



An Examination of the Legal Frameworks Governing Corporate Accountability for Human Rights Violations in Nigeria

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Abstract

This study examines the legal frameworks governing corporate accountability for human rights violations in Nigeria. It analyzes how Nigerian legal frameworks including the Nigerian Constitution, Companies and Allied Matters Act, the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act seek to regulate corporate entities with respect to their impact on human rights. It also explores the challenges hindering effective enforcement of these legal frameworks, such as legal deficiencies, jurisdictional limitations, and limited access to justice. A doctrinal legal research methodology is adopted, involving systematic analysis of Nigerian statutes, judicial decisions, and relevant international instruments. This methodology is appropriate as it enables a structured examination of the legal principles governing corporate accountability in Nigeria. Additionally, qualitative insights are drawn from secondary data, including reports by NGOs, judicial reviews, and academic literature, to critically assess the effectiveness of existing legal frameworks in holding corporations accountable for human rights violations in Nigeria. The paper argues that, despite the existence of various legal frameworks intended to ensure corporate accountability for human rights violations, significant enforcement challenges severely impede their effectiveness. It further contends that the existing legal frameworks lack the clarity and robustness necessary to effectively hold corporations accountable within the Nigerian context. This paper recommends comprehensive legislative reforms to address gaps in the current laws, enhanced regulatory oversight to ensure compliance with human rights standards, and improved access to justice mechanisms to provide effective remedies for victims of corporate misconduct.

Keywords: Corporate accountability; Human rights; Violation; Legal frameworks; Enforcement challenges; Nigeria

INTRODUCTION

Corporate accountability for human rights violations in Nigeria remains a critical issue, particularly in sectors such as oil and gas sector, agriculture sector and mining sector, where multinational corporations are prominent players.¹ While these industries significantly contribute to the nation's economy, they have been associated with numerous human rights abuses, including environmental degradation, forced displacement, and labour exploitation.² The Niger Delta region, for example, has been at the center of such violations, with oil spills and gas flaring causing severe environmental and health crises for local communities.³

Scholars on corporate accountability in Nigeria have examined these challenges from various perspectives. Okonkwo and Etemire⁴ examined the oil injustice in Nigeria's Niger Delta Region, while Watts⁵ explored the broader governance implications of resource extraction. Moreover, Idemudia⁶ discussed corporate social responsibility frameworks in African contexts. However, these studies have primarily focused on specific sectoral issues rather than comprehensive legal framework analysis.

In Nigeria, a complex interplay of national laws and international legal instruments forms the basis for corporate accountability. Chapter IV of the 1999 Constitution guarantees fundamental human rights, including the right to life, dignity of the human person and freedom from discrimination, which are applicable to all entities operating within the country, including corporations.⁷

Furthermore, specific legislation such as the Companies and Allied Matters Act, Environmental Impact Assessment Act, and various other laws contain provisions that indirectly relate to human rights protection in the context of corporate operations.

Despite the existence of these legal frameworks, significant challenges continue to hinder the effective enforcement of corporate accountability for human rights violations in Nigeria. Previous research has identified several key deficiencies. Deva⁸ and Joseph⁹ have highlighted fundamental gaps in legal systems' capacity to address corporate human rights violations globally, with particular relevance to developing countries like Nigeria. Jurisdictional limitations further exacerbate the problem, as Nigerian courts predominantly adhere to the principle of territoriality, thereby restricting their jurisdiction to matters arising within the country's borders.¹⁰ Moreover, the principle of corporate veil also often shields parent companies from liability for the actions of their subsidiaries operating in Nigeria, creating complexities in holding multinational corporations accountable for human rights violations committed by their local

¹Olubayo Oluduro 'Oil Exploitation and Human Rights Violations in Nigeria's Oil Producing Communities' (2012) 25(2) Africa Focus, 162.

²Otekenari D Elisha and Iselema Gbaranbiri, 'The Struggle of the Niger Delta Region of Nigeria: The Duality of Liquid Gold and Poverty' (2024) 9(2) Journal of Economics and Trade, 6.

³Amnesty International, 'No Clean-up, No Justice: Shell's Oil Pollution in the Niger Delta' <<https://www.amnesty.org/en/latest/news/2020/06/no-clean-up-no-justice-shell-oil-pollution-in-the-niger-delta/>>accessed 11 April 2025.

⁴Theodore Okonkwo and Uzuazo Etemire, 'Oil Injustice in Nigeria's Niger Delta Region: A Call for Responsive Governance' (2017) 8(1) Journal of Environmental Protection, 42

⁵Michael Watts, 'Resource curse? Governmentality, oil and power in the Niger Delta, Nigeria' 9(1) *Geopolitics*, 50

⁶Uwafiokun Idemudia, 'Corporate social responsibility and development in Africa: Issues and possibilities' (2014) 8(7) *Geography Compass*, 421.

⁷The Constitution of the Federal Republic of Nigeria, 1999, (as amended) ss 33, 34 and 42.

⁸Surya Deva, 'Human Rights Violations by Multinational Corporations and International Law: Where from Here?' (2003) 19(1) *Connecticut Journal of International Law*, 1-57.

⁹Sarah Joseph, *Corporations and Transnational Human Rights Litigation* (Hart Publishing 2004) 177.

¹⁰Ikenga K E Oraegbunam and Okwuchukwu G Adah, 'Challenges against Multinational Corporations' Responsibility and Accountability for Human Rights Violations in Nigeria: The Way Forward' (2023) 4(3) *LASJURE*, 34.

entities.¹¹ International legal scholars like Muchlinski¹² and Meeran¹³ have analyzed these corporate liability challenges, though limited research has specifically examined their application within Nigerian legal contexts.

The absence of specific legislation directly addressing corporate accountability for human rights violations, aligned with international standards such as the UN Guiding Principles on Business and Human Rights (UNGPs), further exacerbates the enforcement gaps.¹⁴ While Nigeria has endorsed the UNGPs, their implementation through domestic legislation and policy frameworks remains incomplete, limiting their practical applicability and enforceability against corporations operating in the country. Consequently, victims of corporate-related human rights abuses often find themselves marginalized, with limited access to justice and remedies due to the inadequacies in legal frameworks and deficiencies in enforcement mechanisms.

Despite this body of research, a comprehensive examination of Nigeria's legal framework for corporate accountability is still lacking. This study aims to critically examine the legal frameworks governing corporate accountability for human rights violations in Nigeria, focusing on both domestic and international frameworks. It also seeks to identify key challenges in the enforcement of these legal frameworks and propose recommendations for improving accountability and access to justice for victims of corporate human rights abuses in Nigeria.

