

<sup>1</sup> Controversies Affecting Shell in Nigeria, Report to Clients, Pensions & Investment Research Consultants (PIRC), March 1996, 1.1.

<sup>2</sup> Interview 3rd January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “[...] a reservoir for drawing all the oil from all the exploration centres. But unfortunately for them, the reservoir is there, but I don’t think it is working.”

<sup>3</sup> When the Pressure Drops. An assessment of Shell’s progress in the Niger Delta, The Ecumenical Council for Corporate responsibility (ECCR), Bishop’s Stortford 2002: “It is a truism that Nigeria is a difficult operating environment. Years of military rule; past budget constraints; a new democracy still developing its own capacity; high levels of crime and corruption; a sensitive physical and social environment; and the hangover from a period when Shell’s image as a ‘competent company’ disguised <short comings> in its own management systems, all contribute to the complexity. The social, political and environmental impacts of the oil industry in Nigeria can hardly be overestimated. Shell continues to operate in this environment presumably because it is profitable and in shareholders’ long-term interests to do so. The company plans to increase production in Nigeria considerably in coming years.”

<sup>4</sup> Author’s own experience. After having been stopped by a Mobile Police post, fortune had it that my guide recognised the MOPOL officer as an old acquaintance. When the recognition got mutual, after expressing some embarrassed courtesies, the officer gave us leave with his warmest best wishes. When returning in the opposite direction, I saw a motorcyclist put money in another laughing officer’s hands. – Of course, in general no lucky coincidences prevail and the atmosphere is tense. The demand for money is usually put in euphemistic terms like: “Do you have a happy new year [present] for me?” The means of extracting money are simple. If no “dash” is given, the vehicle and licence check will last from half an hour upwards. This is common in other regions of Nigeria, too, but especially disturbing to the Ogoni people because of the past killings.

Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwabari: “So, democracy as far as Nigeria is concerned and as far as Ogoni is concerned, we don’t see democracy. The only thing we have found is that the military is not in power. But everything that happened to us when the military was there is still happening. Go to the roads here, you see the police on the road, extracting money from people. From one end of Ogoni to the other there are about two or three police posts, getting money from people as they drive past. That is extortion of money, exploitation, and also oppression. It has some psychological problem on the people.”

<sup>5</sup> Interview 3rd January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “And I remember when they observed Ogoni Day last year, even Governor [Dr. Peter Odili] was invited and they [Mittee’s group] were all promised a MOSOP award of good governance. And I remember that many government people attended that place. And they were given 2 million [Naira].”

<sup>6</sup> Newswatch (Lagos) vol. 36 no 3, 22<sup>nd</sup> July 2002: “The Rivers State police command and the Movement for the Survival of Ogoni People, MOSOP, are now on war path over the invasion, on May 24, of the Port Harcourt residence of Ledum Mittee, a lawyer and the president of MOSOP in search of arms and bombs. [...] The armed policemen numbering 45 arrived in Mittee’s residence near Whippey junction in Port Harcourt in the morning of May 24. Bari-Aara Kpalap, who said he was in Mittee’s residence when the police came told Newswatch that the armed policemen scaled through [the] fence and fired guns into the air to scare away residents of the area. [...] In an interview, Mittee told Newswatch that police searched his house on charges of possession of guns and bombs. According to him: ‘I don’t have any gun not to talk of having a bomb, but they came and searched my house and took me to the police station on spurious charges.’ Mittee had earlier petitioned the Rivers State commissioner of police, Bamidele Thomas and Governor Peter Odili over what he described as threat to his life. According to the petition dated May 28, Mittee said: ‘I am writing for the umpteenth time to complain about threats to my life by a gang of thugs with close association with, and probably acting for some politicians and government official.’”

<sup>7</sup> For the use of the term “youths” in African culture, see the glossary in the appendix. Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwabari: “All because of no job, idleness, weakness, frustration, they get into some crimes. [...] *There has been talking <of> that the Ogoni youth were in some cases misled to co-operate with Shell. What do you think about that?* [...] What Shell has embarked on over the years is to create division among the Ogoni people. And because they know that the people are very poor, they are very hungry, they need money, they need food, they need clothing, - those things are not available - what they normally do is to pass through government, get some youths, and give them - e. g. give them the Supreme Council of Ogoni Youth. That is made by government and Shell. What they do there is to give them some money, these younger people took the money and then go into the community - if you [stuck] of MOSOP they will attack you, if you say: Shell don’t come’, they will attack you. And a lot of havocs have been committed. However, we are embarking very seriously on educating the Ogoni people and youths not to be used by government and Shell to destroy the land.”

Interview 3<sup>rd</sup> January, Eleme, Eleme Executive Member and Eleme co-ordinator of MOSOP, Noble Obani-

Nwibari: “[...] this is NYCOP, from MOSOP, as arranged when Ken was alive till now. Now, government and Shell enter into the area again, group some youths together, and call them the Supreme Council of the Ogoni Youth. They give them money. So, each time that NYCOP, which is MOSOP, affiliate one to say: ‘We are not taking money,’ they will take money from government and fight them [...] and then cause problems in the area. Shell and government will make publicity and say: ‘Oh, Ogoni people are causing trouble, MOSOP is causing trouble, NYCOP is causing trouble.’”

<sup>8</sup> The 80% “derivation” mentioned in endnote 9 angers but does not surprise Nigerians who discuss governance and leadership. They are too much used to embezzlement quotas of this kind.

<sup>9</sup> An Igbo University lecturer in Sociology of Education told me about the background why the free school system had to be abolished in Nigeria: The decision-making politicians had advisors who, instead of securing and monitoring the use of governmental schooling budget, pocketed an estimate of 80%, leaving only 20% for teacher’s salaries and other expenditures. It is quite common that whoever is given a government office to monitor those advisors’ operations is apt to be threatened by hired thugs and to be diverted from their task. This problem is generally called a problem of “leadership”, in order to point at the core problem of governance, namely the lack of both effective enforcement procedures and incentives to comply with rules of good governance. See also endnote 166.

<sup>10</sup> See endnotes 164, 216.

<sup>11</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “They did not bring any water, any light, even gas turbine said to have been built here to electrify the whole Ogoniland – nothing there. Anytime they want to show that they have light they will use a generator put on. You just see: light. You will think that light, you know, is there till now.”

Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwibari: “Nigeria has embarked on propaganda [blaze]: ‘Oh, economic boom in Ogoniland! There’s electricity in Ogoniland! There’s water in Ogoniland! There’s hospital in Ogoniland! There is this and that and that in Ogoniland!’ So, we have been able to inform international community that those things Nigerian government and Shell used to tell them, they are false, is not correct, they are not correct.”

<sup>12</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “And I know this is happening because of the struggle. [...] And yet the government, I think government think that the international community is doing anything, [fostered] to enable us to gain from the struggle, because of that it is a sort of punishment, it is just: ‘Say, I think you want to do struggle, [now] suffer!’ That what we have been deigned just like. We are suffering here as you see us. [...] Some of that places government used to do certain things e. g., but did particularly here because of the struggle.”

<sup>13</sup> When the Pressure Drops. An assessment of Shell’s progress in the Niger Delta, The Ecumenical Council for Corporate responsibility (ECCR), Bishop’s Stortford 2002, p. 4, 6, 15, 27.

<sup>14</sup> MOSOP is aware that this rumour of withdrawal of assistance for lack of compliance creates some unrest and impatience against uncompromising MOSOP officials with the Ogonis who, because of their poverty, desire Shell’s assistance in development and tend to compromise. Videotape Ogoni Day, Interview 4<sup>th</sup> January 2003, Bori, Noble Obani-Nwibari, Interview by Eric Komene, State Electoral Commission: “*I happen to [interact] with the media department of Shell of recent. Mhm. And I mean to understand they were responsible for the electrification of the Ogoni villages and [construction lots]. And they have withdrawn their contractors, because our people are stubborn. He mentioned some people and, particularly, mentioned your own name. [Did you have] any clash, personal clash with Shell before? You see, that is why they will continue to fail. Why – Because he said some stubborn and wicked people who do not want the development of the Ogoni people and he mentioned your name alongside others. [...] If it is me now, I [will mention] anybody’s name, because, you know, what you are saying now, if my people hear, they say: ‘Oh, it is true that I am very stubborn. I <eh> cause trouble.’ Mention that person’s name! By [the] time [we failed to look shocked] the man argued that you have refused to compromise, to put it shortly. The, the – And he approached you once in terms of bribery and you – Since, since, since I was – since I became an Ogoni man, since I joined MOSOP, Shell has never knocked on my door, anywhere. But let me tell you what they did. In the year 1997 – 96/97, by then I was in the US. We – I mobilised the Ogoni people, and I mobilised the Ogoni people, and we closed down fourteen Shell gas stations in the US. [I watched it on TV.] Fine! Shell brought in Jacob Wendy’s, the international PR all official, and Emeka Achebe into Saint Louis. I said: ‘Look,’ – I called the Og– the whites who were just – ‘Look, if I should go and show my face and my Ogoni brothers should show their faces, these people will go back and say they were negotiating with Shell – I mean – with the Ogoni people.’ So, what we did, we informed – give the information to the whites who confronted the – this guy, he said: ‘Where is Noble?’ They said: ‘Noble will not come, because, if Noble is here, you will go out and tell the world that you have discussed with Noble. And the people were so frustrated. It was that time they knew: ‘Oh, this man is not a man that you can toy with!’ Let me tell you, we are all Ogoni people here. The philosophy we have about MOSOP is that: ‘Give us this thing. We take it and put it inside – in our house. We continue to shout. When you give us that one, we take that one,*

<huh> we shout.’ So, if Shell was to bring water into Ogoniland, I would not stop it.”

<sup>15</sup> Videotape Ogoni Day, Ogoni Day speech 4<sup>th</sup> January 2003, Bori, Noble Obani-Nwibari: “In 1998 – no, in 1999, at Canada when we had a conference, – The representative of Shell <that> attended that conference said to everybody that: ‘It is only Noble who had refused to negotiate with Shell.’ Which means, I am the only problem Shell has. I asked a question: ‘If I am the only one <that> had refused to negotiate with Shell and others have gone to negotiate with Shell, whose mandate were they negotiating on? And when they finished the negotiation with Shell, was there any time they discussed their negotiations with the Ogoni people?’ So, you can now see the communication problem. Nobody was mandated to go and negotiate with Shell. And when they finished their negotiations with Shell, they were not able to tell the Ogoni people. And by – And by the time I finished my address in the conference, the Shell official was dumbfounded.” See also endnote 215.

<sup>16</sup> See endnote 212. Shell Nigeria website: “Three reconciliation meetings were held between September and November 2001 under the panel’s auspices. The meetings addressed the need for the Ogoni participants to be broadly representative of the full spectrum of Ogoni opinion. For its part, SPDC reaffirmed its commitment to contribute to the development of the area. The company also stated that it wished to make its facilities in Ogoni safe and to clean up all oil spills irrespective of their cause - and re-emphasised the need for unrestricted access for such purposes. But the company was unable to play a direct role meeting many of the requirements of the Ogoni representatives (such as the creation of an Ogoni State, the release of the bodies of the Ogoni-13, and the re-absorption of the Ogonis into the state and federal civil service) since these were more a matter for the governments concerned.”

