

**Sub-Commission on the Promotion and Protection of Human Rights  
12<sup>th</sup> Session of the United Nations Working Group on Minorities  
Geneva  
Switzerland  
8<sup>th</sup> –11<sup>th</sup>, August, 2006**

**Agenda Item 3a. Reviewing the Promotion and Practical Realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.**

Mr. Chairperson and distinguished members of the Working Group,

I am indeed grateful to be given the opportunity to address this august assembly. I am Legborsi Saro Pyagbara representing the Movement for the Survival of the Ogoni People (MOSOP), the umbrella organisation for the about seven hundred thousand Ogoni Indigenous minority in the Niger Delta of Nigeria.

The Ogoni story exemplifies the case of the reported violations by the Nigeria government and multinational corporations, of all the human rights standards that the United Nations set out to protect when it was formed some sixty years ago and which is still continuing in this early years of the 21<sup>st</sup> century with raven ferocity.

Mr. Chairperson, it is worthy to note that since Nigeria's return to civil rule about seven years ago, it is alleged that rather than embarking on programmes that will ensure the protection of our physical existence and recognition of our identity as a group, as stated in Article 1 of the United Nations Declaration on the Rights of Minorities (UNDM), the Nigeria government has continued with a privatisation and liberalization programme that requires the intensification of the exploitation of oil and gas which has resulted in the massive destruction of our environment and its resources. This has led to unplanned movements and driven many Ogoni people and other Niger Delta communities to extreme poverty and possible extinction. On the onset of the regime, it is estimated that about 75% of the Ogoni population live below poverty line, today that has increased to 85% percent of the population.

Last year, Mr. Chairperson, the Nigerian government took the encouraging step of submitting their combined periodic reports which fell due and outstanding since 1994 to the Committee on the Elimination of Racial Discrimination. The MOSOP submitted a Shadow Report to the Committee. In our report, we highlighted the critical need for the Nigeria State to include the ethnic and religious variables which were lacking in the state report as a requirement in the impending National Population Census that was to be conducted. This is a serious requirement under Article 1 of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) which is also reinforced in Article 1 of the UNDM. This is very crucial for the recognition of our identity as a people and that of other minorities that has been assimilated into larger cultures and ethnicities. The fulfillment of this requirement would have ended the myth of the claim of large population by some ethnic and religious groups.

Sadly, reports came to our attention that the majority Hausa/Fulani led by their emirs protested against the inclusion of these variables in the census and the Nigeria government in flagrant disregard of the CERD Recommendations as contained in the

document CERD/C/NGA/CO/18 which calls for the inclusion of indicators disaggregated by ethnicity, religion and gender in the Population Count has conducted the National Population Census without the inclusion of these variables. Thus, denying us yet another opportunity of recognizing our identity and that of other minorities in Nigeria.

### **Non Recognition/Non Development of Minority Languages**

Mr. Chairperson, one of the greatest assaults on our collective identity as a people is the alleged commission of cultural genocide by the Nigeria government through the systematic destruction of our language, the carrier of our identity. Articles 1.1, 4.1-4 of the UNDM requires the Nigerian State to put in measures to protect and promote the development of our language.

The Federal language policy actively protects and promotes the development of the language of the majority ethnic groups of Hausa, Yoruba and Igbo by making them part of the national curriculum while neglecting the languages of most minorities. The constitutionalisation of this act of discrimination by the government is provided for in section 55 of the 1999 Nigeria constitution which states that *the business of the National Assembly shall be conducted in English and in Hausa, Ibo and Yoruba when adequate arrangements have been made therefor.*

It will interest you to note Mr. Chairman that as I speak here today, I cannot read nor write in my language, not because I chose to but because I have never had the opportunity of learning my language as it was never part of my school curricula. Such is the fate of thousands of members of my generation.

### **Forced Evictions, Refugee Situation and Population Movements**

Mr. Chairperson, last year, we brought to the attention of this Working Group the forced evictions of a large number of members of the nearly eight thousand Ogoni population resident in the Agip Shanty town in Port Harcourt who were becoming victims of multiple discriminations and violations. Following the occupation of Ogoni in 1993-1998 by the government's Internal Security Task Force which embarked on an alleged scorched earth policy of raping, torturing and arresting of individuals and the summary burning down of whole communities and homes, most Ogonis fled from their homes to take solace in the shanty towns where they built new houses at great costs while others went on exile.

