

THE ROAD TO 2023: WHAT PLACE FOR ENVIRONMENTAL JUSTICE AND OUR COMMUNITIES?

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1.0 INTRODUCTION

- 1.1 Let me start by reaffirming publicly what my acceptance to speak at this very illustriously appointed event indicates - an honour to be thought worthy to facilitate this discourse in memory of his Lordship, the Late Justice Ambrose Allagoa.
- 1.2 His Lordship, the Late Justice Ambrose Allagoa, an illustrious Ijaw man, the first lawyer of Nembe Sie origin and the first indigenous Chief Judge of the old Rivers State left an indelible impression on the tapestry of jurisprudence as a fearless purveyor of truth, equity, and justice.
- 1.3 We ride on the shoulders of giants to attain our individual places in the sun, is often a descriptive explanation of the attainments of succeeding generations. Such were the legal, judicial, including the traditional attainments of the person we are memorialising today that a generation of Nembe lawyers rode on those wide and commodious shoulders of his for our current places in the judicial sun. I confess that I most certainly drew inspiration from aspects of his life's journey to pattern mine.
- 1.4 His legacy as fearless social advocate is no less commendable given his numerous and untiring efforts to situate the lives of the average Ijaw/Nembe man in better stead. He was the quintessential gentleman whose intellect, drive and conscientiousness would have served our Nembe people and our nation greatly today. Alas, the rest of us must go on and do our utmost to carry on the heavy baton which he has bequeathed.
- 1.5 Justice Ambrose Allagoa, the 11th Mingi of Nembe was a man of many parts who understood the important role and place of our people and the quality of political negotiations needed to protect their interests and wellbeing.

Preambles

- 1.6 In tackling the subject matter of this discourse, it is important that I contribute to the eternal constancy of the issues at hand with wide angled lenses of the historical, immediate and the futuristic.
- 1.7 As we trudge on inexorably, defiantly even into the dawn of the 2023 election season, no one, from the highlands to the lowlands of this exalted plane called Nigeria can deny what is self-evident even indubitable - that this will be one election that will rank as none other before it or none long after we may have seen its twilight and eventual dispensation.
- 1.8 As an Aboriginal people teetering on the brink of extinction all at once surrounded by the twin malaise of political and environmental devastation, the topic of discourse provides an opportunity for sober contextualisation if not early warning.
- 1.9 Nigeria has a long history of frenzied and seemingly tension-soaked pre-election intermissions; that feeling and notion that every next Presidential election on the horizon will bring with it an end to civilisation as we know it. From the sabre-rattling of the deeply entrenched political opportunists to the devious deployments of incumbent power mongers, the sound and fury is the same; a cacophony of timpanists ultimately signifying nothing. These times, however, the omens appear different and foreboding.
- 1.10 Sadly, in recent times, our once proud Ijaw nation's response to these historical epochs has been typical; the adoption of lazy armchair posturing, taking in the sights from an indulged balcony-like observatory from whence

we cheer on the gladiators who bloody themselves in the arena that is the thick of our national geopolitics.

- 1.11 It is therefore a thing of wonder how we subsequently are astonished that our traditional late-stage whimper at the table, long after the spoils of battle may have been shared, is not countenanced with the seriousness and candour that the sum total of our economic contributions and stark environmental condition demand.
- 1.12 As a people, it seems that in our usual style, we have again elected to sleepwalk our way into what is the onrushing political calamity that threatens our very existence with head-on collision; oblivious, unprepared and seemingly unbothered about what the omens portend or the imminent fallout of this cataclysmic event.
- 1.13 We are seemingly on the move again, sluggishly sheepishly careering into the coming dispensation without a clear articulation of a collective political agenda or position. Ultimately, it seems what will be the final outcome for us as a people is a scenario that has become all too familiar – left behind, obscured and forgotten.
- 1.14 Again, my commendation goes to the organisers of this event whose topic of choice is apposite and finely appointed at such a time as this. Concomitantly, my commiserations go to this same August gathering whose job it will be to disentangle the many postulations that will be established in the course of this discourse.

- 1.15 Respectfully, I posit that we cannot speak to the concept of the environmental rights cum environmental protection of our communities and peoples without speaking first to the protection of our political rights; indeed, a situation of a Russian "**Matryoshka**" or nesting doll wherein the true essence of a thing is held captive by an outer shell.
- 1.16 In the book "**The Big Leap**" by PhD psychologist Gay Hendricks, the metaphor of the "Russian dolls" was used to describe the process of digging deeper into oneself, and into the subliminal drivers that guide the real reasons we do things. Unfortunately, we as Ijaw men have all too often not been very successful at making the important connection between what is apparent externally and what is important internally.

Definition of Key Concepts

- 1.17 May I, at this juncture, attempt to anatomise the theme by dissecting same into three (3) distinct albeit interrelated parts to enable us have a clearer grasp of the theme because it is important to know the place of each of the fragments which is distinctly sacrosanct in order to understand them as a whole.
- 1.18 The theme can be conveniently broken down into three (3) distinct parts, to wit: "**The Road to 2023**"; "**Environmental Justice**"; and "**Communities**".

"The Road to 2023"

- 1.19 This component ordinarily presupposes the expectation and anticipation of the dawn of another year, more particularly so as the year 2022 is fast winding down considering that we are already in the last month out of the twelve months in the Gregorian calendar.

- 1.20 This integrant, however, connotes much more than another year. The year 2023 is not just another year in the sojourn of mankind on this planet earth, as far as the Nigerian people are concerned; it is a major year in our political space – it is a year for a change in the current political epoch.
- 1.21 Thus, whilst many Nigerians from other geopolitical Zones may be looking to the year 2023 as a year for them to produce the next Chief Executive Officer of the Enterprise headquartered in Aso Rock, Abuja and being run with the spoils of the depredation of our own communities and environment, and for them to share in the national cake; the people of Bayelsa are (or ought to be) more concerned about something more important – their future as closely interwoven with their environment, their environmentally-challenged communities. Another year is dawning, a change in the current dispensation is imminent; and then the people ask: when and whence cometh our deliverance? do we expect the same abandonment as of old or do we approach the year with a renewed hope of respite for our people and of environmental safety for us and our offspring?

