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## **The corporate responsibility to remedy (3<sup>rd</sup> pillar Ruggie framework)**

**Analysis of the corporate responses in 3 major oil spill cases: Shell - Nigeria; BP – US (the Gulf); Chevron – Ecuador**

Authors:

*Tineke Lambooy (Utrecht University, PhD), Mary Varner (University Utrecht, LL.M.), Aikaterini Argyrou (University Utrecht, LL.M.)*

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### **Abstract**

From 2005-2011, the UN Special Representative for Human Rights and Business, Prof. John Ruggie, has built a governance framework 'Protect, Respect, Remedy' to clarify the complementary roles of governments (public actors) and companies (private actors) in respect of the protection and realisation of human rights. Many articles and books have been written about the first pillar of the framework, i.e. the State's duty to protect citizens from human rights violations by private actors such as companies, also from the perspective of international human rights law. The second pillar, the corporate responsibility to respect human rights has gained a lot of attention from scientists as well as public policy makers and corporate actors; the focus is now on the operationalisation hereof. The third pillar, i.e. the shared responsibility of States and companies to provide legal and non-legal remedies to victims of corporate (mis)conduct, however, still requires a sharpening of ideas as well as discussion on how to put the ideas into practice. This article centres around that question. It firstly discusses the background and content of the third pillar: what does it mean to provide remedies, both from the corporate governance perspective and from a more operational perspective? Next, three case studies concerning major oil spillages will be presented, in which problems with communities clearly have been escalated resulting in many legal procedures. It concerns the BP disaster in the Gulf of Mexico, and the oil spillages and environmental pollution in water basins and soil in Ecuador and Nigeria for which, respectively, Chevron and Shell are being held accountable in various legal proceedings. Finally, the corporate responses by each of these multinationals towards said proceedings are analysed from the perspective of Remedy (and the prevention of conflicts).