<sup>17</sup> Both people who have been accused of compromising and Ogoni politicians maintain this claim. P. M. News (Lagos), 26<sup>th</sup> July 2001: “The peace agreement reached between the Movement for the Survival of Ogoni People (MOSOP) and Shell Petroleum Development Company at the Port Harcourt sitting of Oputa Panel has broken down as representatives of Ogoni are now accusing SPDC of insincerity. Leader of MOSOP, Mr. Ledum Mitee speaking at Tuesday’s sitting alleged that SPDC, represented by its Managing Director, Mr. Ron M. Van Den Berg, is only playing to the gallery by insisting on reconciliation whereas their action points to the contrary. He said Shell is only interested in continuing its operations in the Niger Delta without commensurate compensation to the people. He stated further that the only way out for a lasting peace between Shell and MOSOP is for Shell to give back to the community what it took from it. Mitee alleged that at various times, MOSOP had reached an agreement with Shell only for the <former> to breach the agreement by resorting to divide-and-rule tactics in order to continue [the] blatant exploitation of the communities.” – Saturday Punch 18<sup>th</sup> May 2002: “In the same vein, the minority leader in the House of Assembly, Mr. Magnus Aba, an Ogoni man, told *Saturday Punch* on Thursday that Shell was yet to meet the conditions given by Ogoni people that would enable it to return to the area. His words: ‘It is too early for anyone to begin to talk about Shell’s return to Ogoniland. When the company is ready, it will sit down with Ogoni people and tell them what it wants to do for them.’” The minority leader has lost his seat. See endnote 171.

<sup>18</sup> The Human Rights Violation Investigation Commission (HRVIC) led by Justice Chukwudifu Oputa.

<sup>19</sup> Ken Saro-Wiwa had already pleaded for circumventing the government and direct agreements between MOSOP and Shell.

<sup>20</sup> The evidence in Ogoni land is in clear contrast to the government report on Ogoni and its self-assessment on <http://www.nigeria.gov.ng/salute/index/rivers.htm>.

<sup>21</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary: “And the federal government, they do, you know, since we are poor, since we don’t have money, the little some people see, they take it to be very high. Then, they do give them sometimes 5000 Naira, they say, by trick: ‘Bring the oil for us,’ by trick, ‘do this’. [...] Since they are poor, when they have seen the little one they will have, you know, for, for that, for to eat. Then, since they are defending what they have been paid for, so they will not allow –”

<sup>22</sup> With the result that public statements and the media feature MOSOP as “troublemaker”. See endnote 7.

<sup>23</sup> It is worth noting that both local (Nwakaji), respectively Nigerian (Deeyeh) residents and officials abroad (Obani-Nwibari) give identical assessments. Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “I think some problems and events mostly happened as a result of the system of Nigerian politics, i. e. where they see MOSOP e. g. do try to incite. And because of this there was a lot of riots and fighting that caused a lot of problems between the youths. Well, once they see the youths trying to support MOSOP e. g., they’ll try to instigate [trouble] among them and they fight. And now they are only fighting, they strive and they spill blood and so on.”

Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: “You see, we have what are called sponsored crises. [...] Like what happened in Jeghe, Bori. [...] Yes, there have been minor – in fact, there have been kidnappings and disappearances of people. Particularly in Bori town. There, after that incident, because, you see, government feels that the Ogoni people have hurt them so much, hurt them in the sense of, say, we stopped Shell from operating by which means their pockets were highly stuffed and enriched. But now, they feel that their pockets

are now becoming empty. ‘Who is the cause of this emptiness of our pockets. Oh, this people called Ogoni. Ah, O K.’ They will know no peace. So, they [... cause us] more problems to us. When there is some peace before you know something crops up. From where does that thing come? [We] don’t know. Government is behind. And the unfortunate thing is that they sometimes use some of our, some of our unwise locals to orchestrate some of these things, to start it. Then they bring in their forces.”

Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwibari: “The problem of Jeghe, I think it is very, very political. Sincerely speaking, the Jeghe people belong to Bori. But by government distribution of the so-called local government in the area, they took them from Bori to Gokana. The people had been protesting that they want to go to their homeland which is Bori. But government has never accepted it. Now, one thing that used to happen in this area is that government has all been very fond of inciting problems instead of solving problems. And we have been told, and reliably told and confirmed that the Rivers State government in a bid to be free from what is happening incited the people, and there was problem in the area: communal clashes where one community and Jeghe, Guara, Boue, and Zaakpon – and Jeghe people, they clashed. And many people were killed. Up till now, we have called on government to investigate into that mayhem. Government has refused till now, they have not done anything about it, nothing has been done.”

<sup>24</sup> Appendix II point 3. Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: “So, in this part of Ogoni, they call it Nyokana, there are some border villages on which we have two wells. Particularly, one is Isowo, one is right one area they call Lweku. And there is one community they call Indokeez. They’re up here, you know, they have Shell – though they’re on our land, these people called Indokeez, they are on our land, you know, the Oibo area. But, they claim it and with the support of government try to – though we are not <allying> them to say: ‘This is where you have to be forever.’ So, these people try to – there are some of these two oil wells which Shell, in their records, they say belong to the Imo people; the Imo people are the Ibos. You see, that’s Shell <bindery>, they say they belong to whereas this is our right, in our own, we farm around there. So you see the trick, so that maybe without they can always come in and do everything on that area and claim they belong to another, as they say.”

<sup>25</sup> Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: “Some of our locals were in Shell. [...] They are our own people, they are Ogoni people. [...] Of course, you know, several times we have confronted them and, of course, you need to know also that – you know how this is when people want to survive. So their daily bread matters. So, no matter how you try to talk with some of these people – we don’t have the kind of heart, we have to say: ‘This thing is like this and we abandon it and we go away.’ They wouldn’t, they want to control. So, we try to go into them: ‘What are you doing?’ Several times we have cautioned them: ‘What are you doing? This and this, injurious to your people. They are killing our people. Your own salary cannot sustain this people. What are you doing?’ But it’s difficult for you to pull them out! You understand that?”

<sup>26</sup> See endnote 125.

<sup>27</sup> <http://www.shell.com/home/Framework?siteId=nigeria>: “We recognise that there are environmental problems in the area. But the recent World Bank survey confirmed that while the oil industry has contributed to some of the environmental problems of the Niger Delta, population growth, deforestation, soil erosion and over farming have been other major factors.”

<sup>28</sup> Barineka Mbede Wilson Nwibari, written follow up information, 25<sup>th</sup> April 2003: The Port Harcourt Petrochemical complex at Akpoja-Elеме, Elеме kingdom, flaring gas 24 hours features “highly polluted air, soil and water from fared poisonous gases and the industries affluent discharge points connected to the drinking water sources to the communities around it. Also highly connected to every part of the country through criss-crossing pipeline and other facilities measuring the level of environmental pollution. Also encourage vectors transmission of diseases.”

<sup>29</sup> Interview 3<sup>rd</sup> January 2003, Elеме, Chiefs Obekle Tenwaji and Ngei Nwakaji: “And maybe, please, we’re uncomfortable, as we are here now. You see, the whole of this place is polluted that, if it rains now, you won’t collect any rain water, because the whole area – if you pluck, pluck orange, then what you just see is – you see gas. You just see gas. Oil, on the water. [...] And once this refinery is on you’ll be hearing quacking. As you are here now you wouldn’t hear. Even if you are discussing you talk louder, you hear quacking: ‘Quoo-quoo-quoo-quoo,’ like this, and because they are still burning gas. That quacking, you hear that noisy movement. Even if a child is lying down it cannot sleep. You hear: ‘Woo-Woo,’ [...] From all over here. Isole is awful today, I think. [...] And – excuse me – you see, the [zinc] in my place, generally, the roofing – every six months the house’s roof is burned. This gas flaring from refinery and so on, it will just rust – if you [look] some of these [zincs] are rust. Any small thing on it will just like be burnt brick. It can’t take you six months. And, you know, we have two refineries. You have Nafcom, you have Petrochemical, upon the whole they are still burning gas. And in the night, even they are burning now. You see everywhere here just like day time. [...] And you smell some odour. [...] Every – you are fortunate today that you are here and that thing is not open. If not, [every morning] they see the weather a bit cloudy, they open a particular bay that you perceive very offensive odour. Even if you lock the whole of the place.”

<sup>30</sup> In Zaakpon (Bori) and Babbe (Kpean) most pipelines are dug out in this way now. Additionally, 30 well heads of the total 108 in Ogoni are scattered. Oral communication by Barisuatam Deeyeh during an inspection.

<sup>31</sup> Barisuatam Deeyeh, written comments to follow up questions on the Interview of 5<sup>th</sup> January 2003, 3<sup>rd</sup> June 2003: “The concerns are that Shell has eventually dug off its pipes throughout the area including this place, leaving behind very deep but uncovered pits which are potential death traps. This pipe digging off started late 2001, after our group avowed openly in 2000 that Shell would never come back to Ogoni to do their double standards dirty oil business again, unless the company would give Ken back to us. We added that for that reason, they should come and dismantle their equipment from the area. This is exactly what has been going on for some time now. Since Shell staff could not dare come into the area, the company had to employ the services of local youths to dig off the pipes for their vehicles to steal in in the dead of night to evacuate then to their base. [...] The dismantled flow station (where you fell) was the main Yorla manifold station, upon which Shell had depended for its finest oil, (the one called the bonny light crude) in hay days <days> in Ogoni. The absence of this special crude in Shell production is what is causing the uncontrollable damages to and malfunction of our refineries today. MOSOP is so concerned that Shell has still not deemed it necessary to come and complete up its process of dismantling of its equipments from Ogoni, so that the people can start trying to cultivate their lands again. We are looking forward to this situation some day.”

<sup>32</sup> Probably due to the delay caused by the fire, there had been only feeble cleaning attempts that were soon abandoned. It must be assumed that the oil has sunk into the groundwater system. After the spill, Shell had enclosed the drilling site by a wall without continuing the clean-up. The Ebubu community went to court and denied Shell further access. However, the wall has been opened at one place and the connecting pipelines removed. Oral communication by Ebubu community guides during inspection of the Ebubu spill site. The Ebubu community in a written communication of 31<sup>st</sup> March 2003 complains that the enclosed area has been sold to Shell below its worth by an unauthorised individual of Ebubu: “OIL SPILLED FENCE: We have the <privileged> to complain for purpose of inclusion in your envisaged subsequent REPORT the above sub-heading. The people of Ejamah Ebubu Community were never consulted, which <give> rise to the acquisition of the <□Fenced Oil Spilled Site□> covering an area of 8.785 hectares of swamp potential marine area. There was no even negotiation to determine the value to be paid to the rightful owners of the affected portion out of 268 hectares of the entirely affected area. It is surprising to the owners of the <DIETY> and the SHRINE, which is the background of the existence of our Founding Community of Egbara and the priesthood family of NWOKE-AWO. To support this fact, as enunciated above, Shell connived with some of their pay agents in the town at the time to mortgage our individual, communal interests for the purpose just to <hid> the Oil Spill Site from public sight and from further investigation and inspection efforts. Worst still no official yardstick was adopted for the sell out or lease the approximately Nine (9) hectares of land from the people just for a token of six-seven thousand (₦ 67,000.00) naira only. Shell Pet. Dev. Co. Nig. Ltd later <give> the impression to its foreign office that over five (5) million dollars (\$5.0 million) was spent for the acquisition of the said same land. Though, we protested against these lopsided arrangement for forcefully acquiring our God given land but, it was to no avail due to the occupation of military personnel in our communities in 1994-1998. All of the above have anticipated our hope that your REPORT will highlight our plight on how to fight this course which its evident had glamour for over thirty (30) years as Shell choose only to fence up the worst hit Areas as could be virtually seen today over with presence on Site an Aerobic Thermal plant purported to <used> for remediation purpose without execution since 20<sup>th</sup> November 2000 till date.”

