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LEGISLATIVE FRAMING & STANDARD SETTING IN RESPONSIBLE MINING

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Agenda

1. Challenges of mixed regulation in Mining

2. Overcoming the challenges

3. Conclusions

I - The Challenges of Mixed Regulation in Mining



**A Fragmented and
Transnational
Regulatory
Landscape**



**Regulatory
Asymmetries and
“Compliance
Greenwashing”**



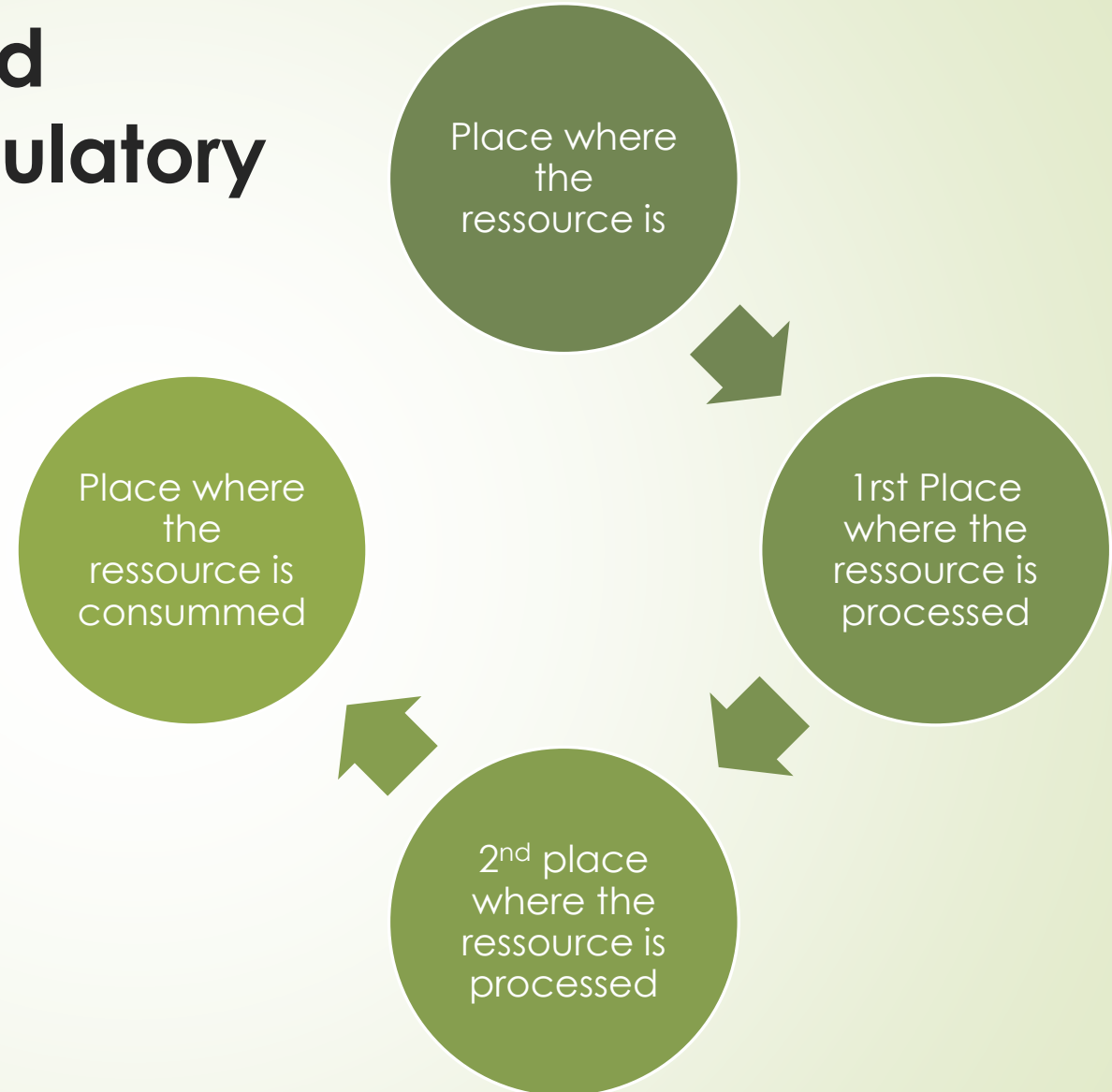
**Legitimacy and
Governance
Concerns**



**Harmonisation
Problems and
Normative
Complexity**

A Fragmented and Transnational Regulatory Landscape

- Variation in national laws
- Voluntary standards as a solution
- Incomplete solution





