

HUMAN RIGHTS AND CORPORATE SOCIAL RESPONSIBILITY AS IMPERATIVES FOR ABATING OIL SPILLAGES

Ogheneosunme Eda¹ & Ufuoma Veronica Awhefeada²

ABSTRACT

The Niger Delta region is one of the major areas where the problem of oil spillage is prevalent. Over the years, several enactments have been promulgated with a view to abating the problem. Despite the existence of these enactments, the problem of oil spillage persists. The effect of oil spillage which ranges from environmental, health, economic and other negative developmental effects severely impinge on the enjoyment of human rights, particularly the right to life. Using the doctrinal method of research, this study makes use of both primary and secondary sources to analyse the nature and scope of human rights and the concept of corporate social responsibility (CSR) with a view to proffering a solution to the problem of oil spillage in the Niger Delta region. This study calls for a liberal interpretation of the relevant human rights provisions in the constitution and treaties as well as the adoption and enforcement of the principles of CSR as a way of abating the incidences of oil spillage in the Niger Delta region. This paper further advocates the imposition of stiffer penalties on erring Multinational Oil Companies whose activities negatively impact on the environment. This paper makes a case for the adoption of a corporate environmental system beyond the provision of basic amenities to oil producing host communities.

Keywords: Human Rights, Corporate Social Responsibility, Oil Spillage, Environmental Management System

¹ Lecturer, Faculty of Law, Delta State University, Oleh Campus, Delta State, Nigeria. Email: osunme007@gmail.com.

² Associate Professor, Faculty of Law, Delta State University, Oleh Campus, Nigeria. Email: fuoma20022@yahoo.com.

INTRODUCTION

The Niger Delta region is undoubtedly the most impacted area in terms of oil spills. Despite the plethora of legal and regulatory frameworks put in place for the abatement of same the problem still persists. This study, therefore, attempts to highlight the fact that a healthy and pollution-free environment is the threshold for the enjoyment of other forms of rights and any worthwhile sustainable development. The concept of corporate social responsibility and an expansive reading of the human rights provisions in the constitution and other relevant human rights treaties is therefore a veritable tool for the abatement and control of oil spillage in Nigeria. A concise overview is made of the Indian jurisdiction which has a well-developed framework for environmental protection and enforcement for the purpose of drawing useful lessons for implementation in Nigeria.

The first oil spill in Nigeria took place in 1908 at Araromi in the present day Ondo State. In July 1979, the Forcados tank 6 Terminal in Delta State spilled about 570,000 barrels of oil into the Forcados estuary³. From 17 January to 30 January 1980 about 836 acres of mangrove forest within six miles of the shore was destroyed. The Oyakama oil spillage of 10 May 1980 left a spill of approximately 30,000 barrels per day. In August 1983 Oshika village in Rivers State experienced a spill of 5,000 barrels of oil from Ebocha-Brass pipeline which flooded the lake and swamp forest. The area had previously experienced an oil spill of smaller quantity; 500 barrels in September 1979 with mortality in embryonic shrimp and *reduced reproduction due to oil in the lake sediments*. The Ogada-Brass pipeline oil spillage near EtiamaNembe in February 1995 spilled approximately 24,000 barrels of oil which spread over freshwater swamp forest and into the brackish water mangrove swamp.⁴ Since the Bomu oil spillage of July 1979, several other spillages have occurred at different areas of the Niger Delta. Between 1981- 2007 there were fourteen (14) incidences of oil spills. Whereas between 1996-2006, the total volume of oil spills into the environment in the Niger Delta was 124,377 barrels and these spills negatively impacted the environment.⁵ Recently, an estimated two million barrels of crude oil was spilled into the Nembe River located in the present day Bayelsa State. The spill was from the OML 29 Well 1 platform operated

³ A.A Kadafa, 'Oil Exploration in the Niger Delta of Nigeria' [2012] *Civil and Environmental Research*, 41.

⁴ *Ibid*.

⁵O. Ipingbemi, 'Socio - Economic Implications and Environmental Effects of Oil Spillage in Some Communities in the Niger Delta' [2009]*Journal of Integrated Environmental Sciences* 7-23; According to a UNEP report the impact and effects of oil spillage are now irreversible as it can lead to severe damage to the environment, see also D.S Olawuyi , 'Legal and Sustainable Impacts of Major Oil Spills, *Journal of Sustainable Development*,2012 , 9 (1)1.

by Aiteo Exploration and Production Company. Till date, the Niger Delta environment has not fully recovered from the adverse effects of oil spill in the region.⁶ According to a report obtained from the National Oil Spill Detection and Response Agency, from January 2019 to April 2021 about twelve (12) states recorded about eight hundred and eighty-one incidences of oil spillage.⁷ 77% of these spills occurred in Rivers, Bayelsa and Delta states as shown in the data below:⁸

Incidents of Oil Spillage in Nigeria between 2019 - 2021

STATES	INCIDENTS	BARRELS REPORTEDLY SPILLED
1. RIVERS	352	26267.83
2. DELTA	233	9133.99
3. BAYELSA	89	1219.1
4. ABIA	41	1599.58
5. IMO	31	2189.89
6. AKWA-IBOM	26	1.29
7. EDO	19	93.45
8. LAGOS	11	100.63
9. KADUNA	2	41
10. ONDO	2	8
11. OTHERS	74	1805.65

A perspective of short-term profits cannot compromise the well-being of future generations.⁹ MNOC's must in their efforts to maximize profit put the interest of the people and environment into great consideration¹⁰ and take practical steps in

⁶ *Ibid.*

⁷ Y. Akinpelu, 'Analysis: 77% of Oil Spills in Nigeria Occurred in Only Three States' <<https://www.premium-timesng.com/news/headlines.html>> accessed 18 August 2022.

⁸ *Ibid.*

⁹ A., Zelazna M., Bojar, and B., Ewa, 'Corporate Social Responsibility Towards the Environment in Lublin Region, Poland: A Comparative Study' *Sustainability MDPI*.

¹⁰ This study argues that environmental protection can only be achieved if the concept of Corporate social responsibility is internalized within the corporate governance regime rather than an external regulation to be complied with. Although external regulation helps to bring corporate conduct in tandem with social expectation, its scope of control is limited.

actualising it. A healthy environment is the only platform for viable agricultural, economic as well as industrial growth, development and prosperity of a nation and its people. The creation of an effective system for environmental protection and sustainability will help to ensure that the wellbeing of the present as well as future generations is not compromised.

Rights denote entitlements or benefits which a person enjoys by virtue of his position or status. They are normative rules about what is owed to people.¹¹ Rights when embedded in laws acquires legal force. Human rights on the other hand refers to those privileges which humans enjoy by virtue of been humans. In the opinion of Sutto¹² human rights are benefits or entitlements which are innate in all humans irrespective of gender, nationality or ethnic origin. Sutton envisages a right accruing to all in equally dimension and without any discrimination in any way whatsoever.¹³ These benefits and privileges which humans enjoy are collectively called human rights. It is a right that is inherent in every human.¹⁴ It is the bedrock upon which the rule of law and democracy thrives. Human rights are usually inalienable. That is, they cannot be taken away except in certain circumstances.¹⁵

The origin of human rights dates back to the year 539 BC when the city of Babylon was defeated by the troops of Cyrus the Great. Cyrus upon freeing the captured slaves declared that all people had equal rights to choose and determine their own religion. To this end he established racial equality. These and other decrees of Cyrus were recorded on a baked-clay cylinder in the Akkadian language. These rights are now been classified as the world's first charter of human rights. From Babylon the idea of human rights spread rapidly to other places like India, Greece and Rome where the concept of natural law emerged.¹⁶ These principles served as motivating factors for the Articles of the Universal Declaration of Human Rights. The history of human rights is also linked to the promulgation of the Magna Carta in 1215 which birthed the concept of the rule of

¹¹ J. Gordon 'The Concept of Human Rights: The History and Meaning of its Politicization' [1998] *Brooklyn Journal of International Law*, 23 (3), 700 - 712; F. Hassan' Solidarity Rights: Progressive Evolution of International Human Rights Law' *New York Law School Journal of Human Rights*, 1983, 51-60.

¹² M. Sutto, 'Human Rights Evolution, a Brief History' [2019] *Quarterly Journal of Stability Policing*, 18, 21.

¹³ *Ibid.*

¹⁴ See Section 33-45 of the 1999 Constitution of the Federal Republic of Nigeria.

¹⁵ These rights cannot be taken away save in execution of a court sentence in respect of a criminal offence.

¹⁶ M. Frezzo, 'Sociology of Human Rights Education: Beyond the Three Generations?' [2011] *Special Issue on Human Rights Education, Service-Learning and Civic Engagement*, 6(2)1, 22.

law, the 1628 Petition of Rights, The United States Constitution of 1787, and the 1789 French Declaration of Rights of Men and of the Citizen, the 1791 United States Bill of Rights.

The incidence of the Second World War is another factor that brought to light the place of human rights protection in ensuring world peace and progress. Awareness on human rights protection been one of the landmark developments that emerged after the Second World War laid aside the traditional beliefs that human rights were the exclusive preserve of sovereigns¹⁷. After the Second World War, the United Nations Charter was established to forestall and protect future generations from the plague of war.¹⁸ The charter contains a number of references to human rights, for instance, Articles (1)3 of the charter is to the effect that the hall mark of the charter is the encouragement of respect human rights and fundamental freedoms for all persons irrespective of gender, race, language or religion. Article 56 further enjoins corporation among member states towards the achievement of the goals of the charter. Some of the principal organs of the United Nations include the General Assembly, the Secretariat, the Security Council, the Trusteeship Council and the Economic and Social Council.

