

## NATIONAL AFFAIRS

## Nigeria

## Niger Delta: Peace and Co-operation Through Sustainable Development

by Fr. Kevin O'Hara\*

### 1. Introduction

The Niger Delta is a wetland of about 70,000 square kilometres. It spreads over a number of ecological zones: sandy coastal ridge barriers, brackish or saline mangroves, freshwater permanent and seasonal swamp forests, and lowland rain forests. Over the years, the rainforest area has been cultivated, leaving only the seasonal and permanent swamps as original vegetation. Subsistence farming and fishing is the mainstay of the people.

The ecosystem is particularly sensitive to changes in water quality, such as salinity or pollution and to changes in hydrology of the region which is determined by the Atlantic Ocean and the flood region of the River Niger. Some 1,600 long-settled communities inhabit the area. However, in recent times, economic activities, mostly the oil industry, have caused significant immigration to the area. The upland areas, particularly the urban centres, are densely populated, while the swamps have scattered settlements taking advantage of higher ground. Presently, the oil and gas industry drives the economy of the Niger Delta, and to some extent social activities in the area.

### 2. Host Communities

The population of the Niger Delta is about 7 million people, and is growing at about 3 per cent per year. There are more than 20 ethnic groups in the area with links to the linguistic groups of Ijaw, Edo, Igbo, Delta-Cross and Yoruba. The "Ijaws" are the largest group, and moved to the Delta over 7,000 years ago. Their distinctive language is a result of their isolation from other Nigerian groups. The Ijaw have been further sub-divided into four major linguistic clusters. The communities of Edo origin in the Niger Delta can be found in Delta State and Rivers State. They generally moved southwest from the Edo hinterlands into the Niger Delta. The Niger Delta communities of Igbo origins also moved southwards from their original homes to the north. They are mostly located in Delta, Rivers, Imo and Abia states. The Delta-Cross linguistic groups consist of Central Delta, Ogoni and Lower Cross of Rivers and

Akwa Ibom States. Migrations of these communities into the Niger Delta were from the east, in the Cross River valley and beyond, around 2,000 years ago. The main representatives of the Yoruba ethnic communities in the Delta are the Ilaje and Ikale of Ondo State and Itshekiri of Delta. The three groups probably moved into the Delta about 2,000 years ago.

Traditional customs and practices have led to complex land tenure arrangements that are often misunderstood and lead to conflict. The traditional dispute resolution mechanisms are very often rooted in native religious practices. These mechanisms contrast sharply with those used by government and corporate bodies.

The social impact of the oil industry on these communities has brought great frustration and anger to their lives. Many of them feel that it is a curse on them. Essentially, the focus of their frustration and anger is due to the actual and perceived inability of the multi-national corporations and the Nigerian government to carry out agreed reforms and measures to alleviate the deprivation experienced in their areas. It seems, too, that the expectations and demands of the host communities are at an extremely high level, such that the oil companies and government agencies regard them as unreasonable and almost unjust.

### 3. Oil Companies

#### Business Principles and Policy Guidelines

A number of the world's leading oil companies operate in the Niger Delta. Shell is the operator of a joint venture on behalf of the Nigerian National Petroleum Corporation (NNPC), which holds 55 per cent, Shell (30 per cent), Elf (10 per cent) and Agip (5 per cent).

Oil companies are spending millions of dollars trying to explain their side of the story to the world. The world's richest oil company, Shell claims it has a detailed environmental programme designed to bring all operations up to internationally accepted levels of performance. Its policy is that all activities are planned and executed to minimise environmental impact. It strives for continuous environmental improvement and, like Shell companies worldwide, operates within the Royal Dutch/Shell Group Statement of General Business Principles and the Policy Guidelines on Health, Safety and the Environment. The company claims it recognises the gap between its intentions and its

