

**THE EFFECT OF COMPULSORY ACQUISITION FOR INVESTMENT PURPOSES
ON ENVIRONMENT AND SOCIAL WELL-BEING OF THE AFFECTED PERSONS:
AN APPRAISAL OF SOCIAL IMPACT ASSESSMENT GUIDELINES**

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Abstract

The concept of eminent domain, also known as compulsory acquisition, deals with the government's power to acquire private rights in land without the owner's or occupant's willing consent, in order to benefit society or for development purposes. In interpreting public benefit or purpose several court decisions accommodated private investment as public benefit due to the commercialization and privatization policy of public enterprises. Consequent upon which several people are affected in the process; many people lose their shelter, means of livelihood, land, dispersing social, cultural and religious heritage of the affected area, while on other hand, private investors are making huge profit. However, the acquisition has to be in line with sustainable development principles which require the harmonization of the three components of economic, social, and environmental in achieving sustainable development. To achieve this harmonization, the Nigerian Ministry of Environment issued a guideline to widen the scope of assessment to include both social and environmental impacts before the commencement of the acquisition process. This article, employing a hybrid of doctrinal and empirical methodologies, will assess the effect of compulsory acquisition on the environment and social well-being of the people affected by the acquisition. The data (secondary data) collected in the previous survey will be analyzed in line with the Social Impact Assessment Guidelines issued by the Nigerian Federal Ministry of Environment. The article aims to ascertain the level of compliance with the guidelines in assessing the social and environmental impacts caused by the acquisition process and its aftermath.

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1. Introduction

The compulsory acquisition by the government has become a prevalent and global phenomenon.¹The concept of eminent domain, known as compulsory acquisition, deals with the power of the government to acquire private rights in land without the owner's or occupant's willing consent to benefit society or for development purposes.²In interpreting public benefit or purpose several court decisions accommodated private investment as public benefit due to the commercialization and privatization policy of public enterprises³The exertion and pressure on the available land for mass industrial and agricultural land-based investment raised concern of the international and regional governmental and nongovernmental stakeholders to issue guidelines to minimize or mitigate the negative effects of such investments on the environment and social wellbeing, if it could not be avoided completely.⁴ The guidelines were aimed to provide international best practice and standard on how to regulate the environment to avoid or minimize consequential effects such as losing land to compulsory acquisition, loss of means of livelihood, destroying of social networks, loss of cultural and religious site, loss of businesses etc., and provide safeguards on how to mitigate negative effects in such a manner to promote and foster designed resettlement plan, improve compensation for land loss, creating jobs and restoring means of livelihood, infrastructural benefits and host of other benefits.⁵

This article will examine the existing Nigerian Legal regime for protecting land rights, environmental effects, means of livelihood, and social issues arising from compulsory acquisition. A hybrid methodology combining doctrinal and empirical approaches will be employed to assess the impact of compulsory acquisition on the environment and the social wellbeing of people living in the area affected by the compulsory acquisition. Secondary empirical

¹ Shepard Daniel, "Land Grabbing and Potential Implication for World Food Security" www.springer.com/cda/content/document accessed on 27/1/2024,

² Ibid

³ Maiyegun V. The Governor of Lagos State (2010) All FWLR Pt. 542 P. 1704 C.A, Federal Government of Nigeria V. Akinde (2013) 7 NWLR Pt. 1353 P. 349 C.A, Berman v. Parker (1954) United State Report, 348 p26

⁴ United Nation Economic Commission for Africa, "Guiding Principle on Large Scale Land Based Investments in Africa", (2014) 2 www.uneca.org last visited on 24th December, 2024

⁵ Action Aid International, "Assessing Implementation of the Voluntary Tenure Guidelines and the AU framework and Guidelines for Land policy: A Toolkit Approach," (2017) 8 www.actionaid.org last visited on 24th December, 2024

data will be assessed in determining the environmental and social effects of the compulsory acquisition.⁶

