

Shell to pay \$111 million for 1970 Niger Delta oil spills

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The energy giant has agreed to compensate communities in the oil-producing Ogoniland part of Nigeria for the pollution. Shell still denies responsibility but the people who took the company to court feel vindicated.

A Dutch court had ruled in January that Shell had polluted the Niger Delta in southern Nigeria and ordered the Anglo-Dutch energy giant to pay compensation.

Lawyers for company and the affected communities on August 11 confirmed the decision by the Nigerian subsidiary of Royal Dutch Shell Plc on compensation of \$111 million (€94,9 million), news agency AFP reported. The company however maintained that the spills were caused by third parties during the [civil war in Nigeria](#).

Lucius Nwosu, a lawyer for the Ejama-Ebubu community in Ogoniland, Rivers State told AFP: "They ran out of tricks and decided to come to terms."

The communities have been caught up in the court case against Shell since 1991. "The decision is a vindication of the resoluteness of the community for justice," Nwosu said..



Ken Saro-Wiwa and eight other Ogoni activists were executed by the then military dictatorship of Nigeria in 1995 for speaking out against Shell over oil pollution. *Image: dpa*
The Movement for the Survival of the Ogoni People (MOSOP) said it saw the offer of compensation as "confirmation of the issues we have raised about Shell's environmental devastation of Ogoni and the need for proper remediation of the land."

Ogoni environmental activist Nnimmo Bassey told DW lauded the people affected by the oil spills for being "very persistent" in their case against Shell. "The extent of pollution in the Niger Delta is massive and having to wait for 30 years before the case is ended has tried the patience of the people. We really have to applaud the people for this."

Niger Delta environmental rights campaigner Kentebe Eberiado said he saw the outcome of the case as a "wake up call" for multinationals. "It has opened the floodgate for more communities in the Niger Delta to seek redress for the environmental monstrosity that has devastated them in the past 50 years," he told DW.

A ruling earlier this year [by an appeals court in the Netherlands](#) — in favor of Milieudefensie/Friends of the Earth Netherlands and four Nigerian farmers — was heralded by some as justice.

The court delivered its judgment at the end of a long-running civil case. The farmers were seeking financial compensation and a cleanup by Shell for [pollution caused by pipelines leaking oil](#) into the Niger Delta.

'Finally justice'

"Shell Nigeria is sentenced to compensate farmers for damages," the court said. The bench added that parent company Royal Dutch Shell was also liable to install detection equipment that could prevent future damage on the Oruma pipeline, the site of a significant number of the spills.

"After years of litigation there is finally justice for many of my clients," said Channa Samkalden, the lawyer for Milieudefensie and the Nigerian farmers.

This is a sentiment also shared by Eric Dooh, one of the farmers.

"Finally, there is some justice for the Nigerian people suffering the consequences of Shell's oil," Dooh told DW.

For Donald Pols, Milieudefensie director, it was "fantastic news for the affected farmers. It is enormous that Shell has to compensate for the damage."

It may well be that justice has indeed been served, based on the argument by Pols, who said it was "also a warning for all Dutch transnational corporations involved in injustice worldwide. Victims of environmental pollution, land grabbing or exploitation now have a better chance to win a legal battle against the companies involved."

The question that remains unanswered, however, is whether implementation of the court's ruling will be enough for the afflicted population.



Ogoniland residents believe cleaning up the area will not be enough *Image: picture-alliance/dpa/dpaweb/M. A. Johnson*

Discontent over implementation

Since a United Nations recommendation in 2011 that operations be put in place to clean up the oil spills, the feeling among the [Ogoni Indigenous people](#) is that [little has been done](#).

A popular sentiment remains that the Dutch court ruling would not translate into concrete action.

"The Ogonis are not satisfied with the level of environmental remediation so far," said environmentalist Fyनेface Dumnamene.

While the Nigerian government has acknowledged that the cleanup exercise was not going according to plan, due to the COVID pandemic, it insisted that the process was going on smoothly. This position has been vehemently challenged by some of the Ogoni residents.

"I am not satisfied with the cleanup exercise," said Bemene Tanem, an Ogoniland resident who insisted that reports of a smooth cleanup were "fake news."

