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Who We Are

Environmental Rights Action/Friends of the Earth Nigeria (ERA/FoEN) is a Nigerian non-governmental organisation founded on January 11, 1993 to deal with environmental human rights issues in Nigeria. ERA/FoEN is the Nigerian chapter of Friends of the Earth International (FoEI), the world environmental justice federation campaigning to protect the environment and to create sustainable societies. ERA/FoEN is the co-coordinating NGO in Africa for Oilwatch International, the global South network of groups concerned about the effects of oil on the environment of the people who live in oil-bearing regions.

ERA/FoEN is a member of the Network for Accountability of Tobacco Transnationals (NATT) and the Framework Convention Alliance (FCA). It is also the co-coordinating organisation for the Nigeria Tobacco Control Alliance (NTCA) and host of the Africa Tobacco Control Regional Initiative (ATCRI).

In recognition of its commitment to struggles for environmental human rights, ERA/FoEN was named premier winner of the Sophie Prize, the international award in environment and development (1998), the Bloomberg Award for Global Tobacco Control (2009) and recipient of the Ford Foundation Jubilee Transparency Awards (2011).
Acknowledgement

We sincerely thank our partners for their support:

- OxfamNovib Netherlands
- Hivos Biodiversity Fund
- Friends of the Earth International
- Tobacco-Free Kids Action Fund
- Global Green Grants Fund
- National Endowment for Democracy (NED)
- Cordaid
- Gaia Foundation
- Pact Nigeria
- New World Foundation (NWF)
- Third World Network (TWN)
- World Rainforest Movement (WRM)
- Oxfam Novib
- Kairos
- Miliudefesie, Friends of the Earth Netherlands
- Friends of the Earth Norway

We also recognise those who may not have been mentioned but have contributed in various ways to the success of our campaigns.
An Eventful Year in the Pursuit of Environmental Justice

To be called upon to head an organization that survived repression during the brutish military era to becoming a national icon and a global brand is no tea party affair. Fortunately, as co-founder along with my predecessor, many mileages have been covered in the quest for environmental justice.

Indeed, ERA/FoEN has become synonymous with environmental justice in Nigeria. It has spoken truth to power and assisted in mobilizing community people against mighty transnationals and their allies in government.

When the Board decided on yours truly as the new Executive Director I knew the challenges were enormous. First, ERA/FoEN occupies prime position in global environmental activism and that stature must be maintained, consolidated and even surpassed. Secondly, as one of the co-founders, I can attest that in its 20 years of existence, the organization kept faith with its vision and mission and most importantly its bonding with community people in ensuring that governmental policies and corporate practices respect the environment and local livelihoods.

However, looking at the state of environment in our nation today and even globally there is still so much to be done. Environmental despoliation resulting from extractive activities is escalating in the Niger Delta, the government has no coordinated response to the issue of climate change, desertification continues to ravage parts of the north while the south west battles new and more vicious attack on the forests. Corporations are becoming more powerful and ever vicious as prospects for resources for their private gain grow at the expense of the environment and local livelihoods.

Besides, as the first ever transition of leadership, some fears from stakeholders both internal and external did not materialize. Many organisations in this clime hardly survive their first leadership transition. Looking back at my one year on the hot seat, I can express appreciation to the Board, my predecessor, Nimmo Bassey, and the entire management and staff of our organization for a near perfect and smooth transition and a very productive 2013.
The year started on an upbeat note with our anniversary roundtable on “Environmental Justice Struggles and the Right To Life” which drew high-level participation from the government, civil society, local communities and the diplomatic circles. During the year we also re-jigged our Publish What You Pump (PWYP) campaign with an official launch and with more emphasis on the advocacy on real time digital metering at wellheads rather than at the point of sale at the export terminals. The PWYP will draw attention to the ecological devastation, ecocide, and oil theft in the Niger Delta, and will hold oil companies and the presiding captains overseeing rot and deaths or corporately personally accountable. The theme of ecocide as a crime against humanity will be vigorously pursued as a major part of our Environmental justice demands.

The 2013 National Environmental Consultation (NEC) was a huge success and enjoyed State partnership on deforestation and climate change issues. It was also the first time NEC was declared open by a sitting governor in the person of, Dr Kayode Fayemi of Ekiti State. Through the campaign for protection of traditional livelihoods we are expansively projecting social security narratives for the poor to augment the destruction of rural livelihoods. A National Basic Income Scheme (NaBIS) to be paid monthly to all Nigerians that are unemployed has been proposed for its economic benefits to unlock potentials, reduce crimes, and promote harmony in our society.

Despite the cries of local communities Shell continues the devastation of the environment. It again spilled the most and we were there regardless of the terrain or distance to document and expose the spills and ills through our environmental human rights campaigns.

Adieu Prof. Festus Iyayi.
So much happened during the year too numerous to mention here but to us as an organization and to me personally, the downside was the loss of Professor Festus Iyayi. Iyayi died along Lokoja highway during a trip to attend a meeting of the Academic Staff Union of Universities (ASUU). His death was a big loss not only to the management and staff of ERA/FoEN and the human right community but also to the Nigerian nation. We miss his wealth of experience and his intellectual support for our environmental justice struggles works.

Rest in Peace Prof.
At 20, ERA/FoEN, Leading Activists Revisit Civil Society Role In Environmental Justice Struggles

In the course of the year under review, we had cause to pause and reflect on the 20 years of our existence as an organisation, to analyse the journey so far, and celebrate some of our achievements.

We decided to commemorate the anniversary with an international roundtable with the lead lecture titled; *Environmental Justice Struggles and the Right to Life*, delivered by Ayo Obe, co-founder of Civil Liberties Organisation (CLO). The event which was held at Reiz Continental Hotel in Abuja on March 19, 2013, coincided with the exit of former ERA/FoEN Executive Director, Nnimmo Bassey.

Attendees at the event included civil society organisations from across the globe, community-based groups, the Host Communities Network (HoCoN), the academia, students of tertiary institutions on the platform of Students Environmental Assembly of Nigeria (SEAN), government representatives and the Norwegian government represented by its ambassador to Nigeria, Rolf Ree, among others.

Goodwill messages were taken from ERA/FoEN allies and friends including Rolf Ree, the Norwegian Ambassador to Nigeria, Dr. Joe Odumakin, the executive director of the Institute of Human Rights and Democratic Studies, Ivonne Yanez of Oilwatch International, Siziwe Khanyile of Groundwork, South Africa, and Yngvild Lorentzen of Friends of the Earth (FoE) Norway.

Professor Festus Iyayi, the Head of Department, Business Administration, University of Benin who chaired the event, said that he was pleased to be part of the ceremony in view of the organisation’s achievements, moving from a one room apartment to one with functional offices in five states of the federation. He thanked ERA/FoEN people who have made silent voices heard in the 20 years of the organisation’s existence, even as he added that in his own presentation some salient achievements that ERA/FoEN has made that have not been celebrated will be highlighted.