2. The Legal Framework for Compulsory Acquisition, Protection of Environment and Social Well-being

The Constitution of the Federal Republic of Nigeria makes provisions on the duty of the state to make policies to balance economic development, share and distribute resources evenly, the economic system should not be operated in such a manner to concentrate the wealth and means of production in the hands of few individuals and make policy for adequate shelter, adequate food, protection of old age and vulnerable people and reduce unemployment level and welfare of the employed.⁷ The state shall direct its policy to ensure that citizens have the opportunity to secure adequate means of livelihood, suitable employment, and provide facilities for social, religious, and cultural life, while other social rights are enjoined to be protected and safeguarded.⁸ Similarly, the Nigerian constitution provides for the compulsory acquisition of land for public purposes and the prompt payment of compensation.⁹ The Land Use Act provides for the procedure and power of the Governor to compulsorily acquire land for public purposes and overriding public interest.¹⁰

On the protection of environmental damage caused by the investment, the Environmental Impact Assessment Act aimed to provide safeguards to the environment and prevent any project or activity that would be harmful to the environment. Following the agitation for protection of environment and increasing global drive towards sustainability in 1980s and after the World Conference on the Environment and Development in 1987; the Nigeria government as state party to that Conference decreed into being Environmental Impact Assessment Decree (now Act) in 1992 to actualize the Nigeria's commitment to protect environment by conducting Environmental Impact Assessment (EIA) before any project or activity of high magnitude is allowed to be carried out by either public institution or private enterprises.¹¹

⁶ The data to be assessed will not be sourced from the primary source but rather the existing empirical work will be assessed to highlight how compulsory acquisition affected the land owners environmentally and socially.

⁷ Section 16 of the Constitution of the Federal Republic of Nigeria, 1999 as amended.

⁸ Ibid Sec. 17

⁹ Ibid Sec 43 and 44.

¹⁰ Section 28, 29 and 51 Land Use Act.

¹¹ Thaddeus Chidi Nzeadibe, et al, "Integrating Community Perception and Cultural Diversity in Social Impact Assessment in Nigeria," *Environmental Impact Assessment Review* 55 (2015) 74.

The essence of the law is to subject every project in the public or private sector of the economy to scrutiny and explore possible environmental effects that may arise during the execution of the project and the aftermath effects. The effects could be positive or negative.¹² The law provides a participatory approach towards mitigating and assessing the effects caused by the project. Community members and experts in a certain field should be engaged in ascertaining those consequential effects.¹³

At the initial stage of passing this law, the concern of the assessment was limited to physical impacts on the environment, which, until recently, was expanded to include not only the physical environment but also the social environment. The impact on the physical environment is assessed with little or no regard to the communities and the immediate vicinity of these projects.

In an attempt to widen the scope of mitigating the impact of compulsory acquisition on the environment, another component was introduced to protect not only environmental impacts but the social issues affecting the victims of compulsory acquisition; hence, the issuance of the Social Impact Assessment (SIA), which is an offshoot of the Environmental Impact Assessment (EIA). The SIA is a more comprehensive and integrated assessment of the overall effects of the projects environmentally, socially and economically. The rationale of SIA inclusion in the Nigerian framework of EIA is highlighted below.

Rising indignation and social unrest/tension engendered by the realization of continuing neglect in the face of abundant resources by the rural people in most part of the world and, Niger Delta in particular, has brought to the fore the detailed community/socio economic understanding within the general framework of environmental assessment. Sustainable development, as it is being espoused, encompasses all social, economic and political activities aimed at improving the quality of human life.¹⁴

¹² Section 2 Environment Impact Assessment Act.

¹³ Ibid Section 7 and 11.

¹⁴ Ibid 219

SIA utilizes interactive and participatory methods to achieve better social and economic results: Community members are directly engaged in discussing the social and economic impact of the projects on the people and providing solutions to mitigate these effects.

