The Cost of Doing Business

Transnational Corporations and Violence in Nigeria

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Introduction

THE SCOPE of security studies has broadened considerably in recent years, but the role that transnational corporations (TNCs) may play as sources of direct security threats to indigenous or minority peoples has been neglected. Academic neglect of what might loosely be termed 'corporate violence' is surprising given the subject's long pedigree. The German state of Wurttemberg, for example, began supplying mercenaries to the Dutch East India Company in 1707. The sole exception to this academic lacuna has been the widespread attention devoted to this phenomenon by nongovernmental organizations.¹

This article examines TNCs as sources of security threats to local populations by focusing on the petroleum industry in Nigeria. Barry Buzan has argued that 'Security as a concept clearly requires a referent object, for without an answer to the question "The security of what?" the idea makes no sense.'² The referent object of security here is indigenous or minority peoples. Security threats come from TNCs through their close relationships with repressive state institutions.

Our primary focus is on the operations of the Shell Petroleum Development Company of Nigeria (SPDC, the Nigerian subsidiary of the Royal Dutch/Shell Group of Companies) in Ogoni. The Ogoni people number approximately 500,000 and live on 404 square miles of land east of Port Harcourt. SPDC took 634 million barrels of oil from Ogoni, valued at \$5.2 billion, between 1958 and 1993,³ but the Ogoni themselves still lack electricity and pipe-borne drinking water. This highly publicized case is significant for several reasons. First of all, the Ogoni have been uniquely successful in confronting the threats to their existence posed by SPDC and its operations. On 4 January 1993, under the

leadership of Ken Saro-Wiwa and the Movement for the Survival of the Ogoni People (MOSOP), the Ogoni staged the largest peaceful demonstrations ever held against an oil company. They claim to be 'the first indigenous people in the history of our planet to force a transnational oil company to leave our land by peaceful means'.⁴ Second, there is substantial evidence that many of the issues raised in the Shell/Ogoni case have spread to other locations both within and outside Nigeria. Within Nigeria, the issues first brought to worldwide prominence by the Ogoni have now been taken up by the numerically much stronger Ijaw population.⁵ Ogoni leaders have met their indigenous counterparts in Peru; the spirited opposition to new oil exploration raised by the U'wa people in Colombia also echoes the Ogoni struggle. Finally, as one of the world's largest TNCs, Royal Dutch/Shell has become an exemplar and a lightning rod for corporate human rights issues. In 1997 Shell became the first major energy company to declare publicly its support for the Universal Declaration of Human Rights, and has explicitly addressed human rights in a report on the company's financial, social, and environmental responsibilities.⁶

Why does this subject merit being considered under the rubric of 'security'? Though the events described below are closer to massacres than 'war', the death-toll of more than 2,000 Ogoni civilians killed since 1993 clearly exceeds the standard requirement of the definition of 'war' as a conflict with more than 1,000 dead. Even with a narrow definition of security, such as Mohammed Ayoob's, the issues raised in the Shell/Ogoni case clearly fall within the security ambit. Ayoob's narrow definition of security is used

in the restricted sense of applying to the security of the state – in terms of both its territory and its institutions. ... In other words, security-insecurity is defined in relation to vulnerabilities – *both internal and external* – that threaten or have the potential to bring down or weaken state structures. ... Other types of vulnerability ... become integral ... only if they become acute enough to acquire political dimensions and threaten state boundaries, state institutions or regime survival.⁷

SPDC operates the largest joint venture in Nigeria producing about 40% of the country's total crude oil output. Since oil revenues account for approximately 90% of Nigeria's foreign exchange earnings and more than 80% of the federal government's total revenue,⁸ it is fair to say that Ogoni demands for a fundamental change in the allocation of oil revenues put into question the very survival of the Nigerian state, also after the recent change of government. Further, any actions which cause SPDC to withdraw from production (as it has in Ogoni) or disrupt its production (SPDC claims to have lost 1,432 total project days to 169 community disturbances in 1993) can threaten Nigerian state security.

This study does not address the environmental implications of the petroleum industry in Nigeria, nor does it pursue its analysis at the broader level of these TNCs, which provide four-fifths of the government's total revenue. Rather, the focus is limited to specific cases where the TNC role goes far beyond

merely providing revenue or polluting the environment, and extends to such things as purchasing firearms, directly requesting military assistance, paying allowances to military units, and transporting troops in company boats and helicopters. The study concludes that TNCs are actively involved in creating and exacerbating violence against local populations.

