
Environmental Pollution Victims; Access to Justice: a Bridge to Sustainable Development in Nigeria

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Abstract

It is a notorious fact that the common citizens who are mostly affected by environmental pollution lack ready access to legal and /or administrative institutions to address these environmental wrongs for so many reasons. In the absence of access to justice, victims of environmental pollution are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable. The burning issue that this paper attempts to address is whether sustainable development will be achieved in the face of wanton pollution of the environment, and the victims of this pollution has no access to justice. It is believed that if access to justice is achieved, it will aid sustainable development. Sustainable development entails all round development of every available aspect of a Nation. Be it in the area of the economy, environment, political, religion, education, health among others. In furtherance of this, challenges faced by victims of environmental pollution in trying to access justice were x-rayed using the existing literatures. In all, what the victim of environmental pollution needs is an empowerment by the provisions of the law with effective enforcement mechanisms in place.

Keywords: Environmental pollution, Victims, Access to Justice and Sustainable Development.

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Background to the Study

One of the greatest problems that the world is facing today is that of environmental pollution, increasing with every passing year and causing grave and irreparable damage to the earth. Pollution became a popular issue after world war 11, due to radioactive fall-out from atomic warfare and testing. Pollution began to draw major public attention in the mid 1950s and early 1970. Several incidents of pollution helped increased consciousness, for example, the dumping in the Hudson River resulted in a ban by the EPA on consumption of its fish in 1974, long term toxin contamination at Love Canal starting in 1947 became an international news story in 1978 and led to the superfund legislation of 1980.

International catastrophes such as the wreck of the Amoco cadiz oil tanker off the coast of Brittany in 1978 and the Bhopal disaster in 1984 have demonstrated the universality of such events and the scale on which efforts to address them needs to engage. The borderless nature of atmosphere and oceans inevitably resulted in the implication of pollution on a planetary level with the issue of global warming. Glowing evidence of local and global pollution and an increasing informed public , overtime have given rise to environmentalism and the environmental movement, which generally seek to limit human impact on the environment. Also , the globalization of the world economy has as on one of its side effects the rapid proliferation of pollution around the globe. Developing countries are especially vulnerable to polluting activities that predominantly because of market incentives

Conceptual Framework

Concepts such as Victims, Environmental pollution, and Access to Justice and Sustainable development would now be considered.

Victims : According to the advanced learner's Dictionary, a victim is a person who had been attacked, injured or killed as the result of a crime, a disease, an accident

Environmental Pollution: Is a term that refers to all the ways by which man pollutes his surroundings. This means, that there is environmental pollution once there is introduced into the environment of any substance or thing which results in a change or alteration of the physical, chemical or biological composition of the particular environment. For example, our entering into a hall will result in the change of the air content by the breathing of more carbon dioxide and taking in of oxygen. Also, an old tree that decayed and got decomposed into the land has definitely polluted the land; so also is the dumping of the domestic or human waste into the lagoon or stream would amount to polluting the lagoon or stream The reason for much concern over environmental pollution is not far-fetched, for as pollution increases over the years, resources use and availability becomes acute. The effects of our actions now seem to portend as impending catastrophe, globally and nationally. More specifically, with the dawn of industrialization as earlier mentioned, people wanted things quicker better and faster. The result of this was the increase of “unwanted” wastes, both in the solid, liquid and gaseous forms, which eventually formed environmental pollution problems. Although pollution may be the

most prominent and immediately pressing environmental concern, it is only one facet of the many-sided environmental problems. Pollution affects our air, land and water. Particularly, land and water are within the territorial jurisdiction of states.

Access to Justice: The term Access to Justice is not defined in international law and has been used in different ways in different contexts. Traditionally, the term refers to opening up the formal systems and structures of the law to disadvantaged groups in society. This includes removing legal and financial barriers, but also social barriers such as language, lack of knowledge of legal rights and intimidation by the law and legal institutions. Access to justice has, thus, two dimensions: procedural access (having a fair hearing before a tribunal) and also substantive justice (to receive a fair and just remedy for a violation of one's rights). It also refers not only to the courts, but also to civil and administrative processes such as immigration review or state compensation funds. Further, protection of rights must continue through all stages of the legal process, from the time of reporting a crime to the police, to following the grant of a remedy by the court to make certain that it is enforced.