<sup>33</sup> See endnote 28.

<sup>34</sup> Barineka Mbede Wilson Nwibari, written follow up information, 25<sup>th</sup> April 2003: The Ebubu-oil-flowstation operates on a “Highly degraded land mass, completely rendered barren with, polluted air, soil and water. Persistently generating quarrels between community members claiming ownership of the place, as it should be compensated for by SPDC, who takes undue advantage of the disputes and had refused to pay such compensations to the bonifide owners for the decades it has operated there.” The Aleto Stream connecting the effluent discharge point of the Petrochemical industry in Aleto community, Eleme kingdom, features “polluted air, soil and water. Destroyed aquatic lives and increased suitable breeding grounds for vector transmitting parasitic infections on the inhabitants whose domestic, social and business activities surround it.”

<sup>35</sup> Written communication by Barisuatam Deeyeh, October 2002.

<sup>36</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “And, some of these pipelines, if you follow: They made just trims where we used to get fish. They just put in, because we’re in Ogoniland. They bury these pipes and they <back them put off the streams> – no source of drinking. When you go to buy, you buy water daily. You want to wash your hands, you buy water, you want to drink – that’s how we are living this life.”

<sup>37</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “Some time we used to drink the rain water, even to bath in it, but not now –. You can’t collect. – No, it’s scattered. [...] It is black, even in time you see that water it is as black as Kandahar. Very black. And if you use a white basin, you can even – you

put everything white inside, and when it rains – that what we are suffering here. [...] Mostly, workers can buy always, some people are not working – but the masses are suffering. Workers can conveniently buy, wash something, but some people – when you get one jelly can, so you will keep for some day small, small, as if you are in the war front.”

<sup>38</sup> Interview 4<sup>th</sup> January 2003, Bori, Beneficiaries MOSOP scholarship fund: “Like this tap water, like the water we use, we use well water.”

<sup>39</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “We know that Shell came here around 1959 and started exploration. Since that time till now our land has been made poor. Before Shell came, this land of Eleme was very productive. Even if you throw something, it will grow and yield. But now, because of oil exploration, all the lands have been rendered infertile. [...] *What are the incomes?* [...] We don’t have any income. [...] No income. And this, as my brother was rightly saying, before our land was very fertile. But because of this oil exploitation and the spillages and so on, nothing, even Cassava cannot yield. Formerly, a Cassava would grow as big as this. *As half a leg*. Yes, but till now, small, small like this. *Like a finger?* Like fingers. You can clear the whole area of Cassava, before you get one busy, as of today. *The minimum money you have to expend to buy jelly water, you get it from selling...?* [...] Oy, this Cassava, small vegetables, small things.”

<sup>40</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “And, you see, because of these things you can hardly get honey here, because this burning has killed all bees. And in my place you don’t get bread. All the egg fruits thing, I can say even as you see that coconut, there is a time, with things on times you won’t get it, because everything’s polluted. *You used to produce honey?* Yes, before, we produced a lot. But, because of this gas flaring, all have been killed.”

<sup>41</sup> Barineka Mbede Wilson Nwibari, written follow up information, 25<sup>th</sup> April 2003: The fenced oil wellheads of the Shell locations 1 and 2 in Nonwa, Tai kingdom represent a “depleted land mass overgrown with vegetations harboring vectors (mosquito, sandfly, tsetsefly etc) that transmits parasitic diseases like Malaria, Filariasis, Trypanosomiasis Leishmaniasis etc and other delicate organisms – snakes, scorpion, centipedes etc that invade accessible residents of inhabitants of the community causing them harm.” The Nonwa borrow-pit with polluted water “Harbors same vectors that transmits contactable infections by humans using it for bathing, washing, recreation etc”. The Nonwa-community town square bushes “Also harbors same vectors and other delicate organisms capable of harming inhabitants of the community, especially those nearer them. This is in spite of the highly polluted air generated by domestic non-biodegradable and biodegradable materials within these bushes. It also connotes certain fetish importance to the people, hence it could not [be] cleared for over the last decades.”

<sup>42</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “[...] do you know at times we [travel] to Bori to attend meetings? [...] At times, we [travel to Noble] to get meet him men and women and everybody. When you hear MOSOP and how is their activities: activities of MOSOP is very much alive, but the poverty is disturbing us. E. g. tomorrow is Ogoni Day. By the time you mobilise people and carry moto, now who will carry moto, I mean, you will be the one to hire moto – no money. Formerly, we would hire ten three motos and carry people from here to that place when we had the money. But now, even for us to hire – so, that’s it, – It’s not easy.”

<sup>43</sup> Interview 4<sup>th</sup> January 2003, Theresa Akoba and Barido Nyodee: “And we don’t have road, no good road. Some villages, you – you cannot enter because of road, like the village I come from, Sogo, Nyokana, you cannot pass enter, you cannot enter some villages there because of road. And the little things we handle, the things remain with us, because we don’t have easy movement to market.”

<sup>44</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “Up till to [now], during that [since] July or so, there was no passage, no road, because everywhere, if you had to pass that road, you see that there was stagnant waters. [...] When it rains once there is no roads, no drainage. *That means the streets were flooded?* Yes, everywhere, no go through, nothing, and they don’t care. *For how much time was that?* That was from – between April, May, June, July up to September. Ajo because of this drain you could not come into this place, your moto cannot pass. And yet, no one cares <you>.”

<sup>45</sup> The free school system had to be abolished, because the government had neglected to finance the teachers’ salaries with tax incomes. Many poor Nigerians had to withdraw their children from school when school fees were reintroduced. (Oral information by an Igbo university lecturer in Sociology of Education.)

<sup>46</sup> Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwibari: “The whole of Ogoniland, we do not have one single bank, no bank. A society without bank tells you that the place is economically, socially, and otherwise backward.”

<sup>47</sup> In Nyokana, the last development projects of the government for the supply of drinking water and a hospital were set up in 1972, neither were completed. Oral notification by an Ogoni barrister at Noble Obani-Nwibari’s. The Ebubu community gives the following account in a written communication of 31<sup>st</sup> March 2003: “WATER PROJECT: Ever since in 1970 when this notable Oil Spill occurred in Ejamah/Ebubu clan, <shell> which started Oil operations in this area in 1956 did not put in any amenities to the people of the area even as essential as

water. Even after the referred oil spill, >shell> and previous governments have done nothing positive to ameliorate the suffering of the people in the area for <portable> drinking water in view of the serious effects arising from the Oil spill. We, the people of Ejamah/Ebubu worst hit directed our claims to shell as through a legal medium after all our hopes were darts to the wall-which also centers on hopes [] water and economic interests. This has all been to no avail since 1987 and 2000 when judgment was awarded to our favour (communities) by a Court in Rivers State for the sum total of four (₦4. Billion) naira as compensation and rehabilitation inclusive. Due to shell <non-ochlanl altitude>, water project was of late conceived but, the implementation and execution is still a mirage or a dream to the people of Ejamah/Ebubu even in the face of our enormous sacrifice as an Oil producing communities in the Ogoni, Niger-Delta Region of Nigeria. Due to the absence of any functional Water Facilities to the people in Ejamah/Ebubu, our future generation is threatened through rapid deaths due to the Oil Spill.”

<sup>48</sup> I have asked UNICEF for confirmation of their participation in this project. The inquiry is pending. The Ebubu community gives the following account in a written communication of 31<sup>st</sup> March 2003:

“BACKGROUND OF THE HEALTH CENTRE Generally speaking, the situation sanitarly has been very pathetic which has been made so serious with the occurrence of the oil spill in Ejamah Ebubu Communities. It was after twenty five (25) years that a parasitical of the federal Government conceived this referred sanitation center and on completion of the structure building abandoned the concept by failing to put in the necessary equipments and drugs to make it functional. The Ejamah people who were worst hit by the oil spill and their neighbours suffer tremendously on daily and periodically [] from water and Air borne diseases. There are serious periodic maternal disorders during pregnancy and children infections and other out-break of diseases as a result of this oil spill in Ejamah / Ebubu Communities.

The health center as was seen recently during an investigation / inspection exercise [by the author] shows the <Luke worm> <altitude> of shell and the previous governments particularly the military regime that failed to do anything towards the sanitation center all these years leaving the citizenry at serious risk of their lives.”

<sup>49</sup> This description of Noble Obani-Nwibari given at the inspection of the site is in accordance with what the Eleme residents report: Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “They did not bring any water, any light, even gas turbine said to have been built here to electrify the whole Ogoniland – nothing there. Anytime they want to show that they have light they will use a generator put on. You just see: light. You will think that light, you know, is there till now.” See also The Argus 18<sup>th</sup> December 2001 vol. 1 No 21, p. 3–4; Independent Monitor 6<sup>th</sup>–9<sup>th</sup> June 2002.

<sup>50</sup> Oral communication by Noble Obani-Nwibari during an inspection on site.

<sup>51</sup> Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwibari: “So, virtually, let the international community know that there’s no democracy in Nigeria, no equality, no justice, no progress, no human development. [...] And Shell is highly instrumental, because, like we passed in Port Harcourt, you look on your right when we were on our way into Port Harcourt from Bori: Shell quarters, Shell residential areas, well electrified, they have pure, clean, good water to drink, there is hospital in that place, there is school for their children on the right. And the masses: in darkness, because of the type of electric system we have. *You’re talking about the Shell village. Is this for senior staff only, for junior staff?* It is for both senior and junior, but predominantly for senior, because some of the senior staff who are there, they are white men, and there are people from Ida, Yoruba, Hausa, and Ibo, the majority area regions of Nigeria. I can assure you, if you go to that place, you will never see an Ogoni son living in that place, or a daughter, not one.”

<sup>52</sup> Oral communication 3<sup>rd</sup> January 2003, Bori, barrister Boniface.

