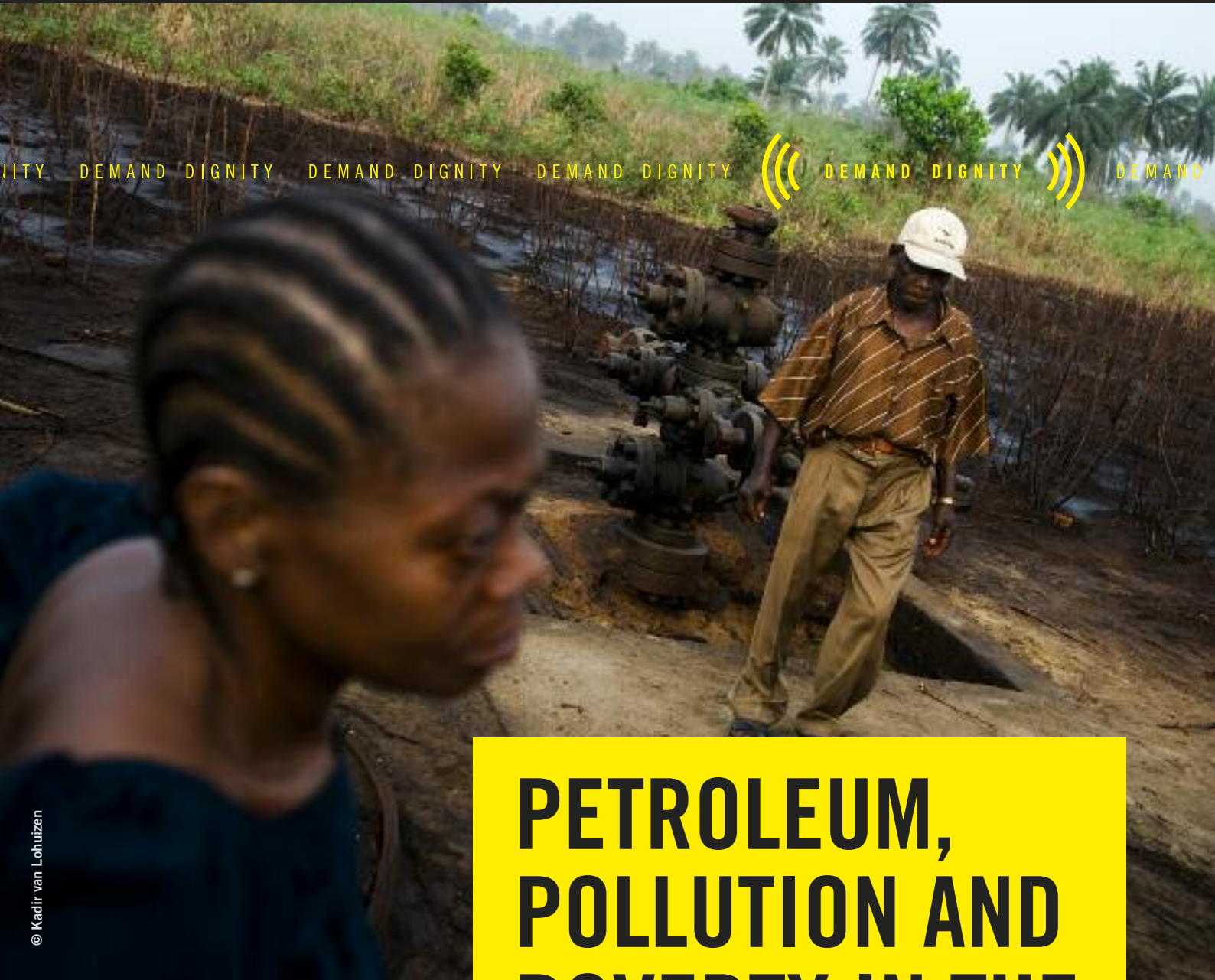


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PETROLEUM, POLLUTION AND POVERTY IN THE NIGER DELTA

A HEALTHY ENVIRONMENT
IS A HUMAN RIGHT

AMNESTY
INTERNATIONAL



‘The oil companies, particularly Shell Petroleum, have operated for over 30 years without appreciable control or environmental regulation to guide their activities.’

