



## LEGAL ACCOUNTABILITY FOR OIL SPILLS IN NIGERIA: A COMPARATIVE STUDY OF THE NIGERIAN FRAMEWORK AND INTERNATIONAL BEST PRACTICES

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### Abstract

Nigeria's decades of oil spillage incidents in the oil producing Niger Delta region have been a source of massive environmental, socio-economic, and public health concern. Though the number one oil producer in Africa, Nigeria's regulatory and judicial mechanisms have been greatly ineffectual in prosecuting polluters and thus inducing corporate impunity on a massive scale and continuous despoliation of the region's ecosystems. The paper interrogated the Nigerian legal frameworks for accountability of oil spills and compared them with global best practices, including the United States of America's Oil Pollution Act, 1990 and the European Union's Environmental Liability Directive, 2004/35/EC. Using doctrinal and comparative legal analysis, the paper examined the loopholes of Nigeria's system, including its negligence-based system, under-resourced regulatory agencies such as the National Oil Spill Detection and Response Agency, and dilatory and discriminatory enforcement mechanisms by the courts. The paper found that Nigeria's decentralized legal system is reactive, and incapable of rendering timely compensation or environmental remediation. Thus, victims of oil spills face procedural and economic barriers, while oil companies exploit regulatory loopholes as well as jurisdictional ambiguities to escape liability. In contrast, the OPA and ELD adopt more stringent liability principles, establish fiscal assurance structures such as the Oil Spill Liability Trust Fund, and institutionalize public involvement to allow for effective response, restoration, and compensation. The paper recommended reforms of Nigeria's environmental law, including the implementation of strict liability, the establishment of an Environmental Remediation Fund, enhanced institutional autonomy, judicial training in environmental law, and promoting public interest litigation, and raising the country's oil industry governance to international best practice for sustainable development.

**Keywords:** Oil spills, Legal Accountability, Oil Pollution Act, Environmental Liability Directive, Environmental remediation

### 1.0 Introduction

Nigeria, referred to as the "Giant of Africa," is the continent's largest oil producer and one of the world's largest crude oil exporters. Petroleum is the country's largest economic sector, producing about 90% of Nigerian export earnings and over 70% of government revenue.<sup>2</sup> With this economic gain comes a staggering human and environmental cost. The Niger Delta region, where most of the country's oil infrastructure is clustered, has been a global case study for environmental degradation and socio-economic exclusion. Oil spills are endemic, and an estimated 7,000 spills between 1970 and 2000 alone

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<sup>2</sup> Ekhaton, E. O. (2016). *Public Regulation of the Oil and Gas Industry in Nigeria: An Evaluation*. Annual Survey of International & Comparative Law, 21(1), Article 3.



(and still ongoing) are largely attributed to pipeline corrosion, equipment failure, operational neglect, and sabotage.<sup>3</sup>

The environmental devastation of Niger Delta caused by oil pollution is immense. Cultivable lands have turned sterile, water sources contaminated, and biodiversity severely threatened. These environmental issues, in turn, have created a poverty cycle, displacement, and public health emergencies in local communities. These are recurring tragedies that have persisted despite the failure of the legal system to punish the polluters or compensate the people and communities adequately for the harm caused. Most multinational oil companies operating in Nigeria, among them Shell and Chevron, benefit from limited liability, which they exploit through loopholes in regulation and poor enforcement.<sup>4</sup> Those affected by oil spills are often compelled to endure environmental damage without any or inadequate timely judicial recourse.

The weakness of Nigeria's legal and institutional arrangement for the protection of the environment raises questions about the nature and extent of legal accountability for oil spills. Although there are several acts of legislation such as the Petroleum Industry Act, the Environmental Impact Assessment Act, and the NOSDRA Act that regulate oil exploration and environmental protection, enforcement remains ineffective. The National Oil Spill Detection and Response Agency, the Nigerian Upstream Petroleum Regulatory Commission and the Nigerian Midstream and Downstream Petroleum Regulatory Authority do not typically enjoy the financial, technical, and political autonomy required to perform their operations effectively.<sup>5</sup> Also, duplication of mandates, administrative bottlenecks, as well as the politico-economic influence of oil companies continue to hinder the achievement of environmental justice in Nigeria.

It is therefore imperative to examine how other places that have more advanced environmental accountability frameworks address similar issues. Countries such as the United States, via the Oil Pollution Act, 1990, and European Union member states, via the Environmental Liability Directive (2004/35/EC), have adopted the principles of strict liability, prompt remediation, and effective compensation regimes to hold polluters accountable<sup>6</sup>. The paper, thus, undertakes a comparative study of the environmental legal framework in Nigeria with the best practices worldwide. It critically

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<sup>3</sup> United Nations Environment Programme (UNEP). (2011). *Environmental Assessment of Ogoniland*. Nairobi: UNEP; S.E.C Nwosu, "Legal Regime for the Decommissioning of Petroleum Assets in Nigeria: Need for Reforms" Unpublished PhD Thesis, RSU, 2022, p.74.

<sup>4</sup> Frynas, J. G. (2000). *Oil in Nigeria: Conflict and Litigation between Oil Companies and Village Communities*. LIT Verlag Münster. p.45

<sup>5</sup> S.E.C Nwosu, "Decommissioning of Petroleum Assets: Setting Agenda for an Emerging Subsector in the Nigerian Petroleum Industry" the Journal of Jurisprudence, International Law and Contemporary Issues, Vol. 13 No. 1, March 2020, Pp 31 – 52; "Niger Delta Conflict and Dilemma of Environmental Policy Enforcement in Nigeria: A Critique of NOSDRA" (ResearchGate publication).

<sup>6</sup> Oil Pollution Act of 1990, United States This U.S. federal law amended existing legislation to establish a regime of strict liability, financial responsibility, and mandatory cleanup and compensation requirements for oil spills. Responsible parties including vessel owners and facility operators are held jointly and severally liable for removal costs and damages, and an Oil Spill Liability Trust Fund supports compensation efforts. The Act significantly strengthened regulatory accountability in oil spill response.



examines institutional failures and legal shortcomings in Nigeria's framework and puts stress on reforms required to enhance environmental governance and protect the rights of impacted communities.<sup>7</sup>

## **2.0 Overview of Oil Spills and Environmental Degradation in Nigeria**

The Niger Delta, commonly known as the oil belt of Nigeria, has suffered the most severe environmental degradation since oil was discovered in the 1950s. Multinationals such as Shell Petroleum Development Company, Chevron, and Agip and lately Nigerian Upstream companies have conducted widespread operations in the region, enriching the nation with oil. But this prosperity is at a ruinous cost to nature and the people. Between 1976 and 2001, over 3 million barrels of oil were reportedly lost to spills in about 6,817 occurrences.<sup>8</sup> Most of these kinds of spills have not been cleaned up, making farmlands wasteland and water bodies undrinkable for humans or aquatic organisms.

