A HUMAN RIGHT APPROACH TO ENVIRONMENTAL SUSTAINABILITY IN THE OIL AND GAS SECTOR IN NIGERIA: LESSONS FROM ECUADOR*

Abstract

The aim of this paper is to evaluate the legal framework for environmental sustainability in oil and gas sector in Nigeria. The sector is the major source of revenue to the government of Nigeria and at the same time, the major source of environmental degradation particularly in the Niger Delta region housing the oil and gas deposits. This research is considered very imperative because despite the laws and institutions expected to safeguard, manage and sustain the environment, the country nevertheless faces a lot of environmental challenges which suggests that the laws and institutions are not fully exploited. The doctrinal method is adopted in this research using both primary and secondary sources as statutes, cases, books, articles in journals and the internets. The paper traces the problems to inadequate enforcement of these laws, corruption, insufficient funding, limited public awareness and inadequate infrastructure. The paper also identifies gaps in the existing literature as not much has been written on environmental degradation in the oil and gas sector especially with the Petroleum Industry Act of 2021 which stands today as the flagship statute in the sector. The paper concludes that environmental sustainability is not adequately promoted in Nigeria due to inadequate enforcement of the relevant legal frameworks. The paper recommends that Nigeria should adopt Ecuador's integration of the legal frameworks with stringent enforcement backed by transparent governance and accountability in the oil and gas industry.

Keywords: Nigeria, environment, oil and gas, Ecuador, sustainable, pollution

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1. Introduction

Nigeria is one of the countries of the world greatly endowed with oil and gas reserves which serve as the major source of revenue to the government. The exploration of these natural resources has brought untold hardship to the people due to environmental degradation which affects the ecosystems and the local communities.[1]It affects other sources of revenue such as the farms, crops and creeks and also poses serious risks to the inhabitants of these communities. Environmental management is very essential in the sustainability of any sector. In order to control the environmental pollution associated with the oil and gas sector in Nigeria, a lot of things have been put in place. First are the legal framework and the institutions charged with the responsibility of controlling the impacts of pollution in the industry which include the 1999 Constitution, Environmental Impact Assessment Act of 1992,[2] the National Oil Spill Detection and Response Agency (NOSDRA) Act of 2006 and the Petroleum Industry Act of 2021.

The Climate Change Act of 2021 was also enacted to address environmental pollution in Nigeria especially the greenhouse emissions from the oil industry.[3] The Act also contains copious provisions that encourage climate change litigations so that individuals and communities can institute actions to seek redress for environmental damage caused by the oil sector.[4] This is in addition to other relevant international and regional laws and policies geared towards controlling oil and gas pollution in Nigeria which include African Charter on Human and People's Rights,[5] the International Convention on Oil Pollution Preparedness, Response and Cooperation, the African Convention on the Conservation of Nature and Natural Resources, and the Nigerian Oil

1 L Atsegbua, F. Dimonwo & V. Akpotaire, *Environmental Law in Nigeria: Theory and Practice* (New edn, AMBIK Press, 2010) 50.

2 Cap E12 LFN 2004. See Allan Ingelson and ChilenyeNwapi, 'Environmental Impact Assessment Process for Oil, Gas and Mining Projects in Nigeria: A Critical Analysis' (2014)10 (1) *Law, Environment and Development Journal* 35.

3 Sec 20 of the Act. See also Part IV, ses 22 to 26 on the 'Obligations Relating to Climate Change'.

4 See sec 34(2)(a-c) of the Act.

5 This Charter has been domesticated in Nigeria as the African Charter on Human and People's Rights, Cap A9 LFN 2004.

and Gas Industry Content Development Act.[6] The laws and policies are also geared towards ensuring strict adherence to the internationally acceptable practice of corporate environmental management. Despite the proliferation of these laws and policies, oil spills and pollution in the sector are still of monumental magnitude.

The purpose of these laws is being undermined by inadequate enforcement and insufficient sanctions for violations which compound the environmental pollution in this sector.[7] The penalties are insufficient to deter intending violators. That is why it becomes very imperative for the country not only to focus more on the strict enforcement of these laws but also to enhance the penalties that will serve as deterrent to violators. This will also include increased roles, responsibilities and funding of the regulatory agencies such as NOSDRA so they will be more committed and active in the discharge of their responsibilities. This will ensure active participation, encourage responsible practices, sanctions, accountability for environmental harm and the ultimate achievement of the purpose for which the laws are made.

2. Legal Framework

There are avalanche of laws regulating environmental pollution in the oil and gas sector in Nigeria. They range from the Constitution of the Federal Republic of Nigeria, 1999, as amended, Environmental Impact Assessment Act, Petroleum Industry Act, Climate Change Act, National Oil Spill Detection and Response Agency Ac, among others.

2.1 *The Constitution of the Federal Republic of Nigeria, 1999*

The 1999 Constitution of Nigeria is the highest law in the country. It does not contain any express provision for environmental right as a fundamental right but it has other relevant provisions for environmental protection. An instance is section 17(2)(d) which provides that the exploitation of human and natural resources in any form whatsoever for reasons other than for the good of the community should be avoided. Environmental protection in the oil and gas

6 Opeyemi Omotuyi and Ada Ordor, 'An Evaluation of the Regulatory Framework for Environmental Management in the Nigerian Petroleum Industry' (2020) 6/2 *Journal of Comparative Law in Africa* 32 – 55.

7 MS Amune, 'Assessing the Effectiveness of Nigeria's Legal Framework in Controlling Oil and Gas Pollution: Challenges and Recommendations' (2025) 8/1 *Scholars International Journal of Law, Crime and Justice*, 1-12.

industry is implicit in this provision as it entails strict adherence to the laws put in place to ensure responsible exploration of oil and gas resources to prevent any likely harm to the host communities. Where there is no possibility of preventing the harm, the exploration should be completely avoided. This provision prioritizes the interest of the host communities in any oil and gas exploration activities in conformity with the principles of environmental justice and corporate social responsibilities. This requires genuine accountability of the oil multinational companies for environmental harm done to the communities in the course of explorations.[8]

The companies and the government should not prioritize the economic benefits of the oil and gas exploitations but the companies in particular should balance their Corporate Social Responsibility (CSR) obligations with the economic benefits accruing to either the companies or the government.[9] The plight of Ogoni people in Rivers State is a reflection of the dire consequences of prioritizing only benefits accruing from oil extraction over environmental responsibilities and has spurred a lot of countries into actions in putting laws in place to instill CSR in all corporate operations particularly the oil and gas sector.