On this backdrop, in 2017, the Federal Ministry of Environment issued the Social Impact Assessment Guideline and standard to measure the level of protection or safeguarding the social issues arising during and after the execution of any projects by public or private entities (investment inclusive).¹⁵

3. Selected Cases on the Impact of Compulsory Acquisition on Environment and Social Wellbeing

The process of acquisition embodies the taking of land from communal people and handing it over to the government for public use or to the investors for investment with attributes of public benefit.¹⁶

Families have long-standing social coexistence and cultural development. Sometimes the result of an acquisition destroys such social ties; families and lineages are dispersed to settle in different places. A survey conducted by the United Nations Food and Agriculture Organization summarises the social impact of compulsory acquisition thus:

The process also brings tension for people who are threatened with dispossession. the compulsory acquisition of land for development purposes may ultimately bring benefits to society, but it is disruptive to people whose land is acquired. It displaces families from their homes, farmers from their fields and businesses from their neighbourhood. It separates families, interferes with livelihood, deprives communities of important religious or cultural sites and destroys networks of social relations.¹⁷

¹⁵ Federal Ministry of Environment/Office of Environmental Assessment Development. <http://ead.gov.ng> last visited on 29/12/2024.

¹⁶ Abubakar Balarabe Kura, "Balancing the Need of Private Investment and Protection of Property/Land Rights in Nigeria: A Case for Compulsory Acquisition for Private Investment", AL-hikmah University, Law Journal, VOL. 4 NO 1(2023)277

¹⁷ Food and Agriculture organization of United Nation, Land Tenure Studies: Compulsory Acquisition of land and Compensation, (2008) 2.

Some empirical evidence has shown the extent of the effects of land acquisition on the environment and social wellbeing of the affected people. Below are examples of those instances;

Twene's study and investigation on the land takeover due to the Biu Dam revealed how the livelihoods, social settlements, family ties and social cohesion were affected and disrupted. In the study, about 142 households were interviewed. Also, chiefs and community development officers were interviewed. The report indicated that about 60% of the people lost their livelihood and land. The land grab triggered tension and conflict between the affected people and the Biu Power Authority due to improper payment of compensation.¹⁸

A survey conducted in Lagos on the acquisition of land and its consequent effects on social life reveals that the acquisition of the Lekki Free Trade Zone has caused heated tension and conflict between the investors and the people living in the area. The commotion and social unrest resulted in conflict, which claimed the life of Mr. Disu, a renowned investor and managing director of Lekki Worldwide Investment Limited.¹⁹It was reported that the company's failure to discuss the employment and general welfare of the affected people who lost their land and means of livelihood due to the acquisition caused the social unrest.²⁰

Another study and empirical evidence on the same Lekki Free Zone showed that the acquisition affected the livelihood and long-term socio-economic stability of the affected communities. Most affected farmers were unable to purchase alternative land with the compensation paid.²¹ Furthermore, the empirical research conducted in the Niger Delta Region revealed that the land owners view the expropriation as a tool for dispossessing the poor of their livelihood and social cohesion, and this resulted in piracy, kidnapping and violent conflict over oil, etc.²²

¹⁸Twene, S. K., "Land Grabbing and Rural Livelihood Sustainability: Experience from Biu Dam Construction", A Master of Philosophy Thesis Submitted to the Department of Geography and Rural Development, Kwame Nkrumah University of Science and Technology for the award of master of Philosophy Degree (unpublished)(2016) 1 – 147.

¹⁹Lagos State Government, Government White Paper on the Report of the Tribunal of Inquiry into the Case of Civil Disturbances at the Lekki Free Trade Zone in 12 October, 2015; LSG, Lagos, Nigeria (2016).

²⁰Ibid.

²¹Nicholas K. Tagliarino, et al, "Compensation for Expropriated Community Farmland in Nigeria: An in-depth Analysis of the Laws and Practices Related to Land Expropriation for the Lekki Free Trade Zone in Lagos", Land 7, 23 (2018) P.4 www.mdpi.com/journal/land.

²² World Bank, Land Governance Assessment Framework Final Report: Nigeria; World Bank, Washington, USA (2011) 12.

