



# **November 2019** **Interim Report**

**The Bayelsa State**  
Oil & Environmental  
Commission



Date of publication:  
**1 November 2019**

Written by:  
**The Bayelsa State Oil and  
Environmental Commission**



Contents:

Introduction	4
Environmental degradation	5
A silent health crisis	6
Economic devastation	7
Communities destabilised	9
Access to Justice	10
Conclusion	11



## Introduction

Few countries on the face of the planet have suffered more from oil pollution than Nigeria. Over the last half century, as many as ten million barrels of oil have been spilled across the country. That's equivalent to a spill similar in size to the Exxon Valdez catastrophe – which devastated the coast of Alaska – every single year for the last fifty years.

And few parts of Nigeria have suffered worse pollution than Bayelsa State. Bayelsa is one of Nigeria's main oil producing states, accounting for almost a quarter of its onshore crude oil production, and approximately a third of its oil wealth. It is home to one of Africa's most diverse ecosystems, a rich but fragile tapestry of wetlands and mangrove swamps.

Despite its immense oil reserves, Bayelsa's people are poor, with the state scoring lower on the United Nations' Human Development Index than any other Nigerian state. Almost three quarters of Bayelsa's two million people rely on fishing or farming to support themselves.

Since oil was first pumped in 1956 by Shell, Bayelsa has suffered a pollution catastrophe on a barely imaginable scale. Exact numbers are hard to come by. However, analysis suggests that if Bayelsa's share of oil spilled is the same as its share of oil pumped, as much as a barrel of oil may have been spilled for every man, woman and child living in Bayelsa today.

The impact has been devastating. The environmental damage has been tremendous and unique ecosystems have been destroyed.

The health of hundreds of thousands of people has been affected by the contamination of the water they drink, the land they grow food on and the air they breathe. Estimates suggest that the pollution could be responsible for as many as 16,000 infant deaths in one year alone.

Thousands of communities and countless people have been cast into poverty with their livelihoods destroyed.

Communities have been de-stabilised and their cohesion undermined by disputes and competition for resources arising from oil extraction which have been sharpened by spills and their impacts.

The list goes on and on. The cost in terms of environmental degradation and human suffering has been vast. And it is rising every day.

What's more, the individuals and communities affected have found it almost impossible to win redress for their suffering. The oil companies have not done enough to put right the damage that has been caused and the cost and process involved have prevented communities from pursuing legal action.

The Bayelsa State Oil and Environmental Commission (BSOEC) has been set up to document this continuing catastrophe and to devise solutions that will help bring an end to pollution crisis and the suffering it has caused. It brings together leaders from the world of government, NGOs and faith communities with international experts.

One of the BSOEC's priorities has been to hear from the people who have been directly affected by the oil contamination. All too often their voices have been ignored. Over the last six months, the BSOEC has visited pollution sites across Bayelsa, held meetings in several communities and taken testimony from over 500 victims of oil pollution.

[This is their story.](#)



## Environmental Degradation

Oil spills and the associated pollution have had untold effects on the environment of Bayelsa State. The loss of habitat and biodiversity, including mangrove swamps as a result of oil spills as well as acid rain damage from gas flaring, has been enormous.

Huge swathes of fragile wetlands have been destroyed or put at risk. Water courses that local people rely on for fishing have been contaminated. Farmland has been tainted.

There have even been reports of tremors that communities believe are caused by oil extraction.

The members of the BSOEC have observed many of these problems first-hand. On the Commission's visit to the Brass Canal, the BSOEC witnessed polluted effluent being dumped directly into the waterway. During another field visit, the Commission witnessed polluted topsoil being dug up and burnt in a pit.

Throughout, the Commission has heard repeated testimony on the indiscriminate dumping of waste and the impact it has had.

### Brass LGA

"As a young girl, we used boats to go to the forest to pick periwinkles and to kill crabs, prawns, crayfish and oysters. But when I got to secondary school, all we see is oil in the forest. As the water flows, it takes the crude oil everywhere. No more periwinkles to pick again. No more crabs at the river. What is happening to our creeks? We can't see marine animals at the nets. My grandmother told me that the oil from Agip has spoilt the rivers and has killed all the fish. What will I tell my children?"

