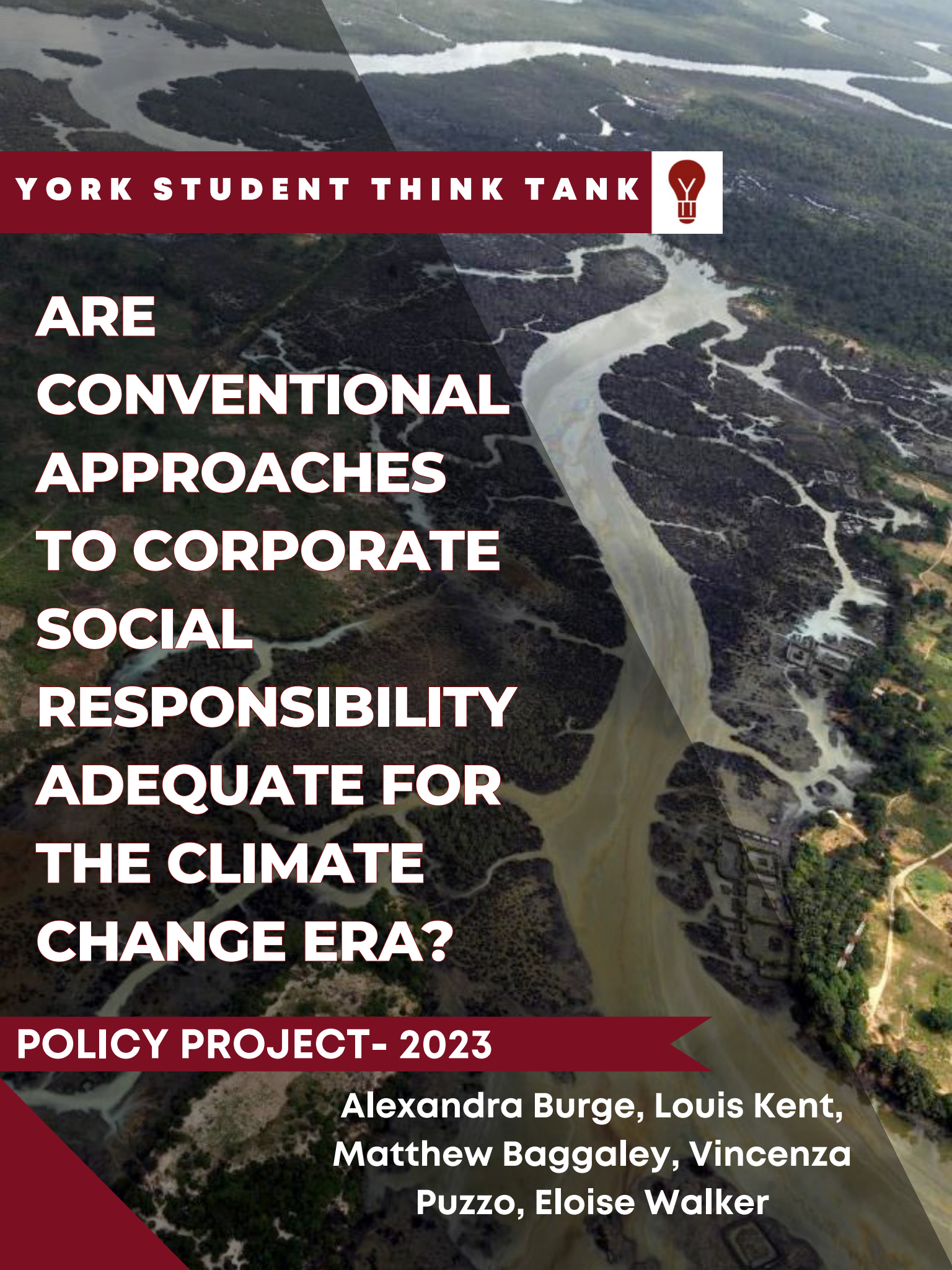


YORK STUDENT THINK TANK

ARE CONVENTIONAL APPROACHES TO CORPORATE SOCIAL RESPONSIBILITY ADEQUATE FOR THE CLIMATE CHANGE ERA?

