

***Report on the Situation in Ogoni Land in the Niger Delta, Rivers State, Nigeria and on the Movement for the Survival of Ogoni People (MOSOP) in January 2003***

***Submitted to the Board of the Institute for Ecology and Action Anthropology (infor CH), Zurich, Switzerland***

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## 1.0 SUMMARY

1.1 The purpose of this report is to provide first-hand information on the situation of the Ogonis and of MOSOP. Accordingly, concerning the resident communities, it draws on the situation of environment and infrastructure in Ogoni land, the supply of basic needs, and the security of lives (2.15–5.16). Subsequently, the present structure and ability of action of MOSOP are analysed. MOSOP's activities and relations to Shell and the government are presented (6.0–10.20).

1.2 This report is based on material collected during a visit to Ogoni land in the Niger Delta region of Nigeria from 2<sup>nd</sup> to 5<sup>th</sup> January 2003. Six months in advance infoe's contacts to MOSOP existing since 1996 were activated and maintained until arrival. The material includes six interviews by the author (questionnaire see Appendix III), one interview by an Ogoni member of the Rivers State Electoral Committee, two speeches held at this year's Ogoni Day celebration on January 4<sup>th</sup> 2003 at the Bori conference centre which I attended, as well as picture material and oral communications collected during a three-day inspection of operating or abandoned and partly dismantled oil facilities, of abandoned development projects, and of Ogoni villages and their environments. After the visit, follow-up questions regarding the interviews were emailed to the interview partners and their answers added to the interviews. Additionally, this report takes into consideration a documentation on the Ogoni refugees in Benin, reports by Pensions & Investment Research Ltd. (PIRC), an institutional shareholder's consultancy, by the Ecumenical Council for Corporate Responsibility (ECCR), and by Shell, as well as newspaper articles. Both PIRC and ECCR have been reporting on Shell's human rights and environmental performance for more than ten years.

1.3 The interviews reflect MOSOP's view, the pictures are evidence provided by the author. These pictures may be reproduced by all Ogonis, MOSOP, and its affiliates. They may be used by companies, authorities, and by Ledum Mitee's faction after written consent of infoe CH. For reproduction within publications and for commercial use the standard fees apply. The assessment and recommendations reflect infoe's view. They have been approved by the board in its meeting of 12<sup>th</sup> August 2003. The oral and written information collected is believed to be true. Regarding sensitive or important issues and controversies, information has been scrutinized by comparing independent statements. Infoe disclaims liability for incorrect information. Any disputes will be settled before a competent Zurich court of law.

1.4 All parties mentioned in this report are invited to let infoe know their own views. Infoe reserves the right to reproduce their comments in the form of endnotes marked as their respective views.

1.5 It is recommended that infoe:

- regularly observes how peace building in Ogoni land and joint activities with other Niger Delta movements progress.
- monitors the pending legal proceedings on the Abacha money, searches internet sources on movements and organisations operating in the Niger Delta, and discusses its findings within the board when necessary. Contacts to Nigerian NGOs should be established and maintained as a base for class action.

- creates incentives for transparency and financial accountability and considers the alternative possibilities: to start fund raising, to define and set up application procedures for financial contributions, to participate in Swiss institutions that financially support projects of indigenous movements.
- observes the MOSOP scholarship, the monitoring network of FOWA's women, and, in general, projects in MOSOP sustaining networks for non-violent interest enforcement, supporting higher education, and providing economic enabling for large groups.
- delegates a member in order to evaluate the availability of internet access for executives, steering committee members, and co-ordinators of MOSOP, FOWA, NYCOP, and other affiliates in Ogoni land. The purpose of this inquiry should be to assess what support of infoe will be effective in helping to establish and to run a communication network for weekly international exchange of information.

#### 1.6 It is suggested that MOSOP

- considers setting up a credit scheme that rewards “whistle blowing” by MOSOP officials who have received money by undisclosed parties, that allows the MOSOP leadership to jointly, transparently, and publicly account for and decide on the redistribution of the money to areas where development and funding of projects are prioritised.
- discusses, defines in a formal resolution and publicly announces what practice is corruption and what is not, in MOSOP's own view and, specifically, with regard to Ogoni culture and customs.
- establishes an information network that will safeguard an effective and efficient flow of information from Ogoni land to the international branches and the feedback and distribution of information on international activities and projects for Ogoni land.
- discusses, defines in a formal resolution and publicly announces which of the following degrees of abstinence from party politics are allowed and which are not: total abstinence, lobbying, support of candidates for political offices, registered party membership, and candidature of MOSOP activists. The purpose should be to make the definition of “abstinence from party politics” explicit in an unequivocal, formal and binding statement.

