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Joint Committee on Human Rights

Uncorrected oral evidence: [Human Rights and Business](#), HC 443

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Members present: Ms Harriet Harman (Chair); Ms Fiona Bruce; Ms Karen Buck; Jeremy Lefroy; Mark Pritchard; Amanda Solloway; Baroness Hamwee; Lord Henley; Baroness Lawrence; Lord Trimble; Lord Woolf.

Questions 35 - 46

Witness

[I](#): Mr John Gbei.

Examination of witness

Q35 **The Chair:** Good afternoon, Mr Gbei. I am Harriet Harman and I am Chair of the Joint Committee on Human Rights. We are very grateful indeed to you for coming into Abuja to talk to us for our inquiry into human rights and business. First, am I pronouncing your name right? Is it Gbei?

John Gbei: It is Gbei.

The Chair: We are obviously very grateful to Leigh Day, your solicitors, for enabling us to hear from you, and to the high commission for hosting this discussion. We would like to hear about your experiences, what happened in relation to you and Shell, what legal action you were able to take and how it worked out for you. Here we have Committee members from the House of Commons and the House of Lords, who will ask some questions. Perhaps I could start by asking you to tell us very generally about the circumstances that you found yourself in. What happened, basically?

John Gbei: I thank the Committee very much for giving me this opportunity to talk to you about the oil spill in Bodo city in Gokana, a local government area in Rivers State, Nigeria, in August 2008. When that spill occurred, it threw the community into a state of confusion. It



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was the first time I had experienced that kind of thing, but it was not only me; so many other fishermen in the Bodo community were in a state of helplessness. They were all going to and fro and did not know what to do. I called one of my friends, Dr Zabbey, who is a teacher at the university and a friend to me. He studies hydrobiology and environmental causes. and he did his doctoral research on Bodo water in Bodo city. Bodo was basically a point of focus for his study, a research area for his doctoral research. I assisted him as a fisherman, paddling him to the river to collect samples. So when this thing happened, I called him and told him my experience and what had happened to the community. At that point Zabbey asked me whether I knew the cause of that oil spill. I told him, "No, I don't know yet".

Are you with me?

The Chair: Yes, absolutely. I am just taking notes.

John Gbei: I told him, "I don't know the cause yet". According to him, he issued a press statement and reported to the government Commissioner for Environment in Rivers State. Then Shell, with a government official and another agency responsible for oil spills, such as NOSDRA, came to the oil spill point in Bodo to investigate.

The economy of Bodo at that time had already totally crumbled. There was no food, there were no fish, there was nothing. The economy of the place was down completely, including mine. I grew up in Bodo, and as a student I combined fishing and education. I was taught how to fish by my late father—as the son of a fisherman, he introduced me to fishing—and he encouraged me to go to school. So before the oil spill I lived very well. There was food in my house, as there was in the houses of all the people in Bodo. Bodo was not a poor community. There was so much food before the oil spill, but immediately after the oil spill there was abject poverty and people started depending on other communities for food.

When I reported the case to Zabbey, he met the community leadership, and according to him they took the matter to a Nigerian lawyer. That was my experience.

The Chair: What happened after that when the agency came and you took up the case against Shell?

John Gbei: Initially, when this thing happened, Shell came to Bodo to stop the oil spill. According to Dr Zabbey, the oil spilled continuously into the water for about three months from when it was reported to them. The volume of oil in the water and at the shoreline increased every day, and we were calling on the phone: "Are they not doing anything to stop this thing?" He told us that he had issued a press statement and expected Shell to come and stop the oil.

Before the case was taken to the Nigerian lawyer, Shell came in one day with NOSDRA and the Government. Without informing the community, they drove down to the spill point. The new leader of the Bodo



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community at that time was a very powerful man. His name is Kogbara. When they heard that Shell had come into Bodo, he could not run after them, so they all met at the spill point and investigated the matter, and it was discovered that there had been equipment failure as a result of the pipe being old or whatever. Then they put down a signed document, and the Bodo leadership was able to take the case to the Nigerian lawyer.

The Chair: Since then, have they done a clean-up? Is the pollution gone from the creek? Can the fishing be re-established? Has there been compensation for the period of pollution?

John Gbei: They have not cleaned up the place since. It is eight years since the oil spill happened in Bodo. They have not cleaned up the place, but they have compensated the Bodo people, the Bodo community, including me. But there has been no clean-up yet.

