GLOBAL WITNESS PRESENTS

DRILLERS IN THE MIST

SOCO INTERNATIONAL’s quest for oil in Virunga National Park, a World Heritage Site in the Eastern Democratic Republic of Congo, is marred by illicit payments and a climate of violence. The company and its contractors made illicit payments appear to have paid off armed rebels, benefited from fear and violence, and fostered government security forces in the region. Opponents have been arrested by government security forces identified as working alongside the company. SOCO has raised money with help from as many as 17 UK pension funds.

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SEPTEMBER 2014

EVIDENCE FROM SECRET RECORDINGS

SOME MATERIAL MAY BE HIGHLY INAPPROPRIATE

HOW SECRET PAYMENTS AND A CLIMATE OF VIOLENCE HELPED SOCO INTERNATIONAL OPEN AFRICA’S OLDEST NATIONAL PARK TO OIL
London-listed company Soco and its contractors have made illicit payments, appear to have paid off armed rebels and benefited from fear and violence fostered by government security forces in eastern Congo, as they sought access to Africa’s oldest national park for oil exploration.

Material gathered as part of an undercover investigation by UK film-makers and reviewed by Global Witness, lays bare the extent of the acts carried out by Soco International plc – one of the UK’s 200 largest companies – and its supporters to further its oil project in the Democratic Republic of Congo’s Virunga National Park, which is a world heritage site. Only some of the undercover footage was included in a new documentary called “Virunga”. Soco has said in a public statement that it “does not condone, partake in or tolerate corrupt or illegal activity whatsoever.”

Soco has yet to find oil in the park. Following sustained pressure from campaigners, it pledged on 11 June that, after completing seismic testing, it would not “undertake or commission any exploratory or other drilling within Virunga National Park unless Unesco and the DRC government agree that such activities are not incompatible with its World Heritage status”. The ambiguity of Soco’s position leaves the door open to the park being fully or partly declassified for oil.

This was underlined by a report in the Times on the day of the announcement, where Soco Deputy CEO Roger Cagle said Congo and Unesco could agree to redraw Virunga’s boundaries.

The video and audio recordings were collected by a court-appointed investigator, community activists and French freelance journalist Mélanie Gouby. The footage shows a Soco ally trying to bribe a senior park ranger to spy on the head of Virunga, local Soco agents handing out envelopes of cash to villagers to hold a demonstration, and a top Congolese parks official telling rangers they “will be paid money, money, money” if they collaborate with the company. Soco officials, meanwhile, labelled the head of the park, Emmanuel de Merode, as their major obstacle in secret recordings, and denigrated the park. Its operations supervisor in Congo said the world heritage site was “just a fucking mine”.

Activists and park rangers in Nyakakoma have been arrested, and in some cases beaten or stabbed, by soldiers and intelligence agents after criticising or obstructing Soco’s operations. Several of these cases have recently been documented independently by Human Rights Watch, which has called on Congolese authorities “to make sure that people are safe when they try to uphold the law, protect the park, and peacefully express their views”. Soco has said it is not connected to the incidents.
Virunga National Park, which lies on the equator in eastern Congo, covers an area almost three times the size of Luxembourg. It contains savannah, rainforest, lava-spewing volcanoes and most of one of Africa’s great lakes. Lake Edward’s fish support more than 30,000 people but the park’s most famous residents are some 220 critically endangered mountain gorillas – a quarter of the total global population. As a world heritage site, Virunga officially enjoys the same level of protection as the Yellowstone National Park and the Great Barrier Reef.

But as easier-to-tap oil supplies have dwindled, the push into more remote areas has brought two European oil firms to Virunga. The French giant Total and London Stock Exchange-listed Soco International have been granted oil exploration rights to vast areas that overlap the park. To head off criticism, Total announced in 2013 that it would not explore for oil inside Virunga’s current boundaries even if these were to be moved. Faced with opposition from western governments, UN agencies and conservationists, Soco made a commitment in June – in a joint-statement with the WWF (World Wide Fund for Nature) – which falls far short of Total’s unequivocal stance.

That announcement on 11 June was the result of a mediation process stemming from WWF’s complaint against Soco to the Organisation for Economic Co-operation and Development (OECD). In addition to its pledge not to start new oil activities inside Virunga without agreement between Unesco and the Congolese government, the company committed not to operate in “any other world heritage site”.

Soco said in a statement to Global Witness that it "operates in accordance with the UK Bribery Act 2010 and any allegation to the contrary is categorically denied". It said the Virunga film "contains multiple inaccuracies and many entirely false statements concerning the company’s operations". Soco would “investigate thoroughly and deal with each and every incident” if there was evidence of wrongdoing, it added.
Executive Roger Cagle has indicated his support for such an arrangement, telling the Times newspaper that the agreement “forces DRC and Unesco to come to some kind of accommodation”.

Soco has also been at pains to tell investors and the Congolese authorities that its agreement with WWF did not signal the company was withdrawing from Virunga. For example, Soco’s Congo country

WWF, meanwhile, has agreed to stop pursuing its OECD complaint and has declared “victory for our planet and for good practices in business”.

The deal, however, allowed Soco to complete a seismic survey inside Virunga to gather data on the park’s oil potential. Virunga could still be drilled under the agreement if the park is declassified or its boundaries are shifted. Indeed, Soco’s Deputy Chief as a cash cow by Saddam Hussein’s regime. Both men were reported to have been given lucrative oil allocations by Iraq. De Sousa was linked by an official inquiry and an investigative report in the Wall Street Journal to the smuggling of over 400,000 barrels of oil out of Iraq in 2001 in contravention of UN sanctions. The authoritative Volcker report on the scandal said that Saddam’s government illegally earned €9.4 million from the scheme.

Maugein told the Wall Street Journal at the time that his dealings in Iraq “were conducted in a perfectly legal manner.” De Sousa said that he simply “went [to Iraq] to discuss potential investments” and that the corruption scandal was “a big hypocrisy.”

Similarly, Soco’s first acquisition in central Africa in 2005 – the offshore Marine XI block in Congo Brazzaville – was mired in controversy. A private company Africa Oil and Gas Corporation (AOGC) was awarded a 10% stake as part of the deal. A UK court found that AOGC was secretly set up by a presidential advisor, who as head of the state oil company was in charge of overseeing the bidding process for the block. Maugein and de Sousa also held a stake in the block through an offshore company.

These allegations against Soco board members have not prevented the company from receiving accolades in the business press. The Times said in September 2013 that its shares are “a good long-term punt”, while more recently investment banks BMO Capital Markets and RBC Capital gave it an “outperform” rating.

SOCO’S PAST: CORRUPTION CLAIMS AND THE AXIS OF EVIL

Soco was registered in the UK in 1997, when Texan oil-man Ed Story brought in an old business partner, Roger Cagle, to help float the company on the London Stock Exchange.

The company has often gone where others fear to tread. Outside central Africa, it has operated at the frontier of the oil sector in countries including Libya, North Korea and Vietnam. “We didn’t concentrate on the Axis of Evil,” Story told a British newspaper in 2008. “It just worked out that way for a while. We go to a lot of strange places. We like to be there first and define the terms rather than take someone else’s.”

In 1999, two years after the float, a group of investors took a 25% stake in the company and joined the board. Patrick Maugein, a friend of former French President Jacques Chirac, became Soco’s chairman, and Rui de Sousa, a Portuguese oil trader, a director. Maugein and de Sousa – who became Chairman after the former’s death in 2006 – helped orientate Soco towards oil fields in French-speaking Africa. When Soco set up its Africa office, Maugein brought in another Frenchman to head up its operations – Serge Lescaut, who worked in oil in Iraq from 1998 to 2003.

After buying into Soco, Maugein and de Sousa became embroiled in corruption allegations surrounding Iraq’s UN-supervised “oil-for-food” programme, which was intended to alleviate the effects of sanctions on Iraqi civilians but was used as a cash cow by Saddam Hussein’s regime. Both men were reported to have been given lucrative oil allocations by Iraq. De Sousa was linked by an official inquiry and an investigative report in the Wall Street Journal to the smuggling of over 400,000 barrels of oil out of Iraq in 2001 in contravention of UN sanctions. The authoritative Volcker report on the scandal said that Saddam’s government illegally earned €9.4 million from the scheme.

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year before, the company’s oil rights for Block 5 were ratified by Congo’s President.²¹ Now Congo’s environment ministry had suspended its plans to begin exploration and national park authorities were arguing that oil exploration was illegal (see box: The legality of oil exploration in Virunga). Over half of Block 5 lies within Virunga.

Beyond the looming threat to Virunga, major questions remain about how Soco opened up Virunga to oil exploration and countered opposition with the help of some dubious allies.

A deal to unlock the park

Soco was set up and is still led by Ed Story, a 70-year-old Texan oil man with a penchant for playing elephant polo. From small beginnings in 1991, as an offshoot of Fort Worth-based Snyder Oil Corporation, it has grown to be one of the 200 largest British public companies, with annual revenues of over $600 million.⁸ Along the way, company officers have courted controversy for links to corruption and Soco has been criticised for its focus on some of the world’s most dictatorial regimes (see box: Soco’s past).

In early 2011, the company’s bid to find oil in eastern Congo seemed to be falling apart. The
it had permission, saying Wilungula’s version was “blatantly false” and that it was in the park conducting an environmental assessment.25

To make matters worse for the company, in March 2011 Congo’s Environment Minister, José Endundo, rejected the environmental assessment by Soco as “premature” and “superficial”.26 He said a further assessment was needed before oil exploration could proceed.

