

EerlijkeBankwijzer®

# Research note on Dutch banks and corruption



**Fair Bank Guide**

**21 February 2019**

# Fair Bank Guide

## Research note on Dutch banks and corruption

The Fair Bank Guide is a coalition of the following organizations:

Amnesty International, FNV, Milieudefensie, Oxfam Novib, PAX and World Animal Protection

21 February 2019

Research by:

Anya Marcelis and Michel Riemersma

## Table of contents

Summary .....	1
Chapter 1      What is wrong with corruption.....	2
Chapter 2      Companies involved in corruption cases .....	3
2.1      Gunvor Group Ltd. ....	3
2.2      Odebrecht .....	3
2.3      SBM Offshore .....	4
2.4      Shell .....	4
Chapter 3      Loans and investments by Dutch banks .....	5
Chapter 4      Anti-corruption policies of Dutch banks.....	6
Chapter 5      Recommendations by the Dutch Fair Bank Guide .....	7
References .....	8

## List of tables

Table 1      Loans and investments by Dutch banks in selected companies (in USD million, 2014-2017).....	5
---	---

## Summary

Corruption has significant negative consequences in the political, social and environmental spheres. Banks have the responsibility and duty to address corrupt practices like bribery at the companies they are lending to or investing in.

From 2014 until 2017, the Dutch banks ABN Amro, ING and Rabobank, provided loans for a total of USD 8.9 billion to four companies that are involved in severe corruption cases. In addition, as of March 2018, ABN Amro, Rabobank and Van Lanschot had invested a total of USD 566 million in shares of these companies.

The following companies are selected in this study because of their recent involvement in severe corruption cases:

- Gunvor (Switzerland): a corruption case is under investigation by Swiss authorities since 2012 and concerns alleged fraud, embezzlement and money laundering in connection with an oil contract in the Republic of Congo;
- Odebrecht (Brazil): was heavily fined in 2017 for its central role in one of the largest corruption scandals ever in Brazil and several Latin American countries;
- SBM Offshore (Netherlands): is involved in a corruption case which was settled in 2017. It also reached a deal with Brazilian authorities in September 2018 to settle another bribery case; and
- Shell (Netherlands): is involved in a corruption case in Nigeria since 2011. The case is still ongoing in an Italian court.

As shown in the latest update of the policy assessment of the Dutch Fair Bank Guide, ABN Amro, ING, Rabobank and Van Lanschot all have adopted responsible investment policies that require the companies they lend to or invest in to not get involved in corruption practices like these. In the spring of 2018, the FBG has asked the four involved banks to respond to the research findings and to explain how the loans to and investments in these companies are in line with their responsible investment policies. Later in 2018 the request for information was repeated. As of 1 January 2019, none of the assessed banks was willing to reply to the research findings and provide information on the implementation of their responsible investment policies. It is therefore unknown if these banks addressed the corruption cases with the companies.

However, in July 2018 ING did inform Oxfam Novib – one of the participants in the FBG coalition - that it stopped its investment in a new coal-fired power plant in the Dominican Republic. The plant is constructed by Odebrecht. It is unknown if the divestment is related to the corruption case Odebrecht is involved in.

The Dutch Fair Bank Guide recommends ABN Amro, ING, Rabobank and Van Lanschot to take into account the following:

1. Banks should implement their responsible investment policies in a consistent and thorough manner;
2. There are serious public accountability gaps, caused by the lack of transparency on the part of the banks, on which actions were taken towards companies possibly involved in corruption cases. Efforts are needed to contribute to a (legal) context in which banks can more easily account for how they address corruption risks. As a first step, banks should as soon as possible follow the concrete suggestions made by law firm Nauta Dutilh on increasing transparency about their relationships with the companies they lend to or invest in;
3. Banks should indicate publicly what their standards are for denying a company a loan in case of corruption, money laundering, tax avoidance and tax evasion;
4. Banks should publish the number of companies they have engaged with on corruption, money laundering, tax avoidance and tax evasion issues. They should also publish the results of the engagement; and
5. Banks should require companies to which they provide financial services, to make public who the ultimate beneficial owners of the company are. If there is any indication that the information provided by the company is not correct, the bank should intensify its due diligence.