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current performance. They claim to be working hard to renew ageing facilities, reduce the number of oil spills in the course of operations, the amount of gas that is flared (more than 1,100 million standard cubic feet a day) and reduce waste products. They agree that nitrogen oxide and sulphur dioxide are emitted when fuel is burnt in their operations, and can contribute to local air pollution. They point to the unique challenges of operating 86 flow stations and some 6,200 pipelines and flowlines in 31,000 square kilometres of the Niger Delta in a variety of extreme habitats. They insist current environmental performance should be seen in the context of Nigeria and its major social and economic problems and priorities. Though countries might aim for the same environmental standards at any one time, they will be at different stages of development. Nigeria's environmental priorities are influenced by the social and economic circumstances which drive its development programme. Companies operating in this setting are similarly affected. These realities are acknowledged in Principle 11 of the Rio Declaration from the Earth Summit of June 1992. According to Shell practices today, they are different from those applied when most of their facilities and pipelines were constructed in the 60s, 70s and 80s. They were acceptable then and in line with standards of technology then prevalent. During 2000, Shell replaced 209 km land area and 133 km swamp area flowlines, 13 flow stations and gas plants were upgraded, bundwalls were repaired, 25 flarestacks were repaired/replaced to improve flaring efficiency, 18 pipelines upgraded and 18 manifolds upgraded. By 2008 all Shell-operated flow stations and processing facilities will be provided with equipment to gather and harness their associated gas, and Shell and its customers will be able to utilise this gas under normal operation conditions. Continuous venting of gas will be eliminated by 2003.

### **Oil Spills & Compensation**

As regards oil spills, Shell explains that these can result from equipment failure/corrosion, operations mishap/human error or sabotage. However, it claims that the major environmental concern in recent years is oil spill due to sabotage. But at a Shell Stakeholders workshop in Nigeria in March 2001, stakeholders pointed out that natural spills are sometimes regarded as sabotage. Also they insisted, regardless of the size and cause of the spill, immediate action should be taken to contain it and to reduce environmental damage. The stakeholders said that response time is not adequate, that Shell response is not in line with the Nigerian Directorate of Petroleum Resources (NDPR) Regulations of containment within 24 hours. This delay is sometimes due to communities purposely preventing Shell officials from carrying out containment and further investigation. This type of action arises from fears that after a clean-up no relief materials will come and that compensation to be paid thereafter will not be adequate.

Shell States that although prevention of spills is a top priority, it is committed to cleaning up oil spills where they occur and paying due compensation to affected communities. In accordance with Nigerian law, the company does not pay compensation in proven cases of sabotage

though it still cleans up the spill. Shell is working to improve its speed of response to a spill with a target of stopping and containing the leak within 24 hours of a report. Once a spill is contained a clean-up contract is drawn up and the polluted area is assessed by Shell in consultation with NDPR and representatives of the communities for compensation. Efforts are being made to improve the time taken to clean up spills and pay compensation, which is sometimes unacceptably long. An oil spill database has been developed to allow a better analysis of future clean-up operations and highlight areas for further improvement. Shell takes very seriously its responsibility to pay compensation in deserving cases where its operations have affected the interests of others or where otherwise stipulated by law. However, compensation continues to pose a lot of challenges and an increase in operational complexity and sophistication, particularly with the increasing involvement of very senior lawyers / estate agents in the process and also democratisation. Shell continues to address these challenges with a clear focus on prompt payment of compensation to the right people and ensuring the transparency and integrity of the process. Tragically in one community, during the past year, the community divided itself over the sharing of compensation. This resulted in the deaths of a number of individuals, including the Paramount Ruler of the community.

During 2000 Shell paid Naira 730 million as compensation under different headings – land acquisition; oil spills; tenement rates; construction damage; etc.

A lot of effort was made to ensure that actual owners (both communities and individuals) are clearly identified to avoid disputes. Shell continued to encourage disputing parties to settle their differences by allowing them time and providing avenues for dialogue. Compensation monies in respect of such disputes were kept in a expense account to enable the parties to have quick access to it once the dispute had been resolved. Shell embarked on a redesign of compensation processes to enhance the integrity of the process and ensure prompt payment of compensation. Management has approved the redesigned process, and implementation commenced in 2001. A very proactive approach is being adopted regarding delivery of relief materials, with a view to making the availability of relief materials as rapid as possible.

### **Environmental Impact Assessment**

Shell has produced a new Environmental Impact Assessment (EIA) Process manual. The emphasis is now on the formation of EIA project teams with clearly defined plans and objectives. Also, it is planned to broaden EIAs by incorporating Social Impact Assessments and Health Impact Assessments. However, at a Stakeholders workshop in Nigeria recently, the Stakeholders argued that Shell was not complying with NDPR and the Nigerian Federal Ministry of the Environment (NFMENV) Regulations, and that projects were decided upon before EIA studies were completed and approval received.