POLICY PROJECT- 2023

Alexandra Burge, Louis Kent, Matthew Baggaley, Vincenza Puzzo, Eloise Walker

OVERVIEW

The corporate world is gradually embracing the philanthropic concept of Corporate Social Responsibility, which places emphasis on the promotion of environmental protection and humanitarian practices. Unfortunately, this is not being applied evenly. This is particularly evident In the oil industry, due to the profit-oriented nature of the business world. This has led to many unethical activities and disasters such as oil spills. With proactive government intervention, a balance needs to be found between protecting people and the planet, while still allowing businesses to maximise profits and cooperate internationally.

ACKNOWLEDGEMENTS

This report was prepared and edited by the University of York Student Think Tank. This report fundamentally focuses on the practices of Corporate Social Responsibility in the Niger Delta region of Nigeria. This location was chosen due to the region being devastated by oil spills which have had countless impacts on citizens' livelihoods and general health.
We therefore acknowledge that despite the altruistic intent behind writing this report, there may be an unavoidable bias in our data collection methods due to the information we are able to attain and disseminate.



Figure 1: Living, drinking, and breathing oil. Bayelsa Villagers cry out for help. (Oyadongha, 2020)

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EXECUTIVE SUMMARY

This report examines the contemporary relevance of Corporate Social Responsibility (CSR) within the context of climate change, with a particular focus on multinational corporations, especially those in the oil and gas sector, and their environmental and societal impacts. It begins by introducing CSR, highlighting its ethical principles and goals related to climate change mitigation. Although CSR is primarily voluntary, some global policies have attempted to enforce specific CSR objectives, recognising the influence of multinational corporations in achieving sustainable development.

The report identifies key issues with traditional CSR practices. It criticises the inadequacy of legal standards, especially concerning climate change and the actions of major oil companies in developing nations. CSR initiatives often fail to align with local community interests and address crucial issues, contributing to the "resource curse" phenomenon in resource-rich countries. A comparative analysis of CSR policies and practices in the United States, the United Kingdom, and Nigeria is presented. The UK's progressive CSR culture is acknowledged, while Nigeria faces challenges in effective CSR implementation.

Two case studies are provided. The first examines oil spills in Nigeria's Niger Delta region, emphasising the negative impact of irresponsible oil extraction and the need for improved CSR practices. The second case study spotlights Johnson & Johnson's CSR initiatives, highlighting the significance of corporate commitment to sustainability.

The report concludes with policy recommendations to enhance CSR practices, particularly in the oil and gas sector. Proposals include introducing a CSR bill, imposing stricter penalties for spills and disasters, mandating environmental impact reporting, and promoting diversification into renewable energy. The UK is encouraged to lead these reforms, setting an example for other Western nations with significant oil corporations.

The implementation of these policies would be overseen by the Environmental Agency, with additional resources allocated for enforcement. Success will be assessed through annual reports from oil and gas companies, evaluating their CSR compliance and impact. The Environmental Agency would take corrective measures as necessary.

INTRODUCTION

THE BASICS

- *Corporate Social Responsibility (CSR) is a business model which emphasises ethical practices, contribution to local communities, and efforts to mitigate the effects of climate change.*
- *CSR is, for the most part, is a voluntary business model, although certain laws have been implemented around the world which achieve some of these goals (Lin, 2020).*
- *Analysing the multifaceted impact of multinational corporations, particularly in developing nations like Nigeria, is of utmost importance. This assessment is essential because these corporations can either function as purely extractive and detrimental entities, undermining the principles of sustainable development, or they can assume a positive role by facilitating knowledge and technology transfer, creating employment opportunities, and aligning with the objectives of sustainable development.*
- *Human behaviour is a major contributor to climate change, particularly with regard to the burning of fossil fuels. If CO_2 emissions could be kept to zero after 2050 global temperature could fall below two degrees, while the worst-case scenario could cause an increase to as high as five degrees(UCAR, 2021).*
- *CSR has seen uneven application among oil and gas companies. Certain companies have failed to commit to significant emission reductions or investment in renewable energy, while climate disasters are still commonplace, such as oil spills in Nigeria and the recent train derailment in Ohio (Frynas 2009).*



Figure 2: Visual representation of some of the key componets of Corporate Social Responsibility.

PROBLEM

- Legal standards for CSR remain too weak to ensure effective implementation of measures to mitigate climate change, especially among the oil giants which are prevalent in the third world.
- Initiatives which have been pursued under CSR have often proven to be out of touch with the interests of local communities. While they occasionally fund building projects, they are often not backed up with sufficient funds for operation or consulted about with local communities (Akporiaye & Webster, 2022).