Sustainable Development: The concept of sustainable development means the development that meets the needs of the presents without compromising the ability of future generations to meet their our needs. In other words, the concept of sustainable development requires a change of mindset to bring about full integration of the needs for economic and social development with that to conserve the environment. It also requires the Government and all sectors of the nation to work hard in order to achieve a sustainable future for the Nation.. The concept of sustainable development can be interpreted in many different ways, but at its core is an approach to development that looks to the balance different, and often competing, needs against an awareness of the environment, social and economic limitations we face as a nation. All too often, development is driven by one particular need, without fully considering the wider or future impacts. A Sustainable developing Nation should focuses on the environment, and also ensure a strong, healthy and just society. This means meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity.

Forms of Pollution Affecting Environmental Victims

Air Pollution: Air which is intangible is most times ignored and prone to damage by pollution. It is often said that what you do not see / know cannot harm you, but according to a report from the United Nations, this saying might not apply to environmental issues: "Every hour 100 children die as a result of exposure to indoor smoke from solid fuels. Every day nearly 1800 people in developing cities die as a result of exposure to urban air pollution. Every month 1900 people from developing countries die from unintentional poisoning". Air is reputed to be the most fundamental among the basic essentials of life. Scientific findings show that the life in man will expire if he is deprived of air for a few minutes. Perhaps that is an extreme situation, although not impossible. But in reality, equally disturbing and threatening to human, animal and plant life is the persistent emission of pollutants in the atmosphere in such quantities as to degrade the quality of

air with adverse implications for public health and welfare. Air therefore, is a basic requirement needed to sustain life. Its pollution then, is a major health risk as nothing is more important to our lungs as the quality of air we breathe. The increasing complexity of environmental air pollution requires an enhanced capacity for scientific assessment, monitoring and early warning. No doubt most cities in Africa and Nigeria in particular are faced with the problem of air pollution both in-door and out-door

Noise Pollution: Noise pollution is increasingly gaining significance as a serious environmental health hazard existing not only in the workplace but also in the market places, motor parks, homes and streets. The Noise problem exists in diverse sectors of our national economy. In Nigeria, the problem of noise is gradually becoming epidemic, which is eating into every facet of our society. *Noise pollution* then, is the introduction of undesirable, unorganized vibrations which interferes with the individual or individuals "immediate" environment and causes instability, disorder or discomfort to the individual or individuals. There are many analogies between conventional Air pollution and Noise pollution which is primarily, although not exclusively an urban problem. For **Abuda**, the apparent disregard for proper urban planning has also converted our cities into a big noisy factory, such that no area is spared of this pollutant called Noise. It is becoming increasingly difficult to distinguish between commercial, industrial and residential areas in our towns and cities. The crux of the matter is that noise has become a way of life for many Nigerians, where everyone either at work or at home is exposed to excessive noise and stand the risk of hearing impairment. Although an average Nigerian is not prepared or inclined to treat noise as a medium of pollution; yet it is a serious polluting factor in the environment. A lot of people are quite ignorant of the possible effects that noise may have on their health, but whether it is recognized as a source of potential danger or not, it does not take away from the fact that it is a source of health problem.

Land Pollution: Land is not endangered principally by people acting with deliberate or malicious intent, but by those who, at least until recent times, have often been unaware of the consequences of their actions. The destruction of Land plant covering in the interests of agriculture, the claiming of land for development, production of petroleum, dumping of wastes among others have caused changes on land which far exceed the results of human destruction "leveled knowingly and directly against particular abusers". This is why land conservation is one of the areas of environmental protection, thus the interest of land owners have clashed dramatically with those of the conservationists and at time with that of the Government.

Water Pollution: "If there is magic on this planet, it is in water. Water is not a commercial product like any other, but, rather a heritage, which must be protected, defended and treated as such". That our waters are suffering from an avalanche of pollution is a common knowledge. A trip to one of the rivers in one of the Niger Delta communities where petroleum production is going on will confirm the state of our waters in Nigeria. Water Pollution therefore, is the presence in water (river, stream, lagoon, sea or ocean) of chemical substances which naturally are not present in the water in question. These

chemical substances alter the natural composition and behaviour of the water. In another dimension, the introduction by man, directly or indirectly of substances, or energy into the marine environment resulting in such deleterious effects as are harmful to the marine environment and marine activities and which may cause impairment of quality of use of water, and reduction of amenities is water pollution. Apart from the earlier mentioned major types of environmental pollution, there are other forms such as, Light pollution which includes light trespass and over illumination. Visual pollution, which can refer to the presence of overhead power lines, motorway, bill boards, open storage of trash or municipal solid waste. Aesthetic degradation is another form of pollution.

