The import(ance) of conflict minerals

An ideal type analysis of the EU’s regulation on conflict minerals

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Abstract
The purpose of this study is to determine to what extent the European Union (EU) functions as a market power in the case of conflict mineral regulation. Previous research by Partzsch has shown that the EU response to conflict minerals only somewhat qualifies for the EU to be seen as a normative power. There appears to be a clash between the norms of sustainable development and economic development, which could explain why the EU does not fully qualify as a normative power. Another theoretical framework has thus been chosen to explain the EU’s function in the case of conflict minerals. This theoretical framework is Market Power Europe (MPE) by Damro, which does not look to the collective norms of the EU, but rather on the market-related policies that the Union uses to influence other actors. With the use of an ideal type analysis of EU policy and official documents, this study found that the case fills the criteria to function as a market power in the case of conflict minerals.

*Keywords: Conflict minerals, Market Power Europe, Normative Power Europe, European Union*
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1. Introduction

The EU Regulation 2017/821 was adopted on 17th of May 2017 and is set to be applied on 1st January 2021. It states that the import of the minerals tin, tantalum, tungsten and gold (3TG) may fund rebel groups and therefore undermine strives for development, the rule of law and democracy in the Democratic Republic of Congo (DRC) and its surrounding countries (European Union, 2017, p. 1). The DRC is a country that is very rich in natural resources, specifically in the 3TG minerals, which are used in everyday electronics, such as cell phones, laptops and tablets, and are therefore very important and popular materials (Moncel, 2016, p. 223).

The reasons for why the case of conflict minerals from DRC and its surrounding countries are spoken about in the manners of a security issue and why they are called “conflict” minerals, are due to the local rebel groups controlling the mines. These groups are known to “terrorize, enslave and sexually assault local workers”. Since 1997, between five and six million people have died in the DRC and it is one of the least developed countries in the world, even though the minerals of the country is estimated to be worth over $20 trillion (Dalla Via & Perego, 2018, pp. 774-775).

The approach to tackle this problem from the European Union is, in regulation 2017/821, to establish a “Union system for supply chain due diligence”, which becomes the responsibility of each Member State to ensure (European Union, 2017, p. 5). An estimated 800,000 EU companies use 3TG minerals, and the EU’s market is claimed to be big enough to be used as leverage in the question (Moncel, 2016, p. 234).

As the world’s biggest trading bloc, the EU is said to have a lot of power, and an academic debate is currently trying to establish which type of power the EU is. Normative Power Europe (NPE) is a concept that was created and developed by Ian Manners in the early 2000’s (Manners, 2002). NPE differs from other frameworks used to understand politics, because it is an EU specific framework, developed and used only with the European Union in mind. The main claim from the theory is that the EU’s power lies in the fact that it can project its norms and ideas onto other actors and affect how they act (Birchfield, 2013, p. 908).

Several authors have responded to Manners with their own variation of the “power Europe” framework. One of them is Damro who contributes by introducing the concept of Market Power Europe (MPE). In his 2012 article, Damro argues that the EU should be analyzed
through this framework since the EU, in its core, is a market and “the world’s foremost economic bloc” (Damro, 2012, pp. 682-683, 696).

Several studies investigate the EU as a NPE, showing that the EU has normative intentions, where they have ambitions for sustainable development, namely in the World Summit on Sustainable Development in Johannesburg in 2002 (Lightfoot & Burchell, 2005) and in climate policy (van Schaik & Schunz, 2012), but that they do not fully act as a normative power in other cases. In the case of conflict minerals, Partzsch analyzed the EU’s response to conflict minerals through the framework of NPE. She found that the EU could only symbolically be said to be a normative power in the case, thus leading to the question of what type of power the EU is in the case of conflict minerals (Partzsch, 2018).

Damro similarly argues that a problem with NPE is that the EU can promote one norm at the same time as promoting a contradictory norm, in this case promoting an open market and sustainable development at the same time, thus making it difficult to distinguish what norms are promoted and also what kind of power the EU is (Damro, 2015, p. 1347). Damro concludes that the best way to compare NPE with MPE would be to “determine whether the EU is more likely to influence the behavior of others through the projection of its core and minor norms or the externalization of its market-related policies and regulatory measures” (Damro, 2012, pp. 696-697).

As previous research found, the EU did not fully act as a normative power in the case of conflict minerals (Partzsch, 2018), arguably since two of the EU’s norms clashed, this study turns to MPE instead. MPE does not only act according to the EU’s collective norms, but instead focuses on influencing other actors through its market-related policies (Damro, 2012, p. 690), which is why it is considered appropriate for this study.

### 1.1 Problem definition and research question

The academic discussion regarding what kind of power the EU is has been ongoing since the early 2000’s, containing many different perspectives from various scholars. In her 2018 article, Lena Partzsch adds to this field by applying the theory of Normative Power Europe (NPE) on the case of EU’s regulation 2018/821, which is about the EU’s response to importing conflict minerals from the Democratic Republic of Congo (Partzsch, 2018). Many scholars have linked the human rights abuses in the country to EU’s and other actors’ import
of minerals from DRC, thus contrasting the events to EU’s norms of justice and human rights. The results of Partzsch’s study revealed that the EU only partially can be said to be a normative power in this case, leading her to call the EU a “symbolic normative power” (Partzsch, 2018).

The conflict between the core norms of sustainable development and economic development is, by some, argued to be too big for the EU to be able to achieve both. This could be a reason for why the EU was determined only a “symbolic normative power” by Partzsch (Partzsch, 2018), since NPE is about having norms, living up to the norms and making other actors also act according to the norms (Manners, 2002, p. 240). The case of conflict minerals appears to be one where two norms clash and the EU cannot act on both of these norms.

Market Power Europe is however a theoretical framework that does not tie the EU to acting only within its collective norms. Damro writes that “Because the process is politically contested, the resulting policies or measures are often compromises that reflect bargains among numerous public and private actors, which may not be consistent with the collective core and minor norms of the EU” (Damro, 2012, p. 690). MPE is instead more focused on EU’s way of shaping other actors through its market-related policies (Damro, 2012, p. 686). This is a reason for why MPE is considered a theoretical framework worth applying to the case of conflict minerals.

The research question is therefore:

To what extent does the European Union function as a market power in the case of the EU’s response to conflict minerals?

1.2 Purpose and contribution

The aim of this study is to evaluate the ability of MPE to account for the response of the EU in the case of conflict mineral regulation by evaluating the extent to which the EU response corresponds with the criteria identified by Damro for MPE. The framework of MPE will be applied on the case and looked at through EU documents ranging between 2014 and 2017. The reason for this time period is that it was during this time that the earlier mentioned regulation 2017/821 was negotiated.
This study will contribute to the over-arching question of the EU as a power, and which type of power the EU is. Through determining to what extent the EU functions as a market power in the studied case, this will contribute to the academic discussion of the EU as a power, and also for the understanding of the EU as an actor in international relations (Damro, 2012, p. 683).

