Oil Spills and Community Compensation Claims in Nigeria: The Bodo Community Experience (2008-2015)

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Abstract

Environmental justice struggles have remained a dominant feature of civic action and political engagement by oil-impacted communities in Nigeria's Niger Delta, particularly in their interface with the Nigerian state and oil multinational corporations (IOCs). While most of the confrontations between oil communities, NGOs, and community-based social movements have been informed by nonviolent protests and campaigns, efforts to pursue legal avenues in order to make the Nigerian state and oil corporations accountable have been limited. This is as a result of the weak judicial setting and loopholes in Nigerian environmental torts that make it problematic to bring the state and corporations to justice. This trend changed when, with the support of national and international NGOs, the people of Bodo community in Ogoni sued Shell in a United Kingdom court and got compensated for two massive oil spills that ravaged the community in 2008 and 2009. This paper examines the Bodo oil spills, their environmental impacts, and the resilience of the Bodo people in demanding accountability and environmental justice through litigation. It argues that the payment of monetary compensation is not sufficient for the massive environmental losses suffered by the community in the face of two massive oil spills. Hence, the success of the Bodo oil spill case is not sufficient to claim that justice has been procured for the community. Although real justice may not have been achieved from the Bodo oil spill case, the paper argues that it has nonetheless inspired other communities to pursue their environmental justice claims against Shell in foreign jurisdictions.

Keywords: Oil Spills, Environmental Pollution, Community Compensation, Bodo Community, Nigeria.

Introduction

At the launch of the Ogoni struggle in August 1990, the Ogoni people, led by their political leaders and traditional rulers, issued a well-articulated manifesto, which they called the Ogoni Bill of Rights. The Ogoni Bill of Rights articulated the grievances of Ogoni people against the Nigerian state, which it accused of marginalisation and dehumanisation. It also accused the leading international oil company, Royal Dutch Shell, of pillaging their land and environmental resources through irresponsible oil extraction, without adequate compensation or delivering any form of development to host communities (Saro-Wiwa, 1992; Okonta and Douglas, 2001; Naanen, 2005).

Characteristic of the Nigerian state, and in full collusion with Royal Dutch Shell, the Ogoni struggle was brutally suppressed. Ken Saro-Wiwa, leader of the Movement for Survival of Ogoni People (MOSOP), was executed along with eight others following widely criticised and highly controversial trials (Okonta and Douglas, 2001). In essence, the Bodo oil spill case is a vindication

of the Ogoni struggle and a validation of the claims of the Ogoni in the Ogoni Bill of Rights and the politically charged rhetoric of Ken Saro-Wiwa about a well-calculated genocide against the Ogoni people by Shell and the Nigerian government (Saro-Wiwa, 1992). In his final words at his trial in 1995, Ken Saro-Wiwa talked about the 'denouement of the Niger Delta riddle' and the fact that 'Shell was on trial' (Okonta and Douglas, 2001). In 2015, twenty years after the execution of Ken Saro-Wiwa, and the brutal repression of the Ogoni and broader Niger Delta struggles, widely seen as orchestrated by the Nigerian state in collaboration with Shell and other international oil companies to protect their businesses, the people of Bodo community have demonstrated that Saro-Wiwa's convictions were justified and that the ideals championed were both legitimate and enduring. Ken Saro-Wiwa's voice and non-violent ideas continue to resonate across communities in Ogoniland and throughout the Niger Delta, as oil-impacted communities continue the fight to protect their environment and demand for corporate accountability and environmental justice from Shell and other IOCs. Indeed, keeping silence would have been equivalent to treason for Ken Saro-Wiwa (Corley, Fallon and Cox, 2013). The Bodo community's struggle to hold Shell liable for oil spillage drew inspiration from Saro-Wiwa's environmental activism and literary works, through which he strongly condemned the environmental degradation of Ogoniland by Shell.

