



LAW HUB DEVELOPMENT AND ADVOCACY CENTRE



Environmental Justice Now!

**A Briefing on Recommendations for Expedited Resolution of Oil Pollution
and Environmental Cases in Nigeria**

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Executive Summary

This briefing analyses the significant delays in the Nigerian judiciary's handling of oil pollution and environmental cases. It highlights how these prolonged legal issues, often spanning decades, defeat the purpose of seeking justice for environmental degradation. The brief identifies the delicate nature of oil pollution and its long-term and irreparable damage to water bodies and land, emphasising the urgency required for swift judicial action.

A review of several landmark cases from Lagos and Port Harcourt divisions of the Court of Appeal reveals that litigation can last between 11 and 23 years. The analysis points to recurrent jurisdictional and procedural impediments, such as issues with locus standi (the right to sue), pre-action notices, and statutory limitations, as primary contributors to these delays. Cases are frequently struck out on technical grounds after years of proceedings, nullifying the progress made.

To address these critical issues, the briefing recommends that the Nigerian judiciary and other stakeholders implement reforms to accelerate the adjudication process. This include; treating environmental cases as “fast-track” cases due to the potential for irreversible environmental damage, empowering judges to issue immediate preservative orders, such as mandating clean-up and remediation, even while the substantive case is ongoing, directing the law or rules of court to require relevant supervisory agencies to be joined as parties in lawsuits, establishing a regulated, time-bound framework for filing and completing oil pollution cases, similar to the timeline for election petitions, doing away with procedural technicalities that are not raised at the initial stages of a lawsuit.

However, the document asserts that the current judicial timeline for environmental cases fails to protect the environment effectively. By implementing the proposed recommendations, the Nigerian justice system can better ensure corporate responsibility and environmental protection through more efficient and timely legal processes.

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Law Hub hopes that the insights and recommendations presented in this brief will guide policymakers, judicial actors, and advocates toward strengthening mechanisms for the timely and effective resolution of oil pollution and other environmental cases in Nigeria. By advancing environmental justice and accountability, we can help restore affected communities, protect ecosystems, and uphold the right to a healthy and sustainable environment for all.

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Introduction

1.1 Background

For decades, the fate of achieving some of the renowned international and domestic environmental and climate-related goals has hung on human responsibility towards the environment and effective environmental governance by the regulators. Evidence and experience have shown that relying on human responsibility only is not capable of adequately preventing environmental degradation and ensuring environmental sustainability. In the same vein, both international and domestic environmental regulators have not been able to fully reduce environmental problems, despite the existence of bodies of laws and regulations across these levels of governance. This underscores the importance of exercising the right to access to environmental justice.



Access to environmental justice, a subset of access to justice, is an internationally recognised right that is often provided by a statute, treaty or recognised under common law, which allows a person to seek a remedy in a court of law in respect of any violation relating to the environment or pertaining to the person. Environmental rights. Exercising the right to access to environmental justice usually becomes an option or the last resort where the presumption of responsibility is attributed to all persons who interact with the environment is breached, or where there is a need to enforce environmental violations through judicial means.

Generally, the right to access to environmental justice can be enforced judicially by different actors that interact with the environment, to wit, the regulators, individuals, communities, non-governmental organisations (NGOs) acting for themselves and/or on behalf of affected individuals or communities and companies. These actors can also enforce the right against one another. For example, communities and individuals in the Niger Delta Region of Nigeria have, over the years, instituted lawsuits against oil & gas companies such as Shell and regulators such as the NNPC. While exercising this right through the court is seen as the last resort and as a way to remediate the damage done to the environment and/or personal property of the litigant, a track record of judicial decisions on oil pollution has shown that these cases usually take longer years to round off, and this is capable of defeating the essence of going to court in the first place and making the damage to the environment already irreparable by the time litigation is concluded.

In the preceding part of this brief, the nature of oil pollution/environmental cases, recurrent jurisdictional impediments in oil pollution/environmental cases, adjudicatory timeline of selected oil pollution/environmental cases in Nigeria, and recommendations for the Nigerian judiciary & stakeholders in the judicial system will be considered.

1.1.2 The Nature of Oil Pollution/Environmental Cases

Oil pollution/environmental cases are cases that are instituted mainly for the purpose of getting the orders of the court to do any or all of the following:

- a. Granting injunctions restraining oil companies, regulators or any other persons responsible for oil pollution of waters, farmlands, communities, land, etc or gas pollution of the atmosphere, from continuing with such pollution, as the same is capable of breaching fundamental human rights of the affected persons;
- b. Granting injunctions directing oil companies, regulators or any other persons responsible for oil pollution of waters, farmlands, communities, land, etc or gas pollution of the atmosphere, to clean up, remediate and/or restore the polluted environment and/or put a stop to the pollution;
- c. Directing the polluters to pay assessed compensation or damages to individuals, groups or communities whose properties, communal waters, farmlands, crops,

economic trees, atmosphere or means of livelihood have been affected by the oil pollution; and

- d. Directing the relevant government regulators to exercise their oversight responsibilities with a view to preventing future occurrences or ensuring that the orders of court in relation to (a), (b) and (c) above are complied with.

By their nature, oil pollution/environmental cases (in terms of reliefs sought before the court) are targeted at the prevention of future occurrence, remediation or restoration of the already polluted environment, and compensation for loss of properties or means of livelihood. Out of these three subsets of reliefs often placed before the court in oil pollution cases, remediation or restoration of the already polluted environment stands out for obvious reasons. Compensation can wait as long as the case lasts without any further damage to the environment. An interlocutory injunction can be granted to prevent further pollution or discharge of oil, pending the final determination of the case. But remediation or restoration of the polluted environment does not have such a luxury.

Simplistically, water bodies generally can come in the categories of water bodies in motion and water bodies that are not always in motion. Water bodies in motion include rivers and streams. They are often shallow and are never still because they keep flowing and eventually drain into larger bodies of water. Waters that are not always in motion, on the other hand, include lakes and ponds. They experience minimal movement, and they are often deep.

When oil pollution happens in water bodies in motion, the pollution dilutes the waters and moves as fast as the waters are flowing up to the point where the waters drain into the larger bodies of water, depending on the quantity. When oil pollution happens in water bodies that are not always in motion, the pollution sinks and penetrates the depth of the waters. In both situations, the ecosystem in the waters is altered and affected, and there can be death or eventual death to the flora and fauna in the system if remediation or restoration is not instant or fast enough. The situation is expectedly the same if the pollution affects farmlands, land or communities. Apart from the damage done to the surface, the oil penetrates the earth, distorting the ecosystem and, in some cases, affecting the groundwater if remediation or restoration is not immediate.