### **ISO 14001 Certification**

Shell, however, is seeking ISO 14001 Certification.

This is an international standard for measuring how well a company is managing the environment. It is applicable worldwide. It is being used in developed countries as a measure of good corporate citizenship. The Certification procedure involves external examination of Shell's environmental practices by an independent third party, which has been given recognition as a certifying body by its government. Therefore, this ensures that the certifying company has its own image to protect, since giving a certificate to an undeserving company will lead to the loss of its own reputation. Part of the certification process includes the examination of Shell's relationship with its host communities with respect to their environment and other stakeholder requirements in terms of the environment. Compliance with national environmental legislation and other international protocols including regulations and limits set by the company are examined, as non-compliance with these could lead to non-certification. Certification ensures continuous improvement in the environmental performance of the company, as the certificate can be withdrawn if no improvements are noticed. In addition, the company is usually re-examined every three years to ensure regular compliance with legislation, and continuous improvement. By the end of 2000, Shell had achieved a total of 12 ISO 14001 certificates. Shell became the first exploration and production company in Africa to certify any of its facilities to the ISO 14001 Guideline for Environmental Management Systems. Its achievements, Shell claims, are the biggest achievement by any company in Africa. Fourteen more facilities are due to be presented for ISO 14001 certification in 2001.

#### Regulations

In general, Nigerian environmental legislation and regulations are comparable to those of northwestern Europe and North America. Also, Nigeria is party to all relevant international environmental conventions and treaties with the exception of the Protocol Relating to the Convention on Wetlands of International Importance (1971). In terms of standards, Shell considers national legislative and regulatory requirement as the minimum to be met in their operations. Although no internationally agreed body of standards exists, they claim to take account of regulations and limits applied elsewhere, and which exceed the Nigerian requirements, in environmental performance management and target setting.

#### Compliance

Shell is required to comply with 157 items of the NDPR Environmental Guidelines and Standards for the Petroleum Industry. Currently they comply with 143 and have obtained waivers and exemption certificates to cover the remaining 14 items.

#### Remediation

The Shell Remediation Programme aims to identify and address any health, safety or environmental risks that may exist due to hydrocarbon contamination of soil or groundwater arising from any past operational activities.

All operational facilities and known past spill sites are assessed using a risk-based methodology, which evaluates risk by considering the potential sources, pathways and receptors of hydrocarbon contamination. The risk-based methodology is a worldwide best practice approach, already adopted in legislation in the USA and Europe and used as a global Shell methodology. The NDPR has included the methodology in its proposed draft amended guidelines for the petroleum industry. Assessment of over 800 Shell sites has shown that the majority of sites present no significant health, safety or environmental risk. No sites have been found which present high-risk levels. However, approximately one-third of sites do require some remedial action to address low-level risks.

Shell claims to recognise the importance of accountability to stakeholders and is learning to be more open, through greater engagement and more transparent communication. Its financial information has been audited for over a century. It is only in these past few years that a similar approach has been brought to the environment and community development. In this way, Shell claims to earn the trust and respect of all stakeholders.

### 4. Different Perspectives

A World Bank study (Defining an Environmental Development Strategy for the Niger Delta, 1995) estimates that as much as 76 per cent of all natural gas from petroleum production in Nigeria is flared as compared to 0.6 per cent in the USA, 4.3 per cent in the UK and 21.0 per cent in Libya. Flaring is a serious hazard. At temperatures of 1300° to 1400° centigrade the multitude of flares in the Delta cause noise pollution and produce SO<sub>2</sub> (sulphur dioxide), CO<sub>2</sub> (carbon dioxide) and NO<sub>x</sub> (nitrogen oxide). Carbon dioxide emissions are 35 million tons a year and 12 million tons of methane, which makes Nigeria the highest contributor to global warming in the world, according to the late Prof. Claude Ake, Director of the Centre for Advanced Social Studies, Port Harcourt. Nigeria's major oil-producing States, Rivers and Delta States, suffer about 300 major oil spills per year. According to a European Community Study "Mangroves of Africa & Madagascar" the waters of the Niger Delta contain at least 8 ppm (parts per million) of petroleum and often 60 ppm. An Environmental Impact Study of Shell Oil Company (Resigner Industries, 1993) put the average hydrocarbon content of petroleum hydrocarbons in wastewater in Olomo Creek, at 62.7 mg/l (milligram per litre). At the Bonny Terminal, the mud at the bottom of the Bonny River has a lethal concentration of 1200 ppm.

