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Sholto Byrnes: It's not just the Right that's Eurosceptic

# Toxic shame: Thousands injured in African city

British trading giant agrees to pay millions to victims maimed and scarred by dumping of polluted sludge

By Cahal Milmo, Chief Reporter

Thursday, 17 September 2009

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A British oil trading giant has agreed to a multimillion-pound payout to settle a huge damages claim from thousands of Africans who fell ill from tonnes of toxic waste dumped illegally in one of the worst pollution incidents in decades.

Trafigura, a London-based company which bills itself as one of the world's largest oil traders, said it was in talks to reach a "global settlement" to the claim by 30,000 people from Ivory Coast, who brought Britain's largest-ever lawsuit after contaminated sludge from a tanker ship was fly-tipped under cover of darkness in August 2006.

The incident caused at least 100,000 residents from the west African country's most populous city, Abidjan, to flood into hospitals and clinics complaining of breathing difficulties and sickness. Investigations by the Ivorian authorities suggested



AFP/GETTY IMAGES

Contaminated areas where the material from the Probo Koala was dumped took years to clear

that the deaths of at least 10 people were linked to the waste. Trafigura has always insisted the foul-smelling slurry, dumped without its knowledge by a sub-contractor, could not have caused serious injury or illness.

#### Related articles

- The victims: 'My nose bled and I was sick for months'
- The company: The shadowy history of a slick oil giant

The bitterly contested legal action has seen Trafigura repeatedly deploy one of Britain's most aggressive firms of lawyers to dispute reporting on the case by media outlets including the BBC. Under the deal, thousands of Ivorians who suffered short-term illnesses, including vomiting, diarrhoea and breathing difficulties, receive a payout understood to be set at several hundred pounds.

But the settlement, which is likely to be confirmed by the end of this month, will mean that claims of more serious injuries caused by the waste – including miscarriages, still births and birth defects – will now not be tested in the £100m court claim, which had been scheduled to start in London's High Court next month.

Trafigura, a privately-owned multinational which has 1,900 staff working in 42 offices around the world, last year claimed a turnover of \$73bn (£44bn). The figure is double the entire GDP of Ivory Coast, where half the population of 21 million live on less than a dollar a day.

Martyn Day, the solicitor leading the massive class action, told The Independent: "Over the last few weeks we have been exploring with Trafigura the possibility of resolving the 30,000 claims. We have reached a point where we are now in the process of putting a global deal to the claimants. I am optimistic as to the outcome of that process. The claimants are very pleased and are keen to see the issue resolved."

At the heart of the dumping incident, which at times seemed to owe more to the novels of John Grisham than 21st-century commerce, lies an oil deal spanning three continents.

Internal Trafigura emails, obtained by Greenpeace, show that Trafigura struck a series of bargains on the international markets in 2005 and early 2006 to buy cheap and dirty petroleum, called coker gasoline, which the company believed could then be cleaned up at profit of £4m per cargo.

Rather than send the oil to a refinery, Trafigura used the Probo Koala, a Panamanian tanker chartered by the company since 2004, as a floating processing plant while it was anchored off Gibraltar. Using an ad hoc process of adding caustic soda and a catalyst to the coker gasoline, the oil was "cleaned" to produce a sellable fuel and a toxic sludge which sank to the bottom of the ship's tanks.

The precise composition of the waste is strongly disputed, with Trafigura vigorously denying it contained high concentrations of hydrogen sulphide, a potentially lethal poisonous gas. The presence of mercaptan, a sulphurous chemical that is widely recognised as the most foul-smelling substance known to man, was confirmed. Problems began for Trafigura when it needed to dispose of the slurry. When the Probo Koala arrived in Amsterdam in July 2006 and tried to unload the contaminated slops, allegedly described as "watery cleaning liquids", the process caused a health alert and Trafigura was informed the cost of dealing with its by-product would rise from £17 per cubic metre to £800.

Rather than pay the estimated bill of £500,000, Trafigura ordered the waste to be pumped back on to the Probo Koala and the vessel travelled to west Africa laden with a cargo of unleaded petrol collected from a supplier in Estonia.

