

Global Extractivism as a Vector of Inequality and Vulnerability

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ABSTRACT: As opposed to more sustainable models of natural resources stewardship, or alternative models of nature-society interaction, extractivism implies, by definition, an intensity of exploitation that exceeds the rate of renewal of natural resources, ecosystemic resilience capacities, or the viability of alternative development models and life projects. This Chapter peers into how and why Extractive Industries (EI) have often been a vector of inequality and vulnerability across resource-rich countries in the Global South and in colonial contexts in the North.

KEY WORDS: Development, Extractive industries, Inequality, Mining, Governance, Vulnerability

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As opposed to more sustainable models of natural resources stewardship, or alternative models of nature-society interaction, extractivism implies, by definition, an intensity of exploitation that exceeds the rate of renewal of natural resources, ecosystemic resilience capacities, or the viability of alternative development models and life projects (Gudynas 2015). This Chapter peers into how and why Extractive Industries (EI) have often been a vector of inequality and vulnerability across resource-rich countries in the Global South and in colonial contexts in the North.

The Chapter has three sections. First, it provides a brief overview of the main approaches around these challenges. It then provides a discussion on contemporary policy and practices around extractive industries and again, how these may be ill-equipped to tackle the sector's socio-environmental and human rights record. Lastly, the Chapter offers some suggestions on teaching and learning practices to better understand, and act upon, the challenge that extractivism poses to students, researchers and practitioners.

1. GLOBAL EXTRACTIVISM AND THE POLITICS OF EXCLUSION: AN OVERVIEW

This section provides an overview of a range of multi-disciplinary approaches that explain why extractivism is a vector of inequality and vulnerability. Three complementary entry points are addressed. EI as: 1) A political economy of accumulation by dispossession, exacerbating pre-existing tensions between sovereignty and self-determination; 2) A catalyzer of political violence against human rights defenders (including land and environmental defenders) and already marginalized populations; and 3) A site of struggle in the political economy of climate change.

1.1 Accumulation by dispossession, sovereignty and self-determination

In describing the current global political economy as a process of “accumulation by dispossession”, David Harvey (2004) has linked growing wealth inequalities to the production of devastated territories, increased levels of exclusion and vulnerability, and harsher responses to social unrest. The global EI is perhaps the best illustration of this process.

While EI have long been championed by policy makers as a key source of revenues to spearhead development across the Global South, heterodox political economists underline that its developmental benefits are doubtful at best (Canel et al. 2010; Hatcher and Roy Grégoire, forthcoming). Spearheaded by international financial institutions, waves of neoliberal reforms to national mining codes initiated in the 1980s and 1990s delivered the mining sector into private, often foreign, hands, hence shifting the state away from its traditional developmental/regulator roles (Campbell 2009; EIR 2003). In conjunction with wider structural reforms (Anderson 2005), these sectorial reforms, shifted parts of the state's power and authority to the private sector, a significant process that came to redefine the relations between elites and communities, as well as to reduce institutional capacity for development and environmental protection (Campbell and Hatcher 2019: 2).

According to the World Bank, an estimated 3.5 billion people live in one of the 81 developing countries where EI plays a dominant economic, social and political role (World Bank, 2020). Extractivism thus has a major impact on the world's political institutions

inasmuch as it exacerbates some of the tensions that are central to post-colonial statehood – as expressed for example by the contradictions noted by specialist of international law between the principle of “sovereignty over natural resources” and the principle of “self-determination and people’s right to natural resources”. This is especially the case where Indigenous self-determination is concerned, but also, more largely, wherever States’ actions depart from a fulfillment of their populations’ common good (see Gilbert 2018). For critical socio-legal scholars, part of this contradiction is expressed in the tension between the States’ stated constitutional purposes and democratic underpinnings on the one hand and the imperatives associated with the global investment regime on the other (Gill 2002; Lander 2019). With regards to the extractive sector, States in general have responded to this tension by awarding formal exploitation rights to transnational extractive companies while simultaneously conferring diffuse and informal “social responsibilities” to them at the project level (Szablowski 2007).

