

Carl Bildt  
Minister for Foreign Affairs  
Government of Sweden

Brussels, 30 June 2009  
Ref.: B880

Dear Mr. Bildt,

### **EU companies must respect human rights**

On the eve of the launch of the Swedish EU Presidency, Amnesty International is publishing a report entitled *Nigeria: Petroleum, pollution and poverty in the Niger Delta*. The report is an in-depth analysis of the multi-dimensional crisis that has been developing for almost five decades in the Niger Delta as a result of oil exploitation. The research reveals: the impact of extensive pollution and damage to the environment, corporate failure and bad practice by oil companies, serious government neglect and the actions of security forces and armed groups on the human rights of people living in the Niger Delta.

The EU, as home base for a number of oil extractive companies operating in the Niger Delta, should take into account the impact created by these companies as a serious example of the gaps and failures in the international human rights regulatory system.

The link between human rights and environmental pollution has long been recognized. Human rights monitoring bodies and international, regional and national courts have exposed poor environmental quality as a causal factor in violations of human rights. The polluted environment in the Niger Delta has resulted in violations of the right to health and a healthy environment, the right to an adequate standard of living (including the right to food and water) and the right to gain a living through work. More than 60 per cent of the people living in the Niger Delta depend on the natural environment for their livelihood. For many, the environmental resource base, which they use for agriculture, fishing and the collection of forest products, is their principal or sole source of food.

While the priority must be to prevent pollution that results in human rights violations, effective clean-up and rehabilitation of environmental damage, once it has occurred, is also critical to the protection of human rights. If pollution persists, the associated human rights violations continue, often driving people deeper into poverty. In the Niger Delta, oil companies are responsible for the clean-up of most oil industry pollution. According to UNDP, more than 6,800 spills were recorded between 1976 and 2001. However, the clean-up system does not work effectively and there is insufficient government oversight. Clean-up is frequently slow and inadequate. Oil companies themselves administer non-judicial compensations to the community in the case of an oil spill with minimal government oversight.

The stark contrast between the wealth generated by oil and the deepening poverty of many has fuelled discontent and anger. The destruction of livelihoods, the lack of accountability of both the government and the oil companies, and the failure of the government to invest in development in the area, all feed the frustration which has increasingly found expression in conflict – often violent conflict – between the communities, oil companies and government forces.

Amnesty International's report exposes systemic and serious failures by the Nigerian government in providing adequate human rights protection to the people in the Niger Delta. However, the government failure does not absolve corporations from responsibility for their actions and their impact on human rights. In the Niger Delta oil companies have been failing to adopt sufficient measures to prevent environmental damage and to address the negative impact they have caused.

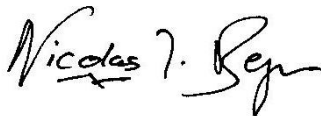
The situation in the Niger Delta exposes a wider problem: when human rights are undermined by companies and the government cannot or will not hold them to account due to flaws in the regulatory system and poor enforcement. In this context the EU, as a union of values and of respect for human rights, has a particular responsibility.

Amnesty International is calling on the EU to put in place measures to regulate how EU-based extractive companies operate at home and abroad. Companies must be required to undertake robust due diligence in relation to their human rights and environmental impacts, no matter where they operate. Concrete measures towards corporate accountability include:

- mandatory human rights impact assessment for EU-based extractive industries whether they operate within or outside the EU;
- requiring adequate and meaningful consultation with communities that are affected by extractive industries to be undertaken by extractive industries companies;
- effective disclosure of all relevant information to affected individuals and communities; and,
- ensuring access to justice within the EU for people whose rights are harmed by European companies if they cannot access effective remedies in their home country.

Amnesty International calls on the Swedish EU Presidency to act on its commitment to progress the debate on business and human rights and to include those concrete measures in the agenda of the Conference on Business and Human Rights that will be hosting in Stockholm in November 2009.

We would welcome any feedback on the issue and we remain at your disposal to provide any further information.



Nicolas Berger  
Director  
Amnesty International EU Office



Lise Bergh  
Director  
Amnesty International Sweden

Cc: Cecilia Malmström, Minister for EU Affairs, Government of Sweden.  
Günter Verheugen, Vice-President of the European Commission and Commissioner for enterprise and industry.  
Vladimír Špidla, Commissioner for Employment, Social Affairs and Equal Opportunities.  
Katharina Hempel Kipp, CSR ambassador, MoFA, Government of Sweden

Attached: Amnesty International report *Nigeria: Petroleum, Pollution and Poverty in the Niger Delta*.