Corporate Human Rights Violations in Nigeria

Corporate human rights violations in Nigeria manifest in diverse forms across various sectors, stemming from business operations that either directly infringe upon fundamental rights or contribute to their violation through negligence, complicity, or inadequate due diligence. These violations often involve environmental degradation, displacement and labour exploitation, with profound impacts on individuals, communities, and the environment. Corporations, particularly those in the oil and gas sector, bear significant responsibility for pollution that adversely affects the health and livelihoods of local communities.¹⁵ The Niger Delta region of Nigeria serves as a stark example of the detrimental human rights and environmental consequences associated with the oil and gas industry.¹⁶ Persistent pollution from decades of oil spills and gas flaring has caused widespread environmental damage, impacting communities' rights to health and their means of sustenance.¹⁷

Oil spills stemming from pipelines and operational failures have devastated farmlands, rivers, and ecosystems. This degradation directly impacts the rights of local communities to health, food, water, and livelihoods. Amnesty International's numerous reports, along with those from Human Rights Watch,

¹¹Temitope J Oyedotun, 'Corporate Accountability for Dignity Rights Abuses under Domestic Law', <<https://delawarelaw.widener.edu/files/resources/temioyedotunemidignityrightsandcorporateacct.pdf>> accessed 11 April 2025.

¹²Peter Muchlinski, *Multinational enterprises and the law* (2nd ed., Oxford University Press 2007) 125

¹³Richard Meeran, 'Tort Litigation against Multinational Corporations for Violation of Human Rights: An Overview of the Position outside the United States' (2011) 3(1) *City University of Hong Kong Law Review*, 1.

¹⁴United Nations Human Rights Office of the High Commissioner, 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' <https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr_en.pdf> accessed 10 April 2025.

¹⁵Festus Ogun, '2024: Review of Significant Decisions on Fundamental Rights Enforcement', <<https://thenigerialawyer.com/2024-review-of-significant-decisions-on-fundamental-rights-enforcement/>> accessed 12 April 2025.

¹⁶Nkem V Ochei, Elimma Craig Ezeani, and C Anderson, 'Mechanisms Used by Multinational Oil Companies to Derail Human Rights and Environmental Litigations Arising from the Niger Delta' (2023) 15(2) *African Journal of Legal Studies* 185.

¹⁷Amnesty International, 'Nigeria: Shell Must Be Held Fully Accountable for Human Rights Harms Before Being Allowed to Sell its Niger Delta Business', <<https://www.amnesty.org/en/latest/news/2024/05/nigeria-shell-must-be-held-fully-accountable-for-human-rights-harms-before-being-allowed-to-sell-its-niger-delta-business/>> accessed 13 April 2025.

document the environmental and human rights repercussions of oil operations in the Niger Delta.¹⁸ Similarly, the Center for Constitutional Rights has extensively documented the devastating impact of oil drilling by corporations like Shell on the Ogoni people, including the destruction of their environment and economy, leading to violations of fundamental human rights.¹⁹

Perhaps, the ongoing legal battles against Shell Petroleum Development Company of Nigeria (SPDC) in the UK courts, demonstrate the persistent pursuit of justice for communities affected by decades of oil spills and environmental degradation, with the UK High Court recognizing the right of Nigerian fishermen and farmers to bring claims against Shell for breaches of their right to a clean environment under the Nigerian Constitution and the African Charter.²⁰

Moreover, Amnesty International has urged the Nigerian government to halt Shell's sale of its Niger Delta business unless adequate safeguards are in place to address the extensive environmental pollution and ensure remedies for affected communities, highlighting the risk of further human rights abuses if Shell divests without fulfilling its responsibilities.²¹

In addition to environmental harm, corporate activity in Nigeria has also led to widespread displacement and infringement on land rights. Mining and extensive agricultural projects in Nigeria have emerged as contentious issues due to their role in displacing communities and infringing upon land rights. Such displacements frequently take place without the agreement of the affected populations and are characterized by a lack of proper consultation, fair compensation, or adequate resettlement measures. Instances of land dispossession in favour of mining operations are not uncommon in Nigeria, particularly in mineral-rich agrarian communities. An example is that of Ilyasu Umar, a local farmer from Adudu in Obi Local Government Area of Nasarawa State, whose 30 hectares of farmland cultivated by his family for generations was seized in 2021 to make way for mining activities.²² The region, known for its agricultural productivity and natural resource deposits, has increasingly witnessed tensions between traditional land use and extractive industries.²³

Similarly, large-scale agricultural projects have displaced thousands of smallholder farmers, infringing upon their rights to property and livelihood. These projects, often driven by corporate interests, have led to land grabs that undermine customary land rights. Farmers, who form the backbone of Nigeria's food production, are frequently pushed off their ancestral lands without legal recourse or alternative livelihoods. More so, the Land Matrix Africa reports that large tracts of arable land in Benue and Taraba states were allocated to foreign agribusinesses without due process.²⁴ In many cases, the lands were leased for decades under terms unfavorable to the local populace, with minimal community benefit-sharing.²⁵ As these communities lose access to their means of production, food insecurity, unemployment, and poverty deepen.

¹⁸ *ibid.*

¹⁹ Center for Constitutional Rights, 'Facts Sheet: The Case against Shell', <<https://ccrjustice.org/home/get-involved/tools-resources/fact-sheets-and-faqs/factsheet-case-against-shell>> 13 April 2025.

²⁰ Corporate Accountability Lab, 'Shell to Face Constitutional Claims for Violating the Right to a Clean Environment', <<https://corpaccountabilitylab.org/calblog/2024/1/3/shell-to-face-constitutional-claims-for-violating-the-right-to-a-clean-environment>> accessed 13 April 2025.

²¹ Amnesty International (n 17).

²² Business & Human Rights Resource Centre, 'Nigeria: Farmland Grabs Becoming a Serious Concern in Parts of the Country as Mining Activities take Preferential Treatment' <<https://www.business-humanrights.org/en/latest-news/nigeria-farmland-grabs-becoming-a-serious-concern-in-parts-of-the-country-as-mining-activities-take-preferential-treatment/>> accessed 14 April 2025.

²³ *ibid.*

²⁴ Nkemdilim E Attah, 'Behind Accumulation and Dispossession: State and Large-Scale Agricultural Land Investments in Nigeria' <https://link.springer.com/chapter/10.1007/978-3-030-60789-0_5> accessed 15 April 2025.

²⁵ Tony Binns, Kenneth Lynch, and Etienne Nel (eds), *The Routledge Handbook of African Development* (Routledge 2018).

Labour exploitation remains another widespread form of corporate human rights abuse in Nigeria, particularly in the agricultural and industrial sectors. Workers in the agricultural and textile industries often operate under unsafe working conditions, receive unfair wages, and are denied fundamental labour rights such as freedom of association and collective bargaining. Job insecurity is rife, with many workers on precarious contracts or hired as casual labourers.²⁶ Perhaps, child labour remains prevalent in these sectors, with minors engaged in hazardous tasks violating both international labour standards and Nigeria's national labour laws. A study by Adeboye and others found that workers are subjected to excessively long hours, minimal wages, and routine exposure to industrial hazards without adequate welfare provisions or social protections. These conditions reflect a systemic failure of corporate accountability and regulatory enforcement, where profit motives override human rights obligations.²⁷

LEGAL FRAMEWORKS FOR CORPORATE ACCOUNTABILITY IN NIGERIA

Nigeria's legal frameworks for corporate accountability is a layered structure, integrating national statutes such as the Constitution of the Federal Republic of Nigeria, 1999, Companies and Allied Matters Act 2020, National Environmental Standards and Enforcement Agency (Establishment) Act, 2007, National Human Rights Commission Act, 2010 (as amended) alongside relevant international instruments that Nigeria has ratified. This dual approach ensures that companies operating within Nigeria are held to both domestic standards of governance, environmental protection, and fair practices, as well as broader global norms concerning human rights and sustainable development.

