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## [Nigeria: A milestone verdict against oil flaring](#)

Unsustainable production for unsustainable consumption. That's the case with crude oil, the pillar of industrialization and the so-called modern "growth" advocated by globalised free trade.

It has a huge cost though, that goes on invisible, "externalized" by the macro-economists. But for local communities the cost is far from external. They suffer it in their lungs, their skins, their eyes, their wombs, their daily lives and deaths.

In Nigeria, oil is found in relatively small fragmented pockets at the Niger Delta. The wells from several fields supply a single flow station through a network of pipelines. Major pipelines then transport the oil to refineries or to shipping terminals and are complemented by tank farms and pumping stations along the way. This infrastructure in itself occupies and traverses the land.

Vast tracts of mangrove forests are adversely affected by oil pollution and related developments. Oil spills, which are quite numerous and continue to plague the petroleum industry are a very serious concern in regards to the health of our planet's remaining mangrove forests. The leaked oil permeates the coastal waters and streams, coating the exposed, air breathing roots of the mangroves, making it difficult, if not impossible, for the plants' breathing lenticels to perform their essential functions, thus in effect slowly suffocating the mangroves.

As MAP's director Alfredo Quarto wrote in an edition of Late Friday News and following a visit to underscore the seriousness of oil pollution in Nigeria: "The Niger Delta contains the third largest contiguous mangrove forest in the world. Once rich in biodiversity and teeming with marine life, the area is now being rapidly degraded by petroleum production. The entire region is engulfed in what might be called a Petroleum War --a war fueled by the uncontrolled avarice of the multinational oil conglomerates too long wed to their ubiquitous cronies and mafia-style henchmen in government. During my second week in Nigeria, I was struck down by malaria --wounded in battle, you might say-- another victim in this unholy war against the planet. But the roads to oil riches in Nigeria are lined with countless other victims and environmental refugees, whose very source of life and sustenance is left in abject ruin. Yet, this is a war in which there can be no victors --only victims-- for in the end everyone who is native to this planet stands to lose. Those hundred and more uncontrolled gas flares burning continuously for decades are adding to global warming, eerily lighting the way towards imminent natural disaster, while those multifarious oil spills and pipeline leaks are saturating the land and water ways, until, as one local resident put it, "There are no fish near shore now, the mangroves are dying, our food crops will not grow, our well waters are contaminated, and even our rainwater is no longer safe to drink!"

However, not all is bad news in Nigeria.

On July 2005, the Iwherekan community in Delta State of Nigeria sued Shell Petroleum Development Company of Nigeria Ltd, Nigerian National Petroleum Corporation, and the Attorney-General of the Federation of Nigeria, requesting the Federal High Court, Benin Division, to declare that Gas Flaring is illegal, harmful to their health and environment and therefore constitutes a violation of their right to

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life as guaranteed by the constitution of the Federal Republic of Nigeria and reinforced by the African Charter on Human and Peoples Rights.

A historic judgment was delivered on November 14. The Federal High Court of Nigeria has ordered the companies to stop gas flaring in the Niger Delta, as it violates guaranteed constitutional rights to life and dignity. Justice C. V. Nwokorie ruled in Benin City that the damaging and wasteful practice of flaring by all the major companies, including ExxonMobil, ChevronTexaco, TotalFinaElf and Agip, as well as Shell, in joint ventures with the Nigerian National Petroleum Corporation, cannot lawfully continue and must stop since flare gas in the course of their oil exploration and production activities in Iwherekani community is a violation of their fundamental rights to life (including healthy environment) and dignity of human person.

Once again, local resistance has proved an effective way towards changes.

Article based on information from: "Court Declares Gas Flaring Illegal In Nigeria!", November 14, 2005, ERA Nigeria, <http://www.eraaction.org>; "Whose energy future? Big oil against people in Africa", Groundwork Report 2005, [www.groundwork.org.za](http://www.groundwork.org.za); "Why Oil & Mangroves Do Not Mix!", Mangrove Action Project, <http://www.earthisland.org/map/oil.htm>