

# Shell and Society: Securing the Niger Delta?

Written by Adam Groves

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ADAM GROVES, JUN 10 2009

### (Un)civil Society and Corporate Security Strategies in the Niger Delta

#### Abstract

Transnational Oil Companies struggle to operate in the face of widespread anti-oil protests and civil conflict in the Niger Delta. Shell, in particular, has faced considerable security challenges since the emergence of an active civil society in the early 1990s – most notably manifested in the ‘Movement for the Survival of the Ogoni People’. Whilst MOSOP was effectively crushed through cooperation between Shell and state security forces, the brutal repression proved ultimately counterproductive as youth militancy increased and the security situation deteriorated across the wider Delta. In recognition of the policy’s failings – and as a consequence of strong international censure – Shell outlined a new approach of corporate social responsibility and community engagement. In short, Shell aimed to build a security-development nexus in partnership with local people. However, the policy is based on a paradox. Whilst seeking to create self-disciplined communities by promoting cultures of respect and civil discussion, Shell is primarily concerned with those actors which pose a tangible threat to its interests. In consequence, it is often violent and parochial elements within ‘civil society’ which are securitised and empowered. Shell’s security strategy, whilst ostensibly being guided by the need for community engagement, subsequently contributes to ‘uncivil’ tensions along gendered, generational and ethnic lines. Due to its focus on placating violent and threatening actors and communities, it creates and exacerbates conflict, reinforcing existing dynamics of violence and undermining the prospect of a long-term solution.

#### Abbreviations

CSR	Corporate Social Responsibility
FOWA	Federation of Ogoni Women’s Associations
HRW	Human Rights Watch
ICG	International Crisis Group
MEND	Movement for the Emancipation of the Niger Delta
MOSOP	Movement for the Survival of the Ogoni People
MoU	Memorandum of Understanding
NDDC	Niger Delta Development Commission
NYCOP	National Youth Council for the Survival of Ogoni People
OBR	Ogoni Bill of Rights
PDP	People’s Democratic Party
TNOCs	Transnational Oil Companies

#### Introduction

Transnational Oil Companies (TNOCs) in the Niger Delta, the main oil-producing region of Nigeria, struggle to operate in the face of widespread anti-oil protests and civil unrest. A “panoply of forms of violent politics”, including inter- and intra-community tensions as well as attacks directed against the state and TNOCs, have caused oil output to drop by as much as one third (Watts, 2007: 7). The International Crisis Group (ICG) has warned that the region is

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“at risk of sliding into chaos” (2007: i) whilst Human Rights Watch (HRW) notes increasing militarisation and insecurity amidst “failures of governance at all levels” (2008). Within this context, it is difficult to be reassured by Petroleum Minister Edmund Daukoru’s claims that “the worst is over” and the attacks are “a very, very temporary thing” (International Herald Tribune, 2007). To the contrary, the Delta appears all but ungovernable and instability looks set to continue.

This study will critically analyse how the security strategies of Shell-the largest TNOC in Nigeria-have evolved and adapted to the increasing tensions in the Delta. Drawing on a range of literature addressing civil society, Corporate Social Responsibility (CSR), and the development-security nexus, it will be argued that the company’s security policies have exacerbated, rather than stemmed, the dysfunctional political dynamics of the region.

Chapter One will trace the rise of Niger Delta civil society within its local and global context. Specifically, it will focus on the emergence of the ‘Movement for the Survival of the Ogoni People’ (MOSOP) and the response of Shell and the Nigerian state. It will argue that repressive policies proved counterproductive; not only were they disastrous for Shell’s global public relations, but even as MOSOP was crushed, there occurred an upsurge in regional violence across other parts of the Delta.

Chapter Two will consider the evolution of Shell’s policies in light of the failures of the early 1990s. Amidst an emerging discourse of Corporate Social Responsibility, the company has sought to gain a ‘licence to operate’ by building relationships with people in the Delta. In short, Shell has aimed to establish a security-development nexus in partnership with local communities. This has brought increasing interaction with civil society stakeholders.

Chapter Three will argue that, whilst ostensibly a positive step, Shell’s engagement with civil society is having unexpected and damaging consequences. An analysis of the company’s interactions with Ijaw communities (which have spearheaded the Delta’s civil society movement since the crushing of the Ogoni) suggests that contemporary corporate security strategies in the Niger Delta are founded on a paradox: Shell seeks to create a viable operating environment by providing development and partnering with ‘civil society’. Yet simultaneously, it has been primarily concerned with those actors which pose a threat to its commercial interests, and for whom ‘development’ may not be the ultimate goal. In consequence, it is often parochial (or ‘uncivil’) elements within civil society which are empowered by policies of ‘engagement’ and ‘partnership’.

Accordingly, this study seeks to trace the rise of civil society in the Niger Delta, analyse the evolution of Shell’s security strategies in response to growing unrest and then assess the unintended consequences of Shell’s current policies of societal engagement.

## Reasons for Study

Corporations continue to grow in strength and size. A report issued by the *Institute for Policy Studies* in the year 2000, claimed that of the one hundred largest economies in the world, “fifty-one are corporations and forty-nine are states”. Shell was placed forty-third, above Venezuela, Iran, Ireland, Pakistan and Singapore; Nigeria did not make the list (Anderson and Cavanagh, 2000). Yet despite their prominence, Reith and Zimmer (2004: 2) report that academics have so far largely ignored corporations’ public role, especially in conflict zones (also Hagmann and Hoehne, 2007: 21). In Nigeria specifically, whilst a wealth of literature addresses the politics of oil (often through the lens of the ‘resource curse’), Watts (2005: 383) argues that it is striking for the “total invisibility” of the TNOCs. He asserts that “at best they appear as the poor corporate entities that are simply preyed upon by rebels” (Watts, 2007: 12). We are warned that this “radically misconstrues” the oil politics of the Niger Delta (ibid: 14).

Where the TNOCs have been subjected to scrutiny for their operations in the Delta, it has largely been through the lens of state, human or environmental security (c.f. Pegg, 1999; Okonta and Douglas, 2003). However, following a huge public relations drive and the much-hyped transition to Corporate Social Responsibility (CSR), many of the previous criticisms have been tempered. It is generally accepted that through ‘engagement’ and ‘partnership’, TNOCs are now working toward security and stability in the Delta. By extension, the failure of these policies is rarely problematised beyond reference to external impediments such as the “absence of an enabling environment” or errors

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in implementation (Idemudia and Ite, 2006: 194, 199; also Ite, 2004: 7-9). Through critical analysis of Shell's 'socially responsible' interventions into civil society, this study seeks to reveal how such policies may contribute to uncivil tensions rather than civil solutions.