National Legal Framework

The national legal framework for corporate accountability in Nigeria is multifaceted, drawing from various statutes, regulations, and common law principles. It aims to ensure that companies operating within the Nigerian jurisdiction are held responsible for their actions and impacts on the economy, society, and the environment. Some of the key frameworks include:

The Constitution of Nigeria

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) stands as the supreme law of the land, laying the foundational principles for governance and the protection of fundamental human rights. While the Constitution does not explicitly outline corporate accountability in the narrow sense, it establishes principles and provisions that guide corporate conduct, emphasizing the protection of human rights and the promotion of social and economic justice. Chapter II of the Constitution, titled "Fundamental Objectives and Directive Principles of State Policy," outlines the government's obligations to ensure the welfare of citizens, including the regulation of corporate activities to prevent exploitation and abuse.

Section 16(1) (b) of the Constitution mandates the state to control the national economy in a manner that secures the maximum welfare, freedom, and happiness of all citizens, based on social justice and equality of status and opportunity. This provision indirectly imposes a duty on corporations to align their operations with the broader economic and social objectives of the nation. Additionally, section 20 emphasizes the state's responsibility to protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria. While these provisions are not justiciable per section 6(6) (c) of the Constitution, they provide interpretive guidance in holding corporations, especially state-linked or regulated ones, to higher environmental standards. This was indirectly enforced in *Centre for Oil Pollution Watch v NNPC*,²⁸ where the Supreme Court ruled that environmental degradation caused by corporate negligence can warrant public interest litigation, reinforcing accountability for environmental harm.

²⁶ IndustriALL Global Union, 'FEATURE: Crisis of Low Wages Impoverishes Asian and African Textile and Garment Workers' <<https://www.industriall-union.org/feature-crisis-of-low-wages-impoverishes-asian-and-african-textile-and-garment-workers>> accessed 15 April 2025.

²⁷ Adebisi O Adeboye, Bukola O Sowemimo, and Godwin N Ekeke, 'Assessment of the Working Conditions of Textile Industry Workers in Lagos, Nigeria' (2022) 25(3) *African Journal for the Psychological Study of Social Issues*, 131.

²⁸ [2018] 17 NWLR (Pt. 1648) 513.

Moreover, Chapter IV of the Constitution of Nigeria guarantees fundamental human rights, including the right to life,²⁹ dignity of the human person,³⁰ and freedom from discrimination.³¹ These rights are crucial in holding corporations accountable for actions that infringe on the rights of individuals and communities. Corporations operating in sectors such as oil, manufacturing, or telecommunications must ensure their operations do not infringe on these rights. For instance, cases involving environmental pollution and forced displacement in the Niger Delta highlight the application of these constitutional rights in seeking redress against corporate misconduct. In *Gbemre v Shell Petroleum Development Company & Ors*,³² the Federal High Court of Nigeria held that the gas flaring activities of Shell in the Niger Delta violated the applicant's constitutional rights to life and dignity under sections 33 and 34 of the Constitution of Nigeria, 1999. The judgment emphasized that corporate actions must align with constitutional protections, setting a precedent for environmental and human rights accountability of multinational corporations in Nigeria.

In addition, section 46(1) grants any person who alleges that any of the fundamental rights to which he is entitled has been, is being, or is likely to be infringed, the right to apply to the High Court for redress. This provision provides a direct avenue for individuals and communities to seek legal remedies against entities, including corporations, for violations of their fundamental rights enshrined in Chapter IV.

Despite these potential avenues for holding corporations accountable, the Constitution of Nigeria, 1999 presents several limitations. The non-justiciability of the Fundamental Objectives and Directive Principles of State Policy weakens their direct impact on corporate behavior. Nevertheless, courts have occasionally adopted a progressive stance, as seen in *Gani Fawehinmi v Abacha*,³³ where the Supreme Court held that domesticated international human rights treaties like the African Charter on Human and Peoples' Rights could be invoked in Nigerian courts. This offers a potential avenue for integrating human rights obligations into corporate conduct, especially when such treaties have been domesticated. However, without constitutional or legislative provisions that explicitly apply human rights obligations to private actors, including corporations, the effectiveness of the Constitution in addressing corporate human rights violations remains aspirational rather than enforceable. In contrast, jurisdictions such as South Africa have incorporated provisions that expressly allow fundamental rights to be enforced against private persons and entities.³⁴ This comparative model illustrates the potential for Nigeria to reform its constitutional framework by including clauses that impose human rights obligations on both public and private actors.

Companies and Allied Matters Act, 2020

The Companies and Allied Matters Act, 2020³⁵ represents a significant overhaul of Nigeria's corporate law, repealing the erstwhile Companies and Allied Matters Act, 1990. While primarily focused on facilitating ease of doing business, modernizing company registration and administration, and enhancing corporate governance, CAMA, 2020 also contains provisions that indirectly foster the advancement and safeguarding of human rights, particularly through enhanced corporate governance, transparency, accountability, stakeholder engagement and fiduciary duties.

One of the key provisions of CAMA, 2020 is the introduction of corporate governance principles, which are essential for accountability. Under section 305 of CAMA, 2020, directors owe a fiduciary duty to act honestly and in good faith in the best interest of the company. Although this duty is traditionally interpreted as being owed primarily to shareholders, its scope can be broadened, in light of section 305(3), to include the interests of employees, customers, and the community. This reflects a shift from the narrow shareholder primacy model towards a more inclusive stakeholder-oriented approach. Perhaps, from the standpoint of stakeholder theory, this provision acknowledges that corporations operate within a broader societal context

²⁹ The Constitution of Nigeria, 1999 (as amended) s 33.

³⁰ *ibid*, s 34.

³¹ *ibid*, s 42.

³² [2005] AHRLR 151.

³³ [2000] 6 NWLR (Pt. 660) 228.

³⁴ s 8(2) of the South African Constitution, 1996.

³⁵ Hereinafter referred to as 'CAMA 2020'.

and owe obligations to a range of constituencies whose rights and interests must be considered in corporate decision-making. These provisions also align with the UN Guiding Principles on Business and Human Rights.³⁶ Directors are now expected to integrate human rights considerations into their decision-making processes, ensuring that corporate policies and actions align with ethical standards and legal obligations. This includes assessing the impact of business operations on labour rights, environmental sustainability, and the well-being of local communities.

