



## MEMBER PROFILE

# OGONI

Movement for the Survival of the Ogoni People  
(MOSOP)



UNREPRESENTED  
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ORGANIZATION  
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**Status:** Distinct ethnic nationality within the Federal Republic of Nigeria

**Area:** approx.. 1,000km<sup>2</sup>

**Population:** 850,000 people

**Capital City:** Bori

**Languages:** Khana, Gokhana, Eleme, Tae; distinct language group within the Benue-Congo branch of African languages

**Religion:** traditional beliefs, Christianity



## OVERVIEW

In 1957, Shell Oil Company struck oil in Ogoniland, which set in motion a process that dramatically affected not only Ogoni society, but Nigeria as a whole. What looked set to be an economic opportunity for the country turned out to be more of a bane than a boon. The Niger Delta, a region inhabited primarily by the Ogoni, is the source of oil and gas that account for more than 85 percent of Nigeria's GDP. Oil and oil-derived products account for more than 90 percent of all the country's exports (crude petroleum: 77%, \$36.9B; petroleum gas, 15%, 7.39B; refined petroleum, 1.3%, 603M). The ruthless exploitation of oil in the Ogonis' ancestral homeland has catastrophic consequences for their environment, society and livelihood systems. This process went largely unnoticed for several decades and drew widespread attention of international media only during the mid-1990s when the infamous regime of Sani Abacha gave the order for the arrest and then execution of famous Nigerian playwright and Ogoni activist, Ken Saro-Wiwa, and eight other Ogoni leaders, after they had publicly named and shamed the Nigerian government and big businesses involved in oil exploitation in Ogoniland.

## UNPO MEMBER PERSPECTIVE

At UNPO, the Ogoni are represented by the Movement for the Survival of the Ogoni People (MOSOP), formed in 1990 as a mass-based umbrella social movement of the indigenous Ogoni people. They were admitted as a member on 19 January 1993. MOSOP sees its mandate in the protection and promotion of the environmental, socio-economic, developmental, cultural and political rights of the Ogoni people (and other Niger Delta peoples) by non-violent means. MOSOP pioneered the campaign for environmental justice, corporate social responsibility and indigenous rights in Nigeria.

## UNPO PERSPECTIVE

UNPO condemns any kind of exploitation of natural resources which threatens the environment and has negative impacts on the culture and livelihood systems of local populations. UNPO roundly condemns the destruction caused by Shell's activities in the area, for instance by the development of canals, roads and pipelines which have infiltrated the streams and creeks of the Niger Delta, and denounces the Nigerian government continually ignoring the Ogonis' hardships. The exploitation of the region's hydrocarbon takes place with little to no consultation of the Ogoni community. UNPO supports ILO Convention 169, which aims to protect indigenous communities' land rights and to prevent political decision-making without the consent of those living in these lands. UNPO works with MOSOP to raise awareness for the need to protect the land rights of the Ogoni and other indigenous communities and supports their efforts to hold accountable those

individuals and companies who are responsible for the damage done to the Ogonis' environment, culture and society.

## HISTORY OF THE CONFLICT

Shell Oil Company began to exploit oil in the Niger Delta region in 1956. Today, it accounts for more than 90 percent of Nigeria's export earnings and some 80 percent of government revenue, making the Nigerian economy heavily dependent on petrodollars. The Niger Delta - the region primarily inhabited by the Ogoni - is the source of over 90 percent of Nigeria's oil. There is a long history of Shell collaborating with the Nigerian government to quell popular opposition to its presence in the region. As there was no environmental impact study policy established before the establishment of the Federal Environmental Protection Agency (FEPA) in 1988, for decades, Shell and other companies extracted oil without any environmental liability. It became evident that for the Ogoni the environmental and social costs of oil exploitation would be painfully high.



MOSOP was founded in 1990 as a democratic social movement to represent the Ogoni community. Within the same year, MOSOP drafted the Ogoni Bill of Rights (OBR) and handed it over to the Nigerian government and the United Nations. The bill outlined the demands of the Ogoni people regarding environmental, social and economic justice and listed their concerns, in particular oil-related suffering of their people, governmental neglect, lack of social services, and political marginalization. In addition to that, the OBR opposed the general revenue allocation formula which gave the federal, state and local governments almost complete power over the distribution of oil revenues. The Ogoni felt that they were not adequately compensated for the take-over of their land by the oil companies and the environmental damages they suffered.