Regulatory
Asymmetries
and
“Compliance
Greenwashing”



Companies may simply **tick the box**—



Voluntary labels can become **legitimacy shields**



Two-tier **normative** system



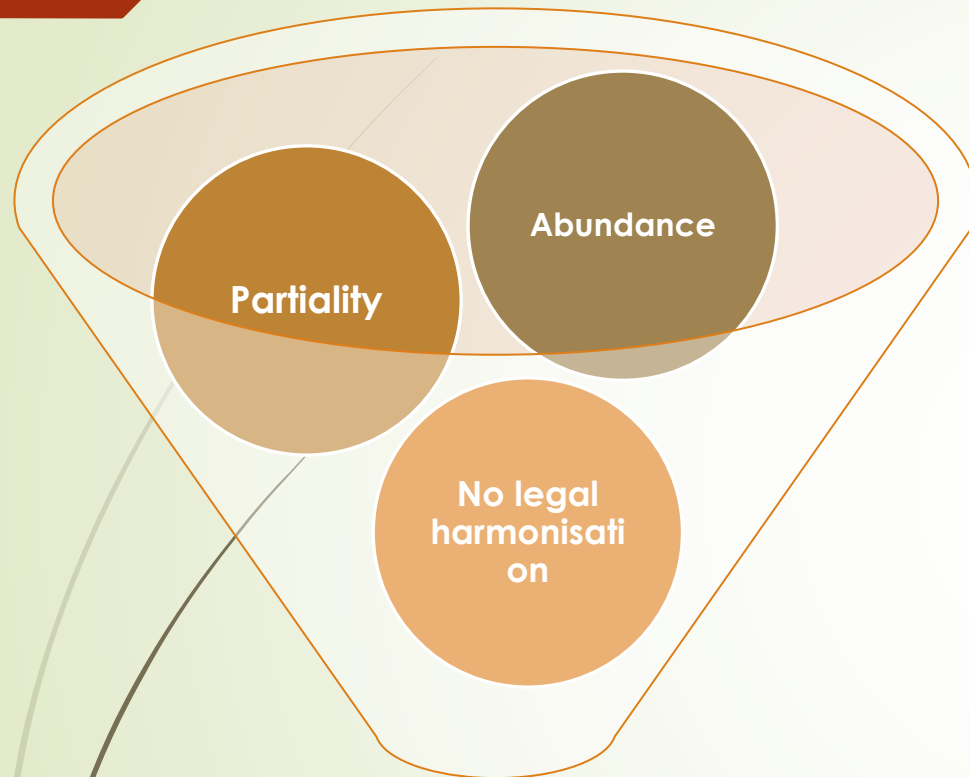
**Legitimacy
and
Governance
Concerns**

Who defines the criteria ?

Who is included ?

What is included ?

Harmonisation Problems and Normative Complexity



- More than 500 voluntary norms
- A lot of standard focus on just one material or one part of the mining process or one kind of mine
- A lot of variation in the efficiency of standard

**Lack of coherence
and complexity**

II - When Hard Law and Soft Law Reinforce Each Other



**CO-REGULATION: WHEN
LAW EXPLICITLY REFERS TO
STANDARDS**



**ESG REPORTING AS A
BRIDGE**



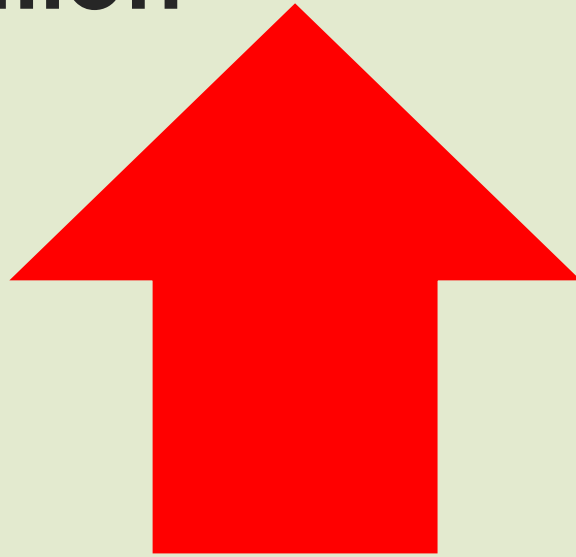
**MULTI-STAKEHOLDER
GOVERNANCE INITIATIVES**