A recent publication on the environment in a Nigerian weekly magazine (*Tell* No. 30, 23<sup>rd</sup> July 2001) describes life in a host community (Akala-Olu Community) where the Nigerian Agip Oil Company has a flow station. Here Agip flares its gas, a by-product of petroleum. The funnels used to be taller, but with a public outcry against gas flaring, Agip reduced the height of its flare pipes – below the forest level, for the trees to effectively shield the flame. "When we meet Agip to complain, the government will

send the mobile police to harass us," states the Paramount Ruler of the community. The community has also the misfortune of having Agip oil pipelines running through their farmland. The pipeline, officially called the Trans-Niger pipeline, was laid in the late 1950s, and has now exceeded its designed life and ruptures regularly. This began in 1980 with oil spills in to local streams. In 1999 a spill occurred in Ogbolochu. This was not cleaned up until May 2000, when another spill occurred at Oyiba. The Ogada-Brass pipeline operated by Agip is said to be the worst affected. That is why the host community insists that the oil companies are callous. The Paramount Ruler of the neighbouring community of Oshika complains that Shell refused to clean up the oil spill that occurred on 7 November 2000. Shell owns the pipeline that ruptured at the Ogbochi swamp and farmland. Innovert Wilson, spokesman for the host community that is made up of 26 villages, complained that the consequences are devastating. Shell and Agip allege that the spills are a result of sabotage. Pedro Obene, a native of Okagbe, who is a member of Agip's vigilante group along the Orishi River pipeline, claims that the allegation is false. "It was just a natural rupture," he says.



An international non-governmental organisation called 'Positive Feedback' visited the area on 30 June 2001. Virginia Major, its Director in Nigeria, stated that the problems of the villagers are caused by ignorance and consequences of oil drilling. The Positive Feedback medical team treated about 272 patients from the three communities. The Director disclosed that most cases were of malnutrition, cough, infection and congenital malformation, which they attribute to environmental factors. A six-year-old boy has his brain growing outside his head. It is a congenital condition known as Neurofibroma. Difini Datubo-Brown, a Professor and Provost of the University of Port Harcourt College of Medicine explained that what had happened in these host communities was the result of environmental pollution by crude oil. The oil-producing areas, according to his recent study (about to be published), are known for congenital malformation. "I have encountered cases previously unknown to medicine in my over 25 years of medical practice. I never encountered some of the diseases before." According to Prof. Brown the conse-

quences include a lowering of the immune system which leads to reduced resistance to disease and causes other respiratory disorders.

Nick Aston Jones, a British environmentalist, has spent years monitoring the environment in the Niger Delta, and the impact of oil industries on the environment. He visited Ogoniland in 1993 and 1994 as part of the Environmental Rights Action (ERA) Baseline Participatory Ecological Survey of the Niger Delta. In June 2001 he visited the Niger Delta. Below is a summary of his findings:

"The level of civil discontent and government armed repression is no less than it was in 1993. The difference is that the (mobile) police rather than the army now intimidate civilians. However, my evidence suggests that oil pollution from poorly maintained well heads and pipelines is significantly worse. Shell remains characterised by a negative attitude towards its host communities; a lack of cultural and ecological awareness and sensitivity; a willingness to encourage armed attacks on defenceless communities and to resort to the repression of civil rights in preference to negotiation; poor maintenance of its extraction infrastructure and low engineering standards; ignorance of environmental and social impacts; a tendency to tolerate the inefficient management of its compensation and social programme processes; and to lie repeatedly when challenged until the evidence is irrefutable. Thus, in terms of its respect for human rights, the environment and natural justice, Shell activities in Ogoni (and elsewhere in the Niger Delta) continue to be cynical and contemptible: Especially, given an advertising campaign that stresses its sensitivity to the environment. In the end, I cannot avoid the conclusion that Shell is badly managed and that its shareholders should be asking why its public statements do not match the facts of its field activities."

