

OIL SPILLAGE IN THE NIGER DELTA REGION: A COMPLEX INSTANCE OF GROSS ENVIRONMENTAL INJUSTICE

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ABSTRACT

This article examines the environmental tragedy that has bedeviled the Niger Delta as a result of oil pollution. It also explores the different legal mechanisms, namely the traditional common law approach employed in Nigerian courts, the Alien Tort Statute in the United States, and the recent open-door for redress in the British High Court, which have been employed to secure environmental protection in the Niger Delta. It observes that the traditional Common Law torts of nuisance, negligence, trespass, and strict liability in the protection of the environment are largely ineffective as their application is fraught with inherent and diverse problems, while the decision in *Kiobel v. Royal Dutch Petroleum* appears to have rendered ineffective the Alien Tort Statute in the United States. However, with the recent Ogoni award granted by a High Court in London, there appears to be an open-door for redress in the British High Court. Finally, bearing in mind the magnitude of oil spillage and the deadly effects entailed, it is submitted that environmental degradation in the Niger Delta amounts to genocide in disguise and therefore calls for unilateral intervention by the United Nations (UN). In this regard, the article recommends that the United Nations Environment Program (UNEP) should be mandated to carry out an independent assessment of the Niger Delta and proffer measures that would be binding on culpable parties.