

Review Article

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From Site Visit to Courtroom: Assessing the Legal Architecture of Joint Investigation Visits and Access to Justice for Oil Spill Victims in Nigeria

Christiana Tombari Bodo¹ and Tombari Bodo²

¹Faculty of Law, University of Uyo, Uyo, Akwa Ibom State, Nigeria

²Director, Centre for Integrated Management and Advanced Research, Port Harcourt, Rivers State, Nigeria

ABSTRACT

Oil spill pollution remains a persistent environmental and human rights challenge in the Niger Delta region of Nigeria. Central to the determination of liability, remediation, and compensation for oil spill victims is the Joint Investigation Visit (JIV) — a statutory procedure designed to investigate the cause, extent, and impact of spills. Under the National Oil Spill Detection and Response Agency (NOSDRA) Act 2006 and the NOSDRA Regulations 2011; JIVs are intended to provide an objective, multi-stakeholder factual basis for justice. However, despite this seemingly robust legal architecture, oil spill victims continue to face significant barriers to timely and effective redress. This paper critically examines the legal framework governing JIVs in Nigeria and assesses their effectiveness in facilitating access to justice for oil spill victims.

Drawing on statutory analysis, case law, and documentary review, the study reveals systemic gaps between law and practice. Key challenges identified include: persistent delays and non-conduct of JIVs within the statutory 14-day timeline; manipulation and disputes over the “cause of spill” determination; exclusion and technical incapacity of host communities; and the non-binding nature of JIV reports in litigation. The paper argues that while JIVs are a necessary procedural gateway, their current design and implementation often function as a tool for liability avoidance rather than accountability. It further evaluates the implications of the Petroleum Industry Act 2021 and proposes concrete reforms: granting JIV reports prima facie evidentiary status, ensuring institutional independence and funding for regulatory bodies especially NOSDRA, mandating community technical support, and leveraging technology for transparency. This paper concludes that reforming the JIV process is critical to bridging the gap “from site visit to courtroom” and achieving environmental justice for Niger Delta communities.

*Corresponding author

Tombari Bodo, Director, Centre for Integrated Management and Advanced Research, Port Harcourt, Rivers State, Nigeria.

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1. Introduction

1.1 Background to Oil Spill Pollution and the Quest for Justice in the Niger Delta

The Niger Delta region of Nigeria accounts for over 90% of Nigeria's foreign exchange earnings and 70% of government revenue, with petroleum operations spanning more than 6 decades. This economic centrality has, however, come at a severe environmental and social cost. The region is plagued by frequent oil spills arising from pipeline corrosion, equipment failure, operational mishaps, sabotage, and artisanal refining. The United Nations Environment Programme (UNEP) Environmental Assessment of Ogoniland found that oil pollution had penetrated up to 5 meters below ground in some areas, with drinking water contaminated at levels 900 times above World Health Organization (WHO) guidelines. Beyond environmental damage, oil spills destroy livelihoods, undermine public health, and fuel conflict [1-6].

Affected communities have continued to struggle to secure timely and adequate redress as they continue to cry to the government and operating oil companies in their communities on the evidence of the spillages that have caused serious environmental havoc; which the operating companies usually deny responsibility of such damages to the community environment and blaming it on sabotage on their operations. It is within this framework that the Joint Investigation Visit (JIV) was conceived as a critical first step in the oil spill response and liability chain in Nigeria [7].

1.2 The Concept of Joint Investigation Visits in Nigerian Oil and Gas Law

A Joint Investigation Visit is defined under the National Oil Spill Detection and Response Agency Act and further elaborated in the NOSDRA as a mandatory on-site investigation to be conducted within 14 days of a spill report. The JIV is to be carried out by a multi-stakeholder team comprising representatives of NOSDRA, the oil company/operator, the National Upstream Petroleum Regulatory Commission (NUPRC), the relevant State Ministry of Environment, and the affected host community. The primary objectives of a JIV are to: ascertain the cause of the spill, estimate the quantity spilled, determine the area impacted, and agree on a clean-up and remediation plan. The JIV report is intended to serve

as the foundational document for determining liability, calculating compensation, and guiding remediation. In theory, it is the bridge “from site visit to courtroom” – the evidentiary bedrock upon which victims can pursue claims [8,9].