Further, because of the previous research on this same case, it is considered valuable to continue the analysis on the case in order to achieve an all-round discussion on the case of conflict minerals. NPE has already been applied and analyzed in the context of the conflict mineral regulation, and since that framework did not completely manage to explain the EU’s actorness in the case, it is considered valuable to apply the framework of MPE on the case as well. This, to study the case from different angles and provide a more all-round analysis.

Another section that this study aims to contribute to, is providing a clear research design for how to utilize MPE as a framework. Previous research has arguably not been successful in presenting the methods for their studies. To do a study with a clearly defined method and clear analysis, this can make the usage of MPE easier to apply to more cases, and thus make further research more achievable.

The EU describes the aim of resolution 2017/821 to be to break the link between conflict and mineral trade, in order to strive for security, development and peace (European Union, 2017, p. 1). From this perspective, it can be interesting to evaluate how MPE can account for the EU’s actions in the case of conflict mineral regulation and in the long term for the EU as a security actor in global politics.

1.3 Limitations

Though aiming to contribute to the over-arching debate of what kind of power the EU is, it should be kept in mind that this study only looks at one perspective of this debate. There are many different “power Europe” frameworks that could be investigated and applied onto the case study, however this thesis only intends to analyze one of them, namely MPE. The aim of this study is not to compare MPE with NPE, but solely to analyze to what extent the EU can be said to be a market power in the case of their response to conflict minerals. A discussion about the comparison between these two might arise from this study, however that is not the aim or purpose of it.
Further, when applying MPE onto the case of the EU’s response to conflict minerals, three criteria are used to represent the theoretical framework. These are chosen because they were developed by the creator of the framework of MPE. In an article by Dahl Kelstrup, the author gives suggestions for a further development of the theory by introducing three intervening variables that he argues should be used when applying the theoretical framework of MPE on a case (Dahl Kelstrup, 2015). These intervening variables will not be used in this study, as it is unclear how well these variables correspond with the framework of MPE in general. As it is one scholar’s suggestion to use them, and the suggestions so far has not been met by the original author Damro, this study will use the original three criteria to analyze to what extent the EU can be said to be a market power in the case of conflict minerals.

This study can thus be said to be another analysis and case study for the theoretical framework of MPE, however differing from the Dahl Kelstrup study slightly. This study is a theory consuming one, which intends to use and apply the framework on the case study in order to explain the case through the framework. This differs from Dahl Kelstrup’s approach, which was a theory testing study that intended to do “comprehensive and systematic empirical testing” in order to find improvements for the theoretical framework (Dahl Kelstrup, 2015, p. 895).

Looking at the EU as an actor can be difficult, since decisions are made differently in the Union depending on the political area. As this thesis intends to analyze the EU’s response to conflict minerals, that means analyzing an EU trade policy and the negotiations that led to that policy. The legislation of conflict minerals is a Common Commercial Policy (CCP), which is stated in the proposition itself, and based on Article 207 in the Treaty on the Functioning of the European Union (TFEU) (European Union, 2008, p. 140-141, European Union, 2017, p. 7). Article 207 TFEU states that decisions in trade are to be made supranationally, meaning that decisions can be made without the approval of the EU members’ parliaments. It is commonly said that the EU, within trade, can speak with “one voice”, thus not requiring the approval of 28 parliaments (European Commission, 2014). When looking at the EU actorness in this case, it is therefore considered sufficient to analyze the roles of European Commission, European Parliament and Council of the European Union.

When analyzing the EU’s response to conflict minerals, this will be limited to the years 2014-2017. The reason for this time frame is that the Commission’s first draft on a conflict mineral regulation was published in 2014, and later signed into law in 2017. Because of this, the
negotiations that lead to the resolution 2017/821 and in some parts the resolution itself, are considered to be of most importance for this study.

1.4 Disposition

First of all, a brief background will be introduced presenting the case of conflict minerals in DRC. Secondly, the literature review will follow and display previous research that has been done within this field of study. Thirdly, the theoretical framework will be explained. Fourthly, the approach of this study will be presented, including both the method, the material and the operationalization. Fifthly, the analysis of the case will be done, thus applying the method and theory on the material. Sixthly, the study ends with a discussion, presenting the conclusions from the study and analyzing the result through using previous research.

2. Background

The DRC is a country that is rich in natural resources, specifically in minerals. They are typically categorized as 3TG, a group of minerals containing tin, tantalum, tungsten and gold. This group of minerals are also known by the name “conflict minerals”, because of the great conflicts that surround them (Moncel, 2016, p. 220). Since the “digital revolution”, the price for tin, tantalum and tungsten has increased substantially because of its consumption by the electronics industry, as these minerals are used in cell phones, laptops and other electronic devices (Schuele, 2015, pp. 765-766). Due to their substantial use and importance in society, the demand for this group of minerals is high (Iglesias, 2014, p. 45).

In the late 1800’s and early 1900’s, Belgium colonialized DRC to profit from their natural resources, such as ivory and rubber. The Congolese were ruled by violence and Belgium left little of the profit to DRC (Schuele, 2015, p. 760). After the 1994 genocide in neighboring country Rwanda, thousands of Hutu and Tutsi people from Rwanda fled to the DRC, where the conflict between the two ethnic groups continued. Tensions grew between Rwanda and the DRC, resulting in two wars, the second one ending in 2003 (Schuele, 2015, p. 264). After the second war, the violence was mostly located along the eastern border of the DRC, where Hutu, Tutsi and national militant groups “vie for control of the state’s most valuable resource: conflict minerals”. This area is described as being inaccessible for the government, thus making it lawless (Schuele, 2015, p. 765).
The humanitarian effects on the local population in the eastern part of the DRC are both because of the conflict and the working conditions in the mines, including child labor (Moncel, 2016, p. 222). Sexual violence is also a humanitarian effect on the DRC population. It occurs regularly in the eastern parts of the DRC, where rape is reported to be a common phenomenon by soldiers towards women and children (Babalola, 2014). Partzsch writes that the conflict has resulted in five million deaths and two million refugees (Partzsch, 2018, p. 479).

The rebel groups and national army that have been in control of the mines, have sold the minerals to finance the conflict (Moncel, 2016, p. 221). A United Nations Environment Programme report estimates the value of DRC’s unexploited minerals to be $24 trillion, which is “greater than the GDP of Europe and the United States combined” (Schuele, 2015, p. 766).

Iglesias writes that the UN has been very important in shaping the discussion and has among other things been involved in the development of the OECD framework (Iglesias, 2014). One important step was in 2011 when the UN published a framework named “Guiding principles on business and human rights” that aims to raise the level of awareness and accountability for companies regarding the negative impacts some businesses can have on human rights. This framework did not mention specific cases or conflicts, but rather provided guidance in how to work with these issues and became an important step for the later due diligence frameworks (United Nations, 2011, p. 13).

Through the UN Resolution 1952 in 2010 and Resolution 1857 from 2008, the UNSC emphasized the severity of the conditions in the DRC and the urgency to act upon the situation. The UN called upon the Member States to engage in voluntary due diligence in order to break the connection between trade and the crimes that were committed in the DRC by rebel groups. In the resolutions, the UNSC is also supporting the mission MONUSCO (former MONUC) that was placed in the DRC in 1999 to promote peace and security (United Nations Security Council, 2008, United Nations Security Council, 2010).

