Impact Assessment Act No. 86 of 1992, there is still low compliance due to poor monitoring, political interference, and corruption.³¹ Project developers mostly avoid the EIA process or conduct superficial assessments to merely comply with regulations without proper regard for environmental risks. Moreover, the institutional structure mandated with the implementation of EIA requirements, like the Federal Ministry of Environment, generally have limited financial resources and staff and hence cannot conduct proper reviews and on-site inspections. In 2024, the Ministry had N39.06 billion for capital expenditures, but it received just N1.69 billion (approximately

8%) for the implementation of projects, which has weakened its ability to effectively counter grave environmental issues. The low funding has resulted in the failure to take advantage of opportunities to counter immediate environmental issues such as deforestation, pollution, erosion, and climate change.³² Scotland's EIA process, governed by the Environmental Assessment (Scotland) Act 2005 and The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, has a more effective enforcement mechanism with clear sanctions for default. But bureaucratic tardiness and administrative intricacy may still hinder effective application of EIA requirements. For instance, even with regulations in place, there have been cases where companies with a history of environmental offenses continue to function and win contracts, indicating possible loopholes in enforcement and monitoring.³³ Yet another significant barrier to effective EIA application in Nigeria is low public participation. As a core component of the EIA process, public participation is normally low, particularly in rural communities where most proposed projects with high environmental impacts are located. A study conducted in Oyo State, Nigeria on EIA revealed that while rural residents believe they should be involved in the EIA process, factors such as lack of transparency impede their participation. The study also found that educational level and

29 Nwankwo, C., & Ogbodo, E. M. (2021). The Role of Public Participation in Environmental Impact Assessment in Nigeria: A Review. *Environmental Science & Policy*, 115(3), 50-58.

30 Ibid

31 Ibid.

32 Independent Newspaper Nigeria. (2025, January 9). Reps Committee Criticises Poor Funding For Ministry of Environment. Retrieved, from <https://independent.ng/rep-committee-criticises-poor-funding-for-ministry-of-environment/> accessed 25 August, 2025.

33 The Times. (2024, October 19). Demolishing landmarks, dumping waste — construction firm's toxic reputation. Retrieved, from <https://www.thetimes.co.uk/article/demolishing-landmarks-dumping-waste-construction-firms-toxic-reputation-rd9ntc7g9> accessed 25 August, 2025.

access to extension services significantly influence residents' perceptions of EIA utilization.³⁴ Public hearings, where they occur, tend to be poorly advertised, located in inaccessible facilities, or dominated by government officials and project proponents, therefore excluding affected communities. A few of these involve quasi-participation, where representatives from some states or municipalities are 'chosen' to speak for others, restricting direct participation from affected communities. 'Rented crowds', where individuals are compensated to demonstrate support for projects during public hearings, also distort the picture of local interests and give a misleading view of acceptance.³⁵ Furthermore, inadequate dissemination of EIA reports remains a key issue, with the reports neither being displayed conspicuously nor readily accessed by the public, thus pre-empting meaningful participation and informed decision-making.³⁶ Additionally, no legal requirements exist for developers to answer public questions before approving projects, which compromises public participation. However, Scotland's EIA procedure entails extensive stakeholder engagement to the point where the input of the people is also considered at various steps of

the process. Despite this, issues such as "consultation fatigue," where the citizens become frustrated through constant consultation without any or little impact on the final decision, can also deter public engagement. This has occurred in different scenarios, from energy infrastructure projects, whose residents have been disapproving of the quality and transparency of public consultations. For instance, a petition addressed to the Scottish Parliament noted that rushed participations and the absence of proper efforts to explain the effects of the projects made individuals dissatisfied and left behind.³⁷

Financial and technical constraints also inhibit the effective implementation of EIA processes, particularly in Nigeria. Conducting effective EIAs is extremely expensive, needs technical experts, and availability of advanced environmental assessment equipment. The majority of project proponents in Nigeria lack the finances or inclination to use quality EIAs, leading to evaluations that are not able to detect environmental risks.³⁸ Additionally, government bodies responsible for reviewing EIA reports are often not endowed with trained personnel and technical equipment, thus it is difficult to critically assess advanced environmental data. For example, the Nigerian Hydrocarbon Pollution Remediation Project (Hyprep) has been criticized for its ineffective clean-up operations in the Niger Delta, with reports indicating that many contractors lacked relevant experience, leading to inadequate

