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Design by Sara Nilsson August 2012

Cover image:

Members of the Movement for the Emancipation of the Niger Delta (MEND). Photo by George Osodi.







This publication was produced with the financial assistance of the European Union. The contents of the publication are the sole responsibility of Platform and can under no circumstances be regarded as reflecting the position of the European Union.

Summary

Oil companies such as Shell and Chevron have funded armed militant groups in the volatile Niger Delta region of Nigeria since at least 2003 and paid 'protection' money to other hostile groups for decades, according to US embassy cables and other sources. Armed militants cut Nigeria's oil production by more than a quarter in 2006.¹ Oil companies and the Nigerian government have used payments and contracts to pacify the militants. Yet these practices have fuelled the conflict in the Delta, which claimed an estimated 1,000 lives a year.² Despite repeated promises over the past decade, oil companies have continued making these harmful payments.

Ex-militant leaders have recently been awarded lucrative government and oil company contracts worth millions of dollars. In 2012 the government plans to spend over \$405 million on its amnesty programme for militants, more than it spends on children's basic education.³ Yet the underlying problems of poverty, unemployment, environmental devastation and political grievances that stirred militancy in the Delta's creeks remain unresolved.

The Warri crisis

"In the dense mangrove swamps of Delta State, a group of perhaps 300 militant and well-armed Ijaw youths last month was able to shut down over 40 percent of Nigeria's oil production, costing over [one billion US dollars] to date."

o begins a US embassy cable sent in the name of Ambassador Harold F. Jeter on 17 April 2003. According to the cable, these militants, based in the village of Okerenkoko in Warri southwest, were "armed with new assault rifles and rocket-propelled grenade (RPG) launchers and [were] aided by a fleet of fast speedboats". They were believed to possess "sophisticated weapons including armor-piercing artillery" in their arsenal.⁵

Ambassador Jeter's cable was sent during national elections widely marred by rigging and political violence. The local oil city of Warri had been at the epicentre of a recurrent political and ethnic conflict between the Ijaw, Urhobo and Itsekiri ethnic groups. The main source of funding for the conflict was 'oil bunkering', the tapping of crude oil from pipelines and other infrastructure for sale on the black market.⁶ Ethnic militia fought each other and government forces to control the highly profitable trade in stolen oil.



Nigerian military stop and search residents in Warri, 2003. Photo by George Osodi.

Oil companies played a significant role in the resulting conflict which displaced thousands and killed an estimated 500 people. US embassy cables suggest that Shell and Chevron, the main operators in the area, provided regular payments, contracts and one-off financial settlements to local Ijaw militants. According to a cable sent in Ambassador Jeter's name:

"many of these [ljaw] youths have been used to receiving direct payments from the oil companies to refrain from vandalizing oil installations or threatening oil companies' personnel. Disbursed under the guise of a community guard or watch program, these payments average the equivalent of \$300 per month." At the time, \$300 would have sustained each militant with "quality weapons" and supplies for several weeks. The cable does not specify how many payments were awarded, nor does it say how many militants were paid or when. Yet a cable sent under Ambassador Jeter's successor, John Campbell, suggests that these financial relationships were already well entrenched:

"the oil companies have poured money into select villages/clans to buy protection or placate local populations. Over three decades that money has piled up guns in the hands of Delta villagers." 10

Whilst Shell and Chevron were not the only source of income for Warri militants, company payments exacerbated the conflict and risked involving the companies in gross human rights abuses. The Warri crisis also impacted heavily on oil operations. According to a UK government memo released to Platform under the Freedom of Information Act, Shell reported:

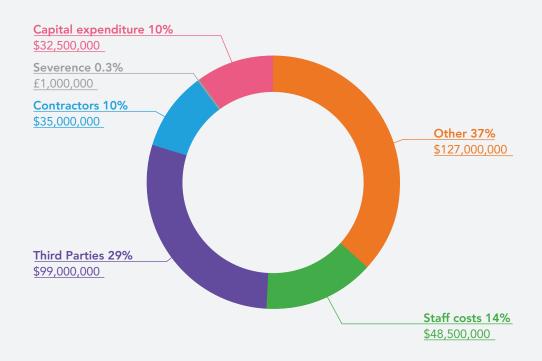
"125 community related disruptions, 1200 production days and 3.9 million barrels lost in 2003"¹¹ In March that year, the humanitarian impact of the Warri crisis reached the companies' gates. Thousands of displaced locals, primarily from the Itsekiri ethnic group, converged on Chevron's Escravos terminal to escape from a series of ethnic raids. Chevron airlifted 2,000 people, mainly Itsekiris, to safety. Shell also evacuated dozens of people from its Escravos flowstation by helicopter, and reportedly came under fire from armed militia.¹²

In subsequent years Shell has remained central to the dynamics of conflict in the Delta. Independent investigations between 2003 and 2011 by Shell security consultants WAC Global, 13 Amnesty International,14 the Financial Times,15 and Platform¹⁶ have all highlighted that Shell has awarded contracts to groups responsible for, or linked to, human rights abuses in the Niger Delta. Platform's report found that from 2005 to 2010, Shell's routine contracts and payments to armed militants fuelled a range of conflicts. In Rumuekpe town, a major artery of Shell's eastern operations, Shell awarded contracts worth over \$57,000 to armed gangs who fought over control of the area.¹⁷ The resulting conflict led to the complete destruction of the town, where it is estimated that at least 60 people were killed.

The exact amount of Shell's overall payments to militant groups in the Delta is uncertain, but the scale and extent of these payments is substantial. Shell security spending data <u>leaked to Platform</u> reveals that globally, the company spent \$127 million on so-called 'Other' security costs in 2008, accounting for over 40% of Shell's security spending. In Nigeria, Shell spent an estimated \$65 million on government security forces and \$75

million on 'Other' security costs in 2009. Note that this does not include an estimated \$200 million in annual 'community development' funds that have often been distributed to groups that threaten Shell operations. Shell appears to have turned a blind eye to vast amounts of unexplained security spending in Nigeria, during a period of intense violent conflict in the Delta.

Figure 1. Shell Global Security Spending by Category 2008



Source: Shell Total Security Spend \$343mm

Broken promises

hell has repeatedly pledged to end its cash payments to local communities and militant groups. In a letter to Human Rights Watch in August 2003 Shell claimed to be clamping down on these practices:

"SPDC [Shell] Managing Director Ron van den Berg circulated an internal memo to all staff stating that, effective immediately, 'There shall be NO Cash Payments to communities other than those specified for legitimate business reasons.'"¹⁹

Three months later, a US embassy cable reported that Shell's practice of offering financial benefits to settle community grievances was still routine:

"In order to mollify local unhappiness over the deployment of military troops at the various reopened Shell sites, Shell community liaison officers have been offering new contracts to various communities, according to local NGOs."²⁰

In December 2003, a leaked internal report by security analysts WAC Global found that Shell's distribution of cash and contracts in the Delta was a "prominent trigger" for conflict.²¹ Shell largely dismissed the report, but claimed that they would change their "operating, security and community development

strategies".²² However, as violence erupted in 2004 between rival militant factions led by Ateke Tom and Asari Dokubo in the western Delta, Shell kept up regular payments to pacify these militant groups.²³

A letter released to Platform under the Freedom of Information Act suggests that Shell continued with business as usual. Between 19 and 21 July 2004, the UK High Commissioner to Nigeria, Richard Gozney, took helicopter tours over Shell's facilities. Shell's Mutiu Sunmonu, who was then General Manager of Production in the eastern region, briefed Gozney on local community issues. Shell promised: "Big rules for the future – no cash payments, new rules for contractors (not to issue pay-offs), no ghost workers."²⁴ However, the Foreign Office noted that:

"the new Head of Community
Development spoke in terms [of]
achieving these in the future – SPDC
[Shell] have stated in the past that
this policy was already in place"²⁵

Almost a year after Shell committed itself to a policy of "NO Cash Payments", Shell repeated the same empty promise word for word.