The first the four million inhabitants of Abidjan knew of their role in Trafigura's project was after darkness on 19 August 2006. A fleet of 12 trucks hired by a local waste contractor, Compagnie Tommy, which had only received its operating licence weeks earlier, offloaded the sulphurous sludge from the cargo vessel and deposited the waste at 18 locations around the sprawling, over-crowded city.

Hospital records showed that within hours thousands of patients were treated for complaints including nausea, breathlessness, headaches, skin reactions and a range of ear, nose, throat and pulmonary problems.

A United Nations report yesterday found that "there seems to be strong prima facie evidence that the reported deaths and adverse health consequences are related to the dumping".

The study by the UN special rapporteur on human rights Professor Okechukwu Ibeanu levelled a series of criticisms against Trafigura, including claims that it had failed to check the ability of Compagnie Tommy to deal properly with the waste.

The report said that Trafigura went ahead with the arrangement despite being told by Tommy that it intended to dispose of the sludge at Akouedo, a vast open-air waste site where hundreds of Ivorians earn a living by picking over the rubbish. Professor Ibeanu said: "Akouedo was not in any way equipped to treat the waste from the Probo Koala."

Bell-Pottinger, the London PR company working for Trafigura, responded by saying the report was "inaccurate" and "potentially damaging".

In a statement, Trafigura said: "The company has always maintained that the Probo Koala's slops could not possibly have caused deaths and serious or long-term injuries. Independent expert witnesses firmly support Trafigura in this stance.

"Compagnie Tommy was a fully-licensed contractor recommended to Trafigura by an experienced and reputable Ivorian shipping agent to handle the slops in a legal and responsible manner. Consequently, Trafigura cannot have foreseen the reprehensible and illegal way in which Compagnie Tommy then proceeded to dump the slops."

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We were born yesterday?	

violetsmart wrote:

Thursday, 17 September 2009 at 01:24 am (UTC)

Trafigura ducked the cost of disposing of the sludge in Amesterdam, and then shipped the stuff to the Ivory Coast. The corporation says, "Trafigura cannot have foreseen the reprehensible and illegal way in which Compagnie Tommy then proceeded to dump the slops."

Does Trafigura think we were born yesterday?

I feel so sorry for those poor people, sickened by more than sludge, by greed.

Link | Reply | Thread



# Re: We were born yesterday?



Thursday, 17 September 2009 at 08:11 pm (UTC)

The whole world is now polluted. Those who dump waste have no place to live either.

Link | Reply | Parent | Thread

# Britain has to stop meddling all over

corporeal\_v002 wrote:

Thursday, 17 September 2009 at 03:04 am (UTC)

If its not to source oil, then its to dump oil sludge...

Just stop and act responsibly.

Its a small world, we need to behave in fairness to all.

Britain has a low image in the world thanks to Blair, we dont need to sink any further.

Link | Reply | Thread



## The Asymettric Risk.

alykhanmsatchu wrote:

Thursday, 17 September 2009 at 05:44 am (UTC)

We need a Global Policeman with complete oversight and a serious enforcement Capability.

Otherwise, there will be some Fellow in some Godforsaken Country ready to do a deal for Peanuts and Dump and Run.

Aly-Khan Satchu www.rich.co.ke Twitter alykhansatchu

Link | Reply | Thread



Re: The Asymettric Risk.

djangovsartana wrote:

Thursday, 17 September 2009 at 07:08 am (UTC)

We already have a self appointed global policeman called Mr Zionist Empire that no one dare to criticide in "a democratic" West. And it's the one that get away with genocide and poluting the planet!

Link | Reply | Parent | Thread



#### Out of sight, out of mind.

humble\_sparrow wrote:

Thursday, 17 September 2009 at 06:42 am (UTC)

What other waste, awful by-products of our industrial machine, are being 'fly tipped' that we don't know about?

It is highly probable that tankers and cargo carriers are simply going out to deep ocean and dumping toxic waste there.

