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Human rights situations that require the Council's attention

Written statement* submitted by the Sign of Hope e.V. - Hoffnungszeichen, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[02 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The human rights situation in South Sudan – oil-caused contamination and its effects upon humans and the environment

Sign of Hope wishes to draw the attention of the United Nations Human Rights Council to abuses of human rights being perpetrated in South Sudan.

1. Key findings

A hydro-geological study published in November 2014 by Sign of Hope confirmed that the exploration and production of oil are causing a severe contamination of the water in the upper aquifer located in the vicinity of South Sudan's Thar Jath oilfield.

A toxicological study released in December 2016 employed an analysis of samples of human hair proving that this oil-contaminated water has been consumed by the people residing in the aquifer's catchment area. As a result of this consumption, the contaminants have been and are being absorbed into the peoples' tissues. As a consequence the lives and livelihoods of these more than 180,000 human beings are being impaired – even destroyed.

Sign of Hope's publishing of the hydro-geological study was followed by its being threatened by a representative of South Sudan's Ministry of Petroleum and Mining.

The bulk of the pumping of oil in Thar Jath is being carried out by a consortium led by Petronas. This oil company is owned by the government of Malaysia. Petronas is a prominent sponsor of Daimler AG's Mercedes AMG Petronas Formula 1 racing team.

2. Oil exploration and production have been contaminating potable water aquifer

A hydrological study conducted in the period between 2008 and 2013 proved that the ambient potable water is strongly contaminated, and that the causes of this contamination are oil exploration and production. (Rüskamp, H., Ariki, J., Stieglitz, K., Treskatis, C. 2014: "Effects of oil exploration and production on the salinity of a marginally permeable aquifer system in the Thar Jath-, Mala- and Unity oilfields, Southern Sudan" in Zbl. Geol. Paläont. Part I, 95-115.) The compilation of this study was based upon the collection of 90 samples in and around South Sudan's Thar Jath oilfield.

This study found that the potable water drawn upon by several of the villages located in the vicinity of Thar Jath's Central Oil Processing Facility (CPF) contains anthropogenic contaminants issuing from oil extraction activities. This contamination arises from drilling liquids used to enhance the drilling process and from produced water that is flowing off the CPF on a large scale. These contaminants include salts and highly toxic heavy metals manifesting themselves in the water used by the more than 180,000 persons living in and around Thar Jath oil field.

3. Human health is being endangered by heavy metals from oil industry

To determine the state of the health of residents in South Sudan's Unity and Lake states, Sign of Hope collected 96 hair samples from inhabitants of four communities. The resultant toxicological study (Pragst, F., Stieglitz, K., Runge, H., Runow, K.-D., Quig, D., Osborne, R., Runge, C., Ariki, J. 2017: "High concentrations of lead and barium in hair of the rural population caused by water pollution in the Thar Jath oilfields in South Sudan" in Forensic Sciences International) came up with disturbing findings.

Samples of hair collected on a voluntary basis from residents of four communities were analyzed to determine the presence of 39 elements.

Very high concentrations – high enough to endanger human health – were determined for lead and barium. In a key finding, the concentrations of lead were inversely related to the village's distance from the Thar Jath oil field. The data is thus within the range of that emerging from such highly contaminated mining regions as those in Kosovo, China or Bolivia.

Barite (BaSO₄) and galena (PbS) are employed as weighting materials in drilling fluids. These compounds are considered to be the sources of the high levels of lead and barium contamination found in local potable water and in the hair samples. As the effects of such high levels upon human health are well chronicled, these samples constitute a direct evidence that proves the link between this emission of toxic wastes and the damaging of human health.

The collection of these samples was undertaken by Sign of Hope, which had been authorized to conduct health programs in Unity and Lake states by the government. Subsequently, on February 26, 2016, Sign of Hope informed South Sudan's Ministry of Health of the study's findings. The organization also requested of the ministry the issuing of an alert to the people living in the affected area on these dangers to their health.