Empirical Evidence

SPDC maintains what is colloquially referred to as the 'Shell police' and what it calls the 'supernumerary police'. The supernumerary police are a special detachment of the Nigeria Police Force 'who are on attachment to Shell Nigeria and guard the company's residential, office and industrial areas and ... provide escort duties in areas of high risk'.⁹ SPDC points out that it recorded more than 650 security incidents involving its operations over one recent two-year period; the company argues: 'It is normal practice in Nigeria among leading commercial businesses for supernumerary police ... to be assigned to protect staff and facilities.'¹⁰

One specific issue that arises in regard to the supernumerary police is the question of SPDC importing firearms on their behalf (case 1). Shell admits to purchasing 107 handguns for the supernumerary police more than 15 years ago. SPDC argues that it does not own these guns, which remain the property of the Nigeria Police Force, the body that regulates the conditions for their use and storage.¹¹ Also in 1995, however, Shell had been negotiating to buy more than half a million dollars worth of 'upgraded weapons' for the supernumerary police. Human Rights Watch argues 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 Shell had claimed.¹² SPDC acknowledges that it 'investigated the possibility of updating and upgrading the weapons used by the supernumerary police' but 'decided that it would be inappropriate to proceed with the purchase'.¹³

On several occasions, Shell helicopters and boats have transported members of the Nigerian security forces. In 1987, for example, the company transported members of the Mobile Police Force (MPF) to a demonstration at Iko in Akwa Ibom State (case 2). The MPF killed two people and destroyed 40 houses.¹⁴ While Shell admits that 'members of the security forces have accompanied Shell personnel in SPDC helicopters and boats at various times', the company denies that this indicates Shell's support for using the military to suppress dissent.¹⁵

Another SPDC practice with distinct security implications is the payment of field allowances to Nigerian military units (case 3). On 12 May 1994, a Rivers

State Internal Security Task Force memo signed by Major Paul Okuntimo stated that 'Shell operations still impossible unless ruthless military operations are undertaken for smooth economic activities to commence' (*sic*). That same memo also recommended 'pressure on oil companies for prompt regular inputs as discussed'.¹⁶ Shell denies ever making 'inputs' into military operations. It does, however, admit to paying field allowances to the Nigerian military on two separate occasions in 1993 where protestors were killed and wounded. The company argues, though, that these allowances were relatively small, basically enough to cover two meals a day.¹⁷

Case 4 occurred in October 1990 at Umuechem, about 10 miles east of Ogoni. Fearing an 'impending attack' on their facilities the following morning, SPDC's eastern division manager sent a letter to the Rivers State Commissioner of Police on 29 October 1990, requesting 'that you urgently provide us with security protection (preferably Mobile Police Force) at this location'. Shell's explicit preference for the MPF here came three years after that same body had killed two people and destroyed 40 homes after being transported to the scene by SPDC (case 2 above). On 31 October, the MPF attacked peaceful protestors with tear gas and gunfire. The next day they returned and began shooting indiscriminately. Some 80 people were killed and 495 homes were destroyed. A subsequent judicial commission of inquiry found no evidence of any threat from the villagers and concluded that the MPF had displayed 'a reckless disregard for lives and property'.¹⁸

SPDC justifies reporting this matter to the police because the safety of its staff and equipment were threatened by 'armed youths'. The company's explicit request for the MPF was made because 'past experience supported the presence of Mobile Police as a deterrent and the best chance of a peaceful resolution of the situation'. The company further notes that the judicial inquiry 'attached no blame to Shell for the deaths'. SPDC also claims to have learned from this experience and notes that 'today the company does not suggest a police response'.¹⁹

On 28 April 1993, Willbros, a pipeline contractor commissioned by Shell, began bulldozing crops on Ogoni farmland near Biara under the protection of Nigerian soldiers, in order to prepare for the construction of a pipeline (case 5). Although Shell claims that it followed the relevant legally required land-acquisition procedures and paid compensation to the local community, thousands of palm- and branch-waving Ogoni protestors blocked the path of the bulldozers the next day. Such an event should not have come as a surprise to SPDC, for the company had officially withdrawn all of its staff from Ogoni only three months earlier 'in the face of increasing intimidation and attacks from communities that included physical beatings, theft and destruction of personal belongings and equipment'.²⁰ While no evidence has been presented that either SPDC, Willbros, or Nigerian military personnel were injured during the demonstrations, the security forces killed one person and wounded

more than 20.²¹ Shell has admitted that it provided transportation and field allowances for the army escort accompanying Willbros.²²