Ayo Obe, a renowned lawyer and activist noted that ERA/FoEN was the brainchild of CLO during a period of Nigerian history which was
fraught with human rights abuses under military misrule and crackdown of civil society groups in general. Obe explained that the international prominence that the ERA/FoEN project achieved was because of the focus on oil exploration and resulting pollution which attracted the attention of Friends of the Earth, an international NGO whose mandate is the environment and the defence of the planet against the depredations of humankind. According to her, at that time there were also issues of deforestation the Okomu Forest being leveled by Michelin, pollution caused by oil extraction in Ogoniland and indeed, all over the Niger Delta, desertification in Borno and Sokoto States.

She noted that although ERA/FoEN is marking its 20th Anniversary, it should not be forgotten that, like every other human rights organisation, it focuses on securing justice and achieving the kind of changes that makes the state wake up to, and fulfill its own obligations. These, she noted, are within the context of Section 33 of the Nigerian Constitution: “33. (1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.”

According to her, there is a qualification of this right in section 33(2), but this hardly raises any issue that would affect environmental rights. Is there anything more direct on the subject of the right to life and the condition of the environment?

She went on to say that Chapter II of the Constitution which deals with Fundamental Objectives and Directive Principles of State Policy is famously non-justiciable, but noted however that there is specific mention of the environment in section 20, which says: the State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria. This provision is supported by others, namely sections 13 and 17(2)(d), Section 13 says: It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution.

17 section 2 says in furtherance of the social order- (d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented; and

**Her text continues:**

When we consider the situation in the country today, it seems clear that these provisions are being honoured more in the breach than the observance. It seems to me that we should strive to make the goals expressed in Chapter II if they cannot become a sword in the near future by which governments can be forced to provide, to at least have them as a shield by which governments can be prevented from taking away. If government does not provide one with housing, clean water, employment etc. as it is supposed to aim to do in accordance with Chapter II, it ought to be prevented from depriving people of the housing, water and employment that they have managed to provide for themselves, and certainly not without providing a viable alternative. With the process of constitutional amendment under way, this is something to consider in the short term.
Nothing stops us from being Oliver Twist and asking for the sword part once the shield is in place! Earlier, former ERA/FoEN ED, Nimimo Bassey, said the organisation has never really marked any anniversary hence it was good to reflect on what had happened in its 20 years of existence. Among other details, he said ERA/FoEN began life as a project of the CLO around 1990 but became an independent organisation when it became impossible for it to operate in the world of environmental networks while being anchored in the human rights community.

According to him, the environment out of which it was born gave ERA/FoEN the unique platform and character that forcefully pushed the fact that environmental rights are even more holistic than human rights because humans are merely a part of the environment and even though their rights are considered predominant this does not mean that theirs are necessarily superior to other beings or to nature herself.

He reiterated the key principles that have powered ERA/FoEN among which is the following:

- That every African has a right to a safe and satisfactory environment favourable to his/her development as captured in Article 24 of the African Charter of Peoples and Human Rights.
- That human rights are also well defended when ecosystems are respected.
- That the promotion of environmentally responsible governmental, commercial, community and individual practices is best attained through the empowerment of local people.
- That local people have the right and knowledge to control local resources
- Pro-environment policy changes are best worked for though non-violent resistance.

He also identified individuals and communities that have inspired ERA/FoEN activities. They include Ken Saro-Wiwa, executed by the junta of the late Sani Abacha on false charges on 10 November 1995, the people of Umeuchem, Bakalori, Odi, Odiona, Ilaje, Gbaramatu, among others, as well as foremost community activist, Comrade Che Ibegwara who, at over 80 years, keeps trudging on the path of environmental justice. Bassey also saluted Sister Majella Macarron, a Catholic nun from Ireland whose gift of books in those early days helped to frame ERA/FoEN work.

In conclusion he said that for ERA/FoEN twenty years have passed and twenty more will come. He used the event to officially present Dr. Godwin Ojo, as the new Executive Director.

Other highlights of the event were cultural performances by the Atilogu Dancers, a short video clip of views from international groups ERA/FoEN has worked with on environmental advocacy work in the last 20 years and a panel session on the Role of Civil Society In Environmental Justice Movement delivered by Prof Joan Martinez-Alier and Ivonne Yanez of Oilwatch International. Contributors included Siziwe Khanyile, Groundwork, South Africa, Dr. Godwin Ojo, Professor Festus Iyayi.
Publish What You Pump Campaign Engages New Gear

Ojo stressed that though Nigeria is endowed with abundant natural resources, it is unable to utilize this for the wellbeing of citizens. As a result, poverty is rife, and more than 50 percent of its citizens live on less than US$2 per day.

He added that the Nigerian government is yet to properly account for the US$ 600 billion accruing from oil in the last four decades, even as NEITI audits have unearthed a variety of discrepancies over the 10-year audit period and discovered nearly $2.6 billion dollars loss, tax evasion, and non-payment of royalties by the oil majors.

He explained that the PWYP draws attention to the crime scene of ecological devastation, ecocide, and oil theft in the Niger Delta, and will hold oil companies and the presiding captains overseeing rots and deaths corporately personally accountable for the deaths and destruction they are helping to create.

The initiative will ensure metering of oil and gas at well heads and flow stations and guarantee operators in the industry and regulatory bodies to publicly disclose or engage easily available scientific templates for precise measurement of the volume of all oil and gas produced in Nigeria, and at the different stages of the production process.

It will shatter the myth and misconceptions that it is technologically impossible to ascertain the volume of oil and gas produced on a daily basis in Nigeria, reduce the level of waste, and enhance revenue for infrastructure and social amenities provision.

In the incoming year ERA/FoEN anticipates to vigorously pursue the adoption of the initiative to check the ongoing theft in the oil sector.

In continuation of our efforts to discourage oil theft and ensure transparency and accountability in the oil and gas sector, in 2013 we delved into filling the gaps in the present Publish What You Pump (PWYP) and the Nigeria Extractive Industries Transparency Initiative (NEITI) processes with the launch of our Publish What You Pump (PWYP) campaign. The initiative is one that will require that institutions such as the Department of Petroleum Resources (DPR) set up appropriate guidelines for measuring oil and gas production as well as have the necessary tools to carry out their oversight functions.

At the launch of the campaign in Port Harcourt graced by representatives of civil society groups, community-based organisations and the media, we re-echoed the fact that that although the NEITI processes have been ongoing for nearly 12 years, it has largely failed to sanitize the Nigerian petroleum sector or reduced the level of corruption with Nigeria losing nearly 500,000 barrels of crude oil per day, costing the nation nearly $8 billion dollars per year.

ERA/FoEN Executive Director, Godwin Ojo said that the launch of the PWYP marks an important milestone in national and global advocacy to ensure good governance, transparency and accountability in the oil and gas sector.
Issues of deforestation and forest degradation dominated discussions at our sixth national consultation on the environment which brought together civil society organisations, community groups and policy makers to fashion solutions to the challenges thereof.

