

Okpabi and others (Appellants) v Royal Dutch Shell Plc and another (Respondents)

Case ID: UKSC 2018/0068

Case summary

Issue(s)

Whether and in what circumstances the UK-domiciled parent company of a multi-national group of companies may owe a common law duty of care to individuals who allegedly suffer serious harm as a result of alleged systemic health, safety and environmental failings of one of its overseas subsidiaries as the operator of a joint venture operation.

Facts

The Appellants (some 42,500 people) are citizens of Nigeria and inhabitants of the areas allegedly affected by oil leaks from pipelines and associated infrastructure, that SPDC operates on behalf of an unincorporated joint venture in which numerous participating interests are held, in and around the Niger Delta. The leaks are said to have impacted their lives, health and local environment. They contend that the Respondents are responsible. Royal Dutch Shell Plc ('RDS') is the parent company of the Shell group of companies, incorporated in the UK. The Shell Petroleum Company of Nigeria Limited ('SPDC', the other Respondent) is an exploration and production company incorporated in Nigeria and is a subsidiary of RDS. The claims against RDS and SPDC are based on the tort of negligence under the common law of Nigeria which, for present purposes, is to be regarded as the same as the law of England and Wales. The claim against RDS is brought on the basis that RDS owed the claimants a duty of care either because it exercised significant control over material aspects of SPDC's operations and/or assumed responsibility for SPDC's operations. RDS applied under CPR Part 11(1) for orders declaring that the court had no jurisdiction to try the claims against it, or should not exercise such jurisdiction as it had. At first instance Fraser J held that there was no arguable case that RDS owed the Appellants a duty of care. The Appellants appealed to the CA against the judgment and Order of Fraser J. The CA upheld the decision of Fraser J. The Supreme Court has since clarified the law in this area, including by reference to the CA's decision in this case, in *Vedanta Resources PLC and another (Appellants) v Lungowe and others (Respondents)* [2019] UKSC 20.

Judgment appealed

[\[2018\] EWCA Civ 191](#)

Parties

Appellant(s)

1. HRH Emere Godwin Bebe Okpabi & others
2. Lucky Alame and others

Respondent(s)

1. Royal Dutch Shell Plc
2. Shell Petroleum Development Co of Nigeria Ltd

Appeal

Justices

Lord Hodge, Lady Black, Lord Briggs, Lord Kitchin, Lord Hamblen

Hearing start date

23 Jun 2020

Hearing finish date

23 Jun 2020

Watch hearing

23 Jun 2020 [Morning session](#) [Afternoon session](#)

Judgment details

Judgment date

12 Feb 2021

Neutral citation

[2021] UKSC 3