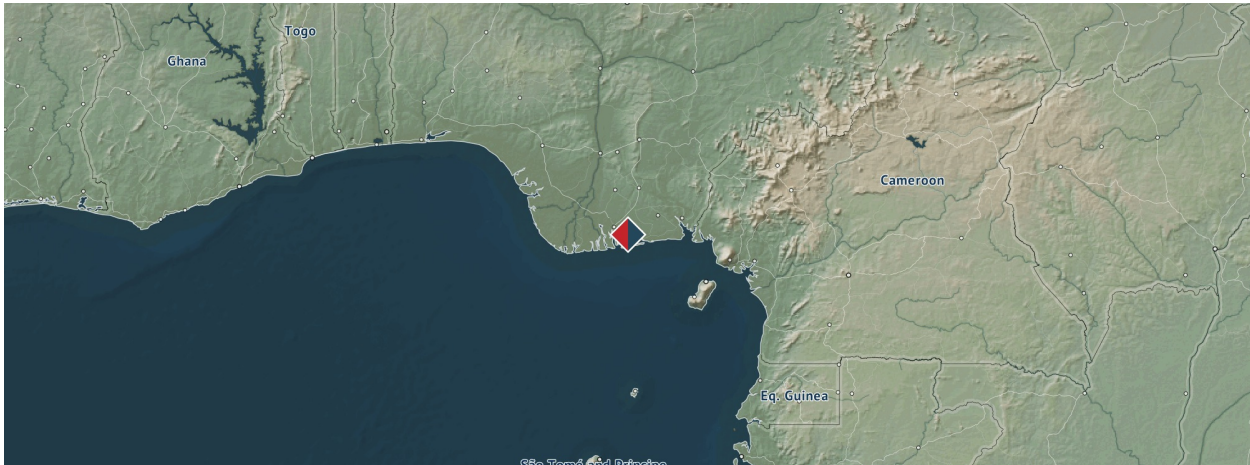




Conflict Factsheet

Niger Delta, Nigeria: Shell's Pollution

Type of conflict Sub	Intensity 4
Conflict Locality Western Africa	Time 1950 –ongoing
Countries Nigeria	Resources Fish, Biodiversity, Air (Pollution), Agricultural / Pastoral Land, Water

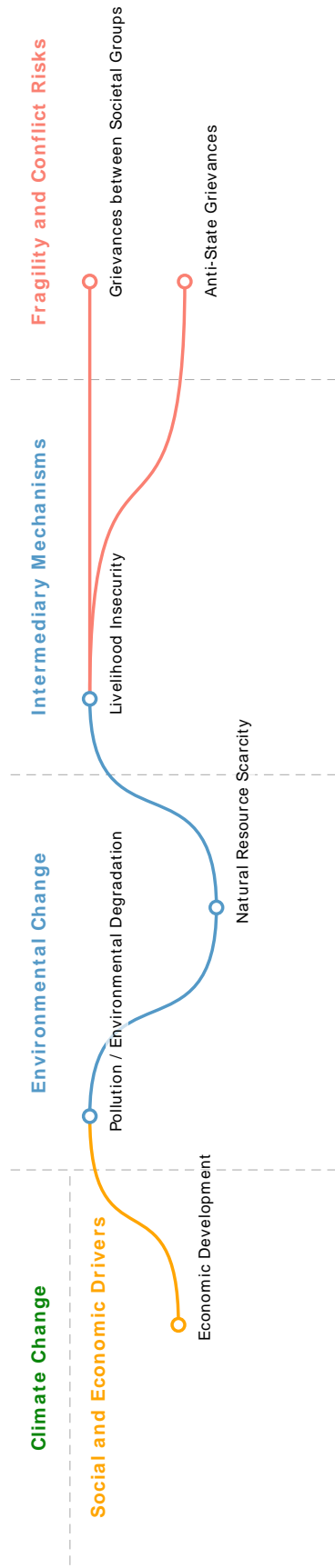


Conflict Summary

Shell's oil-exploitation activities in the Niger Delta in Nigeria have been destroying the ecosystem and livelihood of the population since the 1950s. After pushing for justice for years through the Nigerian judicial system, some local communities have turned their attention towards courts in the United Kingdom (UK).



