Justicia en las cadenas de valor

El contexto europeo y global





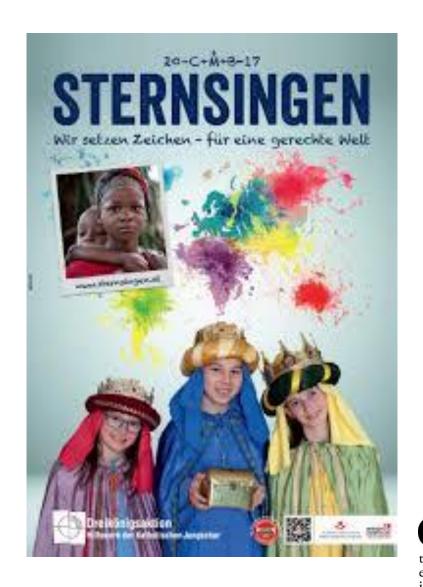


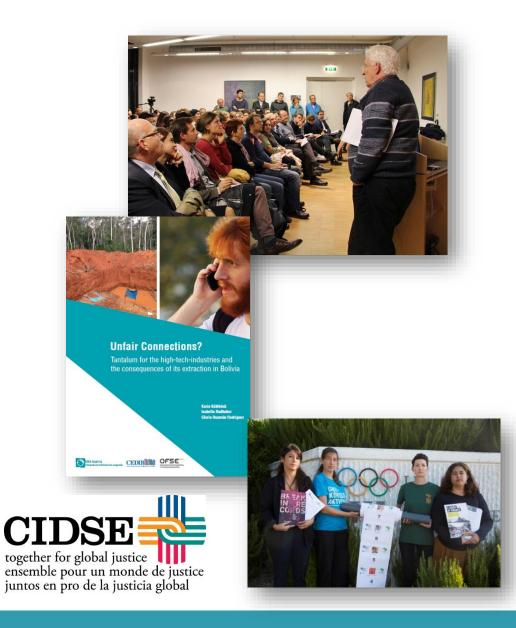




Evento: Minería, Agua y DDHH en Bolivia 21 de marzo de 2017, Cochabamba Herbert Wasserbauer, DKA Austria