CAMA 2020 further introduces mechanisms to improve transparency. Section 119 mandates companies to disclose persons with significant control over the company, aiming to reduce corporate opacity and money laundering. Failure to comply attracts penalties under section 119(5), enhancing enforcement. Moreover, section 374 of CAMA 2020 requires companies to maintain accounting records sufficient to explain their transactions and to disclose them for inspection when necessary. This provision supports the accountability of companies to shareholders and regulators such as the Corporate Affairs Commission and the Financial Reporting Council of Nigeria.

Moreover, the inclusion of limited liability partnership³⁷ and single-member companies³⁸ under CAMA 2020 has expanded the corporate space and introduced new forms of enterprise, potentially increasing the scale of corporate activities that can affect human rights. However, CAMA 2020 does not provide a comprehensive legal framework for remedying violations arising from such activities. In cases of environmental degradation, labour exploitation, or violations of consumer rights resulting from corporate negligence or malfeasance, victims are left to rely on other laws such as the Constitution, environmental statutes, or tort law to seek redress. This fragmentation highlights a key theoretical shortcoming from the perspective of natural law theory, which posits that the legal system should uphold human dignity and justice as foundational principles. From this viewpoint, the failure of CAMA 2020 to expressly embed human rights standards within its governance framework reflects a disconnection between the moral purpose of law and the positive norms enacted by the legislature.

Nevertheless, the enhanced role of the Corporate Affairs Commission under CAMA 2020 provides some hope for progressive enforcement of corporate standards. The CAC now has greater powers to monitor compliance, issue regulations, and impose penalties.³⁹ If the Commission leverages these powers to develop and enforce corporate governance rules that incorporate human rights principles such as fair labour practices, anti-discrimination policies, and environmental stewardship, CAMA 2020 could evolve into a stronger tool for corporate accountability. Furthermore, the emerging global trend toward mandatory human rights due diligence, as seen in jurisdictions such as France and Germany, may influence future amendments to CAMA or the development of accompanying regulations in Nigeria.

The National Environmental Standards and Regulations Enforcement Agency (Est.) Act, 2007

The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007⁴⁰ is a crucial legislation in Nigeria that establishes the NESREA as a body corporate responsible for protecting and developing the environment.⁴¹ The Act while primarily focused on environmental protection, lays the groundwork for corporate accountability that indirectly safeguards human well-being by addressing environmental harms. Section 7 of the Act outlines the functions of the Agency, which include enforcing compliance with environmental laws, guidelines, policies, and standards, and to ensure adherence to international environmental agreements and treaties. The agency's authority to enforce compliance with policies, standards, legislation and guidelines on water quality, environmental health and

³⁶UNGPs, pillar II that provides for corporate responsibility to respect human rights.

³⁷Part C of CAMA 2020.

³⁸*ibid*, s 18(2).

³⁹ See CAMA, ss 8(1)(d) & 425.

⁴⁰ Hereinafter referred to as NESREA Act, 2007.

⁴¹*ibid*, s 1.

sanitation,⁴² provides a framework for preventing corporate actions that could lead to environmental harm and consequently, human rights abuses.

Moreover, the powers vested in NESREA under section 8 of the NESREA Act, 2007, including the power to prohibit harmful processes, establish programmes for setting standards and regulations for the prevention, reduction and elimination of pollution and other forms of environmental degradation in the nation's air, land, oceans, seas and other water bodies and for restoration and enhancement of the nation's environment and natural resources are essential tools for ensuring corporate accountability.

Section 27 of NESREA Act, 2007, prohibits the discharge of hazardous substances into the environment and prescribes penalties for violations, emphasizing corporate accountability for environmental harm that affects human health. In addition, section 30 grants NESREA the power to enter premises for inspection, ensuring compliance with environmental standards and preventing practices harmful to human health. While section 31 details offences and penalties, holding corporations accountable for environmental violations through fines and legal proceedings. Moreover, section 32 (3) empowers an officer of the agency, with the consent of the Attorney-General of the Federation, to conduct criminal proceedings in respect of offences under the Act. Thus, an officer of NESREA can initiate legal actions against corporations for violations of environmental laws, ensuring justice for affected individuals. These provisions collectively underscore the Act's commitment to holding corporations accountable for environmental violations that may impact human rights in Nigeria.

Again, the establishment of mobile courts, as envisioned in section 8(f) of the NESREA Act, 2007, although subject to constitutional provisions and collaboration with judicial authorities, holds the potential to expedite the adjudication of environmental offences committed by corporations, thereby providing timely avenue for justice for affected communities, a crucial aspect of ensuring accountability.

Indeed, the NESREA Act 2007 provides a vital but indirect mechanism for advancing corporate accountability for human rights violations in Nigeria, particularly in cases where corporate environmental practices result in harm to health, life, and livelihoods. However, its effectiveness is limited by enforcement challenges, jurisdictional conflicts, and the lack of explicit human rights provisions. Addressing these shortcomings through legislative amendments and policy reforms will be essential for the Act to fulfill its potential as a robust framework for environmental and human rights protection in Nigeria.

Environmental Impact Assessment Act, 1992

The Environmental Impact Assessment Act⁴³ is a legislation in Nigeria aimed at ensuring that environmental considerations are integrated into the planning and execution of developmental projects. Although the EIA Act does not explicitly reference human rights, it creates important procedural and substantive obligations that, when enforced effectively, help safeguard rights to health, life, livelihood, and a safe environment. The Act mandates that any public or private project likely to significantly affect the environment must undergo an environmental impact assessment before commencement.⁴⁴ By mandating the assessment of potential environmental impacts before project commencement, the Environmental Impact Assessment Act, 1992, provides a framework for corporate accountability for environmental harms. It ensures that corporations consider the environmental consequences of their activities and adopt measures to mitigate adverse impacts. In *Oronto Douglas v Shell Petroleum Development Company*,⁴⁵ the court emphasized the importance of conducting an Environmental Impact Assessment before undertaking oil exploration activities. This case underscores the role of the judiciary in enforcing the Act and holding corporations accountable for environmental violations.

⁴² NESREA Act, 2007, s 7 (d).

⁴³ Environmental Impact Assessment Act 1992 (Cap E12 LFN 2004).

⁴⁴ EIA Act, s 2(1).

⁴⁵ [1999] 2 NWLR (Pt. 591) 466.

Section 2(2) of the Environmental Impact Assessment Act, 1992 outlines the objectives of the assessment, emphasizing the need to establish potential environmental effects before decisions are made by any authority or corporate entity. This mandatory requirement places an initial burden of responsibility on project proponents, often corporations, to proactively identify, predict, and evaluate the potential environmental consequences of their proposed undertakings. This proactive approach is a significant strength, as it aims to prevent environmental damage before it occurs, aligning with the precautionary principle.⁴⁶ Section 4 further stipulates that the assessment must include a description of the proposed activities, the affected environment, and measures to mitigate negative impacts. These provisions compel corporations to integrate environmental considerations into their planning processes, thereby promoting accountability.

