

# Consequences of The Brent Spar Victory

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## 1. Introduction

The Brent Spar campaign is the single most obvious Greenpeace success of recent years. Other victories, such as the campaign to end nuclear testing (which was achieved in the same year), are of equal if not greater significance in different ways. The same might be said of the successful campaigns to ban toxic waste exports, ban commercial whaling, to curb CFC production and develop alternative refrigerants, or to save Antarctica.

But whereas the achievement of the ban on nuclear testing took 25 years, the 'Spar was so sudden, so clear and had such immediate and dramatic consequences for government and business, that it caused reverberations which still influence environmental debate today, and which reframed views about how the world works.

The fact that the 'Spar fitted into Greenpeace campaigns - such as that against ocean dumping - that had been running for over a decade, was lost in the immediate impact of the sudden decision of 20 June 1995. Peter Melchett, Executive Director of Greenpeace UK later remarked "as often happens with our campaigns, the historical context in which we work was ignored by all those looking at things in a much more short term framework".<sup>1</sup>

The fact that it was also relevant to several other campaigns, such as one just building up against the expansion of the oil industry, and to the North Sea Ministers Conference of 1995, led to considerable mixing of messages about what was at stake. This process was encouraged by the multiplicity of regulations and policies that applied to the 'Spar itself. In its impact however, the 'Spar was larger than any of these individual campaigns.

Because of its significance, a huge amount has been written and spoken about the 'Spar, and many aspects of the issue have been examined and re-examined, sometimes imbuing minute details with enormous importance where one faction or another wants to make a particular point.

Many powerful interests were affected by the 'Spar, and many have wanted to learn from it or to seek revenge. Academics have often tried to fit the 'Spar into one model or another of political change and, as a result, have ended up inventing elaborate rationales for Greenpeace campaigning which have never existed. Press comment has ranged from the extremely superficial, focussing especially on what the media reported at the time and trying to then see significance in that without going beneath the surface, to the pretty accurate. Generally, business analyses have been closer to Greenpeace's own perceptions of what it means than those of politicians and the media.

Perhaps strangely, with the exception of the book 'Brent Spar oder die Zukunft der Meere' published only in German, Greenpeace has published very little about the 'Spar episode. Partly this is because Greenpeace has always been an organisation driven by a sense of urgency about doing what needs to be done next, and is neither very good at

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<sup>1</sup> Speech to Royal Institution, 14 November 1997

celebrating its victories, nor at retrospective analysis of what it has done. Partly it was because in the case of the 'Spar, Greenpeace embarked on a difficult campaign to prevent the resumption of French nuclear tests, without any breathing space. Lastly it is in part because being so close to the events, Greenpeace has struggled to absorb all the lessons and exploit the opportunities that the 'Spar victory opened up.

In addition, Shell has spent more money on public relations and inviting tenders from engineering companies to deal with the 'Spar since the Greenpeace campaign, than it did for the original proposal.

Shell's preparations for sinking the 'Spar were made over three years in the early 1990s, and were conducted mostly in secret. Participation was mostly confined to a narrow circle of paid scientific consultants and government officials. Since the turnaround of 20 June 1995, Shell has embarked on a costly "public involvement" exercise which was initially designed to recover some of its reputation while repairing its relations with British Ministers under the Major Government. Subsequently it took on something of a life of its own with everything from an internet site, to CD Roms for schools and journalists to "stake holder" dialogue sessions for environmentalists around Europe.

One effect of Shell's extended farewell to the 'Spar has been to provide a regular drip-feed to the media about the minutiae of the installation and the plans for its eventual fate.

Shell has made much less effort to communicate the wider and much more significant consequences of the 'Spar decision, or the parallel political changes which it sparked off. Indeed, the oil industry is still fighting to keep open the sea-dumping option for oil platforms.

This report is an attempt to briefly examine some of the more significant consequences which have emerged over the intervening two and a half years.

It is often said that the 'Spar' was a "classic" Greenpeace campaign in which David fought Goliath and David won. At first sight this appears true but in fact it was the reverse of what usually happens. Greenpeace has built its influence by fighting David and Goliath battles and *losing* the immediate struggle, only to win the larger war at a later date. This time there was an outright win with a multinational and a government flat on the mat, an outcome which nobody wholly expected.

That perhaps is how the 'Spar has become of much wider significance. Greenpeace always *looked* like David beating Goliath but the knock-out was avoided by Goliath gradually accommodating change and finally conceding in some quiet corner with the minimum of publicity. With the 'Spar, the victory came first and the accommodation came afterwards, and it is only now becoming clear what that involves.

Tom Burke, at the time Special Adviser to the UK Secretary of State for the Environment, is fond of saying of the 'Spar campaign "Nobody remembers what David and Goliath were fighting about - but everyone remembers who won".

With the biblical story this is certainly the case. With the 'Spar, the controversy continues because there is still a struggle to define what it means in terms of precedent.

The 'Spar campaign rewrote the rules about how British Government and business could

use their version of science to treat the environment as happened to be convenient.

It also exposed deep seated failings in the relationship between public policy, science, government and the balancing of public and commercial interests. The handling of BSE or 'mad cow disease' further highlighted these problems, which remain unresolved.

With the help of the public, Greenpeace offended some very powerful interests by winning the 'Spar campaign, and some of those have been determined to deny the consequences of it ever since. After the 'Spar turnaround, the then UK Government turned on Greenpeace and attacked it. Its strategy was to try and turn third parties against Greenpeace, and in particular it used the media, which it criticised for being 'part of' the campaign. As a result, some sections of the media developed and sustained a whole new mythology of how the 'Spar campaign was won, which owes more to political spin doctoring than it does to actual events. This is examined in Chapter 8. The Major Government also attacked Shell, and it is Shell UK's extended attempt to rebuild its relations with the Major Government, which partly explains its long-winded decision-making on the fate of the 'Spar oil installation.

Meanwhile the rest of the world has moved on, and in terms of actual environmental practice – including the non-dumping of oil installations – the 'Spar has proved a very positive precedent.

## **2. The Precedent: (Non) Dumping Of Oil/Gas Installations**

Before the Brent Spar campaign, a number of oil companies were planning to dump installations at sea. Since the campaign, none of them has.

The 'Spar has proved to be a precedent.

However, Greenpeace was trying to avoid the 'Spar setting the opposite precedent - of opening up an ocean dumping route for waste, when Greenpeace had successfully closed off dumping for radioactive waste at sea and for industrial wastes [campaigns started in 1978 and 1980 respectively, and both ended in 1993<sup>2</sup>]. These campaigns resulted in types of dumping being banned worldwide through protocols to the London Convention, itself adopted in 1972.

Few people realised it at the time but by starting the 'Spar campaign, Greenpeace ran headlong into significant and rather secret UK Government plans to begin toppling and dumping other oil installations at sea, as the older oilfields became progressively redundant.

Originally, when the North Sea oil industry was started, there was a political commitment to remove all the installations to land. The first relevant legislation was the 1958 Law of the Sea Geneva Convention. This required that an offshore installation being abandoned be entirely removed. The awkward implications of this became apparent in the 1970s, when the UK and other governments were planning to develop offshore minerals and oil industries. Their answer was to try and change the rules.

The 1982 UN Conference of the Law of the Sea introduced some exceptions, allowing some installations to be left in place as long as requirements linked to navigational safety, fisheries and environmental impact were met. The negotiations over the Law of the Sea, which eventually surfaced as UNCLOS, the United Nations Convention on the Law of the Sea, were long-delayed as countries tried to arrange the rules to suit themselves.

The 1989 UN International Maritime Organisation (IMO) Guidelines for the Removal of Offshore Installations (based on the needs of navigational safety and the technology available at the time) required that abandoned structures standing in less than 75 metres of water and weighing less than 4,000 tonnes in air, excluding the 'topsides', must be entirely removed. Platforms exceeding those limits need to be cut off to allow 55 metres clearance between their highest point and the surface. The water depth limit will increase to 100 metres for new platforms installed after 1 January 1998.

Sea disposal of offshore oil and gas structures is now subject to a moratorium in the OSPAR region following the Brent Spar controversy. In June 1995, OSPAR adopted a moratorium on sea disposal of decommissioned offshore installations (OSPAR is the Oslo - Paris Commission – the key inter-governmental authority regulating marine

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2 In November 1993, Greenpeace's ocean dumping campaign culminated with the adoption by the Contracting Parties to the London Convention of a permanent prohibition on the dumping of radioactive and industrial wastes at sea, and their incineration at sea. This now applies to the 75 Contracting Parties to the London Convention, as well as to all Parties to the UN Convention on the Law of the Sea (UNCLOS)

pollution in the Northeast Atlantic from the Arctic to Gibraltar, including the North Sea). This moratorium was adopted pending adoption of a permanent ban and is due to be reviewed at a conference currently planned for summer 1998.

In 1994, when the UK Government gave Shell the go-ahead to dump the 'Spar, the OSPAR Convention governing pollution of the North East Atlantic area contained<sup>3</sup> a general prohibition on the dumping of wastes at sea with very few exemptions, but it also allowed<sup>4</sup> dumping of redundant offshore installations and offshore pipelines.

However, the Convention said<sup>5</sup> that “no such permit shall be issued if the disused offshore installation or disused pipeline contains substances which result or are likely to result in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea”.

This provision was regarded by Greenpeace and others as a loophole, but it had never been used. Indeed, there was no rationale behind allowing the disposal at sea of installations with sizes comparable to that of the Eiffel Tower and, at the same time, prohibiting the dumping of perhaps less problematic materials such as fishing vessels<sup>6</sup>. Greenpeace and others pointed to this as preferential treatment of the offshore oil industry. Greenpeace was keen to stop the 'Spar passing through this loophole, and establishing it as a regular waste route.

During the negotiations that led to the adoption of the OSPAR Convention in 1992, the UK had fought a strong rearguard action to keep as many dumping loopholes open as possible. Together with France it fought a particularly long battle to keep open the option of dumping radioactive wastes at sea. The UK and France were so stubborn that despite international condemnation, they were able to retain the option of *resuming* radioactive waste dumping at sea after 1<sup>st</sup> January 2008. Both governments only renounced this in September 1997.

At the same time, negotiations were underway to also review and modify the global convention that regulates the dumping of wastes world-wide, the London Convention.

At the London Convention, the UK and France entered into coalition with the former Soviet Union in order to try to keep the radioactive waste dumping option open. They lost the fight at the end of 1993, but three years later in 1996 they were successful in ensuring that the Protocol to the London Convention would allow the dumping of “vessels and platforms or other man-made structures at sea”.<sup>7</sup>

The UK and its partners also lobbied actively, with others, for an exemption for “bulky items” or “bulky wastes”. Other nations knew that the UK and some other countries had for many years kept plans to dump decommissioned nuclear reactors at sea, including nuclear submarine reactors. Consequently the majority of countries blocked the efforts of the UK and others, limiting the exemption to “bulky items primarily comprising iron,

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3 Annex II on the Prevention and Elimination of Pollution by Dumping or Incineration

4 Annex III on the Prevention and Elimination of Pollution and Elimination of Pollution from Offshore Sources, Article 5

5 Annex III, Article 5.2

6 whose dumping after the year 2004 is prohibited according to Article 3.2(e) of Annex II of the OSPAR Convention

7 Para 1.4 of Annex I of the 1996 Protocol

steel, concrete and similarly unarmful materials for which the concern is physical impact, and limited to those circumstances where such wastes are generated at locations, such as small islands with isolated communities, having no practicable access to disposal options other than dumping”.<sup>8</sup>

When the UK announced the Brent Spar dump in 1995, these negotiations in the framework of the London Convention were still taking place, and all ocean dumping policy experts knew that the UK was trying to keep the exemptions as large as possible.

Rather like the early days of the nuclear industry, in the 1970s little thought was given to the technical feasibility or the economic implications of dealing with the offshore industry's waste. In the atmosphere of the time, the industry was effectively given a green light to develop come what may, and it developed a close relationship with government, which worked literally hand in glove to smooth the way. This was particularly the case in the UK where for a long time the Government was itself a major developer as well as the regulator. Not surprisingly, regulatory systems were largely technical and driven by what the industry felt was acceptable, rather than public and participative like the on shore planning process.

This psychology was to have important repercussions when Greenpeace and the public suddenly forced a change over the Brent Spar, and neither industry nor government could come to terms with it.

By the mid-1980's, as the potential costs of decommissioning became clear, industry and the governments concerned moved to change the situation and create a dumping route so that when the time came, oil installations could be dumped at sea. Although international law remained opaque, the UK moved to create its own formula, including in the 1987 Petroleum Act provision for an Abandonment Plan which had to be proportionate, cost effective and consistent with international obligations. Among other requirements, the abandonment programme had to meet BPEO (Best Practicable Environmental Option) and the Precautionary Principle, neither of which were defined in UK law. (The details were revised in 1995 as “Abandonment of offshore installations and pipelines under the Petroleum Act 1987: guidance notes for industry: consultative document May 1995”).

Shell built the Brent Spar as a massive oil storage buoy in the mid 1970s. It was used before oil pipelines existed to the Brent Field, located near to the UK-Norwegian border in the centre of the Northern North Sea. Shell abandoned the 'Spar in 1991 and immediately began negotiations with the UK Government over its disposal. It found the UK, led by the responsible Ministry, the Department of Trade and Industry (DTI), was a keen advocate of dumping rather than bringing the 'Spar ashore.

All however, was not plain sailing. While the DTI wanted dumping, other Departments had concerns. Papers unknown to Greenpeace in 1995 but released to then opposition MP Frank Dobson in 1996 reveal that as early as 14 December 1993 Shell wrote to DTI saying "If concern exists regarding the precedent that would be set by dumping the 'Spar topsides then we wish to point out" [that topsides from other Brent platforms under redevelopment were being scrapped onshore].

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<sup>8</sup> Article 1.7 of Annex 1 of the 1996 London Convention Protocol

When scientists at the Ministry of Agriculture's laboratory at Burnham on Crouch saw an inventory of the 'Spar's contents prepared by Shell, one of them wrote "The chemistry of this water is such that it has to be considered very toxic to marine biota (ie life). It should be treated as hazardous waste and discharge should be prohibited". Someone had added in a handwritten note at the top: "The bottom line is that the waste cannot be dumped at sea. The only option is to take ashore and treat".

This was leaked to Greenpeace during the 'Spar campaign and featured prominently on the front page of The Independent newspaper on the morning of 20 June. The Agriculture Department then stated that this comment applied only to dumping in shallow water, and not to the actual proposed dump site which was in deep water off Scotland's Atlantic coast. This was a little strange as no-one had actually proposed dumping the 'Spar in shallow water, and the draught of the structure itself made it difficult to move it away from deep water. (MAFF claimed to The Independent that Shell had considered dumping the 'Spar in the Brent Field itself.<sup>9</sup>)

Interestingly, the author of the handwritten note turned out to be Dr John Campbell, at the time a Senior scientist with MAFF and the Chairman of the London Convention's Scientific Group. Two years later Dr Campbell left the UK administration to become the advocate of the E&P Forum, the offshore oil industry pressure group, at the meetings of the OSPAR Commission, the IMO and the London Convention.

While Environment, Agriculture and other departments had to be placated, the lead in setting policy was taken by the Trade and Industry Department and its writ was heavily reinforced by the demands of the Treasury. Dumping was cheap and because there were generous tax breaks for the costs of decommissioning, whichever was the cheapest option was that favoured by the Treasury, as it would limit revenue lost to the exchequer. When it came to opposing recycling or re-use, the UK Government would mischievously describe this as a "cost to the taxpayer".

Of course the "cost to the taxpayer" could have been eliminated, if the ordinary taxpayers weren't subsidising the oil industry but to change that would have involved upsetting the delicate and complex web of taxes and incentives which was the legacy of twenty years of oil dealing between the UK Government and the offshore oil industry. In practice therefore, the UK had a pro-dumping policy, although this was always disguised by the official description of case-by-case decision making.

DTI clearly saw the 'Spar as an international test case. It said in a letter to Shell of January 25, 1994 : "One of the key issues still to be resolved is the presence of LSA [low specific activity - radioactive scale] and metallic compounds in the 'Spar and the implications this has for deep sea disposal". It added: "This is an issue which is likely to feature in the abandonment of other offshore installations in the future. It is therefore essential that the measures we put in place for disposal of the 'Spar can be upheld as having addressed all the issues" ... [referring to the Oslo Convention].

Moreover, the DTI and the oil industry were actively planning to create an oceanic dump site, not simply to treat each oil installation on a "case by case" basis.

This was explicitly denied to the media in February 1995 when the Daily Telegraph

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<sup>9</sup> Experts warned: don't dump rig, The Independent, 20 June 1995

reported that DTI Energy Minister Tim Eggar had given Shell permission to sink the 'Spar in the Atlantic, at one of four sites in over 6,000 feet of water and 150 miles from land.

"Officials in Mr Eggar's department were playing down suggestions" wrote Roland Gribben, Business Editor of the Telegraph<sup>10</sup> "that the site would become a junkyard for oil and gas platforms now dotting the North Sea. They said decisions tied to the future of each structure would be considered on a case-by-case basis".

One official told Gribben "It is not the intention that one place should become a graveyard". Judging by the papers released in 1996, this was untrue.

According to the newspaper, Shell had "considered 13 options before deciding that deep water disposal would be the cheapest and easiest solution. The operation will cost an estimated £12m but it expects to claw back 70 percent of the cost in tax relief". Eggar told the Institute of Petroleum Conference on North Sea Facilities Abandonment that he expected "up to 60% of the burden to fall on the taxpayer".<sup>11</sup>

Gribben reported that on the same day that the DTI sanctioned the dumping of the 'Spar, it also moved to cut costs by making it easier for larger parts of other platforms to be left on the seabed. "The government is unhappy about the huge bill facing the taxpayer as a result of scrapping North Sea oil installations" wrote Gribben. "Mr Eggar yesterday tried to reduce the cost by relaxing current regulations which allow companies to leave a seabed 'stump'. At present they have to leave a 250 foot gap between the top of any abandoned installation and the surface but Britain has now fallen into line with international standards and reduced the clear water to around 180 feet".

The extent of Government planning for the dump site was illustrated by the fact that it undertook a major research study through the Marine Laboratory Aberdeen in order to locate three possible dump sites in the Atlantic. The papers specify how this was done<sup>12</sup>.

Clearly it was much more akin to the establishment of a rubbish dump than the one-off authorisation of a unique piece of waste. The 'Spar was perhaps "unique" in its construction and maybe the amounts of wastes involved but it was being used because it would cover "all the issues" that were "likely to feature in the abandonment of other offshore installations in the future".

Indeed on 24 January 1997 The Guardian reported Shell UK as saying: "The Scottish Office had been concerned to find one site in which to dump more than one oil installation".

The correspondence with the DTI also clearly suggests Shell was not the only oil company involved in these plans. Thus in a letter of June 14 1994, Shell referred to "the general applicability of the proposed abandonment sites to other oil industry users" and hoped for a statement to that effect from DTI, in order to "assist our efforts to pursue industry funding through UKOOA" [UK Offshore Operators Association]. Although Shell was the operator of the Brent Field and hence took responsibility for

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10 Shell wins permission to sink redundant oil rig in Atlantic, 17 February 1995

11 DTI Press Release, P/95/100, 16 February 1995

12 eg doc "Deepwater Disposal of Bulky Wastes: Disposal Site Selection - Scope of Work"

arranging disposal of the 'Spar, it had to have the joint agreement of its partner in the Brent Field, Esso (Exxon) which was also joint owner of the 'Spar. Much to the annoyance of Shell, Esso managed to keep a low profile throughout the 'Spar controversy. When the final decision was taken not to sink the 'Spar, Cor Herkströtter President of Shell Group had to call up Lee Raymond, Chairman of Exxon, to get his agreement.<sup>13</sup>

The 'Spar, one of the oldest installations in the Northern North Sea, was to be a test case. The UK Government was determined that the 'Spar should *not* be publicly seen as the precedent it intended it to be, probably because this would attract opposition to its covert pro-dumping policy from other European States, fishing organisations and environment groups. This applied all the more after Shell's turnaround of 20 June 1995.

Not surprisingly, once it became controversial, DTI Minister Tim Eggar wrote in a public briefing issued after 20 June that "There was never any question that Brent Spar would set a precedent".

He continued<sup>14</sup> "The Government recently issued a consultation paper on abandonment which makes clear that each abandonment decision will be taken on a case by case basis in line with our international commitments".

This was a highly misleading statement. In reality the DTI had been carefully preparing the 'Spar disposal in order to set a precedent, as had Shell.

Once the drama of the 'Spar campaign got underway, the media paid almost no attention to what "case by case" actually meant, nor to the underlying reasons for the UK's policy. Yet despite this, the notion that the UK Government's Trade and Industry Department and the oil industry simply embarked on an objective assessment of options with an open mind and only the best interests of the environment at heart, stood little scrutiny. The Pennington column in The Times summed it up in January 1997: "despite Ministers' stout denials it was all too clearly a precedent for dumping everything else from the North Sea into a giant underwater scrapheap. Even if each case were treated "on its individual merits", the merits of cheapness would be as compelling for dumping conventional rigs as for scuttling Brent Spar".<sup>15</sup>

The Dobson-Eggar papers go some way to explain why the then UK Government, or at least the DTI, was so furious about the Greenpeace campaign. By stopping the Brent Spar Greenpeace would seem to have derailed a plan for a submarine rubbish dump on a massive scale, containing not just one "buoy" but perhaps many oil platforms.

When the correspondence was publicised by Greenpeace in January 1997, Matthew Taylor MP, Environment Spokesman of the Liberal Democrats declared "Throughout the Brent Spar controversy, we said we believed it would set a precedent to dump at sea. It is now clear the Government and Shell intended exactly that".<sup>16</sup>

They may also explain why other UK oil companies have remained almost totally silent

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<sup>13</sup> Company struggles to accept disaster, Financial Times, 21 June 1995

<sup>14</sup> briefing attached to letter to Harry Barnes MP 16 August 1995

<sup>15</sup> The Times, 14 January 1997

<sup>16</sup> Ministry in 'oil rigs plot', Paul Brown, The Guardian, 24 January 97

about the whole episode, as they are all members of UKOOA [UK Offshore Operators Association] and may have their own dumping plans, which they want to keep private.

In this light, the Government's subsequent anger with Shell is also more explicable. On 20 June 1995, the actual day of the turnaround, Shell UK said unequivocally "Shell UK has decided to abandon deepwater disposal and seek from the UK authorities a licence for onshore disposal".

Shell UK was under orders from Royal Dutch Shell Group in the Netherlands.

It is even possible that other parts of Shell had been unaware of the UK deep ocean dumping plan. According to The Independent "The first that Geramn Shell knew of the proposed sinking of the Brent Spar was when they saw it on the tv news".<sup>17</sup>

The very next day a furious Tim Eggar, then Energy Minister, was quoted as saying that Shell would have to "work extremely hard"<sup>18</sup> for him to allow them a licence to dispose of the 'Spar on shore. DTI was also extensively quoted as suggesting that Shell might lose tax advantages as a result of the decision (which subsequently did happen – see section 8).

In 1997, the new Labour Government was reported to be considering an end to the tax break given to oil companies, which comprises 55% or more of the cost of decommissioning, worth perhaps £5billion in lost revenue to the UK exchequer for the North Sea as a whole. (In 1995, Arthur Andersen Petroleum Services estimated total decommissioning costs from 1990 to 2005 at £6.7 billion in 1995 prices, £3.15 billion of which would be borne by the UK taxpayer because of the tax breks given to oil companies.<sup>19</sup>) The issue may be resolved by an announcement expected in the Spring 1998 Budget.

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17 Up in smoke ? Section 2, The Independent, 20 June 1995

18 Financial Times, 21 June 1995

19 Third Report of The House of Lords Select Committee on Science and Technology 1996

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## TAX

According to information from the UK Department of Trade and Industry (DTI) Royalties Department in Aberdeen and the Inland Revenue, Oil and Gas Decommissioning costs can be offset by relief on the DTI Oil and Gas Royalty and Inland Revenue taxation - Petroleum Revenue Tax (PRT) and Corporation Tax (CT).

DTI Oil and Gas Royalty is in effect a rent payable on income, paid at a rate of 12.5%. Companies can deduct decommissioning costs from this royalty but only if the field is still generating an income. UKOOA (UK Offshore Operators Association) are currently lobbying the DTI because they want royalty relief on decommissioning whether the field is generating an income or not.

Petroleum Revenue Tax is a tax on individual fields, related to the field's profits over its lifetime. When it is time to decommission the field, the costs of decommissioning can be offset against PRT paid over previous years. The amount of relief available will depend on the amount of PRT paid during the field's lifetime. A small, low-profit field, which has paid minimal PRT will obtain minimal relief. A field paying maximum PRT over its lifetime will be able to gain the full 50% relief on decommissioning costs.

Corporation Tax is a tax on companies, not individual fields. Companies operating North Sea Installations are eligible for 100% capital allowance on the costs of decommissioning. This is compared to only 25% relief for other companies which claim plant and machinery capital allowances.

The 3rd Report of the House of Lords Select Committee on Science and Technology - Decommissioning of Oil and Gas Installations, stated in February 1996: "TAX IMPLICATIONS 2.27 Oil and gas companies are entitled to recover some of their decommissioning expenditure by paying less tax. Relief on both Petroleum Revenue Tax (PRT) and Corporation Tax (CT) is available in recognition of the large payments which are made to the Government when fields are operational. The total amount of relief will vary in each case, but overall the Exchequer will probably finance 45 to 50 per cent of the cost of decommissioning installations." The Committee noted that the bill to dispose of installations had been put at £5.15bn at 1990 prices spread over 30 years, possibly rising by £450m if they were entirely removed. The Institution of Civil Engineers put the extra cost at £1.5bn.<sup>20</sup>

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Despite its unequivocal statement on 20 June, Shell almost immediately changed tune and emphasised after that day that deep water disposal was still "an option" because it is the UK Government's "approved" option. (See sections below). "Deep sea disposal is an option because it is the only approved solution by the Government" said Heinz Rothermund of Shell in January 1997.<sup>21</sup>

In 1995 Minister Tim Eggar stated that he "had five or six proposals" on his table and the oil industry stated that sea disposal was an option for some 60 platforms or other installations in the Northern North Sea. According to the UK Offshore Operators

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<sup>20</sup> Lords endorse dumping of oil rigs at sea, *The Guardian*, 7 March 1996

<sup>21</sup> Aberdeen Press & Journal, 14 January 1997

Association in May 1995 "about 50 concrete and steel structures, nearly all of them production platforms weighing hundreds of thousands of tonnes, will be disposed of at sea".<sup>22</sup> (In the Southern North Sea, platforms already had to be totally removed because International Maritime Organisation guidelines required it for navigational reasons, as the water is shallower). In 1996 a House of Lords Report said 15 installations were subject to licence applications at that time.

The practical precedent therefore centres on these platforms in the Northern North Sea. As a result of the 'Spar campaign from June 1995 onwards all 13 countries of the Oslo Commission were committed to a moratorium on sea dumping of installations, except Britain and Norway which had entered reservations. In practice, *no* installation from the Norwegian *or* British sector has been dumped.

Indeed, twelve North Sea installations have been brought to land for recycling or re-use (up to 99% by weight in almost every case), benefiting the environment, saving energy and raw materials, and creating jobs - see table 1 below. Of these twelve installations, three were platforms that were clear candidates for dumping under the rules, in particular the Odin platform. (The other two were NE Frigg FCS - in 102m of water and Frigg FP in 105m of water).

For the Odin platform the International Petroleum Encyclopedia 30<sup>th</sup> Anniversary 1969-1997 reported that "Odin field operator Esso Norge AS submitted a decommissioning plan in March 1995, which proposed removing the platform's topsides and toppling the steel jacket to make an artificial reef. But the Norwegian Ministry surprised the industry in March 1996 by insisting that the Odin platform, which stopped producing in August 1994, had to be completely removed".

The table shows the fate of installations removed from the North Sea or due to be removed and the percentage of recycling achieved. Concrete gravity-based platforms can, as Greenpeace acknowledged in 1995, be left *in situ*.

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<sup>22</sup> The Independent, 8 May 1995

Installation	Location	Operator	Type of Installation	Structure	Water Depth	Weight of Substructure	Weight of Topsides (t)	Decom Date	Disposal Options
UK Esmond	Sthn North Sea	Hamilton (BHP)	Central prod'n platform, 8 legs	steel, centr	31	1912	5960	1996	onshore –90% so far re-used/recycled, aim of 100%
UK Gordon BW	Sthn North Sea	Hamilton (BHP)	satellite platform	steel, satelli	17	857	2163	1996	onshore –90% so far re-used/recycled, aim of 100%
N NE Frigg FCS	Nthn North Sea	Elf Norge	column field control station	steel colu	102	7480	4960	1996	onshore ->90% of FCS reused
UK Emerald	Nthn North Sea	Midland & Scottish	FPF/FSU/subs equipment	steel	150			1996	onshore –entirely removed
UK Viking AD	Sthn North Sea	Conoco	drilling platform	steel	24	714	570	1996	onshore -99.7% re-used/recycled
N Frigg FPU	Nthn North Sea	Elf Norge	flare platform	steel	105	2800		1996	Onshore
UK Viking AP	Sthn North Sea	Conoco	production platform	steel	24	625	2151	1996	onshore -99.7% re-used/recycled
UK Viking AR	Sthn North Sea	Conoco	riser platform	steel	24	450	550	1996	onshore -99.7% re-used/recycled
UK Viking AC	Sthn North Sea	Conoco	compression platform	steel	24	650	2500	1996	onshore -99.7% re-used/recycled
UK Esmond CW	Sthn North Sea	Hamilton (BHP)	wellhead platform, 4 legs	steel, wellh	30	1049	543	1996	onshore –90% so far re-used/recycled, aim of 100%
UK Leman BK	Sthn North Sea	Shell	compression platform, 8 legs	steel, comp	36	609	5000	1996/97	onshore –est.recycling of >99%
N Odin	Nthn North Sea	Esso	drilling, prod'n, accomm'n	steel	103	6150	7300	1996/97	onshore –total removal expected by November 1997

### 3. Political Change: North Sea Ministers, EU and OSPARCOM

From April to June 1995, the ‘Spar became the world’s most notorious oil installation, and stimulated political discussions within the EU, at the G7 meeting in Halifax and, most importantly, at the North Sea Ministers Conference held in Esbjerg, Denmark, and at the Oslo and Paris Commission meeting in Brussels, both of which were held in June.

One of the most widespread myths about the Brent Spar campaign is that it was a “media hype” or “media opportunity” grabbed by Greenpeace because it would guarantee the organisation a lot of prime TV time. According to this line of thought, Greenpeace had given little thought to the issue it was going tackle, or to its consequences. In short, the Brent Spar was a good photo opportunity for an organisation faced (in some countries) with a decline of its membership and its visibility. These theories even extended to the ‘Spar campaign being part of a plot led by Greenpeace Germany to take control of the entire organisation (at the time of the events, Greenpeace Germany’s Executive Director happened to be appointed ED of Greenpeace International).

However, the truth was much duller. Greenpeace had for a long time been a very persistent and, it was widely acknowledged, quite expert organisation campaigning on ocean dumping. Most governments, and even industries, would normally consult Greenpeace before adopting ocean dumping policies.

It is true that no-one within Greenpeace had anticipated the scale of the response to the ‘Spar campaign. But in preparing its plan of action, Greenpeace clearly identified the 4<sup>th</sup> Ministerial Conference for the Protection of the North Sea held in Esbjerg and the meeting of the OSPAR Commission both in June, as the venues at which to have a political effect.

Since 1984, the Environment Ministers of the countries bordering the North Sea have periodically held a Ministerial Conference for the Protection of the North Sea. The primary objective of these gatherings has been to give political guidance, and sometimes (if deemed necessary) to stimulate action by the OSPAR Commission, the intergovernmental organisation responsible for the prevention of marine pollution in the North Atlantic and North Sea.

Greenpeace had first become involved in an ocean dumping issue when the Greenpeace ship Rainbow Warrior intercepted a radioactive waste dumping vessel in the Atlantic, in the summer of 1978. Rémi Parmentier of Greenpeace International recalls: “The organisation took some time to consider all the implications, and advantages from the point of view of an environmental organisation, of putting an end to what was to become known as the out-of-sight/out-of-mind philosophy of the nuclear and other industries. By the mere *presence* of Greenpeace, ocean dumping stopped being an “out of sight” disposal method, and it entered into the minds of the public and – as a result – an increasing number of sea users (fishermen and so forth) and politicians became concerned with a practice which had started with no publicity at the early start of the nuclear industry, in 1949”.

By 1981, Greenpeace had been granted observer status at the Consultative Meetings of the London Convention, the international treaty that regulates the dumping of wastes

worldwide, and a short time thereafter the organisation also started making presentations at annual meeting of the OSPAR Commission. By that time, Greenpeace had broadened its scope and was addressing a wide range of ocean dumping issues, including toxic chemicals dumping, and ocean incineration of chlorinated wastes. By 1987, Greenpeace also was a major player affecting the agenda and outcome of the Ministerial Conferences for the Protection of the North Sea. The organisation had also been given consultative status within the UN's International Maritime Organisation (IMO) which has its headquarters in London.

