



# Niger Delta Bodo oil spill and explosion

Press Pack - July 2 2013

National Coalition on Gas Flaring and Oil Spills in the Niger Delta

## Oil spill and explosion at Shell's Trans Nigeria Pipeline at Bodo Community in the Niger Delta

### Press statement from NACGOND

The oil and gas pollution impacts coalition NACGOND is calling for an immediate review of whether the Trans Niger Pipeline (TNP) can be operated safely. This call is a result of the fire and spill which broke out south of Bodo community on June 19<sup>th</sup> and the many questions that have arisen around the integrity of the pipeline and security across the pipeline network.

Shell reports it partially closed the TNP on June 8<sup>th</sup> and closed the remaining 24" pipeline on June 19<sup>th</sup>. The TNP normally carries 150,000 barrels of oil per day to Bonny using a pipeline network that in places is over 50 years old. The pipeline remains closed while the spill which is estimated at several thousand barrels of oil was stopped on June 26<sup>th</sup> during the conclusion of a Joint Inspection Visit (JIV) attended by NACGOND.

"We are shocked at the level of this spill, its management, and the arrest of Shell contractors in the immediate aftermath on suspicion of involvement with oil theft. There are so many questions about an incident near one of the most politically and environmentally sensitive areas in the Niger Delta," said Father Obi of NACGOND.

"We were also profoundly disappointed when our team was arrested by the military JTF when investigating this spill on June 21<sup>st</sup> under an accusation of "trespass" on the waterways. Although they were released after a relatively short time this underscores the hostile environment that any independent actors face when engaging with oil spill issues in the Niger Delta."

"The fact that SPDC has announced a major \$1.5bn initiative to replace some of the most troubled TNP pipeline with the 'TNP Loop' is a welcome development. However the latest incident underlines the serious question of whether the TNP can operate safely while this is being constructed."

"We believe an urgent broad investigation into the Bodo SW incident is needed alongside a review of spill prevention and management. Without such investigation we do not see how the TNP can be re-opened with any confidence about its safety and integrity."

"We should stress that SPDC is not alone in responsibilities in this matter. There are serious questions about security, the quality of oversight, and government's priorities of oil production vs reducing impact on communities."



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“How these matters are handled go to the heart of credibility for the Federal Government and Shell's stated interest in addressing oil spills in the Niger Delta starting with Ogoni. Unless the TNP can be secured or made safe it is pointless to claim that an effective response to the UNEP investigation of oil spills in Ogoni is underway.”

“We look forward to an urgent response to the issues of the Bodo spill from Shell and government authorities and hope that some of the co-operation that has been shown towards civil society participation can be continued and enhanced”

### Overview of recent events

On 19<sup>th</sup> June at approximately 2am a large explosion was reported at the Trans Niger Pipeline south of Bodo near Port Harcourt in the Niger Delta. This section of the Trans Niger Pipeline normally pumps around 150,000 barrels of oil per day under high pressure to terminals at Bonny. This explosion has resulted in a large fire and oil spill of at least 6000 barrels of oil.

Prior to the explosion, an oil spill was reported at this same location on June 9<sup>th</sup> which according to Shell was caused by third party interference. The local community are however unhappy with the Joint Investigate Visit (JIV) that was swiftly carried out in relation to this oil spill as they claim they were not consulted. The representative that was present at this Joint Investigation Visit had previously been removed from the Bodo Council of Elders and has been discredited by the community because of his work as a contractor for Shell.

According to Shell, its contractors have been working at this location since May 22<sup>nd</sup> to remove and repair crude oil theft connections. Shell confirmed that “One operations support barge, one environmental barge and two tug boats were the only authorised vessels at the Bodo West worksite.” and that “No sectional replacement work was underway”. However our investigations have seen two excavators and a stock of pipe parts at the site of the spill and subsequent explosion. This has led the community to believe that Shell were at the site to carry out excavations as part of a wider project to replace sections of the pipe - something that required the agreement of the community and which had never been granted.