34 Adetarami, O., Johnson, S. B., Ogunjinmi, K. O., Hammed, E. F., & Odeyemi, A. A. (2024). Assessing rural residents' perception on utilization of environmental impact assessment for rural development projects in Oyo State, Nigeria. *Journal of Agriculture and Environment*, 20(1). Retrieved from <https://www.ajol.info/index.php/jagrenv/article/view/277725> accessed 25 August, 2025.

35 Adekoya, O. R., & Olatunbosun, O. E. (2013). Public participation in EIA: the case of West African Gas Pipeline and Tank Farm projects in Nigeria. *Impact Assessment and Project Appraisal*, 31(4), 314–321. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/14615517.2013.802419> accessed 25 August, 2025.

36 Ibid

37 Scottish Parliament. (2024). Improve the public consultation processes for energy infrastructure projects. Retrieved March 25, 2025, from https://petitions.parliament.scot/petitions/P_E2095 accessed 25 August, 2025.

38 Nigerian agency 'failed completely' to clean up oil damage despite funding, leaked files say. (2024, December 23). Associated Press. Retrieved, from <https://apnews.com/article/c8bb10645de45a16707a8574bc7791fd> accessed 25 August, 2025.

remediation efforts.³⁹ In Scotland, while there is greater access to financial and technical resources in general, small-scale developers might find it difficult to cover the expenses of complying with EIA requirements, leading to delays in project approval and implementation.⁴⁰ Overcoming these barriers requires greater legal compliance, increased transparency in decision-making, and increased investment in technical and institutional capacity so that EIA procedures facilitate sustainable environmental decision-making.

5. Examination of the Factors Influencing Public Participation in EIA Processes

i. Social-Cultural Influencing Public Participation in EIA Processes

Socio-cultural factors play an important role in determining the success of public participation in Environmental Impact Assessment (EIA) processes, particularly in Nigeria and Scotland. Cultural values and indigenous systems of governance directly influence the participation of citizens in environmental decision-making in Nigeria. The majority of rural society relies on traditional leadership, where traditional leaders and elderly individuals make the most vital decisions on behalf of the community. This top-down approach can limit the active participation of marginalized individuals, particularly youth and women, in EIA consultations. A study in Northern Cross River State highlighted that cultural norms and financial constraints significantly hinder women's participation in community development projects, underscoring the broader impact of socio-cultural dynamics on public engagement.⁴¹ Additionally, where there is entrenched

suspicion of government actions due to past abandonment by the government, it is not straightforward to mobilize meaningful participation in EIA meetings.⁴² There is also a challenge of language barriers since English is the language often employed for official EIA reports and consultation, which may not be the most used language by the local populace. According to Kanu et al. (2018), the lack of key materials in local languages constitutes a major communication barrier to public involvement in EIA processes.⁴³ This limits the ability of local people to participate effectively in the process and voice concerns about potential environmental impacts.

On the other hand, Scotland is complemented by an increased civic responsibility and environmental culture that favors increased levels of public participation in EIA processes. Long-standing environmentalism fosters many non-governmental organizations (NGOs) as well as community activist organizations that openly track and contribute to the influence of development projects.⁴⁴ Government also facilitates public participation in a formally

development projects in Northern Cross River State, Nigeria. *Journal of Continuing and Development Education*, 3(1), 176–184.

42 Ibid

43 Kanu, E. J., Terese, T. E., & Ndubuisi, U. S. (2018). Public participation in environmental impact assessment (EIA): A critical analysis. *Architectural and Engineering Research*, 3(1), 7–12.

