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President Goodluck Ebele Jonathan
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Your Excellency,

I am writing on behalf of the International Commission of Jurists (ICJ) to call your attention to the recent ruling by the Court of Justice of the Economic Community of West African States –ECOWAS in the case *SERAP vs The Federal republic of Nigeria*, (N° ECW/CCJ/JUD/18/12) dated 14 December 2012. In this case the ECOWAS Court has ruled that Nigeria has violated its obligations under the Article 24 of the African Charter on Human Rights and People's Rights, which provides: "All peoples shall have the right to a general satisfactory environment favourable to their development". I write now to request your intervention with a view to ensuring the enforcement of the ruling by the competent authorities in the Niger Delta and the Federal Government.

The case concerns activities by oil companies operating in the Niger Delta, whose operations were identified as the cause of severe pollution of water, land and the general environment where people of the Niger Delta live. The Court recognised that all the measures previously adopted by Nigeria had not prevented the continued environmental degradation of the region, and concluded that "there has been a failure on the part of the Federal Republic of Nigeria to adopt any 'other' measures" required by article 1 of the African Charter. The "core of the problem", the Court held, "resides in lack of enforcement of the legislation and regulation in force" (§109) and lack of accountability:

"111. And it is precisely this omission to act, to prevent damage to the environment and to make accountable the offenders, who feel free to carry on their harmful activities, with clear expectation of impunity, that characterises the violation by the Federal Republic of Nigeria of its international obligations under Articles 1 and 24 of the African Charter on Human and Peoples' Rights."

The Court has ordered the Federal Republic of Nigeria to:

- i. Take all effective measures, within the shortest possible time, to ensure restoration of the environment of the Niger Delta;
- ii. Take all measures that are necessary to prevent the occurrence of damage to the environment;
- iii. Take all measures to hold the perpetrators of the environmental damage accountable;"

The Federal Republic of Nigeria has an international obligation to comply with and enforce this Decision of the Community Court of Justice, ECOWAS, in accordance with Article 15 of the Revised Treaty and Article 24 of the 2005 Supplementary Protocol on the Court. I would therefore respectfully request your Government to take all necessary steps and issue instructions to relevant officials to comply with this ruling without delay.

The problems related to environmental pollution, and ensuing effects of health, food and water for the local population in the Niger Delta have persisted for many years. Despite previous Court decisions, including the decision by the African Commission on Human and People's Rights in the case *The Social and Economic Rights Action Center and the Center for Economic and Social Rights / Nigeria (155/96)*, the conditions of living and the respect of their rights for the Niger Delta people have not substantially improved. The present ruling by the ECOWAS Court highlights that much more needs to be done to enforce laws by holding accountable the perpetrators of violations and ending the pervasive culture of impunity existing in the region.

I hereby respectfully request the government of the Federal Republic of Nigeria to act decisively to make good its international commitments to protect human rights against private parties including transnational corporations and other business enterprises. In your endeavours, law enforcement agencies should have a prominent role and they should incorporate the affected communities in the monitoring of the enforcement process to guarantee their adequacy and effectiveness. My organization, which has a long standing interest and work in the defence of the Rule of Law and human rights in Nigeria, stands ready to assist in enabling better legal accountability and the guarantee of access to justice for the affected people.

I would be grateful if your Government could keep me informed of any measures taken to implement the judgment of the ECOWAS Court of Justice.

I present to you Excellency the assurances of my highest consideration.

Yours Sincerely,

Wilder Tayler
Secretary-General