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WE WAIT FOR THE PROMISES BUT LIVE WITH THE POLLUTIONS

A community testimony on delayed cleanup, broken commitments
and everyday survival in Ikarama, Bayelsa State

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Ikarama

*has suffered the highest frequency of
crude oil spills of any community
in the Niger Delta.*

*Yet the oil multinationals and the
government have not shown any
commitments to mitigating these spills
nor remediating the polluted lands.
There have always been a collusion
between the government and the IOCs*

--Morris Alagoa

List of Abbreviations



IOC	International Oil Compaay
CSO:	Civil Society Organisation
ENI	Ente Nazionale Indrocarburi “National Hydrocarbons Board”
JTF	Joint Task Force
JIV	Joint Inspection Visits
PIA	Petroleum Industry Act
HCDTF	Host Communities Development Trust Fund
NOSDRA	Nigerian Oil Spill Detection and Remediation Agency
NSCDC	Nigerian Security and Civil Defence Corpse
SPDC	Shell Petroleum Development Company
PAH	Polycyclic Aromatic Hydrocarbons
NUPRC	Nigerian Upstream Petroleum Regulatory Commission
UK	United Kingdom
EU	European Union
SPA	Sales and Purchase Agreements
IWG	International Working Group on Petroleum and Justs Transition in the Niger Delta

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This report was prepared by Peter Mazzi and is based primarily on documented cases of environmental pollution presented during the People’s Tribunal. The report also draws on the research and advocacy work of the International Working Group on Petroleum and Just Transition in the Niger Delta (IWG).

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Executive Summary

This report presents a damning indictment of the systemic environmental and human rights abuses in Ikarama, an oil-rich community in Bayelsa State, Nigeria. Drawing on powerful firsthand testimony from a landmark People’s Tribunal and supporting research, it reveals Ikarama as an epicenter of the Niger Delta’s ecological crisis and a microcosm of the wider environmental and human rights challenges facing oil-producing communities across the region. The findings are based on petitions, sworn testimonies, and documentary evidence presented by affected families and community representatives before an independent panel of jurors. The community, host to Shell and ENI/Agip operations, has been brought to the brink of collapse by relentless oil spills, gas flaring, and fraudulent clean-ups that conceal rather than remove contamination. In practice, commonly used methods such as topsoil turning and “scoop and burn” operations merely bury or disperse contamination, allowing pollutants to re-emerge and resulting in almost no genuine environmental remediation.

A statement from veteran field monitor Comrade Morris Alagoa encapsulates the crisis: “Ikarama has recorded the most frequency of oil spills in the

Niger Delta.” This is not an isolated tragedy but a case study in corporate negligence and state failure. Drawing also on insights from the work of the International Working Group on Petroleum and Just Transition in the Niger Delta (IWG), and reinforcing concerns previously documented by the Bayelsa Environmental Pollution Commission, the paper documents the resulting devastation: the annihilation of traditional livelihoods (fishing and farming), an increasing public health crisis including suspected cancer clusters, and the erosion of social cohesion. The community has also called for an independent medical audit to determine the long-term health impacts of prolonged exposure to oil pollution. Despite decades of protests and documentation, a culture of impunity persists, fuelled by inadequate regulation, the militarization of the oilfields, and corporate tactics that prioritize profit over people and planet.

With international oil companies now divesting their onshore assets, the risk of them evading responsibility for legacy pollution is acute. This paper calls for immediate, coordinated action to secure environmental remediation, full compensation for victims, and legal accountability for the perpetrators of this ongoing injustice

The Concept: Background to the People's Tribunal, Ikarama

Recurring cases of human rights violations, security-related abuses, and environmental injustices across Nigeria continue to expose significant gaps in accountability and access to justice. Communities in oil-producing regions in particular face severe environmental degradation and socioeconomic hardship, while many victims remain unheard due to institutional delays, weak enforcement mechanisms, and economic barriers to justice.

In response to these challenges, Social Development Integrated Centre (Social Action), through its Human Rights and Democracy Programme supported by the Polluter Pays Project and Rosa Luxemburg Foundation, convened the People's Tribunal on Human Rights Violations and Environmental Injustice. The Tribunal was designed as a civic and participatory process to provide affected individuals and communities with a credible platform to present testimonies, document violations, and demand accountability.

The concept of the People's Tribunal in Ikarama also builds on the findings of the Bayelsa Environmental Pollution Commission (BEPC), which documented extensive environmental degradation and the long-term impacts of oil pollution in communities across Bayelsa State. The Tribunal represents an important follow-up to the Commission's work by providing a community-driven forum for presenting direct evidence of environmental damage

and its human consequences. In this way, the Tribunal contributes to ongoing efforts to translate documented findings into practical action and accountability.

The Tribunal (which was held in Port Harcourt, Ahoada Town and Ikarama) also involved the participation of institutions such as the National Human Rights Commission, members of the legal profession, civil society organisations, and relevant state agencies. It was structured as a series of public hearings before a panel of independent jurors drawn from the legal, academic, and civil society sectors. Community members, survivors, and experts presented testimonies supported by documentary evidence, including petitions and environmental records.

