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## **THE FLAMES OF SHELL: OIL, NIGERIA, & THE Ogoni**

from the Project Underground factsheet

### The Problem

On November 10, 1995, Ken Saro-Wiwa and eight other Ogoni activists were hanged in Port Harcourt, Nigeria. The executions ended a 17 month stay in police custody, which followed a trial that was universally condemned as a fraud. Their crimes? Asking for the protection of their basic human rights, voicing their right to self-determination, and exposing the Shell Petroleum Development Company's (SPDC) role in destroying their homeland, dismantling their communities and killing their people.

Saro-Wiwa knew it was coming. In May of 1994 he was given a copy of a Nigerian military memo that outlined the imminent imposition of martial law in his homeland. "This is it" he said, "They are going to arrest us all and execute us all for Shell"

The Ogoni live in a small area (404 square miles) in the oil rich Niger Delta. Although approximately \$30 billion worth of oil has been extracted from the region since 1958 one engineer remarked that he had never seen an oil-rich area so "completely impoverished". This poverty, and the shocking pollution throughout the region drove the Ogoni to demand environmental justice. In 1990, the Movement for the Survival of the Ogoni People (MOSOP) was termed.

From 1990 to 1993 MOSOP made a series of demands of the Nigerian government, and of Shell. All of these would be considered reasonable and proper requests for a community in the US or Europe to make - things like the cleanup of oil spills, burial of pipelines, or the construction of educational and health facilities. All of these requests fell on deaf ears. On January 4, 1993, 300,000 Ogoni (3/5 of the total population) peacefully gathered to demand their rights. Saro-Wiwa stood before the crowd and declared that from that day forward Shell was "persona non grata" in Ogoni and MOSOP dedicated itself to a nonviolent campaign of resistance.

That day, in the words of Ledum Mitee, the Acting President of MOSOP, "marked the beginning of our worsening season of suffering". Shell withdrew most of their operations, but in their place the Nigerian military entered Ogoni to attempt to crush the movement. Since then, at least 2,000 Ogoni people have died. Today the surviving leaders of MOSOP are in exile, and Ogoni is an occupied land.

Oil revenues account for 90% of Nigeria's export earnings and 80% of the government's total revenue. Shell accounts for just over half of Nigeria's total production. Although Ogoni represents only about 3% of oil production the regime and the company clearly feared that MOSOP's ideas and organization would spread throughout the Niger Delta, which produces 75% of Nigeria's oil. Indeed, other communities such as the Ogbia, Igbide, Ijaw, Etche, and Izon have virtually identical grievances. If MOSOP's ideas of empowerment and rights had spread to other areas, it could have crippled the Nigerian regime, and Shell.

The powerful collaboration between Shell and the Nigerian military government has led to numerous and varied human rights violations, including summary executions, indiscriminate beatings and arrests, and unfair trials and detentions.

MOSOP has maintained for years that in addition to the environmental damage the company has caused, Shell has financed military operations in Ogoni, armed soldiers, bribed witnesses at Saro-Wiwa's trial and provided logistical support to military operations. Today, Shell quietly admits to every one of those charges except for the bribing of witnesses, which is separately documented and verified.

Nigeria's military government and Shell have gotten away with murder. Although the international community was shocked and outraged in the wake of the executions, very little substantive action has been taken. Indeed, as Nigeria was suspended from the British Commonwealth, Shell sent their own message, promising billions of dollars in new investment just a few days later.

Today nineteen more Ogoni are awaiting "trial" on the same false charges for which the Ogoni 9 were killed. The Nigerian military is talking about democracy, while basic rights are still routinely violated. The Ogoni are still being killed. Meanwhile, Shell has yet to clean up their past messes, their current practices, or be held accountable for their crimes.

"The environment is man's first right."

- Ken Saro-Wiwa

The Ogoni right to a clean environment was the first right that Shell violated, beginning with their discovery of oil in 1958. Initially seduced by the promise of oil wealth, the Ogoni soon realized that the only people getting rich lived in Lagos, London, and the Netherlands.

The Niger Delta is one of the world's largest wetlands, covering over 20,000 sq. km. It is comprised of coastal barrier islands, mangroves, fresh water swamp forests and lowland rainforests. According to the International Union for the Conservation of Nature, it holds a large number of threatened and endangered species. It is currently home to approximately 6.7 million people, and produces 75% of Nigeria's petroleum.

"We have woken up to find our lands devastated by agents of death called oil companies," said a MOSOP leader in 1993. "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. We are asking for the restoration of our environment. We are asking for the basic necessities of life-water, electricity, roads, education. We are asking, above all, for the right to self-determination so that we can be responsible for our resources and our environment. "

It is difficult to ascertain the full extent of environmental damage in Ogoni and throughout the Niger Delta because there has never been an independent environmental assessment conducted. What we do know is shocking. Prior to 1993, Shell operated gas flares in close proximity to many communities - at some sites flaring had happened for 24 hours a day for 30 years. Shell's pipelines crisscross the Delta above ground, in some cases literally passing through people's front yards. According to an independent record of Shell's spills from 1982 to 1992, 1,626,000 gallons were spilled in 27 separate incidents.