The Act provides for public participation in the environmental impact assessment process. Section 7 mandates that government agencies, members of the public, experts and interested groups be given the opportunity to comment on proposed projects. This includes making the environmental impact assessment report available for public review and soliciting comments and concerns from affected communities and stakeholders. This participatory element is crucial for ensuring that corporate projects are not undertaken in a vacuum and that the perspectives of those most likely to be affected are considered.⁴⁷ Furthermore, section 55 requires the Agency to maintain a public registry of environmental impact assessment reports, promoting transparency and allowing for public scrutiny of corporate environmental assessments. Moreover, the Environmental Impact Assessment Act, 1992 provides for penalties for non-compliance. Section 60 provides that any person who fails to comply with the provisions of the Act shall be guilty of an offence under the Act and liable on conviction in the case of an individual to ₦100,000 fine or to five years' imprisonment and in the case of a firm or corporation to a fine of not less than ₦50,000 and not more than ₦100,000.

Indeed, the Environmental Impact Assessment Act, 1992 represents a crucial legal framework for promoting corporate accountability for environmental impacts in Nigeria. Its mandatory assessment requirement, emphasis on public participation, and provisions for approval and sanctions provide a foundation for regulating corporate environmental behavior. Despite its strengths, enforcement challenges persist due to limited resources and overlapping responsibilities among regulatory bodies.

Regional and International Legal Instruments

Corporate accountability for human rights violations in Nigeria is shaped not only by national laws but also by regional and international legal instruments. These instruments influence both corporate conduct and Nigeria's obligations under international human rights law. Some of the key instruments are:

The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR), adopted in 1966 and entered into force in 1976, establishes fundamental human rights protections, primarily obligating **states** to uphold civil and political freedoms. While the ICCPR does not explicitly impose direct obligations on corporations, its provisions have been interpreted to hold businesses accountable for human rights violations through **state responsibility** and evolving legal frameworks. Under Article 2(1), state parties are required to respect and ensure the rights recognized in the Covenant to all individuals within their jurisdiction, which includes taking steps to prevent violations by third parties, including corporations. Additionally, Article 2(3) mandates that states must provide effective remedies for violations, meaning that when corporations

⁴⁶Peter C Nwilo, and Olusegun T Badejo, 'Oil Spill and Heavy Metal Pollution along the Nigerian Coastal Areas' (2021)23 (1) *Environment, Development and Sustainability*1.

⁴⁷Ejikeme J Kanu, Emmanuel T Tyonum and Smart N Uchegbu 'Public Participation in Environmental Impact Assessment in Nigeria: A Critical Analysis' <
https://www.researchgate.net/publication/324160121_PUBLIC_PARTICIPATION_IN_ENVIRONMENTAL_IMPACT_ASSESSMENT_EIA_A_CRITICAL_ANALYSIS> accessed 29 July 2025

infringe on civil or political rights, the state must act to protect affected individuals and ensure access to justice.

The United Nations Human Rights Committee has reinforced this interpretation, particularly in the case of *Portillo Cáceres v Paraguay*⁴⁸. In this ruling, the Committee held Paraguay accountable for failing to prevent environmental and health harms caused by corporate agrochemical misuse, thereby violating the rights to life and private life as protected under Articles 6 and 17 of the International Covenant on Civil and Political Rights. As the body responsible for overseeing ICCPR compliance, the Human Rights Committee has emphasized the duty of states to investigate and prosecute corporate activities that infringe upon civil and political rights.

Similarly, while not directly adjudicated under the ICCPR, the *Nevsun Resources Ltd v Araya*,⁴⁹ decision by the Supreme Court of Canada allowed victims of forced labor at an Eritrean mine to sue a Canadian corporation for alleged human rights violations abroad. This landmark ruling recognized that breaches of fundamental norms such as freedom from forced labour, a right also safeguarded under Article 8 of the ICCPR could be pursued under domestic law.

These developments underscore that, although corporations are not directly obligated under the ICCPR, the Covenant imposes clear responsibilities on states to regulate and ensure corporate accountability through robust judicial and administrative measures. By doing so, the ICCPR strengthens the expectation that corporate entities must uphold civil and political rights, including the right to life, freedom from torture, privacy, and access to effective remedies, rights that can be jeopardized by negligent corporate behavior. Consequently, when states fail to prevent, investigate, or address corporate-related human rights violations, they risk breaching their ICCPR commitments, thereby advancing corporate accountability through their duty to safeguard and enforce these rights.

International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights is a cornerstone of international human rights law, and its provisions have significant implications for corporate accountability in Nigeria. Adopted by the United Nations General Assembly in 1966, the ICESCR came into force on January 3, 1976. Although, the Covenant does not explicitly address corporate accountability, it mandates that states take appropriate measures to prevent third parties, including corporations, from violating economic, social and cultural rights. Article 2 of the ICESCR mandates that states parties take steps to achieve the full realization of the economic, social and cultural rights through legislative measures and international cooperation. This includes ensuring that corporations operating within their jurisdiction do not violate human rights. Article 7 emphasizes the right to just and favourable conditions of work, which requires states to regulate corporate practices to prevent exploitation and ensure safe working environments. Article 11 highlights the right to an adequate standard of living, including food, clothing, and housing, which obligates states to hold corporations accountable for practices that undermine these rights. Furthermore, Article 12 recognizes the right to the highest attainable standard of physical and mental health, requiring states to address corporate activities that harm public health.

The Committee on Economic, Social and Cultural Rights (CESCR), the body that monitors the implementation of the ICESCR, has clarified in General Comment No. 24 (2017) that the Covenant applies to all business activities, whether transnational, state-owned, or privately held, emphasizing that states parties may be held directly responsible for the action or inaction of business entities that impede the enjoyment of economic, social, and cultural rights.

Nigeria has ratified the ICESCR, however, despite this ratification, the justiciability of economic, social, and cultural rights remains a significant challenge due to section 6(6) (c) of the Constitution of Nigeria,

⁴⁸CCPR/C/126/D/2751/2016

<https://ccprcentre.org/files/decisions/Norma_Portillo_C%C3%A1ceres_and_others_v__Paraguay.pdf> accessed 16 April 16 2025.

⁴⁹ [2020] 1 SCR 166 <<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18169/index.do>> accessed 16 April 2025.

1999, which limits the judicial powers of courts to Chapter II of the Constitution, where these rights are primarily enshrined as non-justiciable "Fundamental Objectives and Directive Principles of State Policy". Besides, Nigeria's ratification of the African Charter on Human and Peoples' Rights, which includes economic, social, and cultural rights and has been held by the Nigerian Supreme Court in *Abacha v Fawehinmi*,⁵⁰ to be enforceable in Nigerian courts, provides a regional legal avenue for addressing violations of these rights, potentially involving corporate actions that lead to such violations.

The African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights, commonly referred to as the Banjul Charter, was adopted on June 27, 1981, and entered into force on October 21, 1986. It serves as a cornerstone of human rights protection in Africa. It provides a framework for addressing corporate accountability for human rights violations, emphasizing the obligations of states and the responsibilities of non-state actors, including corporations. Nigeria ratified the Charter and subsequently domesticated it through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983.⁵¹ This domestication gives the provisions of the African Charter on Human and Peoples' Rights the force of law within Nigeria, making them directly applicable by Nigerian courts.

