Chevron’s Alleged Human Rights Abuses in the Niger Delta and Involvement in Chad-Cameroon Pipeline Consortium Highlights Need for World Bank Human Rights Investment Screen

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Summary: The World Bank’s proposed Chad-Cameroon pipeline project, the largest construction project in Sub-Saharan Africa, is scheduled to be presented to the World Bank’s board of directors on May 23, 2000. The US State Department has documented numerous cases of human rights abuses committed by the governments of Chad and Cameroon. Less known is the fact that one of the private sector partners in this pipeline project, the US-based Chevron Corporation, is charged with serious human rights abuses in neighboring Nigeria, including complicity in abuses and killings which took place in 1998 and 1999. This paper argues that the World Bank should discriminate in its financial investments against both state and non-state actors based on their human rights records.

In the same week that Northern California District Judge Charles Legge ruled in favor of proceeding with the lawsuit -- Bowoto V. Chevron, 99-2506 -- against Chevron for human rights abuses committed in Nigeria, Chevron announced that it was rejoining the Chad-Cameroon pipeline consortium, a project which the World Bank is prepared to help finance with a $365 million loan.

The deal, which involves the drilling of 300 oil wells in Chad and the construction of a 650-mile long pipeline through Chad to the Atlantic coast of Cameroon, has been severely criticized by international, national and local African organizations both for its environmental and human rights implications. Among the concerns:

- **Environment:** The pipeline route, which has been modified 30 times, nevertheless cuts through farmland and ecologically sensitive rainforests. In two localities, Cameroon’s Atlantic Littoral Forest will be seriously damaged.

- **Indigenous peoples:** The pipeline cuts through areas that are home to indigenous peoples. The lives of thousands of indigenous Bakola pygmies are threatened by the pipeline, which the proposed Indigenous Peoples Plan (IPP) does not adequately address, even according to World Bank policy.

- **Human rights:** The human rights climate in both countries has been noted by the US State Department as generally poor, with repression of civil society and intolerance of opposition, making open consultation with affected communities about the project extremely constrained. For example, Ngarlejy Yorongar le Moiban, the only opposition member of the Chadian government, was imprisoned after he spoke out against the project. According to a Harvard Law School study, “The same zeal used to remove Yorongar from the public debate has been applied to journalists who have ventured into sensitive questions of ethnicity and corruption, particularly in connection with the oil project.”

- **Corruption:** The rampant corruption in both countries—with Cameroon rated by Transparency International two years in a row as the most corrupt nation on earth—also gives little hope that the profits from the pipeline will trickle down to the poorest. A 1995 World Bank report questioned the willingness of the government of Cameroon to alleviate poverty and criticized its financial management. The Government of Chad has been in a state of financial disarray resulting in donor countries requiring that the Chad Treasury be under the authority of a Swiss firm.

- **Jurisprudence:** Moreover, under the negotiated consortium agreements the project is beyond the jurisdiction of either country’s national laws, thereby depriving the local
population of possible indemnity in case of oil spills or other problems associated with the pipeline. Indeed, the current Environmental Impact Assessment conducted by the oil companies does not include an oil spills response plan.

Chevron’s Ominous Record in Nigeria

Compounding the above concerns is the notorious history of the oil companies, in particular, Chevron in neighboring Nigeria.

- Chevron extracts 400,000 barrels of oil per year in Nigeria and has done so over the loud protests of local and indigenous communities regarding the concomitant environmental devastation. In its report on oil companies in the Niger Delta, Human Rights Watch notes that Chevron is responsible for a number of serious environmental hazards, including pollution of the water supply.

- While Chevron Nigeria Ltd. reports that between 1990-1997 it allocated US $28 million on community development and other assistance to its host communities, according to community members, contractors, and oil industry employees spoken to by Human Rights Watch, this money spent on “development” in the Delta has been largely misused. “In each host community the result has been the creation of an elite group which has benefited greatly from the presence of the oil companies, and a great mass of people who have seen only damage to their livelihood.”

- Despite the incredible wealth derived from oil, the GNP per capita in the Niger Delta is below the Nigerian national average of US $260. Literacy in the region is also below the national average as are health conditions. A small percentage of people employed in the well-paid oil sector have caused an increase in the cost of living in urban areas of the Delta.