This paper explores the Bodo community's experience with oil spills and compensation claims, situating the discussion within the sphere of environmental justice. Specifically, this study examines the extent to which compensation claims can be regarded as an aspect of environmental justice in the context of the Bodo case. The primary objective is to contribute to the existing literature on litigation as a form of response to extractivism in the Niger Delta, using the Bodo community's experience as a reference point. It deals with the history of the Bodo community, oil spills and environmental impacts, the concept of environmental justice, and its relationship with compensation claims in the context of oil spills in Bodo. By analysing the Bodo oil spill case, this paper offers insights into the effectiveness of litigation as a means of seeking environmental justice and securing compensation for affected communities.

The History of the Bodo Community

The Bodo community is located in the Ogoni heartland of the eastern Niger Delta. It consists of 35 villages. 'Bodo literally means on the sea' (Tanen, 2015, p. 1). It is the largest community in the Gokana Local Government Area and Ogoniland, both in terms of population and landmass (Pegg and Zabbey, 2013; Tanen, 2015). The community features a complex geography that includes saltwater creeks, river channels, freshwater islands, and rainforests. It is bordered by Gokana and Andoni to the east, Eleme and Port Harcourt to the south, Ogu-Bolo and Bonny to the west, and the Atlantic Ocean to the north. Over 65% of Bodo is covered by brackish creeks, mangrove forests, and swamps that collectively form the Bodo Creek (Tanen, 2015; Pegg and Zabbey, 2013).

Oral history suggests that Bodo is the youngest of Gokana's seventeen communities, with its origins traced to between 770 AD and1000 AD. GbereSaakoo, the founder, is said to have named the clan Gokana, with 'Go' meaning ancestors and 'Kana' for Khana (Zabbey, 2019, p. 7). The main occupations in the community include farming, fishing, weaving, and trading. Religious practices are centered on the supreme being, referred to as 'Bari', and other lesser deities (Dube, 2021). Bodo is governed through a hierarchical structure headed by the King, known as 'Menebon', down to the level of nuclear families (2024, personal communication, 10 May). Despite the influence of colonial rule, the hereditary kingship system has remained largely intact across Ogoniland. Bodo's economy is sustained by fertile farmlands and the fisheries in the surrounding creeks. Prior to widespread oil pollution, Bodo served as the fish basket of Gokana. It also supplies agricultural produce to markets in Bonny, Bori, Eleme, and Aba (Tanen, 2015; Pegg and Zabbey, 2013; Ecoland Resources Limited, 2009; Amnesty International and Centre for Environment, Human Rights and Development-AI/CEHRD, 2011). The Bodo Creek mangroves provide vital ecosystem goods like timber, fish traps, honey, and palm thatch (Wangbu, 2018). They also aid shoreline protection and fish breeding. Mangrove timber and bark are traditionally used for boat construction, cloth dyeing, glue, and carving (Pegg and Zabbey, 2013).

The Bodo Community Oil Spills and Their Environmental Impact

Environmental disasters, whether natural or manmade, often thrust otherwise scarcely known regions into the global spotlight. This was the case of Bodo following the 2008 and 2009 oil spills from a section of the Trans-Niger pipeline, which traverses Bodo Community into the Bonny terminal (Pegg and Zabbey, 2013; Morgan, 2017). The oil spills were linked to equipment failure on the pipeline. According to the Bodo community, the initial spill started on 28 August 2008 and continued for seventy-two days until it was stopped on 7 November 2008. Shell, however, claimed the spill began on 5 October 2008, still indicating weeks of continuous leakage into Bodo Creek, surrounding rivers, and farmlands before it was contained. 'The second spill, which started on 7 December 2008 and continued for 77 days until 21 February 2009, was acknowledged by both Shell and the Bodo community as a major case of continuous oil spillage' (Pegg and Zabbey, 2013, p. 394). According to local accounts, the spill lasted that long because of Shell's awareness of the likely environmental consequences and the risk of global condemnation and sanctions. From Bodo residents' perspective, the dispute over the start date of the first oil spill was seen as a deliberate legal strategy aimed at reducing its liability.

