

NIGERIA: PETROLEUM, POLLUTION AND POVERTY IN THE NIGER DELTA

SUMMARY

Oil has been extracted commercially in the Niger Delta, Nigeria, for half a century. The massive oil deposits have generated billions of dollars in revenues for the country yet the vast majority of people living in the oil producing areas live in poverty. Oil may have brought wealth to the few, but it has brought impoverishment, conflict, human rights abuses and despair to many.

The growing multi-dimensional crisis in the Niger Delta is being driven by extensive pollution and damage to the environment, corporate failure and bad practice, serious government neglect and the actions of security forces and armed groups.

THE OIL INDUSTRY

The oil industry in the Niger Delta comprises both the government of Nigeria and subsidiaries of

multinational companies such as Shell, Eni and Total, as well as some Nigerian companies. Oil exploration and production is undertaken in what are known as “joint ventures”, involving the state-owned Nigerian National Petroleum Corporation (NNPC) and one or more oil companies or, within production sharing contracts. NNPC is the majority stakeholder in joint ventures. One of the non-state companies is usually the operator, which means it is responsible for activity on the ground. The Shell Petroleum Development Company (SPDC), a subsidiary of Royal Dutch Shell, is the main operator on land.

The oil industry is highly visible in the Delta and has control over a large amount of land. SPDC alone operates over 31,000 square kilometres. The area is crisscrossed by thousands of kilometres of pipeline, punctuated by wells and flow stations. Much of the oil infrastructure is close to the homes, farms and water sources of communities.

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THE ENVIRONMENT AND HUMAN RIGHTS

The link between human rights and environmental pollution has long been recognized. Human rights monitoring bodies and international, regional and national courts have exposed poor environmental quality as a causal factor in violations of human rights.

For the people of the Niger Delta, environmental quality and sustainability are fundamental to their overall wellbeing and development. More than 60 per cent of the people in the region depend on the natural environment for their livelihood. For many, the environmental resource base, which they use for agriculture, fishing and the collection of forest products, is their principal or sole source of food. The rivers and creeks are widely used for bathing and other domestic purposes, and are the main or sole source of drinking water in many areas. Pollution and environmental damage, therefore, pose significant risks to human rights.

Oil spills, waste dumping and gas flaring are endemic in the Niger Delta. Hundreds of oil spills occur every year, and some 2,000 sites have been registered as contaminated by the National Oil Spill Detection and Response Agency. The true figure may be far higher. Activities associated with oil extraction, including laying pipes, building infrastructure and making the area accessible by road and water, have done considerable damage to the Delta's environment.

People living in the Niger Delta 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 still be able to find fish; the land they use for farming is being destroyed; after oil spills the air they breathe reeks of oil, gas and other pollutants; they complain of breathing problems, skin lesions and other health problems, but their concerns are not taken seriously and they have almost no information about the impact of pollution.



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.

The polluted environment has resulted in 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 and those who rely on traditional livelihoods such as fishing and agriculture.

DENIAL OF INFORMATION

Communities in the Niger Delta frequently do not have access to even basic information about the impact the oil industry has on their lives. The government of Nigeria has never undertaken effective monitoring of, or studies on, the impact of the oil industry on health, fisheries or agriculture, despite concerns having been raised for years by the communities, civil society groups, the African Commission on Human and Peoples' Rights and many others. Companies claim to have carried out some studies – but few of these are ever published.

POVERTY AND HUMAN RIGHTS

Oil companies and the government of Nigeria should operate with the utmost care and ensure strong protection measures are in place when extracting oil in such proximity to poor rural communities that depend on the environment for food, water and livelihood. However, over the last five decades action to prevent and address pollution caused by oil industry operations has been wholly inadequate.

Despite oil wealth, the Niger Delta is extremely underdeveloped. Even basic services, such as water and sanitation, are lacking in many areas. The development initiatives that have been established are often marred by corruption and bad planning, leaving behind a trail of half-finished or non-functioning projects. With few social safety nets and very limited livelihood options, when farming and fisheries are damaged, people often cannot find alternatives to their lost incomes.

Not only have people in the oil producing areas been pushed deeper into poverty because of oil-related pollution and environmental damage, but their very poverty has also made them easier to ignore and exploit. Government protection is almost non-existent, and few people have the resources to challenge the multinational oil companies when things go wrong.

FUELLING CONFLICT

Oil and conflict have become defining features of the Niger Delta. The contrast between the wealth generated by oil for the few and the deepening poverty of many has fuelled discontent and anger. The destruction of livelihoods, the lack of accountability of both the government and the oil companies, and the failure of the government to invest in development

in the area, all feed the frustration which has increasingly found expression in conflict – often violent conflict – within and between communities, between the communities and the oil companies, between communities and government forces and increasingly between armed groups on the one hand and the companies and the government on the other.

Organized armed groups have emerged in recent years. These groups, often feeding on local frustrations, are increasingly demanding greater resource control in oil-producing areas. They engage in a range of criminal activities including sabotage of oil infrastructure, large-scale theft of oil and abuses of human rights, including kidnapping and killing of oil workers. The Niger Delta is one of the most dangerous areas in the world for oil workers.

