

## **All for Shell:**

### **A brief history of the struggle for justice in the Niger Delta<sup>1</sup>**

Shell started producing oil in the Delta in 1958. In 1970 the first seeds of the current conflict were sown when Ogoni Chiefs handed a petition to the local Military Governor complaining about Shell, then operating a joint venture with BP. According to the petition, the company was “*seriously threatening the well-being, and even the very lives*” of the Ogoni<sup>1</sup>. That year there was a major blow-out at the Bomu oilfield in Ogoni. It continued for three weeks, causing widespread pollution and outrage<sup>2</sup>.

By the eighties other communities were beginning to protest. The Iko people wrote to Shell in 1980 demanding “compensation and restitution of our rights to clean air, water and a viable environment where we can source for our means of livelihood.” Two years later, when the Iko organised a peaceful rally against Shell, the company called the police<sup>3</sup>. In 1987, when the Iko once again held a peaceful demonstration against Shell, the notorious Mobile Police Force (MPF), locally known as “kill-and-go” was called. 40 houses were destroyed and 350 people were made homeless by the MPF’s attack.<sup>4</sup>

In August 1990, the Ogoni elders signed the Ogoni Bill of Rights, which called for “political control of Ogoni affairs by Ogoni people, control and use of Ogoni economic resources for Ogoni development, adequate and direct representation as of right for Ogoni people in all Nigerian national institutions and the right to protect the Ogoni environment and ecology from further degradation”<sup>5</sup>. That year the Movement for the Survival of the Ogoni People (MOSOP), a non-violent action group, was formed.

Community protests against Shell continued to spread across the Delta. Next was the turn of the Etche at Umuechem. In response to a peaceful demonstration, Shell specifically requested the presence of the MPF<sup>6</sup>, who subsequently massacred up to 80 people and destroyed nearly 500 homes. The community submission to the official inquiry into the disaster argued that Shell’s “drilling operations have had serious adverse effects on the Umuechem people who are predominantly farmers ... Their farmlands are covered by oil spillage/blow-out and rendered unsuitable for farming”.<sup>7</sup> Anti-Shell protests spread to other communities including the Omudiogo,<sup>8</sup> Ogbia, Igbide, Izon, Irri<sup>9</sup>, Uzure,<sup>10</sup> and Ijaw<sup>11</sup>.

By the early nineties, the Ogoni, led by Saro-Wiwa, were beginning to seek international help for their plight. By now, Saro-Wiwa, who was primarily an author and businessman, was spending more and more of his time abroad, including in the US and Europe, drumming up support for the Ogoni. In August 1991, exactly a year after first being signed, the Ogoni Bill of Rights was amended to authorize MOSOP to make an appeal to the international community for assistance, after they had received no reply from the Nigerian military government<sup>12</sup>.

In July 1992, Saro-Wiwa addressed the United Nations Working Group on Indigenous Peoples in Geneva. “I speak on behalf of the Ogoni people. You will forgive me if I am somewhat emotional about this matter. I am Ogoni ... Petroleum was discovered in Ogoni in 1958 and

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<sup>1</sup> This document is based on All for Shell, published in 1997 by Project Underground, and written and researched by Andy Rowell, Steve Kretzmann, and the Lowenstein Human Rights Clinic at Yale University. It was updated in 2005 and published under the name “The Life and Death of Ken Saro-Wiwa” by the Remember Saro-Wiwa Project in London.

since then an estimated 100 billion dollars worth of oil and gas has been carted away from Ogoniland. In return for this the Ogoni people have received nothing<sup>13</sup>.”

As part of his evidence to the UN Working Group, Saro-Wiwa submitted the Ogoni Bill of Rights and a new book he had published, called “Genocide in Nigeria: The Ogoni Tragedy.” In the book, Saro-Wiwa wrote about how he had watched helplessly as the Ogoni had “been gradually ground to dust by the combined effort of the multi-national oil company, Shell Petroleum Development Company, the murderous ethnic majority in Nigeria and the country’s military dictatorships”. He wrote of Shell’s double standards, comparing the standards of its Nigerian operations to its European ones. Because of this, and the affect oil was having on the Ogoni, he accused Shell of genocide and racism<sup>14</sup>.

