Nigeria Village Files $1B Suit against Shell

JON GAMBRELL, Associated Press

LAGOS, Nigeria (AP) — A village in Nigeria's oil-rich southern delta where observers found a drinking-water well polluted with benzene 900 times the international limit has sued Royal Dutch Shell PLC for $1 billion in a U.S. federal court.

The lawsuit alleges that Shell, long the dominant oil company over Nigeria's more than 50 years of production, acted willfully negligent in pursuing profits over protecting the nation's Niger Delta.

The lawsuit filed by lawyers in Detroit uses a recent United Nations report over widespread pollution in the delta's Ogoniland area for much of its evidence. However, that report implied Nigeria's state-run oil company, rather than Shell, was responsible for recent damage in village of Ogale in Nigeria's Rivers state.

"It is not isolated or accidental, but part of a culture and ongoing pattern of conduct that consistently and repeatedly ignored risks to others in favor of financial advantage," the lawsuit filed Tuesday in U.S. District Court in the Eastern District of Michigan reads.

Some environmentalists say as much as 550 million gallons of oil have poured into the Niger Delta during 50 years of production — at a rate roughly comparable to one Exxon Valdez disaster per year. Even today, oil laps up in brackish delta creeks in Ogoniland, creating a black ring around the coastlines.

Ogale was one of the first operational oil fields discovered in Nigeria, where the nation's first shipment of 22,000 barrels of crude oil exported to Europe came from, the lawsuit said. In the time since, the village suffered from the pollution of oil exploration, putting villagers at risk, the suit said.

A U.N. report released in August highlighted the plight of the village, describing how investigators found about 3 inches (8 centimeters) of refined oil floating on the surface of groundwater that serves the community's wells. It also described finding high levels of benzene, a known carcinogen, in the water.

Though Shell abandoned production in Ogoniland in 1993 following civil unrest, miles of aging pipelines and flow stations sit in the area. However, the U.N. report said that a pipeline abandoned in 2008 by the state-run Nigerian National Petroleum Corp. lies near Ogale and showed signs that a large amount of oil spilled from it.

Benjamin Whitfield Jr., a Detroit lawyer representing the village elders, did not return a call for comment Friday.

A spokeswoman for Shell in Nigeria declined to comment, saying the company does not discuss ongoing lawsuits.

Lawyers filed the U.S. lawsuit on behalf of the villagers in Nigeria using the 222-year-old Alien Tort Statute, a law increasingly used in recent years to sue corporations for alleged abuses abroad. On Monday, the U.S. Supreme Court said it will use a separate lawsuit between Nigerian villagers and Shell to decide whether corporations may be held liable in U.S. courts for alleged human rights abuses overseas under the law.

Shell has been sued in the past in the U.S. over its Nigerian operations. In June 2009, it agreed to a $15.5 million settlement to end a lawsuit alleging that the oil giant was complicit in the executions of activist Ken Saro-Wiwa and other civilians by Nigeria's former military regime.

Online: U.N. report: www.unep.org/nigeria *[1]*

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