

## CONCEPTUALIZING LEVERAGE IN THE BUSINESS AND HUMAN RIGHTS FRAMEWORK

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### Introduction

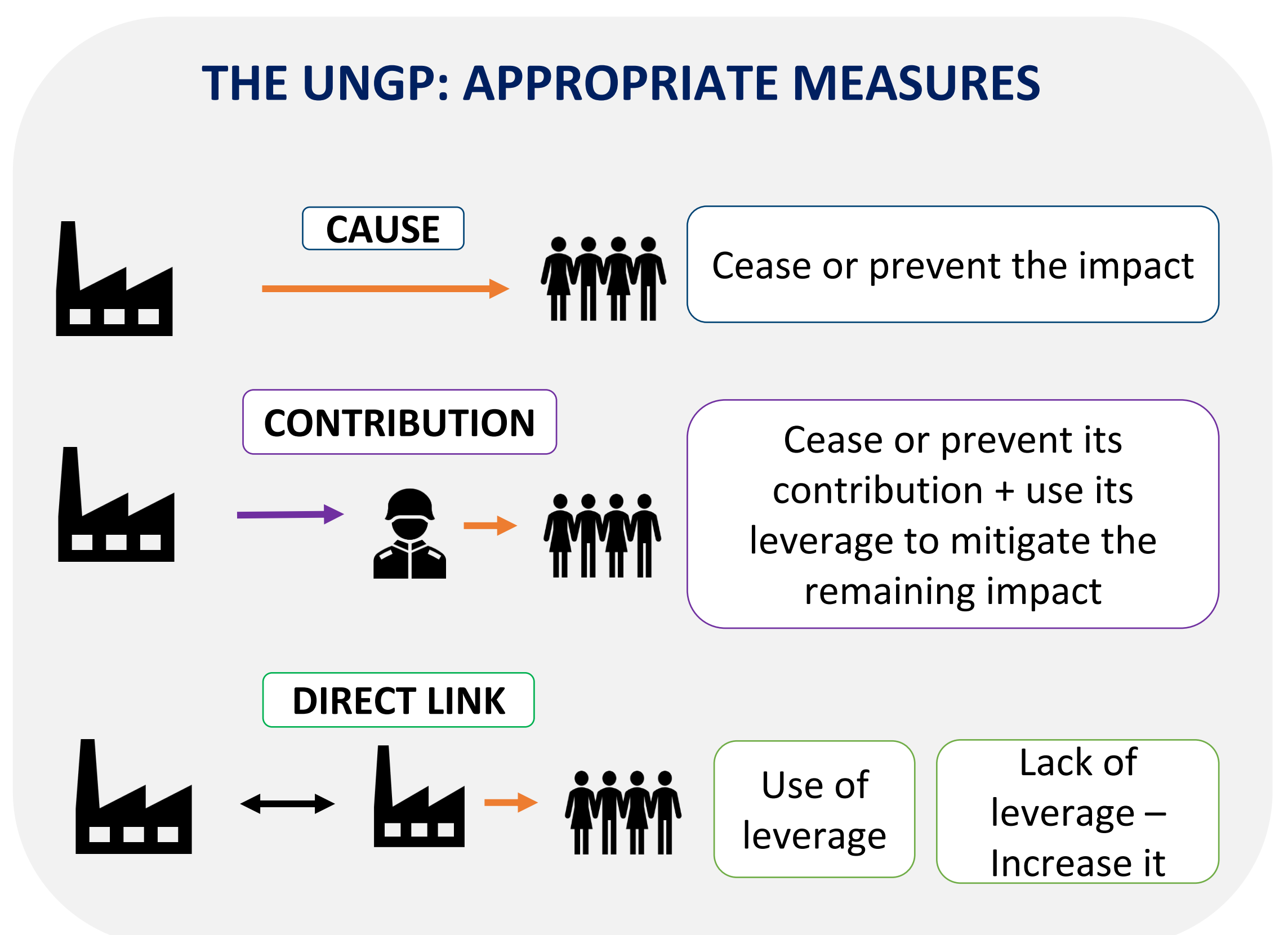
- UN Guiding Principles on Business and Human Rights (UNGPs) influenced mandatory due diligence legislation.
- The business has a responsibility for harms occurring in third-party operations even if it did not contribute in any way to the human rights violation.
- Leverage: Capacity to influence change in the wrongful practices of another party.
- Leverage: a non-legal and flexible concept transported to human rights due diligence legislation.

### Motivation

- Explore potential legal evidence of business leverage over third parties.
- Understand how different stakeholders (business and rights-holders) determine the business leverage in the BHR context.
- Bridge the gap regarding leverage within the business and human rights framework.