There was significant controversy over the real volume of oil spilled, as Shell initially claimed that about 4,000 barrels were spilled. However, Amnesty International and CEHRD disputed this figure, noting that Shell deliberately understated the volume in order to reduce the amount of compensation payable to the community (AI/CEHRD, 2011; Vidal, 2015). Independent estimates later revealed that the volume of oil spilled was significantly higher than Shell admitted. For the first spill, estimates ranged from 103,000 to 311,000 barrels (Vidal, 2015). Although no independent estimate was made available for the second spill, assessments based on the severity

of environmental destruction, the physical damage observed, and the prolonged delay in containment suggested that about 472,000 barrels of oil were released (Pegg and Zabbey, 2013).

The magnitude of environmental destruction caused by the two spills, coupled with Shell's inability to respond promptly in line with regulatory standards, reflects the culture of impunity that has long characterised its operations in the Niger Delta. Shell has consistently evaded accountability for oil spills since it commenced operations in the region (Okonta and Douglas, 2001; Amnesty International, 2009). Nigeria has a regulatory system that mandates oil companies to clean up spills in their operational areas, irrespective of the cause. In the case of marine oil spills, the law further stipulates that no visible oil sheen should remain after 30 days, regardless of the severity of the spill. However, Shell and other international oil companies have failed to meet these regulatory obligations, and the associated agencies have equally failed to enforce compliance. This points to a weak and corrupt regulatory environment, compounded by poor institutional oversight that has plagued the Nigerian oil sector over the years (AI/CEHRD, 2011; UNEP, 2011; Pegg and Zabbey, 2013). It was this persistent failure that motivated the people of Bodo to demand for environmental justice and expose to the world the painful realities of the long years of Shell's environmental abuse.

The impacts of the oil spills were both devastating and emotionally wrenching. A community that once thrived for its prominent and prosperous fishermen and farmers was suddenly reduced to one where families now beg for food, due to the tragedy of oil pollution. The Bodo oil spills caused severe environmental destruction and substantial economic losses. In Niger Delta coastal communities, the brackish water ecosystems and mangroves, though often linked to muddy terrain and strong smells, are rich in biodiversity. Within the mangroves and underneath these muddy beds lie abundant seafood resources that supply local delicacies served in roadside bars and five-star hotels alike. These resources once served as livelihood sources, especially for women, girls, and older men, who are no longer strong enough to endure the physical demands of active fishing. This was destroyed by the spills, disrupting the local economy and further expanding the socio-geography of hardship in the community (AI/CEHRD, 2011; Pegg and Zabbey, 2013).

Zabbey (2011) conducted extensive studies on the Bodo Creek, mapping the entire area and recording the aquatic resources within it. However, long years of repeated oil spills have endangered, if not completely destroyed, these resources, throwing the community into poverty going by World Bank standards (World Bank, 2001). The World Bank measures poverty using both income and non-income indicators, and going by these metrics, Bodo suffered severe deprivation because of the widespread destruction of their natural environment, particularly waters, creeks, mangroves, and all forms of aquatic resources, caused by the two massive oil spills of 2008 and 2009. This posed severe threats to their fishing-based economy and survival as a community. Amnesty International and its local partner, Centre for Environment, Human Rights and Development (CEHRD), referred to the destruction by the Bodo oil spills as the 'true tragedy'

(AI/CEHRD, 2011). 'The Bodo oil spills disrupted ecosystem services and destroyed the people's means of livelihood' (Allen and Dube, 2016, p. 2). Many of the local people, who were mostly farmers and fishermen, were the worst affected by the impact of the spills.

United Kingdom (UK) Court Litigation and Out of Court Settlement

The United Kingdom-based law firm that represented the Bodo community in its case against Shell was instructed by the community to initiate legal proceedings after Shell failed to address the oil spills or undertake a cleanup effort three years after the incidents (Leigh Day, 2024). The Bodo community sought compensation for the two oil spills and the damage they caused to their farmlands, fish ponds, creeks, and aquatic resources. Shell's prolonged inaction, in addition to what was perceived as a dismissive gesture, offering food and milk as relief materials, further angered the community. As a response, the community formerly directed Leigh Day & Co. to begin legal proceedings in the UK. Fearing an embarrassing legal hurdle in the UK High Court, Shell then accepted responsibility for the spills and opted for an out-of-court settlement (Leigh Day, 2024; Vidal, 2015). This outcome proved to be a significant moral victory for the Bodo community and served as a beacon of hope for other oil-impacted communities in the Niger Delta, heralding the possibility of seeking justice beyond Nigeria's borders. It also exposed Shell's negligence and malfeasance, as well as the failure of the Nigerian legal system to protect its own citizens, from whose lands and waters it extracts the oil that funds the state and sustains the national economy (Chapman and Dube, 2015).

