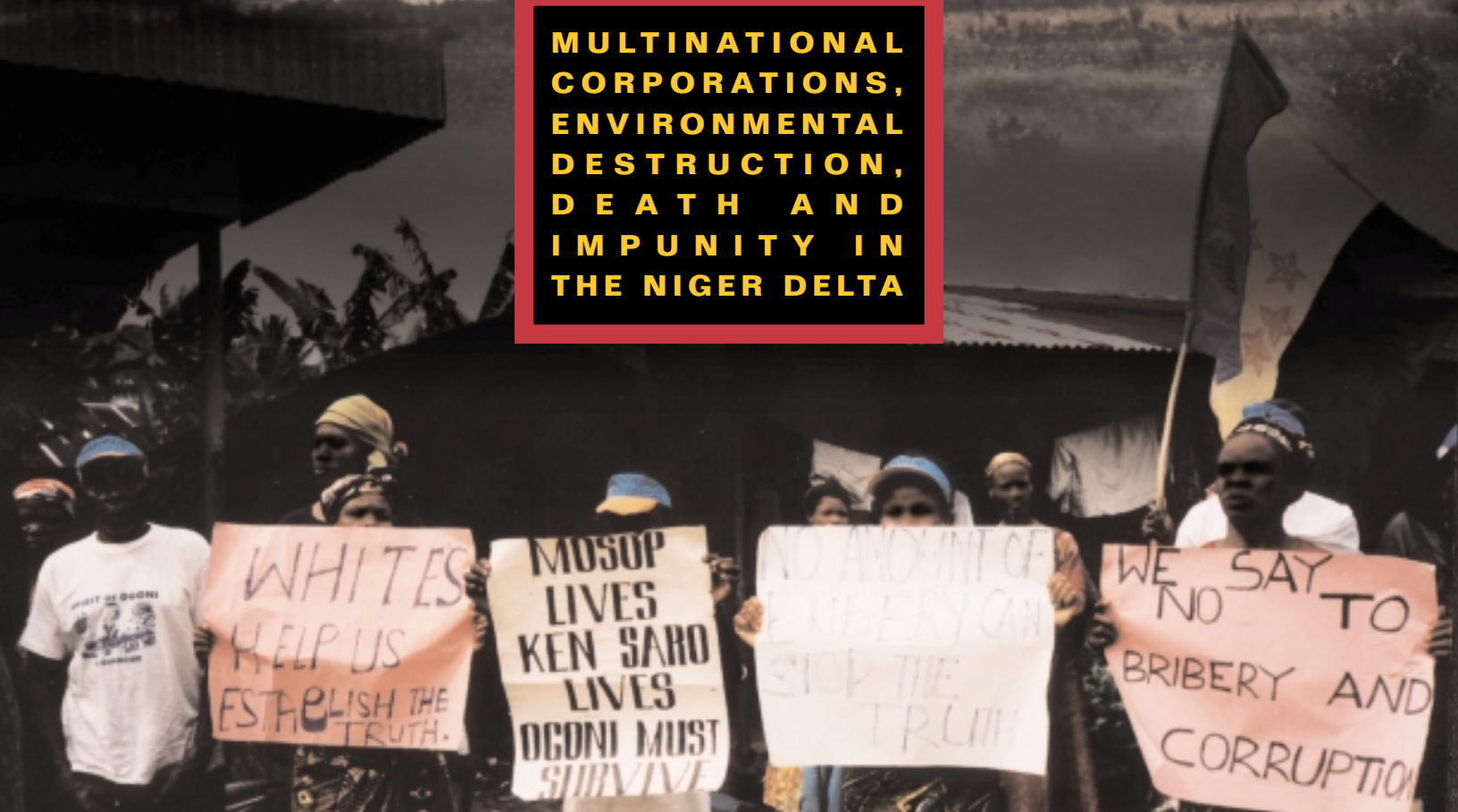




OIL FOR NOTHING



**MULTINATIONAL
CORPORATIONS,
ENVIRONMENTAL
DESTRUCTION,
DEATH AND
IMPUNITY IN
THE NIGER DELTA**



WHITES
HELP US
ESTABLISH THE
TRUTH.

MOSUP
LIVES
KEN SARO
LIVES
OGONI MUST
SURVIVE

NO AMOUNT OF
BRIBERY CAN
STOP THE
TRUTH

WE SAY
NO TO
BRIBERY AND
CORRUPTION

“ . . . we confront these deadly enemies with the only weapon which they lack: TRUTH . . . we would have to be ready to suffer arrest, detention, imprisonment and death, as the only alternative to the struggle is extinction . . . ”

Activist/writer, Ken Saro-Wiwa from his detention cell in a Nigerian prison, one year before he was hanged by a military court

A U.S. NON-GOVERNMENTAL DELEGATION TRIP REPORT, SEPTEMBER 6-20, 1999

A group of 9 U.S. activists, academics and journalists from around the United States spent 10 days in Nigeria's Niger Delta region, and 4 days in Lagos. The delegation was hosted by the Lagos and Port Harcourt offices of Environmental Rights Action/Friends of the Earth-Nigeria.

Delegation participants:

Henry Clark, West County Toxics Coalition
Eowyn Greeno, University of California, Berkeley
Laura Livoti, The National Radio Project
Walter Turner, Global Exchange
Alfredo Quarto, Mangrove Action Project
Margie Richard, Concerned Citizens of Norco
Umar Tate, Tennessee Industrial Renewal Network
Monica Wilson, Essential Action
Daphne Wysham, Institute for Policy Studies

Key Findings

1. Oil corporations in the Niger Delta seriously threaten the livelihood of neighboring local communities. Due to the many forms of oil-generated environmental pollution evident throughout the region, farming and fishing have become impossible or extremely difficult in oil-affected areas, and even drinking water has become scarce. Malnourishment and disease appear common.
2. The presence of multinational oil companies has had additional adverse effects on the local economy and society, including loss of property, price inflation, prostitution, and irresponsible fathering by expatriate oil workers.
3. Organized protest and activism by affected communities regularly meet with military repression, sometimes ending in the loss of life. In some cases military forces have been summoned and assisted by oil companies.
4. Reporting on the situation is extremely difficult, due to the existence of physical and legal constraints to free passage and free circulation of information. Similar constraints discourage grassroots activism.

Executive Summary

There is a long and terrible record of environmental destruction and human rights violations in the oil-producing regions of Nigeria. The gross level of environmental degradation caused by oil exploration and extraction in the Niger Delta has gone unchecked for the past 30 years. Evidence shows that the oil companies operating in Nigeria have not only disregarded their responsibility towards the environment but have acted in complicity with the military's repression of Nigerian citizens. The profit-driven collusion between multinational oil companies and the past and present Nigerian governments has cost many lives and continues to threaten the stability of the region.

The authors of this report spent ten days in the Niger Delta (Sept. 8-18, 1999) visiting communities that have been affected by the operations of the following multinational corporations: Shell, Mobil, Agip and Elf. Plans to visit areas in Delta State near Chevron Corporation facilities were canceled due to the instability in those areas. However, while in Nigeria, we interviewed individuals who gave personal accounts alleging Chevron's involvement in recent killings in the Delta. We also met with a group of U.S. lawyers who were in Nigeria at the time gathering information to substantiate lawsuits against Chevron in U.S. courts.¹

During our visits, we met with community residents, leaders of community groups, and state and local government officials. Despite efforts to arrange meetings with representatives of the oil companies, we were only granted one meeting with a representative of Shell. Based on the testimonies of those we met, as well as on our own observations, we conclude that oil extraction and the related operations of multinational oil corporations pose a serious threat to the livelihood of the people of the Niger Delta.

Tensions in the Niger Delta continue to erupt into violence as natural resources vital to local communities' survival are destroyed by oil operations. Environmental and social justice for the people of the Niger Delta remain central issues for achieving peace in the region. As long as people's calls for justice continue to be ignored and resisted by both multinational oil corporations and the Nigerian government, the situation in the Delta can only deteriorate. Many ethnic groups in the Niger Delta have produced declarations and bills of rights that call for autonomy in the management and control of local natural resources. We believe that the survival of a large number of Niger Delta communities is now dependent on their ability to establish their entitlement to local resources.

Background

Nigeria, the most populous country in Africa, is also one of the best endowed in terms of natural resources. Yet, it is one of the poorest countries in the world. As is the case with many oil-rich developing countries, oil reserves have proved a mixed blessing for Nigeria. Since 1974, only 14 years after independence, oil production for export has been by far the main source of revenue for the government. Today, oil sales account for more than 40 percent of GDP, 80 percent of the government's budgetary revenue, and more than 95 percent of exports. With an average production of approximately 2 million barrels per day, Nigeria is one of the world's largest oil producers. However, due to a persistent fall in oil prices, Nigeria's external debt has risen to an unprecedented level in the last decade; inflation is rampant, and per capita GNP has fallen to levels comparable to or lower than those estimated in the mid 1960s, when oil exploration began in earnest.

The oil industry has expanded in Nigeria at the expense of other previously important production sectors, such as agriculture and manufacturing. This has created regional imbalances and an increasingly unequal distribution of wealth between different sectors of society,² deepening the potential for conflict in this complex multi-ethnic nation.

The Niger Delta, one of the world's largest wetlands, and the site of most of Nigeria's biodiversity, is also the area where the main oil reserves are found. Almost one third of Nigeria's oil is shipped directly to the US. Most of the balance is sent to other countries, mainly in Europe, and very little remains in Nigeria for refinement and consumption. During the last four decades, hundreds of billions worth of crude oil have been extracted from the Niger Delta wetlands, earning huge profits for a privileged few, while virtually robbing the affected communities of both life and livelihood.

In addition to a clear lack of access to this locally produced resource, the inhabitants of the Niger Delta region have seen few benefits from the large-scale operations carried out in the proximity of their communities. In fact, in their comprehensive 3-year long study, Human Rights Watch states that "Despite the vast wealth produced from the oil found under the Delta, the region remains poorer than the national average; and [...] the divisions between the rich and poor are more obvious in the areas where gas flares light up the night sky."³

Though oil companies claim that their operations are carried out according to the highest environmental standards,⁴ it is indisputable that they have had a severe impact on the environment, and on agricultural and fish production throughout the Niger Delta region. Many communities report they rarely receive any or sufficient compensation for land taken by oil companies, or rendered useless by oil spills, acid rain, and other forms of pollution.⁵ Moreover, protests against environmental degradation and loss of land rights by local communities have frequently met with violent repression by the various police and security bodies with the complicity of the oil companies.

The main multinational oil companies operating in the region are Shell (accounting for more than 40 percent of the volume of production), Mobil and Chevron, in that order. Other companies with significant presence in the Delta are the Italian company Agip, France's Elf-Aquitaine (commonly known as Elf), and Texaco. All of these companies operate on the basis of a joint venture with the Nigerian government.

Nigeria is a country with approximately 300 different ethnic groups, each with its own language, culture, customs and traditional forms of government (see map 2 at the end of this report). The people we encountered during our trip identified themselves with their ethnic group before identifying as Nigerian citizens. Both oil companies and the government/military benefit from, and in some cases exploit, ethnic differences in the Delta, which divide and weaken local communities.

