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ENI and the Nigerian Ikebiri case

Press briefing – May 4th 2017

Friends of the Earth Nigeria and Friends of the Earth Europe will be supporting the community of Ikebiri for their court case against ENI in Milan, Italy, seeking clean-up and compensation for the pollution that ENI has brought to their land in the Niger Delta. The King of Ikebiri is the plaintiff, and the lawyers representing them are Luca Saltalamacchia, with Chima Williams from ERA supporting from Nigeria. Friends of the Earth Nigeria/ERA have open lines to the King and members of the community aware of the case.

The Ikebiri Community, and oil spill

The Ikebiri community comprises several villages in the State of Bayelsa, Nigeria. The community's main economic activities include palm-wine tapping, canoe carving, fishing, farming, animal trapping and traditional medical practices.

On the 5th of April 2010 an oil pipeline operated by ENI's Nigerian operation, the [Nigerian Agip Oil Company \(NAOC\)](#) burst 250 metres from a creek north of the Ikebiri community. The spill affected the creek, fishing ponds and trees essential to the local community, damaging the livelihoods of the local community.

On the 11th April 2010 a joint inspection visit led by NAOC cited "equipment failure" as the cause of the spill, for which NAOC/ENI are liable. NAOC operates seven wells and eight pipe lines with several flow lines in the area. The leak was closed, and the surrounding polluted area of bush was burnt without the consent of the local community. This is common practice, but is an inadequate, dangerous and polluting method for cleaning up oil. No other clean-up has taken place since.

The Ikebiri Community has engaged in discussions with NAOC/ENI for emergency relief materials and compensation. An initial payment of 2 million naira (approximately €6,000 at 2017 exchange rates) was made to the community for relief materials. However, to date, the community has received no compensation for damages as a result of the spill. An initial offer of 4.5 million naira (approximately €14,000 at 2017 exchange rates) was rejected by the community as insufficient, and ENI have since discontinued discussions with the community regarding compensation.

Emilia Matthew, local resident of the Ikebiri community said: *I am sick and we don't know what to resort to when experiencing illness. Fishing, which has been our means of livelihood is now threatened; it is no longer productive due to the river being polluted by oil spills. The fish in our fish ponds in the swamps/bush too have all been killed by crude oil. So, we have lost our fish ponds. The vegetables we plant within the community, some of which are medicinal and we use in treating ourselves are also affected by crude oil.*

What happens now?

The community, through their lawyer in Italy, have engaged in good faith with both ENI and NAOC, including a meeting in Abuja, Nigeria. However, despite repeated requests to have their need for compensation and clean up addressed, no offers of clean-up or satisfactory compensation have been made. The community and their lawyer have now decided to take their case to Italy.

What is the significance of this case?

The oil company at fault in this case is the Italian oil major ENI. This case is unprecedented in Italy, and if successful will be the first instance of an Italian company having to face justice in Italy for its actions in destroying the environment overseas. It will help end the impunity from justice that ENI have enjoyed and offer hope to others who have suffered damages as a result of pollution from oil wells or pipelines operated by ENI.

What is the role of Environmental Rights Action/Friends of the Earth Nigeria?

Environmental Rights Action/Friends of the Earth Nigeria are supporting the community in taking their case to court in Italy. Friends of the Earth Nigeria have been working to end the destruction of oil pollution in the Niger Delta since 1993 and support communities to highlight the destruction that the industry has caused to the health, livelihoods and environment.

What is the role of Friends of the Earth Europe?

Friends of the Earth Europe is supporting Environmental Rights Action/Friends of the Earth Nigeria in their work with the Ikebiri community, and has supported Friends of the Earth Nigeria in their struggle to end oil pollution in the Delta and their efforts to get justice from the oil industry for many years.

Details of the legal case

The Ikebiri community, from Bayelsa state, Nigeria, have launched a legal case against the Italian oil giant ENI, in the Italian courts, seeking clean up and compensation for damages from an oil spill which has affected their community in the Niger Delta.

The King of Ikebiri (the plaintiff), supported by Friends of the Earth Europe and Friends of the Earth Nigeria, is calling for adequate compensation and clean-up of an oil spill dating back to 2010, which has yet to be addressed. The Italian oil giant ENI, which operates in Nigeria through its subsidiary Nigerian Agip Oil Company (NAOC), is responsible for the spill, caused by equipment failure.

Despite several attempts by the community to obtain compensation and clean up from the company the company has failed to adequately deal with the communities concerns and the community has no choice other than to seek redress from the courts.

Damages:

- NAOC have offered 4.5 million Nigerian naira (approximately €14,000 at 2017 exchange rates). The damages being pursued take as a benchmark the Agbara vs Shell case where the court decided the community were entitled to compensation of 39,159,000 Naira per hectare. Using this figure the community are seeking damages of 689,198,400 Naira, approximately € 2 million.
- NAOC claim the polluted area is 9 hectares, but now we know from survey carried out by an expert that the polluted area is much wider, at least 17.6 hectares while pollution has been found as much as 2km away from the site of the spill.

The summons cannot be made public until the judge responsible for the case has formally acknowledged it, as is customary in Italian courts. Documents and evidence upon which the summons is based can be provided upon request.

These include the [inspection report from the spill site](#), [survey maps of the area](#), soil analysis from the spill site, and environmental and sustainability guidelines for oil industry actors in Nigeria.

Why is the case being taken in Italy?

Italy is the home of ENI, the company ultimately responsible for the oil spill in Ikebiri and who profit from oil production in Nigeria. It is time to end impunity and ensure that those with the real power to ensure an end to the neglect of oil infrastructure are forced to take action.

In addition, the Plaintiffs have not brought their case to a Nigerian Court because of lack of access to justice, and poor enforcement in Nigeria, even in the event of a legal victory. For example, on 14th November 2005, the Benin Judicial Division of the Federal Court of Nigeria issued a judgment confirming that gas flaring violates the right to life and dignity of person. The court ordered the defendants, Shell and NNPC to take immediate steps to stop gas flaring in the community. To date this judgement has still not been enforced.

Nigeria: one of the most polluted places on the planet

Oil extraction has been taking place in Nigeria since the 1950s. Decades of oil spills and gas flaring continue to leave a vast legacy of destruction, destroying the health, the livelihoods and the environment of the people of the Niger Delta.

The Niger Delta is the 5th most oil polluted place on the planet with the equivalent of 50 Exxon Valdez's already spilt by 2006 and more spills every week. In 2011 the United Nations Environment Programme published a study of Ogoniland, one of the states of the Niger Delta and found that the people of Ogoniland have "been living with chronic pollution all their lives" that soil, and water from which people drank, were severely contaminated and that clean up would take 25 to 30 years.

A similar report has yet to be carried out on the state of Bayelsa, where the Ikebiri community is located. Their plight has yet to be comprehensively recorded.

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