“Environmental Justice”

- 1.22 Before proceeding to describe this unit, it is important to first look at the words “environment” and “justice” as independent words before amalgamating them.
- 1.23 **“Environment”** is from the root word, “environ” which literally means “surrounded” or “encircled”. The word **“environment”**, according to the Oxford Advanced Learner’s Dictionary¹, is **“the conditions that affect the**

¹ Hornby, A.S. (2000). Justice. In Oxford Advanced Learner’s Dictionary (6th ed., p. 389). Oxford University Press.

behaviour and development of somebody/something; the physical conditions that somebody/something exists in”.

1.24 The apex Court of the land, the Supreme Court of Nigeria, in adopting a definition and thereby giving it judicial recognition in the case of ***A.G., Lagos State v. A.G., Federation***² had the following to say:

In the first place, one cannot fail to recognise the clear meaning of words like "environment" and "town planning" as used in some dictionaries, and other sources of definition. The Oxford Advanced Learner's Dictionary, 5th edn, page 387 defines "environment" as "the natural conditions, for example land, air and water, in which people, animals and plants live: measures to protect the environment."

1.25 The question that is naturally thrown up in our minds by these definitions at this juncture is: what are we surrounded or encircled by? Whilst some of us may be quick to say riverine, estuarine and/or water which is in actual fact correct, I hope there will be some who would be more circumspect and conscientious in giving an answer because it may no longer be as it was in the beginning when, as is reported by the Holy Book³, God saw that everything He made was good. I am hopeful that we shall all find the veridical state of what we are all encircled by in our communities, a state of affairs actuated largely by our very own Government and vitalised by our various community leaders, including us as inhabitants.

² [2003] 2 NWLR (Pt 833) 1 at 180.

³ Genesis Chapter 1 in verse 31.

1.26 **“Justice”**, on the other hand, according to the Oxford Advanced Learner’s Dictionary⁴, **is the fair treatment of people; the quality of being fair or reasonable; the legal system used to punish people who have committed crimes**. The meaning as thrown up by Google, is a **“just behaviour or treatment”**. According to Merriam-Webster⁵, it is **“the maintenance or administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments”**.

1.27 **“Justice”**, according to the learned Justices of the Court of Appeal in the case of *Obajimi v. Adedijf*⁶, means: **“fair treatment”**.

1.28 The appellate Court also adopted the definition of justice by the great philosopher Aristotle when it held in the case of *U.C.H.B.M. v. Morakinyo*⁷ thus:

Aristotle defined justice as a concept of what is lawful, fair or equal. He classified justice into two, distributive and remedial justice. He defined distributive justice as:

“Injustice arises when equals are treated unequal and also when unequal are treated equally.”

To him, just action is a means between acting unjustly and being unjustly treated. The

⁴ *Op. cit.* page 648.

⁵ <<https://www.merriam-webster.com/dictionary/justice>> accessed 8 November 2022.

⁶ [2008]3 NWLR (Pt 1073) 1 at 19-20

⁷ [2014]16 NWLR (Pt1434) 589 at 619.

common saying is that justice should not only be done, but should manifestly and undoubtedly be seen to be done.

1.29 It is thus seen that justice is not an abstract thing or idea or concept; it is something that can be seen and practical, it is empirical in nature. Justice: though bodiless, is visible; though untouchable, is experienceable. It is something that can be seen if it is done.

1.30 Therefore, environmental justice, in very simple term, naturally means **the maintenance or administration of what is just in the surroundings in which we live and operate.**

“Communities”

1.31 Community, according to the Black’s Law Dictionary, is “1. A **neighborhood, vicinity, or locality. 2. A society or group of people with similar rights or interests. 3. Joint ownership, possession, or participation.**⁸”.

1.32 According to the Supreme Court, in adopting the dictionary meaning of the word, stated in the case of **Salisu v. Odumade**⁹ thus: **“In the Oxford Advanced Learner’s Dictionary, “community” is defined as all the people who live in a particular area, etc. when talked about as a group. In Chambers 20th Century Dictionary, New Edition, 1983 referred to in the plaintiffs/respondents’ brief, it is defined as people having common rights etc, a body of persons in the same locality.”**

⁸ Garner, B.A. (Ed.). (2009). Black’s Law Dictionary (9th ed., p 317). West Publishing Co.

⁹ [2010]6 NWLR (Pt 1190) 228 at 241.

1.33 Therefore, “communities” in the context of this lecture refer to the group of people with similar interests and having common rights. The similar interest and common right in this climate is the “environment” – that is, **the conditions that affect our behaviour and development; the physical conditions that we live and exist in.**

Preliminary Issues/Confounding Realities

1.34 Over the course of decades, the Niger Delta question has been framed by two primary issues: control of our economic resources and the responsibility of and for our environment. The underlying constant of these two arguments to the rationale mind reduces itself to a simple question of who actually is and who actually should be responsible for these important aspects of our natural life.

1.35 The economic argument of resource control evolves from administration to administration from those who believe we deserve a greater share of our resources to those who we feel we already have more than we are entitled. The issue of our environment is one that sadly has remained consistent administration in administration out across every political season and it might seem 2023 will be no different.

1.36 What many of us may not understand is the intrinsic relationship and correlation of causation between the issues of resource control and the fortunes that have befallen our environment and our environmental rights as an aboriginal people.

- 1.37 To say that our long-suffering people yearn for justice on many fronts is to state the obvious. The continued degradation of our environment is now a seeming bequest of the Nigerian state and the oil companies who operate under their direction.
- 1.38 This presents a rather strange conundrum where the government is both regulator and violator all at once; a scenario that enforces a seeming fait accompli on the outcome of any seeming effort at reparation.
- 1.39 Recently, we were all witnesses to the shocking discoveries of miles and miles of "illegal pipelines leading out to sea" wherein our government recently made a big show of discovering across many of our communities. That these dark assets are owned and operated by characters who lurk in the shadows that lead back to characters acting in the light is not a debate we will pursue today, what I seek to draw out of those unfortunate pictures; a shameless fiasco and celebration of state failure, is the unspoken ongoing damage to the environment that these incidents have inflicted and continue to inflict.
- 1.40 We are all witness to the many abandoned "refinery farms" showcased in those pictures; to imagine the continuous pounding to the ground water, natural fauna, fisheries, wildlife and the resultant damage to the local economies and sustainable living conditions of the people in those communities.
- 1.41 Yet our government in Abuja, security agencies, local governments, local leaders ostensibly tasked with the responsibility of safeguarding, have all stood by for many years complacent, complicit, and compliant. So as the

topic of this discourse queries "What place for environmental justice in our communities"?