Oil pollution/environmental cases are of such a fragile nature that if not given special considerations by way of fact-tracked or expeditious adjudication, complete or near-complete damage would have been done to the environment by the time the cases are fully litigated. In essence, a situation of *fiat accompli* could have (substantially) resulted by the end of adjudication.

1.1.3 Recurrent Jurisdictional Impediments in Oil Pollution/Environmental Cases

Impediments that can affect oil pollution and environmental cases can be jurisdictional and non-jurisdictional. The jurisdictional impediments are the ones that directly relate to or affect the jurisdiction of the court to take on oil pollution/environmental cases that have been brought before the court. Identifiable jurisdictional impediments include the fulfilment of the requirements of:

- a. locus standi,
- b. pre-action notice
- c. pre-action protocol
- d. exhaustion doctrine
- e. doctrine of ripeness
- f. justiciability doctrine
- g. reasonable cause of action
- h. limitation law
- i. other impediments such as defective writs, wrong venue of institution of a case, statutory non-compliance, etc.

All the above highlighted impediments affect the jurisdiction of the court to entertain oil pollution and environmental cases. They can be raised by the adverse party at the beginning of the adjudicatory proceedings or subsequently. While some of these impediments have the effect of terminating the proceedings temporarily (in which case the suit can be re-instituted), others can terminate the proceedings finally. A case

may have gone on for years before raising some of these impediments, and when they are raised, the court can still uphold them with the effect of temporarily stopping the proceedings (as in the case of exhaustion doctrine, doctrine of ripeness, pre-action notice, pre-action protocol and locus standi) or finally determining the proceedings (as in the name of limitation law and justiciability doctrine).

Of all these impediments to oil pollution/environmental cases, being caught by the limitation law appears to be what is most devastating. This is because a suit that is struck out as a result of the exhaustion doctrine, the doctrine of ripeness, the pre-action notice, the pre-action protocol, lack of reasonable cause of action and locus standi can still be re-constituted and refiled. However, a suit that fails to meet the limitation period will generally be dismissed even if it has not been heard on the merits. This can be the end of an oil pollution/environmental case. A claim for remediation, restoration and damages for oil pollution is tortious in nature, and claims found in torts are usually caught by the limitation law after failure to institute a suit after a period recognised in the statute of limitations.

What this means again is that suits that failed to meet the requirements of the exhaustion doctrine, the doctrine of ripeness, the pre-action notice, the pre-action protocol, reasonable cause of action and locus standi, which were struck out as a result, must be re-filed (after the corrective measures have been taken) within this same period. The calculation of the period will start from the point where the first case was filed, not from the point when the re-filing of the subsequent case was done. The major issue with this is that filing the subsequent suit may have been caught by the limitation law, where if the first suit has already been taken time in court before the striking out. The delays experienced in some of these cases are merely due to instituting the suits in the wrong court and failure to properly sign a writ.

1.2 Aim

This briefing aims to analyse the time frame within which environmental cases are decided or adjudicated, from the court of first instance to the apex court and propose recommendations and reforms that will accelerate case handling and improve judicial outcomes to enhance environmental protection and enforce corporate responsibility through faster legal processes.

1.3 Scope

The analysis will cover the entire litigation process, from pre-action protocols to post-judgment enforcement, examining issues such as jurisdiction, locus standi, rules of evidence, duration of trials, and the enforceability of court orders. It involves the role of Nigerian courts in handling environmental cases, the challenges and bottlenecks in litigation processes for oil pollution claims, and comparative insights from the Lagos Division and Port Harcourt Division of the Court of Appeal, Nigeria.

1.4 Methodology

This briefing analyses the landmark court cases and pending cases on oil pollution in Nigeria to understand judicial reasoning and procedural delays. It uses an empirical method of conducting structured and semi-structured interviews or consultations with legal experts, court personnel, and judicial officers while compiling these cases. Case file analysis, which reviews a selected number of case files from the Federal High Court to the Appeal Court, is utilised to gather data on the duration of proceedings, types of evidence presented, and outcomes.

Adjudicatory Timelines of Selected Oil Pollution/Environmental Cases in Nigeria

Under this segment, a total number of fifteen (15) very important oil pollution/environmental cases from Lagos and Port Harcourt Divisions of the Court of Appeal have been singled out as case studies for this brief. The cases exemplify the delays that oil pollution/environmental cases usually face in Nigeria in the process of adjudication from the court of first instance to the appellate courts (Court of Appeal & Supreme Court). While adjudication of some of these cases stopped at the Court of Appeal, others were appealed further to the Supreme Court, and some are still pending at these appellate courts.

2.1 Pollution/Environmental Cases from Lagos Division

2.1.1 Calmday v. SPDC

In 1999, Calmday and other appellants (as plaintiffs) sued Shell for compensation for their fishing nets, hooks, and fish ponds said to be damaged by oil spillage from Shell's exploration activities at Nembe Creek Oil Field that happened sometime in 1994. After the conclusion of the trial, the trial court did not find merit in the appellants' case and dismissed it on the grounds that the appellants did not sufficiently prove their case. Dissatisfied, the appellants appealed to the Court of Appeal. In 2022, the Court of Appeal eventually delivered its judgment. It found that in line with section 11(5)(c) of the Oil Pipeline Act, Shell would not be liable and the appellants would not be entitled to their claims since it was proved that the oil spillage was an act of sabotage by third parties.

2.1.2 NNPC v. Orhiowasele & Ors.

The respondents as plaintiffs commenced their suit before the High Court of Delta State, claiming against the appellants (NNPC & NPDC as defendants), the sum of Twenty Million Naira for special and general damages for the negligence of the defendants, allowing crude oil spill from their burst oil wells onto the land, swamps, creeks, ponds shrines of the plaintiffs. The plaintiffs sued for themselves and as representatives of the Ogbe-Udu Community, in the Okpe Local Government Area of Delta State. Both the trial Court and the Court of Appeal found for the respondents. The sum of N18,329,350.00 (Eighteen Million, Three Hundred and Twenty-Nine Thousand, Three Hundred and Fifty Naira) was awarded by the Trial High Court. The Court of Appeal agreed with the learned trial judge but reduced the judgment sum by N2,000,000.00 (Two Million Naira).

