

Dirty Work: Shell's security spending in Nigeria and beyond

Recommendations

While the recommendations below are ambitious in scope, their implementation is necessary to bring about substantial improvements in human rights and regional stability in the Niger Delta.

To the Nigerian Federal Government:

- Respect the human rights of local communities, and in particular, respect the rights of women in those communities;
- Immediately implement in full the recommendations of the African Commission on Human and Peoples' Rights made in the Ogoni case of 2002, in compliance with the African Charter;¹
- Take immediate steps to meet Nigeria's obligations under the International Covenant on Economic, Social and Cultural Rights and the African Charter;
- Commit to reforming Nigeria's political system and resolving issues of revenue allocation, decentralisation, democracy, corruption and local political autonomy;
- Undertake a comprehensive clean up of all oil contaminated sites, provide an efficient, transparent and independently monitored mechanism to compensate those affected, and remediate the environment;
- Strengthen the independence, oversight and resources of the regulatory agencies responsible for oil industry (National Oil Spills Detection and Response Agency, Ministry of Environment and Department for Petroleum Resources) and any new agencies created under future legislation;
- Disarm, demobilise and reintegrate the large numbers of military forces currently on assignment in the Niger Delta;²
- Launch independent investigations into all credible reports of human rights abuses and corruption in the Nigerian military and police force, starting with the highest ranking officials, and hold the perpetrators to account by terminating their employment and where appropriate through public prosecution.

¹ African Commission on Human and Peoples' Rights, Decision on communication of The Social and Economic Rights Action Center and the Center for Economic and Social Rights/Nigeria (155/96),

² The necessary challenge of re-integrating Nigeria's 68,000-strong army is highlighted by Ricardo Soares de Oliveira, (2007): pp 118-9.

To the Nigerian House of Representatives and the Senate:

- Repeal laws which have failed to protect the rights of local residents against infringement by the oil industry and Nigerian authorities, including the Land Use Act 1978, Petroleum Act 1990, the Oil Pipelines Act 1990 and other subsidiary legislation;
- Reject any provisions in the Petroleum Industry Bill that undermine the human rights and environmental protection of local communities.

To Shell Petroleum Development Company (and other oil companies in Nigeria):

Security:

- Prioritise the safety and security of local communities, in particular vulnerable groups, over access to oil infrastructure and oil extraction targets;
- Reduce and eliminate dependence on government forces. Where this is not feasible, cease operations in those areas until conflicts are resolved;
- Where company operations do continue to rely on reduced government forces, provide more resources to safeguard against human rights abuses. Discourage or ban the use of live ammunition and of loaded firearms;
- Take all necessary steps to screen hired security personnel for previous human rights violations or excessive use of force, and prevent those individuals from providing company security;
- Ensure all credible allegations of human rights abuses by security staff and contractors are properly investigated and where investigations are conducted by the Nigerian authorities, monitor the process and press for proper, transparent resolution within a reasonable time;
- Investigate all credible allegations of unethical conduct and corruption associated with Shell personnel, and promptly take action to terminate the employment of those implicated, referring them to the Nigerian authorities for prosecution;
- Stop hiring local and private military and security companies (PMSCs) that are known to exacerbate conflicts;
- Keep records of all incidents in which local residents have been killed or injured by government forces and hold the perpetrators accountable. Make this information publicly available within a reasonable time;
- Initiate transparent and independent grievance mechanisms that enable the victims of Shell-related human rights abuses to gain direct access to full and adequate compensation and remedies in a reasonable time;

- Publicly review and overhaul Shell's community development and engagement practices. Emphasise meaningful consultation, project participation, sustainability and the involvement of women in decision-making processes;
- Publicly review and overhaul Shell's risk management procedures and practices to include all sectors of local communities and to build shared safety and security;
- Monitor and strictly enforce compliance with Shell Nigeria's guidelines on the use of force and the United Nations Code of Conduct for Law Enforcement Officials;
- Phase out the hiring of local youths to protect oil facilities and work in partnership with the Nigerian authorities to support a transition to professional, community-focused policing under a shared security model;
- Make full compliance with environmental and human rights guidelines a contractual obligation for all subcontractors;
- Uphold Shell's obligation to respect human rights under the UN Framework for Business and Human Rights by taking all necessary steps to avoid the risk of abuses.

Transparency:

- Change accounting procedures to publish line item reporting of payments to the Nigerian government, police and military;
- End all forms of cash payments, contracts and 'stay at home' payments to individuals and groups who pose foreseeable risks to stability and human rights;
- Publish SPDC's guidelines on the use of force and procedures for security incidents, plus any agreements with the Nigerian government which govern or affect company security arrangements. Initiate a public consultation and review of Shell's security strategies, policies and practices which fully includes local communities.

Environment:

- In partnership with the Nigerian government, undertake a comprehensive clean up of all oil contaminated sites, taking the UNEP recommendations into account and ensure that funding is not an obstacle to this process;
- Provide an efficient, transparent and independently monitored mechanism to trace and document oil spills and to compensate those affected;
- Remediate the environment according to international best practices and subject to ongoing independent monitoring;

- Prevent future oil spills by immediately improving the maintenance and replacement of oil infrastructure and using state of the art technology for detecting problems;
- Overhaul Shell's inappropriate and out of date remediation procedures, which were identified by UNEP as being ineffective and based on false assumptions.
- Respect the right of local communities to give or withhold their free prior and informed consent; ensure full and effective participation of local communities in planning, decision-making and negotiation over any new infrastructure projects;
- Immediately end the illegal practice of gas flaring.

To shareholder investors in Royal Dutch Shell plc

- Demand full disclosure of all security expenditure in Nigeria and an overhaul of auditing procedures to ensure that security spend is transparent, accountable and avoids contributing to human rights abuses;
- Urge the company to focus on addressing its legacy of environmental and social impacts in the interests of long-term stability in the Niger Delta;
- Call for executive and managerial remuneration to be tied to measurable improvements in environmental and social performance, as determined by independent external criteria;
- Urge Shell to disclose more information on credible allegations of human rights abuse, corruption and the potential future liabilities arising from its environmental and social impacts in Nigeria.

To the governments of home states in the UK, Netherlands and US:

- Condemn the excessive use of force and widespread human rights abuses in the Niger Delta;
- Exert pressure on the Nigerian government, in public and private, to respect human rights and to pursue non-violent means of resolving the underlying causes of the crisis;
- End all forms of oil-related military / security aid and arms procurement sales to Nigeria;
- Require Shell and other oil companies to disclose information on allegations of human rights abuse; compel companies to take the steps outlined above to prevent conflict and violence and monitor the company's human rights performance;

- Hold Shell publicly accountable for its human rights abuses in Nigeria and compel the company to adhere to European regulations on environmental and social performance abroad;
- Support an internationally binding mechanism for holding corporations accountable for human rights violations in a forum that is accessible to the victims;
- Implement legislation to establish interim mechanisms that provide effective and efficient access to justice for the victims of corporate human rights abuses abroad.

To oil service contractors:

- Respect human rights and adhere to the environmental, social and transparency guidelines as outlined above;
- Work towards and apply uniform policies on community engagement and development across the oil industry.