

A young boy with short dark hair and a serious expression is holding a clear plastic bottle filled with a dark, viscous liquid, likely oil. He is wearing a blue t-shirt with a colorful graphic. The background shows a rustic structure made of dried palm leaves and green foliage.

Traces of Shell in Nigeria's Oil Spills

Colophon

This is a Friends of the Earth Netherlands and ERA,
Environmental Rights Action publication
Amsterdam, December 2020

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Abbreviations

CDB - Cluster Development Board (from Okordia-Zarama)

CLO - Community Liaison Officer (Shell official who maintains contact between Shell and the residents)

CRO - Community Relations Officers (Shell official who also maintains contact between Shell and the residents)

ERA - Environmental Rights Action (FoE-Nigeria)

GMoU - Global Memorandum of Understanding

NOSDRA - National Oil Spill Detection and Response Agency (Nigerian government agency)

SACA - Stakeholders Alliance for Corporate Accountability (provides training to Nigerian military personnel on human rights and security)

SPDC - Shell Petroleum Development Company of Nigeria

Highlights from the report

- Large-scale oil pollution in the Niger Delta is causing serious illnesses among the inhabitants.
- Some of the oil leaks are being deliberately caused by local residents in collaboration with Shell Nigeria (SPDC) employees.
- According to residents and (former) employees, Shell Nigeria is aware of all of this.
- A perverse economy has emerged where money is made by remediating oil spills that are deliberately caused with the knowledge of Shell Nigeria employees.
- According to witnesses, some of Shell Nigeria's employees, main contractors, subcontractors and residents profit from this financially at the expense of the living environment and health of the residents.
- It is generally well known in the Niger Delta how this economy functions. Official institutions such as the Dutch Embassy are also informed. Nobody ever intervenes.
- Shell Nigeria has thus far rejected all responsibility for the oil spills, and in its communications regarding the spills refers only to third parties.



Image: George Osodi.

* Quotes in parentheses contain comments from the ERA reporters; sometimes the comment in parentheses comes from the editor. In the latter case, it says 'red.' behind.

Summary: caught in a vicious circle

This initial study reveals a picture in which the clean-up process as established by Shell Nigeria actually promotes a corrupt economy based on these leaks, in which its own employees play an active role.

Decades of oil spills have caused extensive pollution in the Niger Delta. The major cause of the leaks is poor maintenance of the pipelines, which have been damaged by corrosion and sabotage.

Years of oil pollution has led to ever-decreasing agricultural yields in the village of Ikarama's fields. As a result, many residents can no longer grow food crops. And despite the presence of Shell Nigeria here, jobs are scarce and thus unemployment is high, resulting in desperate levels of poverty.

Some residents, especially the young, attempt to earn money in these harsh conditions by sabotaging pipelines to cause oil spills and then cleaning them up for a fee. This is all made possible due to the fact that the pipelines are not only poorly maintained but are also inadequately monitored.

For this report, we interviewed ex-Shell employees and local residents. The interviewees claim that the sabotage that leads to oil spills and the subsequent clean-ups for a fee occur regularly in close consultation with Shell Nigeria employees, and is paid for with money of SPDC.

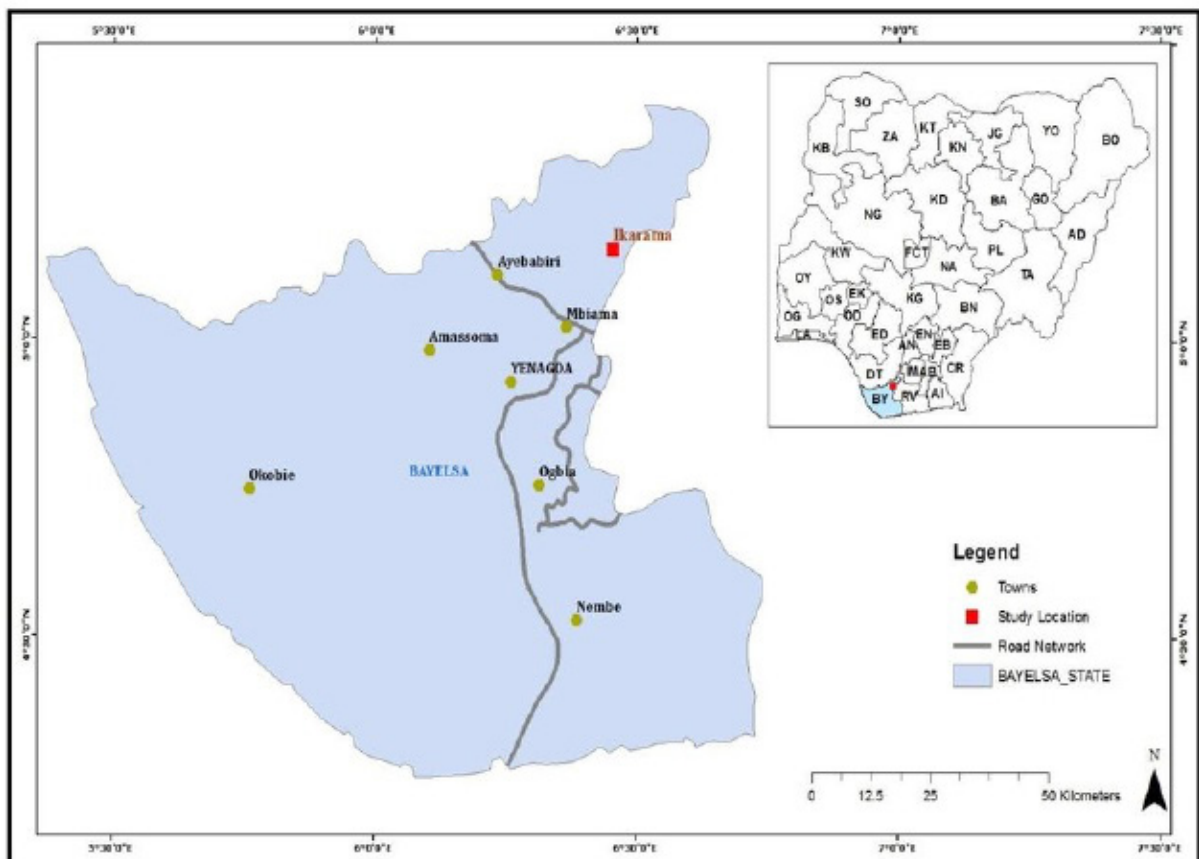
This creates a vicious circle: This economy based on leaks comes in addition to the already-existing leaks caused by corrosion, bunkering and poor maintenance, which continue to pollute the environment. This results in a spiral of decreased prospects of ever seeing clean rivers, free and safe drinking water and fertile fields necessary for their livelihood again.

Preface

Over the past 50 years, more than 12 million liters of oil have leaked into the Niger Delta. This comes out to an estimated [240,000 barrels of oil](#) annually. The polluted area in Nigeria covers an area the size of the Netherlands and Belgium combined. These ongoing oil leaks have led to ever-increasing pollution in the region. The consequences include high infant mortality, large numbers of miscarriages, diseases, polluted rivers, soil and air, poverty and unemployment. Nigerian babies are [twice as likely to die](#) in the first year of life if their mothers lived near an oil spill before they became pregnant. And the pipelines are insufficiently secured, which can lead to sabotage.

This report shows that Shell employees in Nigeria play an active role in deliberately causing oil spills in various locations in the Niger Delta. The discussions held in conjunction with this report show that Shell Nigeria is not doing enough to prevent these situations and its negligence violates the local residents' rights to health and a safe living environment.

The report, based on the ERA's research, focuses specifically on the municipality of Ikarama (community Okordia), a village north of the provincial town of Yenagoa in the Niger Delta in the state of Bayelsa.



Source: Researchgate.net

There are many oil spills in Bayelsa.

This research represents a first step in discovering which local dynamics actually contribute to the spills being deliberately caused.

Milieudefensie and the ERA strongly suspect that the Ikarama case is not unique, and may actually be representative of the entire Niger Delta. Further research is necessary to substantiate this suspicion. This is a challenge because there are many interests at play here, which makes it extra difficult for people to talk freely because of the fear of reprisals.

How this report came about

The picture presented by this report is partly based on in-depth interviews with five closely involved parties as well as exchanges with the local population, of which relevant documents are enclosed. For security reasons, we do not name the interviewees and keep the descriptions of their functions deliberately vague. While the names mentioned by the interviewees have also been changed by Milieudefensie, their actual names and functions are known to Milieudefensie.

- Contact A is an ex-security guard who worked for Shell as commissioned through subcontractor contracts.
- Contact B is a man who lives in Ikarama.
- Contact C is a former chairman of a Shell Nigeria-supported consultative body.
- Contact D is a retired Shell Nigeria employee.
- Contact E is an Ikarama inhabitant who was himself involved in the vandalising of pipelines and also worked as a security guard for Shell.

The five involved parties were interviewed by the ERA and took place in the course of 2019. The contacts were interviewed separately and were unaware that the others were being interviewed. Two of the above were unaware that the contents of their interviews would be used for this report.

In addition to the interviews with the five above-mentioned people, this report is also based on records of various ERA meetings and reports including:

- A November 2018 report of a visit by the then Dutch ambassador Robert Petri and his Embassy Secretary to Ikarama
- A July 2020 e-mail exchange between the Embassy Secretary and Hilde Brontsema, a Milieudefensie employee
- A 2017-2018 annual report of the Stakeholders Alliance for Corporate Accountability (SACA)
- A June 2018 letter from the Ikarama Youth Council to Shell
- A 2015 police report in which a resident reports Shell employees.

The interviews sometimes raised questions – for example, the interviewees do not

provide a clear picture of the amounts of money passing through the hands of the various parties and it is sometimes difficult to understand what the interviewees were trying to say. But a similar pattern emerges from their declarations: Shell Nigeria personnel and Shell Nigeria (sub)contractors are actively involved in the oil spills.

Question: "Have you been approached to cause leaks?"

Answer: "Several times. There is no one in my village that has not been approached."

Shell-medewerkers geven opdracht tot het veroorzaken van lekken

Question: 'Have you been contacted about perpetrating oil spills?'

Answer: 'On numerous occasions. In my village everyone has been approached.'

Question: 'You mean they told people to vandalise the pipelines?'

Answer: 'Yes.'

(Interview with contact A)

Oil spills originating from oil industry pipelines are common in Nigeria. They are the result of faulty installations and lax maintenance. In addition, sabotage is a regular occurrence due to the fact that the pipelines are insufficiently monitored.

Conversations with the local population and interviewees show that Shell Nigeria staff and subcontractors are regularly involved in the sabotage activities themselves, for example, by ordering local youths to perpetrate spills.

According to them, the destruction of the oil pipelines has created an entire economy in which money earmarked for clean-ups and renovation is divided among various parties: Shell Nigeria personnel, contractors, subcontractors (who actually clean up the spills and contaminated sites) and the saboteurs of the pipelines. This is all at the expense of the environment and the inhabitants of the affected areas.

Shell seldom takes any responsibility for the Niger Delta's oil pollution. Formal allegations against the oil company have already been filed in several countries¹. The demands in these cases include that Shell properly clean ups the current oil spills, prevents future spills and compensates residents for damage incurred.

The oil company has thus far failed to put its own house in order in tackling the corruption and sabotage, and continues to blame the government, which is apparent from this 2013 Shell [press release](#):



Image: George Osodi.

'There are issues and problems that, despite our being held accountable, cannot be resolved by Shell. Crude oil theft, sabotage and corruption are simply beyond Shell's reach and responsibility. ... In order to prevent theft, and all the associated negative consequences for the development of the country, requires a joint approach by all involved, including national and international governments and NGOs.'

Our research shows that Shell Nigeria, the Nigerian police and the Dutch Embassy – have all been informed about the role that Shell employees play in this sabotage. And yet, the situation remains unresolved to this very day.

