

Workshop on International Law, Natural Resources and Sustainable Development

**Scarman House, University of Warwick
11 – 13 September 2013**

Programme

Wednesday, 11 September 2013	
<p>7.30pm</p> <p>Le Gusta Restaurant, Warwick Arts Centre</p>	<p>Pre-Conference Dinner</p>
Thursday, 12 September 2013	
<p>8.00am – 9.15am</p> <p>Scarman House Lobby</p>	<p>Registration and Coffee</p>
<p>9.15am – 9.30am</p> <p>Meeting Room 4</p>	<p>Introductory Remarks by Julio Faundez and Celine Tan</p>
<p>9.30am – 11.15am</p> <p>Meeting Room 4</p>	<p>Opening Plenary: Dimensions of International Law and Natural Resources</p> <p>Chair: Peter Muchlinksy, School of Law, School of African and Oriental Studies (SOAS), London</p> <ul style="list-style-type: none"> • Yao Graham, Third World Network Africa, Accra: <i>Escaping the Winner's Curse: The Africa Mining Vision and the Challenges of the International Trade and Investment Regime</i> • Rachel Sieder, Centre for Research and Higher Studies in Social Anthropology (CIESAS), Mexico City:

	<p><i>Indigenous Peoples' Rights, Judicialization and Natural Resources</i></p> <ul style="list-style-type: none"> • Marcos Orellana, Centre for International Environmental Law, Washington DC <i>A Comparison of Sustainable Development and the New International Economic Order: Implications for Investment Disputes concerning Natural Resources</i>
11.15am – 11.30am	Coffee Break
11.30am – 1.00pm	Parallel Sessions 1
	<p>Session 1A: International Investment Law and Natural Resources</p> <p>Chair: Barnali Choudhury, School of Law, Queen Mary, London</p> <ul style="list-style-type: none"> • Federico Ortino and Emily Lydgate, School of Law, Kings College, London: <i>Incorporating Sustainable Development: Applying Lessons Learned From WTO Law to International Investment Law</i> • Lorenzo Cotula, International Institute for Environment and Development: <i>Commercial Pressures and Legal Rights: International Law, State Sovereignty and the Global Land Rush</i> • Lise Johnson, Vale Columbia Centre for Sustainable International Investment, Columbia University, New York City: <i>Freezing Sustainable Development: A Critical Look at the Use of Investment Treaties to Protect 'Specific Commitments' in the Use and Management of Natural Resources</i>
	<p>Session 1B: Tax, Finance and Regulation of Natural Resources</p> <p>Chair: John Snape, School of Law, University of Warwick</p> <ul style="list-style-type: none"> • Sol Picciotto, School of Law, University of Lancaster: <i>Unitary Taxation of TNCs and its Relevance for Natural Resources Industries</i> • Alex Cobham, Centre for Global Development: <i>Swiss-ploitation? The Swiss Role in Commodity Trading</i>

	<p>(co-authored with Alex Prats)</p> <ul style="list-style-type: none"> • Savior Mwambwa, Tax Justice Network, Nairobi: <i>Holding Multinational Companies Accountable in the Midst of State Fragilities: Towards a Global Legal Framework</i>
	<p>Session 1C: Natural Resources and the World Trade Organisation</p> <p>Chair: Mary Footer, School of Law, University of Nottingham</p> <ul style="list-style-type: none"> • Fiona Smith, School of Law, University College, London: <i>Natural Resources in the Global Value Chain: the Public/Private Divide as a Challenge to the WTO</i> • Elena Blanco, School of Law, University of West England: <i>Addressing Bribery and Corruption in Natural Resources Trade</i> • Priscilla Schwartz, School of Law, University of East London: <i>The WTO, Sustainable Development and Developing Countries Natural Resources: New Wine in Old Skins</i>
<p>1.00pm – 2.30pm</p> <p>Scarman House Restaurant</p>	<p>Lunch</p>
<p>2.30pm – 4.00pm</p>	<p>Parallel Sessions 2</p>
	<p>Session 2A: International Trade, Agriculture and Commodities</p> <p>Chair: Fiona Smith, School of Law, University College, London</p> <ul style="list-style-type: none"> • Mary Footer, School of Law, University of Nottingham: <i>Permanent Sovereignty over Whose Natural Resources? Sovereignty, Natural Resource Exploitation and New Forms of Dependency Chinese-Style</i> • Michael Fakhri, School of Law, University of Oregon, Eugene: <i>Historically Situating Agriculture at the Centre of Trade Law</i> • Dwijen Rangnekar, School of Law, University of Warwick: <i>The ‘Cunning State’ of Farmers’ Rights in India: Aligning with Global</i>