Infoe CH ([www.infoe.ch](http://www.infoe.ch)) has been in touch with MOSOP since 1996. It has reported and published on MOSOP and, in general, indigeneous communities worldwide with regard to oil industry, water, and biodiversity. It runs a semiannual magazine. Publications and reports on oil industry and minorities are: Tobias Haller, Annja Blöchlinger, Markus John, Esther Marthaler, Sabine Ziegler (2000), Fossile Ressourcen, Erdölkonzerne und indigene Völker, Focus Verlag; Simone Giger (2001), Investigation about the cooperation between NGO's and indigenous organisations. The example of MOSOP, seminar paper, University of Zurich, Institute of Social Anthropology; Christoph Thurnherr (2002), Bericht über die Konferenz von MOSOP in Accra, Ghana, 28.–30. März 2002, report on behalf of infoe CH; Christoph Thurnherr (2003), Das Erdölproblem Nigerias. Unter besonderer Berücksichtigung der Situation seit 1999, seminar paper, University of Zurich, Institute of Social Anthropology. Infoe has been lobbying for a percentage of the Abacha money deposited on Swiss accounts to be used for remediation of polluted land and development of the Niger Delta communities.

1.0	Summary .....	i
2.0	Introduction .....	1
	MOSOP .....	1
	Shell Petrol Development Company .....	1
	The government .....	1
	Criminal organisations .....	2
	The identification of agents .....	2
	Shell's position with regard to MOSOP .....	2
	MOSOP's position with regard to Shell .....	3
	The question of assistance in development .....	3
	MOSOP's operating environment .....	3
3.0	Natural Environment and Infrastructure .....	4
4.0	Community Development Projects in Ogoni of Shell and the Government .....	10
5.0	The Asylum Seekers in Benin .....	11
	General concerns on Nigerian security policy .....	13
6.0	MOSOP Ogoni .....	15
7.0	MOSOP International .....	21
8.0	Party Politics .....	24
9.0	Achievements, Tacit Punishment, and a Model of Civil Society in an Emergent Democracy .....	26
10.0	Present Main Issues .....	27
	Income and supply .....	27
	MOSOP activities .....	27
	Infrastructure and industry .....	28
	State creation, political offices .....	28
	Oil percentage .....	28
	Education .....	28
	Land remediation .....	28
	Peace building .....	29
	Coalition against passive corruption .....	29
11.0	Assessment .....	29
	Environment .....	30
	Corporate and government relations .....	30
	Security environment and compensations .....	30
	Accountability .....	30
	Communication .....	31
	MOSOP's performance .....	31
	Factions .....	31
	Party Politics .....	31
	Is MOSOP an organisation or a movement? .....	32
	Ethics or incentives? .....	32
12.0	Recommendations .....	32
	Appendix I: List of attending officials of MOSOP and affiliate organisations, Ogoni Day celebration Bori, 4 <sup>th</sup> January 2003 .....	35
	Appendix II: Accra Communiqué 30 <sup>th</sup> March 2002 .....	36
	Appendix III: Interview questionnaire .....	37
	Appendix IV: Glossary .....	39
	Appendix V: Accountability Estimates .....	40

## 2.0 INTRODUCTION

### MOSOP

2.1 The Movement for the Survival of the Ogoni People (MOSOP) is pursuing its non-violent struggle in the Niger Delta on a smaller scale, after having survived serious threats to its existence from the outside and from within the movement for ten years. MOSOP Ogoni has at its disposal a decentralised network where community issues are reported, discussed and decisions taken on the different levels of villages, kingdoms, and the Ogoni nation. Also, the MOSOP affiliate FOWA has built up a network for monitoring the abandoned Shell facilities, and it reports attempts by anyone to dismantle facilities or to withdraw oil. Today, several factions of MOSOP operate in Ogoni land. The main points of contention between the MOSOP factions are summarised in the section on MOSOP Ogoni (6.19–6.23). A relative neglect of development issues and hostile behaviour from the outside persist. From a stakeholder point of view, what has happened in the last ten years in Ogoni land and what has been decried by the international community is a series of unfriendly encounters between the three main stakeholders MOSOP, Shell, and the government, instead of a constructive development. The results have been disastrous for the weakest stakeholder, the Ogoni people.

### Shell Petrol Development Company

2.2 Shell withdrew a major part of its staff in 1996 when it accounted for approximately half of the country's oil production.<sup>1</sup> It is still active in Ogoni land, although intermittently and on a small scale. The company dismantles part of its facilities. However, this is done incompletely, as will be shown in the section on infrastructure and environmental situation. In two reported cases, namely in Korokoro in March 2002 and in Yorla in April 2002, Shell attempted to access some of its onshore facilities in Ogoni land, provoking opposition immediately. Also, Shell has built a manifold<sup>2</sup> in Eleme. From 1993 to date no exploration activities have become known. However, Shell plans to increase its production in Nigeria in coming years.<sup>3</sup>

2.3 Certain projects of Shell within Ogoni are hard to understand as serious commitments and as true contributions to community development (see 4.2).