Out of sight, out of mind. :-(

Link | Reply | Thread



#### **TOXIC WAST IN ABIDJAN**

chakka60 wrote:

Thursday, 17 September 2009 at 07:43 am (UTC)

imagine this waste been dumped here in london, for example somewhere in east london... what the outrage will be... i hope these sick individuals die of cancer and their families suffer for generations to come for the harm the impose on the poor defenceless people....

same people go on about immigration curbs etc, but look at what they do.....

Link | Reply | Parent | Thread



#### **GREEN NITWITS AND CLIMATE NERDS: NOTE**

georgesign wrote:

Thursday, 17 September 2009 at 07:18 am (UTC)

This is what the Green Nitwits and Climate change Nerds should be spending their time on rather than haranguing the average person in the street about saving seals and so called "Human Global Warming" thus making our lives a tax bonanza for our stupid Government.

Link | Reply | Thread



#### **Re: GREEN NITWITS AND CLIMATE NERDS: NOTE**

lexyboy wrote:

Thursday, 17 September 2009 at 09:29 am (UTC)

So one kind of pollution exists but another doesn't. It's easy to understand a simple cause-and-effect case like this (despite

the efforts of wicked spinmeisters like Bell-Pottinger). Unfortunately, because climate change is long-term and extremely complex, people of conscience (unlike yourself) choose to also assert the precautionary principle so that society can take action now, because when the macro effects of climate change become apparent it will be too late to do anything.

But feel free to continue sticking your head in the sand and denying there's a problem. It makes it easier for me to kick you in the arse

Link | Reply | Parent | Thread



#### Re: GREEN NITWITS AND CLIMATE NERDS: NOTE

uanime5 wrote:

Thursday, 17 September 2009 at 02:07 pm (UTC)

While their is evidence of Global Warming it is unclear just how it will affect the planet (other than rising temperatures). If we don't know what the risks will be how can we take proprtionate precautions against them?

Link | Reply | Parent | Thread



#### Re: GREEN NITWITS AND CLIMATE NERDS: NOTE

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#### Re: GREEN NITWITS AND CLIMATE NERDS: NOTE

georgesign wrote:

Thursday, 17 September 2009 at 02:42 pm (UTC)

"lexyboy" is obviously a totally self-satisfied moron who thinks he knows everything there is to know about the World and its climate. He also knows what is best for all the lesser mortals on this planet and if he had the power would "kick everyone's arse" who doesn't agree with him. Still this what you can expect from people of have the IQ score of 15. Very good candidate for Green Nitwit of the Year.

Link | Reply | Parent | Thread



Thursday, 17 September 2009 at 07:20 am (UTC)

Really these are puny sums for a company this size and totally insignificant. The guilty must face long prison sentences. It is the only way of warning off similar assaults

Link | Reply | Thread

# This is what Hitler's gas chambers victims do now.

djangovsartana wrote:

Thursday, 17 September 2009 at 07:37 am (UTC)

Israel attributed civilian casualties to collateral damage in legitimate action

A United Nations investigation into Israel's campaign in the Gaza Strip earlier this year has concluded that there is evidence Israel committed war crimes.

Below are extracts from a UN statement accompanying the report:

[The report] concluded there is evidence indicating serious violations of international human rights and humanitarian law were committed by Israel during the Gaza conflict, and that Israel committed actions amounting to war crimes, and possibly crimes against humanity.

The Mission found that, in the lead up to the Israeli military assault on Gaza, Israel imposed a blockade amounting to collective punishment and carried out a systematic policy of progressive isolation and deprivation of the Gaza Strip. During the Israeli military operation, code-named "Operation Cast Lead," houses, factories, wells, schools, hospitals, police stations and other public buildings were destroyed... More than 1,400 people were killed during the military operation...

The report concludes that the Israeli military operation was directed at the people of Gaza as a whole, in furtherance of an overall and continuing policy aimed at punishing the Gaza population, and in a deliberate policy of disproportionate force aimed at the civilian population. The destruction of food supply installations, water sanitation systems, concrete factories and residential houses was the result of a deliberate and systematic policy which has made the daily process of living, and dignified living, more difficult for the civilian population...