Mr Jones pointed to the Shell oil spill at Yorla Well Head in Ogoniland. He visited the site on 20 June 2001. The blowout occurred on Sunday 29 April 2001. Shell maintains that the blowout was a result of sabotage. During the clean-up of this spill, the police shot Mr Friday Nwiido dead over a demand for payment for the work done. Shell has yet to explain their role in this tragedy. The location of the oil spill is

situated beside a sacred forest. Thus Shell is in contravention of the 1978 Petroleum Act which states that oil installations should not be built on sacred land. Ogoni culture teaches that isolated patches of woodland surrounded by farmland are sacred. This is why they are not cleared.

Shell made the same mistake at Ebubu, the site of an earlier blowout. Another example of this is the Shell/Wilbros destruction of the sacred burial grounds of Ohali-Elu in Ogba/Egbema/Ndoni Local Government Area, Rivers State, which was desecrated for the Nigerian liquefied Natural Gas Pipeline. Mr Jones also visited the oil spill at Kpita on 24 June 2001 – here the Bonny to Bomu pipeline was leaking great quantities of crude. On the same day, he visited the oil spill at Kira-Tai. "This was the worst spill I have seen in all my nine years of association with the Niger Delta." He also mentioned the oil spill which occurred in June 2000 at Etelebou flow station in Ekpetiama Local Government Area which damaged the local water source, Otte Lake. The main complaint of the local people was that Shell, as a result of the findings of

its Joint Investigation Team, which did not include representatives of the local community, blamed sabotage. Mr Jones quoted from national newspapers on 18 July 2001:

'Three die of drowning in Akwa Ibom State'. "Three children died by drowning in uncapped oil wells belonging to Shell," the State Governor claimed. Addressing the World Conference of Mayors in the State, The Governor said "Shell callously left uncapped wells in which three young children have drowned." Narrating the "evil side" of oil exploitation in the area by Exxon-Mobil, Addax & Elf oil companies, he said that pollution, environmental degradation, terminal diseases and birth defects have affected many people in oil producing areas... "

Strange illness hits Rivers community. The Ogbodo Isioko community in Ikwere Local Government Area of River State, where the 25 June 2001 oil spill of Shell Oil Company occurred, have reported strange ailments among its people which they said had claimed four lives. The community said the spill spread quite extensively into the only stream that provided a source of drinking water for the area. Mr Dona Boham, Shell's External Relations Manager, East, ruled out sabotage in the spillage." (The Vanguard, 18 July 2001, p. 7)

## 5. Human Rights Perspectives

The Niger Delta has for the past number of years been the site of major confrontations between the people who live there and the Nigerian Government Security Forces, resulting in extra judicial killings, arbitrary detentions, torture, rape and destruction of property. Many of these crimes have been committed principally in response to protest about the activities of multinational oil companies. In recent times there has been a surge in incidents in which protestors have occupied flow stations and closed production or taken oil workers hostage. In the context of increasing threats on the safety of their workers and of damage to their property, oil companies legitimately require security; but equally there is an even greater need for companies to ensure that such protection does not result in further human rights abuses. The oil companies share a responsibility to oppose human rights violations by government forces in the areas in which they operate, in addition to preventing abuses by their own employees or contractors. Companies have a duty to avoid complicity in human rights abuses, and a company that fails to speak out when authorities responding to corporate requests for security protection commit human rights abuses will be complicit in those abuses. There are many tragic examples of the above which Human Rights Watch International have discovered in Nigeria. The most shocking example in which an oil company is directly implicated in security force abuses continues to be the incident at Umuechem in 1990, when a Shell manager made a written and explicit request for protection from the Mobile Police, a notoriously abusive force. Subsequently, the Mobile Police killed 80 unarmed civilians and destroyed hundreds of homes. Shell States that it has learned from the "regrettable and tragic" incident so that it would never call for Mobile protection again and emphasises the need for restraint from the Nigerian authorities. Nevertheless, in several of the incidents investigated by Human Rights Watch, oil companies, including Shell, or their contractors, have called for security force protection in the face of protests from youths, taking no steps to ensure that such protection was provided in a non-abusive way and making no protests when violations occurred. To date, no one

has been held accountable for the massacre at Umuechem.