Figure 3: “We are eating, breathing, and drinking oil” Photo of Eric Dooh showing his palm covered with oil in Ogoniland, Nigeria. (The Guardian, 2022)

- The lack of sufficient CSR measures has worsened exploitative practices in the third world and damaged their economies. This is linked to the phenomenon of the “resource curse”, where countries rich in natural resources often end up poorer due to the demand for resources stifling other areas of the economy and encouraging political violence.

METHODOLOGY

- To create policy recommendations, we must first look at the present policy within the countries that we will investigate - Nigeria, the UK and the US. This will give us an insight into the limits already in place and how they have tried to impose CSR already.
- We will investigate various case studies of corporations and evaluate the effect of CSR. We will find that some, like Johnson & Johnson, provide useful examples of how CSR can be applied positively by corporations (Johnson & Johnson, 2021).
- From this, we plan to evaluate the effectiveness of CSR, and recommend that governments can implement specific policies to improve accountability within the corporate world.

POLICY CONTEXT

UNITED STATES

- *The United States has a proud tradition of leading the way in environmental responsibility that can be dated back to President Teddy Roosevelt. This can be demonstrated by the National Environmental Policy Act (NEPA), which established a national policy to "create and maintain conditions under which humans and nature can exist in productive harmony that permit fulfilling the social, economic, and other requirements of present and future generations" (Camilleri, 2017).*
- *The Environmental Protection Agency (EPA) has many roles, including to develop and enforce environmental regulations (Usagov, no date). It has also created a number of strategies and guidance programmes to aid in the implementation of environmental sustainability (Camilleri, 2017).*
- *The Bureau of Energy resources (ENR) promotes transparency in the energy-sector, supporting the Extractive Industries Transparency Initiative (EITI). This means that citizens have access to information on many crucial elements of resource extraction. As such, these reports give citizens the opportunity to know how their country manages its natural resources (Camilleri, 2017).*

UNITED KINGDOM

- The UK is a pioneering nation of CSR (Wirba, 2023). CSR in the UK is not simply compliant with laws and regulations, but also reflects a **growing awareness** for environmental and social issues among businesses and consumers. Many UK companies are beginning to recognise the importance of CSR in building a positive reputation, thus attracting investors, and meeting the social expectations of their stakeholders (Stoian and Gilman, 2017). This growing awareness is aided by the UK being a signatory to many international agreements such as the United Nation's Sustainable Development Goals (2015).
- Legislation and code in the UK that supports and endorses CSR:
  - **The Companies Act 2006** (Strategic Report and Directors' Report) Regulations 2013 requires certain large companies to **include information about their impact on society, the environment, and other non-financial matters in their annual reports** (UK Government, 2006) This is often percieved as mandates CSR (Lin, 2020).
    - The accounts that Shell produced in their CSR reports surprisingly reflected a truthful and mediated account of the reality of oil spills (Pupovac and Moerman, 2022).
  - **The Modern Slavery Act 2015** mandates certain businesses to disclose their efforts to **combat modern slavery and human trafficking** in their supply chains (UK Government, 2015).

- **The UK Corporate Governance Code** plays a significant role in promoting CSR, setting out the principles and best practices for corporate governance. It particularly emphasises; transparency, risk management, sustainability, accountability, engagement with stakeholders, and effective board leadership (Financial Reporting Council, 2016).

- In the UK's oil industry CSR is a critical dimension that addresses the sector's substantial environmental and social impacts. Key aspects of CSR in this industry include a steadfast commitment to reducing environmental footprints, with an emphasis on minimising greenhouse gas emissions and managing pollution. Oil companies operating in the UK also allegedly prioritise health and safety measures to protect workers and local communities, adhering to stringent regulations (Health and Safety Executive, 2015). Moreover, many companies diversify their portfolios to include renewable energy investments attaining financial and advisory support from the government. This aligns with the UK's renewable energy goals and promoting a sustainable energy transition to deliver on the nations net zero commitments. In this multifaceted approach to CSR, the UK's oil industry aims to balance economic interests with environmental conservation and social well-being (UK Government, 2023).