Even before independence, politics have been dominated by the three majority groups: the Yoruba, who are predominant in the west, the Hausa-Fulani, in the north, and the Igbo, in the south. Many minority communities of the Niger Delta feel they have been excluded from political participation and the economic and social benefits enjoyed by dominant majority groups.

The country of Nigeria came into existence in 1914, when two British colonial protectorates were amalgamated into one territorial unit. This act arbitrarily brought together hundreds of distinct ethnic and political groups. The country gained its independence in 1960. Since then it has been ruled primarily by military dictatorship. The most repressive regime was the one of General Sani Abacha (1993-1998). Upon Abacha's death in 1998, General Abdusalami Abubakar took control for a short period and allowed elections to proceed. Although it was acknowledged that there had been widespread fraud during the elections, the pressure to transition Nigeria to so-called democratic rule was so great that the election's results were certified by international observers. On May 29, 1999, former General Olusegun Obasanjo became Nigeria's first civilian president since 1993. When our delegation arrived, Obasanjo had been in office for 100 days.

SECTION ONE

Threats to the livelihood of communities by the operations of multinational oil corporations in the oil-producing areas of the Niger Delta.

1. Immediate effects of pollution

a) Gas flaring

Testimonies to wasteful oil industry operations, gas flares are a distinctive feature of the Niger Delta landscape. Most of these flares burn 24 hours a day and some have been doing so for over 40 years. Communities near these flares are deprived of even the comfort of night's natural darkness.⁶

Natural gas is a by-product of oil extraction; it is removed from the earth's crust along with the crude oil. Natural gas does not have to be flared off, and in many countries there is little flaring. Other options for managing natural gas include reinjection into the subsoil, storage for use as a source of energy by local communities, and transportation for use in other projects elsewhere. Yet companies in the Delta opt for flaring because, even with the minimal fine per barrel of gas burned that has to be paid to the government, it is by far cheaper than the alternatives. Though these "savings" may appear rational to companies, the reality is that local communities are being forced to pay the very high cost of losing a potential valuable resource, and living with the resulting pollution.

Though it hasn't been fully assessed, the impact of gas flares on the local ecology and climate, as well as people's health and property, is evident. The extremely high levels of CO₂ and methane gases that are released to the atmosphere also impact climate patterns beyond the local level.⁷

We witnessed many such flares in our visits to communities: their heat was so intense it was impossible to get near them. A constant loud roar accompanied the thick column of smoke emanating from them, fouling the air. The associated gases could be smelled from hundreds of meters away.

Yet, the oil industry seems blatantly oblivious to the consequences of this wasteful practice. We met with Mr. Bobo Brown, Shell Nigeria's Eastern Division public relations officer, who denied that communities were harmed by gas flare pollution, and even claimed that local residents benefited from these flares because they could dry their foodstuffs for free by setting them near the burning gases, a visibly ridiculous cost-benefit estimate.⁸

b) Acid rain

Acid rain, a direct result of gas flaring, is taking its toll on the Niger Delta. Acid rain not only deprives people of drinkable rainwater⁹ and stunts crop growth (as we found in Eket and other communities in Akwa Ibom State), it is also affecting people's homes. In Iko, Eket, and Etageri we were told that zinc roofs, which formerly lasted 7-10 years (and were a good alternative to labor-intensive thatched roofing), are now destroyed within one or two years by acid rain. This has led many home owners to resort to asbestos roofing, which although is more resistant to acid rain, it is also more expensive and hazardous to health.



Horizontal gas flare near Obigbo flow station, Umuechem, Rivers State. Laying a flare horizontally makes it less conspicuous. (Photo: Eowyn Greeno)

c) Pipeline leaks

In addition to the grave problems associated with gas flares, on-site oil leaks and ruptured pipelines are a serious problem in the Niger Delta. Decrepit pipelines, some reportedly over 40 years old, criss-cross villages and land, some of them above the ground. These pipes are rusty and in obvious need of repair.

On average, three major oil spills in the Niger Delta are recorded each month. In the first quarter of 1997 alone, Shell recorded 35 incidents of oil spills in its operations.¹⁰ In June 1998, it was reported that a leak near the Otuegwe 1 community that had been going on for months had spilled over 800,000 barrels of crude from a 16-inch buried pipeline belonging to Shell. The resulting ecological devastation seriously impacted the residents of Otuegwe 1 community.¹¹ Villages in many areas claimed that when pipelines corrode and leak, oil workers will inspect but not repair the leak. Instead, villagers say, oil companies often claim sabotage.

Under Nigerian law, companies are not obliged to clean up or compensate for the effects of spills caused by sabotage.¹²

Incidents have continued into this year. On September 17, 1999 there was an explosion at the fishing and farming community of Ekakpamre, in Delta State.¹³ Residents in the Etche area told us about a recent spill that went untended for weeks, even though, villagers said, Shell had been alerted as soon as the leak was discovered. According to the secretary of the local Community Development Committee, Shell's workers repaired the leak the day before the arrival of our delegation to Etche.¹⁴ In describing Shell's reported sluggishness to repair leaks, Chief Thankgod Albert of the Etagberi village, where Shell has 44 wells, said: "They [Shell] don't treat us like humans. They treat us like animals."¹⁵

The threat of pipeline explosions puts people at risk of death or injury. In October 1998, a pipeline leak that flooded a large region near the village of Jesse exploded, causing the death of over 700 people, mostly women and children.



Eleme, Rivers State. Site of a major Shell pipe blowout and spill in 1970. When the community took Shell to court the oil company built a wall around the site.
(Photo: Laura Livoti)



Oil deposits continue to pollute the stream that runs through this site, once the water source of the Eleme community.
(Photo: Eowyn Greeno)



Pipelines crossing a yard in the Ogoni village of K-Dere, Rivers State.
(Photo: Eowyn Greeno)

In Ogoni, Rivers State, we saw above-ground pipelines that crossed right in front of people’s homes. In the community of Umuechem, Rivers State, we saw above-ground rusty pipelines that stretched as far as the eye could see. Some of these pipes appear to be greatly corroded, which increases the risk of spills.

2. Long-term effects of pollution

a) On health

The delegation has reason to suspect that serious respiratory problems witnessed in many communities can be linked to environmental pollution. Respiratory problems, coughing up blood, skin rashes, tumors, gastrointestinal problems, different forms of cancer, and malnourishment, were commonly reported ailments in many communities. Many children have distended bellies and light hair, which are evidence of kwashiorkor, a protein-deficiency syndrome. Residents repeatedly attributed the spread of kwashiorkor in their communities and the drastic decline in fish catch and agriculture to the pollution of rivers, ponds, sea waters and land by oil industry operations.

Another problem facing the people of the Niger Delta is the illicit use of land by oil companies. In the community of Umuebulu, Rivers State, hardly 50 meters away from its perimeter, there is an unlined chemical waste pit belonging to Shell. The company reportedly acquired this land under the pretense of building a “life camp”—Shell’s lingo for an employee housing complex. We were stunned to see this site through a chainlink fence in the concrete wall surrounding the facility. The wall keeps people out but doesn’t serve as a protection against the noxious fumes coming from the site. Some members of our delegation who live near similar toxic

There is an oil spillage that occurred in Epubu community that was discovered and reported on the 5th and 14th of December, 1998. The operators of the current burst [pipe] . . . is Nigerian Agip Oil Company. And up till this moment of this interview that spill has not been cleaned. The flora and fauna and the entire ecosystem of the place is destroyed. To be candid, I don’t know what Epubu community has done to Nigerian Agip Oil Company. We are contributing to the growth of Nigerian Agip oil company. We know that the operators of the . . . oil [companies] are there to maximize [their] profit. But you don’t maximize your profit to the detriment of the people. [This] oil spillage that has occurred since December 1998 to 9th of September 1999 has not been cleaned. The government of the state is also aware of that. You can see the level of injustice the community is going through. We have approached Nigerian Agip Oil Company on several occasions to go and clear this spill. We have written [a] series of letters guaranteeing the security of their personnel. Yet Nigerian Agip Oil Company has refused and the ecosystem of the place is destroyed.

Excerpts from our interview with His Royal Highness, Chief Nikuman Ebe Obom, the Paramount ruler of Epubu, Sept. 9, 1999, Port Harcourt.

waste sites in the United States immediately recognized the smell of industrial waste. The community said that requests for disclosure of information about the source of the smells and their possible effects on health, as well as compensation for already visible symptoms (such as skin rashes) attributed to pollution, have gone unheeded by Shell.¹⁶

In Umuakuru, Rivers State, we heard of a similar example of misleading practices by the same company. Residents told us Shell had approached the community to obtain approval to build a recycling plant near the village. The community agreed, and the site was fenced all around; nothing else happened for several years. An independent environmental impact assessment commissioned by residents of Umuakuru later revealed that Shell intended to build an incinerator and a composting unit to process sewage sludge for industrial and medical waste from its employee hospital in Port Harcourt.¹⁷ Despite the community's efforts to halt the process, community residents fear the construction will proceed.¹⁸



(Photo: Eowyn Greeno)

Adiwaba lake near Etageri, Akwa Ibom State.
This lake used to be a boat thoroughfare and fishing ground, but is now considered "dead" by local communities. Its narrowing for the construction of 3 bridges by Shell has resulted in its partial closure and excess sedimentation.

b) On the environment

Loss of biodiversity

The Niger Delta has the third largest mangrove forest in the world, and the largest in Africa. Mangrove forests are important for sustaining local communities because of the ecological functions they perform and the many essential resources they provide including soil stability, medicines, healthy fisheries, wood for fuel and shelter, tannins and dyes, and critical wildlife habitats. Oil spills are contaminating, degrading, and destroying mangrove forests.¹⁹ Endangered species—including the Delta elephant, the white-crested monkey, the river hippopotamus, and crocodiles—are increasingly threatened by oil exploitation.²⁰