- 1.42 Where do the critical stakeholders situate environmental justice in the overall scheme of things? Where do the respective government authorities from the municipal, local government, state and Federal Governments truly place the importance of the environment; its beauty and purity, its unique almost therapeutic and medicinal aura, its significance as a thing to be cherished and protected; for if these stakeholders do not understand the intrinsic role of the environment, how can they be expected to protect it much less the individuals who are directly affected by it.
- 1.43 Improper, inadequate, occluding, or insufficient appreciation of the centrality of the environment to human existence, has impacted, albeit or majorly negatively the efforts to achieve consequential justice for it.
- 1.44 Validation of this position can be found, even in the several definitions of what constitutes the environment. Whilst we speak of and readily acknowledge tangibilities (my house, my car, my family); my environment is hardly a material component of the basket of baggage that humanity claims as sine qua non for his existence, yet, without the enveloping centrality of the environment, life as we know it (and man as we acknowledge) would not be.
- 1.45 My environment, therefore, I breathe. Yet such centrality is not of compelling obsession of man. The date 2023 has made mention of the environment largely in the non-acknowledgement of same.

1.46 The bottom-line is that only the people who bear the brunt of the effects of environmental degradation can adequately legislate and maintain any faithful implementation of such legislation. No mighty oil company with 100-ton drilling equipment will stand the mighty will of a lone Ijaw fisherwoman empowered by purpose and by law. This notion will form part of actionable recommendations that will form the highlights of this paper.

2.0 THE THEME

2.1 My understanding of what the theme of the lecture is and seeks to achieve is that as we all journey towards the 2023 general elections which will be ushering in new government at the centre, what is the plan or consideration for our people with respect to achieving justice for the bastardisation and defilement of our natural and virgin habitation precipitated and effectuated by the despoilation of our communities by the western entities to whom our raw materials mean more than our existence to enjoy the fullest of life as do the communities where they came from.¹⁰ Is it still going to be same cry without succour, yearning without satisfaction, and expectation without fulfilment? The evil has continued till date, and, sadly, none of the presidential candidates is putting salvaging what is left of our communities on the front burner of their campaigns.

2.2 We cannot be crying for environmental justice if there was and has been no acute pain in our necks, in the necks of our people. The call for “environmental justice” naturally presupposes that there has been

¹⁰ Azikiwe N, *Renascent Africa* (Negro Universities Press New York 1969). 7.

environmental injustice in our communities. It presupposes an unfair treatment from people who ought to administer fair treatment. It presupposes a failure on the part of those saddled with the responsibility of preventing our communities from environmental danger, damage and/or injury. This has led to uprising from various communities in the Niger Delta region and the formation of different pressure groups such as the Niger Delta Human and Environmental Rescue Organisation, Brothers Across Nigeria, Centre for Environment, Human Rights and Development, Environmental Rights Action, and, we must not fail to mention, the Movement for the Survival of the Ogoni People headed by the late Ken Saro Wiwa¹¹ and many others.

2.3 There has, indeed, been environmental injustice; and this dates back to the pre-independence era - the era of the British exploitation and plundering of the wealth and natural resources of the people whilst leaving trails of wretchedness, woe and desolation behind; and has continued unabated till date.

Brief Historical Articulation of the Environmental Ills

2.4 The yearning of the Ijaw nation for environmental justice did not start in this present climate and era; it started from the pre-independence era when oil exploration activities began which was in 1903 to when drilling and extraction began which led to the discovery of oil in commercial quantity in 1956¹². The agonies of our people increased when drilling activities were intensified

¹¹A writer, television producer and, most prominently, an environmental activist who was executed on the 10th of November 1995 by the Military Government headed by the late General Sani Abacha alongside 8 others - Saturday Dobe, Nordu Eawo, Daniel Gbooko, Paul Levera, Felix Nuate, Baribor Bera, Barinem Kiobel, and John Kpuine.

¹² It is reported that oil was first discovered in commercial quantity in Oloibiri in the present Ogbia LGA of Bayelsa State.

leading to increase in oil production of about 5,100 barrels per day in 1958 and to over 2,000,000 barrels per day in the post-independence era as these activities have carried along with them spills of millions of barrels and high volumes of gas flare.¹³

2.5 Thence commenced the human¹⁴ bastardisation of our environment and debasement of our lives (whether through poor maintenance and negligence as the people will claim or criminal activity as the IoCs will claim) of our environment.

2.6 The Department of Petroleum Resources¹⁵ estimated that 1.89 million barrels of petroleum were spilled into the Niger Delta between 1976 and 1996 out of a total of 2.4 million barrels that spilled in 4,835 incidents. A United Nations Development Programme (UNDP) report states that there have been a total of 6,817 oil spills between 1976 and 2001; and that 69% of these spills occurred off-shore, a quarter was in swamps and 6% spilled on land. As far back as 1997, the official estimates¹⁶ of the Nigerian National Petroleum Corporation (NNPC)¹⁷ had it that approximately 2,300 cubic meters of oil are spilled in 300 separate incidents annually.

¹³ Isochukwu. *Brief History of Oil and Gas in Nigeria*. <<https://isochukwu.com/2018/07/09/brief-history-of-oil-and-gas-in-nigeria/>> accessed 8 November 2022.

¹⁴ Not nature which is commonly termed Act of God.

¹⁵ <[https://en.wikipedia.org/wiki/Environmental_issues_in_the_Niger_Delta#:~:text=A United Nations Development Programme,and 6%25 spilled on land](https://en.wikipedia.org/wiki/Environmental_issues_in_the_Niger_Delta#:~:text=A%20United%20Nations%20Development%20Programme,and%206%25%20spilled%20on%20land)> accessed 19 November 2022.

¹⁶ *Ibid*.

¹⁷ Now Nigerian National Petroleum Company Limited pursuant to the Petroleum Industry Act of 2021.