1.3 Statement of the Problem the Justice Gap for Oil Spill Victims

Despite the clear legal provisions for JIVs, oil spill victims in the Niger Delta continue to face protracted delays, inadequate compensation, and failed remediation. Data from NOSDRA indicate that over 14,000 oil spill incidents were recorded between 2014 and 2024, yet less than 35% of sites have been certified as fully remediated. Empirical and legal scholarship attributes this justice gap to failures within the JIV process itself. Common complaints include: JIVs conducted months after the incident, thereby compromising evidence disputes over the “cause of spill” classification which determines whether the operator is liable; exclusion or intimidation of community representatives during JIVs; and the treatment of JIV reports as mere administrative documents with no binding effect in court [10,11].

Consequently, victims are forced into lengthy and expensive litigation to prove what a JIV was statutorily designed to establish. This raises a fundamental question: To what extent does the current legal architecture of JIVs facilitate or hinder access to justice for oil spill victims?

1.4 Aim, Objectives and Research Questions

Aim: To critically assess the legal architecture of Joint Investigation Visits and its effectiveness in facilitating access to justice for oil spill victims in Nigeria.

Specific Objectives

- To examine the statutory and regulatory framework governing JIVs in Nigeria.
- To evaluate the practice and implementation of JIVs and identify key procedural challenges.
- To analyze the evidentiary status and impact of JIV reports in oil spill litigation and compensation claims.
- To assess the implications of the Petroleum Industry Act 2021 for the JIV process.
- To propose legal and institutional reforms to strengthen JIVs as a tool for environmental justice.

Research Questions

- What is the legal basis and procedure for conducting JIVs under Nigerian law?
- What are the key challenges in the implementation of JIVs that impede access to justice?
- What is the evidentiary value of JIV reports in Nigerian courts?
- How can the JIV framework be reformed to better serve oil spill victims?

1.5 Scope and Significance

This paper focuses on the legal and institutional framework of JIVs in Nigeria’s oil and gas sector from 2006 to 2025, with emphasis on the Niger Delta region. It relies on doctrinal legal research, analysis of primary sources including the NOSDRA Act, NOSDRA Regulations, PIA 2021, and relevant case law, as well as secondary sources such as NGO reports and academic literature. The significance of this paper is threefold. First, it addresses a critical procedural bottleneck in environmental justice for oil spill victims. Second, it provides timely analysis in light of the Petroleum Industry Act 2021 and ongoing divestments by International Oil Companies. Third, it contributes to global

debates on procedural environmental rights and the design of effective post-disaster investigation mechanisms in resource-rich developing countries.

1.6 Methodology

This paper adopts a doctrinal and analytical research methodology. It involves a critical review of relevant statutes, regulations, and judicial decisions relating to JIVs and oil spill liability in Nigeria. The study also draws on reports from NOSDRA, UNEP, civil society organizations, and academic journals to assess the practice of JIVs. A comparative perspective is also employed to draw lessons from spill investigation frameworks in the US, UK, and Norway.

2. Conceptual And Legal Framework of Access to Justice in Environmental Matters

2.1 Defining Access to Justice in Environmental Litigation

Access to justice in environmental matters goes beyond the mere ability to file a suit. It encompasses three interrelated pillars:

(a) access to information, (b) public participation in decision-making, and (c) access to judicial and administrative remedies. In the context of oil spill pollution, access to justice means that victims can obtain timely, accurate information about the incident, participate in determining liability and remediation, and obtain effective redress without prohibitive cost or delay. For communities in the Niger Delta, the first hurdle is often evidentiary. Without an official record of the spill’s cause, volume, and impact, litigation becomes speculative and prohibitively expensive. The JIV is therefore conceived as the procedural mechanism that generates information and creates the basis for participation and remedy [12,13].

