



Bodo resident John Sunday Belbari at what used to be his fishponds, July 2011.

11,000 Nigerians sue Shell in London Courts

22 March 2012

Leigh Day have confirmed that they have filed papers at the High Court in London on Friday 23 March 2012 after negotiations with Shell over the payment of compensation for two massive oil spills broke down.

The legal action, on behalf of 11,000 members of the Bodo community, represents the first time Shell or any Oil Company has faced claims in the UK from a community from the developing world for environmental damage caused by its oil extraction operations.

Lawyers now await a Court hearing in around a month's time to determine the timetable for the case and for Shell's response to the legal arguments presented by the legal team representing the community.

In August 2011 Shell admitted liability following two massive oil spills in the Niger Delta, which experts have advised amounted to about 500,000 barrels from a Shell pipeline in 2008. The oil devastated the environment surrounding the community of Bodo [1], in Gokana Local Government Area, Rivers State, Nigeria.

Leigh Day & Co represents the Bodo Community and is bringing the mutli-million pound claim, coupled with a demand for clean up of the oil spills, against Shell Petroleum Development Company (Nigeria) Ltd in the High Court, in London.

The Bodo community is a rural coastal settlement which now consists of 49,000 people who live in 35 villages. The majority of its inhabitants are subsistence fishermen and farmers.

Expert evidence shows the spills to have devastated over 90 square kilometres of the local land, mangroves and waterways, estimated to be equivalent to the amount of coastline affected by the BP Deepwater Horizon disaster.

Of particular import has been the devastating effect of the oil on the fish in the area which has been so bad that the local fishing industry has almost entirely ground to a halt. This in turn has led to wide spread financial

ruin for much of the community.

In August 2011 Shell admitted liability for the two oil spills but not for the amount of oil spilled or the extent of the damage caused and invited Leigh Day to the negotiating table. Lawyers from the law firm hoped that despite this disagreement the oil giant, who last year reported global annual earnings of £18bn, or more than £2m an hour, would agree a compensation package with the devastated and impoverished fishing community, and would reach agreement in relation to the clean-up of the community.

Those negotiations failed last week leaving the people of Bodo uncompensated and the community still devastated by the oil. The lawyers say that legal action is the only avenue left open to them in order to obtain compensation for the impact the spills have had on the community's livelihood. They also hope to ensure that work begins to repair the damage from the oil spills, more than three years after the spills occurred.

Shell say they were informed of the first leak in early October 2008. The community says by this date oil had already been pumping into the creek for approximately six weeks. Even then it took Shell over a month to repair the weld defect in the pipeline.

The second spill occurred in December 2008 and was also the result of equipment failure. It was not capped until February 2009 during which time even greater damage was inflicted upon the creek as an estimated 3,900 barrels of crude oil pumped into the rivers and creeks per day over a period of two months.

The legal action will present evidence from research [2] carried out just before the spills which states that the main river channels in the Bodo creek had no physical trace of oil, were 'near pristine', were rich in fauna and free of hydrocarbons.

Following the two spills, in September 2009, a Post Impact Ecological Assessment study[3] of the oil spillages was carried out on the Bodo creek. This found a severe reduction in the abundance of marine life with shellfish no longer present and fish numbers dramatically reduced.

The United Nations Environment Programme's Environmental Assessment of Ogoniland 2011 has backed up these findings. It surveyed pipelines and visited all oil spill sites including the Bodo creek. It found Hydrocarbon contamination in water in some sites to be 1,000 times higher than permitted under Nigerian drinking water standards.

The lawyer representing the claimants, Martyn Day from Leigh Day & Co, said:

"We are desperately disappointed that the attempts to negotiate a settlement for all those affected have now failed. We had thought that the invitation to sit around the table meant that Shell was taking the impact of the two oil spills seriously. We are now left with the only option of taking the claims through the UK Courts to obtain justice for the people of Bodo.

"One of the most shocking aspects of this case is that by their own admission, instead of shutting down the leaking pipelines when they learnt of the leaks Shell continued pumping oil for weeks causing increasing devastation to Bodo's environment in a flagrant breach of their own policies and of Nigerian law.

"It is hard to believe that Shell would have acted in this way if a spill had occurred in any of their other pipelines on other continents. I have little doubt that in the minds of the Shell executives there is one law for Africa and another law for the rest of the world."

Information was correct at time of publishing. See [terms and conditions](#) for further details.

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Who worked on this case

[Daniel Leader](#)

[Martyn Day](#)

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