

Environmental, Health, Human Rights and Gender BASELINE FOR OGOILAND CLEANUP



A Framework for Statutory and Policy Change



Environmental, Health,
Human Rights and Gender
Baseline for Ogoniland Cleanup:

A Framework for Statutory and Policy Change

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EXECUTIVE SUMMARY

This report presents an integrated baseline of Ogoniland and outlines key actions, which would contribute to an effective, sustainable and acceptable remediation exercise that would meet stakeholders' expectation. The environmental, health, human rights and gender implications of the Ogoni clean-up are outlined, and would serve as a monitoring tool during the assessment of the remediation impacts in Ogoniland. Recommendations and actions presented in the report are based on analysis of findings from semi-structured interviews, focus group discussions, questionnaire and scientific assessment of environmental media samples. The mixed data collection approach was used to harness information from different relevant stakeholders such as federal and state law makers, traditional rulers, farmers and fisherfolks, locals in impacted and non-impacted communities, environmental regulators, civil society organizations, health professionals as well as polluted site remediation practitioners.

This report aims to stimulate an inclusive and sustainable remediation of the Ogoniland environments even in the absence of legislative action (since this could take a while), as it could have many interests to address. Nonetheless, as the Ogoni clean-up project is premised on a gazette, a long-term framework for ensuring sustainability should be the ultimate aim of stakeholders. More importantly, this report is designed to change the management of oil-related impacts in Nigeria via the reinforcement of the Environmental Impact Assessment (EIA) Act 1992 with gender and human rights impact assessment paradigms. Although the EIA Act has been revised (e.g. 2004), largely, it does not meet international best practice.

The report makes clear the severely depleted biodiversity and ecosystem goods and services in Ogoniland. And because livelihoods in the area are dependent on rich biodiversity, clean aquatic systems and fertile soil, the livelihood structures have been dislocated, ground and surface water polluted, while farming and fishing yields are drastically reduced. The mangrove ecosystem, the last line of local defence has been eroded with associated cultural rights and livelihoods implications. As these and other

externalities diminish opportunities for legitimate source of income, some locals have initiated gangs and cult groups that have increased violence and crisis in the area. Consequently, government efforts to protect lives and property drive deployment of security agents to the area. The presence of these security agents limits the freedom of the locals even as the interactions between them often result in human rights issues. In addition, gender-based violence is emerging and increasing in the area owing to increased hardship and poverty in local communities.

Beyond policy and legislative changes proffered in this report, immediate, mid- and long-term recommendations are made to serve tripod purpose. First, to alleviate the sufferings of the local population, particularly those living in oil impacted communities. Second, suggest to regulatory authorities manning the Ogoni clean-up project, to develop infrastructure that would enhance remediation activities and outcomes to be sustainable and acceptable to stakeholders. Third, to improve the management of oil-related impacts in Ogoniland.

Over 60 recommendations have been outlined in this policy document to drive policy changes. Some of the recommendations include the immediate provision of potable drinking water to Ogoni communities, development of key performance indicators for effective monitoring of the remediation exercise, the construction of the integrated contaminated soil management centre, and Centre for Excellence. A key element critical to the success of the remediation project that should be made public is the project workplan.

It is the desire of the Centre for Environment, Human Rights and Development (CEHRD) and other stakeholders that the Ogoni clean-up project would ensure sustainable remediation and restoration of polluted sites in Ogoniland and also evolve a technical/tractable template for remediating the Niger Delta and other polluted sites in Nigeria. It is also the desire of stakeholders that via the Ogoni clean-up and the findings of this research, the extant EIA Act, which is skewed in terms of impacts assessment, would be recalibrated to include gender and human rights impact evaluation for optimal benefit of Nigerians.

1 THE Ogoni CONTEXT

Ogoniland is situated in Rivers State, Nigeria, and covers an estimated 1,000 km², with a population of approximately 1,000,000 people, who are predominantly fisherfolks and farmers. Ogoniland territory includes four local government areas (LGAs): Eleme, Gokana, Khana and Tai (Figure 1).

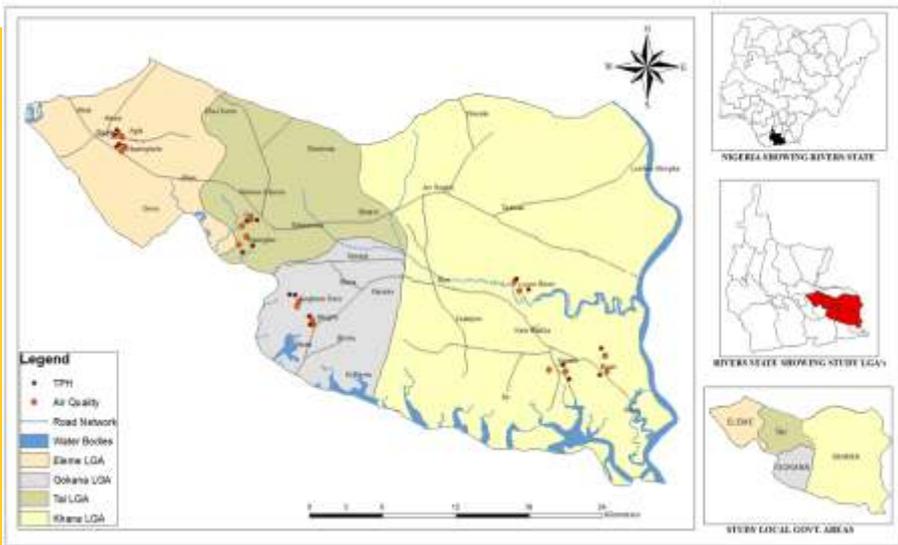


Figure 1: Sampled communities in Ogoniland

Oil activity started in Ogoniland in the 1950s. Following oil exploitation and exploration activities, the land, water, fauna, flora and air in the region are severely contaminated due to legacy and ongoing oil spills. This has continued for more than five decades before government and oil industry operators started implementing ad hoc remedial activities. As a result, the region is characterised by an absence of trust between parties, including between community members, politicians and political institutions, public agencies and actors from the oil industry. Following prolonged silence from government, the Ogoni people and civil society organizations protested against the Nigerian government and oil industry operators in the area. This attracted the attention of the international community in the mid 1990s.