44 The times. (2025, March 18). Green energy project on Scottish loch will 'destroy the habitat of endangered birds'. Retrieved March 25, 2025, from <https://www.thetimes.co.uk/article/hydro-power-plant-threatens-habitat-of-endangered-birds-kcbsfvshp>, See also: The Times. (2025, January 21). Ancient undersea forests now lost to the scourge of pollution. Retrieved March 25, 2025, from <https://www.thetimes.co.uk/article/pollution-has-harmed-ancient-wilderness-under-sea-says-charity-s5jwv6f5z>

39 Ibid.

40 Scottish Government; Guidance on Environmental Impact Assessment Regulations, 2020. Available at: <https://www.gov.scot/eia-guidance> accessed 25 August, 2025.

41 Oboqua Ekpenyong, D., Olabisi Bella Charles, & Ede Christiana Okechukwu. (2023). Socio-cultural factors affecting women participation in community

organized consultation, open debate, and open forums for exchanging information to ensure that different perceptions get incorporated into environmental decision-making. Socio-cultural impediments, however, continue to exist, particularly among the marginalized groups that may become excluded from conventional consulting opportunities by socio-economical circumstances or geographical location.⁴⁵ While the legal structure allows for public participation, the degree to which various social groups can actually participate effectively is a function of their level of education, internet sophistication, and mobilization within the community.

Another key socio-cultural determinant of public engagement in Nigeria and Scotland is environmental awareness and education. Environmental literacy is low in Nigeria, particularly in rural communities where individuals may not even be aware of the implications of planned projects on their livelihoods and environment. A study by Nwoko highlights that inadequate public awareness and understanding of EIA processes contribute to limited community involvement in environmental decision-making.⁴⁶ Without sufficient knowledge of environmental rights and EIA processes, communities can become unable to engage meaningfully or contest decisions affecting them negatively. Scotland, by contrast, places a strong focus on environmental education, backed by public institutions and NGOs, empowering citizens to become active participants in environmental governance.⁴⁷ Overcoming these socio-cultural

barriers requires tailored responses, like the local language translation of EIA reports in Nigeria, the strengthening of environmental education initiatives, and promoting inclusive engagement practices to allow all social groups to make valued contributions to EIA processes.

ii. Political Factors Influencing Public Participation in EIA Processes

Political factors greatly affect the degree to which citizens can participate in Environmental Impact Assessment (EIA) processes in Nigeria and Scotland. In Nigeria, often there is no political support or effective regulations, preventing the public from actively participating in EIA decision-making. Even though there is a law, the Environmental Impact Assessment Act of 1992, issues like political interference, corruption, and lack of transparency always hinder.⁴⁸ Government agencies in certain situations are more concerned with the economic benefit than the protection of the environment, and therefore grant permits to projects without consulting people. Politically well-connected developers might disregard the law, closing windows of opportunity by communities to voice their concerns.⁴⁹ Since there are no robust legal frameworks to implement the regulations, project developers can manipulate the EIA process, such that public participation becomes symbolic and not real. This creates a culture of mistrust, where individuals feel disconnected from environmental governance, hence restricting the effectiveness of public participation.

On the other hand, Scotland's public participation process under EIA is more transparent and explicit. The Environmental Assessment (Scotland) Act 2005 and the Town

45 Ibid.

46 Nwoko, C. (2013). Evaluation of Environmental Impact Assessment System in Nigeria. *Greener Journal of Environmental Management and Public Safety*, 2(1), 22–31.

47 UK National Association for Environmental Education. 2024. About NAE. Retrieved March 25, 2025, from <https://naee.org.uk/about-naee/>. See also; NatureScot. 2025. How communities can help the local environment.

48 Obaji, S. (2022, September 12). Environmental impact assessments don't work in Nigeria: Here's why. *The Conversation*. Retrieved from <https://theconversation.com/environmental-impact-assessments-dont-work-in-nigeria-heres-why-188796> accessed 25 August, 2025.