In July 2011, the Dodd-Frank Wall Street Reform and Consumer Protection Act was passed in the U.S.A., in which section 1502 targets conflict minerals. Section 1502 puts the responsibility on the companies listed on the stock market exchange to investigate and report where their 3TG minerals come from, in order to prevent the funding of illegal armed groups.
in the DRC (Arimatsu & Mistry, 2012, p. 26). The companies have to publish reports, describing the measures taken and this has to be approved by audits from a third party (Küblböck & Grohs, 2017, p. 2).

In 2011, the OECD adopted its guidance for due diligence, which was intended to be used by companies as a framework for how that could be done. The guidance was not legally binding, but is argued to still be of importance, as it is now used as a reference for further regulations within the area of due diligence (Küblböck & Grohs, 2017, p. 2). The *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* is a direction for corporations in how they can delink their trade in minerals from armed groups. The OECD provides guidelines such as that the companies should identify the origin of their minerals and evaluate the conditions of mining (Arimatsu & Mistry, 2012, p. 20).

In the early 2000’s, the EU distributed money to the DRC aimed at state-building and peace-building, in a span of 8 years adding up to 961 million euros. Thereafter, the Union initiated five civil and military missions between the period of 2003 up until 2011, concluding that “the DRC is of great importance to the European Union” (Froitzheim, et al., 2011, pp. 46-47).

In 2014, the European Commission proposed a conflict mineral regulation for the first time. Negotiations between the European Commission, European Parliament and Council of European Trade Ministers then dominated the debate over the next three years and in 2017, Regulation 2017/821 was adopted by all three parts (Partzsch, 2018, p. 480).

### 3. Literature review

This section will review the current literature on the EU’s actorness in international politics as well as provide an empirical background on which this study is based.

In a recent research article, Lena Partzsch investigates whether the EU regulation for conflict minerals aligns with the concept of Normative Power Europe (NPE). Partzsch argues that it does, but that the EU regulation “stands only for symbolic normative power”. The author writes that the EU fulfills two out of three criteria for NPE, namely that the spreading of norms is a principal goal and the use of cooperation and learning. What the case does not fulfill in NPE is the third and final criteria: that the EU is able to pursue its norms in non-member countries (Partzsch, 2018, p. 480). When the explanation of NPE falls short in explaining the EU in the case of conflict mineral regulation, a question arises: what theory
can explain the EU’s actorness in this case, and possibly be a better explanation model in other cases as well?

Several authors have investigated how and if NPE can explain the EU’s actorness in areas of sustainable development. Lightfoot and Burchell argue that the EU did manage to keep sustainable development on the agenda in the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg, showing that they were both willing and able to push for these norms. How much they actually influenced other actors is questionable, however the fact that they did raise the issue to the international level could mean a great deal for the influence of other actors (Lightfoot & Burchell, 2005, pp. 89-90). Lightfoot and Burchell also raise the question of the compatibility between two core norms within the EU: its strive for both economic development and a balanced and sustainable development, found in EU treaties. The article concludes that the “EU has a normative commitment to sustainable development as enshrined in the treaties, but it also has a strategic interest in ensuring that the model of sustainable development adopted is one that does not damage the Union’s economic competitiveness” (Lightfoot & Burchell, 2005, p. 91).

The Union’s economic competitiveness is something that Meunier and Nicolaïdis write about when discussing trade power. They argue that the EU is not only a power in trade, but also a power through trade, meaning it can use its market as a bargaining chip towards trading partners. They conclude that the EU is a conflicted trade power though, since it is both conflicted within and between. Within, because of the many different wills in the Union, and between, because of the different norms the EU is trying to achieve even though some of them might contradict each other, such as “championing multilateralism while blanketing the planet with bilateral trade agreements” (Meunier & Nicolaïdis, 2006, p. 907).

The difficulty of combining an interest in sustainable development with an interest in economic development is something that other scholars bring up as well. A possible explanation for this clash in norms, is described by van Schaik and Schunz. In their 2012 article, they examine the logic of EU climate policy, namely whether it is dominated by a logic of appropriateness, or norms, (“doing what the relevant players within the EU believe is appropriate”) or a logic of consequences, or interests (“doing what these players think is in the shared European self-interest”) (van Schaik & Schunz, 2012, pp. 169-170). In their conclusion, van Schaik and Schunz say that “norms precede interests”, and that the former was the major influence of the EU’s external climate policies. This did have the implications
that the EU could not persuade other actors successfully, as those actors mainly acted under the logic of consequence. The EU could therefore be said to have normative intentions, but rarely was able to influence global politics (van Schaik & Schunz, 2012, p. 183).

Rosamond demonstrates another approach to the question of combining interests of both sustainable development and economic development by looking at the issue in a different way. The author argues that NPE in itself as a concept uses liberal principles, and norms that make up the foundation of the EU, in a simplified way. Rosamond problematizes the fact that the EU in NPE is compared between the ideal types of a liberal, normative and “good” actor and a realist, interest-driven values, something described as “pop realism” (Rosamond, 2014, p. 135). Instead, the author argues for a more nuanced view of the EU as a liberal actor by adding the norm of economic liberalism and introducing a new framework for analyzing the liberal quality of an action. Rosamond claims that the framework introduced by Manners, which is based on ethical reasoning, is very complex, and that Rosamonds own framework, based on different types of liberalism, also cover different ethical positions (Rosamond, 2014, p. 145).

In another study, Renckens et al. aim to highlight the importance of interacting normative and market power resources. From their study, they conclude four factors that affect both of these powers, that they test on different cases using the method of process tracing. They also set four conditions under which they expect the EU to act in the case of global leadership in biofuel. These are firstly, that foreign companies can access the EU market without too high adjustment costs. Secondly, that the EU has the power to both set and enforce the regulatory capacity of the access to their market. Third, “there are mobilized domestic and foreign groups with an interest in exporting EU market access rules”, and finally, the last condition is that the EU leads by example (Renckens, et al., 2017, p. 1434).

Concluding from the studies above, there seems to be a clash between normative intentions of sustainable development and an economic development. Partzsch also returns to this in her article where she emphasizes that there appears to be a controversial relationship between NPE and MPE. As a market power, the EU can be allowed to be a norm leader as well as with normative power, as third states might want to access the European market and therefore comply with the rules of the EU to do so (Partzsch, 2018, p. 482). Partzsch summarizes the major difference of the two powers, that both could somewhat overlap each other, in how the regulation was formed. She writes that NPE is the result of dialogue, meaning that regulations
are the results of joint action and compromise, as well as mutual learning processes (Partzsch, 2018, p. 482). Damro summarizes this difference through saying that “the best way to evaluate NPE versus MPE may be to determine whether the EU is more likely to influence the behavior of others through the projection of its core and minor norms or the externalization of its market-related policies and regulatory measures” (Damro, 2012, p. 697). Neither Damro nor Partzsch say that the two frameworks cannot be combined though, which is another option for what kind of actor the EU functions as in the case of conflict minerals. That is not what this study will explore though but could be an interesting possibility for further research.