Ikarama Community in Yenagoa Local Government Area of Bayelsa State was selected as the venue for the Tribunal in Bayelsa State because of the well-documented history of oil pollution in the area and its significance as a representative case of the wider environmental crisis in the Niger Delta. The community therefore served as a rallying point for other affected communities facing similar environmental and human rights challenges.

Although symbolic in nature, the Tribunal maintained procedural rigor consistent with a semi-judicial process. Its findings and recommendations are intended to support ongoing advocacy, institutional action, and legal follow-up toward improved accountability and environmental justice in Bayelsa State and the wider Niger Delta

Recommendation: A Parthway to Justice

Based on the evidence presented to the Tribunal and the analysis of civil society, the following actions are urgently required:

To the Nigerian Government and Regulatory Bodies:

1. **Enforce Immediate Remediation:** Mandate and oversee a comprehensive, scientifically sound clean-up of Ikarama and the entire Niger Delta, holding Shell, ENI, and other operators fully responsible for the costs.
2. **Conduct a Transparent Audit:** Commission an independent audit of all oil spills in Ikarama to determine full liability and the scale of damages owed to the community.
3. **Reform the Regulatory Framework:** Strengthen environmental laws and enforcement mechanisms, ensuring that JIVs are transparent, include trusted community representatives, and that the “sabotage” defense is subject to rigorous, independent verification.
4. **Address the Health Crisis:** Launch an immediate public health response, including epidemiological studies and the provision of specialized healthcare for those suffering from oil-related illnesses.

To Shell, ENI/Agip, and the Oil Industry:

1. **Accept Responsibility:** Publicly acknowledge the specific and disproportionate impact of your operations on Ikarama and cease all denialist tactics.

2. **Provide Adequate Compensation:** Fairly compensate all individuals and families for lost livelihoods, health impacts, and other damages, based on independent valuation.
3. **Remediate, Don't Relocate:** Conduct a full environmental restoration of Ikarama before any divestment plans are finalized. Liabilities must be legally transferred to any new owners, with guarantees for completion.

To the International Community and Donors:

1. **Support Community-Led Documentation:** Fund initiatives like People's Tribunals and independent environmental testing that empower communities to build evidence.
2. **Apply Cross-Border Pressure:** Support legal actions in home countries of IOCs (e.g., under the UK Bribery Act or EU supply chain laws) and advocate for mandatory human rights due diligence.

To Civil Society and Legal Actors:

1. **Consolidate the Evidence:** As the Tribunal jurors advised, consolidate the petitions into a unified, evidence-based legal case for litigation in national and international courts.
2. **Champion the Precedent:** Use the Ikarama Tribunal as a model for community-led accountability in other polluted regions across the globe.

Conclusion

Ikarama's story is one of resilience in the

face of overwhelming odds. The People's Tribunal was an act of profound courage, a community reclaiming its voice and its right to a future. The evidence is now incontrovertible. The statement that "Ikarama has recorded the most frequency of oil spills in the Niger Delta" is more than a statistic; it is a verdict on decades of ecological

and economic violence. The international community, the Nigerian government, and the oil companies can no longer look away. Justice for Ikarama is not just a local necessity; it is a test case for whether the rule of law and the rights of people can ever triumph over the power of polluters.



Women and children attend the People's Tribunal as a renewed hope for their environmental and livelihood restoration

Introduction: Ikarama as a Microcosm of the Niger Delta Crisis

Located within the Okordia clan in Yenagoa Local Government Area of Bayelsa State, Ikarama's story is a poignant chronicle of a community forever altered by the discovery of fossil fuels. Historically, Ikarama thrived as a self-sufficient community of farmers and fishers. Their entire way of life, their economy, culture, and daily sustenance, was a direct product of the fertile environment they called home. The community, composed of five ruling families (Egberewari, Izewari, Ogbowari, Oguwari, and Okuwari), thrived on the bounty of its fertile farmlands and the prolific aquatic life of the Taylor Creek. As noted in Social Action's 2009 report, *Fuelling Discord*, the elders who initially welcomed oil companies in the 1960s did so without a Memorandum of Understanding, unaware that this decision would mortgage their descendants' future.

Ikarama's *plight* is uniquely severe because it suffers a double burden of oil exploitation, functioning as both a site of extraction and a critical transit corridor.

- **Site of Extraction:** Oil was discovered in situ in Ikarama in the early 1970s, and the community has since hosted oil wells and facilities operated by ENI's subsidiary, Agip. This means oil is actively pumped from reservoirs directly beneath their land.
- **Critical Transit Corridor:** Compounding this, Ikarama serves as a major hub in the region's oil transportation

network. Most significantly, Shell's strategic Ughelli-Ikarama-Rumuekpe trunk line, a high-pressure pipeline, cuts through the community. This pipeline acts as a conveyor belt, transporting crude oil not only from Shell's own fields but also from other areas in Delta and Bayelsa States. This oil is channeled through the Shell Okordia Manifold (sited alarmingly close to human habitation) and onward to Rumuekpe and export terminals for the international market.

This dual role has made Ikarama a catastrophic focal point. It endures the routine pollution from Agip's local operations while also being perpetually at risk from catastrophic failures in the high-capacity infrastructure that turns their homeland into an industrial transit zone for wealth that flows elsewhere. The promised development never materialized; instead, Ikarama has become, in the words of its residents, an "ecological graveyard."