So by the time in 1994 when the UK Government prepared for the dumping of the 'Spar, the officials of the UK DoE, MAFF and other Departments were well used to finding Greenpeace standing in the way of such plans.

By that time, Greenpeace had already been the catalyst of, among others:

- the London Convention moratorium on radioactive waste dumping at sea which started in 1983 and was replaced in 1993 by a permanent ban;
- the prohibition of the dumping of industrial wastes at sea, adopted by the Oslo Commission in 1990, and world-wide by the London Convention in 1993;
- the prohibition of the incineration of wastes at sea, effective in 1991, and legally binding world-wide in 1993;
- the prohibition to dump decommissioned nuclear submarines made in 1989;
- the North Sea Ministers successive commitments to reduce hazardous substances discharge and emission by 50% (1987), 70% (1990), and, the OSPAR commitment (1992) 'to reduce the inputs of hazardous substances with priority to organohalogenes to levels to are not dangerous to man or the environment, with the aim of their elimination'
- the end of the dumping of sewage sludge in the North Sea, which the UK had been the last country to adopt in the early 1990s

While the part of the campaigns that took place at sea sometimes received a lot of media and hence public attention, what went on in these often rather tedious and obscure international meetings, was largely unreported, and mostly unknown to the public. The UK Government had been one of the main opponents of each of these measures. Throughout the 1980s, the UK had vetoed Greenpeace's participation in the meetings of the OSPAR Commission. When they were forced to give up this approach in 1990, and it was agreed to let four NGOs participate, the UK wrote to several industry federations and associations, including the offshore industry's E&P Forum and the chemical industry federation CEFIC, as well as other environmental NGOs which the UK thought would be less radical than Greenpeace, encouraging them to take part.

In 1992, the old Oslo Convention (1972) and Paris Convention (1974) covering respectively the regulation of dumping at sea and pollution from land-based sources in

the North East Atlantic, were merged into the ‘OSPAR Convention’, which contains four annexes, including one on the ‘prevention and elimination of pollution by dumping or incineration’ (Annex II), and one on the ‘prevention and elimination of pollution from offshore sources’.

While Annex II (Art. 5) prohibits most dumping operations with very few exemptions, Annex III provides rules permitting the dumping of obsolete offshore installations.

When the OSPAR Convention was negotiated, it is true that Greenpeace did not actively campaign to prevent the adoption of the rules in Annex III, although it did formally and repeatedly urge the delegates and their Ministers to renounce them. At the time, Greenpeace was focussed on campaigning for the prevention of the dumping of radioactive wastes, and for zero discharge of toxic wastes. For Greenpeace, as for the rest of the environmental community, the dumping of decommissioned offshore installations was still perceived as an issue ‘for the future’.

When the Brent Spar dump was under preparation in 1994 and 1995, Greenpeace had also been invited to participate in all the meetings preparatory to the 4<sup>th</sup> Ministerial Conference for the Protection of the North Sea.

Greenpeace put forward the argument that now ocean dumping had been prohibited, the next logical step was to seriously restrict, and whenever possible to ban the direct discharge of radioactive and chemical wastes into rivers, estuaries and coastal waters.

Greenpeace was urging the North Sea states to agree in principle to end to land-based discharges, with a view to giving a signal to the polluting industries, and – most importantly – an incentive to the clean industries. The Dutch, Norwegian, German and Danish governments were sympathetic to the Greenpeace approach. However the UK civil servants, together with French and Belgian officials and the EU Commission did not want to hear the message. As early as the autumn of 1994, the Dutch delegation had tabled a proposal “zero discharge for xenobiotic substances”, but it had little chance of success.

During the negotiations, Greenpeace had also proposed that the Declaration Ministers were to sign in June in Esbjerg should address problems associated with the offshore industry. This proposal had met with very little support indeed. As a consequence, as late as April 1995, the draft Ministerial Declaration to protect the North Sea (a region with approximately 600 offshore installations!) did not make any specific reference to the offshore industry.

On 24 March 1995, at the third meeting of the working group meeting to draft the Ministerial Declaration, the offshore industry was off the agenda. It was only under the agenda item “Any Other Business” that the spokesman for Greenpeace International, Rémi Parmentier, was able to ask a question regarding the Brent Spar. The question was simple: Greenpeace had heard that the UK had given a licence to dump an offshore installation, and “Greenpeace wondered if the UK would confirm this information?”. The only response given by the Head of the UK Delegation, Alan Simcock, was that he did not feel obliged to give an answer to Greenpeace, and that he would provide information only if asked by the representative of a country, and not of an NGO. Interestingly, none of the countries representatives showed any interest, and the meeting ended.

Not long after, a fourth preparatory meeting was held in Denmark, and in the meantime, the occupation of the Brent Spar had started. The mood had suddenly changed. Several delegations had been instructed by their Ministers to push for the inclusion of a section on the offshore industry in the Ministerial Declaration, and to demand – specifically – that the dumping of decommissioned offshore installations be prohibited.

It was clear that by the occupation of the Brent Spar, Greenpeace had brought governments face to face with the reality: dumping of offshore installations at sea was no longer a liability that their successors would have to face in some distant future, but it was real and immediate.

The officials preparing the North Sea Ministers Conference now saw an urgent need to address and resolve this issue and a series of consultations was held, including a closed meeting of Heads of Delegations in London on 11-12 May. A one-day final preparatory meeting took place on 7 June and the Ministerial Conference, took place 8-9 June. It adopted the following language (notwithstanding reservations from the UK and Norway):

“The Ministers are aware that an increasing number of offshore installations in the north Sea are approaching the time of their decommissioning. Even if the offshore installations are emptied of noxious and hazardous materials, they might still if dumped or left at sea, pose a threat to the marine environment. Disposal of such installations on land by recycling recyclable materials and by ensuring safe and controlled disposal of unavoidable residues would be in accordance with generally agreed principles of waste management policy.

The Ministers agree that more environmentally acceptable and controllable land-based solutions are preferable and in furthering a precautionary approach the Ministers agree:

- (i) that decommissioned offshore installations shall either be reused or be disposed of on land;
- (ii) invite OSPAR to implement this agreement by 1997; and
- (iii) to also take concerted action within the London Convention 1972 with the aim that the revised Convention would require the disposal on land of decommissioned offshore installations”.

When he arrived at the Ministerial Conference, the UK Environment Minister, John Gummer, still seemed convinced that he could prevent such a language from being adopted. He pulled out a copy of the OSPAR Convention, and read Annex III, Article 5: “we adopted this in 1992, less than three years ago”, he said, “and we should not change such a recent agreement”.

The Danish Minister, Svend Auken, who was chairing the conference, responded: “We sympathise with your point of view, John, but I am not sure that everyone in this room does, because I see that Greenpeace has asked for the floor”. For Greenpeace, Parmentier reminded John Gummer that a few weeks earlier Gummer himself had been in the opposite position, arguing strongly at a meeting in Berlin that the Framework

Convention on Climate Change, also adopted in 1992, urgently needed to be strengthened and improved. Likewise, although the 1992 OSPAR Convention Annex II on dumping gave to the UK and France the option of resuming radioactive waste dumping at sea in the year 2008, in 1993 both France and the UK had agreed to a permanent prohibition, within the framework of the London Convention. With reservations from the UK and Norway, the wording that had been tabled was adopted and incorporated as Paragraph 54 of the Esjberg Ministerial Declaration.

Two weeks later, on 26-30 June, the OSPAR Commission held its annual meeting in Brussels. In the meantime, on 20 June, Shell had announced that they would not dump the Brent Spar at sea, and it was towed to Norway.

The OSPAR Commission can adopt 'recommendations' by simple majority, but it can also adopt legally-binding 'Decisions' by a three-quarters majority vote, and this is what happened at that meeting after a very long and complicated procedural debate.

A draft Decision had been jointly tabled by all the member states excepting Norway and the UK. The UK Delegation had given to their Minister assurances that they would be able to block it on the basis that it had not been submitted five weeks in advance, as required by OSPAR Rules of Procedure. In the event, because the political will to resolve the issue was so strong, the UK was forced to agree to an 'Extraordinary Procedure': an Extraordinary Meeting would be called on 4 August, but would be cancelled if by that date three-quarters of the member states had cast their votes in writing. In fact, before the ordinary Annual Meeting ended on 30 June, the Chairman announced that all countries except Norway and the UK had already voted in writing, and that OSCOM Decision 95/1 would therefore automatically enter into force in those countries on 4 August, 1995.

With OSCOM Decision 95/1, it was decided:

- (1) to agree on a moratorium on the disposal at sea of decommissioned offshore installations until the Oslo Commission or a Commission in its succession has adopted a Decision on the disposal of offshore installations with a view to banning the disposal of such installations at sea;
- (2) to ask the OSPAR Working Group on Seabed Activities (SEBA) to prepare such a draft Decision to be presented at the next meeting of the Oslo and Paris Commissions with a view to its implementation by 1997;
- (3) to ask SEBA to prepare a full inventory of all offshore installations in the Convention area with respect to their estimated lifetime and expected decommission date;
- (4) to agree to take concerted action within the London Convention 1972 with the aim that the revised Convention would require the disposal on land of decommissioned offshore installations.

In effect, OSCOM Decision 95/1 introduced a ban on dumping at sea, to be reviewed in 1997, the date which had originally been identified for holding a Ministerial Conference of the OSPAR Commission (now postponed until 20-24 July 1998, in Lisbon.)

Both the UK and Norway did enter a reservation, and are therefore, in accordance with international law, not bound by this decision. However, in practice, they have not and

cannot act in violation of this Decision accepted by all their other OSPAR partners. (A similar situation arose in 1983, when the London Convention first adopted a resolution calling for a moratorium on the dumping of radioactive waste at sea. The UK and others said that they had no obligation to respect the resolution, but in fact they did so for ten years, until the radioactive waste moratorium was turned into a permanent ban in 1993.)

OSCOM Decision 95/1 also had the effect of encouraging a review of policy by the UK Government, while Norwegian officials told Greenpeace in 1997 that their policy was also under review and was “likely to develop” before the OSPAR Ministerial Conference.

The Annual Meeting of the OSPAR Commission in September 1997 was the occasion chosen by the UK Environment Minister Mr. Michael Meacher to announce a change in the UK position.

The issue also came up at the London Convention as a result of the Brent Spar episode, but with somewhat less success for Greenpeace. The London Convention is hosted by the UN’s International Maritime Organisation (IMO), an organisation which is very much dominated by the oil industry. (The dues of the IMO member states are proportional to the tonnage of their fleet, thus giving the oil/tanker industry a disproportionate weight and influence.)

Alerted by the E&P Forum pressure group and the oil industry, many countries strongly dependent upon oil revenues went to the IMO in 1995 with the aim of preventing any new restriction to the dumping of offshore installations at sea in the future. In addition, the majority of OSPAR countries – perhaps because they saw that they would be defeated, did not actively oppose the oil industry campaign, which was included by the delegations of the US, UK, Mexico, Malaysia, Indonesia, Gabon, Venezuela, Panama, and others. (During some of the discussions the spokesperson for the government of Panama was a US oil company executive who could not even speak Spanish !)

Nevertheless, even within the IMO it was clear that the oil industry’s exemption would in the end, be politically untenable. At the 18<sup>th</sup> Consultative Meeting of the Convention for example, the delegation from Germany pointed out that it is impossible to explain to much smaller industries – many of which might be experiencing great financial stress – that they cannot dump any industrial wastes at sea (as agreed by all Contracting Parties to the London and OSPAR Conventions) if at the same time, they see that the offshore industry is allowed to dump industrial waste on the scale of decommissioned platforms.

A similar point was made by the delegation from Iceland, who complained that it had been extremely difficult to convince fishermen and ship owners in his country not to dump obsolete vessels at sea – as agreed by the signatories to the OSPAR Convention – when the offshore industry would not be subject to an equivalent restriction.

Despite the failure of Contracting Parties to the London Convention to come to grips with this issue thus far, there has been a steady shift of policy away from dumping in the entire North East Atlantic region, and the current moratorium may well be turned into a permanent prohibition in July 1998.

Politically, this is likely to set a precedent for the treatment of the oceans and operations of the offshore industry in other parts of the world.

A further consequence of the 'Spar victory was to focus high level government attention on the question of externalised costs of the oil industry. Up to that point, the industry was an enterprise which, in many respects, had been treated as almost beyond political control in most parts of the world, particularly when it operated offshore.

#### **4. Change in UK Government Policy**

As with any government, development of UK Government policy is a complex mixture of precedent, accident, deliberation and trade-offs within the machinery of government and between governments.

For an obscure area of UK policy such as decommissioning oil installations, the lead Department would normally exert an overwhelming influence, little troubled by outside influences, including politicians. Once any area of policy becomes a matter of great public interest, things change.

At its simplest, the ‘Spar victory changed UK policy in two ways.

First, even under the last Government (the Conservative Government of John Major) there was an almost imperceptible shift away from ‘case-by-case’ actually meaning dumping, towards a possible accommodation with Britain’s “European partners” who were (with the unreliable exception of Norway) firmly anti-dumping. (For example, there was an increasing stress on securing ‘consensus’.)

Second, in May 1997 Britain got a new Labour Government, and during the ‘Spar campaign the Labour party had opposed the sinking of the ‘Spar and declared itself against dumping in general. In autumn 1997, the new UK Government declared that it would operate a presumption against ocean dumping.

Despite contradictory noises from DTI officials, this has effectively reversed UK Government policy, although the presentation of policy by civil servants attempts to suggest that this U-turn is simply a restatement of existing policy.

Symbolically and practically, the UK’s policy will face its first obvious test when the UK Government is asked to decide what to do with the ‘Spar. More importantly, it will be forced to take a position at the forthcoming Lisbon meeting of the Oslo and Paris Commission, due to be held in July 1998, where it is proposed to turn the present temporary moratorium on dumping into a permanent ban.

As well as the relatively straightforward issue of what to do with redundant oil industry hardware, the ‘Spar campaign has illuminated fundamental weaknesses in some of the UK’s most obscure policy machinery, particularly in how “science” is used in making political decisions. “Science” played an important but not very scientific role in the ‘Spar controversy. Many of the shortcomings that the ‘Spar began to expose – particularly in the handling of uncertainty and in the way the truly political issues were disguised as “technical” or “scientific” - were later magnified in the furore over the UK Government’s handling of BSE, the so-called ‘mad cow disease’. Indeed, risk assessment analysis of the kind used to deny the transmission of BSE to humans was the same kind as used by the UK to make judgements on the risk of chemicals in the environment.

After June 1995, the Conservative UK Government went into propaganda overdrive against Greenpeace (see section 8) but maintained a relative silence on the policy on

platform decommissioning, while gradually modifying its position both internationally and domestically.

It agreed that the position was: "...our approach of taking this matter on a case-by-case basis is the only correct one" and it is "absolutely right" that "the deep ocean is the most suitable place for disposal, in certain circumstances" (UK Government Ministers in the House of Lords, June and October 1995).

One of the less obvious consequences of the 'Spar episode was that the Government found that the credibility of its central policy instrument "Best Practicable Environmental Option" was left severely damaged.

From the oil industry's point of view it had failed to identify the public unacceptability of the sea disposal option in advance, and just as bad, the "scientific" content of the process was contested - not just by Greenpeace but by third party scientists who disagreed with Shell's claims about deep sea environments.

### **Best Practicable Environmental Option – Neither Science nor Emotion**

The policy of BPEO is not contained in a statute but in 'Guidance Notes' issued by officials, and civil servants privately admit that it amounts to a semi-systematic gathering of information preceding a political judgement by a Minister. BPEO as perceived by a DTI Minister may be very different from a BPEO as perceived by an Environment Minister. Various attempts at reform, promised in particular by the DoE, have apparently grounded on the hidden shoals of Whitehall infighting.

BPEO was originated by the Royal Commission on Environmental Pollution (RCEP) in 1976 and was subject to a detailed RCEP report in 1988. RCEP described it as a procedure which would, "if properly implemented", lead to "reductions in pollution and improvements in the quality of the environment as a whole". Importantly, "lax environmental practices" would be prevented "because the procedure should be open". Unfortunately, it was in practice, far from open.<sup>23</sup>

Nevertheless, in the war of words, Shell attempted to clothe itself in scientific authority, resting its case on the "BPEO". The "BPEO" took the form of a series of papers submitted by Shell, to the DTI, which then made the final decision after a carefully controlled consultation process.

In February 1995, before the 'Spar campaign, Shell issued a document 'North Sea Abandonment – Brent Spar Disposal', which put economics at the top of the list of factors to be considered. In his study of the Brent Spar, Jesper Grolin of Copenhagen Business School comments<sup>24</sup> "In this document Shell explicitly emphasised the dumping option as the most economically efficient one and stated that in its opinion, "Government approval should be consistently based on economic efficiency, subject to compliance

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<sup>23</sup> RCEP 12th Report, 1988

<sup>24</sup> Jesper Grolin, *Corporate Legitimacy & Risk Society – Lessons from the Brent Spar Conflict*. 14th Nordic Conference on Business Studies, 14-17 August 1997, Bodø, Norway.

with realistic and reasonable environmental and marine safety standards”. “He adds “the document also mentions several times that the number of platforms to be disposed of will increase in the coming years”. As Grolin notes, the Shell document of February 1995 refers to “consultations” with “the Scottish Office and other Government Departments”, whereas “the fact that Shell had consulted a small number of non-governmental organisations was only emphasised in a later document from May 1995 after the conflict had started.”

Shell and the UK Government made much of this process as their ultimate justification for sinking the ‘Spar.

For example: ‘Careful analysis of environmental, safety, health and economic considerations had convinced independent experts, Shell UK and the British Government that deep water disposal was the best option. An emotive Greenpeace campaign gave it a symbolic significance beyond any rational, scientific calculation of its impact’ (Shell UK, 1995). In fact Shell only consulted those explicitly required by the Petroleum Act of 1987, and Greenpeace was not included. Greenpeace also had to submit its views uninvited to the Department of Trade and Industry’s review of disposal guidelines that took place at the end of 1994 and in early 1995.

An anonymous oil industry executive was quoted in the Financial Times in July 1995 as saying that Shell’s emphasis on its scientific and technical arguments was exactly where it had gone wrong. “Dogmatically ramming scientific facts down the public’s throat was no way to handle it” the “senior executive” told the paper.<sup>25</sup> On the other hand, Shell’s “science” was flawed in itself.

‘Science’ was inextricably mixed with politics, not least because “BPEO” mixes an assessment of economics, safety and environment. Like any other quasi-scientific procedure, the results of BPEO depend not just on measuring particular factors but, crucially, on the framework that the decision-making occurs in and the weighting that is given to the factors that are assessed. British policy started from the unstated assumption, for example, that dumping at sea was an option whereas historical trends in international agreements would suggest otherwise. If, as was the case, economics was really driving the policy, then assessing the “BPEO” would certainly lead to a decision to dump. Nevertheless, the process could still be described as “scientific”, and scientists would have gathered a great deal of (ultimately irrelevant) scientific information.

After the ‘Spar turnaround, Greenpeace published a critique ‘The Role of Science in Abandonment Policy’ by Dr Helen Wallace, which was given as evidence to a House of Lords Select Committee in October 1995. Greenpeace also wrote directly to a number of scientists to explain its case in July 1995. Greenpeace argued against the conventional UK Government/oil industry view that BPEO was a somehow objective and value free, technical process, and that the alternative was pure emotion. Ocean dumping of waste had been widely rejected as an option by many progressive nations. This could not be dismissed as an irrational response with some dubious ‘emotive’ basis. Neither was it at odds with science.

Nor could “science” alone answer the question of whether it was right or wrong to use

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<sup>25</sup> Shell and that sinking feeling, Financial Times, 5 July 1997

the seas as a waste bin. In 1996, the scientific journal *Nature* reported that John Shepherd, Chairman of the NERC Committee of scientists and engineers subsequently set up at DTI's request to examine the 'Spar issue, "himself acknowledged that it is not only scientific considerations that should be considered in reaching an eventual decision". Shepherd told the magazine "If people have an emotional response to pristine areas like Antarctica or the deep sea, and want them to remain unpolluted, it is not up to scientists to say this is irrational".<sup>26</sup>

The Committee's report stated: "Any decision to proceed, or not to proceed, with dumping oil structures or other wastes in the ocean involves social, economic, ethical and aesthetic considerations which are outside the competence of this group, and judgements in which the technical assessment of the environmental impact is only one factor, and not necessarily the most important one".

Grolin records that Shell's Director of Public Affairs, John Wybrew, later characterised the Brent Spar conflict as "an unusual clash between the head and the heart – a conflict in which scientific reason and careful judgement were set against the power of emotion, fear and even myth....Greenpeace succeeded in turning the Brent Spar into a symbol of man's misuse of the oceans, irrespective of the reality". But, says Grolin, "Rather than a "clash between the head and the heart", between rationality and irrationality, the Brent Spar conflict may be seen as a clash between two kinds of rationality, ie the techno-scientific reductionist rationality of the engineer and a morally based holistic rationality of the public".

For the oil industry, BPEO failed because it was a process which was assumed to incorporate and deal with public acceptability. For environment groups, its failure stems from attempts to subsume values and political judgements into a technical, pseudo-objective process.

The waste industry took the wider point. A review in the Autumn 1997 edition of *Waste Matters*, published by the firm UK Waste Management, noted that "Currently BPEO's are assessed on a case by case basis taking into account environmental, technical, commercial and safety issues, but not public acceptability". It added: "The case by case approach is now seen as problematic, and not only by Greenpeace. Dr Simon Gerard of the Centre for Environmental Risk and management at the University of East Anglia, feels it is partly illusory because "once a particular route has been developed, the fact that it has will influence the way other BPEOs are conducted ... BPEO is a narrow technical device – a tool to aid decision making, not to make the decision itself".

Waste Management went on to advocate "recommissioning", in other words re-use of installations, by refurbishment.

In its communication with scientists and the 'Lords Committee Greenpeace argued that important questions raised by the 'Spar were neither just scientific, nor simply emotional. It was important to consider what issues, principles and options were taken into account in the decision making process, and what was excluded. A second question was how well did Shell's science, and the Government's assessment of it perform, when measured against the yardsticks of impartiality and openness; and a third issue was

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<sup>26</sup> NATURE p 14 Vol 380, March 7 1996

whether science could give unequivocal answers or predictions on which to base value-free decisions.

Rémi Parmentier, who has worked with Greenpeace at international fora for many years, comments “It is a fact that with all environmental issues and even all societal issues involving scientific judgements, there is no such thing as “pure scientific advice/opinion”. Sooner or later, a value judgement of some sort has to be introduced. Scientists themselves make value judgements, and there is nothing wrong with that, as long as it is recognised, and the value judgements are identified. But those scientists who disqualify value judgements they disagree with, and describe them as “emotional” or “irrational” are not being objective or honest. Establishing a precedent to open the ocean dumping route may have been a good argument to dump the Brent Spar, if you believe that it was a mistake to ban or restrict ocean dumping. But only if you acknowledge it. If it is a hidden agenda, then the approach and arguments are flawed”.

In 1995 its examination of the role of science in the decision making process, Greenpeace believed that issues excluded from consideration included:

(i) cumulative impacts of disposals (because individual installations were treated on a case-by-case basis). This approach had led to serious problems in the past, for example contamination of the North Sea by toxic emissions from numerous discharge pipes, each individually licensed.

(ii) The commitment made in 1958 under the Geneva Convention on the Continental Shelf that ‘any installations which are abandoned or disused must be entirely removed’.

(iii) the risk of dumping toxic materials into the sea with unknown effects on the deep sea environment, which runs contrary to the ‘precautionary principle’. (The precautionary principle is also enshrined in a number of international agreements to which the UK was a signatory. For example, Article 2 of the OSPAR Convention states: ‘The contracting parties shall apply: “the precautionary principle, by virtue of which preventative measures are to be taken when there are reasonable grounds for concern that substances or energy introduced, directly or indirectly, into the marine environment may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea, even when there is no conclusive evidence of a causal relationship between the inputs and the effects”.

(iv) Alternatives to deep sea disposal for the ‘Spar which were available but never properly investigated in the BPEO assessment (this last point has been clearly borne out by the subsequent search by Shell for an alternative).

All these considerations, said Greenpeace, were excluded from the decision making process (BPEO) in the case of the Brent Spar, and then dismissed as emotive or irrational.

### **The weak “science” in Shell’s BPEO**

In addition, there were a number of serious questions about the way BPEO was applied in practice and the way environmental impacts at the proposed dumping site were assessed. Shell’s scientific foundation for its ‘rational’ approach was far from founded in ‘good science’. In fact it soon emerged that it relied on a view of the deep oceans which some third party scientists saw as hopelessly out of date.

Shell stated that the decision to dump the Brent Spar was taken after at least three years of investigation. The culmination of this work was presented in two documents which were provided to the UK Government as justification for the decision: the BPEO (identifying deep sea disposal as the Best Practicable Environmental Option) and the Impact Hypothesis (addressing the environmental impacts of disposal at selected sites). A report by Aberdeen University Research and Industrial Services (AURIS, 1994) into the different options was also made public. Many other scientific documents were kept commercially confidential, as was the data collected by Shell and the Scottish Office Agriculture and Fisheries Department (SOAFD) at the chosen disposal site.

This meant, said Greenpeace, that there was no open, rigorously critical appraisal of the science. Peer review has always been a foundation stone of 'good science' in the UK and yet it was not used to evaluate the evidence on which Shell's BPEO or Impact Hypothesis was based.

Shell and the UK Government did not ensure that the best informed scientific advice was sought when trying to assess the potential impacts of the 'Spar. Scientists at the Scottish Association for Marine Science, experts on the site at which the 'Spar was to be dumped (North Feni Ridge in the Rockall Trough West of the Hebrides) were not even consulted. One of them, Dr John Gordon, was reported in New Scientist as saying that some of the biology in Shell's environmental assessment "was very far-fetched and shoddy".

Similarly, Dr John Lamshead of the Natural History Museum has detailed knowledge of the proposed dumping region. He told New Scientist, "When I read that Shell claimed the area where they planned to dump the Brent Spar was a quiet area, low in biodiversity, I was staggered. It was 50 years out of date."

As a consequence of the lack of peer review and consultation, Shell's documents contained a number of serious technical errors and omissions.

For example, Shell stated that "the deep ocean environment supports...a small range of species".<sup>27</sup> Yet in terms of biodiversity, as Lamshead said, the Rockall Trough is "among the richest environments in the whole world". The biodiversity of the smaller invertebrates inhabiting the deep ocean sediments may rival that of the tropical rain forest.<sup>28</sup> Indeed, the sediment of the region of the Rockall Trough where the Brent Spar was to be dumped has more species than any other so far measured.<sup>29</sup>

Shell also stated that deep water fish are relatively isolated from those above and imply that fishing does not extend below 1,500m.<sup>30</sup> Yet the deep sea is not isolated from the food chain. Researchers at the Scottish Association of Marine Science list several marine

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27 Shell (1994a) Brent Spar Abandonment: BPEO, Report by Rudall Blanchard Associates Ltd for Shell UK, December 1994

28 Gage, J.D. and Tyler, P.A., (1991), 'Deep-sea biology: a natural history of organisms at the deep-sea floor', Cambridge University Press, Cambridge, 1991

29 Pearce (1995b) 'Rockall mud richer than rainforest', New Scientist 16 September 1995, p8; Boucher, G. and Lamshead, P.J.D.(1995), 'Marine nematode ecological diversity in samples from temperate, tropical and deep-sea regions', Conservation Biology, accepted for publication in December 1995

30 Shell (1994b) 'Brent Spar Abandonment: Impact Hypothesis', Report by Rudall Blanchard Associates Ltd for Shell UK, December 1994

species with very large depth ranges. For example, the cut-throat eel has a depth range from 400 to 2,450m. The North Feni Ridge site, where Shell were going to dump the 'Spar is actually a deep hole at the base of a seamount. Seamounts are where some targeted fisheries species such as the orange roughy occur. Orange roughy have probably been fished to depths of at least 1,800m to the west of the British Isles.<sup>31</sup>

In a letter to scientist Dr Wallace at Greenpeace<sup>32</sup> Dr Gage and Dr Gordon of SAMS said:

"...We should like to express broad agreement with the "facts" [Greenpeace's case above] justifying Greenpeace's actions. We might add that scientists at SAMS with by far the greatest experience of deep-sea ecosystems in the Rockall Trough area (which of course includes the North Feni Ridge - see p. 18 of BPEO Assessment) were never consulted for information.....

.....We would also like to point out additional deficiencies in both the Brent Spar Abandonment BPEO report that you copied to us, and the Brent Spar Abandonment Impact Hypothesis report (both dated December 1994) as known to us:

(a) The assertion in BPEO under 8.3.3 that "the deep ocean environment supports ... a small range of species.....is inconsistent with now widely reported data indicating very high diversity associated with the benthic fauna of the deep sea sediment. Indeed it is now becoming recognised that the biodiversity of the smaller invertebrates inhabiting the deep ocean sediments may rival that of the tropical rain forest.....

.....In addition to this, knowledge emerging since the last major consideration of deep-sea dumping - that of high and medium-level radioactive waste in the late 1970s/early 1980s has indicated clearly that a whole range of biological rate processes ranging from the respiration of microbial communities and individual animals from fish to larger invertebrate 'megafauna', or the measured or inferred growth rates of small deep-sea invertebrates, may be much faster than previously supposed. Although not stated explicitly in either of the Reports prepared for Shell Expro, any disposal option based implicitly on characterization of the deep-sea as a "low-activity ecosystem" clearly now is highly inappropriate.....

.....(b) The statement..... that exploitation of the resources of the deep ocean (>1,500 m) is limited to laying of submarine cables and military activities fails to recognise the growth in deep-water fishing in recent years.....While it is true to say that most of these fisheries take place at depths down to about 1,200 m there are some targeted fisheries which go deeper. There is little doubt that orange roughy has been fished to at least 1,800 m to the west of the British Isles.....

.....There is also a need to question the rather simplistic views on deep-water fishes.....in.....of the Brent Spar Abandonment Impact Hypothesis (December 1994). There is ample evidence that the continental slope west of the British Isles supports a high biomass and diversity of fish down to about 1,500 m. This biomass could never be supported by the benthic fauna and studies by SAMS, over the years, have shown the importance of benthopelagic and pelagic organisms in the diet of these fishes. This implies a much more efficient transport of food from the surface.....

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31 Gage and Gordon, pers. comm.

32 Letter from THE SCOTTISH ASSOCIATION FOR MARINE SCIENCE (SAMS), to Dr Helen Wallace at Greenpeace, 28 July 1995

.....To state that the deeper water fish, living below about 1,500 m are relatively isolated from those above and to imply some sort of boundary at 1,500 m is very misleading. There are over 100 bottom living fish species between 500 and 4,000 m west of the British Isles. Each species has a discrete depth range and in some species it can be very large. For example, the most exploited deep-water species west of Scotland is the roundnose grenadier, *Coryphaenoides rupestris*. It is mostly exploited between depths of 700 and 1000 m but its total depth range extends from about 600 to 1800 m. The most abundant demersal species west of the British Isles is the cut-throat eel, *Synaphobranchus kaupi*, which has a depth range from 400 to 2,450 m.

.....We finally also question the justification for the three potential sites. The "North Feni Ridge" site is actually a deep hole, probably caused by current scouring, at the base of a seamount, the Rosemary Bank. Seamounts are where some of the targeted fisheries for species such as orange roughy occur. The "Rockall Trough" site located south of the Anton Dohrn Seamount, is very close to one of the main deep-water fishing areas. It is also an area which has been the subject of investigation by SAMS for many years. The Maury Channel site is the deepest of the three, but still close to developing deep-water fisheries in international waters. The arguments put forward in favour of the dumping option in the Scotsman (Dr M.V. Angel) and in the recent Nature editorial (vol. 375, p. 708) referred to abyssal sites. Slope sites have different characteristics and should be treated differently".

As well as these shortcomings, Shell did not undertake a proper inventory of the Brent Spar's contents before taking the decision to dump the structure. The quantities of wastes were estimated on the basis of very limited data.<sup>33</sup> It was only after the dumping decision was reversed that Shell commissioned a proper inventory. (At this point – the inventory conducted by DNV, it was estimated that there were 6.5 – 8.0 kilogrammes of PCBs on board whereas Shell had put the figure at 19 mls).

Shell also appeared to have ignored evidence that 'benthic storms' in the sea could stir up the toxic wastes and move them into shallower water. Long-term current meter data from the Rockall Trough area indicate that the flow regime is very dynamic,<sup>34</sup> but this data was not referred to by Shell in their Impact Hypothesis.

Greenpeace concluded that overall, it was clear that the secrecy of the Brent Spar decision making process led to serious scientific errors and omissions. Many people inside and outside Government also concluded that a more open process with wide consultation would be needed to provide public confidence in the scientific information used.

