



ENVIRONMENTAL RIGHTS AND PUBLIC INTEREST LITIGATION IN NIGERIA: ENSURING ACCOUNTABILITY AND REMEDIES FOR HOST COMMUNITIES

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ABSTRACT

This paper examined environmental rights and public interest litigation in Nigeria with a focus on ensuring accountability and effective remedies for host communities affected by environmental degradation. The paper was premised on the persistent pollution, weak enforcement of environmental laws, and limited access to justice in oil-producing regions. Employing a doctrinal research method, it analysed constitutional provisions, statutes, and judicial decisions. The paper found that although environmental rights had been judicially recognized, significant challenges persisted, including restrictive locus standi, procedural delays, weak institutional enforcement, and inadequate compensation mechanisms. It further revealed that public interest litigation had increasingly served as a vital tool for advancing environmental justice and corporate accountability. The paper concluded that while progress had been made, enforcement gaps undermined effective protection. It recommended amongst others, the constitutional entrenchment of environmental rights, liberalization of standing rules, strengthening of regulatory institutions, and improved access to remedies for affected communities.

KEYWORDS: Environmental Rights, Public Interest Litigation, Accountability, Remedies and Host Communities

1. INTRODUCTION

Environmental rights refer to the entitlement of individuals and communities to live in a clean, healthy, and sustainable environment free from pollution, environmental degradation, and ecological harm.¹ These rights are increasingly recognized as part of fundamental human rights, particularly the rights to life, health, human dignity, and development. In Nigeria, environmental rights are closely linked to the protection of host communities, especially in oil-producing regions where environmental degradation has significantly affected livelihoods, health, and ecosystems.² Public Interest Litigation, on the other hand, refers to legal actions brought before courts not

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¹ S C Dike and Others, 'Mitigating Natural Gas Flaring Policies in Nigeria: Leveraging Some Inchoate Legal Frameworks' [2024] (1) (1) *AELN Journal of Multidisciplinary and Current Studies* 185-201.

² *ibid.*



necessarily by victims alone but by individuals, groups, or organizations to protect public interest, environmental rights, and community welfare.³

Public Interest Litigation developed as a tool to improve access to justice, especially for marginalized communities who may lack the financial resources or legal standing to approach the courts. In environmental matters, public interest litigation allows civil society organizations, human rights activists, and community representatives to institute actions to prevent environmental harm, enforce environmental laws, and seek remedies for environmental damage. In Nigeria, PIL has become increasingly important in addressing environmental injustices in host communities affected by oil exploration, gas flaring, oil spills, and industrial pollution.⁴ The legal foundation for environmental rights in Nigeria can be traced to the Constitution of the Federal Republic of Nigeria 1999, particularly Section 20 of the Nigerian Constitution, which provides that the State shall protect and improve the environment and safeguard water, air, land, forest, and wildlife.⁵ Although this provision is contained in Chapter II of the Constitution and is traditionally non-justiciable, Nigerian courts have increasingly interpreted environmental degradation as a violation of fundamental rights such as the right to life and human dignity under Chapter IV of the Constitution.⁶

Several statutory frameworks also regulate environmental protection and provide legal bases for environmental litigation in Nigeria. These include the Environmental Impact Assessment Act 1992, which mandates environmental impact assessments for major projects; the National Environmental Standards and Regulations Enforcement Agency Act 2007, which established environmental regulatory enforcement; and the Oil Pipelines Act 1956, which provides compensation for damage caused by oil pipeline operations. Additionally, the Petroleum Industry Act 2021 introduced host community development provisions and environmental obligations for oil companies. Key institutions include the National Human Rights Commission, which addresses human rights violations arising from environmental harm; the National Environmental Standards and Regulations Enforcement Agency, responsible for environmental standards enforcement; and the National Oil Spill Detection and Response Agency, which monitors and responds to oil spill incidents. These institutions are expected to ensure environmental compliance, investigate environmental violations, and promote environmental justice.⁷

Despite these legal and institutional frameworks, environmental degradation remains a serious problem in Nigeria, particularly in the Niger Delta region. Oil spills, gas flaring, deforestation, water pollution, and industrial waste disposal have caused severe environmental damage and

³ S C Dike and Others (n 1).

