

THE ROLES AND RESPONSIBILITIES OF THE INTERNATIONAL OIL COMPANIES

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The multinational oil companies operating in Nigeria face a difficult political and economic environment, both nationally and at the level of the oil producing communities where their facilities are located. Successive military governments have mispent the oil wealth which the oil companies have helped to unlock, salting it away in foreign bank accounts rather than investing in education, health, and other social investment, and mismanaging the national economy to the point of collapse. At the same time, the government has in the past failed to fund its share of the joint ventures operated by the multinationals, and plays the different oil companies against each other so that it has not been easy—even for Shell, the industry giant—to insist that the government contribute towards the investment needed to keep the industry functioning. The costs of buying political favors are reported to add significantly to the cost of oil production, despite official denials from the oil companies that bribes are paid. While the political environment for the oil companies has improved with the death of General Abacha and succession of General Abubakar, it is unlikely that relations between the multinationals and the Nigerian government, military or civilian, will ever be entirely smooth.

Meanwhile, at community level, the companies are faced by increasing incidents of hostage-taking, closures of flow stations, and other acts which they see in purely criminal terms. While they acknowledge a lack of development in the oil producing areas, the companies see the problems faced by communities as a government responsibility, and no different in the delta from elsewhere in Nigeria: nevertheless, they make substantial investments in development projects for which they believe they should receive gratitude rather than censure. The further demands made of the oil companies by the residents of the oil producing areas are therefore often represented as illegitimate; and when protests resulting from a rejection of these demands are met with repression from the military authorities the oil companies feel that they are unfairly blamed, since they are not in control of this response.

Acknowledging the difficult context of oil operations in Nigeria does not, however, absolve the oil companies from responsibility for the human rights abuses taking place in the Niger Delta: whether by action or omission they play a role.

Most of the cases detailed in this report concern situations in which communities have claimed that operations of oil companies have damaged the material interests of the peoples of the areas in which they operate. The incidents involve disputes over legal obligations to provide compensation for claims of damage, for encroachment on community land or waters, or for access rights, though claims are often couched in terms of community rights to a “fair share” of the oil wealth derived from their land. The evidence in many of the cases suggests that companies benefit from nonenforcement of laws regulating the oil industry, in ways directly prejudicial to the resident population.

Alternatively, the oil companies benefit from federal decrees that deprive local communities of rights in relation to the land they treat as theirs. Grievances with the oil companies center on the appropriation or unremunerated use of community or family resources, health problems or damage to fishing, hunting or cultivation attributed to oil spills or gas flares, and other operations leading to a loss of livelihood; as well as on oil company failure to employ sufficient local people in their operations or to generate benefits for local communities from the profits that they make. These cases have come to the attention of Human Rights Watch when companies are shielded by abusive security forces against demands for compensation and against independent verification and arbitration that could fairly establish the merits of opposing claims.

The information from oil companies that is cited in this report comes largely from responses to our correspondence with them concerning particular cases of violations of civil and political rights related to their operations and their general policies in relation to community relations and security provisions: the preparedness of the companies to respond to these questions was in direct proportion to the level of pressure that they have faced about their activities in Nigeria in the countries of their headquarters. The most ample responses were received from Shell, the company that has faced the most adverse publicity in Europe and the U.S. over its role in Nigeria. Shell also provided information concerning operating procedures and the oil industry in general in Nigeria. Responses on several cases were also received from Chevron and general information from Mobil. Both Elf and Agip took months even to acknowledge our correspondence. Elf answered most of our questions, though it avoided some, without giving much detail or taking the opportunity to provide background information on its operations. Agip provided only an uninformative two page general response to our inquiries, and did not address any of the specific incidents we raised.

Corporate Responsibility in Nigeria

International human rights law in general is written by and binding upon states. Nevertheless, in recent years it has been increasingly acknowledged that companies in general, and multinational corporations in particular—which often control budgets larger than those of the states in which they operate and have significant power as a result, have responsibilities with regard to the promotion and protection of human rights as well as the negative obligation not themselves to be the instrument of or contribute to states' violations of human rights.

Human Rights Watch believes that the dominant position of the oil companies in Nigeria gives them responsibilities to monitor and promote respect for human rights by the Nigerian government. Given the overwhelming role of oil in the Nigerian national economy, the policies and practices of the oil companies are important factors in the decision making of the Nigerian government. Because the oil companies are operating joint ventures with the government they have constant opportunities to influence government policy, including with respect to the provision of security for the oil facilities and other issues in the oil producing regions.

The role of Shell in Nigeria has received by far the most attention internationally, for three reasons: first, because it is the biggest oil producer in Nigeria with the longest history, dominating the industry for as long as oil has been produced and in the early days enjoying a monopoly and a privileged relationship with government; secondly, because Shell's facilities are largely in or near inhabited areas and thus exposed to community protests (most of the incidents described in this report concern Shell because of this greater exposure); and thirdly, because it formed the main target of the campaign by MOSOP. While Human Rights Watch believes that Shell has a special responsibility because of its current and historically dominant position in Nigeria, we believe that all the oil companies share this responsibility and that collective action by the oil industry in support of human rights in Nigeria is required.

The oil companies in Nigeria have historically maintained the basic position that to take a stance on human rights issues would be to interfere in the internal politics of the country, something that would not be a legitimate activity for a foreign commercial entity. Human Rights Watch first contacted Shell in connection with its role in Nigeria in January 1995, urging the company to take constructive public steps to end human rights violations in connection with its operations. In its first substantive response to our correspondence, Shell stated "You have called for Shell to become involved in, and to take a public stance on, several issues arising from the current situation—all of which are political. They are clearly issues where we as a commercial organization have neither the right nor the competence to become involved, and they must be addressed by the people of Nigeria and their government."¹⁹⁸ Nevertheless, "SPDC does speak up when it feels that its employees, installations, local communities, or its ability to conduct business safely are threatened."¹⁹⁹ Shell restated this position in its response to our July 1995 report on the Ogoni crisis: "We do support the statement of human rights in Nigeria's constitution and are concerned that all citizens possess such rights. However, as we have said before, we follow a set of business principles endeavoring always to act commercially and operating within the confines of existing national laws in a socially responsible manner. Debate about Nigeria's human rights record is in the political arena and we have neither the right nor the competence to get involved."²⁰⁰

Chevron has also stated that "Chevron has an international policy that requires individual Chevron operations to maintain absolute neutrality in matters of the internal politics of the host country in which they are operating." Mobil, on the other hand, states only that "as a corporate citizen, we do dialogue with the government, but this is usually confidential."²⁰¹

Yet companies, multinational or otherwise, regularly attempt to influence governments in relation to their policies on health, safety, and the environment, investment or tax policies, and labor laws; matters which might also be regarded as "political." Human rights abuses in the communities in which the companies operate affect the oil industry in Nigeria as much as any of these other issues, since poor community relations partly caused by such abuses are responsible for the increasingly frequent shut-downs of oil production: it is disingenuous to put questions of respect for human rights in a separate category on which oil companies can have no view.

