

## United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

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Item 3- Study on Treaties, agreements and other constructive arrangements, between indigenous peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition

**Joint Statement Presented by: *Legborsi Saro Pyagbara on behalf of the African Indigenous Foundation for Energy and Sustainable Development(AIFES) and the Movement for the Survival of the Ogoni People (MOSOP)***

Mr. Chair,

Thank you for giving me the opportunity to address this august assembly.

Mr. Chair, you may forgive me if I am somewhat emotional about this issue, I am an Ogoni.

The Ogoni people are a distinct Indigenous community that occupies the southernmost end of the Southeastern part of what is referred today as the geographical Niger Delta of Nigeria. Ogoni is at the epicenter of the capitalist influenced global competition for fossil fuels and the attendant hydrocarbon and energy crisis in the world.

Historically, the Ogoni people were never conquered by any group in Nigeria until the economically determined colonial invasion of Nigeria. The resistance and resilience of our people to the British invasion was indeed a display of indigenous gallantry cocooned in indigenous courage and intelligence. Ogoni was the last community in Nigeria to fall to British rule.

With the coming of the British was the arrival of the drilling rigs of Shell to Ogoniland. After five decades of ceaseless oil exploitation accentuated by the flaring of gas in close proximity to human habitation and unprecedented pollution, Ogoni was left with nothing but dead. Animals were dying, plants were dying, our water systems polluted, our soils and land poisoned and ultimately, human beings were dying.

It was this state of affairs that led the Ogoni people to organize under MOSOP and launched a titanic struggle against the Nigeria state. In the course of this struggle, over two thousand Ogoni souls were murdered in cold blood by the Nigeria military, fourteen Ogoni communities were destroyed to rubbles, over five thousand Ogoni sons and daughters fled into exile and while many became internal refugees.

On return to civil rule in 1999, the newly elected government of former military dictator, General Olusegun Obasanjo promised reconciliation with the Ogoni and other people in the country who had suffered during the long years of military dictatorship.

On June 14, 1999, the government inaugurated the Human Rights Violations Investigation Commission (HRVIC) headed by Justice Chukwudifu Oputa with the task of unraveling the human rights abuses that took place within the years of military rule and facilitate reconciliation and national healing. It is instructive to note that over 80% of the 10,000 petitions received by the commission on a national scale came from Ogoni. In a country of over 200 million, this goes to demonstrate the level of abuses and marginalization that Ogoni people had suffered in the hands of successive Nigeria leadership. The Commission submitted its report to the Federal Government in June 2002. Unfortunately, this reconciliatory effort did not bear fruition as the government failed to officially release the report of the panel nor implement its recommendations. In January, 2005, the report was published by Nigerian Democratic Movement and Nigeria-based Civil Society Forum.

Following the failure of the first initiative, in 2005, the federal government set up the Shell/Ogoni Reconciliation Process headed by Rev. Mathew Hassan Kukah. This effort was also deadlocked because the Ogoni community requested that the Federal Government has to be brought to the table so that matters relating to the issues of political marginalization and economic strangulation of the Ogoni people will be addressed. The facilitator was unable to commit the Federal Government to the dialogue process. It was clear that the process was only tilted towards resumption of oil production in Ogoniland and not the ultimate reconciliation and healing of the Ogoni people through addressing the larger cases of political marginalization and economic strangulation of the Ogoni people. This intervention only produced a report by UNEP on the Environmental Assessment of Ogoniland.

Mr. Chair, as you can see from the above, the much needed reconciliation and national healing in Nigeria for ending the quartet legacies of human rights diminution, political marginalization, economic strangulation and environmental degradation of Ogoniland has not yet begun.

It is this light, that we recommend the following:

1. The Nigeria government should set up a truly independent commission made up of experts drawn from both local and international bodies solely for promoting national healing and reconciliation with the Ogoni people.
2. As a necessary first step towards national healing and reconciliation, as Nigeria approaches another election cycle, the opportunity should be seized to address the political marginalization of the Ogoni people by promoting the political representation of the Ogoni people at certain level of political governance such as the Governorship position in Rivers State.
3. The cleanup process of Ogoniland was designed to be an independent intervention. However, there is a glaring attempt to take over the clean process and subject it to the corrupt practices endemic in Nigeria public institutions.

4. Pay compensation to all victims of human rights abuses as documented by the Oputa Commission

Additionally, Mr. Chair, a briefing note entitled: *THE ROAD TO 2023: ADDRESSING THE POLITICAL MARGINALIZATION OF THE OGO NI PEOPLE, FIFTY-FIVE YEARS AFTER* is submitted with this statement for your further reading on the need for reconciliation in Ogoni

Thank you