

INTRODUCTION:

Oruma [now called Yeba Ama] is an Ijaw community in Ogbia Local Government Area of Bayelsa State. It is one of the communities upstream of the Kolo Creek. This community has facilities installed by Nigeria Agip Oil Company [Eni] and the Shell Petroleum Development Company [SPDC]. The pipelines of both companies run parallel to each other under the soil of this community, and at very close proximity; less than ten meters apart. However, while Shell has operated in the environment for a longer period and the community has also experienced some oil spills from Shell's pipelines, the Ogboinbiri/Ogoda Agip pipeline was laid sometime in 2007. Early May 2010 the first oil spill occurred on this pipeline run by Agip. Illegal crude oil bunkering activities by unknown persons is alleged to be the cause of this incident. The community has a history of oil spills from Shell's facilities in the area and with this incident they reacted promptly by reaching out to the authorities and Agip to contain the situation. Even though the community was swift in their reaction to the news, Agip was slow to respond and although they had clamped the leaking spot, cleanup is yet to commence. ERA's field monitor was in the community and was led to the recent oil spill site on the above date to ascertain the situation. Independent observations were made at the site and community leaders were interviewed on the subject matter, including the community's paramount ruler and youth president Mr. Alali E fanga, who is also one of the Nigerian farmers that is currently suing Shell in the court in the Netherlands.

The recent oil spill in my community occurred along Agip's Ogboinbiri/Ogoda pipeline. The clear thing is that I am not happy about it, because, for me, I know the implications and I wouldn't like that type of thing to happen within my environment. I say so because I know the environmental effects. But, keeping that apart, if you go and see what happened at the spill site, it is a definite case of somebody coming to tamper with it, with the intention to get something out of it, for some economic gain. And the gain is not coming to my community; not to any member of my community.

The people who did that act were not from my community, I must repeat to drum home that fact. There was a valve; they installed the valve at the point. That means somebody intentionally planned, and then with the view to control the flow as to know the quantity that comes out at any given time and ensure that the crude oil does not just flow and spread all over the environment. But there is no way you can do that kind of thing perfectly without some spill coming out and polluting the environment. So, right now our environment has suffered from that pollution. And, my people are now to bear that environmental impact; the damage and all other consequences that will follow that damage.

What Agip is telling us now is that it is a SABOTAGE [referring to the JIV report in his hand]. But, if it is sabotage, my question is, are we doing it right? The culprits, are they from my community? And if they are not, then must we suffer for the actions of other people when we are not the beneficiaries of whatever they were doing? This is a fundamental question that should be answered by Agip. The other issue is, since it has been proven that the cause of spill is third party interference, that people from outside have come to do whatever they like for economic reasons, should my people be denied compensation for the impact on the environment, especially as we do not know anything about it?

And again, of course, the pipeline is in the bush without security; nobody is there to know who is coming to do what. As you went to the site you must have noticed that that Agip pipeline is parallel to that of Shell. You need no extra effort to observe how overgrown the grasses are along Agip's own side of the pipeline, very bushy. In fact, I am not happy about this oil spill and pollution in my environment. I pray Agip should also take an objective view of the scenario from my perspective and do something to alleviate the suffering the spill is bound to cause my people. However, if Agip will be able to prove to me that my community people went to do that act, then I won't have any problem with Agip. Without that, I will not like to leave the matter lying low without doing something about it.

It is also expected that Agip should engage surveillance guard contractor to take care of their facility, even contractor to clear the pipeline. And we all know that, by practice globally, whichever contractor they engage should come from the immediate community; to avoid situations whereby strangers compromise the safety of the environment for petty gains. For now I don't know anybody from my community that has that contract from Agip. And Agip has not told me they have any such contractor from my community.

