

Shell wins UK Supreme Court case on 2011 oil spill off Nigerian coast

By [Estelle Shirbon](#)

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The UK Supreme Court ruled on Wednesday, 10 May, that it was too late for Nigerian claimants to sue two Shell subsidiaries over a 2011 offshore oil spill they say had a devastating long-term impact on the coastal area where they live.



File photo: A view shows the Bonny oil terminal in the Niger delta in Port Harcourt, Nigeria 1 August 2018. Reuters/Ron Bouusso/File Photo

The case was one of a series of legal battles Shell has been fighting in London courts against residents of Nigeria's oil-producing Niger Delta, a region blighted by pollution, conflict and corruption related to the oil and gas industry.

The action stemmed from the leakage of an estimated 40,000 barrels of crude oil on 20 December 2011, during the loading of an oil tanker at Shell's giant Bonga oil field, 120km off the coast of the delta.

A group of 27,800 individuals and 457 communities have been trying to sue Shell, saying the resulting oil slick polluted their lands and waterways, damaging farming, fishing, drinking water, mangrove forests and religious shrines.

But a panel of five Supreme Court justices unanimously upheld rulings by two lower courts that found they had brought their case after the expiry of a six-year legal deadline for taking action.

The claimants' lawyers had argued that the ongoing consequences of the pollution represented a "continuing nuisance", a type of civil tort, which would have meant the deadline did not apply.

"The Supreme Court rejects the claimants' submission. There was no continuing nuisance in this case," said justice Andrew Burrows, delivering the ruling.



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Shell had disputed the claimants' allegations, saying the Bonga spill did not impact the shoreline. The court did not rule on the disputed facts as it was seeking only to decide the legal point about nuisance.

Just two Nigerian citizens were appellants in the Supreme Court case, but the ruling will also apply to the thousands of other claimants.

Shell said the Supreme Court ruling had brought to an end all legal claims in English courts related to the spill.

"While the 2011 Bonga spill was highly regrettable, it was swiftly contained and cleaned up offshore," a Shell spokesperson said.

A lawyer for the Nigerian appellants did not immediately respond to an email requesting comment.

The Supreme Court has previously ruled against Shell in another case involving pollution in the Niger Delta. In February 2021, it allowed a group of 42,500 farmers and fishermen from the Ogale and Bille communities to sue Shell over spills, and that case is currently going through the High Court.

In a separate case, Shell agreed in 2015 after a protracted legal battle in London to pay out £55m (\$70m) to the delta's Bodo community in compensation for two spills.

(\$1 = £0.7923)

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