The terms of the settlement included £35 million for compensation to the individual claimants and £20 million for compensation to the Bodo community for environmental losses, with payment commencing in 2014. According to the UK court's ruling, '…parties entered into an agreement (the Settlement Agreement), pursuant to which the defendant agreed to pay the sum of 55 million British pounds to the Bodo community and the individual claimants.' Shell was also mandated by the judgement to clean up and remediate all polluted sites in the community, including replanting of mangroves destroyed by the spills. Each claimant received an individual payment of approximately $3,300, which was paid directly into specially opened bank accounts (Vidal, 2015; Leigh Day, 2024; Allen and Dube, 2016; Morgan, 2017). However, tensions arose among community members that the compensation process might be mismanaged by the Paramount Ruler and Council of Chiefs. Therefore, at the Community General Assembly, they demanded that the £20,000 meant for community compensation be shared equally among all the registered claimants. This demand was eventually facilitated by the legal representatives to ensure a transparent outcome aligned with community expectations (2024, personal communication, 15 May).

Shell attempted to delay the cleanup process until 2016, employing strategies consistent with its traditional pattern of corporate negligence. However, the Bodo community, with the assistance of their lawyers, returned to the UK court to compel Shell to proceed with the cleanup. Shell, in turn, tried to prevent the community from using the court to ensure compliance or enforce the cleanup

and even lobbied community stakeholders to withdraw the suit, raising concerns about jurisdiction. Despite these manoeuvers, the court upheld the community's right to pursue their claims (Leigh Day, 2024). Following the UK court's judgement, the initial phase of the cleanup has been completed, although environmental remediation is still ongoing. However, the primary concern now is the issue of re-pollution, arising from either oil theft or further leaks from the Trans-Niger Pipeline. The recurring leaks may likely reverse the gains of the clean-up. The Bodo community claims that the pipeline leaks regularly, resulting in frequent spills. For instance, spills were recorded in 2022 and 2023, with the community expressing concerns that these occur regularly. This ongoing concern is a clear suggestion that the Bodo community and Shell will likely remain embroiled in legal battles for years unless the company repairs the damaged sections of the Trans-Niger Pipeline to end these recurring oil spills.

One major gap in the terms of settlement is the failure of the community and their lawyers to compel Shell to fund a post-oil spill health impact study on the people of the community. This would have been the deal-breaker for the community in achieving environmental justice, as Shell would then have been legally directed to continue paying for the ongoing health implications of the spills. Nonetheless, Shell still got away with it, as the company maintained that such compensation claims require proof based on a medical or health study. However, human rights activists like Michael Karikpo and Arochukwu Ogbonna both view the case as far from over. They believe that 'a post-oil spill health study can still be conducted, and its findings can still be used to bring Shell to justice, claiming this will certainly happen someday' (M. Karikpo and A. Ogbonna, 2024, personal communication, 3 May).

Compensation

Out of a population of about sixty-nine thousand persons in Bodo (Pegg and Zabbey, 2013), only fifteen thousand six hundred persons benefited from the compensation paid by Shell to the Bodo community (Leigh Day, 2024; Allen and Dube, 2016). Recipients of the compensation included adult men and women, young people, and children. Youths were among the largest group of beneficiaries. As stated by Allen and Dube (2016, p. 8), 'one aspect of the process of disbursement of money to beneficiaries is the seemingly corruption-free process'. The amount paid to beneficiaries also varied. Those who have evidence of fish ponds, fishing traps, boats, and farmlands destroyed by the oil spills were paid a higher sum, while others living in the community were paid less than those whose businesses were destroyed (A. Aalo 2024, personal communication, 6 May). To qualify for compensation, individuals had to show proof that they were indigenes of the Bodo community, and this was done by providing a valid means of identification such as a Permanent Voter's Card, National Identity Card, or International Passport.