In May 1998, when Chevron's Parabe platform was occupied by approximately 200 youths and production shut down, Chevron acknowledged that it had called for Navy intervention and Mobile Police to the platform. Despite the serious result of this action, including the shooting dead of two protesters whom it admitted were unarmed, Chevron did not indicate, in response to inquiries from Human Rights Watch, that any attempt had been made to prevent abusive actions by the security forces in advance of the confrontation. Nor did it state that concern had been expressed to the authorities over the incident or that any steps would be taken to avoid similar incidents in future. Chevron's response concerning an earlier case involving a Chevron facility in which Mobile Police killed a youth at Opuama, Bayelsa State in July 1997, similarly included nothing to indicate that it had raised human rights concerns with the authorities over the incident. Shell's role has received by far the most attention internationally because it formed the main target of the campaign by the Movement for the Survival of the Ogoni People (MOSOP), which accused the company of complicity in what it alleged was the genocide of the Ogoni people. However, at a Port Harcourt hearing of the Nigerian Human Rights Violations Investigation Commission (otherwise known as the Oputa Panel) during which these incidents were discussed, Shell addressed the Panel and stated as follows:

"Shell has always conducted its business as a responsible corporate member of society, which observes the laws of Nigeria and respects the fundamental human rights of members of society. Shell has never incited community conflicts nor sided with one community against another and will never do either. As a practice, Shell ensures that the police personnel assigned to our operations abide by a written code of conduct that respects fundamental human rights in line with the UN Declaration of Human Rights. We completely reject all accusations of the abuse of human rights."

Also, Shell stated "the allegation of environmental devastation seems to be exaggerated to attract attention to other issues in the Ogoni struggle and in the Niger Delta."

It is evident from these responses that oil companies are struggling with the concept of human rights and their implementation.

## 6. Summary of Issues

It is important at this stage to briefly summarise the major issues at stake in the Niger Delta region:

1. Justifiable concerns about livelihood and social customs and practices.
2. The issue of sustainable development.
3. Responsible actions and processes in an emerging democratic society – Rule of Law, Good Governance, Transparency and Accountability.
4. International Environmental and Human Rights Law.

## 7. Ways Forward

In May 1999, democracy was restored to Nigeria and now there is a window of hope for the situation in the Niger Delta.

The Federal Government has established the Niger Delta Development Commission (NDDC) but this Com-

mission has yet to become fully operational. It needs to be effectively functional. It is responsible for the onerous task of ensuring that the peoples of the Niger Delta receive their fair share of oil revenues through sustainable development projects. The NDDC needs to provide the angry youths with employment opportunities and encourage them to decommission their weapons for jobs. The Commission needs to work to build better communities by joining efforts with community women, men and youth.

An encouraging example of this is Shell's coordinated programme in partnership with the International Federation of Women Lawyers (FIDA) to involve women in the Niger Delta in the development of conflict resolution strategies towards promoting peace initiatives in the area.

The NDDC needs to work with the oil companies and the State governments to promote and carry out the principles of sustainable development.

The return to democracy has reintroduced the legislative arm of government as a key stakeholder. There are several Committees of the Legislatures at the Federal and State levels with responsibilities relating to the oil industry and to the Niger Delta. It is critical that these and the Judiciary stand firm on the Rule of Law – Human Rights Law & Environmental Law.

However, traditional international environmental law that addresses the rights and obligations of Nation States has little to offer individuals harmed by environmental damage, according to Laura Ziemer, an Attorney and Ecologist from the Sierra Club Legal Defense Fund, a US-based NGO. People whose health or livelihood is threatened by exposure to hazardous waste or the pollution of streams and rivers, for example, often have no recourse under international environmental laws. Linking human rights with the environment creates rights-based approaches to environmental protection that place the people harmed by environmental degradation at the centre. Legislators must address these issues by grounding environmental rights firmly in Human Rights Law.