The People's Tribunal on Environmental Injustice and Human Rights Abuses, convened in November 2025 by Social Action Nigeria, marked a paradigm shift. It transformed the community from a site of passive suffering into an active, evidence-producing "courtroom without walls." This briefing merges the raw, compelling evidence from that Tribunal with historical context and scientific findings to build an unassailable case for justice.



Despondent members age while awaiting compensation from the responsible oil operators and government authorities.

The Weight of Evidence: A Community Drowning in Oil

The plight of Ikarama is sustained by a system designed to prioritize oil production over human rights. Corporate Strategy of Denial and Delay: Routine attribution of spills to “sabotage” to avoid liability, and coercion of communities into accepting grossly inadequate compensation (e.g., a ₦250 million claim settled for ₦10.5 million). This strategy finds perverse legal reinforcement in Nigeria’s

Petroleum Industry Act (PIA) of 2021. Section 104 of the Act, while establishing the Host Communities Development Trust Fund (HCDTF), creates a punitive framework that weaponizes the concept of sabotage. The Act mandates that oil companies contribute 3% of their annual operating expenditure to the Trust Fund for the benefit of host communities. However, it crucially states that the community may be held liable for acts



Desperate community person hopeful for positive intervention from civil society and other external help to their plight

of vandalism, sabotage, or civil unrest, and that the cost of repairing any damage may be deducted from the community's share of the Trust Fund. This provision inverts the logic of accountability, effectively punishing entire communities—by withholding funds meant for their development—for incidents that frequently result from corporate negligence, deteriorating infrastructure, or broader social grievances. It provides a statutory pretext for companies to withhold funds and evade responsibility, institutionalizing a collective punishment mechanism that further impoverishes and criminalizes oil-bearing communities like Ikarama.

Regulatory Failure: State agencies lack the capacity, and often the political will, to enforce environmental standards or

hold powerful corporations accountable. The regulatory process, including Joint Investigation Visits (JIVs), is frequently opaque, delayed, or compromised, allowing companies to control the narrative and evidence around spill incidents.

State Complicity: The security apparatus often acts as a protector of oil installations rather than its citizens. This is exemplified by the deployment of state security forces, including the Joint Task Force (JTF), which have been implicated in human rights abuses against community members protesting environmental harm or seeking accountability, as witnessed in Ikarama. The state's primary interest appears to be the uninterrupted flow of oil, not the protection of the environment or the welfare of its people in the Niger Delta.

Recurrent Spills: Petitions cited major spills in 2008, 2018, 2019, 2021, and 2025, affecting vital water bodies like Oboun Lake and Oya Lake, and countless farmlands.

Failed Clean-ups and Legacy Pollution: The standard practice of “scoop and burn” was repeatedly condemned. This method, where contractors scoop surface oil and burn it in open pits, drives toxins deeper into the soil and aquifer and releases carcinogenic fumes, rather than achieving genuine remediation. The case of Comrade Warder Benjamin’s fish farm is illustrative. During excavation in 2021, crude oil was found oozing from underground, a stark confirmation of historical spills that were never properly cleaned, rendering new economic ventures impossible.

1. The Testimony of Frequency and Negligence: Comrade Alagoa Morris

The most striking finding, confirmed by veteran environmental monitor Comrade Morris Alagoa a foremost environmentalist

who has carried out extensive research in Ikarama with local and international partners, is the unparalleled frequency of oil spills in Ikarama. Alagoa testified that, in his extensive years of monitoring, Ikarama has suffered the highest frequency of crude oil spills of any community he has documented. In his solemn address to the Peoples Tribunal, Comrade Alagoa Morris, presented a harrowing catalogue of suffering directly attributed to prolonged environmental contamination from oil extraction activities. His testimony detailed both immediate tragedies and a protracted, insidious assault on community health.

He began by recounting the most poignant loss: that of a 14-year-old child. Morris stated that the boy had fallen into an unmarked, oil-filled ditch near his home. He emphasized that the child did not perish immediately but succumbed to severe complications after the toxic crude oil had infiltrated his system, a death described as slow and preventable.

Morris further reported that the fundamental elements of life in Ikarama had been universally compromised. He painted a

“They spill oil, and we spill blood. Our dead, from the child in the ditch to the mothers claimed by cancer, cry out for justice.”

--Moris Alagoa





Members of the Jury (L-R) Cmr Inatimi Odio, Dr Vivian Brisibe (Chairperson), Dr Rume Ndokita, Bar Boma Tonye Biemai

vivid picture of the daily disruptions faced by residents, noting that people were often forced to relocate momentarily from one area of the community to another. This flight, he explained, was a necessary evasion of the crude oil fumes that became particularly noxious and pervasive when propelled by the daytime heat.

Concluding his testimony on a grave note, Morris provided the jury with critical data on long-term health impacts. He formally reported the death of three more women to aggressive forms of cancer over a span of recent years. He directly attributed these fatalities to pollution, specifically citing the carcinogenic nature of the persistent oil spills.