As a response to the agitations of the Ogoni people, the Nigerian government commissioned the United Nations Environment Programme (UNEP) to undertake an environmental assessment of Ogoniland. In 2011, the UNEP published the seminal report, the Environmental Assessment of Ogoniland, outlining issues of land, groundwater, surface water, soil, sediment, vegetation, air pollution, public health contamination and underlying faulty industry practices and institutional issues. The report concludes that: "oil contamination in Ogoniland is widespread and severely impacting many components of the environment".

The UNEP confirmed that members of the Ogoni communities are exposed to hydrocarbons through the air they breathe, the water they drink and their dermal contact with soil or water, as a result, their health is heavily impacted. In its analysis, the study commented that lack of coordination and clear distribution of responsibilities between public institutions as well as a lack of resources in key agencies were important factors in the Nigeria's limited capacity to enforce its regulations. They also noted that while it is technically possible to restore the ecosystem in Ogoniland, it will require adequate technical, financial and political initiatives and it would take 25 to 30 years to achieve. While the report indicated the proliferation of artisanal oil refining camps, it did highlight that remediation methods used in Ogoni had been ineffective, and that industry best practice and Shell Petroleum Development Company (SPDC)'s own procedures had not been respected. The report added that SPDC applied remediation by enhanced natural attenuation (RENA) (a cleaning technique only suitable for land surface), which is unsuitable for deeper contaminations. Whereas the UNEP results show that contaminants on many polluted sites penetrated deeper than 5 meters and even reached the groundwater. Sites that have reportedly been cleaned by SPDC showed contamination exceeding the SPDC and Nigerian standards.

The UNEP report therefore provided two main phases of activities to address environmental contamination in Ogoniland – the emergency measures and the remediation phases. Government intervention in Ogoni was to first address the issues earmarked emergency before environmental remediation.

Emergency measures recommended by UNEP

- 1) Ensure that all drinking water wells where hydrocarbons were detected are marked and that people are informed of the danger.
- 2) Provide adequate sources of drinking water to those households whose drinking water supply is impacted.
- 3) People in Nsisioken Ogale who have been consuming water with benzene over 900 times the WHO guideline are recorded on a medical registry and their health status assessed and followed up.
- 4) Initiate a survey of all drinking water wells around those wells where hydrocarbons were observed and arrange measures (1-3) as appropriate based on the results.
- 5) Post signs around all the sites identified as having contamination exceeding intervention values warning the community not to walk through or engage in any other activity at these sites.
- 6) Post signs in areas where hydrocarbons were observed on surface water warning people not to fish, swim or bathe in these areas.
- 7) Inform all families whose rainwater samples tested positive for hydrocarbons and advise them not to consume the water.
- 8) Mount a public awareness campaign to warn the individuals who are undertaking artisanal refining that such activities are damaging their health.

The UNEP operational recommendations included taking measures to ensure that ongoing sources of contamination be controlled urgently, noting that artisanal refining should stop before the cleanup starts. UNEP added that the campaign against illegal activities related to oil should be done jointly by public agencies, oil companies and local authorities, and that it should include training, employment and alternative livelihood incentives.

The UN Special Rapporteur for minority issues visited Nigeria in 2014. She identified the Ogoni people as a minority group and consulted with some communities in Ogoniland. In her report published in 2015, she was concerned that many areas in Ogoniland had not yet been cleaned, and advised the Nigerian Government to follow the UNEP report's

¹ UNEP Report, 2011.

¹ UNEP Report, 2011.

recommendations. The Special Rapporteur drew a correlation between minority groups in Nigeria and low socio-economic conditions and noted that the Ogoni peoples' traditional livelihoods had been deeply affected by oil contamination and that they lacked access to basic commodities.

The Special Rapporteur recommended that cleanup operations, adequate basic services and resources to allow residents to engage in alternative livelihoods were urgently needed in the region, and added that the Ogoni people was insufficiently represented in the political sphere. She reported that health problems including asthma, skin-related diseases and miscarriages as well as community members having to migrate out of Ogoni out of necessity were commonplace.

1.1 STUDY BACKGROUND

Considering many years of inaction since the UNEP report on Ogoniland was released, shifting baseline and the need to develop informed key performance indicators (KPIs) for the Ogoniland cleanup and remediation, the Center for Environment, Human Rights and Development (CEHRD) commissioned an integrated environmental, health, human rights and gender baseline study in Ogoniland. The baseline study was informed by a participatory scoping mission undertaken in Ogoniland by CEHRD and the Movement for the Survival of the Ogoni People (MOSOP), in collaboration with the International Association for Impact Assessment (IAIA) in early 2017. CEHRD also undertook a communities' perception study of the Ogoni cleanup in 2018, which was helpful in identifying existing socio-cultural issues in oil-impacted communities.