Still dissatisfied with the judgment of the Court of Appeal NNPC & NPDC further appeal to the Supreme Court and raised for the first time the issue of jurisdiction of the High Court of Delta State to hear and determine oil pollution/spill cases in the light of section 230(1)(o) of the Constitution (Suspension and Modification) Decree No. 107 of 1993 which provides that:

“Notwithstanding anything to the contrary contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly or a Decree, the Federal High Court shall have and exercise jurisdiction to the exclusion of any other Court in civil causes and matters arising from (o) mines and minerals (including oil fields mining, geological surveys and natural gas)”

Twenty (20) years after the case started, the Supreme Court, in consideration of the above, unanimously held that proceedings before the Delta State High Court on 1/12/93 were clearly a nullity for the simple reason that as at 1/12/93 the State High Court had no jurisdiction to hear the respondents’ claim since that jurisdiction was taken away on 17/11/93 when Decree No.107 of 1993 was promulgated. The appeal was consequently allowed.

2.1.3 Mobil V. Ajanaku & Anor

In 1998, Mobil's pipeline and mains (meant for conveying its crude oil from its offshore platform to its onshore terminal at Qua Iboe, Akwa Ibom State) got burst, and tons of crude oil spilt into the Atlantic Ocean. The oil spillage spread to the respondents' land and waters of life, resulting in devastating and deleterious effects on the respondents, fishermen and fish farmers as it damaged their waters, land, environment, property, livestock and marine ecosystem. Upon failure by the Mobil to carry out the necessary cleanup or post-impact remediation measures to restore the natural resources, the respondents filed an action at the Lagos Division of the Federal High Court through Social and Economic Rights Action Centre (SERAC) in 2002., asking for a declaration that the refusal of Mobil to undertake post-impact remediation and restoration of the ecosystem was a violation of the respondents' right to life and environmental right; an order compelling Mobil to carry out post-impact remediation programmes in respect of the polluted waters and land; and damages in the sum of N8.4 billion.

The Federal High Court found in favour of the respondents. Mobil appealed to the Court of Appeal and raised, *inter alia*, the issue of jurisdiction of the Federal High Court on the grounds that the respondents' writ of summons was issued by SERAC (an NGO) with no identifiable legal practitioner's name that signed the said writ, making the suit incompetent to confer the trial Court with the requisite jurisdiction. Even though the Court of Appeal subsequently considered all issues raised and reached the conclusion that the findings of the trial court on oil spillage and orders of remediation and damages were correct, the Court of Appeal allowed the appeal, and struck out the suit (nineteen (19) years after the suit was commenced) for being incompetent.

2.1.4 Centre for Oil Pollution Watch (COPW) v. NNPC

Oil spillage occurred from NNPC's underwater pipelines in Acha Community in Abia State, polluting the community streams and adjoining land. COPW, a registered environmental-spirited NGO whose function is, *inter alia*, to ensure reinstatement, restoration and remediation of environments impaired by oil pollution, filed a suit at the Federal High Court and sought reinstatement, restoration and remediation of the impaired or contaminated environment in Acha Autonomous Community and provision of portable water supply as a substitute to the soiled and contaminated Ineh/Aku streams, which were the only and/or major source of water supply to the community. NNPC filed a preliminary objection to the jurisdiction of the court on the grounds that COPW did not have *locus standi* to institute the suit on behalf of the community,

having not shown that it (COPW) was directly affected or suffered any damage by the oil spillage. The Federal High Court ruled in favour of NNPC in this regard. Dissatisfied with the ruling, COPW appealed to the Court of Appeal. The appeal was dismissed, and the ruling of the Federal High Court was affirmed. Still dissatisfied, COPW applied to the Supreme Court.

The Supreme Court, having regard to several principles of laws, the need to uphold the rule of law and the fact the objective of COPW aligned with bringing a suit of this nature, held that COPW had locus standi and directed the Chief Judge of Federal High Court to assign the case to another judge for trial (14 years after the case was originally instituted at the Federal High Court).

2.1.5 SPDC v. SAAKPA

The respondents, in a representative capacity, instituted the suit at the Federal High Court against SPDC for pollution occasioned by oil spills from SPDC's oil pipeline, causing ecological degradation and health hazards to the respondents. The respondents then sought damages for the ecological degradation and health hazards in the sum of N5 billion. The trial court granted the relief. Dissatisfied, SPDC appealed to the Court of Appeal challenging the jurisdiction of the Federal High Court, among others, to entertain the claims of the respondents on different grounds, including respondents' claims for damages being situated under common law civil tort remedies of strict liability and negligence instead of the compensation regime stipulated by the Oil Pipelines Act, CAP 07, LFN 2004 (OPA). The Court of Appeal dismissed the appeal and upheld the decision of the Federal High Court, being eighteen (18) years after the commencement of the suit at the Federal High Court.

2.1.6 SPDC v. Halleluja Bukuma Fishermen Multi-Purpose Co-Operative Society LTD

SPDC's crude oil well and other oil installations near Bukuma in the Degema Local Government Area of Rivers State extensively polluted the respondent's fish ponds, fishing nets, and the creeks and rivers wherein the respondent was carrying on its large-scale commercial and modern fishing and fish farming. The respondent filed a suit at the High Court of Rivers State for the sum of N162,800,000.00 (One Hundred and Sixty-Two Million, Eight Hundred Thousand Naira), being special and general damages.

During the course of trial in the lower Court, the appellant objected to the jurisdiction of

the trial Court on the ground that the Constitution (Suspension and Modification) Decree No. 107 of 1993 amended Section 230(1) of the 1979 Constitution and vested exclusive jurisdiction in civil causes and matters arising from mines and minerals (including oil fields, mining, geological surveys and natural gas). The State High Court ruled that it had jurisdiction. The parties gave evidence, and the trial Court in its judgment found the appellant liable and awarded the respondent a total sum of N21,995,000.00 special and general damages. Dissatisfied, SPDC appealed to the Court of Appeal, raising once again the issue of jurisdiction of the State High Court to entertain the claims in the light of the provisions of the Constitution (Suspension and Modification) Decree No. 107 of 1993. In the final analysis, the Court of Appeal upheld the objection of SPDC and allowed the appeal. The claims of the respondents were, therefore, struck out after eleven (11) when the original suit was instituted.

2.1.7 SPDC v. FIRIBEB

In 1994, there was an oil spillage in SPDC's Yorla oil field in Rivers State that affected the fishing and farming rights of the respondents. In 1998, the respondents eventually filed a suit at the Federal High Court, asking for the sum of N50,000,000 (Fifty Million Naira) as adequate compensation for the loss sustained in consequence of oil spillage. The Federal High Court found in favour of the respondents, but awarded only N1,000,000 (One Million Naira) as general damages in 2007. Dissatisfied, SPDC appealed to the Court of Appeal the same year, and the Court of Appeal dismissed the appeal in 2011 for lack of merit.

