

**PROMOTING SUSTAINABLE OIL AND GAS PROJECTS:  
LEGAL AND SOCIAL FRAMEWORKS**

**LAW 5397: SECTION 25875 & ILAS 6397: SECTION 25627**

(3 Units of the GEDS Certificate)

(Mini-semester V, Spring 2018, 3 course credits)  
*[2-28-2018 draft]*

**Class Meetings: Tuesdays and Fridays during the month of April**

***Part 1: Social Frameworks:***

Tuesday April 3: 6 pm – 9 pm  
Friday April 6: 9 am - 1:30 pm  
Tuesday April 10: 6 pm – 9 pm  
Friday April 13: 9 am - 1:30 pm

***Part 2: Legal Frameworks:***

Tuesday April 17: 6 pm – 9 pm  
Friday April 20: 9 am - 1:30 pm  
Tuesday April 24: 6 pm – 9 pm  
Friday April 27: 9 am - 1:30 pm

**Location:** UH Law Center Room 109 BLB.

**Office Hours:** By Arrangement

**Instructors:**

**Professor Emeritus Jacqueline Weaver**, UHLC ([jweaver@uh.edu](mailto:jweaver@uh.edu)).

*Specialization: International petroleum transactions, the environment, offshore safety, energy markets, sustainable development in the international petroleum industry, comparative unitization laws, and traditional oil and gas law.*

**Dr. Rebecca Golden Timsar**, Associate Director UH Global Energy, Development, and Sustainability Graduate Certificate ([rlgolden@uh.edu](mailto:rlgolden@uh.edu)).

*Specialization: Aid, War, and Humanitarian Action; Gender and Violence; Oil and Extractive Economies (impacts on gender, youth, health).*

Note: The readings and times set in this Syllabus for Social Frameworks may be slightly revised, but the Legal Frameworks half of the Syllabus is final (as of 2-28-2018). You may start on any of the Online Assignments before the class starts.

**INTRODUCTION**

Welcome to LAW 5397 and ILAS 6397 on Promoting Sustainable Oil and Gas Projects: Legal and Social Frameworks. In this course, through an interdisciplinary approach, students will gain

skills to critically identify and analyze key challenges, opportunities and good practices in the extraction of oil and gas, focusing on its impacts on local communities in particular and on the host government more generally. Too often in the past, countries and communities with large oil and gas wealth in the ground have not benefited from oil and gas extraction, a result often called the “petro-curse” or “natural resource curse.” This course looks at the social science tools and legal mechanisms that can better assure oil and gas extraction results in sustainable development with economic growth that widely benefits the citizens of an extractive country. The course seeks to provide professionals, policymakers and community stakeholders with the frameworks to understand and address stakeholder priorities and dynamics using best policies and practices.

This 3-credit hour course is divided into two parts: Social Frameworks (the first 2 weeks) and Legal Frameworks (the last 2 weeks), as presented in the Syllabus below.

## **II. COURSE ABSTRACT**

### ***First half of course: Social Frameworks***

We will address questions such as what do we mean by community, what comprises civil society, how to understand basic cultural forces in communities, how to identify stakeholder priorities and power, and what are some mechanisms required for a successful energy sector partnership. We will investigate concepts such as ethnicity, power, health, religion, social and environmental justice, and corporate social responsibility in order to enhance understandings about the importance of breaking cycles of extractive social injustice that often lead to violence. These cycles often occur in marginalized communities in developing countries, where local social, political, and cultural dynamics are misunderstood or disregarded. Using examples from countries around the world, students will deconstruct major social factors facing community stakeholders. Particular attention will be given to civil society case studies in African countries, due to the historical prevalence of petrol violence there and the increasing number of countries with emerging large-scale oil and gas development on this continent.

Social frameworks will elaborate upon three themes:

- Introduction of Theoretical Concepts: Social & Environmental Justice, Ethnicity, Gender, and Power
- From Theory to Practice: Extractive Injustices, Petrol Violence, and Humanitarian Consequences
- Steps Towards Improving Transparency: Developing Social Frameworks

### ***Second half of course: Legal Frameworks***

Many sources of law act on Multinational Corporations (MNCs) and particularly on International Oil Companies (IOCs) as they pursue operations abroad, including international law, U.S. law that has extraterritorial effect, host government laws, and obligations in petroleum development contracts and in banks’ lending requirements. In the past two decades, these sources of formal law have been joined by a large body of informal or “soft law” regulation of IOC operations.

This soft law is developed by United Nations (UN) entities, regional groupings of governments (such as OECD guidelines), academics and think tanks, and NGO-industry coalitions.