It is expressed differently by different authors, but all point to that the strive for an economic development by the EU could be an explanation for why NPE could not fully explain the case of the EU’s response to conflict minerals. MPE does not tie the EU to acting only within its collective norms though, which is why this study will use MPE and investigate to what extent MPE can function as an explanation for EU’s actorness in the case of conflict mineral regulation.

4. Theoretical framework

Because MPE is a theoretical concept that builds upon previous research within the “power Europe” debate, specifically Manners’ concept of NPE, this framework will firstly be presented.

4.1 Normative Power Europe

Ian Manners developed the concept NPE as a response to the current debate about whether the EU was a military power or a civilian power. He argues for that the EU should be reconsidered, namely as a normative power (Manners, 2002, p. 238). Normative power is described as the “Ability to shape conceptions of ‘normal’” (Manners, 2002, p. 240), which was a concept that started long before Manners (Manners, 2002, p. 239). In the 1960’s, Carr talked about the difference “between economic power, military power and power over opinion”. In the 1970’s, Duchêne also talked about the European Community (EC) as a normative power, or “idée force”, meaning that the institution had appeal to influence others (Manners, 2002, p. 239).

The debate that Manners responded to was that between if the EC was to be seen as a military or as a civilian power. Duchêne was among those who argued that civilian power was on the
rise, and thus replacing the importance of military power (Manners, 2002, p. 235). In the 1970’s, Duchêne claimed that the EC was “long on economic power and relatively short on armed forces”. Civilian power is defined by three notions: economic power, interdependent cooperation for global problems and “the willingness to use legally-binding supranational institutions to achieve international progress” (Manners, 2002, pp. 236-237).

Hedley Bull responded to the notion that the EC was mainly influenced by civilian power, by saying that the military power created the conditions that the civilian power was based on. Bull also argued for a stronger military power in the EU, including its own nuclear deterrent forces, and thus wanting to turn the EC into a military power Europe (Manners, 2002, pp. 236-237). Manners writes that there is a trend to be found towards a military power Europe in the Common European Security and Defence Policy, through which a rapid reaction force was formed. The notion of whether this is a sign of military or civilian power is discussed among scholars, with different conclusions (Manners, 2002, p. 237).

From the debate on whether the EU is a military or a civilian power, Manners argues that one should instead focus on “the ideational impact of the EU’s international identity/role as representing normative power” (Manners, 2002, p. 238).

The EU is argued to be unique in its form, because of “its historical context, hybrid polity and political-legal constitution”. Finding common grounds in the post-World War II setting, several countries came together to despise nationalism and strive for peace in Europe (Manners, 2002, p. 240). The hybrid polity is the unique political form that the EU has, which is “a hybrid of supranational and international forms of governance” and moves beyond any Westphalian state or polity that has existed before. The constitutional factor of the EU’s uniqueness is that it is an institution built on treaties and legal orders, which make up the juridical foundation of the community (Manners, 2002, p. 241).

Manners identifies five norms that are central to the EU, namely peace, liberty, democracy, the rule of law and respect for human rights. He also identifies four minor norms, social solidarity, anti-discrimination, sustainable development and good governance, which Manners argues are more contested, and therefore less fundamental (Manners, 2002, p. 242). Through not only preaching these norms, but also incorporating them into the charter of fundamental rights of the European Union, the union is legitimizing itself and its norms (Manners, 2002, p. 244).
According to Manners, having norms and living up to these are not enough to be a normative power: one must also be able to spread these norms. He has identified six different ways through which this can be done. Firstly, is contagion which is when the norm is spread unintentionally. Secondly, informational spread is done strategically and through communication, and thirdly, the procedural diffusion is seen through the institutions of the EU. Fourthly, transference is done through exchange of goods and trade and fifthly, overt diffusion “occurs as a result of the physical presence of the EU”. Lastly is the cultural filter which means that the norms are spread through “the interplay between the construction of knowledge and the creation of social and political identity” (Manners, 2002, pp. 244-245).

In his 2008 article in *International Affair*, Manners developed a framework through which to look and judge the EU’s principles, actions and impact, and thus “the EU’s normative power in world politics” (Manners, 2008, pp. 47, 55). Manners uses normative ethics to provide a framework for assessing whether the EU is acting as a normative power, through looking at its principles, actions and implications. He then writes that the next step after the development of the framework, is to apply it to “a series of case-studies representing a broad cross-section of EU external actions by comparing and contrasting these three analytical parts” (Manners, 2008, pp. 59-60).

### 4.2 Market Power Europe

Damro argues that even though the EU might have normative features, it is at its core “a large single market with significant institutional features and competing interest groups”, thus referring to the EU as a Market Power Europe (MPE) (Damro, 2012, p. 683). Further, even though MPE is presented as a development from NPE, the EU is not intended to be portrayed as “an exclusively neo-liberal and capitalist actor” (Damro, 2012, p. 683). Damro claims that MPE is not intended to be the hegemonic perspective on how to view the EU as a power, but rather “a framework for guiding empirical research” (Damro, 2015, p. 1336). What Damro presents is a conceptual framework, not an explanatory theory. With this, he is saying that MPE can be used as analytical tool to push the debate further and to explore more how the EU can be an international actor and what kind of power it is, or “an analytical framework for theorizing and empirically testing the EU’s externalization of its market-related policies and regulatory measures” (Damro, 2015, p. 1337, Damro, 2012, p. 686).
Externalization in MPE is when the EU tries to affect other actors to adopt similar regulations or act in a way that conforms to policies or regulations in the EU (Damro, 2012, p. 690). This does not mean that the EU wants other actors to adopt the exact same regulations, containing the very same policies as theirs, but is more a general idea of how the EU exercises its power in the international system (Damro, 2015, p. 1344).

MPE does however share some features with NPE, foremost that the power of the EU primarily is made up of what it is, and less of what it says or does (Dahl Kelstrup, 2015, p. 896). Damro argues that MPE is built on two different theories, namely comparative and international political economy (CIPE) and “the EU-as-a-power debates” (Damro, 2015, p. 1336). MPE builds on earlier ideas of capitalist power, a trading state and NPE’s core norm of liberty. What Damro argues differs them is that MPE also includes interventions through social and economic regulation (Damro, 2012, pp. 685-686). MPE differs from other contributions to the debate on the EU as a power, because “it serves as an acknowledgement and response to the more general contours of the debates” (Damro, 2015, p. 1339).

Historically, Damro points to the fact that the Union was created as an integration of the steel and coal communities to strive for peace using economic tools. He claims that the EU was always seen as an experiment of market integration, but that the Single European Act (SEA) pushed this experiment forward. A shift is argued to have taken place 20 years ago, when the EU’s identity shifted from being linked to an integration experiment, into being linked to “an important international actor and shaper of globalization” (Damro, 2012, p. 685).

MPE as a framework divides the EU’s identity into three different characteristics: market size, institutional features and interest contestation. These characteristics are derived from comparative and international political economy (CIPE) literature and “may be common to any market power’s identity” (Damro, 2015, p. 1339). The conceptual framework of MPE does not disregard the idea that other factors can affect the EU’s identity and Damro argues that there should be room for consideration for other factors to influence the EU’s identity and the externalization of it (Damro, 2015, p. 1343).