In December 1992, the Ogoni issued a thirty-day ultimatum to Shell and presented five key demands. Almost immediately, the demand notice was followed by series of non-violent activities, including the Ogoni mass protest of 4 January 1993 which was timed to coincide with the start of the UN's International Year of the World's Indigenous People. This singular, non-violent mammoth protest in which an estimated 300,000 Ogoni people participated was indeed a novel event with striking impacts, as it was a strong signal that the Ogoni had effectively united. This event and other following non-violent, passive resistance activities, such as the holding of vigil nights across Ogoni nation and the launch of a survival fund, rang the Nigerian authorities' and Shell's alarm bells.

In early 1993, Shell withdrew from Ogoniland, citing the "hostile attitude" of the Ogoni community to the company's activities. In April of the same year, however, Shell resumed its activities under the protection of the Nigerian military by constructing an oil pipeline. This was met with peaceful protests by Ogoni women whose farmlands were to be traversed by the pipelines leading to the destruction of their crops without any compensation. Rather than dealing with the issues which had been raised by the women, military forces hired by Shell opened gunfire on the protesting women.



*Photo Courtesy of Tim Lambon / Greenpeace*

Further protest marches were organized all over Ogoniland in repudiation of the above incident. In ensuing months, the military responded increasingly heavy-handedly. In addition to that, the government exploited supposedly “ethnic conflicts” and instigated conflicts between the Ogoni and other ethnic groups inhabiting the Niger Delta region between July 1993 and April 1994. All this amounted to the deliberate and systematic attempt to wear the Ogoni people down and force them into submission. In April 1994, a huge military operation was launched by the government under the pretext of restoring order in the region while, in reality, it was aimed at destroying lives and properties in the Afam area of Ogoniland.

On 21 May 1994, four Ogoni leaders were murdered in Gokana Kingdom – according to false narratives put forward by the government – by angry youths. Well-known Nigerian writer and poet, Ken Saro-Wiwa, and a number of other MOSOP leaders were arrested and accused of having been involved in these murders. A day later, the Internal Security Task Force, a military unit set up especially to “restore order”, stormed Ogoniland, raiding, burning and looting villages. While thousands of Ogoni villagers took refuge in the bush, hundreds were detained and tortured. Many Ogoni died in the weeks which followed. Thanks to the steadfast conviction of the Ogoni to adhere to non-violent strategies of civil resistance, remarkably, there was not a single incident of reprisal attacks on any of the repressing troops.

In February 1995, after eight months of being detained without official charges, Saro-Wiwa and eight other Ogoni leaders were brought before a “special tribunal”, a kangaroo court established by the military government of dictator General Sani Abacha. While in detention, the accused were denied access to lawyers, medical care and family members. Independent international observers decried the lacking respect for even the most basic characteristics of a fair trial and condemned the tribunal’s failure to meet Nigeria’s own, as well as international standards of due process. On 31 October 1995, the “Ogoni Nine” were sentenced to death. In blatant defiance of numerous appeals by the international community, Saro-Wiwa and eight fellow Ogoni activists were executed on Friday, 10 November 1995. Bowing partly to an international outcry following this extrajudicial killing of peaceful activists, in 1996, Nigeria held local government elections to fill all local government seats with elected civilian chairs and councillors. However, all persons associated with MOSOP were reportedly prevented from participating in the elections and those who dared running for these positions were either beaten or detained and later disqualified.

By June 1998, Abacha, under whose watch thousands of Ogoni people had perished, died under mysterious circumstances. After decades under military rule, Nigerian leaders made an new attempt at democratising the country and improving electoral processes. Chief Olusegun Obasanjo, who had been a prisoner on death row under the late dictator, won the first presidential election and became the new head of state. The Ogoni people had hoped that his election would ring in a new era marked by respect for human rights and commitment to the ideals of democracy and good governance. However, this was not to be and earlier signs of democratisation efforts by the administration soon went up in smoke, giving way to a civilian dictatorship which was already planning to tamper with the constitution to elongate its tenure in office.

In the first months of 2001, MOSOP participated in the Oputa Panel, a Nigerian truth commission, which was supposed to investigate human rights violations committed during forty years of military rule. MOSOP called on the Nigerian military to accept responsibility for grave human rights violations by its officer corps against the Ogoni, committed between 1994 and 1998. However, senior officers appearing in front of the panel played down and even adamantly denied any involvement in the arbitrary shootings, rapes, assaults and detentions. These testimonies, thus, were nothing less than a disgrace to the whole purpose of the Panel; to bring justice to the victims of these human rights violations. MOSOP repeatedly called on the federal government to clear the murder charges against Saro-Wiwa and the other eight Ogoni executed by the Abacha regime. Consequently, MOSOP's president Pyagbara reiterated this call for rehabilitation during the 19th anniversary commemoration of the Ogoni Martyrs on 10 November 2014 as it would provide the Ogoni community with closure in a symbolic and just way.