The theme of the sixth Consultation which held November 28 -29, 2013 at the Fountain Hotel, Ekiti State was: Our Environment, Our Life. The two-day event also had in attendance the Ekiti State Governor, Dr. Kayode Fayemi, environmental, labour, women and youth groups, the academia, and the media.

Dr. Kayode Fayemi, who welcomed participants said ERA/FoEN had done so much in creating the platform for seasoned activists to interrogate the environment, even as he noted that ERA/FoEN can count on Ekiti State to support initiatives that guarantee livelihoods.

In his welcome address, ERA/FoEN Executive Director, Godwin Uyi Ojo said the decision of ERA/FoEN to hold the 2013 event in Ekiti stemmed from the need to widen the space for engagement between civil society groups, community-based groups and government at all levels.

Ojo said it was noteworthy that the event was being organised just after the United Nations Framework Convention on Climate Change UNFCCC COP 19 fiasco, which held in Warsaw, Poland with little to show for all the talks about fighting climate change and deforestation.

He explained that it was timely that the theme of ERA/FoEN Consultation: Our Forest, Our Life zero-ed in on the grave impact that unchecked industrialization processes have wrought on forests and the false solutions from corporations forcing forests and biodiversity valuation that will pave the way to marketization and speculation.

According to him, deforestation is the wanton clearance of forests which is occurring at a dramatic level that is nearing crisis point and contributes significantly to climate change. Citing a recent FAO report, he said Nigeria with an annual deforestation rate of 3.5 % is ranked among countries with the highest rate of deforestation of its pristine forests, with official statistics indicating that between 1990 and 2000 Nigeria lost an average of 409,700
hectares of forest annually, lost another 55.7 per cent of primary forests between 2000 and 2005 and now has below 9.6 million hectares of forest reserves as against 60 million hectares of forests and woodlands credited as at 1887.

Uncontrolled logging operations to meet national and international markets, the lack of participatory Community Based Forest Management schemes for proper management of forests, as well as large-scale industrial plantation development are major factors responsible for deforestation and destruction of forests.

A worrisome development as false solution with grim prospects on our forests is land grabs for cultivation of agrofuels mainly for exports. Friends of the Earth International recently revealed that over 100,000 hectares of land have already been grabbed in Nigeria for the cultivation of the crops meant for the production of ethanol and other fuels known as agrofuels.

The lands grabbed are for monoculture plantations which are gradually replacing our forests. The implication of this is that food crops such as cassava and oil palm are now being grown for fuel rather than for human consumption. He also delved into false solutions like REDD that forests in Cross River have been earmarked for, even as he highlighted that forests in Ekiti State have been seriously decimated by loggers and charcoal merchants. These, he noted, are critical issues that participants at the Consultation must discuss and find solutions to.

In the course of the Consultation the participants made the following observations:

- Unconstrained industrialization processes promoted by transnational corporations and governments of the global North continue to destroy our forests and displace local forest dependent communities across Nigeria. The impact of indiscriminate logging is rife across Nigeria, particularly in Ekiti State, where huge trees and forests that provided food, livelihood support and served as buffer against harsh climatic conditions have been cleared.

- Nigeria is yet to demonstrate the political will to confront the climate change challenge as evidenced by faulty policies and the foray into corporation-driven initiatives like REDD, that is rife with human rights abuses, robbing local communities of their lands and livelihoods.

- The Nigerian government seems to be in a hurry to embrace REDD which we consider as a false solution to climate change even when it is very clear that the scheme has many obvious leakages in methodologies with no critical engagement by local communities that are being primed for an initiative they do not understand.

- The reckless despoliation of the environment by extractive industry actors operating in the Niger Delta and other industrial actors across the country has continued unabated with grave impacts on man and the environment.
• Government agencies charged with guaranteeing the protection and preservation of forests and forest resources have largely failed in the discharge of their duties, and the enforcement of relevant statutes and judicial pronouncements. They have also ignored local communities that they are supposed to collaborate within the discharge of their duties.
• Current energy models which depend on fossil fuel are undemocratic and concentrate control and ownership in the hands of a few corporations to the detriment of the majority community people in the rural areas.
• The land grabbing agenda of the global North continues to instigate hunger and conflicts on the African continent.
• Biotech companies are unrelenting in their ploy to introduce GMO crops into Nigeria without proper regulatory mechanisms despite their proven dangers to health, biodiversity and the environment.

Participants also made the following recommendations:
• The Nigerian government come up with a holistic environmental policy hinged on the protection of local livelihoods and local economies, and aimed at driving a green economic recovery.
• Adoption of community forest management practices and engagement of community-dependent people in forest decision making processes.
• REDD must be rejected by African leaders especially Nigeria because it does not cut emissions at source. Rather, it rewards polluters and makes forest-based communities mere labourers in their own lands. Forests should be removed from the carbon markets.
• African leaders should also stop playing politics with climate change and muster the political will to confront the problems.
• The Nigerian government must not subscribe to the FAO definition which includes plantations. Forest is a body of diverse ecosystems which supports biological diversity and not mere monoculture plantations.
• The Nigerian government should wean off fossil fuels and adopt community-owned energy models that are non-grid and environment-friendly.

• Ekiti State Commissioner for Environment, Dr. Eniola Ajayi.
• The World Bank and other international financial institutions should desist from investing in fossil fuel-based energy projects or foisting macro-economic policies that promote voluntary market-based solutions that further worsen climate change and reward polluters for causing increase in emissions.

• That, local communities should be the fulcrum of Environmental Governance at community levels through the formation of Community Environment Defence Committees (CEDC).

• The Nigerian government weans itself from fossil fuel-driven economy and invest in renewable and other safe and clean alternatives. A timeline to face-off fossil fuels should also be set.

• Revision of the Land Use Act of 1979 and all obsolete and unfriendly laws that dispossess local people of their lands and natural patrimony. Lands forcefully expropriated from local people for the purpose of monoculture plantations and agro-fuels be returned to them while Governments, NGOs and CSOs should establish effective systems to monitor and block the entry of GMOs into Nigeria’s food chain.

• Women, vulnerable groups and all segments of the society should be supported to participate in the processes of achieving transformational change in Nigeria.

• Nigerians should create mass movements to reclaim and rescue the society from bad leadership and maladministration. Mobilising and organising are critical to efforts to save the society from environmental injustices perpetrated by government and corporations.

• Only a political system that is people-driven and quality leadership can enthrone quality and effective environmental governance.

The highpoint of the event was the award of ERA/FoEN maiden Social Security award to Dr. Fayemi based on his observed contributions to environmental protection and local economies through the empowerment of Community Development Associations (CDAs) and vulnerable groups.