2.2 International Principles: Aarhus Convention, Rio Principle 10, and the African Charter

Although Nigeria is not a party to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, its principles are widely regarded as customary and have influenced Nigerian environmental law and policy. Principle 10 of the 1992 Rio Declaration similarly provides that “environmental issues are best handled with the participation of all concerned citizens” and that “effective access to judicial and administrative proceedings, including redress and remedy, shall be provided” At the regional level, Article 24 of the African Charter on Human and Peoples’ Rights guarantees the right to “a general satisfactory environment favourable to their development” In *Social and Economic Rights Action Center v. Nigeria*, the African Commission held that this right imposes a duty on states to prevent pollution and provide compensation to victims [14-16].

The Commission further emphasized the need for transparency and community participation in environmental decision-making. These instruments collectively establish that a credible, participatory, and timely investigation mechanism is a prerequisite for meaningful access to environmental justice.

2.3 Constitutional and Statutory Basis for Environmental Justice in Nigeria

The 1999 Constitution of the Federal Republic of Nigeria [as amended] contains a directive principle in Section 20 which mandates the State to “protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria” While non-justiciable on its own, Section 20 has been given effect through various statutes The most direct statutory basis for procedural rights lies in the National Environmental Standards

and Regulations Enforcement Agency (NESREA) Act and the NOSDRA Act 2006. Section 27 of the NESREA Act provides for public access to environmental information, while Section 6 of the NOSDRA Act mandates the Agency to, among other things, “identify polluters and enforce remediation” and to “maintain an oil spill database”. Crucially, the right to a fair hearing under Section 36 of the Constitution has been invoked by Nigerian courts in environmental cases to demand fair procedures, including proper investigation and opportunity to be heard. This constitutional backdrop frames the JIV not merely as an administrative procedure, but as a due process requirement [17-19].

2.4 The Polluter-Pays Principle and Remediation Liability

The Polluter-Pays Principle (PPP) is the cornerstone of liability in Nigerian oil and gas law. It provides that the party responsible for pollution should bear the costs of prevention, control, and remediation. The PPP is codified in Nigeria through the Oil Pipelines Act, the PIA 2021, and various regulations. For the PPP to operate, liability must first be established. This is the precise function of the JIV. Section 11 of the NOSDRA Regulations provides that where the cause of spill is determined to be “operational”, the spiller is liable for clean-up and compensation. Where it is “sabotage”, the spiller is only required to contain and clean-up. Thus, the determination made at the JIV directly dictates who pays and how much. A flawed or biased JIV therefore defeats the PPP and shifts the cost of pollution to the victim and the public. This linkage between JIV, liability, and remedy makes the legal architecture of JIVs central to environmental justice in Nigeria [20,21].

3. The Legal Architecture of Joint Investigation Visits in Nigeria

3.1 Historical Evolution and Policy Rationale for JIVs

Before 2006, investigations into oil spills in Nigeria were informal and primarily controlled by oil companies. There was no statutory mandate for multi-stakeholder participation, leading to widespread allegations of bias and under-reporting of spill volumes. The enactment of the National Oil Spill Detection and Response Agency (NOSDRA) Act 2006 was a direct response to this accountability gap. The policy rationale was to create an independent, transparent, and participatory mechanism for spill investigation that would generate credible evidence for liability and remediation. The JIV was therefore designed as the first and most critical step in Nigeria’s oil spill response framework — to move from corporate self-reporting to joint fact-finding [22].

3.2 Statutory Basis Nosdra Act 2006 And Nosdra (Oil Spill Recovery, Clean-Up, Remediation and Damage Assessment) Regulations 2011

The Primary Legal Basis for JIVs Is Twofold

- i. NOSDRA Act 2006, Section 6: Mandates NOSDRA to “receive reports of oil spills and carry out investigation to determine the cause of the spill, the volume, and the area impacted” (FRN, 2011). The Act also empowers NOSDRA to enforce compliance and maintain a national oil spill database.
- ii. NOSDRA (Oil Spill Recovery, Clean-up, Remediation and Damage Assessment) Regulations 2011: This provides the detailed procedure. Regulation 4, requires the spiller to report a spill to NOSDRA, NUPRC, and other relevant authorities (which should include the residing State Ministry of Environment) within 24 hours of occurrence (FRN, 2011). Regulation 6, mandates that a JIV “shall be conducted within 14 days of the spill or within 14 days of notification, whichever is earlier” [6,8].