Acquisitions are generally characterized by imbalanced power relations, and they are not conflict-free. The degree of conflict varies through different forms of coercion, such as when deals are closed without the informed consent of previous land users, who are excluded from the negotiation process, not adequately informed about the implications of these acquisitions or evicted and forced off the land, which is often associated with instances of physical violence.²³

Some instances where people were evicted and social structure and means of livelihood were distorted due to the expropriation and compulsory acquisition includes; UN HABITAT report which stated that the Federal Capital Development Authority, in Abuja demolished homes, Schools, Clinics, Churches, Mosques, Businesses without adequate compensation and without providing adequate notices or even providing adequate resettlement to those who lost their homes, religious or cultural places and businesses²⁴

Similarly, another survey conducted in Abuja by The Centre on Housing and Evictions (COHRE) shows that compulsory acquisition resulted in the massive displacement of thousands of people living in the community affected by the acquisition, which harms their health, education, family cohesion and employment. The report shows that conflict resulted between armed security operatives, residents and business owners. Many victims' families were torn apart, and crimes became rampant.²⁵

The survey conducted in Lekki Free Zone indicated that even though an MOU was signed between the Lagos State Government, the company and the community members to provide job opportunities, none of the affected community members were employed by the Chinese company.²⁶ Furthermore, the equity shares of 2.5% promised to be given to affected members were not given.²⁷

The FAO study indicated that about 6% of the people affected with compulsory acquisition in Nigeria were undernourished and selling their land to foreign investors have adverse effect on the

²³ Dell' Angelo, J., et al, "The Tragedy of the Grabbed Commons; Coercion and Dispossession in the Global Land Rush", World Development 92 (2017) 1-12 <http://dx.doi.org/10-1016/j.worlddev.2016.11.005>

²⁴ UN Habital, "Global Land Tool Network: Forced Eviction-Towards Solution? Report (2017)

²⁵ The Centre on Housing and Evictions (COHRE); Social and Economic Rights Action center (SERAC), "The Myth of the Abuja, COHRE, GENEVA, SWITZERLAND, SERAC, LAGOS NIGIERA (2008).

²⁶ (n21)Nacholas K. Tagliarino et. al P.31

²⁷ Ibid.

food security of the country and continuing acquiring land in favour of investors with aim to produce bio-fuel for profit will pose the danger of losing job opportunities, increased poverty in the country, helping the foreign companies to the disadvantage of poor land owners, desertification and disempowerment of indigenous citizens who will now be left with few pieces of land to grow.²⁸

In an ideal situation, economic development and means of production should not threaten the environment and social rights. In the case of *Hungary v. Slovakia*, the International Court of Justice clearly illustrates this position.

Throughout the ages, Mankind has for economic and other reasons, constantly interfered with nature. In the past this was often done without consideration of the effects upon environment owing to new scientific insights and to a growing awareness of the risks for mankind – for present and future generations of pursuit of such interventions at an unconsidered and unabated pace, new norms and standards have been developed, set forth in the great number of instruments during the last two decades, such new norms has to be taken into consideration, and such new standards given proper weight, not only when states contemplate new activities but also when continuing the activities began in the past. This need to reconcile economic development with the protection of the environment is aptly expressed in the concept of sustainable development.²⁹

Social and environmental issues are linked to the realization of human rights (respect for human rights), which is essential for achieving sustainable development.³⁰ Human rights are relevant in protecting several social issues. For example, land acquisition processes can affect internationally recognized rights to property, food, housing, culture, indigenous people's right to their ancestral land, poverty eradication, sustaining livelihoods, and standard of living, etc.³¹

In line with the above, the Federal Ministry of Environment issued SIA Guidelines and Standards as a Nigerian commitment to comply with international and regional guidelines and standards.