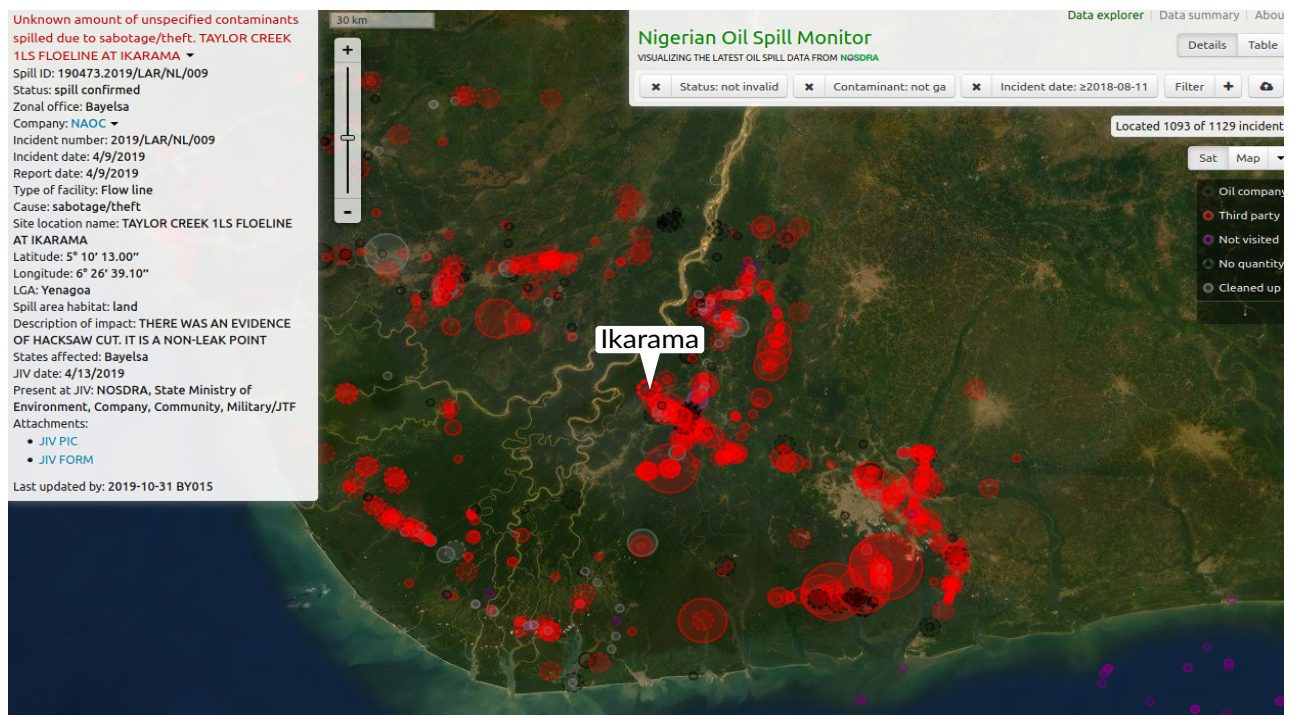
Ikarama-Okordia's Oil spills: You can't even keep count

Over the past 13 years, ERA employees have registered at least 30 oil spills in Ikarama. In Nigeria, ERA is concerned with, among other things, the oil pollution caused by Shell and its impact on the local residents and the natural environment. ERA says there are so many incidents that it has lost count in Ikarama.

1 View <https://www.leighday.co.uk/News/Press-releases-2020/June-2020/Supreme-Court-to-hear-Nigerian-communities-pollut> en <https://milieudefensie.nl/shell-in-nigeria>

Alagoa Morris of ERA: 'We are unable to visit all the places where spills have occurred because there are simply too many.'

[NOSDRA's Oil Spill Monitor map below](#) reveals that Ikarama and the surrounding area is one large red spot indicating that the area is highly contaminated

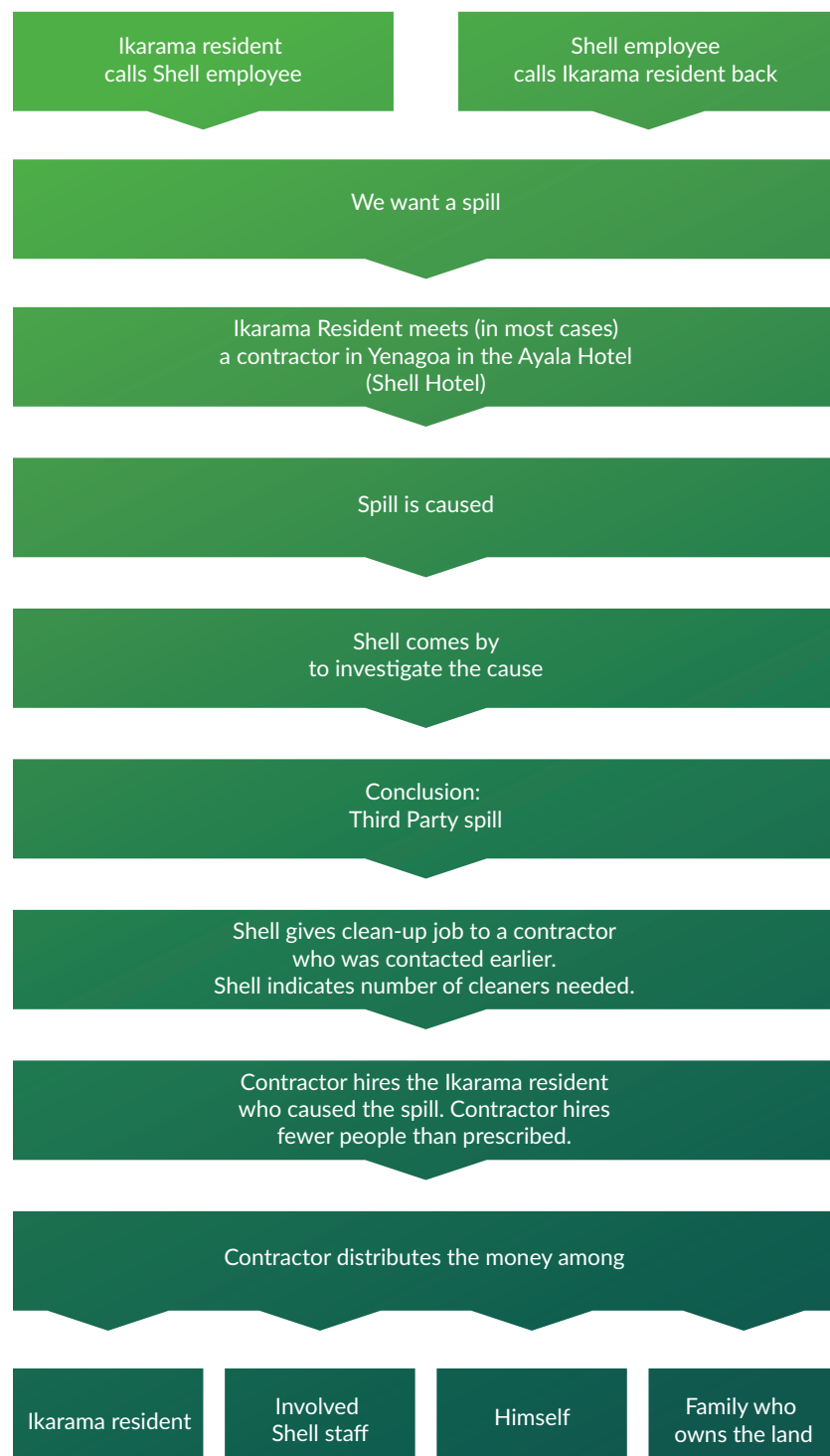


Source: Oil Spill Monitor.

The economy of spills and clean-ups

The initiative for the sabotaging of pipelines, resulting in oil spills, lies with numerous parties: with some of Ikarama's residents (often young people), with the chief contractor, with the subcontractor, with Shell-Nigeria's personnel and with the pipeline security guards who are contracted by Shell Nigeria. Some of them work for Shell on a contract basis. Others are incidentally hired by Shell Nigeria. This does not make much difference in the course of the process of events.

Below is a schematic representation of the process.



Conversations conducted for this research reveal the following course of events: Those who perpetrate the spills (often young people) first inform their Shell Nigeria contact by telephone that they are interested in sabotaging some pipelines. They are then given the green light or are requested to wait until a later time. Once the sabotage has been completed, the same Shell Nigeria employees will call these same Ikarama youths and clean-up contractors to arrange a meeting in a Yenagoa hotel. There they discuss who shall receive the repair contract for the pipeline, the oil spill clean-up, the remediation of the site and under which conditions this will be performed.

Shell Nigeria usually hires clean-up companies from an affected family to both repair the pipelines and clean up the oil spills. (This is often performed via a main contractor, who is usually not from Ikarama). The Shell Nigeria employees involved, the main contractor, the subcontractors and the saboteurs then distribute the money that Shell Nigeria has earmarked for the clean up of the oil spills and contaminants.

The subcontractors do the actual work: they ensure that the oil is cleaned up. However, according to the ERA and Friends of the Earth, this is often poorly executed and in ways that are actually harmful to the environment. ERA's Alagoa Morris notes: *'When oil is spilled, only the crude oil on the surface is cleaned up. Shell (meaning the subcontractor: ed.) simply ignores the oil that has seeped into the ground. Shell claims that the oil will simply dissolve by itself, but ERA employees dispute that and Shell is aware of this. The ERA has shown in several reports that clean-up operations have been improperly carried out since 2008. The owners of Lake Oya have also filed a complaint with the NOSDRA in the presence of Shell because the lake had not been thoroughly cleaned after an oil leak.'*

Contact person B, a resident of Ikarama, explains how the clandestine spill operation works.

Question: "Why have there been cases involving tampering?"

Answer: 'There are community insiders who are responsible for this. When they destroy the pipelines, Shell calls them. They then hand over the (clean-up) operations to the same (people: ed.) who are responsible for this (destroying pipelines: ed.). They're the ones who negotiate and clean up and eat that money. The coordinators (from Shell Nigeria: ed.) also receive a percentage.'

(from the interview with contactperson B)

A spiral of sabotage, spills, clean-ups and remediation

The stories reveal a vicious circle of commissioned sabotage, spills, clean-ups and remediation.

The reason some locals get involved seems to be related to the economic situation in Ikarama.

Fields and rivers barely yield any income due to the oil pollution. The water from the rivers is no longer drinkable, forcing people to buy expensive bottled water. The oil-producing states in the Niger Delta have some of the [highest youth unemployment](#) rates in Nigeria. In the state of Bayelsa, where Ikarama is located, the unemployment rate is about 40 percent, twice the national average of 20 percent.



Image: George Osodi.

As in many other parts of the world, youth unemployment in the Niger Delta is driven by demographic, educational and economic factors. Two-thirds of the population of the Niger Delta is under the age of 30. The situation in the Niger Delta is dire for many of its young people. Widespread poverty and unemployment in the region make some youths responsive to the recruitment efforts of militant groups and to criminal activities such as armed robbery, kidnapping for ransom and vandalising oil pipelines.

That the purpose of the vandalism is to generate income is evident from the responses of contacts A and B.

Question: 'What motivates people to want to destroy pipelines?'

Answer: 'Money. People want to get a subcontract from the contractors.' Moreover, some people from various families in Ikarama have positioned themselves as contractors and subcontractors. Not that they are necessarily the cause of the leaks, 'but whoever is causing the oil spill will try to get the job done.'

(from the interview with contact A)

Question: 'Do they, generally speaking, agree about the number of people who will do the work (at a remediation site)?

Answer: 'That depends. We could be talking about 50 chances (50 chances refers to the number of workers used for the clean-up and remediation operations: ed.). But when senior Shell staff go on a field visit, they write down 50, as was originally agreed.' (But then really only 30 end up getting paid: ed.)

Question: 'What do you think is the main reason for these actions (the causing of oil spills in consultation with Shell employees: ed.) between the villagers and Shell?

Answer: 'That's the agreement: if there's nothing to eat, you've got to create work. Then at least some income has been generated

Question: 'From Shell?'

Answer: 'Yes.'

(from the interview with contact B)

Contact E, a resident of Ikarama who previously worked as a security guard at Shell and later sabotaged pipelines himself, saw with his own eyes how a clean-up contractor, in this case William Young (pseudonym), paid a bribe to a Shell employee. He explains how this works in the interview:

Question: 'How does Shell profit from thWiese deals?'

Answer: 'Suppose they give the contract to William Young. He will then share the money with them (Shell personnel). I saw this for myself, because of the job William Young gave me for Tuburu Bush. ... There's a guy named Joe (pseudonym) in the remediation department. He (William Young: ed.) called him and gave him 250,000 naira (€550: ed.).'

Question: 'Is Joe a Shell employee?'

Answer: "Yes, he works in the remediation department at Shell. He (William Young: ed.) called him and gave him 250,000 naira right in front of me. He was on the phone settling things. ... Not all Shell employees benefit from this. Only the clean-up and sanitation departments. ... Parker (pseudonym) is the supervisor of that job. He is left with some 350,000 (€765) or 500,000 naira (€1100) per week.' ...

Question: 'But have you ever done direct business with Shell personnel yourself or only with William Young?'

*Answer: 'I did not do any direct business with Shell myself; William Young handles all that. ... William Young settles it with those who gave him the job at Shell.
... Everyone who*

William Young gives work to he pays and he usually also gives money to the clean-up and remediation departments. Then he goes looking for two, three or four boys in the village to hire as subcontractors.'

(from the interview with contact E)

Besides the interviews with the five contacts, ERA's Alagoa Morris was also in contact with the secretary of the chief of the Okordia community (which includes Ikarama) via WhatsApp. (Okordia is a clan made up of seven communities, of which Ikarama is one). Again, Shell personnel's involvement and the motives of the pipeline saboteurs becomes painfully obvious here.