This was not all. Also missing from the BPEO was a real assessment of the implications of scientific uncertainty in decision making. *No one* was able to state exactly what the impact of dumping the 'Spar would be, many judgements and untestable assumptions had to be made. The conclusions in Shell's documents rested on a number of unsubstantiated assumptions and took no account of the uncertainties in the inventory and the limited scientific understanding of the deep sea environment.

One assumption in the Impact Hypothesis, for example, was that the most likely scenario

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33 AURIS, 1994

34 Dickson (1989) 'Deep Sea Current Meter Data', WMO/TD No. 337

was a slow release of contaminants at the sea-bed over a period of a thousand years.<sup>35</sup> This assumption had not been justified and contradicted a statement in the AURIS report, that "It is likely that some or all of the tanks would be split, discharging their contents into the immediate environment or permitting their dispersion into the surrounding water" when the Brent Spar hit the sea bed.<sup>36</sup>

It was also assumed that dispersed particulates would settle "with an even distribution within a 150m radius of the point source" and thus levels of heavy metals would be "negligible".<sup>37</sup> No evidence had been given to back this assumption noted Greenpeace, which seemed unlikely given the recorded occurrence of 'benthic storms' at the site, which would stir up wastes and sediment.

The effects of finely dispersed hydrocarbons were described by Shell as "insignificant", based solely on a reference to unnamed fouling studies in the North Sea.<sup>38</sup> These studies supposedly indicate no adverse effects on organisms living in the vicinity - yet the studies were not identified in any way, nor was any data given. Neither was any data given on the nature or abundance of organisms at the proposed dumping site.

So in reality the science of the impacts was uncertain. When this uncertainty was weighed up by Shell and the UK Government, expediency associated with short term economic interests was the driving force. Any negative impacts on deep oceans were downgraded, and positive opportunities to retrieve valuable materials and develop a UK decommissioning industry ignored. Greenpeace commented "It has worried many people who think science has an important role in public policy that this is being portrayed as the only 'scientific' way of acting in the face of uncertainty".

### **Revisiting the Science – the NERC Committee**

Partly in response to such concerns, and partly no doubt hoping to justify its actions, the UK Government asked NERC (Natural Environmental Research Council) to conduct an inquiry into the 'Spar after the Shell turnaround. Despite the presence of significant numbers of scientists already associated with deep sea disposal (for which they received research funding), and the fact that it reported to the DTI, the NERC group pointed out baldly that some of the issues were not technical or scientific at all but ethical and political.

When the report 'Scientific Group on Decommissioning Offshore Structures: First Report' (1996) turned out to support many of Greenpeace's criticisms of the Shell-Government case, it's publication was delayed at the printers for several weeks before being released.

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35 Shell, (1994b) 'Brent Spar Abandonment: Impact Hypothesis', Report by Rudall Blanchard Associates Ltd for Shell UK, December 1994

36 AURIS, 1994

37 Shell, (1994b) 'Brent Spar Abandonment: Impact Hypothesis', Report by Rudall Blanchard Associates Ltd for Shell UK, December 1994

38 Shell, (1994b) 'Brent Spar Abandonment: Impact Hypothesis', Report by Rudall Blanchard Associates Ltd for Shell UK, December 1994

Perhaps the most important of its findings was that unlike the UK Government which advocated assessing each disposal independently and which did not propose looking at them as a whole, the NERC Committee under Professor John Shepherd concluded “continued disposals with small individual impact might give rise to a large overall impact”.

The NERC group found that the Shell case was inadequately researched and that the technical problems with the ‘Spar were no different from other platforms, that assurances given about the structure remaining intact were probably wrong, that costings were probably wrong, that assurances about it not affecting fishing were probably wrong, that impacts should be assessed from a cumulative rather than case by case viewpoint and that ethical, legal and environmental factors might outweigh cost factors.

The journal ENDS (Environmental Data Services) summarised the NERC report in May 1996 (ENDS 256). It noted that:

“NERC’s report says the decision-making process contained several major flaws and was shrouded in secrecy”.

On the “cumulative v case by case assessment” ENDS noted that “NERC says that the Government’s policy of each disposal is “necessary, but not sufficient because continued disposals with small individual impact might give rise, by small increments, to an unacceptably large impact”.

“This conclusion” said ENDS, “which was one of the central arguments behind Greenpeace’s campaign, will be unwelcome to the DTI. Asked in Parliament last summer whether the Government had considered the cumulative impact of dumping 50-60 installations at sea, Mr Eggar managed only to say: “such matters will be addressed in considering any particular case”.

“After examining studies commissioned by Shell to evaluate the feasibility of onshore disposal”, reported ENDS, “NERC concludes that “the difficulties and hazards of onshore disposal are no more than a have already been encountered and successfully overcome in other installations”. NERC is aware that this is “an important conclusion””.

“NERC considers that the studies made by Shell were not “sufficiently detailed on the engineering aspects as would be needed for a full assessment of the problems, risks, environmental hazards and structural integrity for onshore as against deep-sea disposal”.

...”As a result, NERC concludes that “further analysis may be required” ... And even if, after full analysis, the cost of onshore disposal is higher, “when viewed against the many other aspects, social, ethical, legal and environmental, this may mean that the costs should be accepted” – NERC suggests”.

... “Secrecy: NERC is highly critical of the secrecy surrounding the BPEO assessment. Scientists from the Scottish Association of Marine Science complained last year that they had not been consulted despite their expertise in the proposed dump site”.

.... “NERC notes: “Much of the relevant documentation was classed as ‘commercial in confidence’ until very recently. This prevented assessment by a wider community of the case being made and the contribution of specialist professional skills to the process”.

.... “Global impacts caused by the dispersal of wastes from deep sea disposal of the Brent Spar would be very small but contamination will be international and should be considered in this context, NERC advises”.

.... “Local impacts would be “appreciable”. Organisms at the bottom of the sea could take 2-10 years to recover fully. Shell, the group believes, underestimated the likely impact because it assumed the structure would remain intact on impact with the seabed and corrode gradually. NERC is convinced that it will break up due to the site’s unusual geology. Energy Minister Tim Eggar told MPs last October [1995] that Government scientists did not believe the structure would break up”.

... “Scottish Office Minister Sir Hector Munro also told MPs that the proposed dump site was “well beyond the current limit of deep-water trawling activity and hence disposal at this location will not present a hazard to fishing”. However NERC contests both assumptions. The area is thought likely to yield substantial catches of high value orange roughy fish, and French fleets are believed to be fishing there already”.

Almost exactly the same failures subsequently became apparent in the way the UK Government used “scientific advice” in the BSE issue. Politicians blamed science or said it was a question for “scientific advice”, scientists blamed politicians or said it was a question of political judgement and responsibility. Neither seemed happy to accept that scientific knowledge is but one factor in deciding what is right or wrong.

Peter Melchett of Greenpeace said later that “the Brent Spar campaign was not an attack on science, it was about the limits of science – the uncertainties and the areas where politics, economics and industrial policy, not ecology and toxicology, determine what is best for the environment”.<sup>39</sup>

Some of these failures may be addressed in the present study into setting environmental standards, being undertaken by the Royal Commission on Environmental Pollution, the originators of BPEO.

### **Whitehall Politics of Disposal**

As well as these intellectual problems, decommissioning was also the subject of a minor power struggle within Government, most notably between the Environment Department (now the super Ministry DETR - Department of Environment, Transport and the Regions) and the DTI, which remains the Department responsible for approving a BPEO for the Brent Spar or any other oil installation.

The Ministry of Agriculture, Fisheries in Food also had a key role as it has to give the actual licence for disposal if it is to be at sea (under the Food and Environment Protection Act).

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<sup>39</sup> Green for Danger, New Scientist, 23 December 1995

Both from leaks that occurred during the ‘Spar campaign and from the correspondence revealed by the Government afterwards, it is clear that the DTI is much more in favour of sea dumping than other Departments, except of course for the Treasury which simply favoured whatever was cheapest. To complicate matters there are also equivalent but separate Departments in Scotland, each of which was and is involved.

The Environment Department has long wanted to take control of the environmental regulation of the offshore oil and gas industry away from the DTI, which presently regulates everything from licensing new exploration to marine discharges and, in this case, waste disposal of obsolete oil facilities.

In January 1997, before he became a Minister in the new UK Government, Michael Meacher MP was publicly critical of the role of the DTI in regulating the offshore oil industry; “...there is clear evidence that the DTI has failed miserably to ensure high environmental standards on Britain’s oil rigs. The DTI has an apparent conflict of interest in regulating the oil industry – since it is both responsible for promoting their expansion of the industry and controlling its environmental impact”.<sup>40</sup> To date however, the DTI remains in control, and DTI’s role as promoter and regulator of the oil industry is one of the few that escaped the separation of such powers during the Thatcher years.

Within the DTI there are a few civil servants, who have worked for many years in the Aberdeen-based Oil and Gas Decommissioning Unit, part of the Oil and Gas Division, who have had almost complete day to day control over what policy and decisions are made. With one or two sympathisers in the Environment Department, these officials have maintained a stranglehold over actual UK Government policy. In a similar vein, they have actively sought to keep control of the OSPAR Commission at the highest level, with some success.

Until the ‘Spar the small world of oil industry ‘back end’ issues remained deeply undisturbed by outside influences and officials could be wholly confident in their views. To a large extent this remains the case, even to the point where civil servants issued semi-public threats about Ministerial careers at the international meeting where, this September, it became clear that Michael Meacher had secured a change in UK policy. This explains why the UK Government was sending conflicting signals over what its policy was at the end of 1997, and whether or not it had changed.

The principal DTI decommissioning specialist is a civil servant named Peter Holt, based in Aberdeen.

His relations with Greenpeace have been rather bumpy to say the least. En route to an OSPAR working Group in February 1997, Peter Holt was verbally abusive to Greenpeace representative Simon Reddy, shouting insults at him across the tarmac at Paris-Orly Airport. In May 1997 more serious problems arose when, at a meeting of the London Convention Scientific Group, Greenpeace had asked an engineer to present information as to what was technically feasible in terms of removing platforms. Later that evening at a get-together arranged by the London Convention Secretariat, Peter Holt

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40 ‘Oil Pollution in the North Sea - Michael Meacher MP, Shadow Secretary of State for Environmental Protection, January 1997

was abusive to the engineer to the extent that, Simon Reddy and Rémi Parmentier of Greenpeace made a formal complaint to John Campbell the UK Head of Delegation. John Campbell was of course the same man who wrote the leaked Memo about not dumping the ‘Spar and although he was Head of the UK Government Delegation at the London Covention Scientific Group meeting from the 12-16th May 1997, by the 1st of June he was working for the E&P Forum, the international oil industry lobbying organisation.

When the new Labour Government came to power in spring 1997, it promptly announced a review of all policy relating to the Oslo and Paris Commission issues of marine pollution. This was led by the DETR.

Greenpeace urged DETR for the UK policy regarding the decommissioning and disposal of offshore oil/gas installations “to rule out sea dumping as an option, and ..... instead seek the most environmentally sound route to recycling or re-use”.

Greenpeace pointed out that when in Opposition, Labour Party policy had been firmly against dumping.

For example in a Press Release of 6 May 1995 “Labour Condemns Dumping of Brent Spar Oil Installation” Frank Dobson MP, the then Environment Spokesperson for Labour, said that a “dumping policy is bad for the environment”.

Furthermore, Mr Martin O’Neill Labour’s Energy spokesperson, agreed with Greenpeace in September 1996 that decommissioning onshore and recycling offered a “boost to local employment” and “if North Sea installations are salvaged onshore we will be able to prevent the growth of a culture that favours an escalation of sea dumping”.<sup>41</sup>

Frank Dobson also said in a Channel 4 interview of 20 June 1995 that the Shell turnaround was “brilliant news for the environment and it’s pretty good news for a lot of people who now have jobs in the future, dismantling these installations”. He added - “it was a try on, they’ve been stopped this time, the precedent has been set”.

The key change in the UK policy was revealed by Michael Meacher in September 1997.

Mr Meacher announced on the BBC’s Radio 4 Today Programme, on 2 September 1997 that: "We believe that there should be a general presumption against sea disposal but there are limited categories, for example I was thinking of the heaviest concrete installations in very deep water or occasional exceptional cases, for example where an installation is damaged and it is therefore not safe to move it."

The interviewer asked: "so a company for example would be able to go to the authorities and say look in this case the presumption that it [offshore oil/gas installation] should be disposed of on land should be lifted for the following reasons and an exception could be made of it."? "That's correct" said Meacher.

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41 Speech to ICM conference Aberdeen 'Decommissioning: the Labour Perspective'

The central difference between the old and the new policy is the UK Government's shift from a "case by case" philosophy to "general presumption against" sea disposal. This implies that the UK Government will support a "reverse list" approach to sea disposal of oil and gas installations within binding OSPAR rules. Negotiations are ongoing with final outcome likely at the OSPAR Ministerial Conference in Lisbon, July 1998. (In a "reverse list approach" there is a prohibition on – in this case - the dumping of installations with only a short list of exemptions, as opposed to the old "black list" type of approach in which governments and treaties restricted or banned only the disposal of a list of named materials and substances.)

In a letter to an MP Mr Llew Smith on the same day, Meacher wrote that he and "Ministerial colleagues" (meaning DTI) "share the view that these installations should be removed to disposal on land, wherever it is safe and practicable to do so".

For the oil industry, UKOOA (UK Offshore Operators Association) tried to argue that this was not a change of policy at all. "I am pleased that the Government has confirmed the position with regard to decommissioning of offshore oil installations" said UKOOA's spokesman. Oil companies claimed that the criteria "safe and practicable" meant that policy remained the same.<sup>42</sup>

In fact it had changed crucially, because the main criteria under "BPEO" were supposedly safety, environment and cost. This was a change of position as it omitted cost as an essential criterion.

Meacher had added "We are keen to reach a consensus with our OSPAR colleagues on this issue", (which implies no dumping and a reverse list), and "however we continue to believe that we need to be able to examine matters case-by-case where generic assessments of practicability have not yet been agreed and to deal with the occasional exceptional case, such as where installations have been damaged". [Clearly it was still possible that the DTI might try to argue this for the Brent Spar.]

On 1st October 1997 at the UK Labour Party Conference, Mr Meacher announced: "...earlier...I also announced an end to the dumping of redundant oil rigs at sea, in all but agreed cases. There will be no more Brent Spars under Labour".

A few days after the 'Spar decision a "senior Whitehall official" told The Observer (25 June 1995) "This is a real turning point. The Government did not previously realise that the public doesn't care about the arguments of costs versus benefits – they just don't like shit being dumped in the oceans. The politicians are humiliated and very cross, but they learnt their lesson.... After Brent Spar, no European oil company will ever dare to sink anything again. But Greenpeace has broadened the political horizon much further than oil installations – the whole issue of sea dumping is higher up the agenda than ever before".

By December 1997 it seemed that the DETR view was also finally accepted within DTI. In a letter of 17 December 1997 to Campaign Director Sarah Burton at Greenpeace, Energy Minister John Battle wrote: "the Government has conducted a review of the UK position on the issues under discussion within the Oslo and Paris Commissions

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42 ENDS 274, November 1997

(OSPAR), which included the question of disposal of disused offshore installations. We agree that installations should be removed for disposal on land wherever it is safe and practicable to do so”.

He continued: “We attach high importance to gaining unanimous agreement in OSPAR for the future rules for the disposal of offshore installations. The case we are putting forward is that, in practice, the vast majority of existing offshore installations will be brought onshore for re-use, recycling or disposal. Generic studies have shown that to be the case. Studies have also shown that the generic solution for large concrete installations is to leave them in place. There is no agreed generic solution for the heavy steel installations located in deeper water. For this category of installation, we consider that we will have to continue to take a case-by-case approach with decisions based on a sound scientific analysis and in the light of open and transparent consultation. Our approach would be based on a presumption in favour of land disposal except where, taking account of the environment as a whole, such a course is neither safe nor practicable”.

The overall consequence of the ‘Spar campaign for UK Government policy has been, then, to reverse it. Even so, as of New Year 1998 UK DTI officials were still pressing other OSPAR governments to create a “reverse” list of installations that *could* be dumped, which included anything in water of over 75 metres depth. This was exactly the same position as had applied in 1995. In these circumstances “case by case” would apply to over 100 platforms. Even if it was restricted to the seven very large platforms identified as more difficult in the EU study it could still mean “Seven Brent Spars”.

(The "EU Seven" large steel platforms are Murchison (Oryx, 32,800t), Thistle A (BP, 31,396t), Cormorant (Shell, 20,052t), Magnus (BP, 34,400t), Piper Bravo (EEC, 22,827t), Tern (Shell, 21,250t) and Britannia (BOL, 20,000t). All are in the UK sector.)

## 5. Development of an Integrated Removal Strategy: 'Beyond Sparring'

For the oil industry, decommissioning is a marginal issue. For the oil industry's attitude to sustainable development and its attitude to the environment in the wider sense it has become highly significant. It was, perhaps, the first major routine operational issue where the industry has been forcibly called to account by public opinion *without* the public receiving the backing of the relevant government.

Greenpeace first surveyed opinion about platform disposal options in the offshore oil and engineering industries in October 1994. The proposal to sink the 'Spar was known then, and the DTI had begun to talk openly about the "difficulties" of removal and the "need" to topple some platforms in situ or dump them elsewhere.

Parmentier also recalls: "For many years, Greenpeace delegates at the meetings of the London Convention, the International Maritime Organisation (IMO), the OSPAR Commission and the Mediterranean Barcelona Convention, had witnessed the representatives of the offshore industry's pressure group E&P Forum building their web of support, trying to ensure that no matter what the circumstances, their "right" to dump decommissioned offshore installations would not be put in question".

Nevertheless it quickly became apparent that it was technically feasible to remove installations. The results of Greenpeace's early studies were contained in the report 'No Grounds For Dumping: The Decommissioning And Abandonment of Offshore Oil And Gas Platforms' (Greenpeace April 1995).

Subsequent inquiries revealed what was well known inside the industry but little understood outside it, namely that it was arguments over cost, conducted between the few specialist engineering firms with the gear to remove installations, and the oil companies, which was an important factor in leading the oil industry towards dumping. Essentially, the oil industry argued that they should not have to pay for downtime on lifting gear, while the engineering firms who had invested heavily in equipment, wanted to charge out at rates that would recover investment even though the equipment spent a lot of time not in use.

The roots of this awkward relationship went back to the seller's market that had existed when installations were being put in (a time when there was insufficient gear) followed by decades when there was relatively little work and the buyers (the oil companies) could call the shots. Although none of them would talk about it on the record, these often highly personalised and high level negotiations dominated the decision-making for installations such as the 'Spar.

The UK Government's keenness to pursue the cheapest option greatly added to the pressure for dumping in situ ('toppling') or at an oceanic site, which is of course cheaper than any other type of removal. A risk analysis carried out by AURIS (the Aberdeen University Research and Industrial Services Unit) prior to selecting the dumping option

put dismantling at four times the cost of sea dumping.<sup>43</sup>

During the ‘Spar campaign itself, Greenpeace attempted to reveal this process of economic brinkmanship and the feasibility of removing and recycling installations, but with little success outside the specialist media. Reports did not grab general media attention. It even published advertisements in Lloyd’s List [eg 12 June 1995], the Financial Times and elsewhere, to try and flush out tenders to take the ‘Spar ashore (and did get some serious replies).

In the course of researching feasibility, Greenpeace found that consultants such as Mike Corcoran and Paul Brindley had long proposed an Integrated Removal Strategy in which costs to users would be reduced by using “sail bys” and other arrangements that minimised down time and maximised use of equipment. Corcoran had worked for 25 years in the heavy construction industry, 16 of them in the oil and gas business. From 1991 to 1995 he was manager of a Decommissioning and Salvage Group at McDermott International. Greenpeace commissioned him to produce “Brent Spar Abandonment: A Review of the Technical Case to Support Deep Water Dumping”, published on 2 May 1995.

Greenpeace started to advocate such an approach with all the parties concerned, including governments, the EU and the industry, to try and achieve it. The benefits, Greenpeace argued, would include:

- Reduced equipment down time and hence, reduced costs
- Less pollution caused by towing/handling etc operations
- Longer terms planning and investment leading to better job creation potential in scrapping and onshore reuse
- Building up expertise and consequent reduction of risks for individual removal exercises

A report for Greenpeace [“The Socio-Economic Impacts of Abandonment Activities for UKCS Oil and Gas Platforms” – October 1995 ] by Paul Brindley estimated that with forward contracting, sail-by removals and coordination, as much as £630m could be saved in platform removal costs.

Although an integrated approach made sense in economic and environmental terms, there were considerable psychological and political obstacles. First, it required oil companies to cooperate with each other, through potentially complex negotiations. Second, it required oil companies to cooperate with the engineering firms and them with each other to share out the work. Third it needed a coordinating body, which probably meant cooperation was needed from governments and probably the intervention of a supra-national body such as the European Union. Fourth, it would expose the flaws in a “case by case” approach, to which the oil industry, the UK and Norway were committed. Last but not least, once Greenpeace had won the ‘Spar campaign, the oil industry

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<sup>43</sup> Alison Abbott, NATURE Vol 380, 7 March 1996, p 13

opposed it, simply *because* Greenpeace supported it.

In addition, although such a strategy opened up the clear possibility of developing a major decommissioning, re-use, recycling and scrapping industry on land, the unions, towns and cities and other social beneficiaries of such an approach were never consulted about options for platform disposal. Although the UK Department involved was that for “Trade and Industry”, the only industry it took an interest in was the oil industry. It did nothing to try and *create jobs* from an installation decommissioning industry undertaking recycling and re-use. Thus there was no political constituency for the most environmentally sound strategy of all.

During the ‘Spar campaign itself and immediately afterwards, the prospect of creating a scrap and recycling industry did provoke some public interest but not for long.

On the day of the turnaround Mr Alastair Rodgers, director of the 270-company Northern Offshore Federation greeted Shell's announcement with some enthusiasm. “It's all work” he told the Financial Times.<sup>44</sup> “We always knew there was going to be a lot of this work. This is an important decision Shell have made, it will point the way for the rest of the industry. The principle has been tested now and established”.

The oil journal Lloyds List<sup>45</sup> reported the Aberdeen based Offshore Contractors Association as saying “potentially it could be good news for the contracting industry”.

The Sunday Times reported in July 1995,<sup>46</sup> “Gerhard Schroeder, the Prime Minister of Lower Saxony, made a public bid for the work to come to Wilhelmshaven last week, and local tanker shipyards have formed a consortium to pursue the contract for that and the 400 other rigs that will eventually have to be broken up”. The town, with 17% unemployment and heavy engineering skills, saw the prospect as something of an economic lifeline.

Dr F H Valentin wrote to The Times on 5 July 1995, “Sir, I read today that the Germans with the apparent support of Greenpeace, are bidding for the job of dismantling the ‘Spar at Wilhelmshaven, in order to be in the vanguard of an industry potentially worth billions and large numbers of jobs, while we are far too busy playing our political games”.

In the UK, perhaps not surprisingly, the Government did nothing to encourage development of a re-use or recycling industry despite being host to the vast majority of redundant oil installations in its sector.

After the ‘Spar victory, Greenpeace decided to try and use the political and business awareness generated by the campaign to pursue an Integrated Removal Strategy more seriously, and it repeatedly pressed the case with Shell and politicians.

While Shell continued to focus on the narrow issue of the ‘Spar, the OSPAR commission succeeded in encouraging the European Commission to begin a serious

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44 Company struggles to accept disaster, Financial Times, 21 June 1995

45 UK contractors cautious, Lloyds List, 22 June 1995

46 German industry bids to cash in on Brent Spar, The Sunday Times, 2 July 1995

assessment of the problem as a whole, resulting in a major study: A Technical Review of the Possible Methods of Decommissioning and Disposing of Offshore Oil and Gas Installations, prepared for DG XI and DG XVII, November 1996.

However, it soon became clear that only a proactive approach stood any chance of making real headway and so at the end of 1996 Greenpeace began talks with the widely respected business and environment consultants SustainAbility to investigate the idea of an IRS and to try and set up a consultative process to build consensus about how best to achieve one.

SustainAbility started work in 1997 and called the project “Beyond Sparring”.

SustainAbility contacted dozens of other organisations (more than 70), from Local Authorities to the European Commission, and found widespread understanding that “in the coming years, the decommissioning of oil and gas installations will present Europe with a major challenge - and a potential opportunity.” From the oil industry it met in July with the PR- and umbrella-groups, UKOOA (the UK Offshore Operators Association), the Offshore Decommissioning Communication Project (ODCP) and the Exploration and Production Forum (E & P Forum).

It noted: “Over the next 10-20 years, an average of 15-25 installations are expected to be abandoned annually. This represents, amongst other materials, 150,000-200,000 tonnes of steel per year. The continental shelf bordering the states of the European Community and Norway counts some 609 offshore oil and gas platforms, 430 subsea structures and 600 subsea wellheads.” {Figures from the European Union study}

Nobody disputed that the potential scale of the resources for steel alone, was enormous. In 1996 a Report of the House of Lords Select Committee on Science and Technology – Decommissioning Of Offshore Oil and Gas Installations, noted that there were 219 installations and 9,900 kms of pipelines in the UK sector to be decommissioned.

For the vast majority of installations, the technical issues were already resolved. The 1996 European Commission report had concluded that “the offshore industry has the capacity to remove most of the steel structures”, although it noted that for the “very few large steel structures ... it may be necessary to address the balance between the risk to the safety of personnel and the achieved improvement to the environment”.

SustainAbility found that while willing to talk, the engineering industry was reluctant to participate in developing an IRS plan for fear of upsetting the oil industry. For example, when the ‘Spar turnaround was announced, the Dutch-US engineering joint venture Heeremac which had produced a series of proposals on the ‘Spar told Lloyds List<sup>47</sup> “The company will wait until Shell UK and the national governments concerned have made up their minds. No further comments will be made until such time”.

However Heeremac’s view about the feasibility of removal and the benefits of an IRS were also clear. “Essentially, the [oil] industry took old barge lift prices, extended them into the future, and generated out of date cost estimates”, Peter Heeremac, the firm’s president told Lloyds List. “Prices would be entirely different for decommissioning than

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<sup>47</sup> Heeremac opts to keep out of limelight, Lloyds List, 22 June 1995

they would for installation” if there was a “flexible operating window ... cancellation of cost penalties” on timing and “cooperation”, “removing 5 or 10 platforms all at once could be much more economic than snatching one or two over a long period of time”.

Sustainability recorded in 1997 that “there is a growing perception that offshore sea disposal - whether involving in-situ toppling or by another name (e.g. “rigs-to-reefs”) - is politically and socially unacceptable” and noted “At the 1997 Environment Northern Seas (ENS) conference, one of the main contractors - Inge Kvalvik of Kvaerner Installasjon AS - told the decommissioning session that offshore disposal is now ‘more or less a dead cow’”.

Sustainability reported on its work in “A Sustainable Development Consultation Paper” in November 1997 sub-titled “Decommissioning of Offshore Oil and Gas Installations: Towards an Integrated Removal Strategy”.

SustainAbility explained “The purpose of this paper is to discuss the concept of an Integrated Removal Strategy (IRS) for offshore oil and gas installations in the Northeast Atlantic (including the North Sea) - and to spotlight key issues which still need to be addressed by industry, government and other stakeholders. This Discussion Paper is the output of ‘Beyond Sparring’, a Greenpeace International-SustainAbility consultation process, and reflects our conversations with a variety of stakeholders”.

Although it consulted widely, SustainAbility found that the oil and gas industry - as represented by the UK Offshore Operators Association (UKOOA), the Exploration & Production Forum (E&P Forum) and the Offshore Decommissioning Communication Project (ODCP) - steadfastly refused to participate in the proposed public dialogue or debate.

The final argument put forward by both E&P Forum and UKOOA was that participation in the Beyond Sparring project could compromise or undermine the OSPAR process. From a position where it advocated a case by case approach to decommissioning, looking at each structure as a one-off, the E&P Forum now claimed that the Beyond Sparring project’s agenda was too “narrow” because it “confines itself to the narrow agenda of the means to return as many structures as possible onshore for recycling”.<sup>48</sup> This was a perverse definition of “narrow” as it was being applied to the most comprehensive option. The E&P Forum feared that Greenpeace’s involvement would cause “bias” in determining the outcome.

SustainAbility responded that it was “disappointed” with the oil industry. It pointed out that it had given “an assurance ... that all responses would be noted in the project report, which would be under SustainAbility’s editorial control” and protested that “when we asked for oil industry participation in the project, we were – and are – asking for nothing but open and honest dialogue about the prospects for an Integrated Removal Strategy”.<sup>49</sup> The Chairman of UKOOA was Heinz Rothermund, Managing Director of Shell Expro’.

Eventually the ODCP Project Manager David Rodger wrote back on 3 September on behalf of all three oil organisations, saying that they “declined to participate” as they saw

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48 Letter E&P Forum to SustainAbility, 1 August 1997

49 Letter SustainAbility to UKOOA, 6 August 1997

“no added value” from a debate “at this stage”.

SustainAbility, which has made its name as a consultancy by helping major firms ‘go green’ profitably, saw the decommissioning issue as “a case study of society’s ability to come to grips with the challenges of sustainable development”. Its Chairman, John Elkington, has been very widely involved in many government and non-government initiatives on “sustainable development”, and is a member of the EU Consultative Forum on Environment and Sustainable Development. SustainAbility commented: “given the sheer scale of the problem - whether measured in money and potential opportunity costs, materials moved, time-scales, or the number of players likely to be involved - the problem is far more than a simple technical problem to be solved”.

“The oil and gas industry” noted the consultants in their issues paper, “together with the governments fronting onto the North Sea (e.g. Denmark, Norway, UK) were, at least in theory, publicly committed to the concept of sustainable development”. The Norwegian and UK Governments had “publicly committed themselves to sustainable development on a number of occasions, including the 1992 UN Earth Summit, in Rio de Janeiro, and the 1997 ‘Rio + 5’ conference, in New York”. Various national strategy documents had been published, “with the issue of *integration* now very much on the agenda of the Commission of the European Communities - and of the Commission’s multi-stakeholder, pan-European Consultative Forum on the Environment and Sustainable Development”.

The SustainAbility team of John Elkington and Shelly Fennell pointed to the ‘environmental’ commitments of business which had repeatedly declared its support for the principles of sustainable development, either through the International Chamber of Commerce (ICC), international specialist bodies like the World Business Council for Sustainable Development (WBCSD) or national groupings like Business in the Environment (BiE).

SustainAbility noted that “As far as the oil and gas sector is concerned, many of the major companies active in the Northeast Atlantic (including the North Sea) have signed the ICC Business Charter for Sustainable Development. Early signatories had included British Gas (UK), British Petroleum (UK), Norsk Hydro (Norway), Saga Petroleum (Norway), Shell International Petroleum (The Netherlands/UK) and Statoil (Norway). A number of US companies active in the North Sea area (including Chevron, Mobil, Occidental Petroleum, Phillips Petroleum and Texaco) are also signatories.

From SustainAbility’s viewpoint then, standing at the leading edge of the ‘greening’ of business, one consequence of the ‘Spar victory was a re-examination of whether the oil industry could turn theory into practice on ‘sustainable development’. Unfortunately, it was a test which the industry would fail, at least from 1995 to 1997.

“Sustainable development is a very broad concept,” noted Norske Shell’s managing director at the Environment North Sea conference in Stavanger in August 1997, “but it rests on three main pillars - economic development, social responsibility and environmental protection”.

In the view of John Elkington, Chairman of SustainAbility, “Meeting the sustainability challenge requires a number of fundamental shifts in the thinking and behaviour of

industry, governments and civil society”. Of particular significance to IRS were:

- The need to integrate life-cycle thinking into industrial development
- The need to think longer-term and look at problems holistically, rather than in a piecemeal fashion
- The need to involve multiple actors and stakeholders in decision-making.

Under the heading ‘Towards Greater Life Cycle Thinking’, SustainAbility’s issue paper pointed out that “increasingly, progressive companies are re-thinking the concept of waste”.

“This thinking” noted SustainAbility, “has clearly infiltrated decommissioning debates”. The head of Shell UK’s decommissioning efforts claimed at the ENS conference, that the main thrust of the company’s efforts has been to see the Brent Spar “as an asset, not a disposal problem”. In the last few years, a new industry - mature asset management - had emerged to make this its core business.

SustainAbility detected a gradual change in the attitude of the UK Government, “if its intentions can be inferred from the draft guidance notes issued by the Department of Trade and Industry (DTI) before the Brent Spar saga”. Although the Government claimed to remain committed to a ‘case by case’ approach, a key sentence in these Guidance Notes opened the way to the alternative approach. Page 9 stated: “... Where appropriate the Department [DTI] will encourage the Operators of adjacent facilities, where abandonment is in the same time frame, to co-operate with the view to a joint and integrated approach.”

Similarly, the House of Lords Select Committee on Science and Technology recommended in their February 1996 Decommissioning report, “...that the Government should take positive steps to ensure that the current level of inter-company co-operation is maintained, and extended to cover decommissioning ventures.”