The earlier CEHRD's Communities Perceptions of the Ogoni Clean-up Project report⁵ documented the social aspect of the Ogoniland cleanup baseline. This intervening CEHRD's integrated baseline study incorporates, in addition to the usual health and environmental impact assessment, the innovative aspects of

³ United Nations General Assembly, Human Rights Council. Report of the Special Rapporteur on minority issues, Rita Izsák; Mission to Nigeria (2015) A/HRC/28/64/Add.2

⁴ Timu Community Development Associates, CEHRD & MOSOP (2017). Towards an Integrated ESHRG Baseline in Ogoniland, Nigeria: Scoping Mission Report.

⁵ Centre for Environment Human Rights and Development (2018). Communities' perceptions of the Ogoni clean-up project

human rights and gender impact assessment. The inclusion of gender and human rights impact assessment is particularly relevant as they are included in a pending amendment to the EIA Act 1992. This integrated baseline seeks to lead the way and provide insights regarding this modern approach to environmental impact assessment.

Amongst the measures adopted by the Nigerian Government following the UNEP report was a large-scale cleanup of Ogoniland led by the Hydrocarbon Pollution Remediation Project (HYPREP). CEHRD commissioned this study to provide background knowledge and tools for HYPREP, other stakeholders including government institutions and oil companies during/after the cleanup execution and monitoring. In this regard, recommendations and indicators are presented by the study for the government, oil companies, civil society and the local communities. The study also sought to empower communities by giving them an opportunity to voice concerns and to learn about the current state of the cleanup in Ogoniland. Another objective was for civil society organisations to be able to collaborate with community members to organise monitoring activities for the cleanup, which will be based on the indicators adopted in this study.

The integrated baseline study is not meant to be a substitute to the UNEP report nor claims to have the same depth of study as it did, but rather seeks to consider a broader scope of issues including not only the environmental and health aspects, but also the human rights and gender aspects of the consequences of oil contamination on community members. Furthermore, **this study is not meant to be an exhaustive study of Ogoniland but rather sought to offer an analysis of a sample of communities used to adopt indicators that will be beneficial to the Ogoniland clean up, for monitoring and evaluation for learning.** The study does not attempt to assess the oil companies' responsibility towards adverse human rights impacts in Ogoniland, the objective is strictly to present the current situation of Ogoni communities related to oil contamination and provide information and tools to help the cleanup in reaching its goals.

1.2 WHY AN INTEGRATED BASELINE STUDY?

The study sought to be holistic in that it includes the environmental, health, human rights and gender aspects. Each of these pillars offers an important assessment that complements the others. The environmental assessment delivers scientific data allowing an updated understanding of the state of the natural environment in the communities. Data were collected on the air (outdoor), surface water, groundwater, soil, vegetation, wildlife, livelihood and waste management practices in the communities. The health assessment focused on environmental health impacts that are affecting community members related to oil contamination, based on a thorough literature review of health effects of petroleum derivatives in the environment and physical health checks. The report also presented the capacity of community members to obtain services and treatments regarding their health conditions. The human rights and gender assessment offered an analysis of the impacts of oil contamination on community members' human rights, according to the international human rights legal framework applicable. It also offers an understanding of the increased vulnerability of certain groups from a rights-based approach. The integrated study therefore sought to join the perspectives to obtain a complete picture of the situation of the communities, mainly to provide a baseline with which the efforts of Government and the oil industry will be measured in terms of the emergency measures and remediation and restoration of polluted land, water and air in Ogoniland. Standard methods were deployed to collect and collate datasets for this research.

The research adopted standard data collection approach (focused group discussions, FGDs; key informant interviews, KII; questionnaires and semi-structured interviews). The environmental media samples (i.e. air, water and sediment) were collected and analyzed following standard procedures. Analyzed data were validated by a broad-spectrum of stakeholders, and their inputs incorporated in the study report.

2 KEY FINDINGS

While the policy brief cannot indicate the depth and detail of the study, the key findings of the research are indicated in headings below. The fact that the results of the research might mean a different thing to different stakeholders is underscored, however, primarily, the research indicates where Ogoni is in terms oil-related and associated impacts.

2.1 ENVIRONMENT

As a result of pollution in many Ogoni communities, biodiversity and livelihood dependent ecosystems (e.g. surface waters) have been severely affected. Ground and surface water are no longer potable or suitable for societal uses; farm yields have drastically reduced over the years and many economic trees disappeared. The once rich mangrove communities are now shadows of themselves. Many species of wildlife that used to be seen in many of the communities before severe oil pollution of the area are rarely seen or not seen at all.

2.2 AIR QUALITY

According to tests undertaken for this study, ambient temperature and other meteorological conditions monitored were within normal conditions for tropical regions, while the noise levels were within the Federal Ministry of Environment (FMEnv) regulatory permissible level. The levels of sulphur oxide (SO_x), nitric oxide (NO_x) and carbon monoxide (CO) outdoor in most communities were within the limits prescribed by the FMEnv and World Health Organization (WHO), except in Gio community where SO_x, total hydrocarbon (THC/CXHX) and NO_x were above permissible thresholds. Kegbara Dere showed CO values above permissible threshold too. Some gases (e.g. such as NO_x and SO_x measured), have been linked to childhood respiratory disease and all-age mortality.

Suspended particulate matter (SPM) concentrations at all sampled points were within the FMEnv regulatory limit. However, the values were higher than WHO Air Quality Guideline for 10 µg/m³ and 20 µg/m³ of SPM_{2.5} and SPM₁₀,

respectively. In some of the communities, the smell of petroleum products or crude oil was evident in the air.