"We the women of this island, we do not have to teach our children about our livelihoods. We can no longer teach them how to pick periwinkle. Even the crabs cannot be found again. All our children see is crude oil flowing into the creeks and farms and rivers. The bitter leaves and pepper that we plant are not growing again."

"As Akassa people we are suffering...I am in my early 40s, our livelihood is fishing. As we are growing up things became worse. Our lives are not improving. Akassa people, there are crude oil points, and when the pipeline is bad, the whole place is uprooted and made barren. We cannot boast of a house with a closet/water. When we were young, we saw white and colourful birds. They fished in the night and assembled to our place. But now you cannot count of one. They have all fled. Government is not helping matters."

### Nembe LGA

"The land no longer supports farming as crops do not grow any more. Some species of fish have disappeared from the rivers of the community. When it rains, we used to catch water, but this is no longer the case as when you collect rainwater it is filled with chemical sand and black objects."



## A Silent Health Crisis

The extent of oil pollution in Bayelsa has fed a silent health crisis in the state.

Oil contamination has tainted the farmland people grow their food on, the water they drink and fish in and even the very air they breathe. The health implications have been complex, and often devastating.

For instance, research has found that people living near pollution sites have been progressively exposed to elevated levels of heavy metals such as chromium, lead and mercury in their blood stream, leading to increased risk of diseases ranging from Alzheimer's and Parkinson's diseases to cancer, diabetes and kidney damage.

The contamination of crops and fish by oil spills has shown to increase the outbreak of diarrhoea in Bayelsa and the bioaccumulation of heavy metals in food as well as affecting food quality. The presence of oil has also resulted in a substantial increase in the prevalence of childhood malnutrition in the affected communities. More broadly, evidence from across Nigeria suggests that high levels of pollution have also contributed to significant increases in child mortality.

Research has also highlighted that communities living near oil impacted areas frequently consume drinking water with high levels of pollution.

The list of health effects is long, and their impact will be felt for years, maybe decades to come. What the Commission has seen is just the tip of the iceberg. But it is clear that many people in Bayelsa have suffered life-changing health consequences as a result of oil pollution.

Ikarama community: "Strange sicknesses in the community...antibiotics fail to address the problem. Children often suffer because of the polluted air they breathe, and the polluted water they drink. Some children are also being born blind."

### Ekeremor LGA

Aghoro 1 community: One participant noted that a spill occurred in May 2018 and that the community recorded deaths and the destruction of mangrove creeks and farmlands. Letters were written to Shell through the community interface coordinator, but Shell did not respond.

One participant noted that "when the spill occurred, it was a thing of battle for us in the environment. We really suffered it. Our houses were nearly set ablaze. The spill spoiled the water. We could not bathe or drink the water. The spill killed the fish in the river. This caused a lot of sicknesses in the community and it killed a lot of people. Many children died because of the spill. We cannot do otherwise than to starve. We waited for relief materials and only few people received it. No food, we have been starving up until this time."

### Southern Ijaw LGA

Oporoma community: Participants noted that there is a high prevalence of ailments in the community, ranging from skin rashes, respiratory illnesses, pneumonia, and growths in female genitals with causes unknown. There are also no near functional health facilities which can be accessed by the community.



## Economic devastation

About three quarters of Bayelsa's population relies on farming and fishing to survive. Not only their health, but also their livelihood are at risk when oil pollution poisons their environment. Through its hearings and evidence gathering, the Commission has come across case after case where individuals and communities have lost their livelihoods and, in some cases, reduced to destitution as the result of oil spills.

Oil spills have destroyed many community's ability to make a living from the land they farm and the water courses they fish. And even where pollution has been more limited, communities have often failed to reap the benefit of oil extraction.

While oil extraction has generated substantial profits for oil companies and tax revenues for the Federal Government, host communities rarely see the benefits. There are often no alternative livelihoods or development benefits. There is widespread under-investment and lack of jobs in communities that host oil company activities and oil companies' investment in local communities has been infrequent and sporadic.