Section 20 of the same Constitution explicitly provides that "the state shall protect and improve the environment and safeguard our water, air, land, forest and wildlife of Nigeria". This also aligns with the concept of sustainable development which requires preservation of the environment for the good of both the present and the future generations. The government can achieve this through strict enforcement of the environmental laws and where the laws are violated, the perpetrators should be brought to book. Where the government fails in its responsibility to protect the environment, it is a violation of the constitutional provisions that may lead to actions against the government to compel it to discharge its constitutional duties.

Unfortunately, section 20 of the Constitution that provides for environmental objectives of the government falls under chapter II of the same Constitution

8 J I Uduji, NV Okolo-Abasi& S Asongu, 'Oil Extraction in Nigeria's Ogoni Land: The Role of Corporate Social Responsibility in Averting a Resurgence of Violence' (2021)70 (2) *Resource Policy* 98.

9 A Musa, Y Yusuf & G Banjoko, 'Corporate Social Responsibility in Nigeria's Oil and Gas Industry: The Perspective of the Industry' (2013)3 (2) *International Journal of Process Management and Benchmarking* 117.

on the Fundamental Objectives and Directive Principles of the State Policy which has been adjudged unenforceable in Nigeria in the case of *Anthony Okogie&ors v Lagos State Government*.[10]The unenforceability of chapter 2 of the Constitution is traceable to section 6(6)(c) of the same Constitution which provides that the jurisdiction of the courts in Nigeria should not extend to the provisions of Chapter 2 of the Constitution. This implies that where the government fails in the discharge of its constitutional objectives on environment as stipulated under section 20, an action cannot lie against the government through the courts to hold the government accountable. In the words of Ezenwa, "as a result, individuals who are aggrieved by environmental issues do not have the legal standing to seek judicial enforcement of this provision".[11]This position seriously affects the effectiveness of environmental protection in Nigeria.[12]

From a different legal perspective, the non-justiceability of chapter II of the Constitution is not sacrosanct going by the provisions of section 13 of the Constitution which confers the responsibilities on the three organs of government and of all authorities and persons, exercising legislative, executive or judicial powers to conform to, observe and apply the provisions of chapter II of the Constitution. If this particular provision is read along with the opening paragraph of section 6(6)(c) of the Constitution which says that "except as otherwise provided by the Constitution", it brings the issue of non-justiceability of Chapter II to a serious doubt as the opening paragraph empowers the judiciary to entertain issues under chapter II if it is so provided in the Constitution. Thus, in the cases of *FRN v Anache*[13] and *Adebiyi Olafisoye v FRN,*[14] the Supreme Court upheld the possibility of the justiciability of Chapter II by stating unequivocally that the non-justiceability of Chapter II is neither total nor sacrosanct as section 6(6)(c) provides a

10 (1981) NCLR 337. The decision of the Court in this case was based on section 6(6)(c) of the 979 Constitution replicated verbatim under the same section in the 1999 Constitution.

11 Ifeoma Ezenwa, 'The Right to a Safe and Clean Environment with regard to Oil Pollution and Climate Change in Nigeria' (2025) *Olisa Agbakoba Publications* <https://oal.law/the-right-to-a-safe-and-clean-environment> accessed 8 November 2025.

12 TC Eze& AGEze, 'Control of Pollution arising from Oil and Gas Industry: Appraising the Scope of Provisions under the 1999 Nigerian Constitution' (2017) 8 (2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence,* 58.

13 (2004) 14 WRN 1.

14 (2005) 51 WRN 52.

leeway by the use of the words "except as otherwise provided by this Constitution".

There is no express provision for environmental right as a fundamental right under chapter IV of the 1999 Constitution. The effect is that no aggrieved person can approach the courts in Nigeria to enforce his right to a clean environment. However, environmental right in Nigeria can be construed from other rights which are implicitly linked to environmental right such as the right to life, right to family and private life, right to property and right to compensation.[15] For instance, the right to environment can be construed from the right to life because anything that affects the environment invariably affects life. Life cannot exist on earth in the absence of a healthy environment. The crux of the case of *Jonah Gbemre v Shell Petroleum Development Co. Nig. Ltd*,[16]for instance, is the exploration of oil and gas in the Niger Delta region which contaminates the soil and pollutes the air and water thereby putting the lives of the community at risk. Research has revealed that air pollution resulting from the oil and gas operations in the Niger Delta region cause chronic ailments in the region that most often leads to the deaths of many.[17]According to Oludoro and Durojaye;

> Gas flaring exposes the residents to an increased risk of premature death, respiratory illnesses such as asthma, and cancer. The flaring … often results in emissions including particulate matter (smoke), sulphur and nitrogen oxides, benz[a]pyrene and dioxin and unburned fuel components such as toluene, benzene and xylene. These components are believed to be poisonous and may lead to significant health problems such as asthma, coughing and difficulty in breathing, chronic bronchitis and possibly premature death.[18]

15 Secs 33, 37, 43 and 44 of the CFRN 1999 (as amended).

16 Suit No.FHC/B/CS/53/05.

17 OyephoAkueseph, 'Air Pollution in the Oil and Gas Industries in the Niger Delta Region of Nigeria: The Human Rights Perspective' (2023)8 (3) *African Journals* 14.See also CT Emejuru, 'Human Rights and Environment: Whither Nigeria?' (2015) 35 (7) *Journal of Law, Policy and Globalization* 113.

18 O Oluduro and E Durojaye, 'The Implications of Oil Pollution for the Enjoyment of Sexual and Reproductive Rights of Women in Niger Delta Areaof Nigeria' (2013)17(7-8) *The International Journal of Human Rights* 772-795.

There is nothing like right to health under the 1999 Constitution of Nigeria, as amended. Many other countries of the world have recognized the right to health as fundamental rights of their citizens under the Constitution. An instance is Article 27 of the 1996 Constitution of South Africa.[19]The only provision relating to health in Nigeria is section 7(3) of the Constitution which requires the state to direct its policy towards ensuring that the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused and to ensure as well that there are sufficient medical and health facilities for all the citizens.[20]This also falls under chapter 2 of the Constitution which enforceability is significantly impeded by section 6(6)(c) already examined. Against this backdrop, the right to health, just like the right to a healthy environment, can be inferred from the right to life which is a fundamental right guaranteed under section 33 of the Constitution. The *Jonah Gbemre v Shell* is an exemplary case where the victims of gas flaring claimed that the flaring activities of Shell was a gross violation of their rights to life under section 33 of the 1999 Constitution. The court highlighted the interconnection between the right to life and clean environment and held that the gas flaring was a violation of the rights of the inhabitants of the Ewherekan community where the flaring took place. The Court unequivocally interpreted the right to life to include the right to a clean, pollution and poison-free environment.