Unfortunately, in the early part of last year, it has been reported and I have witnessed the Rivers State government's demolition of these shanty towns without providing alternative accommodations or payment of compensations to these people. More than one year after the demolition and forced evictions, most of the victims are still living like fugitives while eleven persons had died. Such is the pitiable situation of Nigeria's minorities.

Incidental to the above is the case of nearly two thousand Ogoni people who fled into exile and were uprooted from their roots in the wake of the militarisation of Ogoni by the then military dictatorship and the one thousand five hundred who are still left

stranded at the UNHCR Camp in Benin Republic, whose situation we have brought to the attention of this Working Group since 2001.

While expressing our thanks to countries that have extended their hands of fellowship and provided homes to persecuted Ogoni people over the years and gratitude to the United Nations High Commissioner for Refugees (UNHCR) for their humanitarian commitment to the Ogoni people, we wish to restate that the slow pace of attention and focus on the remaining Ogoni refugees at the UNHCR Camp in Benin is casting a somewhat dark shadow on the work of the refugee commission. A solution is needed.

### **Ogoni and Shell Relationship**

Mr. Chairperson and members of this Working group, I wish to inform you that in the coming months, Ogoni will be moving into another stage of differences with Shell Petroleum Development Company and the Nigerian government. By the Middle of last year, the Federal government announced a Peace Process between the Ogoni people and Shell Petroleum Development Company and appointed a facilitator for that process. As a responsible organization committed to dialogue and a peaceful resolution of the Ogoni crisis, though not without our own misgivings, MOSOP had welcomed the process stressing that so long as the process is transparent and genuine, we would be willing to participate in it.

Events in the past months are pointing to serious difficulties. While it was generally agreed in the facilitator's Joint Draft Concept Paper that Shell suspends all activities in Ogoniland until all issues have been sorted out, it has been reported that the company has been trying to enter Ogoniland without engaging in the proposed talks with the active connivance of the Nigerian government. Shell is presently trying to build a gas plant in the Ogoni community of Ban Ogoi. We are also receiving reports that with the support of the Federal Government, the company is planning to embark on a remediation of Ogoniland that has not been discussed with the Ogoni people and is also outside the Peace Process. This is a recipe for crisis. We ask that the Working Group on Minorities draw attention to this serious situation.

Realizing the discriminatory impacts of the 1978 Land Use Act and the Petroleum Decree of 1969 which divests the Ogoni people and other oil bearing minorities of their rights of ownership and possession of land and their rights of participation/consultation in the economic exploitation of the oil resource which have implication on their rights as eloquently expressed in Article 4.5 of the UNDM and Article 2 of ICERD, the CERD in 2005 had recommended the repeal of the 1978 Land Use Act and the 1969 Petroleum Decree. Till this moment, the government has not taken any serious step aimed at addressing these issues.

### **Political Participation and Accountability**

Members of this august gathering, the Nigeria government have repeatedly touted the creation of local government areas as a way of dealing with problems of Nigeria's minorities. State and Local government creation exercises in Nigeria is what the Late Ken Saro Wiwa described as the most illogical, quixotic and unabashedly shameful practice of the Nigeria government.

According to the late Sage, Obafemi Awolowo, "*in a true federation, every ethnic group whether big or small is equal*". But what is equal in a Nigerian Federation where the Hausa/Fulani with a little contribution to the national coffers in terms of revenue, have above two hundred and seventy(270) local government areas spread into eleven(11) states while the Ogonis are consigned to just four(4) local government areas. Even in terms of population proportionality, this is undermining the rights of the Ogoni.

Mr. Chairperson, the exercise of State and local government creations in Nigeria were largely driven by the motive of transferring the enormous revenues generated from the resources of the Niger Delta to the majority territories as states and local governments became the platform for the distribution of the Federal revenue otherwise called National Cake while at the same time giving a semblance of devolving power to the minorities. A recent Human Rights Watch report from April, 2006 provides greater details about this situation.

As the elections of 2007 draws near, political violence is now on the increase, for example, the murder of a prominent politician a week ago and it is reported that politicians have begun to amass small arms in preparations for the elections reminiscent of the 2003 experience. Our organization has prepared a fuller report on this situation. The security of lives of the ordinary citizen is being greatly compromised. It is alleged that with no control over the security agencies, minority nationalities that at the moment have no adequate and constructive mode of participation are going to be consumed in the unfolding battle for power.

### **Exoneration of the Ogoni Nine**

Mr. Chairperson, The right to redress, as set forth in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and numerous other instruments, is a key right in international human rights law. It is a key preventive measure against cycles of further conflict and violations of human rights. Redress will provide the ground from which sorely needed reconciliation and the protection of human rights can grow.