	<i>Law or Emancipating Farmers?</i>
	<p>Session 2B: Litigation and Corporate Accountability</p> <p>Chair: Lorraine Talbot, School of Law, University of Warwick</p> <ul style="list-style-type: none"> • Richard Meeran, Leigh, Day and Co, London: <i>Access to Remedy: The United Kingdom Experience of MNC Tort Litigation for Human Rights Violations</i> • Liesbeth Enneking, Faculty of Law, University of Utrecht: <i>The Future of Foreign Direct Liability? Exploring the International Relevance of the Dutch Shell Nigeria Case</i> • Bill O’Brian, School of Law, University of Warwick: <i>Comments on the Kiobel Case</i>
	<p>Session 2C: Public and Private Partnerships in Natural Resource Regulation</p> <p>Chair: David Szablowski, Department of Social Science, York University, Toronto</p> <ul style="list-style-type: none"> • Juliane Reinecke, Warwick Business School, University of Warwick: <i>The Construction of Private Responsibility for Human Rights in Conflict Zones: The Case of Conflict Minerals</i> • Patrícia Galvão Ferreira, Centre for Latin American Studies, Stanford University: <i>EITI: How a Transnational Public-Private Partnership was Designed to Improve Domestic Governance in Resource-Rich Developing Countries</i> • Deval Desai, School of Law, School of African and African Studies (SOAS), London and Amelia Evans, Institute for Multi-stakeholder Initiatives, Harvard University, Boston: <i>The Stakes of Multi-Stakeholder Initiatives: Thinking Critically about MSIs as a Tool of Global Governance in the Extractive Industries</i>
4.00pm – 4.15pm	Coffee Break
4.15pm – 5.45pm	Parallel Sessions 3

	<p>Session 3A: Sustainable Development and International Law</p> <p>Chair: Julio Faundez, School of Law, University of Warwick</p> <ul style="list-style-type: none"> • Margot Salomon, School of Law, London School of Economics: <i>The Articulation and Fate of Development Claims under International Law</i> • Koen De Feyter, Faculty of Law, University of Antwerp: <i>A Right to Development Approach to the Exploitation of Natural Resources</i> • John McEldowney, School of Law, University of Warwick: <i>International Environmental Law and Natural Resources</i>
	<p>Session 3B: Financing Natural Resource Projects</p> <p>Chair: Deval Desai, School of Law, SOAS</p> <ul style="list-style-type: none"> • Christiana Ochoa, School of Law, University of Indiana: <i>Transferring Wealth, Developing Poverty</i> • David Rossati, School of Law, University of Edinburgh: <i>Exploring The Impacts of International Climate Finance on Natural Resources Policies and Laws in Developing Countries</i> • Celine Tan, School of Law, University of Warwick: <i>Risky Business: Political Risk Insurance and the Law and Governance of Natural Resources</i> • Diane Desierto, William S. Richardson School of Law, University of Hawaii, Manoa: <i>Sovereign Wealth Financing Paradigms in Natural Resources: Transparency Issues and International Regulation</i> (tabled paper)
<p>7.00pm</p> <p>Scarman House Restaurant</p>	<p>Conference Dinner</p>

Friday, 13 September 2013

9.30am – 11.00am	Parallel Sessions 4
	<p>Session 4A: Rights and Responsibilities in Natural Resources Projects</p> <p>Chair: Michael Fakhri, School of Law, University of Oregon, Eugene</p> <ul style="list-style-type: none"> • Janet Dine, School of Law, Queen Mary, London: <i>Regulating the Resource Curse: The Devil versus God in Human Rights Discourse and Operationalizing Remedies</i> • Ronald Janse, Faculty of Law, University of Amsterdam: <i>Rule of Law Without the State? Positive and Negative Implications of Mining Agreements between MNCs and Communities for Rule of Law</i> • David Ong, School of Law, Nottingham Trent University: <i>Between State Retreat and Intervention: Regulating Environmental Responsibility for Multinational Oil Companies</i>
	<p>Session 4B: Human Rights, Corporate Responsibility and Natural Resources</p> <p>Chair: Koen De Feyter, Faculty of Law, University of Antwerp</p> <ul style="list-style-type: none"> • David Szablowski, Department of Social Science, York University, Toronto: <i>Implementing the UN ‘Protect, Respect and Remedy’ Framework: A Transformation of International Human Rights Law?</i> • Andrea Saldariagga and Andrea Shemberg, Investment and Human Rights Project, London School of Economics: <i>The Guiding Principles and the Extractive Industry: What has Happened to the State Duty to Protect?</i> • James Harrison, School of Law, University of Warwick: <i>Establishing a Meaningful Human Rights Due Diligence Process for Corporations: Learning From Experience of Human Rights Impact Assessment</i>
	<p>Session 4C: Law and Politics of Biofuels</p> <p>Chair: Lorenzo Cotula, International Institute for Environment and Development</p>