Q36 **Baroness Lawrence of Clarendon:** My name is Baroness Doreen Lawrence. You have talked about the Nigerian Government. How helpful were they to you and your village after the oil spill?

John Gbei: Yes, I said something like that. I said that Dr Zabbey reported the issue. He issued a press statement and reported the matter to the Commissioner for Environment, which is the Government. I think it was them who persuaded Shell to come in after about three months and stop the oil. If they had not, the oil would have still been spilling into the water up today. I think it was the persuasion on the part of the Government.

Baroness Lawrence of Clarendon: So it took three months before anybody came to look at the oil spill?

John Gbei: Yes, before they put a stop to the oil spilling into the water system. At that point, I should say that the person in charge of the environment at that time was a bit good to us, because he assisted in persuading Shell to put a stop to the oil spilling into the water.

Q37 **Ms Karen Buck:** My name is Karen Buck. I am a Member of Parliament. Could you tell us more about the compensation process? Was that an offer from the company, or was that obtained after you began an action? What was the process of negotiation, if there was any process of negotiation, on the compensation settlement?

John Gbei: The compensation was not just given to us. When the case was instituted in the London High Court, it was then that a series of negotiations took place, and finally they came back with an amount to compensate us with: 600,000 naira per individual. So it was a compensation by the offender, by Shell, to the individual claimants of Bodo who suffered loss as a result of the oil spill. Do you understand? It was the money they paid to them for what they lost.

Ms Karen Buck: Yes. Before the case went to court, did Shell come to the villagers and discuss any form of compensation for the loss of the



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fishing and of people's livelihoods, or was that the first time any offer of support was made?

John Gbei: No. Shell have never come. The only day I can say that Shell ventured a step into the Bodo community was the day they came in to stop the oil that was spilling into the water. They have not come again since then. They do not come. Their consultant, their lawyer, negotiated on their behalf and then came back with the compensation. Shell did not come. Before the compensation was made I think there was another series of dialogue, which were not successful, before the last one was finally made.

The Chair: We have another question for you.

Q38 **Lord Trimble:** Hello. This is David Trimble. I am a Member of the House of Lords. Could I ask you when you decided to start a legal action against Shell? In deciding to bring a legal action against Shell, did you think of doing it in Nigeria, or did the idea come of going to London to do it? What was the thinking behind that?

Is the picture frozen?

The Chair: The sound has gone. We just lost you there, Mr Gbei. I think it froze. David, do you want to ask your question again, and introduce yourself?

Lord Trimble: I am sorry about this. The equipment is not infallible. I am thinking about when you decided to bring a legal action against Shell. Could you explain how you came to that decision? Did you think of going to London immediately, or did you think about bringing the action in Nigeria? Was there any debate on that issue? I wonder if you could just explain that to us.

John Gbei: The question is why we decided to go to London instead of Nigeria?

The Chair: Yes.

John Gbei: As I was saying, the case was initially given to a Nigerian lawyer. The lawyer is an indigen—

Can you hear me?

The Chair: We missed a bit. The sound broke off again. You said that originally it was in the hands of a Nigerian lawyer.

John Gbei: Because he was—

The Chair: We keep losing the connection. I am sorry. I know this is very trying for you. Could you start your answer again, and we will hope that we hear the full answer about the UK court versus the Nigerian legal system.

John Gbei: That is what I want to explain. Can I go on?



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The Chair: Yes, please. We can hear you.

John Gbei: I said that we decided to give it to a Nigerian lawyer because he was our brother, an Ogoni indigen, and Bodo is part of the Ogoni community. We explained that, being our brother, he could pursue justice for us, but unfortunately the matter was with him for two years. He tried to go into negotiation with Shell rather than instituting the case in the court. There was no outcome, no nothing, so after two years of the matter being with him the Bodo people decided to withdraw the power from him and give it to a London law firm, Leigh Day & Co. Another reason why we withdrew the case from the Nigerian lawyer was because we understood that he was a legal instructor, a lawyer, and Shell is like a lawyer. In Nigeria we initially gave the case to a Shell lawyer. Also, given the Nigerian legal system, there would be delay, and it was a matter that needed urgent attention. Do you understand? If you had been to Bodo at that early stage of the spill, you would have discovered that the people were in a bad situation. You would have pitied us. A matter of such magnitude needed not to be delayed in the court. Because of that delay we decided to take the matter from him and give it to the London lawyer so that he could speedily fight for justice for us. That was the reason why we decided to take the case away from him.