2.1.8 SPDC V. Torchi

In the year 2019, Torchi and the other 89 respondents (as plaintiffs) filed a suit at the Federal High Court against Shell for pollution of their farmlands by the oil spill from Shell's facility, and asked for compensation and damages. The Federal High Court awarded the sum of N800,000,000,000 (Eight Hundred Billion Naira) in favour of the respondents.

Dissatisfied with the judgment, Shell filed an appeal at the Court of Appeal with a motion for a stay of execution of the judgment in 2020. The respondents also filed a motion for Mareva injunction later in 2022, asking the Court of Appeal to direct Shell to pay the judgment sum into an interest-yielding account pending the hearing and determination of the appeal. The further and better affidavit in support of the motion

for Mareva injunction was served on Shell in court the same day the motion was heard. Shell's application for a date to enable Shell to study the further and better affidavit was refused by the Court of Appeal because there was nothing to file again. The Court thereafter heard and granted the respondents' motion for a Mareva injunction, while leaving out Shell's motion for a stay of execution. Dissatisfied with the ruling, Shell appealed to the Supreme Court on the grounds of a breach of the right of fair hearing of Shell.

The Supreme Court heard Shell's appeal and found merit in it. The Supreme Court, thereafter, allowed the appeal and set aside the ruling of the Court of Appeal on the Mareva injunction.

2.1.9 Okpara v. SPDC

Okpara (a legal practitioner) and others filed an application at the Federal High Court in 2005 against Shell for the enforcement of their fundamental rights to life and dignity of the human person under the 1999 Constitution. The Applicant had claimed that Shell's oil & gas operation and the resulting pollution affected these constitutional rights. The lower delivered its ruling on 29 September 2006 and struck out the suit for being incompetent on the grounds that:

- a. Chapter IV of the 1999 Constitution confers legal rights on citizens in their individual capacity.
- b. No provision is made in the fundamental Human(sic) Rights (Enforcement Procedure) Rules for instituting representative actions.
- c. The application is not in compliance with the mandatory provisions of Order 1, Rule 2(2) and (3) of the Fundamental Human (sic) Rights (Enforcement Procedure) Rules.

Dissatisfied with the ruling of the lower court, the Applicants appealed vide a Notice of Appeal dated 19 December 2006 to the Court of Appeal. Nine (9) years after the appeal (January 2015), the Court of Appeal delivered its judgment and upheld the trial court's decision and dismissed the appeal on grounds of incompetence. Still dissatisfied, the Appellants filed a Notice of Appeal against the said judgment at the Supreme Court on 29 April 2015. The appeal is still pending at the Supreme Court as of 30 June 2025., being ten (10) after the appeal to the Supreme Court.

2.1.10 Gbemre v. Shell

The action commenced by Gbemre and others against Shell, NNPC and the Attorney General of the Federation in 2005, arguing that the flaring of gas by Shell violated their (the plaintiffs') fundamental human rights to life and human dignity enshrined in sections 33(1) and 34 of the 1999 Constitution, and reinforced by Articles 4, 16, and 24 of the African Charter on Human and Peoples' Rights, which inevitably covered the right to a clean, poison-free, pollution-free, and healthy environment. The Plaintiffs sought, amongst other reliefs, an injunction against the defendants from continuing to flare gas in their community.

On 16 September 2005, the Federal High Court found in favour of the Plaintiffs and held that:

- a. The constitutionally guaranteed fundamental rights to life and dignity of human persons provided in sections 33(1) and 34 of the CFRN, 1999 and reinforced by Articles 4, 16, and 24 of the African Charter on Human and Peoples' Rights, inevitably include the right to a clean, poison-free, pollution-free, and healthy environment.
- b. The action of the 1st and 2nd Respondents in continuing to flare gas in the course of their oil exploration and production activities in the Applicant community is a violation of the fundamental rights to life (including a healthy environment) and human dignity of the human person.
- c. The failure of the 1st and 2nd Respondents to carry out an environmental impact assessment in the Applicant's community concerning the effects of their gas flaring activities is a violation of section 2(2) of the Environmental Impact Assessment Act contributed to the violation of the Applicant's said fundamental rights to life and dignity.
- d. The provisions of section 3(2)(a) and (b) of the Associated Gas Re-injection and section 1 of the Gas Reinjection (continued flaring of gas) Regulations, under which the continued flaring of gas in Nigeria may be allowed, are inconsistent with the Applicant's Right to life or dignity of person enshrined in the constitution and therefore unconstitutional, null, and void by virtue of section 1(3) of the same constitution.

Dissatisfied, Shell and others appealed to the Court of Appeal and filed an application for a stay of proceedings at the Court of Appeal. The appeal is still pending.

Table 1. Summary of Pollution/Environmental Cases from Lagos Division

SN	NAME OF CASES	CAUSE OF ACTION	YEAR INSTITUTED	YEAR DECIDED AT THE HIGH COURT	YEAR DECIDED AT THE APPELLATE COURT	TOTAL NO. OF YEARS SPENT
1.	CALMDAY v. SPDC (2022) LPELR-58058(CA)	Damage to fish nets, fish traps and fish ponds due to oil spillage from Shell's facility.	1999	2007	2022 (CA)	23 years
2.	NNPC v. ORHIOWASELE & ORS (2013) LPELR-24710(SC)	Pollution of the respondents' ponds and shrines by crude oil spills from NNPC's oil well. Both the SHC and CA found in favour of the Respondents.	1993		2013 (SC)	20 years
3.	OKPARA v. SPDC	Defendant's oil & gas operation is affecting Plaintiff's fundamental rights to life and dignity.	2005	2006	2015 (CA) Still ongoing (SC)	20 years (so far)
4.	SHELL v. GBEMRE	Defendant's gas flaring affecting Plaintiff's fundamental rights to life and dignity.	2005	2005	Still ongoing (CA)	20 years (so far)
5.	MOBIL v. AJANAKU & ANOR.	Pollution of the respondents' land and waters of life by the crude oil spills from Mobil's pipeline and mains.	2002	2014	2021 (CA)	19 years
6.	SPDC v. SAAKPA (2023) LPELR-61203(CA)	Pollution occasioned by oil spills from NNPC's oil pipeline, causing ecological degradation and health hazards to the respondents.	2005	2009	2023 (CA)	18 years

