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'Ensure that our consumption respects human rights'

The EU wants to ensure that importers of conflict minerals uphold human rights. Bernd Lange MEP on the new regulation

The extraction and sale of minerals from the Global South is often associated with human rights violations. What responsibilities do producers and consumers in the Global North have?

I believe that for far too long we have turned our backs on the consequences of our consumption in other parts of the world. Even if they often seem far away from our actions, they are a direct effect. I therefore believe that we have a responsibility to ensure that our actions, our consumption, respects human rights – not only here in Europe, but throughout the world. It's not acceptable the we fuel conflicts and contribute to people being exploited in mines because we want the latest smartphone without worrying about the origin of the product and its components. As a responsible society, we must not ignore these issues.

The EU wants to face up to this responsibility. That's why it has adopted the so-called Conflict Minerals Regulation. What does this mean concretely?

We want to ensure that EU importers of four so-called conflict minerals – namely tin, tungsten, tantalum and gold – act responsibly. To this end, we have created legislation that imposes duties of care on these companies and specifies in detail how these duties should be carried out, checked and enforced. In formulating our legislation, we have closely followed the standards drawn up by the OECD, which has created internationally recognised, but non-binding rules.

The regulation will oblige EU companies in the supply chain to ensure that they source these minerals and metals only from responsible and non-conflict sources.

Mineral extraction involves massive interests on the part of both public and private sector. What resistance can be expected in implementing the regulation?

During the negotiations on the Conflict Minerals Regulation, affected companies were mainly interested in three aspects: Firstly, the recognition of existing due diligence systems, secondly, very clear rules so that no uncertainties arise in their application and, thirdly, a set of rules that provides companies with a great deal of support in their implementation.

I think we have struck a good balance with the final text and I hope that companies will not try to eschew responsibility. Above all, EU member states now have a duty to implement the regulation well and to enforce the rules consistently. What must not, of course, happen is that the regulation degenerates into a paper tiger.

The behaviour of companies will also be crucial to the success of the regulation. Will they be prepared to invest in risk management systems and conscientiously fulfil their duties of care even in difficult regions, or will they simply withdraw from them? In order to improve the situation on the ground in the long term, companies must have a local presence.

The European Commission often seems to be half-hearted when sanctioning non-compliance with human rights, social and environmental standards in free trade agreements. How can the European Parliament ensure that companies comply with their duty of care?

First and foremost, these rules must be clearly set out in the form of legislation.

Some member states, such as France, for example, are already much further ahead than we are in Germany. However, we absolutely need a European approach so that we do not create a jumble of national rules that cannot be handled by either companies or authorities. This will be an important issue for the new Commission, but also for the German Presidency, and one on which the European Parliament will exert pressure.

Then there are the rules that we lay down in our bilateral agreements. We have for the first time initiated a case against Korea for breaches of the agreed rules on workers' rights. I am afraid that this case will show that the "soft" approach taken so far is not working and that we need to strengthen our provisions.

This interview was conducted by Daniel Kopp.



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Bernd Lange has been a Member of European Parliament (MEP) for the German Social Democratic Party (SPD) since 2009. Since 2014 he is chairman of the Trade Committee. He had already been an MEP from 1994-2004.

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