<sup>53</sup> Interview 4<sup>th</sup> January 2003, Bane, Chief Saro-Wiwa: “He made a bill of rights the Ogoni people signed, and they sent it to the federal government and copied Shell. And they have been cheating us taking our all [resources without asking any people] so many years. And this bill of rights, the government to the bill of rights, Nigeria gave a response, and the Shell also response, like they had seen the bill of rights. After one and a half year, they made nothing on the bill of rights, not even one single thing was made. They didn’t do even one single thing to Ogoni people. Ken put up a reminder, as since one and a half year they did not work. Government of Nigeria and [the] Shell government had a meeting. Nigerian government asked Shell to pass through Anokreka with its own soldiers to shoot us. Ken – As an important company in Nigeria, Shell should have directed the Nigerian government, this Nigerian government don’t understand well. But Shell [passed] with its own soldiers, passed through Andoni and land at Jeka started to shoot us and surprise us two people, right on surprise, surprisingly shoot them, [burn] their houses. They all ran to the bush. Some died in the bush. The soldiers, Shell’s soldiers, all the property these people left and ran away. The government take it to their own home. [...] These people went out, because they were taken surprisi[ngly], they did not know that anyone are coming to shoot them. After [they’ve been to] this village, they went to another village, they went to another village, they passed to [the next], they went to another village again, all the Ibadan area. [...] Now, after – look – after Shell had finished with the Ibadan area, we captured some people alive on hook. After Shell had finished with the Ibadan area, he reported to Abacha. Abacha used armoured cars, jet planes ran up on us. So they shoot us. We have no guns.”

<sup>54</sup> MOSOP Press statement of 4<sup>th</sup> April 2000: “Mitee, Shell, bribes and violence in Ogoni. MOSOP International unequivocally condemns the unholy romance between Royal Dutch Shell Oil Company and MOSOP’s suspended Acting President, Mr. Ledum Mitee <which> has midwived another round of corporate violence, arrests and intimidation in Ogoni. MOSOP International which was born after a number of haunted Ogoni activists fled to several parts of the world in 1996, in collaboration with MOSOP branches in the USA, Canada, the UK, South Africa, Denmark and Italy provided the driving force behind the pressure of various international groups and the United Nations Commission on Human Rights to nudge the erstwhile Abacha military junta toward reforms in Nigeria. ‘What we have observed in the past nine months is the result of four years of secret meetings and contacts between Mr Mitee and Shell, brokered by a prominent Methodist Church element in London which content is yet to be disclosed to the Ogoni people, one reason the then acting president was suspended by the MOSOP Steering committee’, said Acting Secretary General of the movement, Mr. Meshach Karanwi in St. Louis at the conclusion of a three-day Ogoni women’s leadership conference. Karanwi described Mr. Mitee’s press release widely circulated on the shell-nigeria-action listserv on March 27 as ‘a pretentious, hypocritical, and not-so-clever face-saving device’, adding, ‘how could Mr Mitee invite Shell back to Ogoni and turn around to tell the world that they have come in ‘a manner which has nearly divided local communities and ... has been pursued with the use of mobile police, armed thugs and bribery in a manner which Shell has always claimed is not part of their new approach’? MOSOP International recalls that Dr Ben Naanen, the former Secretary General of MOSOP was removed from office by a unanimous decision at the 1996 MOSOP Atlanta conference presided over by Mr Ledum Mitee, Hon. Noble Obani-Nwibari and Dr Vincent Idemyor primarily for unauthorized and clandestine contacts with Royal Dutch Shell. MOSOP International demands that the content of all secret meetings and agreements between Shell and the Mitee faction be made public. We wish to inform the international community and all the organizations that have been helping to protect the Ogoni people from the sco[r]ched-earth policy of Shell that the ongoing menace of Shell in Ogoni is the handiwork of a pro-Shell faction of MOSOP led by Mr Mitee, an individual that was suspended for mis-leadership and non-accountability but who turned around to declare himself ‘president’ after a Shell-backed, sham ‘election.’ We emphatically dissociate ourselves from the treacherous activities of Mr Mitee and his quislings. MOSOP states that the actual disagreement between Shell and Mitee is as published by the P.M. news of March 24, 2000, which wrote, ‘Sequel to the acrimony surrounding the choice of contractors to execute certain Shell development projects in Ogoni, a crucial meeting of the Chiefs, political and opinion leaders of the affected area has been scheduled for Tuesday, 28 March’. MOSOP International categorically affirms that Shell Oil remains persona non grata in Ogoni. It took 300,000 Ogonis to declare Shell persona non grata in a peaceful public protest on January 4, 1993. A handful of traitors cannot welcome Shell Oil to Ogoni to fulfil their private agenda. Shell cannot and should not return to Ogoni, for we hold the company absolutely responsible for the death of Agbarator Otu of Nonwa, Uebari Nna of Korokoro, Ken Saro-Wiwa and his eight co-travelers and some 3500 other Ogonis and the maiming of hundreds of more Ogonis including the amputated Mrs Karalolo Korgbara of Biara. MOSOP founder and Ogoni martyr, Ken Saro-Wiwa, released a well thought-out document in July 1993 outlining ‘SHELL’S RESPONSIBILITIES TO THE OGOINI PEOPLE.’ Shell Oil must address those demands in addition to the OGOINI BILL OF RIGHTS and conduct environmental, social and health impact studies of its activities since 1958 on the Ogoni people. Shell must clean up its ecological mess in Ogoni. We also call on all Ogoni communities to resist peacefully and non-violently the re-entry of Shell through whatever pretext, including the use of mercenary contractors and faceless church brokers. Inquiries: 1. MOSOP International HQRS [...]; Hon. Noble Obani-Nwibari [...]; 2. Mr Meshach Karanwi [...]; 3. Mr Barika Idamkue [...]; 4. MOSOP Scandinavia/MOSOP European Office Mr Deebii Nwiado [...]; 5. MOSOP-UK Mrs Gbenewa Phido [...]; 6. MOSOP-Canada Dr Owens Wiwa [...]; 7. MOSOP-USA Dr Vincent Idemyor [...]; 8. National Union of Ogoni Students (NUOS Intl USA) Mr Anslem Dornubari John-Miller [...]. Tuesday, April 4, 2000.”

<sup>55</sup> As a consequence, the identification was delayed until two and a half years after the burial ceremony. Bell Globemedia Interactive Inc., 27<sup>th</sup> July 2002, <http://mailman.aas.org/pipermail/hrandenv/2002q3/000083.html>; <http://www.phrusa.org/research/forensics/nigeria/kensaro.html>.

<sup>56</sup> Documentation by Pastor Barry Saro Wuganaale, p. 15: “When all attempts to force its way into Ogoniland failed, Shell created a mockery and deviational projects of rehabilitations. The projects which are mainly the repairs of primary and secondary schools built by Ogoni communities as the governments refuse to build schools for the educational needs of [O]goni people. Repairs of health centres built by Ogoni communities and repairs of a few roads substandardly. The youths see<s> all these <a> cheating and an insult to the Ogoni: when you consider that other part of Nigeria that haven’t and will not produce a barrel of crude oil have all the best facilities and infrastructures that make life meaningful. Considering the number of people that had been killed by the government and Shell, we reasoned that the repairs of our own ‘self help projects’ doesn’t solve 1% of the Ogoni demands as stated in the Ogoni Bill of Rights. Whereas the chiefs, politicians and business men, who depend upon such petty contracts to rake millions of naira into their coffer saw the MOSOP youths as their enemies, the government of Dr. Peter Odili had continually attempted forcing all forms of mockery projects

upon people, with the aim of destabilising the ranks and files of the movement for the survival of Ogoni people (MOSOP) and to have opportunity to create crisis situation that will lead to government executing state of emergency order or the shoot at sight plan by the government. This situation did not just evolve overnight but it is rather a design by the present 'civil junta' to carry out genocidal plans against us. So the Odili led administration never stopped until scores of 'Shell come back' meetings initiated by the government and their 'projects' sparked off troubles which the same government cashed on to kill countless numbers of persons as shown in the punch newspaper of April 12 2000. Photocopy here after attached. It should be noted that the timing of this crisis was deliberately planned to thwart the proper burial ceremony plan[n]ed for Ken Saro Wiwa."

<sup>57</sup> The current sequence of events began in late March, when a Shell contractor began the construction of a road. [...] Shell's attempt to construct a road in Ogoniland and the accompanying violence comes as the Ogoni people prepare for Ken Saro-Wiwa's funeral.

<sup>58</sup> Africa Today, April 2000, p. 25–27: "It was not until President Olusegun Obasanjo assumed office last May [1999] that the soldiers finally withdrew to the barracks. With that the surviving Ogoni activists launched a campaign to recover the bodies from the government and give them a funeral fit for heroes. At first very few believed this mission could be accomplished. Even the Movement for the Survival of the Ogoni People (Mosop), which Saro-Wiwa led until he died, was not involved in the move, which was spearheaded by Saro-Wiwa's brother, Dr Owens Wiwa. While Wiwa, who is based in Canada, pulled strings abroad, Mrs Joi Yime Yowika, the Port Harcourt lawyer who got the Ogoni 21 freed in the Abubakar era, worked on her contacts in Nigeria. [...] According to Wiwa, he held a meeting at Mogho, Gokana with the families of the other eight Ogoni victims on June 19, 1999. [...] Wiwa said that the meeting was convened at his request. 'During the meeting the representatives of the families expressed relief and thanked the president [Obasanjo] for the gesture,' he [Owens Wiwa] wrote. [...] he sent an e-mail to Bariture Kpunien, brother of one of the slain Ogoni leaders, informing him of his plan to get the PHR [Physicians for Human Rights] to do the exhumation. [...] But the younger Kpunien offered Wiwa some advice that turned out to be valuable. He asked that the families of the other late Ogoni activists be carried along in the process. 'This will make your good intention less misunderstood,' he counselled. Again he urged Wiwa to make the reburial an all-Ogoni affair. 'I suggest you get Mosop at home involved. The planning will definitely be better handled by those at home than those of us abroad, or don't you think so?' While that was being sorted out the family of Saro-Wiwa published a press statement fixing the burial date for their son as April 24, 2000. That was on December 14, 1999. Two weeks later Mosop, now led by Ledum Mitee, Saro-Wiwa's former deputy [...] kicked against the Wiwa family's reburial plans. Rather, it set up a reburial committee headed by Bishop Johnson Poromon. Mosop mandated the committee to fix a date for the reburial. Yowika [...] got the families of the other Ogoni leaders to agree to the exhumation and reburial arrangement. On January 22 she went with Saro-Wiwa's widow, Maria, to meet representatives of the families. She said she informed them about the approaching trip of the forensic experts. Only one family was unavailable. All the others gave approval for the exhumation. [...] but things didn't move smoothly thereafter. Wiwa alleged that Mitee's younger brother, Batom, who is Mosop's national co-ordinator, later gathered representatives of the eight families together and told them not to participate in the process because 'the Wiwa family have been paid some unspecified amount of money by the federal government as compensation...'. The logic is that if the reburial went according to the Wiwa family's plan the eight other families would no longer be able to push for the compensation as recommended by the United Nations. Thereafter the eight families developed cold feet regarding the exhumation and the reburial. [...] A spanner was thrown into the works for the pathologists when Mitee allegedly wrote to PHR to stop its trip to Nigeria. Even when Wiwa cleared the air that all was well at home, only one pathologist instead of three could come for the exhumation that never was. Apparently upset that it was not informed about the pathologist's visit, the Rivers state government changed its tune regarding the nature of the Ogoni 9's original burial. It now said they were put in a mass grave. That encouraged some of the aggrieved families to insist that no exhumation must be conducted until they had all agreed to the process. The widow of Kpunien threatened to sue the pathologist if her husband's remains were touched – even inadvertently – in the process of identifying Saro-Wiwa's corpse. [...] Even when asked about allegations that he betrayed Saro-Wiwa while they were both incarcerated, Mitee could only say that he has 42 letters written to him by the late Ogoni leader while they were in jail. He would not reveal the content of the letters 'until the time is ripe'. But he offered that they would bear him out that he stood by Saro-Wiwa till the very end. The controversy surrounding the reburial may not be unconnected with the anger of the families of the other Ogoni victims that their sons have been forgotten. Few Ogoni even remember the names of the other leaders who were killed along with Saro-Wiwa. They are now being referred to as either the 'Ogoni 9' or 'Saro-Wiwa' and others."