Q39 **Mark Pritchard:** Mark Pritchard. I am a Member of the House of Commons. Sir, you are sat in the British high commission right now—is that right?

John Gbei: Yes. It is the British high commission.

Mark Pritchard: Where are you right now? Where are you talking to me from? Which building?

John Gbei: I am in Abuja in the British high commission.

Mark Pritchard: Thank you, sir. I just wanted to confirm that. As for your dealings with the Foreign Office, the British diplomats there in Nigeria, throughout your experience with Shell and your claim, et cetera, what interaction have you had with British officials and diplomats from the high commission? Perhaps you have had a lot, perhaps you have had none, perhaps you have had a little, and if you have had some, whether a little or a lot, what sort of interaction has it been? Has it been helpful, unhelpful or neutral?

John Gbei: I cannot hear clearly.

Mark Pritchard: I am asking whether you have had any dealings over your claim and your legal process with the British high commission? Has anybody contacted you, by letter or by phone, who identified themselves as British officials or diplomats, and, if so, what type of interaction have you had with those British officials from the embassy?

John Gbei: No, I do not think I have met any person. When I got to the airport in Abuja this morning, I met the driver who took me to the hotel,



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and from the hotel he took me to the British high commission. That is the only person I have met. I do not know any person in Abuja.

Mark Pritchard: No, but before today have you had any interaction with British diplomats or officials in the past few months or past years?

John Gbei: No. Nobody has ever called me, only the SDN people who called me to attend an interview with the panel of inquiry on human rights. I had to come to Abuja.

Mark Pritchard: Thank you very much. As a lot of my colleagues will know, after the British high commissioner in any country the most important person you have met, and that is the driver to pick you up at the airport. Thank you, sir. I appreciate it.

Q40 **The Chair:** Can I ask you another question? Do you think that the compensation that has been awarded to you will deter Shell from doing that sort of oil spill in the future? Is it enough to prevent them doing what they did before, or is it just enough to compensate you? Do you get the point I am making? Is it enough to deter them? Obviously, the amount is about how much you have lost, but the question is: is it enough to deter Shell and make them change their practice in the future? What do you think about that?

John Gbei: Shell is a company that is so big they feel that they are untouchable. Nobody can do anything. Even the compensation they gave us is very small compared with the level of damage that was done to the Bodo community.

Listen, I have to state this very clearly: I was looking for this opportunity to talk to the world about what Shell have done to the Bodo people. What they have done to us amounted to genocide; oil continually spilling into the water for three months without them coming to stop it, and to be given all forms of flimsy excuses, is genocide. So they can continue doing what they have been doing. "For justice to be acquired" are the words that commend themselves to me and to most of the Bodo people, because that, in the long run, tells the world what people have been saying about them. It is odious. Do you understand? That is the issue. The money is small, but we are happy with it. They can continue doing what they have been doing because they tricks, divide and rule, and they have tactics of operations. I am just talking about Shell in Nigeria here. Do you understand? They say that.

The Chair: Thank you.

Q41 **Amanda Solloway:** Hello. My name is Amanda Solloway and I am also a Member of Parliament. I am interested in the fact that it has obviously been some years now since the oil spill, and I wonder what your life, your livelihood, is like, because you used to fish before. What is your diet like, and does the compensation that you have received now mean that you have the same kind of lifestyle that you had eight years ago?



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John Gbei: Like I said, the compensation is small compared with what we have lost. My life is touched. If you happened to know me when the oil had not spilled into the Bodo water, and knew me today, you would discover that there has been a great change in my physiological nature, because the impact of the oil is still with me. It has impacted my health and many other people's health in Bodo. Healthwise, we are in a state of general sickness. Seven or eight years ago, oil spilled into the water and there was no clean-up. What are we supposed to do? It is dead. The death rate is drastically increasing. My life is very hard now compared with when they did not spill oil into our water. My life is difficult now. I have a difficult life now.

Q42 **Lord Henley:** Good afternoon. Oliver Henley from the House of Lords. You have been paid some compensation by Shell. So far, I think you said, Shell have done nothing to clean up the mess that they have made of the water, to clean the oil to allow the fish to come back. What promises have they made about arranging for a clean-up? Will it be possible to get rid of the spilled oil? Will it be possible, if they clean it up, to get the waters back as they were in the old days?

