



**Supply chain regulation in
the garment industry.
International and national
multi-stakeholder
initiatives for 'Doing
Business Right'**

29 June 2017, 14.30 - 17.00hrs
T.M.C. Asser Instituut, The Hague

On Thursday 29th June, the T.M.C Asser Instituut hosted a roundtable entitled 'Supply chain regulation in the garment industry. International and national multi-stakeholder initiatives for 'Doing Business Right'. It addressed different regulatory efforts tackling human rights violations in the global garment industry.

The roundtable was the launch of the new Doing Business Right project at the Asser Institute. As explained by Antoine Duval, the project coordinator, during his opening of the conference, Doing Business Right aims to investigate the legal implications of the manifold negative externalities of transnational business activities. The project aims at bringing together academics and practitioners in examining the legal remedies available. Within the framework of the project, a Doing Business Right blog has been set up. It is thought as a platform for the study of the multiple legal and regulatory mechanisms tackling the unwanted effects of transnational business. The blog is supported by a Twitter account (@DoinBizRight) offering a daily coverage of the main legal developments in the field.

The event featured a line-up of experienced speakers and a very active audience, this led to substantial and interesting debates and questions. The afternoon started with a keynote speech by the Groenlinks MEP Judith Sargentini on the regulatory efforts of the European Union on sustainability in global value chains, in particular in the area of minerals and garment. The speech was followed by a roundtable moderated by Enrico Partiti (Asser Institute), which addressed recent national developments. The speakers included Mariëlle van der Linden, from the International CSR Unit of the Dutch Ministry of Foreign Affairs; Lodewijk de Waal, Chairman of the National Contact Point of OECD Guidelines; Sibbe Krol, from IDH – The Sustainable Trade Initiative; and Jeroen van Dijken, from the Vereniging van Grootwinkelbedrijven in Textiel. Roel Nieuwenkamp, Chair of OECD Working Party on Responsible Business Conduct, sent a video contribution discussing the OECD Due Diligence Guidance for the Textile and Garment Sector.

It became clear that the April 2013 Rana Plaza disaster had a deep impact, and that it is to be considered as the starting point of a renewed effort to enhance sustainability and the protection of human rights in the garment industry. The speakers guided the audience through different types of regulatory mechanisms aimed at improving the situation. They also discussed other interrelated areas and provided examples of the struggles and the lessons learnt from the regulation of other sectors (e.g. the imports of minerals).

Indeed, the most interesting aspect of the debate lied in the truly transnational nature of the problems faced in the garment supply chain: the discussion touched upon hard law and soft law instruments, and national, European and international regulations. The analysis covered the main norms and standards at play in the garment sector, from the ILO and OECD Guidelines, to the Bangladesh Accord on Fire and Building Safety, and the Dutch Agreement for Sustainable Garment and Textiles. Moreover, the speakers discussed possible future steps. In particular, the question focused on which institutions would be more effective and best positioned to adopt new rules.

The discussion also considered the interplay between voluntary schemes and binding instruments. For example, Judith Sargentini argued forcefully that voluntary initiatives could have a chilling effect on public regulation and risk delay a more effective public response to the matter. While

other speakers were convinced that violations of human rights in the garment industry can be tackled most effectively through voluntary schemes. As far as remedies are concerned, Mr. Lodewijk de Waal clearly explained the procedure for complaints at the National Contact Points for the OECD Guidelines, its advantages and downsides. In response to his presentation, multiple questions were raised on the effects of this type of proceedings in comparison with court rulings and traditional enforcement mechanisms.

The necessity of enhancing protection across the whole supply chain was also raised, while avoiding a neo-colonialist approach. The key challenge of governing a transnational phenomenon is of course to reach beyond national borders and territoriality; however, this also often presents the risk of imposing external solutions, which could ultimately not work in the particular local context. Therefore, many participants emphasised the importance of fieldwork and local solutions.

The Roundtable was an excellent start for our research project. It triggered debates and raised questions which will certainly inform the approach of the Doing Business Right project.