Focus Group Discussions (FGDs) indicated there is constant soot (black carbon) in the air, most likely occasioned by human activities (e.g. gas flaring and artisanal refining of crude oil). The different groups emphasized that they have experienced black particles or stains in their nostrils especially in the morning, smoky air, choking or offensive smell in the air, black stain on clothes and discolouration of water.

2.3 WATER RESOURCES

Surface and ground water quality is at critical levels in the communities because of oil related contamination. Characteristics of household water mentioned by the communities were: smelly, brownish, or oily. The poor water quality has impacted on the health of aquatic life. The disappearance of some flora and fauna in the water bodies impacts on community's capacity to fish, which is a dominant livelihood in the area. Most of the villagers do not treat their water before use and consumption.

2.4 PETROLEUM CONTAMINATION OF WATER

Benzene, toluene, ethylene and xylene (BTEX) concentrations in surface water samples from Gio, Mogho and Ekpangbala were above permissible limits. BTEX concentrations were below 10 µg/l in the ground water samples assessed. Total Petroleum Hydrocarbon (TPH) values in surface water were higher than Environmental Guidelines and Standards for Petroleum Industries in Nigeria (EGASPIN) intervention value (600 µg/l). The values recorded in surface water from Gio, Mogho and Kporghor were 1,692,297 µg/l, 115,455 µg/l and 8484 µg/l, respectively. TPH values recorded in ground water samples from Agbi (1823 µg/l), Luere Beerli (1418 µg/l) and Ekpangbala (1302 µg/l) were above EGASPIN intervention limit.

2.5 MICROBIAL CONTAMINATION OF WATER

Total heterotrophic bacteria (THB) in both ground and surface water were remarkably high for all the communities compared to the WHO standard. Kegbara Dere had the highest microbial THB presence in surface and ground water. Luere Beerli had the highest total coliform count (TCC) (2,400

organisms/100ml) in surface water. This is above the United States Environmental Protection Agency (USEPA) recommended value (235 organisms/100ml) for recreational water quality standard. Hydrocarbon utilizing fungi (HUF) higher values were recorded in the groundwater samples from Agbi and surface water samples from Mogho.

2.6 CONTAMINATION OF SOIL

Soil samples from Mogho had the highest TPH value (4,613 mg/kg) at the surface and 5,958 mg/kg at 30 cm depth, above the EGASPIN intervention level of 5000 mg/kg. This has livelihood implications since the Ogoni people are predominantly farmers. The household survey as well as the FGDs both confirmed that the Ogoni communities' crops have suffered from the oil contamination and that their yield has been affected. The nature of vegetation in and surrounding the communities has also been affected, including mangroves, trees used for firewood and economic (food producing) trees, which the community members relied on for income.



Figure 2: Degraded mangroves in one of the impacted communities

⁶ World Health Organization (2004). Water Sanitation and Health Programme. Managing water in the home: Accelerated health gains from improved water sources.

2.7 IMPACTS ON BIODIVERSITY

The biodiversity of the region was severely affected by oil related contamination. For example, immeasurable hectares of mangroves were degraded (Figure 2). Communities reported that they used to see a variety of animals that they do not see anymore. The locals noted that fast-moving animals were presumably able to move to a more favorable environment, while others have disappeared completely. Fishes that can still be caught in waterbodies close to the communities are contaminated by oil.

2.8 IMPACT ON LIVELIHOOD

The contamination of soil and the natural habitat for biodiversity has severe impacts on the community members' livelihoods. Farming and fishing are the main livelihoods of the communities studied. The low crop yield and the disappearance or contamination of the fishes has prevented community members from practicing their traditional livelihoods. For example, some fish landing sites and fishing ports have been deserted (Figure 3). Farmers have to work harder for poor harvest. The loss of economic trees, firewood and mangroves also impacts community members' capacity to obtain an income. Community members note that it is difficult to have enough food for the family, when they used to be able to sell surplus. Fishermen have to go farther into the sea to catch healthy fishes, often they even have to go into the 'ocean', which is not possible for most for lack of resources.



Figure 3: Destroyed livelihood (fish landing site) in Kporghor community

This reality has forced community members to seek other forms of livelihoods, whether legitimate or illegitimate. Some community members seek business opportunities, menial jobs or trades. Others have to leave the region because they cannot find opportunities, while some have started to engage in prostitution activities. Some communities have granted social license for artisanal refining activities as a way to obtain an income for their youth and community as a whole, despite the huge environmental costs.

2.9 WASTE MANAGEMENT

There are indications of low waste generation and use of burrow pits across investigated communities. For example, some burrow pits in the sampled communities were empty. In urban and sub urban towns in Nigeria, burrow pits are major receptacles (landfills) for dumping of waste. Empty burrow pits in the sampled communities can be attractive dumpsites for waste generated from the Ogoni cleanup. Standard waste management is a critical component of the Ogoni cleanup, to ensure that the cleaning methods and waste arising therefrom do not become drivers of re-pollution.

2.10 HEALTH

The toxicological importance of hydrocarbons is from its constituent aliphatic and aromatic compounds, such as methane, benzene, and benzo(a)pyrene and their adverse health effects on humans have been well-documented. These adverse effects include dermal irritation, inflammation and epidermolysis (skin blisters) in case of topical exposure. When inhaled, soot from the incomplete combustion of crude oil can lead to irritation of the eyes, nose, and throat, cough, chest tightness, wheezing, dyspnea, acute exacerbation of asthma, etc.