“Despite this official support”, noted Elkington and Fennell, ..... “progress has appeared rather slow. Individual operators have pointed to isolated examples of integration, but there does not seem to be a coherent approach”. While a few progressive companies had themselves suggested a way forward - for example Kvaerner Oil and Gas suggested that the oil companies should join forces in a ‘Joint Industry Project’ to finance and build a new removal vessel, to tackle the larger structures - there had been no real change.

SustainAbility found that it was ‘soft’ issues like attitudes and psychology which was as much of a barrier to change as technical difficulties. It pointed to the findings of the First International Symposium on Large Scale Construction in Coastal Environments, held on Germany’s Norderney Island in April 1997. “Integrated management for sustainable development” concluded the conference “needs broad knowledge and acute sensitivity”. But, it was noted, “interdisciplinarity is truly difficult to put into effect because there are many different cultures of knowledge and understanding. Achieving integrated approaches in project development therefore requires close collaboration between the policy makers, economic managers and scientists of the various cultures involved.” The implication said SustainAbility, is that “a completely new style of

management is required, one which is more consultative, pro-active and participatory.”

Although the oil industry refused invitations from SustainAbility, the consultancy noted that the industry had itself begun to acknowledge the case Greenpeace put forward.

“The lack of a common and objective forum for debating decommissioning issues was highlighted as the first priority discussion topic for participants at the E&P Forum discussion workshop in March 1996” noted SustainAbility. “The evidence to date suggests that the oil and gas industry is now increasingly happy to involve external stakeholders - as long as it issues the invitations and organises the process. The ‘Beyond Sparring’ project tests whether the industry will be willing to participate in a dialogue instigated from outside its ranks”.

Perhaps one reason why oil companies refused to take part in the SustainAbility process was that they were still ‘going down to the wire’ in trying to press governments to allow for ocean dumping.

Patrick Donovan, author of the Guardian’s City Column thought he detected “pressure” on oil exploration shares in the days immediately after the Shell turnabout, “with several leading city brokers concentrating their oil sector research on this specific issue”. Although downwards movements in prices were more determined by OPEC decisions, “the spectre of environmental activism has also prompted an industry-wide rethink over how best to dispose of the tens of thousands of tonnes of oil-related hardware rusting away across the North Sea”.<sup>50</sup> He reported that John Browne, Chief Executive of BP “yesterday admitted” that “the company would take public opinion into account before making any firm decision” on the fate of its deep water platforms. BP had put aside £1.5billion for decommissioning costs.

Lloyds List reported Philip Morgan of Paribas Capital Markets as saying “Clearly they [the oil companies] have lost this battle and it will be damaging to their profile going forward”.<sup>51</sup> 15 proposals for decommissioning were currently before the UK Government, said the journal.

From June 1995 onwards, the oil industry was now fully alive to the possibility that it might indeed have to take all its rubbish home after the North Sea fields ran dry. “There was even a rumour in the City last week that Brussels is considering German calls for a complete “clean-sea-bed” policy with an obligation on the oil industry to dismantle all offshore structures” wrote Donovan. “That would hurt. It would also make the oil industry much more diffident in deciding to bring new oil finds on stream. This week’s events mark a turning point in the development of the North Sea”.

Nick Nuttall and Arthur Leathley of The Times reported that “There will also be ramifications for the rest of the oil industry in Britain and Norway, since up to 50 installations are earmarked for sea disposal over the next decade”.<sup>52</sup>

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50 Someone has to clean up the mess after the North Sea party, The Guardian, 24 June 1995

51 Grim warning by UK Government, Lloyds List, 22 June 1995

52 Shell calls off Brent Spar scuttling, The Times, 21 June 1995

In August 1995 the Financial Times wrote that “ideas being circulated in the oil industry “include a possible advertising and public relations campaign” ... and quoted Mr Andrew Searle of the UK Offshore Operators Association as saying “A flexible but rigorous process on a case-by-case basis is fundamental to decommissioning”. Robert Corzine of the FT noted “it is this “flexibility” which has come under attack by environmental pressure groups, which view the “case by case” approach as a way in which the oil industry can resurrect the option of deep sea dumping”.<sup>53</sup>

Following the ‘Spar turnaround the oil industry financed a series of initiatives to try and bolster the case for toppling or dumping installations.

A PR firm, Charles Barker, was hired to work for UKOOA. PR Week reported:<sup>54</sup> “The UK oil industry is believed to have called in PR agency Charles Barker to develop plans for a major, pan-European PR campaign following the debacle over the dumping of the Brent Spar oil platform...The UK Offshore Operators Association, is understood to have hired the agency within the last two weeks as it prepares to fight the threat of a ban on the dumping of obsolete North Sea oil platforms...Three other agencies – Burson-Marsteller, Lowe Bell and Shandwick – are believed to have pitched for an initial two-month contract to advise UKOOA on how to deal with the PR implications of decommissioning. Industry sources suggest this could lead to a full-blown PR campaign, worth in excess of £500,000 with an even bigger-spending ad campaign also an option.”

Shell’s in house magazine Interchange reported on its own post Brent Spar PR efforts in autumn 1997 under the headline “taking a story to the media pays dividends”.<sup>55</sup> Between January and April 1997 it had monitored 538 articles in the UK, Germany, the Netherlands, Norway, Denmark and France, and had them analysed by consultants CARMA to show that of a total “72.1 million impressions” generated for readers, 52% had been neutral to Shell, 19% unfavourable and 29% favourable. “Our approach” said Shell’s PR official Fran Morrison, was “making Shell the leading industrial source of favourable coverage on decommissioning in Europe”.

Heinz Rothermund had been quoted 90 times and Greenpeace’s “main spokesperson” (me, Chris Rose), only 10 times. Greenpeace’s views were covered least. As this related to the ‘Spar shortlisting process, in which Shell had invested over £10 million and on which Greenpeace was maintaining only a watching brief, this was not, perhaps, very surprising. “A notable finding”, said Shell, “was that one message featuring widely in the coverage was Greenpeace cannot be trusted”. In the UK press stories, cost and regulation were popular topics. It was the result of “16 months solid communications effort by Shell UK”.

In January 1997, Scotland on Sunday<sup>56</sup> reported “The oil companies ... want to dump about seven [platforms] in the Atlantic and topple the rest where they stand when the fields start to run dry in about 15 to 20 years time ... The industry is fighting to

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53 Oil groups try to avoid deep water, Financial Times, 15 August 1995

54 PR Week, 18 August, 1995

55 Interchange 3/97

56 Oil rig row set to resurface, Severin Carrell, Scotland on Sunday, 13 January 1997

downplay an EU report which last year rejected their claims. It stated that the industry already had the expertise to remove the rigs safely and identified only seven steel platforms and eight concrete rigs that would be hard or too dangerous to remove”.

After more than a year of trying to engage the oil industry in a rational and constructive discussion about an Integrated Removal Strategy, Greenpeace came to the conclusion that the development of an integrated, economically and socially effective approach to dealing with the scrap from the North Sea oil industry could not be left with the private sector alone. Despite their protests to the contrary, the actual costs are rather small and the issue is not very significant to them financially. But in terms of pride, especially at the level of the operating arms of the companies, and in their world of micro politics, the oil companies care more about their relative competitive advantage and not being seen to be pushed about by the engineering firms or groups like Greenpeace, than they do about getting the optimal solution.

As to towns and cities, unions and the workforce at large, without government or inter-governmental intervention they have very little purchase on the issue. In 1997 the BARMAC yard at Nigg in Scotland estimated that dismantling two large platforms in one year would need 100 people. Able UK at Hartlepool provided much the same estimate. With 450 platforms to be decommissioned over 30 years, the number of jobs would certainly be thousands - possibly over 20,000.

Once it became clear that the oil companies were adopting the policy of the ‘slowest ship in the convoy’ and using their front organisations UKOOA and the E & P Forum to stonewall progress, Greenpeace embarked on trying to persuade the European Commission to pick up the initiative. If Greenpeace was no longer the sponsor of the process, perhaps the pride factor would no longer be a stumbling block.

After some months of discussions, the European Environment Commissioner agreed to take on “Beyond Sparring” in December 1997.

In a letter to SustainAbility, Rasmus Kjeldal from the Cabinet of Ritt Bjerregaard, Commissioner for the Environment (DGXI) said: “we fully support this stakeholder consultation exercise ... there is an important Community dimension in the idea of elaborating sustainable disposal options for disused offshore oil installations and promoting the necessary capacity building in this context”.

This left Greenpeace free to put forward its views as a stakeholder to an EC process, rather than as the sponsor of the scheme, and increased the potential for a genuine leap forward in organising what should really be quite a straightforward task: arranging the world’s largest collection of steel for recycling, while saving energy and creating jobs in the process.

## 6. Impact On Industry

As the “Beyond Sparring” project showed, the ‘Spar has triggered an interesting and important test of what “sustainable development” means for large companies. It forces decisions on issues which are narrow but just large enough in corporate terms to test environmental commitment at its most fundamental level.

The real impact on industry however was less rationalistic and more psychological and political. Greenpeace’s victory in the ‘Spar campaign forced business to re-evaluate assumptions about decision making, the relationship with customers and with other outsiders such as environment groups. Because Shell is so large – a giant multinational (the 5<sup>th</sup> largest company in the world and Europe’s biggest), the impact of the ‘Spar decision spread through industry’s boardrooms like a seismic shock wave.

“What now ? Or perhaps, whatever next ? There were many despairing questions facing industry following Shell’s astonishing capitulation to Greenpeace and Europe’s ecosentimentalists”. So wrote Hugo Gordon, Industry Editor of the Daily Telegraph on 24 June 1995.<sup>57</sup>

Shell’s “silence” during the campaign claimed Gordon, had “sold the pass, sold it for the whole of industry and sold it cheap in a battle it could have won.” According to Madsen Pirie, President of the Adam Smith Institute, “the lesson companies ought to learn is that they should make sure they win the argument in advance”.

Richard Newton of the Financial Mail on Sunday<sup>58</sup> found an “oil industry spokesman” who said “against the background of known concern about abandonment, any operator dealing with one of the biggest man-made structures on the planet might have prepared the public more assiduously than it [Shell] did – from Day One in 1991”. On the other hand, John Stonborough, “of crisis PR specialist Wellingborough PR” commented that “there is a danger of raising awareness of the issue and making matters worse”.

Shell itself was keen to encourage the idea that it could happen to anyone. “It’s not just the oil industry that’s under threat – it’s a problem for all of industry” Chris Fay of Shell told the Financial Times.<sup>59</sup>

Patrick Donavon wrote in The Guardian business pages<sup>60</sup> that rumours abounded regarding the future of Shell UK boss Chris Fay, who had “heroically mishandled” the ‘Spar issue. He said: “it is indeed hard to see how Mr Fay can retain his position overseeing what must be one of the biggest public relations fiascos in City history. Mr Fay is paid £350,000 for heading the company”. Mr Fay survived.

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57 Silence that cost Shell the battle, Daily Telegraph, 24 June 1995

58 Shell Shocked, Financial Mail on Sunday, 25 June 1995

59 Shell and that sinking feeling, Financial Times, 5 July 1995

60 Someone has to clean up the mess after the North Sea party, The Guardian, 24 June

1995

At one level, it looked like that. Who would be next ? How can we prepare ? What does it mean ? These were the sorts of questions that led to a minor boom in business for environmental advisers, created many new “environmental” jobs in leading companies and filled the agendas of PR conferences with “crisis management” and “learning company” lectures for at least a year afterwards.

Because Shell was so large, so powerful, so overtly private, so comfortable and so capitalist, many writers took it as a symbolic struggle between multinationals as a whole and – well, something else closer to the public. In one Magazine photographic Review of the Year Times journalist Simon Barnes selected a picture of the ‘Spar occupation as his favourite picture of 1995 and wrote: “A handful of good-hearted chaps in a lilo taking on the entire Western economy, and with it, the biggest piece of litter in the world: the Greenpeace war on the abandoned ‘Spar was an incident crammed with dramatic polarities and symbolism of the most unsubtle kind. It seemed a small but perfectly formed victory for sanity; for people against machines and moguls. A few weeks later I was bullied into doing a house-to-house collection for Greenpeace in singularly un-right-on-area. But I was welcomed. Britain has a green heart”.

By 1998 the ‘Spar had even become one of those memorable dates identified as footnotes in pocket diaries, Saturday June 20 1998 appearing in the “Trees For Life” diary of the International Tree Foundation with the words “Deep sea dumping of Brent Spar oil rig abandoned after Greenpeace campaign, 1995”.

After the turnaround a good deal of media attention focussed on Shell and Greenpeace themselves, contrasting the two organisations. The industrial editor of The Guardian was one of many who criticised Shell for its internal organisation. “It has always been slight at odds with other oil giants” he wrote. “Inherently conservative, it is dominated by powerful management committees rather than dynamic individuals. The culture is bureaucratic rather than entrepreneurial”.<sup>61</sup>

Many industrialists and city analysts commented on the role played by Shell’s ponderous internal decision making processes. Writing in the journal Business Strategy and the Environment, A. Neale of East London Business School noted that due to its complex matrix management system, a Shell plan “needs three yeses if it is to get approval” – the agreement of the operating company, the sector and the region. “The need for consensus meant that decision making within Shell required an unusually high level of internal discussion”.<sup>62</sup>

Nicholas Schoon in the Independent commented “On the face of it, it seemed a massively uneven contest. The Royal Dutch Shell Group had global sales of £84.3 billion last year. It employs 106,000 people in more than 100 countries. Greenpeace had a global income of \$131m last year, some 0.001 per cent of Shell’s. It employs about 1,000 people , and has offices in 30 countries”.<sup>63</sup>

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61 Slow reaction to world opinion result of inherent bureaucracy, The Guardian, 21 June 1995

62 A. Neale, Organisational learning in contested environments, lessons from the Brent Spar, Business Strategy and the Environment, 6 (93-103), 1997

63 David’s great victory over Goliath, The Independent, 21 June 1995

But the take-home lessons that industry took to heart were not just about Greenpeace or Shell.

On the surface they were about defending the brand, these days the single greatest preoccupation of many senior managers in business.

It was the fact that a non-governmental organisation had received such overwhelming support from the customers of the company, that the brand stood to suffer effectively irreparable damage, that really rattled brand managers in many companies. That could apply to anything, from light bulbs to biscuits. “The ‘Spar was a large piece of packaging - the public insisted that the company took it back - in the end we will have to take everything back, either voluntarily or because government will insist on it” said one retailer. In these terms, the real significance of the ‘Spar is all about corporate responsibility, not about oil or steel or the ocean.

At a deeper level, it was about values, and the normally inchoate public demand for the practices of corporations to reflect public concerns, which had suddenly found a prism through which it was painfully focussed on the body of one corporation.

Encouraged of course, by the PR industry, many companies initially treated the ‘Spar as a communications disaster for Shell. One of the casualties of the ‘Spar campaign had been the long-running Shell Better Britain Campaign. Shell cancelled its 25<sup>th</sup> Anniversary celebrations for the Campaign after leading lights such as Jonathon Porritt had announced he would not attend, no doubt mindful of the irony that might arise from publicising a scheme that encouraged community “clean ups” while sinking its own litter in the ocean.

“How would you fare ?” asked World Link magazine, adding as menacingly as it could manage, “businesses are now threatened by a new breed of media-literate activists”. It was, said the magazine “Shell’s greatest public relations disaster”. It quoted Tim Bell, once Lady Thatcher’s PR man and now chairman of Lowe-Bell communications: “The whole idea of empowerment has encouraged more and more people to think they can have a go if they don’t like something”.

Everywhere, business tried to match what had happened with the ‘Spar to what was known about public feelings. Peter Gummer, brother of then Environment Minister John Gummer and Chairman of another PR company Shandwicks, pointed out that most people in the UK distrusted multinationals and two thirds disagreed with the idea that “Business generally tries to strike a balance between profits and the public interest”. Multinationals had first to listen to pressure groups and then to ask themselves the question “Will I stand out against this pressure group until death ? Because if I’m not willing to do that, I’m going to look a right fool”.

Some PR “experts” saw Shell’s mistake as not listening or changing its mind sooner. Others saw the failure as changing its mind at all. In 1996 Bob Worcester, Chairman of polling firm MORI wrote in a paper “Business and the Environment: In the Aftermath of Brent Spar and BSE”, that “nobody came out of the ‘Spar campaign well, Greenpeace won the battle by ten to one in the eyes of the British public” but its “scientific methods were flawed” (the mistake over sampling oil - see below) although its “recovery was

open, direct and immediate”; the Government lost credibility and its “confidence (hubris?) in its own infallibility” was “unshared by the public”, while “Shell lost some of its most precious asset, its reputation”. It was, he said, “a turning point in British attitudes to companies, to government and to environmental groups”.

Before and after the ‘Spar (1993, 1995 and 1996), MORI’s polls show public confidence in “scientists working in industry” was significantly lower (about 30%) than those “working for environmental groups”, and for “scientists working for government” the figure was even worse, falling to less than half that for environmental groups by 1996.

For many companies (including Shell) another lesson was that just because your actions are legal, doesn’t mean your actions are legitimate. “Shell did everything by the book” wrote the environment-business magazine Tomorrow, “It’s just that the Brent Spar changed the book”.

John Wybrew, then Shell Head of Public Relations emphasised that “Crucially, the fact that Shell was undertaking a plan with the support of the British Government, was a key factor in the decision-taking process”.<sup>64</sup> Now no company could assume that government support implied immunity from contrary public opinion.

Moreover, as evidenced by its own ‘Brent Spar Dialogue Process’, Shell and other companies have increasingly had to take the place of governments, in an era where governments have retreated from many of their previously accepted responsibilities. As Cor Herkrötter of Shell said in 1996 “Where people previously called on government to tackle political or environmental problems, they are now directly challenging business to take on those roles.....The fact is that we simply do not have the authority to carry out these tasks”.<sup>65</sup>

One lesson not lost on some other companies was that Shell promoted one thing on the environment and did another. Greenpeace told a London conference “The Hard Edge of PR” in 1996: “If there’s a difference between the internal and external, then PR is strained and in times of stress it will break”. Greenpeace pointed to Shell’s “Better Britain” claims and the way it expected individual workers not to dump rubbish in the sea, while as a corporation it did so on a massive scale.

Erlend Clouston of The Guardian was one of the few British journalists who visited the ‘Spar. “The only entertainment available” he declared, “is a game of Ludo left over by Shell”. While there he also spotted “a poster for the Aberdeen Evening Express’s Enviro-line with the sub-title ‘In association with Shell UK Exploration’.” The poster showed an oil worker throwing a small item of rubbish into the sea, with the admonishment ‘the sea’s not for dumping’.<sup>66</sup> For a company to advocate that its workers did not dump things in the sea and then to dump the whole structure they had worked on, was hypocrisy written in block capitals.

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64 The Observer, 25 June 1995

65 Jesper Grolin, Corporate Legitimacy & Risk Society – Lessons from the Brent Spar Conflict. 14th Nordic Conference on Business Studies, 14-17 August 1997, Bodø, Norway.

66 A green war on the ocean wave, Erlend Clouston, The Guardian, June 1995

John Elkington, Director of the consultancy SustainAbility summarised three “lessons” for commerce. First, “Producer responsibility: Life Cycle Analysis is clearly going to be essential in future large scale industrial undertakings. No structure the size of an oil platform or with a similar function should ever be designed without built-in disassembly plans”.

Second, “Stakeholder responsibility - permission from regulators is obviously no longer sufficient ... John Major’s OK weighed as a feather in the face of public demand” ... Third “Shared responsibility - Should colleagues in business speak out when they have a strongly dissenting opinion. Does this represent disloyalty to the brotherhood ? During the Brent Spar episode a number of companies - among them Novo Nordisk - made public their disapproval, calling on Shell to retract its decision”. Both Shell and Novo Nordisk are International Chamber of Commerce Charter signatories he pointed out, “both are committed to an Agenda 21 programme...”.

The Economist saw a “growing universe” of corporate behaviour to which “standards of correctness are being applied”, so that “good firms will have to listen hard and explain even harder. But they will also have to make hard choices”.

The Daily Mirror, which called it “the mother of all environmental battles – and the green protest movement’s most dramatic victory” even connected the ‘Spar to the growing trend towards ethical investment.<sup>67</sup>

Two years later the ‘Spar had become an established symbol of corporate responsibility – or the absence of it. “One in five companies” reported The Times in 1997<sup>68</sup> “admits to having been deterred from an overseas investment because of lobbying by human rights activists, or over fears that the initiative would be too controversial, according to a new survey”. The survey was by the group Control Risks and focussed on human rights abuses but the article carried a large photograph of the Brent Spar under occupation with the caption “Greenpeace campaigners pressured Shell into rethinking its disposal plans for Brent Spar and UK companies concede that fear of controversy now counts”.

Dorothy MacKenzie of the consultancy Dragon Communications found that there was a need for “extensive and integrated forms of communication and consultation and greater corporate transparency...[with]...the inevitable implication of improved external communication [being] the need for improved internal communication and consultation”.<sup>69</sup>

MacKenzie analysed a straw poll of the business community and concluded there were two main camps in the “majority view”.

First, Camp A “Let’s stick to the old rules”, in whose adherents felt “Greenpeace is a formidable enemy but doesn’t play fair (expose their lies), but their skill is communication (we must get better at this), [and] but they’re wrong (we can prove it

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<sup>67</sup> Green for grow, Daily Mirror, 27 June 1995

<sup>68</sup> UK companies fight shy of rights activists, says survey, The Times, 13 January 1997

<sup>69</sup> Speech made at Greenpeace Business Conference 25 Sept 1995

with our independent allies and science)". In Camp B business people felt "maybe some new rules are emerging: Greenpeace is a top level player – but can we trust them to behave ? (we thought they'd become sensible and co-operative and now look what's happened) and, how do we engage them in useful dialogue ?".

A minority took the view that "It's an issue about the legitimacy of institutions – democracy ...if neither business nor governments have legitimacy, how can decisions be legitimised ? How does one assess and seek overt public support ? The process is becoming more important than the result. Unappointed third parties distort the democratic and market systems".

The 'Spar campaign did not create these issues, it merely crystalised them. For a time it is likely to go on being used as an object lesson for industrial strategists being trained in how to deal with 'difficult' issues, and in the longer term it is likely to remain at least a footnote in the history of commerce, long after 'industrial waste' has been eliminated.

## 7. Shell's Response: Development of Onshore Options

There is no doubt that Shell itself was dramatically changed both by the Brent Spar experience and by its equal mishandling of human rights and ecological protest in Nigeria in the same year.

At one point a satellite phone link was made between the occupiers of the 'Spar and a demonstration concerning Ken Saro Wiwa going on outside the offices of Shell International in London. While the attempt to broadcast to a crowd from a mobile phone via a megaphone was drowned out by feedback, the feedback to Shell was loud and clear.

Yet Shell's responses remain self-contradictory to this day and it is really impossible to tell how much this is due to the complex, semi-federal nature of the internal workings of Shell and how much to continued in-fighting about what the company's priorities are.

During the 'Spar campaign boycotts and other campaigns were launched in Germany, not to begin with by Greenpeace but by other environmental groups, Churches and others. On June 2 Greenpeace groups protested at 300 petrol stations in Germany. By 15 June the boycotts and protests had spread to other countries. As the protests took off, Greenpeace too became alarmed at the depth of public feeling, especially as some turned violent, with attacks on Shell petrol stations. Greenpeace issued public statements appealing for an end to any such attacks. Throughout the campaign Greenpeace maintained extensive private contacts with Shell in Germany, and to a lesser extent in the UK and the Netherlands. Chris Fay of Shell later said "We concluded that people would be killed in Germany .... Germany was about to explode".

A "Shell insider" told Tomorrow Magazine later<sup>70</sup> "the timing was appalling, with the North Sea Minister's Conference in June. Even the Department of Trade and Industry asked us whether we were sure we wanted to do this now".

The Observer commented on 25 June: "In Germany, Greenpeace had no need to call for a boycott, children on bicycles toured towns and villages putting up home-made posters outside Shell petrol stations. Michael Guenther Rexrodt announced that his party, the fiercely pro-business Liberal Free Democrats, would no longer use Shell products, a stand also taken by German police".

It continued: "In Denmark, Prime Minister Nyrup Resmussen said he would not use Shell. And in Holland, where Shell, a 40:60 UK/Dutch concern is regarded with a degree of affection, Hans Wije the Economics Minister, was reported as telling his chauffeur that "he didn't object if for the time being didn't stop at Shell petrol stations". In Sweden the boycott was suggested by Environment Minister Anna Lindh... In all those countries, pollution control has become part of everyday life. Recycling and using the bottle banks and battery disposal units are second nature to most Swedes. In Holland, 80 per cent of waste is recycled".

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<sup>70</sup> Shell freezes over, Tomorrow, 1995

In the UK The Observer called on its readers to “join the boycott” on 18 June. It derided the arguments Shell used over costs, saying “During these fat years Shell has landed a windfall profit of £3billion alone from the Brent oilfield, much of it flowing through the giant, and now knackered, oil storage buoy the Brent Spar.... The argument against anything but returning the rig to a scrapyard for recycling is indefensible, even if that costs £43m, a pinprick in Shell’s profits. About 60 other platforms wait to be dumped. Brent Spar must be returned to shore and a precedent set that the polluter pays. Shell will only see sense if hit in the pocket”.

BBC disc jockey Chris Evans used his Breakfast Show to issue a call to boycott Shell, saying “Shell, if you dump that rig then we’ll dump you”.<sup>71</sup> John Vidal of The Guardian commented “How can you tell 90 million Germans religiously to sort their rubbish and not expect them to cry foul when they see a global company fly-tipping its rubbish into the sea”.<sup>72</sup>

Germany’s Chancellor Kohl told reporters at the G7 Summit in Canada who asked about sinking the ‘Spar, “my urgent advice is not to do it”.<sup>73</sup> Mr Major rejected his pleas.

A spokesman for Shell Netherlands said the Dutch President of Shell had suggested that the British Government should take the decision on whether or not to sink the Brent Spar.<sup>74</sup> On 19 June the head of Shell in Austria said that sinking the ‘Spar would be “intolerable”.<sup>75</sup>

The ‘Spar turnaround happened on 20 June 1995. Later Fay told Robert Corzine of the Financial Times, “Shell UK’s position was not untenable. But that of the group as a whole was”.<sup>76</sup> Over the weekend before, Shell had made one last systematic effort to persuade European governments of its case. Peter Duncan, beleaguered boss of Shell in Germany, had told Lloyds List on 17 June, that “It is clearly important we should take more time to fully brief all concerned of the reasons for our decision, in the hope that those governments and organisations which have criticised the disposal plan so forcefully will again consider objectively the circumstances of this particular case”.<sup>77</sup>

By July 10 the ‘Spar was in Erjford, Norway, the place where it was stored from 1974-5 after being constructed in the Netherlands, prior to being towed out to sea in 1976, and the same location proposed for dismantling the ‘Spar in the Smit Engineering study conducted for Shell in 1992 and leaked to Greenpeace during the campaign.

Shell was now in something of a cleft stick. The UK Government was, to put it mildly, extremely hostile, and DTI Ministers still wanted to see the ‘Spar dumped and themselves vindicated. On the other hand, the public and European governments were united against that. Shell had already changed its mind in public twice – first on 20 June

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71 Shell shocked, Daily Star, 21 June 1995

72 Agenda Benders, The Guardian, 22 June 1995

73 Greenpeace calls for boycott of Shell, The Scotsman, 16 June 1995

74 Greenpeace calls for boycott of Shell, The Scotsman, 16 June 1995

75 Company struggles to accept disaster, Financial Times, 21 June 1995

76 Shell and that sinking feeling, Financial Times, July 5 1997

77 Lloyds List, UK faces growing Brent Spar anger, 17 June 1995

when it turned the ‘Spar around and said it would seek a licence to dismantle it ashore, and second, the day after when it said dumping was still an option. Shell UK wanted to repair its relations with the UK Government. The rest of Shell didn’t want to the ‘Spar dumped. Chris Fay and his colleagues wanted to salvage their reputations within the company and the industry. What to do ?

Shell opted for a long and, to poorer mortals, a very expensive consultation exercise. It would play a long game and invite ideas for what to do with the ‘Spar, even though all the basic engineering to recover the ‘Spar was well established by its previous 13 options. It would involve the ‘public’ through a ‘stakeholder’ process, and Shell UK would retain control.

On September 8 Shell announced it would start a public dialogue over what to do with the ‘Spar. Shell announced it would appeal for offers through the standard oil industry practice of placing an advertisement in the Official journal of the European Communities. It soon had over 200 ideas, including one to put £50m in a numbered bank account “and we will get rid of it, no questions asked”. For UKOOA Howard Hughes told the Guardian that the sea dumping option must be retained for “dozens of huge oil platforms” in the North Sea.<sup>78</sup>

Shell held the first meeting in London in November 1996, when it had reduced the options to 30 and the second in Copenhagen in March 1997, when it had reduced the options to 11. Others were held in Rotterdam and Hamburg.

By 1997 it also emerged<sup>79</sup> that Shell was spending £15 – 20m on finding and assessing new ideas to dispose of the Brent Spar, significantly more than it had spent on trying to sink it. Shell was going much further in its new consultation than it had done with its earlier proposal to sink the ‘Spar. According to John Wybrew of Shell, it recognized that it now faced a “Sea change to the established international framework of regulatory principles and standards which underpins our ‘licence to operate’”.<sup>80</sup>

In launching its consultation over new options for the ‘Spar, Shell paid the Environment Council to arrange the public meetings and ‘dialogue’ with the environment groups and others whose views it would survey. (The Environment Council is a non governmental organisation specialising in ‘dialoguing’ and go-between exercises involving companies and environmentalists.)

Shell also retained the same team to organise its new thinking on disposal of the ‘Spar that had been responsible for concocting the dumping proposal together with the DTI officials in Aberdeen (where both Shell and DTI’s relevant staff were based). While this had - optimistically - the virtue of the old team learning new ways, it perhaps explains why the Shell post-Brent Spar process has been extremely narrow and technocratic, consistently neglecting, or rejecting ethical and social issues, or trying to deal with them

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7878 Shell taps gush of platform ideas, The Guardian, 12 October 1995

79 New Brent Spar idea -as quay extension, Energy Day, 13 March 1997

80 Jesper Grolin, Corporate Legitimacy & Risk Society - Lessons from the Brent Spar Conflict. 14th Nordic Conference on Business Studies, 14-17 August 1997, Bodø, Norway.

as purely technical sub-engineering questions.

Even the decommissioning team themselves said privately that they had learnt that you had to consult on open questions, not closed ones, and the Environment Council pronounced the old model of decide-announce-defend was redundant. Shell's actions however, still did not match its words. It had added public acceptability to its process but was still heavily technocratic in its approach.

The new Shell *wanted* to show it was a more open, consultative, listening company.

The company's directors declared it to be a changed organisation. Heinz Rothermund, Managing Director of Shell Exploration UK said the 'Spar has set a precedent in how Shell treated the public. "Brent Spar will enter history as the symbol of our failure to establish our position and connect in a meaningful way with a wider audience."<sup>81</sup>

The boss of Shell International, Cor Herkstroter said "We did not take into account the views of the public, nor signals that politicians had changed their minds"<sup>82</sup>.

Chris Fay, Chairman of Shell UK said "...we hadn't taken into account hearts and emotions, you know, where people are coming from, which is in part today's debate"<sup>83</sup> and John Wybrew, Shell UK's then Public Affairs Director said "We have constantly to earn trust and a licence to operate from the public".<sup>84</sup>

Shell also issued a Sustainable Development Brief in March 1997 stating "We at Shell believe that it is possible, and desirable, to run a profitable business without sacrificing values to profit".<sup>85</sup> In 1998 Shell set up a 'Social Accountability Unit' responsible for policy development on issues ranging from the environment to dealing with oppressive regimes.

At a Business In The Community seminar Shell executives told outsiders that many people inside Shell had "instinctive problems" with dumping the Brent Spar but rationality had prevailed. Now Shell was changing its internal consultation procedures, seeking out "alternative" types not represented in its management – including "women" and men with beards. One complained "arguing with Greenpeace is like arguing with your wife: what have facts got to do with it?".

Working with the Environment Council, the Brent Spar decommissioning team held its workshops around Europe, inviting large numbers of environment groups and others to discuss the good and the bad points of Shell's options for disposal of the 'Spar. The options were gathered from an open tendering process and whittled down from over 200 or more, to 12 or 13 and then 7 (plus dumping at sea).

Yet Shell only ever asked the so-called 'stake holders' to choose between options it

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81 'Brent Spar a gaffe says Shell chief', The Scotsman, 16 April 1997

82 'Shellman says sorry', The Economist, 10 May 1997

83 The Battle for Brent Spar, BBC, 3 September 1995

84 The Guardian, 15 September 1995

85 The Guardian, 2 December 1997

offered. It never discarded dumping at sea - although it had said on 20 June 1995 that the 'Spar would not be dumped at sea. It never offered the consultees the opportunity to say no to sea dumping and it never had the corporate courage to admit officially what some of its executives admitted privately, that the 'Spar will not be dumped at sea (and nor, some say, any other Shell facility). (John Wybrew, Shell UK director of public affairs admitted as much at a press conference in October 1995. He was reported in the Times<sup>86</sup> as saying that "the practicalities of public opinion rules it out". He subsequently left Shell.)