In a letter to the Prime Minister that month Endundo joined the ICCN in accusing Soco of forcing its way into the park. He said that Soco’s oil contract “posed a problem” and that “any violation of the integrity of Virunga National Park... would lead to the decline not only of this park” but also of Congo’s four other national parks recognised as world heritage sites.27 He said this was not solely the position of the environment ministry but was the “clear and unambiguous position of the relevant texts”.

Then, in May 2011,28 Soco signed an agreement with the ICCN.29 The existence of the deal was kept secret at the time, even from the Virunga authorities – based in the park at Rumangabo, 900 miles east of the ICCN’s Kinshasa headquarters.30

Soco later said it gave them the right to enter Virunga “for the purposes of carrying out scientific studies” in return for a fee to the ICCN “to monitor our activities... and contribute towards the cost of providing rangers”.31 It is not known how much Soco paid under the agreement.32

A later 2013 deal between the two commits Soco to pay $180,000 a year, as well as a one-off payment of $150,000 for development projects to the parks authority.33

In the year after the May 2011 Soco-ICCN agreement, relations improved and by April 2012 the ICCN’s Wilungula wrote to Soco saying the ICCN will “ensure that you and your teams... can enter Virunga National Park for all useful purposes”.34 He said the ICCN “supports wholeheartedly” Soco’s aim of “reconciling the conservation of the unique and irreplaceable biodiversity of [Virunga]... with oil exploration”.35

The environment minister Endundo granted Soco a permit for aerial surveys over its block36 but resisted pressure from the oil ministry to give more far-reaching rights.37 In March 2012 he removed a key Soco ally from a committee monitoring the oil issue.38 Endundo lost his ministerial position later...
that month – it is not known whether it was in connection with his stance on Virunga.

The agreement with Soco led to a split in the national parks authority between those willing to collaborate and those determined to shield Virunga from oil exploration. De Merode and his team in Rumangabo were left isolated.

De Merode, a 44-year-old Belgian conservationist who grew up in Kenya and the UK, was brought in by the Congolese government to manage Virunga’s team of about 300 ICCN park rangers in 2008. He also sits on the board of the Virunga Foundation, which has a ten-year contract to manage the park alongside the ICCN. His appointment allowed Virunga National Park to restore its reputation following an international scandal that saw its previous director charged with complicity in the illegal charcoal trade and the killings of several mountain gorillas. The former director, Honoré Mashagiro, was later released for lack of evidence but the events surrounding his arrest marked one of the lowest points in the park’s history.

Under de Merode’s leadership, the park has bounced back from years of neglect. A hydro-electric plant has been built for local people and tourists have started visiting the mountain gorillas again, earning revenues of over $1 million in 2010 and 2011 combined. The turbulent history of the area, still dotted with rebel groups, makes the rangers’ jobs dangerous and sometimes deadly: 130 park rangers have been killed in the park since 1996.

Despite the about-turn of the national parks authority and the environment ministry in Kinshasa, Soco still had to contend with opposition in and around Virunga – from the park’s management under de Merode, as well as from activists and fishermen.

THE LEGALITY OF OIL EXPLORATION IN VIRUNGA

Oil exploration or production in Virunga National Park is illegal under Congo’s 2011 Environment Law and its 1969 Nature Conservation Law, which says that land in national parks, “cannot be transferred or placed under concessions.”

A new Nature Conservation Law superseded the 1969 text in February 2014. It declares “null any right granted within the boundaries of protected areas.” However, the law says “scientific research” and activities in the “public interest” may be permitted by a decree from the Council of Ministers where the activity is not detrimental to flora and fauna. Soco has not received such a decree. Although Soco has received presidential and ministerial decrees authorising them to explore for oil, these are of lower legal value than Congolese law.

In addition, Virunga is protected as a world heritage site and the committee that governs these sites has stressed “the incompatibility of petroleum exploration and exploitation with World Heritage status”. It has called on Congo to cancel the permit.

Soco “denies that their operations in the park are illegal and states that it is committed to abiding by international and national law.” When faced with the allegations of illegality, it said that “the only planned activity continues to be the scientific studies… No drilling has been planned or is warranted at this stage.” But the work programme in Soco’s Production Sharing Contract contradicts this, committing the company to drilling two exploration wells.

In a meeting on 29 May 2014 with Global Witness (before Soco’s joint announcement with WWF) a spokesperson for the company said that after interpreting the seismic data – which would not be completed until October 2014 at the earliest – the terms of the contract allow the company to pull out for commercial reasons: “That is our safety net.”

The government of the UK, where Soco is headquartered, has said it “opposes oil exploration within Virunga National Park” and has urged “the Government of DR Congo to fully respect the international conventions to which it is a signatory.” The Belgian, German and European parliaments have all passed resolutions critical of oil exploration in the park.
CHARACTERS

Soco and its subcontractors

- **Ed Story** – Soco’s Texan CEO, he started the company in 1991
- **Roger Cagle** – Soco’s co-founder and Deputy CEO, based in London
- **Rui de Sousa** – Chairman of Soco since 2006, he also owns a stake in the Virunga project
- **Patrick Maugein** – an oil trader and Soco Chairman from 1999 until his death in 2006
- **Serge Lescaut** – Soco’s Africa director based in Pointe-Noire, Congo Brazzaville
- **José Sangwa** – head of Soco’s Congo office, based in Kinshasa
- **Julien Lechenault** – Soco’s Field Operations Supervisor in eastern Congo, who left the company in September 2013
- **Pieter Wright** – one of Soco’s security contractors working for Specialised Security Consultants (SSC)
- **“John”** – as yet unidentified consultant who worked for Soco, filmed undercover by Mélanie Gouby

Soco’s friends

- **Célestin Vunabandi** – MP for an area of eastern Congo covering much of Soco’s oil block and now a minister. He worked as a consultant for Soco
- **Major Burimbi Feruzi** – an intelligence officer and Soco’s point-man in the Congolese army.
- **Guy Mbayma** – Soco’s point-man in the Congolese national parks authority (the ICCN) until his recent dismissal
- **The Mwami (Chief) Ndeze** – the powerful local chief of Bwisha, a wide area including Soco’s base camp at the lakeside village of Nyakakoma
- **Kamari Birahira** – a top aide to the Mwami Ndeze in Nyakakoma

Congo’s environment officials and Virunga rangers

- **José Endundo** – Congo’s environment minister from 2007 to 2012
- **Cosma Wilungula** – General Manager of the Congolese national park’s authority (ICCN), which manages sites including Virunga
- **Emmanuel de Merode** – Virunga’s chief warden since 2008. A Belgian conservationist who survived an attempted assassination in April 2014
- **Rodrigue Katembo** – chief warden of Virunga’s central sector

The freelance journalist

- **Mélanie Gouby** – a French freelance journalist who secretly filmed Soco employees
1. ILICIT PAYMENTS AND OFFERS OF BRIBES: OVERCOMING RESISTANCE OF VIRUNGA PARK RANGERS

Four powerful local figures have advanced Soco’s interests in Virunga.

The army major – Feed us information secretly and you could get $3,000

The first was Major Burimbi Feruzi, a Congolese army intelligence officer assigned to Soco as a “Military Liaison Officer”. Undercover recordings show that he tried to smooth Soco’s way into the park through bribery and he referred to a Soco security contractor as his “boss”.

Feruzi was first filmed undercover in May 2013 by senior park ranger Rodrigue Katembo, whose authority covered Nyakakoma, the town housing Soco’s base camp. Two-and-a-half years earlier the provincial High Court of North Kivu had mandated Katembo to investigate Soco’s activities in Virunga.

Katembo – who features in the film Virunga – put on a concealed microphone and a button-hole camera, gathering information that was submitted to North Kivu’s public prosecutor in April 2014.

At the May 2013 meeting Feruzi offered Katembo money to spy on de Merode, saying that he was looking for “an accomplice on the inside”.

“We are trying to gauge Emmanuel [de Merode’s] position. Is he plotting behind our backs or is he planning an ambush?” said Feruzi. “While we are working together, you might hear something and you should inform us.”

“This means we are buying you,” said Feruzi, laughing. “After buying you, you accept to collaborate with us; and then they will be in the position to give you whatever you are asking for.”

When the subject of money comes up, Katembo asked, “Then you are saying I could ask for…”, but Feruzi interrupts him: “three thousand [dollars]”. By western standards this may not be much of a bribe but for a Congolese park ranger it’s a year-and-a-half’s wages – they earn just $165 per month.

Feruzi wanted Katembo to meet Soco’s security contractors, Specialised Security Consultants (SSC). “They are the ones who design all the plans and tell Soco everything… I myself work with them”.

In July 2013 the meeting took place. In more undercover video footage, Feruzi can be seen introducing Katembo to a white South African: “Mr Pieter Wright. He’s my boss. He is a security adviser in the company Soco”, the Major said. The three men discussed finding reliable rangers to collaborate with Soco in the park and at the end of the meeting Katembo was handed an envelope with $50: “just to say thank you”, Pieter Wright said.

“Bribes’ to park rangers have never been nor will ever be sanctioned by Soco,” the company has said.