That became a landmark judgment in Nigeria in that it serves as a precedent for construing environmental right from the fundamental rights provisions of the Constitution. The case further highlights the environmental impact of the oil and gas operations in Nigeria and the necessity for the government to regulate the operations of the industry through strict law enforcement. Other countries of the world such as India have interpreted the right to life to encompass the right to a decent environment especially in the countries where there is no express provision for the right to environment as a fundamental right. In *Subhash Kumar v State of Bihar*,[21]the Supreme Court of India held that the right to life guaranteed under Article 21 of the 1949 Constitution of India includes the right to a healthy environment. Just like Nigeria, there is no

19 See also Art 43 of the 2010 Constitution of Kenya which guarantees economic and social rights which include right to health.

20 Sec 17(3)(c) & (d).

21 AIR 1991 SC 420.

explicit provision for the right to a pollution-free environment in the 1972 Constitution of Bangladesh. That is why in *Mohiueddin Farooque v Bangladesh*,[22] the court construed the right to life guaranteed under Article 32 of the Constitution to include the right a pollution-free environment.

Conflicting judgments of the courts in Nigeria are among the factors that compound the plight of environmental litigants especially in respect of pollution arising from the oil and gas industry. In the case of *Opara v Shell*,[23] the Court of Appeal disagreed with the decision of the Federal High Court in the case of *Gbemre v Shell* (supra) and held that environmental right cannot be inferred from the constitutional right to life because the two have no correlation. The court went further to reiterate that right to life can only be violated through direct injury or extinguishment rather than through environmental pollution. The same Court of Appeal maintained the same position in the case of *Ajanaku v Shell*[24] where it stated that oil pollution has no business with the fundamental rights provisions of the Constitution such as the right to life,[25] right to dignity of the human person,[26] right to private and family life,[27]right to acquire and own immovable property any place in Nigeria[28] and right to compensation[29] which the court stated unequivocally in *Gbemre's case* that can be affected by environmental pollution in several ways.

For the case of emphasis, the Federal High Court in Benin City, Edo State held in 2005 in *Gbemre's case* that fundamental right to life can only be guaranteed under a clean, pollution-fee and healthy environment. The subsequent cases of *Opara v Shell* and *Ajanaku v. Shell* also have similar facts with the *Gbemre's case* as they involve actions brought by the indigenes of

22 (1997) 49 Dhaka LR (AD) 1. In *Shella Zia v WAPDA PLD*(1994) SC 693, the Supreme Court of Pakistan interpreted the right to life in Article 9 of the Constitution of Pakistan to include the right to a pollution-free environment. See also a Colombian case of *Fundepublic v Mayor of Bugalagrande & ors* where it was held that the right to a healthy environment has been conceived as a group of basic conditions surrounding man and which define his life as a member of the community, and allow his biological and individual survival.

23 (2015)14 NWLR (Pt. 1479) 307.

24 [2021] LPELR-52566 (CA).

25 Sec 33 of the 1999 Constitution, as amended.

26 Ibid, sec 34.

27 Ibid, sec 37.

28 Ibid, sec 43.

29 Ibid, sec 44.

the Niger Delta due to environmental pollution from oil spill in their area which they alleged affected their rights to life under the Constitution but the judgments vary. In another turn of events, the Court of Appeal held in the case of *Mobil Producing (Nig) Unlimited v Ajanaku & anor*[30] that aa person's right to life as guaranteed under section 33 of the 1999 Constitution cannot be realized in the absence of a poison-free, clean environment, safe water, unpolluted air, land and forests. The inconsistencies in the court judgments in Nigeria especially when pollution from oil industries is involved indisputably exacerbate the environmental problem in the Niger Delta region.

The fundamental right to family and private life under section 37 of the 1999 Constitution can also be affected by environmental pollution from the oil and gas operations. The gas flaring activities affect health, livelihoods and have led to displacement of families from their homes and ancestral lands, damage their communal lives and social connections. The right to life provision can also be relied on in respect of environmental hazards that result in substantial inconvenience in the enjoyment of one's home and privacy. Again, the odour, noise and light pollution through gas flaring affects the quiet enjoyment of one's home and surroundings.[31] There is dearth of Nigerian cases in this respect but the court in the same *Gbemre case* reiterated that anything that affects one's ability to sustain a family livelihood such as the pollution of creeks, destruction of farms and fishes in the creeks which are essential for the sustenance of family life is an unjustifiable interference with the right to family life.

Article 8 of the European Convention on Human Rights also provides for the right to private and family life. The essence of this provision is to protect the people's private and family lives from unjustifiable interference. Severe environmental pollution in form of odour, noise, oil spillage, dust, smoke, emissions or light pollution can affect not only the health of the people but also the comfort in their own homes and families. Against this backdrop, the European Court of Human Rights (ECHR) has stated explicitly that environmental pollution is one of the recognized means through which this

30 [2021] LPELR-52566 (CA).

31 JA Adoga-Ikong, 'An Appraisal of the Attitude of Nigerian Courts in Oil and Gas Pollution Cases' (2019) 5/5 *International Journal of Law* 152.

right can be encroached. In the case of *Dubetska and Others v Ukraine*,[32] the ECHR held that Ukraine has violated Article 8 of the Convention when it failed to protect the citizens from severe environmental pollution from the state-owned coal mine which affected their health, home and family.