Shell never made a clean break with the UK Government's policy - instead, it kept it alive as the 'eighth option' in its menu on the pretext that it was the UK Government's 'approved option', even though the dumping licence based on that BPEO had expired in 1995. So Shell ended up defending the *old* UK Government policy, even when the policy changed.

It seems Shell was not prepared to upset the UK Government and risk further alienating DTI Ministers who control licensing for new exploration and lucrative tax breaks. Shell ploughed on with the UK regulatory process, even though the 'Spar had now been towed to Norway, outside UK jurisdiction (it remained a UK registered installation, covered by its own official Treaty Note between the UK and Norway). As Shell's property, the 'Spar could have been taken anywhere but because Shell UK was to sort it out, it had to be 'processed' with the UK Government.

Conveniently, Shell's timetable for its consultation extended beyond the longest possible lifetime of the then Major Government (i.e. beyond an election), but with Minister Tim Eggar in charge Shell locked itself into a process which retained dumping as an option. (Tim Eggar was formerly on the Board of Charterhouse Petroleum and after leaving the Government, became Chairman of AGIP UK and Monument Oil, and of offshore contractors Kellog.)

Even though it quickly became very obvious that almost every option being put forward and all those being short-listed by Shell were not for dumping at sea but for on-shore disposal, Shell stuck to the line that dumping was still an option. (The only new proposal for sea dumping, and one which was discarded by Shell, came from a Belgian dredging company which optimistically put forward a scheme to dredge a very large hole in a shallow part of the North Sea and put the 'Spar in that.)

To satisfy the demands of Mr Eggar, sea dumping was now elevated to the status of the "benchmark" against which others were to be assessed. In January 1997 Heinz Rothermund Managing Director of Shell Exploration UK declared that deep sea disposal had to remain an option until a better one was found, "We have to accept that the Brent Spar will accept a precedent for the disposal of offshore oil installations and we have to get it right. Not least we have to gain public acceptance".

Because sea-dumping was a benchmark, considerable claims had to be made for it. Shell was therefore drawn further into a bizarre process of trying to itemize just how environmentally sound sea dumping had been, even though it was painfully obvious from the company's own explanations and the DTI's statements *before* the 'Spar

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<sup>86</sup> Shell rules against sea disposal of Brent Spar, The Times, 19 October 1995

campaign, that the primary criterion had been cost. The BPEO prepared by Rudall Blanchard for Shell in 1994 said the environmental impacts of both deep sea and on shore disposal would be “negligible” but sea disposal was only a quarter of the cost.<sup>87</sup>

Shell was also at pains to make the whole process appear objective and “scientific”.

By first ignoring, then embracing, and then again rejecting public feelings – by going for dumping at sea, then rejecting it and then equivocating, Shell was almost turning full circle. It now tried to use “science” and pseudo-science to square the circle by changing its position while keeping it the same. It tried to make technical processes compare what simply cannot be compared, in order to avoid making an explicit ethical choice itself. Eric Faulds, in charge of decommissioning for Shell, admitted as much when he told Offshore Magazine (July 1997) that the 1997 DNV assessment was to help Shell “chose between a tonne of CO2 in the air or a worm on the seabed”. Of course it can’t do that except by making a value judgement.

Having narrowed the list of options down to seven (plus sea dumping), Shell asked DNV to compare them on a series of narrow technical criteria.

By doing this, as with its proposal-gathering process, Shell was never seen to form a view in line with its customers (the public), on the key issue of whether it is right or wrong to dump at sea. Shell *wanted* to show it had changed and it was acting on values, but it also wanted to achieve this by ignoring values and calculating the result by adding up numbers.

So despite all its elaborate consultation and new studies, Shell still missed the point and the opportunity for real change. [Shell also commissioned another study, from the Dutch based consultants at the Centre for Energy Conservation and Environmental Technology, based in Delft, who used a shadow-pricing methodology (asking people to put money values on different options) to try and assess options with a substitute form of value-based decision-making. Such methodologies are widely touted by economists as surrogates for political decision-making based on values, and are controversial as a result. At the time of writing it has not been released.]

Thus for example, the final DNV assessment of deep sea disposal and Shell’s seven onshore options shortlisted in 1997 contains no discussion of whether dumping at sea is right or wrong in principle, nor of the consequences for environmental protection of creating a sea-dumping precedent, nor of the benefits in terms of jobs and industry of an integrated (or one-off) onshore decommissioning and recycling programme. There was no ‘big picture’ from Shell.

Contrary to the impression given in much of the media coverage at the time, the 1997 DNV assessment of the Shell shortlist actually showed that even in narrowly defined terms, there were more environmental benefits of not dumping at sea. Far from being the best, the “benchmark” was the worst environmental option.

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<sup>87</sup> Brent Spar Abandonment BPEO, December 1994, Rudall Blanchard Associates, prepared for Shell Exploration & Production

ENDS magazine (274 November 1997) noted that “Shell has discovered that onshore dismantling of the Brent Spar oil storage buoy offers environmental benefits over deep sea disposal – albeit at a hefty cost penalty”. It noted “the DNV report assessed net energy balance, emissions to air, resource consumption and waste, containment of pollutants and ecological effects. All of the options except DSD (deep sea disposal) result in a net energy saving. The most energy efficient would have an energy balance around 200,000GJ better than DSD – roughly equivalent to the annual energy consumption of 1,300 people”.

This of course, was not highlighted by Shell. During the course of the ‘Spar campaign and afterwards, Shell had made much of claims that it would increase greenhouse gas emissions and use lots of energy to recycle the ‘Spar as opposed to sinking it.

For example in January 1997, before the final DNV study, Mr Faulds was unequivocal. He told Severin Carrell, Environment Correspondent of Scotland on Sunday<sup>88</sup> that rigs should be dealt with on a case by case basis and “The energy you’re going to use taking Brent Spar out of the water would be greater than the energy you’re going to save from recycling the steel”. This was wrong.

ENDS also noted that the DNV study found that deep sea disposal (dumping) “comes bottom of the table on sulphur dioxide, emitting three tonnes, while the alternatives save 4-39 tonnes” and all the options except DSD created net savings of carbon dioxide. The same was true for all but one of the alternatives on nitrogen oxides, and “the ‘Spar contains several tonnes of oily residues and sludge as well as varying amounts of other harmful substances. DNV concluded that, because of proposed precautions in the recovery options, only DSD would release liquids into the marine environment”.

Greenpeace commissioned a review of the DNV study by Engineering Consultant Paul Brindley.

Greenpeace submitted the review to the European Commission, which was by now taking up the Greenpeace-initiated project “Beyond Sparring”, looking at the future of all offshore oil and gas installations.

The Brindley review also noted that on energy efficiency, environmental impacts and other grounds, the six non-dumping options currently being assessed by Shell were all better than dumping at sea. This was *without* taking into account job creation, the principle of protecting the oceans from being used as a rubbish tip, or the further lowering of costs that would arise if the ‘Spar was integrated into a removal plan for all North Sea installations instead of being treated as a one-off.

On safety, the differences in the human risk rating for each of the options related to the amount of working time involved. The risks of on-shore recycling and re-use options were similar to a host of similar operations conducted offshore. Brindley stated that on “technical risks” it “should be noted that there is still a level of discrepancy between the level of engineering performed for Deep Sea Disposal, and the onshore options although this is significantly less than was the case in 1995. If the onshore disposal routes are

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<sup>88</sup> Oil rig row set to resurface, Scotland on Sunday, 13 January 1997

developed to a similar level as the Deep Sea Disposal option, the technical risks may be further reduced as risk mitigation strategies are developed”.

Differing levels of development of the proposals meant [DNV] that safety assessments (PLL – Potential Loss of Life) values were “uncertain by a factor of up to two”. “This could make some of the onshore disposal PLL values very similar to the Deep Sea Disposal, or could double them. Further development works could reduce the uncertainty factors and make the PLL figures firmer”. “The onshore disposal PLL values are however similar to those experienced in normal offshore construction operations and thus cannot be deemed as intolerable” – they are categorized as “small or no safety disadvantage”.

Brindley concluded that “The [DNV] assessment indicates that on shore disposal offers more environmental benefits than Deep Sea Disposal [DSD]. It also indicates that only in financial costs does the Deep Sea Disposal option offer any clear advantages over the onshore disposal options. The weighting given to this latter criterion would thus appear to be a crucial factor in the final selection on the ‘Spar disposal route”.

So in the end it came down to cost. While all offshore engineering is dangerous – and two men had died in the dismantling of the Odin platform – the industry assessed the risks as in proportion with those from other operations. Even on Shell’s value-free and narrow technical assessment, the dumping option was worse for the environment. After two years Shell was back in essentially the same position as it had been in the early 1990s.

Shell announced that it would put its final choice or choices for the ‘Spar to the UK Government in December 1997 but the end of the year came and went with no word from the company. At the time of writing, Shell has said it expects to reveal the option it will finally put to the UK Government, on 29 January 1998, or perhaps by mid February. A report in the Financial Times of 15 January 1998 announced that the Norwegian authorities had given permission for the ‘Spar to be dismantled in Norway – raising expectations that the Wood-GMC Anglo-Norwegian plan to convert the ‘Spar into a quayside at Stavanger, might be the final “solution”.<sup>89</sup> The next day the report was denied.

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<sup>89</sup> Brent Spar platform may be dismantled in Norwegian fjord, Financial Times, 15 January 1998

## 8. The Government Against Greenpeace: Backlash and Mythology

Throughout the ‘Spar campaign, the UK Government had been content to let Shell take the flak for the decision to sink the ‘Spar.

On 20 June 1995 Shell changed its mind and the UK Government, incandescent with rage, turned on both Shell and Greenpeace.

On the afternoon of 19 June 1995, the day before turnaround, Prime Minister John Major had stood up and addressed the House of Commons. He said: “ I understand that many people seem deeply upset about the decision to dispose of Brent Spar in deep water. I believe that it is the right way to dispose of it. It will be disposed of in the Atlantic, in 6,000 ft of water. It is 150 yd tall and 30 yd wide, and the proposition that it could have been taken inshore to be disposed of is incredible. Shell has my full support to dispose of it in deep water”.

Mr Major had good reason to be confident. Private arrangements had almost certainly been reached with Shell over tax deals and there were a mixture of threats and promises binding the company to UK Government policy. There were also at least two contingency plans ready to be put into operation – one by Shell, the other by the UK military for the Government – to retake the installation by force. Seldom has a Prime Minister been so decisively wrong-footed by subsequent events.

The next day at around 3.00pm Major vigorously defended the deep sea disposal plan in the Commons and told MP’s that the UK had “complied with all the requirements of the Oslo Convention” and would be taking “precisely the same” approach in future.<sup>90</sup>

Embarrassment however was winging its way towards the hapless Mr Major in the ample form of Mr Chris Fay, former rugby player and Chief Executive of Shell UK. A few hours before Chris Fay had left a Board Meeting of the Royal Dutch Shell Group in the Hague, and flown back to London. His corporate jet landed at Northolt in west London and he was driven straight to the Department of Trade and Industry in Victoria Street. There, at 4.30pm, he told Tim Eggar the news – Shell would announce within the hour that the ‘Spar would not be sunk at sea.<sup>91</sup> The meeting was later said to have been a short one. A very large chicken had come home to roost.

Much fluttering now erupted in the hen coops of Westminster and Whitehall.

John Major was handed a note with the bad news at 5.30pm. At 6.17pm the Press Association wire story went out breaking the news worldwide. Shell issued a statement saying that because it did not have the wider support of governments in the Oslo-Paris Convention, “the European companies of the Royal Dutch Shell Group find themselves in an untenable position”. It had abandoned deep sea disposal in favour of seeking a licence to dispose of the ‘Spar onshore. By 7.30pm British Ministers were threatening not to allow this.

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<sup>90</sup> Hansard, Col. 150, 20 June 1995

<sup>91</sup> Shell and that sinking feeling, Financial Times, 5 July 1997

## Reaction to Turnaround

Immediately Minister Tim Eggar went on Sky TV and denounced Shell as having “...given in to what could only be described as blackmail” he said that Shell would “have to work extremely hard” to get a licence to dispose of Brent Spar on land.

Unusually because it was Mr Eggar’s direct responsibility, Michael Heseltine also appeared. Interviewed on Channel 4 News, he defended the Prime Minister against Opposition accusations that he had been made to look foolish. “The embarrassment is for Shell. They caved in under pressure and the Prime Minister has behaved in an exemplary way. He deserved better from a major British company”. “I don’t believe you give in to these pressures,” he went on to say “you merely encourage worse pressures to develop”.

Heseltine told the FT “I believe they should have persevered. They would have received the backing of the British Government – they knew that, it was made clear to them”.<sup>92</sup> “This is entirely the responsibility of the company. They should have kept their nerve and done what they believed to be right” Heseltine told the Daily Mail.

The next day Major privately described Shell as “wimps”.<sup>93</sup> The Times reported<sup>94</sup> that Shell “would now seek permission to dispose of the Brent Spar and its oily waste on land”. Ministers were “furious”. The Daily Mirror celebrated with a front page headline “Glad Oil Over” and an editorial which declared it a “Victory for the people”.

“Shell’s decision not to sink the Brent Spar oil rig is a fantastic victory” said The Mirror. “A victory for Greenpeace, a victory for the Mirror and other newspapers which campaigned against scuppering the platform. But most of all it is a victory for the people. The people whose boycott of Shell forced it to back down”.

“The decision not to dump the Brent Spar was right” said The Guardian above its editorial. “Shell did have some arguments on its side for dumping at sea. Even so, its decision to bow to public protests and abandon this decision should be celebrated. People still count. Boycotts can still work. This is as refreshing for democracy as it is for the North Sea”.<sup>95</sup>

“Shell’s loss” declared The Independent, “is democracy’s gain”. Despite the fact that it had decided on 16 June that the ‘Spar should be dumped, the newspaper now decreed that “the decision establishes that the purity of the seas must be safeguarded”. Popular opinion “has ruled that, whatever destruction may be wrought elsewhere, the oceans cannot simply be regarded as waste disposal sinks. On this issue we have seen the

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<sup>92</sup> Heseltine attacks group for caving in to pressure, Financial Times, 21 June 1995

<sup>93</sup> Green triumph courts disaster, Sunday Times, 25 June 1995

<sup>94</sup> Shell calls off Brent Spar scuttling, The Times, 21 June 1995

<sup>95</sup> Shelling out for pollution, The Guardian, 21 June 1995

rolling back of values that have until now underpinned the “throw away” society”. For The Independent “the deciding factor” had been “the ability and willingness of ordinary people to boycott Shell products”.<sup>96</sup>

The Financial Times noted that Shell is “ultimately a federation of country-based companies and Brent Spar was so powerful an issue that it blew open the cracks in Shell’s normally carefully managed international facade”. The FT found that “although the widening consumer boycotts were not expensive in money terms, they were doing untold damage to Shell’s public image. Even the German police were refusing to use Shell petrol”.<sup>97</sup>

A Shell executive told Today that “It’s the governments that are the key. We thought we had implemented their rules but some have changed their minds”.<sup>98</sup>

The right wing media echoed the anger of Major, Heseltine and Eggar. The Express said that Shell had “run up the white flag” and that it had “caved in”. The Telegraph front page headline was “Shell caves in over dumping of Brent Spar”. According to the Express, Shell had been losing £10m a day through petrol boycotts. Shell’s U-turn was a “huge embarrassment for the Prime Minister” said The Sun, Britain’s biggest newspaper.<sup>99</sup> Chris Fay told The Sun it was “embarrassing” and it was pressure from European governments that had led to the decision. “It has nothing to do with the four people sitting on the Brent Spar” said Fay.

The Telegraph ran an editorial entitled “Green for Danger”. It declared “in this instance there was never very much doubt that Shell had the best of the argument. Greenpeace, however, had the best of the publicity, especially here in Europe where the green movement is most active”. This, said The Telegraph “is a battle environmentalists did not deserve to win”.

From Sweden, Environment Minister Anna Lindh said “marvellous – this shows it’s worth protesting”.<sup>100</sup> In Germany Environment Minister Angela Merkel declared herself “delighted”.

Frank Dobson, spokesperson for the Opposition Labour Party told the Daily Mirror “The Government have been made to look fools. They have been made to look as though they don’t care about the environment, they don’t care about public opinion – all that they wanted to do was to suck up to an oil company”.<sup>101</sup> For the UK Liberal Democrats Paddy Ashdown said “This is a victory for the general public as well as the environmental movement, and a complete humiliation for John Major”.

Greenpeace received dozens of congratulatory messages ranging from individual

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96 Shell’s loss is democracy’s gain, The Independent, 21 June 1995

97 Company struggles to accept disaster, Financial Times, 21 June 1995

98 So what, Today, 21 June 1995

99 Major over a barrel in Shell u-turn on rig, The Sun, 21 June 1995

100 Shell gives up battle for oil rig, The Guardian, 21 June 1995

101 Hezza: you cowards, Daily Mirror, 21 June 1995

members of the public to formal letters of thanks or resolutions passed by local Councils.

The Daily Mail, long-regarded as the newspaper of the wives of the Conservative Party, carried the reports most damaging to John Major. Its front page was dominated by a huge headline “Shell U Turn Sinks Major – political storm as giant oil platform heads back to Britain”. The newspaper began its report “John Major was left betrayed and humiliated last night after Shell lost its nerve”. The Daily Mail’s Comment column said: “Greenpeace’s triumph is Downing Street’s disaster... So what about Mr Major’s judgement ? Couldn’t he see what was coming ? Was the Foreign Office too dozy to warn him ? Was the President of the Board of Trade otherwise engaged ?”.

“Yet again” The Mail announced, “Britain’s hapless Prime Minister is left looking about as in control of events as a barrel of oil hurtling over Niagara Falls”.

The Mail’s news reporters found an anonymous Minister who asked “Why could he [John Major] not have adopted a more neutral stance, which would have given him the flexibility to handle the U-turn ?”<sup>102</sup>

The Sunday Express Business Eye column [25 June 1995] said of Shell “It also seems incredible that having taken all the flak, it backed down, giving the odious Greenpeace its greatest ever victory”.

The Mail on Sunday (25 June 1995) described it as a “cowardly U-turn by Shell”. The News of the World joined in on 25 June with an editorial “Shell Shocked” which trotted out the line from the Government with one or two added inaccuracies. It said “Shell loves money more than honour. The mass of expert scientific advice was to bury that rig 6,000 feet deep in the North Sea. That’s be sure protection for the environment. But when the clamour of the Greenpeace idiots hit their petrol stations, Shell caved in. Major’s rightly furious with these cowards. North Sea burial was in full accord with our international agreements ...”.

Thanks to the backing of the public, Greenpeace had achieved rather more than it realised at the time. It had stopped the ‘Spar setting a precedent within the OSPAR region, derailed the DTI’s plan to create a deep sea dump, probably overturned private deals between Shell, Esso and the UK Government, and, at the last minute, robbed the Government of its own moment of glory.

The next day John Jennings, Shell UK’s Chairman wrote to John Major regretting the position that it had placed him in. Tim Eggar wrote to Shell saying its announcement had been “discourteous to the UK Government” and adding, according to Lloyds List<sup>103</sup> “that Shell should not make any request to the UK Government over the question of the additional costs connected with onshore dismantling”. In other words, no tax break on the extra cost, and no further “cost to the taxpayer”. Chris Fay said in a letter to the Government “the company will make no request for tax allowances ... additional to those that would have been incurred under the deepwater disposal plan”. According to

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102 All at sea over rig, Daily Mail, 21 June 1995

103 Norway offers storage and dismantling for Brent Spar, Lloyds List, 22 June 1995

Nicholas Schoon of The Independent<sup>104</sup>, this meant that “Shell ... offered to pay at least £10m extra tax to the Government”. Tim Eggar later confirmed Fay’s message in Parliament.<sup>105</sup>

## **Military Involvement**

It now also emerged that not only had Shell been about to (again) storm the Brent Spar with “security officers” and police, but the Government had its own rather more dramatic plans ready to roll. Both had been nipped in the bud by the exercise of control from Shell’s executives gathered in the Netherlands.

According to the The Mail on Sunday 25 June 1995 a “secret memo” from the Ministry of Defence showed that the famous Special Boat Squadron had been poised to mount a take over of the ‘Spar. The Assistant Private Secretary to Defence Secretary Malcolm Rifkind, Commander Tim Laurence, who was also the husband of Princess Anne, had wanted “to send in troops to remove Greenpeace protestors from the Brent Spar”. According to the paper, he was, “at the centre of a secret plan” to use a “32 strong Marines team codenamed M Squadron”, to take over the Brent Spar.

Mail on Sunday journalist Christopher Leake wrote that “The Defence Ministry memo was sent on Monday [19<sup>th</sup> June] to Ministers and senior civil servants at the Departments of Trade and Industry, Environment and Agriculture and the Scottish Office” and the “team of Royal Marines led by the Special Boat Squadron was due to storm the ‘Spar on Wednesday” [21<sup>st</sup>] . However they had to be stood down when Shell reversed its decision to sink the ‘Spar on Tuesday 20<sup>th</sup>.

The marines, “trained to handle maritime hijacks” had “studied library film of the Brent Spar” and “carried out a classroom simulation of their mission”. For “several days” they “waited at RAF Benbecula, North Uist, while other military personnel visited nearby Stornoway to gather intelligence from Greenpeace supporters”. Two high speed boats were flown in but the “team’s favoured option” was to use helicopters to drop “SAS style” on to the platform by rope.

The “revelation” said Leake, “that the Government was prepared to use force in support of Shell explains for the first time why John Major reacted so furiously to the oil giant’s U-turn”.

According to a Royal Navy source speaking to The Independent, it was Michael Heseltine who first suggested that the Navy should intervene.<sup>106</sup>

Earlier events had probably predisposed the Major Government to take a punitive line against Greenpeace. In a campaign against nuclear proliferation, Greenpeace had embarrassed the Navy by successfully delaying the sea passage of a Trident nuclear submarine leaving its Scottish base in 1994, and then at Easter 1995 it mounted a peaceable “invasion” of the nuclear reprocessing plant at Sellafield. This was again in

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104 Shell offers to pay £10m extra tax for Brent Spar U-turn, The Independent, 23 June 1995

105 Hansard, Col. 935, 12 July 1995

106 Heseltine asked Navy to end Brent Spar protest, The Independent, 8 July 1995

protest at proliferation and the plant's role in producing plutonium which is shipped to the bomb making facility at Aldermaston.

At Aldermaston itself Greenpeace blocked a pipe discharging radioactive waste into the Thames. Both events received considerable and global television coverage, timed as they were on the eve of the nuclear Non Proliferation Treaty talks in New York.

As a result of the Aldermaston action, MoD Police raided the UK office of Greenpeace in May during the 'Spar campaign, seizing documents, "hoovering" computers and subsequently visiting campaigners homes and taking them to police stations for questioning over possible charges of criminal conspiracy. In 1997 the investigation was finally closed and Greenpeace's equipment was returned.

Shell had its own less militaristic plan to evict Greenpeace. In the account of The Independent on Sunday (25 June 1995): "On Tuesday [20<sup>th</sup>] Shell executives dispatched two helicopters carrying four Shell security officials, two officers from Grampian police, four engineers and crew from Aberdeen with orders to evict the four activists who had occupied the rig and then to scuttle it. ... The aircraft landed at Stornoway Airport in the Outer Hebrides to refuel. They were on the runway and about to fly to the Brent Spar when they were suddenly ordered to stop. They stood on the apron of the airport, engines running, amid tight security for two hours, before returning to Aberdeen with their mission unfulfilled".

The operation ended when Chris Fay called it off on his return from the Netherlands.

Throughout that afternoon Greenpeace had indeed been repeatedly called by eye witnesses and locals with rumours and reports – the last being that the Navy was about to use a submarine to intercept the 'Spar and storm it. Later, Mr Callum Macdonald MP for the Western Isles declared himself "worried" that "the Government was planning to use the military against peaceful environmental protestors ... thank goodness Shell changed its mind because the Government was on a very worrying collision course with a peaceful civilian demonstration".<sup>107</sup>

There was a political double edge to Heseltine's apparent defence of his boss John Major. Heseltine was in competition for leadership of the Conservative Party - here the press presented Major as wounded by the 'Spar debacle. The more damaged he looked because of the 'Spar, the weaker his chances of surviving the competition for the Tory leadership. The Daily Mail ran a banner front page headline the next day "Shell U Turn Sinks Major". An eyewitness told Greenpeace that Heseltine had actually come to the ITN Westminster studio and offered himself for interview, and then announced that 'Shell have stabbed John Major in the back'. Even before the decision, newspapers had converted the 'Spar into a political icon, The Times showing a cartoon John Major being towed out to sea to be dumped by his party, a redundant leader.

## **Government Counter-attack on Greenpeace**

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<sup>107</sup> Marines on Brent Spar standby, The Guardian, 16 July 1995

In the event Major survived the political challenge but Heseltine and Eggar tried to exact their revenge. Shell was forced to defend the 'rightness' of the Government policy; it would not be allowed to drop the idea of dumping the 'Spar. Instead, and at the very least, Shell would have to 'prove' another option was 'as good as' the sea dumping option.

Ministers parted company from reality as they looked around for some moral high ground from which to mount a counter attack on Greenpeace.

Tim Eggar developed newfound concern for the UK environment: "I am not going to imperil the UK environment just because Shell have changed their mind. I am not going to put up with pollution on shore in the UK" he told The Times.<sup>108</sup>

Eggar told the Financial Times that disposal on land would cause "very significant environmental damage".<sup>109</sup> This was strangely at odds with the Shell BPEO "Brent Spar Abandonment BPEO December 1994"<sup>110</sup> which stated (11.1.3) that the "planned operations associated with onshore dismantling and disposal would have negligible (environmental) impacts".

The fact that the UK generates some 404 million tonnes of waste a year, of which 70 million tonnes is construction and demolition waste, 75 million tonnes is commercial waste, and 2 million tonnes is "special" or particularly hazardous waste, also did not seem to worry Mr Eggar. This was the first (and last) sign that he was an anti-waste crusader.

Of all the wastes thought to be on the 'Spar, probably one of the most intractable and difficult to handle were PCBs, put by Shell at 19mls and estimated by DNV in October to be 6 – 8.5kg. In 1993-4 the UK actually *imported* some 2,224 tonnes of PCBs or PCB contaminated wastes from 11 different countries. This trade in waste is due to stop as a result of another long-running campaign by Greenpeace (one other result of which was bans on trade to non-OECD states, introduced under the Basel Convention) but far from being something which Mr Eggar had campaigned against, the Conservative Government had vigorously supported trade in such waste on the grounds that it was good business for Britain and did not threaten the environment !

In addition, the UK steel industry produces over 6 million tonnes as steel slag and blast furnace waste, and consumes nearly 3 million tonnes of domestic scrap, importing another 6 million tonnes. Overall, the consumption of ferrous wastes is some 14 million tonnes. The 'Spar weighed 14,500 tonnes, most of which was steel.

In fact Greenpeace never advocated dumping anything on land. It advocated storing the hazardous wastes and recycling and re-using the vast majority of the structure. (Subsequent studies by companies bidding for the contract to deal with the 'Spar have put recycling or re-use rates at 97% or more).

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108 Shell calls off Brent Spar scuttling, The Times, June 21 1995

109 Heseltine seeks to limit embarrassment, Financial Times, 21 June 1995

110 Randall Blanchard Associates, Prepared for Shell Expro'

This however was the beginning of spinning a new history for the ‘Spar campaign, a propaganda war in which the Government mustered what allies it could to try and re-run the campaign and win it instead of losing. The result, was a whole new mythology about the ‘Spar campaign.

The Government’s technique was now to spin the story that Greenpeace had won but by unfair means. It sought to re-run the ‘Spar campaign on grounds of its version of “science”, foreign involvement and a threat to British constitutional government. It tried to attack Greenpeace on grounds that it knew would appeal to the preconceptions of its critics, to those who felt that due process had been by-passed, and to the press and scientists who felt they had been marginalised in the high profile battle between Greenpeace and Shell.

By playing on an existing prejudice, the Government was following the first principles of propaganda. It was also creating “self validating” criticisms, in which the evidence appeared to substantiate the hypothesis because the hypothesis was constructed so as to fit “evidence” already available.

For example, the idea “Greenpeace won but failed to win on grounds of science”, can appear to be validated by Greenpeace acknowledging that it wasn’t a campaign fought on grounds of science. What this does not do of course, is to ask or answer the question of whether or not the decision ought to have been “scientific”. The trick was not to ask that but to assume it. It also added weight to any following allegation that “Greenpeace doesn’t care about science”.

So anything that could be levelled at Greenpeace on these grounds, would be.

The Government had lost the politics and lost the campaign with the public and international opinion but it now intended to win the argument that Greenpeace should not have won, particularly with the British media. To encourage them, it also attacked the media as being part of the problem, being partly responsible for allowing this wrong to have happened.

Again, it was simple to make a self-validating proposition: the Brent Spar campaign was won because there was a lot of media coverage. The media used Greenpeace footage. And was there ? Yes there was. And did they ? Yes they did. So there, that proves it.

So if it was possible to link Greenpeace and science with the media being to blame, so much the better.

Then there was the constitution. Greenpeace had offended against due process. It had to be illegitimate and undemocratic. Here the public’s hazy differentiation of what was illegal and what was illegitimate, could be used to full advantage. In reality, if “the public” thought about this at all, it generally felt that Shell’s and the Government’s actions had been illegitimate if lawful. But in the spinning of rhetoric, Greenpeace could be easily likened to other, much less acceptable illegal organisations like terrorists, by the illogical association that everything illegal was equally wrong. The Government on the other hand, could always play the defender of democracy.

Lastly there were foreigners. Many at least of the Government’s own supporters were

always willing to believe that Britain was probably right and other nations wrong. If these things could be combined, so much the better. What Britain was doing with the ‘Spar was legal within international agreements – so the other countries were, well not respecting the law. And Shell, after all, was a multinational dominated by the Dutch and so, by definition, full of foreigners. Then there were the Germans – and Greenpeace’s largest office was in Germany. And so on.

Another consequence then, of the ‘Spar victory, has been that anti-environmental propagandists have invented their own virtual version of the ‘Spar story, and used it to attack environmentalists on subjects as diverse as population and climate change.

### **The Dumping Scientists**

Amongst the parties offended by the ‘Spar campaign were a small but frequently quoted group of scientists who advocated dumping waste at sea.

One of them was Dr Tony Rice: “Sadly for me and for humanity, to be quite honest, good sense and the environment have lost. And I count myself an extreme environmentalist” said Rice, Head of Sea Floor Biology at the Institute of Oceanographic Sciences.<sup>111</sup>

“As scientists” Dr Rice said in a letter to the Sunday Times on 2 July 1995, “we are rather addicted to the truth – that is, the interpretation that best fits the available information... at the same time the deep seas deserve rather more consideration than the irrational hands-off policy of Greenpeace. In a world bursting with environmental problems, the deep oceans just might be able to help. If Greenpeace has its way we will never find out”. Dr Rice had told The Telegraph on 31 May “The Brent Spar is one of the first rigs to be dumped in this way, so we need to monitor what is going on so we can confirm our view that the impact is negligible”.<sup>112</sup>

Scientists of this persuasion had proposed using the deep ocean for sewage sludge dumping, nuclear waste dumping and a number of other “waste disposals” (currently interest focusses on dumping carbon dioxide in the deep sea, instead of preventing fossil fuel emissions in the first place).

Another who is often used by the media when “a scientist” is needed to talk about about the ‘Spar, is Dr Rice’s colleague, Dr Martin Angel<sup>113</sup>. He had been involved in work for Shell, preparing the original proposal to dump the Brent Spar. He stated shortly after the

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<sup>111</sup> Green triumph courts disaster, Sunday Times, 25 June 1995

<sup>112</sup> Daily Telegraph, Dump the rig and be damned, 31 May 1995]

<sup>113</sup> Dr Angel would like to point out that this was "a misreported statement I made during the events, that unless Shell made much more effort to address the environmental concerns being expressed, even if they succeeded in the disposal of the Spar in deep water, the oil industry would not get another chance to dispose of any further installations in the same way. It was a criticism of Shell." Also, Dr Angel would like to point out that he "was NOT involved in any work for Shell in the preparation of the original proposal to dump the Spar. I have never advised Shell directly, nor have I been paid by Shell for any services."

decision not to dump it: “It was important that the industry succeeded in dumping the Brent Spar. It failed and will not get another chance”.<sup>114</sup>

While usually claiming to be objective, and invariably presented as such by the media, their consistent argument was that the deep oceans were a good place to put waste. This was an argument which had been fought, and lost by the pro-dumpers, within the framework of the London Dumping Convention during the 1980s. Despite the amendment of the London Convention to ban the dumping of radioactive and industrial wastes at sea, there was, and there still is, as with nuclear power, a whole generation of scientists who were still deeply committed to the idea.