In a written statement published on 24 April 2014 Soco denied “any knowledge of the security contractor filmed making a payment and does not in any way condone his actions”. However, in a meeting with Global Witness on 29 May a Soco spokesperson said, “We think we know who he is”.

“This means we are buying you”: Soco’s point-man in Congo’s army offered bribes to a senior ranger
The park official – Work with Soco and get “money, money, money” or be fired

The second official lobbying for Soco was Guy Mbayma, until recently the Technical and Scientific Director to the national parks authority and Soco’s official “focal point” with the organisation.

In March 2012 he was filmed speaking to Virunga’s rangers lined up in formation.

In a speech that wove together French, Swahili and Lingala, one of Congo’s national languages, he said that rangers who worked on the “inside team” with the company “will get money, money, money, are you gonna refuse that?”

If the rangers objected to oil exploration in the park, Mbayma told them, “you will be fired, I will sign your dismissal right this minute.”
Mbaya had funds to back up his promises. His boss, Cosma Wilungula, told Global Witness that Soco paid money directly to Mbaya, rather than to the ICCN centrally, after the company signed its May 2011 agreement with the parks authority. The work on the ground "was all coordinated by Guy Mbaya," Wilungula said, "I don’t know how much Soco gave him.

De Merode said that several rangers did receive money from Soco.

"I was made aware that some of my staff had received financial benefits in 2011 to 2014 from the said company, but this was done without my consent. Nor was I ever informed of the functions that they were asked to fulfil in return for these payments," he said.

Mbaya has also threatened local NGOs who oppose oil drilling. In an open letter in October 2013, he claimed that such NGOs may "perhaps create new armed groups" and called for the Minister of Planning, Céléstin Vunabandi, to put together a list of approved groups.

Soco did not answer Global Witness’s questions about Mbaya, including "What payments and benefits – if any" Soco gave to him, directly or indirectly.

The head of Soco’s office in Congo, José Sangwa, said that the ICCN’s “Technical and Scientific Director” (clearly referring to Mbaya) has “worked a lot” to improve relations between the two organisations.

“He [Mbaya] manages all the rangers, all the people there [Virunga Park]. He has an impact when he goes to the field. He gives instructions, he guides,” Sangwa told Gouby in Kinshasa in November 2013.

The regional MP – a Soco lobbyist

The third of Soco’s powerful friends was Céléstin Vunabandi, member of parliament for an area that includes Nyakakoma and, since April 2012, Congo’s Minister of Planning and Oversight for the Implementation of the Revolution of Modernity.

He says he acted as a consultant to Soco for over a year while he was an MP, and received money from them on a monthly basis to allow him to travel around the region promoting the oil project. He spoke in favour of Soco at public meetings, in the media and in meetings with NGOs and regional politicians.

Virunga’s lush plant life is under threat from poaching, the charcoal trade and now oil.
Soco paid Célestin Vunabandi – an MP for an area in Block 5 – every month as a “consultant”

Vunabandi told Gouby in a covertly filmed interview in December 2013 that he did not sign a contract as the company believed that this may not be legal under British law. He said: “I remember when we discussed with the Soco people at the time, we came to the conclusion that, I believe, British law does not allow for such a contract to be signed with politicians… especially when it relates to the promotion of a project.”

“Of course, every time I was going somewhere... they had to compensate me and I was engaged every month, it’s true,” he said.

Despite the sensitivities around his work for the company, Vunabandi says in his LinkedIn profile that he worked as a consultant to Soco, with the role of “facilitation and support in implementing the oil exploration project in [Soco’s] Block 5” for Soco from July 2010 to August 2011.

In Gouby’s recording, Vunabandi tells her that his role was to get the local population to accept oil exploration in Virunga, using his relationships with community leaders and local authorities. “I have very good relations with politicians of all communities. Soco people have certainly counted on that asset,” he said.

Soco has also kept the MP sweet by employing his brother, Damas Vunabandi, as a protocol officer.

Three sources from North Kivu told Global Witness that Vunabandi was the first person to hold public meetings about plans for oil exploration in Virunga, and that he did not reveal that he was a consultant for Soco. “He said that he was there [to speak to us] because he is an MP and cared about the population,” one of the sources told Global Witness on condition of anonymity. It would be “serious” if Vunabandi had been paid by Soco, the source said, as it would mean that he was acting as “judge and jury at the same time”.
Soco's relationship with Vunabandi needs to be investigated – by Soco itself and, as Global Witness is urging, by British and US authorities. His role with Soco appears to have been a serious conflict of interest at the very least. Vunabandi did not disclose his consultancy with the company in meetings with local communities and activists. At worst, Soco's arrangement with him could have constituted bribery – particularly if payments to Vunabandi went beyond the reimbursement of expenses and if he went beyond his official remit as a public official. The UK Bribery Act came into force in July 2011, towards the end of Vunabandi's consultancy with Soco.

After the consultancy ended, Vunabandi's name continued to come up. A Soco official, discussing a phoney demonstration funded by the company, said Vunabandi helped arrange it (see section below: The spontaneous demonstration). A middleman offering bribes to the park ranger Rodrigue Katembo said in a recorded meeting that he had been told to make the approach by Vunabandi. Both the demonstration and the attempted bribery occurred during the time that Vunabandi was a minister.

The arrangement with Vunabandi raises questions not just about Soco's regional staff and contractors, but also about how executives and senior staff understood his role. Vunabandi told Gouby that he had been a friend of Soco's Africa head Serge Lescaut since 2005. The MP has also praised Soco at a public meeting in the presence of Lescaut, Soco chairman Rui de Sousa and Congo office head José Sangwa, held the same month that his consultancy started. At the event in western Congo, reportedly attended by more than 2,000 people, he said: "I am pleased to say that this company will be in North Kivu soon – more precisely on Block 5. We will be very happy to welcome them and aid them in their work." 79

The UK Bribery Act makes it a crime for British companies to bribe or offer a bribe to a foreign public official. It is also a crime for a firm to fail to prevent bribery on its behalf (see box: UK, US and Congolese bribery laws). The law says that bribery is taken to occur when an official is rewarded for the "improper performance" of his function, defined by the UK's justice ministry as acting in breach of good faith or a position of trust.

The justice ministry's guidance on the Bribery Act says that reasonable expenses and some wining and dining are most unlikely to constitute bribery. However, if this slips into over-generous treatment the line into illegality could be crossed. "The higher the expenditure… the greater the inference that it is intended to influence the official", the justice ministry says.

by American businesses or citizens a crime. Like the UK Bribery Act it extends to bribery by third party agents. A company's management can be held personally liable for "wilful blindness" or purposely not informing themselves of suspected wrongdoing.

Although Soco is based in London, its three executive directors – Ed Story, Roger Cagle and Cynthia Cagle – are American citizens. Ed Story and Roger Cagle are both employed through a "wholly owned subsidiary" company registered in Delaware. They thus come under the scope of US corruption law.

Congo's 2005 anti-corruption law makes it a crime to, "offer or give directly or indirectly to a public official" a sum of money in order to obtain favourable treatment.
Birahira took part in a Soco helicopter flight to Nyakakoma in July 2013 to choose the site of the company’s base camp along with Pieter Kock from Soco security contractors SSC, and Major Feruzi.

The “spontaneous” demonstration – Soco pays villagers to hold a rally

Soco used its financial clout, handing cash to local organisations to give the impression that oil exploration had popular support.

In late March 2012 activists and traditional chiefs gathered in the town of Vitshumbi, alongside Lake Edward, to hold a meeting on Soco’s plans, ending it by signing a petition saying they “condemn any exploration and... any production of oil in the middle of Virunga”.

Soco organised a rally eight days later in the same town, featuring live music and a banner reading: “Soco for the development of our Lake Edward fishing community”.

In a hut at the end of the day, video footage shows Soco agents giving 40 local organisations envelopes of money. They told them, “pick up your envelope, other things will come later ... Don’t say oh, Soco sent money or such things, do we agree?”

In a conversation recorded undercover by Gouby three months after the demonstration, Soco’s Field Operations Supervisor in eastern Congo, Julien Lechenault, acknowledged that Soco had paid for the demonstration. Lechenault, a geologist and French citizen who worked for the company for three years, said: “money was made available to do the opposite, an anti-demonstration. Completely stupid but we did it”. He then “transferred the videos to Kinshasa”, presumably for the news. Asked by Gouby how he organised the demonstration, Lechenault said: “In fact, via Vunabandi, who is the minister. He’s our friend. He knows everyone. Just need to send cash and it’s done”.

In separate, undercover filming by Gouby in June 2013, Vunabandi said: “There have been demonstrations that took place, sometimes organised by Soco”.

