



# NIGER DELTA EVALUATION: AMNESTY INTERNATIONAL'S WORK IN OIL POLLUTION AND CORPORATE ACCOUNTABILITY IN THE NIGER DELTA

## EXECUTIVE SUMMARY

This document provides a summary of the external evaluation of Amnesty International's (Amnesty's) work in the Niger Delta on oil pollution and corporate accountability between 2011 and 2014.

The evaluation took place between November 2014 and March 2015 and assessed the impact of Amnesty's work on corporate accountability in the Niger Delta. It captured the successes so far, Amnesty's contributions to positive changes, missed opportunities and challenges of the project in order to stimulate learning and inform Amnesty's future work. Considering the overall goal of the project is longer-term, this evaluation focuses on assessing the intermediate outcomes and how such outcomes contribute to the overall goal of the project. More broadly, the learning from the evaluation is also expected to inform Amnesty's future strategies related to work on corporate accountability.

## METHODOLOGY

Qualitative methods were used in the evaluation. A retrospective Outcome Harvesting assessment and a Value for Money assessment were used to collect and analyse the evaluation data. Evaluation data was collected by review of relevant project documents, emails and publicly available reports, media, campaign materials and publications. The evaluator interviewed Amnesty staff from the International Secretariat and National Offices; NGO partners in Nigeria and INGO partners in Europe and the UK; consultants and legal professionals involved in the project; and a representative from the Development Assistance program of the Dutch Government in Nigeria. The evaluator also met with members of the Bodo community during a field visit.

A staff person from Shell (the Nigerian subsidiary company Shell Petroleum Development Company - SPDC) in Nigeria was approached for an interview, but the company could not arrange approval for his participation during the period of this evaluation. Some senior representatives of the Nigerian Government agency - National Oil Spill Detection and Response Agency (NOSDRA) - were on leave and therefore were unavailable for interview.

## KEY FINDINGS AND CONCLUSIONS

The evaluator established that overall the strategies that have been applied in the project have been relevant and effective. Amnesty's 2009 strategic decision - to focus on the oil company Shell by limiting direct engagement with the company and instead working through other actors and processes to target the company - has worked well. There is strong anecdotal evidence that there has been a shift in perception and an increase in concern of some key stakeholders about the company's standards of practice in the Niger Delta. The recent settlement of the Bodo case (through its Nigerian subsidiary SPDC) is evidence of the effectiveness (albeit costly and time consuming) of legal action as a way to hold the company accountable.

Amnesty's strong focus on quality investigative research has contributed to a number of important results. The evidence has assisted legal action; strengthened advocacy and influenced key actors (Members of Parliament, media and investors); and has contributed to improvements in the quality and transparency of the joint investigative and environmental assessments and reports completed by the oil companies with Nigerian Government agencies and representatives from civil society.

Targeted advocacy of certain actors has proved effective. For example, the strong work by the Dutch section of Amnesty in advocating Members of Parliament has helped to strengthen political engagement on the Niger Delta. The issue has been raised at high level bilateral discussions between the Dutch and Nigerian Governments that positively influenced the recent action taken by the Government of Nigeria on the recommendations made in the 2011 United Nations Environmental



Program (UNEP) report. The work targeting investors was less successful. This is in part due to difficulties in creating a sense of urgency in investors' minds about the issue; and also challenges that Amnesty faced providing a steady flow of relevant information to investors about the material financial risk.

The strong partnerships that Amnesty has formed with like-minded international NGOs had assisted to strengthen the efficiency and effectiveness of the program through collaboration on joint action and the sharing of resources and expertise. Amnesty has formed strong and positive partnerships with Nigerian NGOs. These NGOs provide an important connection with communities in the Niger Delta. They provide a channel through which Amnesty has supported communities (in legal action, advocacy and capacity development) and has strengthened the quality of the investigative research that has underpinned many of the project's successful results. The local communities value Amnesty's support and collaboration and there is anecdotal evidence of how this has strengthened the confidence and capacity of community members and helped them to take action – for example the legal action in the Bodo court case; being part of monitoring and reporting processes; local advocacy of politicians; and participating in campaign and protest actions.

Amnesty did identify gender as an important issue that needed attention relatively early on in the project. Some positive work has taken place – targeting participation of women in community level training; raising gender issues during dialogue with oil companies; and consideration of women as beneficiaries in the Bodo compensation – however overall the evaluator found the level of activities that have been completed and the outcomes achieved as being low. The evaluator acknowledges that it takes time to create positive change in gender equity in this highly engendered context in the Niger Delta and there is a long history and tradition of exclusion and discrimination against women. Much greater focus is needed in the next phase of the project to support change in this difficult environment where there is relatively little work carried out by other NGOs.

The challenges present in the operating context led Amnesty to make the appropriate decision to target and invest less on activities within Nigeria – for example limited targeting of Government and not pursuing legal cases within Nigeria. As a result there has been little progress made through the project in legislative and regulatory reform. The lack of commitment of the Government of Nigeria is a concern. Progress towards the goal of the project sustaining the impacts of the results achieved to date relies heavily on the presence of stronger regulatory frameworks that government ensures oil companies adhere to. A number of informants expressed the view that Amnesty now needs to take more action within Nigeria. They suggested that government needs to be a stronger focus of the project; and that Amnesty should now consider more strongly targeting other oil companies as well as Shell; advocate and engage more with the local media in Nigeria; and consider supporting legal action within Nigerian courts.

A dedicated Director who has very strong technical skills and expertise has led and made a very strong contribution to the achievements of the project. Under her leadership the choice of strategies, focus of the project and the types of action implemented had been appropriately adapted based on timely and clear analysis of the operating context and understanding of new emergent opportunities.

An internal Working Group made up of different sections of Amnesty was established to help coordination and communication of the project. This group is no longer functioning. Many of the evaluation informants who were members of the Working Group stated that there had been weaknesses in the processes that limited its effectiveness. Overall the evaluator found that within the Amnesty International–network there were some problems in coordination and communication. There appears to be a lack of consistent understanding and commitment to the project's strategies by the different sections of the organisation. Dissent in views and preference of working styles is common when staff from different international sections collaborate on a project. However, there is need in the next phase of the project to achieve better coherence and commitment to the work and understanding of how it fits within the broader organisational strategy on corporate accountability.

## RECOMMENDATIONS

The evaluators acknowledge that the project has contributed to positive and important change in an operating context that is challenging and where progress is expected to be incremental. It is recommended that Amnesty-continue to the work in the Niger Delta recognising that sustainable change and progress towards the project's goal will require long term commitment from the organisation.

The evaluators made a number of recommendations to Amnesty about work in the Niger Delta on Corporate accountability and oil pollution. The recommendations were grouped in five areas: i. Project Strategy, ii. Project Implementation and management, iii. Resources and capacity, iv. Gender equity and v. Locating the Niger Delta work in the wider organisational strategy.

