

# Nigerian farmers win hollow legal victory against Shell for oil spillages

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In a case that has taken 13 years to reach a conclusion, the Dutch Court of Appeal has ruled that the Nigerian subsidiary of Royal Dutch Shell—the Anglo-Dutch oil giant is headquartered in the Netherlands—is liable for oil spills in the Niger Delta in Nigeria between 2004 and 2007.

While Shell had argued that saboteurs were responsible for leaks in underground oil pipes that have polluted the delta, the court ruled that while sabotage was the most likely cause in two of the villages, this had not been established beyond reasonable doubt. By allowing the leaks to occur and failing to clean up the contaminated area, Shell's Nigerian subsidiary had acted unlawfully and was liable for the damage.

The court ordered Shell Nigeria to pay compensation for the massive oil spills that have caused widespread pollution and ruined Nigerian farms, with the amount of compensation to be decided later. It ordered the company to start purifying the contaminated water within weeks and to install a leak detection system to a pipeline that caused one of the spills. Shell may yet appeal to the Dutch Supreme Court.

Environmental and human rights activists have hailed the decision as ground-breaking, enabling cases to be brought against transnational corporations in the country where they are headquartered and making it harder for the parent company to “walk away from trouble” caused by overseas subsidiaries.

Such optimism is belied both by Shell and other oil corporations' record in Nigeria and the outcome of previous court rulings that, without any mechanisms to enforce their decisions, have achieved little in practice.

Shell, with its deep pockets, have long sought to evade responsibility via lengthy legal proceedings, many of them in UK courts, for their part in regular oil spills on the Niger Delta that have ruined the livelihoods of local people. Even when courts find against Shell, the oil giant

manages to manoeuvre its way out of its obligations.

In 2015, Shell accepted responsibility for the oil spills of Bodo, Ogoniland, in 2008 and 2009 and agreed to pay the people of Bodo \$83.4 million, far less than their original demand of \$454.9 million, but the oil spills have yet to be cleaned.

Just last month, the Nigerian authorities moved to seize \$479 million worth of assets belonging to the country's third largest bank that had acted as Shell's guarantor after a judge in 2010 ordered the company to pay damages to the Ejama-Ebubu community for polluting its land, as Shell had failed to pay up.

This latest case was initiated in 2008 by four farmers from the villages of Oruma, Goi and Ikot Ada Udo and the environmental campaign group Friends of the Earth to obtain reparations for their loss of income due the contamination of the land and waterways by oil spillages.

Now, 13 years later, any compensation, when or if it comes, will be too late for some of the plaintiffs. Two had died while a third, Fidelis Oguru, an 80-year-old farmer from Oruma, is now blind. Oguru told *Al Jazeera* that oil leaks from pipelines had devastated farmland and waterways in the region, poisoning their crops of cassava and plantain and eroding their livelihoods. All their appeals to the Shell Petroleum Development Company (SPDC), Royal Dutch Shell's Nigerian subsidiary, for compensation and environmental clean-up had fallen on deaf ears.

Shell first discovered oil in the delta in 1956, some 20 years after being granted a licence while Nigeria was still a British colony, and started exporting in 1958, two years before independence. The largest oil company in Nigeria, it accounts for more than 21 percent of the country's oil production with dozens of oilfields, over 6,000 km of pipelines, 87 flow stations, eight gas plants and more than 1,000 wells in the region. More recent entrants, such as Chevron, ExxonMobil, Total and Italy's ENI, have many

of their installations located offshore in the Gulf of Guinea.

Nigeria is Africa's largest oil producer, producing 101.4 million metric tons in 2019—generating the overwhelming majority of the government's revenue and almost all its foreign exchange—making the country's politicians dependent on the oil companies and their imperialist backers in Washington and London, as the release of a cache of secret diplomatic cables by WikiLeaks in 2010 revealed.

The impact of the oil corporations, their imperialist sponsors and successive generations of Nigeria's venal elite that rule over the country on their behalf has been devastating, producing civil wars and conflicts, brutal military dictatorships and grinding poverty.

Most of the oil reserves lay in the eastern region that secessionists claimed for themselves when they declared the Republic of Biafra in 1967 as rival ethnic groups vied for power. Some 100,000 people died in the two and a half years of war that ensued, while between 500,000 and 2 million Biafran civilians died of starvation, due to the blockade imposed by Nigeria's federal government.

As oil prices rose tenfold following two oil shocks in the 1970s and early 1980s, the naira, Nigeria's currency rose in value, making imports cheaper relative to locally produced goods, undercutting domestic industries and businesses. Nigeria once had a thriving textile industry in the northern part of the country, with around 175 mills. Now there are just 25, operating at 40 percent capacity, and half a million farmers who used to grow cotton for the mills no longer do so.

According to the International Monetary Fund, between the late 1960s and the late 1990s, oil generated about \$350 billion for Nigeria, making the oil companies and Nigeria's kleptocrats phenomenally rich, while the number living in poverty—on less than a dollar a day—rose from 36 percent to 70 percent and GDP per capita fell from \$1,113 to \$1,084. According to a recent Oxfam report, lifting all those living below the extreme poverty line for one year would cost about \$24 billion, an amount just lower than the \$29.9 billion owned by the five richest Nigerians in 2016.

From the earliest days, Shell's impact on the local environment caused deep concern and resentment. There have been numerous oil spills and gas flares which emit a deadly poison burning 24 hours a day, some of them for the last 30 years.

In the 1990s, as the protests grew against pollution, Shell called on Nigeria's venal military government to

provide "security protection" for its operations. It supplied the security forces with the cash, transportation and even weapons to carry out a brutal crackdown that raided about 27 Ogoni villages, causing the deaths of 2,000 people, the forced displacement of 80,000 and the use of rape and torture to intimidate the population.

This reign of terror culminated in the execution of writer and activist Ken Saro-Wiwa and eight other men, known as the Ogoni Nine. A report by Amnesty International in 2017 that reviewed internal Shell documents, government reports, witness statements, archival material and other evidence accused the company of complicity in murder, rape and torture committed by the Nigerian government.

Gas flares pollute the atmosphere resulting in acid rain and respiratory problems in the surrounding community, which in 2005, in Bayelsa state alone, caused 5,000 cases of respiratory diseases and 120,000 asthma attacks and forced thousands to escape the pollution by heading for the ghettos of Port Harcourt and Lagos. The villagers live with the constant noise of the flare, and the area is covered in thick soot, which contaminates water supplies when it rains.

Shell's pipelines pass above ground through villages and over what was once agricultural land. According to a US diplomatic cable released by WikiLeaks, three-quarters of pipelines in 2008 were more than a decade overdue for replacement, with some that had a 15-year life expectancy still operating after 30 years. There have been numerous pipeline explosions that have killed thousands of people, none of which have led to any sanctions against the company.

Nigeria's entire history since independence from Britain in 1960, no less than other countries in Asia and Africa, makes clear that the Nigerian ruling elite serve as little more than security agents for the transnational corporations that loot and plunder the country's rich resources. Only the working class, based on a socialist and internationalist perspective, can lead the fight to ensure that society is reorganised to serve social need not private profit.



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