2.2 *Right to Property in Nigeria*

Environmental pollution from oil and gas industry in Nigeria can also affect the right to acquire and own immovable properties in Nigeria guaranteed under section 43 of the 1999 Constitution as amended. The right to property can be affected through destruction of farm lands, creeks, fishing grounds and other natural resources by pollution. The victims of such violations can seek redress in the High Court within the state where the violations occurred according to section 46 of the 1999 Constitution. Section 44 of the same Constitution also guarantees the citizens the right to compensation in respect of compulsory acquisition of property.[33] The combined effects of sections 43 and 44(1)(a) is that the citizens are not only entitled to this right but that such right cannot be interfered with without the payment of adequate compensation. It also guarantees the citizens' access to the Courts for the determination of their interest in such property and the quantum of compensation.[34]

In the case of *C.G.G. (Nig.) Ltd. v Amaewhile*[35] for instance, the right to a healthy environment was construed from the right to own immovable property guaranteed under section 43 of the 1999 Constitution. In this case, the extensive damage to the respondent's property resulted from the seismic activities of the appellants. The court held the company liable for the environmental damage and for the payment of compensation for property rights of the victims. This right to property is not absolute but limited only to surface rights because the same Constitution vests the exclusive ownership of all minerals, mineral oils, and natural gas in, under, or upon any land in

32 (2011)ECHR 256.
33 Sec 44(1)(a).
34 Ibid, sec 44(1)(b).
35 (2006) 3 NWLR pt. 967 at 284.

Nigeria in the federal government.[36] Section 44(3) of the same Constitution, for instance, provides that;

> … the entire property in and control of all minerals, mineral oils and natural gas in under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria shall vest in the Government of the Federation and shall be managed in such manner as may be prescribed by the National Assembly.

2.3 *African Charter on Human and Peoples' Rights*

The African Charter on Human and Peoples' Rights is among the legal framework relevant to the control of pollution in the oil and gas sector in Nigeria. Just like the Nigerian Constitution, the Charter provides for right to life,[37]right to property,[38]health[39] and family.[40]These rights are negatively impacted by pollution from the oil and gas exploration activities which contaminate the water and soil, and pollute the air through gas emissions. Article 24 of the Charter precisely provides that "All peoples shall have the right to a general satisfactory environment favourable to their development". This particular provision has been linked to other fundamental rights under the 1999 Constitution of Nigeria such as the right to life and right to dignity of human person.[41] In *Social and Economic Rights Action Centre (SERAC) &anor v Nigeria*,[42] the African Commission on Human and Peoples Rights enumerated the rights that are expressly provided for or implicit in the African Charter to include right to prevent ecological degradation,[43] right to dispose of wealth and natural resources,[44] right to be informed of hazardous substances,[45] shelter[46] and food.[47]

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36 Theodore Okonkwo, 'Ownership and Control of Natural Resources under the Nigerian Constitution 1999 and Its Implications for Environmental Law and Practice' (2017)6/1 *International Law Research,* 162.

37 Art 4.

38 Art 14.

39 Art 16.

40 Art 18.

41 Secs 33 & 34.

42 (2002)AHRLR 60 CACHPR 2001.

43 Art 24.

44 Art 21.

45 Art 9(1).

46 Implicit in Arts 14 and 21(2).

47 Implicit in Arts 14, 15, 16 & 20 of the Charter.

The Charter also made it obligatory on the state parties to the treaty to respect, protect, promote and fulfill these rights.[48] This case was instituted by the SERAC in 1996 on behalf of Ogoni people in Rivers due to the environmental degradation in the area by the multinational oil companies through the Nigerian National Petroleum Corporation (NNPC). The water, soil and air were contaminated which resulted in serious chronic ailments and deaths unaccounted for. The Commission held that the rights of Ogoni people to life, health and the satisfactory environment under the African Charter have been violated. The Commission called on the government of Nigeria to adopt necessary measures to protect Ogoni peoples' rights rather than aiding private companies in the violation of their rights. African Charter has been domesticated in Nigeria[49] and so serves as the basis upon which redress can be sought for environmental damage from oil and gas industry in the absence of enforceable environmental right under the 1999 Constitution of Nigeria.

The coming into force of the Fundamental Rights (Enforcement Procedure) Rules, 2009, has been of immense assistance in the enforcement of the African Charter in Nigeria. Though, there is no explicit mention of environmental right in the Rules but under the interpretation section of the Rules,[50] fundamental right refers to any of the rights guaranteed under chapter 4 of the 1999 Constitution and includes the rights under the African Charter. The implication is that the peoples' rights guaranteed under the African Charter can be enforced in Nigeria as if they are fundamental rights under the 1999 Constitution. This is more imperative in view of the absence of enforceable environmental right in the Constitution. The 2009 Rules have therefore removed the burden of construing environmental right from the fundamental rights provisions of the Constitution.[51]

One of the greatest challenges to the enforcement of environmental laws against multinational oil and gas companies is the problem of *locus standi*

48 Arts 25 & 26 of the Charter.

49 African Charter on Human and Peoples Rights (Ratification and Enforcement) Cap.A9 LFN 2004. See *Sani Abacha v Fawehinmi* (2000) SC No. 45/1997.

50 Order 1(2) on 'Application and Interpretation'.

51 Abiola Sanni, 'Fundamental Rights Enforcement Procedure Rules, 2009 as a Tool for the Enforcement of the African Charter on Human and Peoples' Rights in Nigeria: The Need for Far-Reaching Reform' (2011) *African Human Rights Law Journal* 512.

which has frustrated a lot of environmental litigants in Nigeria. An instance is the case of *Oronto Douglas v Shell Pet. Dev. Co. Nig. Ltd*.[52] where the plaintiff brought action to challenge the failure of the defendant to carry out preliminary assessment of the impact of the proposed project on the environment as required under the Environmental Impact Assessment Act of 1992. The Court dismissed his action for want of *locus standi* having failed to establish that his personal interest was directly affected by the defendant's non-conformity with the provisions of the Act. The Fundamental Rights (Enforcement Procedure) Rules, 2009, has also liberalized the *locus standi*by providing that;

> The Court shall encourage and welcome public interest litigations in the human rights field and no human rights case may be dismissed or struck out for want of *locus standi*. In particular, human rights activists, advocates, or groups as well as any non-governmental organizations, may institute human rights application on behalf of any potential applicant.[53]

With this provision, public interest litigation has been encouraged as a vital instrument in the administration of environmental justice in Nigeria especially in the oil and gas sector. The human rights activists, individuals and Non-Governmental Organizations (NGOs) can initiate human rights actions on behalf of any victim of the human rights abuses. In *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* (NNPC),[54] the plaintiff, an NGO, instituted action against the NNPC at the Federal High Court, Lagos, over an alleged oil spillage that terribly affected Acha community in Abia state, Nigeria. The trial court and the Court of Appeal struck out the case for want of *locus standi* because the NGO was neither from the Acha community nor established that it was affected in any way by the oil spillage. On appeal to the Supreme Court, the apex court overruled the two lower courts and held that the NGO has *locus standi* to institute the action. The court reiterated that *locus standi* is an archaic technical rule which should not be invoked to defeat a genuine human rights claim. The court added that anyone who has genuine

52 Suit No.CA/L/143/97.
53 Para 3(e) of the preamble to the Rule.
54 (2009) 5 NWLR (Pt. 1666) 518 SC.

and public-spirited intention can approach the court in respect of public interest matters as in this particular case.