Actually this recent oil spill from Agip pipeline, the Ogboinbiri/Ogoda 24 inch pipeline, occurred in early May, 2010. I was informed about the spill by fellow indigenes when they first noticed it. On my own, I decided to reach out to the relevant agencies of the Bayelsa State government with a view to getting the attention of Agip. When my efforts to see the Hon. Commissioner of Environment failed, I went to the Ministry of Energy and, there I met the Hon. Commissioner of Energy, Maxwell Oko. After hearing my story, the Commissioner of Energy said he will personally go to the site and see things for himself. And so, I led him there; because I have been there too myself to see it after I was told of the incident. The Commissioner of Energy called Agip office in Brass and informed them about it. A manager from Agip also met with the Commissioner of Energy on the matter; I witnessed it. Thereafter, when the Commissioner called Agip's Port Harcourt Office, they replied him that they were already aware of the situation at Oruma.

Sadly, after all the above efforts, Agip didn't come to the site until after about two weeks. Another thing, does Agip need anybody to tell them about the importance of security on their facility? Now see what has happened. People were siphoning crude oil from the pipeline. Even though we have been hearing of bunkering, the phenomenon is strange to us. Agip ought to have contractors for surveillance and clearing of grass along the pipeline. You have been to the site; didn't you see how bushy the pipeline was? It is very annoying. Over two weeks ago they came and clamped the leaking spot, they are yet to mobilize to site for cleaning. The crude oil is still there posing grave danger for animals and the environment in general. Already the rains are here. The flood will soon carry the slick and spread it in the bush and swamps unless they come

and cleanup. This will affect flood time fishing in the bush. This is another cause for worry. I was privileged to see the JIV report. And one of the recommendations was that the impacted site should be cleaned as soon as possible. Now, I wonder Agip's definition of the statement, as soon as possible. If it were to be in the advanced countries where environmental concerns are taken seriously, can Agip do this? That is why the international community should understand the plight of the people of the Niger Delta.

I am the Youth President of Oruma community. I will not say much because I heard most of the things our paramount ruler said to you.

The Agip Officials who came for to clamp the pipe were from Brass Office. They came through Ogbia and, almost all of them were speaking Nembe. During introduction one of them introduced himself as Columbus Ernest [P.R.O of Agip] and another, who called himself Sarka [other name forgotten] was a safety Officer. These two persons led the team from Brass to come and effect clamping.

We have several photographs of the various stages of this incident, even as the valves and hoses of the bunkerers were still on the pipe before Agip came for clamping. And, we also took pictures during the clamping, right from the digging to actual clamping. All things being equal, we shall make those pictures available to you later; the person in charge is not around now. We are not in support of such things in our environment at all.

ERA's field monitor observed, as was reported, that, Agip's side of the pipeline was very bushy. While the sign posts of Shell were very clear even from a distance, the only one seen belonging to Agip was made possible by beating down the over grown grasses around it. It is easier to hide and carry out negative acts along that pipeline than the relatively cleared pipeline of Shell which was less than ten meters away. Also noticed was a narrow bush path linking a spot on the nearby road [about 50 meters away] where the marks of heavy truck were seen, most likely a loading point of the crude oil at night. Burnt hoses used to connect the source [on the pipeline] and the loading points were seen lying nearby. A timely cleanup exercise will do much good to the environment, as the crude oil is yet to spread far and cause more harm.

In view of the great danger crude oil poses to the environment in terms of pollution and impacts on the health and livelihood of the people, it is expected that oil companies take issues of oil spills seriously and act proactively and promptly. Just as the polluter must pay principle, existing oil industry regulation also places the responsibility of cleanup on the owner of the facility, irrespective of the cause of the spill. In the light of the above, ERA demands:

1. That Agip should respect the Joint Inspection Visit report and mobilize to carry out proper cleanup of the impacted site.
2. The issue of illegal bunkering in the environment should be investigated

3. Agip should not only engage surveillance contractors from the immediate community, but ensure visibility along its pipeline in the environment. It is the responsibility of Agip to clear the grasses along its pipeline.

4. The innocent cannot continue to suffer in the name of a weak oil industry sabotage law. Agip should therefore initiate steps to compensate the victims, after proper assessment of the environmental impact/damage.

1. Send a letter to Agip and demand that they should protect their pipelines and also clean up this spill.

2. Send copies of your mails to ERA and to media houses nearest to you.

3. Join us to defend our environment by exposing incidents with negative impacts