Projects are often not completed and offers to upskill and train those in the local communities are not fulfilled, leaving many in those communities frustrated and angry at the economic exclusion by oil companies.

### Brass LGA

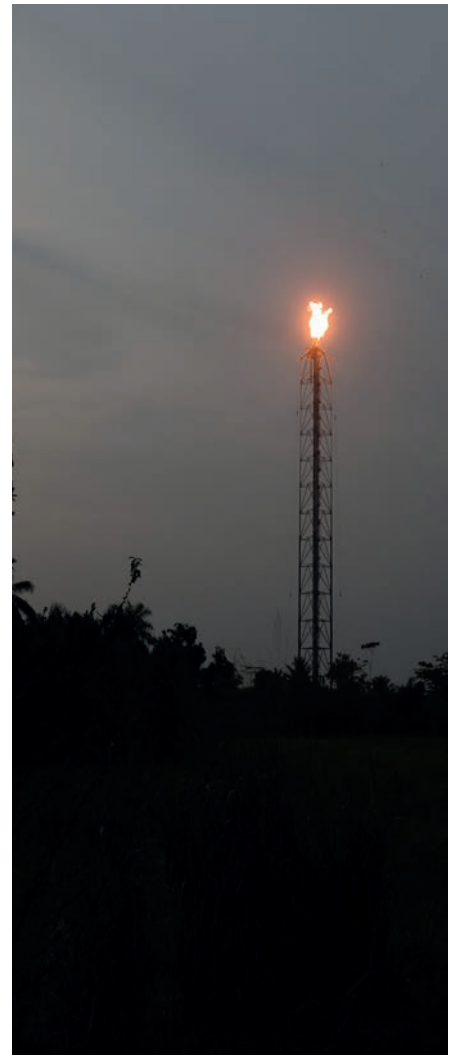
"Agip has been here for so many years. They say they have improved on employment level. I am a woman. I was born and bred here. I have lived all my life. This is my London. After graduation they do not employ us. They invite us for interviews, but no job. They employ few labourers and cleaners. There was a time they met the different Amas of Twon to bring in some females for training to be employed. These ladies went for the training. At the end, they brought females from outside. They employed only one or two, just to fulfil all righteousness. When we wanted to cause trouble, the military men were given orderS to kill at sight all those who are causing trouble. They have employed people outside this island. But not of the host community."

### Nembe LGA

"When the community goes for employment, they tell them they are not employable and do not have the requisite skills. Now the community has all the skills and there is still no employment coming to the community. Agip is saying there is no vacancy."

### Ogbia LGA

"There are no scholarships, no employment and a host community cannot boast of even drivers employed by Shell. For militancy and bunkering to stop, Shell should come to the aid of the community through employment and provision of amenities like schools for the community."





### Kolokuma LGA

"We are supposed to have skills centres in our communities. Our girls are used and dumped, and there is need for skilled training in our communities...We have brilliant graduates in Niger Delta communities, but there is no employment. We should create things that would give them a hope for survival. There is abundant presence of oil and gas in the Niger Delta, but is the wealth felt by the communities?"

### Sagbama LGA

"We are suffering by the non-compliance of SPDC on the issue of Environmental Impact Assessment (EIA) for all their projects [are abandoned in our community] since last year. We are hosting, but not producing. In no distance time we shall be producing. They said... contracts were issued. Construction of a road from our community to their location. Farmlands are affected. They did sand filling. No EIA. Thereafter, the projects were abandoned. No comments, no drainages. The natural canals are now blocked. Any drop of rain, so many houses are submerged. My people are suffering as a result of our ignorance of what Shell is doing. They came with their peanuts in terms of compensation. We accepted. And a little labourer work they gave us."

### Yenagoa LGA

"We are the indigenes of Biseni whose fishing and farming environment have been denied. We have lakes too that have been affected. So, we are pleading with government to come and help us, to call Shell to book, to ensure clean-up and remediation are done. Shell should also pay for damages to those whose land, creeks and lakes are affected."