2.4 *National Oil Spill Detection and Response Agency (NOSDRA) Act*

The NOSDRA Act came into force in 2006 with the main objective of establishing the National Oil Spill Detection and Response Agency (NOSDRA) conferred with the responsibility for preparedness, detection and timeous response to oil major oil spillage cases in Nigeria.[55] The philosophy behind the NOSDRA Act is environmental protection and sustainable development through proactive efforts of the agency in ensuring strict compliance of the oil industries to all the laws for environmental protection especially in respect of oil industry operations.[56] Section 5 of the Act requires the Agency to achieve its primary objectives through safe, effective, timely and appropriate response to devastating oil spillage cases, identify high-risk areas and prioritize areas for clean-up and protections, monitor the areas and mobilize for prompt responses in the areas so as to protect lives and properties of the inhabitants, including the environment. The Agency can also achieve its objectives by collaborating with international organizations such as the International Maritime Organization (IMO) and other national or sub-regional agencies to facilitate oil pollution preparedness and appropriate responses.[57] This will include the use of technologies for monitoring, containment and clean-up of the areas involved[58] and the implementation of the National Oil Spill Contingency Plan in conformity with the international standards and generally acceptable practices.

Aligning with the international practices is very imperative as Nigeria is a signatory to the International Convention on Oil Pollution Preparedness, Response and Cooperation which was held in London, United Kingdom, 1990, which provides for international framework for cooperation in tackling marine pollution especially from the oil and gas sector. The NOSDRA has its zonal offices spread across all the states in the Niger Delta region hosting the oil industries and the exploration activities. The offices facilitate its

55 Sec 1 of the NOSDRA Act 2006.

56 OV Chukwudi, 'NOSDRA and the challenges of management of oil spillage in the Niger-Delta' (202)3/2 *Commercial and Industrial Law Journal* 115.

57 Sec 5(i) of NOSDRA Act 2006.

58 Ibid, sec 5(a)-(n).

investigation visits, monitoring, inspections, gas flare tracking and remediation of the affected places. The monumental environmental damage from oil spillage birthed the development, by the Agency, of a National Oil Spill Compensation Rate (NOSCR) in 2017 geared towards addressing the environmental damage from oil spillage and the appropriate compensations to the victims. This also guides the Agency and the oil industries in determining the amount of compensations for loss of income resulting from oil activities particularly damage to fishing and tourism industries. There is no express provision in the NOSDRA Act empowering NOSDRA to impose fines on defaulters. However, the Agency's power to impose fines may be inferred from section 6(2) of the Act which provides that;

> An oil spiller is by this Act to report an oil spill to the Agency in writing not later than 24 hours after the occurrence of an oil spill, in default of which the failure to report shall attract a penalty in the sum of five Hundred Thousand Naira (N500,000.00) for each day of failure to report the occurrence.

Similarly, section 6(3) explicitly provides that failure to clean up any impacted site, which includes remediation, attracts an additional fine of one million naira (N1000,000.00). Based on these provisions, the Agency has tried to impose fines on the defaulters but the fines have been resisted as being unconstitutional as no one deserves to be punished without being given opportunity of fair hearing as required under section 36 of the 1999 Constitution. For instance, in the case of *Shell Nigeria Exploration and Production Company (SNEPCO) v NOSDRA*,[59] the Agency imposed a fine of $3.6 billion on Shell following the oil spillage in Bonga which occurred offshore and affected some coastal communities in both Delta and Bayelsa States in Nigeria. The spillage occurred due to operational error of the Shell Nigeria Exploration and Production Company (SNEPCO). The Federal High Court held that going by sections 5, 6 and 7 of NOSDRA Act, the Agency has the power to impose fines on oil companies causing environmental degradation. The court stated unequivocally that exercise of such statutory power was not inconsistent with the constitutional right to fair hearing.

59 FHC/L/CS/336/2015.

However, in the earlier case of ***National Oil Spill Detection and Response Agency (NOSDRA) v Exxon Mobil***[60] **where oil spillage occurred from the Mobil's facility,** the Court of Appeal held that NOSDRA which is an administrative agency lacked the power to impose a N10 million fine on ExxonMobil without first obtaining court order empowering it to sanction the defaulting company. The court added that imposing such fine is inconsistent with the principle of natural justice and amounted to exercise of judicial power by the agency. The court went further to state that NOSDRA Act did not confer any power on NOSDR to impose fines on the defaulting companies.

A lot of Nigerians are worried over the Court of Appeal's decision because requiring regulatory agencies to obtain court order before imposing fines on defaulting companies may erode the power of the agencies and a setback in the discharge of its responsibilities.[61] Without the imposition of fines, it will undermine the Agency's ability to promptly respond to oil spillage cases knowing that it can only punish after lengthy court litigations. It will compound the Agency's difficulty in holding the defaulting oil and gas companies accountable for their actions.[62] On the other hand, once the companies are aware that NOSDRA can only impose fines after the rigorous processes of litigations, it may lead to increased non-compliance to the NOSDRA Act by the erring companies.

2.5 *Petroleum Industry Act 2021*

The Petroleum Industry Act came into force in 2021 after being signed into Law by the then President Muhammadu Buhari. It repealed both the Petroleum Act[63] and the Associated Gas Reinjection Act.[64] It is one of the statutes that regulate environmental degradation in the oil and gas industry in Nigeria such as oil spillage, gas flaring and fouling of water bodies. The Act provides for a lot of strategies through which pollution can be controlled such

60 CA/C/244/2017.

61 IO Olude and OMAdebari, 'Analysing the Powers of Administrative Agencies to Impose Fines: A Review of the Court of Appeal's Decision in *NOSDRA v EXXON MOBIL'* (2024)6/1*International Journal of Comparative Law and Legal Philosophy* 64.