Pollution of whatever form is an evil wind that blows no one good, it is not only a national issue, it has a trans boundary effects on international nations. The world all over is concerned and are crying out. The recent Copenhagen Conference in Denmark, 2009 in December 2009 attest to this . Thus it has been suggested that the cheapest and most effective way to reduce pollution is to avoid producing it or releasing it in the first place. However, one is in doubt whether it is possible, not to produce pollution? The quest should be reduction to the barest minimum, thus industries can reduce pollution by recycling or reclaiming materials that otherwise might be discarded in the waste stream. Companies can extract valuable metals and chemicals and sell them, instead of releasing them as toxic contaminants into the Water system. In addition, modifying land use is an important component of reducing pollution. All these approaches apart from being economical are also environmental friendly.

The Legal Framework For Access To Justice in Nigeria

The main legal framework for access to justice in Nigeria is the Constitution of the Federal Republic of Nigeria 1999 (as amended). Nigeria's concept of access to justice has been influenced by several global and national normative instruments and framework. They include the Africa charter on human and people's Rights ,Universal Declaration of Human Rights. Among others.. Section 36(1) of the Constitution of the Federal Republic of Nigeria, 1999 states that:

In the determination of his Civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

A similar provision of the African Charter on Human and Peoples Rights which is now the law of the federation can be found in Article 7 the text of which is as follows

- 1 Every individual shall have the right to have his case heard. This comprises
 - a) the right to an appeal to competent national organs against acts violating his fundamental right as recognized and guaranteed by conventions, laws and regulations and customs in force;
 - b) the right to be presumed innocent until proved guilty by a competent Court or tribunal;
 - c) the right to defence, including the right to be defended by a counsel of his choice;

- d) the right to be tried within a reasonable time by an impartial court or tribunal.

Challenges against Access to Justice

Ignorance on the Part of the Citizens: Ignorance they say is a disease. Unfortunately, this disease affects an average Nigerian. Most Nigerians do not know their right from their left not to talk about knowing about access to justice. They do not also know about their existing rights. Worse still, they do not know whether any law exists for their protection. They are also ignorant of the available access to justice structure and Agencies that exist for their protection or how much the Agency can assist in ensuring the observance of their rights.

Generally, there is less than enough of public interest in access to justice issues in the country. The primary reason being that a greater proportion of the citizenry are oblivious of their right to access justice, especially, when the infringement is caused by intangible processes. For Akinjide, the high level of illiteracy aggravated by poverty in the country is usually pointed out as a major contributory factor, however, it is contended that the issue of ignorance acts across, affecting both the educated and the illiterate, the rich and the poor. There is lack of the knowledge. The ignorance is said to be so pervasive that to this minority, an action instituted against facilities in which government has an interest is perceived as an action against government itself. Illiteracy and poverty are far from being the prime rationale for access to justice ignorance, lack of awareness takes the center stage, for what you know is what you can talk about. Lack of such knowledge prevents one from taking advantage of such knowledge.

Nonchalance on Part of the Citizens: The average Nigerian is calm, careless and does not feel any anxiety about his right, not to talk about his rights to access justice. It is unfortunate that Nigerians are waiting to be dragged before they imbibe the culture of accessing justice. This nonchalant attitude cuts across all, the rich and the poor, the educated and the illiterates, the good looking and the ugly, all is guilty of this sin even the researcher. A particular incident plays back on my mind in the course of writing this sub-topic. At 116 Limca Road Nkpor, Anambra State where we lived, had adjacent to it, an uncompleted building that was being used as a bakery by one of the tenants in our building. The smoke from the bakery was much that the curtains, calendars and the white walls of some apartments in that area were colored with smoke from the bakery. At a point some tenants in that area held a meeting and decided that the nuisance was getting out of hand and needs to be addressed. Among these tenants were, lawyers, chartered accountant, bankers, teachers, business men among others. The short and long of it was that nothing was done, nor has been done up till today because of reasons of time, cost, am not only involve, problems with our court, what will I benefit from the court case, while some opt out on the fact that they have not been to court and will not want to go. The situation is ridiculous but that is the position up till date.