49 Ibid.

and Country Planning Regulations 2017 provide clear directions for public consultation so that the public can make environmental choices.⁵⁰ However, there are political challenges, specifically balancing development schemes with environmental protection. While public participation is mandated by law, the government policies that support economic development ultimately influence the approval of major projects, potentially leading to public resistance. For instance, the Loch Awe hydroelectric project, which has been opposed by conservation groups like RSPB Scotland, arguing that the project would be harmful to the habitats of rare bird species.⁵¹ Additionally, political disagreement on environmental issues can determine the level to which various governments value public participation in the EIA process. To overcome these challenges, more effective legal protections, greater government responsibility, and efforts to reduce political influence on environmental decision-making are required. This will ensure that public engagement is an effective tool in achieving sustainable development.

iii. Economic Factors Influencing Public Participation in EIA Processes

Economic factors have a significant influence on the extent to which individuals in Nigeria and Scotland are involved in Environmental Impact Assessment (EIA) procedures. In Nigeria, economic restraints like poverty and limited financial resources hinder effective participation. The majority of local people who are affected are not able to contribute meaningfully because public consultations come to imply that they take time off work, and this affects their earnings. Moreover,

institutions such as the Federal Ministry of Environment are underfunded, weakening their ability to enforce EIA regulation. This inefficiency restricts channels for independent environmental audits and public participation. Well-heeled, well-connected firms sometimes bypass normal consultation procedures, speeding up project approval and preventing rural communities from exercising their environmental rights.

In Scotland, financial limitations are less severe but nonetheless present, especially in economically deprived areas. Less affluent neighborhoods might find it hard to access information, legal support, and expert services needed to know about and oppose environmentally unfriendly schemes. Economic policy interventions in favor of such large-scale operations as oil drilling and offshore wind farms have at times superseded environmental considerations, leading to controversy. But Scotland has robust public funding mechanisms, such as environmental campaigning grants and legal aid for affected communities, that enhance public involvement in EIA processes.⁵²

In order to increase participation in Nigeria and Scotland, policies must reduce economic disparities through economic assistance for community involvement. Enforcement of regulations must be enhanced in order to guarantee that economic factors do not take precedence over environmental and social factors in EIA decision-making.

iv. Educational and Literacy Level Factors Influencing Public Participation in EIA Processes

Educational and literacy levels play a decisive role in determining the quality and effectiveness of public participation in Environmental Impact Assessment (EIA) processes. Public involvement requires a basic understanding of the technical, legal, and ecological implications of proposed projects,

⁵⁰ Environmental Assessment (Scotland) Act 2005 and the Town and Country Planning Regulations 2017

⁵¹ The Times. (2025, March 18). Green energy project on Scottish loch will 'destroy the habitat of endangered birds'. Retrieved from <https://www.thetimes.co.uk/article/hydro-power-plant-threatens-habitat-of-endangered-birds-kebsfvshp> accessed 25 August, 2025.

⁵² Scottish Legal Aid Board. (n.d.). In Wikipedia, the Free Encyclopedia. Retrieved March 25, 2025, from https://en.wikipedia.org/wiki/Scottish_Legal_Aid_Board accessed 25 August, 2025.

which are often presented in complex and highly technical reports. In communities where literacy rates are low, especially in rural or marginalized areas, stakeholders may lack the ability to interpret environmental impact statements or to engage critically with the scientific data provided. This creates a knowledge gap that undermines informed participation and limits the ability of communities to influence decisions affecting their environment.⁵³

In many developing countries, including Nigeria, low levels of literacy and inadequate awareness of environmental rights have been identified as significant barriers to effective EIA participation. Most affected communities rely heavily on natural resources for their livelihoods, yet lack the educational background to understand how industrial projects may alter ecosystems, water quality, or land use. This results in a situation where consultations become symbolic rather than substantive, as communities are unable to contribute meaningfully to the discourse. Scholars argue that without targeted capacity-building and awareness campaigns, EIA processes risk perpetuating environmental injustices by excluding the very people most affected by proposed projects.⁵⁴

By contrast, in jurisdictions such as Scotland where literacy levels are higher and environmental awareness is embedded in civic culture, public participation in EIA processes tends to be more robust. Communities are better equipped to scrutinize technical reports, engage with planners, and even challenge decisions where necessary through institutional or judicial mechanisms. Public education campaigns, environmental NGOs, and active civil society networks further strengthen the ability of citizens to interpret

technical data and hold authorities accountable. This comparative perspective illustrates that education not only enhances comprehension but also empowers individuals to assert their rights within the EIA framework, thereby ensuring decisions are more transparent and inclusive.⁵⁵