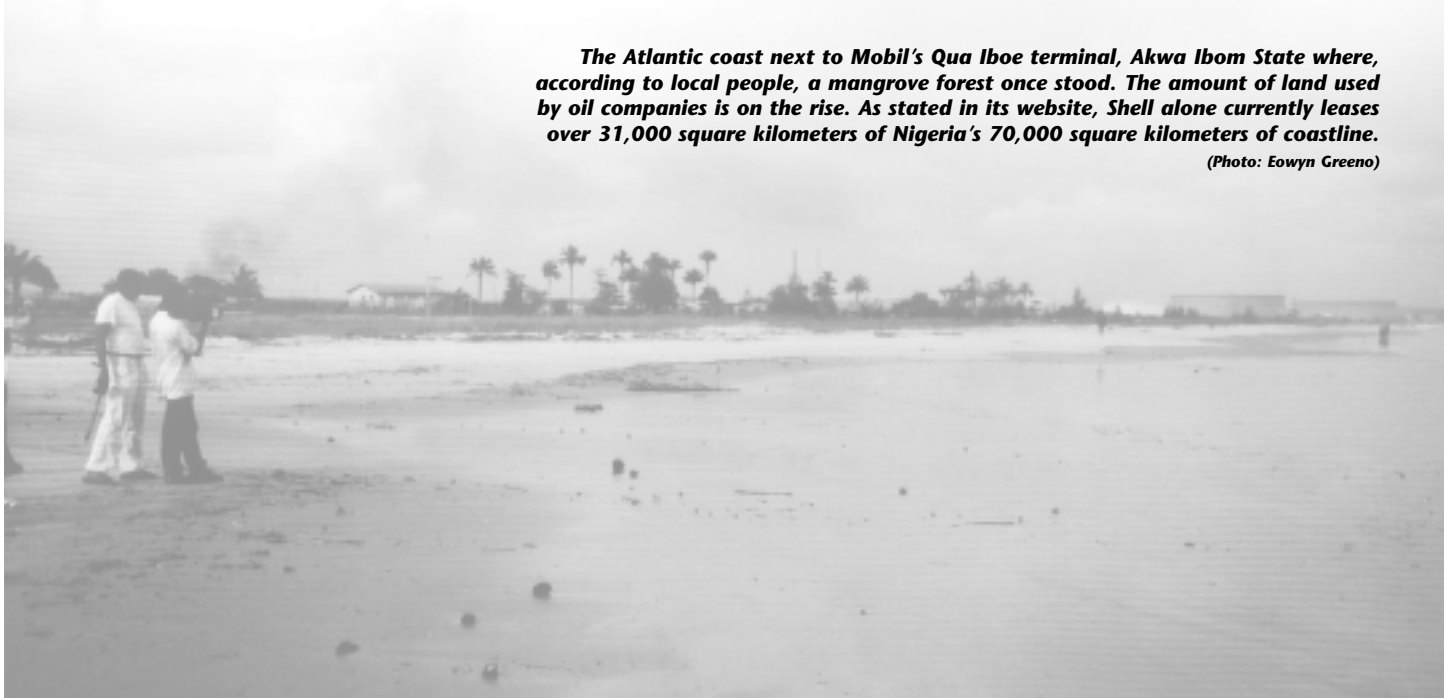
Destruction of habitats

The construction of infrastructure for oil facilities is done with little or no regard for environmental considerations. To facilitate road construction, waterways are frequently diverted, to the detriment of fish populations.²¹

Sudden and drastic changes to the local environment by oil companies are sometimes accompanied by direct loss of human life. For example, the Egi community has reportedly lost five children in the last few years who during the rainy season drowned in "burrow pits" dug by Elf to extract sand and gravel for road construction.²²

The Atlantic coast next to Mobil's Qua Iboe terminal, Akwa Ibom State where, according to local people, a mangrove forest once stood. The amount of land used by oil companies is on the rise. As stated in its website, Shell alone currently leases over 31,000 square kilometers of Nigeria's 70,000 square kilometers of coastline.

(Photo: Eowyn Greeno)



SECTION TWO

Social and economic impacts of corporate practices on the communities of the oil-producing areas.

In every community we visited, we heard people speak about the adverse effects that oil exploration and production has had on their livelihood. People's food sources depend on the same natural resources that are destroyed by polluting oil operations, and communities claim they commonly receive no compensation when these resources disappear.

1. Loss of land and resources to communities and families

Land for oil operations can be appropriated for use by multinational oil corporations with the Land Use Act, a decree established in 1978 under the Obasanjo military regime (which was transformed into an Act of Parliament). This Act enables the state governor to execute the transfer of land ownership by simply claiming that the transfer is "in the public interest." Where the land is unused, his signature is all that is required. As a result of this act, the interests and concerns of communities are placed beneath those of oil corporations and the Nigerian treasury, which limits communities' ability to make their own decisions about their surroundings.

2. Difficult or no access to food and basic goods

Having lost their traditional subsistence lifestyle to pollution and other drastic changes in their immediate environment, many oil-producing communities are now forced to buy their food. This puts local people at an immediate disadvantage in comparison to the purchasing power of salaried company employees, many of whom come from other parts of the Nigeria or from abroad.

In Eket, Akwa Ibom State, where Mobil's operations have reportedly led to the loss of fish populations along the coast, fishing is available only to those who can afford large boat engines and trawlers to venture into the high seas. The rest of the population must buy "ice fish" (frozen fish) from commercial fishermen, a practice totally unknown a few years back. Since market prices are constantly on the rise, many villagers have to go without fish. Only a small sector of the local population in Eket finds employment in Mobil's facilities,²³ and thereby earns money to buy food.

At the mangrove community of Iko in Akwa Ibom State, we heard a similar sad refrain. Where people had previously made a living amid a once healthy and productive mangrove forest by fishing and farming, gathering their wood for building and fuel from the nearby mangroves, they related that they now find it impossible to make a living. Since Shell came to their area in 1974 to establish oil wells, community members explained that repeated oil leaks have coated the breathing roots of the mangroves, killing off parts of the forest and the animal and marine life that depend on it.²⁴



A waste dump near Eket, Akwa Ibom State, on a stream that used to provide drinking water for surrounding communities. Eket residents say the waste comes from Mobil's nearby airstrip and housing complex. (Photo: Alfredo Quarto)

3. Scarcity places an especially heavy burden on women

The diminished productivity and viability of local economies due to the environmental and social degradation caused by oil exploitation has affected the lives of women in unique ways. As Joi Yowika, a Port Harcourt attorney explained, “the rights of women have been violated by the oil companies.” Several women told the delegation that they are no longer able to provide food for their families by performing their traditional roles. They explained that women used to sustain their families through farming, and trading in agricultural and other goods. But each of these is now extremely difficult with the effects of oil industry pollution. Grace Ekanem, a women’s group leader in Eket, Akwa Ibom State, explained that since farms are failing, palm trees are not bearing fruit, and fish are depleted, women are not only unable to feed their families, but cannot earn enough money to send their children to school, or to afford medical treatment. “Women are now redundant,” said she.²⁵

4. Prostitution, rape, and fatherless children

Faced by such devastating economic circumstances, many women are forced to turn to prostitution as a means of survival. Joi Yowika, an attorney who is currently representing several young prostitutes, explained to the delegation that many girls and young women claim that they prostitute themselves as a way to pay for their education and to support their families. She explained that the sex industry in the Niger Delta is directly linked to the oil industry, since it is oil company employees and the employees of oil-related service companies that patronize the prostitutes. As a result, prostitution is rampant in oil-producing communities and in cities where oil workers reside.²⁶ Stories of extremely degrading and inhuman treatment of prostitutes by expatriate oil workers are common. Children sired by expatriate oil workers are frequently abandoned.²⁷

Despite the social mores of a predominantly patriarchal society, and economic difficulties resulting from the oil industry, women in many communities have been very effective in voicing the demands of their communities to the oil companies. The delegation met with two women’s group leaders in the towns of Eket and Egi. Each described strong, well-organized groups, which have been instrumental in their communities’ dealings with multinational oil corporations and the military. They have organized demonstrations and protests that have mobilized entire communities.²⁸



Abandoned fishing boats in Iko village. The community’s main means of subsistence has been deeply affected by oil exploration and production.
(Photo: Alfredo Quarto)



***"All roads lead to the flow station...".
People in the Delta have fittingly
adapted the old adage about the
supremacy of the Roman empire.***

(Photo: Umar Tate)

So as the secretary of the IYC [The Ijaw Youth Council] and as the president of Niger Delta Women for Justice, we have been trying as much as we can by using campaigns in communities and doing our meetings to also mobilize women to also get involved in the process and also take it back home. It's more or less like training of trainers. They take it back home and they continue the process of reorientation, creating awareness, the reasons why a woman should know her rights.

So the Nigerian women, specifically the Delta women mean a lot to our men and they mean a lot to the development of the Delta. And they will also have the contribution of the success of resource control and to the process of self determination. And that is why the women have been mobilized to be involved in the struggle. It's a very participatory struggle. And I know some day, some day we'll get hold of it.

In the southern part of Nigeria the women work harder than the men. The women farm, the women fish. And that is the reason why we quarrel so much about the pollution of the waters because when the waters are polluted due to oil spillage and all, whatever we have, drillings, the women suffer so much because there definitely wouldn't be any food at home. We don't

have land in our communities because Shell and most other oil companies have actually used the process of canalization, you know, to cut up most of the land [...] we have lots of erosion problems because of speed boats and all that.

[...] I believe in stake-holding and self development, that's what I call sustainable development. So we're trying to see how we can develop the women, specifically the traditional bed attendants, improve their standards and they can work hand and hand with medical doctors who are ready to do volunteer work for or organization, for these women.

When they [women] give birth to these children you find out they have lots of death rates amongst little babies in our communities. It's not crib death because we don't use cribs in our communities. We don't even know what cribs are, we cannot afford cribs. But we just have deaths here and there because the women drink from the river — the babies' food is from the river. Whatever food they use for the child is from the river. They bathe the child with the river water and you very well know that the river water is extremely polluted. And at the end of the day you have lots of skin diseases, cholera, diarrhea, no medicine. No drugs to take care of these chil-

dren and [...] Before you know what's happening the children are gone. This is very difficult [...] the process is so frustrating and that is why I assure you...we will never, ever as long as we live stop campaigning for self determination and resource control. It's our property. When we have a negotiation with the multinationals and the federal government, and the people in a very participatory method we will take decisions because it affects us a great deal. The decision shall be ours. During the process of monitoring and evaluation it will still be us. When the project fails it's us. When the project is good it's us, we benefit. We should be involved in that process. So when the oil companies, we will state it out to the oil companies and federal government that they must respect international rules and regulations on environment. It is our duty —they don't care. They don't even know how we live this way. The federal government doesn't even know how we live. All he knows is get in there, drill the oil and bring my money. And that's the reason why I said we will never, ever accept it and we will continue to fight for justice until our last day and until we win."

Excerpts from our interview with Annie
Brisibe, Sept. 9, 1999.

SECTION THREE.

Oil companies' responses to local communities' protests

1. Lack of compensation and clean ups

Oil corporations take advantage of weak laws and lax enforcement in Nigeria to avoid responsibility for the environmental damage their operations cause. Communities complain that although it is common for companies to blame spills on sabotage, companies rarely provide evidence to support accusations of sabotage, and no sabotage claim has ever been proved in court.

The delegation heard many stories of spills which Shell allowed to continue unabated, while the affected communities received no fair compensation. In some cases, Shell apparently alleged sabotage as the cause of spills, even before carrying out investigation on the site. From our own observations of existing above-ground pipelines, it appeared plausible that the rust and corrosion affecting some of these pipes could result in leaks and spills.