The report underlines that in most of the incidents investigated by it, and described in the report, loss of life and destruction caused by Israeli forces during the military operation was a result of disrespect for the fundamental principle of "distinction" in international humanitarian law that requires military forces to distinguish between military targets and civilians and civilian objects at all times...

[The ]report describes a number of specific incidents in which Israeli forces launched "direct attacks against civilians with lethal outcome." These are, it says, cases in which the facts indicate no justifiable military objective pursued by the attack and concludes they amount to war crimes...

A number of other incidents the Report concludes may constitute war crimes include a direct and intentional attack on the Al Quds Hospital and an adjacent ambulance depot in Gaza City.

The Report also covers violations arising from Israeli treatment of Palestinians in the West Bank, including excessive force against Palestinian demonstrators, sometimes resulting in deaths, increased closures, restriction of movement and house demolitions. The detention of Palestinian Legislative Council members, the Report says, effectively paralyzed political life in the Occupied Palestinian Territories... humanity," by failing to distinguish between military targets and the civilian population. "The launching of rockets and mortars which cannot be aimed with sufficient precisions at military targets breaches the fundamental principle of distinction," the report says. "Where there is no intended military target and the rockets and mortars are launched into civilian areas, they constitute a deliberate attack against the civilian population."

The prolonged situation of impunity has created a justice crisis in the Occupied Palestinian Territory that warrants action, the Report says. The Mission found the Government of Israel had not carried out any credible investigations into alleged violations.

It recommended that the UN Security Council require Israel to report to it, within six months, on investigations and prosecutions it should carry out with regard to the violations identified in its Report. The Mission further recommends that the Security Council set up a body of independent experts to report to it on the progress of the Israeli investigations and prosecutions.

Link | Reply | Thread



Re: This is what Hitler's gas chambers victims do now.

drahcir38 wrote:

Thursday, 17 September 2009 at 09:07 am (UTC)

You've completely lost me, I thought this was an article about the illegal dumping of toxic waste in west Africa, not an open house for your rabid rants.

Link | Reply | Parent | Thread



Re: This is what Hitler's gas chambers victims do now.

djangovsartana wrote:

Thursday, 17 September 2009 at 09:22 am (UTC)

It's because they did not allow comments on this article: Israelis hit back at UN report alleging war crimes. So I wrote it on this one.

Call it whatever you want but I just copied it and pasted it from the BBC website.

This is called freedom of expression. You say rants because you want to shut people up when truth hurts!

Link | Reply | Parent | Thread



Re: This is what Hitler's gas chambers victims do now.

django vsartana wrote:

Thursday, 17 September 2009 at 09:23 am (UTC)

... By the way the illegal dumping of toxic waste was done by your greedy Zionist brothers who have filthed the planet.

Link | Reply | Parent | Thread



Re: This is what Hitler's gas chambers victims do now.

drahcir38 wrote:

Thursday, 17 September 2009 at 09:36 am (UTC)

Please!!! Dont forget my greedy Zionist Sisters as well, lets have a little equality here, or dont you go for that?

Link | Reply | Parent | Thread



Re: This is what Hitler's gas chambers victims do now.

lexyboy wrote:

Thursday, 17 September 2009 at 09:23 am (UTC)

What the hell has that got to do with pollution on the Ivory Coast? Stick to the topic

Link | Reply | Parent | Thread



#### Re: This is what Hitler's gas chambers victims do now.

django vsartana wrote:

Thursday, 17 September 2009 at 09:47 am (UTC)

How about if I said the West which includes the Zionists or Briatain that colonised Africa is now shitting on Africa by dumping toxics and they pretend they are doing something about the planet?

Would that be sticking to the topic, lexyboy?

Link | Reply | Parent | Thread

#### Israeli war crimes vs Palestinian war crimes

corporeal\_v002 wrote:

Thursday, 17 September 2009 at 10:18 am (UTC)

Both have been blames for war crimes. But there is no mention of ratios.