7.	COPW v. NNPC (2018) LPELR-50830(SC)	Pollution of community streams and waterways used for fishing and agriculture by crude oil spills from NNPC's underwater pipeline.	2004		2018 (SC)	14 years
8.	SPDC v. FIRIBEB (2011) LPELR	Pollution occasioned by the oil 1994 spillage from SPDC's Yorla oil field, which affected the fishing and farming rights of the respondents.	1998		2011 (CA)	13 years
9.	SPDC v. HALLELUJA BUKUMA FISHERMEN MULTI-PURPOSE CO-OPERATIVE SOCIETY LTD (2001) LPELR-5168(CA)	Pollution of the respondent's fish ponds, fishing nets, and the creeks and rivers where the respondent carried on its large-scale commercial and modern fishing and fish farming by crude oil spillage from SPDC's crude oil well and/or other oil installations.	1990	1995	2001(CA)	11 years
10	SHELL v. TORCHI CA/OW/489/2020	Pollution occasioned by oil spills was said to damage the environment and the means of livelihood.	2020	2020	Substantive appeal ongoing (CA) Interlocutory appeal ongoing (SC)	6 years (so far)

2.2 Pollution/Environmental Cases from Port Harcourt Division

2.2.1 Nigerian Agip Oil Company v. Chief Stephen N. J. Ebila & 2 Ors.

The Appellant, a crude petroleum exploration and exploitation company, ran its oil pipeline across the land territory belonging to the Respondents herein. Now, in this territory, economic activities were carried on, such as crop farming, fish pond and lumbering. They derive their drinking water from the creeks and water channels. In May-June 1994, the Appellant's oil pipeline on the Respondents' land ruptured, resulting in oil spillage. The Respondents allege that the Appellant failed to seal up the ruptured oil pipeline in time until 1994 and thus allowed a large quantity of crude oil to spill into the Respondents' land, creeks, water channels, etc.

It is further averred that the Appellant, in its negligence, failed to take reasonable

steps to avoid the bursting of its pipeline that caused the huge oil spillage; it took the Appellant about 25–26 days to stop the spill in the Respondents' land; and that it took the Appellant well over one year before it awarded contract for the cleanup of the oil spill nuisance. That also the contractor engaged by the Appellant also took 4 months before he started executing the contract of abating the oil spillage, and in the process, the contractor caused some parts or portions of the land to be burnt.

The oil spill nuisance, according to the Respondents, not only DESECRATED their Worship Shrines, it paralysed their fishing activities in the creeks, swamps, ponds and water channels. The oil spill, they alleged, affected their crop farming and other economic activities. In its considered judgement after Final Addresses, the FHC, holden at Port Harcourt, held that: "the evidence adduced by the plaintiffs' witnesses failed to meet the standard of proof for special damages" and dismissed the claim for N843, 899, 063.00 as special damages. The court below nonetheless awarded N230,000,000.00 as general damages.

2.2.2 Mr Clinton Tolofari and 2 Ors v. Shell Development Company of Nigeria Ltd

By their particulars of claim dated 3/12/96 filed before the FHC PH Division, the appellants as plaintiffs sought the following relief against the Respondent herein, who was the Defendant: The plaintiffs claim against the Defendant for the sum of N14,240,000.00 only being for special & general damages for the damages and destruction done by the defendant to the plaintiffs' bundle of fishing nets and other fishing gear of FAKPA-OBU settlement into the sea and creeks at Bonny as a result of the spillage at Bonny on the Bonny River in Rivers State on or about the 12th day of September 1995 within the jurisdiction of this Honorable Court. At the conclusion of the trial, the learned trial judge, on 3rd July 2007, entered judgment in favour of the appellants. Both parties were dissatisfied with the judgment.

The Brief FACTS that gave rise to the instant appeal, as can be gathered from the record of appeal and the arguments adduced in the parties' respective Briefs of argument, are as follows: On or about 12th September 1995, an oil spillage occurred from the Respondent's Bonny Well 18 in the Bonny LGA of Rivers State. The spillage caused severe damage and destruction to the fishing equipment of fishermen and women, including the appellants who filed the suit for damages. The Court of Appeal found that: The appellants had successfully proven their loss of income through credible evidence that remained unchallenged throughout the proceedings. The special claim

for 50 bundles of fishing nets was warranted based on the evidence provided, which included testimony from witnesses who substantiated the market value of the nets claimed. The trial court acted properly in expunging Exhibits A and C, which were deemed inadmissible under Section 91(3) of the Evidence Act due to the maker's potential bias related to the case.

In conclusion, the appellate court held that the initial judgment, which dismissed the appellants' claim for loss of income, was erroneous. It consequently allowed the appeal partially and awarded damages based on calculable losses sustained from the destruction of the fishing nets.

2.2.3 Shell Dev. Coy. of Nig Ltd v. Sibeate Kangi and 2 Ors.

At the lower Court, FHC sitting at Port Harcourt, the Respondents, as plaintiffs, claimed in their Further Amended Statement of Claim against the Appellant, being the defendant for: The sum of ₦40,000,000.00 being special and general damages suffered by the plaintiffs from ecological degradation of the plaintiffs' fishing flats, creeks and ponds and damage to fishing traps, screens and nets and decimation of marine life due to defendants' negligent spillage of crude oil from defendants' Bodo West oil field in 1994. An Order directing the defendant to clean up the fishing flats, creeks and ponds polluted by the crude oil spillage from the Bodo West oil field and take steps to improve marine life and otherwise make restitution for damage done to the community's traditional occupation.

2.2.4 ADDAX Petroleum Dev. Nig LTD v. Chief I. Ibeh & 50 Ors.

The Respondents were the plaintiffs at the Court of First Instance, the FHC Umuahia Judicial Division. They are farmers in possession of an area of farmland in Izombe, Oguta L.G.A of Imo State. The Appellant was the defendant in the Court below (i.e., an oil and gas company). It kept waste petroleum products on a piece of land very close to the respondents' farmland. On or about the 5th of February, 1997, the defendant's employees set fire to the waste petroleum products on the defendant's land. The fire spread and caused serious damage to the farms and properties of the plaintiffs. The plaintiffs sued the defendant on a writ of summons accompanied by a statement of claim, claiming N26 million as special and general damage for destruction to their economic trees, farm houses and farm produce. On being served with the originating process, the defendant filed a preliminary objection because the court.