By the Autumn of 1992 the Ogoni were gearing up their campaign against the oil industry. In October Saro-Wiwa was in London again. “It’s just going to get worse, unless the international community intervenes”, he warned<sup>15</sup>. The following month on 3 December, MOSOP presented its demands to those oil companies operating in Ogoniland, including Shell, the Nigerian National Petroleum Corporation (NNPC) and Chevron. The companies had to pay back-royalties and compensation within 30 days or quit Ogoniland<sup>16</sup>.

### **Ogoni Day – Saro-Wiwa’s Execution**

But of course the oil companies did not quit. So the 4<sup>th</sup> January 1993, some 300,000 Ogoni celebrated the Year of Indigenous Peoples by peacefully protesting against Shell’s activities and the environmental destruction of Ogoniland. It remains the largest demonstration against an oil company ever. “We have woken up to find our lands devastated by agents of death called oil companies. Our atmosphere has been totally polluted, our lands degraded, our waters contaminated, our trees poisoned, so much so that our flora and fauna have virtually disappeared”, said an Ogoni leader to the crowd<sup>17</sup>. 4th January became known as Ogoni Day.

Leaked minutes of meetings held by Shell the following month indicate that the company was worried by the protests. The minutes show that Shell departments in London and Nigeria were “to keep each other more closely informed to ensure that movements of key players, what they say and to whom is more effectively monitored to avoid unpleasant surprises and adversely affect the reputation of the Group as a whole”<sup>18</sup>.

By April 1993 Saro-Wiwa had been arrested twice<sup>19</sup>. Willbros, a contractor working for Shell, called in government troops in response to the demonstrations by the Ogoni. Eleven people were injured when the security forces opened fire. One woman, Karalolo Korgbara, later lost her arm. According to a letter from Willbros to Shell “Fortunately there was a military presence to control the situation”.<sup>20</sup> A month later, another Ogoni was shot dead and a further twenty were injured<sup>21</sup>. Shell later admitted that “fields allowances and transportation” of an army unit were provided by Willbros, but denied that this unit were involved in the shooting<sup>22</sup>. Amnesty International later issued an “Urgent Action” request, concerned about possible extra-judicial executions by the military against Ogoni protestors<sup>23</sup>.

Saro-Wiwa was repeatedly denied from travelling abroad and in June he was arrested again and charged with six counts of unlawful assembly and conspiring to publish a seditious pamphlet.<sup>24</sup> Soldiers were moved into Port Harcourt, in response to demonstrations about the arrests. MOSOP reported indiscriminate beatings and arrests<sup>25</sup>. Saro-Wiwa’s health deteriorated in

custody, resulting in him being moved to hospital and suffering serious heart problems during interrogation. He complained of “psychological torture”. Saro-Wiwa later published an account of his detention in a book called “A Month and a Day”<sup>26</sup>.

By now the Ogoni were suffering escalating violence, ostensibly it was conflicts with neighbouring tribes, but much of the violence was being orchestrated by the military. MOSOP blamed the military for inciting the clashes and Shell for its complicity in the violence.<sup>27</sup>

Throughout the year the attacks by neighbouring tribes against the Ogoni continued. So did the violence against protestors. In October 93, two Ogoni were wounded, and one killed by soldiers, who had been transported by Shell, in the company's words, to “dialogue” with the community. These soldiers from the 2<sup>nd</sup> Amphibious Brigade, under the control of the notorious Major Okuntimo, were paid “field allowances” by Shell, although Shell has expressed “doubt as to whether any member of the community was shot or wounded.” Saro-Wiwa’s brother, Owens, who is a doctor, carried out the autopsy<sup>28</sup>. Harassment of other key Ogoni continued too. In December, Owens Wiwa and senior MOSOP official, Ledum Mitee were arrested and detained without charge until the 4th January<sup>29</sup>.