Conceptual Model



Context Factors



Fish, Biodiversity, Air (Pollution), Agricultural / Pastoral Land, Water

Unresponsive Government



Conflict History

The Niger Delta has one of the richest biodiversity in West Africa. Rich in fish resources and diverse in flora and fauna, it is home to a large number of ethnic groups – including the Ogonis and the Gokanas – who are dependent on the natural resources of the region for their livelihood (ICE, 1997; Collins et al., 2008). Since the 1950s, and the discovery of oil on the Ogoni territory in the Niger Delta, the methods by which Shell, supported by the Nigerian government, has been exploiting oil has come at the expense of the population and the environment. Since the 1990s, the population has been protesting to demand reparations for the damages, and the movement caught the attention of the international community in 1993. Nevertheless, Shell continued its activities, and the Nigerian Government's attempts to contain the protest movement have, inter alia, resulted in approximately 2000 fatalities between 1993 and 1999 (Nnadozie, 1996) (See [Livelihood Conflicts in the Niger Delta, Nigeria](#)). The failure of the Nigerian Government to protect its population and the international dimension of the conflict have led communities to turn to UK courts to demand reparations, which they have so far been unable to obtain through the Nigerian system.

Peaceful demonstrations against pollution

To protest against the pollution of their environment and demand reparation to Shell for the damages, the Movement for the Survival of the Ogoni People (MOSOP) in 1990 started peaceful demonstrations under the leadership of the writer and activist Ken Saro-Wiwa (Obi, 2009). However, the protests did not have any impact on Shell's activities. Despite the fact that Nigerian legislation prohibits gas flaring, Shell did not stop its practices. The circumstances under which the Nigerian Government granted the company permits to continue gas flaring were not transparent (CETIM and ERA/FoEN, 2014). Considering the major economic impact of oil on the Nigerian economy, the Nigerian Government turned a blind eye on Shell's polluting activities and enabled it to bypass existing Nigerian environmental regulations (Ibid.).

In 1993, the conflict reached another dimension as 300,000 Ogonis gathered to protest against Shell's activities. The high profile of the leader Ken Saro-Wiwa as well as the non-violent actions of the MOSOP raised international awareness of the movement and enabled it to attract sympathy from the international community (ICE, 1997; Naagbanton, 2014). Several international organisations denounced the harassment and killings of Ogonis operated by the Government to prevent the movement from spilling to other communities (Essential Action, 1999).

Government's repression causes strong reaction from the international community

Following this attention, Shell stopped its activities in 1993 and withdrew from Ogoniland. Nevertheless, Shell's pipelines have continued polluting soils and waters in Ogoniland since then (Nnadozie, 1996). Whilst Saro-Wiwa continued conducting its international awareness-campaign, he was arrested by the Nigerian authorities and arbitrarily charged with murder by a federal military tribunal (ICE, 1997). Saro-Wiwa was executed in 1995 along with eight other MOSOP members, "in the purview of the country's domestic judicial system" according to the Nigerian government (Ibid.). The execution was followed by a strong reaction from NGOs and the international community.



Amongst the sanctions imposed, Nigeria was suspended from the Commonwealth, the EU called to impose economic sanctions, and a number of protests were conducted by students in Nigeria and by international organisations, such as Amnesty international, abroad. The international awareness created by Saro-Wiwa and by the MOSOP on the degradation of the Ogoniland shed light on the broader environmental degradation that the numerous ethnic groups in Niger Delta are facing. On average, hundreds of spills happen in the Niger Delta every year (Vidal, 2015). In 2008 and 2009, the village of Bodo in Gokana land witnessed major oil spills into the creek. Shell subsequently repaired the pipelines but did not clean the spill (Naagbantou, 2014).

International bodies urge Nigeria to act against environmental degradation

After the international outcry which followed the execution of Ken Saro-Wiwa, international bodies such as the UN in 1998 and the African Commission in 2001 have published reports and conducted investigations in the Delta (Essential Action; Amnesty International, 2011). Alarmed by what the African Commission assessed as being “pollution and environmental degradation to a level humanly unacceptable”, they urged Nigeria and Shell to take actions to remedy to the environmental degradation caused (Ibid.). The election of Obasanjo as the president of Nigeria in 1996 was a turning point (Nnadozie, 1996). The President invited Ogoni representatives to Abuja and requested an environmental impact assessment to be conducted in Niger Delta (Ibid.). Meanwhile, other groups such as the Bodo Community from Gokana approached lawyers and have been pushing for justice since (Amnesty International, 2011).