Six months later, Shell again considered returning to Ogoni. On 25 October 1993, army soldiers receiving field allowances from Shell went to the village of Korokoro, reportedly to retrieve two stolen fire engines (case 6). Encountering protestors, the soldiers opened fire, killing one Ogoni man and seriously injuring two others.²³ In this case, SPDC argued it was asked by the Rivers State government to re-start operations in Ogoni. Fearing that peace had not fully returned there, Shell 'asked for protection for staff during a short visit to establish the state of its facilities'. SPDC argues that one of its employees and a contingent of soldiers 'were attacked by a large number of villagers with guns, knives and broken bottles', and claims: 'No villagers were reported injured.'²⁴

Shell responds to allegations of close links to the military in various ways. First, the company points to its own legitimate security needs. Second, SPDC views requests for military assistance as merely complying with the requirements of Nigerian law. According to Shell, 'the company is required by law to do so when operations are threatened with disruption. ... We do not accept that this makes SPDC responsible for the actions the authorities then take.'²⁵ Third, Shell has repeatedly emphasized that it will not work behind a 'security shield'.²⁶ In this regard, the company argues that the Korokoro and Willbros incidents discussed above have 'helped redefine the company's policy'. Shell will no longer accept protection from soldiers, nor will it go where it is not wanted. Beyond this, 'If Shell was asked today to survey our facilities in Ogoni land with a police or military escort ... it would refuse.'²⁷

The evidence on this last point is, however, mixed. To Shell's credit, there is some evidence that the company may now hold divergent opinions from the military on how best to address problems in the Niger Delta. The Ijaw National Congress, frequently critical of Shell, notes, for example, that the military has recently been advocating a 'physical thrust of force' response to the problems in the Niger Delta and blames Shell 'for her new community relations approach, which did not allow for support by the Military'.²⁸ However, Shell has relied upon a military 'security shield' at least three times (cases 4, 5 and 6) since two demonstrators were killed by the MPF in 1987 (case 2). Arguably, Shell again relied on such a security shield as recently as January 1999, when it moved 26 soldiers to its Kolo Creek facilities and agreed to meet their meal costs.²⁹ The company has also continued operations despite the massive troop buildup in the Niger Delta since December 1998.

While Shell has received by far the most publicity, it is not the only company which affects the security of indigenous peoples in Nigeria. In May 1994, protestors tied 16 boats together to block access to Chevron Nigeria Ltd's installations at Opuekebo in Delta State (case 7). After a Chevron request for police assistance, a self-propelled barge was sent in that rammed the blockade and sank all 16 boats. Three people drowned and many more were injured.³⁰

Another case involving Chevron occurred in May 1998, when protestors occupied the offshore Parabe oil platform to draw attention to their environmental grievances against the company (case 8). The protestors were engaged in negotiations with Chevron employees when three helicopters approached the barge on 28 May 1998. According to Bola Oyinbo, one of the protest leaders, 'As the choppers landed one after the other discharging soldiers, what we heard were gunshots and fire. In fact they started shooting commando style at us even before they landed. They shot everywhere.'³¹ Two protestors were killed.

Chevron officials have since admitted that they requested and transported military troops, along with Chevron's own chief of security, to the Parabe platform in Chevron helicopters. The company has called the two deaths at Parabe 'regrettable' but said that they occurred when unarmed protestors attempted to seize guns from the security forces. Chevron has justified flying the soldiers in on its helicopters with the argument that only its pilots had the necessary skills to land on the platform's helipad. Company officials have also claimed that they have 'no control' over the use of their helicopters and boats by military personnel. Though acknowledging that it is the sole operator of its joint venture with the Nigerian National Petroleum Corporation, Chevron argues that its 40% minority holding does not allow it to control who uses its equipment. As such, 'law enforcement has the opportunity to use Chevron helicopters because they [the government] have the controlling interest'.³² This 'no control' justification stands in sharp contrast to Chevron Nigeria's official policy that, whenever assistance is requested, the company 'insists on exercising reasonable control over those deployed to assist, ensuring that no more than the minimum force required to bring a situation under control is applied'.³³

A third case involving Chevron occurred on 4 January 1999, when the Ijaw villages of Opia and Ikiyan in Delta State were attacked and razed (case 9). Four people were killed and at least 67 are missing and presumed dead after troops transported in a Chevron helicopter and three Chevron boats began shooting indiscriminately at villagers, ostensibly in response to an earlier confrontation at a nearby oil rig. Chevron has acknowledged that its boats and helicopters were used and presumably offers the same 'no control' justification for its actions here that it provided for the Parabe incident.³⁴