These institutions have developed legal frameworks to mitigate the effects of certain impacts identified with the "resource curse," such as human rights violations, revenue transparency, local community benefit agreements and grievance mechanisms. IOCs and industry associations often build "strategic alliances" with non-industry groups, including NGOs, to identify "best practices." This unit will survey these sources of law, the IOCs' responses to the pressures to improve the socio-economic and environmental effects of their operations, and how some of the legal principles, particularly in human rights, are being operationalized through "soft law" codes of conduct, such as those developed under the UN Guiding Principles on Business and Human Rights (UNGPs). Ultimately, these soft law principles may become hard law if courts accept them as generally accepted industry practice.

### **III. COURSE OBJECTIVES**

#### ***Social Frameworks***

1. Introduce students to the ways Social Science concepts such as gender, ethnicity, power, and justice (environmental and social) can be applied in implementing effective, socially responsible community programs.
2. Attain the ability to identify and analyze stakeholders and their respective relationships in any extractive context in order to develop sustainable equitable partnerships and programs.
3. Deconstruct and identify critical cultural, environmental, and social factors leading to humanitarian crises in oil and natural resource rich countries.
4. Become familiar with and apply specific theories and methods developed by global development leaders (such as the UN, International Federation of the Red Cross and Red Crescent, Overseas Development Institute) and social and environmental scientists (such as Jon Abbink, Amy Chua, Patrick Chabal, Dara O'Rourke, Benjamin Sovacool) to analyze the intricate relationship between people, institutions, natural resources, and the environment.
5. Elaborate a preliminary framework for sustainable community-centered approaches for oil and natural gas extraction organizations in new energy development settings.

#### ***Legal Frameworks***

1. Identify the sources of law that impact investors in petroleum operations abroad. The sources include both "hard" law (mandatory obligations) and "soft" law (expectations of society regarding a company's social license to operate as defined in key documents).
2. Identify the key players that use these sources of law to both work with and/or pressure IOCs to improve their performance in social, environmental and human rights arenas.
3. Identify the key groups that work to develop new legal frameworks and codes of conduct to mitigate the negative effects of petroleum operations, both inside and outside industry.
4. Be able to locate key sources of data and reports about the legal frameworks that have developed to address industry impacts.

5. Be able to discuss, question, and engage in dialogue with guest speakers and video presenters representing industry professionals and NGOs about their experiences.
6. Be able to assess the quality of IOCs' sustainable development reports to shareholders and other stakeholders.
7. Be able to critically and constructively assess the effectiveness of proposals made by different players and industry groups.

#### **IV. COURSE ASSESSMENT FOR THE TOTAL 3 CREDIT UNITS**

**NOTE: A total of 12 hours of this 3-credit hour course is composed of Online Assignments, 6 hours for each of the two parts of the course. The Online Assignments consist of quizzes, film viewings and response papers, and individual and group assignments as noted in the Syllabus. The final exam will include material from these Online assignments. Your grade in this course is composed of:**

In class participation	20%
Individual or small group assignments: Legal Frameworks	20%
Three Online quizzes based on assigned readings: Social Frameworks 5% each	15%
Reflection Papers on online films: Social Frameworks 2.5% each	5%
Final Exam: Combined Legal and Social*	40%
Available on Blackboard 4/27, to be completed on Blackboard by midnight 5/1	
<b>Total for 3.0 course credits</b>	<b>100%</b>

#### **V. COURSE REQUIREMENTS**

Students are required to attend lectures, complete readings and online assignments, view films, and actively participate in class and online discussions with peers and instructors. If you are not participating in class discussion and debates, you will lose all of the class participation grade.

In most of the eight days of the class, there are required readings that must be completed before class begins. There are also recommended readings and in-class references listed by lecture day below. The recommended readings may be included in the lectures and you could be tested on the lecture portion in the final exam, though you will not be tested on those parts of the recommended readings not covered in the lectures. There are a variety of tools offered in all the readings and references that will be useful in your professional lives regarding social justice and community development. We want you to synthesize and reference these materials as needed.

Because each of the eight days of class time are scheduled for 3 hours and 4.5 hours respectively, short breaks will be offered throughout the session, including a short lunch break on Fridays. Bring any snacks/drinks you may need for the session. Limited snack options will be provided.

#### ***Important Rules!***

1. Do not take this class if you are not ***prepared to be actively engaged in class*** discussion of the issues that arise from the readings and videos and to do small group assignments in class, working with fellow students that you may not know (yet). After you read the Syllabus, you will realize that we are trying to break up the days so that the in-class sessions are more than listening

to the lecturer discuss PowerPoint slides that cover the required reading material. This required reading material is largely self-explanatory. We want you to engage actively, both individually and in small groups. All comments welcome on what worked effectively and what did not from a learning perspective.