Shell, at least, has apparently begun to recognize that it cannot any longer maintain that its role in Nigeria is apolitical. In response to international pressure to take action on human rights issues, Shell has pointed to interventions it has made which are in the political arena. For example, as regards the issue of revenue allocation to the oil producing states, the company has stated to Human Rights Watch and others that “The company has made and continues to make representations to the government regarding the distribution of revenues from oil production in the Niger Delta.”²⁰² Similarly, in May 1997, Brian Anderson, outgoing managing director of SPDC, in London for the annual general meeting of Shell Transport and Trading, SPDC’s holding company, stated that “it is really essential that the government bring back some more benefit to the Delta.”²⁰³

In addition, under public pressure in Europe and the U.S., Shell took tentative steps towards the condemnation of abuses by the government of General Abacha, especially with respect to detentions of high profile detainees from the oil areas. Shell stated to Human Rights Watch that “SPDC does not have a general policy relating to assistance to be given to communities when there are confrontations with the military. Each case is reviewed on an individual basis. In some cases, this results in public statements being made (e.g. as with the ‘Ogoni 19’). In some others, private approaches are made to the authorities.”²⁰⁴ In further correspondence and meetings with Human Rights Watch, Shell indicated that such private approaches had been made on behalf of the detained oil union leaders Frank Kokori and Milton Dabibi (detained in August 1994 and January 1996, respectively, and both released in June 1998, after years in detention without charge, following General Abacha’s death), and on behalf of Batom Mitee, detained for several months in early 1998.

Human Rights Watch also asked Mobil, Chevron, Elf and Agip if they had ever made any interventions on behalf of those detained by the Nigerian authorities, including (but not limited to) Dabibi and Kokori. Only Mobil and Chevron addressed the question, but limited their responses to the particular cases of the detained union leaders. Chevron stated that “Chevron has an international policy that requires individual Chevron operations to maintain absolute neutrality in matters of the internal politics of the host country in which they are operating. The present administration in Nigeria, as you well know, is military. It views as politically motivated the involvement of Unions in the 1994 strike that led to the arrest of the two individuals. Given our Company policy, any involvement of CNL in the release of the two gentlemen cannot therefore be overt.”²⁰⁵ In its cursory response to Human Rights Watch’s inquiries, Mobil stated only that “We are supportive of NUPENG and PENGASSAN [the oil unions] as many employees are members. The NUPENG and PENGASSAN have made representations for the release of Dabibi and Kokori. As a corporate citizen, we do dialogue with the government, but this is usually confidential.”²⁰⁶ At its annual shareholders meeting in May 1998, Mobil, under pressure from a shareholders’ resolution pressing the company to review its investments in Nigeria in light of the human rights situation, finally undertook to raise the cases of Kokori and Dabibi with the Nigerian government; the death of General Abacha and the subsequent release of detainees, including the unionists, freed them from this

commitment.[207](#)

In addition to the general responsibilities to monitor and promote respect for human rights by the Nigerian government, Human Rights Watch believes that the oil companies operating in Nigeria have specific responsibilities in respect of the human rights violations that take place in connection with their operations. These responsibilities must be seen against the context of oil production in Nigeria and the fact that the security provided to keep the oil flowing benefits both the Nigerian government and the oil companies, since disputes which threaten production affect the revenue of both. Companies have a duty to avoid both complicity in and advantage from human rights abuses.

Many of the cases investigated by Human Rights Watch which have led to security force abuses concern claims that oil companies have not followed environmental standards or provided compensation in accordance with the law for damage resulting from oil exploration and production. Nigerian laws require the oil companies to respect high environmental standards, often explicitly based on international standards, in order to prevent and remedy pollution, to protect inhabited areas from oil flaring and other dangerous aspects of oil production, as well as to provide fair and adequate compensation for buildings, crops, fishing rights, or other property adversely affected by their operations. Nigerian law incorporates the principle of strict liability for damage caused by oil spills, so that it is not necessary to prove negligence on behalf of the operator; though if the oil was deliberately spilled because of sabotage the rule does not apply and negligence must be shown. However, the Federal Environmental Protection Agency and Department of Petroleum Resources, the government bodies with responsibility for enforcing these laws, suffer from a lack of technical expertise and resources, which, coupled with the problems caused by overlapping mandates and corruption, prevent effective policing of environmental standards, and the companies often fall short of their obligations. Other cases concern claims that the oil multinationals have not provided compensation which community members believe to be due to the traditional landholders, though the realities of the Nigerian legal system make it difficult to enforce such an obligation.

Often, the Nigerian government effectively entrusts the oil companies themselves to provide the facts on such matters as land claims and valuation, environmental impact assessments, agreed terms of compensation for property and labor, assessment of sabotage, and damage claims. Most negotiations for compensation are bilateral, between the community affected and the oil company concerned, although government structures may play a nominal monitoring role. The process of valuation, negotiation, and payment is therefore in practice controlled almost entirely by the company. The affected communities, without effective government support or technical assistance, are in an unequal bargaining position, largely obliged to accept whatever compensation is offered by the companies in such situations. Protests—or even the presentation of claims—are routinely disrupted by violent police actions and arbitrary arrests. Although there are independent lawyers and environmental groups attempting to monitor oil company compliance with the law and assist the oil communities in pressing their claims, their

activities have in the past been seriously hindered by security force harassment, office raids, detentions, and other repressive measures.

Although legal action is a theoretical possibility to challenge claimed injustices, the Nigerian court system does not provide an effective remedy, since access to justice is expensive, relevant information is controlled by the oil companies, and final court decisions are indefinitely delayed. In many of the cases investigated by Human Rights Watch the companies have fought vigorously (and benefitted directly by police action, at least in the short term) rather than seek arbitration or independent assessment of claims.

In addition, the oil companies operating in Nigeria have close relations with local elites in the communities where they operate and at state and national level. In part, such relations are required in order for the companies to operate, and are no different from the relations of large companies with government authorities and other powerful figures in any state. The oil companies are obliged to deal with the government of the country at its different levels, whether military or civilian. However, the pervasive corruption that has followed the oil industry profits the national and local power structures as well as adding a cost to the oil companies. Contracts from the oil companies, whether for development projects or for construction or other work needed for oil operations, provide spectacular opportunities for rake-off of percentages both by middle management in the oil companies and by the contractors, who are themselves often associates of state military administrators, other government officials, or traditional leaders (whose status is partly autonomous, but also depends on government recognition). The award of contracts, like the siting of flow stations or other facilities by oil companies, can cause or contribute to conflict between and within communities; such conflict again invites a repressive response from the authorities. Development programs are largely poorly thought through and fail to incorporate concepts of sustainability or community control. In the absence of independent experts and arbiters, and transparency of information in consultations or negotiations between oil companies and delta communities, relations between the oil companies and local elites can be expected to be flawed by corruption and to fail to satisfy others in the community that their concerns will be addressed.