## Chapter 1 What is wrong with corruption

Corruption has significant negative consequences in the political, social and environmental spheres. On the political field, corruption forms a large obstacle when developing the rule of law.<sup>1</sup> In the social field, corruption lowers tax revenues and limits the possibilities of the government to meet its obligations.<sup>2</sup> Corruption also has negative economic consequences. It leads to capital flight and to the expenditures of scarce public funds to unprofitable prestige projects, instead of to more necessary types of infrastructure such as schools, hospitals and drinking water supplies. It also hinders the development of markets and disturbs free competition. In addition, corruption leads to large scale plundering of natural resources. Large scale, strongly polluting projects are given free rein in a climate of corruption and they often mean public money ends up in private hands.<sup>3</sup>

Corruption is therefore one of the issues covered by the Fair Finance Guide International. Four companies that have recently been (or continue to be) involved in high-profile corruption cases are selected to analyse the responsible investment practices of Dutch banks: Gunvor Group, Odebrecht, SBM Offshore and Shell. This note of the Dutch Fair Bank Guide shows the investments of Dutch banks in these companies and how they dealt with the corruption cases of their clients and/or investees.

## Chapter 2 Companies involved in corruption cases

The profiles of four companies involved in corruption cases are written in March 2018 and updated in December 2018.

### 2.1 Gunvor Group Ltd.

Gunvor Group Ltd. is a globally active commodity trading company, based in Switzerland but officially registered in Cyprus. The company has trading offices in Geneva, Singapore, Nassau, and Dubai. It has service centres, representative offices, and branches worldwide.<sup>4</sup>

Gunvor has been involved in a corruption case regarding business in the Republic of Congo. The case is under investigation by Swiss authorities since 2012 and concerns alleged fraud, embezzlement and money laundering in connection with an oil contract in the Republic of Congo. According to Public Eye, Gunvor secured two untendered contracts to export 22 tanker loads of crude oil valued at about USD 2.2 billion. In September 2017 the Swiss authorities widened the investigation: *“Gunvor said the investigation was expanded to ‘examine possible organizational shortcomings exploited by the ex-employee to perpetrate alleged acts of bribery of foreign officials’”*.<sup>5</sup>

In August 2018 “a Swiss court accepted a plea bargain on Tuesday from a former employee of Gunvor” in relation to the Congo case. The former employee will probably testify against other Gunvor employees. “Prosecutors are pursuing parallel investigations related to Gunvor’s Congo dealings, including into the company as a whole for ‘possible organizational shortcomings’”.<sup>6</sup> The case is still ongoing.

#### New loans to Gunvor despite DNB warnings

ABN Amro, ING and Rabobank have a longstanding relationship with Gunvor. In 2015 a letter leaked to the media in which the Dutch National Bank (DNB) discredited ABN Amro for its business relationships with Gunvor, because of an alleged secret shareholding in Gunvor by Russia’s president Vladimir Putin.<sup>7</sup> In a response to the DNB letter, ABN Amro stated that there is no evidence of Putin’s connections to Gunvor. ABN Amro did not address the shortcomings signaled by the DNB regarding the implementation of ABN Amro’s anti-corruption policy. The bank only stressed that ING and Rabobank have a similar business relationship with Gunvor.<sup>8</sup>

The DNB letter did not have any apparent impact on the close ties between the Dutch banks and Gunvor. In addition to the loans and investments identified in 2.4, Dutch banks ABN Amro, ING and Rabobank all participated in three loans to Gunvor in the fall of 2018:

- An October 2018 USD 745 million credit facility “that includes performance commitments related to Gunvor’s sustainability targets”. However, none of these sustainability targets are related to preventing corruption;<sup>9</sup>
- A November 2018 USD 1.68 billion revolving credit facility to Gunvor Group;<sup>10</sup> and
- A November 2018 USD 1 billion credit facility to Gunvor USA.<sup>11</sup>

### 2.2 Odebrecht

Odebrecht is a Brazilian company active in “in the fields of engineering and construction, industry, and in the development and operation of infrastructure and energy projects”.<sup>12</sup>

In 2017 the company was heavily fined for its central role in one of the largest corruption scandals ever, involving conspiracy with high-level politicians in a dozen countries.<sup>13</sup> “A US judge has formally fined Brazil's engineering giant Odebrecht USD 2.6 billion in a corruption case centered around the country's state oil company, Petrobras. The fine was a plea bargain deal agreed last year with the US, Brazilian and Swiss authorities”.<sup>14</sup> Furthermore, the company “tries to negotiate plea deals with other governments so that it can be allowed to tender for future major infrastructure projects”.<sup>15</sup>

In 2018 the bribery practices of Odebrecht are still leading to new investigations or sanctions across Latin America, for example in Colombia and Mexico. In Colombia, in November 2018, key witnesses in the process against Odebrecht died under suspicious circumstances. Recordings exposing a corruption scheme surrounding Odebrecht's Ruta del Sol II project in Colombia were subsequently released.<sup>16</sup>

One of the cases is a coal-fired power plant in Punta Catalina, Dominican Republic: “Construction of the USD 2 billion, 720-megawatt plant was awarded to the Brazilian company even though its bid was higher than all others submitted and more than USD 500 million above the limit set by the Dominican Republic's Congress”.<sup>17</sup>

### 2.3 SBM Offshore

SBM Offshore N.V. is a Dutch company that “provides floating production solutions to the offshore energy industry”.<sup>18</sup>

SBM Offshore has been involved in several corruption cases.<sup>19</sup> In November 2017, the company “agreed to settle criminal charges of bribing officials in five countries and pay a USD 238 million penalty [to] the U.S. Justice Department”.<sup>20</sup> The “charges [are] related to schemes lasting more than a decade involving bribery of foreign officials in Brazil, Angola, Equatorial Guinea, Kazakhstan and Iraq”.<sup>21</sup> In September 2018 the former CEO of SBM Offshore and a former sales and marketing executive at SBM USA were sentenced to prison in the United States for their role in the bribery scheme.<sup>22</sup>

Also in September 2018, SBM Offshore reached a USD 48 million agreement with Brazilian authorities, to settle a case in which SBM Offshore bribed employees of state-owned oil company Petrobras. To settle all its corruption cases in Brazil, SBM Offshore was fined a total of USD 347 million.<sup>23</sup>

### 2.4 Shell

Shell is a globally operating energy and petrochemical company.<sup>24</sup>

In December 2017 an Italian court ruled that “*top former executives from oil giants Shell and Eni are to stand trial for an alleged USD 1.1 billion bribery scheme*”.<sup>25</sup> In 2011 Shell and Eni purchased an oil field in Nigeria for USD 1.1 billion, but allegedly more than USD 500 million was converted in cash and intended to be paid out to the then Nigerian President Goodluck Jonathan, members of the government and other Nigerian government officials.<sup>26</sup> In November 2018 “*Resources for Development Consulting found that Nigeria stood to lose out on nearly USD 6 billion in projected revenues*” because of the deal.<sup>27</sup>

In December 2018 the case is still ongoing and is expected to last for months. However, two middlemen that were tried separately from Shell and Eni have been convicted for corruption in September 2018. The Italian judge who convicted the middlemen stated that Shell and Eni “*were fully aware their 2011 purchase of a Nigerian oilfield would result in corrupt payments to Nigerian politicians and officials*”.<sup>28</sup>

## Chapter 3 Loans and investments by Dutch banks

Loans to and investments in the four companies were assessed for all Dutch banks evaluated in the Dutch Fair Bank Guide. All banks for which loans and/or investments above USD 1 million were found (ABN Amro, ING, Rabobank and Van Lanschot), were asked to reply to the findings and deliver a written statement on their approach to deal with the corruption cases described in this report. None of these banks provided a response to the content of this report.