62 Ibid.

63 Cap. P10 LFN 2004.

64 Sec 310 of the PIA 2021 repealed 10 legislations which include Associated Gas Reinjection Act, No 43 of 1984, Cap. A25 LFN 2004.

as the establishment of regulatory bodies like the Nigerian Upstream Regulatory Commission and the Nigerian Midstream and Downstream Petroleum Regulatory Authority charged with the responsibilities of overseeing the industry to ensure compliance with the provisions of the Act and other relevant statutes.[65] It also requires the license holders to submit their environmental management plans in respect of any of their projects that require environmental impact assessment as a requisite.[66] Such plans must be submitted to the regulatory bodies for approval. The justification for this provision is to have a pre-assessment of the impact of the proposed project on the environment. Where the impact of the proposed project may be inimical to the environment, it may either be suspended, adjusted or the approval may be granted but subject to the satisfaction of certain conditions.[67]

While section 105 of the Act prohibits gas flaring, section 104 provides for the penalties for the flaring. The Act did not specify the exact amount to be paid as penalties by the defaulting companies. Again, the penalties for flaring under section 104 is excluded if the gas was flared during the period of emergency or pursuant to a permission granted by the Commission or it occurred 'as an acceptable safety practices under established regulations.'[68] No doubt, granting exceptional circumstances upon which gas can be flared indirectly undermines the very essence of the Act. The fines generated as penalties for gas flaring should be channeled to environmental remediation. Such fines, no doubt, may be so insignificant to cater for the remediation considering the level of damage caused by gas flaring and oil spillage in the affected areas.[69] It is on that account that the Petroleum Industry Act provides for Environmental Remediation Fund to address the problems of pollution from the petroleum industries.

65 JE Chigonu, OI Maduabuchi& UA Uayemen, 'Environmental Regulation Of Oil And Gas Operations In Nigeria: The Role Of Legal And Regulatory Frameworks' (2022)2 (6)*The Journal of Environmental and Human Right Law* 201 – 203.

66 OO Joshua, TE Yebisi, OP Patrick & AI Arirremako, 'The Legal Framework for Combating Gas Flaring in Nigeria's Oil and Gas Industry: Can It Promote Sustainable Energy Security?' (2022)14 (13)*Sustainability* 7626.

67 Sec 102(1)(a) and (b).

68 Sec 104(10(a-c).

69 AyodeleOladiran, 'An Analysis of the Petroleum Industry Governance Bill in Nigeria: Prospects and Challenges' (2021)1(1)*Turf Law Journal* 109.

Section 103 of the Act requires contributions from the licensees or lessees into the Fund established by the Commission for the rehabilitation of the host communities from the pollution which would not have occurred but for the operations of the companies. This is in addition to the Host Communities Development Trust to address and manage the risk of environmental pollution on the host communities[70] for the purpose of maintaining sustainable relationship between the industries and the host communities through corporate social responsibilities which will include educational developments and the provision of health care facilities.[71] The PIA 2021 is a new statute and so, there is dearth of court judgments in conformity with the provisions of the Act.

2.6 *Environmental Impact Assessment Act*

Environmental Impact Assessment (EIA) Act of 1992[72] is one of the legal frameworks for the regulation of the activities of the oil and gas industry as it requires a preliminary assessments of the impacts of certain proposed projects, such as oil drilling, on the environment. Just like the Petroleum Industry Act of 2021 which provided elaborately on the need for preliminary assessment of the impact of proposed projects, section 2 of the EIA Act provides that where any proposed project, whether private or public, is likely to cause significant environmental havoc, the preliminary assessment of the impacts of the projects is a precondition for their approval and commencement. This underscores the importance of the EIA. Section 12 of the EIA Act went further to provide for the 'mandatory study activities' which means the type of projects that must be subjected to preliminary impact assessments. They include such projects as mining, petroleum and industry.[73] Where the impact of the proposed project will have detrimental effects on the environment, the project is either suspended or reviewed to ensure that the particular environment is safeguarded. In the case of *Jonah Gbemre v Shell (supra),* the Court reiterated that it was the failure of the defendant to carry out environmental impact assessment as required by law that opened the door for the environmental harm caused to the plaintiffs. The court stated

70 See chap 3 of the Act (secs 234-245).
71 See sec 239(3)(a-i) of the PIA, 2021.
72 Decree, No. 86 of 1992, now Cap.E12 LFN 2004.
73 See sec 12 under the Schedule, items 8, 11 &12.

unequivocally in this case that environmental impact assessment is a mandatory requirement for oil exploration and gas flaring activities.

In the more recent case of *Torchi & Ors v Shell*,[74] the court reemphasized the need for oil companies to adhere to the legal requirements in their operations which includes the environmental impact assessment as required under the EIA Act. The plaintiffs who are inhabitants of some communities in Egbalor Ebubu, Rivers State, instituted action against Shell for environmental harm from oil pollution which affected the plaintiffs abysmally by the destruction of their economic trees, fish ponds, fish nets, farms products drinking water and machines worth billions of naira. The trial court found the defendants liable and awarded damages of eight hundred billion naira (N800b) to the plaintiffs and condemned the failure of the company to follow the legal procedures in its operations which would have averted the damage caused to the plaintiffs. The court went further to give order for Shell to deposit the amount into the court's interest-yielding account until the appeal against the judgment is determined.[75] The judgment was hailed as a glaring demonstration of the judiciary to control environmental harm from the oil and gas industry and ensure compliance to environmental laws.

Law suits of this type demonstrate the determination of the victims of pollution and the judiciary to hold the oil companies accountable for their acts and to ensure that laws are adequately enforced to serve as deterrent to others. This judgment also shows that the Nigerian judiciary attaches much importance to the EIA Act as very integral in the control of the activities of the oil companies and the protection of the right of the host communities. The compensation awarded the plaintiffs by the Court was not paid because Shell appealed against the judgment.