In recent years, protests targeting oil installations and oil industry workers in the delta have increased. Some of these protests are directed specifically at the behavior of the oil company; some of them are directed rather at the government; many have a mixture of motives. In some cases, protests have been simple attempts to exercise rights to freedom of expression and assembly, and have consisted of peaceful demonstrations at company property. In other cases, company installations have been occupied, especially flow stations, and production closed down, causing significant loss of income to both company and government. In some cases where flow stations or other property have been taken over there has also been damage to the facility concerned. In addition, while the figures are contested, sabotage of pipelines certainly takes place, contributing to the environmental problems caused by oil spills. Incidents of intimidation and hostage-taking of company staff have also increased, and some of these cases have involved attempts to extort money from the oil companies. There are increasing numbers of firearms in circulation in the delta, some of them captured from the security forces, and these have

been used in clashes between different communities; but most occupations of flow stations and other protest activities aimed at the oil industry have been by unarmed civilians.

Oil companies are legitimately concerned to prevent damage to their facilities and to the environment and to protect their personnel. The companies also emphasize their commitment to avoid violent confrontations between community members and security forces, while underlining a legal obligation to inform the Nigerian authorities when there is a threat to oil production. Shell, for example, states that “In circumstances where the safety of staff or equipment is threatened, Shell reports the matter to the police, just as citizens or companies would in most countries around the world.”²⁰⁸ Whatever the reason for security force presence at an oil company facility, Human Rights Watch believes that the oil companies have a responsibility to take all possible steps to ensure that arbitrary arrests, detentions, torture or killings do not occur. The cases investigated by Human Rights Watch show repeated incidents in which people are brutalized for attempting to raise grievances with the companies; in some cases security forces threaten, beat, and jail members of community delegations even before they present their cases. Such abuses often occur right next to company property, or in the immediate aftermath of meetings between company officials and individual claimants or community representatives. Many seem to be the object of repression simply for putting forth an interpretation of a compensation agreement, or for seeking effective compensation for land ruined or livelihood lost. There are also cases in which witnesses have reported that company staff have directly threatened, or have been present when security force officers have threatened, communities with retaliation if there is disruption to oil production.

Human Rights Watch is concerned at the level of secrecy that surrounds the arrangements relating to security for oil installations: not one of the oil companies with which we corresponded responded to our requests to be given access to the parts of the Memorandum of Understanding or Joint Operations Agreement with the Nigerian government governing security, nor to internal guidelines relating to protection of their facilities. Given the abuses that have been committed by the Nigerian security forces in protecting oil installations, most notoriously in Ogoni, it is all the more important that there be transparency in these arrangements and clear commitments from the oil companies to monitor security force performance, take steps to prevent abuses, and publicly protest violations that do occur.

None of the oil companies publish regular, comprehensive reports of allegations of environmental damage, sabotage, claims for compensation, protest actions, or police or military action carried out on or near their facilities. Often, based on Human Rights Watch’s correspondence, the companies claim to be unaware that arrests, detentions and beatings have taken place in the vicinity of their facilities, despite assertions that they are concerned to maintain good relations with the communities where they operate.

Human Rights Watch believes that the oil companies have responsibilities to monitor security force activity in the oil producing region in detail and to take all possible steps to ensure that human rights violations are not committed. These steps include the following:

- Companies should include in written agreements with the Nigerian government relating to the regulation of the oil industry, especially any agreements relating specifically to security, provisions requiring state security forces operating in the area of company operations to conform to the human rights obligations the government has assumed under the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and other international human rights and humanitarian norms.
- Companies should make public the provisions of their security agreements with state entities and private organizations.
- Companies should insist on screening security force members assigned for their protection, to ensure that no member of the military or police credibly implicated in past human rights abuses is engaged in protecting oil facilities. Companies should similarly screen security staff in their direct employment.
- Companies should investigate abuses that do occur, and make public and private protests to the authorities where excessive force is used, or where arbitrary detentions or other abuses take place. Companies should publish details of such incidents in their annual reports both in Nigeria and in the country of their head office.
- Companies should publicly and privately call on the Nigerian authorities to institute disciplinary or criminal proceedings, as appropriate, against those responsible for abuses and to compensate the victims. Companies should monitor the status of such investigations and press for resolution of the cases, publicly condemning undue delay.
- Companies should adopt internal guidelines surrounding the provision of security for their facilities, emphasizing the need to ensure respect for human rights, and should take disciplinary action against any employee that does not follow such guidelines.

These responsibilities are reinforced when the company has itself called for security force intervention, especially by the military or by notoriously abusive forces such as the Mobile Police, or if the company has made payments to the security forces in return for protection.

The following section considers the incidents described in the chapter on protest and repression in the Niger Delta in terms of the oil multinationals' responsibility for repressive actions by the Nigerian security forces.

The Role of Shell in the Ogoni Crisis

During the height of the Ogoni crisis, allegations of Shell collaboration with the military were regularly made, even after the company ceased production from its flow stations in Ogoni in January 1993.²⁰⁹ A leaked memorandum, dated May 12, 1994, addressed to the governor of Rivers State and signed by Lt. Col. Paul Okuntimo, head of the Rivers State Internal Security Task Force stated: "Shell operations still impossible unless ruthless military operations are undertaken for smooth economic activities to commence." The

strategies proposed include “wasting operations during MOSOP and other gatherings, making constant military presence justifiable”; “wasting targets cutting across communities and leadership cadres, especially vocal individuals in various groups,” and “restriction of unauthorized visitors, especially those from Europe, to Ogoni.” An “initial disbursement of 50 million naira” and “pressure on oil companies for prompt regular inputs” were requested. The government claimed that this document was a forgery; Shell has stated that “there are reasons for doubting” its authenticity, and that, if it were genuine, the company would regard its contents as “abhorrent.”²¹⁰ Okuntimo himself stated in June 1994 to three environmental activists in detention that “Shell company has not been fair to him in these operations,” and that he had been “risking his life and that of his soldiers to protect Shell installations.”²¹¹ Steve Lawson-Jack, head of SPDC’s public and government affairs department in its eastern division, was identified by MOSOP as the link to Okuntimo (as well as being named by auditors in 1995 as involved in arranging a \$1 million (U.S.\$11,100) bogus compensation claim against the company).²¹² Former Ogoni members of the Shell police, interviewed by Project Underground, have claimed that they were involved in deliberately creating conflict between different groups of people, and in intimidating and harassing protesters; Ogoni detainees have also alleged that they were detained and beaten by Shell police.²¹³

In January 1995, Shell stated to Human Rights Watch that “our Chief Executive in Nigeria has repeatedly—both publicly and privately—expressed our concerns over the violence and heavy handedness both sides on the Ogoni issue have displayed from time to time, and is doing what he can to counsel the authorities not to do anything which will tend to increase the likelihood of violence either to persons or property.”²¹⁴ In response to Human Rights Watch’s July 1995 report “The Ogoni Crisis: A Case Study of Military Repression in Southeastern Nigeria,” Shell followed this up, in the face of evidence that the crackdown in Ogoni was aimed at keeping the oil flowing, by asserting: “it is difficult to conclude that the military presence in Ogoni is anything to do with the oil industry, especially given our many public announcements that we will not return to Ogoniland under military protection and until law and order prevail in the area.”²¹⁵ Shell also stated that “we play no part in any military activity in Ogoniland and have many times denied any collusion with the authorities.”²¹⁶