He told the tribunal, “They spill oil, and we spill blood. Our dead, from the child in the ditch to the mothers claimed by cancer, cry out for justice.” This statement

served as a stark summation of the human cost documented in his report, framing the environmental damage as a form of violence demanding accountability and urgent remediation.

2. Testimony of Loss of Economic Investment: Comrade Warder Benjamin

Comrade Warder Benjamin presented a compelling case of economic devastation to the jurors, detailing his failed investment in a private fish farming venture. He testified that he commenced excavation for his ponds on the 14th of August, 2021, with high hopes for sustainable enterprise. However, his efforts were immediately thwarted when, during the digging, crude oil was discovered oozing from the freshly dug earth.

He reported that this alarming discovery was escalated to community advocate Comrade Alagoa Morris, who facilitated an official

investigation. Subsequently, personnel from the National Oil Spill Detection and Response Agency (NOSDRA) conducted their own excavations, which confirmed the initial findings: the very soil was saturated with petroleum. Officials from both NOSDRA and Shell visited the site to observe the seepage, acknowledging that while there was no visible pipeline rupture, the ground itself was bleeding crude. Soil samples were collected for analysis.

In a moment of direct address to the tribunal, his voice thick with frustration, Benjamin stated, “They took their samples, gave us nods and paperwork, and left. And since that day, it has been a profound silence.” He concluded by reporting that no concrete remediation had ever been undertaken to clean the poisoned site, nor had any form of compensation been offered for his total loss.

The venture, meant to secure his livelihood, remains a scar on the land and a monument to abandoned accountability

3. Testimony of Mr. Daniel Moffi, Akpete Family

Mr. Daniel Moffi, representing the Akpete family, presented the tribunal with a harrowing account of systemic health degradation within his community. He detailed a range of impacts affecting both men and women of reproductive age, directly attributing these conditions to the polluted environment.

Specifically, he reported a troubling rise in fertility issues, citing medical observations of lowered sperm counts and rising infertility. Furthermore, he described the pervasive phenomenon of ‘black soot’—a fine particulate matter from the perpetual burning of spill sites—which blankets the



Comrade Warder Benjamin, presenting his petition before the jury

community. He stated that this air pollution is responsible for a spectrum of chronic respiratory ailments and various visual problems among residents.

Concluding his testimony, Mr. Moffi made a formal plea for redress. With all the frustration drowning his word to effectively express himself, he implored, “We are not just numbers in a report; we are families living with this poison every day. I beg this Tribunal to see our suffering and grant my family, and families like mine, compensation for the health we have lost and the futures that have been stolen from us.” His request underscored the demand for accountability for the negative health impacts that have become a permanent part of their daily existence

4. Chief Evangelist FearGod Francis C. (Oya Lake)

Chief Evangelist FearGod Francis C. stood as a plaintiff not merely for personal loss, but as the custodian of Oya Lake, a once-vibrant aquatic ecosystem central to his community’s spiritual and economic life. He presented a meticulously documented petition, the centerpiece being the official Joint Investigation Visit (JIV) report that categorically indicted the Shell Petroleum Development Company (SPDC) for a catastrophic wellhead blow-out on November 23, 2019—a disaster that struck just as the seasonal floods receded, unleashing a concentrated tide of crude into the lake’s recovering basin.

He narrated the arduous legal battle that followed, where a claim of 250 million naira was filed to account for the total ecological annihilation and loss of livelihood. However, he described a process of grinding pressure and exploitative negotiation, where the

overwhelming legal and financial might of the corporation forced the desperate community to accept a settlement. His voice, heavy with the weight of this coerced compromise, fell quiet as he revealed the sum: a paltry 10.5 million naira. “A document signed by their own agents proves their guilt,” he stated, holding the JIV report aloft, “yet the law of power, not the power of law, dictated the price of our ruined heritage. They purchased our silence and the death of Oya Lake with pennies.”

5. Petition of Engr. Dr. Ibulu Stanley (Aguawari Family vs. Agip)

Engr. Dr. Ibulu Stanley presented a scientifically-grounded petition on behalf of the Aguawari family, detailing a secondary disaster born of primary negligence. He explained that during the inevitable annual floods of September 2024, the raging waters performed a cruel alchemy. They dispersed and mobilized crude oil from long-standing, neglected spill sites, carrying the toxic slick across boundaries to impact hitherto unpolluted Aguawari lands, the vital Obiwei Lake, and numerous burrow-pits used for farming.

This toxic flood, he testified, resulted in an acute ecological massacre, killing flora and fauna en masse and causing monumental economic losses. His presentation was clinical in its detail but passionate in its indictment, emphasizing that this was not a new spill but the predictable consequence of un-remediated old ones. “We have not come with mere words or grievances,” he assured the tribunal, revealing a bunch of papers and documents to display evidence. “We possess comprehensive geotagged photographic and video evidence that attests to this catastrophic migration—the oil-smeared



Chief Evangelist FearGod Francic C. (Petitioner)



Engr, Dr Ibulu Stenley, Petitioner for Aguawari Family

banks, the dead fish floating in Obiwei, the poisoned soil. This is the documented aftermath of their forgotten crimes.”