The deep ocean was “their” experimental environment, and they tended to resent any attempt to put it out of bounds to interesting experiments such as dumping waste and seeing what happened to it.

In the 1950s, their view had been the scientific orthodoxy. John Dunster, a leading government nuclear scientist and later a member of the ICRP [International Commission on Radiological Protection] and NRPB [National Radiological Protection Board], said in 1958: “The sea has always been regarded by coastal and seafaring people as the ideal place for dumping their waste and this is, of course, a very reasonable and proper attitude”. Dunster designed a programme of discharging plutonium from Sellafield into the Irish Sea. He said: “almost everything put into the sea is either diluted ... or broken down, or stored harmlessly on the seabed ... Not least of the attractions of the sea as a dumping ground has been the lack of administrative controls”. Indeed. Dunster described the Sellafield discharges as “part of an organised and deliberate experiment” whose aims “would have been defeated if the level of radioactivity had been kept to a minimum”.<sup>115</sup>

In this view, we must experiment to see what use could be made of the sea, and any downsides are outweighed by potential utility of the ocean as a dump site.

Dr Angel has argued<sup>116</sup> that “growing world population” will “progressively intensify the need to use the oceans as an alternative option particularly for waste disposal”. Dr Angel even sees ocean dumping as a bulwark against social disorder. “The prime need is to maintain socio-economic stability to prevent societies world-wide degenerating into anarchy”.

In October 1995 Dr Angel told the British Association for the Advancement of Science that “The deep ocean is very big and very extensive .....stuff is not going to come back. It must be the way to go.....especially when you look at the gargantuan problems of waste management that will face mankind as the population doubles in the next 50 years”. Even so, perhaps the ‘Spar site was too shallow said Dr Angel. Better to choose

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<sup>114</sup> Now let the fight for the Pacific begin, *The Observer*, 25 June 1995

<sup>115</sup> Paper by John Dunster given at the 1958 United Nations Conference in Geneva on ‘Peaceful Uses of Nuclear energy’ quoted in James Cutler and Rob Edwards, *Britain’s Nuclear Nightmare: The Shocking Truth Behind the Dangers of Nuclear Power*, Sphere books 1988

<sup>116</sup> The deep ocean – a suitable option for waste disposal ? Martin V Angel, *Marine Environmental Management Review of 1995 and Future Trends 1996*, Volume 3, Paper No 18 pp 107 – 112, ISBN 0 9522946 2 1

the Porcupine Abyssal Plain south west of Britain. “It is 4,800 meters deep and we have monitored the seabed using time lapse cameras”.<sup>117</sup> Dr Angel also reportedly proposed dumping other toxic and radioactive waste.

It is of course legitimate for Dr Angel to argue for such views but he is clearly an enthusiast of ocean dumping, not an impartial assessor who just happens to get asked about one-offs such as the Brent Spar.

Geologists E. Nisbet and C. Fowler also argued that the ‘Spar should be dumped , but dumped in deeper water on the Mid Atlantic Ridge of the North Atlantic, where its load of toxic metals would be mixed with naturally occurring metals from subsea vents.<sup>118</sup>

### **The Government Attack on the Media**

In the immediate aftermath of the ‘Spar turnaround, Ministers also turned on the media. They were also to blame. The right wing press in particular, attacked television news for relaying pictures of the ‘Spar sea actions. Senior Executives, stung by the criticism, fed it down the line until it lodged with those responsible for covering the ‘Spar campaign. Some (but not all) of them, blamed Greenpeace, and in particular Greenpeace Communications, which was the division that had supplied press information and photographs and video footage.

The news media was already unsettled by the whole campaign. The press found the whole thing very difficult to handle. It did not yield to the customary techniques of instant (or pseudo-) verification used in news journalism, where there are two opposing views and the “right answer” can be arrived at by finding an “independent expert”, or better still, polling three or more.

What, in this case was an “expert” ? Was it someone expert in removing oil installations to shore and dealing with them, or was it someone expert in dumping them ? Many of the “marine experts” found by the media were on contract to the oil industry or had received grants to study pollution or currents in the ocean designed to shore-up what had been a long standing British government policy to dump waste at sea. They sounded independent simply because they had the word “University” or “Institute” attached to their name.

And what role did expertise play ? If it was an issue of ethics and principle, informed by science and politics, then why not turn to professors of ethics, or even to politicians ? Or simply to the public. But that is not how “environmental issues” were constructed for the news media. Perhaps it is one more thing that the ‘Spar episode began to change, hastened later by BSE. As Professor John Shepherd, Chairman of the NERC Committee was to remark, not everything could be decided by “science”.

An alternative view to scientists such as Tony Rice was put on the same letters page by a correspondent who asked: “Dogma ? You claim that Greenpeace’s campaign is based not

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<sup>117</sup> Scientists call for nuclear waste to be dumped at sea, The Times, 12 September 1995

<sup>118</sup> Nature, vol 375, 2a June 715

on science. But it is an illusion that there are value-free scientific solutions to complex environmental problems. Any cost-benefit analysis involves assumptions. The assumption that the Atlantic is available as Shell's dustbin is as absurd as, for example, the potential trafficflow gains in paving over London's historic landmarks".<sup>119</sup>

This did not help the media. The media wanted an independent voice to arbitrate on what was right and wrong, and it was used to turning to "scientists" to get such pronouncements.

Nicholas Schoon, Environment Correspondent for The Independent was typical among UK London-based Environment Correspondents in initially deciding that the 'Spar 'wasn't a story'. Unlike most of the others he subsequently went on board the 'Spar and was there until he was taken off with the protestors by Shell. Afterwards Schoon pointed to one of the reasons why Greenpeace's victory came under almost immediate attack in the UK. "There was widespread questioning among the UK media, including the BBC, as to whether Greenpeace deserved to win. The suggestion was that Greenpeace had won the day thanks to the continental media, which uncritically broadcast Greenpeace's emotional appeals not to dump the Brent Spar in the Atlantic."<sup>120</sup>

Schoon's involvement highlights two other factors that encouraged vehement criticism of Greenpeace. First, people who were used to determining reality through the media, found that something which ought not to have been able to happen, had happened. Even though environment correspondents who were "experts" in their own domain had decreed that it was not an issue, the public campaign had created the largest environmental issue for years. Second, it touched a raw anti-European sore spot in the British body politic and the 'Spar got "cross over", awakening views and opinions that had very little to do with the environment and everything to do with politics, even the identity of Britain as a nation.

The 'Spar campaign exposed and perhaps widened a deep fault line in British society. The central issue was legitimacy and governance – the extent to which it is legitimate and permissible for, on the one hand, a multinational oil company to work hand in glove with the government to treat the oceans and public opinion with equal contempt, while doing so legally; and on the other, the extent to which it was acceptable or necessary that groups such as Greenpeace could, with public support, overturn such a decision.

In Scotland, the Grampian Council Public Protection Committee debated the question of costs arising from policing the operation (some £20,000). SNP Councillors wanted to charge Shell, while a Conservative Councillor wanted to charge Greenpeace. Dr Ian Oliver, the Chief Constable, declared that there was no legitimate reason to charge either, as it had been "no different to policing a demonstration in Union Street".<sup>121</sup>

Professor Maxwell Irvine, the Principal of Aberdeen University, which is richly in receipt of oil funds, launched his own foreigner conspiracy. He told students at their

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119 Letter Sunday Times 2 July 1995, Jacob von Uexkull

120 Covering itself in glory, The Independent, 5 September 1995

121 The Scotsman, 11 August 1995

graduation ceremony that the Brent Spar campaign was “the result of ignorance and one-issue campaign politics and I believe that it was sponsored by those who wished to draw attention away from the much more serious environmental issue of continental industrial pollution”. He did not emphasise the University’s role in researching the dumping option for the Brent Spar.<sup>122</sup>

Mr Stan White of Cadnam in Hampshire wrote in a letter published in *The Times* (June 24<sup>th</sup> 1995), “The Government fury at Shell for listening to common sense over their oil platform, to my mind shows once again the Government to be aloof and out of touch with the feelings of the majority of the public... The statements made by Mr Heseltine and Tim Eggar are offensive to people who believe Shell have now acted wisely. The Conservatives have lost my vote”.

Many supporters of the Government – or opponents of Greenpeace – looked wistfully at what they saw as the iron-fist approach of the French military at Moruroa. W F ‘Bill’ Deedes, former editor of the *Daily Telegraph*, saw it as a signal of national decline. Deedes headed his column “They stand, we submit” and began it “I thought France’s decision to defy world opinion and resume testing of nuclear weapons in the South Pacific ... and Shells’ decision not to dump Brent Spar in the Atlantic well illustrate what profound differences still lie below the surface of Europe”.

The Shell decision, said Deedes, “illustrates how susceptible we are becoming to the advancing “single issue” groups, and their power to take precedence over the national interest .. in fact Shell did not simply cave in to Greenpeace. It responded to our national mood”.<sup>123</sup>

If Deedes felt the British Establishment lacked confidence then a British journalist in Germany thought the ‘Spar had “given the Germans a perfect opportunity to assert themselves. They are still wary of looking too aggressive or too nationalistic, but what could be more peaceful or truly international than a campaign to save the world’s oceans from ruin at the hands of an international oil company ?”.<sup>124</sup> He felt that while Chancellor Kohl’s lobbying of John Major on the issue at the G7 Summit (it is a “piece of depravity”) had little affect, the “brilliant” German newspaper *Die Woche* celebrated the ‘Spar turnaround as “a victory for the whole of society”, under the witty headline (in English) “We Shell Overcome”.

In *The Sunday Telegraph* (25 June 1995), Matt Ridley, a relative of former Conservative Minister Nick Ridley who once said that the North Sea was “rather well looked after”, took the ‘Spar campaign as an opportunity to attack Greenpeace and foreigners both at once.

“If hypocrisy was selling for £50 a barrel, the North Sea would have been a valuable place last week” said Mr Ridley. “Top of the list of hypocrites comes Greenpeace, which decided to play silly games in wetsuits and helicopters not to save the environment but to

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122 University chief blasts Greenpeace over Brent Spar, *Scotsman*, 8 July 1995

123 *Daily Telegraph Notebook*, 26 June 1995

124 Andrew Gimson, German people power cleans up, *Sunday Telegraph*, 25 June 1995

reverse an alarming fall in their membership from nearly five million people in 1990 to fewer than three million this year”. Hypocrisy, announced Mr Ridley’s column, “poured out of Germany and Holland, which produced more lead in 10 minutes from the mouth of the Rhine than is in the Brent Spar installation...”.

But the “biggest” hypocrites he declared were the Danes, whose “industrial fishing fleet, which destructively and indiscriminately sweeps up fish that are not even destined for eating by people. The fish are fed to pigs and cows (yes cows!)” .

Strangely enough, when in the following spring Greenpeace launched a major campaign against industrial fishing, Mr Ridley was silent but the Telegraph did manage to find a cloud to wrap around the silver lining. “Greenpeace is” said the editorial, “as we report today, about to launch a campaign against overfishing of the North Sea ... Given the environmental lobby group’s recent record – including publicity stunts in the pacific during French nuclear tests, and mendacity over the ocean dumping of the Brent Spar oil platform – its belated interest in the North Sea will not be welcomed with unalloyed pleasure by respectable conservationists, for it could give a good cause a bad name”.

This was a bit rich considering Greenpeace’s long and unrivalled record of political, scientific, public and direct action campaigning against environmental abuses from drift nets to liquid waste discharges, incineration and solid waste dumping in the North Sea. “Far more welcome” said The Telegraph, were moves to change fish buying practices by Unilever. What it did not mention was the considerable role that Greenpeace had played in getting Unilever to move.

On 18 September 1995 the Evening Standard devoted an Op-ed page to “The protestors who are undermining our democracy”. Anthony Sampson wrote of “the Greenpeace campaign for which it later apologised”. It was a “militant” organisation with a “military character”.

In the newspaper columns the debate bounced backwards and forwards. In The Times, a Mr Undrill replied to a Mr Stobart on July 5. “Mr Stobart gives us dictionary definitions of “blackmail” and “piracy” he wrote, “I submit these from Collins Concise Dictionary. “Dump”: dispose of without subtlety or or proper care. “Pollute”: to contaminate as with harmful substances, to desecrate. “Recycle”: to reclaim for further use. Which is to prevail, the welfare of the planet or the cheapest option for big corporations ?”.

G Anderson, writing from Dunfermiline in Fife, told The Scotsman letter column that “If John Major, Tim Eggar et al have been left with egg on their faces over the Brent Spar, it is entirely of their own making”.

He continued: “What was said on the matter in favour of dumping, both from the floor of the Commons and from broadcasting studios, was lifted straight from the pages of Shell’s own management briefs – *North Sea abandonment – Brent Spar disposal* (February 1995) and *Decommissioning of the Brent Spar: Update* (May 1995)... When actors accept a script verbatim, they can’t then complain about a dodgy typewriter when the show’s a flop... This has not been so much a triumph of David over Goliath, as a victory for those Western European countries which have evolved “good government” can get things done. The growth of so-called single issue politics in this country is, in

political terms, the screaming of the disenfranchised”.<sup>125</sup>

Mr Anderson’s point on briefing was well illustrated by the recurring example of the worms. On 31 May the Telegraph reported Dr Tony Rice from Southampton Institute of Oceanographical Sciences as saying “some animals – mainly worms and bivalves – will be killed. But people don’t ask how many creatures – worms and so on – are killed when you build a mile of motorway or a hospital”. On 12 June The Telegraph editorial pronounced that “there is scant evidence that dumping the Brent Spar would cause more environmental problems than are caused by building a quarter mile of road”. On 20 June The Telegraph gave space to the opinion of Dr Rice under the heading “An Independent View”. The impact of dumping the ‘Spar “would be equivalent to the number [of worms] killed by the building of a hospital or a quarter of a mile of road” said Dr Rice. Then in July, Government Minister Tim Eggar declared that sinking the ‘Spar would only have killed as many “Atlantic deep sea worms” as would be due to the laying of a quarter of a mile of motorway.<sup>126</sup>

### **Oil Mistake**

In August and September, as most of Greenpeace’s exhausted campaigners were on holiday or engaged in the struggle with the French military over nuclear testing in the Pacific, events conspired to create the perfect opportunity for the organisation’s critics to bash Greenpeace over the ‘Spar campaign.

On August 1 the international maritime certification company DNV began work for Shell, checking the contents of the ‘Spar, at its Norwegian mooring.

A sub-plot of the ‘Spar campaign had focussed on the contents of the facility. Because the ‘Spar was essentially a storage tank, and as the Dobson papers and the leaked MAFF memo showed, there was considerable concern both in government and elsewhere that it contained toxic residues that would be released into the environment. From day one Greenpeace had based its campaign information about the ‘Spar’s contents on the “inventory” compiled by Shell for the BPEO, and pointed out that as well as steel, asbestos and radioactive scale (concentrated from natural radiation as scale on pipe walls by pumping seawater) the ‘Spar contained heavy metals and organic pollutants that were banned or restricted from being dumped as industrial waste. Greenpeace had consistently complained that there was no proper independent verification of what was actually in the ‘Spar. However, in May it had also, fatefully, taken a few samples of its own to see what was in the tanks of the ‘Spar.

As Jesper Grolin of Copenhagen Business School commented, “The narrow, case-by-case framing of the problem by Shell and the British government was, however, not without power in the public debate, and it created problems for Greenpeace. For while Greenpeace’s was trying, as its main point, to communicate the inadequacy of this narrow official framing, the organisation was at the same time forced to launch and justify its campaign by challenging the deep water disposal option presented by Shell. It led to a double-track campaign that nearly went wrong for Greenpeace”.

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<sup>125</sup> Scotsman, 26 June 1995

<sup>126</sup> Marines on Brent Spar standby, Guardian 16 July 1995

In addition to the oil and the inventory, Greenpeace had been approached by an ex Shell worker who said that the 'Spar contained toxic chemicals entombed in concrete, somewhere in its structure. Such rumours abounded in the oil industry because it was said to be common practice for the interiors of platform legs or other convenient structures to be used to dispose of waste chemicals such as the highly toxic additives used as biocides in drilling muds, mostly to prevent the build up of bacteria which released corrosive sulphur compounds.

Greenpeace asked the ex-worker to put his evidence down in writing as a sworn affidavit, which he did, and then forwarded it to the DOE and other Departments. Shell, not surprisingly denied that there was any such waste on board the 'Spar.

In the event, when DNV made an inventory of the contents of the 'Spar, nothing was found, although it is a vast structure and it is possible that it was removed or even overlooked.

The ex worker failed to turn up to accompany DNV and in DNV's report released in October 1995, it concluded<sup>127</sup> "toxic waste allegations – found no indications that toxic materials have been hidden on Brent Spar ... virtually impossible that any operation as described has ever taken place". This referred to the "affiant" – the worker who had signed the affidavit, not to Greenpeace but this later apparently became the source of an often repeated media criticism that Greenpeace had "admitted" it had made wrong claims about toxic waste.

(In 1997 Greenpeace was in fact contacted by an offshore company to ask what to do with their waste in a different installation, which had been used as a convenient garbage store. It seems likely that this is, indeed, a serious problem).

Sampling on the 'Spar had shown oil in the vast tanks. In May Greenpeace had dropped a crude probe down a vent pipe and found a certain depth of oil, from which it later calculated that up to 5000 tonnes could still be inside. Greenpeace told Shell, the Government and, on 16 June, the UK media.

At the time the oil estimate went almost completely unreported in the press.

Between the release of the estimate on the afternoon of 16 June and the final decision to turnaround on 20 June, there was heavy press coverage of the 'Spar campaign. For example, stories on the 'Spar were run in The Guardian (17th two articles, 20th), The Telegraph (17 three articles, 19), The Independent (17, 19, 20), the Daily Mirror (17, 20), The Evening Standard (20), The Times (17 two articles, 18, 20 (three articles)), The People (18), Independent on Sunday (18), The Observer (18), Sunday Express (18 two articles), Scotland on Sunday (18 two articles), Sunday Times (18), Today (17), Financial Times (17, 19, 20 (two articles)), Daily Mail (17), the Scotsman (17 two articles) and The Express (17, 20), *none* of which even mentioned it.

Several mentioned the official estimate and Greenpeace's earlier figure of 100 tonnes of "oily sludge" was reported in FT on 20<sup>th</sup> and in The Independent on Sunday on 18th.

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<sup>127</sup> DNV Press Release, 18 October 1995

Instead the coverage focussed on the campaign in various countries, the arguments between Major and Kohl, the actions at sea, the leaked MAFF memo on toxicity, costs, politics, the boycotts and John Major's statements to the 'Commons. Greenpeace had used the 100 tonnes figure consistently, from its first boarding of the 'Spar on April 30.

The oil estimate got small mentions in The Telegraph on 20<sup>th</sup> and in the Sunday Telegraph on 18<sup>th</sup>, neither of which used it as the lead to the story. While the Mail and Today both mentioned the estimate on 21 June, otherwise it went unremarked when the turnaround was announced, despite whole pages of coverage.

As well as receiving almost no publicity, the wrong oil estimate came too late to affect the public boycotts, Chancellor Kohl's lobbying of John Major at the G7, the political decisions at the North Sea Ministers or OSCOM or any of the other key parts of the campaign.

On the other hand it created a stir inside the UK Government. The DOE had demanded answers from MAFF which asked SOAFD. SOAFD asked Shell. Shell couldn't answer. For a while, with the 'Spar being towed ever closer to its intended dumping ground, and with DTI trying to persuade the police and military to intervene, SOAFD began to actively consider cancelling the licence. It was reported that after the turnaround: "Ministers at first assumed that the plan had been scrapped because the rig was carrying more oil and toxic chemicals than the company had admitted. Only the day before (19<sup>th</sup> June) the Scottish Office had questioned Shell over Greenpeace allegations to this effect, though it now says it was satisfied by the response".<sup>128</sup>

Unbeknown to Greenpeace in 1995, the Government had also sent an inspector onto the 'Spar after the initial Greenpeace occupation and before the tow started, to investigate Shell's claims about the contents. Right at the end of his report (6 June 1995) which became available only in the Dobson papers of 1996, he wrote "The internals of the storage tanks were not checked as at present they are full of seawater and the effort involved in checking them would be considerable". The Government had to rely on Shell for its information.

While neither the quantitative argument about the waste nor the oil had played any real part in the public furore over the 'Spar's proposed sinking (the oil data was not even released to the press in Germany until 18 June for example), it had loomed large in the debate inside Whitehall. The DNV study commissioned by Shell was done to appease a sceptical UK Government as much as anything else.

DNV contacted Greenpeace in August and by September it became clear how the Greenpeace sample error had occurred. Dismayed at having made a mistake, Greenpeace immediately decided to put the record straight and Peter Melchett, Executive Director of Greenpeace UK, wrote to Shell on 4 September apologising for the error.

The Times reported "A Greenpeace spokesman said: "They (DNV) asked us how the tests were done because they said the samples were unlikely to have come from the oil storage tank. So we scratched our heads and realised a human error had been made".

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<sup>128</sup> Shell helicopters were on the way to storm Brent Spar, Independent on Sunday, 25 June 1995

The group discovered that it must have dipped a ventilation shaft running down the oil storage tank rather than the tank itself, invalidating calculations about the quantity of oil remaining.”<sup>129</sup> “We didn’t take account of the length of the vent pipes” said Dr Sue Mayer of Greenpeace to The Independent, “we regret it”.

The announcement of Greenpeace’s mistake reinvigorated the debate about the ‘Spar. The political effect of the announcement of Greenpeace’s mistake was magnified by the fact that it almost coincided with the first of France’s nuclear tests in the Pacific at the beginning of September. For example, right after the first test, French TV viewers saw their Defence Minister Charles Millon talking of the contents of the Brent Spar as part of a list of justification arguments he was using in support of the nuclear testing programme!

Now Tim Eggar and his supporters had a stick to beat Greenpeace with. Tim Eggar said “I always said [Greenpeace’s] wild allegations were not based on fact. This proves it”. “Greenpeace claims it is acting responsibly by admitting its mistake. It only did so because it knew it would be found out”.<sup>130</sup> Eggar said that the oil error was one of “a series of wild allegations” designed to “con the politicians and public of the UK and Europe”.

Honesty left Greenpeace scarred but with the public, generally more popular. Callers rang the UK office saying how gratifying it was to see an organisation which could admit a mistake - unlike the media and politicians. The Independent spoke for most of the public with an editorial headed “Better to Blunder than to Lie”. But much of the rest of the UK press poured bile on Greenpeace. “Lies” said the Daily Telegraph business column. Hardly a lie, correcting a mistake!

The Express ran a story entitled “Dark side of Greenpeace do-gooders” under the heading “DAILY EXPRESS - Asking The Straight Questions”. The journalist wrote that “Greenpeace has an ocean going navy larger than some countries”. In fact Greenpeace has never had more than half a dozen ships and at the time of the ‘Spar, most of the campaign was conducted with just the diminutive ex fishing trawler the Moby Dick and the part time assistance of a local fishing boat from Lerwick acting as a ferry. As the ‘Spar was followed to its putative dump site Greenpeace had two ships in the area while Shell mustered a considerable fleet.

The Daily Mail elevated the oil estimate to a headline “Minor Mistake Which Tipped The Balance”<sup>131</sup>

Shell’s Chief Executive Chris Fay said both that “We respect Greenpeace for admitting the mistake” and, separately, at the Offshore Europe Conference in Aberdeen faithfully echoed Mr Eggar: “are we [to be] driven by campaigns based on publicity stunts and wild, unsubstantiated allegations ?”.<sup>132</sup>

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129 Minister attacks Greenpeace over Brent Spar error, The Times, 6 September 1995

130 The Times, 6 September 1995

131 Daily Mail, 6 September 1995

132 Shell chief attacks Greenpeace over Brent Spar, The Scotsman, 6 September 1995



(72%) thought Shell should not have tried to sink the ‘Spar (24% thought it should). This was a slight hardening of attitude in Greenpeace’s favour (in 1995 it was 58% to 33%).

In the 1996 poll this was also unaffected by the "apology (on 5 September 1995)" (68% opposing to 28% favouring sea disposal when asked to think back to their view before Greenpeace’s ‘apology’), which was again, a slight move in favour of the Greenpeace position (1995 was 58% to 29%).

According to British Environment Correspondents at least, the oil mistake and apology did not appear to alter their views, and if anything, support amongst them for the Greenpeace case had increased in the year after the campaign.

While no Environment Journalist was unfavourable to Greenpeace in 1996, of course attitudes of editors were another matter. MORI’s biennial survey of Editors, conducted among 34 broadcasting and newspaper editors in October-November 1996 found, perhaps unsurprisingly, that Greenpeace generated significantly more “unfavourable” impressions than other environmental NGOs measured. 43% of editors had a “mainly favourable or very favourable” view of Greenpeace, while 23% had a very or mainly unfavourable impression. MORI found that “one commentator spoke spontaneously about the past legacy of Greenpeace campaigns” saying “our relationship is very difficult and very tense; (Greenpeace) manipulated (us) and the agenda; we felt bounced quite significantly over Brent Spar, they were very restrictive over Mururoa Atoll. We felt manipulated and could not put our own journalism into it. We have been very cautious since then”.

Public relations experts and journalists were divided as to whether Greenpeace had done itself good or harm by making an apology over the oil estimate.

Campaign magazine surveyed opinion on 15 September 1995. Alison Clark of Environmental Communication found “the apology has absolutely enhanced Greenpeace’s reputation. It is demonstrating a belief that it thinks the truth is paramount”. Roger Hayes of British Nuclear Industry Forum said “Greenpeace scored a victory over Brent Spar and will continue to grow as it is prepared to oversimplify complex issues to get the broader message across.” Andrew Searle of UKOOA hoped that “perhaps there are other questions that won’t stand up to closer evaluation” and felt it had “not enhanced” Greenpeace’s reputation.

Paul Davidson of Countrywide Communication decided that “in the short term its reputation with the media has been damaged. However in the long run Greenpeace deals with highly emotive issues that concern people, such as the nuclear industry, so the newspapers will continue to take an interest”. Mike Seymour from Burson-Marsteller stated “Greenpeace’s reputation will be partially damaged in the short term but people will be more sympathetic with it saying “we got it wrong” than if the mistake was

		Nov 95	Nov 96		Oct 95	Oct/Nov 96
		%	%		%	%
137	Yes, should have sunk it	29	28		33	24
	No, should not have sunk it	58	68		58	72

deliberately hidden". At Hall Harrison Cowley, David Heal commented "By confessing, it has maintained its integrity. The media will always like Greenpeace. It has the resources to investigate where the media doesn't and its campaigns make good television".

Scotland on Sunday's Diplomatic Editor Trevor Royle and Home Affairs Correspondent Denis Campbell wrote [10 September 1995] that it "gave the impression that the group had contrived to snatch defeat from the jaws of victory, at least in terms of the vital media battle".

The Guardian fell back on the need for "independent experts" to decide the issue. It recalled that "as we noted in June, almost all independent experts contacted by reporters regarded the proposed burial at sea as the best – or least bad – solution for the Brent Spar. It was not going to be sunk in shallow water but towed 150 miles out to West of the Hebrides. There, according to the majority of marine experts, the floating tank could be sunk without anything like the damage which would be caused by dismantling the structure disposed of on land".<sup>138</sup>

By now the media and Ministers had developed an elaborate new mythology for the 'Spar. Lloyds List reported on 7 September that Tim Eggar seized on the oil figure to announce that it was "one of a series of mistakes" made by Greenpeace, including questioning the "extremely detailed inventory of the 'Spar's contents... containing hundreds of individual items, down to the last lightbulb". In fact, when the DNV assessment was published a month later, it initially estimated many times as much PCBs as had Shell – mainly because of PCBs thought to be in capacitors for old fluorescent light fittings.

The media mostly settled for the judgement that Greenpeace had been 'courageous but wrong'.

It was no longer interested in whether the Government or Shell was wrong, or whether the "independent" experts it had pulled from contact books in the heat of the campaign weren't, on closer examination, quite so independent as it made out. Greenpeace had apologised for the whole campaign. It had deliberately lied about the toxic waste and the oil. The campaign had been run on the basis of lies about the 'Spar's contents. Greenpeace had advocated disposing of the 'Spar by dumping it on land. Shell and the Government had the science "right"; scientists supported the dumping option, rather than recycling. In any case recycling would use more energy than it would save.

None of this was true but it made a good story.

The Times' editorial 'Grow Up Greenpeace' of 6 September 1995 was a good example. The consumer boycott "depended on a flawed scientific analysis" said The Times. This was simply untrue. The boycott happened before anyone knew about the oil estimate.

When evidence emerged that ran counter to this mythology, it was often ignored or turned on its head.

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<sup>138</sup> A flotilla of difficult questions, 7 September 1995

A few days after the Guardian editorial Drs John Gage and John Gordon of the Scottish Association for Marine Science – the only scientists who actually did conduct long term studies of the proposed dump site environment – publicly took issue with Shell and the Government’s case. “Reports produced for Shell UK and published in leaflets given out to customers at Shell service stations” noted Gordon and Gage, had been described by Shell as the results of “three years of scrupulous analysis” but actually the science was out of date. Shell’s claims that the area where they wanted to dump the ‘Spar was of low biological diversity would, said the scientists, have been “reasonable 15 or 20 years ago” but today “we know just enough about the ocean to think differently”.<sup>139</sup> The area was in fact one of “astonishing biodiversity”.

Such reports got very little coverage and made no headlines.

Similarly, when the NERC committee supported the key points of the Greenpeace case, it was mainly left to the technical journal ENDS to point out that this had happened. The Telegraph ran a very short piece headed “Brent Spar dumping site not ideal”. It noted that the NERC report “vindicates many criticisms by Greenpeace last year of the Government’s secretive policy of sea disposal for large oil installations”.<sup>140</sup>

When the DNV analysis of the ‘Spar’s contents was published, the same thing happened. The FT coverage was headlined “Inspectors back Shell’s claim on Brent Spar”<sup>141</sup> although The Independent’s coverage of the same report was headed “Glaring error on Brent Spar toxic waste”. The Independent referred to the 400-fold greater estimate of PCBs identified by DNV (as opposed to Shell’s estimate). The FT noted that Shell’s estimate of oil was 53 tonnes while DNV put it at 75-100 tonnes.

Shell had got it wrong but the media didn’t jump about attacking Shell, because it had already decided – egged on by Mr Eggar – that Greenpeace was the one that made mistakes. Later, DNV abandoned its estimate of PCBs after more careful checks. So DNV had made mistakes too – overestimating PCBs by hundreds of times. But DNV didn’t apologise and they were ‘the experts’. None of the media accused them of ‘lying’.

## **Government and the Broadcast Media**

Overall much coverage in the *print* media was balanced although mainly because it veered from supporting one side to the other. However leader writers, editors and columnists tended strongly towards criticising Greenpeace even when developments were actually going its way. It was in television and BBC radio that events took their strangest turns.

After the ‘Spar turnaround it was rumoured that Ministers rang around television bosses and gave them a roasting for “their part” in the Greenpeace campaign. One well informed source, who like others will not be named, says that both senior executives of BBC and ITN (including Channel 4) were called up by Ministers and tackled over the use of Greenpeace footage. “There was a discrepancy over what they thought was happening and what was happening on the ground – the executives didn’t realise, or

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139 Scotland on Sunday, 10 September 1995

140 Daily Telegraph, 23 May 1995

141 Financial Times, 19 October 1995

claimed not to realise, that TV was accepting footage it had not shot”.

Whatever actually happened, the BBC in particular certainly behaved as if it had something to atone for and a major debate erupted within television over the use of Video News Releases (VNRs - see below). There is absolutely no doubt that Heseltine and Eggar blamed television as Greenpeace accomplices and that the Number 10 briefing machinery was cranked up to supply the line required, as evidenced by the spate of almost identical editorials.

Attacks from the Government came at a peculiarly sensitive moment for the terrestrial broadcasters. The BBC is of course dependent on Government for the Licence Fee, and the Government appoints the Board of Governors. As a result it makes much of its independence. But at the time of the ‘Spar Government was also making critical decisions on access to the airwaves for competitors to BBC and ITV. Television was undergoing unsettling technological changes, budgets were under pressure and being cut, and the industry as a whole was in a state of confusion.

By coincidence, the apology for the oil mistake came at almost the same moment as the Edinburgh TV Festival was staging a debate about the coverage of the ‘Spar. What had been vague questionings by print journalists and invective against the media by angry Ministers was now converted into precise cries of ‘foul’ from BBC and ITN.

None of the criticisms focussed on specific evidence that Greenpeace had lied or misrepresented anything. That was taken as read. Their thrust was that, just as Mr Eggar and Mr Heseltine had claimed, the media had been coopted into misleading the public and governments. What was new was that the TV news executives now provided an explanation of *how* this supposed deception had happened.

Essentially it was that they were not there on the spot and so they used Greenpeace video footage. This was of course partly true, and if you *assumed* that there had been deception, then it *appeared* to be evidence for, or proof of that.