THE NIGER DELTA REGION, NIGERIA

- The widespread adoption of Corporate Social Responsibility (CSR) practised by multinational oil companies in the Niger Delta region has supposedly improved community-corporate relationships. However, recent developments have pointed to relationships remaining stagnant or deteriorating as a result of the practices. Research into these practices has pointed to the structures of CSR efforts being directly detrimental to their efforts (Idemudia, 2009).
  - From the 1950s onwards, corporations took a material perspective to their CSR efforts through the building of schools, hospitals and other community projects. However, these projects have consistently failed to benefit the local communities due to neglect of facilities, understaffing and a lack of training for residents to work within these new projects (Ite et al., 2006).
  - From the 1990s onwards, widespread outrage over human rights violations by oil multinationals towards Nigerian workers led to violence. Shifting the focus of CSR away from physical projects and towards community development models to improve corporate-community relations (Hamilton, 2011).
    - Poor community participation and a lack of government involvement directly contributed to the breakdown of these relationships, as projects became unsustainable.

        - The concentration of new developments and the frequency with which they were built spurred intra-community competition and violence for access to them.
    - More recently, corporate-NGO relationships have sought to mitigate the damage caused by corporate activities in the region, and identify the issues behind most of the present-day conflict. Community outreach projects have frequently identified lack of employment opportunities and environmental damage as large motivators for conflict.
- The role of the Nigerian government in CSR efforts has also been criticised, with the vast majority of the costs for the implementation of CSR being funded by the government rather than the corporations. For example, Shell covers approximately 45% of CSR community development costs in the Niger Delta region, with the government picking up the remaining 55%. (Angela et al, 2021).
- Micro-CSR activities, such as rebuilding roads and establishing new schools, are **consistently prioritised over macro-CSR issues, such as pollution and corruption**.
    - Over 70% of the Nigerian population is dependent on fishing or farming, which is being greatly affected by pollution such as oil spills (NDDC, 2004).
    - Companies have paid inadequate compensation to communities following oil spills and other environmental disasters (Hamilton, 2011).