2. Because we only have eight days of class time together, ***you must front-load the reading.*** Follow the detailed syllabus below. You have assignments due before the class begins because they will form the basis for class discussion.

3. ***Bring your laptop to class*** as you will have some class assignments to do in-class. E.g., you will be assigned to small groups, each group watching a different video and then reporting back to the class as a whole. Bring earphones if you want to listen individually, but you will be allowed to spread out in the building and listen together using one laptop.

4. Assignments and class readings are posted on Blackboard. Exams will also be posted there, but Class Handouts will not be posted. If you have a problem using Blackboard, the UHLC IT Helpdesk has someone who is familiar with its use, but here are other sources:

a. For online instructions and tutorials <http://www.uh.edu/blackboard/>

b. If that doesn't work, they can get direct contact with help here:

<http://www.uh.edu/blackboard/support/> This page provides a phone #, email, and 24/7 chat line for getting personal help.

c. If all else fails, contact Fang Fang as a last resort: Fang Fang, Instructional Designer Office of Educational Technology, Phone: (713) 743-3685, E-Mail: [ffang@uh.edu](mailto:ffang@uh.edu)

4. **By March 24: Send your CV to Professors Weaver at [jweaver@uh.edu](mailto:jweaver@uh.edu) and Golden Timsar at [rlgolden@central.uh.edu](mailto:rlgolden@central.uh.edu).** Be prepared to introduce yourself to other class members with a 1-2 minute statement about your background. In addition, we would like to know:

- If you have had any courses or background experience in human rights or in community development, either in the US or abroad.
- If you have had my International Petroleum Transactions course; any other courses in energy/environment/resources that relate to this course.

You will have nameplates at your seats. Please use them.

5. **Read this class Syllabus carefully** in advance and note the "choreographed" sequence of class events. Prepare in advance by doing the required reading. Enter key deadlines in your calendar. Follow instructions as to what you must post on Blackboard or bring to class in a hard copy print-out.

## **FIRST HALF: SOCIAL FRAMEWORKS**

The four days of the first half of the course on Social Frameworks have class assignments divided into 8 Parts. Guest lecturers from the Global Energy Development and Sustainability (GEDS) certificate courses may be scheduled at the start of the first day to introduce the class to the nature of the resource curse and the fundamentals of an international petroleum contract.

The Social Frameworks Course:

Part 1: Theories and Concepts

Part 2: Consequences

Part 3: Nigeria Case Study

Part 4: Towards a Framework for Community-Centered Approaches

Part 5: Deconstructing Interventions and Building Community Engagement Analysis Skills

Part 6: Steps towards Improving Transparency

Part 7: Stakeholder Role Play—Identify Challenges and Opportunities for Successful Partnerships

Part 8: Wrap Up: Social Frameworks

Each day's readings and topics are listed in the sequence below. The full bibliography of Required and Recommended Readings appears at the end of this document.

### **DAY 1 – TUESDAY APRIL 3, 6 PM TO 9 PM**

*Introductions: Class, Student & Instructors & Desk name plates.*

#### **Part 1: Theories & Concepts - 6 pm to 7:45 pm**

Introduction of theoretical concepts

- Social science theory regarding the intricate relationship between people, natural resources, and the environment.
- Social science concepts such as power, gender, ethnicity, health, religion, corporate social responsibility, and environmental justice.
- Stakeholders – community, civil society, corporations, governments.

*Break – 15 minutes 7:45-8:00 pm*

-----  
**Required Readings:**

Calain, Philippe. 2008. Oil for health in sub-Saharan Africa: health systems in a 'resource curse' environment. *Globalization and Health* 2008, 4:10  
doi:10.1186/1744-8603-4-10

Chabal, Patrick and Jean-Pascal Daloz. 1999. "The Illusions of Civil Society," & "Recycled Elites," in *Africa Works: Disorder as Political Instrument*. Africa Issues, Alex de Wall, and Stephen Ellis, series editors. Bloomington: Indiana University Press.

Chua, Amy. 2003. "Introduction: Globalization and Ethnic Hatred," in *World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability*." New York: Doubleday.

Ortner, Sherri B. 2006. "Power and Projects: Reflections on Agency," in *Anthropology and Social Theory: Culture, Power, and the Acting Subject*, pp. 129-154." Durham: Duke University Press.