The ratio of the Israeli crimes mushroom over those of the Palestinoans.

The media needs to make this clear and not blame both as though the Palestinians hammered with Israeli with highly targetted, latest experimental, superpower weapons.

Link | Reply | Parent | Thread



# **Criminal charges for manslaughter**

allenn007 wrote:

Thursday, 17 September 2009 at 07:51 am (UTC)

This shouldn't just be a compensation claim, but a criminal case due to the deaths through manslaughter of a number of Ivorians. Those at Trafigura who decided to dump it should be brought before the criminal courts for the deaths of those people.

Link | Reply | Thread



## Re: Criminal charges for manslaughter

uanime5 wrote:

Thursday, 17 September 2009 at 02:10 pm (UTC)

If you'd bothered to read the article you'd know that no one at Trafigura decided to dump the waste there, it was dumped by their sub-contractor Compagnie Tommy because they didn't want to dispose of it properly.

Link | Reply | Parent | Thread



# Re: Criminal charges for manslaughter

allenn007 wrote:

Thursday, 17 September 2009 at 02:38 pm (UTC)

Can't see how or why you're defending this, unless you're an employee of Trafigura of course.

Trafigura should have carried out proper checks on who they sub-contract work out to, especially if they are dealing with disposal of harmful toxic waste. They are accountable.

Link | Reply | Parent | Thread



## this is we call the unhumanity

alnkrit wrote:

Thursday, 17 September 2009 at 10:01 am (UTC)

how many time we scaleing to life with money. every time when any big company doing a that type of work they are say we give the money to the victims but what about the those person & family which are loss the life and those people which are facing the infections and skin diseases may be a skin cancer. its just a money matter the company give the money to the victims and that sit. this is the shamefull moments for the british government....

Link | Reply | Thread

## Also long term effects

corporeal\_v002 wrote:

Thursday, 17 September 2009 at 10:21 am (UTC)

Need to consider what the long term effects are as well.

And provide for long term compensation.

Link | Reply | Parent | Thread



## Re: Also long term effects

drahcir38 wrote:

Thursday, 17 September 2009 at 10:32 am (UTC)

Absolutely agree, but if you look at the track record of company and governmental compensation (USA & USSR nuclear testing, Bophal etc etc), waiting 10 or 20 years is the norm, and that is to long and too late. Lets be radical and consider a way to hold directors and even ministers in custody until compensation claims are settled, then lets see (a) how long it takes and (b) the outrage from the people being held.

Link | Reply | Parent | Thread



**Trafigura** 



Thursday, 17 September 2009 at 10:12 am (UTC)

Companies like this should be closed down, not given a fine and allowed to continue trading.

Link | Reply | Thread



# Re: Trafigura



Thursday, 17 September 2009 at 02:12 pm (UTC)

If you'd bothered to read the article you'd know that it was Trafigura's sub-contractor Compagnie Tommy that decided to illegally dumped the toxic waste. They are the one who should be closed done.

Link | Reply | Parent | Thread

## Where there's muck, there's brass ...



Thursday, 17 September 2009 at 11:07 am (UTC)

This has been a BBC2 "Newsnight" investigation, which they've apparently pursued despite Trafigura instructing their solicitors to take legal action against anyone "defaming" the company over this matter, including the BBC. The BBC say that they are robustly defending the legitimacy of their reporting, and will, presumably, continue to do that when the case comes to court. Comforting to see that they haven't been entirely neutered, post-Hutton, in challenging the rich and powerful.

Watching the "Newsnight" coverage last night, it seemed clear that Trafigura has a mole who has been leaking their internal e-mails, and these suggested that some in the company were very well aware of what was going on. The evidence suggested that they'd made a lot of money extracting oil from this material, but that the operation would only be highly profitable if they were able to dispose of the residual, exceedingly toxic, sludge cheaply, and they were determined to do just that. The company claims to have acted properly throughout, but its decision to settle at this point might make "the man on the Clapham omnibus" inclined to scepticism as to that!