	<ul style="list-style-type: none"> • Elizabeth Fortin, School of Law, University of Bristol: <i>New Agriculture for Sustainable Development? Biofuels and Agrarian Change in Post-War Sierra Leone</i> (co-authored with Roy Maconachie) • Ben Richardson, Department of Politics and International Studies, University of Warwick: <i>From Carbon Markets to Sustainability Markets: The Curious Case of Certified Palm Oil</i> • Patricia Urteaga, School of Law, Pontifical Catholic University of Peru, Lima: <i>Between Water Abundance and Scarcity: The Cultural Politics of Biofuels in Piura, Northern Peru</i>
11.00am – 11.15am	Coffee Break
11.15am – 12.45pm	Parallel Sessions 5
	<p>Session 5A: Natural Resource Extraction, Local Communities and the State</p> <p>Chair: Illan rua Wall, School of Law, University of Warwick</p> <ul style="list-style-type: none"> • Julio Faundez, School of Law, University of Warwick: <i>Governance of Natural Resources and the Demand for Greater Policy Space: Reflections on the Recent Experience in Brazil, Chile and Ecuador</i> • Marcus Colchester, Forest Peoples Programme: <i>Collective Rights and Customary Use: Securing Sustainable Livelihoods in Law and in Practice</i> • Dominique Hervé, Diego Protalos University, Santiago: <i>Environmental Justice and Natural Resources: The Identification of Principles and Rules that Should Be Applied to Fairly Distribute Environmental Benefits and Burdens Related to Access, Use and Enjoyment of Natural Resources</i>
	Session 5B: Water and Environmental Security

	<p>Chair: Elena Blanco, School of Law, University of West England</p> <ul style="list-style-type: none"> • Sharron McEldowney, School of Life Sciences, University of Westminster: <i>Sustainable Development, Chemicals and the Protection of Natural Resources in the Developing World</i> • Liber Martin, School of Law, National University of Cuyo, Mendoza: <i>The State Duty to Protect from Business-Related Human Rights Violations in Water and Sanitation Services: Regulatory and BITs Implications</i> (co-authored with Juan Pablo Bohoslavsky and Juan Justo) • Daria Davitti, School of Law, University of Keele: <i>Away from the Spotlight: Bilateral Investment Treaties, Natural Resources and the Right to Water in Afghanistan</i>
	<p>Session 5C: Law of the Sea</p> <p>Chair: Richard Barnes, School of Law, University of Hull</p> <ul style="list-style-type: none"> • Jill Wakefield, School of Law, University of Warwick: <i>Shifting Responsibility for the Sustainability of the Living Marine Resource</i> • Charles Sheppard, School of Life Sciences, University of Warwick: <i>Nothing Natural about Man-made Environmental Law</i> • Junfeng Gu, School of Law, Shantou University: <i>Disputes Resolution in the South China Sea: from “Joint Development” to “Joint Protection”</i>
<p>12.45pm – 2.00pm</p> <p>Scarman House Restaurant</p>	<p>Lunch</p>
<p>2.00pm – 3.30pm</p>	<p>Parallel Sessions 6</p>
	<p>Session 6A: Public and Private Interests in Resource Management</p> <p>Chair: Lise Johnson, Vale Columbia Centre for Sustainable International</p>

	<p>Investment, Columbia University, New York</p> <ul style="list-style-type: none"> • Richard Barnes, School of Law, University of Hull: <i>Control of the Sea: Privatisation or Protecting Public Interests?</i> • Ximena Fuentes, School of Law, Adolfo Ibanez University, Santiago: <i>International Investment Law and the Right of States to Control and Manage their Natural Resources</i> • Claire Buggenhoudt, Faculty of Law, University of Antwerp: <i>Natural Resource Disputes and ICSID Arbitration: What Role for the Public Interest</i>
	<p>Session 6B: Climate Change, Environment and International Law</p> <p>Chair: David Ong, School of Law, Nottingham Trent University</p> <ul style="list-style-type: none"> • Usha Natarajan, Department of Law, American University in Cairo: <i>Environment and International Law in the Arab Uprisings</i> • Sam Adelman, School of Law, University of Warwick: <i>Sovereignty, Sustainability and Natural Resources: The Limits of the Law</i> • Ambreena Manji, School of Law, University of Cardiff and British Institute in Eastern Africa, Nairobi: <i>Constitutional Transformation, Privatisation and the Struggle for Karura Forest, Nairobi</i>
3.30pm – 3.45pm	Coffee Break
3.45pm – 4.30 pm Meeting Room 4	Closing Plenary: Future Plans and Networks
5.30pm	Outing to Stratford-upon-Avon
7.30pm	Dinner in Stratford-upon-Avon

Workshop funded by:



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