- Chevron was also said to contribute to ethnic conflict by favoring one minority ethnic community—the Itsekiri--over the Ijaw majority in handing out its sparse contracts and employment opportunities. Local community members assert that this is done to divide the ethnic communities in order to rule them without serious challenge to their operations.

Research done for Shell Petroleum Development Company (SPDC) in its areas of operation in the Niger Delta reports that 84 percent of the people believed that the oil companies (including Chevron) had adversely affected the economies of the host communities, and 69 percent felt that there was a high level of deprivation and neglect.

Chevron Sued for Human Rights Violations

Perhaps most controversial is Chevron’s recent participation in egregious human rights abuses, which is the subject of a lawsuit pending in California federal district courts. The case brought by several California lawyers against Chevron for human rights abuses of Nigerian citizens – by Nigerian forces, in Nigeria – involves two recent incidents in which a Chevron Corporation subsidiary (Chevron Nigeria, Ltd.) facilitated separate attacks on Ilaje and Ijaw community members.

Parabe Incident, May 1998

Background: In the Ilaje/Ese-Eso local government area, Ondo State, Chevron dredging has disrupted fresh water supplies and fishing grounds. There have also been a number of oil spills that have caused further damage. In an effort to discuss their concerns regarding the environmental destruction caused by Chevron’s exploitation of the area’s resources, local youths called on Chevron to participate in negotiations with the group. Chevron, however, failed to come to a meeting arranged by the military administrator of Ondo State on May 7, 1998 and a meeting called by the youths themselves on May 15, 1998.
The Incident: On May 25, 1998, after repeated unanswered requests for meetings with Chevron officials to discuss their concerns, approximately 120 youths from the Ilaje community went to a Chevron offshore drilling facility known as the Parabe platform, where they peacefully assembled, unarmed, and requested to meet with Chevron officials. For the next two days, they occupied the platform awaiting the meeting with Chevron officials, a meeting which they were told was being arranged. During the waiting period, Bola Oyinbo, the leader of the youths, asserts Chevron workers continued their operations until management instructed otherwise on May 27. While Chevron maintains that their 200 employees were held hostage by the “armed” protesters, evidence and testimony by Chevron employees suggest that the Chevron employees were in fact free to come and go from the platform. James Neku, Chevron’s acting head of security in Nigeria who accompanied the security forces, acknowledged that the youths on the platform were unarmed and that armed security guards and Nigerian military personnel working for Chevron remained on the platform throughout the incident. In addition, one Chevron employee who fell ill was escorted away by helicopter without interference from the demonstrators.

On May 27, 1998, an agreement was reached between the representatives of Chevron and the representatives of the protesters that there would be another meeting in the village on May 29, 1998, if the protesters would agree to leave the platform the following day. However, the next day at dawn, despite the clear agreement by the leaders of the platform protesters to the conditions, Chevron requested the assistance of Nigerian security forces to stop the protest. In Chevron helicopters, the Nigerian Navy and Mobile Police—known as the “Kill ‘n’ Go”—accompanied by Chevron personnel, fired upon the demonstrators, killing two people, Jolly Ogungbeje and Arolika Irowarinun, and seriously injuring two others. Parrere, one of the demonstrators shot by the military, believed that when the helicopters came that the “people inside might be Chevron’s reps who were actually coming to dialogue.” But instead, “[when] they were about to land we heard shooting of tear gas and guns.” While Chevron maintains that the youths were killed after trying to disarm the troops, there is circumstantial evidence to suggest the opposite is true—namely, that the military shot the youths from behind.

Eleven youths were taken to the Chevron facility and later to Akure, the capitol of Ondo State, where the State Intelligence and Investigation Bureau questioned and detained them. They were released on June 22, 1998, without charge. Bola Oyinbo, the leader of the group, reported torture while in detention, including being hung by his handcuffed hands from a ceiling fan hook. Oyinbo asserts that he was tortured by the Nigerian military and/or police at the “urging, request or suggestion of Chevron, both in writing and verbally” in order to confess to crimes that he had not committed during the protest. In an interview with a US non-governmental delegation in September 1999, Oyinbo said that while in custody soldiers told him that, “Chevron promised them each 10 thousand Naira ($100) to come and do the shooting.” Mr. Oyinbo also said that after he had spoken to lawyers from the US, Chevron offered money (700 thousand Naira—or $7000) to members of his community so that they would not speak to his lawyers.