When General Abacha took over control of Nigeria in the autumn of 1993, the situation worsened for MOSOP. Abacha appointed the Rivers State Internal Security Task Force under Lt.Col Komo and Major Okuntimo. (Its members were re drawn from the Second Amphibious Brigade, Port Harcourt and members of the MPF, air force and navy.)<sup>30</sup> In April a memo was sent from Komo to Okuntimo, entitled “Restoration of Law and Order in Ogoniland”. It gave details for an extensive military presence in Ogoni, drawing resources from the army, air force, navy, and police, including both the Mobile Police Force and conventional units. In a move meant to facilitate the reopening of oil installations, one of the missions of this operation was to ensure that those “carrying out business ventures ... within Ogoniland are not molested”.<sup>31</sup>

Saro-Wiwa, commenting on the memo above, said “This is it -- they are going to arrest us all and execute us. All for Shell”<sup>32</sup>. The following month Okuntimo sent a “restricted” memo back to Komo remarking that “Shell operations still impossible unless ruthless military operations are undertaken for smooth economic activities to commence”. To counter this, Okuntimo recommended: “Wasting operations during MOSOP and other gatherings making constant military presence justifiable.”<sup>33</sup>

Nine days after Okuntimo’s memo, on 21<sup>st</sup> May, four conservative Ogoni leaders were killed in Gokana, giving the military an excuse to “justify” a military presence, to undertake “wasting operations”<sup>34</sup>. There is no doubt the killings of the Ogoni leaders were brutal. According to Human Rights Watch “ These men were reportedly attacked by a mob and beaten and hacked to death, but the precise chain of events leading to the murders is a source of great controversy”<sup>35</sup>.

There are “disputed” reports as to what happened that day, according to the Unrepresented Nations and Peoples Organisation (UNPO) that sent a delegation to Ogoni in 1995 “with questions raised by other circumstances around the murders”. One of these was the tension between the Gokana Ogoni chiefs and MOSOP, but MOSOP denied any involvement in the killings<sup>36</sup>.

Andrew Rowell writing in the book *Green Backlash* argues that: “Other suspicious happenings occurred that day too, which have led MOSOP to believe that the whole event was a complete set-up. Eye witness accounts talk of Ogoni ‘filled with soldiers’ in the morning before the killings, as if they were waiting for something to happen. These security forces did nothing when alerted of the disturbances to prevent the killings, although they were asked to quash the growing dissent. ... There are too many other coincidences to suggest that *agent provocateurs* were not used, although conclusive proof will probably never be discernible<sup>37</sup>.”

An anonymous Ogoni interviewed for the film “Delta Force” shown on Channel Four in the UK on 4<sup>th</sup> May 1995 recalls how: “Everywhere was quiet and then on the morning of May 21st ... as we woke up in the morning most of the Ogoni villages were filled with soldiers and mobile policemen armed with sophisticated weapons. We don’t know why they just came, it was only when 4 prominent Ogoni sons were killed later in the afternoon of that day that we Ogoni ever knew that there was a grand design to cause disturbances in Ogoni in order to create an excuse for the government to send in more troops<sup>38</sup>.”

The following day, Saro-Wiwa, Ledum Mitee and several others were arrested in connection to the deaths, although not formally charged. Amnesty International issued a statement that Saro-Wiwa's arrest was “part of the continuing suppression by the Nigerian authorities of the Ogoni people's campaign against the oil companies” and declared Saro-Wiwa a “prisoner of conscience - held because of his non-violent political activities<sup>39</sup>.”