While the African Charter on Human and Peoples' Rights does not explicitly mention the direct responsibility of corporations for human rights violations, its provisions, particularly Articles 4, 5, 16, 21, and 24, create a framework through which corporate accountability can be pursued. The primary obligation under the Charter rests with the state, which has a duty to protect its citizens from human rights abuses, including those caused by non-state actors like corporations.

Article 4 guarantees the right to life and the integrity of the person. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right. Corporations, particularly in industries like mining and oil, are often implicated in violations of this right through environmental degradation and unsafe working conditions. While the direct obligation is on the state to protect this right, the state's failure to regulate corporate behavior that endangers life could constitute a breach of its duty under this article. Article 5 provides for right to dignity of person. Corporations must respect the inherent dignity of individuals. Practices such as forced labour, discrimination, and exploitation violate this provision. In addition, Article 16 guarantees that every individual shall have the right to enjoy the best attainable state of physical and mental health. Corporate activities, particularly in extractive industries or manufacturing, can negatively impact the health of individuals and communities through pollution of air, water, and land. The state's duty to protect this right extends to regulating corporate activities to prevent such harm and ensuring access to remedies for those whose health is affected.

Moreover, Article 21 provides for the right of the people to freely dispose of their wealth and natural resources, which right shall also be exercised in the exclusive interest of the people, and the people shall not be deprived of it. This provision is particularly relevant in the context of extractive industries where corporate activities can impact communities' access to and benefit from their natural resources, often leading to environmental degradation and human rights abuses. It further provides that state parties shall undertake to eliminate all forms of foreign economic exploitation, particularly that practised by international monopolies, so as to enable their people to fully benefit from the advantages derived from their natural resources.⁵² The state therefore has a duty to ensure that corporate exploitation of natural resources respects the rights of the people and that they benefit equitably. In addition, Article 24 recognizes the right to a general satisfactory environment favorable to development. Corporate activities that cause pollution, deforestation, and other forms of environmental degradation directly infringe upon this right. The state's obligation to protect this right necessitates regulating corporate behavior to prevent

⁵⁰[2000] 6 NWLR (Pt. 660) 228.

⁵¹Cap. A9, Laws of the Federation of Nigeria, 2004.

⁵² African Charter on Human and Peoples' Rights, 1981, art. 21.

environmental harm and holding corporations accountable for environmental damage that impacts human well-being.

The aforementioned Articles 21 and 24 of the African Charter on Human and Peoples' Rights, particularly, were found by the African Commission to have been violated by the Federal Republic of Nigeria. The Commission found that the military government of Nigeria failed to protect the Ogoni people from the activities of oil transnational corporations operating in the Niger Delta. In other words, the government failed to monitor or regulate the operations of oil transnational corporations and, in doing so, paved the way for the corporations to exploit oil reserves in Ogoniland.⁵³ Furthermore, that the government in its dealings with the corporations did not involve the Ogoni communities in decisions that affected the development of Ogoniland.⁵⁴ The African Commission equally observed the importance of a clean and safe environment that is closely linked to economic and social rights in so far as the environment affects the quality of life and the safety of the individual, and concluded that living in an environment degraded by pollution was unsatisfactory.⁵⁵

Moreover, Nigerian courts, in interpreting and applying the African Charter on Human and Peoples' Rights, have increasingly considered the human rights implications of corporate activities, particularly in the context of environmental degradation in the Niger Delta. In *Gbemre v Shell Petroleum Development Company Nigeria Ltd*,⁵⁶ the Nigerian Federal High Court directly invoked Article 24 of 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. The court held that the continuous flaring of gas by Shell constituted a violation of the fundamental rights to life and dignity of the human person⁵⁷ and the right to a healthy environment under Article 24 of the African Charter on Human and Peoples' Rights. The court ordered Shell to stop gas flaring. This case demonstrates the direct applicability of the African Charter on Human and Peoples' Rights in holding a corporation accountable for environmental harm impacting human rights.

The decision in *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights v Nigeria*,⁵⁸ delivered by the African Commission on Human and Peoples' Rights, is also highly influential. The communication alleged that the Nigerian government was complicit in human rights violations committed by oil companies in the Ogoni region. The Commission found Nigeria in violation of Articles 2, 4, 14, 16, and 24 of the African Charter on Human and Peoples' Rights due to its failure to protect the rights of the Ogoni people from the harmful activities of oil companies. This case underscores the state's duty under the African Charter on Human and Peoples' Rights to regulate corporate behavior and ensure accountability for human rights violations.

United Nations Guiding Principles on Business and Human Rights

The United Nations Guiding Principles on Business and Human Rights (UNGPs) serves as a global standards adopted by the United Nations Human Rights Council in 2011, set the standard for corporate conduct regarding human rights, emphasizing that businesses must respect human rights, avoid infringing on them, and address adverse impacts with which they are involved.⁵⁹ While not legally binding, the UNGPs are highly influential in shaping national and corporate behavior and are increasingly being reflected in statutory and judicial frameworks around the world, including in Nigeria. The UNGPs are

⁵³ *Social and Economic Rights Action Centre (SERAC) & anor v Nigeria* (2001) AHRLR 60.

⁵⁴ *ibid*.

⁵⁵ *Social and Economic Rights Action Centre (SERAC) & anor* (n 53).

⁵⁶ [2005] AHRLR 151.

⁵⁷ Protected under the Nigerian Constitution, which aligns with the spirit of the African Charter on Human and Peoples' Rights.

⁵⁸ [2001] AHRLR 60.

⁵⁹ Mariam Makanjuola, and Atinuke Ojebode, 'Corporate Accountability for Human Rights Violations', <https://www.researchgate.net/publication/382887503_CORPORATE_ACCOUNTABILITY_FOR_HUMAN_RIGHTS_VIOLATION>; accessed 11 April 2025.

structured around three pillars of the state duty to protect human rights, the corporate responsibility to respect human rights and access to remedy for victims.