Speaking at an event in London in February 2012, Sunmonu, now Managing Director of Shell Nigeria, confirmed the company's lack of progress:

"you do not know who is a militant and who is a genuine contractor. So there could be cases in the past where you have thought you were employing, you know, a genuine, bona fide contractor, and yet he is probably a militant or a warlord."²⁶

Sunmonu's statement illustrates a stunning failure of 'due diligence'. Under the UN Framework for Business and Human Rights, Shell has a duty to avoid human rights violations regardless of how challenging the 'external environment'. In conflict-zones like the Delta, this duty requires heightened due diligence and enhanced preventative measures to ensure that company conduct does not worsen conflict and abuses.²⁷ Shell's decade of broken promises and lack of compliance with international standards exposes the company to legal, reputational and financial risks.



Nigerian Joint Task Force soldier guarding Chevron facilities in the Niger Delta. Photo by Sophie Evans.

"Regular contact"

n order for Chevron to operate its gas plant in Escravos during intense fighting between insurgents and the Nigerian military, the oil company did business with one of the main commanders of the Movement for the Emancipation of the Niger Delta (MEND), known as Government Tompolo. From late 2006, MEND had launched devastating attacks on oil company infrastructure and personnel.²⁸ Despite this, Chevron developed a close working relationship with Tompolo and his army of MEND militants. Tompolo's base was located at Camp Five, along the river supply route to Chevron's gas plant. A cable sent on 8 February 2008 describes how Chevron "had contact on security matters with the militants via phone and text messages."29

"Chevron admitted it maintains regular contact with members of Tom Polo's militant organization, going so far as to occasionally call militants before river-borne supply convoys pass by militant camps to make sure the situation is stable enough for the convoy to arrive at Escravos intact." 30

The relationship between Chevron and Tompolo went beyond coordinating river supply convoys. In Escravos, Chevron's construction workers were housed along the river in dozens of houseboats. On a tour of the area, US officials noticed that:

"clearly visible on one of the house boats was the name, 'Tom Polo Limited'."31

When asked about the origin of the boat, Chevron claimed:

"they didn't have much choice; in addition to his militant activities Tom Polo was a local businessman and his houseboat went through the same vetting process as those from other companies."³²

That Tom Polo Limited sailed through Chevron's "vetting process" highlights serious failings in Chevron's basic procedures. The company had been renting houseboats from a prominent MEND commander, whose militants had slashed Nigeria's oil production and kidnapped oil workers in attacks on the industry.³³

Ibori ties:

Tompolo was not the only controversial figure benefitting from oil company contracts. James Ibori, the notoriously corrupt ex-governor of Delta State, owned a company that leased Chevron "several of the houseboats" in Escravos.

At the time, Ibori faced over 100 counts of corruption in Nigeria.³⁴ In April 2012, Ibori was sentenced to 13 years in prison after pleading guilty at Southwark Crown Court in London to £50 million worth of fraud.³⁵

The business links between Chevron and Tompolo demonstrate the wider privatisation of militancy in Nigeria. Lack of governance and harmful corporate practices have encouraged the rise of powerful militant leaders and armed groups, and have rewarded violence. Militant leaders have been enriched by gov-

ernment and company payouts. In March 2012, the Nigerian government gave Tompolo official backing by awarding his company, Global West Vessel Specialist Agency, a contract worth \$103 million to secure the waterways of the Delta. Other ex-militant leaders have benefitted from similar contracts. ³⁶



"Privatised" militancy 37

As armed militancy spread across the Delta, oil companies became increasingly involved with militant groups in order to regain access to facilities closed or damaged by the conflict. In 2003, the Nigerian National Petroleum Corporation (NNPC) reportedly paid \$55,000 to militants in Escravos for "permission" to repair a pipeline which runs to the northern refinery in Kaduna.38 According to US cables, Chevron planned to negotiate with "armed Ijaw militants who killed scores of people when they attacked and razed over 40 Itsekiri villages and several oil installations".39 The US government was quick to point out the dangers of such moves:

"any compromise with the Ijaw militants will only enhance their power and status and will whet their appetite for more money and control of the local area."⁴⁰

Chevron used local security contracts to keep opponents and youth groups under control. As a US embassy cable confirmed:

"Chevron-Texaco, like other companies, often pays idle youth to serve as "home guards" protecting the company's facilities in the area. This is little more than payoff to youths who threaten oil company installations with sabotage."⁴¹

The effectiveness of this strategy is questionable. In May 2003, Chevron's "home guards" turned against them, occupied an offshore platform and held staff hostage near the coast of Bayelsa State until the Nigerian Navy intervened.⁴²

Shell temporarily abandoned its operations in the western Delta in February 2006, following a series of attacks, including multiple hostage takings. 43 Later in July, the US government met with Shell's Vice President for Africa, Ann Pickard, who described how Shell was coming under pressure. The shut-down of Shell's Forcados export terminal had removed 500,000 barrels of oil per day from the world market, some 25% of Nigeria's production. Shell had conducted "unmanned overflights" of the region, but had been unable to fully re-enter its facilities. US cables report that:

"Shell was now compelled to re-negotiate re-entry with "MEND characters". [Pickard] described these interlocutors as a small group of ideologues joined in a marriage of convenience with militant and criminal elements operating in the creeks."

The details of these negotiations are scarce, but they illustrate how oil companies engaged in complicated relationships with armed militant groups and their networks in order to extract oil from the Delta during a time of conflict.

Shell's relationship with militants in the eastern Delta also caused complications. In an interview with Platform in 2011, a Shell manager described the company's approach:

"Most of the militants, the exmilitants, we got close to them, even when they were militants. Relating well with them, talking well with them. Being kind and nice, not to be aggressive. And with that they have that confidence that we will not betray them"⁴⁵

In practice, Shell has tried to incorporate militants into its security arrangements via 'surveillance' contracts. The Shell manager told Platform:

"Some of them came asking for special surveillance services, what they could be doing for Shell and we said "okay, it's better if we entrust some of our facilities into your hands [so] you look after them"...
We brought them close to ourselves and using them at least to discourage other people from vandalising, doing bunkering"46

While professional training and sustainable employment are sorely needed in the Niger Delta, Shell's security contracts have provided neither. These contracts have fuelled violent rivalry between armed youth groups, de-stabilised communities and sparked communal conflicts.⁴⁷ Shell and other companies have



A boy stands between pipelines in Okrika, Rivers State. Photo by George Osodi.

incentivised violence by awarding contracts to groups with the most "coercive power". 48 A recent study by the Wilson Centre stated that "these contracts often end up in the hands of the very groups responsible for attacks on oil facilities". 49 In one example, a Shell contractor based in the village of Ikarama in Bayelsa State alleged that Shell awarded contracts to pacify an armed gang that was responsible for sabotaging the company's Okordia manifold in February 2008. 50

It is likely that Shell will find it hard to extricate itself from these arrangements. ⁵¹ Between 2 and 15 August 2011, the Okordia – Rumuekpe trunk line in Ikarama was attacked by local youths furious over the company's sudden withdrawal of their 'surveillance' contracts. ⁵² In cases like this, Shell's 'surveillance' contracts are simply a fig leaf for illegitimate protection payments.

Conclusion

he routine payments to armed militants made by Shell, Chevron, NNPC and other companies have fuelled violence in the Niger Delta over the past decade. It is estimated that the distribution of cash and contracts by oil companies has contributed to "the killing and displacement of thousands of local people" in communal and ethnic conflicts. ⁵³ Company security contracts have rewarded violence by channelling funds towards the most powerful armed groups.

Every payment made by oil companies in Nigeria should be linked to a clearly and accurately recorded transaction. If there is a significant risk that cash payments and contracts could go to armed groups or worsen conflict, the transactions should stop. Hiding such payments

is not a sustainable option and will not enable companies to avoid contributing to human rights abuses.

Shell, Chevron and the Nigerian government must prioritise the safety and security of local communities over access to infrastructure and oil extraction rates. The limited gains of the government's amnesty for militants could easily be undermined unless 'security' is based on respect for human rights, the protection of the environment and the peaceful resolution of social and political grievances in the Niger Delta region.⁵⁴

For further recommendations to a range of stakeholders visit:

http://platformlondon.org/wp-content/uploads/2012/08/12.08.02-Dirty-Work-Recommendations.pdf



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