In December 1994, Mr. J.P. Van Dessel, the Head of Environmental Studies for Shell Nigeria, resigned because "I increasingly felt my professional and personal integrity was at stake". In March of 1996 he appeared on British television stating that "It is clear to me that Shell was devastating the area."

For years Shell denied that its operations in Nigeria caused any damage. More recently, they have responded to these revelations by promising to do better. Although Shell had promised to replace their aging pipelines by December 1996, an investigation by Environmental Rights Action in February 1997 revealed that they had yet to make good on that promise.

Currently Shell has promised to reduce their flaring of gas (88% of the gas from Nigerian oil fields are flared, as compared with .06% in the US) by 2008. (Gas flaring contributes to local air pollution, emitting nitrous oxide, sulfur dioxide, volatile organic hydrocarbons and particulate matter. It is also a significant source of global warming. Surely Shell does not need a decade to enact better practices.

The World Bank conducted a study of the Delta environment in preparation for their own investment in Nigeria's gas industry (the Bank withdrew the same day that Saro-Wiwa was

killed). Though biased towards investment, the study is significant for two reasons. First, by looking at both the direct impacts of the industry (e.g. toxic pollution, spills, air emissions) and the indirect impacts (e.g. road construction, population growth, sewage, agricultural degradation) one can glean a full picture of the industry's impact over 40 years. Second, the report contains the only sample results available for the area water in a creek by one of Shell's facilities contains levels of hydrocarbon pollution that are at least 60 times higher than drinking water standards in the US.

Shell has tried to portray their own study -- the Niger Delta Environment Survey (NDES) as an ongoing legitimate effort to assess the state of the environment. The NDES was launched to much fanfare in February 1995, but lost any legitimacy it might have had when Professor Claude Ake resigned following Saro-Wiwa's execution. Ake was the sole community representative on the study, a highly respected academic who was most recently a visiting professor at Yale. Following his resignation he denounced the NDES as a public relations ploy by oil companies. In November 1996 Ake was killed when the 727 he was traveling in crashed for unknown reasons.

"Human life does not mean much to those who have benefited from the oil."  
- Ken Saro-Wiwa

Simply seeking compensation for environmental damages is a hazardous business with Shell in Nigeria. In mid 1994, the Yorla flowstation, a Shell facility, blew up, spilling thousands of gallons of oil onto Ogoni farmland. The affected community filed suit against Shell for damages. In late February 1996, Shell called the Ogoni plaintiffs, without the knowledge of their lawyers, to a meeting where they were "offered" a settlement. This offer, according to a letter of protest sent to Shell by Lucius E. Nwosu, one of the Ogoni's lawyers, was made "under an environment of full combatant military personnel." Nwosu and Partners immediately resigned from the case, noting that they were not used to negotiating "in terrorem", and that they feared "an engineered conflict may be visited on our clientele."

Recent history in Ogoni and throughout the Delta makes this a very valid concern. In 1990 villagers at Umuechem (10 miles outside Ogoni) demonstrated against Shell's pollution. Shell immediately contacted the military and requested "security protection". The Nigerian Mobile Police Force (known locally as the "Kill & Go") arrived, killed 80 people and destroyed 495 homes. Shell has apologized for the incident, saying that it would never happen again. But it has.

MOSOP's nonviolent campaign sparked the creation of a new unit of the Nigerian military -- the Rivers State Internal Security Task Force (ISTF). Headed by Lt. Col. Paul Okuntimo, a man who one boasted that he knew over 200 ways to kill and that he wished that the Ogoni would come out of hiding so that he could practice his techniques, the ISTF was the final solution to the Ogoni dilemma. Since the middle of 1994 MOSOP has alleged that Shell was integrally involved in the formation and operations of ISTF. Shell had always answered these allegations with flat denials such as "We categorically deny that any form of input was ever provided to the military" or "to the likes of Okuntimo".

The first evidence that a direct ISTF-Shell connection surfaced in early 1995. A memo, dated May 12 1994 (just 10 days before Saro-Wiwa's arrest) surfaced with Okuntimo's signature on it. ISTF states that "Shell operations are still impossible unless ruthless military operations are undertaken." Okuntimo recommends "wasting targets cutting across communities and leadership cadres, especially vocal individuals" and calls for "pressure on oil companies for prompt regular inputs as discussed." Shell denies any knowledge of or connection to this memo.

In January of 1996, despite repeated denials, reporters uncovered Shell documents requesting ammunition and weapons upgrades for the Nigerian police. Company spokesman confirmed the purchases, but maintained that the weapons were only to guard Shell facilities.