The General Assembly was established as a platform for member states to deliberate on relevant issues pertaining to human rights and fundamental freedom for all. This responsibility is shared by both the General Assembly and the Economic and Social Council (ECOSOC). Article 4 provides for the membership of the General Assembly, to this end, each member state may have up to five (5) representatives at the assembly with only one (1) empowered to vote. The Security Council like the General Assembly, is one of the principal organs of the United Nations. Its primary responsibility is the maintenance of international peace and security. It is made up of fifteen (15) members, five (5) of which are permanent. The permanent members are China, France, the United Kingdom, the United States and Russia. The role played by the Security Council has important implications for human rights. For instance, with the help of the Security Council, the allied forces were able to expel Iraqi forces from Kuwait in 1999.

The general objectives of the Trusteeship Council is to encourage without discrimination as to race, sex, language or religion the respect for human rights and fundamental

¹⁷ Prior to the beginning of the second world war, states held the traditional belief that the international community cannot interfere with the domestic affairs of states. This belief thus laid the foundation for the presumption that matters bothering on the infringement of human rights is not an issue of international Concern.

¹⁸ J. Rehman, *International Human Rights Law*, (Pearson Education Limited, 2003)1-396.

freedom for all. The secretariat on the other hand is headed by the Secretary -General. The secretariat is saddled with the responsibility of providing staffs for the day to day running and functioning of the United Nations. After the coming into force of the United Nations Charter, there arose the need to map out the general concept of human rights in greater details. To this end, the Charter further devolved authority on the Economic and Social Council (ECOSOC) for purposes of furthering the promotion and respect for human rights and fundamental freedom for all. Article 68 of the Charter empowered the Economic and Social Council to establish a commission on human rights¹⁹. After the establishment of the Commission on Human Rights, the commission was entrusted with the responsibility of putting forward proposals and recommendations with a view to formulating an international Bill of Rights²⁰. The recommendation was approved and this led to the establishment of the Human Rights Commission in 1946. The first session of the Human Rights Commission began on the 27th day of January 1947. The Universal Declaration of Human Rights (UDHR) was adopted by Resolution 217(III). The Declaration was adopted as a common standard for all nations as well as all people.

The UDHR is regarded as the foundation of International human rights law. The rights contained in the declaration makes provisions for both civil and political rights as well as economic, social and cultural rights. It was originally intended that the UDHR would be a single draft covering all the fundamental rights. However, with the emergence of the cold war and the rise of new nation states it became difficult to have all the rights within one document. On the one hand, the Western states laid emphasis on civil and political rights whereas the central focus of the socialist and newly founded states was upon economic, social and cultural rights and the right to self-determination. There was serious division with respect to having civil and political rights alongside the economic, social and cultural rights within the context of a single treaty.

While some member states argued that all rights should be promoted and protected at the same time and that rights could not be divided into different categories nor can they be categorised into a hierarchy, others prioritised civil and political rights as more significant.²¹ Due the ideological differences between member states as to the type of rights to be included it was later decided that there be two treaties, one covering civil and political rights (ICCPR) and the other economic, social and cultural rights

¹⁹ The Commission on Human Rights was established in 1946.

²⁰ Rehman *supra* n 16.

²¹ It was adopted on the 16th day of December 1966 in New York. It came into force on the 3rd day of January 1976.

(ICESCR). The motive behind the splitting of the two covenants was to enable member states who were unwilling to undertake legally binding obligations in the realm of Economic, Social and Cultural Rights to comply only with the covenants on Civil and Political Rights²². Both the ICCPR and the ICESCR were approved by the Committee of the General Assembly in 1966. Both Covenants came into force in 1976. In addition to the covenants, there were optional protocols. These protocols were specially aimed at addressing and taking care of issues not covered by the parent treaty.

Although, the Universal Declaration of Human Rights (UDHR) was adopted as a non-binding instrument, it however becomes binding upon its domestication/ratification by member states. The influence of the Charter of the United Nations Charter, that is, Universal Declaration of Human Rights has indeed been pivotal to the promotion and protection of human rights globally. In the opinion of Stamatopoulou,²³ the Universal Declaration of Human Rights has remained a continuing source of inspiration for the development of human rights. According to Karel Vasak,²⁴ Rights are generally grouped into generations to wit first generation rights, second generation rights and third generation rights. Engle²⁵ categorises first generation rights as expressions of liberty, second generation rights as expressions of equality and third generation rights as expressions of solidarity.

FIRST GENERATION RIGHTS

The group of rights classified as the first generation of rights considers negative rights matches to civil and political liberties. This group of rights includes the right to life, equality before the law, freedom of speech, freedom of religion, property rights, the right to a fair trial and voting right. They are sometimes also referred to as negative rights because they generally require the government to refrain from interfering with people's right to participate in civil society or the political process. Ogbu²⁶ argues that the notion of liberty is what basically characterises this generation of right. This group of rights

²² M.O.U Gasiokwu 'Human Rights, History, Ideology and Law' 2001, Mono Expressions Ltd, 139.

²³ E. Stamatopoulou, 'The Importance of the Universal Declaration of Human Rights in the Past and Future of the United Nation's Human Rights Efforts' [1999] *ILSA Journal of International and Comparative Law*, 5, 281.

²⁴ S. Domaradzki, M. Khvostova and D. Pupovac in 'Karel Vasak Generation of Rights and the Human Rights Discourse' [2019] *Human Rights Review*, 20, 423-443.

²⁵ E. Engle 'Universal Human Rights, a Generational History' [2006] *Annual Survey of International and Comparative Law*, 12(1)10, 254.

²⁶ O.N Ogbu, *Human Rights Law and Practice in Nigeria* (Snaap Press Nigeria Ltd, 2013) 26.

generally acts as a shield and safeguards individuals from arbitrary rule of political office holders. The rights provided for in Chapter IV of the Nigerian Constitution falls under this category of rights.²⁷

After the period of World War II, international organisations attempted to articulate the tenets of human rights to wit, civil, social, political, cultural and economic rights. These were initially proposed to project the promises in the 1948 Universal Declaration of Human Rights²⁸. The primary international agreement that addresses first generation rights is the International Covenant on Civil and Political Rights (ICCPR).²⁹ The ICCPR recognises the right to life, liberty and security of persons. This generation of rights tends to regard property rights as fundamental.³⁰

SECOND GENERATION RIGHTS

This group of rights arose during the industrial revolution. Human rights were during this period seen as affirmative and substantive social claims against the state rather than negative rights to freedom from state interference.³¹ This category of rights presumes a positive action of the state and includes social, economic as well as cultural rights. The International Covenant on Economic, Social and Cultural Rights.³² Otherwise known as the ICESCR addresses the group of rights referred to as the second generation of rights by expanding on the provisions of the universal declaration.

The covenant addresses the right to work, equal pay, and protection against systemic unemployment. This right further encompasses the right to form trade unions, right to rest and leisure, to food and clothing as well as housing and medical care. This category of rights is founded upon the assertion that, attainment of a certain level of social and economic living is a necessary requirement for the enjoyment of negative rights. The second generation rights are also recognised in other regional agreements like the

²⁷ *Ibid.*

²⁸ One of the aim of the United Nations Charter is to encourage the cooperation among member states and promoting respect for human rights and fundamental freedom for all irrespective of age, race, language, religion, etc.

²⁹ The International Covenant on Civil and Political Rights shall hereinafter be referred to as ICCPR; The International Covenant on Civil and Political Rights was adopted in December 16, 1966 and came into force in 1976.

³⁰ Engle *Supra* n. 23.

³¹ *Ibid* 258-260.

³² The International Covenant on Economic, Social and Cultural Rights shall hereinafter be referred to as ICESCR; The International Covenant on Economic, Social and Cultural Rights came into force in January 3, 1976.

American Convention on Human Rights,³³ the American Declaration of Rights and Duties of Man and the Banjul Charter. The second generation of rights are essentially based on providing equal conditions and guaranteed access social and economic goods, services and opportunities. Articles 22 to 27 of the UDHR focuses on this group of rights. After the fall of the Berlin wall, the first- and second-generation rights were considered the sole responsibility of the government as perspectives shifted to see governments as having the sole responsibility for the respect, promotion and fulfilment of these rights.³⁴

Proponents of the second generation of rights argue that to people who are starving, freedom of speech or the right to vote is of little importance. It is their view that the controllers of wealth and power in any society do not bother about acknowledging the right to food, shelter, medical care because recognising and enforcing these rights could entail the redistribution of wealth in the nation.³⁵

THIRD GENERATION RIGHTS

This group of rights arose in the post-war era. They go beyond the realm of civil and social as expressed in many documents of international law including the Stockholm Declaration of the United Nations Conference on the Human Environment, the 1992 Rio Declaration on Environment and Development. Third generation rights are also known as solidarity rights. This group of rights go beyond the purview of individual rights to focus on collective concepts involving community and people. Freidman's³⁶ view on third generation rights is that, they can only be realised through the collective efforts of individuals, states as well as public and private institutions. He posits that third generation rights extend beyond postcolonial discourses. The extension has become

³³ It is also known as the Pact of San Jose. In November 1969, the Inter-American Specialized Conference on Human Rights was held in San Jose, Costa Rica in which the delegates of the member states of the Organisation of the American States adopted this Convention. The Convention formally came into force on July 18, 1978. At the time the American Convention on Human Rights was proclaimed in 1948, it was not considered legally binding.