⁴ U G Oyibodoro, 'Constitutionalizing the Right to a Healthy Environment: A Pathway to Enforcing the SDGs in Nigeria' [2024] (6) *Fountain University Law Journal* 45-62.

⁵ *Constitution of the Federal Republic of Nigeria, 1999 (as amended)* s 20.

⁶ *ibid.*

⁷ U G Oyibodoro, 'Constitutionalizing the Right to a Healthy Environment: A Pathway to Enforcing the SDGs in Nigeria' [2024] (6) *Fountain University Law Journal* 45-62.



human rights violations in host communities. These environmental problems have led to loss of livelihoods, health challenges, displacement, poverty, and conflicts between communities, oil companies, and government authorities. Public interest litigation has therefore emerged as a critical tool for enforcing environmental rights and ensuring accountability for environmental harm. Nigerian courts have handled several environmental public interest cases, particularly in relation to gas flaring, oil spills, and environmental pollution.⁸ Public interest litigation helps to compel government agencies to enforce environmental laws, compel companies to comply with environmental standards, and secure compensation and remediation for affected communities.

However, the use of public interest litigation in environmental matters in Nigeria faces several challenges. One major challenge is the issue of locus standi, which traditionally required plaintiffs to show personal injury before instituting an action. Although the Fundamental Rights Enforcement Procedure Rules have liberalized standing in human rights cases, courts sometimes still adopt restrictive interpretations in environmental cases. Another challenge is the high cost of litigation, which makes it difficult for host communities to pursue environmental claims in court. Another significant challenge is delay in the judicial process and difficulty in enforcing court judgments. Environmental cases often take many years to conclude, and even when judgments are delivered in favour of communities, enforcement may be slow or resisted by corporations or government agencies. There are also challenges relating to lack of technical evidence, weak environmental monitoring systems, and corruption or regulatory capture in environmental governance institutions.

Furthermore, compensation and remedies for environmental harm are often inadequate. In many cases, compensation does not reflect the true environmental damage suffered by host communities. Environmental restoration and cleanup are also often poorly implemented, leaving communities to continue living in polluted environments even after litigation. This situation undermines environmental justice and sustainable development in Nigeria.

2. LEGAL AND CONSTITUTIONAL RECOGNITION OF ENVIRONMENTAL RIGHTS IN NIGERIA

The legal and constitutional recognition of environmental rights in Nigeria developed through constitutional provisions, statutes, regional human rights instruments, and judicial interpretation. Environmental rights refer to the right of individuals and communities to live in a clean, safe, and healthy environment free from pollution and environmental degradation. In Nigeria, environmental rights are not expressly listed as fundamental rights in the Constitution, but they are derived from the right to life, human dignity, property rights, and environmental obligations imposed on the

⁸ F Elehinfafe, 'Natural Gas in Nigeria Its Effects and Potential Alternatives: A Review [2022] (23) (8) *Journal of Ecological Engineering* 141-151.



State.⁹ This indirect recognition has led courts to interpret environmental degradation as a violation of human rights, especially in cases involving oil pollution, gas flaring, and environmental destruction in host communities. The primary constitutional basis for environmental protection in Nigeria is the Constitution of the Federal Republic of Nigeria 1999, particularly Section 20 of the Nigerian Constitution, which provides that the State shall protect and improve the environment and safeguard the water, air, land, forest, and wildlife of Nigeria. However, this provision is contained in Chapter II of the Constitution dealing with Fundamental Objectives and Directive Principles of State Policy, which are generally non-justiciable under Section 6(6)(c) of the Constitution. This means individuals cannot directly enforce environmental rights under Section 20 alone. Nevertheless, Nigerian courts have relied on other enforceable rights such as the right to life and human dignity to indirectly enforce environmental rights.¹⁰