However, Shell has since admitted having made direct payments to the Nigerian security forces, in the form of “a very small fixed ‘field allowance’ in cases where members of the security forces have been deployed in connection with the protection of SPDC’s facilities or SPDC personnel.”²¹⁷ More recently, Shell has stated that such payments were made only one time: “The payment of field allowances to Nigerian military personnel happened only once, under duress, at Korokoro [in Ogoni] in 1993. SPDC has made it clear that it will not happen again.”²¹⁸ Environmental Rights Action, a Nigerian environmental and human rights organization, alleges that SPDC continues to make payments of field allowances to soldiers in Nigeria, elsewhere in the delta, at construction works for a new airport in Osubi, and at Shell installations on the Atlantic coast at Ogulagha (Forcados), though Shell has denied this.²¹⁹ In January 1997, Shell withdrew a complaint to the British Broadcasting Complaints Commission about a Channel 4 documentary on the situation in Ogoni, “Delta Force,” broadcast on November 2, 1995, in which allegations

were made concerning assistance to the military in Nigeria by SPDC.[220](#)

Shell came under great public pressure, both inside and outside Nigeria, to intervene on behalf of the accused during the trial and following the conviction of the “Ogoni Nine.”[221](#) Initially, Shell stated that it would be “dangerous and wrong” for Shell to “intervene and use its perceived ‘influence’ to have the judgement overturned,” stating that “a commercial organisation like Shell cannot and must never interfere with the legal processes of any sovereign state.”[222](#) Shell called on “those who currently advocate public condemnation and pressure ... to reflect on the possible results of their actions. ... What is needed from all parties is quiet diplomacy.”[223](#) Nevertheless, as pressure mounted, CAJ Herkströter, the president of the Royal Dutch Petroleum Company, one of the parent companies of the Royal Dutch/Shell Group of companies that owns SPDC of Nigeria, sent a personal letter to Gen. Abacha on November 9, 1995, pleading for commutation of the death sentences against Ken Saro-Wiwa and his co-accused on humanitarian grounds. At the same time, Shell explicitly denied that this intervention was a “comment on the proceedings of the tribunal,” restating that “as a multinational company ... to interfere in such processes, whether political or legal, in any country would be wrong.”[224](#)

Following the trial and execution of the “Ogoni Nine,” Shell apparently realized that it had been damaged by statements of this kind, and adjusted its public position, reaffirming on several occasions its commitment to the Universal Declaration of Human Rights, while continuing to state that it could not comment on particular cases.[225](#) In May 1996, in response to concerns about the trial facing nineteen (later twenty) more Ogonis before the same civil disturbances special tribunal that sentenced Saro-Wiwa, Shell stated: “The Nigerian Government has a duty to investigate the murder of the four Ogoni leaders. And if those investigations lead to the arrest and trial of suspects, then no-one has the right to oppose due legal process. But trials must be fair. And they must be seen to be fair.”[226](#) It did not take the opportunity to state that proceedings before the special tribunal were unfair and in violation of international standards, even though a fact-finding mission sent by the U.N. secretary-general had by that date confirmed the opinion of domestic and international human rights observers that the trial was a travesty of justice.[227](#)

Shell states that its production in Ogoni has remained closed, although pipelines carrying oil from other Shell oilfields continue to cross the area. The company also claims that it has made attempts over the years to open negotiations with the communities involved in order to resume production. Community members, on the other hand, reported that the Rivers State Internal Security Task Force forced individuals to sign statements “inviting” Shell to return.[228](#) In April 1997, a meeting between Shell and local representatives was arranged by the National Reconciliation Committee, a body created under General Abacha’s fraudulent “transition program,” which has now been disbanded. In May 1997, SPDC announced the launch of a ten-month “Ogoni Youth Training Scheme,” which would train 366 youths in a variety of skills, including carpentry, welding, computer studies, and soap-making.[229](#) In late 1996, Shell took over the running of the Gokana hospital, and states that it is also involved in rehabilitation of three clinics and the donation of drugs to clinics in Ogoni: these efforts are dismissed by MOSOP as mere

window dressing and the quality of the programs challenged. At the same time SPDC stated that “there were no plans to resume oil production in Ogoniland, and the company’s priority continued to be to help tackle the problems facing the Ogoni people where it could help.”²³⁰ Shell also stated that it opened negotiations with MOSOP representatives (though spokespeople for MOSOP denied this), and in mid-1997 Shell believed that “the process of reconciliation is underway and before the end of the year there will be a breakthrough.”²³¹ MOSOP condemned these remarks as “gravely insensitive and provocative,” and repeated its demand that “for dialogue to be useful, basic freedoms must be restored in Ogoni to enable its leadership to freely meet and consult with the people who ultimately decide on these issues.”²³²

Shell’s statements that its presence in Ogoni is limited to provision of social programs and attempts to arrange a reconciliation with the Ogoni people are challenged by MOSOP. In March 1998, MOSOP issued a press release stating that SPDC had entered Ogoni in order to work on facilities at its flow station at K-Dere. MOSOP reported that a number of Ogonis protesting their activities were arrested by members of the Internal Security Task Force accompanying Shell and their still and video cameras seized, and that they were made to sign statements indicating that they accepted Shell’s return to the area.²³³ Responding to these charges, Shell confirmed that a team of four SPDC staff and three contractors had entered Ogoni on March 5 and 6, as a result of reports from the community of leaks from a disused oil pipeline. Shell stated that, after remedying the situation, the team, which it said was unguarded, left the area, and that at no time did the company witness or hear about any disturbances or arrests. Shell stated that the company had inquired of the authorities, who had denied that anyone had been detained.²³⁴

The situation in Ogoni has recently improved greatly, as a result of the withdrawal to barracks of the Internal Security Task Force. Nevertheless, the fundamental questions surrounding the consent of the Ogoni people to decisions made on their behalf remain.

Attempts to Import Weapons

During 1996, it was shown that Shell had recently been in negotiation for the import of arms for use by the Nigerian police. In January 1996, in response to allegations relating to the import of weapons, Shell stated that it had in the past imported side arms on behalf of the Nigerian police force, for use by the “supernumerary police” who are on attachment to Shell and guard the company’s facilities (and other oil company facilities) against general crime. The last purchase of weapons by Shell was said to be of 107 hand guns for its supernumerary police, fifteen years before.²³⁵ “Although approval for local purchase of arms was given by the police in 1994, SPDC decided that it would be inappropriate to proceed with the purchase. SPDC was sensitive to the possibilities that upgrading weapons purchased for the police on SPDC protection duties could be misconstrued in the prevailing circumstances.”²³⁶

Contrary to this assertion, court papers filed in Lagos in July 1995 and reported in the British press in February 1996 revealed that Shell had as late as February 1995 been negotiating for the purchase of weapons for the Nigerian police. Shell acknowledged to

the London *Observer* Sunday newspaper that it had conducted these negotiations but stated that none of the purchases had been concluded.²³⁷ The weapons on order—Beretta semi-automatic rifles, pump-action shotguns and materials such as tear gas clearly designed for crowd control—did not seem appropriate for protection from armed robbers and “general crime.” In correspondence with Human Rights Watch, Shell stated that the papers presented to court did not include a final letter in the series that made it clear that the management of SPDC had not at any stage proposed to purchase tear gas or riot control equipment. However, Shell “cannot give an undertaking not to provide weapons in the future, as, due to the deteriorating security situation in Nigeria, we may want to see the weapons currently used by the Police who protect Shell people and property upgraded. This would simply bring them up to the same standard of firearms as those provided to Police protecting other companies within Nigeria.”²³⁸

Threats to Communities

During its investigation of the situation in the delta during July 1997, Human Rights Watch heard disturbing allegations of three separate meetings, two in connection with the same matter, at which eyewitnesses interviewed by Human Rights Watch alleged that SPDC staff, or military authorities in the presence of SPDC staff had directly threatened community members, using the situation in Ogoni as an example. Two of these meetings had occurred only days before Human Rights Watch interviewed the people present; the third dated back two years, to the period of Ken Saro-Wiwa’s trial.