Dahl Kelstrup tests the framework of MPE and provides suggestions for further improvements. After applying MPE to three trade policies of 2013, the author concludes that for MPE to be able to function as a complete theory, and not just a framework, Dahl Kelstrup argues against MPE distancing itself from NPE (Dahl Kelstrup, 2015, p. 900). He also
introduces three intervening variables to MPE, namely global economic frameworks, EU administrative resources around the world and the ability of the EU to remain externally united, which are supposed to help “better account for the circumstances under which the EU is able to externalize its market-based policies and act as MPE in practice” (Dahl Kelstrup, 2015, p. 900). Since the purpose of this study is to determine to what extent the EU can function as a market power in the case of conflict minerals, the contribution of Dahl Kelstrup will not be included in the operationalization of MPE. This is because it is not part of the original idea, nor commented or discussed by other scholars. It is still relevant to mention that MPE has been met with this response and urges for development, even though this study chooses not to include those suggestions.

5. Approach

5.1 Method

The purpose of this study is to investigate a particular case using a theoretical framework and deeper the understanding for a specific area within the case.

Both validity and reliability are crucial for an analysis to be academically satisfactory. Validity refers to the notion of measuring what you intend to measure (Bengtsson & Boreus, 2017, p. 41). In this study, that is to analyze to what extent the EU is a market power in the case of their response to conflict minerals. By measuring this and nothing else, validity is achieved. Reliability is described as being precise in the study, so that it is possible to repeat the study in the future. In cases where you analyze a text, the interpretation is described as a potential challenge to this (Bengtsson & Boreus, 2017, p. 42). In this thesis, reliability is sought after through motivating the choices made and being transparent in the process of the study.

Methods can be divided into quantitative and qualitative, where quantitative analyses mean that you count or measure something in a text. Qualitative analyses refer to when you interpret the material (Bengtsson & Boreus, 2017, p. 50). Given the nature of this study, with the purpose of investigating to what extent the EU functions as a market power in the case of the EU’s response to conflict minerals, this would require more than a countable measure. Counting how many times specific chosen words, significant to the theory of MPE, could be an option, but would only cover a very limited part of MPE and the EU response. It is because
of this that the broader qualitative analysis will be used, as it covers who says something, in which setting it is said and with which words it is said with, without deciding these factors beforehand.

Because the aim of the study is to explain a specific case using a theoretical framework, it naturally falls under the category of a “case study”. This is a type of study that goes in depth on one or several cases, in order to find results in these cases (Bryman, 2012, p. 67).

The generalizability of an ideal type analysis of a specific case is however quite limited. Generalizability, or external validity, is defined as the question of whether the study’s result “can be generalized beyond the specific research context in which it was conducted“ (Bryman, 2012, p. 71). Because of the depth, rather than width, of the study, it is not possible to generalize the results to the EU’s actorness in general. This study will only be able to say something about the EU’s actorness in the case of conflict minerals. Even though it will not be possible to generalize the results, it is still of value to conduct the study, since it adds to the academic discussion of the EU as a power.

Since the aim of this study is to investigate to what extent a specific theoretical framework corresponds with the chosen case study, the method that will be used is an ideal type analysis. There are two main reasons for why this method is considered suitable for the study. Firstly, the ideal type analysis as a method is argued to be especially suited to use when analyzing ideologies or theories, which well corresponds to this study (Bengtsson & Boreus, 2017, p. 158). Secondly, in Damro’s articles about MPE, he creates three characteristics that define the theoretical framework, and these function as dimensions, already created and fitted for the framework. To stay true to the theoretical framework that this study aims to apply on the case study, these dimensions will be made up of Damro’s three characteristics. This study will be using dimensions, as created by Damro for the theoretical framework of MPE, which will be further explained in the chapter of operationalization.

This method has its origin in Max Weber, who used it to refine specific features, such as capitalism. Further developed, ideal type analysis can also be used to reconstruct ideologies, or as a prism to look through when studying something (Bengtsson & Boreus, 2017, p. 150). The method can either be used with ideal types or dimensions as tools for the analysis. When using ideal types, the researcher creates the ideal types and applies them onto the material to see what parts of the text that match which ideal types, if any (Bengtsson & Boreus, 2017, p.
The other type of ideal type analysis is when you use dimensions, which you do not create yourself, as with ideal types, but rather develop with support from an ideology or theory. The dimensions are thereafter applied on the material to sort and categorize it after the chosen dimensions (Bengtsson & Boreus, 2017, p. 158).

Bengtsson and Boréus explain that a positive aspect about the tool of ideal types is the clarity and order it brings to the study. It is, however, very time consuming to construct the ideal types necessary for this type of analysis. The positive feature of the dimensions is that they are wider, and thus easier to construct. They are more limited than ideal types because of the wide scope of their nature through (Bengtsson & Boreus, 2017, p. 167).

As no earlier research had clearly stated what methods the studies had been analyzed through, the usage of dimensions is chosen to make it easy to understand and replicate the research design in future analyses. Other methods could also be used to analyze to what extent MPE can explain the EU’s function in the case of conflict mineral regulation, but the ideal type analysis has been chosen in this specific study. Damro describes the three characteristics in his framework as “analytical tools that help to advance knowledge by organizing empirical research” (Damro, 2015, p. 1341), which in this study will be used as dimensions.

When using dimensions in this study, these will be described in the operationalization chapter, and then the analysis will explore to what extent these dimensions are found in the case study through the material that is being used. The research question of to what extent the EU functions as a market power in this specific case, can have three possible results. Firstly, that the EU fills the requirements for MPE. Secondly, that the EU somewhat fills the requirements for MPE. Thirdly, that the EU does not fill the requirements for MPE. Filling all requirements for MPE is not necessarily the only way for the EU to be a market power, but it is through these requirements that this study will analyze the EU’s actorness. Further research can analyze the EU as a market power through other characteristics.

5.2 Material

EU policy and other official documents are primary sources and considered valid for analyzing EU behavior. Academic articles will be used as secondary sources to support the primary ones.
Documents such as treaties, policies and declarations are claimed to be valid sources for analyzing the EU’s actions (Lightfoot & Burchell, 2005, p. 79). Since the research area of this study is to analyze the EU’s response to conflict minerals, the regulation 2017/821 will be a central document.

Damro also uses EU official documents to investigate how the EU acts, which is arguably an expression of its power (Damro, 2012, p. 692). The same will be done here, as official EU documents will be used to complement the regulation from 2017. These are documents from the EU Commission, the EU Parliament and other institutions in the EU.

In the section following the analysis, academic articles will be used to draw conclusions from the study and compare to what other scholars have said.