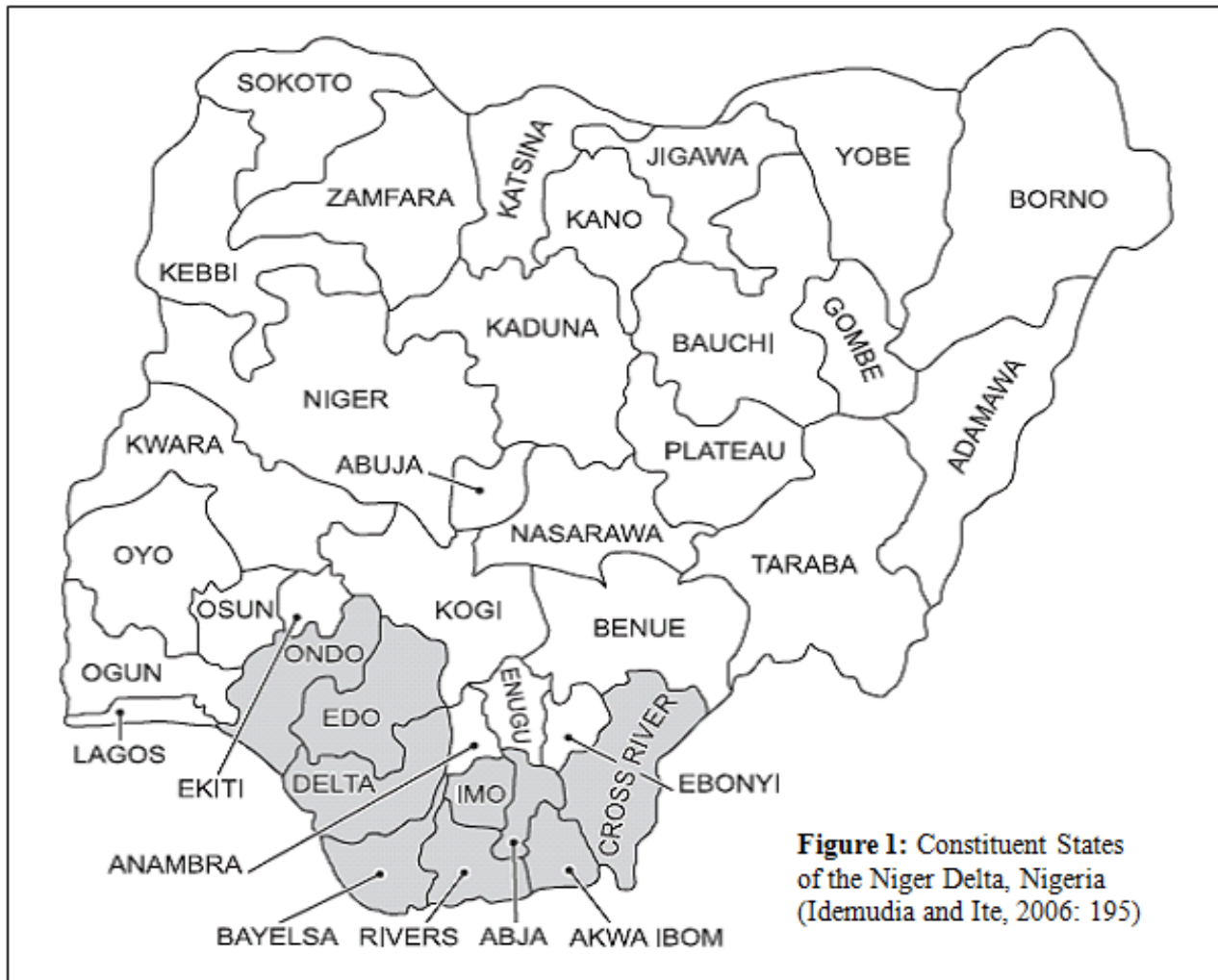
## **Limitations and Scope**

The primary limitation of this study is the author's inability to visit the region (due to time, funding and security constraints). As such, information transmitted by NGOs, corporations, and representatives of government and civil society in the Delta will be of central importance – this has implications for the methodology which will be discussed briefly below. As a result, it is important to acknowledge that this piece is based on secondary sources, although efforts have been made to cover a wide range of perspectives and interests.

There are also limitations in terms of scope. First, whilst a number of TNOCs operate in the Delta, this study will focus on the policies of Shell. As Omeje (2006: 216) observes, due to its pioneer leverage in the colonial era, the company dominates onshore oil exploration and production in Nigeria. This has given Shell more contact with Delta communities than other TNOCs (many of which operate predominantly offshore). Consequently, its policies provide the paradigmatic case for the evolution of corporate security strategies (Avant, 2007). Second, whilst civil society has numerous manifestations in the Niger Delta (Ikelegbe, 2001: 442-450), this study will highlight those elements which have posed the most serious challenge to Shell: specifically, the early 1990s emergence of MOSOP in Ogoniland and the increasingly high profile activities of Ijaw-dominated groups in the western states. Finally, whilst instability and militancy have spread to neighbouring regions in Nigeria (ICG, 2007: 7), this research focuses on the immediate consequences of TNOC security strategies in the Delta itself.

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## Definition of Terms

At this stage it is important to clarify the central terms of the study: what is the Niger Delta? What are corporate security strategies? And what is civil society? Definitions of the 'Niger Delta' are politically contested in Nigeria because they have a direct bearing on the distribution of oil rents (IRIN, 1999). This study will draw on an expanded definition used by the Nigerian government, which includes Abia, Akwa Ibom, Cross River, Edo, Imo and Ondo States, as well as Bayelsa, Delta, and Rivers States (see figure 1). The definition of 'corporate security strategies' will be similarly encompassing. Deborah Avant (2007: 153) writes that although "initially aimed fairly narrowly on the protection of property, corporate security strategies have increasingly been drawn to a broader conception of security". Reflecting this trend, they will be understood here as the measures taken by corporations to protect (or secure) their property, staff and present and future operations in the region.

The concept of civil society is often shaped to serve the goal of better governance. This is especially the case with relation to Africa where it has been heralded by influential scholars as the "most effective means of controlling abuses of state power, holding rulers accountable to their citizens, and establishing the foundations of durable democratic government" (Chazan, 1992: 282; also Hadenius and Ugglå, 1996: 1622). Thus, Kasfir (1998: 1) notes that, in many analyses, "the inclusion of organisations, and the social groups they represent, in civil society depends on whether they contribute to better governance or stand in its way". Yet, if we accept this approach, we are led to

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discount or obscure significant social interests which are deeply and widely shared by groups within many African societies (including Nigeria). Excluding ethnic bases of organisation (because they risk polarising divisions), for example, is neither realistic nor possible within a context where they often override and infuse the formally organised civil society promoted by academics and Western donors. As Diamond (1997: 24) observes, “civil society does not only consist of... democracy building groups and functions”. The concept is thus understood here as forms of social organization which create a space where issues neglected by governments and the Market can be addressed, contested and promoted. Importantly, it can be “an arena of conflict (and often very intense conflict) between organised interests of various kinds-economic, social and ethnic” (ibid 24-25). In this study therefore, the ‘civil’ element of ‘civil society’ does *not* necessarily denote ‘civic’ (‘peaceful’, ‘polite’) behaviour, but rather serves to emphasise that it is a space where ‘civilian’ (‘non-state’, ‘public’) activism can function (Kasfir, 1998)[1]. This definition will enable a wider understanding of Nigerian society and its relation to the state and the Market.

## Methodology

As a literature-based study, documents emanating from the region will be a central source of information. However, by the very nature of the situation in the Delta, much of the material is refuted by one or more of the parties; even primary sources are steeped within politics and cannot be understood as definitive statements of fact. This magnifies the importance of gaining numerous different sources, triangulating them where possible and analysing them with a critical mindset. Important questions will need to be considered such as: on behalf of whom were the documents written? What audience were they intended for? And do they further a certain agenda? Reports from organisations which have a minimal institutional interest in the Delta-for example, Human Rights Watch (HRW)-will be utilised in an effort to overcome the problem of partiality. Nonetheless, it is inevitable that difficulties typically associated with qualitative research on conflict will remain; for example Gleditsch (1998: 392) observes that “in examining only cases of conflict, one is likely to find at least partial confirmation of whatever one is looking for” (also Grix, 2004: 121). Yet an analysis of the literature remains valuable: through a critical reading, this study seeks to highlight the increasingly central role which TNOCs have played in shaping the character of Niger Delta civil society.

## Chapter One – The Rise of Civil Society: Suppressing Unrest in the Delta

Since the early 1990s, Shell has been compelled to respond to an increasingly active civil society in the Niger Delta. Following a brief analysis of the company’s oil production and processing in the region, this chapter will trace the rise of civil society-and specifically of the Ogoni-in the Delta’s eastern states. It will then analyse the repressive response of Shell and the state before assessing the consequences of the company’s efforts at achieving security.

Shell began its Nigerian operations in 1956 having been granted a monopoly oil exploration licence by the British colonial government. Whilst the Nigerian oil market was opened up to competitors over the coming decades, Shell held onto a lease area of about 31,000 kilometres, predominantly in the Delta (Omeje, 2006b: 74). This is now exploited through a Joint Venture with the Nigerian federal government. The operation is huge-by far the largest in Nigeria-, consisting of “three hundred oil fields, 5284 wells, 7000 kilometres of pipelines, ten export terminals, 275 flow stations, ten gas plants, four refineries and a massive liquefied natural gas sector” (Watts, 2007: 7).

Between 1958 (when Shell first began exporting oil from Nigeria) and 1993, the company took 634 million barrels from Ogoniland alone, with a value of \$5.2billion (Detheridge and Pepple, 1998: 481). Yet whilst it has haemorrhaged wealth to the state and TNOCs, the Delta lacks basic infrastructure such as electricity and pipe-borne drinking water (Pegg, 1999: 473). Indeed, life expectancy in the region has actually fallen in recent decades because environmental degradation has undermined community livelihoods (Watts, 2007: 15). Beyond the pollution of local farmland and water supplies, the extraction and processing of oil has also had serious environmental consequences at a global level; according to the World Bank, flaring in Nigeria “has contributed more greenhouse gas emissions than all other sources in sub-Saharan Africa combined” (Friends of the Earth, 2005; also Frynas, 2000: 158-169; Okonta and Douglas, 2003: 63-67). The Delta’s people were politically and economically marginalised by the extraction of billions of dollars of oil, whilst Shell grew into one of the most profitable companies in the world (International Herald Tribune, 2008). By 1990, Nigerian citizens had experienced twenty-four years of near-continuous dictatorship. Over this period Shell had “quietly and unobtrusively worked its way to the epicentre of power”, supplying successive regimes

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with up to half of their income (Okonta and Douglas, 2003: 58; also Zalik, 2004: 404). However, the symbiotic relationship between Shell and the state was about to be challenged.