Contractors working for Shell reported to Human Rights Watch that SPDC had called meetings on July 7, 1997, at the Forcados terminal and a day or two later at Shell’s premises in Warri, in connection with the threat by members of the four communities (Sokebelou, Ekeremor Zion, Obotobo and Ofogbene) who had won an award of \$30 million (U.S.\$333,000) against SPDC in the Ughelli High Court to close down Shell facilities forcibly unless the award was paid or production suspended. They alleged that representatives of Shell, including SPDC’s senior community liaison officer for its Western Division, S.O. Jonny, had warned those present that the consequences for the communities would be serious if the threat to shut down Shell production were carried out. In particular, S.O. Jonny is alleged to have said at both meetings that the communities should “remember what happened in Ogoni,” since the same thing could happen to them. Those present who spoke to Human Rights Watch, who did not include the leaders of the court case, said that they took this statement to imply a direct threat of a crackdown from the security forces invoked by SPDC.²³⁹

In response to questions from Human Rights Watch about these allegations, Shell stated that a “peace-making team” had been sent to talk to the communities when the threat to close down production had been received, and had held meetings in Sokebelou and Obotobo, where the community leaders they met with said they did not know the writers of the letter in which the threat was contained.

At both meetings, the production superintendent O.J. Agbara who spoke, asked the communities to remain peaceful towards SPDC while the difficulties over the court case

were resolved. Noting that the signatories of the letter could not be identified, and were therefore possibly from other communities, he pleaded with them not to be swayed by outside influences, and so should allow production to continue uninterrupted. S.O. Jonny was on the team but he did not speak at either meeting.[240](#)

The other meeting reported to Human Rights Watch dates from 1995, in relation to the serious disturbances that took place in Egbema, Imo State, in June of that year that were described above. People who attended stated that the meeting took place in Owerri after the disturbances, among representatives of the Imo State government, SPDC, and the community. It was alleged to Human Rights Watch that at this meeting, attended by Precious Omukwu, Fidelis Okonkwo, and Egbert Imomoh from SPDC, the director of the SSS for Imo State addressed community members, including both chiefs and youth leaders, making threats that if further protests took place against Shell “they would be treated like the Ogoni” and that there would be a security crackdown.[241](#) Asked about this meeting, Shell stated to Human Rights Watch that, while there was a meeting convened by the state governor at which the community, supported by SPDC, asked for the Mobile Police to be replaced by regular police, “SPDC was not aware of the presence of an SSS Director at the State Governor’s meeting. No threats of a ‘security crackdown’ or ‘treatment like the Ogoni’ or any of a similar nature were made at the meeting.”[242](#) Human Rights Watch has no reason to disbelieve its informants, who were present at this meeting, in their account of what was said.[243](#)

In addition, a wealthy chief from the Egbema area told us that SPDC was “helping” with the creation of a “vigilante group” to provide security in the area. There was a vigilante group operating in the village, which appeared, on the basis of our interviews with other residents, to be intimidating on an arbitrary basis those youths who might be thought to be “troublemakers.”[244](#) Shell stated that “SPDC is not aware of any vigilante group and there is no truth in the allegation that it is assisting in the creation of one.”[245](#)

In another case, described above, a youth from Ogba-Egbema-Ndoni local government area in Rivers State, near Elf’s Obite gas project, told Human Rights Watch that he had been assaulted in January 1997 by Mobile Police at the site, and when he brought a case for damages in connection with the assault, threatened in September 1997 by a manager with C&C Construction, a contractor at the site, that he should “learn the lessons” from Ken Saro-Wiwa’s case, when he refused to settle a claim.[246](#)

Oil Company Calls for Security Force Assistance

The most serious case in which an oil company is directly implicated in security force abuses continues to be the incident at Umuechem in 1990, where an SPDC manager made a written and explicit request for Mobile Police (a notoriously abusive force) protection, leading to the killing of eighty unarmed civilians and the destruction of hundreds of homes. Shell states that it has learned from the “regrettable and tragic” incident at Umuechem, so that it would now never call for Mobile Police protection and emphasizes the need for restraint to the Nigerian authorities.[247](#) Nevertheless, there are continuing reports of oil company calls for military and Mobile Police protection in

response to protests at oil company facilities. In other cases, companies have called for regular police assistance, but without seeking any guarantees or taking any steps to ensure that such assistance is respectful of human rights, or protesting abuses that have occurred as a result. In none of the following cases had the oil companies made public or protested detentions or other abuses by the security forces, even though requests by the company or a contractor had led to security force intervention.

The youths from Edagberi, Rivers State, for example, were detained overnight following a written complaint to the local police station by Alcon Engineering, a contractor to Shell. While it is claimed by Shell that the youths concerned had been engaged in unwarranted intimidation of its contractor, including “extortion” of cement and diesel that had not been part of the initial agreement with the community, and therefore that security force intervention was appropriate, the letter simply appealed for “quick intervention to save us from further harassment, violent threats and attack,” without seeking any safeguards to ensure that such intervention was made in a non-abusive manner. Nor did the company claim any attempt to seek independent mediation of the dispute over compensation.²⁴⁸

Similarly, at Yenezue-Gene, Rivers State, Shell stated to Human Rights Watch that its contractors, including Mife and Deutag, had called for police assistance, “due to community hostilities,” in order “to protect life and property.”²⁴⁹ No guarantees had been sought for the good behavior of these police; and, according to Human Rights Watch’s information, soldiers present at the site had harassed local community members. Shell itself had made a major contribution to hostility from the community by the construction of a causeway to its Gbaran oil field which had devastated forest of crucial economic importance to local residents; although Shell reported that some compensation payments had been made, these were, apparently, not determined by an independent arbitrator but by SPDC itself.