Staggering under economic impacts, poor health and broken promises, communities have little recourse under the Nigerian legal system. They are afraid to sue for clean-up and compensation because history shows that oil companies will appeal repeatedly until the plaintiffs run out of money, give up, or die.²⁹ Going to court is something companies have no reason to fear, because they can extend a case indefinitely.³⁰

In Eleme, Ogoniland, we saw the site of a pipe blowout and massive oil spill that took place in 1970 and according to Shell has been "cleaned up". A 6-foot thick crust of carbonized oil material covers the soil, turning the area into a wasteland where only a few plants have been able to survive. Since villagers can't afford bottled water and often have access to no other water source, they have no option but to drink water that is visibly polluted and slick with oil. In 1984, the community took Shell to court but community members report that no settlement has yet been reached to this date and Shell still has done nothing to clean up water and soil.³¹

Even when the oil companies do provide compensation for damage caused by spills and leaks, their system of assessment and payment are often very unsatisfactory. In January 1998, 40,000 barrels of light crude oil (or 1.6 million gallons, according to other estimates) were spilled into the Atlantic Ocean near Mobil's primary facility in Eket, Akwa Ibom State.³² It was the biggest spill in Nigerian history. Mobil's reaction to the spill was so slow that the oil reached the shores of Lagos, nearly 500 km to the west. Vast coastal areas were devastated. Mobil agreed to pay compensation to residents in oil-producing communities, but only to those individuals who were able to submit claims, which in many cases required potential claimants to make a long and costly jour-



*Aspect of crust on oil spill site.
Eleme, Rivers State.
(Photo: Umar Tate)*

ney to Eket. Given that very few roads reach the villages affected, and people do not own and cannot afford to rent vehicles or bicycles, this proved impossible to many of the potential claimants. Moreover, compensation was only granted to oil-producing communities, whereas many non-oil-producing communities were affected just as much.



2. Broken promises: Behind the whitewash PR

Our group visited several communities where multinational oil companies make claims of community development projects. In many communities, residents related stories of promises made and broken by multinational oil companies.

In Iko the delegation witnessed several cases where PR claims made to unsuspecting Western observers appeared misleading. Iko residents told us how Shell's nearby facility had greatly degraded surrounding mangrove areas on which the community was dependent. In the late 1980s, after community members noticed a decline in fish stocks, which they attributed to Shell's oil spills, the community started protesting and requested electricity and clean water.³³ Years later Shell promised to provide a "fish processing plant," an ironic measure considering the impact of oil spills on aquatic life. Oil slicks are visible in some water bodies. Though Shell claims on its website that the company-built facility has been operational since 1996, the facility (an impressive and large building, definitely photo-worthy) stands unfinished, and the community says it has never functioned. A generator was never provided to run it.³⁴ Another example of such a fig-leaf project in Iko is a manual cassava grating unit Shell donated (as a large sign in front of it clearly indicates), but which Iko residents said worked for one week.

Oil is still present under the crust. Shell dug test holes to assess the extent of environmental damage caused by the blow out in Eleme, but has never attempted to clean up the site.

(Photo: Eowyn Greeno)



Iko village, Akwa Ibom State. An unused cold food storage facility built by Shell.

(Photo: Alfredo Quarto)



A dilapidated and now abandoned wing of the Gokana Hospital, Ogoni, Rivers State (left).
(Photo: Alfredo Quarto)

Family members prepare meals for their patients in the abandoned premises (middle left).
(Photo: Alfredo Quarto)



“I want to mention [a few things] in the area of community development and then human resources development [by] the Nigerian Agip oil company . . . Since 1964, to the present day, we don’t have a single structure to be proud of. We don’t have a single structure [by] Nigerian Agip oil company . . . A period of 35 years, from 1964 to 1999, you can imagine. Then the area of human resources development, normally they [Agip] do give out scholarships to students in post primary and tertiary institutions. But on our own part they did not just refuse to give us a scholarship, they issue out the scholarship with names of their own relations bearing Epubu community as their host community. So on one of our trips on one of our discussions we asked them [Agip] to make available documents they were claiming they have given people from Epubu community scholarships, but all along they have been unable to produce these documents. That is just to tell you how they have been neglecting our people . . .

Excerpts from our interview with Mr. Okumo Evidence, Sept. 9, 1999.

Given the scarcity of roads throughout the Niger Delta, a common request from oil-producing communities is the development of roads. Reading oil company literature leads one to believe that roads are a large part of development plans for oil-producing communities. However, as we discovered throughout our travels, roads primarily lead to the flow stations and oil facilities, not necessarily serving the communities.

An even more telling example of corporate misrepresentation of aid is the Gokana General Hospital in Ogoni. Officially supported by Shell, the facility displays shockingly unsanitary conditions, and lacks basic amenities such as electricity and potable water. Although Shell installed a water well for the hospital, the head doctor and nurse told us the well pump never worked, and patients have to drink water from an open well instead, with the risk of acquiring parasites. We were also told that the first shipment of pharmaceuticals sent to the hospital by Shell was composed of expired drugs, and that presently drugs are sold to patients at higher prices than at street pharmacies.³⁵ Since the hospital provides no food,

patients' families must come and cook for them. A recently delivered autoclave stood on its crate wrapped in plastic at the hospital's entrance, because no one knew how to operate it, and there was no regular supply of electricity to run it. Nor was a generator provided. Both the head nurse and head physician explained that for the last six months they had not been paid the portion of their salary that Shell had promised to pay.³⁶ We were also told that there was no anesthesia for surgery, there were no bed sheets, and that patients often returned home to recover from illnesses contracted at the hospital. We met a woman who had undergone a caesarean section without anesthesia two days before our arrival.



The Gokana hospital's only source of drinking water (middle right).

(Photo: Alfredo Quarto)

Autoclave at Gokana hospital, sitting idle and unwrapped (right).

(Photo: Alfredo Quarto)



3. Policy of divide and rule

Instead of investing in genuine community development projects, oil companies apparently put their money into dividing communities and destroying effective organizing for human rights. For example, in August 1999, Elf Oil Company reportedly paid 40 youths \$2000 each to aggressively break up a protest by 5000 women from the Egi Women's Movement who had shut down the neighboring Elf facility for one day.³⁷ The women were protesting non-violently for clean air and water, and demanding Elf's involvement in community development projects. Elf then reportedly paid the youths another \$75,000 to sign an agreement with the company claiming that their youth group represented the entire Egi community.³⁸ According to the women's group, this agreement laid out substantially weaker demands than those presented by the Egi Women's Movement. Elf did not respond to requests for a meeting with this delegation.

Another case of suppression of grassroots justice campaigns involves Nigeria Agip Oil Company. On July 13 and 14, 1999, after having denied Agip permission to carry out drillings in communal lands, the village of Epubu was attacked by members of neighboring communities. Three people were killed, and many others were injured, and the village was almost totally destroyed by fire. Most of Epubu's population of 7,000 had to seek refuge in neighboring villages. Members of the community claimed that during the attack they could easily identify the boats carrying the attackers as belonging to Agip, because they were used to seeing them on a nearby Agip facility. Though the Nigerian police were summoned to the site of the attacks, they didn't respond in time to avoid the killings. On July 21, attackers came back on the same Agip boats and kidnapped a pregnant woman and two other residents of Epubu, who are feared to have been murdered.³⁹

Animosity between neighboring communities may also arise or be fueled by the differential treatment towards one community by oil companies in matters of compensation, reparation, development projects, and employment opportunities.



Remains of a house after the attack. Iko, Akwa Ibom State. (Photo: Eowyn Greeno)



4. Concerted repression to organized protests

When communities organize to protest against the destruction of their land, homes, and livelihood as a result of the operations of the multinational oil companies, or to campaign for their right to control their own resources, they run the risk of becoming the victims of outright repression and violent acts. While this was more common under previous dictatorial regimes, it is still a reality under President Obasanjo. Our delegation visited two communities where demonstrations against Shell by local people had been violently stopped by military intervention, allegedly at Shell's request, and ended in the loss of many lives.⁴⁰ We also interviewed individual community leaders who gave us firsthand accounts of the torture and violence they had suffered due to their activism.

In 1987, when deteriorating environmental and economic conditions in Iko due to Shell's operations had become unbearable, the community approached Shell to peacefully "ask for our rights", as the local chief explained. The complaints were centered around two facts: One, that Shell's operations had led to the closure of the creeks where fishing used to be practiced, and two, that gas flares posed a health hazard to the community. The community was demanding jobs for the youth in the community, and a general improvement in the local environmental conditions. The Nigerian military then burned down many of the houses in Iko. Eight



The truth about the whole situation is that Epubu was attacked through the sponsorship of Nigerian Agip oil company. We are appealing to the international community to come to our aid. Specifically to rehabilitate the people of the community. All our wealth is burned down. People are dying daily of starvation and hunger. All our schools are closed . . . We are going back to the primitive primordial days where people don't go to school anymore. And for fear of possible attack, . . . teachers are afraid to go there. [W]e are completely cut out from the state. Transport boat[s] no longer apply. They don't go to Epubu community. You have no communication with the outside world. So we are appealing to the international community to come to our aid by providing boats that will enable us [to] communicate with the outside world, because we are completely cut out. And also to assist [in] establish training schools, so that our children can go to school and we too will know that is happening. Because if you are not educated you cannot come here and talk the way I am talking. So that is our passionate plea to the international community.

Plea to the international community by His Royal Highness, Chief Nikuman Ebe Obom, the Paramount Ruler of Epubu, Sept. 9, 1999 , Port Harcourt



Grave of the former Chief of Umuechem in front of his house, where he was killed during the raid of his village by the Nigerian police in 1990. Umuechem, Rivers State.

(Photo: Eowyn Greeno)

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years later, in 1995, a new protest was organized by the community, and the Mobile Police (also known as the “kill and go”) invaded the village at night, burned down many houses, and killed a schoolteacher. This surprise attack taught the community a hard lesson—one it would not soon forget.⁴¹

We heard a similar story (one that has been recorded in multiple reports and academic articles)⁴² in Umuechem, where Shell began operations in 1959. Like most communities where the oil companies operate, this community remained underdeveloped and suffered from oil-related environmental woes. In 1990 the community staged a peaceful demonstration to voice its complaints. Community members told us that during the demonstration they were carrying simple placards and dancing. Shell requested that the Nigerian police come to control the situation, and this time the result was an outright massacre. From Oct. 13 to Nov. 1, 1990, the village was constantly bombarded by the mobile police. We learned that over 100 people were killed during this time including the chief, who was shot at the entrance of his house as he came out to try and calm the situation. Houses were burned and looted, and the police occupied the town for months while most of the community was forced to flee.⁴³

But Shell is not alone in this. Chevron too has employed the military to repress community protests of its own negligent practices.⁴⁴ On May 25, 1998, a group of about 100 people of

the Ilaje community went to the Parabe platform (an offshore drilling facility in Ondo State operated by Chevron) to demonstrate their dissatisfaction with the company’s practices. The unarmed group peacefully occupied a part of the barge that was attached to the platform for 3 days, during which time they did not interrupt operations on the platform. On May 27, 1998, an agreement was reached with Chevron representatives that a meeting at the village would be held two days later if protesters would leave the platform the next day. However, rather than wait to participate in the agreed meeting, on May 28, 1998 at dawn, before the protesters could start leaving, Nigerian military troops were transported to the platform on two helicopters belonging to Chevron, and staged an attack on the protesters, killing two of them and seriously injuring another two. After the attack, 11 protesters were seized and held in inhuman conditions for several weeks.⁴⁵