### *The Rise of Civil Society: Increasing Unrest in the Delta, 1989-1993*

The early 1990s saw unrest in the Niger Delta reach new heights. Whilst, in the 1970s and 1980s Delta communities expressed their grievances through disparate and uncoordinated protests blocking access routes to oil installations, in the 1990s civil society emerged “as a mobilisational platform of popular struggle” (Ikelegbe, 2001: 438). Indeed, Shell’s own reports indicate a fivefold increase in community disturbances, from 34 incidents in 1989 to 169 incidents in 1993 (Frynas, 2001: 35). This rise in civil society activism can be understood within a local and global context which enabled and fostered political action. Although limited space prevents a detailed discussion of the complexities involved, it is useful to sketch out some of the broader processes.

In the Delta itself, the emergence of multifarious civil groups was a reflection of national trends that saw a restive population challenging the state (Olukoshi, 1996). The increased activism came in response to a series of national economic crises which struck in the late 1980s and early 1990s; increasing frustration with pervasive corruption; and grievances induced by abuse of power and state repression. Added to this was the perversion of successive democracy transition programmes, which culminated with the annulment of the 1993 elections (Osaghe, 1995; Welch, 1995). The period saw an “upsurge in the feelings of deprivation, neglect, marginalisation, injustice and inequity among the Niger Delta citizenry”; this set the scene for a notable increase in agitation and protest, especially amongst the Ogoni (Ikelegbe, 2001: 440).

In August 1990, political activist Ken Saro-Wiwa brought five of the six Ogoni clans together to sign a document known as the ‘Ogoni Bill of Rights’ (OBR). Citing the “genocide being committed... by multi-national oil companies under the supervision of the Government of the Federal Republic of Nigeria”, the OBR *demand*ed autonomy for oppressed minorities in the Delta (1990). Just two weeks after the OBR had been released, the Movement for the Survival of the Ogoni People (MOSOP) was established by young Ogoni elites seeking to secure autonomy for their region (Okonta, 2002: 251). Born of frustration at the government and TNOCs’ neglect of oil-bearing communities, MOSOP was to become the most cohesive and dynamic of the many civil society movements in the Niger Delta (HRW, 1999: 9). However, Ikelegbe (2001: 440) writes that their activism was initially supported by “traditional rulers and opinion leaders” who lacked the ability to mobilise the broader population. Okonta (2002: 269) agrees, arguing that “the MOSOP that emerged in September 1990” was “a political movement of the Ogoni elite led by the Ogoni elite”. Furthermore, it “conducted its politics in the conventional elite grammar of petition writing and public speeches in English”, which the overwhelming majority of Ogoni did not understand (also Osaghae, 1995: 329). To truly mobilise broader civil society, more populist tactics would be necessary (Obi, 2001: 182).

In December 1992 MOSOP publicly issued Shell with a series of ultimatums. It was demanded that the company pay ten billion dollars in royalties and damages; cease all environmental degradation; cover all exposed high pressure pipelines; and begin negotiations concerning future oil extraction and exploration. Shell was given thirty days to respond (Osaghae, 1995: 336). The company’s failure to comply with such demands “only strengthened the people’s resolve” and the Delta became increasingly susceptible to mobilisation (ibid). Ken Saro-Wiwa drew upon and fostered the popular feeling of discontent. On January 4th 1993 he led a non-violent Ogoni march at Bori in defiance of a state order; Okonta (2002: 275) reports that hundreds of thousands turned out to protest against Shell’s activities – it appeared that MOSOP had “secured the popular base” they needed (also Obi, 1997: 145). Yet despite these successes, “as a tiny minority movement in a poor country” MOSOP “had little prospect of support from domestic power-holders” (Bob, 2003: 403). Ken Saro-Wiwa, and the young Ogoni elites which led MOSOP, thus sought international assistance to take on Shell and the Nigerian state.

The ‘globalisation’ of the campaign was possible within a context where, since the end of the Cold War, civil society has been freed from the borders of the territorial state (Kaldor, 2003: 1, 113). The “growing interconnectedness” of the early 1990s allowed for the creation of “islands of civic engagement” in countries suffering under military rule. Thus, activists “were able to seek international allies... and pierce through the closed societies in which they lived” (ibid: 5). Suppressed groups could appeal to “world opinion” and easily contact “formidably encompassing agents of

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surveillance [such] as Africa Watch, World Vision International, or Amnesty International” (Ferguson, 2006: 111). These global organisations are able to apply pressure on repressive rulers from the outside (Keck and Sikkink, 1999). Simultaneously the post-Cold War political order provided a fertile environment for MOSOP’s activism. Concerns which had been politically elevated towards the end of the Cold War, such as human rights and the freedom to self-organise, remained salient for Western publics, media and policy makers (Obi, 2001: 181). Increasing import was also attached to issues previously left at the periphery of international politics, most notably, the environment (Obi: 1997: 145). It is within the context of these favourable conditions that civil society activists in Nigeria were able to mobilise a transnational movement against the TNOCs.

Saro-Wiwa and the MOSOP leadership fused a non-violent ideology with “Shell, environmental devastation, and a threatened indigenous people” to create a “potent brew”, attracting the attention of organisations such as Greenpeace, the Rainforest Action Group, the Sierra Club and Friends of the Earth (Okonta, 2002: 285; also Bob, 2002: 40; Obi, 2001: 184; HRW, 1999). This international backing affected “the perceptions of the Niger Delta people towards the conditions of the region in relation to the policies and practices of the state and TNOCs” (Ikelegbe, 2001: 441). Bob (2003: 406) writes that “MOSOP leaders framed... media and NGO successes as significant achievements for local Ogoni elites and masses. The resulting jump in domestic mobilization... in turn had important effects on international support” (also Obi, 2001: 186). In this manner, ‘local’ and ‘global’ civil societies interacted and reinforced one another, assuming “a momentum that almost became irreversible” (Ikelegbe, 2001a: 8). The emergence of MOSOP marked a new phase in the popular mobilisation of the Delta (Osaghae, 1995: 326; also Omeje, 2006b: 76). Osaghae (1995: 343) asserts that “it was part of a wider awakening”, which gradually saw activism spread across the region. In 1992, for example, the Movement for the Survival of the Ijaw Ethnic Nationality adopted MOSOP’s charter and, whilst their activism was initially less coordinated than the Ogoni’s, Ijaw communities too emerged to pose a vigorous challenge to the state and TNOCs (Minorities at Risk, 2003). With powerful international backing, it appeared that civil society in the Delta was on the rise.

### *Shell and the State: Repressing Civil Society*

A central characteristic of post-colonial rule in Africa has been the extraversion of resources. Ruben Eberlein (2006: 576) asserts that “what we call the Nigerian state functions as a mighty machine tasked with the privatisation of public assets in favour of an extraverted neopatrimonial state class”. In the Niger Delta it represents “a key technique of political domination”; specifically the export of unprocessed oil and gas-and the associated acquisition of rents-form the ‘matrix of action’ within which rulers and subjects operate (ibid; also Obi, 1997: 141; Ukiwo, 2003: 129). Thus, TNOC operations “reinforce [the] power and authority of the state and... [of] local leaders and groups aligned to it” (Obi, 2001: 175). Oil production is “central to the survival of state officials” in Nigeria because “most public works contracts and the continued functioning of government agencies depend on it” (Ibeanu, 2000: 21). Within this context, a challenge to the TNOCs represents a challenge to the Nigerian state, and vice versa (Frynas, 2001: 52; Omeje, 2004: 427-429; Makumbe, 1998:314; Clapham, 2001). Therefore, as conflicts between the TNOCs and local communities in the Delta became more serious and widespread, a raft of repressive security measures were utilised to crush unrest. Frynas (2001: 49) reports that “anti-Shell protests by the Ogonis... were met with violence by the state, involving extra-judicial killings, rapes, arrests and floggings of protesters”. For Shell’s part, a number of cases indicate that it supported the repression; these will now be considered.

Before the emergence of MOSOP and the rise of civil society in the early 1990s, Shell “scarcely had any serious security threats” in the Delta. Omeje (2006b: 77) writes that “anti-oil protests were rare and hardly violent” and thus the company’s security policies “were relatively non-controversial [and] low profile”. As activism and violence escalated however, Shell worked increasingly closely with state security forces (ibid: 79; also Avant, 2007: 153). Indeed, in many cases, an armed response appears to have been Shell’s primary strategy when faced with unrest. The company used its helicopters and boats to transport army and police units to protests, and evidence suggests it may also have provided financial assistance for state forces operating in Ogoni areas (Frynas, 2001: 49-50). Ibeanu (2000: 22) notes that “on countless occasions” the police, army and navy were “called out to quell disturbances” without the government first being contacted. In 1987, Shell transported members of the Mobile Police Force (MPF) to halt a peaceful demonstration at Iko, Akwa Ibom State. When they arrived, “the MPF killed two people and destroyed forty houses” (Pegg, 1999: 475). Three years later Shell’s eastern division manager specifically requested

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that the *same* force be sent to Umuechem where they again targeted unarmed protesters, before returning the following day, killing 80 people and destroying 495 homes (Douglas and Ola, 1999). Whilst a judicial commission found that the force had shown “a reckless disregard for lives and property”, Shell sought to justify its request for the MPF by arguing that “past experience supported [their] presence... as a deterrent” (in Pegg, 1999: 475). Violent incidents such as these-and Shell's desire to ‘deter’ protesters-point towards the company's preference for state security forces and repressive measures (Frynas, 2001: 51-52). Osaghe (1995: 336) summarises that, rather than respond constructively to civil society demands, “the oil companies tightened their security and the federal government sent in troops to protect the oil installations”.

