

Factsheet

The people of Nigeria versus Shell: The case: step by step



Victims of oil pollution from Shell installations in Nigeria, in conjunction with Milieudefensie, have started legal proceedings against Shell Nigeria and Royal Dutch Shell plc (the parent company) in the Netherlands. Three cases of oil pollution in three different villages are being brought before the court in three separate legal cases: the cases of Oruma, Goi and Ikot Ada Udo. In this factsheet Milieudefensie describes the progress of the cases in chronological order and attempts to sketch the further course of the proceedings.

Residents of the Niger Delta and Nigerian and foreign environmental organisations have been protesting for decades against abuses by Shell and other companies in producing oil. After legal proceedings in Nigeria itself were found to be ineffective, four Nigerian farmers, Friends of the Earth Nigeria and Milieudefensie (Friends of the Earth Netherlands) decided to jointly bring both Shell Nigeria and Shell's headquarters in the Netherlands before the Dutch court in connection with these three clearly distressing cases. You can read the full history and background on www.shellcourtcase.org (in English) www.milieudefensie.nl/english/shell/the-people-of-nigeria-versus-shell

9 May 2008: Liability claim

Victims of oil leaks from the Nigerian villages Oruma, Goi and Ikot Ada Udo and Milieudefensie hold Shell liable for damages suffered.

20 June 2008: Shell's response

Shell explains its viewpoint in the three cases in a letter and includes a limited number of (public) documents. Shell denies any wrongdoing and denies that the Shell holding is responsible for the events in Nigeria.

7 November 2008: Oruma

Milieudefensie and the Nigerian plaintiffs serve the first of three subpoenas, which describes the charges against Shell for the leakage in Oruma in greater detail.

6 May 2009: Goi and Ikot Ada Udo subpoenas

Subpoenas are served which detail the charges against Shell for leaks in the villages of Goi and Ikot Ada Udo.

13 May 2009: Shell contests the jurisdiction of The Hague court over Shell Nigeria (Oruma)

Shell states that Shell Nigeria is a Nigerian

company and thus is not required to appear before a Dutch court. According to the Nigerian plaintiffs and Milieudefensie, however, the Shell concern operates as a single unit and it is therefore lawful to jointly try both companies (Shell Nigeria and the Dutch headquarters in the Netherlands) in the proceedings. The first session of the case in the courthouse in The Hague deals with this issue.

8 July 2009: Response by the lawyers for the farmers and Milieudefensie (Oruma)

In a written response, the lawyer for the Nigerian farmers and Milieudefensie refutes claims made in May by Shell on the jurisdiction of the Dutch court and gives a provisional response to Shell's statements on the factual occurrences in Oruma.

28 October 2009: Shell contests jurisdiction of the court over Shell Nigeria (Goi)

In the Goi case as well, Shell claims that the court does not have jurisdiction over Shell Nigeria.

28 October 2009: Shell contests jurisdiction of the court over Shell Nigeria (Ikot Ada Udo)

In the Ikot Ada Udo case, Shell not only claims that the Dutch court has no jurisdiction, but also that the case can only be tried after other cases pending in Nigeria concerning the same leak have been settled, the 'lis pendens' question. This has to do with a case in which a number of villagers from Ikot Ada Udo (who are not plaintiffs in the case in The Hague) are claiming compensation in a long-running court case.

3 December 2009: First session of the Oruma case

The first session concentrates exclusively on the question of jurisdiction in the Oruma case.

30 December 2009: Decision in the question of jurisdiction in the Oruma case

The court dismisses Shell's argument that the Dutch court is not authorised to rule on Shell Nigeria. It is not likely that a court session will be held on the question of jurisdiction in the other two cases, as exactly the same arguments were used in these cases.

10 February 2010: court decides to postpone Oruma case until March 24th

The court decides to postpone the date for submitting the final written contribution in the Oruma case, for six weeks to March 24th.

Spring 2010: Reply by the lawyer for the farmers and Milieudefensie (Goi and Ikot Ada Udo)

In a written reply, the lawyer for the farmers and Milieudefensie will refute Shell's statement on jurisdiction of the Dutch court and give a provisional reply to Shell's statement of factual occurrences in Goi and Ikot Ada Udo.

Spring 2010: Decision in the questions of jurisdiction and 'lis pendis' in the Goi and Ikot Ada Udo cases

The decision in the question of jurisdiction in the Goi and Ikot Ada Udo cases is a formality, following the 30 December verdict on the same issue concerning the Oruma case. However, the court must still consider the question of whether the Ikot Ada Udo case can begin while related court cases are still pending in Nigeria.

April 24 2010: Lawyer submits definitive written basis (Oruma)

The plaintiffs' lawyer submits the final written contribution in the Oruma case, to which Shell is permitted to respond prior to the session.

Summer 2010: Court in session on the Oruma, case

Arguments by Shell and the plaintiffs on the course of events during the leaks in Orma and Shell's liability will be heard at a court session.

Mid-2010: Start of substantive proceedings in the Goi and Ikot Ada Udo cases

Following the decision in the questions of jurisdiction in the Goi and Ikot Ada Udo cases, the lawyers for Milieudefensie and the Nigerian plaintiffs will submit the definitive documents within a specific time, determined by the court.

End of 2010: Court in session on the Goi and Ikot Ada Udo cases

Arguments by Shell and the plaintiffs on the course of events during the leaks in Goi and Ikot Ada Udo and Shell's liability will be heard at court session(s) at the end of 2010 or early 2011.

2011: Decisions in the Oruma, Goi and Ikot Ada Udo cases

Decisions are initially expected on the cases in 2011.

End 2011: Possible start of appeal proceedings

It is possible that an appeal to a higher court will follow the court's verdict.

More information

The most recent news on the cases can be found on www.milieudefensie.nl/english/shell/the-people-of-nigeria-versus-shell

Milieudefensie, February 2010