The Environmental Impact Assessment Act has been in force for the past 33 years but the impact has not been fully felt due a lot of challenges such as

74 SC/CV/337/2022.

75 See also Emmanuel Addeh, 'Oil Pollution: Nigeria's Supreme Court Gives Shell Go-Ahead to Appeal $1.8bn Court Order' *Arise News* 4th Dec, 2022 <https://www.arise.tv/oil-pollution-nigerias-supreme-court> accessed 25 November 2025.

weak enforcement mechanisms and other procedural constraints.[76] In *Oronto Douglas v Shell*,[77] the plaintiff brought action against Shell for failure to carry out environmental impact assessment which is a precondition for oil exploration activities according to the EIA Act of 1992. The case was struck out for want of *locus standi*. It is as a result of the weak enforcement mechanisms of the EIA Act and other numerous procedural impediments that make it possible for some projects to proceed in Nigeria without the requisite impact assessments.[78]

2.7 *Oil in Navigable Waters Act*

The Oil in Navigable Waters Act 1968[79] is one of the statutes in Nigeria relevant to the control of pollution emanating from oil and gas industry. It addresses the marine pollution resulting mainly from ships and vessels into the prohibited sea areas or into the waters of Nigeria according to sections 1 and 3 of the Act. The pollution may result from the discharge of crude oil, fuel and lubricating oil or heavy diesel oil into the designated areas during transportation. The owners of the ships or vessels shall be liable under the Act. What seems to undermine the potency of the Act is the numerous defences available to the offenders under section 4 of the Act. It is like giving a law with one hand and taking it back with the other.[80] The big problem with the oil industry in Nigeria is that since the discovery of oil and gas in the Niger Delta region of the country, there is general perception of injustice to the victims of pollution.[81] Not much is done to alleviate the plights of the victims. Even the numerous laws that make provisions for compensation to the victims are not adequately enforced.

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76 A Ibrahim, 'Environmental Impact Assessment in Nigeria: A Review' (2020) 8 (3) *World Journal of Advanced Research and Reviews* 332.

77 (1998)6 NWLR (Pt. 399) 90.

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

79 Cap O6 LFN 2004.

80 O G Ajayi, J Odumosu& CV Okorocha, 'Towards the Mitigation and Possible Amelioration of Coastal Pollution in Nigeria – A Review of a Legal Act (Oil In Navigable Waters Act [Cap 337] LFN 1990 [1968 No. 34.]) (2014) 4 (1) *International Journal of Advanced Scientific and Technical Research* 598.

81 Adoga-Ikong & P Aloamaka, 'Compensation for Oil Pollution under Nigerian Law and the Problems of the Victims in Assessing the Damage' (2021)3 (1)*Journal of Public Administration and Government* 66.

In most cases, the victims are frustrated by procedural impediments and technicalities. In some cases, the courts give priority to the revenue accruing to the government against the protection of the citizens' right to the environment and their ancestral lands. The polluters are most often protected.[82] The Oil and Navigable Waters Act is a regulatory and penal statute not meant to protect the interest of the victims of pollution but to prevent pollution and generate revenue to the government. Section 19 of the Act with the heading "financial provisions" is not connected with compensation to the victims of pollution, whether private individuals or communities, but relates to how the expenses incurred or fees received by the Minister should be channeled. It provides that;

(1) The administrative expense incurred by the Minister for the purposes of this Act shall be a charge upon the Consolidated Revenue Fund of the Federation.[83]
(2) Any fees received by the Minister under this Act shall be paid into the Consolidated Revenue Fund of the Federation.[84]

There is no provision for compensation to the victims of pollution in the whole statute. Consequently, there are no court judgments under the provisions of the Act for over 57 years of its existence. Victims of pollution of water by oil resort to other legal frameworks in seeking compensation because their interests are not protected under the Oil in Navigable Waters Act. Some have instituted actions under the 1999 Constitution and the African Charter while others sought reliefs under the common law remedies of nuisance, negligence and the rule in *Rylands v Fletcher*.[85]

Nigeria is a signatory to many international conventions that not only provides for criminal liabilities for the polluters of the seas but also caters for the victims by providing for adequate civil compensation for loss of means of livelihood, health effects of the pollution or damage to property and ecosystems. Instances include the 1992 Civil Liability Convention (CLC) and

82 OH Onyi-Ogelle & T Jared, 'Justifying the Call For Regulating Compensation For Oil Spillage In The Niger Delta: A Legal Perspective' (2021) *African Customary and Religious Law Review* 2.
83 Section 19(1) of the Act.
84 Section 9(2) of the Act.
85 (1868) LR 3 HL 330. See T C Eze, 'Redress for Pollution Damage under the Common Law in Nigeria: An Appraisal' (2018)3 (1) *Journal of Law and Global Policy* 2.

the 1992 Fund Convention which established a system of compensating victims of pollution damage from oil tankers.[86] Nigeria acceded to these Conventions in 2002. With this, the victims of oil spillage in the seas are empowered to seek compensation as guaranteed under these international Conventions. To enhance the implementation of the Conventions in Nigeria, the government, through the Ministry for Transport, established the National Standing Committee (NSC) in 2004 with the responsibility of managing claims arising from oil pollution so as to ensure that the country did not fall of its international obligations. That is why it becomes imperative for the Oil in Navigable Waters Act be reviewed to align with the other laws and Conventions for the control of oil pollution of the seas emanating from ship discharges.

3. Lessons From Ecuador

Ecuador is one of the oil producing countries of the world and a member of the Organization of the Petroleum Exporting Countries (OPEC). Oil is the country's major source of revenue and just like the Niger Delta region of Nigeria, Ecuador's oil industry is located at Amazon region with the concomitant environmental degradation bedeviling the region from the oil and gas exploration activities. Unlike Nigeria that does not recognize environmental right as one of the fundamental rights of its citizens under the Constitution, Ecuador is among the foremost countries of the world that recognize this right in their respective Constitutions. In fact, Ecuador is the first country in the whole world to recognize the Right of Nature (RoN) in its Constitution. The importance attached to the environment by the government of Ecuador could be traced back to 1984 when the right of its citizens to a healthy environment was first recognized which was influenced by the 1972 Stockholm Conference on human environment.[87] In its 1998 Constitution, the country improved its environmental framework by recognizing the collective rights of the people to a pollution-free environment and the obligation of the

86 See NSC-IOPC Fund Secretariat <https://nimasa.gov.ng/nsc-iopc-fund-secretariat> accessed 28 November 2025. As the CLC 1992 makes first provision for compensation and liability on ship owners, the Fund Convention is more of supplementary provision for compensation where the CLC's own provision is inadequate.

