

The First Session of the Permanent Forum on Indigenous Issues-New York
Item 6 of the Provisional Agenda
Theme: Environment
Wednesday, 15 May, 2002

Mr. Chairperson,

I thank you once again for giving me the opportunity to speak at this forum. I am legborsi Saro Pyagbara, representing the Movement for the Survival of the Ogoni People (MOSOP).

The subject of today's discussion is quite an interesting one. To us and many others who are seated in this hall, a safe environment is our first right, without it we cannot live to claim to claim other rights.

The Movement for the Survival of the Ogoni People (MOSOP) was one of the grass root organisations that provoked debate in the 1990s in Nigeria which has led to the rapid evolution of 'corporate social responsibility discussions' as well as renewed interest in communities and peoples affected by the activities of extractive industries especially those involved in oil exploration. The Ogoni struggle assumed a life or death dimension because we are involved in a struggle against two deadly enemies, Shell whose racist environmental practices and policies have made Ogoni today, a classical example of devastated ecosystem and the Nigeria government whose dubious policies and actions had reinforced our marginalisation.

Denied control over its environment through a dubious land use act, dis-empowered politically through state organised marginalisation, the Ogoni has been locked in a struggle for the survival of its environment. The dispute between MOSOP, Shell and the Federal government of Nigeria rapidly developed into a one sided conflict with many casualties for Ogoni including the judicial murder of our president, the late Mr. Ken Saro Wiwa and eight other colleagues in 1995. In Nigeria, most of the oil companies still flare gas which emit dangerous gases and chemicals into the air. In Ogoni, these flares took place in close proximity to human habitation. Thus, people inhale these gases and bear the attendant heart and respiratory diseases that follow. When the rain falls, these poisonous gases come down as acid rain which are fetched by the people since they do not have alternative source of drinking water. In addition to this is the prevalence of pipeline blow outs and large scale oil spills occasioned by the use of outdated equipment and un-maintained pipelines. This spills seep into the ground polluting underground water and also killing fauna on the surface.

Local protests to these operations are met with stiff opposition by security agents who are mandated to kill protesters with impunity. The Nigeria economy depends solely on oil to survive. Infact, 90% of its revenue are generated from oil sales. Hence for the government to get revenue, it means that Shell and other multinational companies must continue to have unhindered access to oil exploration. Thus, the government sees the genuine protest of Indigenous Oil producing communities against neglect and

environmental degradation largely in terms of economic sabotage and security, which must be answered with security solution. This has resulted in situations where government security agents use maximum force and act with great impunity in responding to crises between extractive industries and indigenous communities

The twin issues of government impunity and corporate social responsibility has come to be a major challenge facing most indigenous communities in areas where extractive industries operate.

Last year, a major oil pipeline blowout occurred in the Yorla Oilfield in Ogoni, operated by Shell. In total disregard, to the Global Compact and provisions set out in Agenda 21 of the Rio Declaration. Shell failed to take urgent remedial measures aimed at putting back the victims to their normal economic and healthy life. By Shell's conservative estimate, the blow-out was going to affect the lives of about 100,000 persons of the about 700,000 Ogoni population. This is aside the negative impact of underground water pollution, which resulted from the spill. Now one year after the blow-out, Yorla still lie in ruins.

There is a great concern in Ogoni and amongst many other Niger Delta communities that the appearance of change created by the signing of high profile international agreements in Europe relating to the environment by oil companies is leading to a wrong reading of the situation while indigenous communities continue to face even greater disparity between claims made by oil companies and governments and the actual situation on the ground

Recommendations:

At the forefront of our concerns is the ability of the International community to develop instruments where local communities have a real and genuine opportunity to call companies and government to account for their environmental behaviour.

Second, we strongly recommend that the Permanent forum considers how the United Nations and its agencies may be able to support opportunities for truly independent environmental assessment of the situation facing Indigenous communities

Third, the Permanent Forum should design an effective follow-up mechanism on issues relating to the extractive industries. This has been one of the failures of past efforts of the United Nations.

Furthermore, legal liability in a home country or region of the extractive industry for abuses or serious failures in countries where the rule of law is distorted is in MOSOP's view a useful instrument for preventing further environmental abuses. We believe that it will be in the interest of parties for the United Nations to support to these early moves which would establish baselines in conduct for which these companies are internally liable. Such liability are preferred by MOSOP when compared to codes of conduct which are at present often introduced without any serious enforcement mechanism, often rendering them almost useless. In addition to this, we are advocating

that the United Nations support moves for multinational companies and governments to face greater legal liability for breaches of existing conventions and international agreements affecting indigenous peoples.

Lastly, we want to use this opportunity to call on the Permanent Forum to urge the Nigeria Government and the Shell Petroleum Development Company to implement the recommendations of the United Nations Fact Finding Team to Nigeria in 1996 which recommended amongst others that the government, Shell and the Ogoni People form a joint team to evaluate and conduct an environmental audit of the Ogoni environment and the entire Niger Delta Region. MOSOP has been seeking that this be done, so far without any serious response from either the government or Shell.

Mr. Chairman, I say thank you.

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