At Iko, Akwa Ibom State, the Shell contractor Western Geophysical stated that it had requested naval assistance to recover boats taken by youths; following the naval intervention, Mobile Police came to the village and assaulted numerous villagers, beating one to death. Shell has stated to Human Rights Watch that it does not call for military protection, but justified calling the navy in this case due to the terrain; it stated that the Mobile Police had been called by the navy and not by Shell or its contractor. Shell did not report that the company or its contractor had made any attempt to protest the Mobile Police action, simply reporting that “this incident is unrelated to Western’s seismic activities.”²⁵⁰

A spokesman for Chevron acknowledged in a radio interview that the company had called for navy intervention in connection with the May 1998 occupation of its Parabe platform by youths, admitted to be unarmed, and that the company had flown the navy and Mobile Police to the platform. Despite the serious result of this action, including the shooting dead of two protesters, Chevron did not indicate, in response to specific inquiries from Human Rights Watch, that any attempt had been made to prevent loss of life, or that concern had been expressed to the authorities over the incident or that any steps had been taken to avoid repetition of the case in future. Instead, Chevron stated that:

“We believe we have fully explained the circumstances surrounding this incident and we do not intend to engage in further correspondence with Human Rights Watch on this issue.”[251](#)

Oil Company Failure to Monitor and Protest Abuses

Even if they have not called for security force intervention, Human Rights Watch believes that oil companies should monitor security force activity in connection with their facilities and protest abuses. In the great majority of cases, however, oil companies have not given any indication that they have protested human rights violations to the Nigerian government. In a handful of high-profile cases of detention, one or two oil companies have, under consumer pressure in Europe and the U.S., made public statements, but the great majority go unremarked. In none of the cases researched by Human Rights Watch which had not reached the international press did any of the oil companies indicate that they had registered concern with the authorities. Only after the behavior of the Nigerian authorities had embarrassed the oil companies on the international stage had oil companies taken action of any kind on behalf of those who had been subject to abuse by the security forces. In other cases, the oil companies maintained they were unaware of incidents reported to Human Rights Watch when we questioned them about interventions they might have made on behalf of individuals detained, even though the incidents related to claims for compensation from the company, or stated that arbitrary detentions and other abuses that had occurred were of no concern because those affected were accused of criminal offenses. Because Agip chose not to respond to Human Rights Watch’s inquiries about specific incidents, we have no way of knowing whether the company monitors or acts upon human rights abuses of this type; there is no indication from other sources that it does so.

In several of the cases recorded by Human Rights Watch, the oil companies concerned said they were ignorant of arrests or beatings that had occurred, suggesting either a lack of interest and concern at what goes on at the gates of their facilities or a breakdown of communication between local and national (or international) management. SPDC said it had no knowledge of the incident in January 1997 at Ahia flow station in Omudioga, Rivers State, when twelve youths were detained for one month, stating that “the relationship with the community has been cordial.” Shell also denied knowledge of detentions that took place following major disturbances during June and July 1995 at Egbema, Imo State, during which Mobile Police carried out indiscriminate beatings and arrested more than thirty people, who were detained for several weeks and charged with sabotage. Instead, SPDC stated that the issue had been “amicably settled,” through negotiations between the community and the military administration. No independent arbitration had been sought. Again, the incident reported to Human Rights Watch at Obotobo, Delta State, in which soldiers threatened the community was said to be unknown to Shell. At Yenezue-Gene, Rivers State, Shell, despite a pattern of harassment noted by Human Rights Watch, stated that “The overall relationship between the community and MIFE [its contractor] had been cordial.”

Even when people are killed by the security forces defending oil installations or

responding to requests for assistance, it seems that the oil companies do not make public reports of such incidents or protest excesses to the authorities, and at the same time refuse to accept any legal responsibility. Neither Shell nor its contractor Western Geophysical reported making any representations to the authorities surrounding the excessive use of force in respect of the death at Iko, Akwa Ibom State. Chevron, on the other hand, in the case of the youth killed in disputed circumstances at Opuama, Bayelsa State, paid 250,000 (U.S.\$2,770) to the families concerned “on compassionate grounds” but stated to Human Rights Watch that the responsibility for the death was “entirely a police affair,” nothing to do with Chevron, even though the facility involved was a barge contracted to Chevron. Chevron gave no indication to Human Rights Watch that they had expressed concern to the authorities at the death or the conduct of the Mobile Police.²⁵² Agip, in the case of the youth beaten to death by security guards at the Clough Creek flow station, near Egbemo-Angalabiri, did not respond to community representations (nor to Human Rights Watch), and there is no reason to believe that any protests were made to the authorities about this killing or about the detentions which followed.

In the case from Elele, Rivers State, Elf made no attempt to assist the youth who was detained after he went to Saipem, their contractor, to request compensation for use of family land, a large part of which had been taken for oil production activities. Nor is there any indication that the company protested the abuses with the authorities (whether or not Saipem was responsible for summoning the soldiers who beat the young man). Again, the five members of the landholders family in Obobura, Rivers State, who were detained after an oil leak on their land and threatened with a charge of sabotage, had received no support from Elf. Meanwhile, their claim for compensation for the spill had been rejected on the basis of an assessment by Elf, apparently rubber-stamped by the Department of Petroleum Resources, leaving them without crops to harvest and without financial recompense. Elf denied any knowledge of Prince Ugo, a youth beaten by community “guards” at the Elf Obite gas project in October 1998. While the company was aware of the fact that a number of other youths had been detained, it said that it “could not tell the law enforcement agencies what to do,” and hence no intervention to ensure respect for human rights standards had been made.²⁵³ Similarly, SPDC reported no attempt to protest to the government authorities or to the local traditional leader whom they stated had called the security forces, following the overnight detention of youths at Uheri, Delta State, after they protested delays in the payment of compensation at the flow station.

When several hundred people were arrested following demonstrations over the January 12, 1998 spill, Mobil did publicly distance itself from the arrests. However, Mobil did not indicate that any protests had been made to the authorities, stating to reporters in Lagos: “It is a security issue. It is nothing to do with Mobil at all.”²⁵⁴

Shell’s Internal Review Since 1995

Since the international focus on its Nigerian holdings in 1995, the Royal Dutch/Shell group has undertaken a major review of its attitude toward communities and issues of human rights and sustainable development.²⁵⁵ As one part of this initiative, the company undertook, over the course of about one year, an internal and external consultation

process about the group's Statement of General Business Principles. Following this process, Royal Dutch/Shell adopted in March 1997 a new Statement of General Business Principles, which recognized five "areas of responsibility," to shareholders, to customers, to employees, to those with whom they do business, and to society. As regards their responsibilities to society, Shell companies are now committed: "To conduct business as responsible corporate members of society, to observe the laws of the countries in which they operate, to express support for fundamental human rights in line with the legitimate role of business and to give proper regard to health, safety and the environment consistent with their commitment to contribute to sustainable development." This was the first time that the group had included a general commitment to human rights principles or sustainable development in such a document.⁰

In May 1997, at the annual general meeting of the U.K.-based Shell Transport and Trading Company PLC, one of the parent companies of the Royal Dutch/Shell Group of Companies (the other being the Netherlands-based Royal Dutch Petroleum Company, which holds a 60 percent interest to Shell Transport and Trading's 40 percent) the first shareholder resolution in the U.K. based on environmental and ethical grounds was jointly sponsored by Pensions Investment Research Consultants Ltd (PIRC) and the Ecumenical Centre for Corporate Responsibility (ECCR). The resolution called for Shell to: (i) designate responsibility for the implementation of environmental and corporate responsibility policies to a named member of the Committee of Managing Directors; (ii) establish effective internal procedures for the implementation and monitoring of such policies; (iii) establish an independent external review and audit procedure for such policies; (iv) report to shareholders regularly on the implementation of such policies; and (v) publish a report to shareholders on the implementation of such policies in relation to the company's operations in Nigeria by the end of 1997.