Nevertheless, despite the reports and the attempts at legal resolution, neither the Nigerian Government nor Shell took actions to remedy the situation (Vidal, 2015). Even though both the Nigerian government and Shell committed to complying with the recommendations of the EIA conducted by UNEP, both are yet to engage in cleaning-up operations (Ibid.). Shell committed to stopping gas flaring in 2008, but has not put an end to its activities yet (CETIM and ERA/FoEN, 2014). It keeps postponing the deadline and blames the insecurity in the Delta caused by local communities for the delay (Ibid.). Similarly in Bodo, the population is still awaiting cleaning-up operations: “They keep telling, Shell is coming soon, but Shell has not come” (Amnesty International, 2011). In 2014, following a campaign led by the Nigeria’s civil society, Shell and the Nigerian Government pledged money and started cleaning-up operations in Ogoniland (Shoraka, 2015). Yet, it is still too early to assess the impact of these actions.

Resolution Efforts

Impediments preventing communities from getting reparations

Despite several reports led by international organisations and legal efforts by the affected communities to receive reparations from Shell, the polluter could not yet be compelled to take action. Several factors can explain why:

1) First comes the failure of the international community to apply the sanctions imposed on Nigeria after 1995 (Human Rights Watch, 1999). For instance, although the Commonwealth Ministerial Action



Group (CMAG) recommended sanctions against Nigeria, the country was only suspended from the Commonwealth but was not expelled (*Ibid.*). As for the European Union, the European Parliament called for an oil embargo on Nigeria; nonetheless no sanctions were adopted after 1995 (*Ibid.*).

2) The second factor relates to the judiciary in Nigeria. It is often very costly for communities to go to court, there are often delays and Nigerian courts have faced problems in trying to compel Shell to disclose information (*Amnesty International, 2011*). Moreover, Nigerian law states that oil companies must pay compensation to communities for the damages they cause unless the spills have been caused by sabotage (*Ibid.*). Shell used this argument and attributed the spills in Ogoniland and in Bodo “to unknown third parties” (*Ibid.*). Above all, as a source from an oil company revealed, Nigerian courts have the tendency to side with oil companies (*Vidal, 2015*).

3) The last impediment to action concerns the Nigerian Government’s capacity. Not only has the Nigerian government failed to ensure that Shell abides by the Nigerian environmental regulations, the government is also lacking the practical skills to enforce the EIA requirements (*Collins et al., 2008*). These hindering factors, coupled with the lack of trust of the population towards Shell and the Government, have made the communities understand that they would not be able to secure “adequate compensation” from the Nigerian system (*Amnesty International, 2011*). In fact, it was only when communities in Bodo approached lawyers in the UK in 2009 that Shell agreed to negotiate - the company had never replied to any of the grievances from the communities’ Nigerian lawyers (*Ibid.*). Shell blamed the communities and argued that spills were caused by oil theft, whereas investigations by various civil society organisations denied these accusations. (*Shoraka, 2015*). The awareness of the drawbacks in the Nigerian system and the lack of trust in Shell’s assessments and reports led the communities to turn to UK courts (*Ibid.*).

UK courts sentence Shell to pay reparations

In January 2015, a UK court ruled in favour of the communities and sentenced Shell to pay £55 million to the Bodo population to compensate them for the two oil spills which destroyed their livelihood (*Ibid.*). The case of the Bodo population is only one out of many and justice has not been done to all communities in the region. However, this trial marks a turning point in years of impunity for Shell. The decision creates a precedent and led to similar decisions in the rest of the Delta. It arrives in the year of the 20th anniversary of the execution of Ken Saro-Wiwa, which organisations aim to use to push for further actions (*Ibid.*). The combined effect could lead to an acceleration of clean-up operations in the Niger Delta. According to the UNEP EIA report, thirty years would be necessary to ensure recovery of the ecosystem (*UNEP, 2011*). To conclude, after years pushing for justice, one ethnic group – from Bodo – has created a new turning point by appealing to the UK justice to settle the long-lasting conflict with Shell. Whilst the population did not succeed in receiving reparations from the Nigerian system, the UK court of justice sentenced Shell to compensate the Bodo community for the destruction of their livelihood. This puts an end to years of pollution in the region with impunity and could pave the way to an acceleration of clean-up operations in the Delta.



Intensities & Influences



INTENSITIES

International / Geopolitical Intensity

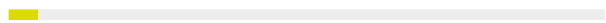


Human Suffering

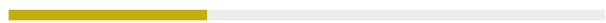


INFLUENCES

Environmental Influences



Societal Influences



Diplomatic Crisis

No diplomatic crisis



Violent Conflict

Yes



Salience with nation

Regional



Mass displacement

Less than 100.000 and less than 10% of the country's population are displaced within the country.