The 2011 United Nations Environment Programme (UNEP) Ogoniland report indicated extensive contamination of soil, surface water, and groundwater by hydrocarbons. UNEP established that in some regions of the area, benzene, a carcinogenic substance, was present in groundwater levels over 900 times higher than the World Health Organization (WHO) benchmark. The report cited that the total environmental rehabilitation of the region would take a maximum of 30 years and would require an initial emergency funding of \$1 billion<sup>9</sup>. These findings emphasize the deep and chronic nature of Nigeria's Niger Delta environmental degradation from decades of oil operations.

The socio-economic and ecological consequences of oil pollution in Nigeria's Niger Delta are extensive. Contaminated farms have led to massive decreases in agricultural output, while contaminated rivers and creeks have destroyed fisheries, a valuable source of income for the people. Aside from economic hardships, the region is experiencing public health crises in terms from respiratory problems to cancer and reproductive wellness due in part to prolonged exposure to poisonous toxins.<sup>10</sup> The destruction of mangroves and wetlands has also contributed to losses in biodiversity, threatening vegetation and animal life critical to the ecological health of the region.

During all of this devastation, oil companies are seldom held accountable in its entirety. Legal and institutional constraints, regulatory capture, corruption, and the high cost and ease of litigation have contributed towards a culture of impunity. Regulatory institutions such as NUPRC, NMDPRA and NOSDRA are typically underfunded, short staffed, and under pressure from politics and

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<sup>7</sup> S.E.C Nwosu, "Law and Nigeria's Petroleum Industry Optimization: Any Hope in the Petroleum Industry Act 2021?" *African Journal of International Energy and Environmental Law* (Vol. 5), 2021, Pp 23-38; Okonkwo, Eloamaka Carol. *Environmental Justice and Oil Pollution Laws: Comparing Enforcement in the United States and Nigeria*. Routledge, 2020. p.65.

<sup>8</sup> S.E.C Nwosu, "Legal Regime for the Decommissioning of Petroleum Assets in Nigeria: Need for Reforms" Unpublished PhD Thesis, RSU, 2022.; Nwilo, P. C., & Badejo, O. T. (2005). *Oil Spill Problems and Management in the Niger Delta. International Oil Spill Conference Proceedings*, 2005(1), 567-570.

<sup>9</sup> S.E.C Nwosu, "Decommissioning of Petroleum Assets: Setting Agenda for an Emerging Subsector in the Nigerian Petroleum Industry" the *Journal of Jurisprudence, International Law and Contemporary Issues*, Vol. 13 No. 1, March 2020, Pp 31 – 52; United Nations Environment Programme (UNEP). *Environmental Assessment of Ogoniland* (2011).

<sup>10</sup> Obi, C., & Rustad, S. A. (Eds.). (2011). *Oil and Insurgency in the Niger Delta: Managing the Complex Politics of Petro-Violence*. Zed Books. p. 32



business.<sup>11</sup> Apart from that, the communities affected by oil spills are faced with insurmountable obstacles in seeking redress since procedures are lengthy and expensive, and oil companies employ their financial strength and political power to avoid liability.<sup>12</sup>

### 3.0 Legal Framework for Oil Spill Accountability in Nigeria

The environmental protection and oil spill responsibility rule of law in Nigeria is characterized by a broad but diffused mass of laws, regulations, and institutions. The center of focus is at the apex where there exists the Constitution of the Federal Republic of Nigeria 1999 as amended (CFRN 1999), whose provisions show the commitment of the state towards environmental protection.<sup>13</sup> Specifically, the CFRN 1999 mandates "the state shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria".<sup>14</sup> The provision is nevertheless enshrined in Chapter II, which forms the "Fundamental Objectives and Directive Principles of State Policy" and is non-justiciable that is that it cannot be enforced directly in a court of law.<sup>15</sup> This limitation renders environmental constitutional rights prospective rather than enforceable, weakening the ground for environmental litigation and allowing the state as well as corporations to avoid constitutional obligation for environmental harm.<sup>16</sup>

The Petroleum Industry Act 2021, the substantive petroleum legislation in Nigeria made provision for environmental protection.<sup>17</sup> In addition to the general provisions for the observance of environmental wellness and sustainability in every activity in the petroleum industry, the PIA made special provisions for environmental management and financial contribution for the remediation of environmental damage.<sup>18</sup> The Act provides that there shall be an environmental management plan which shall take into account the policy thrust of the government regarding environmental protection and management practices,

In order to regulate environmental activities in the petroleum sector, the Department of Petroleum Resources<sup>19</sup> introduced the Environmental Guidelines and Standards for the Petroleum Industry in Nigeria.<sup>20</sup> This technical guide contains standards for environmental monitoring, prevention and

<sup>11</sup> S.E.C Nwosu, "Legal Regime for the Decommissioning of Petroleum Assets in Nigeria: Need for Reforms" Unpublished PhD Thesis, RSU, 2022; Ekhaton, E. O. (2014). Regulating the Activities of Multinational Oil Companies in Nigeria: A Case for the Internationalization of the Regulatory Regime. *Annual Survey of International & Comparative Law*, 20(1), Article 4.

<sup>12</sup> Amaechi, E. (2024). *Environmental Justice and Access to Legal Remedies: a Case Study of Communities Affected by Oil Spills in the Niger Delta Region of Nigeria*. University of Stirling

<sup>13</sup> Okeke, C. (2025). Nigeria's Constitutional Reform Must Address Environmental Rights. *Mondaq* (Olisa Agbakoba Legal).

<sup>14</sup> CFRN 1999, s.20

<sup>15</sup> Okonkwo, T. (2014). *Constitutional Environmental Protection in Nigeria: A Mirage? International Journal of Law and Management*, 56(6), 494–510.

<sup>16</sup> Omozue, Moses. "Constitutional Right to Environment in Nigeria: A Critical Appraisal." *International Review of Law and Jurisprudence (IRLJ)*. p. 142.

<sup>17</sup> Petroleum Industry Act 2021, (PIA), ss 102 & 103

<sup>18</sup> *Ibid*

<sup>19</sup> The functions of the DPR have been taken over by NUPRC and NMDPRA which succeeded the agency following its resolution by the PIA 2021.