2.2.5 Shell Petroleum Development Company of Nigeria LTD v. Moses John Ohaka (Trading Under the Name of Mogred Nigerian Enterprises)

This is an appeal against the judgment of R.O. Nwodo (J) sitting at the Port Harcourt Division of the FHC, delivered 12/10/05. The plaintiff, the Respondent/Cross Appellant, instituted this matter claiming the sum of N40,000,000.00 (Forty Million Naira) only as special and general damages suffered by the plaintiff as a result of the negligence of the SPDC in allowing crude oil to spill from its installation of “IBAA-RUMUEPKE NPOKU 28” trunkline on or about the 1/8/1996. The Appellant contended that they were not liable for the damage caused by the spillage because it was a result of third-party tampering with the pipeline, thereby sabotaging it.

In its judgment, the trial court held that while the Respondent could not establish negligence, the Appellant/Cross-Respondent also proved that the pipeline was sabotaged. The court awarded N500,000.00 as general damages to the Respondent/Cross Appellant. The parties were both dissatisfied with the judgment and have appealed against it. The Appellant filed its Notice of Appeal on 29/10/2005, containing two grounds of appeal, while the plaintiff filed his cross appeal on 4/11/2005. The Notice of Appeal contained four grounds. In the appeal, the Appellant, in its Brief of Argument dated 8/5/2007 & filed on 11/5/07, distilled a single issue from two grounds of appeal.

The Rule in **RYLANDS v FLETCHER (1861) 73 ALL ER (1886) Exch. 265** was heavily relied upon in buttressing their point. The imaginary scale of justice herein also tilts against the Appellant. It is the law that the evaluation of evidence and the ascription of probative value to such evidence are primary functions of the court which saw, heard and assessed the witnesses as they testified. It also states that once such a trial unquestionably evaluated the evidence before it and justifiably appraised the facts, the appellate court has no right to substitute its own views for those of the trial court.

Thus, where the trial court is in a better position to find the facts, having heard and seen the witnesses, the trial court could not be faulted. Once there is sufficient evidence upon which to find and whether true or not, in this case, the appellate court cannot interfere — see **WOLUCHEM v GUDI (1981) 5 SC 291 @ 293**. In this circumstance, I cannot disturb the findings of the court of the first instance. The Appellant has not shown any error on the face of the Record of Proceedings or that such Findings are perverse. I therefore answer the sole issue raised by the Respondent in the affirmative and hold that the plea of sabotage will not avail the Appellant from liability to pay

damages to the Respondent, having regard to the available evidence before the trial court. Accordingly, this appeal fails and is dismissed.

2.2.6 Nigerian AGIP Oil Company Limited v. Chief Inemo Dawari & Ors. CA/PH/433/2024

This appeal is against the judgment of Honourable Justice Stephen Dalyop Pam of FHC Port Harcourt Judicial Division delivered on 20th day of September, 2024. The plaintiffs commenced the suit by Writ of Summons filed on the 9th day of July, 2021. After the exchange of pleadings and conclusion of evidence, the parties filed respective Final Written Addresses and adopted the same on the 16th day of April, 2024, and the matter was reserved for judgment. On the 20th day of September 2024, the Hon. Court delivered its judgment in favour of the Plaintiffs. Dissatisfied with the said court judgment, the Defendant (Now the Appellant) filed a Notice of appeal on the 20th day of September, 2024.

The plaintiff were fishermen, farmers and landlords within and around 24th Ogoda Brass pipeline adjoining creeks, swamp, streams whereas the Defendant is a crude oil and gas exploration and production company, with its headquarters in Abuja, it carries on its crude oil and gas business in Rivers State and is the owner and operator of the 24th Ogoda Brass Pipeline which traverse the Plaintiffs Anyu Community lands at Anyus Odua in Abua/Odua L.G.A of Rivers State. Sometime on or before 28/4/2020, massive quantities of crude oil had been leaking along the 24th Ogoda Brass Pipeline and escaping into the creeks, streams, swamps, land and economic trees, destroying them, including their source of drinking water and the fishing grounds. It was sufficiently stated that the Defendant failed to timeously deal with the oil spill nuisance which resulted in polluting, ravaging and destroying the plaintiffs' land, economic trees, farms, fish ponds, channels, and fishing traps, which they reportedly said led to the institution of this instant suit.

2.2.7 Aiteo Eastern Exploration and Production Company Limited v. Afemibelle Fishermen Co-Operative Society LTD

The Plaintiff commenced this Suit by Writ of Summons filed on the 28th day of March, 2023. Upon being served, the Defendant on the 2nd of May, 2023, filed a Memorandum of Conditional Appearance and Notice of Preliminary Objection wherein the Honourable Court is prayed for an Order dismissing or striking out this Suit being wholly incompetent and for want of jurisdiction of the Honourable Court to entertain

the same. The objection is anchored on four (4) grounds stated in the Motion Paper and accompanied by a Written Address dated the 2nd day of May, 2023.

Dissatisfied with the said Ruling, the Defendant (now the Appellant) filed Notice of Appeal on the 5th day of February, 2024 and the 7th day of February, 2024. The matter centres around oil spills giving rise to injury to the fishing group and the economic trees and other farm or land-related businesses. Cleanup initiatives were to be made and carried out by the Appellant, ensuring that it cleans up, detoxifies, and rehabilitates the Respondent's business environment as a result of the oil spillage.

2.2.8. Chief Tarilanto Abbey & 5 Ors v. Chief Indogha Iruo & 22 Ors

The judgment of the above suit: **OHC/14/2022**, was delivered on the 24th day of October, 2023, by the High Court of Ogbia, in favour of the Respondents. The Appellant being dissatisfied with the said Court's JUDGMENT DATED 24th October, 2023 appealed that the judgement be set aside. The Hearing of the matter commenced on the 28th day of March, 2023. In this suit, the Defendant was sued by the Claimants (Now Appellant) on the takeover of the management, control and use as the right and direct owners of the following lands: Ikpo bush, Iyodua bush, and Imoti Esiromeworo Bush, all situate in Okoli Community, Anyama clan in Ogbia L.G.A of Bayelsa state used for farming, fishing, canoe carving and other purposes.

The crux of the matter was that since 1987, when Nigerian Agip Oil company (N.A.O.C) located at Emette B oil well and that BENEFITS such as compensation for surface right acquisition, local content jobs or contracts and Secondary scholarships from N.A.O.C was not given to the Claimants by the Defendants as managers of these lands.

2.2.9 Halkin Exploration & 1 Ors v. Bayelsa Oil Company & 6 Ors. CA/PH/485/2024

The appeal is against the Ruling of Honourable Justice S. I. Mark, Judge of the Federal High Court, Port Harcourt Judicial Division, delivered on the 22nd day of April, 2024. The plaintiff commenced the suit by writ of summons filed on the 18th day of August, 2020. After the exchange of the parties' pleading and commencement of trial thereto, the Defendant sought to amend its statement of Defence via Motion on Notice dated the 20th day of December, 2023 and filed on the same date. In reaction, the plaintiff filed a thirteen (13) paragraph Court affidavit, one exhibit marked exhibit "A" and an undated written address.