Image: George Osodi.

On July 8, 2019, a co-worker of Okordia chieftain Alagoa Morris announced via WhatsApp: *'There are no refinery storage facilities or refineries in Okordia, so why would people from the community pollute the environment like this? (There is thus no money to be made from leaked crude oil in the area because there is no refinery: ed.) You are right, many of the employees, such as the CROs (Chief Risk Officers), are involved. As for motivation, someone who is hungry is someone who goes along. A large number of young people are involved in the oil spills.*

Everyone is aware of what's going on?

A pollution economy has thus emerged with the full knowledge of Shell Nigeria employees. Contact E, an Ikarama resident who has also sabotaged pipelines himself, explains how some village youths along with Shell Nigeria employees approach this situation.

Question: 'Tell me how those deals develop in Ikarama and whether Shell employees are involved and, if so, how does this come about?'

Answer: 'What happens is that the village boys make contact with Shell personnel. Just like me; I call them "my Shell bosses." Sometimes I call them and say: "Boss, we want to sabotage a pipeline." They may respond by saying that you should wait; that it's not the right time. Or they'll say you can go ahead, because they're the supervisors. ... They want the coast to be clear so that they can gain the maximum benefit. ... When there's a spill, they're the first to arrive. They then mobilise two or three boys to do the work and indicate what they'll be earning. They've ordered these boys to sabotage a pipeline and the boys will make 1 or 2 million naira (1 million naira is €2,272, exchange rate June 20, 2020: ed.), The Shell employee takes his share, I get my share, the supervisors take their share. The next time, these younger youths will see what we're doing and want to get in on the action. They'll say: We want to make some money just like Justice (pseudonym). And so they all start sabotaging pipelines and, before you know it, someone else will be joining in as well. They come around like rats.'

(from the interview with contact E)



Image: George Osodi

Because everyone is aware of it, no one makes any effort to keep these illegalities secret, as shown in the interview below with contact person A.

In 2008, contact A took a security guard training course organised by Shell in the Airport Hotel in Omagwa, near the port city of Port Harcourt. A then began working for a guy named Johnson (pseudonym?). Contact A later ended up working for Peterson (pseudonym), *'one of the security guards who, like the rest of us, received training Peterson suddenly said that Shell had offered him the (security) contract, because he was the one who was sabotaging the pipelines.'*

Because Peterson doesn't pay his employees and only dispatches youths to sabotage pipelines, A and his colleagues reported him. They sent a letter to Shell. Everyone in A's family signed the letter. 'In that year there were more than six incidents in one night,' A noted. *'The youths (who sabotaged the pipelines) carried weapons and said they had been dispatched by Peterson.'* Peterson, who is the owner of the XXX Company, is rumoured to have dispatched the youths *'because Shell wanted to terminate their contracts.'*

Ultimately, in 2017 or 2018, the case was dealt with in the Shell office of Liam Nelson (pseudonym) in Yenagoa, *'There ... Jason (pseudonym); (one of the guys who had sabotaged pipelines on behalf of Peterson: ed.) and Peterson proudly beat their chests in front of SPDC personnel and declared that they were the pipeline vandals and that if their contracts were terminated it would cause a problem,' says A. 'I'm sure that Shell is working together with them. ... Everyone was shocked, but Shell's personnel reacted by laughing.'* (A happened to be in the Shell office to file a declaration, but notices that Shell employees are working together with Jason and Peterson, rather than punishing them: ed.)

(From the interview with contact A)



Image: George Osodi.

The guards hired by Shell are also involved. Contact A worked as a security guard and, as he points out, he has cleaned up at least one site contaminated by an oil spill, not as a contractor, but as a subcontractor. Contact B's responses confirm the involvement of security guards in the clean-up operations.

Question: 'Do you think that the guards contracted by Shell in Ikarama and Shell personnel are all working together sabotaging and polluting your community?'

Answer: 'I don't only think so, I know so, because every time there's a spill, they call in the same contractor. The main contractor eventually arrives and he brings in ... Peterson (the security guard).'

Question: 'For what kinds of work?'

Answer: 'To clean up and remediate.'

(from the interview with contact B)

"Someone who is hungry is someone who agrees."

Government agencies and Shell Nigeria are also aware

This clandestine system, developed over the years, in which oil pipelines are sabotaged so that money can be made from the cleaning up of the oil spills, is widely known. Not only among the residents, involved Shell employees, main contractors, subcontractors and the pipeline vandals. Shell Nigeria (SPDC), the Nigerian police and the Dutch Embassy in Nigeria are also aware, partly because the local population has raised the issue themselves.

The SACA Report

This is evident, for example, in the 2017-2018 annual report of the *Stakeholders Alliance for Corporate Accountability* (SACA). SACA provides security and human rights training for the **Nigeria Security and Civil Defence Corps** op het gebied van veiligheid en mensenrechten. Dit rapport werd destijds gepresenteerd in aanwezigheid van Shell.

We quote two passages from the report, that was presented during a meeting that Shell_nigeria attended, confirming that it is generally well known how the system works.

The first quote is from the annual report of the National Oil Spill Detection and Response Agency (NOSDRA) in which an official states: '(According to) Mr. Ohaji at NOSDRA, 80 percent of the spills were due to sabotage. He knows how to acquire the clean-up contracts for the spills attributed to impatient youths and various contractors who commission these boys to sabotage the pipelines.'



'He attributed the spills to the restiveness of youths.... And some contractors who sometimes send boys to vandalize the pipelines in order to attract cleanup contracts.'



Source: Transparency magazine.



The second quote comes from CDB's Okordia-Zarama Chairman who, in its annual report, states: 'CDB chairman Jerusalem Adikabue emphasised the importance of employment. According to him, oil companies should employ community members as CROs so they can address their own people in the local dialect and keep them calm. He accused some oil company employees of inciting untrained local youths to vandalise the pipelines for personal gain by then acquiring the clean-up contracts.'

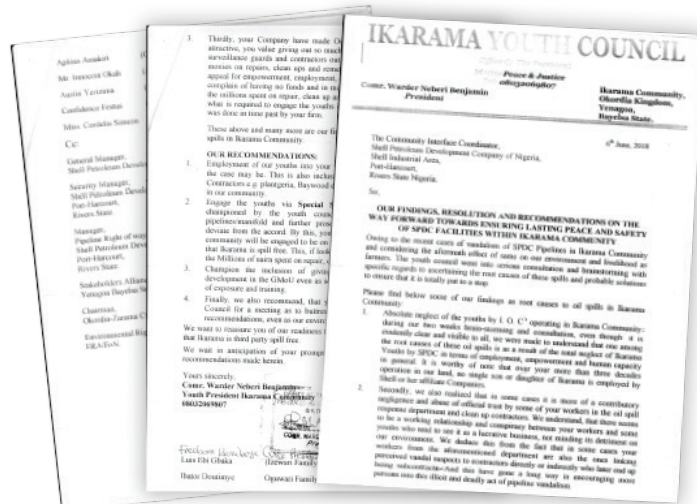
Letter from the youth council

Furthermore, on June 6, 2018 the Ikarama Youth Council wrote a letter, [you can read the letter here](#), to the SPDC's community interface coordinator. In it, the council points out that the SPDC is not blameless when it comes to oil spills. The letter entitled 'Our Findings, Decisions, and Recommendations for Peace and Security of SPDC Installations in Ikarama' states: 'We realise that, in some cases, this involves co-debt and abuse of trust by some of your employees in the oil spill response department and the clean-up contractors. We believe there is a pact between your employees and some

youths who see it as a lucrative business venture and do not care about the damage done to the environment. We can infer this from the fact that employees of said department have linked the suspected vandals, contractors and subcontractors. This has only prompted more people to vandalise pipelines.'

'Your company has made cleaning up oil spills lucrative and attractive. You spend more on outsourcing cleaning jobs than on security'

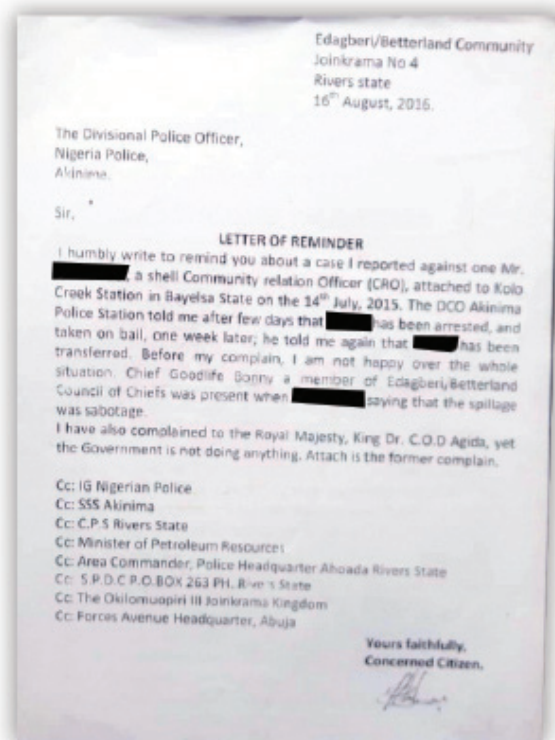
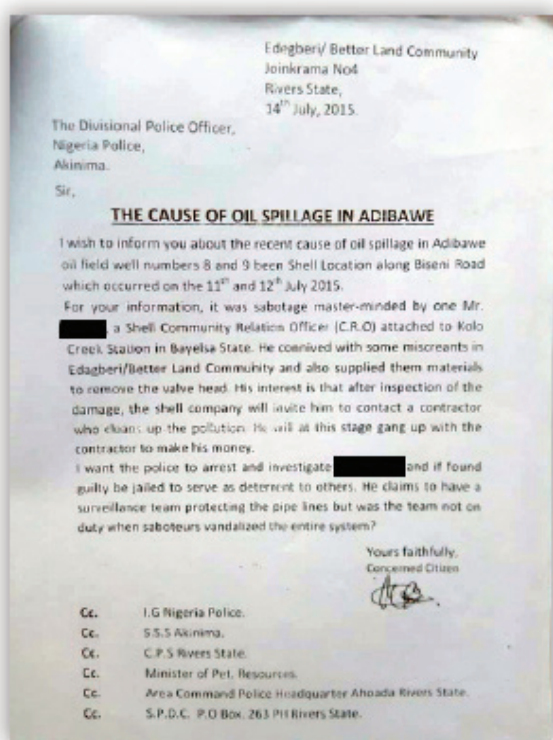
'Your firm,' the letter goes on, 'has made the clean-up of oil spills both lucrative and attractive. You spend more on outsourcing clean-up assignments than on security. You prefer spending money on repairs, clean-ups and remediation. But when young people seek empowerment, employment, training and development, you complain that you don't have the funds and refer us to the GMoU. The millions you spend on repairs, clean-ups and remediation is far greater than what is needed to let some youths guard the pipelines, as has been the case in the past.' Shell did not respond to this letter.



The police report

In July 2015, a resident of Adibawe (a village near Ikarama) filed a police report, [you can find the letter here](#), against Shell CRO, T.. He accused T. of working with local

residents to cause a spill and then cashing in on the clean-up of the oil spill. In the statement, the resident claims that T. even provided the tools to cause the leak. A year later, the resident sent a follow-up report because he had not heard back regarding his complaint. The report stated that Shell was included in the cc and must therefore have been aware of the filed report.



Source: Alagoa Morris.

Shell Nigeria responds

According to [an article by the Nigerian newspaper Vanguard](#), Shell in Nigeria is aware of the situation. Following the visit of the Dutch Ambassador Robert Petri, Shell was asked to comment on the phenomenon that Shell-Nigeria employees order the cause of leaks. Shells **Media Relations Manager, SPDC, Mr Bamidele Odugbesan** commented, *"We remain committed to zero leaks and zero harm to people and the environment. Our employees and contractors are committed to this high standard of environmental performance." Our social investment programs are designed to particularly benefit our host communities and we implement various programs in fellowships, development projects through the Global Memorandum of Understanding, GMoU and other initiatives within the available resources"*.

Dutch Embassy

The local population also informed the then Dutch ambassador Robert Petri and his assistant the Embassy Secretary about the sabotage of pipelines and the resulting oil spills. The pair visited the Okordia clan in Yenagoa on November 30, 2018, which

also includes Kalaba and Ikarama. These two communities held town hall meetings where residents discussed the polluting of their local environment. The ambassador subsequently visited a contaminated site in Ikarama.

During the visit, [you can read the report of this visit here](#), Chief Harbertson Lamie noted that: *'Our biggest problem is the oil spills in Ikarama. These spills were caused by Shell personnel. ... mostly by peripheral employees. They incited the village boys to wreak havoc. We can no longer breathe properly in most parts of the village. Look at this house, walk over there and you will see oil everywhere. Shell employees are the problem.'*



Ambassador Robert Petri and the Embassy Secretary visit Ikarama (November 30, 2018).

