

ISSN: 2360 - 9753



Bloomfield Academic Society

www.bloomfieldeducation.com

OPERATION OF CHEVRON IN NIGERIA – EFFECTS ON COMMUNITIES

By

Ekene Owoh

Ekene.owoh@yahoo.com; online activist

Abstract: The lawsuit against Chevron arises from a long-standing dispute between local villagers from the Niger River Delta and Chevron subsidiary in Nigeria. Local people have seen their traditional lifestyle of subsistence fishing and farming undone by the pollution of their waters. For years, villagers and international environmental advocates have protested the environmental impact of Chevron's oil extraction activities in the area. Many claim that Chevron should be responsible for damage and harm caused, including death of people who protested against the Company actions.

Key words: Chevron, oil spill, oil industry, Emem Okon, Opia

INTRODUCTION

Among Western companies involved in the exploitation of oil in Nigeria, a company best known of human rights violations and environmental destruction in the region is English-Dutch Shell. In 2011, as part of an international campaign Polish branch of Amnesty International carried out the campaign "Shell! Clean up Niger Delta"[4]. Representatives of Shell, with the consent and help of their shareholders and European and Nigerian political environment, have never listened to similar appeals, using unjust relationships in the Niger Delta. Although Shell's responsibility for the abuses identified needs special attention, the company is not a lone wolf in current Western oil industry in Nigeria. One of the leading investors is also Chevron.

In 2011, Chevron, with Head Quarters based in San Ramon, California, held a 40% stake in 13 Nigerian concessions under the agreement of joint venture with the Nigerian National Petroleum Corporation (NNPC) [2]. Chevron employees, as well as operators from Europe, over the past decades, became the addressees of a number of requests and appeals for cessation of mining, fixing any caused damages, ensuring an equitable distribution of profits with local communities, and finally social and medical compensation. In comparison with its profits, Chevron has not gone beyond the definitions of charity and pettit cash when it comes to compensations. Appeals put by activists such as Emem Okon (activist for women's rights from the Niger Delta) did not change much. Her campaign was focused on suffering of women from communities located near gas flares; they are experiencing high rates of infertility, premature menopause, miscarriages, cancer and skin rash. She highlighted the difficulty of trying to take care of them, without medication and knowledge or proper health centres. She urged Chevron to leave the oil below the surface of the earth in Niger Delta [10].

Negligence to the demands of local communities, combined with the further exploitation and environmental difficulties, caused even more conflicts and misunderstandings. In general quiet campaigns of the residents living close to the wells or pipelines, not always met with an appropriate response from Nigerian security forces. Soldiers from these formations in addition to the basic salaries of the Nigerian state budget, also benefited from additional assistance from Chevron, which was securing its work in a particular circuit. Representatives of the American company could not tame the brutality of the guards who were already on the

company payroll, as demonstrated by the events of the years 1998-1999; they have never felt responsible for the victims of their criminal zeal.

ACTIONS AND REACTIONS

On May 25th, 1998, demanding interviews with company representatives, about 100 Nigerian protesters invaded one of the Chevron platforms (Parabe) and remained there for the next three days, until an unexpected solution. Board of Management of Chevron Nigeria Ltd rejected a proposal to enter into a dialogue with them; in later statement they called the protesters "kidnappers and extortionists who were holding 175 people as hostages for three days, while Chevron unsuccessfully tried to negotiate with them" [11]. On May 28th Nigerian military came to the rescue of troubled company representatives. They arrived at the platform by a helicopter leased by Chevron and supervised by its staff. The brutal relief conducted in a semi-military atmosphere, resulted in death and serious injuries. Two demonstrators were killed, many were injured, at least one was subjected to torture in custody. One of the killed was hit by a bullet right in the back [6]. At the bloodshed, the desired effect was achieved: Chevron platform was free from unwanted opponents interfering in the conduct of business activity specified in the license.

Six months later another bloodshed occurred in the northern Warri. On the morning of 4 January 1999, Ijawa people from Opia village visited nearby Chevron facility. They wanted to discuss with a spokespersons the environmental damage caused in the region, affecting drinking water quality and fish population. However, they did not get too far as they were greeted by soldiers securing the objects of the company. Relying on force argumentation technique, soldiers gave warning shots and ordered the delegation to return to their village. If not for subsequent events, pointing weapons at civilians demanding respect for their rights and environmental standards, would be probably described as one more chapter of internal occupation that government politicians from Lagos inflicted on own citizens. This time however, the local population was to pay a much higher price for any claims made against Chevron. About the course of horrible events activists of Human Rights Watch (HRW), who visited Opia in February 1999, were told by members of a pacified society [9].