Since the work began at the site, members of Joint Task Force has also had a heavy presence in the area having been tasked with surveillance and security duties. Bodo community members say they were denied access to the site by both Shell and the Joint Task Force following reports of the initial oil spill on the 9<sup>th</sup> June.

After the oil spill on the 9<sup>th</sup> June local people reported numerous barges, belonging to the contractors, being loaded with crude oil from the ruptured pipeline at night. Local sources claim this was being done with cover from members of the Joint Task Force.



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It was during one of these night-time operations at around 2am on 19<sup>th</sup> June that the explosion occurred whilst a barge was being loaded with crude oil. A number of contractors were reportedly killed or injured in the explosion, but their whereabouts are unknown.

Several Shell's contractors from Steve Integrated Technical Services and Sege Marine were arrested for oil theft within the next 24 hours with the JTF later reporting it had arrested 8 contracting staff. Staff of the same oil contractors were present at the discredited Joint Investigation Visit on 10<sup>th</sup> June and are still being used by Shell to carry out repairs, containment and clean-up operations at the site.

In a statement on June 20<sup>th</sup> SPDC Managing Director and Country Chair Shell Companies in Nigeria, Mutiu Sunmonu announced in a statement *"Unknown persons continued to reconnect illegal bunkering hoses at Bodo West even as our pipeline team were removing crude theft points. It was therefore not surprising that the fire occurred from the continuing illegal bunkering even as a previous crude oil theft point was being repaired by the team. So far, there is practically no spill from this event as the oil is burning off. What is visible in the water is from an earlier oil spill which was also as a result of oil theft."*

If, as it would appear, this oil theft was being carried out by the very contractors Shell pays to clean-up spills and carry out work on its infrastructure, this poses significant questions around Shell's capacity for operational oversight. It also raises the spectre of oil contractors not only making money from stolen crude but also being rewarded doubly by oil companies who pay them to clean up oil spilled in the process of thefts they themselves preside over.

The TNP was shut down soon after the explosion and the inferno extinguished on Friday 21<sup>st</sup> June but large quantities of crude oil continued to flow - according to Shell staff due force of gravity and the Bodo SW location being a low point on the pipeline. A significant part of oil being released between June 19<sup>th</sup> and Friday June 21<sup>st</sup> was burnt off. After the fire "self extinguished" on June 21<sup>st</sup> oil continued to flow and has been released into the local environment until June 26<sup>th</sup> when the spill point was finally closed, adding to the existing heavy burden of oil pollution in the Bodo area (See Amnesty International report for a history of Spills in Bodo).

Four member of NACGOND who tried to access the site of the explosion on 21<sup>st</sup> June were detained by the Joint Task Force. This lack of openness and continued willingness of the JTF to be seen to protect shell's interests raises questions about their impartiality and effectiveness.

On Tuesday 25<sup>th</sup> and Wednesday 26<sup>th</sup> June , almost a week after the initial explosion, a Joint Investigation Visit began looking into the causes of the explosion in the Trans Niger Pipeline and the impact of the subsequent oil spill. The investigation team comprised of



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the Ministry of Environment, National Oil Spill Response and Detection Agency (NOSDRA), Department of Petroleum Resources (DPR), Community Members and independent observers, including NACGOND. However on the second day of the visit no person from the DPR, NOSDRA, or National Petroleum Investment Management Services (Nigeria) (NAPIMS) were present meaning that it is difficult to conclude the Joint Investigative Visit was satisfactorily completed. [At the time of writing the JIV for June 26<sup>th</sup> had not been posted to a Shell website which normally updates such material promptly].

Observers present at the JIV on the 25/26 June are concerned about Shell's preoccupation with correct paperwork taking precedent over an effective spill response and clean up operation. The response by the same contractors under investigation for their role in the stealing of oil from the site was at best poor, under-resourced and largely ineffectual. There was also a lack of government representation on 26<sup>th</sup> June at the JIV to the site, and thus an acute need to strengthen the powers of the appropriate regulatory bodies.