Suman. 2012. "Anthropology for Beginners: Anthropology of Power Blog," <http://sumananthromaterials.blogspot.in/2012/11/anthropology-of-power.html>

### **Recommended Readings:**

Krashevskaya, Valentyna et.al. 2015. Impact of tropical lowland rainforest conversion into rubber and oil palm plantations on soil microbial communities. *Biology and Fertility of Soils* (2015) 51:697–705  
DOI 10.1007/s00374-015-1021-4

### **In Class Reference:**

International Institute for Sustainable Development  
2015 "What is Sustainable Development?"  
<http://www.iisd.org/topic/sustainable-development>

United Nations Sustainable Development Knowledge Platform: Stakeholder Engagement  
<https://sustainabledevelopment.un.org/majorgroups>

### **Part 2: Introduction to Consequences 8:00 pm to 9:00 pm**

- In-class Film – *Excerpts of Trinkets and Beads* – 20 minutes
- In-class film – *The World's Deadliest Places for Kids* – 10 minutes
- Group discussion session with questions on lecture and films – 30 minutes

### **DAY 2 – FRIDAY APRIL 6, 9 AM TO 1:30 PM**

#### **Part 2 Cont'd: Consequences 9 am to 10:30 am**

Introduction to social, cultural, and environmental consequences of oil and gas extraction on local communities, 1 hour – 9-10 am

- Environmental & ecological changes in extraction zones
- New petrol-lifestyles in local communities
- Changes in the cultural and social meaning of the environment

Discuss Online Film Assignment #1 – Split Estate (watch before coming to class)

- Small Group Discussion: Comparison and contrast of film reactions using social and environmental concepts learned in class and from the assigned readings – 15 minutes
- Small Group Presentations – 15 minutes

*Coffee Break 10:30 – 10:45*

-----

### **Required Readings:**

Abbink, Jon. 2005. "Being Young in Africa: The Politics of Despair and Renewal," in *Vanguard or Vandals: Youth Politics and Conflict in Africa*, edited by Jon Abbink and Ineke van Kessel, pp 1-36. Leiden: Koninklijke Brill NV.

Coronil, Fernando. 1997. "The Devil's Excrement: Criminality and Sociality," in *The Magical State: Nature, Money, and Modernity in Venezuela*, pp. 321-363. Chicago: University of Chicago Press.

Jobin, William. 2003. Health and equity impacts of a large oil project in Africa. *Bulletin of the World Health Organization* 2003; 81:420-426.

Miescher, Stephan F. 2005. "To Be a Man is Hard: Masculinities and Life Histories," in *Making Men in Ghana*, edited by Stephan F. Miescher, pp 1-16. Bloomington: Indiana University Press.

O'Rourke, Dara, and Sarah Connolly. 2003. Just Oil? The Distribution of Environmental and Social Impacts of Oil Production and Consumption. *Annual Review of Environmental Resources*. 2003. 28:587–617. doi: 10.1146/annurev.energy.28.050302.105617

### **Recommended Readings:**

Chindo, Murtala. 2015. Environmental risks associated with developing oil sands in southwestern Nigeria. *Singapore Journal of Tropical Geography* **36** (2015) 3–22.

### **In Class Films:**

*Trinkets and Beads* <http://libproxy.uhcl.edu/login?url=http://docuseek2.com/v/a/jm3/1/0/0>

*The World's Deadliest Places for Kids* (Angola). Kristof, Nicholas. 2015 *The New York Times*. [https://www.youtube.com/watch?v=IQgZt75Zs\\_k](https://www.youtube.com/watch?v=IQgZt75Zs_k)

### **Online Film:**

*Split Estate* <http://libproxy.uhcl.edu/login?url=http://docuseek2.com/v/a/bk3/1/0/0>

### **Recommended Films:**

*The Curse of Oil*, 4 Part Series, BBC <http://topdocumentaryfilms.com/the-curse-of-oil/>

*Gasland* by Josh Fox, available on Amazon, HBO, and excerpts on Youtube.

### **In Class References:**

United Nations Environmental Programme, Executive Summary: Environmental Assessment of Ogoniland [http://postconflict.unep.ch/publications/OEA/UNEP\\_OEA\\_ES.pdf](http://postconflict.unep.ch/publications/OEA/UNEP_OEA_ES.pdf)

### **Part 3: Nigeria Case Study – 10:45 am to 1:30 pm**

Introduction of Case Study on petrol violence and humanitarian consequences

Violence and social movements in extraction communities

- The emergence of humanitarian crisis and conflicts
- Costs for companies/governments working in petrol violence and conflict regions: security, oil lifting, spills, ecology & property destruction, image/stock prices

Film: *Sweet Crude* – 1.25 hours including in Class Lunch Break

Nigeria Case Study Recap and Film Discussion – 1:00 to 1:30

-----

**Required Readings:**

Bastian, Misty. 2000. “Buried under Six Feet of Crude Oil: State-sponsored Death and the Missing Body of Ken Saro-Wiwa.” In *Ken Saro-Wiwa: Writer and Political Activist*, edited by Craig W. McLuckie and Aubrey McPhail, 127-52. Boulder: Lynne Rienner Publications, Inc.