Soco did not answer questions from Global Witness on whether it “ever financed public demonstrations in Congo”, including in Vitshumbi in April 2012.
ED STORY (CEO)
ROGER CAGLE (DEPUTY CEO)
CYNTHIA CAGLE (VICE PRESIDENT)
Soco Executive Directors contracted by Soco Management Services Inc. (Delaware, US)

RUI DE SOUSA
A director of Quantic Ltd & Chairman of SOCO International

MAJOR SHAREHOLDERS
1. Blue Albacore Business Ltd, Bahamas (for Ms Caterina Van der Westhuizen) – 8.27%
2. Globe Deals Ltd, British Virgin Islands (for Ms Barbara Contini) – 8.27%
3. Liquid Business Ltd, Bahamas (for Ettore Contini, Soco board member) – 8.27%
4. Chemsa Ltd (family of former Chairman Patrick Maugein) – 7.09%
5. Ed Story (current CEO) – 3.43%
(Source: Soco Annual Report 2013)

SOCO MANAGEMENT SERVICES, INC. (Delaware, US)
100% owned by Soco International plc

SOCO INTERNATIONAL PLC (UK)
London Stock Exchange
85%

QUANTIC LTD (British Virgin Islands)
15%

SOCO DRC LIMITED (Cayman Islands)
99%

SOCO EXPLORATION AND PRODUCTION DRC SPRL (DRC)
85%

COHYRDRO (Congolese state oil company)
15%
2. ARRESTS, VIOLENCE AND INTIMIDATION

Where bribery and illicit payments have failed to win over the company’s opponents, Soco’s supporters have resorted to intimidation and violence to silence them. Several of Soco’s opponents – activists, fishermen and Virunga rangers – have been arrested, beaten and received death threats.

Three names come up repeatedly as being linked to these arrests and intimidation, all of whom have been secretly filmed offering bribes and are closely associated with Soco: Major Feruzi, Guy Mbayma and Kamari Birahira. Most of the incidents took place in Nyakakoma.

A member of a fishermen’s committee in Nyakakoma was arrested on 15 July 2013 shortly before he was due to speak about the impact of oil production in western Congo – on the other side of the country and Congo’s only area now producing crude.97 The soldier who came to arrest him said that he was acting on the orders of Major Feruzi, according to two witnesses. The fisherman, who was accused by his captors of being a rebel and agitating against Soco, was released the same day, after pressure from local activists.

Soco issued a statement denying “any knowledge or involvement in the alleged claims” regarding the arrest and said it intended to investigate thoroughly.98 The investigation resulted in a statement from an environmental contractor to the company saying he was with Feruzi all day on 16 July and could not see “how the Major would have had time to arrest...someone in the few minutes that we were separated”99 The statement is unconvincing, not least because of its basic error with the date, referring to 16 July when the arrest was actually a day earlier.

In another incident, an activist with a local human rights group was arrested in September 2013 by local navy officials for allegedly taking photographs of Soco’s camp in Nyakakoma, according to a statement by a local NGO.100 As with the fisherman, he was released after an outcry from rights groups.

The activist was arrested again in February 2014 after having asked a question deemed to be critical of Soco at a public meeting organised by the Mwami Ndeze, the traditional chief, according to a local source. He had to report to the Congolese

Communities along Lake Edward rely on its fish stocks to survive. Soco is eyeing potential oil reserves underneath.
Despite the strong evidence against him, Feruzi continued to act as Soco's agent. For example, he again attempted to recruit Katembo to work for Soco in August 2013, according to undercover footage taken by Katembo.104

In another incident, Gaïus Kowene, a freelance journalist for Deutsche Welle, Germany’s international broadcaster, was attacked hours after he broadcast a critical report on Soco in Virunga in October 2013. Six armed men “dressed in military uniforms” beat him at his home in Goma and stole his laptop before fleeing, according to Congolese NGO Journaliste en Danger.108

While Global Witness does not allege that Soco has knowingly commissioned a wave of intimidation in the Virunga region, it is calling on Soco to thoroughly investigate whether any of its allies have been responsible for arrests or violence targeting people because of their opposition to oil exploration.

**DEATH THREATS BY TEXT MESSAGE**

**Soco says they could have come from its supporters**

At least six Congolese activists in Goma and Nyakakoma have received death threats by text message from unknown senders. One activist, from a Goma-based environmental group, was sent a text in 2011 saying he would have problems “as long as you continue talking about Soco”. Another time he was told “if you continue to speak about oil, you will see [what will happen]. You should be careful”.

Three activists fled Goma for several months in 2012 in fear of their lives. At the time, Global Witness met with and wrote to Soco, urging them to investigate the threats and tell Congolese allies and media that the company is “opposed to any personal threats to activists or others”.105 Soco consultant Tim Purcell said that the company had investigated and was satisfied that the messages did not come directly from the company.106

In correspondence with a British parliamentarian, the company said that “Soco does not tolerate violence, threats of violence or intimidation”. The company added, however, that it had many supporters within Virunga and that “It would not totally surprise us if some of them have used (arguably the NGOs’ tactic) of misinforming or intimidating others in support of their hope.” The company said that it had spent “time and money” attempting to educate these supporters but “it is not within our power to manage their activities”.107

**Stabbing and beatings of Virunga park rangers**

Although Soco claims Congo’s national parks authority is on its side, Virunga’s park rangers say...
they have suffered violence at the hands of the company’s allies, in one case for simply making a routine inquiry. Two of the most serious incidents occurred at Nyakakoma, inside the park.

On 15 June 2012, a helicopter arrived in Nyakakoma, carrying a delegation of Soco employees and supporters. When a Virunga ranger asked the purpose of their visit, members of the naval force guarding the team grabbed him by the throat, punched him and stabbed him in the ankle, according to a ranger present.

Soco International said that “we are in no way responsible for the reported incident” and that the helicopter left about 45 minutes before the stabbing. The ranger who witnessed the event disputes this, saying “white men” in the delegation saw the stabbing but left without saying a word.

In September 2013 Katembo, the park ranger, travelled to Nyakakoma and ordered a Soco engineer to halt work on installing a communications antenna, saying that he did not have official permission. Soon, Birahira – the aide to the Mwami – turned up with four soldiers. He confiscated Katembo’s possessions and told him he hoped his “body could be burnt by the local population”, according to the ranger.

Katembo, fearing for his safety, took to the road, seeking to take refuge in Uganda. Two days later, on the evening of 18 September, a group of soldiers arrested him at Virunga’s hillside town of Kanyaboyonga.

“They took all my things, they beat me, hitting me everywhere,” said Katembo, adding that his brother, still at secondary school, and a fellow park ranger received similar treatment. They then took Katembo to his rangers’ base in the area of Rwindi, where he says they slapped him in front of his guards. They then “took me all over Rwindi, to show people that I’d been arrested, mocking me”.

Along the way, he said, the soldiers passed him Major Feruzi on the phone, who told him that he would be thrown in jail for opposing Soco.

At intelligence headquarters in the provincial capital Goma, officials accused him of opposing oil exploration and the government, and planning to join the M23, a Rwanda-backed rebel group that took over swathes of eastern Congo before its defeat at the end of 2013. Mbayma turned up during his questioning, telling him he had not shown his superiors sufficient respect, said Katembo. Mbayma told Human Rights Watch that he had nothing to do with the arrest.

In his cell, Katembo received a further beating at the hands of other prisoners. He was held without charge and only released 17 days later. Even after his release, he said, he had to report to the intelligence services in Goma daily for 80 days.

When media reports linked Soco to the arrest, the company strongly denied any involvement, saying “any allegations on this subject are totally unfounded”. The Soco press release on the matter did, however, include a statement in which Mbayma justified the move on the basis that Katembo was opposing instructions from the Congolese president.

Mbayma also told Congo’s Radio Okapi that “Monsieur Rodrigue [Katembo] suspended work [carried out on the] instructions of the President of the Republic”. Katembo was arrested for “opposition to the State hierarchy”, said Mbayma. Mbayma has continued to attack Katembo since, saying in an open letter to the head of the ICCN on 9 March 2014 that Katembo was plotting to “create trouble” against Soco’s exploration plans and had “armed himself to the teeth”, training fishermen hostile to the Mwami Ndeze to carry out sabotage operations. Saying he feared for his own life, Mbayma said he would assign a group of rangers for his personal protection and called on Soco to “support this option”. He accused de Merode of playing “a dangerous game” for supporting Katembo.
On 6 June 2014 the national parks authority issued a statement saying that Mbayma "is no longer part of the ICCN". While no reason was given for his dismissal, the head of the ICCN, Cosma Wilungula, told Global Witness that Mbayma had gone beyond his mandate in running a "campaign to promote oil exploration". Human Rights Watch had reported that Mbayma made a death threat against Katembo – something denied by Mbayma himself. Human Rights Watch also reported an allegation that Mbayma had paid rangers hundreds of dollars to attend local meetings aimed at convincing people to support Soco.

The shooting of Emmanuel de Merode

Rangers faced great difficulties in challenging Soco but the company's officials and their allies saw the rangers' boss, de Merode, as the main obstacle. Soco's Julien Lechenault told Gouby, "What we wish is that de Merode gets fired. If he leaves, it's going to be OK." A similar sentiment was expressed by Kamari Birahira during his initial meeting with Katembo. "Now the obstruction hinges on one person – de Merode," he said.

Lescaut, Soco's Africa director, told Melanie Gouby in an undercover recorded conversation in June 2013: "We have official permission to enter the park and Mr de Merode has always opposed it... My great fear is that one day there will be a real accident." When asked to clarify he said: "a real incident, that people get killed, things like that".

"I warned the authorities in Kinshasa several times," he added, pointing out that a Soco contractor had been kidnapped two years earlier.

Later events showed just how dangerous de Merode's position was. On 15 April 2014 he submitted a report on Soco's activities to the public prosecutor in Goma. On his way back to his base in Rumangabo his car was sprayed with bullets by unknown gunmen – two bullets hit him, in the stomach and chest. Given that nothing was stolen, it seems to have been an assassination attempt.