The international community will remember that on November 10, 1995, Nigerian writer and environmentalist Ken Saro-Wiwa and eight fellow activists of the Ogoni People-The Ogoni 9 were hanged by the military government of Nigeria. In resolution A/RES/50/199, the General Assembly condemned the executions as arbitrary and the tribunal as flawed and send a fact finding mission to Ogoni. The Secretary General presented the mission's findings to the Fiftieth Session of the General Assembly in A/50/960.

The mission condemned the tribunal, stating that it did not have jurisdiction to try the Ogoni Nine, and did not conform to applicable international and regional human rights law, or to domestic law. The mission recommended redress to the Ogoni People including financial relief to the survivors and assistance in improving the socio-economic conditions of the Ogoni people and the Niger Delta in general.

However, nearly eleven years since the execution, the Nigerian government, now under civilian rule, has failed to address the plight of the Ogoni people and to protect their human rights. The recommendations of the Secretary-General's fact finding mission and the African Commission have been completely ignored. Despite President Obasanjo's stated commitment of May 2002 to clearing the names of the Ogoni Nine, the Nine remain convicted of a crime for which they were unjustly accused and unfairly tried.

This is happening in our view because Ken Saro Wiwa and his fellow colleagues are from a minority ethnic group and discriminated against. We make this assertion based on the fact that the current President of Nigeria, General Obasanjo from the majority Yoruba tribe was accused and condemned in 1995 for Treason-the highest crime to be committed against a nation-state. In 1998, he was released from Prison, cleared of the crime and subsequently won elections to become Nigeria's President. It is instructive to note that by Nigeria's constitution, no condemned person is eligible to contest elections into any political office. General Obasanjo was able to contest because he was cleared of the crime on the basis that he was unjustly tried and condemned. The same situation that applies to Ken Saro Wiwa and co.

In the light of the foregoing, we wish to recommend as follows:

**That the Working Group:**

1. Urges the Nigeria government to set up a process of clearing of the names of the Ogoni Nine.
2. Calls on the Nigeria government to provide adequate protection mechanism for minorities in the constitution and government policies and programmes.
3. Calls on the Nigerian government to provide an enabling environment for the conduct of free and fair elections in 2007
4. Prevails on the Nigerian government to provide a mechanism that will lead to the equal and proportional representation of Ogoni people with other nationalities in the forth coming elections as the present situation appears to completely marginalize the Ogoni people in political representation.
5. Calls on the Nigeria government to take active step in removing the veil of impunity that is perceived to surround political and electoral violence in Nigeria.
6. Pressures the Nigeria government to stop the crude and damaging process of economic liberalization and privatization that is driving the vast majority of members of oil bearing minorities to extreme poverty.
7. Asks the Nigerian government to stop the ongoing militarisation of the Niger Delta and withdraw all its military officers from the area.
8. Calls on the Rivers State Government to pay compensation to those whose homes were demolished during the demolition of Agip Shanty Town.

9. Calls on the Nigeria government to respect the decisions of International Human Rights bodies and implement the various recommendations of the 67<sup>th</sup> session of CERD which affects minorities.

10. Calls on the Nigeria government to promote multicultural education in schools especially to put in a national process of minority language education. The present reification of three languages should be stopped

11. Requests Shell Petroleum Development Company of Nigeria to suspend all activities in Ogoni until all the matters is resolved.

12. Requests that a well defined process of improving the socio-economic conditions of the Ogoni People is put in place by the Nigeria government as a matter of urgency. The Niger Delta Development Commission (NDDC) has failed the Ogoni people. Only one project has been implemented between 2000-2004. (See the previous MOSOP report, "*More than Rhetoric*" for further information

**We also request that:**

1. A moratorium be placed on oil production until and when an environmental audit has been done in Ogoni

2. The Independent Expert on Minorities' issues consider visiting Nigeria for her to better appreciate the situation that Nigeria's minorities face.

3. The UNHCR expedite actions on remedying the situation of Ogoni refugees in the UNHCR Camp in Benin Republic.

Thank you.

Legborsi Saro Pyagbara

***International Advocacy Officer***

Movement for the Survival of the Ogoni People (MOSOP)

6 Otonahia Close (by Kia Motors), off Olu Obasanjo Road

Port Harcourt

Rivers State, Nigeria

Phone: 234 84 233907

Email: [mosop@phca.linkserve.com](mailto:mosop@phca.linkserve.com)

Website: [www.mosop.net](http://www.mosop.net)