Image: Alagoa Morris.

'The second problem is: Shell had previously paid these young people to work in security. The fact that some young people become involved in undesirable activities has to do with them being idle, having nothing to do; ... they're unemployed. About seven years ago, some had security jobs and were receiving 10,000 naira a month (€23.69, exchange rate April 30, 2020). Shell subsequently stopped paying them and since then there has been no peace in Ikarama. So, if we want to end these things (oil spills: ed.), Shell must deploy them, because if they are deployed, the sabotaging of pipelines will stop.'

Youth leader Benjamin Warder stated: *'If they (Shell: ed.) were to hire some of our people, none of the Ikarama men would have the guts to destroy Shell installations because they know their brothers are benefitting from Shell.'*

Washington Odoyibo, a one-time Ikarama Chief Security Officer: *'All of the contractors you see here; their companies are owned by Shell employees. If there are haven't been any oil spills in our community or other communities for a while, they'll go out to those communities to meet with the youths. They once invited me ... to come to the Ayalla Hotel in Yenagoa. I declined because I work with the ERA and I know the consequences of those*

spills. ... Five days later there was an oil spill in this area. So that's what they do, especially the CLOs and the contractors.'

Ambassador Robert Petri told the villagers: *'We will take what is happening here to Abuja, where we just came from, and we will share our experiences and information with both Shell and the government.'*



Ambassador Robert Petri and the Embassy Secretary visit Ikarama (November 30, 2018).

Image: Alagoa Morris

The Embassy Secretary at the Dutch Embassy in Nigeria did respond by email, but refused to discuss whether the information about Shell's involvement had been shared with Shell and the government, and whether any actions have resulted from this inquiry. The Embassy Secretary email: *'All that information we collected, including what we saw and heard during our visit to Ikarama, gives us new encouragement that we'll be able to maintain a sharp dialogue with all of the involved parties, including Shell. We had already done this long before our acknowledged visit; we have also done that since, and the embassy will continue to do so under the leadership of Harry van Dijk.'*

Hilde Brontsema never received an answer to the question: *"What have you done with the information that has been given to you, that Shell-Nigeria workers tell people to go and burst pipes?"* [You can read the full e-mail exchange between the Embassy Secretary and Brontsema here.](#)

An [article in the June 4, 2020 NRC Handelsblad](#) reveals that Ambassador Petri has since been transferred because he used the corporate jet of Nigeria Liquefied Natural Gas, which is jointly owned by Shell. And, at the end of 2017, he warned the head of Shell-Nigeria in advance about a FIOD ([Fiscal Intelligence and Investigation](#)

[Service](#)) visit in connection with a corruption investigation into OPL 245, an oilfield in front of the coast of Nigeria. A whistleblower who worked at the Dutch Embassy in Nigeria, Fidelia Onoghaife, was fired because she exposed the embassy abuses. A Dutch judge has since ruled that this dismissal was related to her whistleblowing and is thus unjustified. Therefore, the question we are faced with is: To what extent does the Dutch Embassy and the Nigerian government focus their interests on the Nigerian people? And how are Shell's interests assessed?

There is no independent complaints system

ERA is aware of numerous cases in which Shell has failed to respond to local residents' letters of complaint. These involve poignant cases:

For example, an Ikarama resident, Mr. P. Roland, personally reported to the gates of Shell about 7 years ago to file a complaint. The complaint concerned the death of his son. His four-year-old son had wanted to venture to the other side of an oil spill to play but fell into the spill. He was rescued, taken to hospital but died a few days later from ingesting too much oil. However, Roland got no further than the gate and was threatened by armed guards and sent away.



Image: Hilde Brontsema

Dominion Ibator, also an Ikarama resident, sent a letter of complaint through a lawyer about several oil spills that had left his land infertile. [Family members](#) had also developed eye and breathing problems caused by the spills. Dominion used to grow enough fruit and vegetables to give away to his neighbors. But today his field cannot even provide sufficient food for his own family. Shell never replied to his letter.

There is currently no independent, transparent complaints system that is always accessible for local residents. Anyway, filing a complaint with Shell pretty much means having to hire a lawyer. Residents, however, often do not have the money to pay a lawyer.



Image: Alagoa Morris.

Whistleblowers risk being fired

Not all of Shell Nigeria's lower-level personnel end up participating in the system of commissioned sabotage and monetary kickbacks. Those who don't participate in this system, but have observed it firsthand, find it difficult to broach the subject, as a whistleblower, for instance. Contact D, a retired Shell employee, who worked as a xxx, explains how someone may be able to observe what's going on, but without proof you don't stand a chance in the world to expose this corrupt system.

Question: 'When you were working as a xxx, you claim that spills were already occurring back then.'

Answer: 'Yes. ... There was no area where this did not occur. They earned a lot of money off of it. Some managers were also involved. ... Managers made money off of it.'

Question: 'How?'

Answer: 'The white guys (at Shell) were unaware. The African guys made money while pretending to be very honest. Whenever a response team urged people to perpetrate sabotage, the operations manager would sign up for the clean-up operation. ... When the (spill) occurs, you call one of your contractors and tell him: "An oil spill has occurred at this or that location and I'm giving it to you." You always have two or three of these types of people. If you keep giving the clean-up jobs to the same contractor, people will begin to say: is Alagoa the only contractor? That means your business activities end up getting exposed. And so, one time you'll use Alagoa and then the next time Akpos and then the following time Joel (pseudonym), but they're all from the same group. To avoid suspicion you keep shuffling the clean-up personnel around.'

Question: 'So the contractor who doesn't go out into the field for the clean-up also receives a cut of the earnings of the subcontractor who actually does the cleaning up?'

Answer: 'Yes.'

Question: 'But the white guys are unaware of all this?'

Answer: 'The white guys are unaware. ... Everyone pretends to be honest. When that happens, we notice it, but there's nothing we can do about it. You cannot accuse your own boss. Do you have proof? If you don't have any evidence, aren't you just asking to be fired? So you shut up and wait your turn.'

(from the interview with contact D)

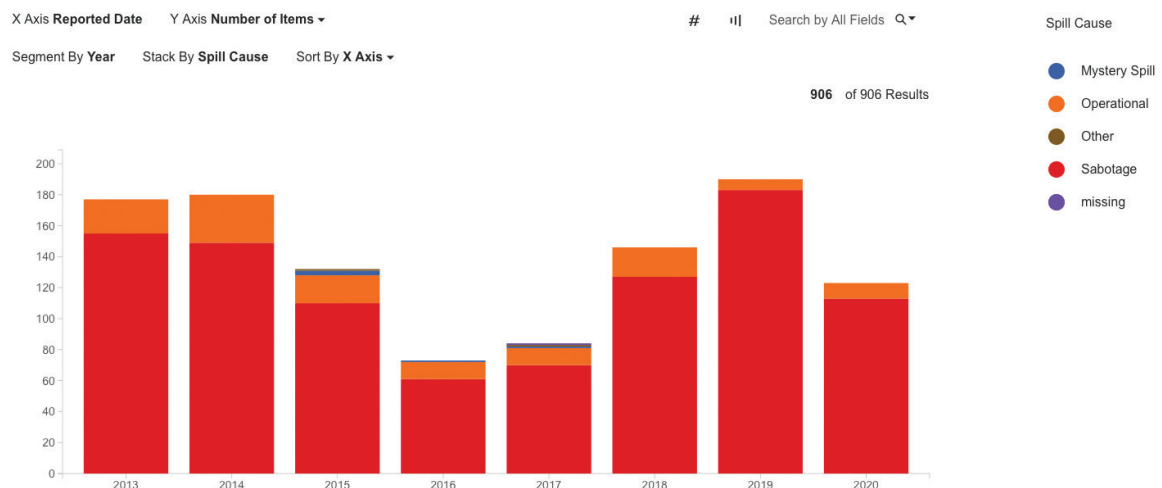
When asked if he would be willing to testify in court, D replied that Shell's pension provisions include a nondisclosure clause that states that anyone who insists on criticising the company or reveals its secrets is no longer eligible to receive a pension.



Image: Alagoa Morris

Shell doesn't do anything to prevent sabotage

[According to Shell's recent figures](#), the number of oil spills caused by sabotage in 2019 was higher than in the previous six years.



Source: Shell

The fact that Shell Nigeria employees are not at all involved in taking precautions is evident from the story told by contact C:

C: 'Shell personnel are participating in the nonsense that is currently happening. ... Its workers are conspiring with some of those guys (Ikarama youth: ed.) because as soon as the (Shell's: ed.) response team arrives, they always call the same guys.' ... When I sat on the board I tried to about three of them. But they begged me not to, so I dropped the case.

Question: 'Shell workers?'

Answer: 'Shell workers.'

Question: 'Do they profit from these kinds of things?'

Answer: 'It's a many-headed monster. It would be very difficult to reduce it to zero. But we take proactive steps and try to arrest and prosecute the perpetrators.'

Question: 'But if you only arrest villagers without ever arresting company people, how can you ever hope to resolve it?'

Answer: 'They (the villagers) will just call/mention/name [unclear?]them (involved Shell personnel) later on.' ... 'They (Shell personnel) know all those boys (village youths

who are causing the spills).'

C then goes on to say that Shell personnel call on these youths to discuss the subcontractor contracts. The interviewer is talking about a sabotage incident in which someone was shot; the resulting pollution was never cleaned up and thus continues to seep into the lake and the marshes.

C: 'As soon as a spill occurs, they (Shell personnel) are informed. They (Shell personnel) call the (village) boys. ... When I was in the CDB I discovered that and I fought them on this. It (third party spills) greatly decreased after I got involved with them. That's why many people hate me, because I prosecuted them.'

(from the interview with contact C)

Crude oil theft, sabotage and corruption are simply beyond the reach and responsibility of Shell

A multinational like Shell is expected to take measures to prevent sabotage. But, according to the aforementioned 2013 [Shell press release](#), Shell thinks differently about all this:

'There are issues and problems that, despite being us held accountable, cannot be resolved by Shell. Crude oil theft, sabotage and corruption are simply beyond Shell's reach [capacities?] and responsibility. ... In order to prevent theft, and all of the associated negative consequences concerning the country's development, a joint approach by all of the involved parties, including national and international governments, and NGOs is necessary.

The same press release states:

'What we are seeing is an environmental catastrophe caused by fuel thief-saboteurs who have no regard for the consequences that their actions have on the current population and future generations.'

From the above it becomes obvious that Shell is closing its eyes to its own oil polluting role in Nigeria. Shell shifts the blame for this situation onto fuel thieves, saboteurs and rebels.

But what is Shell doing to prevent sabotage?

Earlier in this report, it is stated that Shell spends more money on cleaning contracts than on protecting its pipelines. Shell has known for years that sabotage is a major problem in the Niger Delta. Yet within SPDC hardly any money is spent on surveillance. Shell Nigeria also hardly invests in techniques that ensure that, if a leak occurs, the pipeline automatically closes, and that more oil is prevented from flowing into the country.

Shell did hire young people from Ikarama for a while. They were tasked with guarding the pipelines. According to Washington Odoiyibo (one-time chief security officer of Ikarama, things improved then and there were no more sabotages in Ikarama during that period. But after about six months, the youths were fired and the sabotage began anew.



Image: George Osodi.

Shell knows that the system of clean-up contracts can lead to problems. This is evident from comments in one of [Shell's own publications](#) in which Shell points out that SPDC employees sometimes are unable to get to a spill site because they are blocked by '*individuals or local groups or armed gangs.*' The publication goes on to say that this may be due to the clean-up contracts, among other things. The contract results in considerable delays in the investigation, clean-up and remediation operations.

So Shell is aware that, among other things, outsourcing the clean-up operations can lead to a situation that is not conducive to a prompt and sustainable clean-up operation that properly addresses the spills.



Image: George Osodi.

Shell's clean-up operations fall short

[Recent research](#) in Ogoniland (2020) reveals that there is little to no supervision of how subcontractors actually clean up and remediate the contaminated sites and that clean-up deadlines are never met.

According to the Nigerian newspaper, [The Premium Times](#) Shell actually hired companies to perform remediation, that were registered as companies specialising in palm oil production, poultry farming, car sales, textile trade and fashion. The newspaper examined a total of 16 companies, of which 11 were found to have no registered expertise in oil pollution or related areas whatsoever.

The problems surrounding the clean-ups are therefore not only an issue in Ikarama, but are endemic to the entire Niger Delta.

Profiting from pollution has been around for some time

The fact that Shell Nigeria personnel are involved in the pollution operations and attempts to use residents to engage in illegal activities has already been shown, as a field visit report by ERA on March 3, 2011 reveals. This included a visit to JK4, [view the report here](#), a settlement roughly 30 kilometers northeast of Yenagoa, the location of a Shell pumping station and where Shell currently extracts oil from more than 40 oil wells. JK4, also known as Edagberi, has seen numerous spills. Several have been set on fire, which has only further exacerbated the damage to the environment – medicinal plants, profitable trees such as the raffia palm and aquatic life have all been devastated. Shell has thus far failed to clean up the oil and remediate this site.