In an interview, Bola Oyimbo, one of the leaders of the Ilaje protest, narrated to us how he was tortured by being hung by his wrists from a ceiling fan for refusing to sign a confession that he was a pirate.⁴⁶ Also, a delegation of U.S. lawyers we met with while in Nigeria report that a Chevron security person was on the third helicopter to land on the platform, and so would have been able to see the soldiers open fire on the unarmed protesters. The Chevron employee apparently did nothing to stop the attack.⁴⁷



**Empty houses stand as witnesses of past police raids.
Iko, Akwa Ibom State.
(Photo: Laura Livoti)**

Chevron operates in our area, in Ilaje area in Ondo State. During their operation we've not got one thing for development apart from a wooden six-classroom block, and a potable drinking water system that was not working from the first day that is was commissioned. So, there was nothing coming to us, so we decided to write [Chevron] a letter to call them to dialog. The writing of letters began [in] 1989. Then in 1998 we decided to go to government to report our case to government directly. We wrote a letter to the deputy governor. [H]e invited Chevron and us to a meeting but Chevron refused to turn up. . . . So we now invited them a second time again, on the 15th of May [1998]. When they refused to turn up, saying they have no office in our state we decided to protest to their working zone. On the 25th of May we made a peaceful demonstration to their place, when we got there we talked to the naval personnel that was hired for security and the mobile policeman. They decided to call Chevron to tell them that the Ilajes are around. When they called them, [someone from] public relations [wanted to speak] to us but we refused to speak to him, we wanted to talk to a decision-maker, we wanted to talk to Kirkland who is the managing director here. So later they linked us to Lagos where they have their head office, we talked to [the Community Relations Manger] he said he was coming over but we said we would not listen to him if we don't see Kirkland . . . So on the 26th [the Community Relation Manger] came on board the barge saying what [Chevron] wanted. We told him we can not discuss with him, he insisted that he should dialog with us. We said no, he should go back and either call Kirkland or

he should go back to [our] community to discuss with the elders . . . On the 27th they went to our community where they had a meeting . . . [Our community] gave them our proposal: we need portable drinking water, employment, [we want Chevron] to resume their pledge of scholarship - because they always promise to give us scholarships without paying, and we need a medical facility. Since our water has been polluted they should compensate the people in the area for the damage to the area . . . [The Chevron representatives said] that before they could take any decision we should leave the barge and they . . . [would] arrive at a good conclusion on the 29th. So on the night of the 27th they sent news to us on the barge that we should prepare to leave the barge so we could meet with . . . [the Community Relations Manager and] be part of the discussion [in our community] on the 29th. But surprisingly on the 28th, as early as 6:45 in the morning before the sun could come up, what we saw was choppers with military men, soldiers, and mobile police inside. They started shooting before they even landed, start shooting indiscriminately . . . The end result was that we lost two of our boys and a lot of them got injured . . . Some of them jumped overboard and they were later rescued. Then the balance of us, we refused to [leave the barge]. Personally, I refused to go because if you can kill two why not add me? So they decided to arrest 11 of us. We were first taken to a Nigerian naval base at Warri. We were kept for four days in a cell. Then on June 1st they transferred us to another cell [in a different town] before taking us to the state security service at the Fort of Ortacuri where we were detained for 22

days before being released again . . . Chevron . . . first accused us of sabotage . . . And then later, I don't know if they induced the police but [Chevron] asked them to make me sign an undertaking that we destroyed their chopper, vandalized their equipment—which was a lie. [Then] I was hanged up by the handcuffs on my wrists on the hook on the ceiling fan. They asked me to sign a statement that I lead a team to the Parabe platform and that we vandalized the things there . . . but I refused . . . The day they took us to Warri naval base, one of [the soldiers] was telling us that [Chevron] promised them each 10 thousand Naira to come and do the shooting. But after I was released, because I knew some of them I went to them and asked, "why did you have to come and shoot us"? They said that it backfired because they promised them 10 thousand Naira but they only ended up giving them 3 thousand Naira (approx. 30 US dollars). When they brought us to the naval base the Chevron representative handed them their money and actually there was a row between them, there was a disagreement that was not the amount they had agreed on.

Excerpts from our interview with Bola Oyimbo, Sept. 20, 1999, Lagos.

Mr. Oyimbo also told the delegation that soon after he had spoken to some lawyers from the United States, Chevron offered money (700 thousand Naira) to members of his community so that they would not speak to the lawyers.

On January 4, 1999, Chevron again apparently aided an attack by military forces on the villages of Opia and Ikenyan in Delta State, in response to ongoing public protests about environmental damage caused by oil extracting operations, and demands for reparation and compensation. In both communities the military killed and injured people, destroyed churches, religious shrines, and water wells, burned down homes, killed livestock, and destroyed canoes and fishing equipment.⁴⁸ According to the lawsuit filed in California

against Chevron,⁴⁹ the military acted at the request of and with the participation and complicity of Chevron's personnel. As with the Parabe incident above, recent data included in the lawsuit reveal that Chevron provided helicopters and sea trucks (large boats) with pilots and other crew members to transport its own personnel (including company security officials) along with the Nigerian military and/or police to those communities. The helicopters are housed within Chevron's facilities at Escravos, in Delta State.⁵⁰

SECTION FOUR

Existing constraints on grassroots activism and the flow of information.

1. Life under the Obasanjo administration

With the election of Olusegun Obasanjo in early 1999, hopes of democracy and freedom spread across the Niger Delta. However, many of these hopes have yet to be realized.

The Obasanjo administration has publicly stated that it intends to carry out a variety of political changes. These include the freedom to organize and demonstrate, a reduction in military presence, strategies to reduce corruption, a renewed mandate for a Human Rights Commission, and the establishment of a new environmental ministry. The Human Rights Commission will investigate cases as far back as 1965 (including Obasanjo's own time as military head of state from 1976 to 1979), but it will have powers only to hear testimony, and not to enforce penalties for legal violations of the human rights of Nigerian citizens.⁵¹ At the time we visited Nigeria, 10,000 petitions had already been filed with the Commission, 8,500 of which were from Ogoniland.⁵²

From our conversations with activists in the Delta hub of Port Harcourt, and with people in villages, we got a sense of hopeful confidence that the elections have brought increased freedom to demonstrate, organize and protest. However, recent media reports say this hope is slowly being eroded. On October 11, 1999, Jerry Needam, a reporter for *The Ogoni Star*, MOSOP's magazine, was detained for publishing a communiqué which claimed that all activists in the Delta were considered enemies of the state.

The Nigerian police continue to operate with impunity. Bribes were openly and repeatedly solicited from members of our delegation who were seeking simple police reports. Members of the delegation witnessed people being beaten with rocks and whips, as well as threatened with automatic weapons when attempting to visit their family members in jail.

2. State of siege in Bayelsa State

Forty percent of Nigerian oil originates in Bayelsa State, yet this state is among the poorest ones in the Niger Delta.⁵³ This provides a strong impetus for popular initiatives on resource control, which inevitably end in military repression. We drove through military roadblocks on highways and in towns throughout the state, witnessing male and female passengers on other vehicles being stripped and searched. In Yenagoa, the

capital of Bayelsa State, we saw soldiers lounging and patrolling throughout town with machine guns, their presence being maintained since the crackdown following the Kaiama Declaration in December 1998 and January 1999. This declaration calls for self-determination, and demands an end to oil activities until affected communities are consulted.⁵⁴

The Ijaw are the predominant ethnic group in the Bayelsa State. Ijaw activists told us they had been suffering from intensified military persecution since October 1998. Media reports and government accounts now portray Ijaw youths as being violent and driven by religious cults and traditions; however the people we met with were well organized and nonviolent, driven by a quest for environmental justice and human rights. In an interview with the delegation, the Bayelsa State governor, Chief DSP Alamie Yeseigha, debunked the myth being promoted by the military and federal government that Ijaw youths are "criminal" and "violent", and labeled these myths justification for violence against an entire ethnic group.⁵⁵

On Sept. 11, 1999, while we were in the area, between 35 and 50 youths were reportedly detained by the military and later shot and killed, their bodies being dumped into the river near Yenagoa.⁵⁶ Though this is an extraordinary occurrence, arbitrary arrests unfortunately appear common in the state. On two earlier occasions, other youth had been arbitrarily arrested and detained without charges, or under false charges.⁵⁷

Women have often been the targets of repression by the Nigerian military as well. We heard that rape is a common tool of control and oppression used by the military in the Niger Delta.⁵⁸

On September 12, 1999, members of our host organization, Environmental Rights Action/Friends of the Earth-Nigeria were held at gun point in Yenagoa by approximately 30 soldiers for 20 minutes without explanation.⁵⁹ Though our foreign status afforded the delegation special treatment by the military, at a military post on a river crossing in Yenagoa one soldier warned us: "If you snap a photo, I'll blow your head off."

Tensions have escalated in Bayelsa State since we left the Niger Delta in September 1999, to the point that president Obasanjo has threatened to declare a state of emergency. On November 20, 1999 following the killing of policemen in the area several weeks earlier, Nigerian military troops started moving into the state, with naval support, machine guns and heavy artillery aimed at the civilian population. Eyewitness accounts estimated that there were over 1500 troops in the state. As of