Chevron acknowledges that its pilots operated the company’s helicopters and its chief of security accompanied the troops in the helicopters. Nevertheless, Chevron claims its only action against the occupation was to call the federal authorities to inform them of the incident, which it asserts it was obligated to do by law. However, in an interview with Pacifica Radio’s Amy Goodman, a spokesman for Chevron Nigeria, Sola Omole, confirmed that Chevron had authorized Nigerian troops and hired armed security forces to fly by helicopter to Chevron’s offshore platform where the protesters were assembled.
Opia and Ikenyan Incidents, January, 1999

The Incidents: On January 4, 1999, Opia and Ikenyan, two small communities of maybe 500 people each in Delta State, Warri North local government area, were attacked by about 100 armed soldiers—who also arrived in Chevron-owned vessels. Community members described how a helicopter of the kind they were used to seeing flying on Chevron's operations flew low over the community: at first they thought nothing of it, since there are two Chevron wells within 100 meters of Opia village, but as the helicopter approached the village it started firing at them. After staying about half an hour at Opia, the helicopter flew to nearby Ikenyan and fired at the villagers. Soon after, soldiers came to Opia and then Ikenyan in four boats. As a youth from Opia describes:

Three [of the boats] were Chevron sea trucks (two numbers were 221 and 242), the ones they normally use, and the other one was a military boat with a machine gun mounted on it. They were full of soldiers, maybe more than one hundred in all. We ran into the bush again but as we were running they started firing, it was so intense I can't describe it, dugu-dugu-dugu-dugu-dugu. As I was running a bullet wounded me on my leg. When we went into the bush we saw fire everywhere in the community, everything burning. 23

Bright Pablogba, the traditional leader of Ikenyan, who went to the river to negotiate with the soldiers was killed along with a seven-year-old girl and possibly dozens of others. An elderly man who was unable to flee was captured by soldiers and dragged to the riverfront, where he was executed allegedly “in full view of the Chevron official present.” 24 Forty-seven people from Ikenyan community and fifteen from Opia and are still missing: The communities do not know if their bodies have been disposed of or if they have fled and are afraid to return. The soldiers also set fire to the homes before they left, destroying most of the community, including fishing equipment, livestock, churches, and religious shrines.

Possible motives for the attack: Some of the villagers have concluded that the objective of the January 4, 1999, attack was to allow for the clearing away of the village in order for the pipeline to continue along the most direct route for Chevron. Two Chevron wellheads and a manifold are located directly behind the Opia community, though they are not yet producing oil. They are found in an area where previously "economic trees" such as palms, mangos, coconuts, and breadfruit grew—of vital import to the community. In addition, the route for a new pipeline, a strip of land about three meters wide, which ends right before the village, had been cleared by Chevron employees. If it were to be continued along its present direction, the pipeline route would have to go through the village. 25 Many community members assert that the incident was carried out in order to “deter both the attacked communities from protesting the environmental destruction and other activities of Chevron in the area.” 26

After the attack, the majority of the remaining population of Opia and Ikenyan fled to other communities, and created a committee to pursue their case with the military authorities and with Chevron. In correspondence, Chevron expressed no regret for the attacks, nor did it give any explanation for the use of its equipment; by mid-February 1999, no company representatives had entered the communities since the events of January 4, 1999.

Chevron’s perspective: In correspondence with the community, Chevron gave the following rendition of the incidents:

A day before the attack on Opia and Ikenyan, a group of youths came to the oil rig location—several kilometers away from Opia and Ikenyan—to demand money from Chevron and proceeded to get into
an altercation with the Military Security. The following day the youths returned ‘in increased numbers’ and again an altercation—this time with shooting—ensued. The soldiers at the rig radioed to the Madagho military base for assistance; the soldiers from the base went to Chevron’s nearby Escravos facility and demanded use of the helicopters and boats on contract to Chevron—to which Chevron ultimately obliged.

Thus, Chevron holds that “it was based on this initial attack that the contingent of security forces requested for reinforcement and made a counterattack on the two camps of Opia and Ikenyan.” Chevron then claims that they know of no deaths as a result of the attack, given that “none of our [Chevron’s] own security was involved.”