Enhancing educational and literacy levels is therefore crucial for deepening the democratic potential of EIA processes. In contexts where literacy remains a barrier, governments and environmental agencies must adopt strategies such as simplifying technical language, translating reports into local languages, and using participatory tools like visual aids, town hall meetings, and community workshops. These approaches can bridge the knowledge gap and ensure that stakeholders without formal education are still able to contribute to environmental decision-making. Ultimately, raising literacy and environmental awareness expands the reach of participation, strengthens the legitimacy of EIA outcomes, and advances the overarching goals of environmental justice and sustainable development.⁵⁶

v. Legal and Institutional Framework Factors Influencing Public Participation in EIA Processes

The legal and institutional framework is the backbone of effective public participation in Environmental Impact Assessment (EIA) processes. Where legislation explicitly mandates participation, sets out clear procedural guidelines, and provides for accessible mechanisms of engagement, communities are more likely to be meaningfully involved. For instance, international instruments such as the Rio Declaration (1992) and the Aarhus Convention (1998) emphasize access to information, participation in decision-making, and access to justice as fundamental rights in environmental

53 Glasson, J., Therivel, R. & Chadwick, A.; Introduction to Environmental Impact Assessment, London, Routledge, 2012, 180.

54 Momtaz, S.; Environmental Impact Assessment in Developing Countries, Lanham, University Press of America, 2002, 69.

55 Holder, J. & Lee, M.; Environmental Protection, Law and Policy, Cambridge, Cambridge University Press, 2007, 152.

56 O'Faircheallaigh, C.; Public Participation and Environmental Impact Assessment, Canberra, Australian National University Press, 2010, 21.

governance. The extent to which these principles are reflected in national EIA laws directly determines whether public participation is inclusive, meaningful, and enforceable.⁵⁷

In Nigeria, the Environmental Impact Assessment Act of 1992 provides the statutory framework for public involvement. However, scholars argue that ambiguities in the law, coupled with weak institutional enforcement, limit its effectiveness. Agencies responsible for EIA implementation often face capacity constraints, political interference, and inadequate funding, which reduce the scope of genuine participation. In practice, public hearings are sometimes poorly organized or treated as procedural formalities rather than substantive forums for engagement. This weakens the credibility of the process and fuels distrust between communities, project proponents, and regulators.⁵⁸

By contrast, Scotland benefits from a more entrenched institutional culture of public consultation, supported by the UK's transposition of the EU Environmental Impact Assessment Directive. The legal framework mandates systematic opportunities for public participation at multiple stages of the EIA process, from scoping to decision-making. Scottish environmental agencies, backed by well-developed administrative structures, ensure that consultation is not only a legal requirement but also a democratic norm. This institutional strength contributes to a higher degree of transparency, accountability, and public trust in environmental governance.⁵⁹

Strengthening the legal and institutional framework is therefore essential for advancing the role of public participation in EIA processes. Reforms in countries such as

Nigeria must focus on clarifying procedural requirements, improving institutional capacity, and ensuring strict enforcement of participatory provisions. This may include strengthening environmental regulatory bodies, providing resources for effective community consultations, and creating mechanisms for judicial review of EIA decisions. By embedding participation firmly in both law and practice, states can ensure that environmental decision-making is more inclusive, equitable, and aligned with the principles of sustainable development.⁶⁰

6. Lessons for Nigeria

A key lesson Nigeria can draw from Scotland's experience is the importance of embedding transparency and inclusivity into all stages of the EIA process. In Scotland, the law mandates systematic consultation beginning from the scoping stage, ensuring that community concerns help shape the terms of reference for environmental studies. Environmental Statements are also made publicly available and subject to scrutiny, with decision-makers required to provide clear reasons for approvals or rejections. Nigeria's EIA framework, though legally sound, often fails in practice due to inadequate disclosure of information and perfunctory public hearings. Strengthening transparency and guaranteeing early, continuous public input would make EIA processes in Nigeria more credible and participatory.⁶¹

Another lesson lies in institutional capacity and enforcement mechanisms. Scotland demonstrates how well-resourced institutions and clear procedural guidelines enhance the effectiveness of EIA laws. Environmental agencies are empowered to enforce compliance and ensure that public views influence final decisions. Nigeria's

57 Birnie, P., Boyle, A. & Redgwell, C.; *International Law and the Environment*, Oxford, Oxford University Press, 2009, 134.