Words from the frontlines

We need to congratulate ourselves, the people of Nigeria who were able to fight despite the tyranny of Gen. Ibrahim Babangida, Sani Abacha and Abdusalami Abubakar. What we have now, however, can only be described as dictatorial democracy. That's a democracy fashioned by dictators being run by ex-dictator for the benefit of friends, hangers-on and pretenders in our country. Be that as it may, we believe that the best way to go about it right now is to expel dictatorship in our democracy. We can only do this by taking a look at our constitution which contains draconian provisions which do not augur well for the dream of our democracy. We also have to look at the relationship and the kind of structure we have on the ground right now that has brought about the state of affairs, I am talking about the not-so-federal nature of the Nigeria federation, the diabolical federation that we have today. The people of the Niger-Delta, as usual, have been in the forefront of the struggle to bring about this democracy...the first step is to allow Nigerians to sit down at a roundtable and discuss. And that discussion should come through a Sovereign National Conference (SNC). Obasanjo needs not be afraid of SNC. We can begin to work towards SNC and the way to do it is, first and foremost to understand that Nigeria as it is now cannot take Nigerians to that dream land to which we are all looking forward. And so, we need to re-organize ourselves; we need to re-structure and the only way we can do all these is through the SNC....These demands are legitimate; they flow from ethnic nations... throughout history, ethnic question never fades away.... I think the

beauty of Nigeria or the multiple colored rainbow that brought us together can be built on...We need to go to the dialogable to discuss the best way, the best structure through which this country can stay together. That can only be done through a Sovereign National Conference. It is the will of the Nigerian people. It can only be done through grassroots work. The conference will be composed of ethnic nationalities, people's and pro-democracy movements, labor etc. We must decide the country we want. It cannot be run through the 1999 constitution which is dictatorial, iniquitous, unjust and must be thrown into the dustbin. The way forward is for us to be consistent and insistent in our agitation—peaceful and non-violent agitation for justice. We cannot be cowed and intimidated. We heard there are plans by the Federal Government to re-introduce the Gestapo squad to go about killing and arresting people of the Niger-Delta. The other day the security seized The News magazine and African Today coming into the country. We seem to be going back to the dark days of Abacha.... But we are committed to defend Nigeria. We will stand firm to defend our territorial integrity as a people. The people of the Niger Delta are committed to Nigeria and to democracy. Our struggle is for a true Nigerian federation. A federation that recognizes the ethnic nationalities; the dignity of the people, a federation that will defend us when we are harassed in any part of the world, a federation that will provide free health, free education, housing, employment opportunities to our people. That is the federation we are asking for....self-determination means I am able to protect my

culture, able to transfer what I have today to my children, protect their future. That is self-determination. It is also is the ability to aspire to whatever you want to be. We are saying that the present federation cannot give us that. In the National Assembly today, we are only allowed to speak Hausa, Igbo, Yoruba and English languages. In Nigeria today it is who you know. Positions are based on ethnic nationality. These positions are being cornered by the elites of these three ethnic nationalities. That is why we are saying that if Nigeria is going to move forward it is not going to be the basis of the federation. We want self-determination for ethnic nations. Before Nigeria there were ethnic nationalities. And you cannot say because we have been forced together by transnational companies, we should continue to be perpetual slaves. We will refuse to be that. We will defend our dignity as a people. We shall join forces with all the ethnic nations across the world who are similarly oppressed and that is what we are doing now. The coalition in the Niger Delta today is a coalition for justice, to protect and enhance democracy, to bring about a true Nigerian federation where every citizen, no matter where you are, will be free to say: "I am a Nigerian". Self-determination is the only vehicle through which we can actualize this."

Excerpts from writings by Oronto Douglas, Deputy Director of Environmental Rights Action/Friends of the Earth, Nigeria.

November 22, journalists were not allowed into the region to investigate military killings and human rights abuses. There were reports of hundreds of civilians killed by the military, mostly women and children, and thousands more displaced from their communities in Odi, Mbiama, Kaiama, and Patani.⁶⁰

3. Existing decrees that discourage protest and muzzle the press.

Many of the people we spoke to in the Niger Delta expressed hope in Nigeria's future, now that military rule has been left behind. However, the fact is that many repressive decrees

from previous military regimes haven't been abolished. The Nigerian constitution, adopted under military rule by former head of state Abdulsalami Abubakar shortly before he handed the presidency to Olusegun Obasanjo, contains over 200 former military decrees, some of which have a direct impact on communities in the Niger Delta.

For example, the State Security Detention of Persons Decree #2 of 1994 empowers the President or Inspector General of Police to arrest and detain any person for a period of three months, renewable on grounds of an ambiguous "in the interest of the state" clause. It has an ouster clause that allows no court in the land to entertain the matter. This decree was used comprehensively under former head of

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state, General Sani Abacha, and less so under General Abdusalami Abubakar.⁶¹

The Special Petroleum Offenses Miscellaneous Decree, instated under the military regime of General Muhammadu Buhari, makes tampering with any oil or gas installation an offense punishable by life imprisonment. This means that anyone who enters an operating area on land or climbs aboard oil platforms in protest can be punished by life in jail, with no option of bail, even if unarmed and nonviolent.

Even more draconian is the Treason and Treasonable Offenses Decree of 1993, which states that any person “who utters any word, displays anything or publishes material which is capable of breaking up Nigeria or part thereof; causing violence or a community or section thereof to engage in violence against

that community or against another community, is guilty of treason and liable on conviction to be sentenced to death.” This decree is known as the ‘Ken Saro-Wiwa decree’ because it was used against the famous writer and Ogoni activist. Saro-Wiwa was hanged by General Abacha in 1995, along with eight other Ogoni activists, after actively championing the cause of the Ogoni people, and making Shell’s anti-environmental practices an international issue.

These decrees effectively muzzle the press and disallow civil society to protest, while empowering the police, military and oil companies to ignore concerns from communities, imposing a chilling effect on the system of checks and balances vital for a healthy democracy. They also directly contribute to the further exploitation of the people and land of the Niger Delta by multinational oil corporations.

“The first thing I find it great and I thank these organizations that come here. Especially the American people. Take care of our children in America. My son Ken Saro-Wiwa did not die of hunger. He died for his own human rights and the Ogoni people. He gave his Bill of Rights to the Nigerian Government and Shell Company. The oil on this land was given to us by God our own resources. The crude oil killed every plant and the crops that grow there since Shell came here to dig and destroy the soil and not do anything for us. No hospital, no school, nothing, no lights, no water. If you see water we are drinking—we drink with frogs. This is what Shell did. My son gave them the Bill of Rights. They did nothing or change nothing. Shell send own troops to shoot us, shoot, run over our houses, drive us to the bush, loot our properties, then go from village to village and burn houses, shoot us, kill us...that’s the work of Shell, that’s what they did. Perhaps...Shell is a competent company they should have advised the Nigerian Government, if they did not know, but they did not. They are the first people that come in to shoot us with an armored car and planes. We have no plane, we have no armored car. Ken Saro-Wiwa does not fight them with gun, he did not fight them with matches, he do not fight them with stick, but he made a Bill of Rights telling them this. This is our thing, give us our rights.

Myself was here, Shell came in this town and drove me to the bush. I spent two weeks in the bush. I ate with monkeys, eat with animals in the bush, because I could no make the way to come back again. This was Shell...they did not see me, they come and search for me for two weeks. I was unable to come back to my house. And today we don’t want Shell. We don’t want Shell to be with us unless they would want to kill all of us. The government of Nigeria is a wicked government. Shell who stay in Nigeria taking all our properties the are wicked company you see. You see our children here see them...see them for yourself and talk. So many international organizations have been coming here...is there any crime for a man who has the thing to ask, say this is my thing. Let me have it. It that a crime?...so I ask again to the Global Exchange people who come here is there a crime for a man to ask this is my thing give it to me, do I have any right...is there a reason why this man could be hanged...Ken Saro-Wiwa was not a rogue. He did not commit any offense, but he asked for Human Rights. He died for the survival of the Ogoni People. He did not die as a rogue. He did not die as a thief. As you come today you see things for yourself. If you go to Abuja today you will see their children are very...they are well educated. They are qualified for any position

in the government. But you can not see any Ogoni man positioning things in the Nigerian Government. You look at the women, they’re holding machete. It’s good that you came to see things for yourself. If you go to Lagos or you go to Abuja. Or go to our south side, east side, look at their women. Look at they children. They are rich and the source of their revenue comes form here, the oil—comes from this place, Ogoni. But you look at the children of Ogoni. They are not qualified for education...they don’t have anything but machete and oil that come from Ogoniland...it would please me that you visit and take the time to see me and condemn them...my son Ken Saro-Wiwa has been hanged. I miss him. I will appreciate your visit if you will move and can do something for Ogoni people who are dying. They are dying. Thank you and may God lead you.”

Address by Mr. Saro-Wiwa, Ken Saro-Wiwa’s father to our delegation, September 10, 1999, Ogoni.

Conclusion

While the story told to consumers of Nigerian crude in the United States and the European Union—via ad campaigns and other public relations efforts—is that oil companies are a positive force in Nigeria, providing much needed economic development resources, the reality that confronted our delegation was quite the opposite. Our delegates observed almost every large multinational oil company operating in the Niger Delta employing inadequate environmental standards, public health standards, human rights standards, and relations with affected communities. These corporations' acts of charity and development are slaps in the face of those they claim to be helping. Far from being a positive force, these oil companies act as a destabilizing force, pitting one community against another, and acting as a catalyst—together with the military with whom they work closely—to some of the violence racking the region today.

Nigeria is the world's 13th largest oil producer, yet it was until recently chronically short of fuel, having to import it from other oil-producing nations. Though the government is a 55-60% shareholder in oil operations and earns billions in royalties each year, local infrastructure at the source of these billions is in shambles, food shortages abound, malnutrition is common among Niger Delta children, power blackouts regularly occur, and roads are usually in terrible condition.

Everywhere we visited we witnessed the destruction of the local environment, and the oppression of communities affected by what can accurately be described as an outlaw oil industry. Under the somber shadow of this industry of wealth, millions of Niger Delta residents try to survive. The tragedy of so much oil being extracted from the same lands where abject poverty has become institutionalized is unbearable. Over the last 40 years, billions of dollars in profits are earned each year, as millions of barrels of oil are extracted. Meanwhile, high unemployment, failing crops, declining wild fisheries, poisoned waters, dying forests and vanishing wildlife are draining the very life blood of the region. Even the rainwater is acidic and poisoned. What else can the oil companies take from the people? And, what should they be required to give back?

It is a sad reality that Nigeria's oil helps fuel the industrialized world in its mad rush for "progress," while the producing nation is left so obviously far behind. Nigeria still needs to recover the nearly \$55 billion in oil profits stolen by the military rulers over the last 15 years. Debt relief and poverty alleviation programs are also desperately needed. The Nigerian human rights community, which includes many of the brave NGOs and community leaders whom we met, needs governmental protection, not persecution. An open and honest dialogue is called for between the leaders of the oil-producing communities and the oil companies towards resolution of the crisis that meets the needs of both residents and producers. These corporations must adhere to the minimum operational criteria that exist within their own home nations.

Recommendations

TO CORPORATIONS

1. Polluter pays.

Multinational oil companies operating in the Niger Delta must immediately cease all harmful and wasteful practices, and engage in immediate clean-up of affected areas. They must compensate communities for the resources lost as a consequence of oil exploration and production activities, as well as for any other social and economic damages.

2. Transparency.

Multinational oil companies must operate with transparency and enable independent monitoring of their activities. The oil companies must open their records to their stakeholders, as well as to local, national and international NGOs, and independent monitors. Records that must be made available include those related to their investments in Nigeria, environmental performance, and agreements with local communities.

3. Observance of International Human Rights Standards.

Multinational oil companies must cease the use of the Nigerian military and police to conduct military attacks and other human rights abuses on citizens in response to peaceful protests. These companies must also ensure that their equipment and personnel are never used by the Nigerian military and police to carry out operations that violate the rights of Nigerian citizens.

TO THE U.S. GOVERNMENT

1. Use of trading power.

The U.S. government should embargo imports of Nigerian oil into the U.S. until an agreement monitored by mutually acceptable independent third parties has been reached between the multinational corporations and the affected local communities.

2. Use of investment power.

The U.S. government should utilize all means of diplomatic and economic pressure to call for an immediate end to the continued militarization of the Niger Delta. U.S. investment in Nigeria should be contingent on the application of a democratically determined civil law to matters of dispute between oil-producing communities and oil corporations in the Niger Delta, and ensure that the civil, economic, environmental and cultural rights of these communities are properly guaranteed.