It also played on a highly sensitive issue inside the media. News budgets were being cut or under pressure. BBC and ITN were seeing a move away from their traditional, staff-heavy operations with newsrooms full of journalists, secretaries, specialists, regional staff and crews of three or four (for some years often with a technically redundant sound or lighting man alongside a camera operator who could now do everything her or himself), towards the low-cost, high pressure low-staff operations favoured by the new satellite channels. For the BBC to cover something, a crew of three or more might have to be sent. For Sky, it might be just two (and for some channels, one).

Cost was a major factor in determining what got covered and what didn’t. To go on a Greenpeace ship or to join the occupation of the ‘Spar and be on the spot, meant that a news editor had to assign an expensive crew with no good idea of when they might be back, or whether anything ‘newsworthy’ would happen.

This also created arguments with the media over joining Greenpeace’s operations at Moruroa. There the media were to hire their own ship (through the European Broadcasting Union) but when they failed to do so, there was a competition to get on the Greenpeace vessels. Channel 4 got a reporter but not a cameraman. Hence it had to use

footage shot by the Greenpeace camera. Greenpeace hires accredited news camera operators to shoot its video, both for safety reasons and to supply to news organisations. These are often the same people who are hired by ITN or BBC on other occasions.

ITN and BBC also dislike having to share footage or resources. Understandably so as they are competitors. And to cap it all, there was already a long running dispute inside the TV news media about VNRs. These are video press releases, not actually used very much at all by Greenpeace which tends instead to offer much rawer footage but a favourite device of commercial companies and the Government who are often keen to avoid a reporter putting unexpected or embarrassing questions to their interviewee, or where they want for some reason to restrict filming. Of course using VNRs or other material generated outside the station has two effects. It reduces the ability of the news media to be independent. But it also reduces cost and reduces the need to employ their own camera crews. So within television, on all these issues, journalists and executives often have different and conflicting interests.

So when BBC and ITN attacked Greenpeace over news gathering, there was an element of self-service in some of the media debate.

The BBC was invited to go on board the Brent Spar when it was at anchor and under occupation but they refused. Both BBC and ITN journalists told Greenpeace that their organisations had received legal threats from Shell that were explicit enough to deter their bosses. Sky TV and German TV companies in contrast did send crews, and were notably absent from the subsequent media furore.

Richard Sambrook, at the time Head of News Gathering at the BBC, told the Edinburgh Television Festival that Greenpeace “could outspend television companies in shooting footage of its protests”<sup>142</sup> and commented “this particular David isn’t armed with a slingshot so much as an AK47”.

There is little more than a grain of truth in what Sambrook said. Of course the BBC’s news gathering budget is vastly larger than Greenpeace’s entire communications budget – Greenpeace has a peashooter in comparison to the BBC’s vast armoury of equipment and staff - but the BBC does have to cover everything, not just environmental campaigns. Nevertheless, the BBC and ITN devote minute resources to doing so. When Greenpeace first boarded the ‘Spar in May 1995, the only London-based British mainstream media outlet to take a close interest was the Daily Mirror, which sent along its reporter Jeremy Armstrong.

David Lloyd, senior commissioning editor of Channel 4’s News and Current Affairs said at the Edinburgh TV Festival “On Brent Spar we were bounced. This matters – we all took great pains to represent Shell’s side of the argument. By the time the broadcasters had tried to intervene on the scientific analysis, the story had been spun far, far into Greenpeace’s direction... When we attempted to pull the story back, the pictures provided to us showed plucky helicopters riding a fusillade of water cannons. Try and write the analytical science into that to the advantage of the words”.

Yet what was Lloyd saying except that he gave too little attention to the issue too late ?

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<sup>142</sup> Financial Times, 6 September 1995

When television editors cover much more dramatic events such as wars, they do not simply show the fighting, they analyse the politics and the background, the reasons and the underlying causes. Here he was blaming the drama of the events for being dramatic, while failing to explain why Channel 4 had devoted so little effort to the analysis. Moreover, he clearly saw “analysis” as meaning just “science” – with no mention of economics or the industrial politics which were at the real heart of the issue.

Sambrook said “It was our own fault, the media’s fault. We never put enough distance between ourselves and the participants. I’m left feeling Greenpeace was pulling us by the nose”. But there was in one way too much distance – the BBC was not on the spot. In another way it relied too much on Greenpeace and Shell – it did too little, too late, to get into the industrial politics that lay behind the ‘Spar confrontation.

Speaking to The Independent, Quentin Bell, head of the Question Bell Organisation and chairman of the Public Relations Consultants Organisation said of the complaints by the BBC and Channel 4 “I think that’s disgraceful. The media were joyful in taking the angle they did at the time of the Brent Spar, and now they are pontificating saying ‘How terrible’. They played the game and then they moan about it afterwards.”<sup>143</sup>

In the latter stages of the ‘Spar campaign when the structure was under tow, Greenpeace again had two then four campaigners on board and this time the BBC was represented on one of two Greenpeace ships shadowing the Shell convoy amidst the photogenic firehoses which Shell memorably directed at a Greenpeace helicopter. In the Edinburgh debate Craig Anderson the BBC correspondent concerned, pronounced himself satisfied that he could report objectively by telling his studio “I saw this with my own eyes – I did not see that”. But there was still no BBC camera on board and that left the company open to the charge that it was using Greenpeace footage, as indeed it did (and usually labelled it on screen).

Once the news editors decide that a story has to be just so, then reality may make little impact upon it. Anderson, who was the BBC’s man on the Altair recalled being in Northern Ireland when his editors back in London had decided that everything was to be contested and described as a “claim” rather than a fact. He called with a report of a bomb blast. “Who’s saying this ?” asked the editor. “I’m saying it” he replied. “Yes but *who’s* saying it ?” persisted the editor – meaning the IRA, the Army, the UVF ... “No I am saying it – I saw it” he said. But that was no good. The incident had to be part of one side’s claim or the other.

It is widely and privately acknowledged that this was part of the problem: the BBC was not there, so it had to rely on Greenpeace footage. This was their own fault but it is an unpalatable truth. It is poor journalism not to be on the spot to record actuality, and it is professionally embarrassing if you make a mistake in evaluating the interest in a story and, or, you don’t have the resources to send a crew.

After the Edinburgh TV festival the BBC told the Financial Times<sup>144</sup> that “We suppose to a certain extent we illustrated at Edinburgh that there was an attempt to manipulate a

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143 Covering itself in glory, The Independent, 5 September 1995

144 Financial Times, 6 September 1995

situation by Greenpeace. They've now admitted to a situation which demonstrates how important it is for the media to test the veracity of what any organisation declares or states".

So the error over the oil, which Greenpeace freely admitted to, was used to try and cement an argument that the televisual media had been misled. The implication was that – somehow – what the pictures showed during the course of the occupation and the tow of the 'Spar, essentially misrepresented the reality. But how ?

It was certainly not the mistake over the oil – which was a mistake and not a manipulation of data or an invention.

The only specific incident where footage seems to have been in dispute arose on 10 June when Greenpeace activists involved in an attempt to stop Shell beginning the towing of the 'Spar were on a liferaft near the foot of the 'Spar and a Shell RIB (a hard bottomed inflatable) ran onto the raft. Those on it accused Shell of trying to sink them, Shell said it was trying to "rescue" them.

It seems that it was at this point that Shell may have started making an issue of the fact that it was Greenpeace footage that the BBC and others were using. As it happens Shell was also filming everything itself but did not release its film.

Greenpeace wrote that "the media got drunk on the drama of the Brent Spar story and now they blame us for the hangover".<sup>145</sup>

Dr Greg Philo of the Glasgow University Mass Media Unit commented: "TV News Executives are apparently horrified that Greenpeace supplied video material to them on their campaign over the Brent Spar. But for years now defence contractors, drug companies and other vested interests have supplied video news releases directly to television news.... Her Majesty's Government has also dipped its toe in the waters of achieving favourable media coverage by spending money. In the 1980s it became the biggest spender on advertising in the country ... TV news featured political advertising like marines climbing down the side of BP to give its share sale price. All this passed without mention by TV executives until Greenpeace and the Brent Spar. Could this be because HMG does not approve of the organisation and the coverage it received ?"<sup>146</sup>

The media controversy was fanned enthusiastically by the Government and its supporters in the print press. In January 1997 as the Shell longlist of options was published, a column in the Daily Telegraph huffed that "One solution definitely not on the list, because it is far too sensibly is to sink the wretched thing in the North Atlantic. For younger readers this is what Shell (with the full agreement of its low-profile partner Esso) wanted to do before the combination of Greenpeace's lies and News at Ten's gullibility effectively sank the scheme".<sup>147</sup>

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<sup>145</sup> Brent Spar Hangover, The Independent, 29 August 1995

<sup>146</sup> Letter to The Guardian, 29 August 1995

<sup>147</sup> New role surfaces for Brent Spar, Daily Telegraph, 14 January 1997

The ramifications of the debacle over BBC and ITN's coverage have lasted to this day.

At the 1997 World News Conference in Berlin, TV anchorman Peter Snow chaired a debate on "Second Hand News". An ITN man taking part in an "expert panel" denied that ITN used any VNRs. In fact, as others pointed out, ITN jointly owns a company CTN (Corporate Television News) which makes VNRs and is based in its own building in Grays Inn Road, London. CTN's other owner is the world's largest PR company, Burson Marsteller, which says, not surprisingly "our starting point is the desired business result ... we are not interested in communicating for its own sake". CTN is among the "support services" BM cites in helping achieve this goal.

Set up in 1992, CTN says "leads in this new world of corporate communications". It has "satellite delivered business television" and "award winning corporate video". It "primary task is in the production of tailored television in servicing our clients varied communication needs". CTN says "we are backed by ITN, one of the world's leading television organisations and Burson-Marsteller, the world's largest communications agency. Through our parent companies CTN is able to draw on extensive resources and expertise, unrivalled in the corporate production sector".

Among the clients of CTN are Shell. "When Shell needs camera crews, from Peru to Oman, they call Shell" says CTN's website. CTN is "reporting on key breakthrough projects" for Shell's "various operations" on five continents.

CTN points out that its location in the ITN building is also shared with Reuters and ITV Network Centre, as well as the European newspaper. "From here we produce the majority of our corporate programmes. Our production teams employ many state of the art television facilities, including six studios, sophisticated computer graphics, dedicated editing, post production and privileged access to ITN's archive". Among CTN's Business TV clients are Sainsbury's, British Airways, ICI and HM Customs and Excise.

Similarly, the BBC has recently carried VNRs from WWF produced by World Television and Worldwide Television News (WTN) produces a weekly programme for the UK Foreign Office. The UK DETR is another major user of corporate television productions. Other major producers are Medialink Worldwide and Bulletin.

CTN's leading staff include a former editor of the One O Clock ITN News and News at Ten, the former features editor of Channel 4 News, the former editor of Panorama and the Money Programme, and a former director for News at Ten and Channel 4 News. It services Burson Marsteller's BM-TV which "is also available for use by B-M and CTN's clients. Whether for a pan-European press briefing, electronic roadshow, product launch or announcement ..."

One TV professional commented "the situation now is that tv news uses these things as it has done for years – in fact it has to because budgets and time are constantly squeezed – but it is frightened to admit to it". In the UK the impending launch of digital channels controlled by Rupert Murdoch's News International corporation is likely to increase such pressures. Other programming is increasingly sponsored or co-produced with commercial interests but news is held up as the flagship operation and cannot be seen to be sponsored. VNRs or use of other outside material are a disguised form of

sponsorship because they cut costs in staffing, time and travel in getting and screening a story.

It is however widely stated in the media that the result has been simply to make the media more careful to scrutinize the claims of environmental organisations. A less noble result seems to have been that at least some people in the media now see it as their role to attack everything that is said in favour of an environmental campaign, where possible to ignore protests or actions on the grounds that they are “for publicity”, and to compensate for past gullibility by simple prejudice against Greenpeace and other groups.

In June 1997 BBC Wildlife Magazine reported<sup>148</sup> that C4 News used footage shot on an investigation of illegal bear-baiting in Pakistan by the World Society for the Protection of Animals but presented it as its own. When WSPA complained “C4 told him they used to credit environmental groups until Greenpeace gave them duff data during the Brent Spar saga”. The magazine commented “as C4 do credit groups such as Oxfam this raises the question of whether environmental groups are being given special ‘unfavourable’ status”.

Perhaps the real lessons ought to have been that the BBC and others should be on the spot if they want to report accurately, and to devote sufficient resources to understanding the background to an issue if they want to explain it properly.

Testing claims would indeed be good journalism, and it is a shame that the BBC very rarely investigates what it is told by the Government or major companies, as evidenced by its coverage of the Brent Spar. But this is not what has happened since the ‘Spar campaign in the BBC. Instead of testing any claim Greenpeace makes it tends to raise the issue of the ‘Spar to cast doubt on a claim or a statement *without* testing it. It is as if the BBC feels it has to make up for transmitting the footage of the ‘Spar campaign by repeatedly attacking Greenpeace for it. This is more what one might expect of the Government than a news organisation, after all, the campaign was run against Shell and the UK Government, not the BBC.

Attacking or disbelieving Greenpeace seems to have become a cultural more in parts the BBC ranging from the Today Programme to Religious Affairs, to the extent that the organisation saw little need to be accurate or to apologise for its own mistakes.

One side-effect of the ‘Spar campaign therefore seems to have been to encourage a culture of political correctness inside the BBC, which involves positive discrimination against environmental campaigns. Some BBC staff have told Greenpeace that they have seen memos outlining how to deal with Greenpeace and why they can’t be trusted, while news executives say there is “no policy” on Greenpeace as such. Both may be true.

The tone of the BBC’s coverage of the Brent Spar was set by BBC TV’s 1995 News Review of the Year. The first of two sentences on the Brent Spar campaign implied that Greenpeace had apologised for the whole campaign, stating: “Even as the Brent Spar was being towed back from the Atlantic the world discovered that Greenpeace had been wrong all along”. The BBC went on to say: “The rig would not have contaminated the ocean as they claimed, and there was a letter from Greenpeace to Shell admitting as

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<sup>148</sup> Antennae, BBC Wildlife Magazine, June 1995

much”.

Of course this was also wrong on the timing. The ‘Spar had been in Norway for over a month by the time the erroneous oil estimate was announced.

The Editor of ‘Panorama’, who produced the News Review of the Year, wrote to Greenpeace on 31 January 1996, saying: “I am sorry that some of your members felt the line in question implied that Greenpeace apologised for the campaign as a whole. The line actually says, as you point out - though there should be a colon not a full stop in the middle - that the mistake had been about the amount of contamination of the ocean that Greenpeace had been claiming. In the circumstances, despite some of your members’ impressions, I’m afraid I do not feel an apology is warranted”.

Whatever impression had been made on Greenpeace supporters, it was clear what ‘impression’ many in the BBC held.

The extent to which the BBC was happy to relay the ‘Spar as myth was illustrated on 18<sup>th</sup> March 1996 in both the Today Programme and on Radio 5’s “Midday with Mair” (when the item was repeated). In a discussion about public trust of scientists and the lack of it, the BBC Science Correspondent David Whitehouse opened the piece by saying “The Greenpeace-forced climbdown by BP about its plans to dump the Brent oil platform in the deep ocean is a lesson in how the public perceives science and scientists. Greenpeace were proved wrong on many counts....”. It was also an example of how “scientific decisions can be taken with little real scientific debate” and “a dangerous path”.

Greenpeace was not on the programme, which was not about the ‘Spar. The BBC mistook BP for Shell. It did not back up its claim of “many counts”.

The next day the BBC was at it again. This time there was a Breakfast News TV discussion, not with Greenpeace but with Friends of the Earth and Professor John Durant of Imperial College, about the role of pressure groups and democracy and misuse of science. In his introduction to Professor Durant, the BBC presenter stated “The classic case has been cited as Greenpeace’s use of evidence and statistics and, indeed, knowledge of toxics when talking about oil platforms they wanted not dumped at sea”.

This again spun the myth that Greenpeace had ‘used statistics badly’ and inflated the admission of a measuring error to something much larger. Tim Orchard, Editor of BBC Breakfast News wrote back on 27 March 1996 saying “I would agree that since the Greenpeace statement at the time referred to one specific, technical piece of evidence we should have been equally specific in our reference to it”.

On 22 May 1996, The Natural Environment Research Council (NERC) published a report on decommissioning oil installations. The report was the work of a Committee set up by NERC at the specific request of the Government Minister at DTI most committed to dumping the Spar, Tim Eggar. To his surprise, the Committee came to key conclusions that undermined the Government, and Shell’s, case.

That evening BBC TV’s Six O’Clock News wrongly asserted that the report backed Shell’s case. In fact the report states: “Nothing in this report should be taken as

promoting the deep sea disposal of decommissioned off-shore structures, or of any other wastes". The BBC ignored a number of the report's most significant (and unwelcome to the Government) conclusions, including that "both cumulative and case by case impacts of the disposal of off-shore oil installations should be assessed". A cornerstone of Greenpeace's case against dumping the Brent Spar was that cumulative impacts must be considered, while the Government and oil industry insisted on 'case by case' assessment alone.

Richard Sambrook, Head of Newsgathering at the BBC, wrote to Greenpeace on 4 June 1996, agreeing that BBC coverage of the NERC Report "fell short of the quality of analysis I would like to have seen".

In November the same year, the BBC, radio programme 'The Moral Maze' joined in. During the introduction to the programme - which was about whether pressure groups hold too much influence - Michael Buerk cited the 'Spar campaign. He said: "Greenpeace forced Shell, one of the three or four most powerful companies in the world, to dispose of the Brent Spar North Sea oil hardware in the most expensive and least sensible of ways".

This was factually wrong. No decision on the Brent Spar's fate had been made at the time, excessive or cheap, sensible or silly. The evidence showed that recycling or re-using the Brent Spar was the most sensible option - certainly not the "least sensible". But once again no one from Greenpeace was invited on to that (or any other) edition of 'The Moral Maze' to correct the BBC's editorialising.

The BBC's Head of Newsgathering had to apologise again. In a letter to Greenpeace of 10 December 1996, he said: "I agree Michael Buerk's comments were inappropriate and I have discussed it with him". By April 1997, the best the Executive Producer of 'The Moral Maze' could manage was the admission that "it wasn't one of our strongest programmes".

On 28 January 1997, after yet another BBC TV News report about the Brent Spar which was generally balanced, the BBC's Environment Correspondent wrote to Greenpeace: "I can understand Greenpeace's frustration at my use of the words "wrongly it transpired". But you will understand that however concise a news piece has to be we do have to reflect fairly what's happened. Greenpeace did on its own admission make mistakes. On reflection however I think I could have been more precise about what these mistakes were. The time restrictions in a news piece can sometimes get the better of us. What begins as a clear statement becomes fudged as it's reduced. However I do take on board your sensitivities and will make a real effort to be absolutely specific next time".

On Wednesday, 5 March 1997, BBC's 'Newsnight' programme was not about the Brent Spar, and no one from Greenpeace was involved on film or in the studio. Nevertheless, the BBC introduced an item in the programme by saying: "The disposal of the Brent Spar oil platform highlighted the difficulties of nations disposing of their industrial detritus. The environmental campaigners who played on European emotions against dumping in the Atlantic acknowledge now that they may have been wrong".

When challenged, the 'Newsnight' Producer admitted that most viewers would assume from this that Greenpeace had admitted their campaign was wrong, and he agreed that

this was not true. He was also unable to think of any “environmental campaigners” who had now acknowledged that “they may have been wrong”.

The heightened sensitivity over environmental issues and Greenpeace has had odd consequences. There was the time in 1996 when a BBC regional weathercaster agreed to visit a town centre display of solar power set up by Greenpeace in the North East and to explain that despite popular preconceptions, there was indeed enough sun even in this cold corner of the UK to run a solar electric system. He had to withdraw once the local bosses realised Greenpeace was involved.

And the time in 1997 that BBC producers wanted to go on board the Greenpeace ship MV Arctic Sunrise which was sailing through the Beaufort Sea north of Alaska to document melting glaciers and other signs of climate change. A Greenpeace press officer remembers “We had a BBC news programme lined up to go on part of the trip. They pushed it through all the necessary hoops within the newsroom but found it blocked without explanation when it went higher up. They described it as hitting a glass ceiling”.

These strands came to a head when in 1997 Channel 4 was running an anti-environmental series “Against Nature” and the BBC was running the parallel “Scare Stories”. Both were, in effect, hatchet jobs against environmental campaigns, and both were more worrying for the way they were made than their content. Neither amounted to a searching critique of environmental campaigns or thinking but both were cheap sensationalist journalism.

It is a strange coincidence that the BBC and Channel 4 series shared a common genesis in the period after the ‘Spar-generated debates. In early 1996 a BBC commissioning editor told independent producers that the BBC was on the look out for “a major negative series” on environmentalism.

Greenpeace was among several large environmental organisations (including WWF, Friends of the Earth and the Wildlife Trusts) which said they felt they had been deceived and misled in the making of the BBC series.

It had started with an approach from an independent production company to make a “Green History” but it had turned, in the editing, into a systematic attack complete with the “Scare Story” title.

Ironically given its previous and much vaunted concerns about using Greenpeace video, the BBC had run trailers for its series using unlicensed Greenpeace footage – a cardinal error in itself (and something which they had no legal right to do) but while Greenpeace itself featured significantly in only one of the programmes, it was the only group prominently shown in each trailer, implying that it was responsible for whatever “scare stories” were covered (including for example, population, an issue that Greenpeace does not work on). When questioned about this a senior BBC executive confessed that his senior producers had wanted the programme to be *more* critical of Greenpeace.

Greenpeace filed a complaint with the BBC regarding the programme on the ocean dumping campaign which contained a litany of inaccuracies about the ‘Spar and failed to mention most of the key developments which had vindicated Greenpeace’s case.

Greenpeace described it as bad and deceitful journalism, which violated many of the BBC's own Producer's Guidelines. It was, said Greenpeace, unbalanced partial, inaccurate, unrepresentative and misleading (see Box, Scare Stories).

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## SCARE STORIES

The Producer's Guidelines begin (section one) with the words: "Programme making for the BBC must be based on straight dealing". They continue: "Straight dealing is important to everyone involved. It reflects concern for the interests of the programme, the interests of the people who appear in it and the interests of the audience. And say: "From the start, the programme makers should be as clear as they can be about the nature of the programme and its purpose.....It is very important to be honest with people who are taking part, shown or referred to in a programme..... Contributors ought to be able to assume without doubt that they will be dealt with in a fair way. They should not feel misled, deceived or misrepresented before, during or after the programme, whether they are public figures or ordinary citizens".

Greenpeace commented that its staff "were systematically misled about the nature of this programme by the BBC's production company 'Barraclough Carey".

Greenpeace said "This programme was initially described ... as a "Green History"... When he was first contacted by the production company, Greenpeace's Executive Director, Peter Melchett was told that the series would be a straightforward history of the environmental movement. Because some other people who had already been interviewed by the production company had told Peter that the company were making an attack on Greenpeace, Peter raised this explicitly with the programme-makers, and was again assured that the series was a straightforward history, with no agenda of attacking the environmental movement".

Once the series was being screened however, Mr Alan Bookbinder the Commissioning Editor at the BBC confirmed in a telephone conversation that the purpose of the series, when the BBC commissioned it, was to "review" what the BBC saw as the fact that "we have all accepted the green agenda". This had never been revealed to anyone from Greenpeace when the programme was being made.

Once it was finished and about to be screened, the programme was promoted to the press as a critique. The Producer, Simon Campbell-Jones, confirmed to Greenpeace that the series' approach was "challenging the assumption that everything the environmental movement said must be true". Campbell Jones was quoted in The Scotsman on November 17 1997 as saying that in the programme "we have shown the number of occasions when claims have been exaggerated or simply shown to be wrong" and, an allegation not made or substantiated in the programme "Going Overboard", .... "Greenpeace don't really care about the science .. the Brent Spar is just the latest example of them using unsound science"... "so long as they can get their message over to more people, they don't bother about the detail".

Greenpeace told the BBC it found "this false claim" to be "deeply offensive to all of those working on Greenpeace's campaigns and in particular the scientists working for Greenpeace". "It is belied" said Greenpeace, "by the material supplied to Barraclough Carey when they visited the Greenpeace International Science Unit at Exeter University and were given a print out of a publications list, comprising over forty peer reviewed

articles in scientific journals as well as commissioned reports, conference proceedings and books. They were also given copies of contemporary scientific work being undertaken at the Greenpeace Exeter Laboratories at that time.... No mention of this work was made in the programme.”

The journalist, who interviewed Simon Campbell-Jones for *The Scotsman*, wrote that the series: “pays particular attention to the number of times the gloom and doom merchants have been proved wrong. Scare Stories takes the major green issues, one at a time, and examines the way in which various campaign groups have used dubious science to back their claims of impending disaster”.

A few days later in the same newspaper, Ian MacWhirter wrote : “[Wilfred] Beckerman (former member of the Royal Commission on Environmental Pollution) and others have been instrumental in persuading *both* (our emphasis) the BBC and Channel 4 to produce high-budget documentary strands attacking Green philosophy.

Mr Bookbinder told Greenpeace in writing that the Producer “may have emphasised the sceptical ...in the quest for column inches”.

Other environmental groups also felt deceived by the making of the BBC series. Friends of the Earth said: "the programme makers were highly misleading in their original description of the project. We were told that it was a history of environmental issues, not an abattoir for slaughtering the holy cows of the green movement. The 'Scare Stories' series is far superior to 'Against Nature' on Channel 4, but the producers' pointless deceit has detracted from the reputation of the BBC.”

WWF-UK - The World Wide Fund for Nature said: " The World Wide Fund for Nature also provided extensive help, time and materials to the researchers of this programme, under the premise that they were aiding a general project entitled 'Green History' - an independent, historical programme, tracing the genesis of the environmental movement. On this basis, WWF also provided the 'Green History' crew unlimited access to the panel of international speakers at WWF's climate change conference held at the Royal Geographical Society. This took up a lot of press office time, and WWF set aside an interview room for the exclusive use of the Barraclough Carey film crew. WWF provided this assistance in good faith, and was at no time informed that the direction of the programme had changed to a hostile examination of the environmental movement".

The Wildlife Trusts also said they felt misled.

Quite apart from how the programme had been set up, Greenpeace also objected to the programme’s bias and inaccuracies. It noted that the BBC Guidelines state “Where a programme reveals evidence of iniquity or incompetence, or where a strong, damaging critique of an individual or institution is laid out, those affected should be given a fair opportunity to respond to the arguments and evidence”.

Greenpeace said it “was given no chance to respond to one of the most damaging allegations against us, namely that we only care about protecting the seas, and are not concerned about dumping waste on land or in the air. This is, as Mr Bookbinder knows, untrue. ...The allegation was based on the totally inaccurate suggestion that Greenpeace wanted the Brent Spar “dumped” on land - we wanted it re-used or recycled.” This was

of course, simply repeating the mythology set up by the Major Government.

In a phone conversation with Peter Melchett on 10 December, Mr Bookbinder's had confirmed that the Greenpeace view, that "the best fate for the Brent Spar would have been recycling", was not in the programme.

On impartiality, the Guidelines state rather grandly: "The notion of impartiality lies at the heart of the BBC. No area of programming is exempt from it"...and "The BBC is forbidden in Clause 13(7) of the Licence from broadcasting its own opinions on current affairs and matters of public policy".

The Guidelines do provide for "Personal View Programmes" and state "Factual programmes that allow a single individual or group to offer a coherent though partial view of an issue can significantly add to public understanding especially when they bring forward unusual and rarely heard perspectives on topics that are well-known from orthodox viewpoints".

This was not however what the programme did. Instead of representing the views of an "unorthodox" individual such as Mr Beckerman (who is well known as an anti-environmentalist but who was not interviewed), or the personal agenda of Dr Martin Angel who is well known for his support of ocean dumping but who was the only non-Greenpeace scientist interviewed, the programme *itself* carried the views.

Greenpeace retorted: "We would not object to a professional sceptic or indeed a member of the Flat Earth Society being given air time for their views but we do object to a critique deployed and constructed by deceitful interviewing and editing techniques and by presentation of opinion as fact with no opportunity to test or challenge it".

This much was also detected by a reviewer for The Times, Mr Matthew Bond who wrote on 12 December 1997:

"On BBC2, Scare Stories: Going Overboard seemed.....cogently argued, at least at first glance. But it is the second glance that is making this series so unsettling. It is not the debunking of accepted environmental wisdoms that is the problem (in this case the dumping of waste at sea) but the manner in which it is debunked. What, for example, had all these Greenpeace campaigners been told which persuaded them to contribute to a programme that appeared to show that they were a) cynically manipulative and b) wrong? There was nothing wrong with deep-sea dumping, we were told by that well known marine scientist, er, Francine Stock. This was the other thing about the programme - highly contentious points were delivered by an unqualified voice (forgive me Francine, if you really are the Jacques Cousteau of Television Centre) that we associate with objectivity. Scare Stories, however, is provocatively, even gloriously, subjective. Nothing wrong with that at all -just don't pretend otherwise."

In the programme Dr Angel, who was introduced simply as a marine scientist, said: "Conservationists think the sea is the sea and they don't distinguish between what goes on in the coastal seas and what goes on in the deep ocean". The narrator then adds "This is a crucial distinction to make" and goes on to contrast "the coastal seas down to a depth of around 200 metres" as opposed to the "deep oceans down to a depth of 6,000 metres".

The Guidelines state under “Interviewing – Even Handedness” that “Anyone expressing contentious views on the BBC must be rigorously tested ...” This was not the case with the interviews with Mr Richard North or Dr Martin Angel.

Their statements were not tested at all, nor were other sweeping assertions made in the narration.

There was no mention of the fact that there are scientists who agreed with Greenpeace’s scientific rationale for not sinking the Brent Spar, and disagreed with the claims made by Shell at the time, with the view expressed by Dr Angel and the narrator on the programme, that the deep ocean is sufficiently lifeless and separated from the shallower seas to be a suitable place to dump wastes. Greenpeace pointed out that the letter it received from Drs Gordon and Gage of SAMS, illustrated this.

Nor was any mention made of the fact that a Committee set up by the Natural Environmental Research Council at the Government’s request, reinforced or supported many of key points of Greenpeace’s scientific rationale against the 1995 proposed dumping of the ‘Spar, when it reported in 1996.

The Guidelines state that “interviewers in impartial programmes should not cross the line and appear to viewers and listeners personally to be sympathetic to a particular position. They should appear tough minded, sharp and critical and informed – but not partial, committed or emotionally attached to one side of the argument”.

In fact the programme clearly was one sided and misleading. It did not mention for example that Dr Angel<sup>149</sup> is a scientist who was involved in work for Shell, preparing the original proposal to dump the Brent Spar and who stated at the time: “It was important that the industry succeeded in dumping the Brent Spar. It failed and will not get another chance”.<sup>150</sup>

He was instead represented as an independent and impartial expert with respect to the ‘Spar.

Under “Fairness to the Interviewee”, the Guidelines state that “Natural justice calls for interviewees to be given a fair chance for a full response to the questions”. However in this case allegations and criticisms were made through narration and counter-posed interviews where these allegations and criticisms were not raised.

The Guidelines say that “Programme makers should be at their most scrupulous in factual areas” and “viewers and listeners should not be able to gauge from impartial BBC

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149 Dr Angel would like to point out that this was "a misreported statement I made during the events, that unless Shell made much more effort to address the environmental concerns being expressed, even if they succeeded in the disposal of the Spar in deep water, the oil industry would not get another chance to dispose of any further installations in the same way. It was a criticism of Shell." Also, Dr Angel would like to point out that he "was NOT involved in any work for Shell in the preparation of the original proposal to dump the Spar. I have never advised Shell directly, nor have I been paid by Shell for any services."

150 Now let the fight for the Pacific begin, The Observer, 25 June 1995

programmes the personal views of presenters and reporters”.

With respect to the ‘Spar the first sentence from narrator of the programme began “the full ironies of the ocean campaigning style that Greenpeace had spent 25 years perfecting were played out in the spring of 1995 ...”, and later added: “Greenpeace had a field day. They went right back to basics, appealed to the public and presented themselves as the caring crusaders risking all in a moral stand against the double-headed fiend of government and big business”.

This is not an impartial voice. The views of the BBC, in person of the narrator, were abundantly clear, judgemental one sided, and more or less the views put forward in 1995 by Tim Eggar.

The Going Overboard programme also clearly failed to be accurate. The Guidelines stated that: “Accuracy is often more than a question of getting the facts right. All the relevant facts should be weighed to get at the truth of what is being reported or described. If an issue is controversial, relevant opinions as well as facts must be considered”.

In addition to those failings noted above, there were other factual errors. For example the programme also contains an unchallenged statement from Mr Eric Faulds of Shell that the only toxic substances on the ‘Spar were a “spoonful” of PCBs.

Mr Faulds said: “The only true man made chemical on board Brent Spar is nineteen millilitres of PCBs.<sup>151</sup> That is about one large spoonful”. This was presented as fact but the inventory completed by DNV for Shell after the decision not to sink the ‘Spar revealed that there was an estimated 6.5 – 8 kilogrammes of PCBs, over 400 times more than Mr Faulds stated. “But” pointed out Greenpeace, “you present this untested and unchallenged”.