<sup>20</sup> Another petroleum industry regulation saved by PIA 2021, s.311



response to oil spill, waste disposal, and site remediation.<sup>21</sup> EGASPIN offers a reference point for permissive environmental actions in Nigeria's petroleum sector and has provisions for baseline surveys and post-impact evaluations. However, in its elaborate discussion, EGASPIN is statutorily not enforceable and was not passed into law by the Nigerian parliament. This has the effect of patchy compliance by oil firms, and enforcement is cut down to discretion by an administrative agency rather than legal obligation.<sup>22</sup> In the lack of legal enforceability, regulatory agencies cannot force corporations into compliance with environmental requirements or punish defaulters sternly.

In response to the rate of oil spillage being very high and the need for a technical institution, the Nigerian government established the National Oil Spill Detection and Response Agency (NOSDRA) via the NOSDRA Act of 2006. The agency is tasked with coordinating preparedness for oil spills, oil spill detection, and oil spill response. *Section 6* of the NOSDRA Act also empowers the agency to issue directives to oil companies on cleanup operations and recommend penalties on obstinate companies.<sup>23</sup> The NOSDRA as the name implies is an Act dedicated to the regulation of oil spills and response activities in the petroleum industry. One of its major responsibilities is to act as the enforcer of environmental regulations and to ensure that there is compliance therewith. It is also its function to monitor and detect oil spills whenever and wherever they occur<sup>24</sup> NOSDRA also regulates how waste emanating from petroleum exploitation is managed so as to reduce its regulative consequences on the environment. However, NOSDRA has been undermined by monumental institutional and legal obstacles. Most importantly, NOSDRA lacks prosecutorial powers and cannot institute legal action against violators on its own accord. The agency relies on the Attorney General of the Federation to prosecute environmental offenses a procedure, in most cases, that is hindered by administrative procrastination, political convenience, or sheer neglect.<sup>25</sup> Moreover, NOSDRA is underfunded, lacks developed technical capacity, and lacks an effective field presence, all of which inhibit its ability to enforce its statutory authority.

Besides NOSDRA Act and EGASPIN, several other laws mandate environmental regulation and oil spill responsibility in Nigeria. The Petroleum Industry Act of 2021, for instance, controls the exploration and production of petroleum resources. Although it vests enormous powers in the Minister of Petroleum Resources, it lacks robust environmental protection and focuses primarily on production and revenues.<sup>26</sup> The Oil Pipelines Act<sup>27</sup>, on the other hand, makes provision for the grant of licenses to oil companies and provides for compensation measures in the event of loss of persons or property through pipeline

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<sup>21</sup> Department of Petroleum Resources, Nigeria. *Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN)*, Third Edition (2018; first issued 1991, revised 2002).

<sup>22</sup> Ebeku, K. S. A. (2005). *Oil and the Niger Delta People: The Injustice of the Land Use Act*. *Journal of African Law*, 49(2), 124–146.

<sup>23</sup> Section 6 of National Oil Spill Detection and Response Agency (Establishment) Act, 2006 (No. 15 of 2006)

<sup>24</sup> NOSDRA 2006, s6(1)(a)

<sup>25</sup> Ogbodo, S. G. (2010). *Environmental Protection in Nigeria: Two Decades after the Koko Incident*. *Annual Survey of International & Comparative Law*, 15(1), Article 7.

<sup>26</sup> Anyogu, U. & Okey-Emem, I. (2022). *An Appraisal of the Legal and Institutional Framework for Environmental Protection in the Oil and Gas Sector in Nigeria*. *International Journal of Comparative Law and Legal Philosophy (IJOCLLEP)*, 4(2). p. 101.

<sup>27</sup> Saved by the PIA 2021, s.311 (9)(c)



operations. But the law is outdated and offers little protection to the affected communities as the process of compensation becomes trapped in legal and procedural technicalities.<sup>28</sup>

Another legislation that is applicable is the Harmful Waste (Special Criminal Provisions) Act of 1988, enacted after the infamous Koko toxic waste dumping scandal. This Act criminalizes illegal importation, storage, and dumping of harmful waste and imposes stringent penalties. Despite the menacing tone, enforcement of the legislation is weak and application restricted to high-profile crimes.<sup>29</sup> Secondly, under the Environmental Impact Assessment (EIA) Act of 1992, environmental impact assessments must be carried out prior to embarking on planned oil and gas projects. Compliance is superficially made, however, with the reports sometimes fabricated or conducted in the absence of meaningful community participation.<sup>30</sup> The majority of the projects proceed without due environmental scrutiny, undermining the preventive function of the law.

Institutional overlap and regulatory uncertainty are among the worst problems undermining the legal framework for oil spill accountability in Nigeria. Institutions such as the NUPRC, NMDPRA, NOSDRA, and the Federal Ministry of Environment tend to operate with duplicative mandates and jurisdictional unclear boundaries.<sup>31</sup> This overlapping of functions causes inefficiencies, inter-agency competition, and poor coordination in enforcement efforts. For instance, although NOSDRA is to coordinate oil spill response, NUPRC, NMDPRA, now exercised significant powers over environmental compliance, causing conflict and turf battles. Furthermore, oil companies exploit these regulation loopholes and contradictions to avoid responsibility or delay remediation. Until environmental regulations in Nigeria are brought under one and the same enforceable legal regime, the country's effort to hold spillers of oil accountable will be an exercise in futility.<sup>32</sup>

#### 4.0 Enforcement Challenges and Judicial Inefficiency

The enforcement of environmental laws and responsibility mechanisms in Nigeria faces serious challenges, largely in connection with oil spill suits. Victims of oil spills, most of whom are indigenous Niger Deltans, get little or no remedies because of systematic failures in the legal and judicial system of Nigeria.<sup>33</sup> The quest for reparation is prolonged, costly, and mostly futile. Even after getting favorable judgments to the affected communities, the enforcement is further delayed or neglected. By referring to

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<sup>28</sup> Obioma, H.O. (2020), Imperatives for the Amendment of the Nigerian Oil Pipelines Act” *Journal of Energy Research and Reviews*, p. 73.

<sup>29</sup> Oji, O. U., & Uwadiae, I. (2015). “Rethinking Environmental Law Enforcement in Nigeria” (ResearchGate). [https://www.researchgate.net/publication/276542439\\_Rethinking\\_Environmental\\_Law\\_Enforcement\\_in\\_Nigeria?](https://www.researchgate.net/publication/276542439_Rethinking_Environmental_Law_Enforcement_in_Nigeria) Accessed 30 July, 2025.

<sup>30</sup> Ekhaton, E. O. (2016). *Public Regulation of the Oil and Gas Industry in Nigeria: An Evaluation. Annual Survey of International & Comparative Law*, 21(1), 13.

<sup>31</sup> Emoyan, O. & Okoro, G. “Oil Spillage in the Niger Delta” (*International Journal of Research Publication and Reviews*, recent issue). p. 173.