"President Muhammadu Buhari actually meant well for the Ogoni people, but for those that are executing the project, they are not doing what they ought to do."

This refers to an ongoing plan to clean up the heart of the country's oil industry, which came after Buhari asked the UN Environment Program to assess the level of oil contamination in 2016.

Shell blames organized crime for oil losses

But some five years later, the UN reported shocking pollution levels.

Delay tactics?

Environmentalists and activists had questioned whether Shell's actions are simply a stalling technique, while they continue to exploit the resources of the region to the detriment of the people and the surrounding environment.

These allegations are founded on the basis of an 2009 decision by Shell Corporation to settle out of court with a group of Ogoni people.

The 2009 settlement of \$15.5 million (€13 million) — which some people described as insufficient to redress the devastating pollution, human rights abuses and misery suffered by millions of Ogoni people over several generations — may have stalled the agitation for a while but did not successfully stop it.

For some people, such as Bemene Tanem, even this year's court ruling ordering Shell to clean up the damage fell short of the demands of the Ogoni people.

"What the Ogoni people are demanding for basically is political emancipation, we have been deprived of our economic rights, despite the huge economic and natural resources God had endowed in our land, we have not benefited from it economically," said Tanem.

The [importance of the people benefiting economically from any projects](#) being carried out is further articulated by Legborsi Yaamabana, a journalist and Ogoni resident.

"What we just want to see in Ogoni is an improvement in the socioeconomic and environmental life of the Ogoni people ... that even the present attempt to clean the area have to march with a socioeconomic recovery," he told DW.



The Dutch court ordered Shell to install detection equipment that could prevent future damage *Image: Mike Corder/AP Photo/picture alliance*

These sentiments are not shared by Sunny Zorva, a former MOSOP spokesman, who sees the current steps being taken as huge milestones in the right direction.

"Individuals will benefit, the community will benefit, the government will benefit, and, in fact, the companies that will later come to do some work in the area will also benefit ... after the cleanup, the water will be restored, the aquatic life will be restored, farmland will be restored for farmers to continue their fishing and farming," said Zorva.

Allegations of corruption

The optimism shared by some of the people is dampened by growing allegations that, while Shell claims to have done significant work in cleaning up the Ogoni environment, the governing council and board of trustees — known as HYPREP — set up by the Nigerian government to oversee the cleanup process has been mired in allegations of corruption.

"The project started without the implementation of the emergency measures recommended by the UN Environment Program. These measures include the provision of potable drinking water for the people and of course the provision of issues around livelihood, including the building of a contaminated soil management center," said environmentalist Fyneface Dumnamene.

Some feel that such allegations [will not go down well with the people](#). For those who have been involved in the ongoing campaign for better living conditions, any actions by HYPREP that do not conform with people's expectations will be opposed.

"Any report of corruption in HYPREP will be seriously resisted," said Zorva. "The people are not happy about it, because it's about their life, it's about their environment."



Illegal refineries have also contributed to the problem *Image: Getty Images/AFP/P. U. Ekpei*

Hope on the horizon

There is, however, a high degree of optimism among experts and Ogoni residents.

After Buhari's administration apologized for the delay in the cleanup, the work resumed in earnest and 17 sites were certified as having being cleaned.

There was a sense that keeping their promise would also work to the government's advantage, as it would also benefit from a clean Ogoniland environment.

"They said Ogoni people are volatile or violent — it's because they do not have jobs, they do not have enough to eat," said Zorva. "But when these things are back, there will be security in the place, even the government will benefit."

The UN has estimated that the entire effort to reverse the shocking levels of pollution caused by oil spills could take as long as 30 years.

Such a long time frame is to be expected, given the extent of damage wrought by decades of Shell's destruction of the environment.

Shell has faced other legal action linked to its operations in Nigeria in Dutch court. The widows of four Nigerian activists executed by the military regime of General Sani Abacha in the 1990s have accused Shell of complicity in their deaths. Those men were ultimately hanged by Nigeria's former military regime in 1995, [along with activist Ken Saro-Wiwa](#), for fighting for the rights of the Ogoni.



[Oil spills keep devastating Niger Delta](#)

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[Shell to clean up 2008 Niger Delta oil spills](#)

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