87 NAA Sánchez & LMM Ruiz, 'The rights of nature in the constitution of Ecuador: A Pillar of Good Living' (2025) 9 (2) *Centro Sur* 2025, 107.

government to ensure the fulfillment of these rights through the protection of natural heritage.[88]

The government's determination to guarantee the people's rights to a quality environment came to a climax in the 2008 Constitution which recognized the Right of Nature under Article 71(2) which also specified the procedures through which the rights can be protected. Article 10 of the same Constitution provides that the citizens of the country have their fundamental rights guaranteed under the Constitution and the international human rights instruments which includes right of nature.[89] By these provisions, any citizen of Ecuador can invoke the right of nature, collectively or individually, speaking for the nature such as rivers and forests without frustrations of locus standi. That is why Carlos Alcivar, *et al,* stated that 'it was precisely in Ecuador where the most important innovation in environmental policies of the last decades took place'.[90] Outside the 2008 Constitution which was a milestone in environmental law, other laws inferior to the Constitution, such as Criminal Law, Civil Law and Administrative Law also make good provisions on mechanisms for guaranteeing the environmental rights.[91] Again, the Environmental Management Law[92] enacted in 1999 in Ecuador guaranteed private citizens and organizations the rights to institute actions to remedy generalized environmental harm even if they were not direct victims of the damage.

The innovative role of the judiciary and the citizens in Ecuador in defending the environment, the environmental rights and natural resources despite whose ox is gored offers inestimable lessons for Nigeria and other countries of the world desiring to protect nature, people's rights to the environment and achieve sustainable development goals. The Constitutional Court and other provincial Courts in a number of judgments in Ecuador have explained unequivocally the components of the rights of nature, its relationship with

88 NAA Sánchez & LMM Ruiz (above) 115.

89 See Chap 1, Art 10 and Chap 7, Art 71 of the 2008 Constitution of Ecuador.

90 CA Trejo, JJ Albert-Marquez, AD Murillo Mena &FM Alvarado Porras, 'Analysis and Evolution of Environmental Law in Ecuador with the Constitution of 2008 and Its Relation to Political Marketing in the Good Way of Living' (2023) 21(1) *Human Review* 105-112.

91 AG Melo, 'Constitution and Liability for Environmental Damage' (2007) 51 (3) *Ruptura* 151.

92 No. 37 of 1999.

other rights and the processes of guaranteeing the rights. For instance, in the case of *Fanny Jacqueline Realpe Herrera v Secretaria Nacional del Agua* (SENAGUA),[93] the Constitutional Court interpreted the RoN to include the right to water and held that SENAGUA which allocated water in excess of its of ecological flow has violated the RoN of the communities that rely on the water.[94] Outside the community, the Court reiterated that the River also has its own right which should be safeguarded. Kauffman and Martin stated that the courts in Ecuador are exemplary in environmental rights protection as they impose sanctions on the violators of the right of nature whether they are private individuals, the state, organizations, commercial sectors or multinational oil companies.[95]

Again, the judiciary in Ecuador also enjoys a satisfactory degree of independence that enables it determine cases without any form of interference from the other arms of government.[96] As earlier observed, oil is the major source of revenue to the government of Ecuador and at the same time the major cause of pollution and the destruction of the environment. The Courts in Ecuador have bluntly held the oil companies liable notwithstanding the interest of the government in oil and gas productions. In the case of *Ecuador v Chevron Corp*,[97] the Court held Chevron liable to pay $9.5 billion damages to more than 30,000 victims of water pollution from the company's oil activities in the Amazon region. The judgment was perceived as a great victory to victims of pollution from the activities of the multinational oil companies and a source of hope and encouragement to victims to seek redress in the courts against these companies.

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93 (2021). See *Ecuador Court Case: Rights of the Aquepi River*, 2021, <https://ecojurisprudence.org/initiatives/rights> accessed 1 December 2025. See also Katie Surma, 'Ecuador's High Court Affirms Constitutional Protections for the Rights of Nature in a Landmark Decision' (2021) *Inside Climate News*, December 3, 2021 <https://insideclimatenews.org/news/03122021/ecuador> accessed 1 December 2025.

94 See also the case of *Wheeler v. Director de la Procuraduria General Del Estado de Loja* (2011) where water sources were contaminated and disrupted due to road expansion project. The court held that it is in breach of the RoN.

95 CM Kauffman and PL Martin, 'How Ecuador's Courts Are Giving Form and Force to Rights of Nature Norms' (2023) 12 (2) *Transnational Environmental Law* 385.

96 Judith Kimerling,' Lessons from the Chevron Ecuador Litigation: The Proposed Intervenors' Perspective' (2013)12 *Stanford Journal of Complex Litigation* 242.

97 638 F.3d 384, 389-90, nn.3-4 (2d Cir. 2011).

4. Conclusion

It is clear from what have been discussed so far that substantial part of the legal framework for the control of pollution in the oil and gas industry in Nigeria falls below international standards. However, some of the laws, rules and regulations are fair, reasonable and intended to safeguard the Nigerian environment and the rights of the people to a healthy environment. The main problem, from the various studies and researches conducted, is the inability of all those responsible for the system to comply with the legal framework. Whichever way one looks at the problem, the government shares the bulk of the blame. This is because the responsibility of law enforcement lies with the government.

First, legislation is the responsibility of the Legislative arm of the government. The discussions so far have revealed some areas in our legal framework that were poorly drafted. The Legislature in Nigeria is to be blamed for such statutory flaws. The Legislature should therefore rise up to the occasion in amending those legislations, by way of law reform, and enacting new ones that should not be open to several judicial interpretations.

The need for restraint by the judiciary is particularly profound in a country like Nigeria where the government gives priority to the source of revenue as against the welfare and safety of its citizens. The judiciary should therefore eschew all tendencies likely to reduce its integrity especially in obedience to all the dictates of the Executive arm of the government as against the rights of the victims of pollution. The judiciary in Nigeria can draw inspiration from the Ecuador Courts' approach to environmental litigations. The decision of the Constitutional Court in the case of *Ecuador v Chevron Corp* is worthy of emulation as the judgment was delivered without giving priority to government's source of revenue. That is how to strengthen environmental protection, safeguard peoples' rights and promote sustainable development.

Finally, all the three arms of government in Nigeria should confine themselves to their constitutionally guaranteed roles and abide by the rule of law so that no arm of government should lord on the other. The will ensure the independence of the judiciary which is the greatest attribute of any liberal democracy. With this, the courts in Nigeria can deliver their judgments with fairness despite whose ox is gored. It is under such a situation that people can be encouraged to approach the courts for justice.