<sup>59</sup> The Punch, 12<sup>th</sup> April 2000, p. 1: "Ogoni youths in bloody clash. Five feared killed. Policemen maimed. Lingering disagreements between the elected representatives and leaders of the Movement for the Survival of the Ogoni People (MOSOP) on Tuesday, erupted into violence in which at least five people were feared dead

and some property burnt. The bloody encounter, which involved six communities in Gokana Local Government Area of Rivers State with two: B-Dere and K-Dere, pitched against the other four, also left several persons, including eight policemen, critically injured. The Police Commissioner, Rivers State Command, Karian Dudari, said 10 police men sent to calm the situation were ambushed and taken hostage by irate youths. According to him eight of the officers were disarmed and matcheted with one losing an eye while another had his right leg battered with matchete cuts. Our correspondent later traced the injured policemen to the University of Port Harcourt Teaching Hospital where all of them were placed under intensive care. Dudari said it took the intervention of *Swift Operation Squad (SOS)* to effect the release of the seized policemen, whom he said were being led to the community's shrine before they were freed. Besides the attack on the police, seven pick up vans were allegedly burnt to ashes with two belonging to the police, while the remaining five belonged to unidentified civilians. Two private houses at K-Dere were confirmed to have been completely razed and burnt. Our correspondent learnt that one of them belonged to MOSOP leader, Mr. Ledum Mitee. By 3 p.m. on Tuesday, the situation was said to be under control, as armed policemen took over the entire community, arresting suspects and searching for the principal characters. Top police sources said a dragnet had been spread for the arrest of Mitee, described by the police commissioner as a prime suspect, being the MOSOP leader. Though he could not say if Mitee was officially on a wanted list, Dudari told our correspondent at the Police Officers Mess that Mitee was needed for questioning. Mitee, from indications. Seemed to have gone under ground as he was neither in his office or residence. However, sources at MOSOP office in Port Harcourt said he travelled to Abuja on Monday. The crisis came less than 24 hours after the burial date for Ken Saro-Wiwa and the other 'Ogoni nine' was fixed for November 10<sup>th</sup>. The prolonged disagreement by the two groups [MOSOP leaders and politicians] stemmed from attempts by Shell Petroleum Development company (SPDC) to execute development project[s] in Ogoni seven years after the company was sacked from the community. While MOSOP leaders insisted that the projects be executed by indigenous contractors, the politicians argued that the local contractors would have no capacity to execute the projects."

<sup>60</sup> News Release Issued by the International Secretariat of Amnesty International \* News Service: 070/00 AI INDEX: AFR 44/04/00: "In recent weeks, there had been controversy over the road-building project. Six youths from the village of K-Dere in the Gokana local government area were arrested on 23 March and detained without charge for several days after protests against it."

<sup>61</sup> Medical office / West Africa team, AI INDEX: AFR 44/006/2000, 18 April 2000: "According to MOSOP, however, the raid on K-Dere and arrests by armed Mobile Police were not provoked by any community unrest, and police shot dead Barinaadua Jungle Gbaraka, aged 18, when he tried to escape arrest. MOSOP said that after youths had injured police officers in retaliation, dozens of armed officers returned to the village, killed at least five people and burned down homes, including those of Ledum Mitee and two traditional rulers. Reports indicated that the police were accompanied by a senior local government official and associates who identified as targets those who had opposed a road-building project by a company contracted to the Shell oil company. The inhabitants of K-Dere have fled into the bush where two elderly people and a baby are reported to have died as a result of the harsh conditions. - News Release Issued by the International Secretariat of Amnesty International \* News Service: 070/00 AI INDEX: AFR 44/04/00 13 April 2000: Reports from a local community and human rights organization, however, appear to indicate that the police raid was an unprovoked attack on K-Dere because its residents had opposed a road-building project by a company contracted to the Shell oil company. [...] MOSOP has specifically denied that there was any unrest in the area prior to the police raid on K-Dere, and has accused the police of helping to force through the road project on behalf of those it would benefit. [...] It is clear that pressure from some local authorities to invite Shell involvement in a development project in the oil-rich Gokana local government area has aroused tensions between local residents and those employed on or profiting from the project. [...] According to the Movement for the Survival of the Ogoni People (MOSOP), the community organization formerly headed by the executed writer Ken Saro-Wiwa, police started arresting people suspected of opposition to the road project in the early hours of 11 April and shot dead Barinaadua Jungle Gbaraka, aged 18, when he tried to escape. Nine officers were reportedly then beaten by local youths. Later in the day dozens of armed police officers returned to the village, MOSOP said, killed at least five and possibly more people and burned down homes. Those killed or injured were reportedly taken away by the police. At least seven people are known to have been arrested and scores of inhabitants fled the area. [...] 'Individuals appear to have been specifically targeted,' Amnesty International said. 'Reports indicate that the police were accompanied by a senior local government official and associates who identified individuals to target and homes to destroy.'"

<sup>62</sup> Barisuatam Deeyeh, written comments on follow-up questions on the Interview of 5<sup>th</sup> January 2003, 4<sup>th</sup> July 2003: "5. When the <body shop> came to Ogoni led by Ledum Mitee, we got hint that that group was coming to inspect projects claimed by Ledum, to have been executed by MOSOP in Ogoni Land. And knowing that there was no single project, in the entire Ogoni that was embarked upon by MOSOP, talk less of inspection, we decided to stage the protest. Besides that, information reaching us had it that Body Shop was fronting Shell in a planned re-entry negotiation attempts with Ogoni. Actually, our protest that day, the 10<sup>th</sup> of September 2000 was

without compromise, because we challenged the Body Shop supporting Ledum. We also wrote on placards that Ledum Mitee should account for his stewardship in the movement and that he should account for all the money he had received on behalf of the Ogoni people, and also how much game he played in the betrayal of Ken into our enemies' hands."

<sup>63</sup> Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwibari: "For instance, year 2000 they went to Odi in Yorla land. Simply because the women protested against Shell for environmental degradation, the whole community was completely destroyed. Over 200 people died, were killed by the police."

<sup>64</sup> News Release Issued by the International Secretariat of Amnesty International News Service: 070/00 AI INDEX: AFR 44/04/00: "Although the new civilian government which came to power in May 1999 set up a human rights investigation panel to look into human rights violations between 1966 and May 1999, killings by the security forces in recent months do not appear to have come under scrutiny. The results of an internal inquiry ordered into killings by the military in September 1999 in Yenagoa, capital of neighbouring Bayelsa State, have not been made public. And further killings and the razing of the town of Odi near Yenagoa by the military in November 1999, apparently in reprisal for the murder of 12 police officers, have also not resulted in action being taken against those responsible although a Senate committee of inquiry concluded that excessive force had been used."

<sup>65</sup> Human Rights Watch [http://www.hrw.org/reports/2002/nigeria3/Nigeria1002-02.htm#P117\\_19887](http://www.hrw.org/reports/2002/nigeria3/Nigeria1002-02.htm#P117_19887): "The town of Odi, in Bayelsa State, was destroyed in a military operation in November 1999, in which hundreds of people were likely killed, following the killing of twelve policemen by a gang of youths. Following the killings of the policemen, President Olusegun Obasanjo wrote to the governor of Bayelsa, Diepreye Alamiyeseigha, threatening to declare a state of emergency if those responsible for the murders were not apprehended within two weeks - though the police force is a federally controlled body in Nigeria. Before the deadline could expire, soldiers from the Nigerian army moved into Odi, a community of 15,000 people or more, engaged in an exchange of fire with the young men alleged to be responsible for the deaths of the policemen, and proceeded to raze the town. The troops occupied the town for around ten days, and demolished every single building, barring the bank, the Anglican church and the health clinic, and left graffiti that included ethnic slurs and reflected views that the town and the whole Ijaw ethnic group must be punished for the crimes committed by their sons. There has been no thorough investigation of the destruction of Odi by government authorities, no prosecutions of any soldiers involved in the abuses committed, no government effort to compensate the victims or rebuild the town. The officer in charge of the operation has reportedly been promoted. In March 2001, President Obasanjo visited Odi. As commander-in-chief the Nigerian president has ultimate responsibility for decisions to deploy the armed forces, whether internally or externally. Addressing people gathered to meet him, the president said that the soldiers had gone 'beyond their brief,' but refused to make any commitments to the demands of the community for compensation or make any direct apology for what had happened. In an interview on Nigerian state television, President Obasanjo again refused to apologise: 'Apologise for what?... I've no apology to make. What do you expect me... [to do]. Everybody is saying that one of our problems is security. There is a difference between doing what is wrong and doing what you have to do.' The National Human Rights Commission, a state funded body set up by military decree in 1996, recommended in August 2001 following a visit to Odi that the government reconstruct the town, deploring the failure of the federal government to deliver <on> a promised 500 housing units. In June 2002, the Nigerian magazine *NewsWatch* interviewed General Victor Malu, who was chief of army staff at the time of the destruction of Odi. Despite the assertion by General Malu that those killed in Odi were either firing on the army or caught in crossfire, it is clear from the nature and level of destruction in the town that the soldiers were under orders to raze it to the ground. Human Rights Watch obtained numerous testimonies from individuals indicating indiscriminate firing on and targeting of civilians. In September 2002, responding to charges made against him in the context of impeachment proceedings brought in the National Assembly, President Obasanjo revisited the Odi incident. The impeachment papers charged that he 'authorised the deployment of military troops to massacre innocent citizens' in Odi, 'without recourse to the National Assembly contrary to Section 217(2)(c) of the 1999 Constitution which requires firstly for some conditions to be prescribed by an Act of the National Assembly for the use of the Military in that regard.' Obasanjo responded in writing that 'I decided to deploy the Army to assist the Nigerian Police in restoring order and law as not only were property being destroyed on a large scale, civilians and law enforcement agents were also being killed. In the case of Odi, four policemen and a total of seven soldiers deployed there on law enforcement and peacekeeping duties were killed.' He also cited constitutional provisions allowing the president as commander-in-chief to determine the operational use of the armed forces, and finished by stating that: 'The deployment of soldiers to Odi ... was done within my constitutional powers and in absolute good faith with the aim of containing the worsening situation in the areas in the interest of security and to maintain law and order and save lives and property.' Once again, he declined to offer any acknowledgment or investigation of the abuses committed in Odi, prosecution of those alleged to be responsible, or compensation for the families of the dead and injured or those who lost property. In the face of government denial that any abuses took place and failure to

undertake any criminal or other investigation with a view to bringing those responsible to account, private individuals have brought civil suits against the government. In February 2000, an application to enforce fundamental rights was lodged in the Federal High Court, Port Harcourt, on behalf of the Odi community, seeking ₦1 billion (U.S.\$7.7 million) damages and other relief. The government has failed to file any defense to the application or to appear in court to respond to the various applications made on behalf of the plaintiffs as the case has proceeded. In July 2002, nine women from Odi filed a suit in the Federal High Court, Port Harcourt, seeking ₦19 million (U.S.\$146,000) compensation from the federal government for rape, torture, and emotional trauma suffered during the invasion. The government filed a defense denying all the allegations.”