58 Glasson, J., Therivel, R. & Chadwick, A.; *Introduction to Environmental Impact Assessment*, London, Routledge, 2012, 191.

59 Ibid.

60 Holder, J. & Lee, M.; *Environmental Protection, Law and Policy*, Cambridge, Cambridge University Press, 2007, 158.

Glasson, J., Therivel, R. & Chadwick, A.; *Introduction to Environmental Impact Assessment*, London, Routledge, 2012, 191.

institutions, by contrast, struggle with underfunding, insufficient staffing, and political interference, which often lead to superficial assessments and weak monitoring. Adopting reforms that increase the financial, human, and technical capacity of regulatory agencies, and establishing independent oversight mechanisms, would help Nigeria move beyond a formalistic EIA regime towards one that genuinely supports sustainable development.⁶²

Furthermore, Scotland highlights the value of a strong civic culture in sustaining meaningful public participation. Public awareness campaigns, NGO involvement, and environmental education initiatives have made Scottish citizens active stakeholders in environmental decision-making. In Nigeria, literacy gaps and low levels of environmental awareness continue to hinder effective engagement, especially in rural communities where projects have the greatest ecological impact. Tailoring EIA processes to local realities—such as translating reports into indigenous languages, simplifying technical information, and empowering NGOs to mobilize communities—can bridge this gap and ensure that marginalized groups contribute effectively to the decision-making process.⁶³

Finally, Nigeria can learn from Scotland the need to institutionalize accountability and judicial review in environmental governance. In Scotland, project decisions are subject to legal scrutiny, and authorities must justify how public input shaped outcomes. Nigeria, however, lacks effective mechanisms for integrating public feedback and providing remedies where environmental harms occur. Establishing clear obligations for developers to respond to public concerns, along with accessible avenues for legal redress, would enhance public trust and strengthen the legitimacy of EIA processes. By adopting

these lessons—greater transparency, stronger institutions, improved public awareness, and enforceable accountability—Nigeria can transform its EIA system into a robust instrument for advancing both sustainable development and environmental justice.⁶⁴

7. Conclusion

This article analyzed the effectiveness of Environmental Impact Assessment (EIA) laws in fostering public participation and sustainability in Nigeria and Scotland highlights both strengths and weaknesses in their implementation. It examines their role in encouraging public involvement in environmental decisions and supporting sustainability. Both countries have EIA rules, but they apply them differently regarding enforcement, public participation, and efficiency. In Nigeria, several issues affect the EIA process. The enforcement of rules is weak, public involvement is limited, cultural factors create obstacles, political interference is a problem, and economic difficulties exist. These issues hinder the effectiveness of Nigeria's EIA process.

Scotland, in contrast, has a more organized and transparent EIA system. It encourages strong public participation and has solid regulatory oversight. However, issues like bureaucratic delays and the public getting tired of too many consultations are challenges Scotland faces. The comparison highlights the need for greater public involvement in environmental management. This can be done by providing more access to information, better enforcing the laws, and addressing economic and political barriers to participation. Nigeria could adopt some of Scotland's best practices, like improving transparency and encouraging community involvement, to ensure that EIA laws contribute effectively to sustainable development. A revised approach should focus on inclusive decision-making and strengthening institutional capacity, which will

62 Holder, J. & Lee, M.; *Environmental Protection, Law and Policy*, Cambridge, Cambridge University Press, 2007, 156.

63 O'Faircheallaigh, C.; *Public Participation and Environmental Impact Assessment*, Canberra, ANU Press, 2010, 21.

64 Holder, J. & Lee, M.; *Environmental Protection, Law and Policy*, Cambridge, Cambridge University Press, 2007, 156.

better support environmental sustainability in
both regions.