Dietsmann Nigeria Ltd, a company contracted by Texaco to carry out some offshore work, was involved in another case in August 1998 (case 10). Several youths had written to Dietsmann asking about employment on this particular project. The company invited them to a meeting on 4 August 1998. From there, representatives were selected to negotiate with Dietsmann at another venue. While that dialogue was taking place, the police arrived at the original venue where many of the youths remained. One of the youths was told by the police that they were invited by Dietsmann. The police ordered them to leave imme-

diately or be shot. They then opened fire, killing one youth, Andrew Ofoni. Dietsmann Nigeria subsequently met Ofoni's burial expenses and paid his family 1.4 million naira (\$16,500) in compensation.³⁵

Analysis of the Evidence and Conclusions

While it is unlikely that the true extent of corporate involvement in some of these cases will ever be resolved definitively, some conclusions can be drawn. First, leaving aside the practices of importing arms and paying field allowances to military units, all of our remaining eight cases resulted in fatalities. One problem here has been identified by Gleditsch: 'In examining only cases of conflict, one is likely to find at least partial confirmation of whatever one is looking for.'³⁶ Clearly there is a selection bias at work toward noteworthy cases such as Umuechem, Korokoro and Parabe that resulted in fatalities. We may never know how many other cases there are where TNCs requested or transported military troops and the situation was resolved peacefully. Still, it is significant that 80% of the cases examined here resulted in fatalities.

Second, with the notable exceptions of Umuechem (case 4) and perhaps Opia and Ikiyan (case 9), which resulted in large numbers of fatalities, a general pattern can be discerned here where the security of large numbers of people is threatened yet only a small number of people are killed. Of the eight cases resulting in fatalities, the security of more than 50 people was threatened in at least six of them. On the other hand, in at least six of them there were fewer than five fatalities.³⁷

Third, two distinct types of corporate involvement can be identified. The first type is *direct* corporate involvement. 'Direct' in this sense refers to actions directly undertaken by TNCs themselves. Examples here would include such things as purchasing firearms (case 1) and actually transporting soldiers in company helicopters or boats (as in cases 2 and 8). The second type is *closely linked* corporate involvement. 'Closely linked' refers to TNC actions that subsequently led to security threats against local populations by agents of the state. The classic examples here are the numerous cases where TNCs have directly requested military assistance (such as 5, 6, and 10), which has subsequently led to security threats and fatalities. Five of our cases can be classified as cases of direct TNC involvement, while five others feature closely linked corporate involvement.³⁸

The empirical evidence presented here demonstrates the significance of transnational corporations as sources of security threats for indigenous peoples. The key question is whether TNCs are instrumental in the Nigerian state's violent response to peaceful protest – or whether they are 'innocent bystanders' unable to control the use of their own equipment, merely following

the strictures of domestic law in requesting military assistance. The facts that Shell specifically requested MPF assistance three years after that body had killed demonstrators, that it twice tried to re-enter Ogoni under armed escort after having withdrawn its staff only months earlier, that Chevron twice transported troops that subsequently killed protestors after the negative publicity surrounding Shell's links with the military, and that both companies continue to operate today behind the presence of more than 10,000 troops in the Niger Delta all suggest at a minimum that TNCs have shown a distinct lack of concern over the violence directed at the oil-producing communities in Nigeria. Furthermore, the fact that Shell did not reduce or cease operations in Nigeria during the height of the violence in the Abacha years, but actually announced new multi-billion dollar investment commitments, suggests that it views the deaths of nonviolent protestors as an acceptable cost of doing business in Nigeria.³⁹ Indeed, Frynas argues that political instability has in fact benefited Shell, by serving as an effective barrier to entry for other corporations.⁴⁰ Beyond this, the centrality of TNCs in creating and exacerbating security threats to local populations can be demonstrated in two ways.

First, TNCs have a *catalytic* effect in bringing local populations into confrontation with state security forces. In many of the cases described above (as in 2, 5, 8 and 10) and others not considered in this study, it is TNC actions such as environmental pollution or refusing to pay compensation for such damages that led to community protests in the first place. Security force abuses typically occur in response to such protests, often 'right next to company property, or in the immediate aftermath of meetings between company officials and individual claimants or community representatives'.⁴¹ More generally, 'the simple presence of the security forces posted to guard oil production facilities causes communities to face additional harassment and extortion, beyond that to which all Nigerians are subjected'.⁴²

Second, companies also contribute *directly* to security threats. Local witnesses have reported direct threats from company staff or staff presence when security officers threatened their communities with retaliation should oil production be disrupted.⁴³ Companies transport troops in their boats and helicopters; they also choose whether or not to make specific requests for military protection. In March 1997, for example, seven SPDC flowstations were occupied by protestors in Warri. Shell 'asked the authorities not to intervene by force, but rather leave it to dialogue with the host communities'.⁴⁴ The company cannot claim credit for the peaceful resolution of this situation and yet simultaneously disclaim responsibility for the violence in Umuechem, Iko and Korokoro. *Company policies matter*, and they contribute directly to the security or insecurity of local residents.