<sup>66</sup> This increased public outrage only reflects what has been said in earlier years. The Swiss NGO Gesellschaft für bedrohte Völker [Society for threatened nations] has given a corresponding comment concerning the police raid in K-Dere in April 2000 that is considered in detail here. Press statement, press conference on the Abacha money on 8<sup>th</sup> December 2000 in Zurich [author’s translation]: “Of course, the Nigerian security authorities must be able to bring to justice committed crimes and prevent new offences, however, each violent intervention will only aggravate the circle of violence in the Niger Delta.” Original: “Natürlich müssen die nigerianischen Sicherheitsbehörden begangene Straftaten ahnden und neue Delikte verhindern können, doch jedes gewaltsame Eingreifen der Sicherheitskräfte wird den Kreislauf der Gewalt im Nigerdelta nur weiter anheizen.”

<sup>67</sup> According to principle 13 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: “In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.” This regulatory framework and the UN Code of Conduct for Law Enforcement Officials were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

<sup>68</sup> Documentation by Pastor Barry Saro Wuganaale, p. 17.

<sup>69</sup> Documentation by Pastor Barry Saro Wuganaale, p. 18: “The National union of Ogoni Students (NUOS)[,] and affiliate of MOSOP, the home branch had lost several of her members. Normally the local government councils and Rivers State transport company had always been the suppliers of free transport facilities to the Ogoni students (particularly Rivers State Polytechnic Bori, the only higher institution in Ogoni area). [...] Under the administration of Mr Letam Korsi, the present chairman of Khana Local Government Council, more than six such car accidents have taken away the lives of several students of higher institution. The reason is that, it is mainly the higher institution students that are capable to always gather momentum to stand against the government whenever the youth want a quick protest march.”

<sup>70</sup> Documentation by Pastor Barry Saro Wuganaale, *ibid.*: “Mr. Innocent Agbarator[’s] sacking from the Tai local government, because he is the current NYCOP president and over 1,300 Ogonis from the national Fertilizer Company of Nigeria (NAFCON) without any form of compensation for the past 2 years are examples.”

<sup>71</sup> Documentation by Pastor Barry Saro Wuganaale, p. 19–25, 46–54. For confirmation, phone numbers of five humanitarian workers, lawyers, and journalists are provided.

<sup>72</sup> Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: “The Nigerian government, the Nigerian government holds them as very great threat, you see, and they already know them. So any attempt for them to come back home will have these secret killings, these secret killings and arrests. They will just pick you in the dead of night. And that is the end of you, disappearances and all of that. So, I wouldn’t subscribe to a situation where, say, they should come back home. They are not safe. [...] So, if you relocate them to any other place, to be very frank, Nigerian government will still try to locate them there. You know, in that place where they are, they have penetrated them several times. There are times the government from Rivers State here Nigeria used the Rivers State DC to go and [retrieve] them, to go and try to, you know, cause problems. There are times people carry ammunition<s> and the boys they quickly got to know of it and they chase these people out. There was a time they brought a car to do some things and they punctured the car. So, if they were not like that, there was a time also they brought poisoned rice, poisoned bags of rice. I wanted to give it to them. But these boys, they were very clever, these people were very clever. They looked at it twice. You know, having passed through the things the Ogoni people have passed through and at the end of the day you don’t – [you open your eyes, you are not for wise then, if it’s missed you’re something else then]. So, our people there, even the ones here, our eyes are open. So, for any person to try and come and pretend and say, he wants to do this, you are to be very sure of what we are doing with that person, otherwise, we are not loved at all, anything can happen to your life at [any] moment. There have been [a series of] threats on their lives. So, if they had eaten that rice, think of what would have happened by now.”

It is worth noting that Barisuatam Deeyeh independently confirms the refugee’s description of the Nigerian authorities’ penetrations. Documentation by Pastor Barry Saro Wuganaale, p. 23: “The UNHCR Cotonou and the Benin Republic security had shown complete neglect of our security to the exten<d> that<,> the Nigerian Embassy obtained the permission of the UNHCR on the 26<sup>th</sup> day of <j>une 2000 to come and threaten us. The

embassy cam[e] to the Church during prayer and fasting session and informed us in clear tune that the UNHCR and Benin Republic had concluded arrangement with the embassy on how to forcefully send us back by all means. The embassy sent another spy [M]aria Ndombi by the 2<sup>nd</sup> of July, who also got a note from a UNHCR officer into our midst. On the 5<sup>th</sup> July the Nigerian Embassy poisoned food stuff and sent [it] to us. On the 25<sup>th</sup> and 29<sup>th</sup> July 2000, the Nigerian security agents invaded the Kpomassè camp to kill the Ogonis officially under the care of UNHCR Cotonou. The UNHCR did nothing even as Mr I. A. Paragalda gave orders to the Benin republic genda[r]m<a>rie and police to shoot the Ogonis. Forcefully the vehicles containing arms <was> removed from the camp so that no evidence would be gotten of the fai[l]ed attempts to kill the Ogonis. The two vehicles with reg. No RVGH 155 and RVG H175 <was> taken and the High <c>ommissioner who promised to do something did nothing.”

<sup>73</sup> Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwibari: “Almost all the people who are there in Benin Republic, they are victims of homeless – homelessness, victims of homelessness. In 1993 and 1994 thirteen villages, thirteen villages were completely destroyed. Till today, these people have nowhere to stay. And because they have nowhere to stay, they don’t have any food to eat, no food for them to eat. And because there is no money, there is no food, there is no home, they cannot get education. And of course, when they are sick, they die of preventive diseases because of lack of medical facilities. So, sometimes people begin to ask: ‘Why don’t you ask them to come?’ If you ask them to come, in the first place, where do they stay here in Ogoni? What is the food they will eat? How do they train their children in the school? How do they clothe themselves? We expected that government by now should have set up some buildings in the places where these people were settled before. They have not done that. We have shouted and cried and protested and petitioned that government and Shell should build the buildings [they have taken from them]. [...] What [we ask] the international community to ask Nigerian government and Shell is: If they say there’s economic boom, or economic activities booming in Ogoniland, and therefore the people who are there should go back home, which home should they go? Where do they go, to stay as their home? What do they eat when they go there? So, government cannot say: ‘Come back, come back!’ Come back to stay where? [...] My position is that, one, government should build houses for them, make health, educational provisions for them, employment provisions, opportunities for them. If they do that, they can come back here, home, because: they don’t have home, they don’t have where to stay, and they don’t have something to eat. Alternatively, the international community can arrange the resettlement in other countries of the world, so that they can eat [properly], get job opportunities for them to survive. And then they [additionally] can get training, educational trainings.”

<sup>74</sup> Compare endnotes 72 and 73 with the following. Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: “So that is this – we really sympathise with that situation, because people are really suffering, they are suffering. I just imagine, if I were one of them, if I didn’t want to take the kind of risk I had to take at home and I ran away, I [wonder how] – the kind of way I would have been suffering, too. [...] One, you see I have been here in Ogoni, throughout all these crises, throughout the period of the padlocking, tremors, and sacking us and shooting us. I have been doing the meandering and running and hiding. When they were to pass here to come and kill us I have been passing behind them to [be filling] them. So, most of these things aggravated, but I have been taking my time and knowing my little, little ways. And that is why I am here today. But those of them who are – it’s not that they were too much, they were too vulnerable than myself to arrest and torture and death, but then, for them to have left home, you know, and to have been outside like that.”

<sup>75</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “Those of Benin? You see, Benin is also divided as the MOSOP Ogoni. [...] Those refugees who fled here after staying in Benin for a long time now and could not go over, they started to [ferment] trouble among themselves now. So they’re also in <a> split up groups. [...] But, they are not so much attached to any of the groups. If they will do it, may be up from now. But by the time we attended the Ghana conference, they were a separate group altogether. They neither belong to Mitee nor Noble. For they were attacking everybody in MOSOP. *And they had no relations to MOSOP International, neither?* Well, I don’t know whether they are attached to them, but from [our angle] their opinion was to attack everybody. *But they must have been invited, or weren’t they invited to Accra?* Um, well, I don’t know.”

<sup>76</sup> Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: “Then, there are times, too, when, just like we came from Ghana. After we came from Ghana [we] have summoned a meeting of all Ogoni people. When on air, Noble was away, I addressed the Ogoni people in that hall and the press was adequately represented, they carried the news everywhere, even on radio. So, that’s how we do.”

<sup>77</sup> E. g. the burial of Ken Saro-Wiwas mother. Written communication by Barisuatam Deeyeh.

<sup>78</sup> Particularly, see endnotes 14, 15, 79, 92, 141, 145, 150, 163, 167, 171, 173–176, 180, 182, 186, 201, 203, 206, 213–215, 219, 221–222.

<sup>79</sup> Videotape of the Ogoni Day 4<sup>th</sup> January 2003.

<sup>80</sup> Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwibari: “MOSOP International, between, since, between July last year. We were able to award the second fees of the scholarship, the second fees, to [nineteen] students in the

universities to study different courses.”

<sup>81</sup> Interview 4<sup>th</sup> January 2003, Bori, Beneficiaries MOSOP scholarship fund: “If you run a programme like B. A. which takes four years they will pay you the money for the four years, by year, per section, 10’000 Naira per section for four years.”

<sup>82</sup> The nine beneficiaries I have interviewed read Accountancy, Accountancy Dept. of Rivers State Polytechnic Bori—Material Sciences, Dept. of Physical Sciences, Rivers State University of Science and Technology (UST) Port Harcourt—Political Science, University College of Azikiwe, Port Harcourt—Mechanical engineering, Rivers State Polytechnic Bori—Geophysics, Dept. of Physics, UST Port Harcourt—Management Dept., UST Port Harcourt—Health Education, Dept. of Human Genetics, University College of Education—Geophysics, UST—Environmental Physics. – Interview 4<sup>th</sup> January 2003, Bori, Beneficiaries MOSOP scholarship fund.