This spill incident again highlights issues with the JIV process which focuses much of the collective initial spill response on investigations which by their nature of a wide range stakeholders are a significant logistical exercise in themselves. The question of spill containment often appears - as in this case - to take on a secondary priority to the detriment of local environments and communities.

Following on from this second Joint Investigative Visit various questions remain unanswered including:

- Were oil contractors paid by Shell to carry out technical and spill clean-up operations involved in the theft of crude oil?
- The sophistication of the attached bunkering point on pipeline indicates the work of professionals. How did this occur despite a 24-hour surveillance operation of Shell contractors and the presence of JTF patrol team on the waterway in addition to the JTF house-boat that is located around the oil theft point ?
- Are genuine efforts being made to secure community representation at JIVs on the Trans Niger Pipeline and are adequate checks being made against obvious conflicts of interest?
- Was the oil spill on the 9<sup>th</sup> June really caused by Sabotage and Third Party Interference when the site was occupied by Shell oil contractors under the watch of the Joint Task Force?
- Are the JTF and other security measures providing meaningful protection for the Trans Niger Pipeline, particularly in the creeks south of Ogoni ? If not, why is the pipeline still being operated ?



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### Timeline of key events

**May 22<sup>nd</sup>** - Shell 'deployed a team to Bodo West on May 22 to remove and repair crude oil theft connections... on sections of the TNP'

*Shell Statement 24<sup>th</sup> June*

**June 8<sup>th</sup>** - Shell report this as date that TNP 28" pipeline closed to allow work on removing illegal tapping points

**June 9<sup>th</sup>** - Oil spill occurs at this site. Reported to official bodies unusually swiftly with a Joint Investigation Visit carried out the following day.

*<http://test.nigerianoilspillmonitor.org/data/attachments/4883/989481-28in-bomu-bonny-transniger-pipeline-at-bodowest-jiv.pdf>*

**June 12<sup>th</sup>** - (confirm) First of two "tapping points" removed from 28" pipeline

**June 12-19<sup>th</sup>** - Locals note barges approaching and leaving the site at night, apparently with cover from the Joint Task Force. Some June 26<sup>th</sup> JIV participants note problems in this period with ongoing high pressure on the 28" pipeline delaying work to remove fixtures on pipeline.

See accompanying reports

**June 19<sup>th</sup>** - Huge explosion at approximately 1.30am from vicinity of pipeline. Casualties reported by community contacts and oil contractors arrested. Whereabouts of detainees and injured unknown.

See accompanying reports

**June 21<sup>st</sup>** - National Coalition on Gas Flares and Oil Spills in Niger Delta (NACGOND) representatives visit spill site. Are arrested by Joint Task Force, questioned and released.

See accompanying reports

*<http://www.thisdaylive.com/articles/group-jtf-in-battle-over-detention-of-film-crew-at-pipeline-explosion-site/151446/>*

**June 21<sup>st</sup>** SPDC announces a \$1.5bn investment in replacing section of the Trans Niger Pipeline to address operational and security concerns

**June 24<sup>th</sup>** SDN releases brief on the Bodo incident and Trans Niger Pipeline raising question of whether the pipeline can be re-opened safely

**June 25<sup>th</sup>** - Stakeholder Democracy Network (SDN) and National Coalition on Gas Flares



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and Oil Spills in Niger Delta (NACGOND) visit Bodo community and interview numerous residents and Chief Kogbara, Chairman of Bodo Council of Chiefs. Also take part in Joint Investigative Visit to spill site.