There are a number of interest groups who may have had reason to attack de Merode – from those pushing for oil exploration to illegal charcoal traders and ivory poachers. However, at least one observer has pointed to the timing of the shooting to indicate a possible connection to the oil dispute.

Belgian MP François-Xavier de Donnea, who helps to run a fund which supports Virunga, told the Belgian daily La Libre Belgique that the report submitted by de Merode was "a compromising dossier", adding that the timing of the attack was "an extremely troubling coincidence". He called on Britain, which is home to Soco's headquarters, to investigate.

In response, Soco Chairman Rui de Sousa, told the paper that "Soco firmly denies these totally false, unfounded and defamatory insinuations", saying that "it had no link whatsoever to the attack that Mr de Merode was a victim of, an attack that it firmly condemns".

Roger Cagle, Soco's Deputy Chief Executive, reiterated Soco's denial to British paper the Times. "There is nothing for us to gain by doing this. The better question to ask is, 'How is the guy able to stay down there through the M23 [rebels] killing everything in their path?'" he said.

Following the shooting of de Merode, threatening anonymous text messages to Goma activists opposing oil exploration began again. One received a message on 20 April 2014 which said, "we are everywhere you go with your team. Don't think that if we missed your Director [de Merode] that we will also miss you." Another received a message the following day, warning against opposing oil exploration and saying: "you'll die for nothing like de Merode". In May WWF said unidentified callers had also threatened two of its staff in Goma over its opposition to oil exploration in Virunga. "One caller said, 'We want his head.'" reported WWF.

Soco has said it "has had nothing to do with the death threats or texts to human rights activists" (see also box: Death threats by text message).
3. SOCO AND REBEL GROUPS

Undercover recordings show that Soco staff turned a blind eye to relations between their security subcontractors and rebel groups in eastern Congo, and that these subcontractors appear to have paid rebels in return for safe passage to the park’s potential oilfields. It is not specified in the recordings which subcontractors are being referred to.

Large parts of Soco’s Block 5 are under the control of rebel groups who finance themselves through wildlife poaching and trading minerals and charcoal.

The rebels are one of Soco’s main worries. In February 2011, Pieter Kock, one of Soco’s security contractors, was kidnapped and held for two days by the Democratic Forces for the Liberation of Rwanda (FDLR), a rebel group linked to Rwanda’s 1994 genocide. According to Katembo, “it’s from that moment that Soco understood that they needed to start working with armed groups.”

Gouby recorded a Soco official and one of the company’s contractors – Julien Lechenault, Soco’s then operations supervisor in Goma, and “John”, a self-described British mercenary – discussing the company’s relationship with rebel groups.

“You’ve got to give them money to be able to travel through the area,” said Lechenault. John added: “And while you’re paying them and keeping them happy, they’ll work with you.”

As the conversation carried on, Lechenault, grew nervous and told John: “Shut up!... Don’t. We have a journalist here.” He then tried to distance himself from the payments, saying “We don’t talk to these people. That’s why we subcontract that shit.”

The conversation then became more argumentative.

**John:** Who’s paying the fucking money? You or them?

**Lechenault:** Sub-contractors

**John:** Nah, you can’t get away with that.

Other secretly recorded evidence suggests that Soco’s allies have either been paying the FDLR or plan to pay them and other groups. Birahira, the aide to the Mwami, told Katembo:

“Whether the Mai Mai [local militia groups] or the FDLR, if they are still around they will have to get something so that they won’t obstruct the operations,” he said. Another rebel group, the Nyatura, “would also have their share so that they don’t cause trouble.”

Soco has said, in response, that, “none of its employees, consultants or security contractors have played a part in the contact with rebels or payments to them.”

Soco said in a letter to Global Witness that “contact with rebels is inevitable as part of operating in the region, however, at no time has any contact between Soco or its security contractors with any Congolese rebel groups been instigated by Soco or its security contractors.”

“The company does not instigate contact with rebels nor are payments made by us to rebels,” it added.
**“WHO GIVES A FUCK ABOUT A FUCKING MONKEY?”**

Soco officials see park for its mineral bounty, dismiss its wildlife

Soco’s official line is that it wants to protect Virunga’s biodiversity but company officials and agents have repeatedly denigrated the park, in public and in private.

Roger Cagle, Soco Deputy CEO, told the Financial Times in 2011 that most of Soco’s block was “burnt-out savannah.” Rui de Sousa, Soco Chairman and part-owner of its Congolese business through an offshore company Quantic Limited, said in July 2013, that Virunga “has been in decline for many years.”

In private, the statements are more blunt. Journalist Mélanie Gouby recorded Soco’s operations supervisor in Congo, Julien Lechenault, and a Soco security contractor, “John”, having a frank conversation about Virunga.

“John”, having a frank conversation about Virunga.

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“A Soco spokesman did, however, confirm to Global Witness that Lechenault and John were working with the company: “We admit that we did contract him,” the spokesperson said of Lechenault, adding that John appeared to work for an “organisation contracted to provide medical services”.

The prospect of oil money in eastern Congo had also attracted the attention of the M23 rebels. Colonel Vianney Kazarama, a prominent M23 spokesperson, told Gouby in a 2012 interview that “we are asking for a percentage. They [Soco] cannot exploit without us.”

He also said that Vunabandi – the local MP, minister and one-time consultant to Soco – asked him to counter local opposition to oil drilling.

“There have been people among the population that do not like Soco doing its work here,” he said. “It’s Vunabandi who asked me to calm those people.”

“I told the people, it’s better to work with Soco than with the ICCN.”

**SHOCKING SOCO**

There is strong evidence of misbehaviour by Soco and its allies. A Soco official has been filmed admitting to financing a fake demonstration and appearing to acknowledge that subcontractors have been making payments to rebels. Soco’s Military Liaison Officer, along with its “focal point” in the Congolese wildlife authority, have been filmed going out of their way to push Soco’s agenda, and telling people they will get rich if they cooperate with the company. In one case Major Feruzi – the liaison officer who serves in Congolese military intelligence and collaborates with Soco’s security subcontractors - has been covertly filmed offering a senior ranger thousands of dollars to spy on the head of Virunga. Soco should try to explain why state officials are trying so hard to push the company’s agenda, and promising those who collaborate riches.

When you consider that Soco has made substantial direct payments to its focal point in the national...
parks authority – according to the head of the authority himself - and that a powerful regional MP was also receiving money on a monthly basis from Soco to lobby on its behalf, the questions become more pressing still.

Through its choice of local collaborators Soco has created an atmosphere of fear around its base in Nyakakoma, making it harder for anyone to speak out. Given that Soco is headquartered in London, is headed by Americans and owns its Congolese business through a company registered in the Cayman Islands, the response should be international. US and UK authorities should launch investigations and the company should pull out definitively from Virunga. Soco should also commission its own independent inquiry into its Congolese operations.

Soco's anti-bribery code says that “The Board is aware that Soco operates in an industry sector and in certain countries which are considered to be high risk by the standards expected by the UK Bribery Act.” Clearly, the evidence shows that the company's systems and procedures were inadequate.

The shooting of de Merode, who was lucky to escape with his life, was a wake-up call. Another of Virunga's top wardens, Rodrigue Katembo, had his life threatened and was beaten severely after daring to stand in Soco’s way. Any investigation commissioned by Soco should look into arrests and intimidation of people who opposed oil exploration in Virunga, in each case considering any evidence of links to the company or its allies.

Soco carried out six weeks of seismic testing inside the park from April 2014. The deal with WWF allowed Soco to complete the tests and give the Congolese government data on Virunga’s oil potential. Roger Cagle told the Times that the deal “forces DRC [Democratic Republic of Congo] and Unesco to come to some kind of accommodation, as has been demonstrated in many other places where they have accommodated things in world heritage sites by redrawing boundaries and by agreeing to certain activities being conducted in certain ways”.

Drilling is still a threat inside Virunga if Congo attempts to declassify the park or change its borders, or if Soco sells on its rights to another company.

Although Guy Mbayma has been dismissed by the ICCN, Major Feruzi was still in Nyakakoma guarding Soco’s base in August 2014, according to two sources familiar with the matter.

Back in London, Soco’s Executive Directors – including Ed Story and Roger Cagle – were awarded the maximum annual bonus of 100% of salary for the third year in a row for “exceptional company and individual performance”. Story and Cagle’s pay in 2013 was $3.4m and $2.6m respectively, a rise of over 550% for both men over the past decade. Cagle was during this time responsible for managing the company's risks, including bribery and reputational risks.

Soco’s investors – including Aviva, Legal & General and the Church of England – should push the company to rule out all oil activity within the current boundaries of Virunga and to launch a full independent investigation of corruption, intimidation and payments to rebels linked to the project.

If investors are not satisfied with the answers they get from the company, they should follow the example of Norway’s pension fund, which sold its $33m stake in Soco in 2013, partly because of concerns about the company’s operations in Virunga.

The outcome of the clash over Virunga will set the tone for how Congo’s fledgling oil industry develops, determining whether it can help lift Congo out of dire poverty without trashing its natural riches and sparking yet more conflict.