From the above number of beneficiaries, it is clear that many indigenes of Bodo were excluded from the compensation, as only fifteen thousand six hundred people benefited out of a community of sixty-nine thousand. The clue to this lies in the process of registration of beneficiaries for the

compensation. According to Nenibarini Zabbey (2024, personal communication, 5 May), the criteria for identification, selection, and registration of beneficiaries included possession of a Permanent Voter's Card, a National Identity Card registered in the community, or an International Passport with evidence of being a Bodo Indigene. This criterion was for adults, while children used birth certificates. Leigh Day, in their wisdom, used these criteria for the selection and registration of participants for their compensation claims to provide legitimate proof of residency in the community and to prevent Shell from disputing the validity of residency claims. However, this process did not open doors for everyone to benefit, as the guidelines required that all identity cards must have been in existence prior to the spills.

However, 'this criterion excluded the majority of Bodo community residents' (D. Badey 2024, Personal Communication, 3 May). The use of these registration requirements might have been done with the sincerity to win Shell and reduce the risk of having the company challenging their compensation claims. Also, it did not do justice to the community, because everyone from the community suffered, directly or indirectly, from the spills. Using civic registration to deny people their legitimate compensation in a community they belong to and have lived in for most of their lives was not only unjust but also cruel (M. Gbaraba 2024, personal communication, 3 May). Michael Gbaraba further held the view that as of the time of the registration for the compensation process, many locals did not have a Voter's Card due to various reasons, including illiteracy and political apathy. This may have been the explanation for why many Bodo residents did not have the Permanent Voters Cards. According to him, the UK lawyers were more interested in a legally convenient path to victory than in ensuring fairness and equity for the entire Bodo community. The term equity, as used here, entails fairness and justice for the Bodo people and their environment. It is also important to note that at the time of the Bodo oil spill case, National Identity Card registration had not yet become compulsory, as it has since 2021. Hence, only a few individuals had the National Identity Card. As a result, a lot of Bodo residents were denied compensation simply because they lacked valid identity documents that identified them as residents or indigenes of Bodo. In fact, local accounts reveal that some non-native residents who could tender an identity card (although falsifying their claims of being from Bodo) benefitted from the process.

Another concern about exclusion from the compensation payment is that, despite the level of formal education and literacy the Bodo community has achieved over time, many individuals—especially the older population, who are mostly farmers and fisherfolk—still remain non-literate. As a result, relying solely on civic registration as the basis for determining eligibility, without offering any form of support or alternative, was difficult for the community to accept. Many locals expressed feeling sidelined in their own homeland simply because they lacked the necessary identification documents (2024, personal communication, 15 May). Michael Karikpo, a campaigner for environmental justice and human rights lawyer, observed that:

> The Bodo community compensation process led to grievances and, eventually, to crises because the process was neither properly structured nor sensitive to conflict and class dynamics. The deep class divide between the elites and the ordinary people in the community was not adequately considered by either the lawyers or the community leaders during the out-of-court settlement with Shell (2024, personal communication, 15 May).

Another key issue that seemed to have been overlooked in the terms of settlement was the health impact of the spill, an aspect that could have warranted Shell paying a significantly higher amount in compensation. Although the environmental effects of the spill have been documented by CEHRD/AI (2011), Pegg and Zabbey (2013), and Zabbey and Uyi (2013), no specific post-oil spill health impact study was carried out in relation to the Bodo incident. In a discussion with Dr. Nubari Nabie, it was revealed that the idea of conducting a health audit of the Bodo community was raised with the UK lawyer, Martin Day, as part of the claims against Shell. According to Dr. Nabie, 'due to the lack of documented medical evidence directly linking the health conditions of residents to the spill, it would have been challenging for the community to mount a successful legal case on health-related grounds at the time' (2024, personal communication, 15 June).