On the financial side, in a competition to attract foreign direct investment, reforms across the sector pitted governments against each other (see Hatcher 2014 for an example of the region of Asia and Campbell 2009, for the case of Africa), a process that noticeably undermined the fiscal capacity of States to realize social and economic human rights (Darcy 2017). This reconfiguration of the State facilitated net flows of capital (legal and illegal) that can aptly be described as “looting” (Bond 2018). For example, while more than 70% of African exports stem from the extractive sector, an estimated US\$25 billion of extractive revenues leaves the continent annually in the form of illicit individual and corporate flows (UNECA 2017: 1–2). Conservative estimates suggest that between 1990 and 2008, the continent lost approximately US\$ 170 billion in illicit flows (UNDP 2015: 12). Meanwhile, the latest “commodities super-cycle” (Amra et al. 2019) has produced tremendous returns for an increasingly consolidated transnational networks of private actors (PwC 2020).

Whereas the global political economy has increased resource-rich countries’ dependency on natural resources, other States – mainly under left-leaning governments in Latin-American countries – have resorted to a form of “neo-extractivism” (Burchardt and Dietz 2014). Sometimes nationalizing mining and oil and gas assets, these States have used mobilized extractive rent in anti-poverty programs to widen social participation and shore up support for extractive policies (Dorn and Huber 2020: 185–6). But as an emerging literature in the field of political ecology shows, neo-extractivism produces a new geography of inequality and vulnerability for groups – mainly Indigenous – whose alternative development models are excluded (Burchardt and Dietz 2014: 479). Neo-extractivism is thus closely associated with a discursive shift that pits “the common good” against the interest of the communities most affected by resource extraction (Svampa 2015).

1.2 Marginalization and violence against populations and human rights defenders

Extractivism has severe socio-environmental impacts, including as per a review commissioned by the World Bank in 2000: deforestation, loss of biodiversity, water pollution, industrial poisoning, landscape alteration, impacts on water availability, displacement of population (often forced) and the disruption of their ways of life; the reconfiguration of local social structures; sexual violence; loss of livelihoods, collective identities and spiritualities; economical dependency and deepening of inequalities; and

frequent association with authoritarianism, gross human rights violations and armed conflict (EIR 2003).

Both the extension of the “extractive frontier” (Muradian et al. 2012; Veltmeyer and Petras 2019) and the consolidation of a global environmental grassroots movement (Temper et al. 2018) have led to a steady increase in extractive conflicts (CIDH 2015a, 2015b; Scheidel et al. 2020). Criminalization of dissent is a common issue around extractive projects. As mentioned above, extractive activities are often associated with unilateral affirmations of sovereignty. Challenges to the State’s exclusive sovereignty – whether through competing claims to self-determination, alternative modes of territorial occupation or development models incompatible with extractivism – tend to be targeted as threats to national security (Crosby and Monaghan 2018) or confronted with terrorism and other related charges (Mining Watch Canada and ICLMG 2015).

In a context where domestic political and legal environment cater to extractive investors, mainly foreign, above all else, political dissent is increasingly stigmatized – it is illustrative to note that 2019 saw a record number of environmental activists killed globally, with activists protesting against projects in the mining sector specifically being the most at risk (Global Witness 2020). Part of this narrowing of local political spaces is directly linked to international pressure on resource-rich but cash strapped states in the Global South to implement disciplinary mechanisms for debt financing and foreign investment attractiveness. For Szablowski (2007), such global pressures have led the state to adopt a strategy of “selective absence” whereby it strategically transfers its authority to manage social mediation unto the extractive company (2007: 27) and hence dislocating communities from local/national political spaces. These encounters between global institutions and local political spaces produce new types of claims as well as new subjectivities which reflects the social governance model of the institution involved (see for example Hatcher and Lander forthcoming).

While jurists document and discuss legal remedies for murders, collective rapes, abusive detentions, misuse of the criminal system and arbitrary suspensions of civil liberties accumulating around extractive projects (see BHRRC 2020; JCAP 2017), extractive companies have also developed increasingly sophisticated strategies and multi-scalar instruments to obtain support or manage conflict around their projects (Canel et al. 2010: 6; Hatcher 2019). Critical socio-legal scholars and criminologists argue that far from simply compensating for “weak” jurisdictions, these strategies are often irremediably entangled with historical dynamics of exclusion: racism, patriarchy, counter-insurgency doctrines (Roy Grégoire 2019) and colonialism (Howe and Monaghan 2018).

1.3 The political economy of climate change and the “new economy”

EI have long been acknowledged as a main contributor to global warming (EIR 2003). Despite international commitments, however, carbon-intensive industries such as coal mining and oil and gas production still benefit from significant public financing, especially from G20 governments (Above Ground 2019; Oil Change International and FOE US 2020). Both as a carbon intensive industry and as an impediment to governmental action, extractivism plays a major role in deepening the inequalities and vulnerabilities inherent to climate change (Islam and Winkel 2017).