If Virunga is drilled, Congo’s lesser known parks such as Salonga National Park, which covers an area larger than Belgium, could be next. Huge areas of forest in Congo’s central basin have already been subdivided into oil blocks. Soco is eyeing these potential riches and says it has applied for a “large interior block” in Congo. “The whole central basin is virgin territory,” Soco’s Africa head Serge Lescaut has said, “We must explore it.”
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>1925</td>
<td>Albert National Park is established by Belgium's King Albert I.</td>
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<tr>
<td>1960</td>
<td>Congo becomes independent.</td>
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<td>1969</td>
<td>The park is renamed Virunga National Park.</td>
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<tr>
<td>1979</td>
<td>Virunga is designated a world heritage site, at the request of the Congolese government.</td>
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<tr>
<td>1991</td>
<td>Soco International is formed as a subsidiary of Snyder Oil Corporation, USA.</td>
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<tr>
<td>1994</td>
<td>Rwandan genocide. Over 1.5 million Rwandan refugees flee to eastern Congo, including hundreds of thousands into Virunga National Park.</td>
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<tr>
<td>1994</td>
<td>Virunga is classified as a world heritage site in danger by Unesco.</td>
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<tr>
<td>1996</td>
<td>First Congo War begins. Laurent Kabila's forces occupy northeast Congo, including much of Virunga. They go on to take Kinshasa in May 1997 and Kabila becomes president, renaming Zaire the Democratic Republic of Congo.</td>
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<tr>
<td>1999</td>
<td>Patrick Maugein and Rui de Sousa buy a stake in Soco and join the board as chairman and non-executive director respectively.</td>
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<tr>
<td>January 2001</td>
<td>Joseph Kabila becomes President of Congo after his father's assassination.</td>
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<tr>
<td>2003</td>
<td>Shell commits not to explore or pump oil in world heritage sites as does the International Council on Mining and Metals.</td>
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<tr>
<td>August 2005</td>
<td>Soco signs an agreement for an offshore oil block in Congo-Brazzaville, its first acquisition in central Africa. A private company set up by a presidential advisor, who as the head of the state oil company oversaw the bidding process for the block, gets a 10% stake in the block.</td>
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<td>October 2005</td>
<td>Soco Chairman Maugein and director de Sousa are named in the official inquiry into the Iraqi oil-for-food scandal. Both deny any wrongdoing. The following year Maugein dies and is replaced by de Sousa as chairman.</td>
</tr>
<tr>
<td>June-July 2007</td>
<td>Seven mountain gorillas are killed in Virunga in a few weeks. Pictures of villagers carrying the slain silverback Senkwekwe are published around the world.</td>
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<tr>
<td>December 2007</td>
<td>Soco signs a production sharing contract for Block 5 Albertine Graben, over half of which overlaps the Virunga National Park.</td>
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<tr>
<td>August 2008</td>
<td>Emmanuel de Merode, a Belgian conservationist, is nominated Director of Virunga National Park.</td>
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<tr>
<td>June 2010</td>
<td>Soco's production sharing contract for Block 5 is ratified by presidential decree.</td>
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<tr>
<td>July 2010</td>
<td>Regional MP Célestin Vunabandi starts working as a consultant for Soco according to his LinkedIn profile. This lasts until August 2011.</td>
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<tr>
<td>December 2010</td>
<td>The provincial High Court of North Kivu mandates a member of park staff to investigate allegations of wrongdoing by Soco.</td>
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<tr>
<td>2010 – 2011</td>
<td>About 5,000 tourists visit the park, bringing in over $1 million in 2010 and 2011 combined.</td>
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<td>Date</td>
<td>Event Description</td>
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<tr>
<td>February 2011</td>
<td>The head of the Congolese national parks authority says that a team of Soco officials, accompanied by a local MP “forced” their way into the park. Soco denies forced entry.</td>
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<tr>
<td>March 2011</td>
<td>Congo’s environment minister suspends Soco’s oil exploration in Block 5 and rejects the company’s environmental assessment as “superficial”.</td>
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<tr>
<td>May 2011</td>
<td>Soco signs an agreement with the ICCN under which the national parks authority allows Soco to enter the park. Money is paid directly to Guy Mbayma at the ICCN who coordinates on-the-ground activities, according to the ICCN head.</td>
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<tr>
<td>1 July 2011</td>
<td>The UK Bribery Act enters into force.</td>
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<tr>
<td>September 2011</td>
<td>The Congolese environment ministry gives Soco permission to conduct an aerial survey in Block 5.</td>
</tr>
<tr>
<td>2011 – 2012</td>
<td>Activists in the town of Goma opposing oil exploration receive death threats by text message. Three activists flee Goma in fear for several months in 2012.</td>
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<tr>
<td>March 2012</td>
<td>Guy Mbayma, Soco’s “focal point” at the national parks authority is filmed undercover telling Virunga rangers that they will be paid “money, money, money” if they support oil exploration and will be fired if they don’t.</td>
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<tr>
<td>March 2012</td>
<td>Activists and traditional chiefs gather in Vitshumbi and “condemn any exploration and… any production of oil in the middle of Virunga”.</td>
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<tr>
<td>1 April 2012</td>
<td>A pro-oil counter-demonstration is held in Vitshumbi. Afterwards Soco agents hand local organisations envelopes saying, “Don’t say oh, Soco sent money”.</td>
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<tr>
<td>4 April 2012</td>
<td>Former rebels mutiny from the Congolese army and begin the M23 rebellion.</td>
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<tr>
<td>15 April 2012</td>
<td>Tourism and gorilla trekking in Virunga is halted due to the conflict.</td>
</tr>
<tr>
<td>13 June 2012</td>
<td>Soco’s operations supervisor and a subcontractor are filmed undercover in Goma by Mélanie Gouby for a documentary, <em>Virunga</em>. The subcontractor says Soco’s oil operation has paid money to rebels. Lechenault responds by saying payments aren’t made directly. “That’s why we subcontract that shit,” he says. Soco has denied paying rebels.</td>
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<tr>
<td>15 June 2012</td>
<td>Members of the naval force guarding a Soco team stab a Virunga ranger in the ankle, according to a ranger present. Soco says “we are in no way responsible for the reported incident”.</td>
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<tr>
<td>July 2012</td>
<td>A study by the International Crisis Group warns that major oil discoveries in eastern Congo “would exacerbate deep-rooted conflict dynamics”.</td>
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<tr>
<td>6 July 2012</td>
<td>Unesco’s World Heritage Committee calls on the Congolese government to “revise its authorisations and not to grant new authorisations for petroleum and mining exploration and exploitation” in Virunga.</td>
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<tr>
<td>20 July 2012</td>
<td>Soco increases its stake in Block 5 to 85%.</td>
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<tr>
<td>September 2012</td>
<td>“The UK opposes oil exploration within Virunga”, says the British Foreign Office. It urges Congo to “fully respect” international conventions it has signed.</td>
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<tr>
<td>20 November 2012</td>
<td>M23 capture the regional capital, Goma, and hold it until 2 December.</td>
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<tr>
<td>29 November 2012</td>
<td>The Belgian parliament passes a resolution calling for the cancelling of oil rights in Virunga.</td>
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<tr>
<td>13 December 2012</td>
<td>The European Parliament passes a resolution urging the Congolese government to prevent damage to Virunga from oil exploration.</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
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<td>------------</td>
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<tr>
<td>May 2013</td>
<td>Total announces that it will not seek to explore for oil in Virunga in its Block 3. In February 2014 Total announces a “no-go” policy on world heritage sites.</td>
</tr>
<tr>
<td>May 2013</td>
<td>Major Feruzi, Soco’s military liaison officer, tries to bribe a senior Virunga ranger – Rodrigue Katembo – to spy on de Merode, the head of the park. He suggests that the ranger meets Soco’s security contractors, SSC.</td>
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<tr>
<td>4 June 2013</td>
<td>German parliament passes a motion expressing concern about possible oil exploration in Virunga National Park.</td>
</tr>
<tr>
<td>July 2013</td>
<td>Major Feruzi introduces the senior Virunga ranger to Pieter Wright of SSC, describing him as “my boss”. The three men discuss finding reliable rangers to collaborate with Soco. The ranger is handed an envelope with $50, with Wright saying it is “just to say thank you”.</td>
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</tr>
<tr>
<td>July 2013</td>
<td>A member of Nyakakoma fishermen’s committee – site of Soco’s base camp – is arrested, reportedly on the orders of Major Feruzi, shortly before he was due to speak about oil.</td>
</tr>
<tr>
<td>September 2013</td>
<td>WWF files a complaint against Soco alleging that the company has “violated multiple provisions of the OECD Guidelines for Multinational Enterprises”. Soco disputes the allegations.</td>
</tr>
<tr>
<td>September 2013</td>
<td>An activist with a local human rights group is arrested by navy officials for allegedly taking photographs of Soco’s camp in Nyakakoma</td>
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<tr>
<td>September 2013</td>
<td>After opposing the construction of a communications antenna, park ranger Rodrigue Katembo is arrested, threatened and beaten by government security forces supportive of Soco before being held without charge for 17 days. Soco denied any involvement, although its statement quoted its ally Guy Mbayma justifying the arrest.</td>
</tr>
<tr>
<td>November 2013</td>
<td>The M23 is defeated in a Congolese army offensive backed by the UN. Heavy fighting in and around the park.</td>
</tr>
<tr>
<td>February 2014</td>
<td>Virunga reopens to tourists.</td>
</tr>
<tr>
<td>15 April 2014</td>
<td>Emmanuel de Merode is shot in an attempted assassination. He had submitted a report on Soco’s activities to the public prosecutor in Goma earlier in the day.</td>
</tr>
<tr>
<td>17 April 2014</td>
<td>Feature-length documentary Virunga premieres at Tribeca Film Festival in New York, featuring undercover footage of Soco employees and supporters in Congo.</td>
</tr>
<tr>
<td>April 2014</td>
<td>Threatening text messages are sent to local activists in Goma. One says, “Don’t think that if we missed your Director [de Merode] that we will also miss you”.</td>
</tr>
<tr>
<td>April 2014</td>
<td>Soco starts six weeks of seismic testing in Lake Edward, inside Virunga.</td>
</tr>
<tr>
<td>May 2014</td>
<td>WWF say two of its staff in Goma have received death threats.</td>
</tr>
<tr>
<td>11 June 2014</td>
<td>Soco issues a joint statement with WWF. The company says it would cease oil operations in Virunga unless Unesco and the Congolese government agree that they “are not incompatible with World Heritage status”. WWF withdraws its OECD complaint. A Global Witness statement says Soco’s announcement could be a ruse.</td>
</tr>
</tbody>
</table>
Soco is one of the UK’s 200 largest companies by market capitalisation according to data from the London Stock Exchange from 30 April 2014