Several panel discussions were entertained. They include: Forests, Biodiversity and the Climate Change Discourse, Forests, Life Element and Conflicts, Forest Governance REDD: False Solution to a Daunting Problem? And Advocacy and Policy Tools for Effective Forest Management and Governance
Our determination to work with, and mobilize local communities to protect their environment from the environmental assaults of extractive activities was sustained throughout 2013. We also empathized with local communities that suffered varying degrees of environmental disasters like the devastating floods of the preceding year which impacted 21 states of the federation. A major activity that we carried over from the previous year was the revisit of communities in the Niger Delta impacted by the floods Rivers, Cross River, Edo, Delta and Bayelsa. Though the floods caused colossal damages to infrastructure like roads and bridges in some communities, the total collapse of dwellings; especially mud buildings was the main observation in others. This, notwithstanding, the spread of crude oil in the environment from sites left unattended to by the oil companies and spill points continued throughout the flood into 2013.

As far as our monitoring efforts are concerned, it was obvious that some communities recorded over ten oil spills in the course of the year. While some of the spills occurred from wellheads and were attributed to equipment failure, others occurred along sections of the crude oil bearing pipelines. The names of two companies - Shell Petroleum Development Company (SPDC) and the Nigerian Agip Oil Company (NAOC) - resonated whenever ruptures occurred due to their aging and ill-maintained facilities and the shoddy cleanups they carry out either as response to ERA/FoEN or community pressure. In Bayelsa which could be rated the most polluted among the Niger Delta states, some of the communities that experienced major oil spills in 2013 include: Ikeinghenbiri, Ogboinbiri, Odioama, Okpoama, Iwoama, Dieama, Twon-Brass, Kalaba, Ikarama, Kilama, Egbebiiri and JK 4 [Edagberi/Betterland].

From this list, Ikeinghenbiri and Ogboinbiri communities are situated in Southern Ijaw local government area of Bayelsa State. Odioama, Okpoama, Iwoama, Dieama and
Twon-Brass are administratively in Brass local government area of the state. Kalaba, Ikarama, Kilama and Egbebiri and located in Yenagoa local government area. JK4 [Edagberi/Betterland] is in Ahoada West local government area of Rivers State. While the spills that occurred at Kilama and JK4 were mainly from Shell pipelines, those that happened/impacted the environment of Kalaba, Odioama, Okpoama, Iwoama, Dieama, Twon-Brass, Ikeeinghenbiri, Ogboinbiri and Egbebiri are from Agip facilities. That of Ogboinbiri was with a serious gas leak during drilling activities just by the community.

Records at our disposal showed that Ikarama and Egbebiri communities experienced several spills from Agip wellheads within the year. ERA/FoEN field monitors had to visit the environment of Agip’s Taylor Creek Well ‘A’ within Ikarama environment three times in March owing to oil spills from the same wellhead; all attributed to operational failure. On the 17th of December, 2013 Agip’s Idu Well 3 also spewed crude oil into the Egbebiri environment in Biseni clan. The wellhead-related spills were attributed to either operational or equipment failure incidents.

Three spill incidents were, however, considered worthy of note due to their spread in the swamps, rivers and ocean/sea. They are: spill from Shell’s pipeline in Kilama [Biseni] in May 2013 in which the Taylor Creek was polluted twice within a month. The second is from the same ruptured spot which was caused by clamping that was hurriedly and improperly done by Shell. The volume of crude oil spilt was high and the slick spread from Kilama in Biseni to downstream communities along the Taylor Creek. Apart from the immediate environment of the spill, communities like JK4 [Edagberi/Betterland], Ikarama, Kalaba and others downstream suffered the impact in one form or the other as the crude oil slick spread without any visible efforts by Shell to contain it. Another major spill which also spread on water and impacted swamps was the Agip spill which occurred at a manifold along Agip’s Tebidaba/Ogboinbiri pipeline at Ikeeinghenbiri community environment in the month of September, 2013. This happened during the rainy season when the pipeline was submerged. On the 27th of November, 2013 another operational spill incident occurred at Agip’s Brass Terminal. The Spill which happened in the night was discovered during loading/ transfers of crude oil; just like Shell’s Bonga spill of December 2011. Although Agip and the regulatory agencies are yet to tell the public the volume/quantity of
crude oil that spilt into the Atlantic Ocean that night; there is no doubt the spill was massive as communities and fisher folks along the coastline of Twon-Brass, Odioama, Okpoama, Dieama, Iwoama and others lamented the impacts of incident; especially on their means of livelihood.

Although Agip swung into action to contain the spread, the thickness and spread of the slick was much; even as affected community fisher folks accused Agip of using chemicals to sink the crude oil in the seas and thereby, further damaging the environment. Fisher folks expressed fear that the spill and method of sinking by Agip would render the environment unproductive for many years. ERA/FoEN did not only promptly visit some of the impacted communities, but also led journalists and NGOs to some such places of interest and assisted local communities seeking justice in the courts to link up with legal experts that are willing to take up their cases.

One fact that is worth noting in our engagement with the locals is the fact that they now easily identify environmental assaults in their communities and are willing to engage the polluters peacefully and within the ambit of the law. Aside the Niger Delta we continued to monitor incidents of leaking pipelines in Lagos and other southwest states. We had course to revisit Ijegun, a suburb of Lagos that had witnessed a rupture and fire incident in 2008 that left no fewer 100 people incinerated.

Early in 2013 we were alerted to the likelihood of explosion in the same community as locals informed us that the strong smell of petrol could be perceived in their environment, thus necessitating a warning to occupants of the buildings within the vicinity of the 2008 explosion to avoid anything that could ignite a fire. The explosion in 2008 occurred when an earthmover belonging to Hitech, a company contracted by the Lagos State government to dualise the Ijegun-Isolo-Jakande Estate road, unknowingly ruptured a Nigerian National Petroleum Corporation (NNPC) pipeline, which runs across the community to other parts of the state.

We did not just visit the community. In solidarity with the pipeline rupture victims went ahead to make critical demands. The demands included a call to the federal and Lagos State governments to compel NNPC to carry out a comprehensive audit and proper clean-up of the Ijegun environment. The cleanup must involve soil and water treatment in line with international best practice in the oil industry. Others are:

- Identification and prosecution of NNPC officials found culpable of dereliction of duty in responding to the alarm raised by the Ijegun community on the dangers posed by the shallow and poorly designated pipeline before the incident of 2008 occurred
- Immediate provision of alternative water supply for Ijegun residents to ameliorate their plight
- That NNPC carry out regular maintenance and integrity checks on its pipelines in Ijegun and across the country;
- NNPC compensate victims of the Ijegun incident

For us the ability of the community folks to identify a potential hazard and raise alarm on time is a testament to our engagement with them in the area of environmental monitoring. In the incoming year we anticipate these engagements will be deepened to enable the communities make bold steps in holding those who perpetrate environmental crimes accountable.
A Resounding No To Biotech Food

Our Food Sovereignty desk was upbeat in 2013 as we sustained earlier activities in the preceding year and even moved further to demand that the biotech industry keeps its hands off our food. We resisted the manipulation of allies of the biotech firms that continually manipulate our food systems and instigate land grabs. By the close of the legislative session in Nigeria in 2011, a Biosafety Bill was hurriedly passed by the National Assembly and has been awaiting the President’s assent.

The bill that has been kept under wraps and away from public scrutiny, thereby preventing groups who may want to take a critical look and raise policy issues that will improve the bill.

