

Neo-extractivism, Development Pathways and Contestation

In recent years there has been, what commentators call, "a global surge in raw materials and the resulting dynamics of development"¹ where "due to international demand for raw materials, a resource-dependent development path is gaining momentum in ... regions of the global South".² In particular, the electronic sector is driving new demand for metals and minerals that were previously much less exploited. The term "(neo-)extractivism" (or even "extreme extraction"³) is becoming more widely used to describe growth-orientated development paths that are "economic models and sectors such as mining that revolve around the extensive extraction of raw materials and their export".⁴ The readings for this week examine a recent discussion of (neo-)extractivism in Latin America, and a discussion of the ways in which the extraction and export of raw materials may provide revenue to improve living conditions.

- Burchardt, Hans-Jürgen and Kristina Dietz, '(Neo-)extractivism – a new challenge for development theory from Latin America' (2014) 35(3) *Third World Quarterly* 468.
- Thea Riafrancos "Beyond the Petrostate: Ecuador's Left Dilemma" *Dissent*, Summer 2015, <https://www.dissentmagazine.org/article/riofrancos-beyond-petrostate-ecuador-left-dilemma>

Human Rights and Climate Change

Climate change is increasingly recognized as raising multiple human rights concerns. This week, we look at this question, whilst also interrogating the representational problems in grappling with problems--such as climate change--that have multiple diffuse causes, where causality cannot be directly determined, and the violence of its effects is often naturalized.

- Jane McAdam and Marc Limon, *Human Rights, Climate Change and Cross-Border Displacement: the role of the international human rights community in contributing to effective and just solutions* (Universal Rights Groups, August 2015)
<file:///C:/Users/jd45276/Downloads/CC_HR_Displacement_21.07.15_spread.pdf>
- Nixon, Rob, *Slow Violence and the Environmentalism of the Poor* (Harvard University Press, 2011), Introduction
- 'Dear Matafele Peinam' Statement and poem by Kathy Jetnil-Kijiner, Climate Summit 2014, Opening Ceremony (<https://jkijiner.wordpress.com/2014/09/24/united-nations-climate-summit-opening-ceremony-my-poem-to-my-daughter/>).

Climate Change and Governance of Fossil Fuel Resources

¹ Hans-Jürgen Burchardt & Kristina Dietz, *(Neo-)extractivism – a new challenge for development theory from Latin America*, 35 *THIRD WORLD QUARTERLY* 468(2014), 468.

² Id. at., 468-9.

³ Ashley Dawson, *Extreme Extraction*, *COUNTERPUNCH*, September 2011.

⁴ Burchardt & Dietz, *THIRD WORLD QUARTERLY*, (2014), 481.

Following on from the previous discussion on climate change and human rights, this week we ask what implications does this have for the extraction of fossil fuel resources. Can the extraction of fossil fuel resources itself be seen as a human rights violation?

- Leaton, James, 'Unburnable Carbon – Are the world's financial markets carrying a carbon bubble?' (Climate Tracker Initiative, 2013)
- Klein, Naomi, *This Changes Everything: Capitalism vs. the Climate* (Simon & Schuster, 2014), Ch 10 "Blockadia: The New Climate Warriors"
- 'Suva Declaration on Climate Change', Pacific Island Development Forum, 2-4 September 2015 (<http://pacificidf.org/wp-content/uploads/2013/06/PACIFIC-ISLAND-DEVELOPMENT-FORUM-SUVA-DECLARATION-ON-CLIMATE-CHANGE.v2.pdf>)
- "Petition to the Commission on Human Rights in the Philippines Requesting for Investigation of the Responsibility of the Carbon Majors for Human Rights Violations or Threats of Violations Resulting from the Impacts of Climate Change" submitted by Greenpeace Southeast Asia and Philippines Rural reconstruction Movement, September 22, 2015

The "Resource Curse"

Scholars have tried to understand how and why it is that countries with more resources often do worse in development and good governance than countries with less and why it is that many resource-rich countries have struggled to generate self-sustaining economic take-off. This week's discussion looks at debates around the "resource curse" as well as the relationships between natural resources and conflict.

- Macartan Humphreys, Jeffrey D Sachs, Joseph E Stiglitz "Introduction: What is the Problem with Natural Resource Wealth" in Macartan Humphreys, Jeffrey D Sachs, Joseph E Stiglitz (eds) *Escaping the Resource Curse*, (Columbia University Press, 2007)
- Philippe Le Billon, "The Political Ecology of War: Natural Resources and Armed Conflict" (2001) 20 *Political Geography* 561-584.

Processes of Consultation toward Free, Prior and Informed Consent

The right to consultation towards free, prior and informed consent is a key safeguard, especially for indigenous peoples in relation to extractive activities on lands they claim are theirs. This week engages with recent interpretations and discussion of this right, as well as critical analysis of how it is operating in practice.

- Rodríguez-Garavito, César, 'Ethnicity.gov: Global governance, Indigenous Peoples, and the Right to Prior Consultation in Social Minefields' (2011) 18(1) *Indiana Journal of Global Legal Studies* 263.
- James Anaya, *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya: Extractive industries and indigenous peoples* Human Rights Council, 24th session, A/HRC/24/41 (1 July 2013).
- Pahuja, Sundhya, 'Laws of encounter: a jurisdictional account of international law' (2013) 1(1) *London Review of International Law* 63 (excerpts)

Transnational Corporations and Environmental Rights

The first session of the UN Intergovernmental Working Group on Proposed Business and Human Rights Treaty met 6-10 July 2015. This week engages with the debates around a new treaty for business and human rights.