Prior to the meeting, Shell took steps to address many of the proposal's recommendations: the group designated a senior director to be responsible for corporate responsibility issues, made a commitment to human rights in its revised Statement of General Business Principles, published a report on the operations of SPDC, its Nigerian subsidiary and its first group-wide report on health, safety, and the environment. At the meeting, the management also said that it agreed in principle with a policy of external verification of environmental information but rejected this approach for the time being.¹ Shell has also taken steps to integrate its commitment to "express support for fundamental human rights" into its internal management procedures, requiring directors of Shell group companies to make annual statements to Shell headquarters indicating that they have complied with the requirements of the Statement of General Business Principles, in the same way that they have to make statements of compliance with financial and other standards. Shell has also produced a "management primer" on human rights issues for distribution throughout the group.

At its 1998 annual shareholders meeting, Shell International published a new report, *Profits and Principles—does there have to be a choice?*, which "describes how we, the people, companies and businesses that make up the Royal Dutch/Shell Group, are striving to live up to our responsibilities—financial, social and environmental."² The report

examined the company's performance under its new business principles, and considered the case of Nigeria, repeating many of its previous statements. "Shell's approach" to the "issues and dilemmas" surrounding human rights is stated as follows:

We support the Universal Declaration of Human Rights, and have made specific reference to it in our Business Principles. This is what we have done to ensure we act in the best possible way when confronted with human rights issues.

- We speak out in defence of human rights when we feel it is justified to do so.
- We included specific references to human rights in our Business Principles when they were updated in 1997. This followed widespread consultation with many different interest groups, including those defending human rights.
- We engage in discussion on human rights issues when making business decisions.
- We have established a regular dialogue with groups which defend human rights. ...
- We are setting up Social Responsibility Management Systems designed to help in the implementation of our Business Principles, and therefore our stated support for human rights.
- We are developing awareness training and management procedures to help resolve human rights dilemmas when they arise. This includes a guide to human rights for managers.³

In Nigeria, Shell has engaged in a review of its community assistance projects, and has held its first "stakeholder workshop" on the environment, reportedly attended by over eighty individuals from nongovernmental organizations, government regulatory bodies, industry specialists, academics and community representatives, as well as a "community development listeners' symposium" considering its development programs.⁴ However, not all are convinced of the genuineness of this consultative process: Environmental Rights Action, the most vocal environmental group operating in the delta, turned down an invitation to participate in the workshop, stating that "after several meetings and consultations with Shell officials within and outside Nigeria which yielded no concrete results because SPDC would not carry out its promises, the organisation would not be part of another talkshop."⁵

No other oil company operating in Nigeria has, so far as Human Rights Watch is aware, undertaken any similar review of its policies and practices as a result of concern over human rights violations committed in connection with oil company operations. While we welcome this introspection, the test of its effectiveness in changing Shell's practice can only be gauged by its performance on the ground in countries like Nigeria. It is too soon to tell whether this performance will be changed.

198 Shell International Petroleum Company letter to Human Rights Watch, January 13, 1995.

199 Ibid.

200 SPDC, "Response to Human Rights Watch/Africa publication."

201 Mobil Producing Nigeria Unlimited letter to Human Rights Watch, February 10, 1998.

202 Shell International Petroleum Company letter to Prof. John Heath, December 22, 1994.

203 Reuters, May 13, 1997.

204 Shell International Ltd letter to Human Rights Watch, February 13, 1998.

205 Chevron Nigeria Ltd letter to Human Rights Watch, March 11, 1998.

206 MPNU letter to Human Rights Watch, February 10, 1998.

207 Christopher Hopson, "Mobil targets Nigeria over rights abuses," *Upstream News* (Oslo), May 22, 1998.

208 "Flash Points in the Ogoni Story: What Happened and Lessons Learned," briefing available on the Shell web site (<http://www.shellnigeria.com>) as of October 1, 1997.

209 See, Human Rights Watch/Africa, "The Ogoni Crisis," for further detail. A case is being brought against Shell in the U.S. District Court (Southern District of New York) on behalf of Ken and Owens Wiwa (son and brother of Ken Saro-Wiwa), Blessing Kpuinen (wife of John Kpuinen, leader of the youth division of MOSOP, also hanged in November 1995), and one other, in relation to the hangings of the "Ogoni Nine," alleging that "Defendants were the employers of and/or working in concert with the Nigerian military regime" and claiming damages. Notice of Motion in Case No. 96 Civ.8386, *Ken Wiwa and Owens Wiwa v. Royal Dutch Petroleum Company and Shell Transport and Trading Company PLC*.

210 Complaint submitted to the Broadcasting Complaints Commission, November 1995; reply of Shell International Limited to response of Channel 4, June 10, 1996.

211 See Human Rights Watch/Africa, "The Ogoni Crisis," p.38.

212 "Shell axes 'corrupt' Nigeria staff," *Sunday Times* (London), December 17, 1995.

213 Kretzmann and Wright, *Human Rights and Environmental Operations Information on the Royal Dutch/Shell Group of Companies 1996-97*, p.11. Copies of statements referred to in the report on file with Human Rights Watch. Two of the "Ogoni Twenty," Blessing Israel and Kagbara Basseeh, alleged that Shell police had a direct role in their arrest and torture.

214 Shell International Petroleum Company letter to Human Rights Watch, January 13, 1995.

215 SPDC, "Response to Human Rights Watch/Africa publication."

216 Ibid.

217 Complaint submitted to the Broadcasting Complaints Commission, November 1995; reply of Shell International Limited to response of Channel 4, June 10, 1996.

218 SPDC, "Response to Environmental Rights Action."

219 Environmental Rights Action, "Shell in the Niger Delta 1997/98: A Brief Report to Sierra Club USA, from ERA, Benin City, Nigeria," May 1998. Shell stated that "The only time that soldiers have been at the site [Osubi] was during a brief visit of the military administrator of Delta State as part of his escort and conforming to the usual protocol." "Osubi Airport Project: Shell Nigeria's Response to Allegations by ERA," SPDC Press Release, March 23, 1998).

220 Complaint submitted to the Broadcasting Complaints Commission, November 1995.

221 Immediately following the November 10, 1995, executions of the Ogoni Nine, SPDC announced, on December 15, 1995, that the construction contract for the Nigerian Liquefied Natural Gas (LNG) project, of which Shell is a 25.6 percent shareholder, had been signed—a diplomatic coup for the Nigerian government. In an advertisement placed in many newspapers, Shell defended this decision: "Some say we should pull out. And we understand why. But if we do so now, the project will collapse. Maybe for ever. So let's be clear about who we'd be hurting. Not the present Nigerian government, if that's the intention. ... the people of the Niger Delta would certainly suffer—the thousands who will work on the project, and thousands more who will benefit in the local economy. ... Whatever you think of the Nigerian situation today, we know you wouldn't want us to hurt the Nigerian people. Or jeopardise their future." "If we're investing in Nigeria you have the right to know why," advertisement on behalf of Shell placed in the *Guardian* (London), November 17, 1995.