According to Edagberi's chief, Waks Ekwems, Shell personnel revealed that they wanted to profit from this situation. He told ERA researchers: *'The brains behind these oil spills are Shell's CLOs. We have heard that a CLO from Shell's Kolo Creek Logistic based in Imiringi attempted to hire locals to set the sites on fire. Not long after the spills, the sites did catch fire, causing even more damage to the environment. Instead of cleaning up and remediating, Shell decided to set fire to the affected areas ... to increase the damage and thus ensure greater compensation and also ensuring that the CLO would receive a larger share of the compensation that was paid out.'*

Residents are not entitled to compensation

In recent years, Ikarama has turned into a place where crude oil can always be found on the ground surface. This is partly due to the assistance of corrupt Shell employees and subcontractors. As a result, the residents become ill from the oil fumes and are literally left to eat and drink oil. Agriculture and fishing barely yield anything any more, so that residents are no longer able to provide for their own livelihood. When pollution by sabotage operations occur, residents never receive any compensation

for the damage caused. This means that residents end up trapped in a cycle of pollution and poverty.



Image: George Osodi.

Shell is passing on its responsibilities

In Nigeria, Shell pays for the clean-up of oil spills, but does not accept any other responsibility for the clean-up operations despite the fact that it is obligated to do so.

- Shell does not have its own clean-up department, even though it knows that clean-ups are not done properly. This report reveals just that: there is no doubt that Shell Nigeria employees are aware that the current method of arranging clean-up contracts leads to corruption.
- Shell is not doing enough to address the issue of pipeline corrosion and does too little to prevent pipeline sabotage including, for example, ensuring that they are adequately monitored.
- Shell hires clean-up companies that are unqualified to remediate oil spills.
- Shell offers little by way of quality control and supervision of the cleaning process.

Shell Nigeria was notified in a letter sent by local residents in June 2018 that its employees were actively involved in the pipeline sabotage operations. In 2015, a complaint was also filed against a Shell employee who had collaborated with residents to cause leaks.

And yet nothing is ever done to put a stop to all this. Meanwhile, Shell continues to blame it all on pipeline sabotage, in the media. They also continue to pass along responsibility for the prevention of oil spills onto others. Because, Shell says in interviews mentioned before, if saboteurs are causing the spills, Shell believes it's the Nigerian government's responsibility to resolve this issue. And when clean-ups

are not performed properly, it's not Shell's fault, but rather some clean-up company that had been recruited. It seems that Shell still doesn't realize that the prevention and clean-up of oil spills is part of the entire oil drilling process and thus the prevention of sabotage must be seen as an essential part of Shell's business operations.

Phasing out

After nearly 70 years of Shell's presence in Nigeria, there is only one conclusion: Shell is incapable of operating in a socially responsible manner in Nigeria. The consequences of Shell's presence in Nigeria has disastrous consequences for both people and nature.

A second reason why Shell needs to decrease its oil production in Nigeria is energy transition. If we want to keep global warming under 1.5° C, Shell must reduce CO₂ by 45 percent by 2030. This can only be achieved if Shell reduces its oil and gas production and discontinues investing in oil exploration.

Nigeria remains too dependent on fossil fuel revenues as a result of its investments in companies like Shell. This leaves Nigeria vulnerable. A country like Nigeria is also entitled to a timely and fair transition to renewable energy. Nigeria efforts are undermined in this respect due to the unceasing investments of companies like Shell in fossil fuel sources. This will have disastrous economic and social consequences.

We understand that if Shell reduces its oil production in Nigeria, it will be a major blow to Nigeria's economy. A lot of money is made from oil and it provides the country with many legal and illegal jobs. We therefore call upon the Nigerian government to prepare for a possible exit strategy. We need to transition to a world where we are less dependent on oil and gas for our energy. It is thus essential that the Nigerian government makes a timely transition to sustainable energy sources.

The Paris Climate Agreement has made it clear that oil and gas must remain in the ground as much as possible if we want to keep global warming under 1.5° C. Oil companies worldwide will therefore have to stop their fossil fuel exploration operations and begin to phase out fossil fuel production. Shell is no exception.

It seems obvious to us, given the widespread violation of human rights in Nigeria and the disastrous impact that Shell's presence has on nature, that Shell should begin winding down its fossil fuel operations in Nigeria. But not without a proper plan in place to save Nigeria from financial disaster.

We make the following recommendations:

- All Ikarama's residents affected by Shell's oil spills must be compensated.
- The oil pollution in Ikarama must be cleaned up properly, including the soil underneath.
- Shell must ensure a transparent clean-up process. There must be a clear overview of the money flows, how the contaminated areas are cleaned up and which areas still need to be cleaned up, plus a final report upon completion.
- The residents of Ikarama must be given access to clean drinking water.

- Shell must prevent future leaks through improved monitoring of Ikarama's oil pipelines.
- Shell must begin the process of structural dismantling of its pipelines in order to prevent further pollution.
- Shell must put a stop to its employees ordering oil spills. Possibly by acquiring the cleaning expertise itself.
- Shell must facilitate the establishment of an independent complaints body where members of the community can anonymously and securely report Shell employees' complicity in the perpetration of oil spills. This must lead to an independent complaints committee, including reporting offenders to the police.
- Shell must be more transparent about the financing, implementation and controls of clean-up operations, and how more oil pollution can be prevented internally.
- Shell must communicate publicly about the strategy it is pursuing to deal with the spills via its own internal involvement.
- The annual number of incidents must be published in public online reports that should indicate what sanctions have been taken against involved employees.



Image: George Osodi.

Appeal to the Dutch government

Previous research and now this study, show that the [Dutch Embassy in Nigeria](#), have close ties with Shell. The question is to what extent the interests of the Niger Delta's inhabitants are central – as opposed to those of Shell. From this study, but also many earlier reports published covering Shell's role in Nigeria, we can conclude that Shell is incapable of conducting itself according to corporate social responsibility guidelines in Nigeria.

- The priority of the Dutch government should not lie with Shell and its interests, but with the prevention and clean-up of oil spills in the Niger Delta.
- The Dutch government must also endorse legislation at the EU level that will force companies like Shell to act responsibly and ensure that companies like Shell will be held liable for the damage they cause.
- The Dutch government must legally mandate that companies like Shell apply due diligence measures in the area of human rights.
- The Dutch government must initiate and support EU legislation proposals concerning corporate accountability. It must also become involved in and support a strong UN convention that provides victims with access to justice. It must also include tools to hold companies accountable for their negative impact.

Appendix 1: Letter from the Ikarama Youth Council

IKARAMA YOUTH COUNCIL

Office Of The President

Motto: Peace & Justice

Tel: 08032069807

Comr. Warder Neberi Benjamin
President

**Ikarama Community,
Okordia Kingdom,
Yenagoa,
Bayelsa State.**

6th June, 2018

The Community Interface Coordinator,
Shell Petroleum Development Company of Nigeria,
Shell Industrial Area,
Port-Harcourt,
Rivers State Nigeria.

Sir,

OUR FINDINGS, RESOLUTION AND RECOMMENDATIONS ON THE WAY FORWARD TOWARDS ENSURING LASTING PEACE AND SAFETY OF SPDC FACILITIES WITHIN IKARAMA COMMUNITY

Owing to the recent cases of vandalism of SPDC Pipelines in Ikarama Community and considering the aftermath effect of same on our environment and livelihood as farmers. The youth council went into serious consultation and brainstorming with specific regards to ascertaining the root causes of these spills and probable solutions to ensure that it is totally put to a stop.

Please find below some of our findings as root causes to oil spills in Ikarama Community:

1. Absolute neglect of the youths by I. O. C's operating in Ikarama Community: during our two weeks brain-storming and consultation, even though it is evidently clear and visible to all, we were made to understand that one among the root causes of these oil spills is as a result of the total neglect of Ikarama Youths by SPDC in terms of employment, empowerment and human capacity in general. It is worthy of note that over your more than three decades operation in our land, no single son or daughter of Ikarama is employed by Shell or her affiliate Companies.
2. Secondly, we also realized that in some cases it is more of a contributory negligence and abuse of official trust by some of your workers in the oil spill response department and clean up contractors. We understand, that there seems to be a working relationship and conspiracy between your workers and some youths who tend to see it as a lucrative business, not minding its detriment on our environment. We deduce this from the fact that in some cases your workers from the aforementioned department are also the ones linking perceived vandal suspects to contractors directly or indirectly who later end up being subcontractors. And this have gone a long way in encouraging more persons into this illicit and deadly act of pipeline vandalism.

3. Thirdly, your Company have made Oil Spill Cleanups more lucrative and attractive, you value giving out so much to clean up contractors than even the surveillance guards and contractors out there. Your company prefer spending monies on repairs, clean ups and remediation. But when the youths perhaps appeal for empowerment, employment, capacity training and development you complain of having no funds and in most cases refer us to the GMoU. While the millions spent on repair, clean up and remediation is far much greater than what is required to engage the youths in manning the pipelines monthly as it was done in time past by your firm.

These above and many more are our findings as some of the root causes of oil spills in Ikarama Community.

OUR RECOMMENDATIONS:

1. Employment of our youths into your workforce as staff and contract staff as the case may be. This is also inclusive of your affiliate companies (Major Contractors e.g. plantgeria, Baywood etc.) who come to execute your contracts in our community.
2. Engage the youths via **Special Surveillance** contract which will be championed by the youth council to ensure the security of the pipelines/manifold and further prosecution of any youth who venture to deviate from the accord. By this, youths cutting across all ten families in the community will be engaged to be on the pipelines day and night solely to see that Ikarama is spill free. This, if looked into will cost your company less than the Millions of naira spent on repair, clean ups and remediation.
3. Champion the inclusion of giving percentage for youth training and development in the GMoU even as some of the problems posed ^{are as a result of} idleness, lack of exposure and training.
4. Finally, we also recommend, that your company invite the Ikarama Youth Council for a meeting as to buttress more on the findings, resolutions and recommendations, even as our environment is getting destroyed on daily basis.

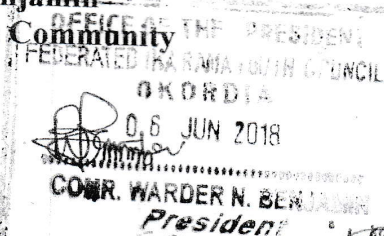
We want to reassure you of our readiness to synergize with your company to ensure that Ikarama is third party spill free.

We wait in anticipation of your prompt response and due consideration of the recommendations made herein.

Yours sincerely,

Comr. Warder Neberi Benjamin
Youth President Ikarama Community
08032069807

Magellan Solomon
Secretary Youth Council



Freeborn Honiboye
Luis Ebi Gbaka

(Vice President)
(Izewari Family)

Ibator Doutimye

Oguwari Family)

06/06/2018
06/06/2018
M. L. L. L.

Aphius Amakiri	(Okuwari Family)	<u>PA. 06-06-18</u>
Mr. Innocent Okah	(Akpete Family)	<u>Amaka 06-06-18</u>
Austin Yerizima	(Akolowari Family)	<u>Amaka 06-06-18</u>
Confidence Festus	(Asaiwari Family)	<u>Amaka 06-06-18</u>
Miss. Cordelia Simeon		<u>Amaka 06-06-18</u>

Cc:

General Manager,
Shell Petroleum Development Company of Nigeria.

Security Manager,
Shell Petroleum Development Company of Nigeria,
Port-Harcourt,
Rivers State.

Manager,
Pipeline Right of way,
Shell Petroleum Development Company of Nigeria,
Port-Harcourt,
Rivers State.

Stakeholders Alliance for Co-operate accountability (SACA)
Yenagoa Bayelsa State.

Chairman,
Okordia-Zarama Cluster Development Board.

Environmental Rights Action of Nigeria,
ERA/FoN.

Appendix 2: Police report

Edegberi/ Better Land Community
Joinkrama No4
Rivers State,
14th July, 2015.

The Divisional Police Officer,
Nigeria Police,
Akinima.

Sir,

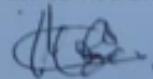
THE CAUSE OF OIL SPILLAGE IN ADIBAWA

I wish to inform you about the recent cause of oil spillage in Adibawe oil field well numbers 8 and 9 been Shell Location along Biseni Road which occurred on the 11th and 12th July 2015.

For your information, it was sabotage master-minded by one Mr. [REDACTED] a Shell Community Relation Officer (C.R.O) attached to Kolo Creek Station in Bayelsa State. He connived with some miscreants in Edagberi/Better Land Community and also supplied them materials to remove the valve head. His interest is that after inspection of the damage, the shell company will invite him to contact a contractor who cleans up the pollution. He will at this stage gang up with the contractor to make his money.