Cross Border Mass Displacement

No



Resolution Success

Reduction in Violence

Violence reduced significantly, but did not cede.

Resolve of displacement problems

Displacement continues to cause discontent and/or other problems.

Reduction in geographical scope

There has been no reduction in geographical scope.

Increased capacity to address grievance in the future

The capacity to address grievances in the future has increased.

Grievance Resolution

Grievances have been mostly addressed.

Causal Attribution of Decrease in Conflict Intensity

Decrease in conflict intensity at least partially the result of conflict resolution strategies.



Entry Points for Resilience and Peace Building

Mediation & arbitration

1

Following the execution of Ken Saro-Wiwa, the leader of the Ogoni movement, by the Nigerian authorities, the country was suspended from the Commonwealth and the EU called to impose economic sanctions. The international community urged Nigeria and Shell to take actions to remedy the environmental degradation in the area. However, the international community failed to apply said sanctions and neither the Nigerian Government nor Shell took actions to remedy the situation.

Compensation

2

Due to the weak judiciary system in Nigeria, affected communities did not receive reparations from Shell despite several legal efforts. Thus, one ethnic group appealed to the UK justice to settle the long-lasting conflict with Shell. The UK court of justice eventually sentenced Shell to compensate the Bodo community for the destruction of their livelihood.

Environmental restoration & protection

1

There have been a series of attempts towards environmental restoration as a result of public and international pressure. In 2008, Shell committed to stopping gas flaring, but has not yet put an end to its activities. After the village of Bodo witnessed major oil spills, Shell repaired the pipelines but did not clean up the spill. Finally, in 2014 Shell and the Nigerian government pledged money and started cleaning-up operations in Ogoniland. The impacts of these actions have not yet been assessed. A strengthening of the government's capacity is imperative in order to ensure that Shell abides by Nigerian environmental regulations.

Promoting social change

3

The Movement for the Survival of the Ogoni People (MOSOP) started peaceful demonstrations in 1990, demanding reparation from Shell for the pollution damages to their environment. The conflict gained international attention in 1993 when 300,000 Ogonis gathered to protest. Several international organizations denounced the harassment and killings of Ogonis by Nigerian authorities. Following this attention, Shell stopped its activities in 1993 and withdrew from Ogoniland. Nevertheless, Shell's pipelines have continued polluting soils and waters in Ogoniland.



Resources and Materials

Conflict References

[Livelihood Conflicts in the Niger Delta, Nigeria](#)

References with URL

[Amnesty International \(2011\). The true "Tragedy": Delays and Failures in Tackling Oil Spills in the Niger Delta.](#)

[Europe-Third World Centre \(CETIM\) and Environmental Rights Action/Friends of the Earth Nigeria \(ERA/FoEN\). \(2014\). Cases of Environmental Human Rights Violations by Shell in Nigeria's Niger Delta.](#)

[Collins N. C. Ugochukwu, Jürgen Ertel. \(2008\). Negative impacts of oil exploration on biodiversity management in the Niger Delta area of Nigeria. Impact Assessment and Project Appraisal, 26:2, 139-147.](#)

[Essential Action. \(1999\) Shell in Nigeria: What are the issues?](#)

[Inventory of Conflict & Environment \(ICE\). \(1997\). Ogoni and Nigeria conflict over Oil.](#)

[Human Rights Watch. \(1999\). The role of the international community.](#)

[Naagbantou, P. \(2014\). The Spirit of Saro-Wiwa rises. New Internationalist. Retrieved 13.03.2015.](#)

[Nnadozie, E. \(1996\). The curse of oil in Ogoni land in Oil and Socioeconomic.](#)

[Obi, C. \(2009\). Nigeria's Niger Delta: Understanding the Complex Drivers of Violent Oil-related Conflict. Africa Development, Vol. XXXIV, No 2, 103-128.](#)

[Shoraka, S. \(2015\). Shell still avoiding oil spill justice. New Internationalist. Retrieved 13.03.2015.](#)

[United Nations Environment Programme. \(2011\). Environmental Assessment of Ogoniland.](#)

[Vidal, J. \(2015a\). Niger delta communities to sue Shell in London for oil spill compensation. The Guardian. Retrieved March 3, 2015.](#)

[Vidal, J. \(2015b\). Shell announces £55m payout for Nigeria oil spills. The Guardian. Retrieved March 3, 2015.](#)

Further information

<https://factbook.ecc-platform.org/conflicts/niger-delta-nigeria-shells-pollution-punished>