2.11 HEALTH ASSESSMENTS CONDUCTED BY THE STUDY

Health examination of randomly selected adult community members' cardiovascular and respiratory systems, as well as their nutritional status showed that 26.6% had raised blood pressures, when compared to between 10% and 20% in other parts of Nigeria. The forced vital capacity (FVC) examination of the lungs for constrictive and restrictive lung diseases showed that 55 out of 75 (73.3%) had normal values. The body mass index (BMI) used to assess the nutritional status, suggested most of the people fell within the

healthy weight range, while only a few residents were poorly nourished, which could be attributed to the challenging economic situation in Nigeria.

2.12 DISEASES

The most common disease concerns related to oil and gas operations in the area were listed as respiratory diseases ranging from persistent cough, sometimes leading to breathlessness, cardiovascular diseases, and skin diseases, ranging from itching, excoriations, and outright lesions. Others were eye diseases and hearing problems. The complaints were uniform in all the communities visited during data collection. There were also many complaints about the increase in the rate of male and female infertility as well as miscarriages and spontaneous abortions among pregnant women. The Chiefs and elders in the communities linked the upsurge of these diseases to the impact of oil and gas exploration activities in the area.

Sexually transmitted infections (STIs) are common in communities in Ogoni. At least 40 (14.9%) respondents of the survey had in the last two years suffered from or knew a family member who had contracted STI. High risk sexual behaviours such as multiple sexual partners and low or inconsistent condom use are common with non-marital and non-cohabiting partners. Also, data from the state Ministry of Health on the human immunodeficiency virus infection and acquired immune deficiency syndrome (HIV/AIDS) prevalence in the area clearly show a steady increase in prevalence from 2014 to present day, against the consistent decline in the national HIV/AIDS prevalence from 5.8% in 2001 to 3.0 in 2014.

The health facility prevalence rate for all cancers in the study area was 2.7%. It is a well-established fact that prolonged exposure to polyaromatic hydrocarbons, as seen in the study area, is associated with increased risk of cancers of the lung, skin, bladder and indeed some internal organs like the kidneys, etc. Due to the high prevalence of rural poverty in the study area, persons with need of medical care often encounter financial obstacles to access it. There is therefore a possibility that numbers obtained from health facilities are not representative of the population who is suffering from the disease.

There are no mortality studies yet conducted in the area and mortalities are severely under-reported in health facilities. FGD participants in some of the communities reported an increasing number of deaths and a concomitant decrease in lifespan in their communities.

2.13 ACCESS TO HEALTH SERVICES

There are some forms of health services in the study area made up of both public sector and private health care facilities. However, access to these facilities is limited in scope of services due to the shortage of essential equipment, medication and supplies. In other instances, there are shortages in qualified professionals. The communities have expressed persistent concern about their capacity to access health services due to the low socioeconomic status of most community members who are predominantly petty traders, subsistence farmers or fisherfolks, and the fact that out-of-pocket expenditure is the main mode of payment for health services. The people therefore are compelled to depend on patent medicine vendors and traditional birth attendants to fill in the gaps, with severe consequences.

2.14 HUMAN RIGHTS AND GENDER

In this specific context, the United Nations Guiding Principles on Business and Human Rights (UNGPs) offer guidance on international standards for both state actors and business enterprises. States and business enterprises have different burdens regarding human rights: states have a duty to protect, companies a responsibility to respect, and both share the burden to remedy adverse human rights impacts. The UNGPs introduce the concept of the severity of adverse human rights impacts, which is measured by their scale, scope and irremediable character. The UNGPs also provide that particular attention must be paid to the rights and needs of vulnerable groups, as they can be disproportionately impacted by business activities.

The adverse human rights impacts considered in this study are both actual and potential: they include the impacts that have already occurred due to oil activity and contamination in Ogoniland, as well as the potential adverse impacts that the cleanup could have on the Ogoni population. The human rights issues were prioritized according to their severity.

The communities visited show deep vulnerability linked to the oil contamination of their environment and the poverty it has occasioned over the years. The communities' poverty level and the challenges they face in providing for their basic needs are root causes of adverse human rights impacts. The cleanup seeks to address the contamination of the Ogoni environment and to mitigate its adverse human rights impacts. Some of the mitigation measures will yield results in the short term, while others will take years to improve the human rights situation of Ogoni population.

2.15 SECURITY AND HUMAN RIGHTS

The first human rights issue identified is that of security and human rights. Security is a serious priority because of the scope and scale of the human rights impacts it entails. The region currently presents a weak state of security: crime is present and often severe, while law enforcement struggles to control the territory. This demonstrates an underlying vulnerability that already results in violence; petty and severe criminality; organised crime groups holding a firm grip on sections of the territory and engaging in conflicts between competing groups; gender-based violence (GBV); injuries; and deaths. The cleanup project will be conducted in this context, and its security component will have to be carefully considered.

The potential arrival of additional security forces in Ogoni, if the cleanup security measures include it, can have costly consequences for the community members. A high level of tension and mistrust is already sensed in the communities, especially regarding government commitments and actions on oil contamination. It has been claimed that some communities

have opposed cleanup actions in the past for various reasons. The relationship between security forces and community members is currently peaceful, but the arrival of new groups of armed forces that may or may not be trained adequately to understand the Ogoni context and interact with the population may change this peaceful state. A tense relationship characterised by a lack of trust between security forces and community members could degenerate and

⁷ United Nations, Office of the United Nations High Commissioner for Human Rights (2011), Guiding Principles on Business and Human Rights. Available at: https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf

cause detention, injuries or deaths. This could in turn further decrease the trust of communities in the cleanup process and increase tensions and propensity to violence from both sides. This type of cycle is hard to reverse once it has started, which is why the cleanup planning must consider this aspect carefully and attempt to find creative solutions that could foster a feeling of ownership from community members in the cleanup project and its security measures.