Compensation and the Question of Environmental Justice

The Bodo oil spill case raises several key questions. Beyond its unprecedented nature and uniqueness, it brings the issue of environmental justice into focus. Hence, it raises the question: To what extent has monetary compensation truly delivered justice to the people of Bodo for the extensive environmental damage they suffered? The oil spills devastated the land, water, mangroves, and aquatic resources of the community. They also posed serious threats to livelihoods and human health, placing the survival of future generations at risk. This prompts a deeper concern: to what extent did the compensation address the loss of irreplaceable environmental assets? While respondents expressed differing views on the meaning of justice, they agreed on one key point—no amount of money can restore the mangroves and other aquatic resources that were destroyed by the spills (AI/CEHRD, 2011; Pegg and Zabbey, 2013; Chapman and Dube, 2015; Allen and Dube, 2016).

Allen and Dube (2016, p. 9) observed that "environmental justice issues in oil-degraded communities in the Niger Delta mean more than just pecuniary compensation payments to victims by oil companies." While compensation beneficiaries in Bodo were relieved to have received something, many expressed deep sorrow over the loss of their mangroves and aquatic ecosystems—resources they believed would never be restored in their lifetime. Although the monetary compensation was small relative to the scale of environmental destruction, some beneficiaries were able to derive long-term benefits from it. Respondents acknowledged that the payments were insufficient in relation to the damage done, yet many used the funds to rebuild their businesses and pursue meaningful goals for themselves and their families. Some combined the

compensation with support from relatives to build homes, purchase land, or fund their children's education. Still, as noted, temporary financial relief has limited reach. Many continued to voice dissatisfaction, arguing that the compensation could not match the income they previously earned from fishing. As Allen and Dube (2016, p. 9) further stressed, 'the people of Bodo cherish and prefer the long-term benefits derived from an environment inherited from their forebears.'

There are also those who claimed that the cleanup and remediation of the Bodo Community was part of the environmental justice procured for the community through the settlement. Neninbarini Zabbey maintained that the community got justice through the environmental cleanup and remediation process. According to him, thousands of Bodo youths were employed and are being well paid during the ongoing cleanup and remediation activities, which have brought a great deal of succour to the community following the loss of livelihoods. However, others believe that the core issue in Bodo is not merely about cleanup or compensation but about community leadership and how it has managed the opportunities arising from the settlement—particularly the cleanup and remediation phase. Mr. Inemo Samiama, Chairman of the Bodo Mediation Initiative (BMI), the committee charged with overseeing the mediation and settlement process between Bodo community and Shell, holds this view. He noted that in his personal capacity as chairman of the mediation committee, he facilitated the payment of an additional sum of $7 million from Shell as a goodwill fund to the Bodo community. Out of this money, Shell has already paid $3 million to the community, with an outstanding balance of $4 million. The goodwill fund, according to Mr. Samiama, was meant for social investment in the community. But the big question remains: what did the community do with it? The answer, as Mr. Samiama implied, lies in the leadership and accountability deficits within the Bodo Community. Giving them access to such a fund meant for social investments targeting the poor and vulnerable was like keeping a goat in the custody of a lion. The feeling in Bodo about the goodwill fund is that some Shell staff had colluded with some corrupt individuals in Bodo to defraud the community and divert the $3 million for their personal use. Many believe it would have been more appropriate to secure that money in a trust fund and insist that it can only be accessed by independent trustees tasked with investing and managing it on behalf of the community. This oversight gap exposes the weaknesses and corruption in Shell's corporate social responsibility practices in the Niger Delta, which, in themselves, have contributed to conflict in many communities.

From the foregoing, it is clear that monetary compensation alone does not amount to true environmental justice. Allen and Dube (2016, p. 10) argue that 'genuine justice must involve measures aimed at restoring both the environment and people's means of livelihood. This includes addressing health concerns and ensuring access to lost ecosystem services.' In the case of the Bodo compensation, these critical components of environmental justice were missing, allowing Shell to sidestep full accountability for the extensive harm caused to the community and its environment. In addition, Chapman and Dube (2015, p. 4) contend that 'environmental justice should include effective remedies, which broadly incorporate restorative justice frameworks such as restitution,

compensation, rehabilitation, satisfaction, and guarantees of non-repetition.' These frameworks are rooted in the United Nations Guidelines on the Right to Remedy for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (cited in Chapman and Dube, 2015). In Bodo's case, these principles were not reflected in the UK court's decision. While the community did receive monetary compensation, the broader restorative justice frameworks, especially those that ensure long-term remedies and non-repetition, were absent.