See accompanying reports, video and audio files

**June 26<sup>th</sup>** - Second day of JIV after initial effort to expose pipeline section failed due to volume of oil being released being greater than capacity of pumps on hand to remove it. Spill stopped when "tapping point" exposed and valve closed

## Selected quotes from various actors

### Quotes from Shell

*"No sectional replacement work was underway. The repair team's presence and mandate to remove crude theft points were made known to the community which granted them access".*

*Shell Media Relations Manager, Tony Okonedo, in a media statement after the incident.*

*"Unfortunately, crude thieves continued to operate at night even as the repair team worked to remove illegal connections during the day, such that, on the day of the incident on June 19, two unauthorised Cotonou boats were reportedly present at the time of the initial explosion and fire. The established operations routine at any repair site comprises a team of SPDC staff, contractors and regulators who only work during daylight hours and leave the site at the end of each day. This means that no SPDC authorised people could have been on the ground at the time of the incident."*

*Managing Director of SPDC and Country Chair, Shell Companies in Nigeria, Mutiu Sunmonu*

On Shell's investment response following explosion - oil and gas journal:

<http://www.ogj.com/articles/print/volume-111/issue-7/general-interest/shell-takes-fids-for-niger-delta-projects.html>

On the arrest of Shell contractors - reuters:

<http://www.reuters.com/article/2013/06/24/nigeria-shell-idUSL5N0F02BH20130624>

### Quotes from Community Members

*"Shell surveillance contractors are the same people who sabotage the pipelines and do the bunkering activities. The question is: where (sic) these five staff of Shell's surveillance contractors on their normal duty post of securing pipelines when the fire engulfed them on a fully loaded batch (sic) of crude oil?"*

*Anonymous community members - from accompanying document*

*"You know they are doing sectional replacement there? So it is the bulldozer they are using -I mean the swampbuggy - that busted the pipe."*

*Anonymous community member - from accompanying audio*



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*"The Council and Cheifs and Elders of Bodo are not aware because we do not have any meeting document from them informing us.... or any other form of communication. But of course we are not surprised, that is what shell used to do. They always bypass the community and come into the creek to do anything they like and go away."*

*"The [community representative present at the Joint Investigative Visit] liaison officer is from this community... but who is he liaising with? How can he represent us? He is not representing our interest, he is there representing the interests of Shell."*

*General Secretary of the Bodo Council of Chiefs and Elders Mene Sylvester on their lack of knowledge of the JIV carried out on the 10<sup>th</sup> June following the spill on the 9<sup>th</sup> June. From video interview on youtube.*

*"We have papers, the NGO's and other representatives who will help to let Shell and the world understand that they are undermining the community too much and we are not prepared to accept it."*

*General Secretary of the Bodo Council of Chiefs and Elders Mene Sylvester. From video interview on youtube.*

## Quotes from anonymous manager at Steve Integrated Services

*"They are not bunkerers, There was no sign of stolen crude oil on the tug boat as they were only working on repairs. We will continue to work with the JTF,"*

<http://www.reuters.com/article/2013/06/24/nigeria-shell-idUSL5N0F02BH20130624>

## Useful background information:

SDN Briefing on the Bodo SW spill and Trans Niger Pipeline history

<http://www.stakeholderdemocracy.org/cgblog/535/89/Serious-questions-following-Trans-Nigerian-Pipeline-explosion-at-Bodo.html>

The JTF statement on the arrests of NACGOND NGO members:

<http://www.thisdaylive.com/articles/group-jtf-in-battle-over-detention-of-film-crew-at-pipeline-explosion-site/151446/>

Amnesty International report on previous oil spills in Bodo including June 2012:

<http://www.amnesty.org/en/library/asset/AFR44/037/2012/en/eb98d9e1-116a-4f18-ac09-ea1c73d8aba1/afr440372012en.pdf>

Video interview with Chief Meme Sylvester:

<http://www.youtube.com/watch?v=u8x2WF7q0SI>

Images selected for press use can be found at this picassa web album.