2.7 Meanwhile, World Bank had argued that the true quantity of petroleum spilled into the environment could be as much as ten times the officially claimed amount.¹⁸

2.8 In November, 2021¹⁹, a spill was reported at the OML 29²⁰ which, according to the report issued by the local Firm operating the Lease, was from a non-producing well head in its Santa Barbara South field in the Nembe Local Government Area of Bayelsa State²¹. The spill, which was estimated to be about two million barrels of crude²², had continued unabated and led to commodious pollution of the rivers, waterways and farmlands in the Nembe Local Government area such that the Bayelsa State Government had feared might metastasise to other communities²³. The Executive Governor of Bayelsa State²⁴ was reported to have, upon visiting the site of the spill, stated thus: **"Today happens to be a very dark day for me. What we have seen, I believe, is worse than what happened in the Gulf of Mexico. In all my life, I have not seen such a magnitude of oil spillage."**²⁵

¹⁸ <[https://en.wikipedia.org/wiki/Environmental_issues_in_the_Niger_Delta#:~:text=A United Nations Development Programme,and 6%25 spilled on land](https://en.wikipedia.org/wiki/Environmental_issues_in_the_Niger_Delta#:~:text=A%20United%20Nations%20Development%20Programme,and%206%25%20spilled%20on%20land)> accessed 19 November 2022.

¹⁹ Precisely on the 5th of November 2021.

²⁰ Oil Mining Lease 29 which encompasses the 97km Nembe Creek Trunk Line connecting oilfields to the Bonny Export Terminal.

²¹ <<https://www.thisdaylive.com/index.php/2021/11/22/as-aiteo-battles-oml-29-leak-in-bayelsa/>> accessed 1 December 2022.

²² <<https://saharareporters.com/2021/12/02/i-believe-bayelsas-oml-29-oil-spill-worse-gulf-mexico-spill-known-biggest-history%E2%80%94>> accessed 1 December 2022.

²³ <<https://www.thisdaylive.com/index.php/2021/11/22/as-aiteo-battles-oml-29-leak-in-bayelsa/>> accessed 1 December 2022.

²⁴ Governor Douye Diri.

²⁵ <<https://saharareporters.com/2021/12/02/i-believe-bayelsas-oml-29-oil-spill-worse-gulf-mexico-spill-known-biggest-history%E2%80%94>> accessed 1 December 2022.

2.9 As predicted by the Bayelsa State Commissioner for Information²⁶, it was reported²⁷ on the 16th of December 2021 that the spill had advanced to the Abureni kingdom in Ogbia Local Government Area of Bayelsa State the crude was reported to have been seen floating on their river with an unbearable stench coming therefrom.

The Denouement of the Injustice

2.10 It is now common knowledge that the damage caused to the environment by the recurring cases of oil spillage and the seemingly untameable gas flaring has resulted to the communities' economic woes considering that our people are predominantly fishermen, farmers and traders. Huge swathes of fragile wetlands have been destroyed or put at risk; water courses that local people rely on for fishing have been contaminated; and farmland has been tainted²⁸. There is ongoing an environmental genocide against our communities.

2.11 The health of the people have also been adversely affected as gas flaring has been reported to be responsible for various health crisis. Oil spillages and blowout oil have also been reported to constitute other major pollutants of the environment. According to a report compiled and commissioned by

²⁶ <<https://www.thisdaylive.com/index.php/2021/11/22/as-aiteo-battles-oml-29-leak-in-bayelsa/>> accessed 1 December 2022.

²⁷ <<https://www.vanguardngr.com/2021/12/indigenes-cry-out-as-oml-29-oil-spill-spreads-to-ogbia-communities/>> accessed 1 December 2022.

²⁸ The Bayelsa State Oil & Environmental Commission. (2019). *Interim Report*.

the Blacksmith Institute²⁹ and Green Cross Switzerland³⁰ in 2013, the Niger Delta region is one of the top ten most polluted places in the world.³¹

2.12 I seek to capture the gory state of our present community through the stories of some of the inhabitants of the communities making up Bayelsa State as published by the Bayelsa State Oil and Environmental Commission in 2019³².

2.12.1 May I first present to you the voices of our people from Nembe LGA as captured by this lone voice:

The land no longer supports farming as crops do not grow any more. Some species of fish have disappeared from the rivers of the community. When it rains, we used to catch water, but this is no longer the case as when you collect rainwater it is filled with chemical sand and black objects.

2.12.2 According to a woman from Brass LGA,

As a young girl, we used boats to go to the forest to pick periwinkles and to kill crabs, prawns, crayfish and oysters. But when I got to secondary school, all we see is oil in the forest. As the water flows, it takes the crude oil everywhere. No more periwinkles to pick again.

²⁹ The Institute is a New York based charity that works to mitigate exposures at contaminated sites in low and medium income countries.

³⁰ Green Cross Switzerland was founded in 1994 with the purpose of supporting the victims of man-made disasters.

³¹ The Worlds Worst 2013: The Top Ten Toxic Threats. <<https://www.worstpolluted.org/docs/TopTenThreats2013.pdf>> accessed 9 November 2022.

³² The Bayelsa State Oil & Environmental Commission. *Op. Cit.* Page 5.

No more crabs at the river. What is happening to our creeks? We can't see marine animals at the nets. My grandmother told me that the oil from Agip has spoilt the rivers and has killed all the fish. What will I tell my children?

2.12.3 Another from Brass LGA stated thus:

We the women of this island, we do not have to teach our children about our livelihoods. We can no longer teach them how to pick periwinkle. Even the crabs cannot be found again. All our children see is crude oil flowing into the creeks and farms and rivers. The bitter leaves and pepper that we plant are not growing again.

2.12.4 Then another from Brass LGA:

As Akassa people we are suffering...I am in my early 40s, our livelihood is fishing. As we are growing up things became worse. Our lives are not improving. Akassa people, there are crude oil points, and when the pipeline is bad, the whole place is uprooted and made barren. We cannot boast of a house with a closet/water. When we were young, we saw white and colourful birds. They fished in the night and assembled to our place. But now you cannot count of one. They have all fled. Government is not helping matters.

2.13 According to the Commission³³,

Oil contamination has tainted the farmland people grow their food on, the water they drink and fish in and even the very air they breathe. The health implications have been complex, and often devastating.

For instance, research has found that people living near pollution sites have been progressively exposed to elevated levels of heavy metals such as chromium, lead and mercury in their blood stream, leading to increased risk of diseases ranging from Alzheimer's and Parkinson's diseases to cancer, diabetes and kidney damage.

The contamination of crops and fish by oil spills has shown to increase the outbreak of diarrhoea in Bayelsa and the bioaccumulation of heavy metals in food as well as affecting food quality. The presence of oil has also resulted in a substantial increase in the prevalence of childhood malnutrition in the affected communities. More broadly, evidence from across Nigeria suggests that high levels of pollution have also contributed to significant increases in child mortality.