**VOLUNTARY STANDARDS
AS NORMATIVE
INNOVATORS**

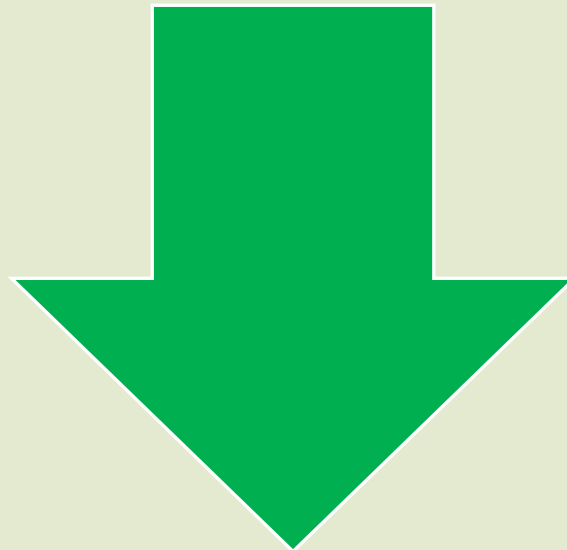


Co-Regulation



Mandatory

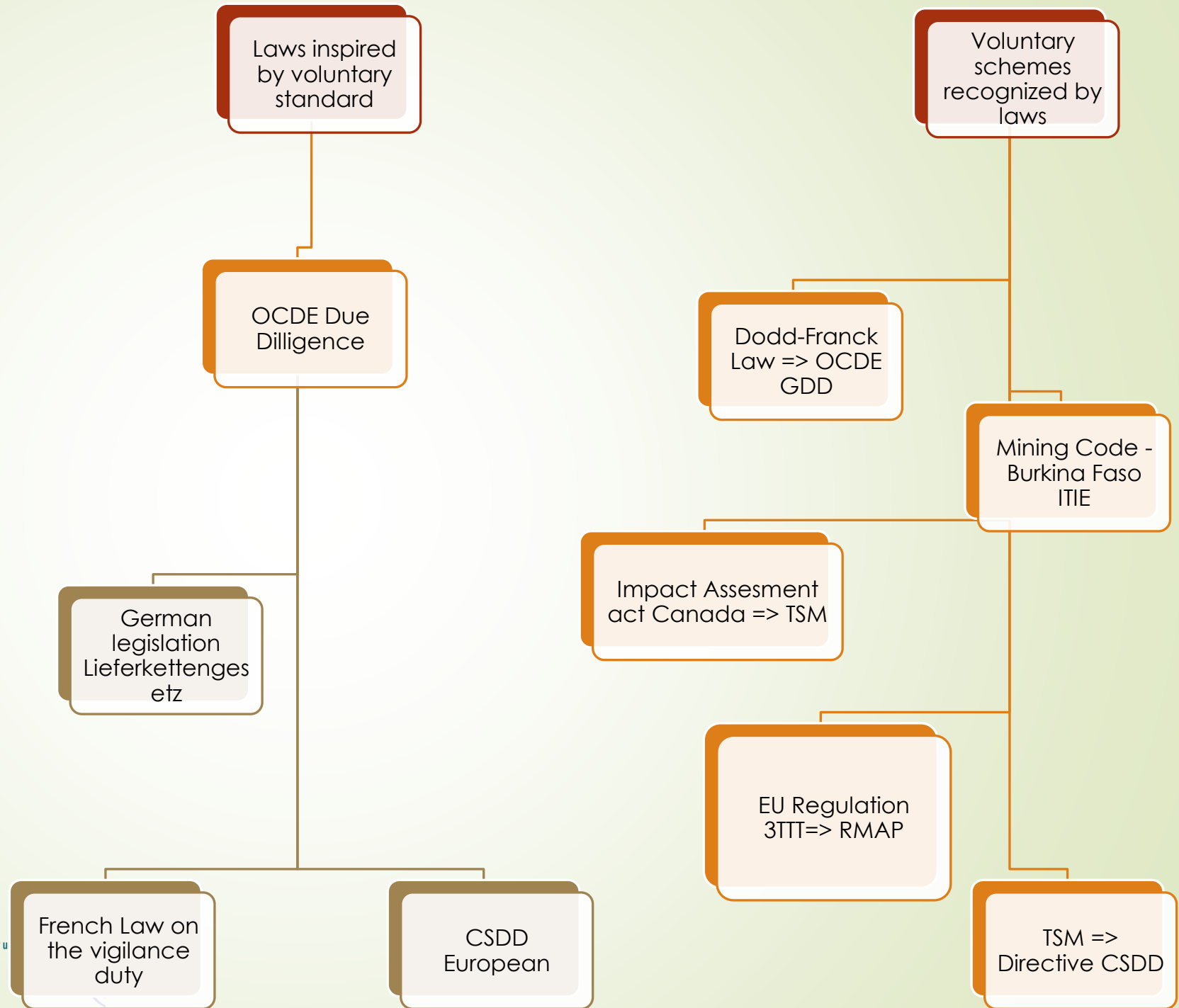
- National law
- European law



Voluntary

- Standards
- Guidelines

Co-Regulation

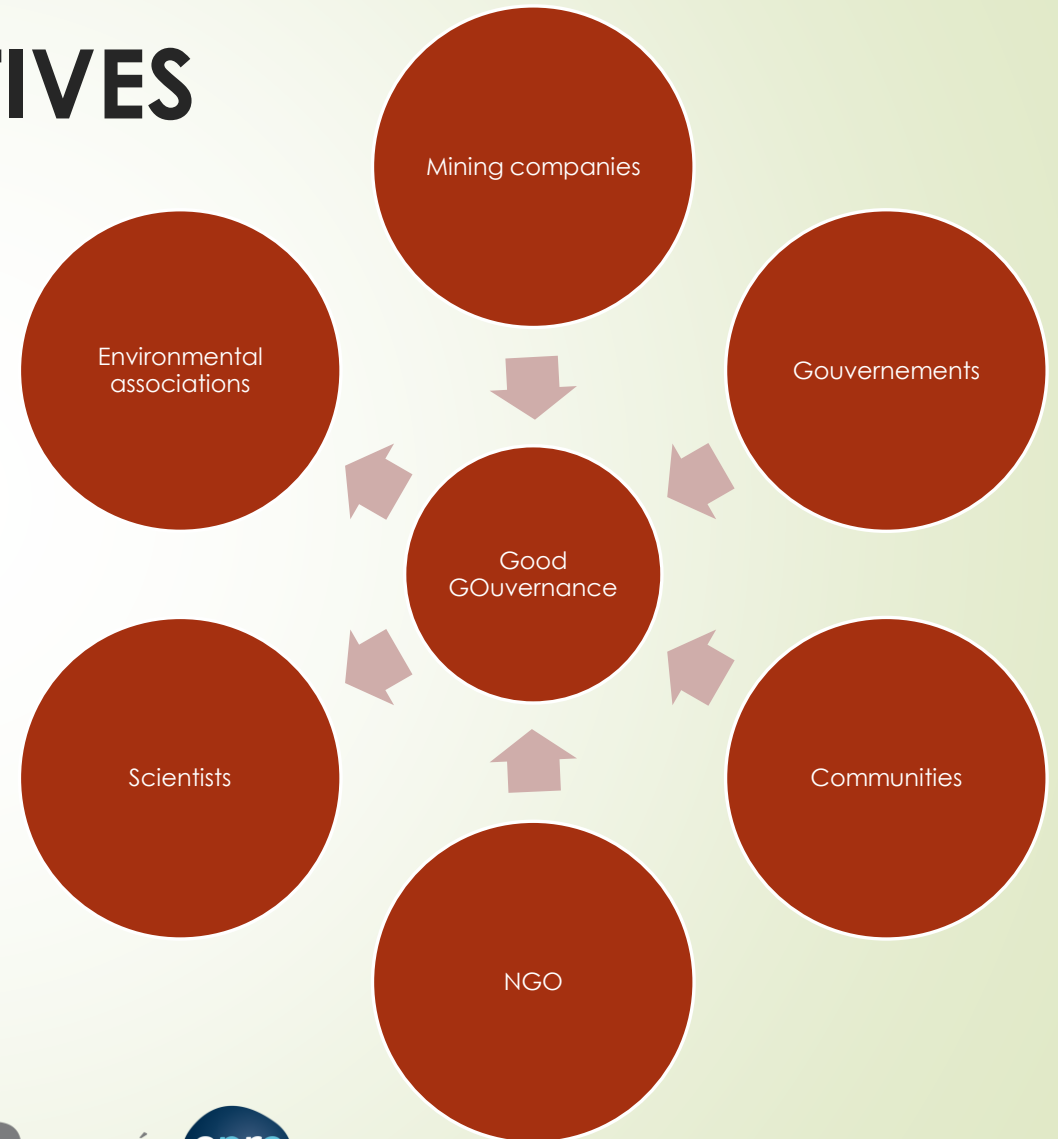