Government deployment of heavy-handed security forces has exacerbated insecurity and violence in the Niger Delta. Both protests (including peaceful protests) by local communities about the oil industry and attacks on oil installations by armed groups are frequently met with excessive use of force and serious human rights violations, including extrajudicial executions, torture and destruction of homes and property. Action is rarely taken to bring to justice members of the security forces who are suspected of being responsible for human rights violations in the region.



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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.

LACK OF JUSTICE AND ACCOUNTABILITY

While the priority is to prevent pollution that results in human rights violations, swift and effective clean-up and rehabilitation of pollution and environmental damage, once it has occurred, is critical to the protection of human rights. If pollution and environmental damage persist, the associated human rights violations persist, often driving people deeper into poverty as their livelihoods and health are damaged.

In the Niger Delta, oil companies are responsible for the clean-up of most oil industry pollution. However, the system does not work effectively and there is insufficient government oversight. Clean-up is frequently slow and inadequate. Communities have almost no access to resources or support when the company response is inadequate.

However, communities also contribute to the problems. Vandalism of oil infrastructure can be seen as a way to access at least some oil money in the form of compensation or clean-up contracts. Communities have also been known to prevent access to oil spills sites, demanding access payments from the oil companies. This can delay clean-up and leave the community worse off. Undoubtedly, the situation in some parts of the Niger Delta is now such that community action and reaction is part of the problem of pollution. However, as long as companies do not recognize that their poor practice is part of the problem, the situation will not improve.

Although people whose property is damaged by oil operations can in theory access compensation, in reality the communities face considerable difficulty. They lack access to critical information and to the



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.

courts. Non-judicial processes, which are administered by oil companies with minimal government oversight, are seriously flawed. In the case of oil spills, compensation is required only if the cause of a spill is not sabotage or vandalism. In many cases, the community and oil company disagree on the cause of a spill. However, 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. The oil companies have considerable control over how the cause of an oil spill is determined, and what is agreed on the ground may later be contradicted by the company. Even when the cause of a spill is agreed as “controllable”, the community has to negotiate with the company over what will be covered by the compensation agreement.

GOVERNMENT FAILURES

Systemic and serious government failures have left the people of the Niger Delta without adequate protection of their environment or their human rights. Despite recommendations by numerous bodies, including the African Commission on Human and Peoples' Rights, the Nigerian government has failed to ensure adequate oversight of the oil industry.

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.

The government of Nigeria has given the oil companies the authority to deal with matters that have a direct bearing on human rights, without adequate oversight – and often without any oversight at all. When communities suffer the consequences of environmental damage, they are frequently left to negotiate with the oil companies on action to address the problem and to obtain redress. The practice of allowing companies so much direct control over investigating oil spills and over the awarding of compensation represents a critical government failure to protect human rights and ensure effective remedy.

Nigeria's heavy dependence on oil and the fact that the Nigerian government is the majority partner in joint ventures are fundamental problems which underpin regulatory failures.

CORPORATE CULPABILITY

A company is not free to ignore the consequences of its actions because a government has failed to hold it to account. There are international standards that relate to oil industry operations, and accepted standards on social and environmental impacts, which oil companies in the Niger Delta should be well aware of. In addition, companies have in place policies which commit them to good practice in terms of environment and social impacts.

The vast majority of cases reported to, and investigated by, Amnesty International relate to the Shell Petroleum Development Company (SPDC). However, other companies are not blameless – there is evidence of poor practice in other areas and by other companies.

SPDC has operated in the Niger Delta for decades and has engaged in practices known to be damaging to the environment and to people. After a brief period of openness during the 1990s, when SPDC recognized that its operations were causing serious problems, SPDC and its parent company Royal Dutch Shell today appear unwilling to acknowledge many of the problems associated with their operations in the Niger Delta.

Although SPDC operates within a delta system and oil infrastructure is frequently located close to farmland and waterways, few, if any, adequate protective measures have been taken by SPDC – pipelines have not been properly maintained and waste products have been released into the environment without adequate monitoring of the impact on people's lives and livelihoods. Despite legal requirements to clean-up and remediate land and water swiftly and adequately, these actions frequently do not happen. In several cases, SPDC's failure to adequately address oil pollution has had devastating consequences for human rights.



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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. The Niger Delta provides a stark case study of the lack of accountability of a government to the people and of multinational companies' almost total lack of accountability when it comes to the impact of their operations on human rights.

Gas flares burn close to Ebocha, Nigeria, 3 February 2008. For people living near gas flares, night never comes. They live with continuous light.

RECOMMENDATIONS

Amnesty International is calling on the government of Nigeria to:

- Ensure that human rights and the environment are protected. Strong preventive regulatory measures must be backed up with effective enforcement and appropriate sanctions. Companies can no longer be allowed to self-regulate.

Amnesty International is calling on companies to:

- Make their public commitments to the environment and human rights a reality. Monitor their social and human rights impact, disclose information and undertake meaningful and respectful consultation with affected communities.

- Clean up the pollution they have caused and put in place effective preventive measures.

Amnesty International is calling on governments of home states to:

- Put in place measures to regulate how extractive companies operate at home and abroad. Companies must be required to undertake robust due diligence in relation to their human rights and environmental impacts, no matter where they operate.

For more information, see Amnesty International's report *Nigeria: Petroleum, pollution and poverty in the Niger Delta* (AFR 44/017/2009) on which this summary is based.

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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