The Times, 11 June 2014, “Mountain gorillas in the midst of battle for oil in Africa’s oldest national park”, http://www.thetimes.co.uk/tto/environment/article4114929.ece. He told the Times: “It forces DRC and Unesco to come to some kind of accommodation, as has been demonstrated in many other places where they have accommodated things in world heritage sites by redrawing boundaries”


Soco Annual Report 1999

Soco Annual Report 2006

Undercover recording in Congo Brazzaville from 5 June 2013


Patrick Mauguein and Rui de Sousa “have an interest” in Quantic Limited, according to Soco’s 2004 Annual Report (p. 50). Quantic has a 15% stake in the company that holds Soco’s Congo Brazzaville assets, see Soco’s 2013 Annual Report (p. 88)


Soco International’s Block 5 was approved by Ordonnance no. 10/044 on 18 June 2010 as reported in Congo’s Journal Of-officiel, 22 June 2010


Soco annual report 2012, p. 18

Email sent by Soco International to Global Witness in October 2012 saying that the agreement was signed by “two senior figures in ICCN (the Chairman of the Board and the Director General).” The Director General of ICCN is Cosma Wilungula. The chairman was Yves Mobando Yogo, who is also President of the National Assembly. Natural Resources committee discussing the oil law.

The agreement between Soco International and ICCN was first mentioned in a public document by the company 10 months after it was signed, in Soco’s 2011 Annual Report published in March 2012, which referred to “a cooperation agreement with the Congolese Wildlife Authority (ICCN)” but gave few other details. It was not until October 2012 that Soco gave the date of the agreement and confirmed that the company pays “some expenses” to the ICCN. Then in March 2013 Soco’s 2012 Annual Report was published which said that “Soco pays a fee to the ICCN to monitor our activities whilst inside the park and contribute towards the cost of providing rangers”. Despite the conflict of interest of Soco funding people monitoring its own work, Soco would later repeatedly refer to the ICCN as being “independent monitors” – for example in an August 2013 statement, which fails to mention the Soco-ICCN accord (http://bit.ly/1wMrKek).

Soco International, 29 April 2014, “Soco Comments on Unfounded Allegations and Inaccuracies on the Company’s Current Activities in Virunga National Park”, http://www.prnewswire.co.uk/news-releases/soco-comments-on-unfounded-allegations-and-inaccuracies-on-the-companys-current-activities-in-virunga-national-park-257212721.html. See also Soco’s 2012 annual report, p. 36: “Soco has been granted access to the Virunga National Park under an agreement with The Congolese Wildlife Authority (also known as Institut Congolais pour la Conservation de la Nature or ICCN), which exists to protect the park, its biodiversity and its people. Soco pays a fee to the ICCN to monitor our activities whilst inside the park and contribute towards the cost of providing rangers.”
Global Witness interview with Cosma Wilungula, 3 June 2014. Asked how much Soco pay ICCN as a result of the May 2011 agreement between the two organisations? Why has Soco not published the agreement? How much of the amount paid by Soco was received by Virunga National Park and what evidence do you have of this?” Soco did not reply to these questions.

Soco published the November 2013 agreement with the ICCN on its website in May 2014. The agreement gives Soco the right to “have access, penetrate and circulate in the park”. Soco agreed to transfer 15k/month ($180k/year) to the ICCN. “Protocol d’accord relatif à l’accompagnement et au suivi écologique valant autorisation d’entreprendre des travaux de recherches scientifiques dans le parc national des Virunga”. November 2013. Signed by Serge Lescaut for Soco and Cosma Wilungula for ICCN: http://bit.ly/VSbDLu

Letter from ICCN DG Cosma Wilungula to Soco, 3 April 2012, to Soco Deputy Director General in the Democratic Republic of Congo: “the ICCN authorised you, in its letter no. 0167/DG/DG/BDG/KBY/2012 of 2012/03/01 to carry out an initial mission to the Virunga National Park (PNVI) [in order to look into] the possibility of reconciling the conservation of the unique and irreplaceable biodiversity of PNVI...with oil exploration”, http://bit.ly/1qmpBj9.

Ibid., Article 19: “Pour raison d’intérêt public, de recherche scientifique et dans le cadre de la délivrance des permis et certificats visés aux articles 64 à 67 de la présente loi, un décret délibéré en Conseil des ministres peut déroger aux mesures de protection prévues par la présente loi. La dérogation ne peut être accordée qu’à condition qu’il n’existe aucune autre solution satisfaisante et qu’elle ne nuise pas au maintien, dans un état de conservation favorable, des spécimens des espèces de faune et de flore concernées dans leur aire de distribution naturelle.” http://www.digitalcongo.net/article/97993/3


Undercover recording in eastern Congo from 12 May 2013 included in Virunga (2014) documentary

Ibid

Ibid

Source working in Congo’s national parks.

Undercover recording in eastern Congo from 12 May 2013

Undercover recording in eastern Congo from 10 July 2013


“Pieter Kock, SSC” took part in Soco’s operations in Block 5 according to a 26 July 2013 “Statement on allegations”, no longer on Soco’s website (see above). When Pieter Kock was kidnapped by rebels in 2011, “Mr Cagle [Soco Deputy CEO] said the South African national worked for Demining Enterprises International, a South African security outfit,” in Financial Times, 16 February 2011, “Congolese rebels release security contractor”, http://www.ft.com/cms/s/0/abbf990e-3a11-11e4-a441-00144fe4abdc.html#axzz3Bhv0UVJ1. DEI website, “DEI also has a sister company [Specialised Security Consultants] that provides additional services such as security advisers, to meet our clients’ requirements in Africa, as well as around the globe.,” http://www.demeining.com/ last accessed 09/03/14.

In French, Directeur technique et scientifique or DTS.

Global Witness interview with Cosma Wilungula to Soco, 3 April 2012, to Soco Deputy Director General in the Democratic Republic of Congo: “I have just appointed the Director of the Technical and Scientific Department, as a focal point of Soco to the ICN”

Undercover recording in eastern Congo from 21 March 2012.

Ibid

Ibid
74 Full sentence: "Bon, bien sûr il faudrait que toutes les fois où je faisais ces descentes, où toutes les fois où je faisais ces exercices, on devait m’indemniser et chaque mois j’étais engagé c’est vrai." The word indemniser is ambiguous. The Hachette dictionary defines it as: « Dédommager qgn de ses pertes, de ses frais etc. (eg. les sinistres ont été indemnisé) » (Translation : Compensate someone for his losses, his fees etc. [eg. the disaster victims have been indemnified]). However, its common usage indicates that it could be a euphemism for payments that go beyond the reimbursement of expenses. In common usage it is used in phrases such as indem­niser un stagiaire (compensate an intern) or indemniser les descendances d’esclaves (compensate the descendents of slaves).


77 Soco Security note (Travel procedure to Block V & visit information leaflet), De­cember 2011. See also his LinkedIn profile (http://bit.ly/1IBz2Lk)). On Damas Vuna­bandi being Célestin Vunabandi’s brother: local sources, speaking on condition of anonymity, in interviews 5-6 June 2014.

78 Global Witness interview with local activ­ists.


80 Global Witness interviews with people in North Kivu who have witnessed the Mwami’s attendance at meetings with Soco.

81 On Kamari’s position as the Mwami’s num­ber two in Nyakakoma, our sources include a park ranger and North Kivu sources.

82 Undercover recording in eastern Congo from 26 July 2013

83 Undercover recording in eastern Congo from 25 June 2012

84 In the recorded conversation, Kamari recounts a conversation with Vunabandi: “Last time I spoke with the minister .... he asked me: ‘Kamari, is Rodrigue a Mutundi or Mundande?’ I said to him: ‘No he is Muhavu’. He replied: ‘He looks like your kin, why don’t you talk it over with him?’ So he can come to an understanding with us to lift the blockage and start researching our resources.” Later in the conversation, he says: “We will speak with the Mwami today and the Mwami will speak with the minister and they will contact you directly in person, isn’t it? The security of Soco’s people should be in the hands of agent Rodrigue and his men, but this should stay with you (it should stay behind closed doors), are you getting me? Because they are powerful people as well, so whatever we can do we can do it that way.”