Whilst Saro-Wiwa was routinely tortured in prison, put in leg-irons, and denied access to family, friends, a lawyer and medication, the Internal Security Task Force, “ostensibly searching for those directly responsible for the killings”, started “deliberately terrorising the whole community, assaulting and beating indiscriminately”, according to Amnesty International. Over the next few months, hundreds of Ogoni were arrested, beaten, intimidated and killed. Many young girls, older women and pregnant women were raped. Thousands fled in terror into the bush as Okuntimo's soldiers looted hundreds of villages destroying houses in a systematic campaign of terror to “sanitize Ogoni”<sup>40</sup>. Okuntimo told a British environmentalist he detained that “he was doing it all for Shell ... But he was not happy because the last time he had asked Shell to pay his men their out-station allowances he had been refused which was not the usual procedure”<sup>41</sup>.

Later that year Saro-Wiwa and MOSOP were awarded the “Right Livelihood Award” (known as the alternative Nobel peace prize), for Saro-Wiwa’s “exemplary and selfless courage and in striving non-violently for the civil, economic and environmental rights of his people”<sup>42</sup>. Some eight months after being arrested in January 1995, Saro-Wiwa and four other Ogoni were finally charged with the murder of the four Ogoni leaders.

The following month an affidavit was signed by one of the two chief prosecution witnesses, Charles Danwi. It alleged that he had been bribed by Shell and others to testify against Saro-Wiwa. It read: “He was told that he would be given a house, a contract from Shell and Ompadec and some money ... He was given 30,000 Naira ... At a later meeting security agents, government officials and ... representatives of Shell and Ompadec were all present”. Another affidavit from the other Chief prosecution witness, Nayone Akpa, was signed alleging that he was offered “30,000 Naira, employment with the Gokana Local Government, weekly allowances and contracts with Ompadec and Shell” if he signed a document that implicated Saro-Wiwa too<sup>43</sup>.

Shell of course denies bribing the prosecution witnesses, but it was meeting secretly with the Nigerian military and government. In March 1995, a meeting took place between four senior Shell officials, the Nigerian High Commissioner and the Nigerian Army and Police at the Shell Centre in London where a strategy was planned against the protests.<sup>44</sup>

But the protests continued. Saro-Wiwa's brother, Owens Wiwa, secretly met the head of Shell Nigeria, Brian Anderson between May and July in order to explore ways of securing Saro-Wiwa's release. Anderson told Owens that "He would be able to help us get Ken freed if we stopped the protest campaign abroad"<sup>45</sup>.

The military tribunal / trial against Saro-Wiwa and the others started in February 1995, when the men were finally allowed to see their lawyers. In May 1995, Saro-Wiwa smuggled a letter out of a military hospital. He wrote "For two nights I have not slept a wink, I am being intimidated, harassed and de-humanized, even though I am supposed to be receiving medical attention ... I am like Ogoni, battered, bruised, brutalized, bloodied and almost buried"<sup>46</sup>.

A Report into Saro-Wiwa's trial written by leading British counsel, Michael Birnbaum QC, concluded "It is my view that the breaches of fundamental rights are so serious as to arouse grave concern that any trial before this tribunal will be fundamentally flawed and unfair". Amongst many misgivings, Birnbaum was particularly concerned about the undue influence of Major Okuntimo at the trial<sup>47</sup>. In Late October, Saro-Wiwa and eight other Ogoni were sentenced to death. Six of the fifteen defendants were released, including Ledum Mitee, Vice President of MOSOP.

Saro-Wiwa wrote for his closing testimony at the trial: "I and my colleagues are not the only ones on trial. Shell is here on trial and it is as well that it is represented by counsel said to be holding a watching brief. The Company has, indeed, ducked this particular trial, but its day will surely come and the lessons learnt here may prove useful to it for there is no doubt in my mind that the ecological war that the Company has waged in the Delta will be called to question sooner than later and the crimes of that war be duly punished. The crime of the Company's dirty wars against the Ogoni people will also be punished"<sup>48</sup>.

As leaders of the Commonwealth gathered in Auckland, the Nigerian government's Provisional Ruling Council confirmed the death sentences. Despite Shell's repeated claims it could not get involved in the legal process in Nigeria, the company issued a statement in response to the confirmation of the death sentences which acknowledged that a letter had been sent to Abacha asking for clemency<sup>49</sup>.

