

Supreme Court to rule in UK company jurisdiction legal challenge

The Supreme Court, the highest Court in the UK, will give its ruling on Wednesday

10th April 2019 at 9.45am in a legal case brought on behalf of over 1,800 Zambian villagers against mining giant Vedanta and its Zambian subsidiary Konkola Copper Mines (KCM).

In a two-day hearing, which took place in January this year, the Supreme Court was asked to decide whether the case relating to the pollution of a river in Zambia, which the Claimants say the UK-based company is responsible for, can be heard by the UK courts.

Five Lord Justices heard arguments relating to the responsibilities of a parent company in respect of their subsidiaries in this country and overseas and whether a parent company can be held responsible for the harm caused by the operations of these subsidiaries.

The Zambian villagers allege that their water sources and farming land were contaminated by the copper mining operations of KCM, as subsidiary of Vedanta. They allege they have suffered continual pollution since 2004, causing them to fall sick and lose their crops.

The claimants argue that the claims should be tried by the English courts because UK-based Vedanta should bear equal legal responsibility, given its control over its mining subsidiary KCM and alleged knowledge of the pollution.

They also argue that they are unlikely to be able to achieve justice in the Zambian courts.

The villagers, represented by Leigh Day, won their case in the High Court in a judgment handed down in May 2016.

In that judgment Mr Justice Coulson agreed that the claimants had a legal right to bring their claim against the UK company Vedanta in the High Court in London. This ruling was then upheld in October 2017 after Vedanta took it to the Court of Appeal.

The mining giant then took the case to the Supreme Court in January this year arguing that the claims should be tried in Zambia because the claimants are Zambian, and the damage occurred in Zambia.

Speaking at the time of the hearing in January Oliver Holland, solicitor at Leigh Day representing the villagers, said:

“Our clients continue to suffer from the effects of the pollution both on their health and their livelihoods. It is disappointing that Vedanta refuse to accept the judgments of the High Court and Court of Appeal and continue to fight against our clients’ case causing a delay of over three years to the progress of these claims.”