To counter the biotech industry propaganda, ERA/FoEN started series of advocacy and media campaigns, interviews, organising meetings, and participated in foras to give alternative views. We also petitioned President Goodluck Jonathan not to give assent to Bill, until it is further improved, because after three readings in the National Assembly, it was still defective in many aspects.

One of such meetings we put together was a workshop with the theme “GMOs: Enforcing a Just Biosafety Path in Nigeria, which held in Benin City, Edo State. The workshop came out clear that Nigeria does not need GMOs and that we need a more restrictive legislative regime. Our resistance of the biotech industry was not limited to Nigeria. ERA/FoEN was part of a March Day Against Monsanto on March 25th, 2013. The march was coordinated with FoEA groups in conjunction with activists around the world who challenge Monsanto’s/corporate driven model of production.

Our position was hinged on research studies that showed that Monsanto’s genetically-modified foods can lead to serious health conditions such as the development of cancerous tumors, infertility and birth defects. For us, Monsanto’s GM seeds remain harmful to the environment and have contributed to Colony Collapse Disorder among the world’s bee population.
Our key demands were:

* Labeling of GMOs so that consumers can make informed decisions easier.
* Repealing of relevant provisions of the US "Monsanto Protection Act."
* Calling for further scientific research on the health effects of GMOs.
* Holding Monsanto executives and supporting politicians accountable through direct communication, grassroots journalism, social media, etc.
* Continuing to inform the public about Monsanto’s secrets.
* Taking to the streets to show the world and Monsanto that we won’t take these injustices quietly.
* We will not stand for cronyism. We will not stand for poison. That’s why we March Against Monsanto.

Another activity we carried out in concert with allies was the signing of an open letter by African Civil Society to the representatives of Denmark coordinated by FoEA and other networks. In the letter, signed by 80 other groups we expressed our disgust, dismay and protest against the Danish Minister for Development Cooperation, Christian Friis Bach’s statements in an interview on July 9th to the Danish Newspaper Politiken, in which he wants a confrontation with large parts of Africa’s culture in order to make the continent “the entire world’s granary/breadbasket and denies that “the traditional cultures have a value.”

We also signed another letter demanding that President Obama of the US stop pushing dirty energy through the “Power Africa” Initiative. ERA/FoEN collaborated with Karen Orenstein, Friends of the Earth U.S and Dipti, International Coordinator for the Climate change Program for Friends of the Earth, Bobby Peek, groundwork/FoE SA, to draft the letter and also helped to get signatures across Africa. The letter had a huge interest in the US media and generated some interest in the Parliament. We urged President Obama, amongst other things to “re-think any support for large scale power and infrastructure projects in the name of increasing energy access for Africa.

ERA/FoEN was also part of public debates and seminars organised in solidarity with allies in Africa and across the globe. In Nigeria they include an open forum on Agricultural Biotechnology (OFAB) Africa held in Abuja and a Conference by the Biotechnology Society of Nigeria (BSN) held at the National Biotechnology Development Agency, (NABDA) headquarters Abuja.
The regional and cross-regional engagements were targeted alliance at building and included a Food Sovereignty Programme meeting in Budapest, Hungary, Friends of the Earth Africa Annual General Meeting in Midrand, Gauteng - South Africa, a Workshop on Food and Seed Sovereignty and on Developing a Strategy towards the G8 New Alliance, in Addis Ababa, Ethiopia, and a meeting on Ten Years after the Maputo Declaration on Agriculture and Food Security in Africa: Dialogue on Progress in West Africa under the patronage of Ellen Johnson Sirleaf, President of Liberia in Monrovia in September 2013.

In retrospect 2013 was a year of momentum which we will build on in the incoming year with growing resistance of farmers to GMOs and corporate driven agricultural policies. We are particularly impressed with global understanding of threats to our food sovereignty and the strengthening of local, national and international networks to resist corporate control of our food.
GENDER: Tackling Powers, Propping Up The People

Women activists reading a protest letter to Governor Fashola of Lagos State

In 2013, the Gender desk continued to mainstream gender equality and equity in all our internal and external programmes. Men and women, boys and girls were given equal opportunities in all our field works, reports and activities. Women-related issues were also given the prominence in a bid to enshrine justice in the macro and micro systems in the country.

The internal programming also maintained its gender balance and non-gender-based, non-discriminatory policies. Infact, women participated actively in many of ERA/FoEN’s core programmes such as Food Security/GMOs and Forestry. For the first time in ERA/FoEN history, a woman, Mariann Bassey, Project Manager in charge of Food Security programmes, became head of an office (Abuja).

Putting Food On Women’s Tables
As part of the move to ensure the inclusion of livelihoods empowerment in our programmes, especially for women, we attended the Savings Group Conference in Arlington, Virginia, USA in February 2013. The two-day conference attracted women leaders, experts in microfinance, economists and local community leaders from several countries. The intensive presentations and contacts made will go a long way to establish an economy-base programme for impoverished women in our target communities across the Niger Delta and beyond. It is hoped that Savings Groups will be replicated in our communities.

Women Fought A First Lady To A Stand-still
In June, ERA/FoEN, participated in a massive and ultimately effective protest to halt a seeming scam about to be perpetrated allegedly by the Nigerian First Lady, Patience Jonathan in the name of the ‘African First Ladies Mission House’ in Abuja.
The protest which held in Lagos and was coordinated by eminent women rights advocate, Dr. Joe Odumakin effectively shut down the planned inclusion of an obnoxious N4 Billion budget into the general budget of the Federal Capital Territory Budget in the name of the sham project, a single edifice. Our own Betty Abah was among the women leaders who led the protest and met with Lagos State governor Babatunde Fashola. A letter from Nobel laureate Wole Soyinka was also delivered to the First Lady through the governor. A few days later, Abah appeared with Dr. Odumakin on Lagos Television (LTV). The media blitz and consequent public uproar generated helped to nip the planned white elephant project in the bud, even though a feeble ‘counter-protest’, was later held in Abuja.

ERA/FoEN was also outspoken against the infamous Senator Ahmed’s child bride saga emanating from the National Assembly. Other issues include the increasing cases of baby factories in the country. Abah spoke on the Yerima, baby factories, child trafficking and other related issues on AIT, LTV, TVC, MITV and other TV stations in Lagos.

Regional Networking On ‘women And Extractives’
In October, ERA was one of the two organizations which represented Nigeria at the maiden Women in Mining (WoMin) regional conference tagged “Women, Gender and Extractives Regional Strategy Meeting” which held in Johannesburg, South Africa from October 4-12, 2013. ERA/FoEN was represented by its Gender focal person while Port Harcourt-based Kebekatche Women was represented by its Executive Director Emen Okon.