The state duty to protect human rights emphasizes the obligation of states to prevent human rights abuses by businesses within their territory and jurisdiction. Governments have a duty to protect human rights, including those affected by business activities, through establishing and enforcing laws, regulations, and policies that require businesses to respect human rights.⁶⁰

The corporate responsibility to respect human rights outlines the responsibility of businesses to avoid infringing on the human rights of individuals and communities and to address any negative impacts. This responsibility exists independently of the state's duty to protect and applies to all businesses regardless of their size, sector, location, ownership, or structure.⁶¹ Perhaps, access to remedy for victims' underscores the need for effective judicial and non-judicial mechanisms to provide remedies for victims of business-related human rights abuses. Both governments and businesses must provide effective remedies for victims of business-related human rights abuses. This includes state-based judicial and non-judicial mechanisms, as well as operational-level grievance mechanisms established by businesses.⁶²

OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

The OECD Guidelines for Multinational Enterprises represent a comprehensive set of international standards for responsible business conduct, including corporate accountability for human rights violations. Although non-binding, these Guidelines are grounded in the principles of the UN Guiding Principles on Business and Human Rights, 2011. They articulate the expectation that multinational enterprises, regardless of where they operate, should respect human rights and avoid infringing upon them. Specifically, the Guidelines affirm that enterprises have a responsibility to prevent and address adverse human rights impacts that they cause, contribute to, or are directly linked to through their business relationships.⁶³

To meet these responsibilities, the Guidelines require enterprises to carry out human rights due diligence appropriate to their size, operational context, and the severity of potential risks. This includes identifying and assessing actual or potential human rights impacts, integrating findings into internal processes, tracking the effectiveness of responses, and communicating how such impacts are addressed.⁶⁴ Where enterprises have caused or contributed to adverse impacts, they are expected to provide for or cooperate in remediation through legitimate processes.⁶⁵ The Guidelines also emphasize meaningful stakeholder engagement, particularly with affected communities and workers, as an integral part of responsible business conduct. The OECD Guidelines establish National Contact Points (NCPs), which are government-supported grievance mechanisms mandated to promote the Guidelines and assist in resolving disputes between companies and individuals or groups adversely affected by business conduct, including human rights violations.⁶⁶

Challenges Hindering Effective Corporate Accountability for Human Rights Violations in Nigeria

Despite the existence of legal frameworks aimed at regulating corporate conduct, several challenges continue to impede their effective enforcement in Nigeria. Understanding these challenges is crucial for identifying gaps in the legal frameworks and proposing solutions to strengthen legal enforcement.

⁶⁰United Nations, 'Guiding Principles on Business and Human Rights,' <https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf> accessed 4 May 2025).

⁶¹ *ibid.*

⁶² *ibid.*

⁶³ OECD, 2023, Chapter IV, para. 1

⁶⁴ *ibid.*, para. 5

⁶⁵ *Ibid.*, para. 6

⁶⁶ OECD, Part II

Legal Deficiencies

Nigeria's regulatory framework for corporate accountability, particularly regarding human rights, is inadequate. The existing legal landscape struggles to effectively address the complex relationship between corporate activities and human rights impacts, leaving a significant gap in ensuring that companies are held responsible for violations. While the Nigerian Constitution guarantees fundamental human rights and various statutes address specific concerns like environmental pollution, these provisions frequently prove insufficient to tackle the multifaceted ways in which contemporary corporations can infringe upon human rights.⁶⁷

A critical aspect of this regulatory gap lies in the outdated nature of some existing laws. These laws were often enacted before the emergence of modern corporate practices that lead to human rights violations and, as such, do not adequately account for the indirect yet substantial human rights impacts that corporations can exert. Consequently, they often fail to address the complex and evolving ways in which corporate activities particularly in sectors like oil and gas affect communities, the environment, and vulnerable populations. This disconnect limits the ability of the legal frameworks to provide effective remedies or hold corporate actors fully accountable.

Furthermore, a significant lacuna exists in the lack of specific legal provisions that directly hold corporations liable for human rights abuses occurring within their operations or across their value chains. While general principles of tort law or criminal law might be invoked in certain egregious cases, these are often ill-suited to address systemic human rights violations linked to corporate conduct. For instance, proving direct causation between a parent company's policies and human rights abuses committed by a subsidiary operating in Nigeria can be exceptionally challenging under current legal doctrines, a difficulty underscored by the jurisdictional limitations to be discussed.

The absence of explicit legal duties on corporations to conduct human rights due diligence, to prevent foreseeable human rights abuses within their sphere of influence, and to provide effective remedies to victims further exacerbates this lacuna. This contrasts with emerging trends in international law and the legislative developments in some other jurisdictions that are increasingly imposing such obligations on businesses.

Moreover, the Environmental Impact Assessment Act in Nigeria has faced criticism for its shortcomings in effectively ensuring corporate accountability for human rights violations. Key issues include ambiguities in project categorization, inadequate enforcement mechanisms, and limited public participation, which collectively allow some environmentally significant projects to bypass mandatory assessments.⁶⁸

Jurisdictional Limitations

The enforcement of corporate accountability for human rights violations in Nigeria faces significant hurdles due to jurisdictional limitations. Nigerian courts predominantly adhere to the principle of territoriality, generally restricting their jurisdiction to matters arising within Nigeria's borders.⁶⁹ This principle poses substantial enforcement obstacles when multinational corporations, often based overseas, are implicated in human rights abuses committed by their subsidiaries or operations within Nigeria. Establishing extraterritorial jurisdiction over parent companies for the actions of their Nigerian subsidiaries remains a complex legal issue, a difficulty highlighted by international jurisprudence. While the U.S. Supreme Court's decision in *Kiobel v Royal Dutch Petroleum Co*⁷⁰ established a presumption against extraterritorial application of the Alien Tort Claims Act, its reasoning regarding extraterritoriality has broadly influenced legal thought, including in Nigeria, thereby reinforcing the challenges of holding parent companies liable

⁶⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), Chapter Iv and NESREA Act, 2007.

⁶⁸“Environmental Impact Assessments don't Work in Nigeria: Here's Why”<https://www.bizcommunity.com/Article/157/628/231295.html?utm_source=chatgpt.com> accessed 4 May 2025.

⁶⁹Oraegbunam and Adah (n 10).

⁷⁰ [2013] 569 US 108.

for the conduct of their subsidiaries.⁷¹ Recent developments in international law and some national jurisdictions are exploring avenues to overcome these limitations, but the territorial principle continues to be a significant constraint on the ability of Nigerian courts to directly address human rights abuses committed by foreign-based parent companies for the actions of their Nigerian operations.⁷²

The doctrine of forum non conveniens also poses a major challenge in holding multinational corporations (MNCs) accountable for environmental degradation and human rights violations in host states like Nigeria. This legal principle enables courts in the home states of MNCs to decline jurisdiction in favor of courts in the host states, often leaving victims without effective legal remedies.⁷³ Courts may refuse to hear cases if they determine that a more suitable forum exists elsewhere, and MNCs frequently argue that their home country or another jurisdiction is better suited for handling claims related to their Nigerian operations. The European Court of Justice case of *Owusu v Jackson*,⁷⁴ limited the application of forum non conveniens within the EU against EU-domiciled defendants, but this precedent does not necessarily apply to Nigeria. However, recent UK cases, such as *Okpabi v Royal Dutch Shell plc*,⁷⁵ have seen UK courts push back against this doctrine, asserting jurisdiction over claims involving Nigerian operations. Despite international efforts to challenge this legal principle, Nigerian courts may still accept arguments supporting forum non conveniens, particularly when substantive issues and evidence are primarily located outside Nigeria. This ongoing legal debate highlights the difficulties victims face when seeking justice against MNCs operating within Nigeria.

Limited Access to Justice

Limited access to justice is a significant enforcement challenge in corporate accountability for human rights violations in Nigeria. Victims of corporate human rights abuses encounter numerous systemic and procedural barriers that hinder their ability to seek redress. These include financial constraints, lack of awareness of legal rights, procedural complexities, limited access to courts, and the slow pace of the judicial system.