Graham, F, Christine. 2014. Social Impacts of Resource Extraction: A Comparative Examination of Andean Latin America and Implications for Rising Colombia. *Perspectives On Global Development And Technology*, 13 (2014): 209-223.

Macklin, Audrey. 2004. “Like Oil and Water, with a Match: Militarized Commerce, Armed Conflict, and Human Security in Sudan,” in *Sites of Violence: Gender and Conflict Zones*, edited by W. Giles and J. Hyndman, pp. 75-107. Berkeley: University of California Press.

Obi, Cyril I. 2001. “New Trends, New Contradictions in the Delta: Identity as National Liberation,” in *The Changing Forms of Identity Politics in Nigeria Under Economic Adjustment*, pp. 71-86. Uppsala: Nordiska Afrikainstitutet.

**Recommended Readings:**

Bickham, J, et.al. 2003. The Unknown Environmental Tragedy in the Sumgayit Azerbaijan. *Ecotoxicology*, 12 (2003):505-508.

Golden Timsar, Rebecca. 2015. “Oil, Masculinity, and Violence: Egbesu Worship in the Niger Delta of Nigeria,” in *Subterranean Estates: Life Worlds of Oil and Gas*, edited by H. Appel, A. Mason, & M. Watts, pp. 72-90. Ithaca: Cornell University Press.

Ojakorotu, Victor 2008. “The Internationalization of Oil Violence in Nigeria,” *The Turkish Journal of International Relations*, Spring 2008 7:1.

**In Class Film:**

*Sweet Crude*. Cioffi, Sandy. 2007 Cinema Guild.com

**In Class References:**

Lauren Etter, Bloomberg 11/16/15, “Oil Theft Soars as Downturn Casts U.S. Roughnecks Out of Work.” <http://www.bloomberg.com/news/articles/2015-11-16/oil-theft-soars-as-downturn-casts-u-s-roughnecks-out-of-work>.

Human Rights Watch, 2003 Report, “Sudan, Oil, and Human Rights”  
<https://www.hrw.org/reports/2003/sudan1103/index.htm>

1999 Report, “The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria’s Oil Producing Communities.”  
<https://www.hrw.org/reports/1999/nigeria/Nigew991.htm#TopOfPage>

Watts, M., Editor. 2008. *Curse of the Black Gold: 50 Years of Oil in the Niger Delta*. Brooklyn: Powerhouse Books.

### **DAY 3 – TUESDAY APRIL 10, 6 PM TO 9 PM**

#### **Part 4: Towards a Framework for Community-Centered Approaches – 6 to 8 pm**

- Community-Centered and Sustainable Development Methodology: Development Context Analysis & Assessments of Needs (stakeholder matrix, integrated approach, participant observation, focus group, key informants, unstructured and structured interviews, technical assistance) – 40 minutes
- Steering transparency & public awareness– 30 minutes
- In-Class Film Viewing *Our Oil, Our Choice* - 30 minutes
- Discussion – 20 minutes

*Coffee Break 7:45-8:00 pm*

-----

#### **Required Readings:**

Extractive Industries Transparency Initiative <https://eiti.org/eiti>

FHI 360 “Gender Integration Framework”

[http://www.fhi360.org/sites/default/files/media/documents/FHI%20360\\_Gender%20Integration%20Framework\\_3.8%20%2528no%20photos%2529.pdf](http://www.fhi360.org/sites/default/files/media/documents/FHI%20360_Gender%20Integration%20Framework_3.8%20%2528no%20photos%2529.pdf)

Sovacool, K., Benjamin. 2011. The interpretive flexibility of oil and gas pipelines: Case studies from Southeast Asia and the Caspian Sea. *Technological Forecasting & Social Change* 78 (2011) 610–620.

#### **Recommended Readings:**

Do, T. Phuong. 2012. Alleviating the Negative Impact of the 2010 Gulf of Mexico Oil Leaks on the Physical and Psychological Health of Ethnic Minority Immigrants: A Vietnamese Case Study. *Traumatology* 18 (3) (2012): 1-6

#### **In Class Film:**

*Our Oil, Our Choice*, by Global Rights Alert (Uganda)

<https://www.youtube.com/watch?v=c0bl7EKjTik>

#### **In Class Reference:**

United Nations Global Compact <https://www.unglobalcompact.org/what-is-gc>

#### **Part 5: Deconstructing Interventions & Building Community Engagement Analysis Skills – 8 pm to 9 pm**

- Untangling Energy Company Community Engagement Websites Introduction (e.g. Shell, BP, Exxon, CNBC, Total, Saudi Oil companies, Iraqi, Iran, Chevron, etc) - 1 hour
- Group discussion – Thinking critically about narratives & realities - 15 minutes

- Individual presentation of energy company community engagement program assignment to the group (5-10 minutes/student, 15% of grade).

