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### **Open Letter on the United Nations Environment Programme Report on Ogoniland**

Your Excellency

It is now six months since the United Nations Environment Programme (UNEP) published a ground-breaking report on oil pollution in the Ogoniland region of the Niger Delta. The UNEP report confirmed that the land, air and water of Ogoniland are polluted, that groundwater supplying boreholes is contaminated, and that agriculture and fisheries - the main local livelihoods - have been significantly undermined. The report also raised serious concerns about the public health impacts of oil pollution and found that "most people in Ogoniland have lived with chronic pollution throughout their lives."

Oil spills were the main cause of the pollution found in Ogoniland and UNEP found that many oil spills have never been properly cleaned up. The report exposed several systemic problems, including: serious shortcomings in the Shell Petroleum Development Company's (Shell) methodology for cleaning up and rehabilitating oil polluted areas; serious weaknesses in the Nigerian regulatory system for the oil industry, leading to a failure to enforce national regulations; and the absence of any adequate oversight of corporate pollution control processes. Amongst the major recommendations made by UNEP were the establishment of an Environmental Restoration Fund to clean up Ogoniland and action to ensure corporate compliance with national regulations.

The government of Nigeria's invitation to UNEP to investigate the impact of oil pollution in Ogoniland, and to make recommendations in respect of clean-up and rehabilitation, was an important milestone in the troubled history of the Niger Delta. However, in the six months since the publication of the UNEP report, there has been little tangible action to move forward on UNEP's recommendations. The Special Committee established by Your Excellency on 4 August 2011 to review the UNEP report and make recommendations for action was scheduled to report by the end of August 2011. It reported in November 2011, and to date the report has not been made public and there has been no announcement of any plan of action. Moreover, there are concerns that the Committee did not engage in adequate consultation with the affected communities.

Amnesty International is calling on you to ensure that UNEP's report is a turning point for the Niger Delta, and not simply another lost opportunity. It is also vital that the response to UNEP catalyses action to address oil pollution in the other oil-producing areas of the Niger Delta, where hundreds of thousands of people have also been living with oil spills and other environmental damage caused by the oil industry. These communities are undoubtedly exposed to the same corporate and regulatory failures that UNEP found in Ogoniland.

We have seen recently the effort that is required to adequately address a major oil spill: following the BP oil spill in the Gulf of Mexico in 2010, President Barack Obama oversaw the creation of a US\$20 billion compensation fund by BP, and analysts estimate that fines and clean up costs have

cost BP an additional US\$20 billion. Efforts on a similar scale, if not even greater, are needed in Nigeria, where communities have lived with not one, but thousands of oil spills over the past 50 years.

We urge you to:

- Make clear, through a public address, your commitment to implementing UNEP's recommendations and to addressing oil pollution and its impacts in the wider Niger Delta region.
- Establish the Environmental Restoration Fund recommended by UNEP, with a clear mandate and robust oversight mechanisms.
- Make public the report of the Special Committee that assessed the UNEP report.
- Ensure that the draft Petroleum Industry Bill is amended to reflect UNEP's findings and recommendations and to reflect the rights and interests of oil-affected communities.

Yours sincerely

For Salil Shetty, Secretary General