In keeping with its long-standing claims as a vector of progress and technological advance (Bridge 2004) extractivism has also found opportunities for accumulation in “the

green transition” – the electrification of transports and the development of more efficient batteries, for example, have sparked intense interest for minerals such as lithium, graphite and cobalt (World Bank 2020). Emerging environmental justice literature suggests, however, that green extractivism fails to meet the scope of the politico-economical transformations necessary for human survival (Brand et al. 2020), while reproducing the same mechanisms of inequality and exclusion in extractive territories (Anlauf 2016). The production of devastated landscapes is also intricately linked to this rise of the “new economy”: minerals that are necessary to the functioning of electronic devices, such as columbite-tantalite (coltan) for example, have long been procured in the midst of one of the worst humanitarian catastrophes in recent decades – the war-torn Democratic Republic of Congo (see Ayres 2012; UNHRC 2019; USGS 2017). Other studies show that 84% of platinum and 70% of cobalt resources, considered key minerals for “low-carbon energy technologies” are found in “high-risk contexts” (Lèbre et al., 2020).

Overcoming these challenges demands a full consideration of the three interrelated dynamics outlined above and, according to radical democracy theorists, a recuperation of a form of democratic control over the use of natural resources (see Pichler 2016).

2. PRACTICE AND POLICY

The acute socio-environmental challenges linked to EI have led to a wide range of multi-scalar policy initiatives and practices. However, it is relevant to recall that these are deployed within a larger framework that saw the retreat of the state from the sector and that in parallel, has invested transnational corporations with unprecedented authority to tackle the sector’s mounting socio-environmental concerns.

At the local level, albeit newer generations of mining regimes do bolster tighter impact assessments provisions, private operators are being called upon to manage local politics, territorial organization, environmental protection, and access to justice (Hatcher 2014; Szablowski 2010, 2019). By virtue of this model of governance, the aspirations and grievances of local populations should ideally be resolved directly by operators through their Corporate Social Responsibility (CSR) instruments in the process, however, these aspirations and grievances are regularly reconstructed in a manner that is consistent with the operator’s interest (Roy Grégoire 2020). Revindications that are not compatible with the operators’ interests are often stigmatized and subjected to political violence; the political logic that emerges from this governance model is one of a sovereignty shared between States and transnational companies, where self-determination and access to justice is rendered increasingly elusive (Lander 2019; Roy Grégoire and Monzón 2017).

The surge of CSR stems from the mid-1990s when international civil society movements began to be successful in attracting global attention onto the stark socio-environmental impacts of large-scale extractive projects across the Global South (Coumans 2011; Dashwood 2011; ICM 2017). In their attempts to secure a “social licence to operate”, transnational corporations established a wide range of corporate voluntary guidelines and initiatives to address the sector’s social, environmental and human rights record. These global regimes rely mainly on informal law and as such, independent monitoring and public reporting remains voluntary and discretionary, leading to dubious results (see Daswood 2011; Hatcher 2019; Sethi and Emelianova 2011). Hamann and Acutt

(2003) further underline that these corporate practices often serve to pre-empt and/or preclude compliance with state-sponsored regulations and standards.

Stricter standards for the industry do exist, mainly those tied to international investment banks. The International Financial Corporation's (the World Bank's private arm) Performance Standards on Environmental and Social Sustainability, are arguably the most stringent in the industry, including Performance Standard 7, which in certain circumstances, can trigger the principle of Free, Prior, and Informed Consent (FPIC) for Indigenous Peoples (IFC 2012). However, case studies have again highlighted the limitations of these schemes, notably their failure to address the core problems tied to the sector's practices, including the confidentiality of contracts which is key to keeping taxation and royalty rates to a minimum (see Coumans 2011), as well as the massive illicit flows that continue to characterize the sector (Campbell 2013; UNDP 2015). In parallel, global grievance mechanisms tied to the presence of international investors have also increasingly been recognized as important vehicle to report non-compliance to regulatory norms (Altholz and Sullivan 2017). But here again, these transnational instruments also often fail to deliver proper recourses, notably because of they are characterized by serious asymmetries in accessing power and resources – money, information, technical expertise, and time – disadvantaging communities seeking redress (Altholz and Sullivan 2017: 3; also see Above Ground, MiningWatch and OECD Watch 2016).