UNDP, Niger Delta Human Development Report, 2006

People living in the oil producing areas of the Niger Delta, Nigeria, have to drink, cook with, and wash in polluted water; they eat fish contaminated with oil and other toxins – if they are lucky enough to find fish at all; and the land they use for farming is being destroyed. Communities complain of health problems but their concerns are not taken seriously and the oil industry continues to pollute the environmental resources necessary for their survival.

THE RESOURCE CURSE

The Niger Delta is one of the world’s 10 most important wetland and coastal marine ecosystems and is home to some 31 million people. It is also the location of massive oil deposits, which have been extracted for decades by the government of Nigeria and by multinational oil companies. Oil has generated an estimated US\$600 billion since the 1960s.

Despite this, the majority of the population live in poverty without adequate access to clean water or health care. The United Nations Development Program (UNDP) describes the region as suffering from “administrative neglect, crumbling social infrastructure and services, high unemployment, social deprivation, abject poverty, filth and squalor, and endemic conflict.” This poverty, and its contrast with the wealth generated by oil, has become one of the world’s starkest and most disturbing examples of the “resource curse”.

BODO, OGO NILAND

“If you want to go fishing, you have to paddle for about four hours through several rivers before you can get to where you can catch fish and the spill is lesser... some of the fishes we catch, when you open the stomach, it smells of crude oil.”

Fisherman at Bodo

On 28 August 2008, a burst pipe in the Trans-Niger pipeline resulted in a major oil spill into Bodo Creek in Ogoniland. The oil poured into the swamp and creek covering the area in a thick slick of oil, killing the fish that people depend on for food and livelihoods. The spill continued for more than two months.

The burst pipe is the responsibility of the Shell Petroleum Development Company (Shell). It is not clear why Shell failed to stop the leak and contain the spill swiftly as required by Nigerian oil industry regulations. Nor is it clear why the federal regulators did not take action.

The oil spill has seriously affected food security in the area and undermined people’s right to food. At the time of writing no adequate action has been taken to address food insecurity. On 2 May 2009, eight months after the spill, Shell staff reportedly took food relief to the community, which they rejected as wholly inadequate. Shell did not reply to Amnesty International’s request for a comment on the case.

PETROLEUM AND POLLUTION

The oil industry in the Niger Delta involves both the government of Nigeria and subsidiaries of multinational companies. The Shell Petroleum Development Company (Shell), a subsidiary of Royal Dutch Shell, is the main operator on land. The majority of cases reported to, and investigated by, Amnesty International relate to Shell.

The oil industry is highly visible – Shell alone operates over 31,000 square kilometres. The area is crisscrossed by thousands of kilometres of pipeline and is punctuated by wells and flow stations. Much of the oil infrastructure is close to the homes, farms and water sources of communities.

The oil industry is responsible for widespread pollution in the Niger Delta. Oil spills, waste dumping, and gas flaring are notorious and endemic. Oil spills result from corrosion of oil pipes, poor maintenance of infrastructure, leaks, human error and as a consequence of vandalism, theft of oil or sabotage.

The scale of pollution and environmental damage has never been properly assessed. The figures that do exist vary considerably depending on sources, but hundreds of spills occur each year. According to UNDP, more than 6,800 spills were recorded between 1976 and 2001. According to the National Oil Spill Detection and Response Agency, in March 2008 there were at least 2,000 sites in the Niger Delta that required treatment because of oil-related pollution. The true figure may be far higher.



The impact of oil pollution in Ikot Ada Udo, Akwa Ibom State, Niger Delta, Nigeria, 30 January 2008.