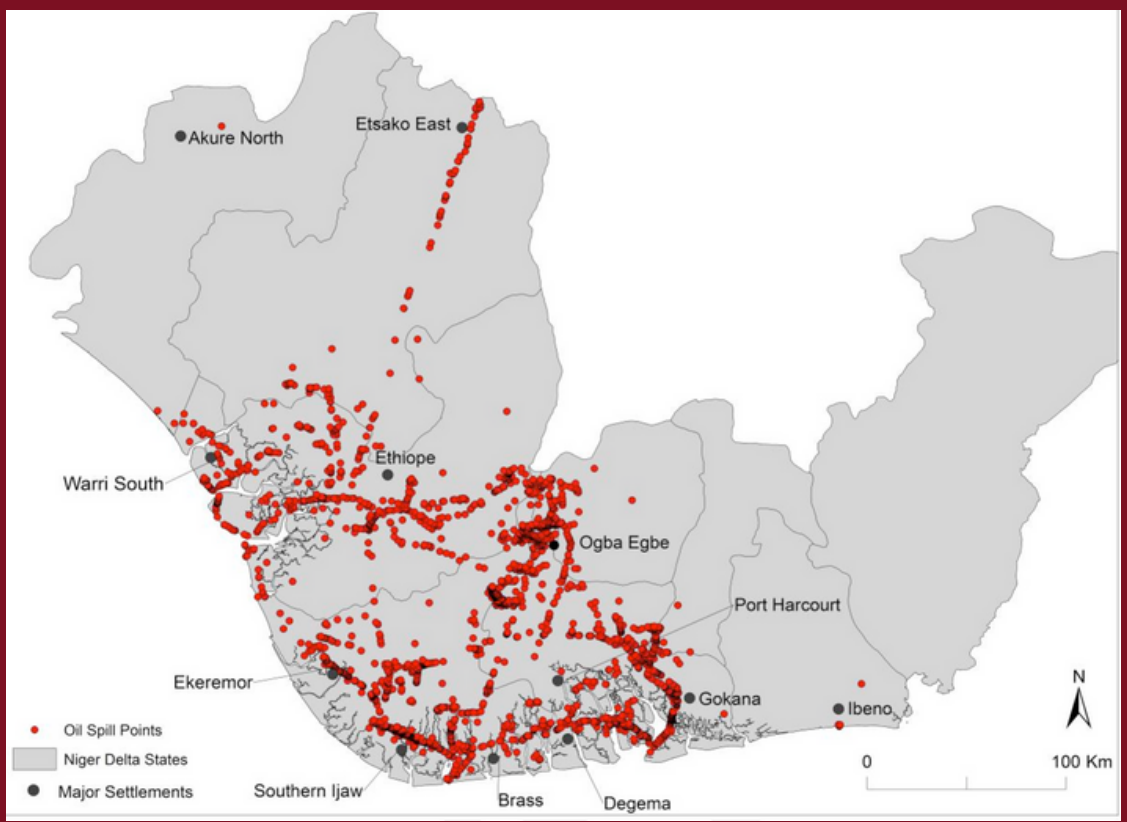


Figure 4: Spatial distribution map of pipeline oil spills in the Niger Delta, Nigeria from 2007-2015 (Obida et al, 2018)

CASE STUDIES

OIL SPILLS IN THE NIGER DELTA



The Niger Delta, located in Nigeria, has been marred by decades of environmental degradation and social turmoil caused primarily by the oil industry. One of the most egregious manifestations of this crisis is the frequent occurrence of oil spills, which have devastating consequences for the environment, local communities, and human health (Pupovac and Moerman, 2022). This case study examines the lack of corporate social responsibility (CSR) in the extraction of oil and addressing oil spills, with a focus on Royal Dutch Shell's operations in Ogoniland. This study highlights the dire consequences of irresponsible oil extraction and the need for stronger CSR practices in the industry.

The Niger Delta is one of the world's most oil-rich regions, with oil and natural gas accounting for 6.33% of Nigeria's GDP in 2022 (Statistica, 2023). However, the region has paid a heavy price for this resource wealth. Oil spills, both large and small, have become a persistent issue due to inadequate infrastructure maintenance, pipeline sabotage, and weak regulatory oversight. These spills contaminate water sources, destroy farmlands, and harm wildlife, leading to economic hardships and health problems for local communities (Ordinioha and Brisibe, 2013; Pupovac and Moerman, 2022).

Shell, one of the largest multinational oil corporations operating in Nigeria, has a long history in the Niger Delta, particularly in Ogoniland. The company's activities have come under intense scrutiny due to their environmental and social impacts. One stark example of Shell's lack of CSR in addressing oil spills is the case of Bodo, a small fishing community in Ogoniland. In 2008, two major oil spills occurred from Shell's pipelines, devastating the local environment and people's livelihoods. Despite the obvious harm caused by the spills, Shell's response was slow and insufficient leaving citizens of Bodo suffering from countless human rights violations. It took Shell over four years to admit responsibility and agree to a compensation settlement in 2012 (Azubuike and Songi, 2020).

The delays in addressing the crisis in Bodo illustrate a pattern of inadequate response to oil spills by multinational oil companies operating in the Niger Delta. This reflects the oil industry's consistent failure in relation to the United Nations Environment Programme (Agbonifo, 2016). Local residents suffered immense hardships during the protracted legal battle fuelling conflict and requiring a long clean-up process, with multiple health-related side effects (Ordinioha and Brisibe, 2013). Many lost their main source of income as fishing became impossible due to the contaminated waters with particularly high unemployment among youth in a region where little of the oil wealth has been returned to the people (Pupovac and Moerman, 2022).

One of the key issues contributing to the lack of CSR in the Niger Delta is the lack of transparency and accountability in the oil industry. Oil companies often downplay the severity of spills, making it difficult for affected communities to seek justice. Regulatory bodies, such as the Nigerian government and the Nigerian National Petroleum Corporation, have failed to hold oil companies accountable for their actions, leading to a culture of impunity (Uwem, 2004; Musa, 2022). One explanation for this can be the financial burden of penalising oil companies such as Shell, as they are such a great contributor to Nigeria's GDP. This reiterates that nations like the United Kingdom where these oil firms are based must intervene for human rights.

Nevertheless, despite disputes over compensation strides are being made, in 2021 the UK Supreme Court unanimously ruled that the polluted Nigerian communities can sue Royal Dutch Shell in the English Courts (Supreme Court, 2018). However, proceedings of the 13,000 Nigerians suing Shell have thus far been halted by Shell allegedly delaying the lawsuit (Business & Human Rights Resource centre, 2023).