#### **DAY 4 – FRIDAY APRIL 13, 9 AM TO 1:30 PM**

##### **Part 6: Steps Towards Improving Transparency & Online Film Discussion, 9-10 am**

- Small group discussion of online film assignment #2, “The Great Invisible” on the Deepwater Horizon in the Gulf of Mexico - 30 minutes
- Small group presentations comparing and contrasting film and company websites using course analysis skills– 30 minutes

##### **Online Film:**

Brown, Margaret, *The Great Invisible* (film on the Deepwater Horizon).

<http://www.pbs.org/independentlens/films/great-invisible/>

*Break – 15 minutes*

##### **Part 7: Stakeholder Role Play – Identify Challenges & Opportunities for Successful Partnerships 10:15 to 12:30.**

- Sustainable Development Program Life Cycles – Research and Needs Assessment, Creation, Implementation, Monitoring & Evaluation - 30 minutes
- Preliminary framework for sustainable community-centered approaches using Multi-stakeholder partnerships and integrated approaches (community, civil society, corporations, and governments) – 30 minutes
- Stakeholder Role Play by Students – 45 minutes – 3:30 to 4:15
- Group Analysis of Role Play (mitigating negative effects, identifying key decision points) - 15 minutes

-----

##### **Required Readings:**

Fox, Robin. 2009. “The Kindness of Strangers: The US and Iraq,” in *Conformity and Conflict: Readings in Cultural Anthropology*, 13<sup>th</sup> Edition. Edited by James Spradley and David W. McCurdy. Pp 291-297.

International Federation for the Red Cross and Red Crescent Societies. 2010. *Project/Program Planning Guidance Manuel*. <http://www.ifrc.org/Global/Publications/monitoring/PPP-Guidance-Manual-English.pdf>

##### **Recommended Readings:**

Department of International Development – UK  
<http://webarchive.nationalarchives.gov.uk/+http://www.dfid.gov.uk/Documents/publications/tool sfordevelopment.pdf>

Farmer, Paul. 2005. "Introduction" and "Part 1: Bearing Witness," in *Pathologies of Power: Health, Human Rights, and the New War on the Poor*, pp. 1-28. Berkeley: University of California Press.

Log Frame Analysis <http://www.theguardian.com/global-development-professionals-network/2015/aug/17/how-to-write-a-logframe-a-beginners-guide>

"Practical Tools for International Development" <http://www.tools4dev.org/resources/how-to-design-a-new-program/>

**In Class References:**

Ramalingam, Ben, Miguel Laric and John Primrose, "From Best Practices to Best Fit." <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9159.pdf>

United Nations Toolkit for Developing a Log Frame [https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296\\_tool\\_10-3.pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_10-3.pdf)

**Part 8: Wrap Up Social Frameworks 12:30 – 1:30 pm**

- Summary & final questions, in-class lunch.

**LEGAL FRAMEWORKS (LF)**  
**FOR SUSTAINABLE PETROLEUM DEVELOPMENT**  
(second half of Law 5397; ILAS 6397, 3 units of GEDS certificate)  
Prof. Jacqueline L. Weaver  
APRIL 2018  
File: [GEDS 2018 SYLL 2-28-2018F]

**Introductory notes:**

You can start watching the videos listed in Appendix A of this Syllabus as Online Assignments at any time. Please front-load the work as we only have four days together.

You can also start on the reading assignments and Business Memos posted on the Blackboard for this course.

Selected publications are posted on the Blackboard and noted as Optional. They are truly optional; no exam questions or focused class discussion are derived from them.

**Please note** that Business Memos #1 and #2 must be completed before the start of Day 1 and a hard copy of each brought to class to hand in.

**Readings posted on the Blackboard**  
**for the Legal Frameworks half of this course. Total: about 250 pp,**  
(excluding 22 pp of Online Assignment reading due before class begins)

**Items 0 to 0-3 are to be read before Day of the LF class:**

**Item 0:** This Syllabus; all Online Assignments are in Appendix A of this Syllabus. Please read the entire Syllabus to get a sense of the course pace and format.