On the 23rd day of February, 2024, the Defendant/Applicant filed Nine (9) paragraphs further affidavit and reply on points of law in support of its Motion on Notice filed on the 20th day of December, 2023. On the 7th day of March, 2024, the Honourable Court heard the Defendant/Applicant application, and on the 22nd day of April, 2024, the Honourable Court delivered its Ruling refusing the application. Dissatisfied with the said ruling, the Defendant/Applicant (Now the Appellant) filed Notice of Appeal on the 6th day of May, 2024.

2.2.10. Aiteo Eastern Exploration and Production Company Limited v. Mr Brobiaye Ofori Herbert. CA/PH/56 /2024

The Respondent, by a Writ of Summons, instituted this case in the Federal High Court of Nigeria. Port Harcourt Judicial Division, seeking some reliefs arising from the crude oil spillage from the Appellant's facility, being the 28th NCTL Kilometre 45 Bille Creek in Awoba Oil Field, which negatively affected her operational environment in Degema Local Government Area of Rivers State, Nigeria.

This is an interlocutory appeal against the Decision/Ruling of the Federal High Court of Nigeria, Holden at Port Harcourt Judicial Division, Rivers State of Nigeria, delivered by Hon. Justice Stephen Dalyop Pam, on the 26th January, 2024, dismissing in line, the preliminary objection on jurisdiction filed by the Appellant.

Table 2. Summary of Pollution/Environmental Cases from Port Harcourt Division

S/N	NAME OF CASES	CAUSE OF ACTION	YEAR INIS- TITUTED	YEAR DECIDED AT THE HIGH COURT	YEAR DECIDED AT THE APPELLATE COURT	TOTAL NO. OF YEARS SPENT
1	Nigerian Agip Oil Company v. Chief Stephen N. J. Ebila & 2 Ors	Oil spill nuisance, not only DESECRATED their Worship Shrines, it paralysed their fishing activities in the creeks, swamps, ponds and water channels. The oil spill affected their crop farming and other economic activities	1994			
2	Mr Clinton Tolofari and 2 Ors v. Shell Development Company of Nigeria Ltd	, oil spillage occurred from the Respondent's Bonny Well 18 in the Bonny LGA of Rivers State. The spillage caused severe damage and destruction to the fishing equipment of fishermen and women, and in particular bundles of fishing nets.	1996	2007	2007	

3	Shell Dev. Coy. of Nig Ltd v. Sibeate Kangi & 2 Ors	Oil pollution is impacting the lands, water, and means of livelihood of a community over the negligent spillage of crude oil from the defendants.	1994		2012	
4	ADDAX Petroleum Dev. Nig LTD v. Chief I. Ibeh & 50 Ors. (2007) JELR 52387 (CA)	Claim of N26 million as special and general damage for destruction to their economic trees, farm houses and farm produce.	1997	2004	2007 (CA)	10years
5	Shell Petroleum Development Company of Nigeria LTD v. Moses John Ohaka (Trading Under the Name of Mogred Nigerian Enterprises) (2008) 8 CLRN	Alleging that the escape of crude oil from the installation of IBAA-RUMUEKPE-NPOKU 28" Trunkline by the appellant had damaged his 2 farms containing 11 big fish ponds and 21 medium fish ponds respectively, thereby causing extensive pollution thereof and killing all the fish and other aquatic life therein.	1996.	2005.	2008	12 years
6	Nigerian Agip Oil Company Limited v. Chief Inemo Dawari &ors Isaac. CA/ PH/433/2024	Crude oil leakage escaping into the creeks, streams, swamps, land and economic trees destroying them, including their source of drinking water and the fishing grounds.	2021	2024	2024(depending)	4years
7	Aiteo Eastern Exploration and Production Company Limited v. Afemibelle Fishermen Co-Operative Society Limited	The matter centres around oil spills giving rise to injury to the fishing group and the economic trees and other farm or land-related businesses.	2023	2024	Ongoing	2years
8	Chief Tarilanto Abbey & 5 Ors v. Chief Indogha Iruo &22 Ors	On the takeover of the management, control and use as the right and direct owners of the following lands: Ikpo bush, Iyodua bush, and Imoti Esiromeworo Bush, all situate in Okoli Community, Anyama clan in Ogbia L.G.A of Bayelsa state, used for farming, fishing, canoe carving and other purposes.	2022	2023	Ongoing	3years
9	Halkin Exploration & 10rs v. Bayelsa Oil Company and 6 Ors. CA/PH/485/2024	Unlawful declaration of the Atala marginal oil field to Halkin Exploration and Protection Limited.	2024	2024	Ongoing	5years
10	Aiteo Eastern Exploration And Production Company Limited v. Mr Brobiaye Ofori Herbert. CA/PH/56 /2024	Oil spillage from the Appellant's facility negatively affected her Respondent. Operational environment.	2023	2024	Ongoing	2years

Recommendations for the Nigerian Judiciary & Stakeholders in the Justice System

There is the legal truism that the judiciary is the last hope of the common man, and the judiciary is in a very good position to substantially curtail or even eradicate delays often occasioned during the adjudicatory process. As much as this is true, putting the entire burden of curtailing or eradicating delays in the adjudicatory process on the judiciary alone-- when other stakeholders may also be responsible for the delays-- will not help to easily scale the hurdles. Other core stakeholders that must either be held accountable by professional regulation or by statutory obligations are the litigators and the litigants.

As earlier said, oil pollution, by its nature, can immediately cause damage to waters, rivers, farmlands, communal land, mangroves, wetlands and all the flora and fauna in these different aspects of the environment. This is the same with most environmental pollution cases. For still waters, the spilt oil will immediately and steadily commence its diffusion into the depth of the waters and for flowing waters, the spilt oil will commence its movement with the waters and may travel as far as the waters go. Commenting on the immediate impact of oil spills on the water ecosystem, the World Water Forum 7 states that: ¹

‘The immediate impact of oil spills on water ecosystems can devastate marine life, disrupt sunlight penetration, and lead to long-term ecological harm. When oil is spilt into water bodies, it can have grave

¹See World Water Forum 7, available at www.worldwaterforum7.org/how-oil-spills-affect-water-a-comprehensive-guide/. Accessed on 8 May 2025.

consequences on the delicate balance of marine ecosystems. Here are five ways spilt oil affects water ecosystems:

- * Marine animals suffer from direct contact with the oil, leading to suffocation and poisoning.
- * Disrupted water flow patterns can spread spilt oil far and wide, affecting a larger area than the original spill.
- * Plankton, vital to the marine food chain, can be smothered or poisoned by the oil pollution.
- * Plants and animals near the water surface are particularly vulnerable to the harmful effects of spilt oil.
- * The amount of oil spilt and the effectiveness of efforts to contain the spill determine the extent of damage to the water ecosystem.’