Cadenas de valor / cadenas de suministro / redes de producción

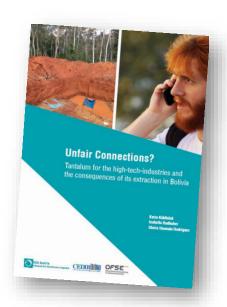


Cadenas de valor





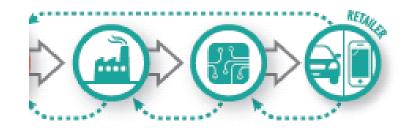






Cadenas de valor







Cadenas de valor

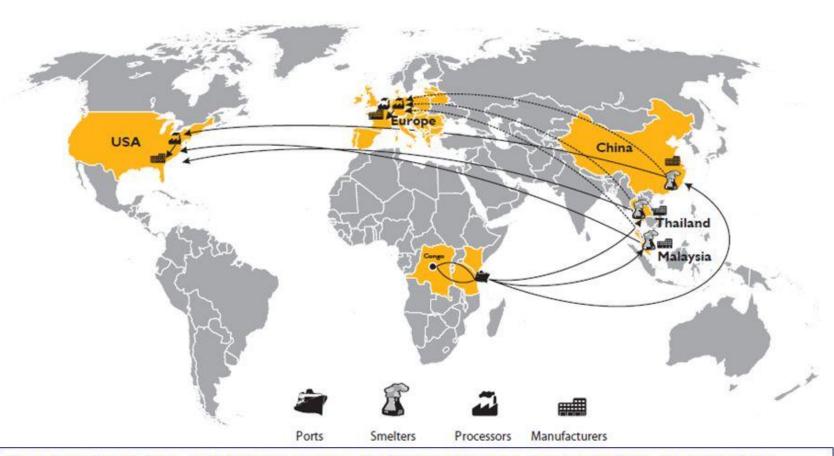






PHILIPS

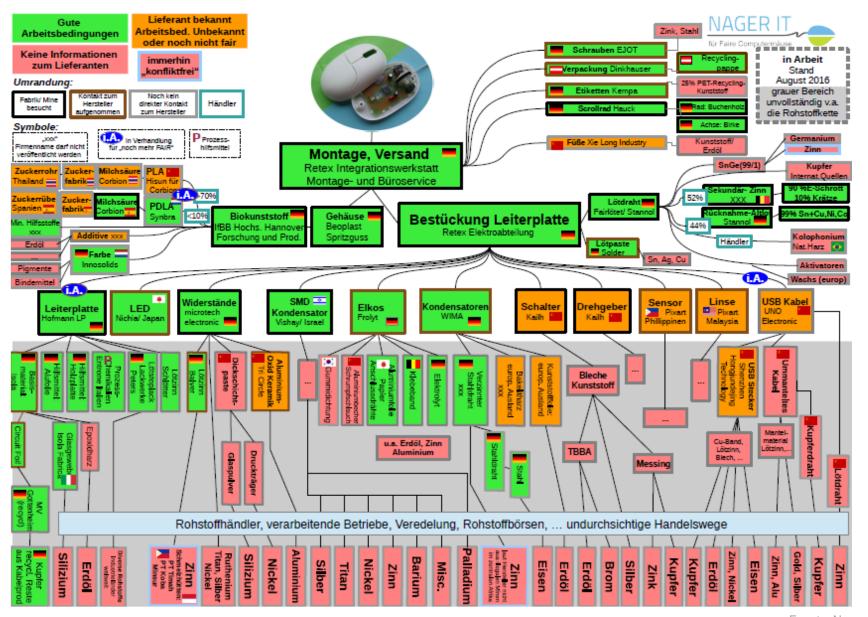
Conflict Minerals Supply Chain



Smelter is at key point in supply chain to enforce responsible purchasing









Materias primas críticas para la UE

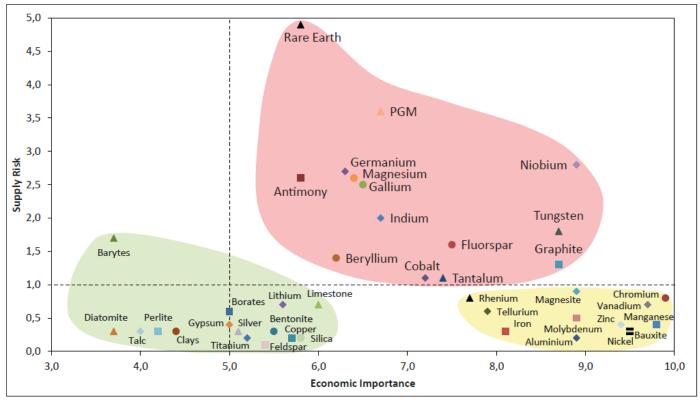


Abb. 34.

Darstellung der Supply Risk Indices und Economic Importance Indices der mineralischen Rohstoffe.

Die von der EU als Kritisch eingestuften mineralischen Rohstoffe kommen im rechten oberen Bereich zu liegen. (verändert nach: EUROPEAN COMMISSION – ENTERPRISE AND INDUSTRY, 2010c, Fig. 8)

Fig. 34.

Supply Risk Indices versus Economic Importance Indices of Raw Materials. Raw Materials as critical rated by EU are located in the right upper sector. (modified after: EUROPEAN COMMISSION – ENTERPRISE AND INDUSTRY, 2010c, Fig. 8)

Fuente: Comisión Europea



Exemplo: Minerales de zonas de conflicto

Años 2000: campañas de ONGs en EEUU: "No sangre en mi celular" Guerra en la República Democrática del Congo (RDC) Dodd-Frank Wall Street Reform and Consumer Protection Act (2010), Sec. 1502

"Minerales de conflicto": Oro, Tantalio, Tungsteno, Estaño (3TG) La financiación y el fomento de conflictos y violacioes graves de DDHH vinculado a ellos por medio de la comercializan y el uso de piedras preciosas, minerales y otros recursos naturales en el mercado.

2011: Guía de Debida Diligencia de la OCDE para Cadenas de Suministro Responsables de Minerales en las Áreas de Conflicto o de Alto Riesgo

2014: Inicio del proceso legislative de la UE

2017: Relamento aprobado por el Parlamento Europeo



Trabajo de incidencia de redes de ONGs



Campaña en linea

ung voranzutreiben. Auf diesem Weg finden Konfliktmineralien ihren Weg

Alt diese der wehrene gelfene Handelsparantet.

Die Wittenhaft mitten, wie des gisenhichte Imperioren der EU berücklichte Indigen Wert nichtungen. Chizonomie - ungs, die Nomet tein, diese enzopischet Unternahmen werden bei der an Affenbeuch zu Mehrten. Diese Standen ist wassenbauer der Affenbeuch zu Mehrten. Diese Standen ist wassenbauer der Affenbeuch zu Mehrten. Diese Standen ist wassenbauer der Affenbeuch zu Mehrten der Affenbeuch zu Mehrten der Affenbeuch zu Mehrten der Affenbeuch zu der Affenbeuch zu werden der Affenbeuch zu der Affenbeuch z müssen Regierungen, Bürgerinnen und Bürger sowie Geschäftsleute aus der Europäischen Union sich dafür einsetzen, dass ihre Unternehmen Rohstoffe auf verantwortungsvolle Weise beschaffen

Wir begrüßen die Tatsache, dass die Europäische Kommission is

Wir fühlen uns durch die Fortschätte emutigt, die erzeicht wur Farkment sich 2013 für mehr Zahlungstramparenz in den Förde reif, man mit anspruchtvollen, verbindlichen Regeln in dies um mehr Sorgfatspflicht in der Lieferkette der Unternehme. Hochrisiko- oder Konfliktgebieten beziehen.