**Item 0-1:** Ross article: “What have we learned?,” to read for Business Memo #1 (14 pp).

**Item 0-2:** Business Memo #2 instructions from your supervisor.

**Item 0-3:** Mexican HC Law for use in Memo # 2 (about 8 pp of selected provisions).

**Item 1:** Draft Sus Dev Chapter (76 pp)

**Item 2:** VPSHRs—full copy (6 pp)

**Item 2-1** VPs and MOUs (1 ½ pages)

**Item 3:** Oxfam on life-cycle graphics of an oil project—what is missing? (6 pp)

- Handouts on first day for in-class presentation in Day 2. (About 20 pp).

**Item 4:** UNGPs (42 pp)

**Item 5:** Class Guide to UNGPs (13 pp).

- Handout of video links for in-class presentation in Day 3.

**Item 6:** PNG-LNG Arbogast article (16 pp)

**Item 7:** PNG-LNG Benefit Sharing Contract (about 10 pp of selected provisions)

**Item 8:** Kennedy School Govt Report on PNG project—Skim

**Item 9:** Oxfam Report on PNG project—Skim

**Item 10:** ExecSum, Independent Monitor report of PNG-LNG site visit by D’Appolonia (6 pp).

**Item 10-1** ExecSum, XOM 2016 Ann. Envtl & Social Report on PNG-LNG (5 pp text).

**Optional: Item 10-2:** Speech by XOM PNG Project Manager, Nov. 2017 (7 pp).

**Optional: Item 10-3.** Jubilee (an Australian NGO-research group) report on PNG-LNG.

**Optional: Item 10-4:** Fiona Martin, Towards Best Practice Jobs Decision-making: PNG LNG Project Case Study (2017).

**Item 11:** Tullow in Kenya problems with resettlement (4 pp)

**Item 12:** Oxfam Report on Tullow and FPIC (54 pp)

## Syllabus with Class Readings and Assignments

### ***Day 0: To do before coming to Day 1 of Legal Frameworks (LF):***

**Item 0:** Please read through this Syllabus to get a sense of the course pace and format.

**Item 0-1:** Ross article: “What have we learned?,” to read as part of Business Memo #1 (14 pp).

**Item 0-2:** Business Memo #2 instructions from your supervisor.

**Item 0-3:** Mexican HC Law for use in Memo # 2. (side-by-side translation from Spanish to English; you are reading 8 full pages of selected provisions).

### ***Note on Business Memos:***

Part of your grade for the LF half is based on written assignments that are framed in terms of a business memo from you to your supervisor (me). We both work for the GEDS Oil Company that has much experience leasing and developing privately owned land and some state-owned land for onshore oil and gas in the US. GEDS Oil also has some experience working in Canada with First Nations. Company management is very excited that Mexico opened its petroleum sector to foreign investors. GEDS Oil won a bid for some tracts of onshore oil, one located in a coastal area in the southern part of Mexico and the other in the high desert of northern Mexico. This is the company’s first attempt to “go international” in a developing country. Company management has sent you to the Social Frameworks and Legal Frameworks course so that you are better prepared to help the company succeed in this exciting new growth area. GEDS Oil won the bids on these blocks of land partly because the major IOCs considered them “too small” for their portfolios. GEDS management does not have an experienced IOC as a partner in its ventures in Mexico, but its CEO and Board of Directors are very serious about learning and using the best practices of other oil companies that have operated in environments where local communities are confronted, for the first time, with foreign investors seeking to use land occupied or close to the communities’ traditional land uses.

For this reason, the Board has sent you, the GEDS legal team, to courses that they hope will assist you in offering good advice to the company’s project managers as they develop their plans, budgeting and implementation of operations on the Mexican projects.

The written assignments should not be longer than 2 pages (spaced like the text of this Syllabus, in 12-point font). Business memos should be tightly organized, succinct, and provide key information to busy executives in a readable format that allows further face-to-face discussion of topics if more detail is sought. Use of numeric outlines and itemized bullet points help keep your text tightly organized. The Memos are based on the assigned readings or the assigned on-line videos for the class.

***You must bring hard copies of the business memos to class*** and turn them into me. You or I (your supervisor) will often share your memo’s contents with the GEDS team of workers, i.e., the others in the class, in class discussion. At your option, you may submit a revised Memo to me by the end of the 4<sup>th</sup> class day, and I will include this one in your grade.

## **Day 1:**

**Memos #1 and #2 have Day 1 deadlines—please bring hard copies of your memos to class to hand in after discussion.**

### **Day 1 Required Reading:**

#### **Item 1: Draft Sus Dev. Chapter:**

- Pp 1-10 on resource curse and Primers on Environmental Impacts and Sources of International Law.
- Pp 29-41. Litigation: Human Rights and the Oil Companies, including Note 1 on Shell settlement with family of Ken Saro Wiwa.
- Pp 46-49. VPSHRs, or use full version posted as **Item 2**.