## **CURRENT ISSUES**

### **Environmental Degradation and Lack of Corporate Responsibility**

The environmental costs of oil exploration in Ogoniland have been and are still very high. Agricultural and fishing communities suffer under the effects huge oil spills and pollution of drinking water, fishing grounds and farmlands. Since most of the local water supply and agricultural land is contaminated, the Ogonis' livelihood opportunities are severely



disrupted and – even if immediate action is taken – will take years or even decades to be restored.

In October 2006, the United Nations Environment Programme (UNEP) announced that in response to the Ogonis' demands, the Nigerian government had invited them to undertake a comprehensive environmental assessment of oil-impacted sites in the Ogoni region of Nigeria's Niger Delta. UNEP examined 122 kilometres of pipelines, conducted soil and groundwater contamination investigations, reviewed more than 5,000 medical records, and included over 23,000 local people in the investigation through community meetings.

Among other things, UNEP's 2011 final report concluded that:

- the Ogoni's drinking water is contaminated with the carcinogen benzene at levels over 900 (considerably higher levels than the WHO's guideline for drinking water allows for)
- while the impact of individual contaminated land sites tends to be localized, air pollution related to oil industry operations is all pervasive and affecting the quality of life of close to one million people
- oil pollution has left the soil dead up to a depth of five metres
- The impact of oil on local flora (e.g. mangroves) and fauna has been disastrous, and the fisheries sector is suffering due to the destruction of fish habitat and highly persistent contamination of many creeks

In 2003, Shell extracted more than a million barrels of oil per day in Nigeria. Under the context of corporate social responsibility, oil companies operating in the area have not established a comprehensive and fair compensation system. Furthermore, Shell is allegedly fuelling local conflicts in the communities by employing divide-and-rule strategies. For instance, Shell gives monetary inducements only to some chiefs to pit them against other community members, and also pays some violent youths in the name of surveillance contractors, ostensibly to protect their facilities in the area and thereby conscripting these groups to serve their interests.

President Buhari, during his campaign in January 2015, promised the Ogoni people a speedy commencement of implementation of UNEP's recommendations. In late 2015, it was reported that the new Nigerian government would release \$10 million to commence the clean up soon and a roundtable to discuss the implementation of UNEP's recommendation



Photo Courtesy of Lionel Healing / AFP / Getty Images

took place on 13 October 2015. Stakeholders suggested a review of the National Oil Spill Detection and Response Agency Act of 2006 in order to shift responsibility for environmental contamination to a separate government agency. The report also recommended reforms in environmental government regulation, monitoring and enforcement. Although the clean-up plan was officially launched in June 2016, the project manager was announced only in 2017 and is yet to put together a secretariat, create an action plan and wait for the approval of the governing council before the clean-up can be implemented. While the project for the clean-up of Ogoniland is conducted in a slow pace, pollution of the Niger Delta region continues to increase. Large areas of fresh and salt water resources traditionally used as fishing grounds have irreversibly been destroyed by oil spills. Food is becoming increasingly expensive and potential farmers are too poor to pay for seeds and labour. Currently, around 80 percent of the Niger Delta population lives below the poverty line.

### **Governmental Neglect and Interference**

Transparency International ranked Nigeria 136 out of 176 countries in its “Corruption Perceptions Index 2016” and 75 percent of Nigerian citizens who participated in the research for the “Global Corruption Barometer 2015” affirmed that corruption had increased in the previous 12 months. According to the same research, 78 percent of Nigerians believe that the government is doing badly in fighting corruption. In 2003, Nigeria’s anti-corruption agency reported that an estimated 70 percent of oil revenues (approximately 14 billion dollars) were being wasted or stolen. In Ogoniland in particular, poverty has worsened during recent years and besides oil installations and refineries, there are no manufacturing industries which could help reduce unemployment. Reports by the United Nations Development Programme (UNDP) point to gross administrative neglect and an endemic conflict, nurtured by an inhuman socio-economic situation where most of the local population lives without adequate access to clean water, health-care or education. The severe infrastructural development gap in Ogoniland requires that the Nigerian government comes up with a concrete and comprehensive development strategy for the region, but, so



far, nothing of the kind has been implemented. To face the lack of governmental and international aid, locals have engaged in a number of community projects, but these self-help initiatives have been dismantled after being labelled “MOSOP-inspired”. Furthermore, while the people in Ogoniland suffer from a lack of representation in the governmental level, interference in the form of land seizure is commonplace. For example, thousands of farmers have been displaced due to land acquisitions by the government, according to members of the NGO Lokiaka Community Development Centre. Local farmers have also protested against the government of Rivers State for using their lands for a commercial banana plantation operated by a Mexican company, without consultation or compensation, starting in 2011. Community members took the case to the National Human Rights Commission, where it is still pending, and not all owners got their lands back from the government, despite the company having already left the area.

