

Court orders Nigerian gas flaring to stop

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In a historic judgment today, the Federal High Court of Nigeria has ordered that gas flaring must stop in a Niger Delta community as it violates guaranteed constitutional rights to life and dignity. In a case brought against the Shell Petroleum Development Company of Nigeria (Shell), Justice C. V. Nwokorie ruled in Benin City that the damaging and wasteful practice of flaring cannot lawfully continue. All the major multinational oil companies in Nigeria flare gas, including ExxonMobil, ChevronTexaco, TotalFinaElf and Agip, as well as Shell, in joint ventures with the Nigerian National Petroleum Corporation, and the breadth of the ruling makes clear that their flaring is also illegal.

Read the [court order here](#).

Read the [plaintiff's pleadings here](#).

Nigeria has been the world's biggest gas flarer, and the practice has contributed more greenhouse gas emissions than all other sources in sub-Saharan Africa combined, as well as poisoning localities with their toxic cocktail. The practice costs Nigeria about US\$2.5 billion annually, while about 66% of its population live on less than US\$1 a day.

The judge also declared the Nigerian gas flaring law to be unconstitutional, and ordered the Attorney General to meet with the Federal Executive Council (the country's highest executive body, including the President, Vice President and Ministers) in order to bring the law into line with present day practice, rules and regulations governing oil and gas activities.

The case was brought by Mr Jonah Gbemre, on behalf of himself and the Iwerekan community in Delta State, supported by Environmental Rights Action/Friends of the Earth Nigeria and the Climate Justice Programme.

Reverend Nnimmo Bassey, Executive Director of Environmental Rights Action/Friends of the Earth Nigeria, commented:

“For the first time, a court of competence has boldly declared that Shell, Chevron and the other oil corporations have been engaged in illegal activities here for decades. We

expect this judgement to be respected and that for once the oil corporations will accept the truth and bring their sinful flaring activities to a halt.

“This victory marks a new dawn in the struggle of the communities of the Niger Delta to have these flares of hell switched off. For the first time there is a hope that children here can hope to have a dark, quiet night, enjoy the chirps of birds and rest their ear drums from the awful noise of these gas flares.”

Peter Roderick, co-Director of the Climate Justice Programme said:

“This is a landmark judgment. We applaud the courage of the judge in giving a clear message that flaring is an outdated practice that is not acceptable in Nigeria. We also applaud the court’s decision to apply rights guaranteed by the Nigerian constitution to an environmental case for the first time in Nigeria, in line with other countries.”

Photographs of Niger Delta flaring are freely downloadable, without watermarks, from these sites:

- <http://www.idspicturedesk.com/picturedesk/l?k=icn85ZN347-49423&u=aGO>
- <http://www.idspicturedesk.com/picturedesk/l?k=Om4Noo55XK-66585&u=yFf>

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Notes for Editors

This action was filed in the summer and permission was granted to Mr Gbemre to bring his case on 21 July 2005. The case is one of a number of cases brought by Niger Delta communities to stop gas flaring. A fact sheet on Nigerian gas flaring is below. A report published by the Climate Justice Programme and Environmental Rights Action, 'Gas Flaring in Nigeria: A human rights, environmental and economic monstrosity', is available here, in both HTML and PDF versions:

<http://www.climatelaw.org/media/gas.flaring/report/>

Environmental Rights Action/Friends of the Earth Nigeria is dedicated to the defence of human ecosystems in terms of human rights, and to the promotion of environmentally responsible governmental, commercial, community and individual practice in Nigeria through the empowerment of local people:

<http://www.eraction.org>

The Climate Justice Programme is an initiative hosted by Friends of the Earth International. It aims to

encourage and support the enforcement of the law internationally to combat climate change. Over 70 organisations and lawyers are signatories to its Statement of Support, including Friends of the Earth, Greenpeace, WWF and organizations based in developing countries:

<http://www.climatelaw.org>

[Fact Sheet produced by the Climate Justice Programme and Environmental Rights Action/Friends of the Earth Nigeria, June 2005](#)

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