<sup>32</sup> Okonkwo, T. (2017). “Oil Injustice in Nigeria’s Niger Delta Region: A Call for Environmental Rights and Institutional Reform” (published via SCIRP) <https://www.scirp.org/journal/paperinformation?paperid=73692&utm>

<sup>33</sup> *Chinda & Ors v Shell BP (1974) PH, HCT*, Unreported where the plaintiff’s alleged negligence on the defendants’ management of their flare site which consequently damaged plaintiffs’ property. Holden CJ held that the plaintiffs did not prove negligence in the defendants’ operations and dismiss the actions. See also *Atubin & Ors v. Shell BP Nig. Ltd*, unreported Suit No: UCH/48/73, Ugheli HC delivered on 12<sup>th</sup> November 1974.



*Shell Petroleum Development Company v Farah*,<sup>34</sup> the Nigerian court ruled in the plaintiff's side, whose oil pollution caused damage. Compensation is also further delayed for several years and bureaucratic restrictions hinder further legal enforcement of the judgment.<sup>35</sup> This is not a personal trend but reflective of a broader systemic issue.

Most glaringly in the way of environmental justice in Nigeria is judicial inefficiency, often aggravated by procedural slowness and clogged courts. Nigerian courts are notorious for backlog of cases, whereby some environmental litigation take over ten years before being resolved.<sup>36</sup> This is particularly counterproductive to the communities experiencing actual imminent environmental harm, who require immediate action. In the majority of cases, litigants abandon cases midstream due to legal costs and protracted uncertainty. Procedural rigidity of the Nigerian judicial system arising from colonial civil procedures has a tendency to make environmental litigation technically complex and irrelevant for non-expert claimants.<sup>37</sup> The inefficiency of the courts' structure hence discourages victims of oil spills from pursuing remedies.

Corruption in the judicial system also contributes to the issues. There are allegations galore that multinationals like Shell and Chevron use their economic clout to undermine judicial proceedings or stall court hearings. These multinationals are accused of having strong legal arms and using loopholes to escape liability.<sup>38</sup> For instance, they raise jurisdictional issues and preliminary objections to delay substantive hearings. They can negotiate out-of-court settlements that do not reflect the full extent of environmental loss or do not uphold settlement obligations.<sup>39</sup> Such an act not only inconveniences claimants but also subverts public confidence in the judiciary to enforce accountability on polluters<sup>40</sup>.

Jurisdictional uncertainty is another barrier that affects prosecution of oil spill cases. Environmental suits in Nigeria are federal or state, depending on the nature of the case and the legislation invoked. The Nigerian Constitution gives no exact definition of the lines of jurisdiction in environmental cases, often leading to forum shopping and conflicting judgments.<sup>41</sup> Additionally, environmental regulation is shared between several agencies such as NOSDRA, the Federal Ministry of Environment, NUPRC and

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<sup>34</sup> *Shell Petroleum Development Company v Farah* (1995) CLR 4(C) (CA)

<sup>35</sup> Frynas, J. G. (2001). *Corporate and State Responses to Anti-Oil Protests in the Niger Delta*. *African Affairs*, 100(398), 27–54.

<sup>36</sup> Ukponu, Michael Uche. (2019). *Environmental Law and Access to Justice in Nigeria: A Case for a Specialised National Environment and Planning Tribunal (NEPT)*. *Nnamdi Azikiwe University Law Review*, Vol. 1 No.1, pp. 20–52.

<sup>37</sup> Atsegbua, L. A., Akpotaire, V. O., & Dimowo, F. A. (2004). *Environmental Law in Nigeria: Theory and Practice*. Ababa Press Ltd. p. 55

<sup>38</sup> Okonta, I. & Douglas, O. (2003). *Where Vultures Feast: Shell, Human Rights, and Oil in the Niger Delta*.

<sup>39</sup> Obi, C., & Rustad, S. A. (Eds.). (2011). *Oil and Insurgency in the Niger Delta: Managing the Complex Politics of Petro-Violence*. Zed Books, p. 55

<sup>40</sup> S.E.C Nwosu, Codifying UNEP recommendations on Ogoniland Cleanup as Standard for Environmental Decommissioning upon Cessation of Petroleum Prospection in Nigeria' Readings in law and contemporary issues, faculty of law, Rivers State University, 2018, pp 155-117.

<sup>41</sup> Ekhatior, E. O. (2014). Regulating the Activities of Multinational Oil Companies in Nigeria: A Case for the Internationalization of the Regulatory Regime. *Annual Survey of International & Comparative Law*, 20(1), Article 4.



NMDPRA with uncoordinated but duplicate mandates. The decentralized system provides an opportunity for oil companies to exploit jurisdictional loopholes and evade accountability.<sup>42</sup>

A second essential challenge is the limited knowledge of judges and legal professionals in environmental law. Few Nigerian judges have received training in environmental law, a relatively nascent field of study in the legal curriculum in Nigeria. As such, sometimes judges misinterpret technical environmental evidence or remain unresponsive to the ecological dimension of the harm being litigated.<sup>43</sup> Besides, expert witnesses such as environmental scientists and toxicologists are not invited due to the cost of their services or the fact that they are not seen as relevant.<sup>44</sup> Such a lack of legal expertise and multidisciplinary work diminishes the strength of court verdicts and reduces the likelihood of environmental justice.

Lastly, even if courts find oil companies liable and award damages, enforcement actions are absent or ineffective. Nigeria lacks a viable regime for asset recovery or enforcement of environmental damages.<sup>45</sup> In most instances, winning court judgments in favor of affected communities never materialize due to issues of enforcement, such as failure in garnishee orders or subsequent penalties. Moreover, certain oil companies possess subsidiaries with poor assets, making judgment enforcement harder even when liability has been established.<sup>46</sup> The ineffectiveness of post-judgment remedies further entrenches Nigeria's extractive sector culture of impunity and deprives affected communities of meaningful redress.

### **5.0 International Best Practices in Oil Spill Accountability**

This section undertakes an appraisal of select two jurisdictions, the United States of America (USA) and the European Union (EU), legislation on oil spill accountability with the hope of bringing home valuable recommendation for Nigeria's oil spill accountability.

#### **United States – Oil Pollution Act, 1990**

The most significant legal milestone in the oil spill regulation is the United States' Oil Pollution Act (OPA) 1990, enacted in response to the catastrophic Exxon Valdez oil spill in Alaska in 1989, where it released over 11 million gallons of crude oil into Prince William Sound. The spill revealed vital deficiencies in then-prevailing machinery for oil spill preparedness and response, and this led to a legislative revolution.<sup>47</sup> The OPA builds an all-embracing federal regime applying strict liability on those liable for removal cost and damage arising from oil pollution. Firms cannot avoid responsibility in the regime by pleading lack of negligence, hence precluding one of the primary defenses commonly used by oil multinationals in weak regulatory environments.<sup>48</sup>

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<sup>42</sup> Centre for Environmental Health and Resource Development (CEHRD). (circa 2020). *Review of Environmental Legislations in Nigeria* (final published copy).

