

# AMNESTY INTERNATIONAL

## OP-ED

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### **Nigeria oil judgment - A small step in the journey from travesty to justice**

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Last week something momentous happened – and those of us who campaign for justice for the victims of oil spills in the Niger Delta had good cause to feel Christmas had come early.

The event was a judgment in which ECOWAS (Economic Community of West African States) court ordered the Nigerian government to punish oil companies over pollution, and it sent out a message of hope to the tens of thousands of people whose livelihoods have been destroyed.

But while there was a pause for celebration the fight goes on because pressure is needed to make sure that the government adheres to this judgment.

Oil companies, particularly Shell, have managed to evade responsibility for far too long. And the Nigerian government has allowed them to do so, putting profits before people.

As a result, communities in Bodo, an area badly affected by oil spills, are sinking further into poverty, unable to eat the contaminated fish or drink the water, stained black from the pollution.

Oil spills have occurred since production began over 50 years ago and that's what makes the ECOWAS judgment so significant.

The Court ruled that the Nigerian Federal Government and six oil companies – Shell, Chevron, Elf Petroleum, Exxon Mobil, Agip Nigeria and Total Nigeria – have violated various human rights.

These include the right to a general satisfactory environment and the right to natural wealth and resources, as guaranteed under the African Charter on Human and Peoples' Rights ratified by Nigeria in 1983.

The Court ruled that the government must now quickly implement the judgment and hold the oil companies to account.

As a concrete example, this means the government has to compel Shell to comply with national regulations, carry out a comprehensive clean up of the Bodo oil spills and properly compensate the people whose lives have been devastated. Shell also has to prove that it has done everything possible to ensure that oil spills do not reoccur.

But this important decision comes against a backdrop in which the government has constantly given the green light to Shell to devastate people's lives as the company wields enormous power.

According to information in the Wikileaks disclosure of US diplomatic cables in 2010, Shell has employees seconded to all relevant ministries and has access to everything that they do.

It's also clear that oil companies wield tremendous influence over the regulatory regime that governs their operations.

In fact, the investigation process into oil spills in the Niger Delta is a travesty. There is very limited information publicly available regarding the state of Shell's infrastructure in the Delta. But it is widely known that the company has failed to adequately maintain it over the years, with tragic consequences.

The government has to exert its authority over Shell as, with the ECOWAS judgment and court cases pending in the UK and the Netherlands next year, the clock is ticking against such negligence.

It is due to the total failure of the Nigerian system for regulating oil companies and ensuring that spills are properly addressed that the Bodo community decided to take Shell to court in the UK.

And with countries across Africa, such as Ghana, Sierra Leone and Cameroon, starting to exploit oil, these judgments have implications beyond Nigeria.

The Nigerian government and the oil companies operating in Nigeria have to set a good example and make sure that the industry brings development to the people, rather than allow a string of needless tragedies to continue.