The ten cases examined here clearly indicate that the security implications of TNCs extend far beyond mere financial support to repressive state regimes. Specific and deliberate TNC actions do have direct or causally linked security

effects. Clearly, it is time to place transnational corporations onto the agenda of security studies. Incorporating TNCs in such a manner complements other efforts to both broaden and deepen the security studies agenda. As Krause and Williams put it, there have been numerous 'attempts to *broaden* the neorealist conception of security to include a wider range of potential threats, ranging from economic and environmental issues to human rights and migration'.⁴⁵ Here, security encompasses TNCs as a source of threats. There have also been 'discussions intended to *deepen* the agenda of security studies by moving either down to the level of individual or human security or up to the level of international or global security, with regional and societal security as possible intermediate points'.⁴⁶ In this case, the focus on indigenous and minority peoples deepens the agenda by moving down to the level of societal security and, in some regards, individual security.

Suggestions to broaden the agenda of security studies still further to include transnational corporations as sources of security threats to local populations are likely to meet spirited resistance from those who believe that existing attempts to broaden the field have already threatened its relevance. Stephen Walt, for example, has highlighted 'the risk of expanding "security studies" excessively', arguing that doing so would destroy the field's 'intellectual coherence'.⁴⁷ The threats posed to the very existence of the Nigerian state by pressures for new oil revenue allocation formulas, the more than 2,000 Ogoni civilians already killed, and the massive troop deployment to the Niger Delta following the proclamation of the Kaiama Declaration,⁴⁸ however, all indicate that the security implications of TNCs for indigenous peoples fit quite comfortably even within a narrow vision of what constitutes 'security studies'.

The empirical evidence upon which this article draws its conclusions is limited in at least three ways: it is drawn from a select number of case-studies, one specific country (Nigeria), and one specific time-period (the past 10–15 years). This suggests the need for further research that can expand the temporal, geographic and empirical horizons of the evidence presented here.

Further research is required on the longer-term history of corporate violence. The evidence presented here, for example, calls into question Janice Thomson's conclusion that 'States no longer ... provide troops to commercial enterprises, as the Germans did for the Dutch East India Company'.⁴⁹ However, the evidence presented here can also be seen as logically building upon another of Thomson's conclusions. She argues that the 'nineteenth century system excluded violence from the list of individual actions over which statesmen could legitimately disclaim authority and, therefore, responsibility'.⁵⁰ Arguably, the system of the late 20th century is progressively moving in the direction of excluding violence from the list of actions for which corporations can legitimately disclaim responsibility.⁵¹

Geographically, the evidence to date suggests that Nigeria is by no means *sui generis* in terms of the security implications of transnational corporations for

local populations. Raising the spectre of 'working behind a security shield', Total and Unocal workers and subcontractors on a pipeline project to bring gas from the Andaman Sea through Burma to Thailand, for example, now travel by helicopters and bullet-proof jeeps within a 'security corridor' along the pipeline's proposed route.⁵² Questions in regard to corporate weapons purchases and security forces have also been raised regarding British Petroleum's operations in Colombia. BP sacked its chief security officer in Colombia after documents surfaced suggesting that military equipment had been purchased for a Colombian army brigade protecting its Ocesa oil pipeline which had been implicated in two massacres by paramilitary death squads.⁵³ Nigeria is by no means an isolated case.

Following Gleditsch's critique of the environmental security literature, the select number of case-studies presented here could perhaps be dismissed as insufficient. As Gleditsch points out, 'Regardless of the accuracy of the historical description...' such case studies 'fail to provide an empirical basis for comparison'.⁵⁴ Clearly, there is a need for further primary research on this topic.

TNCs have been shown to be intrinsically involved in repeated episodes where people are threatened and killed. To date, their role in generating, maintaining and facilitating security threats to local populations has gone unnoticed by academics. It is time to address the many issues raised by such intimate corporate involvement in fundamental matters of life and death.

NOTES AND REFERENCES

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- 37 The security of more than 50 people was threatened in cases 2, 4, 5, 6, 8 and 9. The number of people whose security was threatened is disputed or indeterminate in cases 7 and 10. Cases 2, 5–8 and 10 resulted in fewer than five fatalities. Case 4 resulted in more than 80 fatalities. The number of fatalities in case 9 is unclear.
- 38 Cases 1–3, as well as 8 and 9, are classified as direct corporate involvement. Cases 4–7 and 10 are classified as closely linked corporate involvement.
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