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 pendis’ 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.

More information: milieudefensie.nl and Milieudefensie Service line: +31 (0)20 6262 620, 9.30 - 16.30 (Mon– Fri.).
February 24th 2010: Decision in the questions of jurisdiction in the Goi and Ikot Ada Udo
The decision in the question of jurisdiction in the Goi and Ikot Ada Udo cases was 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.

March 24th Lawyer asks for relevant Shell documents to be opened up (Exhibition)
Since the farmers and Milieudefensie have held Shell liable, their lawyers have asked Shell for documents that contain relevant information. A formal request for exhibition of a set of internal Shell documents has been filed now to be able to use these documents in preparing their final written statement in mid 2011.

March 24th former holding companies added to the set of court cases
The lawyer for the farmers and Milieudefensie also brings the former Shell Transport and Trading Company and Dutch Shell Petroleum N.V. Before the Hague court. The lawyer for the farmers and Milieudefensie is forced to do so as Shell is arguing that it cannot be held responsible for acts performed by its predecessors. The current Shell holding company Royal Dutch Shell plc, did not exist when the spills in Oruma and Goi happened.

16 June 2010 Shell reply on demand to open up relevant documents
In its reply Shell uses many formal arguments to make the point that it cannot be forced or is unable to show internal documents to the lawyer of the farmers and Milieudefensie.

September 8th 2010: final reply by the lawyer for the farmers and Milieudefensie in the Oruma exhibition demand and final reply by Shell on Ikot Ada Udo Lis pendis issue
In a written reply, the lawyer for the farmers and Milieudefensie will refute the arguments Shell’s put forward and to prevent transparancy on the situation in Oruma and the way the Shell concern is managed. Shell’s lawyer gives his final reply on the subject of the related court case in Nigeria that it argues is a reason not to deal with the spill in Ikot Ada Udo in the Dutch court.

December 2nd 2010 Shell complaint on Ikot Ada Udo court case dismissed by court
‘Lis pendis’ as brought forward by Shell is not relevant as there are not enough similarities. Court case on Ikot Ada Udo can continue.

May 19th 2011, court hearing on demand for exhibition
The court will hear the arguments of the lawyer for the farmers and Milieudefensie for transparency and Shell’s reply to this demand.

Summer 2011 ruling on exhibition issue
Possible intermediate Appeal
Shell announced it might appeal when it is forced to open up certain documents, as Shell fears they will end up in the public domain.

Fall 2011: 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. Shell will then produce a final reply.

End of 2011: Court in session on the Oruma 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.

2012: Decisions in the Oruma, Goi and Ikot Ada Udo cases
Decisions are initially expected on the cases in 2011.

End 2012: 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, April 2011