However, in interviews with Human Rights Watch, members of the community state that they were aware of no disputes at the drilling rig. In addition, Chevron’s contention that it does not know of any resulting casualties because its security was not ‘involved’ in the incidents proves dubious: Chevron has admitted that its personnel in fact manned one of the boats.

Since these correspondences, Chevron has proposed “donations” for the villages, amounting initially to US $5,500 to each community and most recently US $8,300, which the communities have refused. Chevron stated that the company "completely absolves itself from any responsibility regarding the incident as it was a matter between Federal Government Armed Forces and community militants," but that "despite Chevron's lack of involvement and in line with Chevron's tradition of care for host communities, we have offered to donate relief materials and some cash as humanitarian assistance and a goodwill gesture."

Chevron has not made any public statements critical of the military's use of its equipment to attack the two communities, nor has it addressed how the company intends to avoid similar incidents in future.

Human Rights V. Corporate Wrongs: Bowoto V. Chevron, 99-2506

While some facts of the case remain in dispute, others are indisputable:

- The military used in the attacks on the Parabe protesters, as well as the villages of Opia and Ikenyan, are housed within the Chevron facility at Escravos.
- Chevron requested the assistance of the Nigerian military to end the protest on the Parabe platform.
- Chevron supplied the helicopters for the Parabe attack by the notorious Mobile Police, which resulted in the killing of two unarmed protesters.
- Chevron personnel, including Chevron’s chief of security in Nigeria, accompanied the Nigerian military in the Parabe attack.
- Chevron supplied the boats and helicopters used in the military attack of the Opia and Ikenyan communities, which resulted in the killing of at least four people and possibly dozens of others.
- Chevron personnel operated the boats that were used by the military in the attacks on Opia and Ikenyan.

Now Chevron will have to defend its role in the incidents thanks to a rare human rights abuse case brought under the Alien Tort Claims Act. Chevron requested that the case be tried in Nigeria. However, after hearing the first motion, Judge Legge -- a moderate Reagan appointee -- held that the case belongs in US courts.
Conclusion and Recommendations for the World Bank

As ExxonMobil has publicly stated, the World Bank’s role in the Chad-Cameroon pipeline project is crucial. It will provide US $365 million in financing of the project, but more importantly for the oil companies, the World Bank will provide the risk guarantee that companies have lacked in troubled Nigeria. Thus, in addition to facilitating other funding, the Bank “also provides a moral shield to external criticism that oil companies are not addressing issues of human rights and development.”

The World Bank’s involvement in the project is viewed by some residents of Chad and Cameroon as potentially positive, in that its involvement will attract international scrutiny thereby preventing corruption and ensuring the appropriate allocation of funds. However, all indications appear that, rather than inviting international scrutiny and critiques, and despite the many “red flags” raised on this project, the World Bank is pushing the Chad-Cameroon pipeline project forward before many of the concerns have been thoroughly vetted and addressed. It is for this reason that a chorus of non-governmental organizations are calling for a two-year moratorium on the project until environmental assessment impacts have been made and true public consultation in the respective countries occur.

In addition, given Chevron’s alarming human rights record in neighboring Nigeria, the corporation’s entry into the Chad-Cameroon pipeline consortium elicits grave concern from local African and international human rights and environmental organizations.

Development, environmental preservation and human rights are natural allies, mutually reinforcing one another. It is for this reason that there is a need for the World Bank to develop a human rights or social screening mechanism for all World Bank projects. Such a mechanism would discriminate against companies and other state and non-state actors that have been accused of serious human rights violations.

If there is one lesson to be learned from recent projects which have been brought before the World Bank’s Inspection Panel, it is that such a screen would both save the World Bank endless hours of contentious debate and negative publicity, and ensure that such controversial projects are given the thorough assessment they deserve before they are approved. Reciprocally, such a screen would reward those companies that have maintained a clean record on human rights issues with World Bank procurement contracts.

Such an investment screen is long overdue at the World Bank.