I want the police to arrest and investigate [REDACTED] and if found guilty be jailed to serve as deterrent to others. He claims to have a surveillance team protecting the pipe lines but was the team not on duty when saboteurs vandalized the entire system?

Yours faithfully,
Concerned Citizen



Cc. I.G Nigeria Police.
Cc. S.S.S Akinima.
Cc. C.P.S Rivers State.
Cc. Minister of Pet. Resources.
Cc. Area Command Police Headquarter Ahoada Rivers State.
Cc. S.P.D.C. P.O Box. 263 PH Rivers State.

Edagberi/Betterland Community
Joinkrama No 4
Rivers state
16th August, 2016.

The Divisional Police Officer,
Nigeria Police,
Akinima.

Sir,

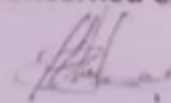
LETTER OF REMINDER

I humbly write to remind you about a case I reported against one Mr. [REDACTED] a shell Community relation Officer (CRO), attached to Kolo Creek Station in Bayelsa State on the 14th July, 2015. The DCO Akinima Police Station told me after few days that [REDACTED] has been arrested, and taken on bail, one week later; he told me again that [REDACTED] has been transferred. Before my complain, I am not happy over the whole situation. Chief Goodlife Bonny a member of Edagberi/Betterland Council of Chiefs was present when [REDACTED] saying that the spillage was sabotage.

I have also complained to the Royal Majesty, King Dr. C.O.D Agida, yet the Government is not doing anything. Attach is the former complain.

Cc: IG Nigerian Police
Cc: SSS Akinima
Cc: C.P.S Rivers State
Cc: Minister of Petroleum Resources
Cc: Area Commander, Police Headquarter Ahoada Rivers State
Cc: S.P.D.C P.O.BOX 263 PH. Rivers State
Cc: The Okilomuopiri III Joinkrama Kingdom
Cc: Forces Avenue Headquarter, Abuja

Yours faithfully,
Concerned Citizen.



Appendix 3: Report of the ambassador's visit

ENVIRONMENTAL RIGHTS ACTION (ERA) / FRIENDS OF THE EARTH NIGERIA (FoEN)

214 Uselu - Lagos Road, P.O.Box 10577, Benin city, Nigeria.

Tel/Fax +234 52 880619 e-mail:eraction@eraction.org website: www.erafoen.org Green Lines:2348031230088, 2348031230089

Field Report:

Title: Dutch Ambassador's Visit with ERA and FRCN to Kalaba and Ikarama.

Highlight: [1]Community folks alleged Shell Staff/Contractors instigate third party oil spills

[2] Community folks complain of neglect, lack of basic amenities like health facilities and portable water.

Date of visit: 30th November, 2018 [Friday]

Report by: Akpotu Monday Ziworitin and Alagoa Morris.

INTRODUCTION:

When the Bayelsa State Correspondent of Federal Radio Corporation of Nigeria [FRCN], **Alambo Fred Datonye** reached out on Thursday, 29th November, 2018 to ERA/FoEN Yenagoa office with the information that the Dutch Ambassador, Robert Petri would be in Yenagoa the next day and he would be at ERA/FoEN office with a view to visiting some communities impacted by oil industry induced pollution; the information was received as a positive development. Even though confirmation was received relatively late at night, ERA promptly reached out to the Paramount Rulers of Kalaba and Ikarama; hinting them of the proposed visit.

At about 11:00AM, the Dutch Ambassador and the Embassy Secretary [Second Secretary at the Embassy of the Netherlands] were led to ERA/FoEN office by Alambo F.Datonye. After a brief discussion about their mission and what ERA/FoEN does with a few questions and

answers; ERA/FoEN led the team to Okordia clan in Yenagoa local government area; which Kalaba and Ikarama communities belong. Brief Town Hall meetings were held at both communities and the community folks had the opportunity to retell their tales of denial and environmental pollution. Due to time and distance issues, the visitors were led to only a major oil spill impacted site within living environment in Ikarama community.

Below are testimonies from the interactions at the Town Hall meetings at both communities.

Kalaba Community [TESTIMONIES during Town hall meeting]

Chief Francis Kolibo: In his brief welcome address, the Paramount ruler of Kalaba said, “ This is the first time we are receiving somebody like you in this community. We have lots of problems, for instance; oil spills. Recently an oil spill occurred at Ikarama, on the 12th of June, 2018 and, during this years flood; the flood transferred the crude oil to our environment. We promptly wrote to the Ministry of Environment. But up till this minute they have not come to see what has happened [he showed a copy of the letter to the Ambassador who read and passed on to the Embassy Secretary too]. If you would be able to cross over [the Taylor Creek] to see the impacted areas you would see that most cassava farms in the area have been covered by crude oil. Crops harvested from the impacted environment get rotten. When we catch fish from the impacted swamp and eat, we perceive crude oil from the belly of the fish. That is the problem. Shell has not provided water for us. If you take a look at the water flowing in the Taylor Creek, the water is undrinkable. But there is nothing we can do; we just drink from it as there is no alternative source. So, those are some of our problems”.

Samuel Oburo [Chairman, Community Development Committee] ...” We are all farmers and fisher folks predominantly. I was in my farm farming when I was informed of your arrival. Since we started experiencing crude oil in our environment, we found it difficult to get good yield from the soil. Most of our local fish ponds which we often harvest to get little cash to take care of the education of our children, they are damaged by crude oil. Nigerian Agip Oil Company [NAOC] came to our environment when I was three years old. Our environment has had several oil spill incidents but Agip is yet to remediate even one of those impacted sites. Even if remediation is done, we believe the land cannot be as it originally was. Our environment has lost fecundity. Without environment none of us can live. We don’t have good drinking water. These spills have in one way or the other affected our only source of drinking. If you should drink from the creek [as we do], I don’t think you would be able to return home in good health. But we survive from drinking that same water. Like my paramount ruler just said, a spill which happened in a neighbouring community spread to our environment recently. We have been experiencing strange ailments. For example, someone would give birth to a child with one eye. In those days we never experienced children born deformed right from the womb. Skin problems like rashes are rampant. These could be traced to environmental pollution. And the oil companies are not responding positively to our plight. As a community, we are hosting Agip and Shell. But we don’t have good drinking water; you would be surprised. Shell came to this environment before I was born. But since they have been operating in this environment, the relationship with our community has not been cordial. And it is really affecting our development because; if I say what you are doing is wrong; before you would know they will bring military men to come and intimidate the people and walk away since you cannot fight them. It is unfortunate that the recently impacted site is across the Creek, I would have loved that you go and see things yourself. We have written to the relevant agencies of Government, including National Oil Spill Detection and Response Agency [NOSDRA] and Department of Petroleum Resources [DPR] but up till now nothing has been done. And we are suffering. I want to thank you for coming and, at least I believe your visit would make a change as regards our situation, concerning relationship and provision of social amenities by the multinational corporations operating in this environment.”

Ambassador’s first remarks: “ Distinguished representatives of this community. It’s a honour and a pleasure to be received today in this community. So, I would like to pay my respect to you, paramount ruler of this community. I am very happy that we can have exchange of views here. I have come here, as already been said; to see with my own eyes the situation in this community. So I hope we can exchange information and viewpoints on an informal basis so that I can be properly informed as I go back to Abuja. So, I’m all ears and eyes and to hear from you. I have already heard something but would like to hear more maybe from a lady also; I think it is also important. Maybe you can give your personal experiences. Let’s take it from there”.

The women leader reacted thus: **Mrs. Gold Ogbolosingha** is my name and I am the women leader of this community. When I grew up from childhood; I saw our people as farmers and fisher folks. This was the case with all communities along the Taylor Creek. And food wasn't any problem to us. But now crude oil has spoiled the whole environment; even the quality of air that we are breathing is no longer good. The water and soil have all been affected and lost productivity. One of our biggest problems now is how to get good drinking water. The only source of drinking water here is the Taylor Creek and it is not far from here. If you can walk down to the creek and see the water you would be left to judge for yourself whether such water is good for human consumption. It is difficult for most of us to go to neighbouring communities to fetch drinking water, so majority of us depends on the water from the Creek here. The water is not good but there is nothing we can do; we keep drinking it. As a result of drinking the polluted water, we have recorded some deaths. So, on behalf of the women folks; I am appealing to you even though I know you don't owe us any responsibility, but as a human being anyhow you think you can turn around our situation; please do it for us. If you can facilitate the process that can get us clean drinking water in this community, the entire community and the almighty God that created me and you would be very happy and we will also appreciate you".

Chief Roman Joe Orukali: " As introduced, I am the immediate past paramount Ruler of this community. I have few comments to make in respect to your visit. There have been several oil spills in this environment. And these spills have not been properly attended to. One of the challenges we have is, when oil spills occur, instead of them to come and cleanup; fire would be set on the spill sites. Most spill impacted sites were set ablaze like that. Even now if you visit some of the sites you will notice the charred environment. In 2012 we had a major oil spill. It was attributed to equipment failure and despite all attempts to get Agip do the needful; up till date the company has not compensated the community; neither has the impacted environment properly attended to. Also, being fisher folks; most of our people who have been fishing in swamps and streams that got so polluted by oil spills have relocated. It is even difficult to relocate because the swamps are almost destroyed. This has made it difficult for parents to take care of the education of children who are interested in going to school because the source of money is no longer available.

Initially Agip was to lay their pipeline through Ikarama land but the people of Ikarama didn't allow them. We welcomed Agip to come and pass their oil/gas pipeline through our land, thinking their coming will be a blessing to us but it is a curse to us. Instead of receiving blessing from them we have received the most dangerous issues in this community. Most people here have been experiencing strange types of illnesses. You see people scratching their bodies; without knowing where such is coming from. We are attributing it to the oil spills that have been occurring in this environment. Now that you have come to our aide; the creator of Heaven and earth has sent you to come and save us from this menace. So, you will help us. As a community, we have mentioned drinking water as a problem. Luckily Agip sponsored 2000 litres capacity water tank which is not functioning. If we don't mention it, when you talk about it in their office they will say they have done it. We were requesting for, at least, 10,000 litres capacity water tank and get water reticulated round the community. But they disagreed, saying they won't reticulate the water but have just one fetching point in the community. Apart from that water project that is not functioning there is no project associated with Agip in this community. So, Sir even our health Centre is not properly equipped, you can assist us. The Agip sponsored water project can be made functional; with increased capacity and reticulation of the water round the community. The spill sites that have not been properly cleaned; please do well that they should come and clean our environment because our environment is life and when our environment is destroyed everything is destroyed. They should also compensate us for all spill incidents recorded as equipment failure. It is our right to claim such. Let it not be that when we rise up one day they would refer to us as violent people. We are peaceful. That is why we are bringing these matters to you. Otherwise we can wake up one day and decide to stop Agip from operating in our land; that they should go away. We can do it; but it is not proper. Dialogue is the best way. And we have been calling them for dialogue; they have been refusing. Now that you have come, I know that all these things would be normalized".

Mrs. Angela Nyekefamo ..." We had no problem with our farming before. Health wise too, things were not the way it is now. Due to the air we breathe we are experiencing pain in the body. There is a sickness now we call "Scratch yanya" [itching in the skin]. We don't know where that sickness came from. The thing is worrying us; even up to two years it would still be worrying victims. Then, before now, when we plant cassava in the farm; three heaps would produce enough for you to carry home. But now; you will harvest a large portion and yet you won't get enough cassava tubers; poor harvest. The fish that are in our fish ponds in the swamps, when you eat it; it is crude oil. You

cannot eat it. So, we are pleading that you should assist us with the kinds of medicine that will make us healthy and strong enough to do work in our bush to feed our people. Then on electricity; we are suffering from lack of electricity. Help us to get light so that we can enjoy our lives together like others who are having light elsewhere”.

Embassy Secretary [at Kalaba]... “ I just want to share my thanks to you for welcoming us to your community. I just wanted to say how touched we are and how impressed we are by your stories. But most importantly, as the former chief said; your willingness to continue dialogue even though you had so many obstacles and you are still willing to be peaceful. Thank you for your attitude, thank you for being willing to keep on talking not only to us but also to the oil companies and to your government. What we can do is that, we bring our experiences back with us in our engagements with your government people and with other stakeholders. We can share what we have seen here and we can share your stories. So, thank you once again; thanks for sharing”.

Ambassador again at Kalaba: “ I would like to thank each and every one of you. Your points are very well taken. So, as my colleague said we would take this information back to Abuja and we will share with the respective stakeholders. It is very useful for us to see with our own eyes the situation here; in this community. You made very clear what the issues are. And again I would like to thank you for that. I wish this community all the best for the future. Thank you very much”.