Another major legal framework for environmental rights recognition is the African Charter on Human and Peoples' Rights, which has been domesticated in Nigeria through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1983. Article 24 of the African Charter provides that all peoples shall have the right to a general satisfactory environment favourable to their development. Because the African Charter has been domesticated into Nigerian law, Nigerian courts have relied on it to enforce environmental rights, especially in public interest environmental litigation involving host communities affected by environmental pollution. One important case is *Gbemre v Shell Petroleum Development Company Nigeria Ltd*,¹¹ in this case, the applicant, representing the Iwherekan community in Delta State, sued Shell and the Nigerian National Petroleum Corporation over continuous gas flaring which caused environmental pollution, health problems, and environmental degradation affecting the community. The applicant argued that gas flaring violated the constitutional rights to life and human dignity as well as the African Charter right to a healthy environment. The Federal High Court held that gas flaring violated the fundamental rights to life and human dignity under the Constitution and also violated the African Charter. The court declared gas flaring unconstitutional and ordered Shell to stop gas flaring. This case established that environmental degradation can amount to human rights violations and laid the foundation for environmental public interest litigation in Nigeria.

Also, the case of *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation*,¹² the Centre for Oil Pollution Watch, an environmental NGO, filed an action against the Nigerian National Petroleum Corporation over oil spills that polluted streams and water sources in communities, affecting livelihoods and public health. The case was initially dismissed because the NGO was said not to have locus standi since it was not directly affected. The Supreme Court

⁹ L I Nwokike, 'Nigeria Law and Policy Issues in Gas Flaring: A Standard for Gas Utilization or Sacrificial Interest? [2020] (3) (4) *Sapientia Global Journal of Arts, Humanities and Development Studies* 125-140.

¹⁰ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

¹¹ (2005) AHRLR 151 (NgHC 2005).

¹² (2019) 5 NWLR (Pt 1666) 518 (SC).



overturned the earlier decisions and held that NGOs and public interest groups have locus standi to institute environmental actions on behalf of affected communities even if they are not directly affected. This case is extremely important for public interest litigation because it liberalized locus standi and allowed NGOs to file environmental cases to protect host communities. It strengthened environmental rights enforcement through public interest litigation in Nigeria. Similarly, thousands of residents of the Bille and Ogale communities sued Shell for oil pollution that contaminated water sources, destroyed farmland, and affected public health over many years due to oil pipeline leaks. The communities sought compensation and environmental remediation. Courts allowed the communities to pursue claims against Shell and recognized that environmental pollution claims involving Nigerian communities could proceed, raising issues of corporate responsibility and environmental accountability under Nigerian law.

Significance to the topic: This case highlights the struggle of host communities to obtain environmental remedies and shows how litigation has become a major tool for environmental accountability when domestic enforcement mechanisms are weak.

These cases collectively show that environmental rights in Nigeria are recognized primarily through judicial interpretation rather than explicit constitutional provisions. Courts have linked environmental degradation to fundamental rights such as the right to life, dignity, and health, thereby making environmental rights indirectly enforceable. Public interest litigation has therefore become the major legal mechanism through which environmental rights are enforced, especially in oil-producing host communities affected by environmental pollution. Despite these judicial developments, several challenges still affect the legal recognition and enforcement of environmental rights in Nigeria. These include the non-justiciability of Section 20 of the Constitution, difficulties in proving environmental damage, high cost of litigation, delay in court processes, weak enforcement of environmental laws, and resistance by oil companies and government agencies. These challenges often make it difficult for host communities to obtain timely remedies for environmental harm. Another major challenge is enforcement of court judgments. Even when courts declare certain environmental practices illegal or award compensation, enforcement is often slow or incomplete. Environmental cleanup and remediation are often not carried out effectively, leaving communities to continue suffering environmental harm despite successful litigation. This weakens the effectiveness of environmental rights enforcement in Nigeria.