The conference which drew mostly women environmental activists from several countries in Africa, Asia, Latin America and North America (Canada), featured several days of meeting, experience sharing and strategizing on how to highlight the plight of women trapped in the diabolic web of the life-diminishing extractive industry in Africa. It also featured a two-day field trip which took some of the participants including the Nigerian reps to Marikana, a frontier mining settlement where 34 striking miners were killed by police in August 2012 and where women are organising to address the deplorable living conditions.
The group was also taken to the site of the of the police fatal shooting that led to the death of 34 miners protesting living wages. Another trip was to Rustenburg to spend time with women mineworkers to feel the pause of victims of the mining industry, which evidently was much like the oil industry in Nigeria which has ironically become a curse on the people. In the course of the meeting, Abah, like Okon, gave a presentation on Devastating Oil Extractivism in Nigeria: How Oil Damages Our Women. She appeared on the state satellite media, the South African Broadcasting Corporation (SABC), both radio and TV, and rendered poems dedicated to the Niger Delta woman at the meeting and official launch of the WOMIN’s group at the Women’s Jail, Constitutional Hill, Johannesburg on October 9, pushing the cause of the Niger Delta woman.

Pushing For Justice For The Ejigbo Sodomy Victims
On December 10, 2013, ERA/FoEN partnered with several other women, children and youths’ right groups to hold a press conference to mark the 'International Human Rights Day'. The well attended event which held at ERA office in Lagos and attracted several organizations had as its focus the increasing rate of abuse of women and children. One of the major issues it sought to tackle was the Ejigbo sodomy saga in which three women were brutally tortured by members of the vigilante group, the O’dua People’s Congress (OPC) for allegedly stealing pepper in a local market in Lagos.

The gruesome video had just appeared online about a week earlier to global chagrin. The emotionally charged briefing had in attendance Dr. Joe Odumakin of Women Arise, Victoria Ibezim-Ohaeri of Spaces for Change, Princess Olufemi-Kayode of Media Concern for Women and Children (MEDIACOM), rep of Josephine Effah-Chukwumah of Project Alert on Violence Against Women and Children, Pastor Olusegun Tinker of Triumphant Foundation for Orpans and Widows among and others.

The coalition continued to work together to push for justice for the Ejigbo 3 as the case later came to be known, and after a protest march to the Lagos House of Assembly on December 23, a hearing was held at the Assembly where Abah addressed the House. The pressure later led to the arrest and parade of the culprits. It is hoped that ultimate justice will be served. The victims including Juliana, the main torture victim from Ajasa in Benin Republic and who later died from injuries inflicted on her in the course of several hours of torture, leaving behind parents, siblings and most painfully, three children.

Women Pauperized By Pipelines
Also, at the end of 2013, ERA’s gender desk received the approval of Friends of the Earth International (FoEI) Netherlands for a major campaign on ‘Gender and Pipelines’ involving media campaigns, exchange visit for selected Badagry women to Niger Delta for a pollution tour of gas flare and oil spill sites in communities in Delta State among other activities slated for 2014. It is the continuation of a major four-country project on the impacts of the West African Gas Pipelines and the Chad-Cameroon Oil Pipelines we previously conducted and which involved Friends of the Earth partners in Ghana, Togo and Cameroon. The new project will also look at the plights and entitlements of ‘host communities’ in view of the current and contentious Petroleum Industry Bill (PIB).

Our Gender Desk has continued to identified with marginalized groups and communities across Nigeria, seeking to give voice to the voiceless poor who are often victims of inhuman and extinctionist government
policies. We have continued to work, besides the core Niger Delta, with communities such as Badagry, Makoko (Lagos) among others in ameliorating the plights of men and women, boys and girls in a world ridden by widespread injustice against both the rural and urban poor.

Residents in each of the focal units were trained to handle the various clean energy gadgets which were made available to each community as samples. Basically, the community trainers can install, use and maintain renewable energy gadgets. After the training sessions, the indigenes were also given access to the gadgets, which included domestic lighting gadgets and energy-saving cooking stoves.

Also, a workshop involving energy experts, community representatives, environmentalists and activists from within and outside Nigeria was held in Lagos to examine energy access and alternatives for Africa. The event showcased a comparative analysis of the champions of rural energy efficient lighting and cooking models and participants had a firsthand demonstration of how lighting and cooking which are energy efficient can be used to conserve energy and are environmentally friendly.

As a result of the campaign activities, trainings and meetings, rural community people now have access to renewable energy gadgets which they use for their lighting and cooking needs. The use of fossil-fuel based energy sources has been reduced and the environment in which they dwell can be said to be friendlier as emissions from lighting and cooking are reduced.

The people are now knowledgeable about the availability of renewable energy gadgets and the impacts of cutting trees, which leads to deforestation and contributes to global warming and climate change. There is now closer interaction between the project initiators and the community people.
which will further promote future partnerships and collaborative efforts.

Besides, ERA/FoEN was represented at the Inception and Validation Workshops organized by the Energy Commission of Nigeria in Abuja. The events availed the opportunity to review and validate the National Energy Policy. The high point of ERA/FoEN’s contributions at the workshop was the insistence that as part of the strategies for energy financing, there is the need for the government to encourage financial provision for renewable energy pilots initiated by Community Based Organizations (CBOs) and locally based Non Governmental Organizations.
Our engagement with the media on reporting the state of the Nigerian environment was sustained in the year under review as the ERA/VIKES- the Finnish Foundation for Media Communication and Development trainings for journalists entered a new phase with a specific training on investigative environmental reporting.

Five journalists working with media organisations from the Niger Delta were picked out of several entries in the region to participate in the VIKES-funded training which held at the Aldgate Hotel Port Harcourt from 17-19 September 2013.

The journalists were drawn from print media organisations in Rivers and Bayelsa State, while the facilitators included three journalists (two from Nigeria and Hanna Nikannen, an investigative journalist from Finland).

ERA/FoEN Executive Director, Godwin Ojo in his welcome words, said that the objective of the training is to build the capacity of Nigerian journalists to go beyond merely reporting the state of the environment, to actually improving their knowledge base to have a better grasp of the various components of the environment and possible threats, and techniques in investigation.

Ojo identified some environmental challenges that are under-investigated including the impending global water stress and scarcity, lowering farm yields, hunger and poverty, weak resilience due to inadequate infrastructure, and coping mechanisms and adaptation measures in relation to climate change, etc.

He charged the journalists to seize the opportunity provided by the VIKES-funded training to open up to fresh ideas to be imparted by the trainers in the two-day training. Beyond the in-depth coaching the journalists received, participants shared knowledge about local, national and global environmental issues, examined
challenges facing investigative environmental reporting and explored strategies for improving investigative environmental reporting.

Hanna Nikanen, a Finnish journalist and facilitator at the training, in her discussion on *Cross-border Collaboration, Narratives, and Document frame of mind and Interview* explained that most of the stories that won her laurels involved a lot of information gathering using sources beyond Finland. One of the stories was on cobalt mining in Democratic Republic of Congo, which is linked with refineries in Finland, and factories in China.