<sup>43</sup> Jattu, S. (2020). *The Attitude of the Nigerian Judiciary to Environmental Law*. SSRN.

<sup>44</sup> Amokaye, O. G. (2004). *Environmental Law and Practice in Nigeria*. University of Lagos Press. p. 55

<sup>45</sup> Amnesty International. *Nigeria: The Price of Oil – Oil, Human Rights and the Environment in the Niger Delta* (2009).

<sup>46</sup> Frynas, J. G. (2001). *Corporate and State Responses to Anti-Oil Protests in the Niger Delta*. *African Affairs*, 100(398), 27–54.

<sup>47</sup> Anderson, C. M. (2012). *Oil spill response: The U.S. experience*. *Marine Pollution Bulletin*, 64(1), 6–10.

<sup>48</sup> Oil Pollution Act of 1990, 33 U.S.C. §§ 2701–2761, especially § 2702 (Liability)





The other significant innovation of the OPA is the creation of the Oil Spill Liability Trust Fund (OSLTF), which carries a maximum of \$1 billion per spill to cover cleanups and losses to parties harmed where the responsible party cannot or will not pay<sup>49</sup>. The OSLTF is funded by an oil product tax, ensuring its sustainability and ability to respond rapidly in times of crisis. Enforcement of the OPA is shared between the U.S Coast Guard and the Environmental Protection Agency (EPA) and is mandated by statute to oversee response actions, assess penalties against violators, and recover cleanup costs from responsible parties<sup>50</sup>. The robust institution building and clear regulatory requirements significantly contribute to the Act's effectiveness.

Moreover, the OPA mandates oil facility operators to submit elaborate spill prevention and response plans as a prerequisite for licensing. Affected citizens and local authorities are also allowed to bring civil actions under the legislation, further increasing public participation in environmental management. The integrated approach of OPA such as liability provisions, coordination of the response, and financing makes it one of the best environmental accountability models across the globe.<sup>51</sup>

### **European Union – Environmental Liability Directive**

The European Union Environmental Liability Directive (ELD), as Directive 2004/35/CE, is another example of an advanced legal structure for environmental responsibility and protection<sup>52</sup>. The directive operationalizes the "polluter pays" principle, which forms the backbone of the EU environmental policy, requiring that the entity responsible for causing environmental damage must pay for prevention and restoration<sup>53</sup>. Unlike the majority of developing countries, whose state actors must deal with the task of cleaning up behind corporate polluters, the ELD makes operators responsible for restoring the environment to its previous state or paying for it to be so<sup>54</sup>. The PIA provisions on environmental restoration pales into insignificance in the face of the ELD.

The ELD is enforced by national competent authorities in each EU member state, and operators must take preventative measures or face state enforced action. A hallmark of the ELD is that it addresses ecological damage, as opposed to just economic damage. It encompasses damage to protected habitats and species, water resources, and soil contamination, thus adopting a broader approach compared to traditional tort-based environmental law.<sup>55</sup> The directive further enables NGOs and persons affected to

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<sup>49</sup> United States Code Title 33 § 2701

<sup>50</sup> Ibid.

<sup>51</sup> White, A. (2010). *The role of law in oil spill prevention and response*. Environmental Law Reporter, 40(12), 11097–11104.

<sup>52</sup> Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage (Environmental Liability Directive, ELD).

<sup>53</sup> European Commission. (2023). *Environmental Liability Directive*.

[https://environment.ec.europa.eu/topics/environmental-law/environmental-liability-directive\\_en](https://environment.ec.europa.eu/topics/environmental-law/environmental-liability-directive_en)

<sup>54</sup> Heyvaert, Veerle. (2014). "The Environmental Liability Directive and the Europeanisation of Environmental Liability." *Journal of Environmental Law*, 26(1), 1–25.

<sup>55</sup> Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage (Environmental Liability Directive). Official Journal of the European Union. Articles 2–4, Annex I. See also: Sands, P., Peel, J., Fabra, A., & MacKenzie, R. (2018). *Principles of International Environmental Law* (4th ed.). Cambridge University Press.



initiate environmental suits in case the authorities fail to act, making public interest litigation institutionalized.

Further, the directive compels operators to be financially secure, in terms of insurance or reserve fund to ensure that they are able to cover the cost of likely environmental liabilities. This is a countermeasure against potential insolvency or stripping of assets by dirty companies, a common tactic in nations such as Nigeria where enforcement is lax. The ELD's tiered liability, enforceable predictability, and forward-looking financial safeguards are best practices Nigeria can adapt to ensure improved environmental management.

### **6.0 Comparative Analysis of Nigeria and International Models of Oil Spill Accountability**

This section makes a comparative analysis of Nigeria and international models of oil spill accountability with a view to proffering better adaptable policies and legislations. This is considered in the areas of liability standards, enforcement agencies, compensation mechanisms, public participation and citizens enforcement and response timelines.

#### **Liability Standards**

Nigeria's liability regime for oil pollution is predominantly fault-based, requiring victims to establish negligence or intent on the part of oil companies. This approach places an immense burden on impoverished communities that lack the legal resources, technical expertise, and financial capacity to prove culpability.<sup>56</sup> The evidentiary threshold is particularly high in environmental litigation, making it extremely difficult for victims to secure justice or compensation<sup>57</sup>. The lack of access to expert witnesses, environmental data, and credible documentation further compounds the challenge. As a result, many affected communities either abandon their claims or endure prolonged litigation that yields little or no compensation, effectively insulating polluters from accountability and allowing harmful practices to persist.<sup>58</sup>

In stark contrast, the liability frameworks in the United States and the European Union are grounded in strict liability principles, which significantly shift the balance of legal protection toward victims and environmental preservation. The U.S. Oil Pollution Act (OPA) of 1990 imposes automatic liability on responsible parties for oil discharges, regardless of fault, thereby streamlining the compensation process and enhancing regulatory enforcement.<sup>59</sup> Similarly, the EU's Environmental Liability Directive (ELD) applies the "polluter pays" principle, requiring operators to prevent and remedy environmental harm without victims having to prove negligence. These strict liability standards not only provide quicker access to compensation but also serve as a deterrent against environmental recklessness. The Nigerian

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<sup>56</sup> Shavell, Steven. (1980). "Strict Liability versus Negligence." *Journal of Legal Studies*, 9(1), 1–25.