3. LOCUS STANDI AND ACCESS TO COURTS IN PUBLIC INTEREST LITIGATION IN NIGERIA

Locus standi, or the right to bring an action before a court, has historically been a major limitation to public interest litigation in Nigeria. Traditionally, Nigerian courts required a plaintiff to demonstrate personal injury or direct interest in the subject matter of the dispute before granting



standing.¹³ This posed a challenge for environmental rights and host communities affected by corporate or governmental actions, where harm is collective rather than individual. Restrictive locus standi rules often excluded civil society organizations, environmental NGOs, and community groups from filing cases on behalf of affected populations. As a result, many environmental harms went unchallenged due to the inability of directly affected individuals to navigate complex legal procedures.¹⁴

Recognizing this limitation, Nigerian courts have gradually liberalized standing, especially in matters involving fundamental rights and environmental protection. The Fundamental Rights (Enforcement Procedure) Rules 2009 and subsequent judicial interpretations have allowed public-spirited individuals, NGOs, and associations to file suits on behalf of communities. This change has expanded access to courts and strengthened public interest litigation as a tool for enforcing environmental rights and ensuring accountability. In environmental matters, this development has been crucial for host communities who are often marginalized or lack the resources to pursue individual claims.¹⁵ *Friends of the Earth Nigeria v. Chevron Nigeria Limited*,¹⁶ the NGO, representing multiple affected communities, filed a suit against Chevron for oil spills and pipeline leaks that polluted water sources and destroyed livelihoods. Chevron contested the suit, arguing that the plaintiffs lacked locus standi. The Federal High Court held that NGOs representing affected communities have the right to institute public interest environmental litigation. The court stressed that allowing NGOs to sue promotes accountability and ensures that corporate activities comply with environmental standards. This case highlights the role of NGOs in enhancing access to courts and facilitating remedies for environmental harm in host communities. It strengthens the link between public interest litigation and environmental accountability in Nigeria.

While these cases demonstrate progress, several challenges still affect locus standi and access to courts in environmental litigation. High litigation costs remain a significant barrier for host communities seeking redress. Even when NGOs intervene, they often rely on external funding, limiting their capacity to sustain long-term litigation. Additionally, procedural delays in Nigerian courts sometimes undermine timely access to justice, allowing environmental harm to persist while cases drag on. Another challenge is the reluctance of courts at lower levels to fully embrace the liberalized approach to locus standi. While the Supreme Court has affirmed the right of NGOs and public-spirited individuals to sue on behalf of communities, some lower courts still require applicants to demonstrate direct personal injury, creating inconsistencies in the application of the

¹³ A M S K Can and Others, 'The Impact of Environmental Cost on Corporate Performance: A Study of Oil Companies in Niger Delta States of Nigeria' [2013] (2) (2) *Journal of Business and Management* 1-10.

¹⁴ U Udok and E Akpan, 'Gas Flaring in Nigeria: Problems and Prospects' [2017] (4)(1) *Global Journal of Politics and Law Research* 16.

¹⁵ *ibid.*

¹⁶ (2021) FHC/CS/127/2021).



law. This uneven judicial approach can hinder public interest litigation and limit effective environmental rights enforcement.

Moreover, proving environmental harm in court often requires technical evidence, including environmental impact assessments, scientific studies, and expert testimonies. Many host communities lack access to such resources, making it difficult to establish standing and substantiate claims. This evidentiary challenge is compounded by weak monitoring and regulatory enforcement mechanisms, limiting the effectiveness of public interest litigation as a tool for environmental accountability. Despite these challenges, the evolution of locus standi and access to courts in Nigeria has significantly strengthened environmental rights enforcement. Courts now recognize that environmental harm affects collective interests, and the ability of NGOs and public-spirited individuals to sue ensures that host communities have a voice in legal processes. Public interest litigation has become a key mechanism for securing remedies, compelling corporate compliance, and holding government agencies accountable for environmental protection.