In 2011, the United Nations Human Rights Council unanimously endorsed the Guiding Principles on Business and Human Rights (UN 2011), also known as the “Ruggie Principles”. The latter, which were subsequently widely endorsed by governments and corporations, ostensibly do not create new obligations for States or corporations; they outline, rather, a hybrid governance framework that includes existing binding and nonbinding norms for States and non-binding “responsibilities” for corporate actors. In such light, they do little to overcome the limitations of the above-mentioned CSR instruments and regulation schemes; they also leave open the debate as to which policy instruments should be put in place by governments to regulate the harmful activities of corporations operating in other jurisdictions (Simons and Macklin 2014). The Ruggie Principles have thus been criticized for legitimizing ineffective private-led remedies and for delaying decisive governmental action (Coumans 2012; 2017). Under pressure from civil society organisations, nevertheless, some jurisdictions are moving forward with mandatory human rights due diligence laws to hold corporations accountable for their activities overseas (EC 2020). Other international schemes have been driven by civil society, notably the now well-established Extractive Industries Transparency Initiative (EITI), a voluntary initiative to encourage the transparency and disclosure of revenues in EI (see Klein 2017).

While the involvement of global actors – corporate, governmental or non-profit – in EI has seen the recent rise of multiple initiatives to tackle the sector's socio-environmental legacy, it appears that these schemes have led to policies and practices that continue to give precedence to market-oriented norms. This points to the existence of a patent asymmetry in norm domestication whereby “weaker” norms, the ones geared towards the protection of local communities, their livelihood, rights and environment, remain unevenly implemented (Hatcher 2019; Macdonald and Nem Singh 2019).

3. PEDAGOGY

The politics of governing EI remain extremely dynamic and have deep impact on global governance. In 2007, for example, the United Nations adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP), which for the first time enshrined the right of Indigenous Peoples to self-determination over their territories and natural resources in international law (UN, 2007: 3, 4, 26.2, and 36.1), thus directly challenging State's claims of unilateral sovereignty. This has not put an end to the debates around the regulation of EI but rather displaced them towards competing conceptions and mechanisms for the implementation of the right to FPIC (UN, 2007: 10, 11, 19, 28 and 29). In these ongoing struggles, most of the above-mentioned instruments and governance schemes are being mobilized, and new ones are being put forward. In this section we discuss how research and teaching can help assess these governance proposals and intervene in those debates.

A critical appraisal of the “policy solutions” put forward with regards to EI demands a higher degree of reflectiveness in knowledge production and mobilization. As Indigenous legal scholars have argued, the practices of exclusion and marginalization discussed above point to deeper contradictions: on the one hand, they express the difficulty of the modern conception of sovereignty to accommodate alternate worldviews, development models or lifeworlds (Mills 2018); and on the other hand, as anthropologists have shown, they reflect the difficulty of euro-centric ontologies to acknowledge the relation of mutual dependency that exists between humans and the rest of nature (Sahlins 2008).

Both contradictions can be expressed as the ontological exclusion and violence of extractivism. Indeed, the difficult reconciliation of sovereignty with plural claims to self-determination and alternative development models is closely linked to the commodification of nature exacerbated in extractivism. As feminist and post-colonial literature has shown, the euro-centric ontological divide between nature and culture is accompanied by other binaries in constructing overarching ideological structures that justify violent hierarchies by ascribing citizenship, humanness, morality, desirability, reason, etc. (Ashcroft et al. 2008: 1–18). For some critical political theorists, as long as dominant societies refuse to apprehend nature as something else than a source of rent, alternative ontologies will be met with exclusion and violence (Tully 2018).

Of course, climate change also obliges societies around the globe to rethink their relationship with nature (Islam and Winkel 2017) and to reconcile their economies with the biophysical limits of planet Earth. Practical investigations into transitioning out of the current political economy are much needed.

To that end, pedagogy should help illuminate the mutual entanglement of our current political structures and extractivism, an entanglement that make those changes difficult. Critical research in the field of EI also implies a form of co-production of knowledge with affected communities. Indigenous and de-colonizing pedagogical tools, such as Smith's classic “*Decolonizing Methodologies: Research and Indigenous Peoples*” (2012), written for both Indigenous and non-Indigenous audiences, are useful starting points.

Transnational solidarity networks and their multi-level impact on governance are another important area of fieldwork, one that is linked to extractivism's impact on the reconfiguration of political subjectivities and political belonging in extractive territories.

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