Table 1 shows the loans and investments of Dutch banks ABN Amro, ING, Rabobank and Van Lanschot in Gunvor Group, Odebrecht, SBM Offshore and Shell. The financial research is conducted in March 2018. The research covers loans in the period 2014-2017 and shareholdings and bondholdings as of March 2018. For the collection of financial data, this research relied primarily on financial databases, including Bloomberg and Thomson Reuters Eikon.

**Table 1 Loans and investments by Dutch banks in selected companies (in USD million, 2014-2017)**

Dutch banking group	Group	Loans	Shareholding	Bondholding
ING Group	Gunvor	2,212		
	Odebrecht**	95		
	Royal Dutch Shell	409		
	SBM Offshore	786		
<b>ING Group Total</b>		<b>3,503</b>		
ABN Amro	Gunvor	1,824		
	Royal Dutch Shell	125	168	
	SBM Offshore	611		
<b>ABN Amro Total</b>		<b>2,561</b>	<b>168</b>	
Rabobank	Gunvor	2,027		
	Royal Dutch Shell		3	
	SBM Offshore	596		
<b>Rabobank Total</b>		<b>2,624</b>	<b>3</b>	
F. van Lanschot Bankiers	Royal Dutch Shell		382	0
	SBM Offshore		12	
<b>F. van Lanschot Bankiers Total</b>			<b>394</b>	<b>0</b>
<b>Total</b>		<b>8,688</b>	<b>565</b>	<b>0</b>

\*\* In July 2018 ING sold its participation in a loan to CDEEE in the Dominican Republic for the construction of the Punta Catalina coal-fired power plant. Odebrecht is the contractor for this project.<sup>29</sup> The loan listed in this table is not related to this divestment and was provided directly to Odebrecht itself.

Source: Thomson EIKON, *Loans*, viewed in March 2018; Thomson EIKON, *Share Issuances*, viewed in March 2018; Thomson EIKON, *Bond Issuances*, viewed in March 2018; Bloomberg, *Loan Search*, viewed in March 2018; Bloomberg, *Aggregated Debt*, viewed in March 2018.

## Chapter 4 Anti-corruption policies of Dutch banks

The cases of Gunvor, Odebrecht, SBM Offshore and Shell violate the following assessment elements of the theme Corruption from the Fair Finance Guide International Methodology:

8. Offering, promising, giving and requiring, either directly or indirectly, bribes and other undue advantages in order to acquire and to maintain assignments and other undue advantages, is unacceptable.
9. Companies have a management system which results in immediate actions if suspicions arise that employees or suppliers are guilty of corruption.

The last update of the policy assessment of the Dutch Fair Bank Guide, published in December 2018, ABN Amro, ING, Rabobank and Van Lanschot all have adopted responsible investment policies that urge the companies they lend to or invest in to comply with these anti-corruption principles.<sup>30</sup>

## Chapter 5 Recommendations by the Dutch Fair Bank Guide

The Dutch Fair Bank Guide recommends ABN Amro, ING, Rabobank and Van Lanschot to take into account the following:

1. Banks should implement their responsible investment policies in a consistent and thorough manner;
2. There are serious public accountability gaps, caused by the lack of transparency on the part of the banks, on which actions were taken towards companies possibly involved in corruption cases. Efforts are needed to contribute to a (legal) context in which banks can more easily account for how they address corruption risks. As a first step, banks should as soon as possible follow the concrete suggestions made by law firm Nauta Dutilh on increasing transparency about their relationships with the companies they lend to or invest in;<sup>31</sup>
3. Banks should indicate publicly what their standards are for denying a company a loan in case of corruption, money laundering, tax avoidance and tax evasion;
4. Banks should publish the number of companies they have engaged with on corruption, money laundering, tax avoidance and tax evasion issues. They should also publish the results of the engagement; and
5. Banks should require companies to which they provide financial services, to make public who the ultimate beneficial owners of the company are. If there is any indication that the information provided by the company is not correct, the bank should intensify its due diligence.