4 ENFORCEMENT CHALLENGES AND ACCOUNTABILITY OF OIL COMPANIES AND GOVERNMENT IN NIGERIA

Environmental degradation in Nigeria, particularly in the Niger Delta, has been significantly attributed to oil exploration and exploitation activities. Gas flaring, oil spills, deforestation, and water contamination have harmed host communities, destroyed livelihoods, and caused health issues.¹⁷ While Nigeria has developed environmental laws and regulations, enforcement remains weak, and corporate accountability is often limited. Both oil companies and government agencies have struggled to comply with and enforce environmental standards, creating systemic gaps that hinder environmental justice for affected communities.¹⁸

A key domestic legal framework governing environmental protection is the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007, which established NESREA to enforce environmental standards and regulations across Nigeria. The Act empowers NESREA to monitor environmental compliance, impose sanctions for violations, and oversee remediation activities. Despite this, enforcement has often been hindered by political influence, regulatory capture, underfunding, and limited technical capacity, reducing the effectiveness of the agency in holding oil companies accountable.¹⁹ The Environmental Impact Assessment (EIA) Act 1992 is another significant domestic legal instrument. It mandates environmental impact assessments for major industrial projects, including oil and gas operations. EIAs are designed to prevent or mitigate environmental damage before project approval. However,

¹⁷ J Abah, 'Climate Justice in Nigeria: The Role of the Climate Change Act, 2021 in Addressing Inequities in Climate Action' [2025] (7) (1) *International Review of Law and Jurisprudence* 120-138.

¹⁸ *ibid.*

¹⁹ O Osude, 'Climate Change Litigation in Nigeria: The Case of Oloibiri and the Role of U.S Jurisdiction in Advancing Environmental Justice' [2024] (1) (1) *International Journal of Law and Societal Studies* 85-102.



non-compliance by companies, weak oversight by regulatory agencies, and delayed enforcement of EIA conditions have limited the law's impact. In many cases, oil companies undertake projects without fully implementing recommended mitigation measures, leaving host communities exposed to environmental harm.²⁰

On the international level, Nigeria is a party to the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1983, which includes environmental protection under Article 24, recognizing the right to a satisfactory environment favourable to development. Similarly, Nigeria is a signatory to the United Nations Framework Convention on Climate Change (UNFCCC) 1992, obliging states to prevent environmental harm and adopt sustainable practices.²¹ While these instruments provide an additional basis for holding companies and governments accountable, domestic enforcement mechanisms have struggled to translate international obligations into tangible outcomes for host communities.

Enforcement challenges also arise from the overlapping responsibilities of multiple regulatory institutions. For instance, the National Oil Spill Detection and Response Agency (NOSDRA) 2006 is responsible for monitoring oil spills and coordinating response efforts, while NESREA and the Ministry of Environment also have overlapping mandates. This multiplicity of agencies often leads to unclear responsibilities, coordination failures, and delays in response, reducing accountability for environmental harm. In practice, affected communities frequently face delayed or inadequate remediation of polluted land and water. Corporate non-compliance remains a major enforcement challenge. Oil companies often delay the payment of compensation, fail to clean up oil spills promptly, or engage in activities that exceed permitted environmental thresholds. Political influence and government-industry relationships have historically protected some companies from strict enforcement, undermining regulatory effectiveness. These enforcement gaps leave host communities vulnerable to prolonged exposure to pollution and associated health and economic impacts.

A recent illustrative case is *Gbaramatu Kingdom Development Foundation v. Nigerian National Petroleum Corporation & Ors*,²² the Gbaramatu Kingdom Development Foundation, representing multiple host communities in Delta State, filed a suit against NNPC and Shell Petroleum Development Company for recurring oil spills, destruction of farmland, and contamination of water resources. The applicants alleged that government agencies failed to enforce environmental laws, and Shell failed to remediate the affected areas despite repeated complaints. The Federal High Court ruled that both the oil company and the government were jointly responsible for ensuring

²⁰ O Osude (n 19) 90.

