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Shell to face human rights claims in UK over chronic oil pollution in Niger delta

by Sandra Laville on 23 November 2023

More than 13,000 Nigerian villagers can bring legal claims against oil firm, rules high court



Protesters gather outside the high court in London in July over Shell oil spills in the Niger delta. Photograph: Vuk Valcic/Zuma Press Wire/Shutterstock

Thousands of Nigerian villagers can bring human rights claims against the fossil fuel company Shell over the chronic oil pollution of their water sources and destruction of their way of life, the high court in London has ruled.

Mrs Justice May ruled this week that more than 13,000 farmers and fishers from the Ogale and Bille communities in the Niger delta were entitled to bring legal claims against Shell for alleged breaches to their right to a clean environment.

The judge ruled it was arguable the pollution had fundamentally breached the villagers' right to a clean environment under the Nigerian constitution and the African charter on human and people's rights. Claims under these rights have no limitation period.

Shell said its Nigerian subsidiary, the Shell Petroleum Development Company of Nigeria (SPDC), accepted responsibility for the spills it caused and compensated affected parties where required by relevant Nigerian regulations. It said it also remediates all spills from its assets, regardless of cause. Shell plc denies that it owes a duty of care directly to the claimants.

Shell said in response to the judgment that the claimants had failed to identify the particular spill or spills which are said to have caused the damage despite the court having ordered this to be done.

Matthew Renshaw, the international team partner at Leigh Day, which is representing the villagers, said: "This ruling is a significant moment in the eight-year battle by the Ocale and Bille communities to get Shell to take responsibility for the oil pollution that has blighted their land.

"During this time, Shell has repeatedly resorted to using technicalities to try to block and delay our clients' claims. Under Nigerian constitutional law, Shell would no longer be able to argue it has no responsibility for the pollution because it took place more than five years ago."

Renshaw added: "We now hope to move without further delay towards a trial, where our clients' claims for a full cleanup and compensation for the destruction of their way of life can be fully heard."

Three years ago the supreme court unanimously ruled that "there is a good arguable case" that Shell plc (the UK-based parent company) is legally responsible for the pollution caused by its Nigerian subsidiary.

But the case has continued in a series of legal tussles between Shell and the claimants.

A Shell spokesperson said of the latest judgment: "We strongly believe in the merits of our case. Oil is being stolen on an industrial scale in the Niger delta. This criminality is a major source of pollution and is the cause of the majority of spills in the Bille and Ocale claims.

"Irrespective of cause, SPDC cleans up and remediates areas affected by spills from its facilities or pipeline network, working closely with regulators, local communities and other stakeholders. We believe litigation does little to address the real problem in the Niger delta: oil spills due to theft, illegal refining and sabotage, with which SPDC is constantly faced and which cause the most environmental damage."

A spokesperson added: "Shell has no plans to leave Nigeria. As previously stated, Shell's intent is to reduce its involvement in onshore oil production in Nigeria while remaining in its deepwater and integrated gas positions in country."

The ruling this week means the claimants will now prepare for a trial. A hearing will take place on 12 and 13 December for more legal arguments.

Discussion Questions:

What are some positives to having Shell locate in Nigeria?

To what extent do Shell's actions bring negative consequences to Nigeria?

What are some considerations to balancing the positives and negatives?