Connecting human rights and the environment reveals that human rights abuses often lead to environmental harm, just as environmental degradation may result in human rights violations. While the lack of universal standards is one of the biggest hurdles to environmental protection, this is one of the greatest strengths of Human Rights Law. The global community has articulated fundamental notions of basic human rights since 1948, when the Universal Declaration of Human Rights entered into force.

Environmental Human Rights use Global Human Rights norms to state a universal standard of minimum environmental protection that applies equally to every country. In this way environmental harm is cast in terms of its toll in human suffering which leverages human rights standards to universalise our understanding of unacceptable environmental harm. A UN Sub-Commission on Prevention of Discrimination and Protection of Minorities has recently established that there exists meaningful precedent in international law for environmental human rights. It explored the environmental dimension of human rights and articulated the links between sustainable development, environmental protection and respect for human rights.

In 1994 in Geneva, Switzerland, this Sub-Commission produced the "Draft Declaration of Principles on Human Rights and the Environment". This Declaration stands as the current reference point for environmental human rights. Nigerian Federal and State legislatures need to incorporate these principles into domestic legal systems.

The Nigerian Federal Ministry of the Environment and the Federal Environmental Protection Agency (FEPA) must take full responsibility for all statutory, regulatory and supervisory controls for environmental management and permits in the country. They must ensure that environmental laws are unequivocally enforced. Environmental crimes cause conflict. These bodies must be proactive and bring to justice those who commit environmental crimes and abuse human rights.

As a way forward I draw your attention to the Global Sullivan Principles. The principles are in keeping with the Global Compact that the Secretary-General of the United Nations issued earlier this year. The Principles are rooted in the 1977 "Sullivan Principles for South Africa", which many believe played a large part in ending apartheid in that country. From these beginnings, Rev. Sullivan has worked along with multinational companies from three continents and a Latin American business association to develop the Global Sullivan Principles for adoption by businesses around the world.

The Principles are intended to be a positive blueprint against which the internal policies and practices of socially responsible companies can be aligned. Aimed at both small and large companies, particularly those that conduct business in lesser-developed economies, the Principles address a number of issues, including universal human rights, equal employment and compensation opportunities, healthy and safe workplaces and private/public partnerships to advance the quality of life in the communities in which companies operate. Were all the oil companies in the Niger Delta to adopt the Sullivan Principles, there is a real hope that there would be a greater respect between host communities and the oil companies.

I also direct your attention to the Voluntary Principles on Security and Human Rights Agreement of December 2000. After several months of negotiations including the US State Department and the UK Foreign Office, several large oil and mining companies signed an agreement with major human rights and trade union groups on a set of "Voluntary Principles on Security and Human Rights". The Principles are meant to help safeguard human rights while protecting the employees and property of the oil and mining companies. Some human rights groups, such as Human Rights Watch, see the agreement as an important first step, while recognising the limitations of a voluntary approach, the lack of formal regulations governing the operations of multinational corporations and the absence of a system to monitor violations of the principles. Important aspects of these principles include Rule of Law, Conflict Analysis, Security Arrangements, and Responses to Human Rights abuses.

As a personal response I commit to establish a Centre for Social and Corporate Responsibility, based in Port Harcourt in the Niger Delta. This Centre will monitor oil

companies compliance with their own business principles and policy guidelines, their relations with the host communities and their respect for the environment. The Centre will monitor Federal State and local government authorities as regards enforcing environmental law and regulations. It will liaise with stakeholders to ensure best practice in dispute resolution procedures and conciliation and arbitration mechanisms, especially with regard to compensation, land tenure, integrity of contracts for clearing oil spills, etc.

I extend a direct invitation to one and all present to join with me and the Centre for Social and Corporate Responsibility to advocate for the creation of international environmental and human rights laws which are binding on signatory States.

Finally, I invite the Federal and State legislatures in Nigeria to address these issues, enact appropriate laws, secure funding, devise transparent and accountable procedures and practices and build a block for peace and co-operation for true sustainable development in the Niger Delta.

*Ed. Note: A visit of the ECCR (Ecumenical Committee for Corporate Responsibility) is planned in the near future from the UK to the Niger Delta. The delegation will monitor oil company activities, environmental damages, oil spills, community relations, etc. They will bring their reports back to their shareholders to discuss with Shell and other multinational corporations.*