Ikarama Community [TESTIMONIES during Town hall meeting]:

Chief Harbertson Lamie [Paramount Ruler of Ikarama]: “For me, the number 1 problem in Ikarama is the fact that Shell has totally neglected this community. Shell never takes us as a landlord community. Most times when we have problems we write to Shell for an audience. Shell will never have audience with us. When there is problem and the leaders of the community want to tell them the way out of the problem, Shell would rather ignite the problem. But the most disturbing problem we have is oil spillage in Ikarama community. We have oil spillage problem and this problem is incited by Shell staff. Go and do your investigation, make your research; Shell is mostly the cause of oil spill in Ikarama community. So because the staff, the peripheral staff in particular; they enter the boys in the community [bad boys] to cause those havoc. If you move to most of the places within the community now, we cannot breathe well. Even now the odour is much. Like this house here [pointing], just take a stroll there and you see crude oil everywhere...everywhere. So, Shell staff is the problem. ..

The second problem is, there was a time they [Shell] were paying the Youths in particular; for surveillance. Sometimes when some of the youths get involved in those undesirable acts, to be sincere it is because of idleness. The youths are idle, they are unemployed; don't have anything doing. About seven years ago some of the youths were engaged in surveillance job and they were being paid N10, 000.00 every month. Shell has since stopped that payment and, since that time peace has eluded Ikarama. So, if really we would stop this type of things [oil spills] then Shell should engage them because if they are engaged all this pipe breaking will not be there. When there is pipe break that is when they make their money. They make their money through pipe breaking; Shell make their money through pipe breaking. Shell will teach them how to break pipe, Shell; Shell will teach the youths how to break the pipes. So that, they; Shell too will make money. Those people on top, those big officers will make millions of Naira. So, those are the type of problem we are facing.

The third problem is, you can see our town hall. Although this was built by Agip, not Shell. The dilapidated condition of the hall is not conducive to sit down and discuss anything. We have been begging Shell to assist us renovate this building. We have water that is not treated. We are drinking untreated water, provided by Shell”.

Benjamin Warder [Youth President of Ikarama]: “I want to speak on few things that concern the Youths, as the Youth leader. We have been host to Shell for more than three decades. But, Ambassador, Sir with due respect; it's a pitiable situation for me to mention to you that the Dutch company, Shell has not employed even a cleaner from Ikarama community. Not a single cleaner has been employed in Ikarama community for more than three decades. But we are host community. Most of us you see here [pointing at the audience] are graduates. We have Civil Engineers, Electrical Engineers; we have graduates of all walks of life. But nobody is working with Shell. Why won't the youths be angry? Shell should know that the youths of Ikarama are bitterly angry. We are not

happy. We go out and acquire education and come back. We even go searching for employment elsewhere and we return home without jobs. But we are host community to a multinational oil company like Shell. Recently we heard contract staff are being engaged by Shell and I even asked the Cluster Development Board [CDB] Chairman, that why is it that Ikarama is treated differently? Our farmlands have been degraded by oil spills. We are predominantly farmers but even the farmlands cannot yield crop anymore. So how do the people survive? That is why poverty has been increasing like a circular flow. Poverty is increasing every day. So, Ambassador, Sir I am happy that you are here. One major thing that I would want you to take back to your country and tell Shell; please, tell them that the people of Ikarama; mostly the youths are begging them. They should come to their rescue and employ them. We have graduates, if they want graduates and even the technicians. If they employ some of our people, no Ikarama man would have the guts to go and destroy Shell facility because they know that their brothers are benefiting from Shell. But in this case they look around and, nobody. So they are bitterly angry. I am speaking in the capacity of the Youth leader and I know the pains. We have written series of letter to Shell; sometimes we even copying ERA. But they would abandon us. Just this morning the youths protested against Shell because of non-payment of Casual workers wages [relating to emergy works within the environment; like oil spills recovery or manual excavation]. People who go into the bush and carry jerricans have not been paid for two months. Again, since our environment has been repeatedly polluted by oil spills there is need for medical attention. There is no health facility. If anybody falls sick we have to travel about ten kilometers to Yenagoa to seek medical attention. So, sometimes our people die because there is no health facility. Please Sir, we shall be happy if you can pass this message to Shell and to your country; that this is the problem of Ikarama people and we are seriously seeking for their help”.

Washington Odoyibo: “ The water project we have in this community was sponsored by Shell and initially Shell was taking care of the security and maintenance of the water tank and equipment. Apart from paying for the security, they were also paying money into the community account for diesel to power the plant to pump water. But for over ten years now they have stopped paying in money to enable us take care of that essential service. Somehow, I still believe they are paying out that money to themselves in the name of Ikarama community.

My people have spoken a lot. It is Shell staff, their contract staff; all these contractors you are seeing here [in Ikarama environment], the companies are owned by Shell staff. When oil spills don’t occur for a good period of time in our environment or some other community, they would try to go into those communities and meet some boys. They invited me; there was a time they invited me to Ayalla Hotel in Yenagoa. But I refused because I work closely with ERA and I know the impacts of these spills. When spill occur we know what we pass through. ERA has taught me a lot about the negative impacts so I refused. I said, ‘No I can’t do it’. I came back home. Within five days after, oil spill occurred in this area. So those are the things they are doing, especially the CLOs [Community Liaison Officers] and the contractors [Clamping contractors, spilled oil recovery contractors and cleanup contractors]. It would be nice if Shell should come and take care of servicing the water project”.

Shedrach Tonye [Vice-Chairman, CDC]:...“The area I want to add to all what has been said is the Cluster Development Board [CDB, which is a structure of Global Memorandum of Understanding] issue that Shell introduced to this our area. It is not helping this community in particular as a host community. Shell has a major facility in Ikarama [the Okordia Manifold] of which their attention ought to be close to Ikarama community. But now they are tying us to other communities, a scenario which is denying our community benefits that should have come to us. That is causing a lot of disaffection in the community. For instance, we had a water project in the past. A lot of money was spent on that project but just within few months the project was damaged and that is as a result of the Cluster I am talking about. If Shell is dealing with Ikarama community directly as it was in past years I don’t think such thing would occur. So, on behalf of the community, I am appealing that it should be related to Shell that if they want to deal with Ikarama community they should deal directly with Ikarama so that Ikarama will tell them what they need at a particular time than to tie us to other communities and give us meager amount of money to execute projects that community does not want”.

Chief Mission Lamie: ..“I am from Freetown community, being carved out from Ikarama community and an autonomous community for now. Why I am here is this, I was not invited but I heard your coming here, hence I am here as a Paramount Ruler of Freetown community. And I would like you people to take this information to Shell and elsewhere; that Ikarama community is my host community. Due to the development of Ikarama, they have now gotten Freetown community. For

several years now Shell has not carried Freetown along in any way. They don't even recognize me; if not for the Cluster Development our name is nowhere. We own the land together with Ikarama community. I plead with you to take this message to Shell. One day they might see our comments; they have been seeing but they are not carrying us along".

Ovie Shedrach [a lady].. "We have been suffocating under the spills occurring in our environment. Sometimes, the flood brings the crude oil into our houses; those close to the sites of incident. Generally, we all inhale the crude oil polluted air and this cause so much health problems to us".

John Joel... "Our sister just mentioned some health hazards we are exposed to as regards oil spills in our environment. Ikarama is very far from the township, the state capital. As we inhale the fumes from the crude oil in the environment we know it damage our body system. And there is no functional health facility within the environment. But thank God we have a health facility built [by Agip] within the community; but it is not functioning. So, we want to use the medium, Ambassador; please help us and speak to your company, SPDC. Let them come to our aide and make sure the health centre is working so that we can have easier access to health services and become safe. Our lives are not safe right now because we have to rush out of the community for every health challenge. Sometimes, we see mothers crying shortly after rushing their children out from the community; because they lost their children even before getting to the next junction. So, we are begging; we know that your coming today is not an accident to us, it is the right time. God sent you to come to hear us and we pray that your coming should be a blessing to us. One of the things we need is for that health centre to become functional for Ikarama. There is oil spill everywhere in our environment but there is no health facility to take care of our health. The one built for us is non-functional. Please help us. Whatever way you can use your good offices to influence Shell or government to ensure the functionality of this health centre for us would be highly appreciated.

Chief Geoffery Beli [Deputy Paramount Ruler of Ikarama]... "I pray that your visit will be a blessing to this community. One of the things bugging our minds about Shell is that they have no program that can have sustainable development for this community. You see a lot of youths hanging around, having nothing to do. There is no planned youth program that can boost them to do something reasonably. There are no Scholarship schemes that can enable our students further their education. The women folks too, there is no planned program to assist them; such as soft loans and other programs that will help them progress in life. Just as the Youth president observed, a lot of things are not right. We are expected to have a good rapport with the company. As a host community, no worker in Shell; till tomorrow they have no plan to think about us which the youths are not happy about. And those are the reasons why sometimes, it can bring about nonchalant attitude. So, what we want is, let Shell draw up sustainable development plan for Ikarama. Thereafter, we believe things will work out fine".

The final comments came from the **Ambassador** and the **Embassy Secretary** before the closing prayer was offered and a walk to the nearest spill site within the community environment, the spill which occurred on 12th June, 2018 at Shell's Okordia Manifold situated at Ikarama.

Ambassador:

"Your Highness, I want to thank you very much for receiving us into your community. All the distinguished representatives of this community, it's a honour and a pleasure to be here and to listen to all of you. To hear with our ears what the problems there are. The things you have tabled are well noted. And they are also understood. So what we would do, we would take the situation back to Abuja where we come from and we will share this experience, this information with Shell and with the government. That's what I can say right now. I like to thank you for your openness. I understand your problems and we will see what we can discuss about these problems back in Abuja. I am very happy that you were really saying what you wanted to say. And I have heard you, loud and clear".

Embassy Secretary: "Your Highness and members of the community, thank you for your warm reception and for having the honesty and also sharing your experiences with us. Our role is to listen to you and to get the story straight. Part of our role and our responsibility is to be neutral and to be impartial so that we can hear from everybody who is involved. More than that maybe we can hear from the newspapers, more than that we hear from companies, more than that we can hear from government. At the end of the day the things that happen here affects you and your community. So, I hope that your experiences and stories that you have shared with us are stories that we will bring back with us. We are very touched by our reception here and I do hope that we will continue

to a progressive dialogue going forward”.

At One Of The Spill Sites:

Dominion Ibator..” This young man and Alagoa came here with three persons from the Netherlands not long ago. Immediately they left the flood just visited this place. In fact, you will pity me. I have the photographs. The flood took the crude oil right into my house and it was that crude oil that made me to leave my house. My pity is that we are in a country that is corrupt. If it were to be in your country, the situation would have been different....Please use your own initiative, as long as Shell is from your own country; because most letters written to them they throw it into the dustbin. This is initiated by Shell contractors [referring to cause of spill]. Shell contractors, “go and do that, I am still in office” [instigating the boys]. They kill and divide [sharing proceeds of the crime]. Those things can never help this our society. Till today, the impact is still affecting my system [health wise], if not talk of the children. I have children of 10 years, 13 years, 9 years of age; the grown up ones are not here. Corruption is responsible for the condition of the non-functional health centre in our community. It has taken years when Agip completed the facility. Agip built and equipped it but for more than 10 years after completion, the facility is lying fallow. So, please, my most concern is; the corruption in this country. That is the major, majorly that is killing this our country....”

The paramount [of Ikarama] ruler added his voice at the spill site, after Mr. Dominion Ibator had concluded. He reemphasised the fact that Shell workers are instrumental to some of the oil spills in Ikarama environment, stressing that Shell makes money through oil spillage and that is a reason why Shell has refused to sit with community leaders to find solution to the incessant oil spills in the community environment.

OBSERVATION/CONCLUSION:

Although the notice for the field trip reached the community leaders late, it was interesting to observe that community folks were able to gather and express themselves freely. It was also important to note that, besides telling the community folks reason for the Ambassador's visit right before all who gathered [in both communities]; ERA/FoEN did not make any advocacy statements during this field trip; as it was a day meant for the people of the community to tell their own stories directly. ERA/FoEN only [with the journalists from Radio Nigeria] assisted in managing time while the visit lasted and, captured some of the scene in photo and short video clips.

Those who attended the Town Hall meetings include children less than five years of age, the youth [young men and women] leaders and elders of the communities. It was obvious that the visitors [the Ambassador and the Embassy Secretary] genuinely wanted to listen to the community folks, see their environment and have a first-hand experience. Interestingly, the weather was clement and there was enough to hear and see; if not time constraint.

The crude oil impacted environment was within living areas and not far from the source of spill, the Okordia Manifold. Sadly, even though the spill incident occurred since 12th June, 2018; as at the time of visit, 30th November, 2018 crude oil was still very much in the environment; exposed to the elements of the weather [including Sun and rain]. There were signs that some level of recovery of spilled crude oil has commenced, as there were several Jerricans and Geepee tanks soiled with crude oil. Heaps of dead grasses soaked in crude oil were also observed within the vicinity, including a canoe containing crude oil. The two swamps within the environment were visibly impacted by crude oil. The boom seen in the environment is practically of no use; as it does not show any positive effect. Unless something else happened, it clearly showed the volume of spilled crude oil was more than the boom could contain; or the boom was brought late to site.

