

FACTSHEET: *WORKING TO STOP ILLEGAL GAS FLARING IN NIGERIA*

EarthRights International (ERI) filed *In re Application of Theophilus G. Metsagharun* on behalf of several Nigerian villagers to obtain information from Chevron Corporation relating to the harms of gas flaring by Chevron Nigeria Ltd. (CNL) in Nigeria. The *Metsagharun* action uses the Foreign Legal Assistance (FLA) statute to seek information. The villagers have sued CNL in Nigerian court on behalf of five villages in Ugborodo Community in Nigeria's Delta State. In that case, they allege that CNL is liable for environmental and other damages caused by flaring of natural gas in their villages.



Gas flaring in Nigeria

THE HARMS OF GAS FLARING

Gas flaring, which is the practice of burning off natural gas associated with oil production, is a major contributor to climate change, also responsible for causing acid rain destroying crops through both air pollution and contaminated soil. Oil companies could capture and use the natural gas to produce energy, but in many places – including the areas around Ugborodo Community, where CNL produces crude oil – they have concluded that it's cheaper to simply burn it.

People living near flaring areas are exposed to nonstop noise pollution and brightness from the flames, which burn day and night. Impacts on human health are both immediate and long-term. Exposure causes skin rashes and

respiratory infections. Flaring is also linked to higher rates of asthma and cancer. Organizations all over the world have been campaigning for years to put an end to this deadly practice.

[Gas Flaring - Oil Change International](#)

[Amnesty International Launches New Technology-Driven Campaign Tool to Mobilize Action to Stop Harmful Gas Flaring in Nigeria](#)

THE ILLEGALITY OF GAS FLARING

Gas flaring has been illegal in Nigeria since 1984. This was re-iterated by the Federal High Court of Nigeria in 2005, where the Court held that gas flaring was a violation of the constitutional right to life and dignity. The government set a target to end the flaring, but Nigeria continues to flare the second-highest volume of gas of any country in the world, after Russia.

BRINGING THE CASE TO NIGERIAN COURTS

The Applicants in the FLA action, Theophilus G. Metsagharun, Jackson Omareye, Lofty Ogbe, Bawo Omadeli, and Gbejule Okoturo, are plaintiffs representing five villages in Ugborodo Community in a lawsuit in the Federal High Court of Nigeria, Asaba Judicial Division, *Theophilus G. Metsagharun et. al. v. Chevron Nigeria Ltd.* In that action, they allege that CNL is liable for environmental and other damages caused by CNL's flaring of natural gas in their villages.

The Nigerian lawsuit charges that CNL's flaring in Ugborodo Community violates their right to life as guaranteed by the Nigerian Constitution, and their rights under the African Charter on Human and Peoples' Rights. The Plaintiffs also allege that CNL failed to conduct a statutorily required Environmental Impact Assessment before beginning its operations, and failed to conduct an Environmental Evaluation Report (EER) to determine the state of the environment since commencing gas flaring in the Plaintiffs' Community. The Plaintiffs are seeking damages and an injunction to prevent CNL from continuing the gas flaring in Ugborodo Community.

OBTAINING INFORMATION USING THE FOREIGN LEGAL ASSISTANCE STATUTE

ERI's action will help the Plaintiffs by assisting the Federal High Court in determining how liable CNL is for the damage the flaring has caused, and how much compensation would be owed for the pollution caused by CNL's gas flaring. The information will also assist the High Court in deciding whether to issue an injunction, which would bar CNL from anymore flaring in the Plaintiffs' community.