This is followed by a BBC newscaster saying “But Greenpeace claims no one really knows what’s on board”. Although the programme implied this was wrong – it was in fact correct as the DNV findings illustrated. Indeed, DNV had to retract its PCB finding only a few weeks after mentioning it, when it found that it was wrong about the capacitors in light fittings on the ‘Spar. DNV and Shell, as well as Greenpeace, had all made mistakes about the ‘Spar but the programme relied on it being Greenpeace that was at fault.

Mr Faulds statement also dismissed the cadmium, mercury, other heavy metals and oil in tanks, sludge, piping and fittings because they “occur in nature”, which was stretching the truth at the very best.

The programme made the judgement, through the narrator: “Greenpeace’s success in the Brent Spar saga was certainly no victory for their science”.

This statement of opinion was preceded by an interview with Dr Paul Johnston regarding the mistaken oil estimate made by Greenpeace and relies for its impact on a BBC Television News report saying “Greenpeace occupied the Brent Spar because it said

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<sup>151</sup> The audio is unclear – Mr Faulds says 90 or 19. In writing Shell had stated 19 mls

Shell's plan to dump it at sea was grossly irresponsible. It later said there were five thousand tonnes of oil on board – a claim it later withdrew”.

What the programme did not make clear, because no date was given for the BBC report, was that the Greenpeace correction was in September and the DNV report (which the BBC news report was about) was released in October. The programme gives the false impression that the oil estimate and consequently Greenpeace “science” played an important role in the campaign up to the turnaround by Shell on 20 June, whereas it went almost unreported (see above) and the assessment by DNV of the contents all came after the Shell decision. The programme tried to rewrite history.

The narrator continued to voice her opinions about the ‘Spar campaign by saying of Greenpeace’s success “That process may have made the public feel good but has it really protected the deep oceans or has it resulted in a lost opportunity ?”.

This statement was unsupported. What *was* the “opportunity” that has been lost to protect the oceans ? It never emerged in the film. It was merely rhetoric, adding to the general tone of condemnation of the Greenpeace campaign.

Nevertheless the programme immediately followed this statement with an interview with Martin Angel. “... Eventually the Brent Spar will have to be disposed of” said Angel. “If you break it up on land, you have to put a lot of the material that it contains – eight thousand tonnes of concrete – into landfill. Can we afford the space to use eight thousand tonnes of landfill for something that could be put in the deep ocean ? I think not.”

This went unquestioned, untested, unexplained and unchallenged. It was an extraordinary statement in itself. 8,000 tonnes of concrete is about 3600 cubic metres, equivalent to a cube of just about 50 feet on each side (15.4 metres). Was the BBC really convinced that this is a compelling argument ?

No-one, certainly not Greenpeace, had actually advocated landfilling it. Greenpeace reiterated “We advocate recycling and re-use, which was not mentioned. It could be re-used in construction or as ballast. But it is also a minuscule quantity compared with the 404 million tonnes of waste which the DETR estimates is generated in the UK each year, of which 32 million tonnes is quarry waste, 70 million tonnes is construction and demolition waste .... of the aggregate waste, 42% goes to landfill or landfill engineering. Yet this is used at the end of the programme as the factual sign off from Martin Angel to bolster the programme’s attack on Greenpeace’s campaigning and “science””.

Dr Angel’s final word was: “You actually have to solve the major problems of what to do with our waste. We are told that the oceans should be more protected than anything else”. [Not by Greenpeace although the programme did not make that clear.]

He ended: “To me, we’re terrestrial organisms, the primary thing is to protect the atmosphere and the terrestrial eco-system because that’s what keeps us alive and what feeds us”. Greenpeace commented: “Dr Angel is welcome to his view but it is hardly supported by the threat posed to the terrestrial ecosystem and the atmosphere by a 50 foot square block of concrete. The BBC however, seems convinced”.

Perhaps more significantly, the programme tried to argue that Greenpeace had an overall case against dumping at sea based on possible effects which could be neither proved nor disproved but implied that there was no evidence of *actual* effects. The fact that such evidence does exist for some substances which are toxic and liable to bioaccumulate, and that this is the basis of much current international environmental regulation as a consequence, was not mentioned.

Greenpeace told the BBC: “To broadcast programmes which are so very misleading and badly researched will make it more difficult to persuade the public and governments to take effective measures against particular pollutants, as well as to change views regarding industrial and personal responsibilities.... It is not the BBC’s job to campaign for the environment. Nor is it your job to campaign against campaigns for it”.

## 9. Long Term Impact on the Oil Industry

In the interplay of politics and business, the ‘Spar has become the iconic reminder of a nightmare which drives the oil industry towards fundamental change. The process is complex but the ‘Spar was a turning point and is repeatedly used to illustrate that.

Chris Fay of Shell said to the Financial Times in July 1995 that the ‘Spar had “become a powerful icon for the misuse of the seas”.<sup>152</sup> But it was as much an industrial icon as an environmental one.

This perhaps, will prove to be the most important of all the consequences of the ‘Spar victory: it was the event which forced the industry most responsible for the world’s greatest single environmental problem, to begin rethinking its future.

Dr Jeremy Leggett, both a former Head of Science for Greenpeace and an oil industry geologist, told the “Northern Seas Conference” in Stravanger, Norway in August 1995 that “in a post Brent Spar world”, “the wise oil company is now.....thinking about how to reposition itself for the twenty first century as a total energy company”.<sup>153</sup>

The media uses and re-uses the ‘Spar as an image of industry beleaguered or needing to change. Under a huge picture of the Brent Spar surrounded by Shell fire hoses, The European (13-19 November 1997) said “With the World Climate Conference (sic) in Kyoto looming next month, the oil giants – Shell and BP in particular – now seem desperate to show that they care about the environment. Last week Shell announced its strategy to help alleviate global warming to the annual conference of the CBI, Britain’s leading business organisation. Recently Browne (head of BP) announced that BP was investing in a California plant to produce photovoltaic cells, which produce electricity from the sun. Almost elegantly the BP chief suggested that by the year 2050 more than half the world’s energy could come from renewable sources”.

While, as the European pointed out, compared with most of industry oil companies still devote a tiny fraction of their profits to R&D, and devote the vast bulk to extracting fossil fuels, and while the Shell and BP “big investment” in renewables is miniscule (less than 1% of the business), the significance of their moves is that it signals a corporate repositioning for the beginning of the end of the fossil fuel industry.

Both Shell and BP have now called for “precautionary action” on climate, taking themselves (just) across the line into the same camp as most governments and environment groups, as opposed to the rest of the fossil fuel industry. (Exxon for example, remains firmly anchored at the other end of the spectrum, calling for no action at the Kyoto climate summit and encouraging developing countries to burn as much fossil fuel as possible).

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<sup>152</sup> Shell and that sinking feeling, Financial Times, 5 July 1995

<sup>153</sup> Oil and the future: taking bearings in the Greenhouse in a post Brent Spar world, Jeremy Leggett, Stravanger Northern Seas Conference, August 1995

The link between climate and the oil industry is immediately obvious but for many years there was no link in politics and environmental campaigning. When the “global warming” or climate change issue broke into widespread public consciousness in 1988, it was driven into the public domain by governments alarmed at the findings of climate scientists. These scientists were convened by the World Meteorological Organisation, and later the Intergovernmental Panel on Climate Change (IPCC) and to start with the process was dominated by climate modellers, as only their Cray Computers had the power to convert a confusing array of measurements into predictions of what the future global climate would be like.

Science was driving government policy. Environment Ministries started proposing a new global convention to deal with the problem. It was immediately apparent that to reduce CO<sub>2</sub>, the principal greenhouse gas, in order to stabilise climate at anything like ecologically acceptable levels, huge reductions were required in the use of fossil fuels.

The oil industry soon joined forces with major energy users to oppose this unwelcome development. Their main strategy was to try and heighten political doubts about taking action by publicising disputes over the science. Instead of doing this directly, they financed umbrella groups such as the deceptively-named Global Climate Coalition, and these groups in turn paid for the work of “climate sceptics”, a variable bunch of chemists, meteorologists, modellers and physicists who would cause delay by raising every possible uncertainty or alternative theory to try and put off the day when “scientific consensus” was so clear that action became unavoidable.

For seven years, the issue was tossed backwards and forwards in scientific debate. Mainstream scientific opinion was convinced that action was required by the time of the first IPCC report in 1990, which identified the need for a 60 – 80% cut in gases such as CO<sub>2</sub> but to remain analysts and not advocates, most scientists are cautious about entering the political arena. While most scientists intuitively saw uncertainties in climate models as justifying precautionary action, given that climate change was inevitable and that the consequences would be huge and delay might mean remedial action was impossible, politicians were more used to problems which were much smaller and could be fixed in the short term. Many of them took uncertainty as a reason to wait.

In 1995 the “science debate” was effectively ended. The Second Assessment Report of the IPCC sent a far stronger political signal. Human induced climate change was detectable. The sceptics, and with them the fossil fuel industry, had lost. Soon, the United States, the world’s only superpower and biggest polluter, acknowledged the need for legally binding emission limits in the Climate Convention (which had been initiated in 1992). A meeting in Berlin led to the “Berlin Mandate”, setting out a requirement for the Kyoto December 1998 ‘Third Conference of the Parties’ of the Convention (CoP3 in diplo-speak, the Climate Summit to the world at large) to agree on binding emission controls.

The full implications of these changes may not have been immediately apparent in much of industry, although companies such as BP began to rethink their position. Most environment groups stepped up their lobbying efforts to strengthen government commitments to cut emissions. Greenpeace did too but it also saw the possibility of a new and much more effective campaign to deliver the change.

Since the early 1990s Greenpeace had been trying to find a way to change the politics of climate so that the fossil fuel industry could be outflanked, instead of just relying on government Environment Ministers, who are generally not powerful, to persuade reluctant leaders to make major changes to transport and energy infrastructures and policies. An early success had been in getting the insurance industry to speak out. Because insurance is all about paying now for what happens in the future, this industry was peculiarly exposed and highly sensitive to what was really happening, and had no vested interest in denying climate change.

But getting the insurance industry onside had only limited effect. Greenpeace also turned its mind to promoting the development and uptake of renewable energy. That way, the feasibility of making change would lower the threshold to taking action, and undermine the “no alternative” power of the fossil fuel industry. After exhaustive internal debate and analysis it picked solar photovoltaics or pv (solar electricity), as the lead technology, mainly because of its enormous global applicability and flexibility. Greenpeace turned its mind to how governments and businesses could be made to increase investment in solar pv and to restructure markets so as to put affordable renewable energies in the hands of consumers.

With an alternative in hand, with the geopolitics open to limiting fossil fuel emissions and the science debate over, the way was open at least in principle, to beginning the end-game on the climate issue. This meant simultaneously and progressively restructuring the world’s energy systems and reducing climate-changing gases in the atmosphere to levels which the planet’s natural and human systems could actually tolerate.

Whereas in 1990, the original group of scientists who did much to alert governments to climate change had identified limits of 1 – 2.C global average temperature rise as the ecologically tolerable limits, and thanks partly to lobbying by Greenpeace, the second Objective of the Climate Convention was to limit climate change to “levels to which ecosystems could adapt naturally” [wording], the tortured climate negotiations had largely lost sight of this objective, and rather than an end game with a final conclusion in sight, the negotiators were playing with government commitments debated in terms of goodwill gestures, no regrets strategies and the precautionary principle. Emission reduction objectives were stabs in the dark and governments wore (and still wear) their commitments like badges of sacrifice. Not surprisingly, the process is slow and painful.

While it had the components of a more effective campaign, Greenpeace like other environment groups still found it difficult to create an effective dynamic to channel concern into pressure and focus it on critical change which would inevitably lead to the longer term result that was needed. Climate change was such a huge subject that it had spawned debate and campaigning in almost every sphere of life, from the health consequences of effects of change to species loss to energy supply and conservation, transport, car growth and land use planning. The very size of “the issue” prevented an effective single focus for action.

The idea of stopping the sinking of the ‘Spar brought another straw in the wind. Greenpeace had fought a successful campaign to limit the production of nuclear materials and the spread of nuclear energy by closing off options for nuclear waste disposal, famously described as the “achilles heel” of the industry. There were obvious though incomplete parallels with the ‘Spar and other oil installations. A similar “back

end” strategy in which the industry was made to take away all its waste and pay to deal with it, would force the oil industry to internalise costs currently externalised (to the cost of the environment and the taxpayer) and put a brake on oil expansion into the oceans. This was one of many rationales for campaigning against the dumping of the ‘Spar but it was not immediately obvious where it could lead.

In 1996 Greenpeace did hit on a way to try and fast track change by linking energy policy and climate policy, at three levels. First at a global scientific and political level in terms of the amount of carbon that could ever be safely put into the atmosphere. Second, through direct action at a public level: campaigning at the point of responsibility for the problem. Third, at a market level.

In a nutshell, if you convert the ecological limits to climate change into atmospheric concentrations of carbon dioxide it gives you a budget of carbon, or put another way, a ceiling for fossil fuel emissions. In political terms you now have a classic stockpile problem: one that in the case of fossil fuels is far too big for the budget (only about a quarter of existing “reserves” can ever be used), and for which the politically rational action is to stop the stockpile being made bigger. (As Denis Healy said: “when in a hole, first, stop digging”).

To spell out the carbon budget, Greenpeace revisited the science of 1990 and the work done subsequently by the IPCC (which was aware of the need to do such an analysis but had lacked the political will to do it) and published it as a report “Fossil Fuels and Climate Protection: The Carbon Logic”.

To connect this to the global political process of the Climate Convention, the limits objective of the Convention will need to lead to emission reductions policies tailored to achieve cuts so large that they can only be achieved by eliminating fossil fuels.

And to create a public campaign at the point of responsibility, Greenpeace has embarked on a campaign to stop further oil exploration. Here, governments express their energy policies in terms of licensing new exploration, and so deliberately add to the carbon stockpile in terms of reserves. This is where energy and climate policy should match (but don’t). As “Annexe 1” or industrial countries have the greatest responsibilities under the Convention, Greenpeace began its campaigning to end oil exploration on the Atlantic Frontier off the UK, and north of Alaska in the United States.

In the course of the 1997 summer seismic exploration season on the Atlantic Frontier, swimmers and other activists from the ship MV Greenpeace conducted hundreds of direct actions against seismic testing, and for a week, a team of campaigners occupied the mobile drilling rig Stena Dee, on its way to the Foinaven oil field run by BP, and the furthest developed part of the new Atlantic Frontier province. According to former conservative Energy Minister Richard Page MP the industry lost an entire year’s seismic data as a result of the actions – although this may be something of an exaggeration.

At the same time, Greenpeace has been campaigning to demonstrate increasing demand for solar power among the public and potential users such as housing associations (for instance in the UK and Germany) and intervening to support solar over fossil fuel as new generating options (for example in Crete).

It has also pressed governments to use solar themselves and to support the market in its early years in order to bring down unit costs by scaling up production. For example Greenpeace has lobbied the UK Government to create a solar tranche in NFFO, the electricity market regulation which prices renewables and nuclear, and to fit solar to its own buildings (Greenpeace installed working solar panels on the UK Government's new Department of the Environment headquarters).

As a result of these pressures and because analysts can see that solar technologies are already crossing thresholds of cost competitiveness against fossil fuels, a "solar race" has begun in which companies are competing to dominate the coming, highly profitable global market. Leading firms include Kyocera (Japan), Enron (USA) and Siemens (Germany) but also BP (BP solar) and Shell.

How far and how fast the market develops, and how soon the oil companies move to increase their investment, depends on many factors. But several things are certain.

First, that solar pv will become a massive energy technology, and has the potential to rapidly become the world's dominant source of electricity.

Second, that oil companies are exceptionally cash-rich and despite many business arguments that can mitigate against it, could afford to commercialise and mass-market the technology extremely fast. Third, that the process will be encouraged by the need of developed countries to deliver on commitments to reduce greenhouse gas emissions, whether domestically or jointly with developing nations. Fourth, that one huge and largely undeveloped market in the near term is the two billion people living in the "developing world", off-grid and without electricity. Fifth, that some oil companies are not simply investing in renewables but beginning to position themselves for what will happen as the "end game" for fossil fuels begins.

None of this was very evident in the general media coverage of "climate" until 1997, when John Browne of BP started the process in public with an announcement that rocked the oil industry. Browne not only announced that solar could, with "appropriate" government support be cost-competitive against fossil fuels worldwide within a decade, but also that BP was rapidly expanding production and for good measure, it had come to the conclusion that "precautionary" action against climate change was required. In so doing, Browne split from the rest of the oil industry, and has since been followed by the small Austrian oil company OMV, and, in November, the petrochemical giant Shell (or at least most of Shell outside the USA).

Browne's move transformed climate politics. It undermined groups like the Global Climate Coalition (which BP had left) and IPIECA and the IPA (which is has not yet left) and perhaps most importantly, it changed the perceptions of politicians such as Tony Blair and Bill Clinton, as to what was now possible.

The timing of Browne's move was inspired at least in part – perhaps completely – by the Greenpeace Atlantic Frontier campaign. Not long before, Greenpeace activists had put BP's own-manufacture solar panels on the Oil Exploration HQ in Aberdeen, with a sign reading "Solar Not Oil".

BP was also cashing in on the rapidly expanding global market for solar power. BP Solar had 10% of the global market which is predicted to grow by 25% in the next year, fuelled by the Japanese Government's programme to install 70,000 solar roofs over the next two years. In 1997 alone the Japanese installed 3,500 solar rooftops. The Japanese programme is mostly fuelling the expansion plans of their own domestic industry. Kyocera are investing to reach a 60MW production volume by year 2000 and Sharp are planning to reach 60MW by 1998. By comparison BP Solar's plans are to be producing 50MW by the year 2000.

Japan looks set to have 200MW of solar production capacity in place by the turn of the century due to the expansion of companies including Kyocera, Sanyo, Sharp and Mitsubishi. They are meeting increased demand from the Japanese Government's solar programme which plans to have 70,000 homes powered by solar within another few years.

The United States has a 'Million Rooftop' solar programme, also announced in 1997. The US government has agreed to finance the installation of solar on 20,000 Government buildings. California, Hawaii and Maryland have 'pledged' that they will contribute some 300,000 of the million solar roofs.

In Europe the Italian government is considering a proposal for a '10,000 Solar Roof' programme to be completed by 2002. In the UK, the Government's Industry Solar Taskforce set up by Michael Meacher (Environment Minister) and John Battle (Industry & Energy Minister) and composed of a broad cross section of UK business, has echoed many of the recommendations and calls made by Greenpeace in demanding Government action to build a strong solar industry. Its key recommendations were a minimum 70,000 solar rooftop programme for Britain by 2010, capital grants (£5/w) and a price of 10p/unit for every unit of electricity exported onto the grid.

In October Shell even went so far as to join environmentalists in calling for 5% legally binding reductions in carbon dioxide emissions from industrial nations, to be agreed at the Kyoto climate summit.

It also announced a \$500m investment in renewables over five years aiming (like BP) to capture 10% of the solar market by 2005. Shell has estimated that the total renewable market in 2020 could be some \$250 billion. On solar Shell have stated that they intend to increase their current negligible market share to 10% of the global market within 5 years.

Analysts determined that as a result of the burgeoning race for solar technology, 1997 was a record year for the shipments of solar electric panels. In 1997 125MW of solar photovoltaics were sold around the world – a 42% increase on 1996. Major companies, including Sharp, Kyocera, Shell and BP, had started construction of, or publicly announced expansion plans totalling at least 260MW of *new* solar manufacturing plant.

Europe is likely to increase its solar production from 28MW in 1997 to 100MW by the year 2000. France, Germany and the Netherlands will be the location rather than the UK, which gives no government support. Shell will be increasing solar production to 45MW/yr by expanding its Dutch factory and building a new factory with Pilkington in Germany.

In early November 1997 Shell announced that supported by DM 12 million of German Government finance, it will be investing DM 30 million into a new 25MW solar factory in Glesenkirchen in Germany. The factory will be a joint venture with Pilkington who have a 25% share in the project. The province of Nordrhein-Westfalen, where the Shell plant will be located, has agreed to purchase half the annual output of the Shell factory and to provide DM 50 million in market support.

Shell is also probably moving into wind power.

In this respect it is exploiting an expanding market encouraged by government action –at least outside the UK.

An EC White Paper, plans to double renewable energy's contribution in the European Union, from 6% to 12% by 2010. Approved by the European Commission just before the Kyoto Climate Summit, the paper proposes a co-ordinated campaign with ambitious targets for wind and solar power. (The UK has the lowest share of renewable generation with just 0.7% of total energy supplied by renewables. Sweden tops the league table with over 25% of energy from renewables).

Achieving the 12% target would mean that the EC would reduce its annual carbon dioxide emissions by 250 million tonnes a year. This itself would deliver a third of the 15% savings that the EC called for at Kyoto.

Between 500,000 and 900,000 new jobs would be created along with a strong export industry worth £10 billion a year. The Commission sets out a plan to increase the use of wind power from 2,500MW today to 40,000MW by 2010. The Commission calls for a 1.5 billion ECU publicly funded campaign for 10,000MW of wind energy in less favourable locations such as offshore.

The White Paper envisages a hundred fold increase in the use of solar throughout Europe, matching the US and Japan, with a million solar roofs to be installed by 2010.

Denmark and the Netherlands have both launched plans for more offshore wind energy. In autumn 1997 Svend Auken the Danish Minister for Environment and Energy announced an ambitious plan to rapidly expand Denmark's offshore wind energy resource, reaching 4,000 MW of offshore wind capacity (50% of Danish electricity needs) within thirty years. The first phase of the Danish offshore wind plan will be to build 750MW by 2005 - this means constructing one 150MW wind farm every 18 months.

Following the success of their first two offshore windfarms the Danes believe they have proven the viability of the technology and will build large-scale to reduce costs, and cutting the electricity price from 5-6p/unit to 3-4pence/unit (completely cost competitive with fossil fuels).

In the Netherlands approval has been given for a 100 MW offshore windfarm to be built by the year 2001: enough electricity for up to 100,000 households and taking less than a year to construct.

Shell joined the British and European Wind Energy Associations, and in New Year 1998 has met with the UK Wind Energy Group and Garrad Hassan (UK wind energy consultants). Steve Thompson from Shell Expro said in the in house magazine Shell Focus: ‘We are looking at those areas where we can build on existing core skills, strengths and assets. Offshore applications would seem to be a natural direction for us, and we will be looking closely at the business opportunities for wind and wave power, particularly in near-shore waters. We’re also very keen to see if renewables may be added to Expro’s offshore installations.’

In the short term, analysts and politicians will watch to see how the rest of the oil industry reacts and, as an entertaining side-issue, what happens to the likes of the GCC.

If they are making tentative moves to acknowledge the need for some sort of climate action, neither Shell nor BP are likely to embrace Greenpeace’s call for an end to oil exploration, although Heinz Rothermund, Managing Director of Shell Exploration and Production came very close in May when he told a Scottish oil conference “It is important to recognise, however, that the specific attack, by Greenpeace in particular, on oil and gas developments in the Atlantic Margin, accompanied by the usual exaggerated claims about last wilderness and environmental devastation, with emotional references to whales and endangered species, also raises a key question: “In how far is it sensible to explore for and develop new hydrocarbon reserves given that the atmosphere may not be able to cope with the greenhouse gases that will emanate from the utilisation of the hydrocarbon reserves discovered already”. Undoubtedly, there is a dilemma and I would now like to spend some time analysing it”<sup>154</sup>.

Unfortunately, he never did answer the dilemma. Later, and after a good deal of ‘Shell shock’ at his comments inside the oil industry, and really rather unconvincingly, Shell claimed he had been speaking rhetorically.

Fred Pearce, a veteran environment writer on New Scientist and frequent critic of Greenpeace wrote a “Dear Greenpeace” open letter in that magazine on 15 November 1997: “Other environmental groups have spent the past few years lobbying governments – cosying up to the European Union and infiltrating the Clinton Administration. And for what? Nothing, as we discovered with last month’s announcement from Bill Clinton on American greenhouse gas emissions.... It is corporations that have real clout. You realised that many years ago. You may lobby governments from time to time, but your real effort – the plugging of pipelines and boarding of offshore platforms, the steeplejacking and banner waving – is directed at big corporations”.

He continued: “...by largely ignoring the posturing of governments and targetting the companies, Greenpeace hastens the day when those companies will see the dollar benefits of changing tack. It hasn’t worked with global warming yet but you have shown the way... And anybody who believes that Shell’s recent announcement of a \$500million investment in photovoltaics is unconnected to the Brent Spar fracas is being very naive. It is increasingly clear that it will be companies, and not governments, that will trigger the political sea change necessary for real reductions in greenhouse gas emissions”.

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<sup>154</sup> Speech by Heinz Rothermund, Managing Director of Shell UK Exploration and Production at the 1997 Celebrity Lecture for the Institute of Petroleum at Strathclyde University, 20 May 1997

Regarding BP Pearce said "You have identified the right strategy. These are the guys with the future in their hands. They could install millions of solar panels across North America for the money it will take them to explore and develop the north east Atlantic oilfield – the Atlantic Frontier as you call it [as BP calls it actually]. Or they could develop the technologies to tap the waves that buffet northwest Europe, rather than the oil that may lie beneath them".

Until there is a political reframing of energy policy to match it with the logic of climate policy, governments are still sending the clear signal "keep on exploring". Companies feel unable to forgo the opportunity of drilling for new oil, when profitability depends on market share.

All this sounds terribly smooth and rational but the underlying realities are not like that. When he broke ranks, Browne knew full well that Greenpeace was sailing the Atlantic Frontier. Greenpeace telegraphed its intentions by writing to then UK Prime Minister John Major in August 1996, explaining the "carbon logic" rationale and calling for the oil licences of the UK's "17<sup>th</sup> round" of offshore development to be cancelled. It repeated the call in public at the "Greenpeace Business" Conference in October 1996.

By early 1997, both BP and the then UK Government feared a repeat performance of the Brent Spar. Neither was prepared to be caught out as Shell had been in 1995. BP asked the UK Government for help. From what we can piece together, it seems a contingency plan was hatched, covering intervention with police and military special forces, punitive legal action by BP (or other oil companies) against Greenpeace's assets, the use of restraining orders (legal injunctions known as interdicts in Scotland) again by the oil company going to court, public relations and a communications strategy. This, indeed, was a learning consequence of the 'Spar.

In Spring 1997 the ship MV Greenpeace appeared off Northern Scotland. Almost immediately, a spate of excitable articles began to appear in the Scottish press. The Scottish media and the oil trade press announced "Greenpeace on warpath"<sup>155</sup> "Brent Spar II" was the focus of their speculation.

Greenpeace's offices were put under more than usual levels of surveillance, and police in Scotland were reportedly instructed to pass on the names of anyone found protesting about anything to do with Greenpeace or oil, to the Special Branch. At one stage one of the commercial companies liasing with the DTI decided that Greenpeace was receiving leaked information. Interestingly, it thought that the most probable source of the leak was GCHQ, the high tech telecommunications interception centre in Cheltenham.

In the autumn, The Independent reported that in March (before the election), a Government security agency (thought to be MI5) had hired a commercial investigations agency to spy on the Greenpeace UK warehouse where they thought the organisation was constructing a submarine. What they found was not a submarine they reported back but "some form of living quarters". This was in fact the kelvar Solar Survival Capsule used by Greenpeace in its 42 day occupation of Rockall, the politically important and

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155 Upstream Magazine, 31 March 1997

internationally-disputed outcrop towards the far west of the proposed Atlantic Frontier oil province.

[If this tells us one thing it was that Naval intelligence were not involved, as nobody in their right mind would get into a home made submarine ! In fact it seems the Navy was unaware of the impending Rockall occupation, as HMS Monmouth had to make a last minute change of plan when a rating heard that Greenpeace had landed on Rockall on 10 June – the ship was about to land sailors there to drink tea in a global sponsored tea drinking competition for charity. Greenpeace later contributed its own tea drinking to the tally.]

What BP feared was an attempt to occupy some of the Foinaven oil field, probably the large Floating Production Storage and Offloading vessel ‘the Foinaven’. The Government even worked out a campaign plan for Greenpeace with an action to stop the Foinaven offloading oil onto ferry-tankers, timed to put the environment on the agenda for the April General Election. In fact Greenpeace had decided to ignore the election on the grounds that nothing it could do could reasonably be expected to get environment even considered by the political leaders. Instead of going to Foinaven, Greenpeace went to Rockall, and to the seismic testing grounds.

Only months later, did Greenpeace occupy the Stena Dee platform, on its way to Foinaven with specialist equipment to connect some of the problematic subsea well heads. After a week in which the operators gradually overcame Greenpeace’s attempts to stop its forward movement using swimmers in the water, and with the Rockall pod attached to one of its legs, the rig arrived on site. For logistical and safety reasons, with activists exhausted and with supplies running very low, and because it had failed in the purpose of the action which was to prevent the rig reaching the well head, Greenpeace decided to leave.

At this point, a lot of strange things happened. The platform owners and BP had been sending conflicting signals over who was responsible. BP in Aberdeen had been saying that Greenpeace was not causing any delays, and that it was. BP had started threatening Greenpeace with being sued for \$1m a day if it impeded developments at Foinaven, back in the spring. But the entire development was over a year behind schedule and vastly over budget not because of Greenpeace but because the untried technology kept failing.

Now it turned out that there were police on the platform, although they initially hid and refused to come out and talk to Greenpeace. Then they proved very reluctant to arrest anyone on the spot, only doing so after they had been challenged about what they would do if Greenpeace simply left.

No special forces, police in helicopters or anything dramatic ever emanated from the new Government. They had been asked to intervene by various parts of the oil industry but unlike the Conservatives, Labour was determined to keep out of the dispute between Greenpeace and the companies. “We’d look bloody silly if we sent in the Navy to deal with a few Greenpeace people in a rubber boat” said one Minister. “You have to bear in mind that everyone is on holiday” said an oil industry insider during August. “We’d like to go to the Government but right now the Government is John Prescott, and we think he might not be wholly sympathetic”. [Many years before, Mr Prescott had once taken part in a Greenpeace action himself by swimming up the River Thames in a protest against

nuclear waste dumping. While he could hardly be expected to take Greenpeace's side, he was an altogether different prospect from his predecessor Mr Michael Heseltine].

Although they did little in public, the new Labour Government did have a plan to deal with the Greenpeace campaign and that was to try and silence it by ignoring it. In September Greenpeace was leaked a letter from Labour Minister at the DTI John Battle, to his predecessor Richard Page MP. In it he described how the industry and the Government had reached "an agreement" to "deny Greenpeace publicity" while the Government had "encouraged" the oil industry to use its legal muscle against the organisation.

In the event four people were arrested on the Stena Dee and flown to Aberdeen and the MV Greenpeace left the area. It was a Sunday afternoon, 12 August. Late on Monday afternoon Greenpeace learnt that even though it had left the BP rig the day before, BP had applied to a Scottish High Court for an injunction against it and four named individuals, preventing them from interfering with the Foinaven field. At the same time, and much more unusually, BP had set in train a parallel legal action which had frozen the organisations bank accounts, while seeking around £1.4 million from Greenpeace Ltd and the same four named individuals.

There was no appeal against the order which became effective immediately, although after that there was 21 days in which Greenpeace could try to challenge it. Meanwhile the organisation was at the mercy of its suppliers and the goodwill of its staff and creditors, whom it could not pay. It now became apparent to everyone that despite the impression created by the media after the 'Spar, Greenpeace was not a cash rich organisation. In the UK it has no reserves and it had only about £300,000 in the bank. Such a seizure would bankrupt it, not to mention the affected individuals.

After a welter of bad publicity, and only after trying to screw concessions from Greenpeace, BP gave way and suspended its order (which still exists). The press reaction was mixed, and confused. Some thought BP had won although most thought it had lost. All of them compared it to the 'Spar. Many felt that BP was right to back off quickly. In fact it was probably in Aberdeen, yet again, that the problem lay. It seems it was the Scottish lawyers in BP who triggered their part of the contingency plan agreed with Government, without anyone at BP Head Quarters in London knowing it was happening.

There was a plan but, it seems, no real plan as to how to use the plan.

So the consequences of the 'Spar victory for Greenpeace and the oil industry have been multiple.

Greenpeace now talks as much to the oil industry (not just BP and Shell) as it does to the UK Government. Oil companies have been sensitised to public opinion, and, as Melchett pleaded in 1995, started to look at underlying currents of opinion and where the world is going. Some have started to change not just their ways in terms of PR and consultation but their plans for core business.

David Knott, editor of the Oil and Gas Journal noted on 20 October 1997: "The petroleum companies most sensitized to public opinion, at least here in Europe, are

Royal Dutch/Shell and British Petroleum Co. Plc. Both companies have been hit by public outcry – Shell over Brent Spar, BP over West of Shetland [Atlantic Frontier] development. Both are investing in solar power”. He ended: “If they are putting money into solar, I’m sure they expect to profit, with or without subsidy”.