John Gbei: Will it be possible to clean up the place? Is that what you are asking?

Lord Henley: Yes, I am asking about a clean-up or the promise of a clean-up.

John Gbei: I cannot hear clearly. Come again, please.

Lord Henley: I am asking what offer has been made by those who polluted it, presumably Shell, to clean up the mess in the water, to get rid of the oil that has submerged into the mud, and so allow fishing to resume in time, or is it not possible?

John Gbei: I do not think they have made any effort. In fact, I do not know what to say about a clean-up, because if they had wanted to clean the place, they would have done so. Seven or eight years ago oil spilled into the water and they have not cleaned it up. It is like they do not want to. Now, I am using part of the little compensation that was paid to me to start a programme in a higher institution so that I can think about doing something other than fishing, because I do not think they want to clean up the place. If I try to rely on fishing, I may have problems tomorrow, so now I am pursuing an educational programme at university and will change my focus from fishing, because they do not want to clean up the place. Do you understand?

Lord Henley: Yes.

John Gbei: I do not know whether they want to clean up. My attention is not there now. If they want to clean up, it is up to them. One thing I want to advise is that whoever is in touch with them should tell them it is necessary that they clean up the place.

Lord Henley: So no clean-up has taken place and no clean-up has been



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promised?

John Gbei: No, there has been no clean-up yet.

Lord Henley: Thank you.

Q43 **Mark Pritchard:** This is Mark Pritchard, House of Commons, again. Sir, when you accepted or agreed the compensation with Shell, was there also an agreement that you had to remain silent in your criticism, a confidentiality agreement: that you would not criticise the company in the future? Your criticism of them today is welcome as part of our inquiry, so it is not a tricky question; it is a simple question. Was part of the agreement with Shell trying to get you to keep quiet?

John Gbei: Okay. The agreement we signed was that we should not criticise Shell. Is that what you are saying?

Mark Pritchard: Yes, sir.

John Gbei: Actually, like I was saying, the amount of compensation that they paid us does not even measure up to the damage. I am not criticising them; I am trying to tell you so that they will learn from their mistakes. There are other Niger Delta communities where oil has spilled into their water and nothing was done. If it were not for this one, which was given to us to sue in London, I do not think we would have got any compensation. So I do not think that signing an agreement not to talk against them is meaningful. Do you understand?

Mark Pritchard: Thank you.

The Chair: Is it your view that if you had not known of the academic, Dr Zabbey, if you had not known to go to Dr Zabbey, nothing would have happened and you would have received no compensation?

John Gbei: Yes. I do not think we would have received any compensation. Dr Zabbey was a member of an NGO that was fighting for the environmental rights of people of other communities. Eventually this thing happened in his community, so he had at least to fight for his people. If he was fighting for other people, he would not do less for his own community. So he championed. He was the one who was fighting. In fact, most of his doctoral research was done in Bodo before the spill affected the water. Most of his research document was used to make the case. So I think it was just coincidence, a plan by God for him to do the research there. Eventually the oil spilled there, and his research document became the baseline story that made the difference. Do you understand? Without him, we would not have received any compensation.

The Chair: So even though you have received compensation, you still feel that the way of life and the community has been destroyed, and that Shell has not put you back where you were before?

John Gbei: No, they have not. It is interesting. I said earlier that Shell did not come on the first day to stop the oil spilling into the water. They



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do not care if we are drinking the water, they do not care if we are dying or if our health is good or bad. They do not care if we are eating. We have to provide medication. In fact, even before the operation the oil company had what you call a corporate social responsibility for where they are, their place of operation, the host community. All this they have failed to do. They have not done it at the time of operation for years.

Q44 **Baroness Lawrence of Clarendon:** It is Doreen Lawrence again from the House of Lords. You mentioned your health and that Shell has taken no notice. What casualties have there been among the villagers since the spillage?

John Gbei: There are a lot of casualties. In Bodo, children go fishing. There used to be a lot of shellfish along the waterline, and land crabs. Children fish in the shallow water along the shore in Bodo. This is still true. You can walk down to the river and get fish, and get up on to the land. Up to today, Shell have not come to do anything.

Baroness Lawrence of Clarendon: So even the children's health has suffered since the spillage?

