

no local residents can afford to hire groups of people and equip them. Also, the hiring party must have an interest in doing so. Hence, the groups who attempt to drill oil are believed to be hired by Shell and by the Nigerian government. This belief is based on three reasons. Firstly, these two parties are the only ones known to have sufficient funds, secondly, they may be interested in gaining access to the abandoned sites, and, finally and perhaps most importantly, in the past, the Ogonis have experienced violence mainly from these two parties.⁹¹

6.9 The information gathered makes it clear that either organised criminal groups attempting to drill oil or hired Ogoni youths are probable to be involved in every specific case, because, as poverty is common in Ogoni land, third-party agents can easily be recruited by giving them any amount of money, even if it is small. And this money must come from the only stakeholders able to give it. Concerning bribery, the common opinion and experience in Ogoni is that the agency is Shell. Specifically, what is seen to tragically support false announcements of development in Ogoni land in the media is that Ogoni individuals who have received money from Shell confirm and promote those announcements.⁹²

6.10 Only recently has the government started to systematically intercept organised crude oil theft. What Shell has been claiming for many years is that the oil is stolen by local community members searching compensation. Contrary to that, industry and security intelligence accounts for a highly professionalised, well-equipped criminal organisation including “well placed” Nigerians and their foreign associates.⁹³



Pictures: Shell Petrol Development Company, Nigeria
 “Illegal fitting used to siphon crude oil from an SPDC pipeline. One of the two vessels arrested in May 2002 for involvement in crude oil theft. A total of 15,000 barrels of crude oil was recovered by the authorities.”
 Source: Shell People and the Environment Annual Report 2002, p. 5, by courtesy of Shell Petrol Development Company.

6.11 Nigerian law allows oil companies to deny the communities affected by an oil spill compensations if the spill is caused by illegal interference, even if it is caused by third parties.⁹⁴ It is worth noting that this law does not conform to comparable national laws. Legal protection of third parties affected by an offence or crime directed against a company is a common legal principle that has priority over the protection of corporate interests. This principle holds if a company hurt by a crime has neglected due diligence to avoid inference, specifically, if it has failed to fence in and guard its facilities. Inspection shows that all abandoned Shell well-heads and surface pipelines in Ogoni land are not fenced in and freely