After returning to the village, residents of Opia returned to their daily duties. In the afternoon Chevron helicopter flew very low above the village. The presence of the helicopter aroused no surprise. Drill points and pipelines were located in the neighbourhood, so the local people became used to seeing flying objects. But this time the helicopter approached the village, its door opened, and bullets rained on the unarmed population. After half an hour of circling in the area of Opia, the helicopter headed for neighbouring community of Ikenyan people and conducted exactly the same actions. Terrified residents fled to the forest. After the departure of gunmen they returned to their villages, where they soon got surprised by the second wave of attack. Four boats appeared: three of them, called "sea trucks", were typical of water transport means used by Chevron, the fourth one, more resembling a military boat, had a machine gun mounted on the deck. Young people from Opia told HRW activists that residents ran again towards the forest, but "when we were running they started shooting. It was so intense that I cannot describe; dugu-dugu-dugu-dugu-dugu". Soldiers firing their machine guns, wounded several dozen people. Runaways saw two dead who fell during the fire. These were: Timi Okuru, woman, and Kekedu Lawuru, brother of Anthony, a man who previously participated in a trip to the Chevron plant. Anthony Lawuru, when returned 20 minutes later to the village, saw it all in flames, while his brother was lying in the settlement already dead [5]. In a short time, the number of fatalities has grown up to four people, and when the HRW activists arrived in February, community members complained that not all residents returned to the village, believing them to be missing. During the attack soldiers destroyed boats, homes and local people's property. Before leaving, they burned two villages. Previously in Opia there were approximately fifty or sixty wooden houses; forty-six of them have been completely destroyed by the fire.

The villagers wondered what could be the reason for such frenetic assault. One version said that with the development of oil work in the region, the route of the pipeline will have to develop in the direction of both communities, and even go through the Opia and Ikenyan. In such circumstances devastation of homes and sown fear in people, would help Chevron in achieving most convenient route. Representatives of Chevron rejected the insinuation. Another version inclined towards the thesis that the

soldiers were hired by members of the Itsekiris people, a neighbouring ethnic group, which however had not been in serious conflict with Ijaw for two years. When the HRW activists came to Opia, a month after the tragic events, they were actually the first ones interested in the fate of the affected communities. Representatives of Chevron had not managed to visit either communities, though they were their close neighbours. Chevron also expressed no regret at the attack. It seems that only the emergence of international organizations dealing with human rights has encouraged Chevron to visible gestures.

LAWSUIT

On February 17th, 1999 in the David Ejoor barracks in Warri a meeting was held with members of affected communities and representatives of Chevron. According to the committee representing the community at the next meeting on March 5th, Chevron Nigeria Ltd, offered them compensation in the amount of US \$ 5,500. Committee members rejected this offer demanding compensation in the amount of US \$ 1 300 000. Representatives of Chevron, apparently surprised by the refusal, stressed that their company is completely free of responsibility for the occurrence of this incident, which is a matter concerning only the federal forces and militant society. Despite the lack of personal involvement - justified further - Chevron referring to their tradition of caring for local communities, decided to offer them some cash and humanitarian aid as a gesture of good will. After the intercession of some "prominent leaders", the company raised the amount of the requested grants of up to \$ 8,300.

As in the case of attack on demonstrators occupying Parabe platform, the accusation came up regarding Chevron using military equipment. When the case came to light, Chevron put a message on their website against these accusations, indicating that the company does not own boats or helicopters in the region, and those used in the framework of leasing and joint venture agreement with Nigerian state oil corporation (NNPC) are owned by the Nigerian government.

Cases of attacks by Nigerian forces, protecting Chevron objects, on unarmed demonstrators between 1998 and 1999 continued in US courts. A complaint was brought under the Alien Tort Statute (ATS). ATS allows victims of serious human rights violations (abroad) to pursue their claims in US courts. Protesters from the platform Parabe and rural residents of Opia and Ikenyan, began their efforts to hold Chevron accountable with the support of several NGOs, including the Center for Constitutional Rights, Public Interest Lawyers Group and EarthRights International. Thus a lasting more than 10 years efforts to demonstrate the complicity of the American company began [3].

A series of hearings went down in history as the Bowoto vs. Chevron. Larry Bowoto, who was among plaintiffs, was one of the protesters, who occupied the Parabe platform in May 1998. Bowoto was then shot several times, but luckily survived the attack. Among others involved in the case there also was Arolik Irowarinun's family (he was killed on the platform); Ball Oyinbo, detained and then tortured; and Bassey Jeje, attacked and wounded by security forces [7]. The main accusation against Chevron was its complicity and knowledge about the nature of the Nigerian armed forces activities: boats and helicopters used against civilians were operated by people working simultaneously for Chevron. Company officials rejected this suggestion, but in the process a document was later revealed confirming that at the same time a subsidiary of Chevron in Nigeria paid the soldiers who led the attack on the Opia. The letter states that Chevron handed 15 000 Naira to the captain and 22 soldiers [1]. Marc Simons, then the Director of Earth Rights International and Cindy Cohn of the Electronic Frontier Foundation identified the data as clear evidence indicating that Chevron is responsible for the brutal violation of human rights. Cohn pointed out, moreover, that the attack was carried out in revenge for the claims of residents on environmental damage [8].