Main picture: Gas flares burn close to Ebocha, Nigeria, 3 February 2008. For many years, residents of the Niger Delta have complained that gas flares seriously damage their quality of life and pose a risk to their health.

Inset, top: Oil spill at Ikarama, Bayelsa State, March 2008. This photograph was taken eight months after the spill by Amnesty International researchers. There are often long delays in clearing up after oil spills in the Niger Delta.

Inset, middle: A fisherman with his canoe in Goi, Ogoniland, Nigeria, 28 January 2008. Oil pollution has damaged crucial sources of livelihood for communities, including farming and fisheries. The oil industry in the Niger Delta has pushed many deeper into poverty.

Inset, bottom: The rivers and streams of the Niger Delta have been widely polluted as a result of oil operations. However, they are still used by many people for domestic purposes such as bathing and washing clothes and as a source of drinking water.

HUMAN RIGHTS IMPACT

The human impact of pollution and environmental damage caused by the oil industry is under-reported. Pollution has damaged the soil, water and air, contributing to violations of the right to health and a healthy environment, the right to an adequate standard of living (including the right to food and water) and the right to gain a living through work. Hundreds of thousands of people are affected, particularly the poorest.

DESTRUCTION OF LIVELIHOODS

More than 60 per cent of people in the region depend on the natural environment for their livelihood. Yet, pollution by the oil industry is destroying the vital resource on which they depend.

Oil pollution in the Niger Delta kills fish, their food sources and fish larvae, and damages the ability of fish to reproduce, causing both immediate damage and long-term harm to fish stocks. Oil pollution also damages fishing equipment. Oil spills and waste dumping have seriously damaged agricultural land. The long-term effect includes damage to soil fertility and agricultural productivity, which in some cases can last for decades. In numerous cases, the long-term effects of oil spills on soil have undermined a family's only source of livelihood.





'Because of oil exploration there are no more fisheries... We experience the hell of hunger and poverty. Plants and animals do not grow well, the fish have died...'

Jonah Gbemre, Iwerhekan Community, Ughelli South Local Government Area of Delta State, April 2008





Children play near an oil spill at Ikarama, Bayelsa State. The spill is reported to have occurred in 2006. Shell claims it has been cleaned up.

HEALTH AND THE ENVIRONMENT

In human rights law, a healthy environment is recognized as essential to health. The environment in the Niger Delta has been widely polluted and communities have many serious health concerns. However, neither the government nor the companies appear to take the health risks seriously. Almost no monitoring is done of water quality, food safety or the health implications of oil pollution.

Academic and non-governmental sources have questioned the safety of food affected by oil spills and other pollution. Communities where oil spills have occurred describe how fish tasted “like kerosene” and caused stomach upsets.

After oil spills, and the fires that are often associated with them, the air reeks of petrol. Communities complain of breathing problems, skin lesions and other health problems.

For many years, residents of the Niger Delta have complained that gas flares seriously damage their quality of life and pose a risk to their health. Flares, which continue for 24 hours a day in several areas, create noise pollution and local communities live with permanent light. Often when gas is flared, not all the oil is burned off so oil droplets fall on waterways, crops, houses and people.

Failure to monitor the health implications of pollution may mean that a government fails to deal with the risks posed to the population, leaving people exposed to significant harm. Even after oil spills the government and oil companies rarely take steps to monitor health, drinking water quality or food safety.

ACCESS TO INFORMATION

People have a right to information on how oil industry operations will affect them. However, communities in the Niger Delta often lack access to basic information on oil projects – even when they are the “host” community. The lack of published data on how oil operations can impact on health has fed community fears and anxieties, which are factors that significantly undermine people’s quality of life.

