Category: Obligation to Provide Access to Legal Remedies

Sub-Category: Regional Tribunals and Mechanisms

Name of Good Practice: **Economic Community of West African States (ECOWAS) Court of Justice’s Judgment in *Socio-Economic Rights and Accountability Project* (*SERAP) v. Nigeria***

Key Words: Access to Justice, Compliance, Jurisprudence, Monitoring, Regional, Right to a Healthy Environment

Implementing Actors: Regional Organisation: Economic Community of West African States (ECOWAS) Court of Justice

Location: Africa

Description: Articles 6 and 15 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establish the ECOWAS Court of Justice. The Court is mandated to ensure the observance of law and of the principles of equity, and to interpret and apply the provisions of the revised ECOWAS Treaty and all other subsidiary legal instruments adopted by ECOWAS. Among its other powers, the Court has jurisdiction to determine cases of violation of human rights that occur in any Member State.

In *SERAP v. Nigeria,* No. ECW/CCJ/JUD/18/12 (2012), the Court of Justice found the Nigerian government responsible for abuses by oil companies operating within its territory, in violation of, among other things, Article 24 of the African Charter of Human and Peoples’ Rights, which states: “All peoples shall have the right to a general satisfactory environment favourable to their development.” The Court affirmed that the “environment is essential to every human being,” and stated that “[t]he quality of human life depends on the quality of the environment.” The Court stressed the need for the State to hold accountable actors that cause environmental harm through oil pollution, and to ensure adequate reparation is provided for the victims.The Court explained that Nigeria was under an obligation to take “additional and concrete measures aimed at preventing the occurrence of damage or ensuring accountability, with the effective reparation of the environmental damage suffered.” In this case, the Court found that Nigeria had not seriously and diligently held accountable any of the perpetrators of the many acts of environmental degradation which occurred in the Niger Delta Region. The Court found that the duty assigned by Article 24 is “both an obligation of attitude and an obligation of result,” that Article 24 requires the State to adopt legislative or other measures to give effect to the right, and that such measures must be implemented to promote accountability and to ensure adequate reparation for environmental damage.

Further Information: The *SERAP v. Nigeria* judgment is available at: <http://www.courtecowas.org/site2012/index.php?option=com_content&view=article&id=177:case-serap-v-federal-republic-of-nigeria&catid=10:judgements&Itemid=86>; additional information about the ECOWAS Court of Justice is available at its website, <http://www.courtecowas.org/site2012/index.php?option=com_content&view=article&id=2&Itemid=5>.