The Regulations also set out the form and content of the JIV report, making it the official record of the incident.

3.3 Composition, Procedure and Timeline for Conducting a JIV

Under Regulation 5 of the 2011 Regulations, a JIV team shall comprise representatives of:

- i. NOSDRA - Lead agency and chair
- ii. The Oil Company/Operator - The spiller
- iii. National Upstream Petroleum Regulatory Commission (NUPRC)
- vi. State Ministry of Environment of the affected state
- v. Representative(s) of the Host Community where the spill occurred (FRN, 2011).

The Procedure

- i. Notification: Spiller notifies authorities within 24 hours (Reg. 4)
- ii. Mobilization: JIV team is convened within 14 days (Reg. 6)
- iii. Site Visit: Team visits the site to take photographs, collect samples, estimate area impacted, and determine probable cause.
- iv. JIV Report: A standardized form is completed and signed by all parties present. The form captures: date/time of spill, date/time of visit, estimated quantity spilled, cause of spill, area impacted, and recommendations (Reg 7).

Where parties disagree on any item, the dissenting view is to be noted on the JIV form.

3.4 Legal Status and Evidentiary Value of the JIV Report

This is the most contested aspect of the JIV framework. The 2011 Regulations do not expressly state that a JIV report is binding or should be regarded as conclusive evidence. In practice, JIV reports are tendered as documentary evidence in court. Nigerian courts have treated JIV reports as relevant but not conclusive. In *Shell Petroleum Development Company Ltd v. Chief G. B. A. Farah & 5 Ors*, the Court of Appeal held that the cause of spill as determined by a JIV can be challenged by other evidence. Similarly, in *Bodo Community v. Shell Petroleum Development Company*, the parties relied heavily on JIV data but also commissioned independent expert evidence because the JIV was disputed. Thus, the JIV report has the status of a “first-hand administrative record” rather than *prima facie* proof of liability. This evidentiary weakness is a major barrier to access to justice, as victims must often re-litigate facts already captured in a JIV [23,24].

3.5 The Role of Key Institutions: Nosdra, Nuprc, State Ministries, Operators, And Host Communities

- a. **NOSDRA:** As lead agency, it is to coordinate, ensure compliance with the 14-day timeline, and archive reports. However, it faces funding and logistical constraints.
- b. **NUPRC:** Provides technical oversight on upstream operations and verifies production data.
- c. **State Ministry of Environment:** Represents state interest and monitors environmental impact.
- d. **Operator:** Provides access, technical data, and logistical support. Criticized for delaying JIVs and influencing “cause” determination.
- e. **Host Community:** The most important yet weakest member. Often lacks technical capacity, legal representation, or is excluded due to insecurity. The law requires their signature; however, contrary opinions are rarely given substantive weight in court.

The PIA 2021 introduced Host Communities Development Trusts (HCDT) under Section 235, which may improve community representation in future JIVs, but the Act did not amend the JIV procedure itself.

4. Jivs In Practice: Challenges to Access to Justice for Oil Spill Victims

While the legal architecture of JIVs appears comprehensive on paper, its implementation in the Niger Delta has been fraught with systemic challenges. These operational failures have transformed the JIV from a tool of accountability into a major bottleneck in the pursuit of environmental justice.

