



REF: GEV-PA 75/2025

The Permanent Mission of the Kingdom of the Netherlands to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the joint communication from special procedures of 2 July 2025 (ref AL NLD 2/2025), has the honor to inform the Office as follows.

The Government of the Kingdom of Netherlands (the Government) takes seriously the allegations and investigations presented in the abovementioned letter.

The Kingdom of the Netherlands first wishes to reiterate its full support and appreciation for the mandates of the Working Groups and Special Rapporteurs. It gives serious consideration to their views. The Kingdom will always seek to respond and actively engage with UN mandate holders and has extended a standing invitation to all UN special procedures. The Kingdom is open to dialogue with its international partners on the protection of human rights in the Netherlands, in a spirit of self-reflection and with a view to improving the implementation of human rights. In this context, the Kingdom appreciates the opportunity provided by the Working Group and the Special Rapporteurs to respond to their concerns and questions regarding the divestments by Shell Plc and wishes to extend its regret for its belated response.

The Permanent Mission of the Kingdom of the Netherlands to the United Nations and other international organizations in Geneva avails itself of the opportunity to renew to the Office of the High Commissioner of Human Rights the assurances of its highest consideration.



Geneva, 1 september 2025

*Office of the High Commissioner for Human Rights*  
[ohchr-registry@un.org](mailto:ohchr-registry@un.org)

## Response to communication ref AL NLD 2/2025 of 2 July 2025

1. *Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.*

The Government of the Kingdom of Netherlands (the Government) takes seriously the allegations and investigations presented in the abovementioned letter.

2. *Please provide information on measures that your Excellency's Government has taken or plans to take to identify and respond to the human rights impacts caused by the above-mentioned divestment process.*

In May 2021, Shell announced it was in talks with the Nigerian government to sell its stake in onshore oilfields.<sup>1</sup> Shell left the Netherlands in 2022 and has since been headquartered in the United Kingdom. On 16 January 2024, Shell reached an agreement to sell its subsidiary The Shell Petroleum Development Company of Nigeria Limited (SPDC) to the Renaissance consortium.<sup>2</sup> The sale was completed on 13 March 2025.<sup>3</sup> This means that for most of the divestment process, Shell was headquartered in the United Kingdom. Moreover, the Government is not privy to the terms and conditions of the sale to Renaissance or the terms under which the Nigerian government approved that sale, and the extent to which they address remediation by the various parties.

The situation in the Niger Delta has nevertheless been a topic of bilateral engagement between the Netherlands and Nigeria for many years. This has involved frequent discussions with the regional and federal governments, domestic and foreign energy corporations including Shell/SPDC, and civil society organisations. In these discussions, the Netherlands has urged all parties to take responsibility for finding a solution and to expedite environmental remediation efforts. In discussions with Shell as well as other companies, the Government has stressed the importance of Responsible Business Conduct, including compliance with the UN Guiding Principles on Business and Human Rights and a comprehensive approach to environmental issues. The Netherlands has been supporting civil society organisations working on environmental and human rights in the Niger Delta for over a decade. Furthermore, the Netherlands has played an active role in working towards a sustainable clean-up of parts of the Niger Delta. From 2013 to 2023, the Government supported the Bodo Mediation Initiative (BMI), initially in the role of co-mediator and later by funding the BMI Secretariat. Subsequently, the Government has remained committed to supporting clean-up efforts through an initiative for independent civil society monitoring of the Hydrocarbon Pollution Remediation Project (HYPREP), which is run by the Nigerian government and funded by international oil companies.

3. *Please provide information on concrete progress in requiring or encouraging companies domiciled in your territory and/or jurisdiction to implement human rights due diligence processes to identify, prevent, mitigate and account for how they address their impacts on human rights throughout their operations, including throughout the divestment processes described above, as set forth by the UN Guiding Principles on business and human rights (UNGPs) and other international law.*

The Government expects Dutch companies to conduct business in a responsible manner in accordance with the international standards laid down in the UN Guiding Principles on Business and Human Rights (UN Guiding Principles)<sup>4</sup> and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD

<sup>1</sup> <https://www.reuters.com/business/energy/shell-talks-with-nigeria-divest-onshore-oil-stakes-2021-05-18/>

<sup>2</sup> <https://www.shell.com/news-and-insights/newsroom/news-and-media-releases/2024/shell-agrees-to-sell-nigerian-onshore-subsiary-spd.html>

<sup>3</sup> <https://www.shell.com/news-and-insights/newsroom/news-and-media-releases/2025/shell-completes-sale-of-spd/spdc-sale.html>

<sup>4</sup> [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf)

To promote the pillar 2 aspects of RBC, the Government applies the policy mix of mutually reinforcing measures as described above. By encouraging companies to take voluntary policy measures, the Government promotes compliance with the OECD Guidelines and the United Nations Guiding Principles, including their provisions on grievance mechanisms. For example, under sectoral RBC agreements that the Government has concluded with 11 sectors since 2016, a large number of companies have committed to setting up or participating in such grievance mechanisms. Grievance mechanisms are also a requirement for companies that will be subject to the CSDDD.

The Government recognises the need for action to address human rights abuses committed by, or with the involvement of, companies domiciled in the Netherlands, and to offer victims of human rights abuses access to remedy when such abuses occur. Protecting the rights of these victims and their representatives is an element of the due diligence methodology that the policy mix aims to promote, in accordance with the abovementioned international standards.

Each country that subscribes to the OECD Guidelines, like the Netherlands, has established a National Contact Point (NCP). As mentioned above, the NCP is a non-judicial state-based grievance mechanism which handles RBC issues involving companies operating in or from the Netherlands. One of the main tasks of NCPs is to contribute to the resolution of issues that arise from a company's alleged non-observance of the OECD Guidelines. If stakeholders believe that a company is not complying with the OECD Guidelines, they can bring the matter before the NCP. If the NCP decides that the issue merits further examination, it will offer mediation to the parties in order to facilitate a solution. For further information on the NCP process please visit the website of the Dutch NCP: [www.oecdguidelines.nl](http://www.oecdguidelines.nl).

Finally, interested parties, should they so desire, can initiate civil proceedings under Dutch law. This can be done either individually, or on the basis of the Settlement of Large-scale Damage (Class Actions) Act (*Wet afwikkeling massaschade in collectieve actie* or WAMCA), which makes it possible to claim damages collectively in joint proceedings.