6. Petition of Mr. Education (Ozowari Family vs. SPDC)

Mr. Education, speaking for the Ozowari family, delivered a petition that captured the chronic, totality of the damage. He described a multi-generational suffering stemming not from a single event, but from a regime of failed responses: clean-up exercises that were mere cosmetic performances, a comprehensive absence of genuine remediation, and the persistent infiltration of Polycyclic Aromatic Hydrocarbons (PAHs) and other organic compounds into community water sources and the entire food chain.

His account linked environmental

degradation directly to human suffering: the loss of ancestral livelihoods like fishing and farming, the death of economic trees that provided fruit and shade, and the insidious fear that accompanies every meal and drink. “Our grievance is total,” he declared. “We have lost our livelihoods, our economic trees, and the very health of our environment. What they have left us is not an inheritance, but a poisoned legacy. We breathe it, we drink it, we eat it. There is no escape.”

7. Petition of Mr. Washington Odeyibo (Death of a Brother)

The final testimony, presented by Mr. Washington Odeyibo, shifted the tribunal’s focus from environmental to direct physical violence and the denial of justice. In a hushed chamber, he recounted the 2001 killing of his younger brother, who was alleged of vandalism and subsequently shot

by an SPDC security agent and an officer of the Nigerian Security and Civil Defence Corps (NSCDC).

Odeyibo's anguish was palpable as he described the secondary death sentence of poverty: the family's lack of funds meant the bullet wound received only the most basic, inadequate medical care. The injury, untreated properly, became infected with tetanus, leading to a painful and preventable death. He informed the tribunal that while the Nigerian Police investigated, the matter was "de-escalated" and ultimately buried; no criminal charges were ever brought against the implicated individuals. "My brother was denied medical care in life and has been denied justice in death," Odeyibo stated, his gaze fixed on the jurors. "For over two decades, we have carried this grief and this demand for an answer. We have been struggling to send his children to school and cater for their wellbeing and the weight is heavy on us. With no support from the government nor the oil companies, some of his children were forced to leave school. The shooter walked free. The company ignored

us. This Tribunal is now the only court that will hear our cry."

8. A Painful Experience Witnessed During the Tribunal Process

As Social Action officers prepared for the People's Tribunal in Ikarama, we worked closely with community leaders and stakeholders, including His Royal Highness Wariebi Jonah Berebozigha, the Paramount Ruler of the Federated Ikarama Community. During this period, we had cause to visit him at the Intensive Care Unit of the Federal Medical Centre, Yenagoa, where he was attending to his daughter who had been diagnosed with kidney failure.

The visit left a deep impression on us. Even in the midst of personal distress, the Paramount Ruler remained concerned about the plight of his community and the success of the Tribunal. A few days before the program took place, he called to inform us that his daughter had passed away after battling the illness. The news came as a heavy blow.



Members of the Nigeria Police, Joint Task Force (Ops Delta Safe) and NSCDC in attendance

Despite his grief and the pain of his recent loss, His Royal Highness still attended the Tribunal. He explained that he had given his word and could not abandon a cause that concerned the future of his people. His presence was a powerful symbol of the burden borne by leaders of communities living under the shadow of environmental devastation.

Social Action does not claim a direct link between the illness and oil pollution in Ikarama, as no medical or scientific investigation has established such a connection. However, the widespread environmental contamination in the community raises serious concerns about the long-term health impacts on residents. Experiences such as this reinforce the urgent need for independent medical studies and environmental health assessments.

This painful episode serves as a reminder that behind the statistics and reports are real families facing loss, uncertainty, and silent suffering in a polluted environment.

The story of His Royal Highness Wariebi Jonah Berebozigha is not only one of personal loss, but also a reflection of the quiet suffering endured by many families in the community. While the full extent of the health impacts of pollution in Ikarama remains undocumented, the growing number of serious illnesses and unexplained deaths has left residents with deep fears about what prolonged exposure to pollution may be doing to their bodies. For many in Ikarama, the environment is no longer just the source of their livelihood — it has become a source of anxiety about their very survival. Until comprehensive medical and environmental

investigations are carried out, the people of Ikarama will continue to live with the painful uncertainty of whether the land that once sustained them is now silently harming them.

Jurors' Findings and Recommendations to Petitioners

Having heard the petitions and examined the testimonies and supporting evidence presented before the Tribunal, the jurors made a number of observations and recommendations aimed at strengthening the petitioners' pursuit of justice and accountability.

The jurors observed that the fragmentation of claims among individuals and families weakens the overall strength of the case against the oil multinationals. The petitioners were therefore strongly advised to pursue their claims collectively as a unified community. A coordinated legal strategy, supported by competent legal representation with demonstrable expertise in environmental justice and host-community disputes with oil companies, was identified as essential for achieving meaningful redress.

The jurors further noted the need for credible and admissible evidence to substantiate the claims of environmental damage and associated health impacts. The petitioners were advised to commission independent health impact assessments and environmental studies capable of establishing clear causal links between oil industry activities and the harms suffered by the community. Such scientific evidence would significantly strengthen any future legal or administrative proceedings.