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1 Some of these non-governmental organizations include: Amnesty International, Center for International Environmental Law, Chadian Association for the Promotion and Defense of Human Rights, Environmental Defense, Friends of the Earth, Human Rights Watch, and the Institute for Policy Studies.
2 For a detailed analysis of the ecological risks, see Environmental Defense Report: “The Chad/Cameroon Oil and Pipeline Project: Putting People at Risk” Posted at the following URL: www.environmentaldefense.org/pubs/Reports/chadcameroon.html
3 For example, comprehensive studies by Environmental Defense show that the World Bank’s recent studies include “no assessment of the governments’ institutional capacity in regard to the environment, even though many of the environmental mitigation and monitoring measures will be their responsibility.” See executive summary of ED report “The Chad/Cameroon Oil and Pipeline Project: Putting People at Risk.”
4 See Amnesty International URL posting: www.amnestyusa.org/justearth/countires/chad-cameroon2.html.
“Managing Oil Revenues in Chad: Legal Deficiencies and Institutional Weaknesses,” a study conducted by students and staff in connection with the Human Rights Clinical Program of Harvard Law School, October, 1999. Comments and questions are welcome at prosenbl@law.harvard.edu.

It is important to note that the Chad/Cameroon project would extract 900 million barrels of oil over a 25 year period, making it one of the largest construction projects in Africa.

For example, Chevron constructed a canal near the village of Awoye in Ondo State which caused or accelerated erosion by the sea and has also “destroyed the local hydrological system by allowing salt water into previously fresh water areas, creating a saltwater marsh in place of much higher biodiversity freshwater swamp.” As a result, fishing grounds and drinking water have been ruined and is described by an expert on the Niger Delta environment as “one of the most extreme cases of habitat destruction” in the Delta. Detailed in Human Rights Watch report, “The Price of Oil” pp.3-9.

A Shell executive was quoted as saying, “I would go far as to say that we spent more money on bribes and corruption than on community development projects” London Sunday Times, 1995.

Human rights Watch report, “The Price of Oil” p.8 VI.

At the Commission, Endless Claims Over Warri” Guardian (Lagos), July 2, 1997.

Between 1990-1997, Chevron Nigeria, Ltd. reports that it spent US $28 million on community development and other assistance to its host communities. However, according to community members, contractors, and oil industry employees spoken to by Human rights Watch, this money spent on “development” in the Delta has been largely misused. In each host community the result has been the creation of an elite group which has benefited greatly from the presence of the oil companies, and a great mass of people who have seen only damage to their livelihood.


This point is disputed by Chevron authorities.

Human Rights Watch report, “Price of Oil” p. 16.

See plaintiffs court briefs in Bowoto V. Chevron, 99-2506


For an excerpt of the interview, see report, “Oil for Nothing” p. 19.

From Pacifica Radio’s Democracy Now transcript, November 26, 1998:

Goodman: “Who took them [the soldiers] in on Thursday morning, the Mobile Police, the Navy?”

Omole: “We did. We did. We did. Chevron did.”

Goodman: “By how?”

Omole: “Helicopters. Yes. We took them in.”

Goodman: “Who authorized the call for the military to come in?”

Omole: “That’s Chevron’s management.”

From “Drilling and Killing,” by Amy Goodman, The Nation, November 16, 1998. When asked who paid for the military, Omole said, “those guys were working for the contractor [ETPM]; I guess you have to ask the contractor that.” Bill Spencer, area manager of ETPM, the contracting company that leased the barge to Chevron, stated the contrary: “They were not ours. They were paid. They were supplied by Chevron—all of them. Everybody that was out there.”


See court briefs submitted by plaintiffs in Bowoto V. Chevron, 99-2506.


As stated in the plaintiffs court briefs.


Ibid.


Under the ATCA, Federal courts have held that individuals can stand trial in the US for their crimes abroad even if the plaintiffs are foreigners. The case John Doe V. Unocal, 963-2506 F Supp. 880 serves as the precedent for Bowoto V. Chevron, 99-2506 when then-US District Judge Richard Paez ruled two years ago that the oil giant could be tried in the US for alleged human rights abuses committed by Myanmar authorities on behalf of Unocal. It was the first time a human rights abuse case against a US corporation was allowed to proceed under the ATCA. Judge Paez held that plaintiffs can have their day in court if a company knew or should have known that their business partner was violating the law of nations on behalf of a joint venture. Note: this case is still pending in Los Angeles federal court.

“Managing Oil Revenues in Chad: Legal Deficiencies and Institutional Weaknesses,” a study conducted by students and staff in connection with the Human Rights Clinical Program of Harvard Law School, October, 1999. Comments and questions are welcome at prosenbl@law.harvard.edu.