³³ *Ibid.* Page 6.

Research has also highlighted that communities living near oil impacted areas frequently consume drinking water with high levels of pollution.”

Why do we consider all these acts of injustice?

2.14 We have not designated the foregoing desolation, dispiriting and dreary existing state of affairs in our communities injustice merely because they constitute violation of all known moral rights which people with dissenting voice could term subjective; it is injustice because they constitute acts of gross violation of the fundamental rights of the communities, of the people as codified in our laws, to wit: our grundnorm which is the Constitution of the Federal Republic of Nigeria, 1999 (**CFRN**) and the African Charter on Human and Peoples' Rights, domesticated as the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act³⁴ (“the Charter”).

2.15 The rights include:

- i. Right to life - Section 33(1) of the CFRN and Article 4 of the Charter.
- ii. Right to respect for the dignity of his person - Section 34(1) of the CFRN and Article 5 of the Charter.
- iii. Right to physical and mental health – Article 16(1) of the Charter.
- iv. Right to economic, social and cultural development - Article 22 of the Charter.
- v. Right to a general satisfactory environment - Article 24 of the Charter.

³⁴ Cap. A9 Laws of the Federation of Nigeria 2004.

2.16 As stated by the Court of Appeal in the case of *Salihu v. Gana*³⁵:

The human rights law of Nigeria is contained, inter alia, in two major documents. These are the 1999 Constitution of the Federal Republic of Nigeria and the African Charter on Human and Peoples' Rights, domesticated as the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap 10 Laws of the Federation of Nigeria 1990. The 1999 Constitution guarantees what are called Fundamental Rights in its Chapter IV and the rights it enshrines are largely the traditional civil and political (libertarian) rights and freedoms. It is the duty of the court to protect these rights - Igwe Vs Ezeanochie supra. The Appellant predicated his application before the Lower Court on his rights to personal liberty, freedom of association and privacy which he said were guaranteed under the provisions of sections 35, 42 and 37 respectively of the 1999 Constitution.

2.17 **Right to Life**

2.17.1 By virtue of Section 33(1) of the CFRN, every Nigerian has, as a fundamental right, right to life. According to the subsection, **“Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.”**

³⁵ (2014) LPELR-23069(CA).

2.17.2 Before I proceed to elucidate on the scope of the right to life, may I quickly state that the clause, “**Every person has a right to life**”, is complete in itself and its definition is not tied to or derivable from the second and following clause, “**no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.**” In other words, the provision, “**Every person has a right to life**” should not be construed in the light of the second statement which relates to the killing of a man, that is, the cessation of breath and thereby subjecting its interpretation to the narrow definition of life as merely breathing. The second limb of the subsection is rather an additional provision under that subsection. To further put in other words, the first limb is not tied to or dependent on the second limb, it is rather the second limb that is tied to the first. Therefore, “**right to life**” as enshrined in **Section 33 of the CFRN** is not synonymous with “**right to breathe**”. The mere fact that a man is breathing does not necessarily mean that the man is enjoying his human and fundamental right to life.

2.17.3 What then is “**right to life**”? The “**life**” contemplated in **Section 33(1)** necessarily entails the following, amongst others:

- i. right to live a quality life;
- ii. right to pollution-free air;
- iii. right to toxic-free environment;
- iv. right to toxic-free water;
- v. right to toxic-free food (both aquatic and terrestrial food);

- vi. right to health (both physical and mental health);
- vii. right to livelihood; and
- viii. right to anything a man needs to live a good and quality life.

2.17.4 Conversely, anything that deprives or has the potency to deprive a man of any of the above **"life"** is an actual breach or threatened breach of the man's right to life as guaranteed under the CFRN and the Charter.

2.17.5 That this assertion is correct and that the Courts have embraced a broader and more liberal interpretation of the **"right to life"** contemplated and guaranteed by the CFRN and the Charter to include the above-itemised rights or **"life"**, as against a very narrow interpretation, can be seen in the case of ***Gbemre v Shell Petroleum Development Company Ltd***³⁶. The Federal High Court had, in that case, held to the effect that the constitutionally guaranteed right to life, amongst the other rights, **"inevitably include the right to clean, poison-free, pollution-free healthy environment."**

2.17.6 The germane questions at this juncture are:

- i. Has there been Gas flaring in the Niger-Delta Region?
- ii. Has there been oil spillage (on the farmlands and surrounding seas/waters thus affecting both crops and aquatic life)?
- iii. Has there been discharge of toxic effluent more particularly through the canal at the Brass Oil Export Terminal?

³⁶ FHC/B/CS/53/05, Federal High Court of Nigeria, Benin Judicial Division, 14 November 2005).

iv. Has there been a blowout at Nembe creek resulting in humongous despoliation of the environment?

2.17.7 The next question therefore is: do those incidences engender a clean, pollution-free, toxic-free and/or healthy life and environment or do they endanger the life guaranteed by the Constitution and the Charter? The answer is clearly the latter.

2.17.8 Akin to the right to life is right to a clean environment because a clean and healthy environment is what makes for a good and quality life. The wealth and well-being of man and his environment are closely intertwined but with the latter incontestably determining the fate of the former. I make bold to say that it was for this purpose that **Section 20 of the CFRN³⁷** expressly makes it the duty of the Government to protect the environment and to safeguard the water, air and land.

2.17.9 According to Article 24 of the Charter, **“All peoples shall have the right to a general satisfactory environment favourable to their development.” An environment laden with: toxic substances from the effluent that escapes from the operation sites of the Companies carrying on business in the areas; toxic pollutants such as sulphur dioxide, etc, being the environment the inhabitants of the Brass and Nembe and other communities have been subjected to, is**

³⁷ Section 20 provides thus: “The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.”

not a satisfactory one and surely not “favourable to their development”.

2.17.10 The kind of environment the people are subjected to by reason of the activities of the oil and gas companies and the inaction of the Government constitutes a fundamental threat to the people’s right to life and their right to **“enjoy the best attainable state of physical and mental health”** as guaranteed by **Article 16(1) of the Charter** because the kind of life they live is determined by the kind of environment they inhabit; and this is a recognised fact. According to the International Court of Justice, a Court whose compulsory jurisdiction Nigeria has long accepted, in its Advisory Opinion of 8 July 2006, **“environment” “is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn”**.