## References

- 1 Transparency International (n.d.), "About Us: What we do - What is corruption", online: <https://www.transparency.org/what-is-corruption>, viewed in November 2017.
- 2 The World Bank (2011), *Ill-gotten Money and the Economy – Experiences from Malawi and Namibia*, Washington DC, the United States: The World Bank.
- 3 Transparency International (n.d.), "About Us: What we do - What is corruption", online: <https://www.transparency.org/what-is-corruption>, viewed in November 2017;  
Global Witness (2015, October), *Banks and Dirty Money: how the financial system enables state looting at a devastating human cost*, London, United Kingdom: Global Witness.
- 4 Bloomberg (n.d.), "Company Overview of Gunvor Group Ltd", online: [www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=240845205](http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=240845205), viewed in March 2018.
- 5 Public Eye (2017), "Gunvor in Congo", online: [www.gunvorincongo.publiceye.ch/](http://www.gunvorincongo.publiceye.ch/), viewed in March 2018;  
Reuters (2017), "UPDATE 2-Switzerland widens investigation into Gunvor Congo Republic deal", online: [www.reuters.com/article/gunvor-congorepublic-corruption/update-2-switzerland-widens-investigation-into-gunvor-congo-republic-deal-idUSL5N1LS4QO](http://www.reuters.com/article/gunvor-congorepublic-corruption/update-2-switzerland-widens-investigation-into-gunvor-congo-republic-deal-idUSL5N1LS4QO), viewed in March 2018;  
Bouessel du Bourg, C. (2017, 20 November), "Republic of Congo: Gunvor, the Kremlin, oil and corruption", *The Africa Report*, online: [www.theafricareport.com/Central-Africa/republic-of-congo-gunvor-the-kremlin-oil-and-corruption.html](http://www.theafricareport.com/Central-Africa/republic-of-congo-gunvor-the-kremlin-oil-and-corruption.html), viewed in March 2018.
- 6 Payne, J. and Shields, M. (2018, 28 August), "Swiss court approves Gunvor ex-employee's Congo bribery plea bargain", *Reuters*, online: [uk.reuters.com/article/uk-gunvor-grp-congo-corruption/swiss-court-approves-gunvor-ex-employees-congo-bribery-plea-bargain-idUKKCN1LD1M5](http://uk.reuters.com/article/uk-gunvor-grp-congo-corruption/swiss-court-approves-gunvor-ex-employees-congo-bribery-plea-bargain-idUKKCN1LD1M5), viewed in December 2018.
- 7 De Volkskrant (2015, 29 March), *ABN Amro bestrijdt corruptie onvoldoende*.
- 8 ABN Amro (2015, 28 March), *ABN AMRO: Einde klantrelatie als berichten over Gunvor waar zijn*.
- 9 Gunvor (2018, 15 October), *Gunvor closes innovative US \$745 million facility linked to sustainability targets*.
- 10 Gunvor (2018, 16 November), *Gunvor successfully closes US \$1.68 billion revolving credit facility*.
- 11 Gunvor (2018, 29 November), *Gunvor USD closes US \$1 billion credit facility*.
- 12 Odebrecht (n.d.), "About us", online: [www.odebrecht.com/en/odebrecht-group/about-group](http://www.odebrecht.com/en/odebrecht-group/about-group), viewed in March 2018.
- 13 BBC (2017, 15 December), "Odebrecht case: Politicians worldwide suspected in bribery scandal", online: [www.bbc.com/news/world-latin-america-41109132](http://www.bbc.com/news/world-latin-america-41109132), viewed in March 2018.
- 14 BBC (2017, 17 April), "Brazil's Odebrecht to pay \$2.6bn fine for corruption", online: [www.bbc.com/news/world-latin-america-39624421](http://www.bbc.com/news/world-latin-america-39624421), viewed in March 2018.
- 15 BBC (2017, 17 April), "Brazil's Odebrecht to pay \$2.6bn fine for corruption", online: [www.bbc.com/news/world-latin-america-39624421](http://www.bbc.com/news/world-latin-america-39624421), viewed in March 2018.
- 16 Fieser, E. (2018, 15 August), "Colombia Reveals Odebrecht Bribes Were Three Times Larger Than Previously Known", *Bloomberg*, online: [www.bloomberg.com/news/articles/2018-08-15/colombia-reveals-odebrecht-bribes-are-3-times-more-than-known](http://www.bloomberg.com/news/articles/2018-08-15/colombia-reveals-odebrecht-bribes-are-3-times-more-than-known), viewed in December 2018.  
Long, G. (2018, 16 November), "Colombian deaths form latest twist in Odebrecht drama", *Financial Times*, online: [www.ft.com/content/2aba897c-e7a7-11e8-8a85-04b8afea6ea3](http://www.ft.com/content/2aba897c-e7a7-11e8-8a85-04b8afea6ea3), viewed in December 2018.  
Reuters (2018, 20 November), "Colombia seeks to ban Odebrecht from state contracts for 20 years", online: [www.reuters.com/article/us-odebrecht-colombia/colombia-seeks-to-ban-odebrecht-from-state-contracts-for-20-years-idUSKCN1NP1MH](http://www.reuters.com/article/us-odebrecht-colombia/colombia-seeks-to-ban-odebrecht-from-state-contracts-for-20-years-idUSKCN1NP1MH), viewed in December 2018.