KIRA TAI, Ogoniland

On 12 May 2007, oil leaked from the Trans-Niger pipeline at the village of Kira Tai in Ogoniland. Crops were destroyed and fish in the local pond died. According to Chief Kabri Kabri, Shell representatives who inspected the leak found three holes in the underside of the pipe which they attributed to corrosion. Shell clamped the pipeline and mechanically removed much of the spilled oil.

Almost a year later, Shell had taken no further action to clean up the site or compensate the affected community. When questioned by Amnesty International, Shell had changed their assessment and claimed the spill was due to sabotage. The community had not been told about the change and were still waiting for clean up and compensation.

Cases such as Kira Tai feed community distrust of the oil industry. Amnesty International cannot confirm if Kira Tai has been cleaned up.

‘the Nigerian Government has given the green light to private actors, and the oil Companies in particular, to devastatingly affect the well-being of the Ogonis.’

African Commission on Human and Peoples' Rights, 2001

CLEAN-UP, COMPENSATION AND CONFLICT

Clean-up of oil spills in the Niger Delta is often slow and inadequate, leaving communities to cope with the ongoing impact of pollution on their livelihoods and health. For example, at Ogbodo, where a massive oil spill occurred in 2001, clean-up of the site was delayed for months (partly because of disputes within the community) and even then was inadequate. When Amnesty International visited in October 2003, oil residue clearly remained on the water and the land, and many people claimed that they could no longer fish or hunt.

Accessing compensation for oil spill damage is fraught with problems. In the majority of cases, communities have to negotiate directly with the oil company that is responsible for the spill. Compensation is required only if the cause of a spill is not sabotage or vandalism. However, the community and oil company often disagree on the cause of a spill. As there is no independent means of verifying the facts, and the company has the greater technical knowledge, it is rare for the community to be able to make their case effectively.

Even when the cause of a spill is agreed as “controllable” and the oil company is at fault, the community has to negotiate with the company over what will be covered by the compensation agreement. A history of poor practice in the awarding of compensation and clean-up contracts has led to conflict between communities and conflict between communities and the company. Communities

have become deeply suspicious of anyone associated with the oil companies, and often demand payments before allowing access to clean up sites.

The destruction of livelihoods and the lack of accountability and redress have led people to steal oil and vandalize oil infrastructure in an attempt to gain compensation or clean up contracts. Armed groups are increasingly demanding greater control of resources in the region, and engage in large-scale theft of oil and the ransoming of oil workers. Government reprisals against militancy and violence frequently involve excessive force and communities are subjected to violence and collective punishment, deepening anger and resentment. Young people with few livelihood alternatives can see oil theft, gangs and militant groups as their only option.

Undoubtedly, in many parts of the Niger Delta community action and reaction is part of the problem of pollution. However, as long as companies continue to deny that their poor practice is a major factor in community hostility the situation will not improve.

EVADING RESPONSIBILITY

GOVERNMENT FAILURE

The regulatory system in the Niger Delta is deeply flawed. Nigeria has laws and regulations that require companies to comply with internationally recognized standards of “good oil field practice”, and laws and regulations to protect the

environment but these laws and regulations are poorly enforced. The government agencies responsible for enforcement are ineffective and, in some cases, compromised by conflicts of interest.

Moreover, the government of Nigeria has given the oil companies the authority to deal with matters that have a direct bearing on human rights with little or no oversight, and no effective safeguards.

The people of the Niger Delta have seen their human rights undermined by oil companies that their government cannot – or will not – hold to account. They have been systematically denied access to information about how oil exploration and production will affect them and are repeatedly denied access to justice.

CORPORATE CULPABILITY

The government’s failure to protect people’s human rights amounts to a violation under international law. However, corporations are ultimately responsible for their own actions and are failing to abide by international standards and good practice that relate to oil industry operations, the environment and human rights.

Oil companies have been exploiting Nigeria’s weak regulatory system for too long. They do not employ sufficient measures to prevent environmental damage and they frequently fail to properly address the devastating impact that their failures and bad practice have on people’s lives.