222 "Clear Thinking in Troubled Times," SPDC Press Statement, October 31, 1995.

223 "Statement by Mr Brian Anderson, Managing Director, The Shell Petroleum Development Company of Nigeria Limited," SPDC Press Release, November 8, 1995.

224 "Execution of Ken Saro-Wiwa and his co-defendants," SPDC Press Statement, November 14, 1995.

225 "Execution of Ken Saro-Wiwa and his co-defendants," Statement by SPDC director Brian Anderson, November 14, 1995; "Shell reaffirms support for Human Rights and Fair Trial," Shell International Limited Press Release, January 30, 1996.

226 "Fair Trials for the Ogoni 19," Shell International Limited Press Release, May 17, 1996.

227 "Report of the fact-finding mission of the Secretary-General to Nigeria," Annex I to U.N. Document A/50/960, May 28, 1996.

228 Kretzmann and Wright, *Human Rights and Environmental Operations Information on the Royal Dutch/Shell Group of Companies 1996-97*, pp.11-12; Human Rights Watch/Africa, "Permanent Transition," pp.40-41.

229 SPDC Press Release, May 13, 1997.

230 Ibid.

231 Dulue Mbachu, "Shell hopes for deal with Nigeria's Ogonis," Reuters, June 27, 1997.

- 232 "MOSOP's Reaction to Shell's Ogoni Re-entry Plan," MOSOP Press Release, June 30, 1997.
- 233 MOSOP Press Statement, March 12, 1998.
- 234 Shell International Ltd letter to Human Rights Watch, April 9, 1998, with "Response Statement to MOSOP Press Release of 12 March 1998," attached.
- 235 "Firearms—The Shell Position," SPDC Press Release, January 17, 1996; "Shell does not import firearms into Nigeria," SPDC Press Release, January 31, 1996.
- 236 "Shell and the Supernumerary Police in Nigeria," SPDC Press Release, February 9, 1996.
- 237 Polly Ghazi and Cameron Duodu, "How Shell tried to buy Berettas for Nigerians," *Observer* (London) February 11, 1996. The proceedings were brought by XM Federal Limited, a company dealing in arms registered in London, and its Nigerian subsidiary against SPDC for breach of contract. Human Rights Watch has seen copies of the court documents, in which the plaintiffs allege that they had initiated purchases for Shell in reliance on a contract for the supply of weapons and ammunition, when SPDC unexpectedly indicated in a letter to the police that it believed the price too high and that "consequently we may have to suspend all activity on arms procurement until further notice." SPDC had subsequently re-invited tenders from the plaintiffs for the same weaponry. The managing director of the Nigerian subsidiary had obtained the authorization of the Inspector General of Police for the weapons upgrade and purchase of semi-automatic weapons, with which the contract was concerned, only after personal intervention at the behest of Shell. The Nigerian subsidiary noted in correspondence to SPDC that "since the country is under some form of embargo by the Western Nations, we have had to arrange a delivery through a third party." Statement of claim and annexures in *X.M. Federal Limited and Humanitex Nigeria Limited v. SPDC and Mr. V. Oteri*, Case No. FHC/L/CS/849/95.
- 238 Shell International Ltd letter to Human Rights Watch, November 6, 1996.
- 239 Human Rights Watch interviews, July 1997.
- 240 Letter from Shell International Ltd to Human Rights Watch, February 13, 1998.
- 241 Human Rights Watch interviews, July 19, 1997.
- 242 Shell International Ltd letter to Human Rights Watch, February 13, 1998.
- 243 A youth from Ogba-Egbema-Ndoni local government area, where the Nigeria LNG project is being built, also told Human Rights Watch that he had been threatened by a manager with C&C construction that he should "learn the lessons" from Ken Saro-Wiwa's case, when he refused to settle a claim against the company for assault. Human Rights Watch interview, July 4, 1997, and letter from the same interviewee to Human Rights Watch, October 24, 1997.
- 244 Human Rights Watch interviews, July 19, 1997.
- 245 Shell International Ltd letter to Human Rights Watch, February 13, 1998.
- 246 Human Rights Watch interview, July 4, 1997, and letter from the same interviewee, sent from Togo, October 24, 1997.

247 SPDC, "Response to Human Rights Watch/Africa publication."

248 Letter from Alcon Nigeria Ltd to the Divisional Police Officer, Ahoada-West Local Government Area, June 26, 1997.

249 Shell International Ltd letter to Human Rights Watch, February 13, 1998.

250 Shell International Ltd letter to Human Rights Watch, February 13, 1998.

251 Goodman and Scahill, "Drilling and Killing"; Chevron Nigeria Ltd letter to Human Rights Watch, December 11, 1998.

252 As noted above, Chevron's official policy is that: "Whenever the need to request for help arises, CNL Security insists on exercising reasonable control over those deployed to assist, ensuring that no more than the minimum force required to bring a situation under control is applied."

253 Elf Petroleum Nigeria Ltd letter to Human Rights Watch, November 23, 1998.

254 *Nigeria Today*, February 3, 1998.

255 Mobil, on the other hand, claims that "We have always had an enviable and unrivaled policy on community relations for many years, and it was not necessary for us to revise it after the Ogoni Crisis." Mobil Producing Nigeria Unlimited letter to Human Rights Watch, February 10, 1998.

0 The previous version of the Business Principles expressed the responsibilities of Shell companies towards society as: "To conduct business as responsible corporate members of society, observing applicable laws of the countries in which they operate and giving proper regard to health, safety and environmental standards."

1 *PIRC Intelligence*, vol.11, issue 5, May 1997.

2 Shell, *Profits and Principles*, p.2.

3 *Ibid.*, p.33.

4 SPDC, *SPDC Community Assistance Projects Review 1992-1997* (Lagos: SPDC, November 1997); SPDC, *Stakeholders' Environmental Workshop (Port Harcourt, April 15 to 17, 1998): Proceedings* (Lagos: SPDC, April 1998); program and papers from "SPDC Community Development Listeners' Symposium: October 21-23, 1998."

5 Specifically, ERA said it was rejecting Shell's invitation because: "(I) there is no evidence that SPDC has now acquired 'a responsible approach to community relations and community development' as the invitation claimed. Instead Shell still prefers to use force in dealing with peaceful requests by the communities for basic necessities of life; (ii) the Managing Director of SPDC according to the consultation agenda has the final say. Meaning that the workshop is just one of Shell's public relations efforts; (iii) the field is not level between SPDC and the principal stakeholders which the oil company wants to meet. While Shell is protected by the military, the people of Nigeria's oil producing areas face death as the Ogoni crisis clearly shows; and (iv) the invitation does not talk about protecting the environmental human rights of the oil communities. Rather, the workshop will focus 'on the ultimate environmental objectives of Shell Nigeria.'" ERA Press Statement, April 15, 1998.

