

Media release

## **UK Court of Appeal rules Royal Dutch Shell not liable for Nigeria oil spills**

**London, 14 February 2018 - 40,000 villagers from the Niger Delta are now set to take their oil pollution case to the UK Supreme Court in a long-running legal battle.**

In a ruling handed down this morning, the Court of Appeal found that London-based Royal Dutch Shell is not responsible for oil pollution in the Niger Delta by its Nigerian subsidiary.

The Court rejected an appeal brought by the Ogale and Bille communities against an earlier decision that a claim against the London-based parent company had no prospect of success and that, therefore, the claim against Shell Nigeria could not proceed.

Both communities allege they have suffered systematic and ongoing oil pollution for years because of Shell's operations. Shell does not dispute that the communities have been severely polluted by its oil, or that it has yet to organise and fund a clean-up. They villagers will now seek permission to take the case to the Supreme Court.

CORE's Director Marilyn Croser commented, "The ruling is a gift to irresponsible multinationals, sending the message that they can abuse human rights and wreck the environment with total impunity. The brave decision to take their legal fight to the Supreme Court puts the Niger Delta communities in the vanguard of the global struggle for corporate accountability."

In November 2016, Shell sought to block the claims in the UK on the grounds that the London-based parent company was not legally responsible for the pollution caused by its Nigerian subsidiary and that it was open to the communities to seek redress through the Nigerian courts.

The communities argued that Royal Dutch Shell exercised significant direction and control over its Nigerian subsidiary and was therefore liable for the systematic pollution. In addition, there was no prospect of justice in Nigeria, with cases of this complexity often taking 20 years or more to wind their way through the under-resourced justice system.

The case has significant implications for companies' accountability for their global operations. Details of how multinationals control their subsidiaries are held by the company, with claimants reliant on the courts to force firms to disclose documents proving the nature of corporate relationships.

Marilyn Croser said, “The judgement threatens to close down a vital route to justice available through legal action in the UK. We now need legislative reform to introduce a requirement for companies to carry out human rights due diligence throughout their operations, both to help prevent abusive corporate practices and to improve accountability when such practices occur.”

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**Notes to editors:**

For background information on the case and the appeal see:

<https://www.leighday.co.uk/News/News-2017/January-2017/Lawyers-for-Nigerian-villagers-to-appeal-against-j>

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