³⁴ The Generation of Human Rights-UAB Institute of Human Rights Blog
<https://sits.uab.edu/humanrights/2019/01/14/the-generations-of-human-rights.org>.

³⁵ N.T Saito, 'Considering Third Generation International Human Rights Law in the United States' [1997] *University of Miami Inter-American law review*, 28 (1), 387-395.

³⁶ R. Freedman 'Third Generation Rights: Is There Room For Hybrid Constructs Within International Human Rights Law' [2013] *Cambridge Journal of International and Comparative Law*, 2(4), 935-959.

necessary due to the embodiment of these collective rights at the international, regional and local levels.

He argues further that third generation rights seek to challenge the dominant position in terms of substance, scope and subject. There is a need to understand the development of new rights based on hybrid constructs that move beyond post-colonial discourses and gives a voice to states that were previously unable to promote their ideologies on human rights.³⁷ The third generation of rights are often found in agreements known as 'soft laws'. They are referred to as soft laws because they are not legally binding. Examples of these agreements include the UDHR and the 1992 Rio Declaration on Environment and Development. In the opinion of Ogbu, the rights in this category include the right to development, the right to share in the common heritage of mankind, the right to self-determination, the right to a clean environment, and the right to international peace and security.³⁸

Aside from the three generations of rights, several scholars have claimed the existence of a fourth generation of rights. The proponents of the fourth generation of rights claim that the fourth generation of rights include rights that cannot be included in the third generation of rights. These rights include the right to a healthy environment. This generation of rights is particularly aimed at protecting human life in the face of advancement in technology. In the opinion of Perepolkin³⁹ the classification of human rights within the fourth generation should include digital and somatic rights. There is, therefore, need to conduct an all-inclusive analysis of specific human rights in the fourth generation at the international level putting into consideration the effect their introduction or refusal to be recognised may occasion.⁴⁰

HUMAN RIGHTS AS IMPERATIVE IN ABATING OIL SPILLAGES

The environment plays a vital role in the development of human life as well as that of society. With the advancement in technology and industrial growth, the purity and sanctity of the environment are put under serious threat. The peaceful survival of

³⁷ *Ibid.*

³⁸ Ogbu *supra* n 24, 27-28.

³⁹ S. M Perepolkin, 'Typology of the Fourth Generation of Human Rights' [2021] *Journal of International Legal Communication*, 1(1), 91-101.

⁴⁰ *Ibid.*

humans as well as plants and animals are greatly dependent on the state of the environment.

The environment is made up of the totality of physical, aesthetics as well as social factors and circumstances affecting the quality of people's lives⁴¹. This reveals that whatever is capable of affecting the land, air water will most definitely the environment. The environment is inherently linked to human rights in that it is the platform upon which all forms of rights thrive. It is what houses both men as well as living and non-living organisms alike. Environmental degradation brought about by the impact of oil spillage on the environment has both short and long-term effects on humans in particular and the environment in general.⁴² A healthy environment is a condition precedent for the enjoyment of basic human rights. It is a vital tool in the stimulation of any worthwhile viable growth and development.⁴³ The environment touches on every facet of human existence and such a polluted environment is not only hazardous to the health of humans but also a violation of basic human rights.

In other words, oil spillage makes the enjoyment of human rights, particularly the right to life unattainable. It makes the environment unsafe for not just humans but other living and non-living organisms. To ensure that the human rights of people particularly those living within the Niger Delta oil producing regions are safeguarded, practical steps towards ensuring that the occurrence and incidences of oil spill becomes a thing of the past must be embraced in totality. In light of the foregoing, a human right approach for the abatement of oil spillage is a must.

In the opinion of Akpoghome,⁴⁴ the quality and sustenance of life on earth in both the long and short run is a direct function of the quality of the environment per time. The relationship between human rights and the environment was formally discussed in the 1972 United Nations Conference on the Human Environment⁴⁵. The conference

⁴¹ C. C Nwogbo-Egwu, 'The International Legal Framework for the Protection of the Environment' in (ed). Gasiokwo, M.O.U., *Ecology: Concept, Politics and Legislation* [2013], 196; The Federal Environmental Protection Act of 1988 defines the environment as including the totality of air, water as well as both plants, animals and human beings living therein.

⁴² P. F. Kingston, 'Long-Term Environmental Impact of Oil Spill' [2002] *Spill Science and Technology Bulletin*, (1)(1-2) 53-56.

⁴³ *Ibid*.

⁴⁴ T.U. Akpoghome, 'State Administration of Environmental Protection: Concept, Environmental Agencies and their Jurisdictions' in (ed).Gasiokwo, M.O.U., *Ecology:Concept,Politics and Legislation* [2013],266.

⁴⁵ United Nations Conference on the Human Environment, 5 -16 June, 1972, Stockholm, see <https://www.un.org>stockholm1972>.

amongst other things categorically stressed the fact that humans have a fundamental right to an environment that guarantees their dignity and well-being. The environment was thus seen as the threshold of a life of dignity, the value that reinforces human rights.

Sunkin⁴⁶ argues that from the perspective of environmental law, the right to life is very essential. The writers posit that human rights law is by no means static and that same is rapidly developing especially in the context of environmental law.

Another important report that connects the environment to the enjoyment of basic human rights is the Ksentini Report which was presented in 1994.⁴⁷ The report buttressed on the impact of environmental degradation on the enjoyment of basic human rights of the people including the right to food. According to Anderson⁴⁸ the relationship between human rights and the environment may be considered from two main perspectives. Firstly, the environment may be seen as a means to fulfilling human rights obligations. Anderson considers a degraded environment as a direct infringement on the right to life, health and livelihood and that putting in place a reliable system of environmental protection will go a long way in ensuring the wellbeing of the present as well as future generations.

Secondly, the writer sees the legal protection of human rights as an effective means of ensuring the goals of conservation and environmental protection and that the law no longer considers the impact of the environment on human rights but on the quality of the environment itself. In the opinion of Jianping⁴⁹ the environment is the support and foundation that guarantees human survival and existence. According to the writer, the elements that constitute human wellbeing are closely knitted with the environment and can reflect the status of local geography, culture and ecology. He rightly observed that issues of environmental protection now feature prominently on the developmental agenda of most developing countries. Combating environmental problems requires the collective participation of both developed and underdeveloped countries to efficiently push deliberations about International environmental issues as well as carry out the

⁴⁶ M.Sunkin, D. M. Ong, R. Wight, *Source Book on Environmental Law* (London: Cavendish Source Books Series,2001) 857.

⁴⁷ K.S.A Ebeku 'The Right to a Satisfactory Environment and the African Commission'[2003] *African Human Rights Law Journal*,3,149-165.

⁴⁸ M.R Anderson,' Human Rights Approaches to Environmental Protection: An Overview' Alan Boyle, in Alan Boyle and Michael Anderson (eds) *Human Right Approaches to Environmental Protection* [1997], 1–24.

⁴⁹ L. Jianping and others 'Global Environmental Issues and Wellbeing' in Eds Jianping,L.,Minrong L., Jinnan,L. Jianjian, L.Hongwen, S.,Moaxing,H.,*Report on Global Environmental Competitiveness*, 2014, 3 -21.

global deliberations.⁵⁰ The writer succinctly posits that sustainable development objectives can only be achieved through the collective efforts of members of the international communities.

THE NIGERIAN CONSTITUTION AND THE CONCEPT OF ENVIRONMENTAL RIGHTS

The Nigerian Constitution⁵¹ contains powerful tools for the protection of the rights of her citizens. Citizens' right to freely access the courts further strengthens the power of the judiciary and indirectly fosters environmental accountability. Chapter II of the Nigerian Constitution makes provision for environmental rights. However, the said provisions are made non-justiciable by other provisions in the Constitution. These constitutional provisions contain ouster clauses⁵² which make the enforcement of the provisions of Chapter 11 a herculean task. Section 20 of the Nigerian Constitution puts an obligation on the state to protect, safeguard and improve the environment including the waters, forest and wild life. This section laid down the foundation for environmental legislation in Nigeria. Section 17 of the Nigerian constitution further supports section 20 by providing that if during the process of exploration of nature's natural resources, it is observed that the consequence of such exploration on the host community far outweighs the benefits, the government is empowered to stop such exploration. This is in line with the directive principle which places an obligation on the state to the quality of life.

The constitution⁵³ further clarifies the issue by stating categorically that the responsibility for the protection of the environment is that of the state alone. It is an obligation that rests on every citizen of Nigeria. Notwithstanding the fact that the provisions of Section 6(6)c have whittled down the powers of the provisions of Chapter II, the environmental rights of Nigerians can still be safeguarded by a broad interpretation of Section 33 of the Nigerian Constitution which makes provision for the right to life.

Despite the non-justiciability of the constitutional provisions for environmental protection, this study takes the view that an alternative way of protecting the people's

⁵⁰ *Ibid.*

⁵¹ The 199 Constitution of the Federal Republic of Nigeria 1999.

⁵² See Section 6(6)c of the 1999 Constitution of the Federal Republic of Nigeria.

⁵³ Section 13 of the 1999 Constitution of the Federal Republic of Nigeria.

right to a healthy environment is by interpreting existing rights, particularly the right to life to include environmental concerns.

