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Nigeria: Are human rights in the pipeline?

The failure of the Nigerian government to rigorously enforce its obligations to protect human rights is fuelling violations of civil and political as well as economic, social and cultural rights in the process of the oil exploration and production in the Niger Delta, Amnesty International said today in a new report entitled *Nigeria: Are human rights in the pipeline?*

The report examines how the human rights of individuals and communities have been abused as a result of practices of some transnational corporations (TNCs) and violated by the inactions and actions of the Nigerian Federal Government in the Niger Delta. It also includes three cases highlighting issues such as non-inclusive consultation processes and the failure to clean up oil spills, involving the Shell Petroleum Development Corporation (SPDC) and the Nigerian Agip Oil Corporation (NAOC). The cases concern the right to seek, receive and impart information, the right to an adequate standard of living, the right to a general satisfactory environment and the right to an effective legal remedy and redress.

"The Nigerian government's failure to protect the human rights of its people, has created a conducive environment for companies to act without an adequate accountability framework, thereby making it difficult for victims of human rights abuses to seek redress," Michael Hammer, Africa Programme Director said.

As a result of the government's failure to provide essential services, oil companies have, for many years, funded corporate social responsibility projects (roads, clinics, schools, transport and other infrastructure) in communities near to their operations. Although some of these projects have worked well and delivered needed services, others have in some circumstances been far from adequate and even non-existent.

"Ensuring universal access to basic social amenities remains the responsibility of the Nigerian State; the responsibility of TNCs lies in ensuring that the areas they have voluntarily accepted to service, are adequately provided for and are provided without discrimination," Salil Tripathi, Economic Relations Researcher, said.

Some communities that do not receive the same benefits as communities neighbouring oil operations and those left out of the development plans of TNCs, in some cases develop a sense of grievance. Communities see companies in some cases as operating arbitrarily on land without due or adequate consultation.

Such grievances are one of several reasons for the escalating violence, which according to conflict experts and security analysts, left over a thousand deaths in the Niger Delta in 2003. Amnesty International's calculations based on local and international media reports, show that the number of people killed in the Delta, Rivers and Bayelsa States in 2004 up to and including incidents in late August, could be in the region of 670.

In many instances, the grievances against companies have turned into outright antagonism leading to abduction of company staff, sabotage of oil installations and violence targeting companies. The companies regularly turn to state security forces for protection of their staff and oil installations, and in some cases these forces act, often arbitrarily and disproportionately, against individuals.

This was the case on 6 September 2004 in Tombia, a town situated between Asaritoru and Alakiri peninsula, which was reportedly shelled by military aircraft. The raids reportedly resulted in an unknown number of people killed and the destruction of buildings as well as a religious place of worship, especially the St Stephen's Lutheran Church. Witnesses claimed that hundreds of people who had sought refuge in the church may have been killed.

Although activities of the TNCs are not the sole cause of violence in the Niger Delta, Amnesty International believes that states have the primary responsibility to ensure that companies respect human rights in their area of operations.

"Oil companies and the government, both at the state and federal levels, must take urgent measures to stop the violations and abuses of civil and political, as well as economic, social and cultural rights experienced by many Nigerians, and to address the grievances of the communities."

"Companies operating in Nigeria must, in so far as they do not already do so, act within the Nigerian laws that apply to their operations and avoid policies that contribute directly or indirectly to human rights abuses. They should operate within the framework of UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights," Salil Tripathi said.

Amnesty International believes that Nigeria, as Africa's leading oil producer, has a responsibility to set standards that can be applied throughout the region.

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