### **Saro-Wiwa Versus Shell Oil Company Court Case**

In 1996, human rights attorneys, the Center for Constitutional Rights (CCR), and Earth-Rights International (ERI) filed three law suits – the first ones outside Nigeria against Shell’s activities in Ogoniland – thereby denouncing the fact that Nigerian soldiers had employed lethal force against locals at the request and with the assistance of the oil company throughout the early 1990s in order to contain a rising and peaceful civil resistance movement against ruthless and detrimental oil exploitation in the region. The case were filed in the United States under the so-called 1789 “Alien Tort Statute”, which gives non-US citizens the right to file suits in US courts for human rights violations, as well as the Torture Victim Protection Act which allows individuals to seek damages in the US for torture or extrajudicial killings, regardless of where the violations take place. The plaintiffs of the cases were family members of the “Ogoni Nine” and of other victims of Shell’s violence in the 1990s. Thirteen years later, in 2009, Shell agreed to an out-of-court settlement for all three suits with a sum of \$15.5 million.



## **Key questions: Wiwa vs Royal Dutch Shell Co.**

### **Do the Ogoni seek autonomy and control of the resources of their region?**

The Bill of Rights presented to the Government and the people of Nigeria called for political control of Ogoni affairs by Ogoni people. It states that the Ogoni people seek “political autonomy to participate in the affairs of the Republic as a distinct and separate unit (by whatever name called), provided that this autonomy guarantees political control of Ogoni affairs by Ogoni people”. The bill calls for the right to control and use a fair proportion of Ogoni economic resources for Ogoni development and for the right to protect the Ogoni environment and ecology from further degradation.

### **Why were the “Wiwa Plaintiffs” able to prosecute Shell in the United States?**

The United States established a legal framework in which to protect itself and its citizens abroad. As part of the First Judiciary Act of 1789, the architects of the US legal system provided that aliens would be protected under international and common U.S. law under the Alien Tort Statute (ATS). This case in particular is one of these few which has passed hearing after hearing from 2001 on to reach a US Supreme Court appellate panel on 26 May 2009. With America obtaining nearly 10 percent per annum of its crude oil from Nigeria, bringing an ATS claim against the Nigeria operation of this multinational corporation is no small matter. However, a few years later, a case led by the widow of one of the “Ogoni Nine” was rejected by the US Supreme Court, whose members came to the unanimous decision that the ATS “cannot be used to sue foreign entities for alleged violations of international law on foreign soil”.

### **What impact does the trial and the rulings have on human rights law in the US and abroad?**

The Saro-Wiwa cases against Shell were a push against human rights abuses by corporate actors, putting serious corporate responsibility debates on the table. This is important in analysing how corporations can be held accountable in actions committed as institutions regulated under state inducted standards, as well as being indirect participants in violation of international norms. Cases against multinational corporations will continue to have a broad effect on the way these companies do business in other countries, and organizations the world over are being brought to terms with their lax attention to human rights abuses in the areas they operate.

### **Did Shell release a statement after the settlement?**

On 8 June 2009, Shell released a statement stating that there was a settlement of \$15.5 million for the families of the activists executed by the Nigerian government, “making a humanitarian gesture to set up a trust fund for benefit of the Ogoni people”. The statement denies Shell’s involvement in the executions, stating that “Shell has always maintained the allegations were false. While we were prepared to go to court to clear our name, we believe the right way forward is to focus on the future for Ogoni people, which is important for peace and stability in the region”.

## **Other Court Cases**

In 2002, Esther Kiobel – the wife of Dr. Barinem Kiobel, one of the “Ogoni Nine” – and eleven other people from Ogoniland sued Shell in New York City, accusing the company of providing logistical and financial support to the Nigerian army in its attacks on the Ogoni

people, as well being complicit to acts of torture and extrajudicial killings. After eleven years of appeals from the plaintiffs, however, the court decided that the Alien Torts Statute does not apply to conduct outside of the United States, and dismissed the case.