4. Lack of effective control and supervision of the activities of petroleum companies

Petroleum companies' operations in South Sudan are governed by the country's Petroleum Act of 2012 and the Petroleum Revenue Management Act of 2013. Notwithstanding the extensive scope of the Acts, their implementation shows significant shortcomings. According to Tiitmamer (Tiitmamer, N. 2016: "Transparency and Accountability in South Sudan's Petroleum Industry" in The Sudd Institute: Policy Brief), one key provision of the former Act has yet to be realized: the establishment of an independent administrative body. Its brief would be to coordinate, verify and publish petroleum information.

In March 2015, South Sudan's Minister of Petroleum and Mining signed a set of regulations. These were formulated in order to implement the HSE (Health, Safety and Environment) management systems and plans foreseen in the Petroleum Act of 2012. The latter's thrust is to ensure that South Sudan's petroleum industry's operations accord to international best practices.

About a year after the signing of the new regulations and seven months after being launched publicly by the Ministry, the petroleum companies operating in South Sudan have yet to meet any of the regulations' requirements. The main causes of this lack of compliance include insufficient political will, regulatory design and technical constraints. (Tiitmamer, N. 2016: "Making Sense of South Sudan's New Petroleum HSE Management Systems and Plan Regulations", in The Sudd Institute: Policy Brief)

5. Threats against human rights activists

Defenders of human rights, representatives of the media and other members of civil society are experiencing parlous times in South Sudan.

Sign of Hope was the object of an attempt by government bodies to constrain, even halt its human rights activities in South Sudan.

A meeting was staged on November 10, 2015, in Stuttgart, Germany. It was attended by Sign of Hope and by representatives of South Sudan's government and oil industry. Also in attendance were those from Daimler AG, Petronas' business partner.

At the meeting, a representative of South Sudan's Ministry of Petroleum and Mining (MPM) demanded that Sign of Hope refrain from publishing any allegations against any joint operating oil companies or stakeholders active in the Republic of South Sudan without going through the MPM or it will be deemed to be an act against the Government of South Sudan and a threat to the security of the country” (see: Stieglitz, K., Pamperrien, S. 2016: “Oil, Power and a Sign of Hope”, rüffer & rub, Zürich.)

This directly-issued threat compelled Sign of Hope to relocate its expatriate staff from South Sudan.

6. Recommendations

The United Nations Human Rights Council should urge the Government of South Sudan to immediately and unconditionally assure each human being in the country of having unimpeded access to clean drinking water.

The Human Rights Council should call upon the Government of South Sudan to comprehensively inform the population affected by the oil-related contamination of the drinking water issuing from the upper aquifer of this poisoning's causes and effects.

The Human Rights Council is to request of the Government of South Sudan the publishing of all Environmental Impact, Social Impact and Strategic Environmental Assessments; the carrying out of a comprehensive social and environmental audit of petroleum exploration, extraction, production and transportation in the country; and the taking of measures leading to a desisting of the pollution of the upper aquifer's water layer, to the remediation of the environment, and to the compensation of the people affected for damages to their lives and livelihoods, as stipulated in South Sudan's Petroleum Act of 2012.

The Human Rights Council is to urge the Government of South Sudan to establish an institution that operates either entirely independently or is attached to the country's Chamber of Auditors or to its Anti-Corruption Commission. This body's brief will be to publish petroleum-related information. The Human Rights Council is also to urge the Government of South Sudan to invite independent third party investigators to comprehensively assess petroleum-related activities while this body is in the process of being set up.

The Human Rights Council is to ask the Government of South Sudan to assess the health of the population affected by the consequences of oil exploration and production. The Government is also to make sure that those humans who have been poisoned by oil exploration and production immediately receive the appropriate medical treatment.

The Human Rights Council is to call upon the Government of South Sudan to stop harassing human rights defenders and to refrain from making threats against any person or organization that exerts its rights of free speech.