Illiteracy Among The Citizens: The level of illiteracy among the citizens of this country is a serious issue. This situation makes them timid and ever ready to treat the issue of access to justice with a wave of hand. This is so even when they have chances to go against

persons, bodies and even Governments who had violated their rights in one way or the other. For sure, most of these illiterates are cowards and will rather exhibit “the I do not care” or “it does not matter” attitude, than exposing themselves. This precarious position of the citizens is taken advantage of, by both the government and the individual. This reason explains why for example the environmental havoc in Ogoni land went on for so long until it took the likes of Late Ken Saro- Wiwa and others, who cried out to the world for the environmental degradation going on in Ogoni land, although the then Nigeria government reacted by taking their lives, the degradation is now open secret in the world. Knowledge indeed is power to the individual, the government and to the environment.

Poverty: The International Labor Organization, in their wisdom assert thus:

Our notion of what it is to be poor, or the minimum income required to lead a decent and respectable life, depends partly on the level of consumption of those round us.

The inference is that poverty generally connotes the inability to command basic necessity of life. It also means lack of income to satisfy the essential of life. Poverty, which has been an issue of social concern from ancient times has many roots and causes which is not intended to be discussed in this work. The poverty level of the Nation is very high and this accounts for the standard of living which is still below the hunger level. The common language of the people is survival first, thus access to justice right or concern do not mean much or even anything to them, as their pre-occupation is how to feed in these hard times. With the hard times challenges before them, the people are much concerned with their existence and survival than on how to access justice. In this circumstances, the quest for survival will obviously not include the choice of enforcing their rights, because the means to right wrongs is not available. As a result, the citizens live and contend with all forms of abuses to their rights. Sustainable development is all about all round development, reduction of poverty will obviously increase access to justice, while increase in poverty level as the situation seems now in the country, poses a bleak future for access to justice.

Judicial Attitude to Cases : The judiciary is an arm of the Government and by the provision of section 6 of the 1999 Constitution of the Federal Republic of Nigeria, It has the power to exercise judicial functions vested on the courts of records. Thus, while the legislature makes the law, the judiciary interprets the law and the executive implements the law. Although the position occupied by the judiciary cannot be said to be more important than that of the legislature and the Executive, it is however, a stabilizer and of great importance to the existence of the three arm of the Government. For where the legislature has made the law, without the interpretation, meaning will not be accorded to the law and the executive will have nothing to implement and when there is no implementation of the law, the evil which the legislature intends to cure with the passage of the law, will continue to exist. While the truth that the judiciary is the last hope of the masses cannot be totally challenged, the fact remains that accessibility to Court and attitude of the court to an aggrieved person seeking redress remains a mirage. World over, the civil justice system is a costly one and Nigeria is no exception. The aggrieved have this high cost of litigation which includes the mandatory filing fees, lawyers

professional fees among others to contend with. When the victim is able to overcome these initial or teething problems and is before the court properly the judges dispositions to the subject matter is another hurdle to cross.

Importance of Access to Justice

It is only when an individual has access to Courts that his fundamental rights can be enforced. The justice system is important for improving the lives of essentially the poor people by ensuring that everybody has access to systems which dispense justice fairly, speedily and without discrimination. Failure of states to provide Citizens with protection from crime and access to justice impedes sustainable development. Without effective access, there is no effective protection of human rights. That is why the legislature or parliaments, governments and Courts of every country have a positive duty to translate the ideal of effective access to justice into practical reality.

Effective access is not just an optional extra or a luxury of affluent and economically advanced societies. Everyone, everywhere should enjoy the equal protection of the law if there is to be justice for all. There is need for openness to different approaches to justice, recognizing strengths of different individuals with a focus on dispute resolution and innovative ways of delivering justice to the citizens. Thus access to justice ensures:

- a Effective protection of Human Right.
- b Improve administrative decision accountable and affordable to ordinary Citizens.
- c promote Judicial Independent and accountability.
- d Improve poor people's inclusion and participation in the justice system
- e Attack Corruption in justice administration.
- f Support legal struggles for human dignity and disseminate legal resources.
- g Access to justice ensures comprehensive understanding of law which includes wider analysis of dispute resolution and, of strategies that use trust.
- h Secure a voice for the weakest member of the society what is a fundamental part of the rule of Law. For justice must arm the weak with the possibility of winning against the state itself.
- i Enhances legal reform programmes at the grass root level.