3. Legal restraint to corporations.

The U.S. government should stop any kind of support, financial or otherwise, to U.S.-based oil corporations that fail to observe U.S. environmental standards and human rights laws in their overseas operations, and apply a system of fines and other restraint measures to non-complying corporations.

4. Domestic litigation.

In the absence of international legislation and an international tribunal where multinational corporations could be tried, U.S. courts should have their powers expanded so that they can hear claims of environmental destruction and other violations against multinationals.

TO THE PUBLIC

1. Corporate accountability.

U.S. consumers of oil products should hold corporations accountable for their actions in Nigeria and around the world. In order to do so, they are encouraged to press for legislation that would require oil companies to fully disclose their operations and intentions to all stakeholders, as well as to independent observers. Though some of the existing initiatives in the U.S. Congress regarding codes of conduct for corporations are steps in the right direction, they do not guarantee an improvement in multinational oil companies' practices. Code of conduct legislation must incorporate strong enforcement mechanisms. Consumers should also support shareholders' resolutions that increase corporate accountability, and demand that institutional investors support them as well. Meanwhile, and until full disclosure by oil corporations is a reality, consumers should boycott Shell and Chevron, two of the worst human-rights offenders in the Niger Delta.

2. Engagement in activism (please see resources page on inside cover for addresses and phone numbers).

Chevron, Exxon-Mobil and Shell are all prominent corporations in the United States and subject to consumers' concerns. U.S. citizens should demand that Chevron, Exxon-Mobil, and Shell:

- 1) Stop flaring gas.
- 2) Clean up all spills according to international standards.
- 3) Pay communities the demanded compensations for environmental damage.
- 4) Update and modernize all equipment, so that it operates in accordance with international standards.
- 5) Provide sanitary water systems and electricity in communities where oil operations are carried out.

6) Engage in real, not cosmetic community development projects, as determined by the community.

7) Renounce any efforts to control communities, and any relationship with the military and police in this regard.

8) Enter into dialogue with communities in good faith and without resorting to repressive tactics in conjunction with the police and the military.

9) Hire and train local community members for jobs at every level.

U.S. citizens can also call their Congressional Representatives and ask them to stop the unfettered corporate onslaught that AGOA (The Africa Growth and Opportunity Act) will ensure, and support instead the HOPE for Africa Act, which will require U.S.-based corporations to operate by U.S. standards, and contains enforcement mechanisms.⁶²

TO THE NIGERIAN GOVERNMENT

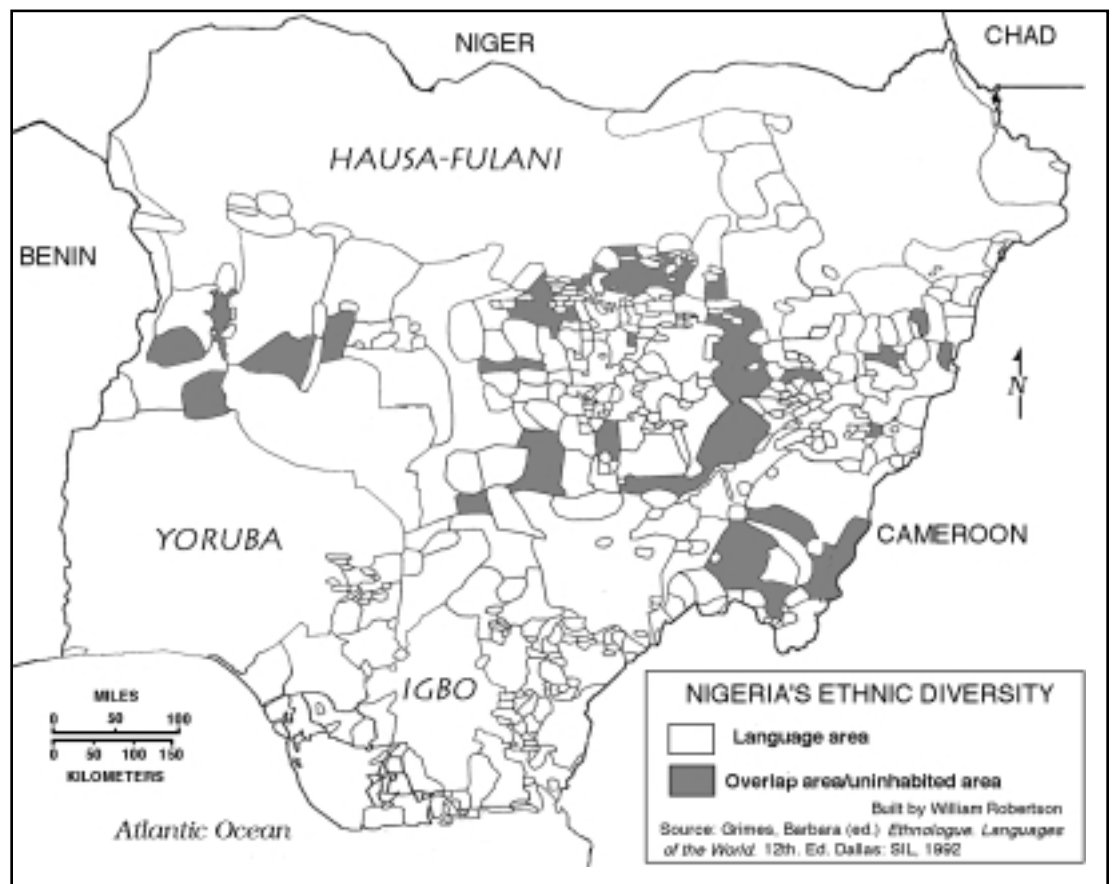
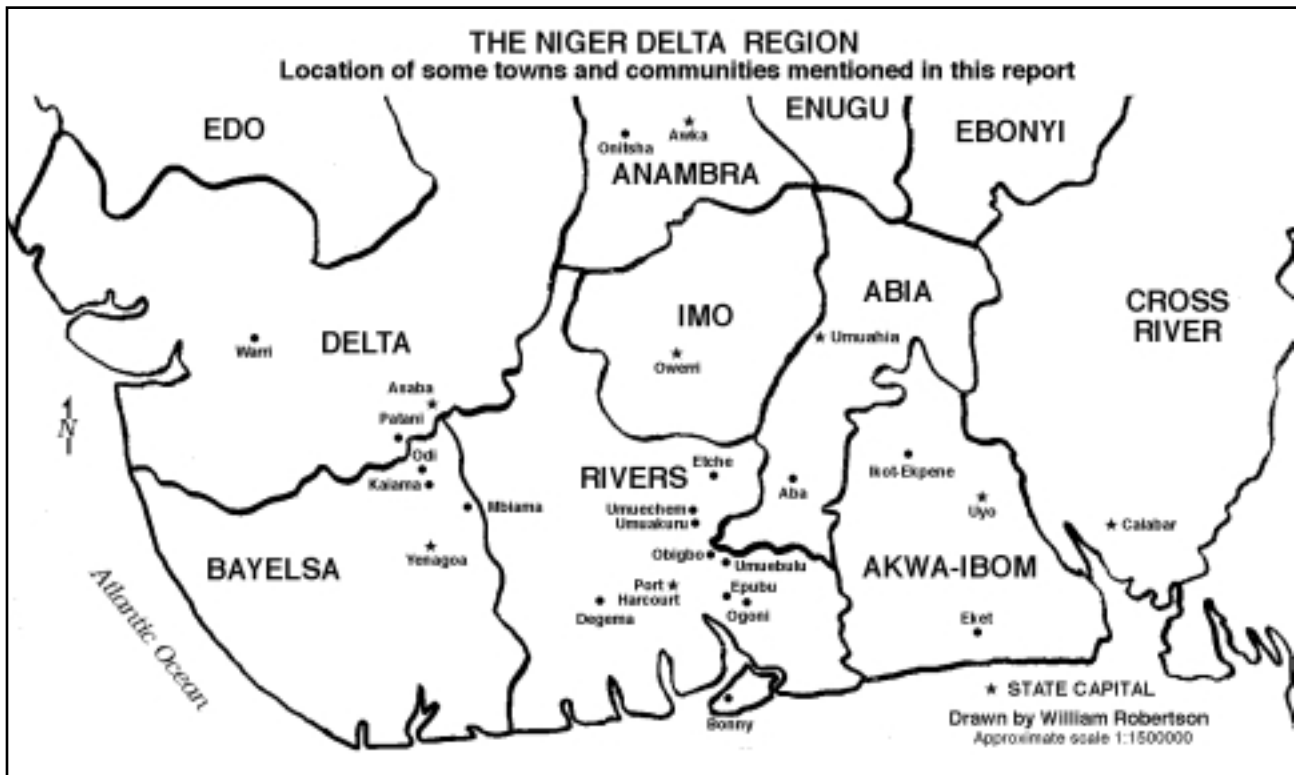
1. Integrity of life in the Niger Delta.

The Nigerian government should guarantee that oil operations in the Niger Delta are carried out in a way that does not threaten the lives of local residents, nor does it harm the rights of local communities. The militarization of Bayelsa State and the abuses carried out by the police must be halted immediately.

2. Free circulation of information.

Human rights monitors and agents of the press should be granted free passage throughout Nigeria, as well as access to those records needed to document reported killings and other human rights abuses.

MAPS



RESOURCES

REPORTS

Reports and News from the Africa Fund
(Strongly recommended: "Reports from Nigeria" nos. 1,2,3)
<http://www.prairienet.org/acas/afund.html>

Human Rights Watch: Crackdown in the Niger Delta
<http://www.hrw.org/reports/1999/nigeria2/>

The Price of Oil
<http://www.hrw.org/reports/1999/nigeria/>

Many reports from Integrated Regional Information Network
(a UN news agency)
<http://www.reliefweb.int/IRIN/archive/nigeria.htm>

Project Underground's Partial Timeline of the Ogoni Struggle Against
Shell (1958 - 3/1997)
<http://www.moles.org/ProjectUnderground/index1.html>

NIGERIA

Some Facts and Statistics
<http://www.cia.gov/cia/publications/factbook/ni.html>

List of many resources
<http://www.sul.stanford.edu/depts/ssrg/africa/nigeria.html>

Nigeria Web
<http://www.odili.net/nigeria.html>
<http://www.motherlandnigeria.com/index.html>

NEWS SOURCES

Africa News
<http://www.africanews.com>

Panafrican News Agency (PANA)
<http://www.africanews.org/PANA/index.html>

Nigeria News (links to many Nigerian papers)
<http://www.nigeria.com/>

CORPORATE ISSUES

Corporate Council on Africa
<http://www.africacncl.org/>

LINKS ON THE AGOA AND HOPE ACTS

Congressman Jesse Jackson Jr.'s
<http://www.jessejacksonjr.org/issues/i071499586.html>

Global Trade Watch's website
<<http://www.citizen.org/pctrade/Africa/Pbp.html>>

Senators Dianne Feinstein, Barbara Boxer, Tom Daschle and William Roth
can be called at 888-449-3511.

