

Royal Dutch Shell, plc (Shell) began oil production in the Niger Delta region of Nigeria in 1958 and has a long history of working closely with the Nigerian government to quell popular opposition to its presence in the region. From 1990-1995, Nigerian soldiers, at Shell's request and with Shell's assistance and financing, used deadly force and conducted massive, brutal raids against the Ogoni people living in the Niger Delta to repress a growing movement in protest of Shell.

On November 10, 1995, nine Ogoni leaders (the "Ogoni Nine") were executed by the Nigerian government after being falsely accused of murder and tried by a specially-created military tribunal. Those executed were internationally acclaimed environmental and human rights activist Ken Saro-Wiwa, prominent youth leader John Kpuinen, Dr. Barinem Kiobel, Saturday Doobee, Nordu Eawo, Daniel Gbokoo, Paul Levera, Felix Nuate and Baribor Bera. The detention, trial, and executions of the Ogoni Nine were the result of collusion between Shell and the military government to suppress opposition to Shell's oil operations in Nigeria. The Center for Constitutional Rights (CCR), EarthRights International (ERI) and other human rights attorneys sued Shell for human rights violations against the Ogoni. The case will go to trial on May 26, 2009 in federal court in New York City.

environmental devastation

The environmental devastation the oil company has caused to Ogoni lands in the Niger Delta was a primary reason for the Ogoni movement against Shell. In 2006, the Niger Delta Natural Resource Damage Assessment and Restoration Project (an independent team of scientists from Nigeria, the U.K. and the U.S.) characterized the Niger Delta as "one of the world's most severely petroleum-impacted ecosystems."

Their report noted that the Delta is "one of the 10 most important wetlands and marine ecosystems in the world. Millions of people depend upon the Delta's natural resources for survival, including the poor in many other West African countries who rely on the migratory fish from the Delta." Of the near 27 million people living in the Niger Delta, an estimated 75 percent rely on the environment for their livelihood, often farming and fishing for market or subsistence living. Shell's operations in the Delta have led to the deep impoverishment of the Ogoni people and surrounding communities in the Delta.

gas flaring

Natural gas is a byproduct of oil drilling. In much of the world, this gas is either used for energy or re-injected into the well. In Nigeria, Shell and other oil companies burn it in a process known as gas flaring. Nigeria flares more gas than any other country but Russia; at least 20 billion cubic meters of gas are burned per year, enough to meet the energy needs of Nigeria and neighboring countries.

The gas burned in flares is not the clean natural gas used for heating or cooking; the gas is contaminated with toxic compounds and the flares send huge toxic plumes into the air. The chemicals, which end up in local waterways and fields through soot and precipitation, include carcinogens such as benzene, a deadly chemical that can cause convulsions, chromosomal damage and birth defects. Many of the flares are located adjacent to Niger Delta communities. According to the World Bank, gas flaring in Nigeria, which generates no useful energy, has contributed more greenhouse gases emissions than all other sources in sub-Saharan Africa combined.

*I and my colleagues
are not the only ones
on trial...there is no
doubt in my mind that
the ecological war that
the company has
waged in the Delta will
be called to question...*
- Ken Saro-Wiwa, 1995



The Nigerian government first moved to end gas flaring in 1969 when it ordered corporations to set up infrastructure to utilize associated gas. Shell and other oil companies ignored this order. The Nigerian government passed the Associated Gas Reinjection Act in 1979 that required oil companies to submit a detailed plan for utilizing all gas with an ultimate goal of ending flaring by 1984. Since then, Shell and other companies have continued flaring, choosing to pay a fine rather than clean up their operations.

Shell was again ordered to stop flaring in 2005 when Nigeria's Federal High Court declared gas flaring as a gross violation of the neighboring communities' human rights. Shell and other oil companies continue to make excuses. As of December 2008, there were over 100 flare sites still operating in Nigeria.

oil spills

An estimated 1.5 million tons of oil has spilled in the Niger Delta ecosystem over the past 50 years. This amount is equivalent to about one "Exxon Valdez" spill in the Niger Delta each year. Many of the spills have taken place in sensitive habitats for birds, fish and other wildlife, leading to further loss of biodiversity and, in turn, further impoverishment of local communities. The spills pollute local water sources that people depend on for drinking, cooking, bathing, laundering and fishing. They also release dangerous fumes into the air, sometimes rendering villages uninhabitable and causing serious illness for those who are unable to relocate. Many of the oil spills can be attributable to poorly maintained infrastructure such as aging pipelines.

Environmental groups in Nigeria and Europe have filed a lawsuit against Shell in the Netherlands for its history of oil spills and lack of cleanup in Nigeria. According to the Nigerian environmental group involved in the suit, cleanup of oil spills is often very superficial, sometimes involving little more than turning the land so that the oil remains just beneath the surface of the soil.

a pattern of greenwashing

Despite Shell's dirty record in Nigeria and elsewhere, the company continues to try to falsely portray itself as "green" in its advertising, a practice known as "greenwashing."

The U.K.'s Advertising Standards Authority (ASA) has found that Shell's environmental claims violated advertising rules. In 2007, Friends of the Earth filed complaints about a Shell ad featuring an oil refinery emitting flowers that was accompanied by a claim that its carbon dioxide waste was used to grow flowers. The chairman of ASA called it "a ridiculous claim" and Shell was forced to pull the ad. In 2008, the ASA banned Shell's ad that claimed it was building a "profitable and sustainable future" through its development of the largest oil refinery in the U.S. and its petroleum mining in a Canadian oil sands deposit.

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the case against shell

Beginning in 1996, the Center for Constitutional Rights (CCR), EarthRights International (ERI), Paul Hoffman of Schonbrun, DeSimone, Seplow, Harris & Hoffman and other human rights attorneys have brought a series of cases to hold Shell accountable for human rights violations in Nigeria, including summary execution, crimes against humanity, torture, inhuman treatment and arbitrary arrest and detention. The lawsuits are brought against the Royal Dutch/Shell group and Brian Anderson, the head of its Nigerian operation.

The cases were brought under the Alien Tort Statute, a 1789 statute giving non-U.S. citizens the right to file suits in U.S. courts for international human rights violations, and the Torture Victim Protection Act, which allows individuals to seek damages in the U.S. for torture or extrajudicial killing, regardless of where the violations take place.

Shell has made many attempts to have these cases thrown out of court, which the plaintiffs have defeated. The United States District Court for the Southern District of New York has set a trial date of May 26, 2009. The plaintiffs eagerly await their day in court to hold the defendants accountable for their injuries and the deaths of loved ones.

what you can do:

The Center for Constitutional Rights and EarthRights International are mobilizing support for this landmark lawsuit against Shell. Please contact lraymond@ccrjustice.org or freya@earthrights.org for more information. Specifically, you can:

1. Educate yourself and others about the case against Shell: www.wiwavshell.org
2. Plan an educational event in your school, church, house or elsewhere in your community.
3. Write an Op-ed or Letter to the Editor regarding this landmark trial.
4. If you are in or near New York City, come out to the trial or volunteer.

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