On ten November 1995 Saro-Wiwa and eight others were executed in defiance of international appeals for leniency. There was international condemnation and outrage against both the military junta and Shell. The condemnation led to the strengthening of limited sanctions, and Nigeria was suspended from the Commonwealth. U.K. Prime Minister John Major, described the trial as "a fraudulent trial, a bad verdict, an unjust sentence. It has now been followed by judicial murder"<sup>50</sup>.

### ***After the Execution***

Just days after the murder, Shell announced that it would press ahead with a \$3.8 billion liquid natural gas project in Nigeria. "There have been suggestions that the project should be deferred

or cancelled because of recent events in Nigeria. But you have to be clear who would be hurt,” said Shell. Greenpeace criticized the move as sending the strongest possible message to the military regime that it was “business as usual”<sup>51</sup>.

The next month, Brian Anderson, the Managing Director of Shell Nigeria admitted to the *Sunday Times* that a “black hole of corruption” existed in Shell’s Nigerian operations. Ledum Mitee interviewed by the newspaper recalled that, “He [Okuntimo] admitted he was being paid by Shell”. Mitee also explained that, “Shell provided vehicles for military operations”<sup>52</sup>.

In January the following year thousands of Ogoni celebrated Ogoni Day, despite a military clampdown. Soldiers and Mobile Police fired tear gas and live ammunition killing four youths.<sup>53</sup> Two months later, The U.N. High Commissioner for Refugees (UNHCR) reported that 1,000 Ogonis had fled to Benin since Ogoni Day. Though the numbers were relatively small the UNHCR called the rate of increase “worrisome”.<sup>54</sup> That month, the US State Department declared that Nigeria constituted a “classic picture of human rights abuse”. The report described Saro-Wiwa’s trial “completely lacking in respect for due process”<sup>55</sup>. In May, the European Parliament condemned Nigeria’s “appalling human rights record” and said the European Union should impose an oil embargo<sup>56</sup>.

In May 1996, Ken Saro-Wiwa was posthumously elected to the United Nations Environment Programme’s (UNEP) Global 500 Roll of Honour for advancing the cause of environmental protection. “At all stages of his campaign, Saro-Wiwa advocated peaceful resistance to the forces that would deprive the Ogoni people of a say in the development of their region”, UNEP said in a statement<sup>57</sup>.

Also that month Shell offered a “Plan of Action for Ogoni”, where the company offered to clean up all oil spills in the region and rehabilitate some of its community projects<sup>58</sup>. But Shell suffered a PR setback when Bopp van Dessel, Shell’s former head of environmental studies in Nigeria, spoke on TV programme, *World In Action*, saying that Shell ignored repeated warnings that its oil production operations in Nigeria were causing widespread environmental damage. “They were not meeting their own standards, they were not meeting international standards. Any Shell site that I saw was polluted. Any terminal that I saw was polluted. It is clear to me that Shell was devastating the area”, he said<sup>59</sup>.

Also that May, MOSOP reported that Major Obi, the new Head of the Rivers State Internal Security Task Force, had summoned two secret meetings of chiefs in the Ogoni villages of Kpor and Bori, during which they were forced to sign documents calling for Shell’s return to Ogoni.<sup>60</sup> By July Lt. Col. Komo, the Military Administer of Rivers State was said to be in consultation with Shell over the company’s return to Ogoni. Komo “expressed pleasure that his talks with Shell have been positive as the company will soon return to Ogoniland”<sup>61</sup>.

By September Shell had held a meeting with the Rivers State Internal Security Task Force and certain groups in Ogoni but not MOSOP: “Our plan is to return to Ogoniland and clean up the pollution in the area, start community assistance projects, take stock of our facilities and when the time is right, start production again” said Shell. MOSOP accused Shell of employing “divide-and-rule tactics”<sup>62</sup> and accused the oil company of paying N50,000 for signatures of Village Chiefs and Community Development Committees on a Memorandum inviting the company back into Ogoni<sup>63</sup>.