Carte de 150 obispos Sensibilzación de la opinión pública

Intervención política

October 2015

EU REGULATION ON RESPONSIBLE MINERAL SOURCING:

IMPLEMENTING THE PARLIAMENT'S PROPOSED DUE DILIGENCE SYSTEM

set out key principles for a due diligence system that would align the EU with global efforts to tackle a minerals trade linked to conflict, corruption, and human rights abuses. It would set a practical due diligence standard, secure a level playing field for EU companies and investors, and ensure the EU pursues a coherent and integrated approach to many of its development and foreign policy objectives.

The Parliament's proposal highlights the importance of a mandatory due diligence system that better aligns with existing international standards principally the OECD's Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OFCD Due Diligence Guidance)1-and which applies to upstream importers and downstream operators that first place covered minerals on the internal market.

Member States can draw on existing due diligence, transparency and market surveillance laws to support the Parliament's proposed due diligence standard and 5. Extend the monitoring and enforcement deliver an effective and workable system.

For an overview of the key elements of the Parliament's proposal, please see our briefing of June 2015 in English and French.

KEY RECOMMENDATIONS

References to Recitals and Articles are to those in the Parliament's proposal, unless otherwise stated.

To ensure an effective and workable due diligence system, we recommend that Member States:

1. Support a Regulation that requires all companies first placing covered minerals on the EU market 7. Include a mechanism that allows other minerals -whether as raw materials or within productsto source responsibly, consistent with the OECD Due Diligence Guidance.

- The vote in the European Parliament on 20 May has 2. Support a Regulation that reflects the flexible and progressive nature of due diligence. Standards should be based on "reasonable" efforts and continual improvement, and tailored to a company's individual circumstances, such as its position in the supply chain, size and influence over suppliers. See Section 2 below for more detail.
 - 3. Strengthen the upstream provisions in the Parliament's proposal and invite the Commission, OECD or other bodies to develop tools and guidance to assist upstream companies in meeting their obligations. See Section 3(a) below for more detail.
 - 4. Translate the downstream standards in the OECD Due Diligence Guidance into legal text, and invite the Commission, OECD or other bodies to develop tools and guidance to assist downstream companies in meeting their obligations See Section 3(b) below for more detail.
 - provisions (Articles 10-15) to cover all companies included within the scope of the regulation, including downstream companies that first place covered minerals on the internal market, and invite the Commission to provide guidance to ensure a harmonised and workable approach. See Section 4 below for more detail.
 - 6. Strengthen the accompanying measures so that they better address potential development challenges linked to implementation, such as those faced in the artisanal and informal mining sectors. See Section 5 below.
 - and natural resources to be added to the scope of the regulation at a later date, as is the case under similar legislation in the US. See Section 5 below.



Ley aprobada ¿Éxito?



Parlamento Europeo, 16 de marzo de 2017



Debida diligenciá

- Concepto promovido por J. Ruggie: Principios Rectores sobre las empresas y los derechos humanos de las Naciones Unidas
- Enfoque: Gestión de riesgo por empresas en sus cadenas de suministro
- ODCE / Principios Rectores voluntários pero hecho vinculante ley sobre "deber de vigilancia de las empresa" (2017), plebiscidio en Suiza, Reglamento de UAE sobre minerales de zonas de conflicto (2017),...
- Transparencia en las cadenas de suministro
- Otros tipos de conflicto? Otros violaciones de DDH?
- Tercerización de deberes: Escemas industriales

Mucho que hacer: areas de trabajo

- Politicas vinculantes para bajar el uso de materia prima primária
- Reformulacion de política de materias primas (seguridad de suministro → DDHH, Coherencia entre la política de desarrollo y las demás políticas, economía circular etc.)
- Tratado vinculante para transnacionales (proceso de la ONU)
- Reforma de legislaciones nacionales para diligencia de las empresas y accesso a la justicia (Francia, Suiza,...)
- Prioridad de DDHH sobre convenios de libre comercio y protección de las inversiones
- Proceso sobre "Trabajo digno en en cadenas gobales de suministro" de la OIT

¡Gracias por su atención!

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