<sup>57</sup> S.E.C Nwosu, Codifying UNEP recommendations on Ogoniland Cleanup as Standard for Environmental Decommissioning upon Cessation of Petroleum Prospection in Nigeria' Readings in Law and Contemporary Issues, Faculty of Law, Rivers State University, 2018, pp 155-117.

<sup>58</sup> Ekhaton, E. O. (2016). *Public Regulation of the Oil and Gas Industry in Nigeria: An Evaluation*. Annual Survey of International & Comparative Law, 21(1), Article 3.

<sup>59</sup> Carlson, A. E. (1991). "The Oil Pollution Act of 1990: Strengthening U.S. Oil Spill Liability and Response." *Environmental Law*, 21(4), 939–968.



regime's reliance on negligence-based liability not only undermines the efficacy of legal remedies but also weakens environmental governance and public trust in the justice system.<sup>60</sup>

### **Enforcement Agencies**

Nigeria's primary oil spill enforcement agencies, the National Oil Spill Detection and Response Agency, NUPRC and NMDPRA, are not legally and financially independent. NOSDRA, as provided for under the NOSDRA Act of 2006, has limited prosecutorial powers and relies inappropriately on the voluntary compliance of oil companies.<sup>61</sup> NUPRC and NMDPRA (successors to the DPR) are on the other hand accused of having conflicting interests because they regulate and market petroleum business. On the other hand, enforcement in the U.S. is robust and collective between the Environmental Protection Agency (EPA) and the U.S. Coast Guard, with comprehensive powers to enforce cleanups, impose fines, and initiate lawsuits. In the EU, the ELD calls for enforcement by nationally qualified authorities, who are required to act promptly in the event of environmental harm.<sup>62</sup> Such institutions are endowed with legal certainty and finance, enabling more effective responses.

### **Compensation Mechanisms**

In Nigeria, victims of oil spills face daunting challenges in obtaining compensation, as the process heavily relies on civil litigation<sup>63</sup>. This dependence on court proceedings is fraught with systemic delays, legal complexities, and rampant corruption, which often obstruct justice for impoverished and marginalized communities. Court cases may drag on for years, and even when judgments favour the victims, enforcement is typically weak or non-existent. There is no centralized compensation scheme in place to provide immediate or guaranteed relief, leaving affected individuals at the mercy of a slow and often compromised judicial system. As a result, many communities suffer prolonged environmental damage and associated health and economic hardships without receiving adequate redress or remediation.<sup>64</sup> This is the reason many communities now resort to instituting their environmental claims actions in offshore jurisdictions where they are guaranteed speedy trial and enforcement.

In contrast, more advanced jurisdictions, such as the United States and European Union, have created established, organized, and impactful compensation systems. The U.S. Oil Pollution Act (OPA) 1990 established the Oil Spill Liability Trust Fund, which is pre-funded through a levy on oil and petroleum products, that speedily compensate victims of oil spills, even when the operator is unknown or unable to pay (i.e., bankrupt). Prescribing speedy compensation ensures that clean-up and payments are provided sooner, allowing for victims to avoid lengthy legal battles that only increase dependency. For example, the European Union's Environmental Liability Directive (ELD) requires that operators maintain some form of a financial security instrument (to provide funds, i.e., insurance, etc.) therefore providing funds for environmental restoration and victims to receive compensation, without delays.

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<sup>60</sup> Faure, M., & Wang, H. (2008). *The International Regimes for the Compensation of Oil-Pollution Damage: Are They Effective?*. *Review of European Community & International Environmental Law*, 17(3), 293–305

<sup>61</sup> Okonkwo, T. (2014). *An Assessment of Environmental Problems in the Niger Delta*. *Journal of Environment and Earth Science*, 4(12), 15–26

<sup>62</sup> European Commission. (2007). *Environmental Liability Directive (2004/35/EC): Frequently Asked Questions*. <https://ec.europa.eu/environment/legal/liability/> accessed 30 July, 2025.

<sup>63</sup> *Shell Petroleum Development Company of Nigeria Limited v Farrah*

<sup>64</sup> Amaechi, E. (2024). *Environmental Justice and Access to Legal Remedies: A Case Study of Communities Affected by Oil Spills in the Niger Delta Region of Nigeria*. University of Stirling.



Forward-thinking demonstrates the need for institutionalized financial liability responsibility, and it provides greater emphasis for Nigeria to employ similar mechanisms to protect its citizens and environment from continuing harm and destructive legacies of oil pollution.<sup>65</sup>

### Public Participation and Citizen Enforcement

Public participation and citizen enforcement are very important for environmental responsibility, but in Nigeria, they are not very far advanced. First, the CFRN 1999 makes environmental actions non-justiciable<sup>66</sup> Lawsuits brought against oil companies are rare as affected communities face many barriers to lawsuit initiation, such as costs of litigation, lack of legal representation and complicated legal procedures. The Nigerian legal system has not caught up with respect to environmental jurisprudence and most judges do not have the requisite training or experience to hear such cases. Strict standing rules often inhibit civil society organisations and local communities from bringing environmental lawsuits unless they can show a direct and personal injury, disallowing large segments of the public petition for redress. The case of *Oronto Douglas v. Shell Petroleum Development Company of Nigeria Ltd* highlighted the challenges face by individuals and communities in seeking redress for environmental damage caused by oil pollution. The court emphasized the need for the plaintiffs to demonstrate sufficient connection to the issue in question. Similarly, in *Environmental Rights Action/Friends of the Earth Nigeria & Anor. v. Nigeria National Petroleum Corporation*<sup>67</sup> the court held that the plaintiffs lacked the *locus standi* to challenge the issuance of an oil prospecting licence as they failed to demonstrate any special injury of damage different from the public. The court also ruled in *Shell Petroleum Development Company of Nigeria Ltd v. Chief Gbemre & Ors*<sup>68</sup> that the plaintiffs lacked *locu sandi* to bring an action against SPDC for environmental damage caused by exploitation activities hence could not show any special damage different from the public. However, the Supreme Court has ruled in the case of the Center for Oil Pollution Watch v. Nigerian National Petroleum Corporation (NNPC)<sup>69</sup> that a Non Governmental Organization (NGO) has *locus standi* to sue on issues of public nuisance injurious to human lives. The lack of simple and affordable legal mechanisms, which are adhered to in a collective way, allows corporate pollution to continue, as the regulatory environment lacks oversight and the judiciary fails to follow through.<sup>70</sup>

In contrast, both the United States and the European Union have developed strong citizen enforcement in their environmental laws. The United States Oil Pollution Act (OPA) of 1990 provides not just for federal and state agencies to bring claims, NGOs, and communities have a statutory right to bring claims against polluters and a right to compel federal or state regulators to act. Similarly, the EU Environment Liability Directive (ELD) gives individuals, NGOs, and other actors the right to inform authorities of environmental damage and require them to act.<sup>71</sup> In these instances, laws and policies create institutional means for public interest litigation which provide public transparency and accountability, allowing

<sup>65</sup> Brans, E. H. P. (2010). *Liability for Damage to Public Natural Resources under the 2004 Environmental Liability Directive*. Journal of Environmental Law, 22(3), 69.

