

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. CON. RES. 121

Expressing the sense of Congress that as one of the world's important wetland and coastal marine ecosystems, the Niger Delta should be protected and its recovery and economic development a priority.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2012

Mr. RUSH (for himself and Mr. FORTENBERRY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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## CONCURRENT RESOLUTION

Expressing the sense of Congress that as one of the world's important wetland and coastal marine ecosystems, the Niger Delta should be protected and its recovery and economic development a priority.

Whereas Nigeria, Africa's most populous country, its largest producer of oil and its second largest economy, is a major source of United States oil imports and a key ally in the region;

Whereas despite its extensive hydrocarbon resources, which account for 80 percent of government revenues, Nigeria faces serious social and economic challenges, including extreme income inequality and high unemployment rates;

Whereas Nigeria's economic growth rate is among the highest in Sub-Saharan Africa, but its human development indi-

cators remain low, with more than half the population living on less than \$1 a day;

Whereas the International Monetary Fund reports that progress on Nigerian efforts to meet Millennium Development Goals to reduce poverty has been slow;

Whereas successive governments have pursued ambitious reforms since the country's return to civilian rule and through such efforts Nigeria was deemed compliant with the Extractive Industries Transparency Initiative (EITI) in 2011;

Whereas Nigeria's southern Niger Delta region has been the backbone of Nigeria's economy in recent decades, with oil and gas extraction there accounting for over 95 percent of Nigeria's export earnings;

Whereas despite having the largest natural gas reserves in Africa, an estimated one-third of Nigerian natural gas is burned during oil drilling due to a lack of infrastructure, placing the country second in the world, after Russia, in gas flaring, according to the National Oceanic and Atmospheric Association;

Whereas deadlines for oil companies to stop flaring gas at oil wells, estimated at roughly one-third of annual production and \$2,500,000,000 in lost revenue, have repeatedly been postponed, most recently to December 2012;

Whereas the Niger Delta is well-endowed with other natural resources beyond hydrocarbons, including water, timber and other forest resources, wildlife, and various species of aquatic organisms, and the Niger Delta is one of the world's largest wetlands;

Whereas oil production in the Delta has caused significant harm to the area's fragile riverine ecosystem and to the

livelihoods of the region's inhabitants, 30,000,000 inhabitants, including minority ethnic groups like Ogoni, who have received international attention for their efforts to highlight the extensive environmental damage;

Whereas by some estimates, over 500,000,000 gallons of oil, nearly the equivalent of the Exxon Valdez spill every year for 50 years, have been spilled in the Niger Delta since oil production began in Nigeria, limiting locals' access to clean water and largely destroying fishing stocks, while gas flares from the oil wells contribute to acid rain and air pollution;

Whereas oil contamination in Ogoniland is widespread, according to a study conducted by the United Nations Environment Program, with wells used for drinking water measuring high levels of carcinogens;

Whereas for example of most immediate concern, community members at Nisisioken Ogale in Ogoni land are drinking water from wells that are contaminated with benzene, a known carcinogen, at levels over 900 times above the World Health Organization (WHO) guideline;

Whereas the study determined that it may take 25 to 30 years to restore the environment;

Whereas Nigeria's oil wealth has also contributed to long-standing political tensions, protest, and criminality in the Delta, feeding recruitment by various vigilante and armed groups and hindering both oil production and regional development;

Whereas corruption and nonrespect for rule of law at multiple levels of government, business, environmental oversight, and community relations, is the number one cause that permeates the activities of the Niger Delta that

cause problems to remain unsolved, regardless of the verbal pledges and recriminations that occur on an ongoing basis;

Whereas in 2009, Nigerian President Umaru Yar'Adua extended an offer of amnesty to Delta militants, pledging pardons and rehabilitation in exchange for disarmament and demobilization, and, by Government of Nigeria estimates, almost 20,200 self-declared militants accepted the offer and demobilized, bringing relative calm to the region and allowing oil output to increase;

Whereas the Presidential Amnesty and rehabilitation program, which includes job training and social reintegration for ex-militants, offers a new opportunity for peace in the restive region, provided that the Government of Nigeria delivers on promised infrastructure improvements and job creation;

Whereas the United States has been supportive of the Government of Nigeria's reform initiatives, including not only the programs to promote peace and development in the Niger Delta, but also anticorruption efforts, economic and electoral reforms, and energy sector privatization; and

Whereas in 2010, the United States and Nigeria established the United States-Nigeria Binational Commission, a strategic dialogue to address issues of mutual concern: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring)*, That it is the sense of Congress that—

3            (1) as one of the world's important wetland and  
4        coastal marine ecosystems, the Niger Delta should

1 be protected and its recovery and economic develop-  
2 ment a priority;

3 (2) all the stakeholders in the Niger Delta oil  
4 and gas industry, the Nigerian federal, state, and  
5 local governments, oil and gas companies, and other  
6 private sector actors, civil society, and the local com-  
7 munity, including youth, women, and faith-based  
8 leaders, with input from the United States Govern-  
9 ment when requested, should work together to collec-  
10 tively address the environmental impact of oil and  
11 gas production in the Niger Delta by—

12 (A) urgently providing relief and assistance  
13 to those affected by oil spills in the region;

14 (B) urgently ensuring that oil pollution is  
15 cleaned up as a matter of urgency, in line with  
16 international good practice, and subject to inde-  
17 pendent verification, and take all necessary  
18 steps to prevent further oil spills by equipment  
19 failure, sabotage, oil bunkering, or illegal refin-  
20 ing;