But I doubt anything further will come of it. The world isn't mature enough yet for effective global policing, and my impression is that, in UK law, it's hard enough to make a case against a company whose alleged victims are Brits, let alone one where they're comfortingly far away in Abidjan. One thing on which both our main political parties are united is the importance of profit, and a business-friendly environment! We're now a nation of dealers, not makers, and the dealers who coin in the money are protected.

Link | Reply | Thread

# Take their money.



Thursday, 17 September 2009 at 11:57 am (UTC)

Take all of this company's money away and liquidate them.

Link | Reply | Thread

# Really a shame



Thursday, 17 September 2009 at 12:09 pm (UTC) I would like to underline this paragraph:

"Trafigura, a privately-owned multinational which has 1,900 staff working in 42 offices around the world, last year claimed a turnover of \$73bn (£44bn). The figure is double the entire GDP of Ivory Coast, where half the population of 21 million live on less than a dollar a day."

And... What is the benefit for Ivory Coast citizens? Illness and a ridiculosu (in case of) compensation.

What have been going on in the whole Africa from remote time until now, really is a shame for everybody.

And, we common people dont have the tools to stop it.

Ah! I can't see the zionist hand in this subject.

Link | Reply | Thread



# **Another British gift for Africans**



Thursday, 17 September 2009 at 01:25 pm (UTC)

This is a love gift from the generous Great Britain to the Africans through industrializing their "half-baked" countries. And an emblem of humanity that has incessantly been flowing down from Whites to Blacks throughout all the the time since the first white stepped onto Africa to colonize and modernize the region and open the doors of prosperity and development to those "behind-lagging demons". Toxic Shame on England!

Link | Reply | Thread



# Toxic shame: Thousands injured in African city



Thursday, 17 September 2009 at 01:30 pm (UTC)

As Somali I am the also victim so we need to investigate those who behead these atrocities brought them in court of law and if they convict put them in prison in other word investigate in criminality, It's not enough pay few hundred dollars to make such atrocities action and get away with it.

Link | Reply | Thread



#### **Pure Greed**

uanime5 wrote:

Thursday, 17 September 2009 at 02:04 pm (UTC)

Why should Trafigura have to pay for the harm caused by their sub-contractor Compagnie Tommy? Responsibility starts and ends with the contractor.

Link | Reply | Thread

Re: Pure Greed



Thursday, 17 September 2009 at 03:54 pm (UTC)

Not when the client has already avoided disposing of the stuff safely because of the cost, and has, presumably deliberately, opted for a third world company gone to a company that charged them little. In any case, why do you think Trafugura are settling - a sudden burst of altruism?!

It's the American disease, spread over here: the notion that morality applies only in private life, and corporate institutions should be exempt - after all, morality sometimes screws profit.

Link | Reply | Parent | Thread



#### Re: Pure Greed

drahcir38 wrote:

Friday, 18 September 2009 at 09:12 am (UTC)

I get the feeling you might work for Trafigura uanime5??? :-}

Link | Reply | Parent | Thread



#### Toxic shame: Thousands injured in African city



Thursday, 17 September 2009 at 02:34 pm (UTC)

A United Nations report yesterday found that "there seems to be strong prima facie evidence that the reported deaths and adverse health consequences are related to the dumping".

British trading giant agrees to pay millions to victims maimed and scarred by dumping of polluted sludge.

Better pay up or the Osama is very active in Africa and Libya as is has paid Brown tankers of oil. We can only in turn take some war brooms and start the clean up now. The bast I can suggest or pay them by the cheque. They will do the cleaning??? Bribing eh?

I thank you

Firozali A. Mulla

Link | Reply | Thread



Re: Toxic shame: Thousands injured in African city

tonyboy60 wrote:

Thursday, 17 September 2009 at 08:31 pm (UTC)

i would urge that when the payments are decided upon that the compo goes to those who suffered and not into the pockets of the less than honest Ivorian government to distribute. but alas...

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