2.17.11 The quality of a man’s life is a direct product of the environment he lives in hence a man inhabiting a polluted environment will, of a surety, live a polluted, defective, sickly, and/or distorted life; and cannot, in any way or manner, “enjoy the best attainable state of physical and mental health”. The effect may not be immediately visible but the damage to the health and life of the people has been done and is daily being done. According to the World Health Organization³⁸, 23 per cent of all deaths are linked to **“environmental risks” like air pollution, water**

³⁸ <<https://www.unep.org/news-and-stories/story/six-reasons-why-healthy-environment-should-be-human-right>> accessed 9 November 2022.

contamination and chemical exposure; 9 in 10 people across the globe are breathing unclean air, harming their health and shortening their life span; every year, about 7 million people die from diseases and infections related to air pollution, more than five times the number of people who perish in road traffic collisions. The WHO further confirms that exposure to pollutants can also affect the brain, causing developmental delays, behavioural problems and even lower IQs in children; and that pollutants are associated with Alzheimer's and Parkinson's diseases in older people.

2.18 **Other Rights**

2.18.1 A polluted and poisoned environment is also:

- i. a threat to the people's right to "**their economic, social and cultural development**" as guaranteed in Article 22 of the Charter;
- ii. a threat to their right to "**respect of the dignity inherent in a human being and to the recognition of his legal status**" as a citizen of the Federal Republic of Nigeria whose fundamental rights are guaranteed in the CFRN (Article 5 of the Charter and Section 34(1) of the CFRN); and
- iii. inhuman and will lead to a degradation of the life guaranteed by the CFRN. (Section 34(1)(a) of the CFRN and Article 5 of the Charter). As rightly stated in the case of ***Attorney-General &***

Commissioner of Justice, Kebbi State v. HRH, Alhaji Al-Mustapha Jokolo & Ors³⁹:

The learned authors of **Black's Law Dictionary**, 9th edition, page 854 also define "Inhuman treatment" as "Physical or mental cruelty so severe that it endangers life or health." A degrading treatment is to do unpleasant things to someone and to make him lose self respect. Thus "degradation" is "1. A reduction in rank, degree, or dignity... a lessening of a person's or thing's character or quality... A wearing down of something, as by erosion." See **Black's Law Dictionary (supra)**, page 488.

2.18.2 Subjecting the people to such inhuman and toxic environment evinces a total disregard for the dignity of the people and an utter reduction of the people's dignity to nothing. On the authority of the case of ***Attorney-General & Commissioner of Justice, Kebbi State v. HRH, Alhaji Al-Mustapha Jokolo & Ors***⁴⁰, I make no hesitation in asserting that the previous and current activities of the oil and gas companies in our communities endanger the lives and health of our people, and are lessening their quality as human beings. The lives of the inhabitants of our communities are wearing down and losing quality because our environment, food, water and the air our inhale are all toxic.

³⁹ (2013) LPELR-22349(CA)

⁴⁰ *Ibid.*

2.18.3 A contaminated and polluted environment does not only impair their “**right to life**”, it hinders their economic and social development as people can no longer farm and/or fish (and thus depriving them of their only sources of livelihood, with no access to potable water - both rainwater and borehole water which have become toxic. The people are thus deprived of quality life (bodily, mental, social and economic life).

2.18.4 If the activities of the oil and gas companies in our communities from ages past till age present do not constitute a breach to our people’s rights to life, to a clean and safe environment, to best attainable physical and mental health, to economic and social development, to freedom from degradation, what then, we pray, do those activities constitute in relation to our people in the environment surrounding the sites of the companies’ activities?

2.18.5 The actions and/or omissions of all the parties involved have reduced the dignity of the people and their quality of life, and this in law is tantamount to “degradation” which the Constitution stipulates the people have a right to be free from.

2.18.6 It is in view of the foregoing that I dare state without any tittle of ambivalence that the activities of the oil and gas companies and the indolence of the State in sanctioning them and stopping their activities pending when they ensure the safety of our people and our environment amount to a breach of our people’s rights as enumerated above; and thereby calling for justice.

3.0 THE STATE

3.1 The precarious situation in which our people have found themselves is that our own Government has been complicit. Our Government has, by its action and/or omission, deprived the people of the aforementioned rights and thereby occasioning injustice to its citizenry.

3.2 May I quickly remind us that the Charter was domesticated pursuant to the undertaken of the Nigerian State under **Article 1 of the Charter** to **“adopt legislative or other measures to give effect”** to the provisions of the Charter.

3.3 The President, who is the head of the Government at the centre has a constitutional duty to ensure that the provisions of the Charter are executed to the letter, and nothing short. By virtue of **Section 5(1) of the CFRN,**

Subject to the provisions of this Constitution, the executive powers of the Federation:

(a) shall be vested in the President and may subject as aforesaid and to the provisions of any law made by the National Assembly, be exercised by him either directly or through the Vice-President and Ministers of the Government of the Federation or officers in the public service of the Federation; and

(b) shall extend to the execution and maintenance of this Constitution, all laws made by the National Assembly and to all matters with respect to which the National Assembly has, for the time being, power to make laws.

3.4 In what appears to be an attempt at ensuring that our people achieve environmental justice, there has been proliferation of agencies but paucity of exploits – prodigious in number but wretched in quality services. The agencies include the **Federal Environmental Protection Agency (FEPA)**⁴¹, **National Environmental Standards and Regulation Enforcement Agency (NESREA)**⁴², and **the National Oil Spill Detection and Response Agency (NOSDRA)**⁴³, in addition to their parent body, the Federal Ministry of Environment which has a Department known as **Department of Pollution Control and Environmental Health**. We must also state that even our own States⁴⁴ have Ministries of Environment.

3.5 All those bodies have been saddled with the responsibility and duty of ensuring that we attain justice in relation to our environment and they must realise the momentousness, cruciality and, of course, the exigency of their assigned tasks. This position was stated quite succinctly by the apex Court in the case of *Centre for Oil Pollution Watch v. N.N.P.C.*⁴⁵ thus:

It cannot be denied that there are legislations and agencies specifically put in place to address issues of environmental degradation such, as the National Environmental Standards and Regulation Enforcement Agency (Establishment) Act, 2007 (NESREA Act), which

⁴¹ Federal Environmental Protection Agency Act Cap. F10 Laws of the Federation of Nigeria 2004.

⁴² National Environmental Standards and Regulation Enforcement Agency (Establishment) Act of 2007.