²⁸ Isaac B. Oluwatayo, et al, "Land Acquisition and Use in Nigeria: Implication for Sustainable Food and Livelihood Security", *Land Use-Assessing the Past, Envisioning the future* (2019) 100 www.intechopen.com

²⁹ *Hungary V. Slovakia (1997) ICJ Rep. 78*

³⁰ Paragraph 5 of Plan of Implementation of the 2002 World Summit on Sustainable Development

³¹ Lorenzo Cotulla, *Foreign Investment, Law and Sustainable Development*, 2nd Edition (the International Institute for Environment and Development, 2016) 5

The paradigm shifts from conducting EIA only on the physical environment to including social environment assessment in a more integral and participatory approach can assist in developing open and meaningful dialogue, and can influence decision-making, build trust, address community concern, manage expectations, mitigate or avoid adverse effects of the projects/ investment and negotiate mutually beneficial future that are more sustainable and locally relevant.³²

4. Social Impact Assessment Guideline and Standard, 2017

The Social Impact Assessment Guideline and Standard was formulated by the Federal Ministry of Environment in 2017 in line with the following international standards: International Finance Cooperation Performance Standards, World Bank Safeguards Policies, and United Nations Principles for Responsible Investment.³³

The SIA Guideline and Standard, 2017, aimed to present a systematic approach that should identify and mitigate adverse social impacts, optimize benefits and provide a structure for uniform and consistent monitoring and management of the projects. The guideline states a step-by-step SIA assessment procedure ranging from project proposal, screening, public involvement, identification of alternatives, baseline description, scoping, analysis of social impacts, impact mitigation and enhancement, impact monitoring, review and decision making, implementation and follow-up. The procedure is as follows:

(a) Project Proposal

The project proponents, whether government or private entity, shall fill out a form at the Federal Ministry of Environment indicating relevant information available and a Land Use Map of the proposed area site of the project.

³² Frank D., “ Social Impact Assessment of Resource Projects” International Mining for Development Centre http://www.ceccu-ug.org/resource_centre last visited on 31/12/2024

³³*Ibid.*

(b) Screening.

Screening activities will be carried out to ascertain the activity and social structure existing in the project area. The Federal Ministry of Environment (FME) will conduct the social examination to determine whether or not SIA should be conducted.³⁴

(c) Public Involvement/Stakeholders Engagement process.

The project proponents or their consultants should identify parties to be engaged for better SIA to avoid discrimination and exclusion. The proponents should engage the government agencies at the federal, state, or local level, as well as NGOs, experts in the field, the private sector, and members directly affected by the project, to observe the assessment and identification of social issues. A stakeholder's plan should be designed to contain an action plan for consultation during project preparation and a format for effective and culturally meaningful interaction with stakeholders, affected members of the community, and community leaders, and issue a plan for a grievance mechanism.³⁵

(d) Scoping

At this stage, key issues should be outlined. The scope of investigation activities should be stated; this could cover all sectors of SIA, ranging from community and institutional structures, political and social resources, and individual and family changes.³⁶

(e) Identification of Alternatives.

The project will be assessed as a whole to find out available project alternatives in terms of cost and land mass to be used, and several other factors should be taken into consideration.

In identifying alternatives, the proponent and consultant should consider location alternatives, activity alternatives, design and operation alternatives, technology alternatives, scheduling alternatives, temporal alternatives and no-change alternatives. Elimination of alternatives with fatal flaws and consideration of alternatives with red flags. A cost-benefit analysis shall be

³⁴ The SIA may not be carried out in certain project where the Ministry of environment is on the opinion the project will cause minimal effects or the project was excluded from which EIA and SIA should be carried out. Section 13, 14 and 1st Schedule of the Environmental Impact Assessment Act

³⁵ Guideline 4.2 Social Impact Assessment Guideline and Standard, 2017

³⁶*Ibid.* Guideline 4.3

performed before the selection, sequencing and rejection of alternatives. Examination of alternatives alongside their impacts (negative and positive) in relation to other projects (existing and proposed) in order to identify and deal with potential cumulative impacts. For example, air emissions from a proposed factory shall be considered acceptable if taken in isolation, but, when added to emissions from surrounding factories, shall escalate air pollution to unacceptable levels³⁷

The essence of alternative identification is to weigh the project's potential impacts against the possibility of substituting the project with another project with less negative effects. For example, the location of an industry close to the people's settlement will have more impact on the social structures of the inhabitants than locating the site at a far distance from people's settlement. In this instance, the alternative may have fewer impacts, and the projects could be relocated to the alternative place to minimise the effects.