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<https://picasaweb.google.com/108462086528452040957/BodoSpillPhotosForPressJuly22013>

## Contacts for interviews and further information/latest developments/eyewitness reports from spill site:

- Inemo Samiama SDN - 00234 7033751788 - [inemo@stakeholderdemocracy.org](mailto:inemo@stakeholderdemocracy.org)
- Father Obi NACGOND - 00234 813 279 5461- [edyobi@yahoo.com](mailto:edyobi@yahoo.com)
- Chris Newsom SDN - 00234 813 402 9078 - [chris@stakeholderdemocracy.org](mailto:chris@stakeholderdemocracy.org)
- Adole Tracey SDN - 00234 8074659951 - [adole@stakeholderdemocracy.org](mailto:adole@stakeholderdemocracy.org)
- Nenibari Zabbey - 00234 803 750 4608 - [zabbey1@yahoo.com](mailto:zabbey1@yahoo.com)

## Shells official statements relating to the incident

### Investigation underway into fire on TNP

A joint team is due to conduct an investigation tomorrow into the cause of the June 19 explosion and fire on the 28" Trans Niger Pipeline (TNP), after SPDC shut the facility resulting in a deferment of 150,000 barrels per day. The team, which will comprise regulators, including the Ministry of Environment, community members, SPDC and independent observers, will visit the site as part of their mission. The fire went out on Friday (21 June).

The TNP had previously been targeted by crude thieves and shut down several times to take out crude theft points. To ensure that the facility continued to meet operating standards, SPDC deployed a team to Bodo West on May 22, 2013 to remove and repair crude oil theft connections on both the 24 and 28-inch sections of the TNP. The repair team's presence and mandate to remove crude theft points were made known to the community which granted them access. No sectional replacement work was underway. One operations support barge, one environmental barge and two tug boats were the only authorised vessels at the Bodo West worksite. Environmental barges are typically used to store and transport recovered oil.

The Managing Director of SPDC and Country Chair, Shell Companies in Nigeria, Mutiu Sunmonu said, "Unfortunately, crude thieves continued to operate at night even as the repair team worked to remove illegal connections during the day, such that, on the day of the incident on June 19, two unauthorised Cotonou boats were reportedly present at the time of the initial explosion and fire. The established operations routine at any repair site comprises a team of SPDC staff, contractors and regulators who only work during daylight hours and leave the site at the end of each day. This means that no SPDC authorised people could have been on the ground at the time of the incident."

Mr. Sunmonu continued, "Having shutdown and isolated the pipeline, but with oil





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continuing to flow from the pipeline under gravity to the low point on the TNP, the only other practicable option in the circumstance was to allow the fire burn out naturally. To prematurely extinguish the fire without functioning containment equipment on site could have resulted in further environmental damage. We continued to monitor the fire while also mobilising replacement oil spill containment and response equipment to site. With the fire out, a residual leak was observed at the site contained within the crater caused by the initial incident. We are currently mobilising crews to evacuate the pit, access the leak point prior to the joint investigation visit and complete repair."

On the reported arrest of some employees of SPDC's contractors and sub-contractors on suspicion of involvement in crude theft activities, Mr. Sunmonu said, "We appeal that the arrested suspects be treated in line with the principle of presumption of innocence until proven guilty, and hope for a speedy and transparent dispensation of justice for anyone found to have violated the laws of the land."

He added, "We are committed to operating transparently, which is why we have invited the National Coalition on Gas Flaring and Oil Spill in the Niger Delta (NACGOND) to join the investigating team as independent observers. We will continue to run our operations as safely as is possible and in accordance with both industry regulations and Nigerian laws."

Contact person: Tony Okonedo Corporate Media Relations Manager 24 June 2013

### SPDC shuts TNP due to fire at crude theft point

The Shell Petroleum Development Company of Nigeria Ltd (SPDC) joint venture shut the Trans Niger Pipeline (TNP) yesterday (19<sup>th</sup> June) following an explosion and fire at a crude theft point on the 28" section of the facility at Bodo West in Ogoni land.

Prior to the incident, SPDC had shut down the 28" TNP to remove crude theft connections, and has now closed the 24" TNP as a precautionary response to the fire. This means that the entire TNP system, comprising the 28" and 24" pipelines have been shut-in. The 24" TNP will be reopened when it is safe to do so, while the 28" TNP will remain shut-in until the fire has been extinguished, and investigation and damage assessment completed.