In addition, the jurors recommended that the community undertake a systematic documentation of losses. Petitioners were

encouraged to itemize damages affecting farmlands, fishing grounds, homes, and livelihoods, and to engage qualified professional valuers to quantify these losses in monetary terms. At the same time, the jurors cautioned that justice should not be defined solely in terms of monetary compensation. They emphasized the importance of securing long-term restorative measures and development investments capable of sustaining future generations.

The jurors also expressed concern about the risk of claims becoming statute-barred.

Petitioners were urged to act without delay, noting that failure to initiate legal proceedings within the legally prescribed time limits could result in valid claims being dismissed without substantive consideration.

Taken together, these observations underscore the Tribunal's view that the path to justice for Ikarama requires coordinated community action, credible scientific evidence, strategic legal engagement, and timely intervention.



Images of historic pollution in Ikarama recorded by Marris Alogoa

Fraudulent and Ecologically Destructive “Clean-up” Practices

In the Niger Delta, and particularly in Ikarama, the terms “clean-up” and “remediation” have been systematically divorced from their scientific and restorative meanings. What is presented by oil companies as environmental remediation is, in practice, a calculated and fraudulent performance designed to create the illusion of action while perpetuating ecological harm. This section critically analyzes the documented clean-up practices in Ikarama, exposing them as methods of concealment rather than restoration, resulting in almost zero genuine remediation.

Documented “Clean-up” Methods: A Catalogue of Failure

1. Topsoil Turning (*Burial Remediation*)

- **Process:** Superficial excavation of visibly polluted topsoil, which is then inverted and reburied.
- **Claimed Purpose:** Quick “fix” to hide surface oil.
- **Critical Analysis:** This method is ecologically fraudulent. It does not remove pollutants but merely relocates them vertically within the soil column. The contaminants—crude oil, heavy metals, polycyclic aromatic hydrocarbons (PAHs)—remain in the ecosystem, continuing to leach into groundwater and surrounding environments. It is a textbook example of problem displacement, not problem resolution.

2. Scoop and Burn

- **Process:** Surface oil is scooped into

pits and set ablaze.

- **Claimed Purpose:** Rapid removal of spilled crude.
- **Critical Analysis:** This method is both destructive and deceptive. Burning crude oil in open pits releases a toxic plume of carcinogenic fumes (benzene, toluene, xylene) and particulate matter, exacerbating respiratory and dermal health issues in nearby communities. Furthermore, the intense heat drives lighter hydrocarbons and toxins deeper into the soil, contaminating aquifers and creating long-term subsurface pollution that is more difficult and expensive to address later.

A critical and recurrent outcome of these methods is the cyclical re-pollution phenomenon. Seasonal rains percolate through the turned soil, mobilizing the buried contaminants and bringing them back to the surface. This process systematically undoes the visual deception, forcing communities to witness the re-emergence of oil on farmlands and waterways with each rainy season. This is not a failure of the method; it is its inevitable consequence, proving that the clean-up was never intended to be permanent.

Why These Methods Persist: The Logic of Corporate Impunity

The persistence of these inadequate methods is not due to a lack of better technology, but stems from a deliberate corporate strategy:

1. **Cost Minimization: Genuine remediation**—such as bioremediation, soil washing, thermal desorption, or complete excavation and replacement—is capital-intensive. Fraudulent methods like topsoil turning are orders of magnitude cheaper.
2. **Regulatory Compliance Theater:** These practices allow companies to produce reports and photographs that satisfy weak regulatory checkboxes (e.g., “site visually cleared”) without addressing the underlying contamination. It is a form of regulatory arbitrage.
3. **Liability Evasion:** By creating a paper trail of “completed clean-ups,” companies build a legal defense against future claims, arguing they have already addressed the incident, even as the pollution persists and migrates.

The Result: Almost Zero Remediation

The aggregate impact of these practices in Ikarama is an environment that has undergone cosmetic treatment but not ecological healing. The evidence is stark:

- **Legacy Pollution:** As in the case of Comrade Warder Benjamin’s fish farm (2021), crude oil continues to seep from the subsurface years after “clean-up,” confirming that contamination is not surface-level but systemic.
- **Permanent Agricultural Devastation:** Soils remain toxic and infertile. The promise of land restoration is broken with every cropping season, as nothing grows, or what grows is unsafe for consumption.

- **Continuation of Exposure Pathways:** The pollutants are not removed from the air-water-soil-food chain continuum. Communities continue to be exposed through every possible route: inhalation, ingestion, and dermal contact.

The Necessary and Imperative

The fraudulent clean-up practices in Ikarama represent a second-order environmental crime. The initial crime is the spill; the subsequent crime is the deliberate, profit-driven failure to rectify it, which extends the harm indefinitely.

Therefore, the demand must shift from “clean-up” to “verified, restorative remediation.” This requires:

1. An immediate ban on topsoil turning and in-situ burning as primary remediation strategies.
2. Mandatory, community-supervised Joint Investigation Visits (JIVs) that include sampling and laboratory analysis.
3. Legally binding remediation plans that employ internationally accepted scientific methods, with clear metrics for success.
4. Independent, post-remediation audits—paid for by the polluter but conducted by third-party experts acceptable to the community—to certify that the site has been restored to internationally recognized safe standards.

