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PRESS RELEASE
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PROTEST AGAINST WEST AFRICA GAS PIPELINE PROJECT SHIFTS TO THE LAW COURT

Indigenes and residents of Nigerian communities affected by the proposed West African Gas Pipeline have instituted an action at the Federal High Court in Lagos to challenge the project. The citizens from Badagry communities, Lagos State and communities from the Escravos area in Delta State are asking the court to stop the project, which is being implemented without respect for Nigerian laws and in total disregard of environmental and livelihood concerns of Nigerian communities.

The community people are asking the court to cancel the Environmental Impact Assessment (EIA) for the Project, including the public hearings, on the grounds that the West Africa Gas Pipeline Company did not follow due process by consulting communities. The citizens argue that the Environmental Impact Assessment allegedly undertaken by the West Africa Gas Pipeline Company Ltd (the 5th Defendant) or on its behalf in December, 2003 is unduly exclusive of the environmental impact of its project on the region stretching from Escravos to Alagbado and has been only selectively displayed and is inaccessible to the public contrary to the mandatory provisions of the Environmental Impact Assessment Act No. 86 of 1992 and is therefore illegal, unlawful, unconstitutional, null and void and of no effect whatsoever.

The suit was filed on behalf of Alhaji Alani Ajose and Chief Manua Kumuji (Lagos State) and Robinson Uroupa and Bello Oboko (Delta State) by the law firm of Bamidele Aturu and Company, with the support of Environmental Rights Action (ERA).

The defendants are the Nigerian National Petroleum Corporation (NNPC), the Federal Ministry of Environment, ChevronTexaco Ltd, Shell Petroleum Development Company (Nigeria) Ltd and the West Africa Gas Pipeline Company Ltd. The other defendants are the Federal Government of Nigeria, Director of Petroleum Resources and the Attorney General of the Federation.

In their statement of claim, the plaintiffs are seeking a declaration that the authorization

of the West African Gas Pipeline project by the Federal Executive Council of Nigeria without previous consideration of their environmental effects at an early stage is a violation of section 2 of the Environmental Impact Assessment Act No. 86 of 1992 and Article 24 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap 10, Laws of the Federation of Nigeria, 1990 and is therefore illegal, unlawful, unconstitutional, null and void and of no effect whatsoever.

The citizens declare that the West African Gas Pipeline Company is not entitled to be granted oil pipeline licence by the Nigeria National Petroleum Resources and the Director of Petroleum Resources (DPR or any agency of the Federal Government) to construct a 30" onshore and 20" offshore natural gas pipeline for transporting natural gas from Alagbado Tee to VRA power plant in Takoradi, Ghana skirting the coastlines of Benin, Togo and Ghana on the ground of substantial, grave and incurable non-compliance with the provisions of the Oil Pipelines Act, Cap 338, Laws of the Federation of Nigeria, 1990 and the Petroleum Act, Cap 350, Laws of the Federation of Nigeria, 1990.

The West African Gas Pipeline Company is registered in Bermuda, though all its operations will be in West Africa. The Company is not registered in Nigeria. The citizens are demanding that the court stop the company from carrying out any activities, until it is registered in Nigeria with appropriate authorities.

The community people, in their Declaration state that the West African Gas Pipeline Treaty concluded between the Federal Government of Nigeria and three other governments in January, 2003, without compliance with Nigerian municipal laws is unpatriotic, illegal, unlawful, void and of no effect whatsoever.

The citizens further argue in their Declaration that the Federal Government of Nigeria is incompetent for the purpose of granting oil pipelines licence or for any purpose whatever to act and cannot possibly and legally act for the office of the Minister of Petroleum Resources which is at present factually and legally non-existent.

ERA and other civil society groups in Nigeria, Africa and in the US have been criticizing the proposed West African Gas project for the inability of the project sponsors led by ChevronTexaco to address the problem of gas flaring from its Escravos Gas fields. Though the transnational corporation claims that the project will contribute to flares reduction, there remains no clear programme for use of flared associated gas into the WAGP. The WAGP will be connected to the Escravos-Lagos Gas Pipeline, which was built in then 1980s to transport unflared non-associated gas and was constructed without an Environmental Impact Assessment.

Project sponsors have also not addressed safety issues against the background of pipeline explosions in the Western Niger Delta where thousands of community lives have been lost in recent years.

The Escravos area from where gas for the proposed pipeline will be sourced remain a centre of conflicts and impoverishment with pending issues of community rights unaddressed by the Nigerian government and the transnational oil companies.

While transnational oil companies and the Nigerian government conclude plans to illegally pipe gas to commercial buyers offshore, Nigerian communities suffering the impact of gas exploitation remain without electricity.

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