In the run up to the first Anniversary of Saro-Wiwa's death, armed soldiers and mobile policeman raided Ogoni communities and detained activists. They were also told to arrest church ministers that mention Ken Saro-Wiwa's name. Thousands of Ogoni defied heavy military presence to hold remembrance church services at designated locations. Women were raped at Saro-Wiwa's home town and protestors shot<sup>64</sup>.

Also in the run up to the Anniversary, Shell paid for a number of journalists to visit the Niger Delta. After the international condemnation and adverse publicity of the year before, Shell wanted to regain some of the PR initiative. So it flew journalists to the Delta to put its side of the story. It was not long before articles started appearing in the international press, dismissing the claims of the Ogoni and various human rights and environmental organisations. One journalist was Richard D. North, who has made a living out of attacking environmental activists, and whose article in *The Independent* newspaper also accused Saro-Wiwa of incitement to murder<sup>65</sup>. In response Saro-Wiwa's son, Ken Wiwa wrote: "I resent the spin put on the piece. Surely, as the title of your paper suggests, journalists are instructed to form an opinion without undue influence by interested parties. Yet Mr North flew in Shell helicopters and was shown around by the company<sup>66</sup>."

In January 1997, over 80,000 Ogonis celebrated Ogoni Day in spite of the increased repression. Four people received gun shot wounds whilst 20 people were arrested, tortured and detained<sup>67</sup>. According to MOSOP: "in recent months since the anniversary of the judicial murder of the late Ogoni leader, Ken Saro-Wiwa, and eight others, a frightening wave of state terrorism has been unleashed on the area with the deployment of over 2000 armed soldiers. ...Ogoni stands in the threshold of complete extinction<sup>68</sup>."

The World Council of Churches issued a report confirming the dire situation in the Delta: "A quiet state of siege prevails even today in Ogoniland. Intimidation, rape, arrests, torture, shooting and looting by the soldiers continue to occur.<sup>69</sup>"

Through 1996–1998 other ethnic groups mainly Ijaw, were in violent confrontations with Shell, Chevron and Texaco, resulting in the deaths of some 200 people and causing estimated damage worth some \$50 million<sup>70</sup>. Increasingly protestors were forced to occupy off-shore drilling rigs. The magazine of Environmental Rights Action (Friends of the Earth Nigeria) reported in 1998 that "it has come to light that Chevron played a major role in the killing of two Delta activists earlier this year. The corporation facilitated an attack by the feared Nigerian navy and notorious Mobile Police on a group of villagers who had occupied one of Chevron's off-shore drilling facilities.<sup>71</sup>"

In September 1998, 20 Ogoni who had been imprisoned since May 1994 on the same charges as Saro-Wiwa were finally released, when all charges against them were dropped. Amnesty International had reported how the "Ogoni 20" as they were known, had suffered from ill-treatment, torture, and denied access to lawyers and families. One of them, Clement Tusima, died in detention due to medical neglect, another had gone blind through torture<sup>72</sup>.

Two months later, in November 1998, Shell issued a four-year "Ogoni Workplan", including inspection and repairing of facilities, as well as provisions for "new oil"<sup>73</sup>. The following month, the neighbouring Ijaw tribe adopted the 'Kaiama Declaration', which demanded an end to oil production<sup>74</sup>. "We are tired of gas flaring, oil spillages, blowouts and being labelled saboteurs and terrorists", said the declaration. The military crackdown against the Ijaw was both

predictable and brutal. There were deaths of, “possibly over 200 people; the torture and inhuman treatment of others; and the arbitrary detention of many more”, recorded Human Rights Watch. Girls as young as 12 were raped or tortured<sup>75</sup>.