Some 150,000 barrels of oil per day is deferred from the closure of TNP.

"This is another sad reminder of the tragic consequences of crude oil theft," said SPDC Managing Director and Country Chair Shell Companies in Nigeria, Mutiu Sunmonu. "Unknown persons continued to reconnect illegal bunkering hoses at Bodo West even as our pipeline team were removing crude theft points. It was therefore not surprising that the fire occurred from the continuing illegal bunkering even as a previous crude oil theft point was being repaired by the team. So far, there is practically no spill from this event as the oil is burning off. What is visible in the water is from an earlier oil spill which was also as a result of oil theft.

"The explosion also triggered a fire on a nearby barge. Crude theft continues to pose



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significant challenges to people, the environment and the local and national economy, and all stakeholders must work together to stop this criminal activity.”

Contact person: Tony Okonedo Corporate Media Relations Manager 20 June 2013



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## Background information on process of monitoring and reporting on oil spills in Nigeria

### What is the process of reporting and cleaning up oil spills in Nigeria?

Key aspects of the process of reporting and cleaning up oil spills in Nigeria are briefly explained here:

- The oil company whose facilities have been compromised are always responsible for oil spill clean-up, regardless of the cause of an oil spill.
- All oil spills must (by law) be closed-off/stopped by the oil company within 24 hours of being notified of an oil spill in their jurisdiction.
- Within 2 weeks of a spill being identified oil companies must (by law) submit information (FORM B - enshrined in Nigerian law) to the government regulator which outlines areas of impact, area covered by spill, quantities spilled, quantities recovered, cause of spill, containment and cleanup measures etc.
- A Joint Investigative Visit (JIV) must (by law) be carried out as soon as possible after a spill has been identified and containment measures taken. The Joint Investigative Visit is where the oil company representatives, community representatives, and appropriate government agencies visit the oil spill site to agree on the cause, impact, scale of spill etc. The resulting JIV document is signed by all parties present and forms the basis of any legal proceedings or compensation claims.
- When further cleanup efforts by the oil companies or their contractors is deemed complete, the oil company should contact the government regulator with a report on their cleanup operations (FORM C - enshrined in Nigerian law).
- At this point the government regulator checks samples from the site and will either: ask the company to carry out further cleaning or; issue a certificate if the site is deemed to be remediated.

### What are the main problems of reporting and cleaning up oil spills in Nigeria?

The issues around the reporting and cleanup of oil spills in Nigeria are well known and documented in the local, regional and international press and by various international bodies. There are a number of serious problems faced by the regulators and clean-up teams when it comes to cleaning-up oil spills in Nigeria. These include in outline:

- Corruption: Bunkering and oil theft are big business and the national and international markets these activities feed involve corruption at the highest levels of security, oil company and government bodies.
- Security issues at a spill site: Where bunkering or illegal refining has been taking place, assessing a spill site may be too dangerous to do due to the heavy presence of armed actors.
- Compliance issues: It may not be in the oil companies or facility owners interest to report a spill they will be responsible to clean up and compensate or to engage with the environmental regulator to ascertain the amount of damage caused.



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- Community blocking access to a spill site: For a variety of reasons community members may not allow spill clean-up teams or government regulators to access a spill site. This could be from historical mistrust of authorities and companies, or to hide community-level refining activities.

### What about the role of illegal refining and oil bunkering in causing oil spills?

In the past 10 years or so, increasing numbers of oil spills in the Niger Delta have been caused by either large scale oil thefts (also known as bunkering - where stolen oil is shipped to local or international markets and involves corruption at many levels) or artisanal refiners (where local energy needs are met through unregulated refining). There is now massive local and international markets for this illegal oil or refined fuel which is causing serious environmental problems in its wake. It must be noted that there are still a large number of oil spills caused by ageing infrastructure and equipment failure or human error and that historically this was the main cause of pollution in the Niger Delta and is still the cause of the larger spills in the region.