CAMPAIGN LINKS

Sierra Club <<http://www.sierraclub.org/human-rights>>
Sierra Club's Human Rights Campaign
408 C St., NE, Washington, DC 20002, USA
202-547-1141(p)

Amnesty International USA Section
<<http://www.amnestyusa.org>>
322 8th Avenue,
New York, NY 10001, USA

Human Rights Watch <<http://www.hrw.org>>
350 Fifth Avenue, 34th Floor New York, NY 10118-3299, USA
Tel: (212) 290-4700, Fax: (212) 736-1300

Movement for the Survival of Ogoni People (MOSOP)
<<http://www.oneworld.org/mosop>>
Suite 5, 3 - 4 Albion Place, Galena Road,
London W6 0LT, United Kingdom.

MOSOP Canada
<<http://www.mosopcanada.org>>
info@mosopcanada.org

Project Underground
<<http://www.moles.org>>
1916a MLK Way, Berkeley, CA 94703
510-705-8981

Sustainable Energy and Economy Network (SEEN)
<<http://www.seen.org>>
733-15th St., NW, Suite 1020
Washington, DC 20005
Phone: 202-234-9382 (ext. 208)

DELTA Magazine <<http://www.oneworld.org/delta>>

Oilwatch Europe/ASEED
<<http://www.antenna.nl/aseed/oilwatch/index.htm>>
c/o A SEED Europe
PO Box 92066, 1090 AB Amsterdam, Netherlands
tel: +31-20-668-2236

No More Shell — UK Anti-Shell page
<<http://www.kemptown.org/shell>>

Pacifica Radio: Voices from the Nigerian Resistance
<<http://www.pacifica.org/programs/nigeria>>

Global Exchange
<<http://www.globalexchange.org>>
2017 Mission Street #303, San Francisco, CA 94110
415-255-7296

Greenpeace
<<http://www.greenpeace.org/~comms/ken/hell.html>>

Kudirat Institute for Nigerian Democracy
<<http://www.igc.org/kind/>>

ADDRESSES AND FAX/PHONE NUMBERS OF COMPANIES' CEOS

CEO Kenneth Derr
Chevron
575 Market St., 40th Floor
San Francisco, CA 94105-2856
Fax: (415) 894-6017

CEO Lucio Noto
Mobil Corporation
3225 Gallows Rd., Room 80018
Fairfax, VA 22037
(703) 846-1114

Mark Moody-Stuart
Chairman of the Board of Directors
Royal Dutch/Shell Petroleum Company
Carel van Bylandtlaan 30
2596 HR, The Hague
The Netherlands
Fax: (31-70) 377-2616

Steven L. Miller
Shell Oil Company
P.O. Box 2463
Houston, TX 77252-2463

REFERENCES

- In September 1999, human rights groups filed a suit against Chevron in the Federal District Court for the Northern District of California for summary execution, torture, cruel, inhuman or degrading treatment, violation of the rights to life, liberty and security of person and of peaceful assembly and association, consistent pattern of gross violations of human rights, wrongful death, battery, assault, civil conspiracy, and unfair business practices.
- Human Rights Watch. *The Price of Oil. Corporate Responsibility and Human Rights Violations in Nigeria's Oil-producing Communities*. New York, HRW, 1999, p. 6.
- Ibid*, p. 8.
- Ibid*, p. 56
- Interviews with residents of Eket, Egi, Port Harcourt, Edagberi, Akala, and other communities, Sept. 1999.
- According to an IUCN-funded report on the Niger delta produced by Environmental Rights Action, 75% of Nigerian gas is flared, far exceeding any other country's allowable flaring limits. (*The Human Ecosystems of the Niger Delta*, by Nick Ashton-Jones, Susi Arnott and Oronoto Douglas, 1998, p. 158).
- It has been estimated that Nigerian oil fields are responsible for more global warming effects than the combined oil fields of the rest of the world (Ake, Claude, "Shelling Nigeria Ablaze," *Tell*, January 29, 1999, p. 34). Commenting on the effect of gas flares on the local environment, Professor Etie Ben Alcpan, from the Department of Geology, University of Calabar, said: "Our ecosystem is affected. Our socio-economic life is also affected. Everything about the way we used to live is affected. These effects start with the gas flares."
- Interview with Bobo Brown, Royal Dutch Shell's representative, Port Harcourt, Sept. 17, 1999.
- "We can't even drink our rain water", Grace Ekanem, September 13, 1999, Eket.
- Constitutional Rights Project. *Land, Oil and Human Rights In Nigeria's Delta Region*, CRP, 1999.
- Interview with Robert Azibaola, Niger Delta Human and Environment Rescue Organization, Port Harcourt, Sept. 14, 1999. See also Michael Fleshman. *Report From Nigeria 2*. New York: The Africa Fund, June 17, 1999.
- See Human Rights Watch. *The Price of Oil*, p. 7.
- ERA Field Report #42, Ekakpamre—3 Weeks After Pipeline Explosion, October 12, 1999.
- Interview with Austin Iroegbu, September 11, 1999, Umuechem.
- Interview with Chief Thankgod Albert, September 15, 1999, Etagberi.
- Letter from Society for Awareness and Growth in Etche (SAGE), September 10, 1999.
- Interview with Austin Iroegbu, September 11, 1999, Umuechem.
- Interview with Onyebuchi Anyalebechi, September 11, 1999, Umuakuru.
- See *The Human Ecosystems of the Niger Delta*.
- Interviews with Professor Turner Isoun of the Niger Delta Wetlands Center, Sept. 9, Port Harcourt, and Eket community members, Sept. 13, Eket.
- Interview with Friday Nelioho, Eket Council Member, September 13, 1999, Eket.
- Interview with Esther Ego Elenwa, President of the Ege Women's Council, September 16, 1999, Egi.
- In an interview with Professor Etie Ben Alcpan, we learned that only 1% of Eket's population had been employed by Mobil.
- Interview with Chief Anthony Aniata and others, September 13, 1999, Iko.
- Grace Ekanem, September 13, 1999, Eket.
- Interview with Attorney Joi Yowika, Sept. 10, 1999, Port Harcourt.
- Ibid*.
- Interview with Grace Ekanem, September 13, 1999, Eket, and Esther Ego Elenwa, September 16, 1999, Egi.
- Interview with Joi Yowika and Oronoto Douglas, September 10, 1999, Port Harcourt.
- Attorney Joi Yowika told us that this in fact is common practice among oil companies, and that she knew of cases that had been going on for 25 years and longer.
- Interview with residents of Eleme, September 10, 1999, Eleme. Patrick Naagbantton, of MOSOP commented about this spill: "This is just a tip of the iceberg of the environmental calamities they [Shell] have brought to Ogoni."
- "Mobil apologizes for Nigeria spill, pledges payouts to villagers", by Gilbert Da Costa, Associated Press, Jan. 14, 1999; "Mobil says Nigerian oil spill spreads to coastal area", Associated Press, January 19, 1998.
- Referring to fish in the Eket area, Professor Etie Ben Alcpan, said: "The amount of hydrocarbon in fish is way above the tolerable level."
- Interview with Chief Anthony Aniata, September 13, 1999, Iko.
- Interview with Head Doctor and Head Nurse, Gokana General Hospital, Sept. 10, 1999, Gokana, Ogoniland.
- Ibid*. In its website, Shell reports about this hospital: "We started refurbishment work on seven existing hospitals in 1996. This included the Gokana Government Hospital in Terabor, Ogoni, where we supplied new equipment and took responsibility for maintenance, turning it from an outpatient facility to take inpatients." <http://www.shellnigeria.com/info/info_display.asp?id=117>.
- Testimony from Egi women's committee, Sept. 14, 1999, Egi.
- Ibid*. Elf Petroleum Nigeria didn't respond to a questionnaire regarding these and other allegations.
- Interview with residents of Epubu, and His Royal Highness, Chief Nikuman Ebe Obom, the Paramount Ruler of Epubu, Sept. 9, 1999, Port Harcourt. Nigeria Agip Oil Company didn't respond to a questionnaire regarding these and other allegations.
- Interviews with residents of Umuechem, Sept. 11, 1999, Umuechem, and with Chief Anthony Aniata of Iko, September 13, 1999, Iko.
- Interview with Chief Anthony Aniata of Iko and others, September 13, 1999, Iko. Shell Nigeria didn't respond to a questionnaire regarding these and other allegations.
- See, for example, Human Rights Watch. *The Price of Oil*, pp. 123-124.
- Interview with residents of Umuechem, Sept. 11, 1999. On its website, Shell Nigeria states that the company "Regrets the suffering and loss of life that occurred." ("What Happened and Lessons Learned, Umuechem, 1 November, 1990," Shell Nigeria's website <<http://www.shellnigeria.com>>).
- Chevron has publicly admitted to these charges. See Goodman, Amy, and Jeremy Scahill, "Drilling and killing". *The Nation*, Nov. 16, 1999.
- Ibid*, p. 6-7.
- Interview with Bola Oyimbo, Sept. 20, 1999, Lagos.
- Lawsuit against Chevron, Northern District of California, Sept. 1999.
- Goodman, Amy, and Jeremy Scahill, "Drilling and killing".
- Lawsuit against Chevron, Sept. 1999.
- Ibid*.
- Interview with Attorney Joi Yowika, Sept. 10, 1999, Port Harcourt.
- Ledum Mitee, September 14, 1999, Port Harcourt.
- Data from state statistics obtained from the Bayelsa State governor.
- The entire text of the Kaiama Declaration can be read at Essential Action's website <<http://www.essentialaction.org/shell/kaiama.html>>.
- Interview with Chief DSP Alamie Yeseigha, Bayelsa State governor, Port Harcourt, Sept. 17, 1999.
- See John Vidal. "Shell fights fires as strife flares in delta," *The Guardian*, London, September 15, 1999; and Ekio Benson "50 youths killed", *The Daily Times*, Lagos, September 13, 1999.
- Isaac Osouka, September 17, 1999, Port Harcourt.
- The subject of rape by the military came up in our conversations with Annie Brisibe, Joi Yowika and others. See also "Choba women were raped, NCWS insists", *The Guardian*, 12/3/99, Lagos, Nigeria.
- Interview with Oronoto Douglas, ERA; Von Kemedi, IYC; and Felix Tuodulo, IYC, Sept. 12, 1999, Port Harcourt.
- Information from Oil Watch Africa, Port Harcourt, Nov. 22, 1999.
- For a complete text of this and all decrees mentioned in this section, please refer to Essential Action's website <www.essentialaction.org>.
- Currently drastically different versions of AGOA have passed the House and Senate. A Conference Committee is to be established that will construct a compromise version of the two bills. That compromise version will then be voted up or down (but not amended) by the House and Senate. Call your Representative and Senators and tell them you hope they will vote against the Conference Committee's version of AGOA.

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Our special thanks to the people we met and the communities we visited in the Niger Delta, for their hospitality, their time, their trust, and their willingness to share with us their concerns and their hopes. We stand with them in their struggle, and are looking forward to the long-awaited changes towards environmental, economic and social justice in the Niger Delta.