From ERA's records, these two impacted swamps were cleaned and remediated, as a result of previous spills in 2014.

ERA/FoEN DEMAND:

[1] Shell should expedite action in recovery and follow up with cleanup and remediation of the impacted environment. The company should also take the allegations made by community leaders seriously, especially the claim that Shell staff/contractors are sponsoring oil spillage

in our communities. Staff and contractors found culpable should be handed over to security agencies for prosecution.

[2] The regulatory agencies and security agencies should take the issues of timely cleanup of impacted sites and proper investigation to identify those involved in third party spill incidents and take necessary legal actions.

[3] Other stakeholders, including Rights groups and the media should play roles expected and in accordance with their mandate or mission statements. Community folks should continue to assist researchers and other stakeholders in finding solution to third party related spills.

[4] The Bayelsa State Government should do something to bridge the needs gap of the communities, in terms of basic amenities; even as expressed by the people in this report. The provision of these social amenities should be the responsibility of government; state and local. The shirking of this responsibility by government is contributing to tension between oil companies and host communities

communities, in terms of basic amenities; even as expressed by the people in this report. The provision of these social amenities should be the responsibility of government; state and local. The shirking of this responsibility by government is contributing to tension between oil companies and host communities

Appendix 4: Field report Alagoa Morris

ENVIRONMENTAL RIGHTS ACTION/FRIENDS OF THE EARTH NIGERIA [ERA/FoEN]

Field report by: Alagoa Morris and Becky Igbori

Title: Shell yet to effect clean-up at oil spill/fire impacted sites at JK4 [Edagberi Community]

Location: JK4 [Edagberi community]

GPS Coordinates of two sites: Elev: 9 m, N: 05°11.333', E: 006°29.811' [1st site] and
Elev: 8 m, N: 05°11.622', E: 006°29.672' [2nd site]

Access: Location can be easily accessed by car.

Occupation: Fishing and farming.

Date of Visit: 3rd March, 2011.

INTRODUCTION:

JK4, otherwise known as **EDAGBERI COMMUNITY** is one of the four Engene communities called Joinkrama, situated in Ahoada West local government area of Rivers State. It is the 4th of the Joinkrama settlements, hence the name JK4 that has become very popular. This community which is settled on the West bank of Taylor Creek is host to Shell's Adibawa Flowstation, pipelines and over 40 oil wells operated by Shell Petroleum Development Company. JK4 has experienced series of oil spills, Over 90 percent of which are attributed to equipment failure; rusty pipes. But, even though community folks confirmed that Shell paid compensation for the spill incidents in their environment, the issue of clean-up and remediation are still lingering. Lately, apart from Shell replacing some old, rusty pipes along the Adibawa Okordia delivery line, some spill sites were set ablaze; an action which some community folks see as Shell's wrong attempt at cleaning the impacted environment. And, consequently, the fire has rather added to the degradation of the environment; destroying medicinal shrubs, animals such as snails, economic trees [raffia palm] and aquatic lives.

Although ERA has reported the above incidents [of spills, fire and replacement of old, rusty pipes], ERA's attention was drawn recently by community leaders to the fact that the spill sites are yet to be cleaned since the spill and fire incidents. The Chairman of the Community's Caretaker Committee also confirmed this on phone, that, though compensation has been paid, clean-up and remediation were pending. In the light of the above, ERA's field monitors, **Alagoa Morris** and **Becky Igbori** visited two of the impacted sites on the above date for on the spot assessment and update. Although an indigene surfaced to claim that he has been awarded the Contract to clean/remediate one of the sites, it was apparent that the sites still remain lifeless and wasting away. This report is just about the above, with few testimonies below.

TESTIMONIES:

Solomon Titus... I am an indigene of this community, JK4 [Edagberi]. I am really interested in seeing that Shell does the right thing that is why when I was informed that a group like ERA was here I decided to come and also lead you to these sites that have been burnt and remained so up till now. Even though the spills occurred in 2008, Shell has not mobilized to clean-up the impacted sites and, this is not good for us and the environment. We expected Shell to have done the clean-up and

follow up with remediation since, but that has not happened. With groups like yours, it is hoped that Shell will be compelled to come and do the proper thing. There is no doubt that compensation has been paid because the spills here have always been due to old, rusty pipes and, Shell knows this fact very well. We want Shell to come and clean-up the impacted sites. We are also not unaware that it was Shell that instigated the setting of the sites on fire; otherwise how come that these two sites that are far apart will all be gutted by fire within the same period....?

Chief Waks Ekwems:

I am Chief Waks Ekwems, 45 years old and father of 7 children. About this issue of oil spill in our environment, I don't think you are a complete novice to happenings here. We may only need to update you on the current situation. In fact, the burning of those oil spill sites was masterminded by Shell's Community Liaison Officer [CLO]. We actually heard information, quote me anywhere, that a particular CLO at Shell's Kolo Creek Logistic Based at Imiringi was trying to hire some persons in the community to set the sites ablaze. And, not long after that the spill impacted sites caught fire; causing much more damage to the environment. Instead of carrying out recovery of the spilt crude oil and following up with clean-up and remediation, Shell decided to burn off the impacted environment not only as a way of hiding the spilt crude in the environment, but to ensure greater extent of the damaged area so that the compensation will be higher and the CLO will get their own share whatever is paid as compensation. Yes, almost all the oil spills in our environment are caused by equipment failure and, compensation is paid. But, this is very sad because, even without burning the sites, we know that the crude oil usually spread over a large area. But, no matter the game they are playing, it will come to light and end one day. We want Shell to come and carry out clean-up and remediation at the impacted environment.....

A Frightening twist of event: Odogu Obiora appeared and threatened ERA field monitors.

There was a frightening twist when another indigene appeared at the second impacted site, just as ERA's field monitors were walking back towards the main road. He stopped ERA's guides and Becky Igbori, as they were well ahead in front. He demanded to know why ERA's field monitors were taking pictures at the first site, because news got to him in the community. He went on to say Shell has awarded him the contract to remediate that site and he had already started work. He claimed that whatever happened in the environment as a result of spill the community has been dialoguing with Shell and both parties have always understood each other, stressing that Shell was doing well. **Odogu Obiora** threatened to seize and break the camera of ERA's field monitors, especially as he was annoyed that his name was mentioned in a previous ERA report as one of the youths in the community used by some Shell staff/contractors to burst the pipelines [in the few cases attributed to sabotage]. Somehow, both ERA's guides who are his fellow indigenes and ERA's field monitors succeeded in calming **Odogu Obiora** to have a change of heart. He was later won over as a friend.

OBSERVATION/CONCLUSION:

Parts of the oil spill impacted sites that were set ablaze could be seen right from the main road linking Biseni. Yet, ERA's field monitors went into the impacted sites to actually see things for themselves. It was observed that a negligible portion of the soil at the 1st site appeared to have been turned upside down. May be this is what **Odogu Obiora** claimed he was doing as part of the contract awarded to him by Shell. Apart from that, there were no other signs of any working going on or done to show as clean-up or remediation, nobody was even seen at any of the sites; just the lifeless remains of tree, shrubs and stunted grasses in the environment.

It was not too difficult to understand the reaction of **Odogu Obiora**. The fact that he has this contract from Shell, as he claimed and, was dogged in his defense of the company speaks volumes about his alleged relationship with some Shell staff, more so as he has no expertise in clean-up jobs or remediation. He might just be fronting for some Shell staff, his allies in crime.

ERA DEMANDS:

1 In recent times, burning of oil spill sites has been adopted by oil companies in the Niger Delta which has added to further degradation of the environment. This unacceptable development should be investigated by the authorities.

2 Because there is ample reason to believe that the so-called clean-ups by oil companies are either given to people who has no capacity to clean-up and remediate impacted environment, some of who are oil company staff fronts, and that no real clean-ups are done there should be environmental audit in such places to determine the effect of work purported to have been done.

3 The State and Federal Ministries of Environment and other relevant stakeholders should follow up after JIVs to see if recommendations have been adhered to, especially in terms of compensation, clean-up and remediation of oil spill impacted sites. Clean-up and remediation of oil spill impacted sites are too important to be left in the hands of unqualified persons, whether community folks or strangers.

Appendix 5: Email Exchange

From: Hilde Brontsema
To: Embassy Secretary
Subject: Ikarama visit

Hi Embassy Secretary,

My name is Hilde Brontsema and I work for Milieudefensie. On, among other things, a lawsuit against Shell in Nigeria. I am currently working on a report on oil spills in Ikarama.

I received a report from my colleagues at ERA (Alagoa Morris) of a visit to Ikarama by Robert Petri and you. The residents of Ikarama were complaining at the time about misconduct by Shell employees. Petri said at the time that he would take this up. I would like to know what happened to their complaints.

Did you know that?

Kind regards, Hilde Brontsema

From: Embassy Secretary
To: Hilde Brontsema
Subject: Ikarama visit

Dear Mrs. Brontsema,

Robert Petri and I visited the Niger Delta from 26 to 30 November 2018. During this visit to Rivers and Bayelsa state, a visit to Ikarama was also facilitated by Alagoa Morris and his colleagues from Friends of the Earth Nigeria / Environmental Rights Action. Here, among other things, we had discussions with some of the residents about the impact of the petroleum industry on the area. Following the visit to Ikarama and the discussions with residents, the Embassy funded a renewable energy project that was implemented by Friends of the Earth Nigeria / Environmental Rights Action. This activity is still ongoing and addresses the needs as identified by Friends of the Earth Nigeria / Environmental Rights Action and the community: power supplied by solar energy, which can also provide clean drinking water.

The Embassy and Consulate General maintains regular contact with the Shell Petroleum Development Corporation (SPDC) in Nigeria and the residents and / or their representatives in the communities where SPDC operates. In these conversations, various issues are discussed, including corporate social responsibility, human rights, and oil pollution and clean-ups. The post follows developments in the Niger Delta closely and maintains an active dialogue with stakeholders such as civil society, the authorities, and the private sector.

I hope to have sufficiently informed you. Sincerely,

Kind regards, Embassy Secretary

From: Hilde Brontsema
To: Embassy Secretary
Subject: Ikarama visit

Hi Embassy Secretary,

Thanks for this. During the visit to Ikarama, the role of Shell employees in causing leaks was discussed. Has any feedback on this been sent to Shell or the Dutch government?

From: Embassy Secretary
To: Hilde Brontsema
Subject: Ikarama visit

Dear Hilde,

During the visit, we saw how on the spot disastrous the situation is for people and nature. When you stand there and talk to the residents, it turns your stomach. So, it was very good and useful to have gone there. At the same time, we regret to say that most of what we saw and heard was not new, but a confirmation of our general picture of the situation on the ground. This does not detract from the fact that these kinds of visits are important to, among other things, be able to shed light on the major problems with specific cases and our own observations. And besides these visits, we also continue to listen as much as possible to what is happening with the local population, the environmental organisations, the human rights defenders, the Nigerian authorities, etc.

All of the information we collect, including what we saw and heard during the visit to Ikarama, gives us new insights that will enable us to maintain a sharp dialogue with all of the involved parties, including Shell. We were already doing this long before this particular visit, we have done that ever since as well, and the embassy will continue to do so under the direction of Harry van Dijk. Unfortunately, however, we cannot solve the problems overnight, but we are doing everything we can to contribute to a constructive conversation between all of the involved parties to encourage solutions. We appreciate the role that Friends of the Earth Netherlands plays in this and expect you to continue to play that role.

Regards, Embassy Secretary

From: Hilde Brontsema
To: Embassy Secretary
Subject: Ikarama visit

Hi Embassy Secretary, thanks for your email, but you don't answer my question. My question is: what have you done with the information you've been given that Shell employees themselves are playing a role in perpetrating spills? Shell regularly points to rebels they cannot compete with. During your visit, the residents of Ikarama told us that Shell employees themselves were giving the orders to perpetrate leaks. My question is what have you done with that information? Has this information been taken seriously? Has this been discussed with Shell? We all know how dire the situation is here and how difficult it is to resolve, but I would really like an honest and clear answer to my question. Have you discussed the fact that Shell employees are ordering the spills? And if so, with whom has this been discussed. I hope you can answer this question.

Kind regards, Hilde Brontsema

From: Embassy Secretary
To: Hilde Brontsema
Subject: Ikarama visit

Dear Hilde,

I understood your question and I think I have responded to it quite generously. I'm afraid you'll have to make do with this. We will continue to monitor the developments closely. Let's keep in touch so that we can each from our own role contribute to a better future in the Niger Delta.

Greetings, Embassy Secretary