### The government

2.4 Since 1999 the government has stopped overt violence against Ogonis. However, it is clear that since then interests of undisclosed parties have been promoted by undisclosed agents in countless incidents (see 2.6, 5.15, 6.8). Throughout the country Mobile Police control posts extract small amounts of money from drivers to increase their own salaries.<sup>4</sup> Although this is no immediate threat to people, it has an adverse effect on the security of transactions and paralyses self-reliant development. By these control posts people are reminded of the indiscriminate violent behaviour of the Mobile Police against them under Abacha. The government supports one faction of MOSOP led by Ledum Mitee who intends to achieve a fair share by means of dialogue, political offices and party politics.<sup>5</sup> However, even Mitee has been arrested without due proceedings.<sup>6</sup> The government also supports and has co-founded the Supreme Council of Ogoni Youth (SCOY), an organisation opposed to the National Youth Council of Ogoni People (NYCOP).<sup>7</sup>

2.5 It is a commonplace that in Nigeria corruption is ubiquitous, features exuberant dimensions,<sup>8</sup> and blocks development.<sup>9</sup> Ogoni shares this common Nigerian experience. However, in Ogoni less governmental development projects are realised than in other regions.<sup>10</sup> Certain development projects have been abandoned, others have never come to operate after their completion (see 4.1, 4.3–4.5). None has been in operation in Ogoni, in contradiction to what has been announced<sup>11</sup> in the media. The Ogonis are aware that this relative neglect is a tacit punishment for their enforcement of civil interest.<sup>12</sup>

### Criminal organisations

2.6 Organised crude oil theft in the Niger Delta has reached a level that does no longer allow the oil companies to react only ad hoc. Nevertheless, the criminal organisations have not been identified (see 6.10). This is surprising, as they manipulate the oil facilities with great technical sophistication and conspicuousness. The manipulations are likely to require more time and be more visible than the tapping of flow lines by using mere force. It makes sense to regard the organised crude oil theft as a separate, invisible stakeholder in Ogoni land.

### The identification of agents

2.7 It is worth pointing out that it is difficult to draw distinctions between Shell's agents, government authorities, and crude oil thieves (see 10.17, 6.8). Corresponding to the obvious possible actors and interests involved, the most likely respective motives to act secretly are, for organised criminals, to safeguard an unmolested "supply system", for oil companies, to access their facilities in Ogoni land and to divert community opposition without causing public scandals, for local government, to proceed against personal enemies, for state government, to intimidate electorates and critics, for the federal government, to safeguard its oil revenue, and for communities to revenge and compensate for the long endured exploitation, victimisation and the past oppressors' present insincerity. Thus, even if it is easy to analyse and assess the politics as divide-and-rule policy or diversion strategies by their effects, it is difficult to attribute them to one single agent.

2.8 Until today, these agents, who manipulate oil facilities and are culpable of violent aggressions, are safe from investigation and interference except for the monitoring by the communities. It is a tragic fact that both Shell and the government have failed to collect intelligence on and to proceed against organised oil crime. Instead, they attributed all crimes to the Ogoni community on the assumption that the Ogonis steal oil to enforce their compensation claims. Such allegations must be considered as very dubious, as they serve to identify the Ogoni community and MOSOP as criminals and, hence, discredit their claims on reparations, land remediation, and compensations. Understandably, Shell may have been unwilling to supply intelligence and interfere with the government when the government failed to carry out its task of an effective security policy. However, in this way Shell, in order to safeguard its own interests, has been acting against the weakest stakeholder for more than a decade.

### Shell's position with regard to MOSOP

2.9 ECCR reports Shell's position as impatiently expecting reconciliation and co-operation, while lacking "corporate memory", i. e. lacking awareness of the scale of traumatising impact the past behaviour of the government and of Shell itself has had on communities. The report also points to the Community Liaison Officer's limited time to develop relations. The CLO's

capacity for developing relations is severely curtailed by his other duties.<sup>13</sup> For instance in 2002, an Ogoni member of the State Electoral Committee was informed by a Shell PR manager that Shell had withdrawn its contractors responsible for electrification and road building in Ogoni because Shell found some MOSOP officials unco-operative. This allegation implies both that Shell has recently been active in community development and that it stopped this activity to pressurise MOSOP.<sup>14</sup> Furthermore, at a conference in Canada in 1999, an attending Shell representative told MOSOP that Noble Obani-Nwibari was the only person in MOSOP who is opposed to negotiations. This implies Shell's allegation that there have been negotiations with MOSOP. However, to date no mandate has been given to any MOSOP representative, individual or body, to negotiate with Shell.<sup>15</sup> Again contrary to that indication, Shell maintains that prior to negotiations it must be allowed to freely access its oil sites and there must be a body of MOSOP that represents and is acceptable to all Ogonis and factions of MOSOP.<sup>16</sup>