## Communities Destabilised

Both oil company activity and the competition for resources they have created have undermined community stability and cohesion. As a result, communities that play host to oil activities have often been plagued by conflict, violence and exploitation of vulnerable groups, including children.

Oil companies often chose to work with certain groups within communities which exacerbates internal divisions, pitting communities against each other for much needed funds and to be represented during the remediation process.

### Ogbia LGA

"Investigations are usually taken up, which are formed by the international companies without considering the landlords. Therefore, when they come for investigation, they come back and tell us it is sabotage. JIVs do not integrate community inputs. Use of legal redress is frustrating and expensive for communities and oil companies relying on military repression of communities. They also use divide and rule to enable them to continue clamping. They are also supposed to come back for clean-up and remediation. They send some money to make us fight ourselves and end up doing nothing on the site."

### Southern Ijaw LGA

"Oil companies intimidate communities with the military and non-recognition of traditional institutions by the companies except the Government. Currently, there is now GMOU, there are 21 communities that make up Gbanraun clan. Only Gbanraun community is mentioned in the GMOU."

"Fonibiri is an autonomous community here in Southern Ijaw. There is a tendency to discriminate against certain communities like ours because the oil companies claim that we have no pipelines traversing our lands. We are appealing to this Commission to consider those communities that are not oil producing but have been impacted by the oil spill."



## Access to Justice

If the damage done by oil pollution is clear, the path to redress, remediation and compensation often is not. Victims are often unable to pursue their claims due to process, time and most importantly cost. Even where they do, the time taken by the judicial process and potential issues with independence of the judiciary often makes gaining recompense and justice almost impossible.

The deck all too often feels stacked against the people who have suffered.

### Lawyer 1

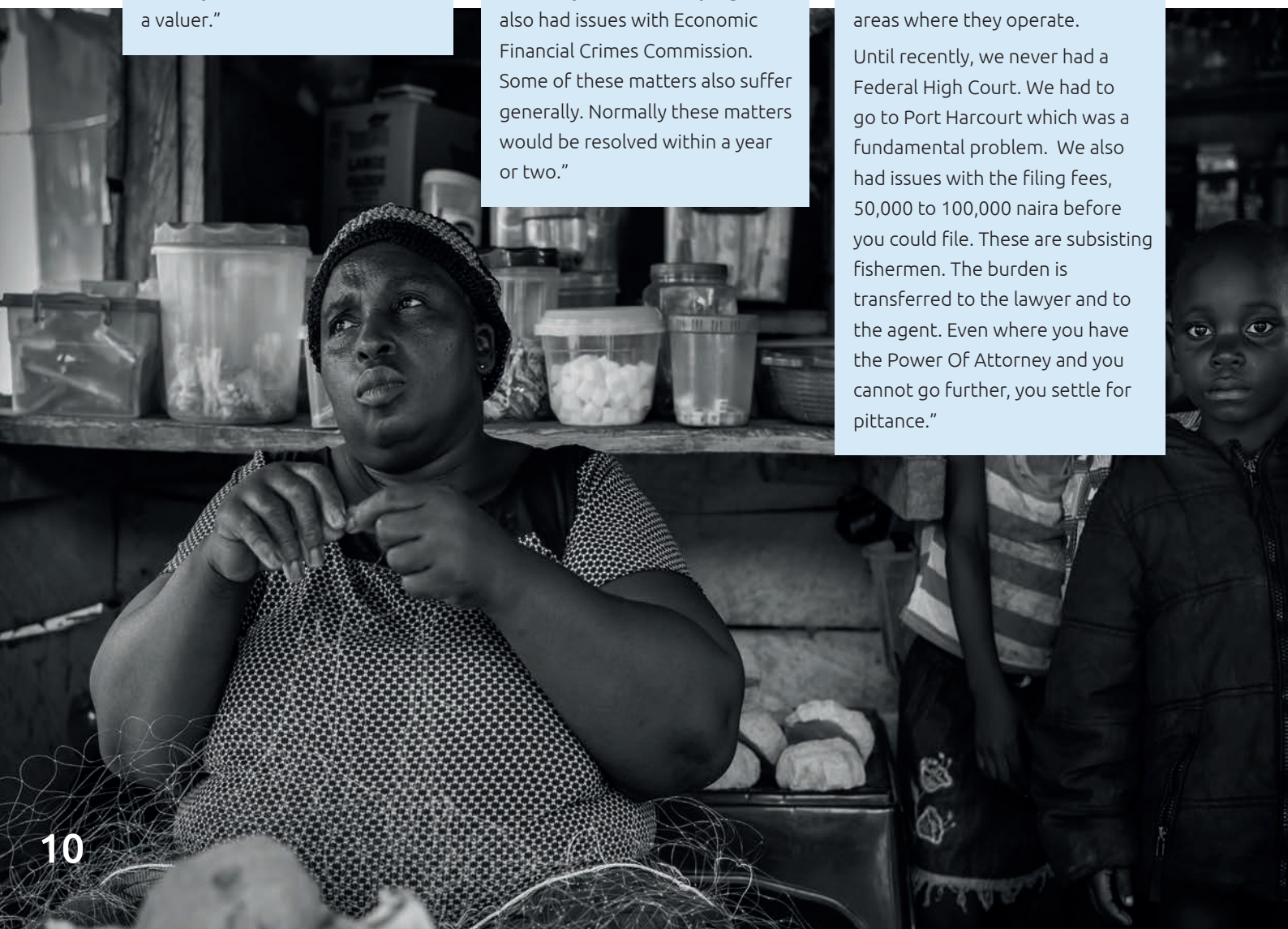
"The one we are pursuing on the payment that Agip refuses to pay, they have appealed to the Supreme Court with a motion for leave at the Court Of Appeal. And for date to be given, it takes a number of days. These are indigenous communities. I have to finance these matters. Some of these communities cannot pay a surveyor, environmentalist and a valuer."