In 1999, Human Rights Watch issued a major report “The Price of Oil” examining the human rights violations in the Delta. Whilst recognising the increasing threat to oil company facilities from protestors, including the use of hostage taking, the report noted that “the oil companies share a responsibility to oppose human rights violations by government forces in the areas in which they operate”

Human Rights Watch found “repeated incidents in which people were brutalised for attempting to raise grievances with the companies ... in virtually every community there have been occasion on which the paramilitary Mobile Police, the regular police or the army have beaten, detained or even killed those involve in protests” and to bring charges against the soldiers for human rights abuses<sup>76</sup>.

In March 1999, US Congressman Dennis J. Kucinich and several members of Congress called for a congressional investigation into the killings of civilians, human rights abuses and harassment of by the Nigerian security forces with the help of Chevron<sup>77</sup>. Six months later, human rights groups filed a suit against Chevron in the US 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<sup>78</sup>.

Civilian rule was restored in Nigeria in 1999. But if the Niger Delta communities thought that the ending of military rule would bring stability and the withdrawal of the military from the Delta they were wrong. The abuses continued. As the fourth Anniversary of Saro-Wiwa’s death approached, the Nigerian military destroyed Odi, a town of 15,000 in Ijawland in November 1999, demolishing every building, except the bank, the church and the health centre. As many as 2000 people were killed<sup>79</sup>. Human Rights Watch called on the government to with draw its troops from the Delta<sup>80</sup>.

In January 2000 a report by US NGOs Essential Action and Global Exchange who had toured the Delta concluded “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”<sup>81</sup>.

In April 2000 there was a symbolic burial for Saro-Wiwa after the authorities blocked the release of his remains. Placed in his coffin were two of his favourite novels and his pipe, requests that he had made in his will. Over 100,000 Ogonis attended ceremonies in the week-long events to mark the occasion<sup>82</sup>. In October, according to the Ijaw National Congress, 10 activists were killed protesting against the Italian oil company, Agip<sup>83</sup>.

Early the following year, in 2001, the Niger Delta Development Commission began operating. The commission had been set up by President Obasanjo in response to community demands for greater ownership of oil resources, but its formation did not stop the violence<sup>84</sup>. Nor did it change the behaviour of the oil companies. In October 2002, the commissioner for the environment in Bayelsa State in the Delta told Human Rights Watch that: “The situation of Shell is abysmal. It has not changed and we do not believe there is a possibility of change ... As far as relations with communities are concerned we have not seen any changes at all. The flow stations are protected

by armed soldiers, they don't give any employment to the youth. As commissioner of the environment I have not seen any changes in corporate philosophy”<sup>85</sup>.

Six months later, in April 2003, Human Rights Watch wrote to Shell and other oil companies expressing their “concern regarding recent violent clashes in Nigeria's Niger delta ... since March 13, 2003, clashes around Warri have resulted in the deaths of scores of people and the destruction of dozens of villages.<sup>86</sup>” The groups called on the Nigerian government and oil companies to take immediate measures to prevent further violence and abuses around Warri, where scores of people had been killed<sup>87</sup>. However over the next couple of months, hundreds were killed, thousands displaced, and hundreds of homes destroyed<sup>88</sup>.

The violence continued through 2003 and 2004. In December 2003, a report by WAC, consultants to Shell on “Peace and Security in the Niger Delta” was leaked. The report argued that it was clear that Shell was “part of Niger Delta conflict dynamics and that its social license to operate is fast eroding. Its conclusion was alarming: “If current conflict trends continue uninterrupted, it would be surprising if SCIN [Shell companies in Nigeria] is able to continue on-shore resource extraction in the Niger Delta beyond 2008, whilst complying with Shell Business Principles”<sup>89</sup>.

In January 2004 Shell's record in the Delta once again came under scrutiny when a report was published by Christian Aid that looked into claims of Shell's corporate social responsibility: “Shell claims that it has turned over a new leaf in Nigeria and strives to be a ‘good neighbour’. Yet it still fails to quickly clean up oil spills that ruin villages and runs ‘community development’ projects that are frequently ineffective and which sometimes divide communities living around oilfields ...Just as in 1995 and before, Shell presides over a situation in which the violence in the communities around the oilfields, exacerbated by cash payments made by the company, is spiraling out of control”<sup>90</sup>.