<sup>66</sup> CFRN 1999, Chapter 2 on Fundamental Objectives and Directive Principles of States Policy

<sup>67</sup> 6 NWR (Pt 1299) 368

<sup>68</sup> FHC/B/CS/53/05 (2005)

<sup>69</sup> (2019) 5 NWLR (Pt) 585

<sup>70</sup> Aghalino, S. O. (2009). *Corporate Response to Environmental Deterioration in the Oil-Bearing Areas of the Niger Delta, Nigeria, 1984–2002*. Journal of Sustainable Development in Africa, 11(2), 281–294

<sup>71</sup> Centre for Oil Pollution Watch v NNPC (2019) 5 NWLR (Pt) 583



citizens to act as environmental watchdogs. The citizen enforcement or participatory aspect of these frameworks develops a climate of shared responsibility and enhances democratic oversight of powerful oil companies, lessons Nigeria can learn as it seeks to strengthen its enforcement gap and protect the rights of impacted communities.<sup>72</sup>

### Response Timeliness

Nigerian oil spill response is sluggish and plagued with bureaucratic hold-ups. As documented in the UNEP (2011) report on Ogoniland, spills are left unattended for years, compounding environmental and health effects<sup>73</sup>. Insufficient coordination between agencies and companies usually prevents timely response<sup>74</sup>. In contrast, the OPA requires immediate notification and remediation, with clear protocols and enforcement by government agencies. The EU requires operators to prepare prevention and remediation plans, with a preparedness to act responsibly and in an organized fashion. These frameworks prioritize environmental protection and public health<sup>75</sup>.

### 7.0 Lessons for Nigeria

Nigeria will greatly gain by adopting salient features of both EU and U.S. regimes. One of the most prominent inadequacies of the current regime in Nigeria is that it is founded on negligence-based standards of liability, which require affected communities to prove fault or causation, a process that is too time-consuming, expensive, and vulnerable to being blocked by oil companies.<sup>76</sup> Changing to interpretative law, as in the OPA and ELD, would impose an overwhelming charge on the polluters, so that they could no longer avoid responsibility by invoking lack of intent or due diligence.<sup>77</sup> Another central argument is the establishment of an independent Environmental Liability Fund, like in the U.S. OSLTF. The establishment of environmental management and financial contribution for remediation of environmental damage<sup>78</sup> as well as the decommissioning and abandonment fund<sup>79</sup> for decommissioning and abandonment generally does not equate to the necessity for intervention upon oil spill hence the recommendation. Such a fund would offer immediate finance for clean-up and compensation even if the liable party is unable or unwilling to undertake so. It would be financed by the Nigerian government from export or production levies on petroleum, thereby internalizing

<sup>72</sup> U.S. Oil Pollution Act (OPA) Standing for Private & State Enforcement The Oil Pollution Act of 1990, codified at 33 U.S.C. § 2717

<sup>73</sup> S.E.C Nwosu, Codifying UNEP recommendations on Ogoniland Cleanup as Standard for Environmental Decommissioning upon Cessation of Petroleum Prospection in Nigeria' Readings in Law and Contemporary Issues, Faculty of Law, Rivers State University, 2018, pp 155-117.

<sup>74</sup> Social Action (2024). "Still Polluted: Monitoring Government and Shell's Response to UNEP's Environmental Assessment of Ogoniland" <https://saction.org/old/still-polluted-monitoring-government-and-shells-response-to-uneps-environmental-assessment-of-ogoniland/>

<sup>75</sup> National Law Forum ("Oil Pollution Act: Tips for Spill Response, Compliance, and Enforcement") <https://nationallawforum.com/2024/02/14/oil-pollution-act-tips-for-spill-response-compliance-and-enforcement/>

<sup>76</sup> Ekhatior, E. O. (2016). Improving access to environmental justice under the African Charter on Human and Peoples' Rights: The roles of NGOs in Nigeria. *African Journal of International and Comparative Law*, 24(1), 63–79. <https://doi.org/10.3366/ajicl.2016.0140>

<sup>77</sup> Carlson, A. E. (1991). *The Oil Pollution Act of 1990: Strengthening U.S. Oil Spill Liability and Response*. *Environmental Law*, 21(4), 939–968.

<sup>78</sup> PIA 2021, ss 102 & 103

<sup>79</sup> Ibid, s. 233



environmental costs and enhancing the capacity to act swiftly.<sup>80</sup> Further, the Nigerian judicial system must accord civil society organizations and victims *locus standi* to lodge public interest litigation<sup>81</sup>. Currently, standing rules and administrative hurdles typically prevent communities from instituting action. Reforms must ensure third-party suits are made compulsory and provide access to legal aid for marginalized communities, as the ELD model provides. This will enhance participatory governance and put pressure on regulators and corporations to abide by the law.<sup>82</sup>

Finally, the diffusion of regulation in Nigeria across NOSDRA, NUPRC, NMDPRA and the Ministry of Environment calls for institutional change. The establishment of independent regulators with proper mandates and sufficient funding is necessary for effective enforcement coordination. The definitional and coordinating sharpness of EPA and the U.S. Coast Guard, evidenced in the exercise of OPA, is an institutional efficiency prototype Nigeria needs to emulate. Absent reforms, Nigeria's far-reaching environmental legislation will be paper tigers.<sup>83</sup> NOSDRA is already composed of the requisite and relevant stakeholders in the area of the oil spill detection and response hence should effectively be up and doing in the responsibility<sup>84</sup>

### **8.0 Structural Governance and Legal Defects in Environmental Protection in Nigeria**

Nigerian oil spills are not merely an environmental tragedy but also a symptom of broader systemic defects in governance and environmental law. Despite possessing numerous legislative tools such as the Environmental Impact Assessment (EIA) Act (1992), the Harmful Waste (Special Criminal Provisions) Act (1988), and the National Oil Spill Detection and Response Agency (NOSDRA) Act (2006), Nigeria's environmental policy-making is plagued by institutional enforcement failure. The regulatory framework is in place but the gap between law in books (as it is) and law in practice (as it ought to be) is quite large. This disjunction allows environmental devastation to go on unchecked, defeating the ends of sustainable development and equity for affected communities.