John Gbei: There are a lot of casualties. I remember initially, when the oil spilled, a person coming to fish. Sometimes when fishermen go fishing at night they may make a fire and cook soup by the river. The fishermen get better fish in the river and cook it right by the river. This man was coming back from fishing one fateful day and never knew that there was so much oil on the water. There was a fire in his boat while he was paddling home, so he poured water on the fire and the oil caught fire. The man got burned and later died. That is the effect of the oil spill.

Pregnant women also used to pick periwinkles. Later, the damage was so massive that they could not go again, but at the initial stage of the oil spill they went into the river to get them. They smelled of oil and later had complications during childbirth, some of which resulted in death. Children who do not know the impact of this oil normally go to the waterside, as I did. When I was in primary school, from primary one up to primary six, I used to bath in the water because I was told by my parents that salt water heals and that continual bathing in the salt water in the morning would make me strong.

Also, there is not so much water in the place, so we used to go to the water to swim in the river and to bathe in the morning before going back to school. But today there is nothing like that. Every parent has resisted letting their children go to the waterside. The waterside used to be a place where we went to recoup, because in the bush when the sun is high, when the temperature is high, you can go into the water and relax and get comfort. That is the other thing that is gone. So many cultural things have gone, because the money from the proceeds are what they have been using to finance this thing. The impact of the oil will last until the place is clean.

Q45 **Lord Woolf:** My name is Harry Woolf and I am a Member of the House of



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Lords. You have explained to us how you first went to a Nigerian lawyer to represent you.

John Gbei: Yes.

Lord Woolf: Then you thought it would be better to go to the British firm of lawyers, Leigh Day.

John Gbei: Yes.

Lord Woolf: Leigh Day in Britain, in some quarters, have been criticised as trying to take advantage of people such as you. Are you pleased with the way Leigh Day have taken forward your case?

John Gbei: I do not know about that criticism of Leigh Day. I have not heard about it, but I do not doubt what you are saying. Every human being, or law firm, is sometimes subject to criticism.

Lord Woolf: Do you criticise Leigh Day?

John Gbei: No.

Lord Woolf: You do not?

John Gbei: No. Let me comment. The way they handled our matter was very transparent and well participated in by everybody. They came to the town square to advise us on the way forward, step by step. They came to us to explain the position when they took the case to court, when Shell admitted liability, during the first negotiation and the second negotiation, when a parallel law firm wanted to appeal. Do you understand?

Lord Woolf: Yes, I understand very clearly.

John Gbei: All that kind of story. When it came to the second injunction restricting their operation in Bodo, they came to Bodo to explain step after step to us. So we are pleased with this service.

Lord Woolf: Thank you. Would you have got any compensation if you had not been able to bring these proceedings in London?

John Gbei: I do not think it would have been possible. You remember what I said earlier: that we had given the case to the Nigerian lawyer and the case was with him for two years. He did not come to the town square to address us, and he was our brother. In fact, I heard from the rest of the Bodo community that he was trying to negotiate with Shell without instituting the case in the court. We do not think we would have got any compensation if we had not gone for the international lawyer.

Another reason why we decided to give it to Leigh Day was that Shell wanted the case to be brought before the London High Court, where Shell have their headquarters, and we wanted them to understand what their subsidiary in Nigeria had done to a fishing community. Do you understand?



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Lord Woolf: Thank you very much, yes.

The Chair: Thank you.

Q46 **Jeremy Lefroy:** Good afternoon. My name is Jeremy Lefroy, Member of Parliament. I have one question. Has the Nigerian Parliament or the Nigerian Government conducted any kind of inquiry into this oil spill, or indeed any other oil spills? Thank you.

John Gbei: No. Nigeria has not conducted anything. In fact, I would say that they have not been happy that the Bodo people took the case as far as London. The Nigerian Government gave Shell a licence to operate in their land, and Shell pays them tax. So they were even looking for a way to sweep the case under the carpet. They have not done anything about it, no.

Jeremy Lefroy: Thank you.

John Gbei: Yes.

The Chair: Any more questions? Thank you very much indeed for travelling to Abuja to speak to us and to give us an understanding of what it has meant in practice for your health and your way of life to be affected by a huge UK company, and the processes that you had to go through to get compensation; and the fact that you are still not in the situation that you were before, that you have not had a clean-up, and the community still does not have the way of life they had before. Although the line has not been very good, I think we have a very much better understanding because you have taken the time. I know you have travelled a long way to speak to us, and we very much appreciate that. Can I thank you on behalf of the whole Committee for giving evidence to our inquiry?

John Gbei: Okay. I thank the Committee also.