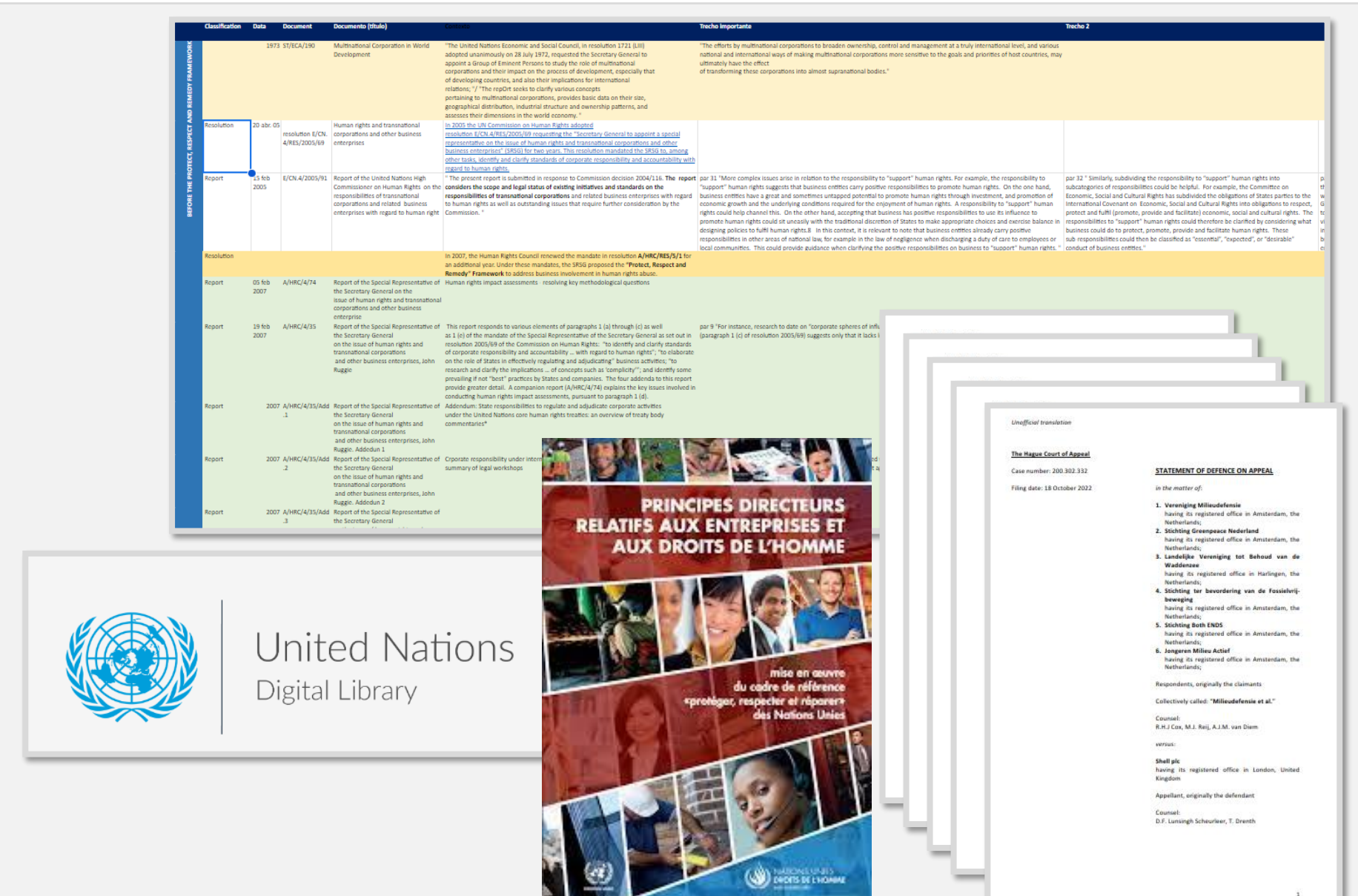
### Theoretical Background

- Sustainability management: “Leverage points” (Meadows, 1991).
- Political Theory: Leverage as power and control.
- Protect, Respect and Remedy Framework (2008-2011): discussions over influence as responsibility for adverse human rights impacts. Leverage can be determined by proximity, economic power, business size, control or benefit of the harm.



### Methods

- Document analysis (United Nations, case laws).
- Legal doctrine analysis.
- Case study: District Court of The Hague, Milieudefensie et al. Versus Royal Dutch Shell plc (2021).
- Comparative legal analysis: explore the arguments from the human rights organizations (rights-holders-centered approach) and the RDS that determined the business leverage in the case of Milieudefensie et al.



### Contribution to the BHR field

- Conceptual gap: Clarifying interpretation of leverage in business and human rights contexts.
- Legal dimensions: Exploring how leverage operates within legal frameworks.
- Implications: Enhancing understanding of leverage for promoting corporate accountability.
- Contribution: Bridging academic discourse with practical applications.