

## PRESS RELEASE



### **For Immediate Release**

Aggah, Rivers State Nigeria

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### **AGGAH COMMUNITY PUTS ENI'S WORD TO TEST IN COURT**

Aggrieved community members of the Nigerian town of Aggah have taken Italian energy giant, Eni S.p.A., and its subsidiary, Nigerian Agip Oil Company Ltd. (NAOC), to court in Italy for relief from floods that have caused damage to the people's lives and property for decades.

#### **Brief Background**

Aggah is a community in the western part of Rivers State, Nigeria, with a population of about 10,000. Its residents traditionally make their living as farmers and fishermen.

In the early 1970s, Eni/NAOC created 40,000 ft<sup>2</sup> earthen embankments at three locations near Aggah to support wellheads and constructed raised access roads to connect them. These constructions completely blocked the natural course of streams that flowed through the Aggah community and its environs.

Because adequate measures were not put in place to channel the water, the streams backed up and flooded large swathes of Aggah's farmlands and residential areas each year, typically during the rainy season.

Over the course of several decades, Aggah residents and community leaders have contacted Eni/NAOC repeatedly in hopes of resolving the flooding and its impacts. However, these attempts to seek relief have been to no avail. Community members and even the Rivers State Ministry of Environment sued the company on several occasions; while those attempts have on some occasions led to judgments against the company or settlement agreements with individual families, the flooding situation remains unremediated.

#### **The Italian OECD Complaint and 2019 Settlement Agreement**

In December 2017, Egbema Voice of Freedom – a local community group representing hundreds of Aggah residents - Nigerian law firm Chima Williams and Associates, and Advocates for Community Alternatives (ACA) filed an NCP complaint with Italian and Dutch National Contact Points (NCPs) for the OECD Guidelines for Multinational Enterprises. The NCPs, which are offices located in the governments of the mostly wealthy countries that belong to the Organization for Economic Cooperation and Development, are charged with helping to resolve disputes between companies and the people and communities affected by their operations, arising from the failure to respect high social and environmental standards.

In June 2019, the parties reached a settlement: the Eni/NAOC agreed to build “new culverts/drainages” and to work with the complainants to take any further necessary steps to ending the annual flooding.

NAOC then hired contractors who built new culverts through the access roads. These constructions, however, were poorly designed and shoddily executed, according to an independent report that NAOC suppressed. The company has disavowed any responsibility to take further measures to lift the floods, insisting (against the findings of its own technical experts) that the natural marshy environment of the Niger Delta is to blame. Consequently, the flooding continues to wreak destruction on Aggah community every year.

### **Fresh suit against Eni**

Having reached an impasse in its negotiations with Eni/NAOC, the complainants from the OECD process have filed a lawsuit at the Tribunal of Milan in Italy. Represented by Studio Legale Dini-Saltalamacchia, the aggrieved Aggah community members are asking the court to enforce the settlement agreement with Eni by requiring Eni and NAOC to take all necessary steps to lift the floods in Aggah. The community members are also seeking damages for the loss of lives, livelihoods and properties over the years due to Eni’s floods.

### **Disappointed Community Members Hope for Justice**

One of the flood victims and a native of Aggah is Mrs. Sandra Ubah. She says she is “highly impressed with the case because NAOC has refused to keep to agreement and the last hope of the common man. Again, the issue of Eni/NAOC human right violation will be addressed.”

“My expectations in the trial in Italy is to get justice served on our side because the injustices and human right violations we suffer at the hands of the Italian company are numerous, including deaths, strange diseases, etc., and so I am confident that the case will favor us because the court is the place of justice.”

For Mrs. Victoria Elechi, another resident, it is impressive that Eni/NAOC are being hauled before an Italian court as this is a good step in seeking justice for the people.

“I am expecting justice for our people. We have suffered a lot of injustices and human rights violations in the hands of the company. E.g., refusal to lift the blockage of water right of way caused by Eni’s facility, which has caused a lot of damage like building collapse, sicknesses and diseases, deaths, etc. I have confidence because the court, as last hope of the common man, will give us justice at last.

“This suit that has just been filed in Milan court in Italy would give hope to victims of human rights violations everywhere, especially in West Africa,” said Lalla Touré, ACA’s Legal Director. “We’re counting on the Italian legal system to help ensure that the fundamental human rights of Aggah community members are upheld.”

“It is so shocking that a multi-national organisation like Eni would be living in disobedience to an outcome of an agreement which they willingly signed before the Italian and Dutch governments and then turn around and deceive the world. Eni has operated on our land for over

sixty years in this manner. They don't care about our lives, our environment and source of livelihood. Eni take oil, we pay with our lives. Eni lives in disobedience to both natural and constituted laws in our land and to me this is genocide," Pastor Evaristus Nicholas, the leader of Egbema Voice of Freedom said after the case had been filed in Italy.

"I'm expecting nothing but justice for me and my people, just the same way it was given to us before the Italian and Dutch NCP, but Eni refused to obey, which is why we have come before the Italian judiciary to get the backing of the law."

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***Advocates for Community Alternatives (ACA)** – ACA helps West African communities that are threatened by the destructive impacts of extractives-led development to take control of their own futures. ACA works directly with communities to design their own sustainable development plans and advocate to achieve those plans, and it builds and supports networks of lawyers and other professionals that will serve communities in need. ACA is providing strategic legal support to MDT as part of their participation in the Public Interest Lawyering Network for West Africa (PILIWA), which ACA coordinates.*

*Chima Williams & Associates (CWA) – CWA is a public interest law firm based in Benin City, Edo State, Nigeria, that supports communities in the Niger Delta in cases involving human rights and environmental abuses, particularly by oil companies.*

*Egbema Voice of Freedom (EVF) – EVF is a community-based organization in Aggab Community in Rivers State, Nigeria, that was formed to represent the people of Aggab in the defense of their human rights, especially with respect to the oil extraction operations of Eni/NAOC in and around their territory.*

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