⁴³ National Oil Spill Detection and Response Agency (Establishment) Act of 2006.

⁴⁴ Bayelsa and Rivers States.

⁴⁵ [2019]5 NWLR (Pt 1666) 518.

provides, inter alia, for the enforcement of compliance with laws, guidelines, policies and standards on environmental matters, the National Oil Spill Detection and Response Act and the National Oil Spill Detection and Response Agency (NOSDRA) created to detect and respond to oil spillage within the National Territory. There are also State environmental laws and agencies. The issue that arises is what is the remedy of persons affected or likely to be affected by the effect of the environmental degradation where the statutory agencies fail to carry out their responsibilities or where the land belongs to no one in particular, as in this case, but the effect of the pollution extends far beyond the immediate environment?

Section 33 of the 1999 Constitution guarantees the right to life while section 20 of the Constitution provides that “the State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of the country”.

See also: Article 24 of the African Charter on Human and Peoples’ Rights, which provides “All people shall have the right to a general satisfactory environment favourable to their development”.

These provisions show that the Constitution, the legislature and the African Charter on Human and Peoples Rights, to which Nigeria is a signatory, recognize the fundamental rights of the citizenry to a clean and healthy environment to sustain life.

Acting on the principle that their country's commitment to international law and treaty obligations to protect their environment, the Indian Supreme Court has been consistent in holding that the responsibility of the State to protect environment is now a well-accepted notion in all countries. And that it is this notion, in international law, that gave rise to the principle of "state responsibility" to prevent pollution in its own territory.

The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be strengthened for the benefit of the present and future generations through careful planning and management, as appropriate.
(Underlining mine for emphasis.)

- 3.6 The Government of the Federation therefore has no reason whatsoever not to ensure the observance of the provisions of the Charter in relation to the right of our people to a healthy environment.

4.0 CONCLUSION

- 4.1 As I close, I ask again: what are we surrounded by – riverine, estuarine and the ocean or (agents of) death?
- 4.2 We are our environment and our environment is us. Our environment has, however, been hijacked from us and our lives taken away from us; and, in their stead, sicknesses, diseases and death have been handed out to us by the players in the oil and gas industry, with our lives gravely imperilled by the very State which has been saddled with the fundamental responsibility of protecting our environment and safeguarding our air, water and land. Our people have become mere numbers required for election into the offices of the State at every election year, not lives to be protected against the dangers and evils surrounding our environment.
- 4.3 We are not asking for favour by heralding our yearnings for environmental justice; we are only asking that our rights, as enshrined in the laws of the land and in the various Treaties the State is signatory to, be effectuated in a manner that is manifestly seen to have been done. **That is true justice! Justice is giving the people what is due to them, and injustice is depriving them of what is due to them.** Our environment is in this horrendous state not for want of adequate laws; it is as a result of failure on the part of those in whose hands our lives have been entrusted. There has been a grave injury done to our people in utter violation of the known laws of the land; there must, therefore be a remedy because ***ubi jus ibi remedium***⁴⁶.
- 4.4 Regardless of the economic benefits the State may be deriving from the activities of the oil and gas industries, or whatever laws that permit the

⁴⁶ Latin maxim for “where there is a right, there is a remedy”.

companies to carry on their operations, the right of the people to quality life, physical and mental wellbeing, safe and satisfactory environment, and economic and social development is sacrosanct and reigns supreme over all other benefits; and, being a creation of the Constitution, the right enjoys the same supremacy the Constitution enjoys and is thus superior to all other rights conferred on the companies to carry on their operations which portend danger to the people in the surrounding environment. That being the case, those other rights, being subservient to the people's fundamental rights, must give way to the fundamental rights of the people the same way all other laws which derogate from the Constitution must give way to the provisions of the supreme law of the land. That was the position taken by the Court in the case of *Tolani v. Kwara State Judicial Service Commission & Ors*⁴⁷ where the appellate Court per Denton-West, J.C.A had stated very strongly as follows:

Consequently, the courts guard these fundamental human rights very jealously. Therefore law or Act that is perpetrated against the provisions of the fundamental rights of any individual which is against the spirit of the constitution would not be allowed to stand. The spirit of the constitution must stand firm at all times and to ensure that this is done, the superior courts have constantly held in a plethora of cases that the human rights of the individual should on no account be subsumed or swept under the carpet in favour of other laws no matter how well pivoted that law may be.

⁴⁷ (2009) LPELR-8375(CA)

5.0 **RECOMMENDATION**

5.1 The Federal Republic of Nigeria which is not only signatory to the various Charters and Treaties which guarantee the rights of the Niger Delta people, but is also saddled with the obligation of ensuring that the fundamental rights of the people, as enshrined in the CFRN and the Charter, are preserved and protected. It should arise to its duty under the relevant laws, Charters and Treaties. For instance, according to Article 1 of the Charter,

The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them.” In **Article 16(2)**, the Charter stipulates that **“States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.**

5.2 The President who is the Head of the Government at the centre should take charge of his Government and the agencies under him/it. The Agencies should not just serve as a mere poverty alleviation programme for the citizenry; they should do their work as prescribed by the respective enabling statutes. The regime of penalty for gas flaring should stop as same is not the proper panacea for the atrocious outcome of gas flaring. The oil companies should stop gas flaring or re-inject gas to the oil wells; and if they are unable to do same, they should be made to shut down!

5.3 There is no reason we should have agencies like **FEPA, NESREA and NOSDRA** and justice has continued to elude our people.

5.3.1 For instance, we have the:

National Environmental Standards and Regulations Enforcement Agency (NESREA). The Agency is statutorily required to:

- i. enforce compliance with laws, guidelines, policies and standards on environmental matters;
- ii. enforce compliance with the provisions of international agreements, protocols, conventions and treaties on the environment, including climate change, biodiversity, conservation, desertification, forestry, oil and gas, chemicals, hazardous wastes, ozone depletion, marine and wildlife, pollution, sanitation and such other environmental agreements as may from time to time come into force;
- iii. enforce compliance with policies, standards, legislation and guidelines on water quality, environmental health and sanitation, including pollution abatement;
- iv. enforce compliance with any legislation on sound chemical management, safe use of pesticides and disposal of spent packages thereof;
- v. enforce compliance with regulations on the importation, exportation, production, distribution, storage, sale, use, handling and disposal of hazardous chemicals and waste other than in the oil and gas sector; amongst others.