Courts from other jurisdictions have over the years relied on existing rights for environmental protection to assuage the plight of victims of environmental degradation. In *Dr. M. Farooque v Bangladesh* the High court of Bangladesh expounded on the constitutional provisions of the right to life to include anything whatsoever that affects life as well as public health, safety and the enjoyment of pollution-free water and air thereby maintaining conditions consistent with human dignity.⁵⁴ In 2005, a new era of environmental justice was birthed in Nigeria through the case of *Jonah Gbemre v Shell Development Company of Nigeria Limited*⁵⁵ facts of which are that Mr. Gbemre filed a suit in a representative capacity for himself and on behalf of members of Iwehereken community in Delta State. The suit was brought against the Nigerian National Petroleum Corporation and the Attorney General of the Federation. The applicant sought for an order of declaration that the act of the Respondent's indiscriminate flaring of gas infringed on the applicant's right to life and dignity of their person. The court whilst delivering her judgement made reference to the provisions of the African Charter on Human and Peoples Rights and the constitutional provisions of the right to life in resolving all the issues raised in favor of the applicants. In this case, the constitutional provisions bothering on the right to life were broadly interpreted by the court to include a right to live in an environment free from pollution that is likely to put human life in danger.

In the opinion of Anderson⁵⁶ the body of existing rights if fully actualised, are in themselves capable of being fully utilised for purposes of environmental protection. Emejuru⁵⁷ on his part posits that the first step towards giving life to environmental rights in Nigeria is for Nigerian courts to the pathway of the Indian supreme court in the case of *Minerva Mills Ltd v. Union of India* where the court held that the provisions in part IV of the constitution are not mere show-pieces but that they are fundamental in the governance of a nation as such when courts are called upon to give effects to provisions bordering on directive principles and objectives, it should be responsive enough. The

⁵⁴ A. B Abdulkadir 'The Right to a Healthy Environment in Nigeria: A Review of Alternative Pathways to Environmental Justice in Nigeria' [2004] *Afe Babalola University Journal of Sustainable Development Law and Policy*,3(1).

⁵⁵ FHC/CS/B/153/2005 (Unreported).

⁵⁶ Anderson *supra* n. 45.

⁵⁷ C.T. Emejuru, 'Human Rights and Environment: Whiter Nigeria?', [2015] *Journal of Law, Policy and Globalisation*, 135,108.

writer went further to buttress the fact that currently, directive principles have been elevated to the status of inalienable fundamental rights and are thus in themselves justiciable.⁵⁸ This study aligns itself with the views of Emejuru⁵⁹ and posits further that in cases involving corporate bodies where the environmental harm done occasions loss of life, their punishment should transcend the imposition of fine to serving jail time without an option of fine or in the alternative the compulsory winding up of the erring company.⁶⁰

HUMAN RIGHTS AND ENVIRONMENTAL PROTECTION IN NIGERIA

The essence of human rights is to protect human lives.⁶¹ These rights are put in place to enable man live happily. Bearing in mind that man lives in the environment, it thus goes without saying that the state of the environment at all times is a vital factor in determining whether or not man can safely enjoy this group of rights termed 'human rights'. The need for environmental protection cannot be overemphasized in the face of the enjoyment of human rights.

Chapter II of the Constitution⁶² makes provision for environmental protection, however, these provisions are rendered non-justiciable by other provisions in the Constitution.⁶³ The implication of section 6(6)c of the constitution is to the effect that activities such as oil spillage that are likely to occasion environmental harm cannot be addressed and challenged in court because same are unenforceable. Thus, the unenforceability of the relevant provisions on environmental protection motivates the need to seek alternative

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ This proposition is in line with Section 65 of the Companies and Allied Matters Act 2004 which is to the effect that any act of the members of the company in general meeting including the board of directors or managing director in the course of carrying on the objects of the business shall be deemed to be the direct act of the company and that in such a situation, the company may be held criminally and civilly liable as if it were a natural person. Since it is the law that a natural person who is found guilty for the commission of an offence is capable of serving jail term, a company whose acts are likened to that of a natural person should also be punished like a natural person through her alter-egos.

⁶¹ J.B Marshal and F. Bashir 'Human Approach to Environmental Protection in Nigeria: An Appraisal'[2020] *International Journal of Business and Law Research*, 8(4) 134-147).

⁶² The 1999 Constitution of the Federal Republic of Nigeria.

⁶³ Section 6(6)c of the 1999 Constitution of the Federal Republic of Nigeria. These provisions oust the jurisdiction of the courts in entertaining matters pertaining to environmental protection. However, it must be noted that the enforceable fundamental rights that are enshrined in the Nigerian constitution are the Civil and Political rights only.

means of protecting the environment as well as proffering a medium of seeking redress for victims of environmental degradation.⁶⁴ The alternative means which this study seeks to explore includes the relevant provisions of the African Charter on Human and Peoples Rights⁶⁵ as well as Section 20 of the Constitution⁶⁶

The ACHPR which came into force on 21 October 1986 has within the framework of the African Union established a system for human rights promotion as well as protection. According to Ekhatior⁶⁷ the African Charter is the first regional document to incorporate the different classes of rights in a single document. The rights covered by the charter include the right to life, the right to dignity of the human person, equality of all people, the right to existence and self-determination etcetera. Nigeria having domesticated the ACHPR as the African Charter on Human and Peoples' Rights (Ratification and Enforcement Act, Cap A9, Laws of the Federation of Nigeria 2004 is now part of the laws of Nigeria. By virtue of the above Ratification and Enforcement Act, it can rightly be argued that social and economic rights cannot be classified as rights which are non-justiciable. This is more so in light of the fact that the provisions of the ACHPR have not be held to be inconsistent with the provision of the constitution.⁶⁸

Shehu⁶⁹ succinctly posits that the development of the economy has a direct link to the protection and proactive enforcement of socio-economic rights. He argues further that the status of socio-economic rights has been elevated from the status of non-justiciability to statutorily recognised enforceable rights by virtue of the provisions of the ACHPR.

The Organisation of African Unity adopted the African Charter on Human and Peoples Right and same became a part of Nigerian law upon domestication. The Nigerian

⁶⁴ A.B. Abdulkadir 'The Right to a Healthful Environment in Nigeria: A Review of Alternative Pathways to Environmental Justice in Nigeria' [2014] *Afe Babalola University Journal of Sustainable Development Law and Policy*,3(1),126-131.

⁶⁵ The African Charter on Human and Peoples Right shall hereinafter be referred to as the ACHPR. The African Charter is also referred to as the Banjul Charter after Banjul, Gambia's capital where the Charter was drafted.

⁶⁶ The 1999 Constitution of the Federal Republic of Nigeria. Articles 6 of the ICCPR and Article 3 of the UDHR makes provisions for human right promotion and protection.

⁶⁷ E.O Ekhatior 'The Impact of the African Charter on the Human and Peoples Right on Domestic Law: A Case Study of Nigeria' [2015] *Common Wealth Law Bulletin*, 41(2) 253-270.

⁶⁸ Section 1(3) of the 1999 Constitution of the Federal Republic of Nigeria.

⁶⁹ A.T Shehu 'The Enforcement of Social and Economic Rights in Africa: The Nigerian Experience'[2013] *Afe-Babalola University Journal of Sustainable Development Law and Policy* 2(1),101-120.

supreme court has further buttressed on this point in *Fawehinmi v Abacha*⁷⁰ when it held that the African Charter on Human and Peoples Right having become part of the laws of Nigeria can be rightly applied by the courts in relevant cases.

Under International human rights and customary law⁷¹, Nigeria has the obligation to protect human rights. These obligations arises as a result of the ratification of the treaty. For instance, the scope of these obligations is clearly spelt out in Articles 2 (2) of the ICESCR which is to the effect that parties to the Covenant undertake to take positive steps individually and through assistance from the parent body towards the actualisation of the rights contained in the Covenant. To this end, Nigeria which is a party to this Covenant and the African Charter is obligated to promote, protect and fulfil not only the rights guaranteed by the Nigerian Constitution but also that of the African Charter and other relevant treaties which have been domesticated in Nigeria.

In the area of abating the problem of oil spillage, the African Charter is a veritable tool in this respect. Apart from Section 33 of the Nigerian constitution which guarantees the right to life, Articles 4 of the African Charter is to the effect that human beings are invaluable and as such every human being is entitled to respect for his life and integrity of his person. In this respect any act that tends to threaten the life, well-being and integrity of a person or group of persons whether by way of execution or environmental degradation amounts to a violation of Article 4 of the Charter. The right to life therefore if expansively interpreted will give maximum effect to all guaranteed rights particularly the cultural, economic and socio-political rights.⁷²

Over the years, it has been observed that state regulation of the activities of multinational oil companies particularly those operating within the Niger Delta region have been weak as evidenced in the incidences and occurrences of oil spillage in the region. *Oronto Douglas v Shell Petroleum Development Company Limited*⁷³ was

⁷⁰ [2001]51 WRN 29.

⁷¹ Customary international law mainly arises from the practise o states. Some major international human treaties which Nigeria is a party to includes the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on the Elimination on all forms of Racial Discrimination (the ICERD), the Covenant against Torture and other Cruel Inhuman or Degrading Treatment or Punishment (the CAT) etcetera.

⁷² J.C Nwobike 'The African Charter on Human and Peoples Right and the Demystification of Second and Third Generation Rights under the African Charter: Social and Economic Rights Action Center (SERAC) and the Centre for Economic and Social Rights (CESR) v Nigeria' [2005]*African Journal of Legal Studies* ,2,129-146.

⁷³ [1999] 2 NWLR (Pt 591).

instituted on the backdrop of Article 24 of the African Charter which provides for the right to a safe environment. Here the applicants contended that the Respondent was in contravention of the Environmental Impact Assessment law as the Respondents embarked on the construction of a liquified gas plant without the necessary environmental impact assessment study. Although at the trial court refused to entertain the suit on the ground that the applicants had no locus to institute the matter, the appellate court subsequently sent the matter back to the trial for hearing.