Shell's attitude towards anti-oil protests at this time is perhaps most evident however, in the company's attempts to import arms into the Delta. To protect its premises, personnel and facilities, Shell, like many other major corporations in Nigeria, maintains Supernumerary Police, popularly called Spy police (Omeje, 2006b: 79). These are, by law, an *unarmed* elite unit of the Nigerian Police Force on “attachment” to the company to guard facilities and provide escort duties. Between 1993 and 1995, Shell increased its contingent of Spy Police by 200, to 1400 (Frynas, 2001: 50). They are typically used for internal security, such as controlling access to offices and operational premises (Omeje, 2006b: 79). Faced with increasing unrest however, Shell-with the approval of the Nigerian Inspector General of Police-sought to import firearms for its force. Having previously purchased 107 handguns in the mid 1980s, the company negotiated a deal for over half a million US dollars worth of weapons from a London-based firm, Humanitex Nigeria Limited, in February 1995. Human Rights Watch (1999: 175) note that “the weapons on order-Beretta semi-automatic rifles, pump-action shotguns and materials such as tear gas clearly designed for crowd control-did not seem appropriate for protection from armed robbers and ‘general crime’” as per the Spy Police's typical duties. Whilst ultimately Shell opted against completing the purchase, the episode is indicative of the company's approach to the civil society movement of the Delta.

In response to the rise of civil society (and of the Ogoni and MOSOP in particular), Shell developed a security strategy based on intimidation and a reliance on state forces. HRW (1999: 167) document “repeated incidents in which people [were] brutalised for attempting to raise grievances”. Obi (2001: 176) concludes that Shell was “acting in partnership with the state” and the hegemony of this “petro-military alliance” was sustained through “heavy repression of public discontent” (Eberlein, 2006: 580). However, the wisdom of this approach was to be sharply drawn into question as the situation in the Delta unfolded.

### *Securing the Delta through Repression? 1993-1995*

It is widely recognised that “the intensification of state violence... sounded the death knell of the Ogoni struggle” (Ibeanu, 2001: 27); indeed, “nothing was spared in crushing the MOSOP revolution” (Obi, 1997: 145). However, far from securing its operations, Shell's reliance on intimidation and force caused communities to associate the company evermore closely with the repressive state. In the Delta the result was an upsurge in violence against Shell's interests, whilst globally the company faced damaging press coverage and consumer boycotts.

The “reign of terror” unleashed “against suspected MOSOP cadres and the peasantry” caused civil society activists to implicate Shell *directly* with the suffering of communities in the Delta (Obi, 1997: 145). Campaigners highlighted that “Shell money was important to the government's revenue” and that “Shell hired security forces that violated human rights” (Avant, 2007: 154). Local communities were aware that the company operated a joint venture with the government and they could see that federal police and soldiers guarded its interests and suppressed anti-oil protests. In this context, many people in the Delta concluded that “oil companies and the government are so closely linked as to be effectively the same thing” (HRW, 1999: 200). Ibeanu (2000: 21) observes that this conclusion was “not entirely without justification”. The militarised response of Shell and the state therefore “dialectically strengthened the radical arm of local leadership” – the company increasingly became the primary target of direct action (Obi, 2001: 179; also Welch, 1995: 642). Despite opposition from conservatives within MOSOP, younger and more militant elements-such as the National Youth Council for the Survival of Ogoni People (NYCOP) and the Federation of Ogoni Women's Associations (FOWA)-thus mobilised under the leadership of Ken Saro-Wiwa to take on Shell (Obi, 1997: 145). By mid-1993, in the face of growing security threats, the company had been forced to close production in Ogoniland entirely. Simultaneously, other oil communities were “following the MOSOP example” and drawing up “charters of



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demands” for Shell and the state (ibid).

Ken Saro-Wiwa “continued to attack Shell for the legacy it had left in Ogoniland” (Holzer, 2007: 287) and confrontation in the Delta “continued to escalate” amid an increasing “aura of opposition” to the company (Welch, 1995: 643). Nigeria’s dominant domestic class was, according to Obi (1997: 145), faced with the “possible subversion of oil-based accumulation”. Therefore, when four conservative Ogoni chiefs were murdered by a violent mob, the state took full advantage by arresting Ken Saro-Wiwa and eight other MOSOP leaders. In November 1995 Saro-Wiwa and ‘the Ogoni eight’ were hanged, on the orders of a special military tribunal, for inciting the murders (ibid 146).

In the Delta, Shell’s security strategy was in tatters. It had failed to ensure access to Ogoniland’s oil and, even as MOSOP disintegrated amidst infighting and ethnic tensions with neighbouring communities, the company’s approach had exacerbated confrontations with the broader Delta civil society movement. Obi (2007) writes that “following MOSOP’s retreat, the space for protest and resistance was taken up by other ethnic minority groups in the Niger Delta” – most notably the Ijaw. Furthermore, Shell was now associated with what British Prime Minister John Major termed “judicial murder”. International news broadcasters told how the Nigerian government had executed “human-rights activists” for fear that “their opposition to mining” might drive “the Anglo-Dutch group, Shell” out of the country (BBC, 1995). The episode came just months after the company had been targeted by international NGOs for its plans to dump the ‘Brent Spar’ oil platform at sea, and only a year after a major £350 million branding makeover. As John Vidal (2001) reports,

“Shell was now implicated in a human rights outrage [and] was shown to have tried to suppress the Ogoni movement for environmental justice... There were worldwide vigils, boycotts and parliamentary questions. A hundred years of brand-building was in jeopardy”.

The company had failed to achieve security in the Niger Delta through the repression of civil society and, in its efforts to do so, had ignited an international movement which hit its brand and, crucially, profits (Watts, 2005: 394). Clearly, if Shell was to continue operating in the Delta, a new approach to security would be necessary.

## Chapter Two – From Repression to Responsibility: Security through Partnership

The hanging of Ken Saro-Wiwa and the controversy surrounding ‘Brent Spa’ represented public relations disasters for Shell. The company responded by joining—indeed leading—a growing movement of corporations in embracing Corporate Social Responsibility (CSR). By consciously distancing itself from the repressive policies of the Nigerian state, and instead engaging with local civil society and international NGOs, Shell aimed not only to recover its international brand, but also to gain a social licence to operate in the Delta. This chapter will first consider the wider trends which led the company to adopt CSR before assessing the consequences of the approach for Shell’s security strategy in the Delta. Finally, some impediments to the successful implementation of Shell’s CSR-informed policies will be discussed.

### *The Rise of Corporate Social Responsibility: Shell’s ‘Transformation’*

In a context of globalisation and the political paradigm of neo-liberalism, corporations are faced with reconciling unprecedented opportunities for economic growth with increasing societal expectations. The ability of civil society movements to draw global attention to environmental and social issues, and the threat which controversies surrounding these issues pose to profits, have led to a general acceptance that CSR makes good business sense (cf. Holme and Watts, 2000). Indeed, Boele, Fabig and Wheeler (2001a: 124) note that “business leaders [now] talk without hesitation about their desire to maintain good relations with stakeholders”. In a report written for the ‘World Business Council for Sustainable Development’, Richard Holme and Phil Watts (of Rio Tinto and Shell) define CSR as “the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large” (2000: 8). Due to the nature of its work, the extractive sector has been the subject of intense scrutiny from civil society groups; Shell, as we have seen, is no exception to this rule. It should not be a surprise then to learn that the

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company has been at the forefront of many CSR initiatives (HRW, 1999: 17).

Nonetheless, Shell's initial response to criticism surrounding Ken Saro-Wiwa's execution consisted of "the usual crisis limitation exercises" (Vidal, 2001), including full-page ads in European, American and South African newspapers. These asserted that "campaigning groups... say we should intervene in the political process in Nigeria. But even if we could, we should never do so. Politics is the business of governments and politicians" (quoted in Stauber and Rampton, 1996). Over the following year however, Shell was forced to defend itself repeatedly as activists, journalists, academics and even local and national governments sought to interrogate the company over its activities in the Delta. As Dr. Owens Wiwa (Ken Saro-Wiwa's younger brother) asserted, "Shell is involved in Nigerian politics up to their neck" (quoted in Stauber and Rampton, 1996). The Company's Annual General Meetings saw significant actions both in the Netherlands and UK. Notably, in 1997, over ten percent of shareholders supported a resolution requesting greater transparency with relation to environmental and social policies; this despite the directors' recommendation that the resolution be rejected (Boele et al, 2001: 81).