The Bodo oil spill litigation case is similar to that of the Zambian communities who initiated legal action against copper mining companies operating in their areas. As Pesa (2024, p. 8) notes, 'there is a difference between legal justice and environmental justice.' Drawing from the prolonged legal battles waged by these Zambian communities, who suffered widespread pollution of rivers, lands, and farmlands as a result of copper mining, Pesa notes that procuring legal justice through the courts in the form of monetary compensation does not essentially guarantee environmental justice. Just like the Bodo case, the Zambian litigation paints a clear picture of the difference between environmental and legal justice. While legal justice is narrow and temporal, environmental justice is broad-based, long-term, restorative, and sustainable. However, in both cases, the communities affected were granted legal justice in the form of monetary compensation, but not environmental justice. The only difference in the case of Bodo is the provision in the court judgement compelling Shell to clean up and remediate the community's environment. However, other long-term reparative measures were largely absent. In contrast, the Zambian communities received only monetary compensation, which they believed was largely insufficient compared to the massive environmental and livelihood losses.

Another notable parallel between the Bodo and Zambian communities is that both were unable to obtain justice from their national courts. Instead, both cases were settled in UK courts, raising serious concerns about the weakness of domestic environmental tort regimes in many African jurisdictions. This often enables multinational corporations to escape accountability for the social and environmental consequences of their operations in host communities. In the Zambian case, although the communities initially secured a favourable ruling in the lower courts, they eventually lost at the appellate level due to legal technicalities used by the mining company to deflect responsibility. Hence, the communities were compelled to seek justice in the UK by suing the parent company of the local operator. Furthermore, Pesa (2024) raised a fundamental question concerning the feasibility of securing environmental justice through legal means. This view of the Zambian experience amplifies similar concerns raised in the Bodo case, showing a general lack of responsiveness by domestic courts to claims related to environmental justice. This pattern resonates with Nigeria, where communities like Bodo and others within the Niger Delta have now increasingly resorted to foreign jurisdictions, particularly UK and Dutch courts, in pursuit of justice against multinational oil companies. In Nigeria, the judiciary is very conservative toward

environmental litigation, leading to protracted court battles with oil companies without achieving any tangible results (Chapman and Dube, 2015).

Conclusion

The highly publicised and well-fought Bodo oil spill case may not have resolved all the questions of environmental justice for the people of the Bodo community, but indeed, it has inspired hope for other Niger Delta communities to take up their cases against Shell in its home countries—the United Kingdom and the Netherlands. Since the Bodo oil spill case, there have been a lot of foreign litigations against Shell for oil spills caused by operational malfeasance in Nigeria. This shows that the years of environmental justice activism pioneered by Ken Saro-Wiwa and the Ogoni people are beginning to come to fruition. As a matter of fact, both the Bodo case and all the ongoing cases are moral victories for the Ogoni people and Ken Saro-Wiwa, who put their lives on the line to ensure that Niger Delta communities get justice.

While the Bodo case has inspired Niger Delta communities and environmental justice activists to pursue legal redress abroad, it also shows the weaknesses within Nigeria's environmental jurisprudence in protecting people and communities against oil spills and irresponsible extractive practices (Chapman and Dube, 2015). Based on the high costs, complex legal processes, and technical demands involved in transnational litigation, it is nearly unrealistic to expect local communities to sustain such efforts alone. Therefore, while recent and ongoing cases abroad bring a measure of hope, the more reliable, meaningful, and sustainable victory lies in implementing comprehensive reforms within Nigeria's extractive and justice sectors. These reforms should ensure that IOCs are held accountable domestically and are mandated to uphold human rights and environmental protections as critical components of their operational strategy.

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