One major obstacle is the high cost of litigation, which disproportionately affects vulnerable communities. A significant portion of the Nigerian population lives in poverty and cannot afford expenses associated with litigation, including filing fees, service costs, and legal representation.⁷⁶ This challenge is exemplified in the case of *Shell Petroleum Development Company v Isaiah*,⁷⁷ where plaintiffs from oil-impacted communities struggled to afford legal costs associated with seeking compensation for environmental damage caused by oil spills.

Moreover, intimidation, lack of legal representation, and a dysfunctional criminal justice system further dissuade victims from pursuing claims.⁷⁸ Affected individuals often lack the legal literacy necessary to assert their rights or navigate complex legal procedures. These conditions collectively discourage litigation and perpetuate corporate impunity.

⁷¹ 'Shell in Nigeria: The Case for New Legal Strategies for Corporate Accountability' <<https://www.business-humanrights.org/en/latest-news/shell-in-nigeria-the-case-for-new-legal-strategies-for-corporate-accountability/>> accessed 19 April 2025.

⁷² *ibid*

⁷³ 'The Doctrine of Forum Non Conveniens' <https://corporateaccountability.fidh.org/the-guide/judicial-mechanisms/extraterritorial-civil-liability-of-multinational-corporations-for-human-rights-violations/establishing-the-jurisdiction-of-a-us-court-and-determining-the-law-applicable-to-the-case/what-are-the-obstacles-to-a-us-court-recognizing-jurisdiction/the-doctrine-of-forum-non-conveniens/?utm_source=chatgpt.com> accessed 19 April 2025.

⁷⁴ [2005] ECR I-1383.

⁷⁵ [2021] UKSC 3.

⁷⁶ ICJ, 'Human Rights Enforcement by People Living in Poverty: Access to Justice in Nigeria' <<https://www.icj.org/>> accessed 19 April 2025.

⁷⁷ [2001] NGSC 24.

⁷⁸ Ebun-Olu Adegboruwa, 'Issues with Access to Justice in Nigeria' <<https://www.vanguardngr.com/2025/01/issues-with-access-to-justice-in-nigeria-adegboruwa-san/Vanguard>> accessed 19 April 2025.

Corruption and Political Interference

Corruption and political interference represent a formidable challenge to the enforcement of corporate accountability for human rights violations in Nigeria, permeating various levels of governance and the judicial system. Endemic corruption at multiple tiers of government can significantly facilitate corporate impunity, as bribery and other forms of corruption can undermine crucial regulatory oversight, unduly influence judicial outcomes, and ultimately impede the effective enforcement of both environmental and human rights standards. This corruption manifests in various ways, creating a systemic barrier to justice. Allegations of collusion between the Nigerian government and powerful multinational corporations further exacerbate this challenge, as the substantial financial and political leverage wielded by these large corporations can be deployed to influence the formulation and implementation of regulations, evade accountability for human rights abuses, and effectively challenge any legal actions brought against them.⁷⁹ This potential for undue influence can compromise the impartiality of regulatory bodies and create an uneven playing field where corporate interests may be prioritized over the rights of individuals and communities affected by their operations.

Within the judicial system itself, corruption poses a direct threat to the fair and effective enforcement of corporate accountability. Bribery and undue influence can lead to the dismissal of legitimate cases brought by victims of corporate human rights abuses, the tampering or suppression of critical evidence, and even the release of culpable corporate actors. This not only undermines public trust in the integrity of legal institutions but also actively deters victims from seeking justice in the first place, knowing that the system may be compromised.

Corruption within law enforcement agencies further compounds the problem, undermining the effective implementation of human rights protections. When law enforcement officials are susceptible to bribery or political pressure, they may be unwilling or unable to properly investigate corporate human rights abuses, gather crucial evidence, or execute court orders against powerful corporations. This creates a climate where corporate actors may feel emboldened to disregard human rights standards, knowing that the risk of facing meaningful legal consequences is significantly diminished. As Adeyemi ⁸⁰ aptly notes, corruption and institutional weaknesses are fundamental hindrances to the effective enforcement of human rights laws in Nigeria.

In essence, corruption at various levels of the Nigerian government, law enforcement, and the judiciary acts as a significant barrier to achieving corporate accountability for human rights violations. It erodes the rule of law, undermines the integrity of legal processes, and ultimately denies victims their right to justice and effective remedies.

CONCLUSION AND RECOMMENDATIONS

Nigeria has made notable progress in aligning its legal framework with international human rights standards by ratifying and domesticating several core instruments and integrating relevant protections into national legislation, including the 1999 Constitution and the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007. However, persistent enforcement challenges such as legal deficiencies, jurisdictional limitations, limited access to justice, and entrenched corruption continue to undermine the effectiveness of these frameworks in holding corporations, particularly multinational enterprises, accountable for human rights violations.

To address these challenges, Nigeria should pursue targeted legislative reforms that close identified gaps, such as amending the NESREA Act and the Environmental Impact Assessment Act to incorporate explicit corporate human rights obligations, provisions for community legal standing, and mandatory human rights

⁷⁹ Oraegbunam and Adah (n 10).

⁸⁰ Olwatobi O Adeyemi and Emmanuel Mutambara , ‘Policy Reforms and Performance Trajectory of Anti-Corruption Agencies in Nigeria’ <<https://journals.co.za/doi/abs/10.31920/1750-4562/2022/Sina7>> accessed 19 April 2025.

impact assessments in high-risk sectors. Clearer delineation of agency mandates especially between NESREA, the National Human Rights Commission, and sectoral regulators such as the Nigerian Upstream Petroleum Regulatory Commission should be institutionalized through statutory amendments or inter-agency protocols to eliminate regulatory overlap and enhance coordinated enforcement.

On an institutional level, Nigeria should establish specialized environmental and human rights courts or tribunals, equipped with trained judges and expedited procedures, to adjudicate corporate accountability claims. These bodies should have the power to grant injunctive relief, order remediation, and impose penalties, thereby improving judicial access and remedy for affected communities. Regulatory agencies such as NESREA and the National Human Rights Commission should be strengthened through increased budgetary allocations, technical capacity-building programs, and enhanced operational independence. This includes equipping agencies with investigative and prosecutorial powers, establishing compliance monitoring units, and integrating digital tools for environmental and human rights reporting.

Public engagement must also be institutionalized through legally mandated and inclusive consultation procedures in project approval processes, particularly within the environmental impact assessment regime. Civic education campaigns should be conducted in partnership with civil society to enhance awareness of corporate obligations, state duties, and available remedies under national and international law. Strategic partnerships between government, civil society, and the private sector should also be formalized to foster transparency, co-regulation, and policy coherence. Collectively, these legal and institutional reforms would transform Nigeria's commitment to corporate accountability from aspirational policy to enforceable practice, ensuring that corporate actors are held to account for human rights violations and that victims receive timely and effective remedies.