In an effort to respond to the cacophony of criticism and increasing demands for a more responsible approach to business, in 1996 Shell initiated the 'Society's Changing Expectations Project'. Following a dialogue with "7,500 members of the general public in 10 countries... 1,300 opinion leaders in 25 countries [and] 600 Shell people in 55 countries", it was found that "half of the general public and opinion leaders had a favourable view of Shell, while 40% were neutral and 10% had an unfavourable opinion of us" (Shell International, 1998: 4). The study concluded that, "Shell was thought to be wanting in its care for the environment and human rights by a small but significant group of people" (ibid). In response, the company sought to engage with influential organisations, such as Amnesty International and Pax Christi, and to reassess its approach to business. As part of what Shell called its 'Transformation', the company's 1976 'Statement of General Business Principles' was revised to reflect the new era of CSR. Notably, in a groundbreaking move, the revised principles made explicit reference to Shell's "express support for fundamental human rights in line with the legitimate role of business" (Shell International, 1997). To ensure that these Principles were put into practice, training programmes and procedures were established as part of a 'Social Responsibility Management System' which aimed to help staff address human rights dilemmas. In 1998 Shell released the first review of its social and environmental performance. The report, *Profits and Principles – Does there have to be a choice?*, acknowledged that the execution of Ken Saro-Wiwa and the controversy surrounding Brent Spar, were major turning points: "We had looked in the mirror and we neither recognised nor liked some of what we saw" (Shell International, 1998: 4).

Shell's 'Transformation' into a corporation which emphasises its 'socially responsible' character, can be understood as an effort at 'risk management', but also as opportunity driven. In other words, it represented an instrumental move, taken to protect existing economic value and to improve future profits. In terms of risk management, the company sought to defend its reputation and its brand value (estimated by Interbrand to be worth US\$3.3 billion in 2008). Boele, Fabig and Wheeler (2001a: 125) observe that "damage to a brand can eliminate millions of dollars from a company's share value, initiate consumer boycotts and result in serious recruitment problems". The Brent Spar and Ogoni crises left Shell facing these issues across core markets, specifically Europe and North America (Vidal, 2001). As well as pacifying damaging campaigns in the West, the adoption of CSR represented a pre-emptive step to ward off mandatory regulation which may have had more serious long-term implications for profits (Olsen, 2002).

Shell also recognised that CSR provided a business opportunity; by building its brand identity-and the associated consumer trust and loyalty-the company could improve its economic performance (Boele et al, 2001a: 125). For example, Shell's CSR policies have made it attractive to numerous funds within the ethical investment sector (Guardian, 2008). As early as 1999, surveys suggested that thanks to its adoption of CSR the company was perceived by many to be "strong on the environment", "ethical", and "committed to human rights" (Vidal, 1999). Crucially, CSR provided a mechanism for consultations with civil society at a time when such a dialogue was increasingly expected by governments and NGOs. It facilitated smoother relations with relevant stakeholders, opening new opportunities and providing "a mechanism for generating permission to operate" (Watts, 2005: 395). It is generally accepted that Shell's adoption of CSR amounted to more than mere rhetoric. Wheeler et al. (2002: 301) assert that it involved "a fundamental change in corporate strategy and orientation". As will now be shown, CSR has precipitated real shifts in Shell's Niger Delta security policies.

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### *Security through Partnership: Shell's Evolving Strategies in the Delta*

Idemudia and Ite (2006: 195) observe that “the concept and practices of CSR seem to have taken a strong root in... the [Nigerian] oil and gas industry”. Specifically, the CSR approach had significant implications for Shell's work in the country, as the company realised that its operations in the Delta were best served “through seeking meaningful contact and negotiation with local people” (Omeje, 2006b: 83; also Boele et al, 2001: 82). Three broad phases can be identified in the evolution of Shell's ‘socially responsible’ policies in the Delta.

In its initial efforts to placate restive populations, an emphasis was placed on quickly achieving settlements with local activists by providing community assistance. Memoranda of Understanding (MoU) were created in which Shell promised to be a more sensitive tenant and host communities agreed not to attack oil facilities. “To seal the agreements, the company usually parted with some rentier dividends” (Omeje, 2006b: 83). Ite argues that the approach often amounted to ‘giving things’ as one-time gifts; it was CSR at its “most basic level” (2007: 3), a defensive strategy “formulated and implemented... to pacify enraged host communities” (Edoho, 2007: 10).

In 1997, as Shell's CSR policies grew more sophisticated, the company shifted to what it termed ‘community development’. This approach was less about doing things *for* communities, and more about fostering dialogue and partnership *with* them (Ite, 2007: 3). Whereas community assistance “was basically spontaneous and reactive in conception”, community development “at least in theory, tends to be more methodical [and] participatory” (Omeje, 2006b: 84). The MoU component was largely retained, but was often mediated by NGOs who helped communities to systematically develop their own ‘community development action plans’ within one of seven programmes: Women in Development, Community Health, Agriculture, Micro-credit and Business Development, Education and Youth Development or Infrastructure Development (ibid: 85-86). According to Shell's figures, in 2002 the company's joint venture in Nigeria spent US\$67 million on community development in the Delta (Shell International, 2003: 38). When compared to the paltry US\$1.4 million spent in the eleven years between 1980 and 1991 (Frynas, 2000: 51), the substantive nature of the shift in Shell's policy becomes evident. However, in 2003, the community development budget for the Delta was slashed to US\$30 million (Shell International, 2004); this signified the beginnings of the third- and current-phase of Shell's CSR-informed policies.

From 2003, development funds for the Delta were increasingly channelled through the Niger Delta Development Commission (NDDC), a new federal government development agency established by President Obasanjo. Joint Ventures between TNOCs and the Nigerian state were required by the ‘NDDC Act’ to donate three percent of their budget to the agency. Thus, Shell reduced its community development budget to US\$30 million and, in order to fulfil the new requirement, contributed US\$24.5 million to the NDDC (Omeje, 2006b: 87). The company simultaneously reorganised its community development programme, placing even “greater emphasis on partnerships between Shell and various stakeholders and interested parties (including corporate bodies, civil society, Nigerian government agencies [and] international organizations)” (Ite, 2007: 5). The approach was termed ‘Sustainable Community Development’; it marked the latest stage of a transition which has seen Shell shift from a security policy based on state violence and repression, to one increasingly focused on partnership with local populations. For Nalaguo Chris Alagoa, Executive Director of the Nigerian NGO Pro-Natura International, “Shell today is an informed facilitator and promoter of dialogue and interactive participation”; the “dark era... is over” and there is a “new Shell” operating in the Delta (quoted in Shell Nigeria, 2004: 19).

Ite (2007: 12) writes that the company's transition leaves “no doubt that Shell has recognised its responsibilities” to civil society in the Delta. Aware of national and international perceptions that it massively exploits the region, the company has begun the “quest for, and journey towards, sustainable development” (ibid: 3). Similarly, Omeje (2006b: 89) asserts that “despite any shortcomings in the programme (execution)... practical evidence abound that [Shell] supports a variety of well-meaning, user-centred, capacity-building projects”. On this reading, the company has realised that it was not ‘giving enough back’ to legitimate its exploitation of the Delta's oil. In an effort to placate embittered populations, it has sought to build a security-development nexus in partnership with local communities: “We are part of life in the Delta and our success is closely tied to the peace and prosperity of the region. We are [therefore] deeply committed to helping bring about peace and addressing poverty through development” (Shell Nigeria, 2007: 8). Essentially, Shell is attempting to offer sustained developmental progress in return for the security

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of its operations (Omeje, 2006a: 489).

More critical analysts have asserted that, whilst Shell's Transformation is undoubtedly aimed at achieving security by gaining a social licence to operate, this has not equated to *genuine* efforts at empowering local communities through development. Rather, drawing on Foucault, the shift in Shell's policies might be conceptualised as a "gradual transition from the 'society of discipline' – based on social norms and sanctions, to the 'society of control' – based on self-discipline and the penetration of norms into citizens' daily habits" (Zalik, 2004: 402). Thus,

"...partnership development under the [community development] approach appears to be... less about empowerment and more about promoting non-confrontational, respectful negotiations with authority. In practice, it has sought to move beyond modernity's initial basis in the rule of law towards 'self disciplining' through norms of 'civil discussion', thus replacing compensation with consent-based social regulation and stabilisation" (ibid: 409).

On this reading, Shell's new security strategy is *not* primarily an effort at working with local communities in order to meet their developmental needs, but rather is *instead* focussed on promoting cultures of respect and cooperation.