Towards Sustainable Environment and Economy

God created the environment for mankind's benefit and sustenance when committed to reasonable and beneficial use. More often than not, the way and manner in which man puts the environment to certain activities tends towards the destruction of its own self or the dislocation of the ecosystem that helps to make life meaning and conducive to mankind. Such negative result while genuinely unintended by man when acting, that is, for developmental and economic interest, comes in direct conflict with that of environmental interest and sustainability. Without any doubt everything we do has to deal with the environment, as a result care must be taken to ensure that the resources within the environment are optimally utilized. There cannot be development without the utilization of the available resources within the environment, as a result there must

be a balance between the development of these resources and the attainment of balanced environment

In whatever fashion the goals of development evolve, development, if it is to be sustainable, must proceed in such a way that the quality of the environment is safeguarded, the integrity of ecological processes is maintained and stocks of resources are conserved. Environmental protection is aimed at ensuring that development is sustainable and provides net benefits to society; it is thus an indispensable process. The practical essence of environmental protection is the recognition and reflection of environmental considerations at every stage of the development process. Environmental protection must be backed up by knowledge and understanding of the elements of the environment, of ecological processes and of relevant socio-economic factors; it requires up-to-date information on changes in the environment, the functioning of ecosystems and the states of species; and it must be based upon assessment of the likely ecological and socio-economic consequences of proposed activities. It is achieved by controlling the actions of the people through laws and regulations by influencing their actions by means of incentives, disincentives and the provision of information, and by employing skilled people to manipulate the environment and modify ecosystems.

There is the need in Nigeria to ensure a very close link between environmental protection goals and those of development, this is because the achievements of development will benefit succeeding generations only if we plan for and maintain an environment of high quality and ensure that the stock of natural resources is conserved to support a continuing process of development. Resource use has become a matter for close attention because environmental protection are being strained by unsustainable use and by the growing demand of the nation's continually increasing socio-economic advancement.

Environmental protection in Nigeria like in other developing countries has often been described as rule-oriented and poorly implemented and enforced. The reasons for this state of affairs include fragmentation of the statutory authority, lack of coordination, and shortages of personnel and other resources. Although legislation often plays a major role in environmental improvement, it does not guarantee that the intent of the legislator will be implemented in practice. Most problems result from difficulties in setting up control and enforcement mechanisms and even of translating statutory provisions into practical regulations. In other cases, the difficulties are more structural than functional. In addition, effective implementation of environmental law requires promulgation of appropriate regulations, designation of appropriate executing agencies, recruitment and training of personnel, provision of material means and equipment, assignment of appropriate budgets, and effective operation and management. Without these measures, implementation of legislation will remain ineffective and polluters will continue to be able to act with impunity.

The goal of every Nation sustainability is to establish local economies that are economically viable, environmentally sound and socially responsible. Achieving this goal requires participation from all sectors of the Nation. Although these three factors can

work in harmony, they are often found to conflict with one another. During the 20th century economic development for a better standard of living has been instrumental in damaging the environment. We are now in a position whereby we are consuming more resources than ever, and polluting the Earth with waste products. More recently, society has grown to realize that we cannot live in a healthy society or economy with so much poverty and environmental degradation. Economic growth will remain the basis for human development, but it must change and become less environmentally destructive. The challenge of sustainable development is to put this understanding into practice, changing our unsustainable ways into sustainable ones.

How Environmental Pollution Victims can then Access Justice

Having looked at the hindrances faced by the victims of environmental pollution to access Justice, can they ever access Justice?. Should they just fold their hands and watch while their environment is being degraded and eventually destroyed? The answers to these question should ordinary be no. Something needs to be done.