(f) Baseline Description

The baseline description shall provide relevant information that describes the socio-economic conditions of the affected people including a historical overview of the project area, household demography, housing and services, agricultural and household nutrition, income and expenditure, health, education, social organization, social infrastructure, livelihood strategies, small businesses, transportation, technology, land use, belief system and sacred rights among others.³⁸

Data for the baseline description should be gathered through qualitative research, quantitative household surveys and desktop studies to analyse the impacts and propose solution mechanisms. Relevant government agencies should provide available information to help gather baseline data for proper SIA.

(g) Social Impact Analysis.

From the data collected at the baseline description level, potential impacts (direct, indirect and cumulative) of the project should be assessed and analyzed. The people at risk of the social effects of the project should be identified, e.g. Artisans, seasonal and daily wage labourers, vendors,

³⁷*Ibid.* Guideline 4.4

³⁸*Ibid.* Guideline 4.5

among others. The potential impact should be assessed at all construction levels, operation and decommissioning of the project.³⁹

(h) Social Management Plan.

A Social Management Plan should be designed to minimize, mitigate or enhance potential impacts. In preparing the plan the following should be taken into consideration; the water required for the project to avoid a shortage, dispute management to guide employees on how to relate to the community to avoid conflicts, traffic management plan, safety and risk management plan, waste management plan, Resettlement Action plan to provide detailed strategy for negotiating displacement with private land owners, minimizing or avoiding resettlement, ensuring the affected people are allowed to improve their incomes and standard of living they had before the project affected them, livelihood restoration plan, community development plan to include skill training and alternative, livelihood strategies and other social benefit like social amenities among host others.⁴⁰

(i) Monitoring Program

The essence of the monitoring program is to have a robust monitoring team to mitigate/enhance the potential impacts throughout the preconstruction, construction and operational phases. The Ministry of Environment shall monitor the progress of the project from site preparation to commissioning in order to ensure compliance with all stipulated mitigation measures and project specifications.

(j) Review of SIA

After all the data was gathered, the SIA report should be drafted and submitted for review. The report will be reviewed by the Ministry of Environment, In-house assessment/evaluation, in-house technical review, and public review by affected community members or technical experts assigned by the public. The final SIA report shall include all issues raised and amendments during the review process.

³⁹*Ibid.* Guideline 4.6

⁴⁰*Ibid.* Guideline 4.7

The SIA report should be sent to the SIA audit to ensure the potential impacts were either mitigated, enhanced or avoided. All projects should have a goal of sustainable social development, where companies, especially foreign multinational corporations, are granted legal permits to operate within the country.⁴¹ Adequate compensation and improvement, or at least re-establishment of living conditions and livelihood, should be provided to any project that will cause physical displacement (related land acquisition cases) or economic displacement (loss of agricultural land or disruption of livelihood).⁴²

(k) Impact Evaluation/Social Auditing

Impact evaluation should be done periodically to assess the implementation of the approved SIA report. The evaluation should be conducted during the implementation and at the end of the project under review. Similarly, the evaluation of the impact should be conducted at a considerable time after the execution to identify the long-term effects.

The Audit or evaluation report shall include: (a) Executive summary; (b) Legal and institutional framework; (c) Project description; (d) Social issues associated with the existing project or activities: This shall take into consideration, the key risks and impacts relating to the existing project or activities, including issues covered by the SIA standards. The audit shall also review issues not covered by the SIA standards, to the extent that they represent key risks and impacts in any circumstances of the project; (e) Social analysis: The audit shall assess the potential impacts of the proposed project (taking into account the findings of the audit with regard to the existing project or activities). It shall also assess the ability of the proposed project to meet the requirements of the SIA standards; (f) Proposed social measures: Based on the findings of the audit, the audit report shall set out the suggested measures to address such findings. Measures typically covered under the evaluation/audit report and shall include the following: i. Specific actions are required to meet the requirements of the SIA standards. ii. Corrective measures and actions to mitigate potentially significant environmental and/or social risks and impacts associated with the existing project or activities. iii. Measures to avoid or mitigate any potential adverse environmental and social risks or impacts associated with the proposed project.