What is clear, it seems, is that Shell's security strategy in the Delta has changed markedly since the early 1990s. Far from calling in the armed forces to repress unrest, the company has-for the main-now adopted a "non-violent security posture" which increasingly emphasises partnership and dialogue with civil society (Omeje, 2006b: 81). Yet, simultaneously, "what is striking about this transition from community assistance to community development to sustainable community development, is the incontestable fact that the communities themselves were growing ever more restive and militant". According to official estimates, between 1998 and 2003, there were 400 attacks on company facilities each year and annual oil losses of one billion US dollars (Watts, 2005: 400). Despite Shell's best efforts to engage civil society constructively, the Delta is now "at risk of sliding into chaos" (ICG, 2007: i). What, then, is going wrong?

### *Impediments to Shell's CSR in the Delta: What is Going Wrong?*

Several factors have been highlighted as limiting the effectiveness of Shell's CSR activities in the Niger Delta. First, negative community perceptions of the TNOCs mean that their efforts are often dismissed by civil society representatives as PR exercises (Zandvliet and Pedro, 2002). As a consequence of their past experiences, communities perceive the Nigerian state and oil companies "as antagonists to be confronted" (Idemudia and Ite, 2006: 200). Thus, "any attempt to foster long lasting harmonious [corporate-community relations] cannot take place without attempts to transform community perceptions" (ibid; also Okafor, 2003). Yet, in the Delta "there have been virtually no systematic attempts to study and understand the nature of community perceptions or... to integrate community perceptions into the design and implementation of CSR initiatives" (ibid). For example, Shell focuses on scientific evidence and conventional environmental impact assessments, which often detract from an understanding of the constructed 'reality' as perceived by local populations (Wheeler et al, 2002: 305-307). TNOCs failure to consider community perceptions has meant that they "have been unable to derive the maximum advantage they deserve and expect from the CSR initiatives" (Idemudia and Ite, 2006: 200). Idemudia and Ite go on to recommend that Shell begins "a conscious business effort and strategy to demonstrate to the communities that [it] is doing all it can within its power to meet their expectations". This requires stronger partnerships so that community perceptions can be taken into account at an early stage of the planning process (ibid: 201).

Second, TNOCs in the Delta often seek to implement moral and progressive CSR policies without first correcting social injuries which they have caused in the past. In consequence, "host communities continue to bear the unpleasant social, economic and environmental costs of oil production" even as the TNOCs claim to be socially responsible (Idemudia and Ite, 2006: 201-202). Whilst cleaning up spills and acknowledging mistakes does not allow for the same public relations opportunities as opening a hospital or launching a new scholarship scheme, such measures may be more effective in winning a social licence to operate amongst host communities. Better communication as to the needs and wishes of the people in the Delta would be one step which Shell might take to overcome this kind of problem.

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Third, “the significant corporate efforts to meet community demands are made negligible in the face of... government failure to meet its fair share of responsibility” (Idemudia and Ite, 2006: 202). It is commonly observed that TNOCs carry out many of the functions of a government in the Delta. The result, according to Ite (2004: 7), “has been the evolution of a mind-set and culture of dependence on the oil companies. In the process, the oil producing communities have resorted to demanding and expecting ‘development’ from the [TNOCs] in the region”. Until the Nigerian government plays its part however, “the CSR practices of the oil companies in the Niger Delta will continue to be rudimentary and [will] always fail to have the desired impact on local communities” (Idemudia and Ite, 2006: 202). Similarly, Shell points towards the lack of an enabling environment for effective CSR, emphasising the inherent volatility of the region and its roots in oil bunkering and inter-ethnic and communal violence (Shell Nigeria, 2004).

This by no means claims to be an exhaustive list of the limitations of Shell’s CSR-era policies; rather these are some of the issues which have been highlighted as “responsible” for the “failure to reduce the incidence of violent conflict between the host communities and oil companies in the Niger Delta” (Idemudia and Ite, 2004: 194). Notably, they are the issues emphasised by Uwem Ite, who has recently been appointed as Shell Nigeria’s co-ordinator of sustainable development (Ethical Corporation, 2006). What unites these concerns is their acceptance that-through ‘engagement’ and ‘partnership’-Shell is now working toward security and stability in the Delta. As such, the failure of CSR policies is not problematised beyond reference to external impediments or technical errors in implementation, and these “hardly reflect badly on Shell” (Ite, 2004: 7). The answers indicated by criticisms include stronger partnerships, improved communication and more dialogue on Shell’s part (i.e. a continuation of the company’s current policies, but better executed); more realistic expectations from host communities and civil society; and an improvement in national governance.

On the face of it then, this study has identified a straightforward moral and rational progression in Shell’s pursuit of security and sustainable development in the Niger Delta. Whilst, in the early 1990s, the company relied on violence and repression to maintain its operations, it has since moved increasingly towards socially responsible policies of partnership and dialogue with civil society. Although violence remains a serious problem, within a context of weak national governance and inter-ethnic conflict, there is little, it appears, that Shell can do beyond pursuing its current policies with greater vigour and precision.

However, the story is not so simple.

## Chapter Three – Engagement and Partnership: Uncivil Society in the Delta

Civil Society in Nigeria constitutes a space in which a wide spectrum of interests are contested and promoted. This chapter will first show how, in recent years, parochial interests and violent actors have come to capture much of this space. It will argue that these actors are a primary concern for Shell because they pose the most serious threat to the company’s operations and profits. In light of this, Shell’s CSR-informed policies of ‘partnership’ and ‘engagement’ will be critically analysed. Finally, the implications of Shell’s policies for the long-term security prospects in the Niger Delta will be assessed.

### *The Rise of Uncivil Society: Turmoil in the Niger Delta*

The rise of Nigerian civil society in the early 1990s was largely conceptualised with relation to wider understandings of the role and potential of civil society in sub-Saharan Africa. Thus, Ikelegbe (2001a: 1) writes that it was

“presented as the beacon of freedom, the fountain for the protection of civil rights and of resistance against state repression, the mobilising platform of society for the protection and projection of substantive interests, the compelling force for state moderation, and the epitome of popular struggles and civil power”.

Yet civil society in Nigeria has also faced its problems. These have included, “crass opportunism in the competition for donor funds”, as well as a lack of accountability, regionalism and the duplication of activities. Ikelegbe asserts that efforts have been “underlined by wastage, dissipation and inefficiency” (ibid: 10). Whilst these criticisms might be levied at many civil society movements, more worrying trends are also evident in Nigeria specifically and much of

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Africa more generally. Meagher (2007: 90) notes that there has been a “sea change in the analysis of African civil society” following a proliferation of violent groups and actors. This has seen the early “euphoria and romanticism” replaced with a realisation that “civil society can also constitute a divergent and sometimes centrifugal pull that can be threatening to the society and the state” (Ikelegbe, 2001a: 5).

In the struggle for democracy, Nigerian civil society had “mushroomed so much that by the mid-1990s, all shades of interests, [including] ethnic, cultural, communal, environmental, professional, commercial, youth, gender and others were organised” (ibid: 11). The 1999 transition however, “removed the overarching objectives of civil society” and simultaneously provided an opportunity for elements within it to take advantage of the political disorder (ibid; also Watts, 2007a: 640). Politicians, “anxious to take control of the state and oil wealth”, sought to gain the backing of ethnic, religious and other sectarian identities through the exploitation of civil society groups (Ukiwo, 2003: 134; also ICG, 2006: i). Ukiwo argues that mobilising communities in this manner was possible within a context of persistent mass poverty, increasing inequality and deep popular alienation; indeed, he asserts that it is one “of the easiest things to do in contemporary Nigeria” (ibid). Thus, contrary to the expectation that a civilian administration would be accompanied by stability, the result has been an “unbridled competition for political relevance” (ibid) and an “explosion of violent ethno-religious and communal conflicts” (ibid: 115).

Events in the Niger Delta reflect this wider story. Okonta (2005: 203) cites the 2002 primary elections for the People’s Democratic Party (PDP) in Nembe as an example. The winner was almost guaranteed victory in the forthcoming inter-party elections and would oversee five oil fields in the area. Lionel Jonathan, “head of Isongufuro, a cultural organisation formed in 1992 that had metamorphosed into one of the most feared youth vigilante groups” in the town, faced Nimi Barigha-Amange, the “leader of Isenasawo, a rival vigilante group”. What unfolded, was “a farce, in which men of violence played the starring role”. Jonathan and Barigha-Amange mobilised their respective militias with the result that electoral materials were diverted and confiscated, forty people were murdered, riots erupted, homes were torched and ‘uncooperative’ PDP observers were kidnapped (ibid). Okonta writes that these “new social forces [have been] forged in a cauldron of violence and unremitting serfdom” and are “reshaping social relations into malignant forms in a region already awash in weapons and riven by ethnic conflict” (ibid: 204). The 2003 and 2007 inter-party elections also saw the emergence from civil society of various militias “funded as political thugs” (Watts, 2007a: 654-656)

Thus, in a context of formal institutional turmoil and continued popular alienation, Nigerian civil society has been vulnerable to loss of direction and political capture. Whilst there is a wealth and diversity of groups, many pursue parochial (often ethnic or sectional) agendas, sometimes through violent means (Ikelegbe, 2006: 103). The consequence has been “a situation of disorder and anarchy in some sections of the country”, most notably the Niger Delta (Ikelegbe, 2001: 22). The role of the Nigerian state in fuelling ‘uncivil’ dimensions of civil society has been much explored, as have the potential consequences for the proliferation of violent actors upon democracy and state governance (Ikelegbe, 2001, 2001a; Meagher, 2007; Ukiwo, 2003). However, as Stewart (1997: 26) cautions, by focussing on the role of the state, we are liable to miss problems “caused by extra-national penetration of civil society space”. In the Niger Delta this warning would seem especially prescient in light of the TNOC’s recent adoption of ‘socially responsible’ policies of partnership and engagement. ‘Uncivil society’ is not simply a phenomenon which Shell must cope with; through the company’s business and CSR interventions, it has played a significant role in shaping the character of civil society in the Niger Delta.