85 Undercover recording in eastern Congo from 13 June 2012

86 Soco International, 26 July 2013 “State­ment on allegations”, no longer on Soco’s website (see above)


89 Jones Day, 2010, "Uncle Sam is Watch­ing", http://www.jonesday.com/ files/Publication/22897a58-0ee6­a9b6­4985-b201­b0f161de04d4/PublicationAttachment/978494d7­64f8­42e2­8ace-e67843c7d605/unclesam.pdf; “According to US authorities, even if the parent corporation does not explicitly authorise the illegal acts by the subsidiary, the parent may nonetheless incur liability if it was aware of and failed to stop the illegal acts (which may constitute implicit authori­sation); if it acted with “wilful blindness” (being aware of a high probability that a bribe will be paid and taking steps to avoid learning that fact); or if it discovered the illegal acts after the fact and then accepted monetary benefits arising from such acts”

90 Soco Annual Report 2012, p. 59

91 See Soco International Pic, 20 August 2010, “Notice of Extraordinary General Meeting”, http://bit.ly/1zPS5Fr, p. 18: “Edward Story and Roger Cagle have service agreements both dated May 1997 with SOC0 Manage­ment Services, Inc., a wholly owned subsidi­ary of the Company, pursuant to which they are employed as the Group’s President and Chief Executive Officer and the Executive Vice President, Deputy CEO and Chief Finan­cial Officer respectively.” Soco’s 2013 Annual Report (p. 45) says that Mr Story and Cagle’s contract with the company dates from 14 May 1997. Soco Management Services, Inc. is a Delaware (US) company, number 2698180.

92 Loi no. 05/006 du 29 mars 2005 modifiant et complétant le décret du 30 janvier 1940 portant code penal dite « loi anti-corrup­tion » : Article 14/2a (2) : corruption is : « le fait d’offrir ou d’octroyer directement ou indirectement à un agent public ou à tout autre personne des sommes d’argent tout bien ayant une valeur pécuniaire ou tout autre avantage tel qu’un don, une faveur, une promesse ou un gain pour lui-même ou pour autrui personne physique ou morale en vue de l’accomplissement ou de l’omission d’un acte dans l’exercice de ses fonctions ».


94 Undercover recording in Vitsihumbi, eastern Congo from 1 April 2012

95 Undercover recording in eastern Congo from 30 July 2012.

96 Undercover recording in Kinshasa, Congo from 30 June 2013


98 Socio International, 26 July 2013 “State­ment on allegations”, no longer on Socio’s website (see above)

99 Ibid.

100 IDPE, September 2013 (see above)

101 IDPE, September 2013 (see above)

102 Réseau CRE, CREDDDHO, IDPE and SOPFR, 24 July 2013, “Press release N° 01/2013 of the Consortium... on the sustainable manage­ment of natural resources in the Virunga National Park


104 Undercover recording in eastern Congo from 13 August 2013

105 Letter from Patrick Alley, Global Witness Director, to Roger Cagle, 17 October 2012

106 Ibid

107 Letter dates from 2012


110 Recorded interview in eastern Congo with a ranger, 25 June 2012
111 Synchronicity Earth, 3 October 2013, “Joint statement of NGOs on the arrest of Virunga Park Ranger, Rodrigue Katembo Muguruza”, http://www.synchronicityearth.org/blog/2013/10/jointstatement-virunga-
park-ranger-rodigrie/

112 Soco, 1 October 2013, “Statement in re-

113 Radio Okapi, 24 September 2013, “Nord-
Kivu: le conservateur principal du parc des 

114 Letter from Guy Mbayma, 9 March 2014 
to the Director General of the Congolese 
national parks authority (the ICCN)

115 Human Rights Watch said in its June 4 
2014 report “DR Congo: investigate at-
tacks on oil project critics”: “Katembo told 
Human Rights Watch that on September 
3, Dr. Guy Mbayma Atalia, the technical 
and scientific director for the ICCN and 
the agency’s focal point with SOCO at the 
time, had warned him that if he continued 
to oppose SOCO’s activities in the park, 
he would be killed. In an interview with 
Human Rights Watch on April 23, 2014, 
Mbayma denied this allegation and said he 
had nothing to do with Katembo’s arrest.”

116 Undercover recording in eastern Congo 
from 14 June 2012

117 Undercover recording in eastern Congo 
from 25 June 2012

118 Undercover recording in eastern Congo 
from 5 June 2013

119 France 24, Belgian head of wildlife reserve 
shot in DR Congo, 17 April 2014: “The 
Belgian MP said de Merode had called him 
four hours before the attack to say he was 
planning to drive to Goma to file a report on activities 
by the British-based SOCO oil company. “Two to three years ago, a prosecutor asked the park 
authority to investigate some facts 
about SOCO,” de Donnea said. “Park rangers 
collected evidence in the report that was 
filed yesterday.” (http://www.france24.com/
col/20140416-virunga-merode-national-
park-shot-congo-kivu-drc/).

120 BBC News, 16 April 2014, « Belgian 
Emmanuel de Merode shot in DR Congo 
ambush”, http://www.bbc.co.uk/news/
world-africa-27049627. Sources familiar 
with the affair have told Global Witness 
that Emmanuel was hit by two of the bulbs 
fired at his car

121 La Libre Beligue, 15 April 2014, “Le di-
recteur belge du parc des Virunga hors de 

122 Rui de Sousa, 17 April 2014, « Droit de 
réponse de la société Soco International », 

123 The Times, 22 April 2014, “UK firm 
tests for oil in Congo heritage site”, http:// 
www.thetimes.co.uk/cto/environment/arti-
cle406344.ece (behind a pay wall)

124 Message received at 18:31 Goma time 
20/04/2014 from +243 997078925 in 
French: “ uniteil de change de voiture car ns 
kenesons toutes vos voiture et ns sommes 
partout ou vs passe avec vtre equipe. ne 
croyez ps ks si ns avons rater vtre directeur 
k’on peut vs rate aussi ».

125 Message received at 17:01 Goma time 
21/04/2014 from +243990652229 in 
Swahili: “wecenawazaukaniitaacha-
hatiosohepetroleumutakufubure sawa De 
Merode”, translated into English as: « You, 
you think to write will hinder us extracting oil!!! You’ll die for nothing like De Merode”

126 WWF staff threatened over Virunga, 12 
May 2014 ; http://www.wwf.org.uk/wwf_ 
articles.cfm?unewsid=7160

127 Rodrigue: “Soki a essaye de kidnapper 
un cadre de Soco, il est parti avec lui en 
brousse. C’est par là que Soco a compris 
qu’il fallait commencer à travailler avec 
groues armés. »

128 Acknowledging both Lechenault and John’s 
association at the time with the company, 
SOCO told the BBC: “SOCO states that the 
two individuals recorded – Julien and 
John – no longer work for Soco.” Soco’s 
response to the film to the BBC on 24 April 

129 Undercover recording in eastern Congo 
from 13 June 2012 included in Virunga 
(2014) documentary. The conversation was 
in English.

130 Ibid.

131 Undercover recording in eastern Congo 
from 26 July 2013

132 Soco’s response to the film to the BBC on 

133 Undercover recording in eastern Congo 
from 11 November 2012 included in 
Virunga (2014) documentary

134 Ibid

over oil in Congo national park”, available at: 
http://on.ft.com/1teRWfo

136 Quantic Limited, part-owned by de Sousa, 
has a 15% stake in Soco’s Congolese busi-
ness, Soco Annual Report 2012

137 Soco, 30 July 2013, “Soco International’s 
statement on current activities in Virunga 

138 Undercover recording in eastern Congo 
from 13 June 2012 included in Virunga 
(2014) documentary

139 Soco’s response to the film to the BBC on 

140 Ministry of Environment, 4 August 2012, 
Letter from Congolese Environment 
Minister Bavon N’sa Mputu Elima to the 
Permanent Secretary of the National Com-
mision for UNESCO,

141 http://pm.to/1wlwann

142 The Times, 11 June 2014, “Mountain goril-
as in the midst of battle for oil in Africa’s 
co.uk/cto/environment/article4114929.ece

143 Ed Story’s total pay in 2013 was $3.392m 
up from $518,000 in 2003 an increase of 
597%; Roger Cagle’s total pay in 2013 was 
$555%; Roger Cagle’s total pay in 2013 was 

144 See Soco Annual Report 2013, p. 28: “The 
Board has designated the Chief Financial 
Officer [Roger Cagle] as the executive 
responsible for the Company’s risk man-
agement function.” Soco appointed a new 
CFO in May 2014.

145 Save Virunga website, 11 July 2013, “July 8, 
2013: Norway’s Pension Fund divests from 
UK Oil Company SOCO International Plc”, 
http://savevirunga.com/2013/07/11/july-
8-2013-norway’s-pension-fund-divests-from-
uk-oil-company-soco-international-
plc/

146 Soco’s annual report from 2009 (p. 12) 
“SOCO hopes to broaden its portfolio in 
DRC, with its application for a licence over 
Block 5, in the Albertine Graben in eastern 
DRC, pending a Presidential Decree and an 
application submitted for a large interior 
block.”

147 “Toute la Cuvette centrale est vierge. Il 
faut l’explorer. » From Africa News inter-
view. Africa News interview, July 2012, 
« Serge Lescat: «SOCO ne pollue pas le 
eventsrdc.com/?p=2512

cfm?unewsid=6828
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