²¹ UNFCCC, 1992, art 24-28.

²² (2021) FHC/L/CS/45/2021).



compliance with environmental laws. The court ordered Shell to carry out full environmental remediation and directed NNPC and relevant government agencies to monitor compliance and ensure timely enforcement.

This case demonstrates the potential of public interest litigation to hold both corporations and the government accountable, highlighting the enforcement gaps in environmental law and the critical role of courts in ensuring remedies for host communities. Despite such legal successes, challenges remain. Weak institutional capacity, limited technical expertise, and inadequate funding undermine the ability of regulatory agencies to enforce laws effectively. For example, monitoring compliance with gas flaring limits and oil spill regulations requires specialized equipment, regular inspections, and laboratory analysis, which are often lacking. Consequently, companies may continue harmful practices with minimal risk of sanction. Another significant enforcement challenge is the delay or non-implementation of court judgments. Even when courts order remediation or compensation, oil companies may resist compliance, and government agencies may lack the mechanisms to compel enforcement. Such delays prolong environmental harm and erode public confidence in the effectiveness of environmental laws.

5.REMEDIES AND COMPENSATION FOR HOSTS COMMUNITIES IN NIGERIA

Remedies and compensation for host communities in Nigeria are critical aspects of environmental rights enforcement and public interest litigation. Host communities, particularly in oil-producing regions like the Niger Delta, have suffered environmental degradation through oil spills, gas flaring, deforestation, and water contamination. Legal remedies aim to restore the environment, provide financial compensation for damages, and hold corporations and government agencies accountable for violations. These remedies are essential not only for redressing harm but also for promoting environmental justice, sustainable development, and corporate responsibility.²³

Under domestic law, the Oil Pipelines Act 1956 provides compensation to landowners for damages caused by oil pipelines, including destruction of crops, property, or land. Similarly, the Petroleum Industry Act (PIA) 2021 introduced specific provisions for host community development, environmental compliance, and corporate obligations. Sections 319–325 of the PIA mandate oil companies to implement remediation measures for environmental damage and ensure host communities are adequately compensated for pollution, land degradation, and loss of livelihoods. These laws establish the legal basis for civil claims and judicial enforcement of compensation.²⁴

The Environmental Impact Assessment (EIA) Act 1992 is another domestic instrument relevant to remedies. While primarily preventive, the Act also supports remedial actions by requiring companies to implement environmental management plans. Failure to adhere to these plans can

²³ O Osude (n 19)113-117.

²⁴ *ibid.*



serve as a basis for civil suits and claims for compensation. In practice, however, enforcement of these provisions has often been inconsistent, leaving communities reliant on public interest litigation to secure remedies.

Internationally, Nigeria is a party to the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1983, which recognizes the right to a satisfactory environment under Article 24. This provides a legal foundation for claiming remediation and compensation for environmental harm.²⁵ Similarly, Nigeria's obligations under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007 affirm the rights of communities to participate in decisions affecting their environment and to receive remedies for environmental damages caused by third parties. These international frameworks strengthen domestic claims and support the use of public interest litigation.

A significant challenge in delivering remedies is the inadequate enforcement of environmental judgments. Even when courts order compensation or remediation, oil companies sometimes delay or partially comply with orders. This has necessitated the use of public interest litigation and community advocacy to monitor compliance and compel action from both corporations and regulatory agencies. Weak monitoring mechanisms often exacerbate delays, leaving host communities exposed to prolonged environmental hazards.