She explained that investigative environmental reporting involved a lot of evidence, separation of suspicion from facts, and collaborations with sources beyond the immediate environment of the journalist. Other facilitators at the training discussed such topics as: *Overcoming Nigeria’s Environmental Reportage Gaps, What is Investigative Journalism?, Checking facts/Interview methods, Dealing with corporations/Government representatives, finding and protecting sources, vulnerable people, and legal issues, and Exploring the Freedom of Information Act for Investigative Journalism.* At the end of the training the five journalists received grants to carry out their chosen topics.

For us, beyond empowering journalists to expose the activities of British America Tobacco and other tobacco multinationals operating in Nigeria, the Fellowship aims to build and improve the public’s awareness on tobacco control and its related issues.

In inviting journalists working with national print media organisations to send in their story ideas we narrowed the themes to critical areas which included: Tobacco Farming, Tobacco & Health, Marketing of tobacco to minors, Tobacco Smuggling and Tobacco industry Corporate Social Responsibility. Others are Tobacco Prevalence and National Tobacco Control Bill legislative Process.

To be eligible, we set a criterion that the journalists must send in a short synopsis or proposal outlining the topic they seek to pursue, places to be visited, persons to be interviewed, a list of planned photos to go with the story and other fact-finding activities.

To ensure that the best entries emerge from a rigorous process, a team of senior and experienced journalists with wealth of experience in tobacco control issues examined the applications to pick out the best six. The panel entertained story ideas.

Successful candidates were announced in a press briefing in Lagos where CISLAC Executive Director Auwal Rafsanjani and ERA/FoEN Director, Corporate Accountability and Administration, Akinbode Oluwafemi officially presented the six journalists that scaled the rigorous criteria set by a panel of renowned journalists that vetted the entries.
Oluwafemi said that the six journalists through their proposed investigation of tobacco industry activities in Nigeria have demonstrated the willingness to side with public health by going out to examine critical issues relating to tobacco control in Nigeria and writing from informed perspectives.

He stressed that the Campaign for Tobacco-Free Kid’s has remained pivotal in ERA/CISLAC efforts to build the capacity of the Nigerian media to report on tobacco control from an informed perspective and improving the public’s awareness on tobacco control and its related issues.
The year 2013 started on a very positive note for our Legal Resource Department. In far away The Hague, Netherlands, on January 31, 2013, Ikot Ada Udo the District Court delivered a ground breaking judgment though of a mixed bag. It held Shell liable for the oil spill in Ikot Ada Udo, Akwa Ibom State, that affected the fish ponds of Elder Friday Alfred Akpan one of the four plaintiffs in the case.

While Eric Dooh, one of the plaintiffs represented others in the Hague to receive the judgment, the other trio of Elder Akpan, Chief Oguru and Alali Efanga in company of representatives of Goi community and select civil society organizations under the coordination of our Head of Legal Resources, Barr. Chima Williams monitored the delivery of the judgment in Port Harcourt.

There was a media briefing on the outcome of the judgment and its implications for all the parties i.e; the plaintiffs, the defendants, the Nigerian environment and livelihoods protection and of course the global legal community in terms of trans-national litigation on environmental crimes committed by multinational corporations abroad.

"I am happy because I feel that the Judges were divinely directed to pass that judgment in my favour, because, I suffered seriously over the spill that was caused by Shell facility which damaged my forty-seven fish ponds, which rendered me completely useless and pushed me to having nothing to take care of my family. - Elder Friday Alfred Akpan from Ikot Ada Udo Community of Akwa Ibom State reacting to the judgment against Shell in the Hague on the 30th January, 2013
Arising from the fact that the court held Shell not liable to the other three plaintiffs, we conducted critical review of the judgment with the Dutch lead Lawyer and sister organization and decided to file an appeal against it. Shell cross-appealed on the judgment. The appeal process is still on going.

Buoyed by the victory in the Dutch case, the legal resource department, intensified efforts in expanding the transnational litigation activities. ERA/FoEN in collaboration with Friends of the Earth Europe and an Italian international pro bono lawyer started work with the people of Ikebiri Kingdom, Bayelsa State who are victims of the April 5, 2011 Nigerian Agip Oil Company’s (NAOC) spill along the 10’ Clough Creek/Tebidaba Pipeline.

Several activities have been conducted in course of finding the best possible options for legal redress culminating in visits to the Ikebiri communities including the impacted sites. Preparatory meetings were held with the people, evidence gathering including legal and scientific researches were also conducted.

In order not to be seen as fighting alone, relevant government officials were met and discussions held on collaborative efforts to see that justice is done to the hapless citizens of Ikebiri Kingdom who have been treated derisively by Agip over this spill that has been admitted to have been as result of equipment failure and by the oil company’s own estimation destroyed 9,070 hectares of swamp land.

Our plans on this matter is to drag both NAOC and her parent company ENI before the Italian court in Rome and to this extent legal research on the relationship between NAOC and ENI has already been conducted and the link established.

While the work in Ikebiri Kingdom was ongoing, the Legal Resources Department received requests from Friends of the Earth, France and later from a French Lawyer based in London for collaboration and support in an effort to get legal redress for the landlords of Ugbogu and Egita communities over the grabbing of their agricultural lands by Total/Fina/Elf.

In accepting the requests, the Legal Resources Department had series of correspondence with the various interest parties culminating in a meeting with representatives of these communities landlords in Benin City. At the end of the meeting, an agreement was reached to work together on this assignment and responsibilities shared. The processes building up to getting justice for these victims of Total/Fina/Elf land grabbing is on course.
Not centering only on international litigations, we also provided support to Comrade Che Ibegwura in the prosecution of and defence of the cases to secure his ancestrally bequeathed lands and livelihoods source which was at the verge of being dispossessed from him by oil multinationals operating in Egiland. Comrade Che as the Octogenarian activist is commonly called has over the years been very vocal against the atrocities of oil companies against his people.

Within the year under review, ERA/FoEN received an S.O.S. from the Gbarain/Soku Gas Line Landowners Association, Otuasega Chapter in Bayelsa State over the proposed Shell Petroleum Development Company Nigeria Limited’s 40” Gbarain/Soku EGGS2 which pipeline is traversing their land without consultations with them. To worsen the situation, Shell unilaterally assessed the economic values of the landowners families properties without consultation let alone consent. The landowners had dragged Shell before the Ogbia Judicial Division of the High Court of Bayelsa State holden at Ogbia Town to seek redress and got a favourable judgment. Instead of Shell complying with the judgment orders or negotiating it as they do in some cases, decided to appeal the judgment at the Court of Appeal, Port Harcourt whereupon the call on ERA/FoEN was made as a long standing partner of the Otuasega community.

As part of strategies to mobilize community people to resist the reckless violation of their human rights and rights to a healthy environment which rights are violated with impunity by mostly the oil companies and their collaborators at the corridors of power, ERA organized a one day paralegal training for community representatives on the theme: “Community Enlightenment and Strategy for Instituting Court Action.” This provided a platform for educating community folks on their rights in remediation and compensation cases and procedures for instituting human and environmental rights cases in Nigerian courts. participants were equally trained on how and when they can take their cases transnational as well as the constraints and obstacles they will face in their quest for justice through the Nigerian courts.