⁴¹*Ibid.* Guideline 6.

⁴²*Ibid.* Guideline 7.

The summary goals of SIA indicate that social, economic, and environmental sustainability are critical in all spheres of human life. Achieving sustainable development involves balancing and protecting social, economic, and ecological components. In earlier periods, development was only considered as economic efficiency to maximize production and profit, with the emergence of the concept of sustainable development, the development paradigm shifted from mere economic efficiency to equitable growth in which social (distributional) objectives, especially poverty, alleviation, enhancing means of livelihood, preservation of nature, protecting indigenous land rights are put on the same pedestal with economic efficiency. In other words, the pursuit of economic development will not be at the expense of standard living conditions and other social rights of the people should not be compromised.⁴³

The SIA carried out under the FME has changed the narration on the perception and attention given to community members before embarking on any project/investment by public institutions or private enterprises. The reports issued mostly at the end of the assessment exercise captured topical issues concerning the potential impacts of the project/investment on the social, economic, and cultural heritage of the affected people. In one of the Social Impact Assessment reports conducted over Electrical Transmission Lines and Associated Substations Projects in Lagos and Ogun States, it highlights how the SIA was conducted, covering almost all areas indicated under the SIA Guideline and Standard, 2017⁴⁴ as follows;

a) The project covered 203 KM of land to be acquired from landowners across all the neighbouring villages in the transmission line route along Lagos to Ogun State. The project aims to improve the electricity supply in Lagos and Ogun States. The project is estimated to transmit 20,000 MW by the end of 2020. It will enhance productivity and efficiency in public and private institutions, promote and develop small, medium, and large-scale enterprises, thereby creating direct and indirect job opportunities and improving the standard of living of the populace.

b) In determining the socio-economic component of the SIA, the report considers demography, land use, land ownership, socio-cultural institutions, infrastructure, economic means and

⁴³ Pradyumna P. Karan, *The Non-Western World: Environment Development and Human Rights* (Routledge, 2004) 33.

⁴⁴ SEEMS Limited, "Final Report of Environmental and Social Impact Assessment: Lagos and Ogun States Transmission Lines and Associated Substation Projects, Lot 2 (2018)

livelihood, cultural heritage, social network, and health issues of the affected people. The assessment was conducted using a questionnaire distributed to selected members of the affected communities. The data from the survey revealed that about 67% of people in the affected area are artisans, and the remaining 33% are engaged in trading, farming, and some menial jobs. Some of the challenges faced are that there are no alternative economic activities, such as employment in the formal sector and industries. A greater percentage of people live below the poverty level earning less than one dollar per day. The project will affect the burial grounds, shrines, and religious sites revered by the people. Approximately 203 km of land mass will be acquired, affecting homes, shelters, farms, and religious and cultural sites. Many people will lose their means of livelihood, particularly those who are farmers or work as labourerson farms.

c) Stakeholders and affected people were engaged throughout the SIA process. They participate in raising concerns about potential social issues and in identifying the proper solutions to mitigate or avoid the potential impacts of the projects. Among the stakeholders engaged are experts from different fields to properly evaluate the consequential effects of the project.

d) The social impact analysis of the baseline data collated indicated how the impacts were assessed, the prediction of the impact and possible mitigation mechanisms were identified, where the impacts are positive, their projection and how to benefit the affected people is highlighted. For example, the shrines, burial grounds, and religious sites affected, a relocation proposal was designed, a resettlement plan for the land taken was prepared, and several casual and semi-skilled jobs were reserved for the affected people. The families that will lose their farming site will be compensated before the start of the project.

The SIA report revealed how it addresses social issues occurring during projects/investments.