Because of the complexities in the pluralistic legal system, there is need to strive to ensure that access to justice accommodates different justice approaches. There is need to review the available steps that are in place to access justice not just by environmental pollution victims but by all that is aggrieved. There is need for the review of civil justice system with a view to play down most of the procedures or processes that militate against access to justice, a task that will respond to the perceived” crisis in access to justice. Particularly as it relates to environmental pollution. This should be so, because the right to a clean and decent environment should be synonymous with the right to life. Therefore, whatever touches on the life should attract utmost attention from all and sundry. Serious limitations in the Nigeria laws as it relates to environmental protection creates the greatest hindrance to environmental protection in general and to the victims of environmental pollution in accessing justice. For example, a ruling by a Dutch Court in a case brought by three Nigerian farmers against the shell oil company, exposed the extent to which “this evil” (the Nigeria laws on environmental protection) has eaten deep into the quest for access to justice by the victims of environmental pollution. In that case,

the Dutch Court in it decision raises concern about serious limitation in Nigeria law (which was the law applied in this case). Friends of the Earth, Netherlands, who were giving standing in the case argued that Shell should be liable for inadequate response to oil spills. The court found that under Nigerian Law there is liability for the consequences of the company to respond adequately.

The laws as seen above clearly are serious problems, given that delay and inadequate clean-up of pollution can significantly exacerbate the damage to the environment and people's human right, particularly the right to health, food, water and livelihood of the victims. Also a land mark decision by the west African ECOWAS Court found that Nigeria had failed to properly regulate oil Companies.(who are the major environmental polluter in Nigeria) and their negative impacts. It is therefore necessary that a forward looking provisions with the genuine quest to protect the environment, with effective

enforcement mechanisms be put in place to sustain our environment.

Also, an environmentally friendly provision should be able to make available the needed information to access justice, if the victims of environmental pollution must have access to justice. It is a notorious fact that the common citizen in Nigeria lacks ready access to legal and administrative institution to address the issue of environmental Protection, the reason not only due to illiteracy, but also lack of access to information and other required resources necessary for proper and effective addressing of the abuses. With little or no information at the disposal of the environmental victims, access to justice will be almost impossible. Information is vital from the stage of wanting to access justice up to the point actually getting justice. Again, in the Dutch court case, between four Nigerians and Shell oil company, it was observed that throughout the court judgement, it was clear that the Nigerian farmers simply did not have access to the information and expertise to challenge Shell's assertions. According to the court, "when one party holds all the cards, such restrictive disclosure rules can be obstacle to justice." The extent to which information are made available to the victims of environmental pollution depends on the provisions of the laws. To what extent can the victims go in getting the required information that will enable them to access justice, particularly when such information is in the custody of the opponent, as it was the position, in the above mentioned case. Again the provisions of the law and its enforcement can address this obstacle. There is no doubt also that massive legal and non legal fees are involved in trying to access justice. But with a forward looking provision and earnest quest for environmental protection, these massive costs could be reduced to the barest minimum.

Conclusion

A continued denial of access to justice to the victims of environmental pollution is bad for the environment and the Economy, which in tune, is bad for everyone. We can protect and enhance the environment's ability to sustain human well-being, but how human interact with nature is intimately tied to how we interact with each other. Those whose environment are degraded should be able to access the legal institutions put in place to ensure justice for such victims of environmental pollutions. For this reason, effort to safeguard the natural environment must go hand-in-hand with efforts to achieve more level playing field for victims of environmental pollution. The aim of sustainable development is to balance our economic, environment and social needs, allowing prosperity for now and future generations. Sustainable development consists of a long term, integrated approach to developing and achieving a healthy community by jointly addressing economic, environmental, and social issues, whilst avoiding the over consumption of key natural resources. The watch word for sustainable development should be social progress and equality, environmental protection, conservation of natural resources and stable economic growth.

As stated earlier, the enactment of laws that would reduce environmental pollution to zero tolerance level, and where peradventure pollution occurs, the provisions of such laws will be more than adequate for the victims of such pollution to conveniently access the legal institution for redress. Although most dispute can be settled without the need

for trial, a flow of adjudicated case is necessary to provide guidance on the law and occasionally, to make new leaps. For example, in the case of *Donoghue v Stevenson* where a snail was found in the ginger beer bottle. The court effectively transformed the law, by establishing protection for consumers, created an incentive for those who create risks to take care and the possibility of redress for those harmed by negligent actions.

The courts in interpreting these provisions if eventually they are enacted, should shift from their earlier disposition of treating environmental issues as issues that less affect the nation, it is time for the court to recognize the significant inequality of arms in environmental cases and interpret and apply the rules in a way that redresses the imbalances. Environmental issues should be seen as an arm of the fundamental right of an individual and should be addressed accordingly. The protection and promotion of access to justice by the victims of environmental pollution, as the universal values of the rule of law, human rights and democracy are ends in themselves. They are essential for a world of justice, opportunity and stability.

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