In 2004 another factor helped escalate the violence; the fight of two rival groups for control of the lucrative oil bunkering trade, whereby oil is siphoned off the large networks of pipelines and sold illegally. In September 2004, Alhaji Dokubo Asari, the leader of one of the groups, the Niger Delta People's Volunteer Force threatened to launch an all out war in the Delta, sending shock waves through the international oil industry. A hastily arranged peace deal was arranged by President Obasanjo calling for the “disbandment of all militias and militant groups”<sup>91</sup>.

Also that month, the *Financial Times* reported how Shell was “unable to shake off troubled Ogoni legacy” as a dispute over a pipeline deepened. The paper reported how “inappropriate” payments had been made to a local chief by a contractor working for Shell cleaning up an oil spill in Ogoni<sup>92</sup>.

The violence comes right up to date. In February 2005, Human Rights Watch argued that companies such as Shell could be doing more to stop the violence in the Niger Delta<sup>93</sup>. Also that month, the Ijaw, another tribe in the Delta, accused Shell of escalating the violence which led to up to 100 people being killed by the military at the town of Odioma<sup>94</sup>.

In March of 2005, six people were feared dead after an inter-community clash that had been sparked by an anti-Shell demonstration. Anti-riot police and soldiers had also been called in by Shell. One of the communities told the Nigerian press that: “They wanted to engage Shell and the government in discussion as to how certain issues concerning environmental devastation, the loss

of their means of livelihood could be solved. They also wanted to request for the provision of basic amenities like potable drinking water, electricity and all that but instead of addressing this, Shell invited the military”<sup>95</sup>.

<sup>1</sup> Chief W. Nzidee, F. Yowika, N. Ndegwe, E. Kobani, O. Nalelo, Chief A. Ngei & O. Ngofa (1970) *Humble Petition of Complaint on Shell-BP Operations In Ogoni Division*, Letter to His Excellency the Military Governor, 25 April

<sup>2</sup> P. Badom (undated) *A Protest Presented to Representatives of the Shell-BP Dev.Co of Nig. Ltd. by the Dere Youths Association. Against the Company's Lack of Interest in the Sufferings of Dere People which Sufferings are Caused as a Result of the Company's Operations*

<sup>3</sup> Environmental Rights Action (1995) *Shell in Iko - The Story of Double Standards*, 10 July

<sup>4</sup> Environmental Rights Action (1995) *Shell in Iko - The Story of Double Standards*, 10 July

<sup>5</sup> Ogoni Bill of Rights (1991) *Presented to the Government and People of Nigeria With an Appeal to the International Community*, December

<sup>6</sup> J. R. Udofia (1990) *Threat of Disruption of our Operations at Umuechem by Members of the Umuechem Community*, Letter to Commissioner of Police, 29 October

<sup>7</sup> Hon O. Justice Inko-Tariah, Chief J. Ahaikwo, B. Alamina, Chief G. Amadi (1990) *Commission of Inquiry in to the Causes and Circumstances of the Disturbances that Occurred at Umuechem in the Etche Local Government Area of Rivers State in the Federal Republic of Nigeria*

<sup>8</sup> E. Bello et al (1992) “On the War Path”, *African Concord*, August, pp20-21

<sup>9</sup> A. Rowell (1994) *Shell-Shocked – The Environmental and Social Costs of Living with Shell in Nigeria*, Greenpeace

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<sup>11</sup> Human Rights Watch / Africa (1995) *Nigeria: The Ogoni Crisis: A Case Study of Military Repression in Southeastern Nigeria*, July, Vol. 7, No.5, pp33; A. Rowell (1994) *Shell-Shocked, The Environmental and Social Costs of Living with Shell in Nigeria*, Greenpeace International, July, pp16

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