4.1 Delayed and Non-Conduct of Jivs Violation of the 14-Day Rule

Regulation 6 of the NOSDRA Regulations mandates that a JIV "shall be conducted within 14 days" of the spill or notification in practice, this timeline is routinely violated as NOSDRA's own data and civil society reports indicate that many JIVs are conducted 2 to 6 months after the incident, and some are never conducted at all. Delays are often attributed to insecurity, lack of logistics for the regulators, and deliberate foot-dragging by operators. The regulators (NOSDRA, NUPRC and the State Ministry of Environment), usually depends solely on oil companies for mobilization to site. The consequence of not carrying out JIV within 14 days as stipulated by Law is severe: oil evaporates, disperses, or is washed away, making it impossible to accurately determine the volume spilled or extent of impact. This evidentiary degradation directly prejudices victims' claims for compensation and remediation, forcing them to rely on estimates and expert testimony years later in court [25].

4.2 The "Cause of Spill" Controversy: Sabotage vs. Operational Failure

The single most contentious issue at a JIV is the determination of "cause". Under the PPP as domesticated in Nigeria, liability for compensation hinges on this classification:

- i. Operational: Operator is liable for clean-up, remediation, and compensation.
- ii. Sabotage/Third Party Interference: Operator is only liable for clean-up. No compensation is payable to the community.

Oil companies have a strong financial incentive to classify spills as sabotage. Community representatives allege that JIV forms are often pre-filled, and that dissenting opinions are ignored or omitted from the final report (CEHRD, 2013). NOSDRA and the other regulators lacks independent forensic capacity, and often relies on the operator's technical data (CEHRD, 2013). This has led to protracted litigation where the entire case revolves around disputing the JIV's "cause" finding. In *Shell v. Isaiah*, the Supreme Court had to determine liability years after a spill largely because the JIV was contested [26].

4.3 Exclusion, Intimidation and Capacity Deficit of Host Communities

The Regulations require community representation, but the reality is different. Community representatives on JIVs are often selected by traditional rulers or local government chairmen, sometimes without the input of the directly affected persons. Many representatives lack technical knowledge to challenge the operator's engineers on volume estimation or impact assessment. There are also documented cases of intimidation and coercion during JIVs, particularly in areas with active security operations. Furthermore, the absence of legal aid means communities sign JIV reports without understanding the legal implications of the

"cause" box they are ticking. The PIA 2021's HCDDT provisions may help, but as of 2025, most Trusts are not yet functional or equipped to provide technical support during JIVs [27,28].

4.4 Disputed JIV Reports and Litigation Bottlenecks

Because JIV reports are not accorded prima facie evidentiary status, they are frequently disputed in court. Each party tenders its own version or attacks the credibility of the JIV team. This turns what should be a 6-month compensation claim into a 10-15 year litigation. The Bodo and Goi cases against Shell in the UK and Netherlands took over a decade, with significant resources spent fighting over the validity of JIV data for rural farmers and fishermen in Ogoniland, this is not "access to justice" - it is denial of justice through procedure [29].

4.5 Security Challenges and Inaccessibility of Spill Sites

Large parts of the Niger Delta are inaccessible due to militancy, cult clashes, and artisanal refining activities. There are cases where Regulators and community members often cannot safely access spill sites within the 14-day window due to insecurity. Operators also cite security as reason for delayed mobilization. This creates a **Catch-22** (means a no-win situation where one is trapped by contradictory rules and requirement): the law demands a timely JIV, but the environment makes it impossible. The result is that many spills go undocumented by a proper JIV, leaving victims with no official record to pursue a claim.

Case Study Analysis

- i. **Oruma, Bayelsa:** A JIV delayed by over 8 months led to the court throwing out the community's claim for lack of credible evidence on volume and impact in Federal High Court, Port Harcourt. These cases demonstrate a clear pattern: a flawed JIV at the start leads to justice denied at the end.
- ii. **Bodo Community v. Shell:** The initial JIVs significantly underestimated the volume of oil spilled. Independent evidence later showed the spill was ten times (10x) larger. The case settled for £55 million in 2015 after years of disputing JIV data.
- iii. **Goi Community v. Shell:** Dutch courts found Shell liable partly because the company failed to install leak detection and because the JIV process was inadequate. The court relied on independent expert reports over the JIV.
- iv. **Ofiomina-Ama, Okrika, Rivers State:** In February 2024, the operator reported a fire and spill incident at Well 10. A JIV was convened within the same month but was deemed inconclusive because the team could not access the site due to the ongoing fire. As of 2026, the fire remains unextinguished after more than two years, resulting in the complete degradation of the aquatic ecosystem. Consequently, even if the fire is eventually contained and a JIV conducted, determining the cause of the spill will likely be impossible.