Until these measures are enforced, the “clean-ups” in the Niger Delta will remain what they are today: a costly, dangerous, and deceitful performance that deepens injustice and ecological ruin

The Architecture of Impunity: System Failure

The plight of Ikarama is not accidental but is sustained by a system designed to prioritize oil production over human rights.

- **Corporate Strategy of Denial and Delay:** Oil companies routinely attribute spills to “sabotage” to avoid liability, a claim often contested by communities and independent monitors. The practice of coercing communities into accepting grossly inadequate compensation was highlighted in the case highlighted earlier of the Oya Lake blowout, where a claim for ₦250 million was settled for just ₦10.5 million.
- **Regulatory Failure:** State agencies lack the capacity, and often the political will, to enforce environmental standards or hold powerful multinational corporations accountable.
- **State Complicity:** The Nigerian state, through its security apparatus, often acts as a protector of oil installations rather than its citizens. While the presence of security agencies at the Tribunal was a positive step, their primary role in the region has been one of repression.

The Divestment Deception: A Calculated Escape from Accountability

A contemporary and critical threat to justice in Ikarama and the wider Niger Delta is the ongoing strategic divestment of International Oil Companies (IOCs) like Shell and ENI from their onshore assets. This is not a simple business exit; it is a calculated maneuver that risks permanently sealing the

fate of polluted communities by transferring assets without adequately addressing liabilities. This strategy represents the final act in a decades-long drama of impunity, creating a complex matrix of new corporate entities behind which the original polluters can hide.

The Mechanics of a “Pollute-and-Flee” Strategy

The divestment process follows a predictable and alarming pattern:

- **Asset Stripping, Liability Dumping:** IOCs are selling off aging, high-liability infrastructure—such as dilapidated pipelines, wellheads, and flow stations—to smaller, often undercapitalized Nigerian-owned companies. The primary appeal for these new owners is the short-term cash flow from existing production, not the massive capital investment required for asset integrity and environmental restoration.
- **The “No-Liability” Sale Model:** Sales and Purchase Agreements (SPAs) are often structured to limit the historical liability of the seller. While the new owner may assume operational responsibility from the sale date, the legal and financial responsibility for the legacy pollution—the contamination that has accumulated over the preceding 50 years—is frequently ambiguous, contested, or deliberately excluded. This creates a legal black hole where no entity accepts responsibility for the past.
- **Regulatory Complicity and Weak**



Comrade Wada Benjamin- Former Youth leader and business man, Ikarama

Enforcement: Nigeria’s regulatory framework is ill-equipped to prevent this evasion. There is no robust, legally mandated mechanism that forces a full environmental audit and a fully funded remediation escrow account as a non-negotiable precondition for the approval of asset sales by the government. This regulatory gap allows IOCs to offload their toxic legacy onto entities that lack the technical capacity or financial reserves to manage it.

The Heightened Risks for Ikarama

For a community like Ikarama, already bearing the title of the most frequently spilled-upon, divestment multiplies the existing threats:

- **The Orphaned Pollution Crisis:** The countless spill sites documented by Comrade Morris Alagoa and the petitioners risk becoming “orphaned sites.” With the original

polluter (Shell/ENI) claiming to have severed ties and the new owner refusing liability for pre-acquisition damage, the contamination will remain indefinitely, continuing to poison land and water.

- **The Diminishing Partner for Redress:** Pursuing justice from a smaller, less-resourced domestic company is far more difficult than from a multinational giant with a global reputation to protect. These new entities may lack the financial depth to pay substantial compensation or conduct large-scale clean-ups, and they are less susceptible to international advocacy and shareholder pressure.
- **Fuelling Community Conflict:** The transition period creates a vacuum of responsibility, which IOCs have historically exploited through divisive tactics. As documented in *Fuelling Discord*, the

scramble for contracts, surveillance jobs, and one-off payments from the incoming company can reignite and intensify the intra-community conflicts that were deliberately seeded by the outgoing operators.

Countering the Deception: Demanding Accountability

The message from Ikarama must be unequivocal and backed by concrete actions: Divestment is not absolutism. To counter this threat, a multi-pronged approach is essential:

- **A Moratorium on Divestment Approvals:** The Nigerian government must immediately halt approval of all divestment deals until a comprehensive, transparent, and independent assessment of the environmental liabilities is completed for each asset. This assessment must be conducted with the meaningful participation of affected communities.
- **The Polluter-Pays Escrow Fund:** IOCs must be compelled to establish a fully funded, independently managed escrow fund

specifically designated for the remediation of all legacy pollution in their former areas of operation. The size of this fund must be based on the independent environmental assessment and must be non-negotiable.

- **Successor Liability in Law and Contract:** Regulatory reforms must explicitly establish the principle of “successor liability,” making asset purchasers jointly and severally liable for all historical environmental damage. Furthermore, communities and civil society must advocate for legal frameworks that allow them to pursue the original polluters (the IOCs) in their home countries, regardless of asset sales, under principles of parent company liability.

The divestment wave is not the end of the struggle for Ikarama; it is a new, more complex phase. Allowing it to proceed without these safeguards would be the ultimate deception, locking in the environmental devastation and human suffering for generations to come.