- Reuters (2018, 1 September), “Odebrecht says corruption allegations should not prompt Mexico sanctions”, online: [www.reuters.com/article/us-mexico-odebrecht/odebrecht-says-corruption-allegations-should-not-prompt-mexico-sanctions-idUSKCN1LH33V](http://www.reuters.com/article/us-mexico-odebrecht/odebrecht-says-corruption-allegations-should-not-prompt-mexico-sanctions-idUSKCN1LH33V), viewed in December 2018.
- 17 OCCRP (2017, 30 May), “Dominican Republic Arrests 12 in Odebrecht Corruption Scandal”, online: [www.occrp.org/en/daily/6518-dominican-republic-arrests-12-in-odebrecht-corruption-scandal](http://www.occrp.org/en/daily/6518-dominican-republic-arrests-12-in-odebrecht-corruption-scandal), viewed in March 2018.
- BankTrack (2017, 18 January), “Odebrecht corruption in Dominican Republic – Five European banks urged to pull out of dirty coal plant financing”, online: [www.banktrack.org/news/odebrecht\\_corruption\\_in\\_dominican\\_republic\\_five\\_european\\_banks\\_urged\\_to\\_pull\\_out\\_of\\_dirty\\_coal\\_plant\\_financing](http://www.banktrack.org/news/odebrecht_corruption_in_dominican_republic_five_european_banks_urged_to_pull_out_of_dirty_coal_plant_financing), viewed in March 2018.
- 18 SBM Offshore (n.d.), “Company profile”, online: [www.sbmoffshore.com/who-we-are/company-profile/](http://www.sbmoffshore.com/who-we-are/company-profile/), viewed in March 2018.
- 19 Openbaar Ministerie (2014, 12 November), “SBM Offshore N.V. betaalt US\$ 240.000.000 wegens omkoping”, online: [www.om.nl/vaste-onderdelen/zoeken/@87202/sbm-offshore-betaalt/](http://www.om.nl/vaste-onderdelen/zoeken/@87202/sbm-offshore-betaalt/), viewed in March 2018.
- Schoot, van der, E. (2017, 29 December), “Reconstructie: SBM Offshore al twintig jaar verstrikt in corruptie”, De Telegraaf, online: [www.telegraaf.nl/financieel/1482084/reconstructie-sbm-offshore-al-twintig-jaar-verstrikt-in-corruptie](http://www.telegraaf.nl/financieel/1482084/reconstructie-sbm-offshore-al-twintig-jaar-verstrikt-in-corruptie), viewed in March 2018.
- 20 Reuters (2017, 30 November), “SBM Offshore settles U.S. bribery case, to pay \$238 million”, online: [www.reuters.com/article/us-sbm-offshore-corruption/sbm-offshore-settles-u-s-bribery-case-to-pay-238-million-idUSKBN1DT3JV](http://www.reuters.com/article/us-sbm-offshore-corruption/sbm-offshore-settles-u-s-bribery-case-to-pay-238-million-idUSKBN1DT3JV), viewed in March 2018.
- 21 Reuters (2017, 30 November), “SBM Offshore settles U.S. bribery case, to pay \$238 million”, online: [www.reuters.com/article/us-sbm-offshore-corruption/sbm-offshore-settles-u-s-bribery-case-to-pay-238-million-idUSKBN1DT3JV](http://www.reuters.com/article/us-sbm-offshore-corruption/sbm-offshore-settles-u-s-bribery-case-to-pay-238-million-idUSKBN1DT3JV), viewed in March 2018.
