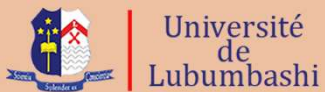


The Mineral Supply Chain Does Not Exist

How Legal Regimes Build Mineral Supply Chains & Obscure Alternative Knowledge and Normative Systems

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Outline

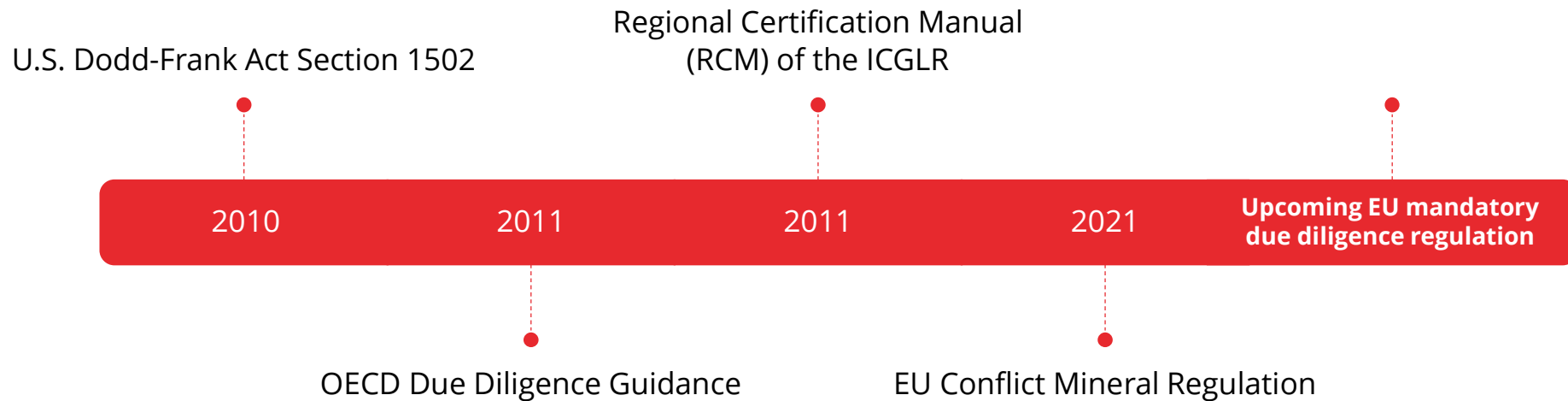


- + “Responsible sourcing”
 - + Developments in “hard” and “soft” law
 - + Literature
 - + Impact
 - + “Driving Change” (2022-2025)
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“Responsible sourcing”

- + Companies must be **accountable** for environmental, social, and human problems in their supply chains
- + Increasing tendency to assign **responsibility** to supply chain actors
- + “New global foreign accountability norm” (Partzsch & Vlaskamp, 2016)
- + Rise of (mandatory) **human rights due diligence** for overseas supply chains
- + HRDD rapidly and widely institutionalized in international and national law, in “soft” and, increasingly, “hard law” (Landau, 2019)
- + Raises questions about the power systems and broader normative frameworks within which these actors move?

Key developments in “hard” and “soft” law



And a wide range of “spinoff” frameworks and initiatives...

Literature (I)

- + Literature on transnational non-state supply-chain regulation, specifically HRDD
- + Focus on issues incl.
 - Norm diffusion (Partzsch & Vlaskamp, 2016; Sarfaty, 2015)
 - Outsourcing of regulation (Sarfaty, 2015)
 - Corporate compliance (Krajewski, Tonstad, & Wohltmann, 2021; Ford & Nolan, 2020; Landau, 2019; Martin, 2018)
 - Liability (Bueno & Bright, 2020)
 - Accountability (Postma et al., 2020)
 - Transparency (Gardner et al., 2019)

Literature (II)

- + Focus on “**weak links**” (Gibb, 2020) and weak host-state governance (Coumans, 2019)
- + Proposed fixes leave **structural problems** unchanged (Gibb, 2020) : structurally unequal power relations
- + Less attention to how law and legal categories shape conceptions of “**risk**” in global supply chains (exceptions include Cusato, 2021; Partzsch & Vlaskamp, 2016)
- + Fails to acknowledge (**alternative**) **normative and knowledge systems**

Impact

1) Legal developments around responsible sourcing of minerals shape conceptualization of GSCs

- Lends credence to the powerful metaphor of a linear and seamless supply chain (Gibb, 2020)
- Yet mineral production is fluid and characterized by multiplicity (Geenen, 2012)

2) Reproduction of supply-chain metaphor obscures alternative knowledge and normative systems

- These include “employees, shareholders and citizens” (Gibb, 2020); sustainable livelihoods (Lamb, Marschke, & Rigg, 2019; “fuzzy” workplaces (Stevano, 2021); and more
- Within and beyond supply chains (cf. GVC literature)

3) Law also legitimizes the reshaping of supply chains

- (Attempts to) build “responsible” supply chains from the top down
- Bypassing, eliminating, or reshaping established normative systems and locally-legitimate actors
- Creation of “Islands of responsibility” (Umpula et al., 2021)



- + Multiplicity & fluidity
- + “Local” understandings of conditions of uncertainty and unpredictability (“risk”???)
(Geenen, 2018)
- + “Local” understandings of legitimacy and expectations surrounding redistribution and care/support (“responsibility”???)
- + Participation of whom?

“Driving Change” (2022-2025)

FWO-funded project DRIVING CHANGE: Putting small-scale producers in the driver’s seat of battery-mineral supply chain regulation

Objectives

1. To map the most recent developments in transnational non-state mineral supply chain regulation
2. To understand how small-scale producers participate in these regulatory initiatives
3. To understand the structural power relations and knowledge/normative systems surrounding these supply chains
4. To propose pathways for how small-scale producers can be put more in charge

Methodology

- + Initial mapping of legal and policy developments
- + Case studies in Lualaba & South Kivu provinces, DRC
- + Coordinated by CEGEMI and UNILU
- + Six months of data gathering using participatory methods
- + 5 teams of 2 researchers (male/female)
- + 2 to 4 sites per team



Something to think about...

- + Do away with the supply chain metaphor?
- + Rethink responsibility beyond the supply chain
- + Rethink risk and who defines this
- + Make space for alternative knowledge and normative systems



An aerial photograph of a settlement built on a hillside. The buildings are constructed with corrugated metal roofs and blue tarpaulin walls. The terrain is hilly and green, with some areas showing signs of erosion or construction. People are visible walking around the settlement. The sky is overcast.

Thank you!

Looking forward to your questions and comments...

<https://www.uantwerpen.be/en/projects/driving-change/>