21 (C) enforcing zero tolerance policy on cor-  
22 ruption;

23 (D) respecting and adhering to the rule of  
24 law as a fundamental requirement of all players  
25 in regards to operations, oversight and involve-

1           ment in the activities, governance, business, en-  
2           vironmental protection, and citizens' engage-  
3           ment and entitlements with respect to the Niger  
4           Delta;

5           (E) ensuring robust, independent, and co-  
6           ordinated monitoring of the petroleum industry;

7           (F) establishing a committee to monitor  
8           the environmental and social impact of the oil  
9           industry, hold regular sessions on the activities  
10          of multinational companies in the Niger Delta,  
11          discuss any impact of their practices, and make  
12          recommendations on how to address them;

13          (G) promoting investments in the region  
14          that contribute to job creation for the Delta's  
15          underemployed youth and provide alternative  
16          livelihoods for those affected by oil pollution;

17          (H) developing an effective and com-  
18          prehensive plan to prevent any further oil spills,  
19          in line with United Nations Environment Pro-  
20          gram recommendations, that is fully consistent  
21          with Nigeria's human rights' obligations and in  
22          consultation with affected communities and be  
23          implemented transparently with local commu-  
24          nities' full and active participation;

1 (I) developing an action plan to address il-  
2 legal oil trade, bunkering, and building a  
3 stronger Gulf of Guinea Energy and Security  
4 Strategy (GGESS) to tackle the cause, crime,  
5 and violence in the Niger Delta and the entire  
6 region; and

7 (J) conducting a campaign to—

8 (i) end corruption and illegal oil re-  
9 lated activities by including an awareness  
10 component highlighting the disproportion-  
11 ate environmental footprint of artisanal re-  
12 fining and design training, employment,  
13 and livelihood incentives that will encour-  
14 age people away from participating in this  
15 illegal activity; and

16 (ii) educate the community on the  
17 public safety, risk, and danger in drinking  
18 contaminated water;

19 (3) the international oil and gas companies with  
20 operations in the Niger Delta region should—

21 (A) make a clear public commitment to ad-  
22 dressing pollution and its human rights' im-  
23 pacts, promptly, transparently, and in consulta-  
24 tion with key stakeholders, particularly affected  
25 communities; and

1 (B) improve the control, maintenance, and  
2 decommissioning of oilfield infrastructure and  
3 apply industry best practices and international  
4 standards for public safety;

5 (4) the United States Government should—

6 (A) increase engagement with, and support  
7 of, the Government of Nigeria to ensure inde-  
8 pendent oversight of the oil industry and to in-  
9 crease access to effective remedy for people  
10 whose rights are affected by oil operations in  
11 the Niger Delta;

12 (B) increase engagement with, and support  
13 of, the Government of Nigeria in improving ac-  
14 cess to effective remedy for people whose rights  
15 are affected by oil operations in the Niger  
16 Delta;

17 (C) assist the Government of Nigeria to  
18 implement the United Nations Environment  
19 Program (UNEP) in depth Ogoniland oil as-  
20 sessment report which provides clear oper-  
21 ational recommendations for addressing the  
22 widespread oil pollution across Ogoniland; and

23 (D) assist the Government of Nigeria in  
24 tackling illegal oil trade, bunkering, and build-

1           ing a stronger Gulf of Guinea Energy and Se-  
2           curity Strategy (GGESS); and

3           (5) the Government of Nigeria should—

4                 (A) establish a Commission of Inquiry to  
5                 investigate companies' compliance with environ-  
6                 mental legislation and regulations in the Niger  
7                 Delta, assess actual losses, make recommenda-  
8                 tions for improving compliance with Nigerian  
9                 regulations, and report publicly on all findings;

10                (B) ensure enforcement of the national and  
11                international regulatory system and impose ef-  
12                fective penalties when regulations are not fol-  
13                lowed;

14                (C) ensure that Nigerian petroleum regula-  
15                tions address the social and human rights' im-  
16                pacts of the oil industry and include an assess-  
17                ment of the potential impacts on human health,  
18                including access to clean water and livelihoods,  
19                meaningful consultation with communities, and  
20                greater transparency and access to information  
21                for affected communities;

22                (D) amend laws on compensation to ensure  
23                that any sums awarded are fair and adequate,  
24                and cover long-term impacts, health issues, and  
25                all other reasonable damages;

1           (E) amend the laws regulating the petro-  
2           leum industry to ensure that they address the  
3           social and human rights' impacts of the indus-  
4           try, that they include a mandatory assessment  
5           of the potential impacts on human health and  
6           that environmental regulations are clarified to  
7           enhance the remediation process;

8           (F) make public information about the im-  
9           pact of oil operations on the environment and  
10          human rights, to include companies' oil spill  
11          contingency plans, the Niger Delta Environ-  
12          mental Survey, and all information regarding  
13          oil spills, any environmental impact assessments  
14          related to oil companies' infrastructure and op-  
15          erations, the Environmental Evaluation Report,  
16          and any post impact assessments;

17          (G) encourage the Nigerian Parliament to  
18          pass the Petroleum Energy Bill that increases  
19          transparency, establishes a fair sharing mecha-  
20          nism for oil and gas revenues with federal, oil-  
21          producing countries, protects the environment  
22          with better wetland conservation, encourages  
23          the use of clean technology equipment, allows  
24          diversification of energy production, and builds  
25          the region's sustainable economy; and

- 1 (H) arrest and prosecute those involved in
- 2 corrupted, illegal, and oil bunkering activities
- 3 and artisanal refineries.

