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**HUMAN RIGHTS, ENVIRONMENTAL RACISM: THE NIGERIAN EXECUTIONS  
AND THE CASE FOR THE OGO NI**

*by Wendy Irvine*

Ken Saro-Wiwa, world-renowned author and Nigerian activist, was executed on November 10, 1995 despite pressure from the international community on the Nigerian government to stay the execution. Saro-Wiwa, who had been designated an Amnesty International Prisoner of Conscience, was leader of the Movement for the Survival of the Ogoni People (MOSOP), an organization representing the interests of an ethnic minority in Nigeria. He was convicted of murder by a Special Tribunal whose legality and fairness has been treated with skepticism by outside legal experts. Saro-Wiwa himself refused to complete his defense, believing that the outcome was a pre-determined reprisal for his activities on behalf of MOSOP.

International Reaction to the Executions

International reaction to the execution of Saro-Wiwa and eight other Ogonis was swift. Many states withdrew their ambassadors from Nigeria. Nigeria was immediately suspended from the British Commonwealth and is now subject to sanctions imposed by the European Union, United States, and South Africa, which include an arms embargo.

At the United Nations level, action was prompt but limited. By a vote of 101-to-14, with 47 abstentions, the United Nations General Assembly passed a resolution condemning the executions and requesting that U.N. Human Rights Commission report on the status of human rights in Nigeria. Action by the U.N. Security Council is unlikely because the Ogoni situation does not implicate the Council's Chapter VII enforcement powers. In order for the Council to exercise these powers, it must determine that a threat to international peace and security exists. Nigeria was critical of the limited action by the U.N. in passing the non-binding resolution, characterizing it as an illegitimate interference in its domestic affairs.

What rights are at stake?

The international community must examine the precise nature of the Ogoni claims before a basis for further global action can be established. World attention focused on the individual human rights abuses suffered by Saro-Wiwa and other Ogonis, which have reportedly occurred since the Ogoni protests began several years ago. Other issues that need to be addressed include the rights of the Ogoni under the International Covenants on Civil and Political and Economic, Social, and Cultural Rights, their special rights as an ethnic minority, and the claims that they are victims of environmental racism.

The Ogoni were spurred to protest their situation by the desire to protect both their land and the ability to provide for themselves. The Ogoni are a small tribe of approximately 400,000-500,000 people on whose land oil was discovered in the late 1950s. Since the find, oil companies, principally Shell, have exploited the resources under agreements with the national Nigerian government which is heavily dependent on revenue from these agreements. As the Nigerian government holds all mineral rights, the Ogoni have not received any financial compensation for the exploitation of their land and the disruption of their livelihoods as subsistence farmers and fishing people.

The environmental damage caused by the extraction of oil has been extensive. Between 1976 and 1991, almost 3000 oil spills have occurred, averaging 700 barrels each. Pipelines run over the land and through villages. Burning gas flares, situated near Ogoni villages, have resulted in water contamination, air pollution, and soot deposits over the land. The Ogoniland, once a fertile resource, can no longer support the Ogoni's needs. In addition, the Ogoni must import food without compensation.

The framework of the Ogoni protests complicates the international legal perspective. The Ogoni formed a Bill of Rights which makes the fundamental demand for political autonomy within a Nigerian Federation, grounded in the 1960 Nigerian independence constitution. The principal rights they claim include: the right to political control over their own affairs; the right to control and use a fair proportion of their own economic resources; the right to adequate and direct representation in all Nigerian institutions; the right to protect the Ogoni environment from further degradation; and associated rights to protect their culture. Thus phrased in terms of the right to self-determination, the international legal regime is presented with another challenge on this complicated issue.

After their declaration of rights, the Ogoni held a massive peaceful protest and the situation in Ogoniland escalated. Shortly afterwards, Shell temporarily withdrew their staff from Nigeria, although some operations still continue. Since then the Ogoni have claimed that the Nigerian military has been responsible for attacks on their villages, attacks which the government describes as the result of ethnic clashes with a neighboring tribe. Outside commentators have questioned the validity of the government's claims.

Less familiar in world experience are the strong assertions regarding the right to protect the local environment and ecology. The Ogoni hold not only the Nigerian government responsible for the degradation of their environment but also the multi-national oil corporations, who have available technology and methods of extraction which are safer and more eco-friendly than those currently used in Nigeria. The fact that such corporations consciously choose not to use safer methods in the absence of national legal requirements to do so constitutes the Ogoni's claim of environmental racism.

While the corporate view is, of course, that they are acting in compliance with national law, the greater question for the international community is whether the denial of independent corporate responsibility is acceptable given the widespread market domination of multi-nationals. Increased international recognition that the protection of the world environment warrants concern and responsibility beyond national boundaries lends legitimacy to actions directed at condemning indifferent national governments as well as international corporations.

Whether, and to what extent, international action can be legitimized on behalf of the Ogoni (at least outside of the individual human rights context) warrants further inquiry and debate on the proper role of the international community concerning the rights of ethnic minorities and environmental rights. In the case of the Ogoni people, these questions should be addressed swiftly; for Saro-Wiwa and many other Ogoni individuals it is too late.