- 22 United States Department of Justice (2018, 28 September), *Oil Services CEO and Executive Sentenced to Prison for Roles in Foreign Bribery Scheme*.
- 23 SBM Offshore (2018, 1 September), “Agreement Signed Between SBM Offshore and Brazilian Public Prosecutor”, online: [www.sbmoffshore.com/?press-release=agreement-signed-between-sbm-offshore-and-brazilian-public-prosecutor](http://www.sbmoffshore.com/?press-release=agreement-signed-between-sbm-offshore-and-brazilian-public-prosecutor), viewed in December 2018.
- SBM Offshore (2017, 22 December), “SBM Offshore Update on Legacy Issue in Brazil”, online: [www.sbmoffshore.com/?press-release=sbm-offshore-update-legacy-issue-brazil](http://www.sbmoffshore.com/?press-release=sbm-offshore-update-legacy-issue-brazil), viewed in March 2018.
- Smits, H.W. (2017, 13 December), “Braziliaans Openbaar Ministerie ontkent nieuwe schikking met SBM Offshore”, online: <http://www.quotenet.nl/Nieuws/Braziliaans-Openbaar-Ministerie-ontkent-nieuwe-schikking-met-SBM-Offshore-208071>, viewed in March 2018.
- 24 Shell (n.d.), “About us”, online: [www.shell.com/about-us.html](http://www.shell.com/about-us.html), viewed in March 2018.
- 25 Hodgson, C. (2017, 20 December), “Former Shell executives charged in \$1.1 billion case — the biggest corporate bribery trial in history”, Business Insider, online: [www.businessinsider.nl/shell-eni-executives-charged-alleged-bribery-2017-12/](http://www.businessinsider.nl/shell-eni-executives-charged-alleged-bribery-2017-12/), viewed in March 2018.
- 26 Global Witness (2018, 2 March), “Unprecedented corporate bribery trial begins against Shell, Eni, CEO and executives”, online: [www.globalwitness.org/en/campaigns/oil-gas-and-mining/unprecedented-corporate-bribery-trial-begins-against-shell-eni-ceo-and-executives/](http://www.globalwitness.org/en/campaigns/oil-gas-and-mining/unprecedented-corporate-bribery-trial-begins-against-shell-eni-ceo-and-executives/), viewed in March 2018.
- 27 Raval, A. (2018, 26 November), “Nigeria ‘lost billions’ on oil deal with Shell and Eni”, *Financial Times*, online: [www.ft.com/content/f0713292-f16b-11e8-ae55-df4bf40f9d0d](http://www.ft.com/content/f0713292-f16b-11e8-ae55-df4bf40f9d0d), viewed in December 2018.
- 28 Parodi, E. (2018, 17 December), “Eni, Shell knew of 'sharks' in Nigeria graft case: judge”, *Reuters*, online: [www.reuters.com/article/us-shell-eni-nigeria-trial/italy-judge-says-evidence-shows-eni-shell-knew-of-nigerian-graft-idUSKBN1OG0YQ](http://www.reuters.com/article/us-shell-eni-nigeria-trial/italy-judge-says-evidence-shows-eni-shell-knew-of-nigerian-graft-idUSKBN1OG0YQ), viewed in December 2018;