These cases demonstrate a clear pattern: a flawed JIV at the start leads to justice denied at the end.

5. Comparative Insights Oil Spill Investigation Mechanisms in Other Jurisdictions

Assessing the performance of Nigeria's JIV process requires looking at how other major oil-producing states conduct spill investigations, gather evidence, and determine liability. The purpose is not to copy these models directly, but to draw lessons that can enhance justice for victims in Nigeria.

5.1 The United States: Oil Pollution Act 1990 and Unified Command Structure

Following the Exxon Valdez disaster of 1989, the US enacted the

Oil Pollution Act (OPA) 1990 which fundamentally reformed spill response and liability (US Congress). Under OPA, the response to a major spill is coordinated through a Unified Command (UC) system led by the US Coast Guard as the Federal On-Scene Coordinator (FOSC). The UC includes representatives of the responsible party, state government, and federal agencies (USCG). Key features relevant to Nigeria:

- i. **Independence:** The FOSC, not the polluter, leads the investigation and determines the scope of response. This reduces the conflict of interest inherent in Nigeria's operator-led logistics.
- ii. **Natural Resource Damage Assessment (NRDA):** Conducted jointly by federal and state trustees, independent of the polluter. The assessment is legally binding and forms the basis for damages claims [30].
- iii. **Strict Liability & Unlimited Response Costs:** The polluter pays for all response costs regardless of "cause". The concept of "sabotage" removing compensation liability does not exist.
- iv. **Oil Spill Liability Trust Fund:** Ensures that clean-up begins immediately even where the spiller is insolvent or disputed.

The US model shows that removing the polluter from control of the investigation and making the assessment binding significantly accelerates access to remedy.

5.2 Norway and the UK: Independent Investigation and OSPAR Framework

Norway: The Norwegian Environment Agency and the Petroleum Safety Authority (PSA) conduct independent investigations of all major spills. Operators are required by law to report within 24 hours and must fund the investigation, but they do not lead it (Petroleum Act 1996). Norway also mandates the use of remote sensing, drones, and real-time monitoring, reducing reliance on a single site visit. The Polluter-Pays Principle is applied strictly, and there is no "sabotage" defense to compensation.

United Kingdom: Under the OSPAR Convention and UK Offshore Regulations, the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) investigates spills. The UK also has a well-developed system of civil liability where claimants can rely on regulator reports as strong evidence (UK Dept for Energy Security and Net Zero). In both jurisdictions, the investigation body is well-funded, technically independent, and its reports carry significant weight in subsequent litigation or settlement.

Key features relevant to Nigeria:

- i. **Institutional Independence:** Investigation is led by a regulator with technical capacity and budget.
- ii. **Technology:** Use of satellite, aerial surveillance, and real-time data reduces disputes over volume and timing.
- iii. **Binding Reports:** Regulator findings are presumed accurate unless rebutted by clear evidence.

5.3 Lessons for Nigeria

The comparative review yields three critical lessons for reforming Nigeria's JIV framework:

- i. **Leadership and Independence:** Like the US Coast Guard and Norwegian PSA; NOSDRA and the other regulators must be truly independent, adequately funded, and empowered to lead JIVs without reliance on the operator for logistics or data. The current model where the polluter funds and facilitates the JIV creates an inherent bias.
- ii. **Evidentiary Status:** In the US, UK and Norway, regulator reports are given substantial deference by courts. Nigeria should amend the NOSDRA Regulations to grant JIV reports prima facie evidentiary status. The burden should then shift

to the party disputing it to prove otherwise.