5.3 Operationalization

Damro summarizes MPE into three interrelated and mutually reinforcing characteristics, that will be used for the operationalization of the theory in this study. Because MPE agrees with NPE that the EU’s identity is the basis for its power, the three characteristics are related to the EU’s identity (Damro, 2012, p. 684). These are supposed to advance the understanding of the EU as a power through being used as a framework to test “EU’s externalization of its market-related policies and regulatory measures” (Damro, 2012, p. 686). If the EU has the three criteria that the framework consists of, the Union is predisposed to act as MPE (Damro, 2012, p. 689). Damro’s hypothesis is that if the independent variables increase, so will EU’s externalization (Damro, 2012, p. 690).

This study can thus have three possible results. Firstly, that the case study does correspond with the characteristics, and fills all three criteria fully, or two criteria fully and one somewhat. Secondly, that the case study somewhat corresponds with the characteristics, and fills two of the three criteria fully, or one criterion fully and one somewhat. Thirdly, that the case study does not correspond with the characteristics and fills none of the three characteristics, or only one either fully or somewhat.

The externalization of the EU is first looked at through the EU’s attempts or non-attempts to externalize, and second, through the success or influence through externalization. The first stage is analyzed through the three characteristics that MPE is made up of, namely “the significance of market size, the effect of institutional features and the formation of and
contestation between pro- and anti-externalization coalitions” (Damro, 2015, p. 1344). It is
this stage that this thesis will analysis. The second stage is analyzed through looking at the
extent of EU influence, namely if the EU actually manages to affect another actors’ behavior
(Damro, 2015, pp. 1344-1345).

Characteristic number one is market size, or the EU’s material existence. The fact that the EU
is the biggest trading bloc in the world, generating about 22% of the wealth of the world,
makes it an important economic actor internationally (Damro, 2012, p. 686). Through the size
of its market, the EU can externalize its own internal policies, foremost its regulatory
standards. Because of the size of the EU’s market, many other actors are affected by its
actions, especially the smaller economic powers (Damro, 2012, p. 686). In his 2015 article,
Damro writes that this characteristic cannot explain the EU’s power on its own, although
research suggests that market size is crucial to the EU being a power (Damro, 2015, p. 1342).

To measure the significance of the EU market, the import of the EU will be compared with
other actors’ import to estimate how significant the EU’s market is in the field of 3TG
minerals. This will be evaluated in the terms of if the EU is a “significant” market, “somewhat
significant” market or “non-significant” market in the area of conflict minerals.

Characteristic number two is its institutional features, which determines which actors and
rules that contribute the policy-making. It boils down to the EU as a regulatory institution,
which means that it can “either liberalize or restrict market activity” (Damro, 2012, p. 687).
Damro writes that MPE needs to take the decision- and policy-making processes and rules
into account, as well as the unity among EU member states on the issue in focus, and the roles
played by the different EU member states and institutions (Ibid.). All of those aspects are
included in the second characteristic, and all aim to understand the EU as a regulatory state
(Damro, 2015, p. 1342). This characteristic is important for MPE and externalizing EU
policy, since the EU’s market-related policies and regulatory features sets standards which
other actors have to meet (Damro, 2012, p. 687).

The rules that the EU acts under in this case, are those that entail the EU to act with exclusive
competence. This means the EU Commission represents the EU and speaks for the member
states, even if all member states do not agree on every topic. This is established in Articles 3
and 207 of the Lisbon Treaty, and is most commonly associated with trade policy (da

Measuring the effect of institutional features, this study will look at how much the institutional bodies relevant for the case study agree with each other. The institutional bodies relevant for this case are the EU Commission, the EU Parliament and the Council. This will be evaluated in the terms of if they “fully agree” “partially agree” or “do not agree at all”. What will be looked at is how different opinions and suggestions the different actors pushed and how long the process was in total.

Characteristic number three is the interest contestation, which is based on the fact that there are many competing groups on the open arena that the EU is, which are competing for regulation that fits their interests. It both affects the internal regulatory outcomes and “helps to determine the likelihood of MPE exercising power in the international system” (Damro, 2012, pp. 688-689). These groups affect MPE because they can push for different policies or perspectives of the policies (Ibid.). In his 2015 article, Damro describes this phenomenon as a societal pressure that includes all possible actors that can put pressure on the decision makers. This characteristic aims to increase the understanding of “the extent to which the EU seeks to externalize its market-related policies and regulatory measures” (Damro, 2015, p. 1343).

Damro argues that interest contestation is important to MPE because “interest groups may push specifically for the externalization, whether coercive or non-coercive, of internal regulation” (Damro, 2012, p. 689). The interest groups, both national and foreign, therefore interact and target EU regulatory institutions. Furthermore, this affects the externalization of EU’s market-related policies and regulatory measures through the interest groups view on externalization. Damro divides them into pro-externalization and anti-externalization, both of which push for their own view of the issue and may therefore affect the externalization of market-related policies and regulatory measures of the EU (Ibid.).

In this study, the pressure of pro-externalization coalitions is what will be analyzed. These groups of interest groups will be identified and then evaluated in terms of if they do put pressure, somewhat put pressure, or do not put pressure at all on the EU to externalize its policy. This will be analyzed through the activity of interest groups on the issue of conflict minerals, both NGO’s and companies.
6. Analysis

6.1 Market size

“As the world’s largest trading bloc, the EU is a major market, so the regulation marks a big step in tackling the trade in conflict minerals” (European Commission, 2017). As a market in large, the EU is described as the world’s biggest trading bloc, but this section aims to establish the significance of the EU as a market in the area of conflict minerals.

An estimated 880,000 EU companies use 3TG minerals and could be affected by legislation covering the mineral trade. Only 600-1000 of these are covered by the legislation due to the nature of this however (European Commission, 2017). Between 150,000 and 200,000 European companies were already obliged to take measures for due diligence, because of the United States’ Dodd-Frank Act. That is about 17% of EU companies that deal with 3TG minerals (Partzsch & Vlaskamp, 2016, p. 983).

This is to be compared to the number of United States’ companies that use 3TG minerals, which is only 6,000 (Schuele, 2015, p. 779), compared to the EU’s 880,000 companies (European Commission, 2017). Drawing conclusions from these numbers, the EU’s market would be argued to be significant. The number of companies is not everything though. Remi Moncel points to this when writing that in tin consumption, 25% of U.S. companies accounted for roughly 90% of the total domestic consumption. It is therefore worth looking at the total consumption of 3TG minerals in the EU.

Global Witness reports on their website that EU companies import almost 25% of all trade in 3TG minerals and that it is the second biggest importer of cell phones and computers in the world (Global Witness, 2016). Cell phones, computers and other electronic devices are important when it comes to conflict minerals as this is a big industry where the minerals are used. The fact that the EU is the second biggest importer of cell phones therefore speaks for the significance the EU has as an importer of 3TG minerals in products.