### Lawyer 2

"Because like the one of 30 million, we were in that court, when the judge had a problem and we did not sit about a year. When he was replaced by a new judge, there was a ruling that did not favour the government. Some hoodlums went to the court. They threatened the court. The judge ran away for another year. The third judge also had issues with Economic Financial Crimes Commission. Some of these matters also suffer generally. Normally these matters would be resolved within a year or two."

### Lawyer 3

"You discover that all the oil companies have their offices in PH or Lagos. Engaging a lawyer to go to PH is difficult. If you do not have money you cannot handle these cases. Most of the communities do not have a dime to assist you. It is impossible. I have declined a number of cases. There was a directive that they should have their head offices in areas where they operate. Until recently, we never had a Federal High Court. We had to go to Port Harcourt which was a fundamental problem. We also had issues with the filing fees, 50,000 to 100,000 naira before you could file. These are subsisting fishermen. The burden is transferred to the lawyer and to the agent. Even where you have the Power Of Attorney and you cannot go further, you settle for pittance."





## Conclusion

For over 50 years, oil company activity and its associated impacts have caused untold devastation across Bayelsa State.

Hundreds of thousands of people in Bayelsa have been forced to live on contaminated land, drink and fish in contaminated water and breathe contaminated air. Mortality and morbidity rates have risen sharply, as has the incidence of chronic disease, in communities without the resources to cope.

Countless lives and livelihoods are being destroyed. Thousands of communities and tens if not hundreds of thousands of people have seen their land and fishing grounds poisoned. Neo-natal death and child malnutrition has risen, and hundreds of thousands have been forced into abject poverty.

The problem has been ignored for too long. And even when the world has paid attention, little has happened. Previous reports have merely sat on the shelf, gathering dust.

Action is needed and needed now. The oil companies are beginning to divest from onshore projects in favour of offshore deep-water sites where returns are higher, and risks of environmental damage and social unrest are lower. Time is running out to hold them to account for the legacy of pollution and suffering they are leaving behind. But there is an opportunity for real change.

The BSOEC's final report will be published next year. It will tackle the causes of this catastrophe and lay out measures to remediate the damage that has already been done and to ensure further spills can be avoided.