One recent and illustrative case is *Bodo Community v. Shell Petroleum Development Company & Anor*,²⁶ Bodo community in the Niger Delta sued Shell in the United Kingdom for oil spills in 2008 and 2009 that destroyed farmland, polluted water sources, and caused significant health issues. The plaintiffs sought compensation and environmental remediation. Shell initially challenged jurisdiction but eventually agreed to settle. Shell agreed to pay £55 million in compensation to the Bodo community and committed to environmental remediation measures, including cleaning polluted land and restoring water sources.

Remedies for environmental harm extend beyond financial compensation. Courts often grant injunctive relief, ordering companies to cease harmful activities such as gas flaring or illegal discharges, and to implement environmental restoration programs. Such remedies aim to prevent further damage, protect community health, and restore ecological balance. Public interest litigation is often necessary to compel enforcement of these remedies when regulatory agencies fail to act. Despite legal provisions and judicial precedents, challenges remain in delivering effective compensation and environmental remediation. Inadequate valuation of environmental damage, lengthy court processes, corruption, and lack of technical expertise in monitoring and verification

²⁵ O Osude (n 19).

²⁶ (2018) EWHC 1973 (TCC).



often undermine the efficacy of remedies. Host communities continue to advocate for stronger enforcement, better monitoring, and timely compensation to ensure environmental justice and sustainable livelihoods.

6. ROLE OF PUBLIC INTEREST LITIGATION IN ENVIRONMENTAL JUSTICE AND COMMUNITY PROTECTION IN NIGERIA

Public Interest Litigation (PIL) has emerged as a vital tool in Nigeria for advancing environmental justice and protecting host communities affected by pollution, gas flaring, and industrial development. PIL allows individuals, NGOs, and civil society organizations to sue on behalf of communities, particularly when the affected populations cannot access courts due to lack of resources, restrictive standing rules, or political marginalization. Through PIL, communities have been able to compel oil companies and government agencies to comply with environmental laws, pay compensation, and undertake remediation.²⁷

One of the key roles of PIL is holding corporations accountable for environmental degradation. In the *Gbemre v. Shell Petroleum Development Company*²⁸ case, the Iwherekan community successfully used PIL to challenge continuous gas flaring, which had caused environmental and health damage. The Federal High Court declared gas flaring a violation of fundamental human rights and ordered Shell to cease the activity. This landmark case demonstrates how PIL empowers communities to assert rights that would otherwise be ignored or under-enforced by regulatory agencies. PIL also ensures government accountability by compelling state agencies to enforce environmental standards. For example, in *Gbaramatu Kingdom Development Foundation v. NNPC & Ors*,²⁹ the Federal High Court directed NNPC and other regulatory agencies to actively monitor environmental compliance and ensure prompt remediation. Such rulings reinforce the responsibility of government bodies to act as watchdogs, ensuring corporate activities do not violate environmental rights.

Beyond securing direct compensation, PIL helps to establish precedents that protect environmental rights nationwide. Decisions in Nigeria have expanded the interpretation of constitutional rights to include environmental protection as part of the right to life and human dignity. By setting these legal precedents, PIL creates a body of jurisprudence that strengthens the enforceability of environmental rights and provides communities with legal leverage in future disputes. PIL also plays a preventive role by deterring corporate negligence. Knowing that NGOs and community groups can litigate environmental violations motivates companies to comply with statutory requirements, conduct proper environmental assessments, and implement mitigation measures. This proactive effect is particularly important in the oil and gas sector, where environmental harm

²⁷ A M S K Can and Others, 'The Impact of Environmental Cost on Corporate Performance: A Study of Oil Companies in Niger Delta States of Nigeria' [2013] (2) (2) *Journal of Business and Management* 1-10.

²⁸ (2005) AHRLR 151 (NgHC 2005)

²⁹ (2021) FHC/L/CS/45/2021.



can have long-term consequences for both communities and ecosystems. PIL facilitates access to justice for marginalized communities who often lack the means to initiate legal action. Nigerian courts have increasingly liberalized locus standi rules, allowing NGOs and civil society groups to file suits on behalf of communities even if they are not directly affected. This ensures that collective environmental harms, such as oil spills affecting multiple villages, can be addressed effectively without requiring each individual to litigate separately.