### *Partnership and Engagement: Working with (Un)Civil Society*

The degeneration of parts of Nigerian civil society into an arena for ethnic, religious and sectarian mobilisation-and the proliferation of violent actors in the Niger Delta-has occurred despite Shell’s so-called ‘Transformation’ into a socially responsible company. In consequence, many analysts have devoted greater attention to ‘internal’ conflicts. Zalik (2004: 410) writes that “the image of [TNOCs] in the Niger Delta has [therefore] improved since the late 1990s”: the region “is now often described as an exceedingly ‘difficult’ operating environment in which the oil companies are but an external actor”. Yet in a context where ‘civil society’ harbours parochial and violent interests, one might question how Shell’s policies of ‘partnership’ and ‘dialogue’ have impacted on the region. Does engaging with civil society necessarily equate to the beneficial outcomes taken for granted in much of the CSR literature? Who is being

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empowered through Shells policies?

The underlying logic which has motivated Shell to adopt CSR is commercial; the company aims to smooth relations with Delta communities in order to enable oil production and build its international brand value. Whilst relatively standard projects (for example, the donation of mosquito nets or the construction of a school) enable glossy publicity brochures, such measures do not placate many of the restive militias attacking Shell's facilities. The company's CSR strategy is thus based on a paradox: whilst seeking to generate a license to operate by delivering 'development' and promoting cultures of respect and civil discussion, Shell is *primarily* concerned with those actors which pose a tangible threat to its interests, and for whom 'development' may not be the ultimate goal. This is not to say that all of Shell's CSR work in the region is ill-conceived or ineffective, but rather that the company must-by the logic of its own motivations-engage not only (or even predominantly) with 'civil' elements of civil society. In the words of one Shell worker, "you pay whomever you have to pay. That's just the way it is" (quoted in ICG, 2006a: 10). The location of Shell's priorities is perhaps most clearly seen when the US\$60 million the company spends per year on community development is compared to the money reserved for pacifying local militias. Watts (2007: 13) asserts that it amounts to "at least double that figure" and may be as high as "US\$200 million per annum" or "10% of the operating budget" (also Shell Nigeria, 2002: 34; Shell International, 2003: 38). Similarly, Ikelegbe (2006: 114) notes that the TNOCs tend to relate to communities in terms of who is "more powerful and potentially disruptive as opposed to which groups or factions [are] properly constituted and traditionally legitimate". As such, it is often *uncivil* elements which have been the focus of Shell's efforts to generate security in the region. Perhaps the clearest manifestation of this situation is the 'surveillance contracts' which have been negotiated with members of local communities.

Omeje (2006b: 91) describes surveillance contracts as a "crucial method by which Shell responds to the complexity of security threats" in the Delta. The company negotiates and engages with host community-based groups "to provide security services... within their local domain on a contract basis". The rationale behind these contracts is "that protection of non-local tenants and their properties (in this case, the oil company's field personnel and infrastructure) will be best guaranteed by paying the community members and landlords to offer their traditional protection and hospitality" (ibid). The contracts can extend from a few months to a number of years and are usually semi-formal, "but, by and large, the surveillance teams are under obligation to ensure that local militias do not attack Shell's oil infrastructure, workers and services within their respective communities" (ibid). In return, "members of the surveillance team are paid a reasonable living monthly wage and depending on their performance rating, they may from time to time attract additional reward... from the company" (ibid).

The contracts have been central to Shell's CSR-informed policies in Nigeria. In the 2004 *Shell Report* (the company's annual review of its social and environmental performance), Managing Director of Shell Nigeria Basil Omiyi, asserts that they have "increased the hiring of surveillance teams from the community" (Shell International, 2005: 16). Similarly, the 2005 audit continues to highlight the practice as a means towards sustainable and secure operations in the Delta (Shell International 2006: 27); a way to generate employment in an impoverished region, guard against environmentally damaging vandalism and simultaneously ensure the security of the company's pipelines, facilities and staff (Omeje, 2006b: 91). However, one does well to consider which parts of "the community" the company is drawing its 'surveillance teams' from.

Shell's tendency to work with the most disruptive and threatening elements of society, regardless of whether they hold local legitimacy, has favoured youth militia (Ikelegbe, 2006: 114; Omeje, 2006b: 91). Specifically, through its surveillance contracts, the company has hired 'community youth groups', which have often previously been involved in armed violence against TNOCs (Omeje, 2006b: 91; also Watts, 2005: 392). Dimieari Von Kemedi (2003: 13) has detailed a number of cases whereby Shell has partnered with youth militia in Bayelsa State, including Lionel Jonathan's Isongfuru in Nembe. Kemedi reports: "Shell entered into a partnership with [Isongfuru], according to the group recognition even though [it] had no formal place in community governance. Lacking in formal recognition, the group consolidated its leadership by intimidation and co-option". When the Nembe Council of Chiefs sought dialogue with Shell, the company's Head of Community Relations, "responded by claiming that the chiefs could not close flow stations and therefore did not merit serious attention from Shell's management" (ibid: 14). This dynamic is far from unique to Nembe; Watts writes that these types of situation "can be multiplied many times over across the oil-producing communities of the Niger Delta" (2004: 12). Militias have become "the power brokers, the liaison with the

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[TNOCs], and the object of [TNOc] patronage” (Ikelegbe, 2006: 114).

Shell's 'Transformation' - from a company which relied upon violence and repression, to one which utilises responsible policies of partnership and engagement with civil society - appears to constitute less of a straightforward rational and moral progression than is often perceived. Indeed, with potentially devastating consequences, Shell's CSR-informed interventions in the Delta have empowered parochial and violent groups at the expense of alternative sources of authority. As will be shown, the company's policies have contributed to tensions along ethnic, generational and gendered lines, exacerbating conflict, reinforcing existing dynamics of violence and undermining the prospect for long-term security in the region.

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Shell's concern with powerful and potentially disruptive actors has meant that some communities - or parts of communities - have been able to demand 'partnership' and 'engagement' from the company, whilst others have been left with nothing (Watts, 2005: 400; Omeje, 2006b: 90). Ibeanu (2002: 165) writes that this represents the "Achilles heel" of TNOc security and development strategies in the Delta, which have tended to be "exclusivist, regimenting, hierarchical and exploitative". The situation amounts to

"a matrix of concentric circles of payoffs and rewards built on blackmail and violence. The closer a person is to the centre, the greater his/her capacity to blackmail oil companies and therefore the greater his/her payoff. In time, members of the raucous inner circle fade away in a whimper and silence as a new core of vocal community leaders emerge: more blackmail, more payoffs. Consequently, conflicts and violence are never eliminated, they are only recycled through new purveyors" (ibid).

Shell's engagement and partnerships with violent and parochial elements of civil society have contributed to a dynamic whereby groups compete intensively with each other to gain the company's attention and patronage. This competition has taken a number of forms.

By 'localising' relationships to authorities, Shell's security strategy has encouraged the cementation of identity along ethnic lines. In awarding surveillance contracts to powerful 'host communities', the company has ignited and exacerbated conflict between the militias which it pays to guard its interests and neighbouring communities who contest 'ownership' of the territory on which oil installations lie (Zalik, 2004: 403). Disaffected rival groups have attacked the company's facilities in an effort to prove to Shell that it remains vulnerable and that only through partnership with them could security be guaranteed; 'host communities' reassert themselves by launching retaliatory attacks (Omeje, 2006b: 92). The contracts provide a massive infusion of cash directed towards violent groups, where it has been used to purchase (more) weapons, which in turn enable the groups to secure greater 'partnership' from Shell (Zalik, 2006: 3; Okonta, 2005: 206; WAC Global Services, 2003: 50). In this manner, the company's CSR-informed security policies have fed into a spiralling regime of "horrifying intra/inter communal/ethnic conflicts between ethnic groups such as the Ijaw and Itsekiri, Ijaw and Ilaje, Urhobo and Itsekiri, between communities such as Basambri-Nembe and Ogbologbomabri-Nembe and within communities such as Ozoro" (Ikelegbe, 2005: 220). The result has been the "construction of civil groups as vanguards for ethnic militancy and of violence" (Ikelegbe, 2001a: 20; 2006: 100) and "the killing and displacement of thousands of local people" (Omeje, 2004: 436).