We hope it will form the basis of resolute action. The eyes of the people of Bayelsa are upon us.

We must not let them down.



## About the Bayelsa State Oil and Environmental Commission

The Bayelsa State Oil and Environmental Commission (BSOEC) was established by Governor Henry Seriake Dickson, Governor of Bayelsa State on 26<sup>th</sup> March 2019. Its mission is to gather and assess the evidence on the scale and impact of oil spills and associated pollution in Bayelsa state and develop recommendations to ensure existing pollution is cleaned up and future pollution is prevented.

The BSOEC is made up of leaders from the worlds of government and faith along with leading academic experts on the environmental, social, political, economic and health impacts of oil and gas activity in Nigeria's Niger Delta.

### Composition

#### Chair of the BSOEC



**Dr John Sentamu**  
Archbishop of York

#### Honorary Commissioners



**HE John Kufuor**  
former President of Ghana



**Baroness Valerie Amos**  
former Under-Secretary General of  
Humanitarian Assistance at the UN

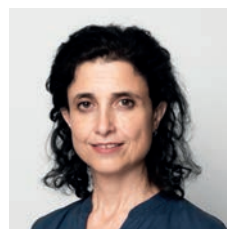
#### Commissioners and Expert Working Group members (EWG)



**Dr Kathryn Nwajiaku-Dahou**  
*(Chair Expert Working Group and BSOEC Secretary),*  
Visiting Academic Fellow, Department of  
Politics and International Relations,  
University of Oxford



**Professor Michael J. Watts**  
Professor of Geography,  
University of California, Berkeley



**Dr Anna Zalik**  
Associate Professor,  
Faculty of Environmental Studies  
at York University, Canada



**Dr Isaac 'Asume' Osuoka**  
Social Action International,  
Nigeria



**Professor Engobo Emeseh**  
Head of School of Law,  
University of Bradford, UK



**Professor Roland Hodler**  
Professor of Public Economics,  
University of St Gallen, Switzerland



## The work of the BSOEC

Since its launch, the BSOEC has conducted a deep assessment of the evidence on oil pollution in Bayelsa. It has conducted an extensive review of the available literature and documents, has commissioned detailed studies on aspects of the impact of pollution and has conducted over 500 meetings with stakeholders, both internationally and within Nigeria. The BSOEC's work has been supported by an international network of environmental scientists and forensic experts, a local expert research team and a network of civil society actors with a long track record of documenting oil related environmental damage in the Niger Delta.

The Commissioners have undertaken three visits to the state, held town hall meetings with representatives from eight Local Government Areas (Brass, Ekeremor, Southern Ijaw, Obioma, Kolokuma/Opokuma, Sagbama, Yenagoa), conducted on-site visits with a local team of researchers.

In addition to meeting with communities who have experienced the direct impacts of oil pollution, the

BSOEC has also met with professionals (legal, health, oil servicing companies) civil society organisations, and officials at all levels of government (notably at the Ministry of the Environment, and representatives of regulatory institutions responsible for assessment working in and on Bayelsa (Bayelsa State Ministry of the Environment and state level staff of NOSDRA). The BSOEC has also received a written submission from one of the three main IOCs operating Joint Ventures in the state (SPDC/Shell Group in Nigeria). Efforts are ongoing to secure oral and written testimony from all IOCs.

The BSOEC will publish its full report in 2020. It will present the Commission's findings on the scale and scope of oil pollution in Bayelsa and its causes and will lay out proposals for the remediation of the damage done-both environmental and social-as well as recommendations for changes to the legal, policy and regulatory framework to prevent further pollution in future.













## Contact us

[info@bayelsacommission.org](mailto:info@bayelsacommission.org)



## The Bayelsa State Oil & Environmental Commission

Adam House, 7-10 Adam Street, London WC2N 6AA

T: +44 208 611 2577

E: [info@bayelsacommission.org](mailto:info@bayelsacommission.org)

W: [www.bayelsacommission.org](http://www.bayelsacommission.org)