2.16 WOMEN

Based on the research and interviews conducted, it has been determined that the women in Ogoni are a highly vulnerable group. Women's main livelihood was and still is farming, which was traditionally one of the main ways the families' needs were cared for. Many of them used to be able to sell the surplus from their labour at the market. This income allowed them to pay school fees and other necessary household costs. The yield of the family crops has decreased to a point where it is no longer sufficient to feed the family, let alone sell surplus. Women's access to land is limited, therefore women who do not have access to land through their husband or their father, especially widows, are in a state of deeper vulnerability.

The hardship experienced by families in the communities has increased the occurrence of GBV, which is reported to be widespread. Women's vulnerability is exacerbated by their nearly in-existent participation in decisional and public spheres, which makes it very difficult for their needs to be discussed and taken into account in their community. The cleanup should not only include women as a vulnerable group, but also go a step further and consider them as crucial players in effecting positive change in their community.

2.17 VULNERABLE GROUPS

Children, adolescents and youth also show a high level of vulnerability. Children often help with the family's income-generating activities, to the detriment of their schooling. Adolescents and young adults, mostly male but also female, can be solicited to engage in criminal activities, such as bunkering, artisanal refining and cult activities. This option can appear appealing as income-generating activities are limited, but often result in injuries, deaths or imprisonment of the adolescent or young adult. Female adolescents and young adults on the other hand are more vulnerable to

engage in activities similar to prostitution, even though males can also be vulnerable to this type of activity. This can result in early pregnancy, forcing adolescents to drop out of school, STIs and HIV/AIDS. Girls and young women are more vulnerable to trafficking. Both female children and adolescents show a heightened vulnerability as research shows that families sometimes choose to focus limited resources on the male children. Other groups can also be vulnerable, depending on the context of each community, and should be considered in the cleanup project.

2.18 CULTURAL RIGHTS

The communities visited all reported having traditions that have been suspended because of oil contamination. Some of those traditions involved ceremonies celebrated in the rivers or festivals celebrating generous yam harvests. Elders note that a few generations have never been able to participate in these celebrations, expressing worries as to the capacity to resume these celebrations in the future.

2.19 ACCESS TO INFORMATION, CONSULTATION AND REMEDY

Communities have expressed a high degree of difficulty to obtain information and be consulted regarding oil-related activities, including the cleanup. Similarly, the communities felt that it has been extremely difficult for them to obtain remedy when oil contamination affected them. An efficient communication channel could create an opportunity for government agencies to manage the expectations of communities and for community members to develop a feeling of ownership in the cleanup project. The communities currently experience feelings of distrust, deception and disappointment towards government agencies and oil companies. On the other side, some government agencies noted that communities might want to block cleanup activities, which also leads them to distrust community members. Steps should be taken to ensure that communities are involved in the cleanup in good faith to prevent conflicts, build trust in the relationship between the players and optimize the resources invested.

3 THE RECOMMENDATION

Table 1: List of recommendations

Recommendations	Actor(s)	Short, Mid or Long Term
Environment		
1. Considering that oil pollution has affected the quality of ground and surface water, there is need for immediate provision of potable drinking water and establishment of integrated water supply system to all affected Ogoni communities. This should involve a holistic approach that will develop and manage water supplies for multiple uses.	Government	Short-Term
2. Ogoni cleanup activities will create their own environmental impacts. Thus, proper guidelines and procedures for contractors to use for the cleanup should be developed by HYPREP and real time monitoring should be undertaken by NOSDRA.	Government	Short-Term
3. HYPREP should rebuild their trust and confidence in local communities and other stakeholders.	Government	Short-Term
4. Following recommendation 3, HYPREP should undertake a comprehensive sensitization of Ogoniland. This should be undertaken leveraging on the reputation of credible and acceptable civil society organization(s) in the area.	Government	Short-Term
5. Government agencies and civil society organizations involved should be trained on conflict resolution.	Government	Short-Term
6. Government should strengthen HYPREP, including provision of competent personnel, equipment and monitoring capacity.	Government	Short-Term
7. HYPREP should develop and make public work plans that detail expectations from the cleanup process in the short-term, medium-term and long-term. This will engender trust and confidence in the cleanup process.	Government	Short Term
8. Establish a legal framework for HYPREP and the cleanup process to ensure sustainability of the institution.	Government	Short-Term
9. HYPREP should undertake a biannual re-evaluation of the baseline report to assess the recovery of the different facets, and the progress of the cleanup.	Government	Short-Term
10. HYPREP should ensure the use of appropriate technology to clean all contaminated sediments, surface and ground water, and soil with the ultimate aim to restore biodiversity in Ogoniland and encourage green development.	Government	Short-Term

