



INTRALAW
DEPARTMENT OF LAW
AARHUS UNIVERSITY



UiO SMART

CALL FOR PAPERS

International symposium:

Law and sustainability in global value chains:

Due diligence and contracts in focus

25-26 April 2018, Aarhus, Denmark

Today, production takes place in globally fragmented chains and networks of suppliers and corporate groups. In theory, global value chains should allow value and risk to be equally distributed across the points of production. However, in practice gains are not shared but instead amassed by centralized corporate entities. Those entities are often far removed from where production physically takes place and therefore far removed from the negative impacts of the production processes on people and planet. Those risks are borne by jurisdictions, such as developing countries, which may be less well-equipped to mitigate or remedy compounded and multiple social and environmental problems.

Law plays a central role both in enabling these modes of production and in providing solutions to the problem. On the one hand, the dominant conceptualizations of corporate purpose, contract, and tort allow the complexity of global production organized via contractual relationships to remain largely unseen to law. This invisibility of global production is reinforced by regulatory approaches which focus primarily on national markets (such as taxation, labour and environmental regulation) or global approaches that remove problems arising from production from their local social or ecological context (e.g. institutional investment arbitration or the proposed treaty on business and human rights).

On the other hand, the contradiction between extensive control over some aspects of value chains and utter lack of liability for other value chain related aspects has led to a budding law of value chain liability. Recent regulatory approaches ranging from hard to soft law attempt to deal with the ills of global production by focusing specifically on global value chains. At the same time, there is an increasing caselaw on liability for the negative impacts of fragmented production both locally and in global value chains. These approaches are complemented by growing awareness by way of civil society action of how global value chains shape our global and local living conditions. There also seems to be a growing awareness amongst lawyers that basic understandings of corporation, contract, and tort can be reshaped to make them sensitive to the challenges of global production. Any such approach requires action focusing not only on production itself but also on the drivers of production: consumers, businesses, communities, and public procurers.

All this provides context for a critically important analysis to find out how we can achieve global sustainability, contributing to securing a sound social foundation for people everywhere now and in the future while staying within planetary boundaries. Towards this, the present symposium discusses recent reactions of law to sustainability problems in global value chains.

We welcome proposals from all scholars with research interests in this area. The authors of accepted papers will be invited to present in one of the three sessions:

1) Understanding the interaction of law and global value chains

Possible topics include but are not limited to:

- The concept of value chain from law's perspective;
- Mapping of regulatory environments;
- Mechanisms of control in value chains;
- How global value chains can be made understandable to law;
- Theoretical investigations into the regulatory environment in the area and regulation types, including discussions on meta-regulation and EU's agenda of better regulation.

2) Due diligence regulation

Possible topics include but are not limited to:

- Comparative investigations of due diligence regulations and laws;
- The interplay between hard and soft laws;
- Theoretical and/or empirical investigations of selected due diligence law(s) and voluntary initiatives;
- Liability issues arising out of current due diligence regulatory schemes.

3) Contracts and contract law

Possible topics include but are not limited to:

- The use of contract law to operationalize sustainability requirements in global value chains – including efficiency and ethical perspectives;
- The use of contract to operationalize sustainability requirements in global value chains – both theoretical and empirical insights;
- The interplay of contract with other regulatory instruments, including meta-regulation, code of conducts and other private law tools;
- Evaluating the effectiveness of contract in promoting sustainability in global value chains;
- Enforcement of sustainability requirements in commercial contracts, including third party enforcement efforts.

Submission of proposals

Abstracts of max. 500 words should be submitted via the following link: <https://nettskjema.uio.no/answer/91442.html> by **28 February 2018**.

Authors will be informed about the final decision on their proposals by 15 March 2018.

Organizers

The symposium is organized by:

Transnational and International Tendencies in Law Research Center (INTRALaw),

Department of Law, Aarhus University and

Sustainable Market Actors for Responsible Trade (SMART) project, University of Oslo.

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Financing

There is no registration fee for the conference, and meals, coffee and refreshments will be covered for all participants. Presenters will be invited to join the conference dinner on April 25, 2017.

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