It is not simply ethnic tensions which have been exacerbated however. Shell's policies have impacted disastrously on community leadership (WAC Global Services, 2003: 23, 43). Through their partnership with the company, youth militias have been empowered to assert themselves violently as alternative local elites. In many communities they have overturned the system of gerontocratic customary rule at the village level, attacking, exiling or executing elders and traditional authorities which they denounce as corrupt. Again, the case of Isongfuru in Nembe provides a useful illustration of a wider phenomenon which stretches across Bayelsa state and much of the Niger Delta. Nwajiaku (2003: 16) asserts that, thanks to its partnership with Shell, Isongfuru was "largely invincible" (also Omeje, 2006b: 92). Using funds received from TNOcs, such militias have armed themselves to chase out political and opinion leaders who disagree with their activities and methods. Traditional sources of authority and order have been



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overturned and civil elements within society are being marginalised. Most women, for example, are not closely involved with militia activities and hold little leverage over the groups. They have thus been excluded from the compensation which more powerful societal elements are able to demand and “complain of being ‘neglected’ by Shell, in favour of youth” (Nwajiaku, 2003: 16; also Ikelegbe, 2005a: 254). Okonta (2005: 207) asserts that “elders and women have been elbowed out of the public arena: they raise their voices on the pain of death and physical punishment”. In this manner, “the militias are constricting the terrain of peaceful democratic competition and creating a regime of violent politics” (Ikelegbe, 2006: 102-103). Indeed, Omeje (2006b: 92) writes that “they have instituted a reign of terror in many local communities”.

The societal tensions associated with Shell’s policies do not always fall neatly along easily categorised lines; in some cases women, traditional rulers and regional groups have decried militia violence whilst also using it “as a bargaining tool to depict the exasperation of the region and the need for urgent negotiation and resolution”. Ikelegbe (2001: 459-460) therefore asserts that there is occasionally “some understanding, support and congruence between the groupings and their methods”. Shell’s policies have legitimised and contributed to a perverse political dynamic whereby civil society groups simultaneously resist the company’s activities on the one hand, whilst violently demanding and competing for incorporation and access to rentier dividends on the other. Omeje (2006a: 487) notes that many members of the surveillance teams “are wittingly or unwittingly drawn from the different anti-oil militia groups that intermittently launch subversive attacks against petrobusiness” (also Financial Times, 2006; ICG, 2006a: 10). In fostering this dynamic, Shell’s ‘socially responsible’ policies may well have become the antithesis of their original intentions. Through its engagement and partnership with ‘uncivil society’, the company has legitimised a lifestyle founded on high stakes rentier extortion and violent opposition to the TNOCs. Shell’s interventions into the complex societal politics of the Niger Delta appear to have further eroded the security environment for its business operations as well as the ‘civility’ of civil society.

### Conclusion

Shell’s attempts to repress Niger Delta civil society in the early 1990s were met with international outrage and increasing instability in the Delta itself. In the face of mounting pressure, the company adopted socially responsible policies based on notions of ‘partnership’, ‘engagement’ and ‘dialogue’. Shell essentially sought to construct a security-development nexus whereby ‘host communities’ would enable (and ensure) a stable operating environment in exchange for investment and opportunities. Whilst there is some debate as to how genuine Shell’s development provisioning has been (cf. Zalik, 2004: 402), it is widely recognised that the company has significantly changed-and improved-its policies. Uwem Ite (2007: 3) writes that Shell has begun its “quest for, and journey towards, sustainable development” in the Niger Delta.

Yet even as Shell honed its CSR policies, violence in the Delta continued to rise and influential NGOs warn that the region is “at risk of sliding into chaos” (ICG, 2007: i). In a context of formal institutional turmoil and continued popular alienation, parts of Nigerian civil society have suffered loss of direction and political capture. As such, TNOCs are now often understood as external actors struggling to operate in the face of great difficulties. Indeed, for Paul Collier (2007: 31), oil companies are the victims of “protection rackets” rather than “outrage provoked by environmental damage”; a civil society which once expressed genuine grievances has evolved, over the course of a decade, into one based on greed. This is a perception which Shell and local government elites have sought to promote (Shell Nigeria, 2004). Following a major attack by the Movement for the Emancipation of the Niger Delta (MEND) on 21<sup>st</sup> April 2008, for example, the governor of Rivers State, Rotimi Amaechi, claimed that “they are only self seeking criminals who are into purely economic venture for themselves” (Leadership Nigeria, 2008). If one accepts this interpretation, it would appear that there is little that Shell can do in the face of widespread criminality and communal violence. It is unsurprising then, that recommendations concerning the company’s security and CSR have tended to point towards the pursuit of its current ‘ethical’ policies, implemented with greater vigour and precision.

However, critical analysis of Shell’s CSR policies in the Delta suggest that, through short-sighted and narrowly construed interventions into a complex society, the company has been central to the dysfunctional politics of the region. Shell is primarily concerned with those actors which pose the greatest threat to its operations; thus, it is these actors which the company has sought to placate through partnership. The result has been an enormous infusion of

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money and influence into 'uncivil' elements of civil society. Through its engagement with violent militia the company has empowered parochial groups and exacerbated divisions and communal conflicts. Far from being simply an 'external actor' operating in a region beset by greed and turmoil, Shell's policies have fostered a perverse political dynamic whereby groups simultaneously resist the company's environmentally and socially destructive activities on the one hand, whilst violently competing for incorporation on the other. For those communities subjected to the tyranny of Shell's societal 'partners', grievances and feelings of injustice have only increased.

Such is the disruption which Shell's interventions into Niger Delta society have caused, some NGOs and academics are accusing the company of reintroducing a "diabolical strategy of divide and rule to cause division, disaffection and hatred amongst inhabitants of the community" (in Kemedi, 2003: 18; also Ibeanu, 2002: 164; Omeje, 2006b: 92). Ike Okonta (2006: 11) interprets Shell's backing of armed youth militias as "a cynical move to divide emergent and politically assertive youth organisations". Yet, if Shell is pursuing such a strategy deliberately, it is surely ill-advised; for in fuelling community tensions, legitimising violent rent-seeking and exacerbating feelings of injustice, the company has reinforced a climate of violent politics which has further eroded the security of its business operations. It is within the context of this dynamic that MEND has recently emerged as the most powerful militant group in the Delta. It functions as an umbrella organisation-a loosely structured 'franchise' or 'idea'-around which various restive militia groups have united in their demand for resource control. MEND poses a major challenge to the TNOCs; it is said to be "led by more enlightened and sophisticated men than most of the groups in the past" and its attacks have reduced oil output by roughly one third (Hanson, 2007). For Ike Okonta (2006: 24), the group is directly linked to the restriction of "public space in which ordinary citizens... can exercise their civil and political rights. Behind the mask of the MEND militant is a political subject forced to pick up an AK47 to restore his rights as a citizen". Okonta concludes that "the journey to peace and prosperity in the region can only commence when the civic is brought back in" (ibid). Shell's current policies and practices might thus be understood as a contributing factor-rather than a solution-to the major contemporary security challenge TNOCs face in Nigeria.

Far from securing the Delta, this study has identified a number of ways in which Shell's interactions with society are contributing to tensions and security challenges in the region. There is a real need for research which identifies the extent to which TNOc activities are affecting the course of conflict in the Niger Delta; following their declared commitment to CSR, oil companies have become almost invisible in much recent analysis. Nonetheless, Shell's shift-from partnering with the state in order to repress civil society, to partnering with civil society in order to establish a peaceful and secure operating environment-is ostensibly significant and positive. Only through engagement with civil society can grievances relating to employment, livelihoods and political authority be addressed. Further research is therefore essential in order to determine how Shell's policies might be successfully implemented so as to support the company's stated goals. Extracting itself from damaging and detrimental relations with parochial actors is unlikely to be an easy process; withdrawing support for militia will almost certainly result in the company's interests being targeted. However, if Shell and civil society are to secure the Delta to their mutual benefit, such difficult measures must be taken.

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[1] 'Uncivil' behaviour is thus possible *within* 'civil society', much as it is in 'civil wars' or during 'civil disobedience'.

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Written by: Adam Groves  
Written at: Oxford University

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Written by Adam Groves

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## **About the author:**

Adam Groves has an MSc in Global Governance and Diplomacy from Oxford University and a BSc in International Relations from the University of Wales, Aberystwyth. Adam co-founded the website in November 2007.