11. Re-pollution is a major challenge of the Ogoni cleanup. HYPREP should therefore give significant attention to training and re-training of artisanal refiners in sustainable skills in order to reduce their impact on the cleanup process, and to improve air quality in the region.	Government	Short-Term
12. Members from Ogoni communities need to be employed in the cleanup process, especially the youth. They should be involved in providing security services and safety activities, clearing rubbles, operating machinery, cooking, etc.	Government Cleanup Contractors	Short-Term
13. Provision of alternative livelihood sources for all Ogoni residents should be encouraged. For example, the mats made from <i>Pandanus candelabrum</i> in Luere Beeri should be supported.	Government Civil Society Organisations	Short-Term
14. A communication strategy that would enhance feedback from the government agencies, contractors, communities and other stakeholders should be provided by HYPREP. New ways of promptly reporting oil spills and concerns to the appropriate authorities for immediate action should be developed and maintained.	Government	Short-Term
15. Immediate building of the Integrated Contaminated Soil Management Center as recommended by the UNEP report. Mini soil management centres could be used to manage hazardous waste arising from the clean-up in the short term.	Government	Medium-Term
16. HYPREP should operate a disclosure policy to allow the public access data with which to monitor and evaluate the success of the cleanup.	Government	Medium-Term
17. HYPREP should develop sustainable skill packages for the local population, particularly impacted communities where cleanup would begin in the shortest time frame.	Government	Medium-Term
18. The state government should take up the comprehensive study of the impact of oil spills on the land, air and water, and on people's health, socio-economic and mental wellbeing for informed policy.	State Government	Long-Term
19. The FMEv permissible limits for air quality pollutants and other parameters such as benzene are higher than WHO limits. Using reliable qualitative data and the prevailing environmental condition, the FMEv limits and criteria should be reviewed.	Government	Long-Term
Health		
20. The federal government through HYPREP should expedite action on the Ogoni cleanup process to make the environment free from pollutants and other harmful substances.	Government	Short-Term
21. The federal government through HYPREP, and indeed state and local governments, should take the necessary steps to provide potable water for the people to minimize the chances of ill health arising from water shortage. This is an urgent need for the impacted communities.	Government	Short-Term

22. The federal government through HYPREP should set robust mechanisms in place to ensure effective risk communication at all phases of the cleanup project.	Government	Short-Term
23. The Rivers State Primary Health Care Management Board should conduct a needs assessment and locate more PHC facilities in areas where there is none, so that the people can have improved physical access to health care.	Government	Short-Term
24. Community members should commit to the safety of health workers and facilities in their area to avoid attrition of health workers due to recurrent security challenges. Community leaders, Chiefs, women, and youths, should encourage the utilization of health facilities situated in the LGA and promote good health-seeking behavior.	Government	Short-Term
25. The executive and legislative arms of government should facilitate the passing of the Rivers State Contributory Health Protection Policy Bill, as the establishment of a state health insurance policy will improve financial access of residents in rural areas and the lower socioeconomic class, to quality health care and facilitate universal health coverage in the state.	Government	Short-Term
26. Aggressive safe sex sensitization is imminent to mitigate STI/HIV infection. Influx of cleanup workers would encourage prostitution given the level of poverty in the Ogoni area.	Government	Short-Term
27. The Rivers State primary and secondary health management boards, with support from the state government, should consider providing incentives for health care workers who are willing to reside in the area to provide health care for the people.	Government	Long-Term
28. The Rivers State health system should ensure health facilities in Ogoniland are functional, well equipped and adequately staffed to diagnose and manage everyday health needs of the communities, to improve their health indices. The referral system should also be strengthened to ensure that cases that cannot be handled at the primary or secondary health care level will be transferred under supervision to the next tier of the health system.	Government	Long-Term
Human Rights and Gender		
Security and Human Rights		
29. A thorough VPSHR risk assessment should be conducted in collaboration with all relevant stakeholders for security and cleanup operations along the pipeline.	Government Oil Companies	Short-Term
30. Awareness activities and workshops on the VPSHR and the UNBPUF should be undertaken with all stakeholders, including security forces, civil society organisations, government representatives and community members to promote their understanding and respect.	Government Oil Companies Civil Society	Short-Term
31. Improve the capacity and resources of the security forces operating on pipeline protection and on the cleanup to match requirements and provide those already deployed with the adequate support for conducting their activities.	Government Oil Companies	Short-Term To Medium Term

32. Public and private security forces operating on pipeline security and on the cleanup should be commissioned with express recognition and in complete respect of the VPSHR and the UNBPUF. All agreements or contracts regarding the operations of the security forces should include express inclusion of the VPSHR and the UNBPUF.	Government Oil Companies	Short-Term
33. Public and private security forces operating on pipeline security and on the cleanup should receive training on human rights, the VPSHR and the UNBPUF.	Government Oil Companies	Short-Term
34. Public security operations and private security activities should be monitored so they respect their mandate, the VPSHR and the UNBPUF as well as their contractual provisions.	Government Oil Companies Civil Society	Short-Term to Medium Term
35. A grievance mechanism system focused on security related matters should be created to open communication channels for community members complaints regarding their interactions with public and private security forces.	Government Oil Companies	Short-Term
36. The security arrangements and the mandate of the public and private security forces should be made public and an awareness campaign should be undertaken with the local population, to ensure complete transparency regarding the mandate of the security forces. Understanding the security measures adopted and the limits of the mandate of the security forces will help community members feel safer and understand what type of behavior is permitted in the vicinity of the pipeline and the clean-up operations.	Government Oil Companies	Short-Term
Women		
37. Create a programme where women from communities can register themselves to access accelerated training and capacity building to provide them with alternative livelihood, considering that the cleanup will take time in bringing back the quality and quantity of harvest they rely on.	Government	Short-Term
38. Engage rapidly in community sensitization and protection for women against GBV. Take into consideration the effects of community hardship on GBV and the detrimental effects this has on women's physical and mental health, on the children witnessing it, and on the family and social tissue.	Government Communities	Short-Term
39. As the cleanup advances and the contamination decreases, monitor closely the capacity of women registered in the programme to resume their activities of fishing and farming.	Government Civil Society	Medium-Term to Long-Term
40. Create measures facilitating the reporting of GBV for women and enhancing their protection when they decide to report it.	Government Communities	Short-Term
41. A GBV register should be created to monitor prevalence and types of GBV in the communities.	Government Communities	Short-Term
42. Actively involve women in cleanup planning and activities. Take into consideration that the empowerment of women is a useful tool to empower the whole community and build a relationship based on trust, which will facilitate the success of the cleanup.	Government Civil Society	Short-Term