The Social-Economic Rights and Accountability Project⁷⁴ (SERAP) and the Centre for Economic and Social Rights (CESR) have on several occasions petitioned the African Commission on Human and Peoples Rights with respect to matters bordering on human rights enforcement. These non-governmental organisations have sprung up to take up the responsibility for the promotion and protection of the socio-economic rights of people as well as anti-corruption matters through litigation, publication, advocacy and monitoring.

Another sub-regional body that champions the promotion and protection of human rights is the Economic Communities of West African States⁷⁵. It does this through the ECOWAS community court of justice. In *SERAP v Federal Republic of Nigeria and Universal Basic Education Commission*⁷⁶ the Ecowas Community Court of Justice relying on the provisions of the African Charter held that the right to education is justiciable and enforceable in Nigeria. Also in *SERAP v Federal Republic of Nigeria and Ors*⁷⁷ the complaint was based on a violation of the socio-economic rights of the people of the Niger Delta region (i.e.) the violation of the people's right to a clean environment and to economic and social development. In this suit the Plaintiff depended on the provisions of the ACHPR, the International Covenants on Economic and Cultural Rights and the International Covenant on Civil and Political Rights. The ECOWAS community held in this case that it has jurisdiction to adjudicate on the case brought by the Plaintiff against the Corporate defendants. By the provisions of Articles 15(4) of the ECOWAS Revised Treaty, the judgement of the ECOWAS court shall be binding on member states, individuals and corporate bodies.⁷⁸

⁷⁴ The Social-Economic Rights and Accountability Project shall herein after be referred to as SERAP.

⁷⁵ The Economic Communities of West African States shall hereinafter be referred to as ECOWAS.

⁷⁶ ECW/CCJ/APP/0808 <https://www.escri-net.org/docs/i/1143047> Accessed 5 August 2022.

⁷⁷ ECW/CCJ/APP/08/09.

⁷⁸ Shehu *supra* n. 67.

The provisions of the ECOWAS treaty of 1975 and Article 56(2) of the Revised ECOWAS treaty of 1993 enjoin member states to work towards achieving the aims and mandate of the African Charter. The ECOWAS aims at promoting corporation and integration among its members. Like most international treaties, the ECOWAS treaty has also Protocols additional to the treaty. These protocols majorly address areas/issues which the parent treaty did not address.

To this end, the provisions of the African Charter can be used to ensure that the environmental rights of Nigerians are safeguarded. In the opinion of Baderin⁷⁹ the African Charter is a veritable tool in enforcing economic, social and cultural rights. As it boldly justifies the justiciability of Economic, Social and Cultural Rights, thereby challenging the old belief that economic, social and cultural rights were non-justiciable. Nwobike⁸⁰ alluded to this fact when he stated that the findings of the African Commission in the Ogoni case clearly indicate that economic, social and cultural rights are neither vague nor are they unenforceable. He buttressed further that Nigeria's failure to protect the rights of the Ogoni people from the activities of MNOCs is a step backward having adopted some relevant international obligations towards the realisation of these rights. This study takes the view that the combined effects of the of the constitutional provisions of the right to life and the African Charter can be effectively utilised towards the protection of the environmental rights of the Niger Delta people *viz a viz* the abatement of oil spillage in the region. In *SERAP v Federal Republic of Nigeria*⁸¹ In this case, the applicants alleged that the Niger Delta region has for decades suffered hardship as a result of oil spillage in the region. They alleged that oil on land destroyed their crops and soil productivity, and oil in water contaminated fisheries and the drinking water of the people.

This study takes the view that to effectively combat the problem of oil spillage in Nigeria, lessons can be learnt from other jurisdictions like India which have a somewhat developed mechanism for environmental protection and enforcement.

⁷⁹ M.A Baderin, 'The African Commission on Human and Peoples Right and the Implementation of Economic, Social and Cultural Rights in Africa' in Mashood Baderin and Robert McCorquodale (eds), *Economic, Social and Cultural Rights in Action*, Oxford [2007] 139.

⁸⁰ J.C Nwobike 'The African Charter on Human and Peoples Right and the Demystification of Second and Third Generation Rights under the African Charter: Social and Economic Rights Action Center (SERAC) and the Center for Economic and Social Rights (CESR) v Nigeria' [2005] *African Journal of Legal Studies*, 2, 129-146.

⁸¹ ECW/CCJ/APP/08/09

In the early years of Indian independence, there was no concrete policy on environmental protection. However, the Indian government tried from time to time to attend to the growing needs of her teeming population. In the 1970s, the Indian government's attitudes and laws bordering on environmental protection witnessed positive changes and greater improvements in her environmental policies. The first important regulation enacted was the Water Act of 1974 followed by the Air Act of 1981. These Acts created the Central Pollution Control Board (CPCB). The Central Pollution Control Board (CPCB) is responsible for data collection and policy enforcement. India's major policies bothering on environmental protection are administered by the 1988 National Forestry Policy, the 1992 Policy Statement for the Abatement of Pollution and the National Conservation Strategy and Policy Statement on Environment and Development. Innovative approaches have however been fostered by the Indian judiciary in respect of environmental protection matters. Complex environmental issues have over the years been resolved with innovative remedies awarded to assuage the victims of environmental harm.⁸² The courts in India have over the years played an active role in Indian environmental matters. Their position has over time grown from settling disputes to one that is actively geared towards preventing and managing issues bothering environmental protection. The courts make use of what is known as 'continuing mandamus' in carrying out this role. Continuing mandamus is what the court uses in passing interim orders and a report on the extent of compliance with the order. It is used to ensure and monitor executive implementation and enforcement of court orders. The Indian supreme court has in a lot of matters ruled that every individual has a fundamental right to the enjoyment of a pollution-free water and air.⁸³ From 1985, the supreme court has delivered eighteen major decisions on environmental rights. A close look at these judgements reveals much about the promises and problems of human rights approaches to environmental protection.

Even though the court's decisions have also met with a lot of criticisms,⁸⁴ the court system is commonly seen as the last hope of the common man in the enforcement of his environmental rights. The courts have been very instrumental in improving the state of the government within the country by ordering the Government to implement policies

⁸² M.R Anderson, 'Individual Rights to Environmental Protection in India' Alan Boyle, in Alan Boyle and Michael Anderson (eds) *Human Right Approaches to Environmental Protection* [1997] 199.

⁸³ *Ibid.*

⁸⁴ These criticisms mainly centered around the fact that the judicial activism offends the principles of separation of powers.

and in other deserving cases frame new policies.⁸⁵ According to Shehu,⁸⁶ the contributions of the South African Constitution in the enforcement of socio-economic rights are worthy of emulation. In *Government of the Republic of South Africa v Grootboom*⁸⁷ the Respondents were evicted from their homes on private land set aside for low-cost housing purposes. They thereon applied to the High Court by virtue of the provisions of sections 26 and 28(1) c of the Constitution of South Africa praying the court for an Order directing the government to provide them with basic shelter or housing until a permanent accommodation is put in place. The South African court gave judgement in their favour irrespective of availability of resources and independently of and in addition to the obligation to take reasonable legislative and other measures in terms of the constitution. In light of the above, the appellate court in this matter also held that by virtue of section 26(2) of the Constitution, the state has the responsibility for the provision of a coordinated programme geared towards the realisation of the socio-economic rights of South Africans.⁸⁸ The Nigerian judicial system needs to take a cue from the Indian courts by being proactive, particularly with matters bordering on oil spillage in the Niger Delta region.

THE CONCEPT OF CORPORATE SOCIAL RESPONSIBILITY

The concept of Corporate Social Responsibility⁸⁹ is one which encourages companies to put into consideration both the social and environmental impacts of their operations. Howard Bowen who is commonly referred to as the father of the concept of CSR describes CSR as the pursuit of policies by businessmen aimed at the attainment of objectives which are desirable in terms of the values of the society.⁹⁰ Hamidu⁹¹ summarised the core characteristics of the CSR concept as; voluntary, managing externalities, multiple stake holder orientation, alignment of social and economic responsibilities practises and values. The writer argues that in most regions around the

⁸⁵ S. Iyengar, N. Dolsak and A. Prakash 'Selectively Assertive: Intervention of India's Supreme Court to Enforce Environmental Laws', [2019] *MDPI Journal of Sustainability*,11,7234.

⁸⁶ Shehu *supra* n 67,106-108.

⁸⁷ (2000) ZACC 19

⁸⁸ *Ibid.*

⁸⁹ The term Corporate Social Responsibility shall hereinafter be referred to as CSR.

⁹⁰ A.A. Hamidu, 'Corporate Social Responsibility: A Review on Definitions, Core Characteristics and Theoretical Perspectives' 2015 *Mediterranean Journal of Social Sciences*,6(4),84-90.

⁹¹ *Ibid.*

world, CSR is mainly about philanthropy and that currently, CSR is a mandatory practise backed by regulations and standards.

As part of companies' agenda, companies are encouraged to provide social infrastructure such as schools, hospitals, roads, water supply in their area of operations as a way of impacting positively on members of the rural communities where they carry out their activities. This research paper however calls for an era that goes beyond the provision of basic infrastructural facilities to ensuring that the operations of multinational oil companies do not degrade the environment. In the opinion of Ong⁹² the CSR concepts has been universally acknowledged and accepted as a veritable tool in ensuring that oil companies impact positively and add value to their host communities. Ijaiya⁹³ on his part, succinctly buttressed the fact that Organisations owe some moral, ethical and philanthropic responsibilities to their host communities. This is aside the general aim of getting reward on their investment. Examples of some international bodies embodying the CSR concept are the World Business Council for Sustainable Development (WBCSD), the Organization for Economic Cooperation and Development (OECD), and the Dow Jones Sustainable Indexes (DJSI).