His Royal Highness Wariebi Jonah Berebozigha the paramount ruler of federated Ikarama community

Injustice of Divestment as Corporate Exit Strategies

A “Pollute-and-Flee” Blueprint in Motion:

The ongoing strategic divestment of International Oil Companies (IOCs) from onshore Niger Delta assets is not a neutral business decision; it represents the final, calculated maneuver in a decades-long pattern of exploitation and impunity. For the people of Ikarama, who have endured one of the highest frequencies of oil spills in the region, divestment does not signify closure but rather a dangerous transition—a mechanism through which companies such as Shell and ENI/Agip may attempt to sever legal and financial ties to their toxic legacy. Communities risk being left behind with poisoned land, contaminated water, and unfulfilled promises. Divestment therefore represents not an end to environmental harm, but the emergence of a new and institutionalized phase of injustice.

Recent research and advocacy by the International Working Group on Petroleum and Just Transition in the Niger Delta (IWG) reinforces these concerns, highlighting the risks associated with poorly regulated divestment and the absence of binding safeguards to address legacy pollution. The findings presented in this report build on that broader body of work by providing

detailed community-level evidence from Ikarama, illustrating how the structural risks identified by the IWG are already unfolding in practice. Together, these complementary strands of research present a consistent picture of divestment as a process that, if left unchecked, may allow historical environmental liabilities to be transferred or abandoned without adequate remediation or compensation.

Context: Social Action’s Stance on Divestment

Social Action views the current wave of divestment with profound skepticism. We recognize it as a “pollute-and-flee” strategy, in which IOCs seek to offload ageing and high-liability infrastructure onto smaller, often undercapitalized Nigerian companies. The underlying objective is to escape the mounting financial, legal, and reputational costs associated with decades of environmental and social damage.

This process is frequently conducted without transparent and enforceable safeguards, creating a real risk that original polluters may be effectively absolved of responsibility while assets are transferred to entities that lack the financial or technical capacity to remediate pollution, compensate affected

communities, or maintain responsible operations.

Ikarama’s Experience: A Case Study in Abandonment Risk

For Ikarama—a community doubly burdened as both an extraction site and a major pipeline corridor—divestment multiplies existing threats.

Orphaned Pollution

The numerous documented spill sites in Ikarama, ranging from the Oboun Lake spills to persistent seepage in farmlands, risk becoming “orphaned” liabilities. If Shell divests from critical infrastructure such as the Ughelli–Ikarama–Rumuekpe trunk line and associated facilities without a legally secured and fully funded remediation mechanism, responsibility for decades of accumulated contamination may fall into a legal vacuum. While new operators may assume operational control, they are likely to dispute liability for damage that occurred before acquisition.

In such circumstances, the extensive evidence gathered by the community through petitions, environmental monitoring, and the People’s Tribunal could point to polluters that no longer maintain a direct operational presence in the area.

The Diminishing Path to Redress

Pursuing justice from smaller, less-resourced domestic companies is typically more difficult than seeking accountability from multinational corporations with global reputations to protect. New asset holders may lack both the technical expertise required for proper remediation and the financial capacity to fund large-scale clean-up operations or meaningful compensation. The Santa Babara South field, OML29 oil and gas leak in

Bassambri-Nembe in 2021 is a testament to the lack of capacity of the of new operators to mitigate or prevent spills

As a result, the leverage previously provided by international advocacy networks, shareholder pressure, and litigation in the home jurisdictions of multinational corporations may be significantly reduced.

Aggravation of Social Fractures

As documented in earlier Social Action research, oil companies have historically contributed to conflict in the Niger Delta through divisive community engagement practices. The divestment transition period risks reigniting these tensions. Competition for contracts, surveillance jobs, and temporary payments from incoming operators can intensify divisions within communities, weakening collective bargaining power and increasing social instability.

The Flawed Regulatory Framework: Complicity by Omission

The current regulatory framework governing divestment in Nigeria remains inadequate to protect affected communities. In practice, regulatory approvals often proceed without robust safeguards that would ensure accountability for historical environmental damage.

There is currently no consistently enforced legal requirement for:

- * A comprehensive and independent environmental audit of assets prior to sale, conducted with full community participation
- * The establishment of a fully capitalized remediation escrow fund funded

by the departing operator

Clear legal provisions ensuring successor liability for environmental damage:

Without these safeguards, divestment approvals by regulatory agencies risk becoming procedural formalities that allow companies to exit without resolving longstanding environmental liabilities.

A Reflexive Perspective: Divestment as the Final Phase of Extractive Injustice

Divestment must be understood within the broader historical context of resource extraction in the Niger Delta. For decades, multinational oil companies extracted

substantial wealth while externalizing environmental and social costs onto host communities. At the point of maximum environmental liability, these companies now seek to withdraw operations, leaving behind degraded ecosystems and weakened local economies for domestic operators and government institutions to manage.

This pattern reflects a continuation of extractive practices in which communities bear the long-term costs of resource exploitation while receiving limited benefits. The struggle for justice in Ikarama therefore represents an effort to interrupt this cycle by ensuring that corporate exit is conditional on meaningful remediation and accountability.



Oil & gas leakage from Agip pipeline in Ikarama July, 2010



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