- iii. **Technology and Capacity:** The reliance on a single physical site visit within 14 days is outdated. Nigeria should mandate the use of drones, satellite imagery, and digital JIV forms uploaded in real-time to a public NOSDRA portal, as is done in Norway and the US. This would address security and access challenges.

- iv. **Removal of "Sabotage" Defense for Compensation:** The US OPA model shows that making operators strictly liable for compensation regardless of cause, and then allowing them to seek contribution from third parties, is more efficient for victims.

Adopting these principles would move Nigeria's JIV from a procedural formality to a credible, evidence-based gateway to justice

6. Reforming The Jiv Framework for Effective Access to Justice

The analysis in Sections 3 and 4 demonstrates that while the JIV is essential, its current design and implementation frustrate rather than facilitate access to justice. Drawing from the comparative lessons in Section 5 and the realities of the PIA 2021, the following reforms are proposed:

6.1 Granting Prima Facie Evidentiary Status to JIV Reports

The NOSDRA Regulations of 2011 should be amended to provide that a duly signed JIV report shall constitute prima facie evidence of the facts stated therein. The burden of proof should then lie on the party seeking to displace the JIV findings. This will prevent the current situation where victims must re-litigate facts at great cost. It aligns with the practice in the US and Norway where regulator reports are given significant weight.

6.2 Ensuring Institutional Independence and Funding for Regulatory Bodies

NOSDRA and other regulatory bodies must be removed from dependence on oil companies for JIV logistics. A dedicated "Oil Spill Response and Investigation Fund" should be created under the PIA 2021, funded by an industry levy, to enable NOSDRA to mobilize within 14 days regardless of security or terrain. NOSDRA should also be equipped with forensic laboratories, drones, and satellite data access to conduct independent volume estimation.

6.3 Mandating Technical and Legal Support for Host Communities Section

235 of the PIA 2021 on Host Communities Development Trusts should be leveraged. Each HCDT should be statutorily mandated to nominate and fund technically trained community representatives and legal observers for every JIV. Civil society and the Legal Aid Council should also be accredited to provide pro bono support. This addresses the current capacity and power imbalance.

6.4 Leveraging Technology for Transparency and Real-Time Reporting

The JIV process must be digitized. NOSDRA should develop a public portal where:

- a. Spill reports are logged with time stamps
- b. JIV dates are scheduled and published
- c. Signed JIV reports and photographs are uploaded within 48 hours of the visit

This will reduce manipulation, improve transparency, and create a credible database for research and litigation. Geotagged photos and drone footage should be mandatory annexures to every JIV.

6.5 Reviewing the "Cause of Spill" and Compensation Liability Regime

The law should shift from the current "sabotage removes compensation" model to a strict liability model for compensation, similar to OPA 1990. The operator should be liable to pay compensation first, and then seek recourse against vandals through criminal prosecution. This ensures victims are not held hostage by disputes over causation that they have no capacity to investigate.

7. Conclusion

Joint Investigation Visits were conceived as the gateway to justice for oil spill victims in Nigeria. The NOSDRA Act 2006 and the 2011 Regulations provide a sound legal foundation for a participatory, timely, and evidence-based investigation process. However, more than 18 years after the Act, the promise of the JIV remains largely unfulfilled for communities in the Niger Delta. This paper has shown that delays, disputes over "cause", exclusion of communities, and the weak evidentiary status of JIV reports have turned the process into a tool for liability avoidance. Consequently, victims are denied timely remediation and are forced into protracted litigation to prove what the JIV was meant to establish. The enactment of the Petroleum Industry Act 2021 presents a new opportunity for reform. By granting JIV reports prima facie status, ensuring NOSDRA's independence, empowering host communities through the HCDT framework, and leveraging technology, Nigeria can transform the JIV from a procedural bottleneck into an effective instrument of environmental justice. Ultimately, access to justice for oil spill victims cannot be achieved in the courtroom alone. It must begin at the spill site. Reforming the JIV is therefore not just a legal necessity, but a moral imperative to ensure that the wealth extracted from the Niger Delta does not continue to come at the cost of the rights, health, and livelihoods of its people.

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