In the process of preparing the first draft of the conflict mineral legislation, the EU Commission investigated how much of the world trade in 3TG minerals that the EU was responsible for. Their conclusion was that the “EU is an important importer of both the minerals and metals” which is supported by the numbers in the table below (European Commission, 2014, p. 14).
Table 1

<table>
<thead>
<tr>
<th>Product</th>
<th>Global trade (USD millions)</th>
<th>EU imports (USD millions)</th>
<th>EU share of global trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tin, tungsten, tantalum &amp; precious metals (ores and concentrates)</td>
<td>4.127</td>
<td>1.408</td>
<td>34%</td>
</tr>
<tr>
<td>Tin, tantalum &amp; tungsten (raw materials)</td>
<td>11.476</td>
<td>2.680</td>
<td>23%</td>
</tr>
<tr>
<td>Gold (raw material, semi-manufactured form or in powder form)</td>
<td>187.925</td>
<td>22.477</td>
<td>13%</td>
</tr>
</tbody>
</table>

Source: (European Commission, 2014, p. 14)

As seen in the table, which concludes the importance of the EU in this case, the EU’s share of global trade for these minerals and metals is to be considered significant. The EU’s share of global trade of the raw materials of tin, tantalum and tungsten is 23% and when these minerals have been processed, the EU share of global import is 34% (European Commission, 2014, p. 14). It is a substantial amount and worth several million dollars, making the EU a big market and significant actor in the mineral trade industry.

6.2 Institutional features

This section aims to establish how much the three institutional EU bodies were in agreement during the process of adapting the resolution. This will be done through presenting how the different bodies expressed their stand in different documents during the process, after which these will be compared to establish how much they were in consensus.

The EU Commission was responsible for drafting the legislation, as the executive body of the EU. Prior to the official first draft, there was a consultation process in which the EU Commission explored different alternatives for a due diligence approach to the situation in DRC (European Commission, 2014).

In March 2014 the first draft of the regulation was published, differing in three areas from the United States’ legislation, the Dodd-Frank Act (DFA), that it preceded. Firstly, the draft
presented a regulation that was voluntary for companies to take part in, with no legal liability. Secondly, it also only covered the smelting process of mineral extraction, the so-called upstream part of the process. Thirdly, as opposed from the United States’ law that targeted DRC and adjoining countries specifically (United States, 2010, pp. 370-376), the EU draft refers to “conflict-affected and high-risk areas” (European Commission, 2014, p. 7). Schuele reports that this proposed regulation only would have covered 0.05% of the companies, namely only the importers of 3TG minerals and not all companies “that use 3TG minerals in their supply chain” (Schuele, 2015, p. 772).

One year after the Commission’s draft was published, the European Parliament Committee on development (DEVE) published its opinions and amendments on the proposal. The DEVE committee suggested amendments that entailed mandatory due diligence, instead of voluntary. The amendments also included the entire process of the mineral trade, not only the upstream part. The DEVE committee opted for a regulation that covered both upstream and downstream extraction, production and trade (Europan Parliament Committee on Development, 2015).

The Council’s position was one that “basically confirmed the original proposal by the Commission” (Küblböck & Grohs, 2017, p. 3). A compromise was reached in 2016, which was legally binding, but only covering companies for the upstream industry, meaning those who import purely raw materials, not finished or semi-finished products (Küblböck & Grohs, 2017, p. 3).

<table>
<thead>
<tr>
<th>Table 2</th>
<th>The EU process of Regulation 2017/821</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2014</td>
<td>European Commission's proposal is presented</td>
</tr>
<tr>
<td>March 2015</td>
<td>Opinion of DEVE submitted (European Parliament Committee on Development)</td>
</tr>
<tr>
<td>April 2015</td>
<td>INTA (European Parliament Committee on International Trade) voted on amendments</td>
</tr>
<tr>
<td>November 2016</td>
<td>The three institutions agreed on the final text</td>
</tr>
<tr>
<td>March 2017</td>
<td>The Parliament adopted the legal text</td>
</tr>
<tr>
<td>April 2017</td>
<td>The Council adopted the legal text</td>
</tr>
</tbody>
</table>
When establishing the effect of institutional features, Damro looks to rules and actors. Rules were established prior to the analysis, as the EU has exclusive competence in the case because it is a trade policy. This entails that the EU can make decisions without the consultation of the Member states, which da Conceição-Heldt and Meunier argue makes the EU “particularly effective” (da Conceição-Heldt & Meunier, 2014, pp. 964, 969). The actors’ role in the making of the policy was thus what this analysis aimed to establish to determine the effect of the institutional features.

Looking at the average time for the legislative process of EU’s regulations, they differ depending on how many readings are required, and also under which Parliament the legislation is trying to pass under, since they can work differently (Tajani, et al., 2016, p. 12). Since there was only one reading before the trialogue negotiations began and the three institutional bodies agreed on the regulation, this could be argued to show that the different parts agree with each other quite well. This also correlates with the trend of the EU where 97% of cases are results of early agreements (after first or second reading) (Tajani, et al., 2016, p. 1).

The time it took to start the first reading in the case of the conflict mineral regulation was 14 months (Partzsch & Vlaskamp, 2016, p. 480), which is less than the average 16 months it usually took under that time period (Tajani, et al., 2016, p. 12). The total process of the conflict mineral regulation took longer than usual however, taking in total 38 months for the Commission, the Parliament and the Council came to an agreement (Partzsch & Vlaskamp, 2016, p. 480). In average the co-decision procedures in the EU in the time period only took 22 months, which is substantially shorter than the case study (Tajani, et al., 2016, p. 12).

Because of the fact that only one reading was required in the case though, that points to that the three institutional bodies could come to an agreement quite well. The total process was longer than usual though, which could arguably mean that the trialogue negotiations were long and pointing to that an agreement took time to find. Judging from all of the arguments presented, the institutional bodies are therefore considered to “partially agree”.

<table>
<thead>
<tr>
<th>May 2017</th>
<th>The Council and the Parliament signed the text into law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source:</td>
<td>(Partzsch, 2018)</td>
</tr>
</tbody>
</table>
6.3 Interest contestation

This section aims to establish how much pressure the pro- and anti-externalization groups or coalitions put on the EU to externalize its policy in this case.

The years before the first draft of the legislation was published in 2014, the Commission turned to NGO lobbying and public consultation for preparing the legislation. In one of their working documents, the Commission describes that they had a three-month time period when they issued a public consultation for the legislation in process (European Commission, 2014, p. 10). Out of the 280 responses the Commission had to their consultation, more than half of the responses belonged to companies, out of which half of the companies were described as “large companies”. Further, only 11% of the responders were NGO’s, and most of the consulted actors were from the business sector, which can be argued to have affected the consultation by the Commission (European Commission, 2014, p. 10).

In their consultation form, the EU Commission asked the actors if they thought it was achievable for the private sector to source minerals responsibly. In this question, the answers differed between the business sector and the NGOs/citizens, academics, unions and government authorities (from now on, only referred to as “NGOs”). For 56% of the business sector responders they thought it was achievable, though varying between the sectors within the responding group. For the NGOs, this percentage was higher, where 87,1% thought
responsible sourcing was possible (European Commission, 2014, p. 32). This can be used as an example to show the difference these two groups can have on the possibility to source responsibly, which can be an example of the contestation between the groups as well.

Another example of the contestation between these two groups can be shown in their view on the existing legal frameworks at the time, in 2014. 83.1% of the business sector in the EU Commission survey, answered that they thought the current frameworks were sufficient. However, 61.3% of the NGOs argued the opposite: that the current frameworks were insufficient (European Commission, 2014, p. 33).

