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Shell must pay US\$1 billion in first step to clean up Niger Delta

Shell must commit to pay an initial US\$1 billion to begin the clean-up of pollution caused by oil spills in the Niger Delta, Amnesty International and the Centre for Environment, Human Rights and Development (CEHRD) said today.

A new report by the two groups released today, *The true tragedy: delays and failures in tackling oil spills in the Niger Delta* looks at the ongoing devastation caused by two major oil spills which took place at Bodo, Ogoniland, in 2008, and which have never been cleaned up.

The UN Environment Programme recently found that oil pollution over many years had resulted in such devastation that it would take more than 25 years for Ogoniland to recover. The UN recommended setting up an Environmental Restoration Fund with an initial amount of US\$1 billion, with further funding to follow.

“Shell’s failure to promptly stop and clean up oil spills in Bodo has devastated the lives of tens of thousands of people. Bodo is a disaster that should not have happened, yet it is one that due to Shell’s inaction continues to this day. It is time this multi-billion dollar company owns up, cleans up and pays up,” said Aster van Kregten Amnesty International’s researcher for Nigeria.

In 2008, two consecutive spills, caused by faults in a pipeline, resulted in thousands of barrels of oil polluting the land and creek surrounding Bodo, a town of some 69,000 people. Both spills continued for weeks before they were stopped. No proper clean up has ever taken place.

“The situation in Bodo is symptomatic of the wider situation in the Niger Delta oil industry. The authorities simply do not control the oil companies. Shell and other oil companies have the freedom to act – or fail to act - without fear of sanction. An independent, robust and well-resourced regulator is long overdue, otherwise even more people will continue to suffer at the hands of the oil companies,” said Patrick Naagbantou, CEHRD’s Coordinator.

Shell, which recently reported profits of US\$ 7.2bn billion for July-September, initially offered the Bodo community just 50 bags of rice, beans, sugar and tomatoes as relief for the disaster.

Ongoing damage to fisheries and farmland has resulted in food shortages and higher prices in Bodo. Residents told Amnesty International and CEHRD how they struggle to make a living and have serious health concerns. Alternative jobs are not easy to find. Many young people have been forced to look for work in Port Harcourt, the state capital, 50km away.

One fisherman from Bodo, said: ‘Before the spill, life was easy. The people could live from the catch of fish...After the spill, everything was destroyed.’

When Amnesty International asked Shell to comment on the failures at Bodo, the company stated that, as the Bodo spill spills were subject to legal proceedings in the UK, it was unable to respond as directly. Shell said that efforts to address the issues at Bodo are hampered by ongoing sabotage in the area, something strongly challenged by Amnesty International and CEHRD.

“Shell frequently says that most oil spills are caused by sabotage,” said Aster van Kregten, “This claim has been strongly disputed by the communities and NGOs who point out that the process of collecting data on oil spills is flawed. Even at Bodo, where it is accepted the spills are Shell’s fault, the company appears to be using sabotage as an excuse for its failures to comply with Nigerian law and regulations – which require the company to promptly clean up and pay compensation. This is a completely untenable position.”

“The facts here are simple,” adds Patrick Naagbantou. “Two spills, both of them the company’s fault, both left to flow for weeks before being stopped, neither cleaned up although three years have passed. There can be no excuses. By any standard, this is a corporate failure.”

Nigeria’s government agencies are also strongly criticized in the report for their failure to enforce regulations. The Federal Ministry of Petroleum Resources - which is responsible for ensuring the oil industry complies with regulation - is also charged with promoting the oil industry and ensuring maximum revenues.

The Nigerian government agency responsible for oils spills - the National Oil Spill Detection and Response Agency (NOSDRA) - is under-resourced and ineffective. The agency has no independent capacity to identify oil spills and is dependent on being notified by the oil company responsible or by the affected community.

The recent UN Environment Programme report noted that in responding to oil spills, “government agencies are at the mercy of oil companies when it comes to conducting site inspections.”

NOSDRA repeatedly failed to enforce standards in the case of the Bodo spills.

Background

On 28 August 2008, a fault in the Trans-Niger pipeline caused a major oil spill in Bodo. The oil poured into the swamp for at least four weeks – probably for as long as ten. Shell has recorded that 1,640 barrels of oil were spilt; however, an independent estimate suggests that as much as 4,000 barrels a day were leaking from the pipe. The spill was eventually stopped on 7 November 2008.

On 7 December 2008, a second spill occurred in Bodo, also due to equipment failure. This spill was reported to Shell on 9 December. It was ten weeks later before the spill was stopped.

After trying for years to secure clean up and proper compensation from Shell, the Bodo community took their fight for justice to the UK courts earlier this year. The court action is ongoing, but has brought a measure of hope that the situation at Bodo may be resolved.

According to the UN Development Program (UNDP), more than 60 per cent of the people in the region depend on the natural environment for their livelihood.

According to UNDP, more than 6,800 spills were recorded between 1976 and 2001, with a loss of approximately 3 million barrels of oil. Many experts believe that due to under-reporting the true figures may be far higher.

Notes to editors

When asked to comment on the issues raised by the report, NOSDRA also responded with limited information. Nigeria’s Department of Petroleum Resources did not respond at all.

A news access tape and images are available upon request. For more information, to request an advanced copy of the report, or to arrange an interview please call +44 20 7413 5566 or press@amnesty.org

The Centre for Environment, Human Rights and Development (CEHRD) is a rural-based and rural-focused non-profit organization founded by conservationists, environmentalists, activists, and health workers in the Niger Delta. CEHRD was formed to respond to the environmental, human rights, rural health, and underdevelopment problems plaguing the Niger Delta.

Amnesty International is campaigning on corporate accountability under the Demand Dignity campaign, which aims to end the human rights violations that drive and deepen global poverty. The campaign mobilizes people all over the world to demand that governments, corporations and others who have power to listen to the voices of those living in poverty and recognize and protect their rights. For more information visit:

<http://www.amnesty.org/en/demand-dignity>