Another role of PIL is promoting public awareness of environmental issues. High-profile litigation often attracts media attention and public discourse, creating pressure on both corporations and government agencies to act responsibly. Kenyan civil society organizations successfully challenged government inaction on climate change policies that threatened the rights of future generations. Several successful cases shows that PIL can hold governments accountable for environmental governance, ensure policy compliance, and provide remedies that benefit vulnerable populations. Globally, India provides key lessons in the use of PIL for environmental justice. In *MC Mehta v. Union of India*,³⁰PIL was instrumental in compelling authorities to clean the Ganga River and implement stricter pollution control measures. In Nigeria, these lessons are mirrored in PIL cases that have combined compensation with enforcement orders. Courts have directed both corporations and regulatory agencies to implement clean-up operations, pay affected communities, and monitor environmental compliance. PIL thus serves not only as a legal remedy but also as a mechanism for broader systemic change in environmental governance.

7. CONCLUSION

Public Interest Litigation has become an indispensable tool for environmental justice in Nigeria, especially for host communities affected by oil pollution, gas flaring, and industrial development. By allowing NGOs and civil society organizations to litigate on behalf of communities, PIL ensures access to justice, enforces constitutional rights, and compels corporate and government accountability.

While PIL has strengthened environmental protection, challenges remain, including delays in court proceedings, enforcement difficulties, and the high cost of litigation. Weak institutional capacity, regulatory overlaps, and occasional corporate non-compliance undermine the full effectiveness of PIL. Despite these obstacles, Nigeria's evolving legal framework and judicial precedents indicate that PIL is a powerful instrument for advancing environmental rights and protecting host communities.

³⁰ (1986) AIR 1987 SC 1086.



8. RECOMMENDATIONS

1. Strengthening Legal Frameworks for Environmental Rights

Nigeria should consider constitutional entrenchment of environmental rights to make them directly justiciable, as seen in India where PIL was instrumental in enforcing environmental protections. This would reduce reliance on indirect interpretations of the right to life and human dignity.

2. Enhancing Institutional Capacity and Monitoring

Regulatory agencies such as NESREA and NOSDRA should be adequately funded, equipped, and empowered to enforce environmental standards. Instances from Kenya's climate litigation demonstrate that government accountability is strengthened when institutions have the capacity to implement court orders.

3. Promoting Access to Justice and Support for PIL

NGOs and civil society groups should receive legal and technical support to pursue PIL cases. This could include funding, expert evidence, and advocacy platforms. For instance, in the Bodo case, international support helped communities secure £55 million in compensation from Shell, highlighting the importance of resourcing PIL for effectiveness.

4. Liberalization of Locus Standi and Strengthening Access to Environmental Justice

The Nigerian judiciary and legislature should further liberalize the rules governing locus standi in environmental matters to enable individuals, community representatives, civil society organizations, and public interest groups to institute environmental actions without the stringent requirement of proving personal injury. This will enhance access to justice for host communities affected by environmental degradation. In addition, government should establish environmental legal aid schemes and specialized environmental courts or tribunals to reduce litigation costs, expedite proceedings, and ensure effective resolution of environmental disputes.

5. Strengthening Environmental Regulatory Institutions and Enforcement Mechanisms

Government should strengthen the capacity, independence, and funding of environmental regulatory agencies such as the National Environmental Standards and Regulations Enforcement Agency (NESREA) and the National Oil Spill Detection and Response Agency (NOSDRA). These agencies should be equipped with modern monitoring technologies and granted greater enforcement powers to ensure compliance with environmental standards. Furthermore, strict sanctions should be imposed on corporations and individuals responsible for environmental violations, while mechanisms for the prompt enforcement of court judgments and environmental remediation orders should be enhanced to guarantee accountability and sustainable environmental protection.