Further, on the question of whether an EU legislation was necessary, in addition to the policies that already existed, there was again a divide between the opinions of the business sector and the NGOs. In the business sector, only 33% of the companies argued that an EU legislation was necessary, while this percentage in the NGO sector was 93.5% (European Commission, 2014, p. 38). This again shows a divide between the two groups on the importance of the legislation and thus also represents the contestation between the two groups. This example can also highlight the two different groups as “pro-externalization” and “anti-externalization”, as the business sector does not want to think an EU legislation is necessary at all. This can be interpreted as an “anti-externalization” stand, as they then do not wish to use market-regulation tools to influence external actors.

After the Commission made their first proposition public in 2014, the European Parliament received hundreds of thousands of petition letters urging for a stronger regulation to conflict minerals. The proposition draft was seen as too weak and toothless by human rights organizations such as Global Witness (Schuele, 2015, p. 772). Besides Global Witness, a total of 157 NGOs signed an open letter which called for a stronger regulation, thus including both the upstream and the downstream part of the production (Business & Human Rights Resource Centre, 2015).

Because of the companies having very different views than the NGO’s in the consultation process, the hundreds of thousands of petition letters and the many NGOs signing an open letter for a stricter legislation, the conclusion is that the different interest groups did put pressure on the EU to externalize its policy.
7. Discussion

In the following section, the results of the analysis will be interpreted with the help of academic authors.

In Bradford’s article about the EU’s externalization, market size is correlated with power in global economy. First and foremost, Bradford writes that the internal market’s size in general is the most important aspect. In the case of the EU, this is already established as it is the world’s largest trading bloc (Bradford, 2015, p. 161). Bradford then focuses on market access, which is argued as something that differs between different industries (Ibid.). In this study, this has been looked at through the size of the industry market of 3TG minerals in the EU. As stated in the previous section, the EU is argued to be of significant size in this industry.

da Conceição-Heldt and Meunier argue that the agreement of all member states on a specific issue is less important than the EU being able to speak with one single voice. This for them is done firstly by having exclusive competence, which makes it easier for the EU Commission to represent the Union united (da Conceição-Heldt & Meunier, 2014, p. 966). Bradford confirms this stand when writing that the regulatory capacity of the EU is “most extensive in areas like trade and competition policy, which are central to establishing and strengthening the single market” (Bradford, 2015, p. 162).

Secondly, speaking with a single voice is done through internal cohesiveness, which can be said to correspond to the agreement that this study has aimed to analyze. The authors do not evaluate this in the terms of “yes” and “no”, but rather on a scale (da Conceição-Heldt & Meunier, 2014, p. 966). From the perspective of da Conceição-Heldt and Meunier, the EU would arguably be said to be quite high on the coherence scale, since it acts with exclusive competence and managed to come to an agreement which all institutional bodies approved of, after only one reading (Partzsch & Vlaskamp, 2016, p. 480).

Azizul Islam and van Staden investigate the importance of NGOs when it comes to conflict mineral regulation in the United States. They argue that “collaboration with NGOs (as social organizations) and activist protest lead to more comprehensive, and therefore more transparent, disclosures” (Azizul Islam & van Staden, 2018, p. 1). Their study is on the effect of companies but could also be interpreted in the setting of policy-making at state or EU level.
They highlight the importance of NGOs in political results, which is what this study has shown as well.

7.1 Conclusion

This analysis has looked at the EU’s power through an ideal type analysis of the case of conflict mineral regulation, from the perspective of MPE. This has been done to establish:

To what extent does the European Union function as a market power in the case of the EU’s response to conflict minerals?

In the methods section and further elaborated in the section of operationalization, it was established that three different results could come out of this study. Firstly, that the case does correspond with the characteristics, where it then fills all three criteria completely, or two criteria completely and one somewhat. Secondly, that the case somewhat corresponds with the characteristics, and fills two of the three criteria completely, or one criterion completely and one somewhat. Thirdly, that the case does not correspond with the characteristics and fills none of the three characteristics, or only one either completely or somewhat.

In the analysis, chapter 6.1 concluded that the EU’s market size is to be considered significant because of the percentage of the global trade that the EU is responsible for, compared to the totality of the global trade.

Chapter 6.2 evaluated the process of the three institutional bodies coming to an agreement, concluding that they “partially agree” on the legislation. This, because it only took them one reading, but a lot longer process than usual.

In the last chapter of the analysis, the 6.3 section assessed if pro-externalization interest groups put pressure on the EU to externalize its policy and concluded that these interest groups did. The interest groups were mostly made up of NGOs, but also citizens.

From these results, it can be concluded that the case fills two criteria fully and one somewhat, which means that the EU does function as a market power in the case of conflict minerals. In the previous section this is also compared to the views of academic scholars, who’s views correspond with the findings in this study.
The fact that the EU is using its market-related policies and regulatory measures in this case, gives power to the explanatory strength of MPE as a theoretical framework. This study cannot conclude that MPE is the only theoretical framework that can explain the EU’s behavior in this case, but it can establish that the EU functions as a market power. Even if this is only one case showing that MPE has explanatory strength, it is still something substantial, because of how new and untested the framework still is.

7.2 Further research

From this study, there are four types of further research that are suggested to be continued with. Firstly, a continuation of this study, where the success of EU’s externalization is evaluated. Secondly, one type of study that further explores what type of power the EU acts as in the case of conflict mineral regulation. Thirdly, it is suggested to further explore MPE as a framework, to develop it as a theoretical framework further. Lastly, an academic conceptualization of an NPE/MPE hybrid framework would be interesting to explore.

The first suggestion is to finish the investigation of the relation between MPE and this case. The EU does function as a market power, but does it succeed in its externalization of other actors? That would be a natural continuation of this study.

Secondly, the case of conflict minerals is a valuable case, as it has already been used to test NPE and MPE as explaining theories of EU’s actorness. Even though this study found that the EU does function as a market power, it could still be of high interest to apply other frameworks onto the case to achieve an all-round discussion on EU’s actorness, where several theories have been applied and analyzed. Just because market power can explain the EU’s behavior, does not mean it is the only theoretical framework that can do so. Other theories within “the EU as a power” discussion could be applied, such as civilian power and military power frameworks. Also, theoretical frameworks from other areas of academics could be applied to further push the discussion forward.

The third suggestion for further research deals with a further deepening exploration and understanding of MPE. As this study was partially motivated by the fact that previous research had been unclear in the way the studies had been conducted in, this is something that should be worth developing to make it easier to conduct further research with the theoretical framework. An analysis of the three proposed variables that Dahl Kelstrup suggested in his
article is also something that would be valuable in order to develop the theoretical framework of MPE further.

Lastly, the fourth idea for further research is a development of a hybrid approach, where a combination of NPE and MPE is formed into a single framework is something considered worth exploring. This could further push the debate forward and develop the “EU as a power” debate, where new options are explored. Since Damro created MPE as a framework that was open for change, a mix between NPE and MPE is something that should be beneficial for the understanding of what kind of power the EU is.

8. Bibliography


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