5.3.2 We also have the **National Oil Spill Detection and Response Agency (NOSDRA)**. By virtue of **Section 6(1)** of the establishing **Act⁴⁸**, “**The Agency shall be responsible for surveillance and ensure compliance with all existing environmental legislation and the detection of oil spills in the petroleum sector**”.

5.4 **Negotiation**: As we approach another year, and as we are now in the season of electioneering, rather than strategising to have a bite at the national cherry, we should engage with the relevant stakeholders and negotiate our future as Niger Deltans, Bayelsans, Nembe se. We should work with our fellow Niger Deltans in insisting that our votes only go to the party/man who pledges an allegiance to our environment to make it whole.

5.5 **Pressure Groups**: We should constitute ourselves into pressure groups – community by community, street by street, house by house. We should form an army:

- i. whose sole weapons of war will be their voices and their pen;
- ii. whose conscience cannot be bought by silver or gold or any jewel of precious stone; and
- iii. from whose rank none will arise with the character of the biblical Judas Iscariot who earned for himself a reputation of being a betrayal, or Demas who is reputed to have forsaken his brothers and the course they had collectively agreed to pursue

⁴⁸ The National Oil Spill Detection and Response Agency (Establishment) Act.

The existing pressure groups should not capitulate or acquiesce in their demand for a healthy environment for their people. They should reinvent their tools and oil their vocal machines; and march on until their voices are heard quite loudly and clearly. This extremity in which we have found ourselves is not a Gordian knot; it is solvable.

5.6 **Judiciary:** The Court is a place set up solely for dispensing justice⁴⁹. Thus, we should keep them occupied doing justice to our demands. The Judges and Justices of our Courts are crucial stakeholders in the protection of our environment; hence so we should engage them the same way we engage the politicians and our political leaders. Environmental rights of minorities within the Nigerian nation should be made justiciable through concerted acts of parliament. In the exact words of the apex Court in the case of ***Centre for Oil Pollution Watch v. N.N.P.C***⁵⁰

....Courts in this country, the lot have correctly argued, are by virtue of sections 16(2), 17(2)(d) (3), and 20 of the 1999 Constitution, section 17(4) of the Oil Pipelines Act CAP 07 LFN and the Oil and Gas Pipeline Regulations under duty to protect the environment and would fail in that duty if in the instant case they do not facilitate the protection these laws have put in place. Their reliance on R v. Secretary of State for Foreign and Commonwealth Affairs, Ex Parte World Development Movement Ltd (1995)1 ALL ELR

⁴⁹ It was held in the case of *FDB Financial Serv. Ltd. v. Adesola* [2000] 8 NWLR (Pt 668) 170 at 183 to the effect that the Court exists for nothing but the dispensation of justice.

⁵⁰ *Op. Cit.* page 518.

611, 620, Reg v. Inland Revenue Commissions, Ex parte National Federation of self-Employed and Small Business Ltd (1982) AC 617, 639 as instances of liberalization of the scope of locus standi by courts in similar jurisdictions and in the absence of any statutory empowerment is apposite.

5.7 Furthermore,

5.7.1 We must set out a clear environmental protection and remediation agenda for the next administration rather than allow the vagaries of Abuja politics becloud the process and leave us with more meaningless soundbites and less meaningful action.

5.7.2 We must improve the stock of those we send to represent us in our respective Government houses across the Niger Delta and with those we send to Abuja to the legislature. This can only become a reality when we improve the quality of those who control our local politics and political parties. The time for Generals and Warlords is at an end as that era of politics is no longer fit for purpose; our people now need the real intelligentsia in the mould of the eminent Chief Justice Allagoa to step forward. This is a challenge and clarion call to this August body, stand up and stand fast! Infiltrate political parties, take a stand for the Ijaw people. It is time to protect all their rights not just those that pertain to the environment.

5.7.3 I believe I have earned the right to confidently demand this of you, as I have myself having seen the rot in our political system up close and personal and the need for intellectuals to take over the asylum before the mentally and morally afflicted consign it to a future we cannot come back from. I have contested twice for high office, once for the legislature and once to become Governor of Bayelsa State. Unfortunately, our politics, our people, and our version of what is practical are dysfunctional in the eyes of what is rational.

5.7.4 We must intensify our call for proper control of our economic resources with which we can adequately install preventive and remedial environmental protection measures at the local level; as I said earlier, only one who sees and has felt up close and personal the searing effects of environmental degradation will understand the need to protect those rights aggressively.

5.7.5 We must hold the Nigerian government and the relevant oil companies accountable for all past unremedied infractions on our environment through the instrumentality of diligent negotiations or stringent legal actions, as the landscape of oil production is changing given emerging global ESG realities. Many of these companies may soon be moving on leaving our environment in a worse state than they met it.

5.7.6 The host communities bill must be expanded to empower the host communities with stronger monitoring and reporting standards to ensure the localization of remedial action.

5.8 As I close, I must state that I am not oblivious of the fact that I have been called upon to give a "**Lecture**" but I know that I am by that also required to give a wake-up call to all. So, I pray us to spare no effort and should not rest on our oars in the struggle for justice for our environment. Let us not lose hope in our quest to leave our communities (environment) a better place for our children.

5.8.1 The history of the Ijaw man is replete with many different epochs and stanzas and in each season of trial and tribulation, God has seen it fit to bless us with people who are appropriate to champion our causes; Justice Ambrose Allagoa was a man for his time, he ran his race diligently, with honour and steadfastness and met the challenges of his day.

5.8.2 Today, new challenges bedevil our collective existence that demand that we raise men for a time such as this, to confront the monsters of neglect and maladministration showing up in the sorry state of our environment and the concomitant effect on the health and general livelihood of the Ijaw nation.

5.8.3 Justice Ambrose Allagoa's noble race is run, he has played his part; who will stand in the gap and carry the torch for the Ijaw man and his right to life, liberty, and his pursuit of dignity? This is a time for men and women of character to stand and be counted and working together we can make a difference.

5.8.4 If you would permit, I seek to close with some verses of the famous song of the late legendary reggae singer, Bob Marley, "**Get Up Stand Up**".

**Get up, stand up
Stand up for your right...
Don't give up the fight**

**Most people think
Great God will come from the sky
Take away everything
And make everybody feel high**

**But if you know what life is worth
You would look for yours on earth
And now a you see the light
You stand up for your right
Jah!**

I thank you for your kind attention.

Anthony George-Ikoli S.A.N

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