In 2008, four Nigerian victims of oil spills (in the villages of Goi, Ikot Ada Udo and Oruma), together with Friends of the Earth, filed another legal case in the Netherlands. Shell denied responsibility and stated that the spills were the result of sabotage. Furthermore, the company insisted that Royal Dutch Shell was not liable for the activities of its Nigerian subsidiary and that a Nigerian company should not be required to appear before a Dutch court. The court dismissed the argument. Lawyers of Friends of the Earth maintained that the pipelines in the three villages were neither adequately maintained, nor provided with sufficient protection against sabotage and that Shell did not sufficiently clean up the oil spills. They stressed that a thorough clean-up is mandatory by Nigerian law – regardless of the cause of the leak. In 2013, the Dutch court ruled that Shell is liable for the spills in Ikot Ada Udo and the company was ordered to pay damages, but decided that Shell's liability had not been proven in the other three cases. The legal case is on appeal since then.

In 2012, eleven thousand residents of the village of Bodo launched a suit against Shell (incorporated in the UK) at the London High Court, seeking compensation for two massive oil spills in 2008. The case was settled by Shell in 2015 with a pay-out of 55 million GBP in compensation. One year later, the Ogale and Bille people also filed lawsuits in London, however, Britain's High Court accepted Shell's argument that the case should only be brought to Nigerian courts.

## EARLY HISTORY OF THE OGONI PEOPLE

Archaeological and linguistic evidence suggests that the Ogoni have inhabited the Niger Delta for more than 500 years. They established an organized social system under which men and women of courage and ability enjoyed special status. Although Ogoniland lay on the slave route from the hinterland to the coastal slave market, there is little evidence of Ogoni people being taken as slaves.



Photo Courtesy of International Crimes Database

When other forms of trade were introduced into the region during the second half of the 19<sup>th</sup> century, locals bought firearms from European traders, leading to a surge in armed local conflicts. During the Berlin Conference of 1884, European leaders formalised the so-called Scramble for Africa by dividing the continent amongst themselves, in disregard of pre-existing borders and ethnic, cultural and linguistic entities. According to the Berlin Treaty of 1885, today's Nigeria was to come under British colonial rule. However, it was not until 1901 that British forces arrived in Ogoniland. The Ogoni people launched a strong resistance against this foreign intrusion into their territory, which lasted for more than a decade before they were finally subjugated in 1914 by the British forces. The British's indirect rule concentrated on the leaders of Nigeria's three largest ethnic groups: the Hausa-Fulani, the Yoruba and the Igbo, thereby ignoring more than 250 smaller peoples, including the Ogoni. Other groups in the Delta region often regarded the Ogoni with contempt and considered them at the bottom of the social ladder.

## **LANGUAGE**

Ogoniland consists of six kingdoms: Babbe, Eleme, Gokana, Ken-Khana, Nyo-Khana and Tai. Within Ogoniland four main languages are spoken, which, although related, are mutually unintelligible. Linguistic experts classify the Ogoni languages of Khana, Tai, Gokana, and Eleme as a distinct group within the Benue-Congo branch of African languages or, more particularly, as a branch in the New Benue-Congo family.

## **RELIGION**

Despite the introduction of Christianity, many aspects of the indigenous Ogoni culture and religion are still evident. Their ancestral lands and the rivers which surround them are of highest traditional, cultural and spiritual importance. They not only provide food, they are also believed to be a god and are worshiped as such, which is part of the reason why the Ogoni people are so severely affected by the degradation of their environment as a result of oil pollution.



Honouring and living in peace with nature is a key element of Ogoni beliefs, traditions and culture. In one of the local tongues, “tradition” translates as *doonu kuneke*, the “honouring of the land”. Fruit of the land, especially yams, are honoured in cultural events. The annual festival of the Ogoni people is held during the period of the yam harvest. The planting season is not just a period of agricultural activity, but it is a spiritual, religious and social occasion. Other important cultural and spiritual holidays and activities are also held during the planting season as this time of a year is an occasion for the Ogoni to honour their land, their sacred source of life. Another facet of this spiritual link between the Ogoni people and nature is the belief that the soul of every human being has the ability to leave its human form and enter that of an animal, taking on the shape of that animal.

#### **LINKS:**

Movement for the Survival of the Ogoni People (MOSOP)

<http://www.mosop.org.ng/>

<https://www.facebook.com/mosopnigeria/>

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