In early November 1996 Shell admitted to paying the military as well. According to Shell spokesman Eric Nickson "We have paid the military, but only on two occasions, one of which was to go and look for a fire engine. We did pay Lt. Col. Okuntimo field allowances on that occasion" Shell further admitted at this time that they had provided logistical support to the military in the form of access to Shell helicopters and boats.

The two incidents that Shell now admits to both resulted in Ogoni fatalities. In the first, Shell acknowledges that it called on "the usual assistance" - troops from Rivers State authorities in late April 1993. The incident began when Willbros, an American subcontractor to Shell, started bulldozing crops to lay the Trans-Niger pipeline. Two days later 10,000 Ogoni came out for a peaceful demonstration calling on the company to halt the construction. The military fired on the crowd, wounding 10. Demonstrations continued, and on May, a soldier killed a demonstrator. Shell now says that "field allowances and transportation" of an army unit that accompanied Willbros "were provided by the contractor."

Six months later Shell now says that it asked the 24 soldiers of the Second Amphibious Brigade, under command of Okuntimo, to accompany Shell staff to the town of Korokoro, where the company maintains that the community had stolen a fire engine. Shell insists that its staff and Okuntimo's soldiers came merely to conduct a "dialogue" requesting its return. Soldiers killed one man in the resulting "talks."

Significantly, both events took place after Shell supposedly withdrew all their operations from Ogoni in January 1993.

The crimes of the company

"For a commercial company trying to make investments, you need a stable environment; dictatorships can give you that." Nnaemeka Achebe, Shell Nigeria

Throughout 1993 and 1994 many attacks (often conducted by soldiers posing as members of neighboring communities) were conducted on Ogoni villages resulting in hundreds of deaths. MOSOP clung fast to their demands though, and Saro-Wiwa's support was growing internationally. General Sani Abacha's Nigerian regime and its patron, Royal/Dutch Shell, had to do something.

Nine days after Okuntimo wrote the memo outlining "wasting operations", four traditional elders were murdered at a local rally. Even though Saro-Wiwa was nowhere near the murders, he was seized from his home by armed forces on May 22, 1994. He and others were held without charge for nine months, before being officially charged with the murders.

The murders gave the military the green light to enter Ogoniland as they had planned. Under the guise of looking for the killers, and enforcing peace, the Nigerian military systematically terrorized the region, gang-raping young women at gunpoint as they went.

Every international observer who attended the trial condemned it as a sham. Michael Birnbaum, a lawyer with The Bar Human Rights Committee of England and Wales extensively documented the proceedings. He notes that two of the prosecution witnesses, Charles Danwi and Nayone Akpa, subsequently signed affidavits indicating that they had been bribed by both the government and Shell to testify against Saro-Wiwa.

On October 31, 1995, Ken Saro-Wiwa was sentenced to death, along with eight other Ogoni activists. In his final statement to the military tribunal, Ken Saro-Wiwa said, "I am my colleagues are not the only ones on trial. Shell is here on trial... The company has, indeed, ducked this particular trial, but its day will surely come... for there is no doubt in my mind that the ecological war that the company has waged in the Delta will be called into question

sooner than later, and the crimes of that war will be duly punished. The crime of the company's dirty war against the Ogoni people will also be punished."

Back to business

"We believe that to interfere in the processes, either political or legal, here in Nigeria would be wrong. A large multinational company such as Shell cannot and must not interfere with the affairs of any sovereign state." Shell statement, November 8, 1995

In the year since Saro-Wiwa's execution made global headlines, Shell and Nigeria have moved in for the kill. While both entities have spent millions retaining public relations firms, conditions have got worse in Ogoni. Families awoke on New Year's Day 1997 to find hundreds of new troops stationed in their communities with orders to prevent any observance of Ogoni Day. Despite the odds, more than 80,000 Ogoni turned out to observe their national holiday in various locations.

As the military tries to beat the Ogoni into submission, MOSOP tears that a full resumption of Shell's operations cannot be far behind. Shell maintains that it will not return to Ogoni unless invited, and that it will not work behind a "security shield." However, it appears that Shell already has plans underway to return to Ogoni.

On November 8, 1996, the families of Ken Saro-Wiwa and John Kpuien filed suit in New York District Court against Shell for its role in the detention, trial and subsequent hanging of the two activists. The plaintiffs point to links between Shell and the military regime that show the influence the oil giant has on Nigerian policy. Shell faces charges that include wrongful death and crimes against humanity.

Appallingly, nineteen Ogoni activists remain in jail today, framed for murder on the same charges for which Saro-Wiwa and the eight others were arrested, tried, and executed for. The activists have been smuggling statements out of prison which attest to their condition ("a dumping pit for dead inmates and still containing human skeletons is also the only source of our drinking water") and their arrest by "Shell police".

Shell has spent millions on its words in the last year. The single biggest step it could take towards reconciliation in Ogoni would be to use its influence in a positive way for once, and gain freedom for the Ogoni 19.

In the meantime consumers around the world should check their consciences before they buy any Shell products.

Project Underground

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