World Business Council for Sustainable Development (WBCSD): The World Business Council for Sustainable Development (WBCSD) is a major driving force on the concept of CSR. Established in January 1995, its reports on corporate (social) responsibility have helped to focus global attention on the necessity for governments and companies to demonstrate a degree of responsibility toward society. The WBCSD formulated three conceptual frameworks on CSR as the generation of economic wealth; environmental improvement, and social responsibilities. WBCSD identified the core values of CSR as human rights, employee rights, environmental protection, community development, and stakeholder rights as the core values that define the responsibility of companies and governments to society. Under the WBCSD template, the community is respected as a stakeholder in the project. Thus, the company is compelled to construct a base for close collaboration and consultation with the community, as well as assist the community in capacity building in all aspects of social and economic development. Shell Petroleum is the only oil company in Nigeria that is a member of the WBCSD. The activities of Shell Petroleum Development Company (SPDC) are situated within sustainable development

⁹² D.M. Ong, 'The Impact of Environmental Law on Corporate Governance: International and Comparative Perspectives' [2001] *Ejil*, 686-691.

⁹³ H. Ijaiye 'Challenges of Corporate Social Responsibility in the Niger Delta Region Of Nigeria' 2014, *Afe-Babalola University Journal of Sustainable Development Law and Policy*, 3(1).

and corporate social responsibility in the Niger Delta. Shell recognizes the interrelatedness of the three dimensions of sustainable development – corporate financial responsibility, corporate environmental responsibility and corporate social responsibility.⁹⁴

World Business Council for Sustainable Development (WBCSD): The World Business Council for Sustainable Development (WBCSD) is major driving force on the concept of CSR. The WBCSD was established in January 1995. Its reports on corporate (social) responsibility have helped to focus global attention on the necessity for governments and companies to demonstrate a degree of responsibility toward the society. WBCSD formulated three conceptual framework on CSR as the generation of economic wealth; environmental improvement, and social responsibility. WBCSD identified the core values of CSR as human rights, employee rights, environmental protection, community development, and stakeholder rights as the core values that define the responsibility of companies and governments to the society. Under the WBCSD template, the community, that is the host communities of the MNOC's is respected as a stakeholder in the project. Thus, the company is compelled to construct a base for close collaboration and consultation with their host community, as well as assist the community in capacity building in all aspects of social and economic development. Shell Petroleum is the only oil company in Nigeria that is a member of the WBCSD. The activities of Shell Petroleum Development Company (SPDC) are situated within sustainable development and corporate social responsibility principles in the Niger Delta region. Shell recognizes the interrelatedness of the three dimensions of sustainable development – corporate financial responsibility, corporate environmental responsibility, and corporate social responsibility.

The Organization for Economic Cooperation and Development (OECD)⁹⁵: The organization for Economic Cooperation and Development (OECD) stressed the need for both companies and governments to demonstrate their corporate responsibility by pursuing sound environmental and social based policies.

The Dow Jones Sustainable Indexes (DJSI): The Dow Jones Sustainable Indexes (DJSI) was launched in 1999.²⁵ The DJSI defines CSR as social well-being which companies must satisfy in order to be listed in the DJSI. The DJSI sustainable principles include Technology, Governance, Shareholders, Industry, and Society. It is

⁹⁴ *Ibid.*

⁹⁵ The OECD guidelines were first published in 1976 and most recently updated in 2000. The guidelines contains recommendations on human rights, employments, and industrial relations.

clear that the CSR concept has been placed on the global agenda by the leading international organizations.

The Niger Delta Region of Nigeria produces a substantial portion of the total oil wealth of Nigeria. Since the discovery of oil in 1956 at Oloibiri in Southern Nigeria, the Niger Delta region has accounted for over 90 percent of Nigeria's oil income. However, the Niger Delta region has perennially suffered from environmental neglect and youth restiveness. This has led to calls for oil companies operating in the Niger Delta to demonstrate the value of their investments to Nigeria by undertaking increased community development initiatives that provide direct social benefits such as local employment, new infrastructure, schools, and improved health care delivery. By virtue of the provisions of the Companies and Allied Matters Act,⁹⁶ a registered company is statutorily required to perform some duties which include the duties to pay tax, rates and levies. These duties do not include building of schools, health centers, roads, water supply, etc. for its immediate environment. However, certain statutory laws in Nigeria place some obligations on a company to ensure positive impact on the air, water and land in its immediate environment and to limit effluent and a clean environment, the environment of the local communities in oil producing areas are undoubtedly threatened, making it almost impossible to develop any form of harmonious relationship with local communities. The idea that companies should take into consideration the effect of their operations on the environment of their host communities is reflected in the principle of Corporate Social Responsibility (CSR).

THEORIES OF CORPORATE SOCIAL RESPONSIBILITY

Corporations generally exist for the sole purpose of maximising profit. Garriga and Mele⁹⁷ posit that the concept of CSR presents a lot of theories as well as a plethora of approaches. To this end, they classified the CSR theories into four groups, namely; the instrumental theory which presents corporations as machinery for amassing wealth, the political theory which concerns itself with the power wielded by corporations and the responsible use of the power in the political arena, the integrative theory which posits corporations should be concerned with the satisfaction of the social demands of the society while the ethical responsibility is mainly based on the ethical of corporations to

⁹⁶ Section 38 of the Companies and Allied Matters Act 2004.

⁹⁷ E. Garriga and D. Mele, 'Corporate Social Responsibilities Theories: Mapping the Territory' 2004, *Journal of Business Ethics*,53,51-71.

society⁹⁸ McWilliams and Siegel on their part argues that there is an idea level of CSR which can be deduced through the principle of cost-benefit analysis and that there exist a close nexus between the financial performance and the CSR of corporations.⁹⁹ Hamidu¹⁰⁰ on his part identified the following theories of CSRs the foremost proponent

- a. **Classical Theory:** This theory takes the view that corporations avoid performing their CSR in a bid to maximise profits for the owners of the business. Friedman is the foremost proponent of this theory. He posited that the major aim of businesses is to make profits and nothing more and that to go further in a deliberate fashion will invariably mean exceeding the business mandate. Under this theory, business managers are expected to only focus on profit making as they are the agents of the shareholders. From this theory, it can be said that one of the reasons why corporations trend to neglect their CSR to the society is due to the small nature of direct economic benefit derived from it at the expense of the enormous amount of financial commitment that may be expended on the CSR project.
- b. **Legitimacy Theory:** this theory deals with the perception of the general public and the efficiency of communication channels used by corporations. This theory further requires corporations to continually check whether their existence is serving the public as they expect regarding the values and objectives of the corporation. This theory operates on the idea that corporations exist based on the assumed agreement to perform some socially responsible acts in order to survive within the community and the attainment of its objectives. Hamidu¹⁰¹ noted that there is a close relationship between disclosure of CSR initiatives and organisation legitimacy and that seeking for organisational legitimacy is now a critical concern to corporations.
- c. **Stakeholders Theory:** This theory places focus on the relationship between corporations and any individual or group of persons that are engaged in the process of achieving organisational objectives. This theory is an extension of the objectives beyond profit making. This theory is further classified into descriptive, instrumental and normative. The theory ensures

⁹⁸ *Ibid.*

⁹⁹ A. McWilliams and D. Siegel 'Corporate Social Responsibility: A Theory of the Firm Perspective' [2001] *The Academy of Management Review*, 26(1) 1.

¹⁰⁰ Hamidu *supra* n. 88.

¹⁰¹ *Ibid.*

that managers are able to specify their stakeholders and target each group with policies aimed at achieving organisational goals. The theory tends to promote the ideology that whilst making profit, stakeholders' satisfaction is paramount.

- d. Institutional Theory: This theory is an external factor that influences the way an organisation acts. This theory also has a link with the way an organisation carries out its CSR practices. The main aim of this theory is the institutionalisation of behaviour. This theory posits that institutions can influence organisational behaviour. Institutions have the power to establish acceptable and recognised standards and norms.
- e. Instrumental Theory: This theory approaches the CSR concept from the point of view of a strategist aiming to take the practice of CSR as an instrument and an opportunity of exploiting and getting benefits for the corporation. This theory posits that when an organisation utilises its CSR effectively to support core business activities, then CSR can properly be regarded as one that has assumed a strategic position in the decision-making process of the organisation.

The classical theory and the instrumental theory are very similar in that they both support profit maximisation as the sole aim of shareholders. The only distinction between both theories is that the classical theory holds an extreme position on profit making at the expense of community needs while the instrumental theory on the other hand tries to adopt CSR once it can lead to increase in reputation and profit making.¹⁰² This study argues that corporate bodies whilst in the business of making profits must put the environment effects of their operations into consideration.