The big one was the case of the Artisan Fishermen Association of Nigeria - a fishing association with membership numbering over 35,000 fishermen/women. ERA/FOEN has been working with these fishermen’s association since 2012 over the Shell Bonga platform oil spill of December 20, 2011. ERA/FoEN has completed verification exercise of the members spread across the coastal belts of Akwa Ibom, Ondo, Rivers and Bayelsa States.
Setting Agenda for Pro-people PIB

Dr. Ojo at a public hearing on the PIB in Abuja

During the year under review, we participated in all the Public hearings conducted by both the Senate and the House of Representatives on the Petroleum Industry Bill (PIB). ERA/ FoEN was very active in the Zonal Public Hearings conducted by the House of Representatives in Lagos, Port-Harcourt and Enugu.

In all the sittings we were ably represented by the Executive Director, Godwin Uyi Ojo who explored every occasion to marshal points in support our position for a people-oriented, environment and local livelihoods sensitive PIB. We have been consistent in our push that sovereignty resides with the people by investing the ownership of petroleum resources in the Nigerian people rather than the Federal Government of Nigeria.

It must enhance transparency and accountability through the removal of non-disclosure clauses in line with Extractive Industry Transparency Initiative (EITI) principles. An effective PIB should promote the interest of local communities and the protection and preservation of the Nigerian environment.

There should be clear provision of robust compensation mechanisms for victims of the negative impacts of the oil industry. We reiterated our arguments that Nigeria needs a PIB that spells out what constitutes offences and penalties as well as clear provisions for enforcement in case of violation of any provision, especially the environment, communities interest, security and health provisions.

These and many other issues were raised in our memo to the Committees raised by the Senate and House of Representative and the public hearings. We made suggested amendments to the draft bill as follows:

On the overarching Powers of Petroleum Minister we insisted that the PIB 2012 grants excessive and oftentimes unchecked powers to the minister of petroleum. In some quarters this bill is referred to as the
“Minister’s PIB”. This, for us, defeats key objectives of the bill such as providing level playing ground for all actors and creating efficient and effective regulatory agencies and promote transparency and openness in the administration of petroleum resources in Nigeria.

We therefore noted that these powers are incongruous with present realities and very dangerous. Our recommendation was that the powers of the minister in Section 6 of the bill be properly scrutinized and that S.6 (k) be expunged in its entirety.

On Metering systems, we advocated that the point of extraction must have a metering system and real time digital measuring system is critical to oil and gas industries and the revenue base of resource rich countries all over the world. On Environmental Protection, we insisted that Oil and gas exploration and exploitation activities have done unquantifiable damage to the Niger Delta environment. Constant oil spills, gas flares, blow outs and unchecked and reckless operations of the oil companies over the last five decades have rendered the creeks, streams, mangroves unproductive and have dealt a telling blow on the health and livelihoods of communities. The United Nations Environmental Program (UNEP) report on Ogoniland released in August 2011, attests to the massive damage that the Niger Delta environment has been subjected to by reckless and opportunistic oil exploration practices.

We therefore recommended that the draft bill with the heading “Environmental Quality Management” be amended by inserting a new section to wit “Every licensee or lessee engaged in upstream petroleum operations shall before embarking on oil exploration liaise with the Inspectorate, the federal ministry of Environment and the affected local community to conduct a full cost benefit analysis of the value of the environmental resources available in the proposed exploration area to determine whether it would be more profitable to preserve the environment than to extract oil from it.

On Health, Safety and Environment we recommended that the Federal Ministry of environment should take the lead and coordinate all processes relating thereto. We recommended an amendment to ensure that the federal ministry of Environment is in charge of coordinating, developing and implementing a holistic environmental policy for the nation. Gas flaring prohibition and Punishment in the bill was also x-rayed and our concern was with the inelegant and confusing drafting in the bill. We insisted that by virtue of a subsisting Federal High Court judgment on Ijwekean community in Delta State, the minister cannot seek to exercise any powers regarding a gas flare out date or deadline.

Community participation also attracted our comments. In this section we addressed the Petroleum Host Communities fund which we believe is the greatest short coming of the PIB. This failure to proactively involve and empower local communities whose lands and rivers play host to oil and gas facilities is unacceptable to us. We believe that the PIB must clearly define the term host communities and state the criteria or even names of beneficiary communities as well as have in place a mechanism to add or remove beneficiaries as the need arises. Any definition must take care of both facilities hosts, oil field/well hosts and impacts hosts. In this regard everybody that is or will be affected will find some level of protection under this law. Equally, apart from being part of reception of funds, the host communities by the incidence of their 10% equity holding, should be deemed as shareholders and be accorded all the rights
and privileges accruable to shareholders including the rights of participation in decision making. On the all-important Compensation, we believe the provisions in the bill follows the very obnoxious trajectory in older legislations that have utilized the vagueness in the term fair and adequate compensation to deny individual and communities a fair recompense for the damages they continue to suffer.

Our belief is that the time is right to change the archaic formula of calculating the quantum of compensation on the basis of “surface goods” alone. We thus recommended an amendment thus “The holder of a petroleum exploration license, petroleum prospecting license or petroleum mining lease shall in addition to any liability for compensation to which the holder may be subject under any provision of this Act, be liable to pay fair and adequate compensation for disturbance of land, rivers, streams and personal health as well as for loss of revenues derivable therefrom, for the period that the effects of such disturbance would last; or any other rights to any person who owns or is in lawful occupation of the licensed or leased lands, in accordance with the guidelines issued by the agency. Another area we x-rayed was enforcement mechanisms
## Financial Report

### SUMMARY OF INCOME AND EXPENDITURE ACCOUNT 2013

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### EXPENDITURE

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<td>Field Monitoring/ trips</td>
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<td>Audit &amp; Administration</td>
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<tr>
<td>Description</td>
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<tr>
<td>Media Outreach/ Forum</td>
<td>5,283</td>
<td>829,500</td>
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<tr>
<td>Meetings</td>
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<td>Consultations</td>
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<td>Monitoring &amp; Co-ordination</td>
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<td>Establishment of focal points</td>
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<td>Oilwatch steering committee meeting</td>
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<tr>
<td>Campaign &amp; Mobilization</td>
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<td>Publication &amp; Publicity</td>
<td>33,618</td>
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<td>Support for litigation</td>
<td>9,317</td>
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<td>Operation Cost</td>
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<td>Equipment &amp; Supplies</td>
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<td>13,617,172</td>
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<td>Bill Process</td>
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<td>Bank Charges</td>
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<td>Field Monitoring Trainings</td>
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<td>Honorarium</td>
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<td><strong>Total</strong></td>
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<td><strong>132,270,978</strong></td>
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Excess of expenditure over income: 

\[
\text{Excess} = (5,283) - (829,407) = - (824,124)
\]

Conversion rate $1 = N157
“All peoples shall have the right to (a) generally satisfactory environment favourable to their development”

Article 24, African Charter on Human and People’s Rights