<sup>83</sup> Interview 4<sup>th</sup> January 2003, Bori, Beneficiaries MOSOP scholarship fund: “So, MOSOP scholarship helps in terms of alleviating the students. In this part of the environment somehow people are less privileged. People don’t even go to school. [...] If I wasn’t one of the beneficiaries I wouldn’t have maybe been able to help my people, but I thank God today, come what may, I must help my people through MOSOP scholarship. [...] I am going to major in Environmental Physics to support the struggle I believe, as an Ogoni indigene and a member of MOSOP, you know the scholarship we have been given, it will assist in this direction. [...] This Health Education we are talking about, we educate people. [...] After my study in the university, we educate people on the safe environment, how to save the environment, how to keep – how to abstain themselves from accidents. In terms of accidents, the way how they can protect themselves. In first aid we carry on first aid, how to apply first aid. We go in, teach people how in case of an accident in the house, how they can quickly help the person. Even companies we can – at times we go on visitation to the oil companies. We educate people how they can steer with this material, how they can steer with this instrument without getting any injury or wound. So, those are some part[s] of the safe environment. For in the pollution aspect, we go in and educate people on waste material. Look around, you can see some pure water bags, sachet bags. We tell them that this water loose bag, if it stayed somewhere that water can come in, that Mosquito can lay eggs there – we educate people on how to chug their waste anyhow. So, those are some works we do. And some like polluted area like the refinery just close to us when the rain falls it is that our people drink this water. We say that: ‘Don’t drink this water, this water will be poisonous.’ So we educate people on this. Because you see, this our environment, it is not worthy of saying, is not safe.”

<sup>84</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “[...] the only communiqué [of the Ghana conference] we were able to carry out was the scholarship that we gave to some Ogoni individual students. [...] We have been giving money regularly to the students, about 39 students.”

<sup>85</sup> See endnote 194.

<sup>86</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary: “The work of FOWA, the specific work that FOWA get is that we are people who don’t want cheating. We don’t want to be cheated. [...] O. K. Well, the while we see that there is something that is going to disturb us, anybody, whether it is from Shell or the Nigerian government, we do shout on it, we [brusquely] speak it out. Sometimes we make rally and have a protest rally. [...] And we discuss how we are going to do to help the men, or to help the boys who are guarding the locations we have, so like this people cannot come again and drill the oil. This is the work we normally do.”

<sup>87</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary: “Yes, there was rally at Korokoro. And we were drive, we were beat up by the Shell agents. [...] the Shell securities did that beat-up because it was on us [told], we were let know that the idea, they have come there to withdraw oil. So, when we heard of that we went there and demonstrated and protested that we don’t want them. We were beat up by their securities. Those are the work of FOWA.”

<sup>88</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary: “Well, the reason why is that we, the women do monitor those things is that immediately they see our men they will not spare them and they, at times, they do have some times, I don’t know, that [though] we women are weak. And that is why sometimes we do go there. We go there and then, we only run as sometimes we run away from them and when they get to us, at times like there was a time we were guarding that place. We the women were guarding there. When they came they beat us and even raped some women that was there that time, they raped them. – And that’s why most of those women are not with us. Most of them are sick. [...] They say that the woman that was raped, one woman died. Then, one is still alive, the one from Khana is still alive. [...] But the woman is not well up till now. The one that is alive.”

<sup>89</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary: “Since then, we even went to Yorla where they have another location. – [You know there’s] another location after Yorla. Near Bane, there. Maybe you might have been there. So, we went there and examined that [at] our reaching there we would see that they had started operating and put in some of their materials, their pipes. Their pipes and other things. They had been there dismantling, they have dismantled through the way, through our

rally.”

<sup>90</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary: “The next thing we saw is that they drive the Nigerian indigens or the Nigerian people to go there; if they see any Ogoni – sometimes we do set our boys there – [...] – we do set our boys there to guard those things. Then they send the Nigerian government. So, they go through the Nigerian government to guard there also. And if they see any of our child or any of our sons that we keep there to guard those things, they will use the gun chasing them away from there. [...] See, the oil there overflow and exploded the whole of that place. Then, they went to use by trick and they drilled oil. [...] They want to use trick to drill the oil. So, we did not accept them to do that, mhm, we did not allow them to do that. [...] This trick is that they sometimes they use – they come, they say they want to clean that place, they want to do clean up. [Whereas] They’re not doing any cleaning up, they just want to use the oil by themselves. And that is the trick. They do carry moto come. Sometimes you see helicopter flying here and to [here] this and like that. Then, when they get here and they see our boys they will chase them away with guns. [...] In Kenkana kingdom. That was the one from Nbaye that was shot and up till now we have not seen the corpse. They’ve not released the corpse. The Nigerian government just take off the corpse and went away with the corpse. Up till today we’ve not seen the corpse of that boy. That was the one at Yorla, in Kenkana. The boys from Nbaye.”

<sup>91</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary: “*I think today in the session [Ogoni Day meeting], there was made a point that Ogoni should no longer fight.* [...] You see, what brought the fight is that Shell and Nigerian government, they do – [...] And the federal government, they do, you know, since we are poor, since we don’t have money, the little some people see, they take it to be very high. Then, they do give them sometimes 5000 Naira, they say, by trick: ‘Bring the oil for us,’ by trick, ‘do this’. Then, – [...] They use those tanks, they use rubber, they put it. So when will we hesitate, then we will not allow them. Then through those people, they will organise their own CDB weapons that they use on us when we refuse them to drill the oil they use big, big weapons. [...] They’re all people who love money. There are some people who love money. Since they are poor, when they have seen the little one they will have, you know, for, for that, for to eat. Then, since they are defending what they have been paid for, so they will not allow – [...] *I was asking, there was people who take money. Of what age are they?* You see, most of these people, they are up to thirty-something years and the youths will not allow them. So, it is only when the youths will not allow them that we bring out [riots].” See also 2.7.

<sup>92</sup> Videotape Ogoni Day, Interview 4<sup>th</sup> January 2003, Bori, Noble Obani-Nwibari, Interview by Eric Komene, State Electoral Commission: “For instance, Shell has taken money into Ogoni area which all of you know. Many have been bought over, many have been given money to say that there is no problem in Ogoni anymore. I know of an Ogoni people, I mean, the Ogoni people who said: ‘Oh, Shell is doing all they could, they are doing their best, they are doing that, they are doing that.’ The answer is no.”

<sup>93</sup> John Chiahemen, Reuters News Service, 19<sup>th</sup> May 2003: “Samuel Inyang, Shell’s production manager in its southeastern Nigeria operation, told Reuters syndicates using barges and ocean-going vessels were now syphoning off up to 20 percent of Shell output in the region. The growing phenomenon of oil theft, or ‘bunkering’, adds to ethnic and community unrest in the western half of Nigeria’s oil-rich Niger Delta. Unrest forced oil majors to shut facilities in the western delta in March with a loss of 40 percent of Nigeria’s total 2.2 million barrels per day production. He described those involved in oil theft as ‘very professional, with international connections, and, I understand, very dangerous too.’ They had managed so far to circumvent Shell’s measures to reinforce the valves on its manifolds, where they tap in. ‘They go to a manifold and do a hot tap right on the pipeline. And they do it in a way they tap the dry oil, leaving the water,’ he said. The identity of those involved or where the oil they steal ends up has never been fully disclosed. However, industry and security sources say they include well placed Nigerians and their foreign associates. Some industry sources say some of the oil ends up at some refineries in West Africa, while a number of Nigerian manufacturers are also known to use crude oil to burn their furnaces. ‘There was one Sunday we went on an overflight with the navy and we counted three barges. It’s a huge market,’ Inyang said, displaying a photo of the scene on his desktop computer. Since then the navy has swung into action in the narrow creeks and rivers of the Niger delta and their intervention has already allowed production in the east to creep back up, Inyang said.”

<sup>94</sup> When the Pressure Drops. An assessment of Shell’s progress in the Niger Delta, The Ecumenical Council for Corporate responsibility (ECCR), Bishop’s Stortford 2002, p. 8. Shell explicitly states this as its own policy. See endnote 96.

<sup>95</sup> Another instance is the Land Use Decree of 1979. By this decree, land harbouring oil resources can be expropriated without compensation. International law and all comparable national laws are based on the property rights guarantee which includes among other things that all expropriated property must be fully compensated. The oil percentage is based on this principle.

<sup>96</sup> When the Pressure Drops. An assessment of Shell’s progress in the Niger Delta, The Ecumenical Council for Corporate responsibility (ECCR), Bishop’s Stortford 2002, p. 12: “Any oil spill not resulting from operational

procedures or mechanical failure has been called sabotage, by the company. The word 'sabotage' implies deliberate damage for a political end but in Nigeria 'sabotage' includes <straight forward> criminal acts, of which there appears to be a growing number. This includes organised crime when road tankers and ships tap in to the pipeline to steal product, sometimes leaving oil pumping from the broken line. Local communities do not have the resources for this level of crime. Even smaller incidents may be committed by people from outside a given community. It is insulting to people to be labelled saboteurs and does nothing to enhance community relations. We were pleased that when we met company representatives at the end of our visit we were told that the language would change to identify crime as crime. An increased sensitivity in the use of language is needed."

Shell's People and Environment Report 2002, p. 7 and 45 still uses the term "Sabotage" indiscriminately. The Nigerian Shell website shows no change of communication: "Sabotage is a pressing problem for the company which can only be addressed by better engagement with those factions in the Niger Delta who feel sufficiently disenfranchised to choose this course of action. Spills caused by sabotage cause more damage to the environment than other spills, as it may be some time before they are reported, and we are often prevented from gaining access to the site to stop the flow and begin clean up operations. [...] A total of 96 pipeline repairs were carried out in 2001 against 11 planned. The additional 85 repairs were due to 78 cases of sabotage and crude oil theft, two equipment failures, one case of mechanical damage and the repair of four previously inaccessible pipelines. As reported last year, most cases of pipeline sabotage theft occur at pipeline manifolds. To forestall this, we continued during the year to modify the swamp manifolds using valve interlock system technology. A total of 231 valve interlocks were installed in 2001. In addition, of the 48 swamp manifolds in our eastern operations 32 (67 per cent) were fenced and caged with steel wire mesh while modification of 46 (49 percent) of 94 manifolds in the western operations was completed. This work will be completed by end 2003 in our eastern operations, and by end 2004 in the west." – And concerning the Ogoni region on the same website: "Some 75 per cent of oil spills throughout our operations are from corrosion in older pipelines and other facilities, and from oil operations. Unfortunately, between 1989 and 1994 about 25 per cent were the result of sabotage. In the Ogoni area, investigations show that 69 per cent of all spills between 1985 and the start of 1993 have been caused deliberately. This calculated sabotage is done to win compensation and make political gains. In accordance with Nigerian law, we do not pay compensation for spills caused by sabotage - only for accidental spills. Common methods of sabotage are hacksaw cuts and opening or tampering with valves. In Ogoni from 1985 up to the beginning of 1993, when we withdrew our staff from the area, 5,352 barrels of oil were spilled in 87 incidents. Sixty of those incidents were sabotage (44 using hacksaws). From 1993 to October 1994, following the withdrawal of SPDC staff from Ogoni, there have been another 24 spills, 17 of which have been confirmed as sabotage, with another four of unknown cause. SPDC has been using Ogoni contractors to clean up these spills where it has been permitted by local communities. Since the beginning of 1993, a number of flowstations in the Ogoni area have been vandalised. The repair bill is likely to top \$40 million."