Charles Stewart, a spokesman for Chevron in 2005, admitted that his company actually pays extra to soldiers guarding the facilities in Nigeria, especially in regions struggling with piracy and ethnic strife. At the same time Stewart has distanced the company from events in the Opia and Ikenyan. In his opinion, in this case there are so many incompatibilities that it is difficult to say whether the two villages were burned during the attack of other ethnic groups, and even if these communities in general suffered any assault. Over the years, during successive hearings at various levels of the American judiciary, the judges, including Susan Ilston and Kevin McCarthy rejected the plaintiffs' claims. In 2010, the earlier opinion also was upheld by the appellate court. The justifications pointed out that the case does not strike the US foreign policy and the treatment of victims had no impact

on the US economy. Moreover, according to court arbitrators no convincing evidence has been provided, confirming that Chevron knew and took direct part in the activities that have brought harm to the plaintiffs. All the charges against the company were dismissed. Case Bowoto vs. Chevron was one of the first attempts to pull American concerns for human rights violations and environmental destruction committed abroad. It showed how many juridical and procedural obstacles stand against such claims. When finally in December 2008, representatives of Chevron heard favourable verdict, announced that they were rewarded by the court decision. Close to nothing for victims on Parabe platform were words in a statement provided by a company spokesmen that the fate of the demonstrators, death and inflicted wounds, "have never been the intention of Chevron Nigeria Ltd".

On July 27th, 2013 Vanguarda published a message regarding the appeal served by the residents of Opia village. The document was issued by the community and signed by local representatives, including Benjamin Ogbudu, Ebi Eyemin, Moses Odibo and Dumok Bloc. Residents called on Chevron Nigeria Ltd and the national and state governments for urgent intervention, sending medical team and equipment, just after a serious oil spill occurred in the local area. According to Dumok Bloc, the oil spill was a result of the pipeline explosion on July 17th, 2013, and affected Opia and neighbouring communities. Such a long delay and perhaps even ignorance about the state of oil installations confirms the inability of Chevron in Nigeria for effective monitoring of facilities used by themselves, and thus, are also significant shortcomings in the effective protection of the environment and health of local communities [12].

References:

- [1] Ackerman E. 2005. Chevron Paid Agents Who Destroyed Villages. The San Jose Mercury News
- [2] Basse N.; Okon E.; Livoti L.; Evans M. 2011. The True Cost of Chevron: Chevron in Nigeria
- [3] "Bowoto v. Chevron Trial Blog"
<http://bowotovchevron.wordpress.com/about/>
- [4] Clean up Niger Delta, <http://www.cleanupnigerdelta.org/>
- [5] David. R. B. 2005. Chevron paid Nigerian troops after alleged killings / Villagers in lawsuit say 4 people died — oil company questions if attacks took place
- [6] EartRights International factsheet: "What Happened at Parabe?"
<http://www.earthrights.org/legal/what-happened-parabe>
- [7] EartRights International Factsheet: Case History and Status. 2008
<http://www.earthrights.org/legal/factsheet-case-history-and-status>
- [8] EartRights International. 2005. Chevron Documents Show Payments For Attack on Nigerian Villages
<http://www.earthrights.org/campaigns/chevron-documents-show-payments-attack-nigerian-villages>
- [9] Human Rights Watch: "Military Attacks on Opia and Ikenyan"
<http://www.hrw.org/reports/1999/nigeria2/Ngria993-05.htm>
- [10] Juhasz A. 2012. Speaking Truth to Chevron: An Interview with Nigerian Ecofeminist Emem Okon.
<http://msmagazine.com/blog/2012/06/04/speaking-truth-to-chevron-an-interview-with-nigerian-ecofeminist-emem-okon/>
- [11] Jurgens, R. 2003. Chevron Scrutinized for Role in Nigeria Lawsuit. Contra Costa Times
- [12] Vanguard. 2013. "Oil spill: Delta community appeals to govt, Chevron for help"
<http://www.vanguardngr.com/2013/07/oil-spill-delta-community-appeals-to-govt-chevron-for-help/>

About the author:

Mr Ekene Owoh is an online activist and commentator on current affairs focusing on oil industry problems in Nigeria. He previously published blogs on operation, impact and influence of OPEC and NNPC. His expertise is in offshore production issues.