CORPORATE SOCIAL RESPONSIBILITY OR CORPORATE ACCOUNTABILITY

The concept of corporate social responsibility was originally centered around voluntary standards of conduct and had nothing whatsoever to do with the breach of national or international law. It was essentially based on the expectation that private companies should no longer base their actions on the needs of their shareholders alone but rather have obligations towards the society in which they carry out their operations. Based on the foregoing, corporate bodies were ordinarily expected to voluntarily incorporate environmental values and concerns into their corporate policies in adherence to

¹⁰² *Ibid.*

relevant environmental laws and regulations. In the opinion of Morgera,¹⁰³ part of the obligation of MNOCs should be one that goes beyond the national laws of the country viz a viz creating a balance between their right of existence and their obligation to their society of operation. Over time, it has been observed that MNOCs in a bid to escape liability have tenaciously held on to several International Petroleum Contracts (IPCs) as well as Production Sharing Contracts (PSCs).¹⁰⁴ The era of insisting that MNOCs account for the impacts of their operations on the environment is thus gradually receiving momentum.¹⁰⁵ Corporate accountability can therefore be described as the process in which both public and private actors are considered answerable for their decisions and activities particularly with respect to their operations which are capable of adversely affecting the environment.

The assumption that corporate responsibility allows so much discretion to be put on the part of MNOCs with respect to the consideration of their role and impacts of their activities on the society is what has given impetus to the movement from responsibility to accountability. The preference of accountability to responsibility is linked to Principle 10 of the Rio Declaration¹⁰⁶. It is also hinged on the fact that corporate social responsibility gives room for too much freeriding and discretion. Many instances abound wherein companies say one thing and does another or adopting and not effectively implementing relevant environmental policies. The need to therefore increase MNOCs answerability and adherence to environmental obligations gave rise to the concept of corporate social accountability.

CORPORATE ENVIRONMENTAL ACCOUNTABILITY AND LIABILITY IN NIGERIA

In several countries, corporate liability for environmental harm has progressed to an era that directly implicates individuals connected to the corporate body such as company directors, corporate officers or managers and sometimes the shareholders. This trend is discernible from common law jurisdictions like UK, Canada, Australia and Hong Kong. Corporate environmental liability concerns the introduction of strict civil and

¹⁰³ E. Morgera, 'Corporate Accountability in International Environmental Law' 2009, Oxford University Press, 19.

¹⁰⁴ *Ibid.*

¹⁰⁵ V.C Odoeme, 'Corporate Accountability in the Nigerian Oil and Gas Sector: Coping with Uncertainties' [2013] *Commonwealth Law Bulletin*, 39(4), 740-765.

¹⁰⁶ The Rio Declaration on Environment and Development adopted at the 1992 United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit.

criminal liability on corporate bodies through the directors for environment harm. This trend is popular in the United States domestic environmental law. Even in the United Kingdom, the notion of fault-based liability has come to be replaced by strict liability. It has been argued that the most important principle for corporate governance is the principle of integration of environmental consideration into decision and policy making of corporate bodies.¹⁰⁷ This principle has serious implication on corporate governance. This principle helps to ensure that matters of environmental concern features prominently on the agendas of MNOCs. This will in the long one ensures that the interest of the host communities of MNOCs are better protected and preserved. The principle will further make for the explicit consideration of interest of host communities at the boardroom level where any negative impact of the corporation's production activity on the environment can be identified, rectified and prevented from occurring. This goes a long way in ensuring that corporate bodies are remotely accountable to their host communities with respect to matters affecting the environment.

The emergence of the concept of Corporate Social Responsibility in Nigeria has come to be seen mainly as an optional and non-obligatory responsibility for corporate bodies operating in Nigeria particularly the MNOCs operating within the Niger Delta region.¹⁰⁸ This study further argues that there need to adopt and reflect the CSR principles in international CSR instruments such as the Organisation for Economic Co-operation and Development(OECD) guidelines for multinationals, the ILO Declaration on Fundamental Principles and Rights at Work in Nigerian laws. The Government is also expected to put machineries in place to ensure their efficient and smooth running. Although, there are no direct Nigerian laws that mandatorily require corporate bodies to implement CSR principles, other law like the provisions of the Nigerian Constitution bothering on the right to life as well as other las regulating the Nigerian oil industry can be harnessed and modified to make the implementation of CSR principles mandatory. Considering the devastating adverse impacts of oil spillage in the Niger Delta region, a lot has to be done to ensure the incidences and occurrence of oil spillage particularly in the Niger Delta region becomes a thing of the past or in the alternative reduced to the barest minimum.

¹⁰⁷ D.M. Ong 'The Impact of Environmental Law on Corporate Governance: International and Comparative Perspectives' [2001] *EJIL*, 11-15; This principle can loosely be referred to as the principle of corporate accountability.

¹⁰⁸ Ijaiye *supra* n 91, 62-70.

As a way of ensuring that corporate bodies follow up on their CSR to their host communities, this study calls for the adoption of a Corporate Environmental system. The Corporate Environmental management system should comprise of members of the board of directors, four (4) representatives from the host community drawn from the council of elders, youth and women and two (2) representatives drawn from the relevant regulatory and enforcement agency responsible for oil related matters. Adopting a Corporate Environmental Management as a form of CSR would help to give community stakeholders a sense of belonging in the scheme of affairs of MNOCs, improve transparency in corporate agenda and in the long run drastically reduce incidences of oil spillage, militancy and restiveness in the Niger Delta region.

APPLICATION OF THE CONCEPT OF CORPORATE SOCIAL RESPONSIBILITY AS AN IMPERATIVE IN ABATING OIL SPILLAGES

The exploration activities of multinational oil companies have over the years negatively impacted on the Niger Delta environment by way of oil spillage. The effects of these activities range from environmental, health and economic impact. Most multinationals have their base in the Niger Delta region because of the huge natural resource of the region. Although over the years MNOCs have been known to build schools, health care centres and provided pipe borne water as well as the award of scholarships to indigenes of their host communities, this study argues that these philanthropic acts by MNOCs are not enough to assuage the sufferings of the host Niger Delta communities. The MNOCs operating within the Niger Delta region should take into account the wellbeing of the people and that of the future generations by taking proactive steps towards minimizing or possibly totally eradicating the negative effects of their operations and exploration activities on the environment. This study further takes the view that CSR of MNOCs should transcend the provisions of basic amenities and infrastructural activities to actively involving host communities stake holders in matters bothering on the environmental protection and preservation. Mbalisi and Okorie's analysis reveals that though MNOCs in the course of operations executes some social and developmental projects but that these projects fail to adequately address the issues pertaining to the welfare and livelihoods of the people.¹⁰⁹ They further observed that the MNOCs create an illusion of compliance with CSR rules. The problems bedeviling the Niger Delta

¹⁰⁹ O.F Mbalisu and C.U Okorie 'Implementation of Corporate Social Responsibility by Oil Companies in the Niger Delta Region of Nigeria: Myth or Reality' [2020] *African Research Review*, 14(1), 1-13.

region to wit: poverty, unemployment, youth restiveness and a host of other problems is as a result of the non-compliance of MNOCs to the core principles of CSR.¹¹⁰ The writers calls for the incorporation of the household heads of the people of the Niger Delta region into the payroll system of the MNOCs as well as the engagement of sincere projects to will ensure the even development of the Niger Delta region and the people therein.¹¹¹ Other writers hold the view that the activities of MNOCs are both socially and politically complex and as such CSR activities represent an attempt to fill the void.¹¹² It has been contended that MNOCs who are regarded as rational maximisers will at all times take advantage of the absence or inadequate laws and regulatory standards to pollute and exploit the locals so long as they can avoid any form of liability in the process.¹¹³ Laplante and Suzzanne¹¹⁴ however observes that MNOCs having come to the realisation that stakeholder engagement is a vital key to risk management now develop significant time and energy to the consideration of the CSR principles in their operations.¹¹⁵ As a way of enhancing and enforcing the applicability of the CSR principles, Kirat¹¹⁶ opines that the CSR concept be enforced by law through regulations so as to improve on its performance in meeting both local and international challenges that may evolve over time. He further suggested that corporations invest more in CSR through the establishment of parastatals and having experienced and specialized professionals in the field for maximum performance.

CHALLENGES TO THE APPLICATION CSR IN THE ABATEMENT OF OIL SPILLAGE

One major challenge to the application of the principles of CSR in the oil industry is the adherence to the orthodox belief that the whole essence of business is the maximisation

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² D.M Spence 'Corporate Social Responsibility in the Oil and Gas Sector: The Importance of Reputational Risk' [2011] *Chicago-Kent Law Review* 59,231.

¹¹³ *Ibid.*

¹¹⁴ L.J Laplante and A.S Suzanne 'Out of the Conflict Zone: The Case for Community Consent Processes in the Extractive Sector' [2008] *Yale Human Rights and Development Law Journal* 69,76-77.

¹¹⁵ The applicability of this assertion to the MNOCs operating within the Niger Delta region is very much in doubt. However this view could possibly due to the fact that MNOCs have come to the reality of the fact that reputational harm could be just as damaging as legal liability and that investments in socially responsible behaviour can in the long run yield positive returns.

¹¹⁶ M. Kirat ;Corporate Social Responsibility in the Oil and Gas Industry in Qatar Perceptions and Practices' [2015] *Public Relations Review* 14(4),438-450.

of profit at the expense of the environment of their operation. This appears to be the major reason why MNOCs have over the years shown unseriousness towards putting measures in place to permanently curb the problem of oil spillage.¹¹⁷

Another challenge to the application of the CSR concept in the abatement of oil spillage is the problem of corruption within the MNOCs, government regulatory and enforcement agencies and sometimes among stakeholders in the oil producing host communities. This plays out in a situation where host community stakeholders who might have collected monetary gratifications from the MNOCs operating within their community in terms of development levies and ground rent show unwillingness to institute legal action for redress against the MNOCs. The government on its path appears to be interested only in the collection of revenue from MNOCs. Thus, this fund-generating drive of the Nigerian government encourages the non-compliance of the companies to environment laws.¹¹⁸

The long adjudicatory process of the court system particularly in cases on environmental right enforcement also poses a serious challenge to the application of the concept.