Weakness of institutions is central to the issue. Institutions like NOSDRA, NUPRC, NMDPRA and the Federal Ministry of Environment are paralyzed by inadequate financing, technical capacity deficits, and political interference. These deficits amount to inadequate regulation of oil activity and poor deterrence of polluters. Furthermore, redundant roles within agencies are likely to lead to duplication of jurisdiction and ineffectiveness. For instance, since detection and response to oil spill fall on the shoulders of

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<sup>80</sup> S.E.C Nwosu, Codifying UNEP recommendations on Ogoniland Cleanup as Standard for Environmental Decommissioning upon Cessation of Petroleum Prospection in Nigeria' Readings in Law and Contemporary Issues, Faculty of Law, Rivers State University, 2018, pp 155-117; Okonkwo, T. (2021). Legal and Institutional Reforms for Oil Spill Compensation in Nigeria: Comparative Insights from the United States. *Journal of Energy & Natural Resources Law*, 39(3), 367–389.

<sup>81</sup> As was decided by the supreme court of Nigeria in case of Centre for Oil Pollution Watch v NNPC, (2019) 5 NWLR (Pt) 583

<sup>82</sup> European Commission / Heyvaert, Veerle. (2014). "The Environmental Liability Directive and the Europeanisation of Environmental Liability." *Journal of Environmental Law*, 26(1), 1–25. See also; Gbemre v. Shell Petroleum Development Company of Nigeria Ltd (2005) FHC/CS/53/05 (Federal High Court, Nigeria).

<sup>83</sup> Elenwo, E. I., & Akankali, J. O. (2014). Environmental Policies and Strategies in Nigeria Oil and Gas Industry: Gains, Challenges and Prospects. *Natural Resources*, 5, 884–896. <https://doi.org/10.4236/nr.2014.514076>

<sup>84</sup> S.E.C Nwosu, "Legal Regime for the Decommissioning of Petroleum Assets in Nigeria: Need for Reforms" Unpublished PhD Thesis, RSU, 2022.



NOSDRA, it relies heavily on the discretion of oil companies, hence a structural conflict of interest.<sup>85</sup> These governance deficits are further aggravated by political patronage and regulatory capture where powerful multinational oil companies exert excessive leverage over the regulatory process.

In addition to institutional weakness, legal ambiguity also undermines environmental conservation. The majority of Nigeria's environmental legislation has vague definitions of liability and provides insufficient stringent liability for environmental deterioration. The Petroleum Industry Act, the substantive petroleum legislation is not in tune and discriminatory pro-oil majors. Provisions of Nigeria law requires proof of negligence and places the burden of proof on poor and vulnerable communities, granting a de facto immunity to powerful corporations. Moreover, Nigerian courts typically have no special knowledge of environmental law, and their inconsistent and delayed rulings do not lead to justice for victims.

Corporate impunity is also a widespread problem. Multinational corporations operating in Nigeria, especially in the Niger Delta, often go unpunished for oil spills. They exploit gaps in the law, jurisdictional uncertainties, and lenient enforcement mechanisms in order to avoid cleanup and compensation responsibilities. Several cases most prominently the long-drawn-out *Shell Petroleum Development Company v. Farrah* and *Gbemre v. Shell Petroleum Development Company*, have made it clear how corporations delay suits through appeals and technicalities, obstruct court orders, and even refuse remediation orders from time to time. Even where judgments are in favour of local communities, enforcement is weak and compensation payment is delayed or not made.

By contrast, other jurisdictions have established stronger legal and regulatory regimes to see that polluters are held accountable as communicated in the comparative analysis. In the United States, the Oil Pollution Act of 1990 makes strict liability enforceable and establishes the Oil Spill Liability Trust Fund to ensure immediate remediation and compensation for victims without evidence of negligence. In the same vein, the European Union's Environmental Liability Directive (ELD) upholds the "polluter pays" principle and provides for financial security instruments to pay for environmental damage. Such models emphasize the need to move away from reactive litigation and towards proactive liability and compensation structures, something Nigeria's present regime lacks.

## **9.0 Conclusion**

Nigeria's oil spill accountability regime remains deeply flawed due to weak legal standards, institutional inefficiencies, and corporate impunity, all of which have allowed environmental degradation in the Niger Delta to persist unchecked. Despite having a multiplicity of environmental laws and agencies, the country's enforcement mechanisms are undermined by outdated and unspecific legislation, vague liability standards, under-resourced regulatory bodies, and political interference. Unlike the United States and the European Union, which enforce strict liability, ensure prompt compensation through trust funds or mandatory insurance, and support public participation through citizen suits Nigeria's framework demands proof of negligence, delays redress through protracted litigation, and lacks adequate institutional capacity to hold polluters accountable. To reverse this trend and achieve

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<sup>85</sup> UNEP Report in Ogoniland Cleanup, 2011, See S.E.C Nwosu, "Legal Regime for the Decommissioning of Petroleum Assets in Nigeria: Need for Reforms" Unpublished PhD Thesis, RSU, 2022, p.74.



environmental justice, Nigeria must undertake holistic reforms that establish strict liability, empower regulatory agencies, provide dedicated remediation funds, and institutionalize public interest litigation. These measures, modeled after international best practices, are essential to transforming Nigeria's environmental governance from reactive and weak to proactive, just, and resilient.

### **10.0 Recommendations**

To stem the tide of environmental damage, the paper makes the following recommendations:

1. Nigeria must first and foremost start by bringing international environmental norms to bearer and getting its laws harmonized. The implementation of a strict liability regime would make oil companies fully liable for any spill, regardless of negligence or intent.
2. Secondly, the government must implement an Environmental Remediation and Compensation Fund, similar to the U.S. Oil Spill Fund, funded through taxes on oil companies, aimed at compensating affected individuals and communities promptly.
3. There is the need for institutional infrastructure to be reformed, regulatory bodies should be given fiscal and administrative freedom, and judicial reform must make the training of judges in environmental law a priority.
4. Public engagement and civil society intervention are also crucial in enhancing accountability. The people need to be empowered by legal assistance, information, and mechanisms for access to justice. NGOs and the media can serve as watchdogs by highlighting abuses and pressurizing the government to respond.
5. Use of technology, such as satellite images and GIS mapping, should be employed to track spills in real time and present evidence in court. Ultimately, Nigeria's battle with oil spills is not merely one of pollution, it is one of governance, justice, and respect for human dignity.
6. The transition from commitments to rhetoric to enabling enforcement is a priority. The rule of law must move beyond a theoretical ideal to a concrete reality that offers redress to victims, discourages future abuses, and brings back ecological balance. If this change does not occur, the legacy of oil in Nigeria will be one of exploitation and ecological devastation instead of advancement and prosperity.