<sup>97</sup> Specifically, undisclosed agents are difficult to identify either as oil thieves or as dismantling personnel by locals who surprise them. Ogoni Star 10<sup>th</sup> December 2000: "Ogoni Star checks revealed that last Friday November 24<sup>th</sup>, an oil tanker presumably on an illegal exercise stealthily entered a Shell oil well location on the <out skirts> of Kpor and started pumping up crude oil earlier collected in trenches. Some fierce looking Policemen overseeing the operation prevented some few youths that were attracted to the scene from interviewing the crew of the oil tanker. When the movements surrounding the set up became more suspect, some other youths were invited and the area became tensed up with more voices demanding explanation for the oil lifting. The Police quickly discovered that they could no longer prevent the surging crowd from ascertaining the identity of the occupants and the purpose for the pumping away of the raw crude oil. They then alerted the driver of the tanker to stop pumping and promptly radioed the council chairman who seems to have authorized the operation. Some huge amount of cash was quickly dispatched to the spot and thrown openly over the heads of the youths in a move that smacks of Hollywood training. While the youths were <busing> struggling over the free cash, the tanker zoomed off leaving no trace of its movement. Even the Kpor Police DPO that was found with other Policemen at the site could not offer foolproof explanation for the incidence. Some youths later regrouped and moved to confront the Council Chairman, Mr. Fred Kpakol who after allegedly settling them with N10,000 advised them to forget the incident as it was a process of cleaning of oil spill by Shell. Although his reasons were very unconvincing, this set of youths departed the council to booze away the ten thousand bucks. Why should the council chairman be involved with this fake Shell deal?, a youth asked angrily as he pocketed his share of the oil windfall in Kpor. Some other youths that were not privileged in having a piece of the action on both occasions decided to set fire on the left over crude oil at the well site. This caused panic in the entire community but some people who used excavated sand to put <off> the fire thus putting the situation under control much latter. Ogoni Star checks revealed that the purpose of igniting the place with fire was to forestall any fresh attempt by Kpakol to come again with another tanker for the oil deal in the guise of oil cleaning. When Ogoni Star asked an indigene of Kpor why they failed to report the incidence to the Police, he retorted: 'Are you

not an Ogoni? Don't you know what is happening here? The Police escort oil tankers and trucks loaded with pipes out of this local government every week. It is like reporting a thief to a rogue, you will be the next target after they have settled. Just note, as soon as this incident is reported, the chairman and the police with their collaborators will cover their anus and jointly deny what happened in broad daylight and threaten to kill those who are exposing their unpatriotic ambition to amass wealth. [...]"

<sup>98</sup> Ogoni Star, 8th–21st May 2002. Documentation by Pastor Barry Saro Wuganaale, p. 29: "The police command moved the loaded truck of excavated pipes to the State Intelligence and Investigative Bureau (SIIB) in Port Harcourt, and 'convinced' the community that Shell Petroleum Development Company should provide security for its property henceforth to avoid further crisis. The postulated reason was that the villages will no longer have to bear blames for vandalized Shell properties whereas they are innocent. By such proposition, the villages presumed that investigation will continue as a 'check measure' had also been put in place. The press conference was advised to be stopped as the higher police authority showed sign[s] of honesty. The SPDC basing upon that gave out the 'contract' of securing its property in the whole Khana local government to one Mr Marvin Nyobana the owner of 'Marvyoks foundation'. Surface it that Mr Marvin Nyobana an Ogoni man [...] is also a Shell contractor and a notable oil bunkerer in the Rivers state. [...] With such unenviable profile, it is not a surprise that Mr Marvin Nyobana contracted to protect oil installations in Ogoniland was nothing but an 'official' method of carting away the same property that the Ogoni citizenry and MOSOP faithful had been accused of vandalizing." The incident coincided with the mayhem in nearby Bori and with a letter from Shell to the speaker of the House of Assembly dated 26th April requesting safe access to the pipeline. The Asylum Seeker's faction of MOSOP claims that the contractor incited the mayhem in order to diverge the communities from the pipeline removal. See also *The Punch*, 13th May 2002, *Weekend Digest*, 18th May 2002 p. 27, *Saturday Punch*, 18th May 2002 p. 8, 30, *The Beacon*, 7th–13th June 2002, p. 5. – The ECCR report confirms that contracting is an area of concern. When the Pressure Drops. An assessment of Shell's progress in the Niger Delta, The Ecumenical Council for Corporate responsibility (ECCR), Bishop's Stortford 2002, p. 15: "There are a number of areas in the company's external relationships where corruption has occurred. Although details are hard to come by there is a general belief that the giving of contracts is one such area. Contractors may inflate prices, take money for incomplete projects, or be open to pressure from community elites. ECCR has been told that SPDC intends to work with contractors on corruption issues. It will be good to see the results of this work in future. Withholding final payments until projects are signed off may be one useful mechanism."

<sup>99</sup> Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: "And the executives will also meet, sometimes maybe – even less than a week, emergency meetings or whatever, we meet often." About spontaneous information meetings see 6.2.

<sup>100</sup> Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: "And this we were talking about, we're talking about executives, national executives, then we are talking about executives of the kingdoms, kingdom executives, i. e. the secretaries and the co-ordinators, they will also go down the lane to the chapters where – these are the people we use as executives and, I mean, the steering committee members and also executives of the affiliates of MOSOP."

<sup>101</sup> Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: "We meet every week. We have what is called a steering committee, we meet every Tuesday."

Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwibari: "[...] those of [us here] in Nigeria, we hold our meeting every Tuesday of the week, i. e. steering committee meeting. Then, the executive meeting, we hold it once every month, like tomorrow Monday 6<sup>th</sup> they're going to hold the executive meeting which was announced yesterday." See also endnote 99.

<sup>102</sup> Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: "Yes, we cannot say that every week everybody comes, we can't say that. Because people have problems, their personal problems."

<sup>103</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary.

<sup>104</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary: "That is we discuss our kingdom, all the problems they are facing. It's just general problems that we are facing in Ogoniland. So, when these kingdoms have their own meetings they discuss the problems they have in their kingdom. When this one they have, and the problem is just the same thing, so, after that, we will collect these things in a national in a report."

<sup>105</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary: "[...] it is not only on activities days like this [Ogoni Day] that we do come together. At times, we do come together, not only when – like the day we have rally, it was FOWA who organised the rally, but when the men see that we have gone out for it they support us."

<sup>106</sup> Interview 4<sup>th</sup> January 2003, Bori, Barido Nyodee, FOWA President and Theresa Akoba, FOWA Secretary.

<sup>107</sup> Note, however, that Nigeria is not mentioned among the countries receiving this information. Interview 3<sup>rd</sup> January 2003, Bori, Noble Obani-Nwibari: "[...] we formed what we called international desk, as a house to co-ordinate everything that happens in the globe. And then, then [I'll] get all the information, and [clear], send it

back to other regions like those in the Scandinavian countries, like Denmark, and Switzerland, those in London, those in Australia, those in South Africa, and those also in Germany. [...] *How frequent is this communication to national branches?* It is on a daily basis, or on weekly basis, or on monthly basis, based on the information available. *And how frequent are meetings with activists of MOSOP International and of national branches?* Yeah, we do. What happens is that, for instance like we held the meeting in Accra, Ghana. The people national joined us in Accra, people from Europe and America joined us. So, we now blend, articulate the activities in Nigeria and those in Europe and America. And that was what we did and were able to resolve on the communiqué we issued. *How frequent are these meetings?* Depending on the availability of the resources. For instance, like the one we held in Ghana we were <been> sponsored by Igua, Igua helped us, and [some other] NG –, it depends on the availability of the resources. Because MOSOP does not have any money to be calling frequent meetings.”

<sup>108</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “Because, MOSOP there are projecting, but we don’t know what they are doing.” It is worth noting that conferences held in the US are mentioned only by overseas officials, not by residents. See 7.0.

<sup>109</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “Yes, MOSOP International. We don’t observe anything like co-ordination. The only thing that we can remember is that when Noble was there. But [to] moment really, those who are there, even if I see where to deport them, I mean, to bring them back, if I see the place – as I am here now we do – because I sit there, they have – I think I told you earlier: there is no co-ordination. Even if we send for them, people like – [...] Anslem, [Dornubari John-]Miller, former president of NYCOP, Diigbo, Goodluck Diigbo – [...] These people just went down, because – [...] They are not co-operating, no co-ordination, no message, nothing as we are sitting down here. *So you have no communications system established.* No. We don’t sit. *And you don’t meet regularly.* We don’t meet. They don’t even create avenues for meeting. – Except for Ghana conference. – That’s so. – That is where we met. – That’s so. – *There they were? And Ghana conference was organised by MOSOP International?* Yes. And I spoke to them. I told them to stop writing and reporting themselves. Because I see that they don’t agree within themselves. That problem also was caused by Mitee. Because there is a group for Mitee even there, – [...] till now. If they bring up something, Mitee’s group will try to counter it. That is the problem, so there is no unity among the MOSOP International.”

Interview 5<sup>th</sup> January 2003, Barisuatam Deeyeh: “*Besides <of> this feedback, have you got a feedforward from the regional branches to MOSOP International?* Yes. We have been doing, but I must have to say that it’s not being very adequate, this feeding of the home front and then this – no, though we have been giving them information, of course, of whatever happens at home. It is our alarm, that brings the world to notice. Whatever happens we raise our alarm, we don’t just keep quiet. But the thing is that feeding us back has not been very, you know, and has been as a result of this whole problem, this whole problem with leadership, you know, which this man initiated. *You are talking about Ledum?* Yes.”

<sup>110</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “They almost forget, they don’t support, I mean, financially, I mean, to aid us, because as we are here, do you know at times we [trek] to Bori to attend meetings? [...] When you hear MOSOP and how is their activities: activities of MOSOP is very much alive, but the poverty is disturbing us. E. g. tomorrow is Ogoni Day. By the time you mobilise people and carry moto, now who will carry moto, I mean, you will be the one to hire moto – no money. [...] Yes, MOSOP International.”

<sup>111</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “Yes, really MOSOP got the support and Accra, the mission, everything was all right. We liked it. I think I even volunteered that if there will be any again that I will go myself. Because, what the Accra – one of the benefits was some of those people who are overseas, who left here since then, after the execution, attended that meeting. But, they’ve not been coming here. That is one of the benefits. And at least they heard the secretary of the kingdom. That day they saw him present and he talked to them. [...] Fortunately, the Accra conference brought the both parties – together. So, that was an advantage. And if such a conference continues, I believe there will be some progress between them both. [...] We don’t observe anything like co-ordination. [...] We don’t meet. They don’t even create avenues for meeting. Except for Ghana conference. [...] *There they were? And Ghana conference was organised by MOSOP International?* Yes. And I spoke to them. [...] Yes, the Accra meeting was important. And it helped our president to know certain things and to do certain things, more than what he was doing before. And since after Accra meeting our president used to be around more than before. Before he could come once in every other month, but since after the Accra meeting we organise so many rallies, so many rallies, if not the national papers refused to carry.”

<sup>112</sup> Interview 3<sup>rd</sup> January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji: “Accra conference? What I consider as benefit there e. g. was that it was said that anything political, no activity we associate with political parties, government. I heard so, I wasn’t there anyway. [...] the only communiqué we were able to carry out was the scholarship that we gave to some Ogoni individual students. *What would you think the carrying out of the*