Algemeen Dagblad (2018, 5 March), "Italiaanse corruptiezaak tegen Shell en branchegeenoot Eni uitgesteld", online: [www.ad.nl/economie/italiaanse-corruptiezaak-tegen-shell-en-branchegeenoot-eni-uitgesteld~a8dc7149/](http://www.ad.nl/economie/italiaanse-corruptiezaak-tegen-shell-en-branchegeenoot-eni-uitgesteld~a8dc7149/), viewed in March 2018.

- 29 Eerlijke Bankwijzer (2018, 1 August), *ING stopt financiering nieuwe kolencentrale in Dominicaanse Republiek*.
- 30 Simons, M. and Mishra, K. (2018, 13 December), *Beoordeling van het investeringsbeleid van zeven bankgroepen: 17e actualisering*, Eerlijke Bankwijzer.
- 31 Dutch Banking Sector Agreement (2018, 3 May), *Legal report shows how to increase transparency about human rights policy*, online: [www.imvoconvenanten.nl/banking/news/2018/5/human-rights-policy?sc\\_lang=en](http://www.imvoconvenanten.nl/banking/news/2018/5/human-rights-policy?sc_lang=en)

## About this report

This report has been commissioned to Profundo by The Fair Bank Guide (Eerlijke Bankwijzer) which is a coalition of the following organisations: Amnesty International, FNV, Milieudefensie, Oxfam Novib, PAX and World Animal Protection. It examines Dutch banks' investments in and engagement with four companies involved in severe corruption cases.

The aim of the Fair Bank Guide is to encourage corporate social responsibility by bank groups. Not all coalition members of the Fair Bank Guide work on all themes and/or sectors on which the research of the Fair Bank Guide focuses. Reports on specific themes therefore do not necessarily reflect the opinion of all coalition members of the Fair Bank Guide.

## About Profundo

With profound research and advice, Profundo aims to make a practical contribution to a sustainable world and social justice. Quality comes first, aiming at the needs of our clients. Thematically we focus on commodity chains, the financial sector and corporate social responsibility. More information on Profundo can be found at [www.profundo.nl](http://www.profundo.nl).

## Authorship

This report was researched and written by Anya Marcelis and Michel Riemersma.

Front page cover photograph: ID 72754562 © Artenex | Dreamstime.com.

## Disclaimer

Profundo observes the greatest possible care in using information and drafting publications but cannot guarantee that this report is complete and assumes no responsibility for errors in the sources used. The report is provided for informational purposes and is not to be read as providing endorsements, representations or warranties of any kind whatsoever. Opinions and information provided are made as of the date of the report issue and are subject to change without notice. Profundo will not accept any liability for damage arising from the use of this publication.

This research report is written, edited and reviewed by:



Radarweg 505 | 1043 NZ Amsterdam | The Netherlands | +31-20-8208320 | [www.profundo.nl](http://www.profundo.nl)



# EerlijkeBankwijzer®

The Fair Bank Guide is a coalition of organisations that consists of: Amnesty International, FNV, Milieudefensie, Oxfam Novib, PAX and World Animal Protection.