Similarly, another environmental and social impact assessment was conducted in furtherance of the project for housing estate development within the Redeemed Christian Church of God camp.⁴⁵

The Federal Government of Nigeria designed the project in response to ease the pressure of urbanization and the lack of affordable housing for the teeming members of Nigerian citizens. The project is to provide 500,000 affordable homes and create 1.5 million jobs. The project will cut

⁴⁵ Ecosphere Consulting Ltd, "Environmental and social Impact Assessment for the Green Posture Housing Estate Development within the Redeemed Camp, Ogun State, Nigeria" Family Homes Fund Ltd & Redeemed Christian Church of God, December, 2020 ESIA Summary www.afdb.org/files last visited on 16/6/2023

across Ogun, Kano, Delta, Yobe, Borno, Adamawa, Bauchi and Niger. The project is located in Redemption Camp, 46 km from Lagos Ibadan Express Way, Mowe, and extends from Obafemi Owode to Sagamu LGA, Ogun State. The area covered by the project includes completed and incomplete residential houses. It consists of 780 bungalows and other ancillary infrastructures such as roads, sewage systems, recreational centres, etc.

The environmental and social baseline description indicates the project will affect the communities within the RCCG camp and neighbouring communities sharing the same access route. The people living within the vicinity are mostly agrarians. The result of the survey conducted in the area showed that 58% of the respondents had nuclear families, while 42% had extended families. The dominant religion is Christianity, followed by Islam and traditional religion. The area has inadequate educational infrastructure.

The potential environmental and social impacts may include destruction of air quality, gaseous pollution from heavy vehicles, loss of vegetation due to site clearance, landscape disruption and pollution of surface water bodies. In terms of social impacts, there may be disruption of traffic flow, storage of construction material may attract theft and other vices, employment of local labour, exposure of site workers to respiratory and eye problems due to dust, intermingling with workers and the community members may aid in the spread of contagious diseases like TB, HIV and STD.

Environmental and social impact management was designed to mitigate the project's impact, for example, the use of modern types of equipment that are less hazardous and emit less gaseous substance to the community, and obligation was put on the contractors to comply with all national and international guidelines on the mitigation of the environmental and social impact of the project.

A monitoring mechanism was deployed both internally and externally to ensure compliance with regulations and recommend corrective measures to mitigate the negative impacts or enhance positive impacts.

The above report on environmental and social impact, unlike the previous report, does not provide a detailed analysis of the social effects on people living in the area, particularly on issues of livelihood, loss of houses and migration due to the project. NESREA, the Federal Ministry of

Environment and other regulatory agencies need to ensure that social impacts are captured in the SIA and appropriate solutions are provided before the project commences.

The introduction of the SIA Guideline and Standard by the Federal Ministry of Environment indicates the seriousness of the Nigerian government in honouring its responsibilities regarding its commitment to international and regional guidelines on the protection of tenure rights, means of livelihood, human rights and promoting ethical and sustainable investment.

In the practical sense, implementation of the principles contained in the guidelines discussed regarding the safeguards of tenure rights, means of livelihood and social rights, even though most of them are incorporated in the SIA guidelines, is poorly implemented due to a lack of political will and corruption that bedeviled the administrative activities of the regulatory bodies.⁴⁶

Implementation and compliance with the SIA Guidelines and Standards before embarking on any investment to assess the social, economic and environmental impacts of any investment will help in regulating the interaction between a quest for investment which requires large-scale land acquisition, land rights and human rights to avoid excessive land grab, mitigate or minimize potential negative impacts and project the social and economic well-being and standard of life of the affected people.

5. Conclusion

The Nigerian government, through the Federal Ministry of Environment, in response to its commitment to international guidelines, issued the Social Impact Assessment Guideline and Standard 2017. This guideline introduced a compulsory Social Impact Assessment requirement before any project or investment is carried out by public institutions or private enterprises. With the adoption of SIA, social issues arising during compulsory acquisition for private investment can be addressed by mitigating or avoiding the negative effects and enhancing and promoting positive effects. Compliance with SIA will provide a workable framework for striking a balance between the quest for investment, the protection of land rights, means of livelihood, and other social and economic rights through the all-encompassing concept of sustainable development.

⁴⁶ Peter O. Adeniyi, *Improving Land Governance in Nigeria: Implementation of Land Governance Assessment Framework* (University of Lagos, 2011)150