The inadequacy of environmental laws in proscribing stiff penalties to deter offenders poses another major challenge. In most cases involving corporate bodies, the law provides fine alone as punishment. For instance, Sections 7 and 12 of the Harmful Waste Special Criminal Provisions Decree¹¹⁹ is not definitive as to the exact criminal and civil punishment to be meted out on corporate bodies for offences under the law. Section 27 of the National Environment Standards Regulation Enforcement Agency (NESREA) Act¹²⁰ which prohibits without lawful authority the discharge of hazardous substances into the environment only imposes a punishment of fine on corporate offenders. This study takes the view that these factors remotely and directly contribute to the unserious attitude of MNOCs towards issues of abatement of the incidences and occurrences of oil spillage in Nigeria.

¹¹⁷ C. Mordi and others 'Corporate Social Responsibility and the Legal Regulation in Nigeria' *Journal of Economic Insights - Trends and Challenges* [2012] LXIV(1) 6-7.

¹¹⁸ *Ibid.*

¹¹⁹ 1988.

¹²⁰ 2007.

CONCLUSION AND RECOMMENDATIONS

This paper sets out to examine critically the nature of human rights as well as the concept of Corporate Social Responsibility and how both concepts can be used as tools for combating the menace of oil spillage in the Niger Delta region of Nigeria. It has been shown that the enjoyment of human rights particularly the right to life can only be guaranteed in an environment that is clean and free from any kind of pollution. To this end, the problem of oil spillage in Nigeria which is one that negatively impacts on the environment is one that requires the concerted efforts of both the MNOCs, government regulatory bodies and relevant stakeholders in the oil sector to abate. This study therefore calls for a broad interpretation of the relevant human rights provisions in the constitution and treaties¹²¹ as well as the adoption and enforcement of the principles of CSR as a way of abating the incidences and occurrences of oil spillage in the Niger Delta region.¹²² This study further advocates for the imposition of stiffer penalties on erring on MNOCs whose exploratory activities negatively impacts on the environment. In furtherance of the above, this study particularly advocates for a regime where the fine for oil spillage is assessed at the price of a barrel of crude at the time of spillage per the number of barrels spilled. The adoption of a corporate environmental system beyond the provision of basic amenities to oil producing host communities as a form of sustainable development agenda is also advocated. To this end, the need to put in place enlightenment campaigns to sensitize people particularly those residing in the rural areas of the Niger Delta Oil producing regions of the fact that the MNOCs have an obligation not to cause harm to their environment through their operations is a must.

¹²¹ K. Sellars, *The Rise and Rise of Human Rights: Drafting the Universal Declaration*, (Sutton Press 2002); Sellars further opines that human right provisions are more easy to enforce than to define.

¹²² The provisions of Section 240(2) of the 2021 Petroleum Industry Act, makes provision for the payment of a mandatory levy on corporations thus changing the voluntary and self-regulatory characteristics of CSR.

REFERENCES

- Abdulkadir A.B., The Right to a Healthy Environment in Nigeria:A Review of Alternative Pathways to Environmental Justice in Nigeria [2004] *Afe Babalola University Journal of Sustainable Development Law and Policy*, 3 (1).
- Akpoghome T.U., State Administration of Environmental Protection: Concept, Environmental Agencies and their Jurisdiction in M.O.U Gasiokwu (ed), *Ecology: Ecology: Concept, Politics and Legislation* [2013].
- Anderson M.R., Human Rights Approaches to Environmental Protection: An Overview' Alan Boyle, in Alan Boyle and Michael Anderson (eds) *Human Right Approaches to Environmental Protection* [1997].
- Atsegbua L., Akpotaire V. and Dimowo F., Environmental Law in Nigeria Theory and Practise (Ambik Press, 2010).
- Ebeku K.S.A., The Right to a Satisfactory Environment and the African Commission'[2003]*African Human Rights Law Journal*, 3.
- Ekhaton E.O., The Impact of the African Charter on the Human and Peoples Right on Domestic Law: A Case Study of Nigeria' [2015] *Common Wealth Law Bulletin* , 41(2) 253-270.
- Emejuru C.T, Human Rights and Environment: Whiter Nigeria?, [2015] *Journal of Law, Policy and Globalisation*, 135,108.
- Engle E., Universal Human Rights,a Generational History' [2006] *Annual Survey of International and Comparative Law*, 12, (1)10,254.
- Freidman R., Third Generation Rights: Is there Room for Hybrid Constructs within
- Garriga E. and Mele D., Corporate Social Responsibilities Theories: Mapping the Territory [2004] *Journal of Business Ethics*, 53.
- Gordon J., The Concept of Human Right the History and Meaning of its Politicization [1998] *Brooklyn Journal of International Law*, 2 3(3).
- Hamidu A.A, Corporate Social Responsibility: A Review on Definitions, Core Characteristics and Theoretical Perspectives' 2015 *Mediterranean Journal of Social Sciences*, 6(4).
- Hassan F., Solidarity Rights: Evolution of International Human Rights Law [1983] *NYLS Journal of Human Rights*,51-60.

Ijaiye H., Challenges of Corporate Social Responsibility in the Niger Delta Region of Nigeria' [2014], Afe- Babalola University Journal of Sustainable Development Law and Policy ,3(1).

International Rights [2013] *Cambridge Journal of International and Comparative Law*, 2(4).

Iyengar S., Dolsak N. and Prakash A., Selectively Assertive: Intervention of India's Supreme Court to Enforce Environmental Laws, 2019 MDPI Journal of Sustainability,11.

Jianping L., and others Global Environmental Issues and Wellbeing in Eds Jianping, L., Minrong, L., Jinnan, Jianjian, L., Hongwen, S., Moaxing, H. *Report on Global Environmental Competitiveness*, 2014.

Jianping L.and others Global Environmental Issues and Wellbeing in Eds Jianping, L.,Minrong, L., Jinnan, L., Jianjian L.,Hongwen, S.,Moaxing,H., *Report on Global Environmental Competitiveness*, 2014.

Kingston P.F., Long-Term Environmental Impact of Oil Spill' [2002] *Spill Science*.

Kirat M., Corporate Social Responsibility in the Oil and Gas Industry in Qatar

LaPlante L.J and Suzanne A.S., Out of the Conflict Zone:The Case for Community Consent Processes in the Extractive Sector' [2008] *Yale Human Rights and Development Law Journal* 69 LXIV (1) 6-7.

Marshal J.B and Bashir F., Human Approach to Environmental Protection in Nigeria: An Appraisal [2020] *International Journal of Business and Law Research*, 8 (4)134- 147).

Mbalisu O.F and Okorie C.U., Implementation of Corporate Social Responsibility by Oil Companies in the Niger Delta Region of Nigeria: Myth or Reality [2020].

McWilliams A.and Siegel D., Corporate Social Responsibility: A Theory of the Firm Perspective [2001] *The Academy of Management Review*,26 (1).

Mordi C., and others Corporate Social Responsibility and the Legal Regulation in Nigeria *Journal of Economic Insights – Trends and Challenges* [2012].

Nwobike J.C., The African Charter on Human and Peoples Right and the Demystification of Second and Third Generation Rights Under the African Charter:

Social and Economic Rights Action Center (SERAC) and the Center for Economic and Social Rights (CESR) v Nigeria [2005] *African Journal of Legal Studies*,2,129-146.

- Ogbu N.O, Human Rights Law and Practice in Nigeria (Snaap Press Nigeria Ltd, 2013).
- Ong D. M., The Impact of Environmental Law on Corporate Governance: International Perceptions and Practices [2015] *Public Relations Review* 14(4).
- Perepolkin, S.M., Typology of the Fourth Generation of Human Rights [2021] *Journal of International Legal Communication* 1(1).
- Rehman J., International Human Rights Law (Pearson Education Limited,2003) 1-396.
- Saito N.T., Considering Third Generation International Human Rights Law in the United States [1997] *University of Miami Inter-American Law Review*,28(1).
- Sellers K., The Rise and Rise of Human Rights: Drafting the Universal Declaration, (Sutton Press, 2002).
- Shehu A.T., The Enforcement of Social and Economic Rights in Africa: The Nigerian [2013] *Afe-Babalola University Journal of Sustainable Development Law and Policy* 2(1), 101-120.
- Sunkin M., Ong D.M, Wight R., *Source Book on Environmental Law* (London: Cavendish Source Books Series,2001).
- Sutto M., Human Right Evolution, a Brief History *Quarter Journal on Stability Policing*.

STATUTES/TREATIES

- The African Charter on Human and Peoples' Rights
- Companies and Allied Matters Act (2004)
- Constitution of the Federal Republic of Nigeria (1999)
- The International Covenant on Civil and Political Rights (1966)
- The International Covenant on Economic, Social and Cultural Rights (1966)
- Federal Environmental Protection Act (1988)

CASE LAWS

- Fawehinmi v Abacha [2001]51 WRN 29.

Government of the Republic of South Africa v Grootboom (2000) ZACC 19

Oronto Douglas v Shell Petroleum Development Company Limited [1999] 2 NWLR (Pt 591).

SERAP v Federal Republic of Nigeria and Universal Basic Education Commission
ECW/CCJ/APP/0808 <https://www.escri-net.org/docs/i/1143047> Accessed 5 August 2022

SERAP v Federal Republic of Nigeria and Ors ECW/CCJ/APP/08/09.