ESG Reporting

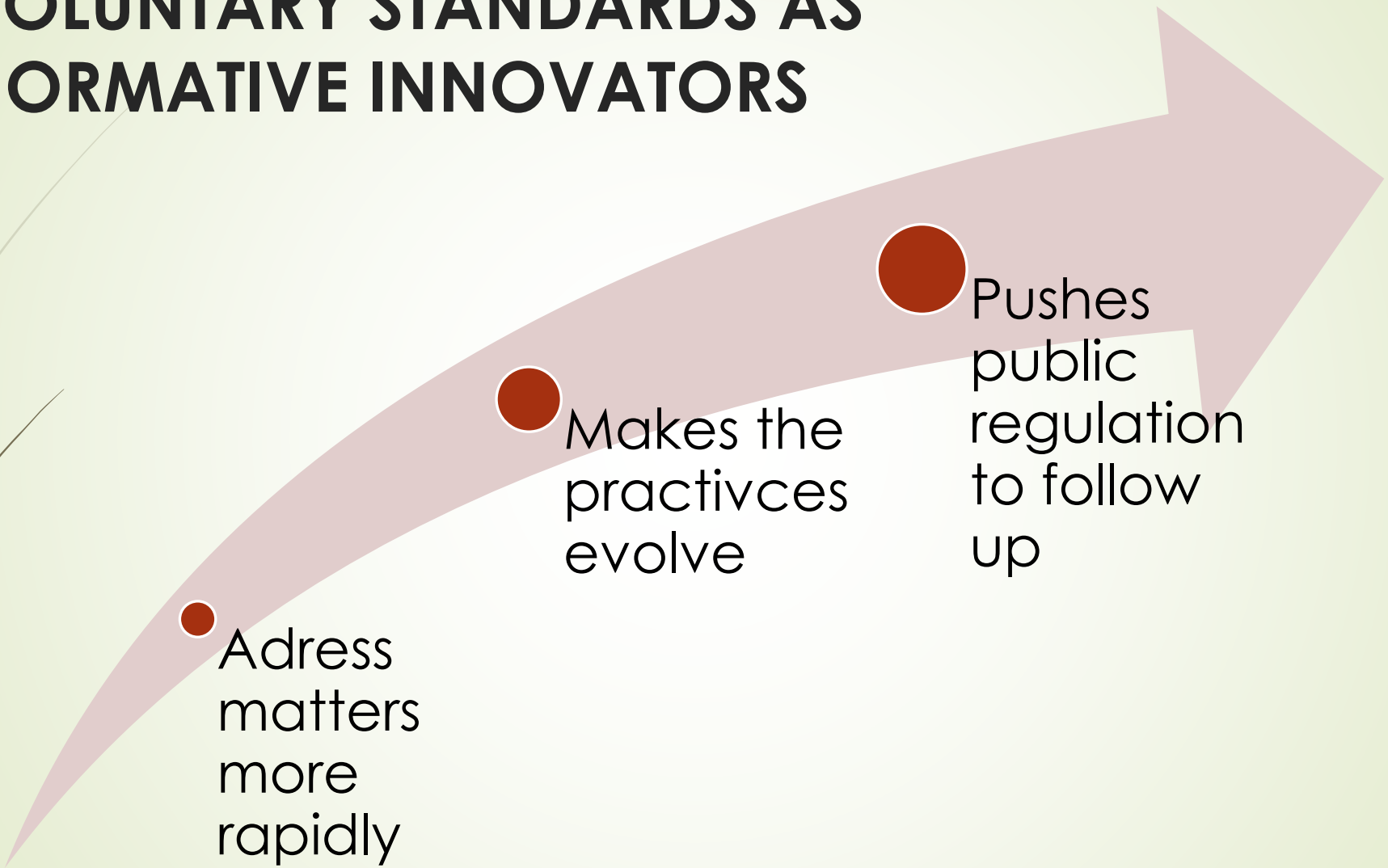
Public
regulation

Voluntary
standards

MULTI-STAKEHOLDER GOVERNANCE INITIATIVES



VOLUNTARY STANDARDS AS NORMATIVE INNOVATORS



Adress
matters
more
rapidly

Makes the
practicvces
evolve

Pushes
public
regulation
to follow
up



Conclusion

- A Shift Toward Shared Normative Responsibilities
- A situation of hybrid regulation
- Voluntary standards has ot be backed up by legislation to have réel effects
- A multi Actor Governance is a better way of reaching a responsible mining
- We need to go toward a hybrid regulation