### MOSOP's position with regard to Shell

2.10 With MOSOP, positions depend on individual members and representatives. This makes it difficult to specify a predominant position. However, all MOSOP factions hold fast to the claim of commensurate compensations.<sup>17</sup> Ledum Mitee and Shell regularly attend the Oputa Panel<sup>18</sup>. This has been interpreted as a mutual willingness to co-operate between MOSOP and Shell. However, Mitee is not recognised by all Ogonis as president of or even as representing MOSOP. Concerning compensations paid by Shell in the past, MOSOP maintains that Shell had failed to collect even rudimentary information on the trustworthiness of the governmental fund management. That Shell has chosen to neglect the possibility of any direct agreements on compensation and development which would enable them to monitor vital procedures.<sup>19</sup> And, finally, that Shell on the contrary embarked on the violent repression and silencing of the protesters and the Ogoni community that was initiated and backed by the military dictatorship.

2.11 MOSOP claims that, whatever money Ogoni contractors or employees get, the amount will not in the least meet up with what the Ogoni community demands from Shell. Neither does it correspond to how much Shell and the government benefit from the Ogoni region.

### The question of assistance in development

2.12 The possibility of substantial assistance in development is uncertain. Both Shell's and MOSOP's present positions with regard to each other show a wide variety of facets. Most importantly, it remains difficult to assess whether Shell and MOSOP see their respective conditions for negotiations as given or not, whether at present they are co-operating or not. The respective statements are often contradictory.

2.13 A similar ambiguity can be noticed with MOSOP's and the government's positions with regard to each other as well as for Shell's and the government's positions with regard to each other. However, the government has published very little on the Ogoni issue<sup>20</sup> and its positions have to be inferred from what is written in the newspapers.

### MOSOP's operating environment

2.14 In sum, MOSOP considers several general factors and specific cases that divert the Ogonis from and disorganise them in their commitment to their claims. Corresponding issues

are: the hiring of Ogonis for paid jobs on behalf of undisclosed employers,<sup>21</sup> the establishment of new local bodies that give away Ogoni claims or act against them,<sup>22</sup> sponsored crises,<sup>23</sup> and Ogoni owned areas accredited to other communities.<sup>24</sup>

2.15 Within the Ogoni community, there are two main factors that keep the Ogonis from their commitment to Ogoni interests: employment with Shell in lack of alternative sources of income<sup>25</sup> and the promotion<sup>26</sup> of dialogue, party politics, and government offices as allegedly effective. However, as the experiences of both MOSOP factions show, they are inappropriate means for minority interest politics in the present Nigerian context.

2.16 To summarise MOSOP's policy on these issues, MOSOP maintains a monitoring network within the Ogoni area to keep any agents from manipulating oil facilities, it educates youths so that they won't be manipulated into artificial conflicts by receiving money, it keeps Ogoni Shell employees from acting on instructions directed against Ogoni interests, and in its Accra resolution it has confirmed abstinence from political offices and its non-violent commitment within civil society.

### 3.0 NATURAL ENVIRONMENT AND INFRASTRUCTURE

3.1 The environmental situation in Ogoni land is a result of the ongoing activities of the oil companies. Shell alleges that a World Bank report confirms "that population growth, deforestation, soil erosion and over[-]farming [are] other major factors that contribute to the present environmental situation".<sup>27</sup> However, apart from the question which factors shape the situation, Shell omits that it is on a much higher scale than in industrial nations that oil pollution harms the environment and the communities in the Niger Delta. Therefore, emissions, pollution, and maintenance of facilities must be considered as a predominant factor just as the others.

3.2 For the residents, gas flaring entails the most visible and audible emissions. The flaring facilities emit a quacking noise that keeps local residents from sleeping and from talking to each other. These facilities work day and night.<sup>28</sup> From time to time a certain bay is opened, causing an offensive odour. Gas films can be seen on agricultural products. The roofing corrodes within six months.<sup>29</sup>



Pictures: Max Mader

Gas flaring and the Port Harcourt Petrochemical complex at Akpajo-Elеме, Elеме kingdom. Chief Ngei Nwakaji, MOSOP co-ordinator Elеме kingdom, and Chief Obekle Tenwaji, MOSOP executive Elеме kingdom.