This emphasises the persistent and intricate challenges experienced by residents of the Niger Delta, signalling the necessity for reforms in the legal and political frameworks that hold corporations accountable. It underscores the substantial power disparities between multinational corporations and local communities, underscoring the imperative to enhance CSR and ethical business practices.

JOHNSON & JOHNSON

Johnson & Johnson has had a core value of maintaining a high standard of corporate social responsibility for a number of years. Consistently developing sustainable solutions to environmental concerns, they have built a reputation as a reliable manufacturer in the process (Johnson and Johnson, 2021).



Figure 5: Image from Johnson & Johnson Global Community Impact Project (Johnson & Johnson, 2023)

Its key points of success include:

1. Significantly reducing its carbon footprint, with the ultimate goal of carbon neutrality by 2030.
2. Producing all ACUVUE contact lenses since 2022 with entirely renewable energy, working towards sourcing 100% of its electricity needs from renewable sources.
3. Reducing the plastic content in their packaging by up to 40%

In 1982 Johnson & Johnson demonstrated its dedication to corporate social responsibility when it recalled approximately 30 million Tylenol products, costing the manufacturer over $100 million. This was when they found that some of the capsules were causing illness (it was later found that they were not responsible for this as the capsules had been tampered with). This lack of hesitation, at great cost to the business, has since been recorded as a great example of the epitome of corporate social responsibility. Against popular belief at the time, this was not overly damaging to Johnson & Johnson, in fact investors and the general public alike reacted positively to its responsible handling of the incident (Investopedia, 2022).



Figure 6: Johnson & Johnson CSR (Santos, 2017)

If such dedication to corporate social responsibility could consistently be produced across companies in regard to environmental policies in a time of climate change, our approach would likely be seen as sufficient in this era.

POLICY PROPOSAL

RECOMMENDATIONS

The passing of a Corporate Social Responsibility bill which codifies certain corporate practices into UK law. Drawing from mandatory CSR laws from around the world, practices adopted by positive exemplars of CSR, and challenges identified in third world countries affected by the practices of UK companies (Lin 2020, Frynas 2009, Akporiaye & Webster 2022), we recommend that the following measures be included in this bill:

1. Introduce a Vigilance Law in which companies need to develop, disclose, and implement a vigilance plan for gas and oil companies with regard to environmental safety.
2. Introduce harsher legal penalties for spills or disasters. Since the 1970s, the average number of oil spills per year has been in decline. From 1970-1979, the number of oil spills per year averaged at 24.5. From 2010-2019, the average has been 1.8 (ITOPF 2023). Therefore, companies will be fined if they oversee any oil spills or such disasters at all.
3. Require oil companies to engage with the local communities in which they operate. Examples of this could be by providing University scholarships to local youths, endorsing the transfer of technology, and addressing community concerns.
4. Encourage oil companies to diversify their portfolios into renewable energy which will help prevent resource rich nations from suffering from the resource curse.
5. Encourage research and development aimed at improving environmental technologies and practices in the oil sector to reduce the liklihood of oil spills and reduce carbon emissions.

Two UK based oil companies are in the top four in terms of “big oil” (Shell and BP). As such, a legal framework for CSR in the UK would have a sizable impact on environmentalism worldwide. However, a similar form of this policy is recommended for adoption in much of the western world, particularly where oil giants are situated (US, France, and Italy).

IMPLEMENTATIONS

This law will be enforced by the Environmental Agency, which will be increased in size by 10% in order to administer these changes and ensure they're implemented by the companies concerned. Civil servants specialising in the field of CSR will advise corporations on their new obligations, evaluate their compliance, and issue fines and punishments when necessary.

Find below the costing of this program:

ACT	COST
New Civil Servants (Competitive Salary of £32,000 x 1060)	£33,920,000
Additional Costs for Other Expenses (Access to information, travel, program restructuring, etc)	£15,000,000
Total (per year)	£48,920,000

MEASURING SUCCESS

To measure the success of this policy, we recommend that the government mandate oil and gas companies to produce an annual report detailing their adherence to the CSR obligations. This will include the amount of money being reinvested in sustainable energy, showing the safety procedures which prevent spills or disasters, detailing the effects of any disasters which occur, and analysing their progress in their emission reduction targets. The civil servants in the Environmental Agency will evaluate, fact-check, and respond to these reports, issuing legal penalties where necessary and documenting the success or failure of the law. This means the program can be restructured using the extra funds if necessary.

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