- Debate on the Treaty: Business and Human Rights: <http://business-humanrights.org/en/debate-the-treaty>
 - Additional (not required reading) Concept note proposed under the responsibility of the designated Chair, Amb. María Fernanda Espinosa, Permanent Representative of Ecuador to the United Nations in Geneva
- Penelope C Simons, “International Law’s Invisible Hand and the Future of Corporate Accountability for Violations of Human Rights” (2012) 3(1) *Journal of Human Rights and the Environment* 5 (just read pp. 5 – 19)
- Jennifer Bair, “Corporations at the United Nations: Echoes of the New International Economic Order?” (2015) 6(1) *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 159 – 171

International Investment Law and Natural Resource Governance

International investment law and especially the process of investor-state dispute resolution (ISDR) are increasingly recognized as a site that impacts on the nation-states’ capacity to regulate their natural resources. There is also an increasing debate around the relationship between international investment law and international human rights. This week engages with these debates.

- Lorenzo Cotula, “Property in a shrinking planet: fault lines in international human rights and investment law” (2015) 11(2) *International Journal of Law in Context* 113.
- United Nations General Assembly, “Promotion of a democratic and equitable international order: Note by the Secretary-General”, 70th session, Agenda item 73(b), A/70/285 (5 August 2015).
- Jorge E. Viñuales, ‘Foreign Investment and the Environment in International Law: The Current State of Play’, in Kate Miles (ed.), *Research Handbook on Environment and Investment Law* (Cheltenham: Edward Elgar, forthcoming 2016), chapter 2

Human Rights of Environmental Advocates

Environmental advocates face many human rights violations, from restrictions on their freedom of expression or assembly, to at times being threatened or killed for their activism. This week we engage with a recent human rights report on this theme, as well as reflections on the legacy of one of the most famous "environmental martyrs."

- Ken Saro-Wiva "Africa Kills Her Son".
- Helen Habila, “Oil on Water” (W.W Norton & Company, New York and London: 2010) (excerpts).
- Watts, Michael J, 'Chronicle of a future foretold: The complex legacies of Ken Saro-Wiwa' (2015, forthcoming) *The Extractive Industries and Society*.
- *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai*, Human Rights Council, A/HRC/29/25 (28 April 2015), excerpts pp. 5-17.

Green Grabbing: Environmental Measures as Rights Abuses

The relationship between environmentalism and the human rights of local communities is not uncomplicated. There has been a long history of conflict between community rights to land and conservation projects. This week we engage with some critiques of "coercive conservation" alongside a discussion of current processes of what has been called "green grabbing."

- Fairhead, James, Melissa Leach and Ian Scoones, 'Green Grabbing: a new appropriation of nature?' (2012) 39(2) *Journal of Peasant Studies* 237
- Peluso, Nancy Lee, 'Coercing Conservation? The politics of state resource control' (1993) *Global Environmental Change* 199

New Legal Models for Natural Resource Governance and “Green” Courts

A legal model for natural resource governance is that of specialized “green” courts. Such courts and tribunals have been established in a number of countries, including Brazil, India, and the Philippines. This week discusses the possibilities and limitations of this model of resource governance.

- Nicholas S. Bryner, “Brazil’s Green Court: Environmental Law in the Superior Tribunal de Justiça (High Court of Brazil)” 2012 29(2) *Pace Environmental Law Review* 470
- Raghav Sharma, “Green Courts in India: Strengthening Environmental Governance”, (2008) 4(1) *Law, Environment and Development Journal* 50.
- George (Rock) Pring and Catherine (Kitty) Pring, “The ‘greening’ of justice: will it help the poor?” in Yves Le Bouthillier, Mirian Alfie Cohen, Jose Juan Gonzalez Marquez, Albert Mumma and Susan Smith (eds) *Poverty Alleviation and Environmental Law* (Edward Elgar, 2012), Ch 11.
- George (Rock) Pring and Catherine (Kitty) Pring, “Specialized Environmental Courts and Tribunals at the Confluence of Human Rights and the Environment” (2009) 11(2) *Oregon Review of International Law* 301.

Global Value Chains, Global Supply Chains, Global Logistics Chains

- Girvan, Norman P, 'Transnational Corporations and Non-fuel Primary Commodities in Developing Countries' (1987) 15(5) *World Development* 713.
- Kaplinsky, Raphael, 'Globalization and Unequalization: What can be learned from Value Chain Analysis' (2000) 37(2) *The Journal of Development Studies* 117
- Cowan, Deborah, *The Deadly Life of Logistics: Mapping Violence in Global Trade* (Minneapolis: University of Minnesota Press, 2014), Introduction
- Please also look at the World of Matter Multimedia project that provides an open access archive on the global ecologies of resource exploitation and circulation (<http://www.worldofmatter.net/>).
- Anna Lowenhaupt Tsing, *Friction* (Princeton and Oxford: Princeton University Press, 2005), Introduction

Extinction, Rewilding & New Ecologies

- Emma Marris, *Rambunctious Garden: Saving Nature in a Post-Nature World* (New York: Bloomsbury: 2011), except
- Anna Lowenhaupt Tsing, *The Mushroom at the End of the World: On the Possibility of Life in Capitalist Ruins* (Princeton and Oxford: Princeton University Press, 2015), Introduction.
- Jebediah Purdy, *After Nature: A Politics for the Anthropocene* (Cambridge: Harvard University Press, 2015)

- Elizabeth Paravisini-Gebert, “Extinctions: Chronicles of Vanishing Fauna in the Colonial and Post-Colonial Caribbean” in Greg Garrard (ed) *The Oxford Handbook of Ecocriticism* (London and New York: Oxford University Press, 2014) pp. 340-357.

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