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Son of late Nigerian activist fulfills his father's prediction of taking Shell to court

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NEW YORK (AP) — Ken Saro-Wiwa Jr. has been fighting for more than 13 years to make his late father's prediction come true.

It will happen this month when relatives of victims of the Nigerian government's violent crackdown on residents of the oil-rich region, where Royal Dutch Shell had drilling operations, will get to challenge the deaths and injuries in a U.S. court.

The trial that starts May 26 in U.S. District Court in New York stems from two lawsuits accusing Royal Dutch Petroleum Co. and the former managing director of its Nigerian subsidiary, Shell Transport and Trading PLC, of being complicit in decisions by Nigeria's then-military government to hang oil industry opponents, including playwright and activist Ken Saro-Wiwa.

"In a sense we already have a victory, because one of the things my father said was that Shell would one day have its day in court," Saro-Wiwa said in an interview with The Associated Press on Monday. "We felt they had ducked their responsibility for what happened in Nigeria, so we wanted to fulfill that prediction."

Saro-Wiwa's father and eight other oil industry opponents were executed on Nov. 10, 1995, after a military tribunal convicted them on what were widely viewed as trumped-up charges of murdering four political rivals.

Saro-Wiwa and others in the Niger Delta believe his real offense was leading protests against the operations of multinational companies in Ogoniland, an oil-rich region in southeastern Nigeria that is home to the Ogoni minority, and the Nigerian military junta they accused of pocketing oil wealth while leaving the locals to live in misery.

"When your father ... is executed for a crime he did not commit, very publicly like that, it's painful," Saro-Wiwa said. "And to live for 12 years without justice, without getting a sense of relief, seeing the perpetrators of the crimes continuing to benefit from their crimes, these are difficult things for any human being to live with."

His father and other Ogonis came together to form the Movement for the Survival of the Ogoni People

(MOSOP) in 1990, demanding more local control over oil wealth and billions of dollars in compensation from Shell for decades of pollution. His trial and subsequent execution prompted worldwide condemnation.

The two lawsuits that are coming to trial — one against the parent company and one against the former managing director of the company's Nigerian subsidiary — accuse Shell of complicity in human rights abuses against the Ogoni people. A third, related lawsuit against Shell's Nigerian subsidiary is on appeal after a judge granted a motion to dismiss.

"We feel their fingerprints are all over the torture, the murders, the extra-judicial executions of Ogoni people between 1993 and 1996," Saro-Wiwa alleged. "They paid logistical support to the soldiers who were involved in the human rights abuses against the Ogoni people. They facilitated, and they provided support."

Shell denies the accusations.

"Shell in no way encouraged or advocated any act of violence against (the activists) or their fellow Ogonis," company spokesman Stan Mays said in a statement e-mailed Monday. "Shell attempted to persuade the government to grant clemency; to our deep regret that appeal — and the appeals of many others — went unheard, and we were shocked and saddened when we heard the news."

The crackdown by the military government intensified after Shell withdrew from Ogoniland in 1993, under attack from activists who were sabotaging the oil wells and beating Shell staffers to get them to leave the region.

The country's new government, for which the younger Saro-Wiwa works as adviser to the president, has yet to announce who will replace Shell in the small ethnic region that is considered the birthplace of political activism against Nigeria's petroleum industry. Saro-Wiwa declined to say what company might take its place, noting that it was an issue for the Nigerian government to decide.

The plaintiffs hope the lawsuits will send oil companies and other multinationals the message that they cannot act with impunity when operating in foreign countries and get around efforts to hold them accountable in a U.S. court.

"Corporate behavior has to include respect for human rights standards," said Jennie Green, a lawyer for the Center for Constitutional Rights, which filed the lawsuits on behalf of the plaintiffs.

Shell has fought attempts to have the case tried in New York, but the Court of Appeals ruled in 2000 that the United States was the proper forum for a lawsuit because one of the plaintiffs was a U.S. resident and because Shell had an office in the city.

Although Nigeria boasts Africa's largest oil industry, most Nigerians remain deeply impoverished after years of corrupt and incompetent government management. The oil industry has also contributed to environmental degradation in the south, and many residents say they should receive more money and play a greater role in the industry — an idea given international attention by the plight of the senior Saro-Wiwa.

"No one is denying the Shells of this world the right to produce hydrocarbon," Saro-Wiwa said. "But you must do it by respecting your environment and by respecting human rights."

In recent years, militants have emerged in the southern oil region, bombing pipelines and kidnapping foreign workers in hopes of forcing the government to allocate more oil-industry revenue to the area. The gunmen also help politicians rig elections that have been held since the end of military rule in 1999.

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