43. Ensure all engagement activities during the cleanup are executed equally with women and men from the communities, including additional effort to involve the women effectively.	Government Civil Society	Short-Term
44. When involving women in cleanup-related activities or consulting them, plan resources and logistics effectively to provide women with a safe space to communicate and engage freely.	Government Civil Society	Short-Term
Vulnerable Groups - Children		
45. Ensure that all members from the cleanup are adequately trained to interact with minors, especially with regards to prostitution or getting involved in any other way.	Government	Short-Term
46. Ensure that contractors impose directives and sanctions for employees who interact inadequately with minors. They should also impose directives and sanctions for employees getting involved with women from the communities, to avoid families being broken up or abandoned.	Government	Short-Term
47. Endeavor to plan the cleanup project to distribute the benefits, notably capacity building, training for alternative livelihood employment, amongst households within communities, which will benefit the children indirectly.	Government	Short-Term
48. Ensure minors are not collaborating with the cleanup project in a way that could affect their schooling.	Government	Short-Term
49. The interactions between minors and members from the cleanup should be closely monitored and assistance should be provided to potential victims. Incidents should be reported to the appropriate authority to ensure that adequate protection measures are put in place.	Government Civil Society Oil Companies Communities	Short-Term
50. Communities should take a strong stance against community members' participation in artisanal refining activities and cultism and engage in proactive solutions against minors' involvement in such activities.	Communities	Short term
Vulnerable Groups - Youth		
51. Create a programme where youth from communities can register themselves to access accelerated training and capacity building to provide them with legitimate livelihood.	Government	Short-Term
52. Endeavour to give priority to the youth in planning employment and other benefits of the cleanup.	Government	Short-Term
53. Monitor closely the success of the programme in providing youth with legitimate livelihoods.	Government Civil Society	Short-Term to Medium-Term
Vulnerable Groups - Others		
54. Ensure that vulnerable groups are equally consulted and taken into consideration during the cleanup as they are the least likely to have a voice to request assistance and are possibly affected in a disproportionate manner by the contamination and hardship experienced by the communities. These vulnerable groups include persons with disabilities, health issues or any persons suffering from marginalisation from their community.	Government	Short-Term

55. Ensure that vulnerable groups are equally considered for employment in the cleanup, including persons with physical disabilities, health issues or any persons suffering from marginalisation from their community.	Government	Short-Term
Cultural Rights		
56. Consider the importance of communities' cultural traditions in the planning and execution of the cleanup. Where specific sites are perceived as having a heightened value to community members or were traditionally used for cultural activities, these sites should be deemed as priorities in the cleanup.	Government	Short-Term
57. Monitor closely the evolution of the cleanup and ensure that communities are able to resume their cultural traditions when the environment is cleaned.	Government Civil Society	Medium-Term to Long-Term
Access to Information and Consultation		
58. Ensure that adequate communication channels are established between communities and the relevant government institutions and oil companies, and that the channels are widely publicized to community members. The channels should be known and understood by the population affected, including the most vulnerable ones.	Government Oil Companies	Short-Term
59. Ensure that the information communicated to the communities regarding oil activity is appropriate, transparent and comprehensive. Communications with all affected communities should be regular and keep all community members up to date with activities relating to oil, including the cleanup.	Government Oil Companies	Short-Term
60. Consultation activities respectful of community availability and capacities should be organised to consult community members on the issues affecting them. Consultation should be inclusive of everyone, including the most vulnerable groups, and should be conducted in good faith.	Government Oil Companies	Short-Term
Remedies		
1. NOSDRA and HYPREP should both have their own mechanism to allow community members to seek redress when they believe their rights are not being respected. The mechanisms should provide a transparent response process that will allow community members to be heard and obtain responses. Measures should be taken to ensure vulnerable groups can have access to it, including women who often suffer from lower visibility in the public sphere.	Government	Short-Term
2. Oil companies should establish a grievance mechanism system regarding oil activity in Ogoniland to enable all community members to seek redress when they believe their rights are not being respected. The mechanism should provide a transparent response system that will allow community members to be heard and obtain responses. Measures should be taken to ensure vulnerable groups can have access to it, including women who often suffer from lower visibility in the public sphere.	Oil Companies	Short-Term

3. Ensure that public administrative and judicial mechanisms are accessible and effective when community members' rights are affected by oil activity in the region and they need to access remedy.	Government	Long-Term
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A successful cleanup will require planned action from everyone involved, including communities' acceptance of their share of responsibility towards their environment. Individual effort from one player will not be sufficient. Providing communities with sensitization to allow them to understand how essential their participation is in the cleanup will be a key aspect of the success of the cleanup. Alternatively, if the cleanup is executed but re-pollution keeps going at the rate it is currently going, the cleanup's capacity to effect positive change in the lives of the Ogoni communities will be very limited, if any.



CEHRD's Mission is "to forge a common link with the rural Niger Delta communities primarily through research, participatory trainings, campaigns and advocacy on the problems confronting them. Equipping them with the basic knowledge of their situation and encouraging them to address the issues non-violently themselves".

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