The long-term impacts of oil pollution on/in waters have also been stated to be: ²

‘Long-term exposure to oil spills in water ecosystems can have lasting detrimental effects on the overall water quality, requiring continuous monitoring and remediation efforts to mitigate the impact on aquatic life. Even small amounts of oil can linger in water bodies, affecting long-term health. Different types of oil contain various compounds that can persist in trace amounts, with some oils containing harmful substances like PAHs. These contaminants accumulate in sediments over time, posing a threat to water quality.’

It has also been shown that oil pollution of land/soil has both immediate and long-term serious implications.³ Both the immediate and the long-term impacts of oil pollution on water and land, as described above, show the level of seriousness and urgency that should be attached by the judiciary and other stakeholders (such as litigators and litigants) to oil pollution and environmental cases. The cases reported and also shown in the table above are good examples of oil pollution cases spanning between 11 and

²Ibid.

³See Y.M Polyak and others, ‘Long-term Effects of Oil Contamination on Soil Quality and Metabolic Function’ *Environ Geochem Health* 46, 13 (2024). Available at www.link.springer.com/article/10.1007/s10653-023-01779-2#citeas. Accessed on 8 May 2025.

23 years to conclude from the trial court to the appellate court(s). Apart from the case of Torchi, which has so far spent six years in adjudication, all other cases reported here spanned over a decade in court, and these long years of adjudication are even longer for preliminary issues for some of them.

For example, on the issue of locus standi alone, the case of **COPW v. NNPC** spent 14 years across the courts before the Supreme Court finally sent it back to the Federal High Court to be reassigned to another judge and for recommencement of proceedings. In **NNPC v. ORHIOWASELE & ORS**, the Supreme Court declared the entire proceedings at the High Court a nullity (on the grounds that the court did not have jurisdiction) after a period of 20 years since the commencement of the case. Something similar happened in **MOBIL v. AJANAKU**, where the Court of Appeal declared a writ to be incompetent 19 years after instituting the suit. Other cases reported in this brief, whether they relate to where remediation/restoration of polluted environment is being sought or they relate to where compensation is being sought for damage caused to fish ponds and farmlands, go to show how oil pollution in waters, rivers, ponds, mangroves, wetlands, farmlands, fish ponds and other aspects of the environment were left to last and linger for a decade or decades of legal battles without application of temporary remedy to cater for immediate needs of the polluted areas of the environment to prevent both immediate and long-term damage.

In all these cases, it is safe to take a position that the immediate and long-term damage to the environment eventually occurred. Even in some of the cases where the litigants won, it is still a loss for the environment that has already suffered the devastating impacts of the oil pollution for a period of 11 years, 13 years, 14 years, 18 years, 19 years, 20 years and 23 years, as the case may be.

In light of the foregoing, the following recommendations are made:

1. Judges should be directed by statutes, rules of court or practice directions to treat all oil pollution cases before them as fast-track cases. These are cases that require urgent attention because of the possibility of serious or permanent damage to the environment, which can also affect the subject matter before the court.
2. In instances where oil pollution cases have been presented to the court, the judge (before whom the case has been presented) should apply or make

preservative orders which will include directing the owners of the oil facility to take immediate measures to prevent the pollution from continuing and to carry out immediate remediation/restoration of the polluted environment to prevent (irremediable) short and long-term damage while the substantive hearing of the case enures.

3. Where litigants in a suit relating to oil spillage only ask for compensation or damages, judges should be empowered to make, in addition to or singly, preservative orders relating to remediation or restoration of the affected part of the environment, even where the litigation has not been able to prove the quantum of damages or compensation they are asking for.
4. Judges should be empowered by law to make such preservative orders mentioned in paragraph (b) above, even where their jurisdiction is (temporarily) affected by any of the jurisdictional impediments such as locus standi, pre-action notice, pre-action protocol, exhaustion doctrine, doctrine of ripeness, justiciability doctrine, reasonable cause of action, limitation law, defective writs, wrong venue of institution of a case and statutory non-compliance.
5. In instances where a litigant's action is caught by a jurisdictional impediment (such as the limitation law) that is capable of fully extinguishing the right of action of the litigant, judges should still be empowered to make such preservative orders mentioned in paragraph (b) above and direct the relevant government authority/authorities to investigate the cause(s) of the oil pollution with a view to performing its/their statutory oversight duties on the polluters.
6. In cases relating to oil spillage and pollution, the law or rules of court should direct that the relevant supervisory agency that has oversight functions be joined as a party and also share with the court measures that have been taken or are being taken to ensure immediate remediation or restoration of the polluted areas of the environment.
7. There should be a regulated timeline for filing and completing oil pollution and other deserving environmental cases in court, just like the timeline set for the filing and completing of election petitions under the Electoral Act/regulations. In a place like Lagos State, there is a similar regulated timeline for small claims lawsuits. Applying this to oil pollution cases across the courts will put judges,

litigants, litigators and regulators on their toes.

8. Reporting, filing and conducting oil pollution cases should be strictly regulated in such a way that delays in adjudication are completely eradicated through doing away with procedural technicalities. Procedural technicalities not raised at the beginning of the proceedings at the court of first instance should not be allowed to be raised subsequently at the trial or appellate court, even if it is a preliminary objection.
9. Specialised environmental courts should be established to handle environmental cases. The absence of a specialised court that handles environmental cases leads to judicial delays and procedural hurdles.

Conclusion

This briefing engages the problem of delays in the adjudication of oil pollution cases. It provides an overview of the nature of oil pollution cases, with a highlight of recurrent jurisdictional impediments that often affect these cases. By way of case studies, selected cases showing the unreasonable length of time taken by the courts to decide the cases were reported and reviewed, with a table showing the years the cases were adjudicated for from the court of first instance to the appellate court(s), either on interlocutory or final bases. Thereafter, recommendations were provided to the Nigerian judiciary and other stakeholders, such as the litigants, the litigators and the regulators, on how the problem of delays in the adjudication of environmental matters can be dealt with.





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