**Item 2:** The VPSHRs in full. (6 1/2 pages)

**Item 2-1:** VPSHRs and MOUs (1 1/2 pages)

**Item 3:** Oxfam document on graphics: What Is Missing? (6 pp)(for in-class discussion).

### **Day 1 Sequence:**

- Watch the video clips on Myanmar and Nigeria in Online Assignment #4 (about 5 mins) *before* coming to class.

#### **6:00 - 7:20. Background and Overview this half of the course**

- Discuss Business Memo #1 on Causes of Oil Curse.
- I will show a PPT on the resource curse and post it to the Blackboard afterwards.
- I will discuss **Item 3** Oxfam What Is Missing? (6 pp). You need not read this item, but I will refer to its graphics in class, so please have it on hand to look at.
- Discuss Business Memo #2 on Assessing Mexican legal framework for gaining surface access (tentative; I may read your memos first and discuss in Day 2).

#### **7:20 - 7:35 Break**

During the break, please write on the board what you consider to be your basic “human rights.” If someone has already written down one of the rights, put a check after it.

#### **7:35 – 9:00 pm. Litigation against IOCs for human rights abuse; the VPSHR Code:**

- **Item 1 Sus Dev.** Ch, pp 29-41. Litigation: Human Rights and the Oil Companies, including Note 1 on Shell settlement with family of Ken Saro Wiwa.
- From the video clips on Myanmar and Nigeria in Online Assignment #4 (about 5 mins) *before* coming to class. What does the Sierra Club and Amnesty Intl think Shell should have done to stop the murder of Ken Saro Wiwa?
- **Class discussion:** Apply VPSHR in Item 2 to facts in *Doe v. Unocal* case in Myanmar and give the company advice as to what it should have done—or should do today if a similar situation arises and it has signed the VPSHRs.
- **I will hand out a Class Presentation Assignment One** before end of class. The presentation will start our Day 2 class on Friday. It addresses the “Litigation Comes Back” issue. The Handout that you must read for Friday’s in-class presentation will be about 20 pages of reading. Half of the class will have Handouts that state the claims being brought by plaintiffs against a mining company; the other half will have Handouts stating the company’s defense to any such claims.

## **Day 2: Friday April 20 : 9 am – 1:30 pm UNGPs, UNDRIP, FPIC**

### **Required reading:**

**Item 1:** Sus Dev Ch. Pp 50-55 on Ruggie and UNGPs (5 pp).

**Item 4:** The UNGPs with short commentary (42 pp).

**Item 5:** Class Guide to the UNGPs, with questions (13 pp).

**Item 1:** Sus Dev Ch. Pp 10-29 on UNDRIP, Native title, conflict vs consent (FPIC), Kemess Gold mine case. Consider the following recent events as you read these pages: Belize has recently banned offshore drilling. Under Colombia Constitution's local towns can hold referendum and ban extractive operations, and several have done so. Two US states have banned fracking. Denton, a Texas university town near Dallas, voted to ban fracking, but the state legislature quickly acted to ban such bans.

### **Day 2 Sequence:**

#### **9-10:30 AM**

- **Class Presentation Assignment One.** Each group will present the arguments that will be made in front of a judge as to whether, under the alleged facts and the case law discussed in the Handouts, the case at hand should move forward. A good friend and business colleague of your supervisor, who has worked in mining and oil and gas projects in many parts of South America, has told her that his parent company has recalled all top staff in current projects in developing countries for additional training in human rights because of “looming litigation” against the parent for human rights abuses, based on these Handout Scenarios. Your supervisor wants to know what the future might hold for US-based companies in the HR litigation area. There is no written memo due, but you must know the facts alleged in your handout and the arguments made in it and you are free to use your own outlines/memos during the presentations.

I will give you 15 minutes at start of class to meet with others on your side of the case to discuss your team's presentation to the class. You are welcome to come to class earlier or meet with each other over coffee at any time to discuss your team's presentation.

- Class Presentation by Chantal Carriere on ExxonMobil case in Aceh province, Indonesia.

#### **10:30-10:45 Break.**

Pick up a card with a UNGP exercise on it to work through in class.

#### **10:45-12:00**

- Discuss UNGP Questions on the Duty of the State to Protect HRs, in Class Guide, Item 5.
- Discuss the in-class UNGP exercises given to you at the break. You will have 10 minutes in class to prepare your discussion. Then, what questions do you have about the Corporate Duty to Respect HRs as framed in the UNGPs?

#### **12:00 to 12:20. Break for in-class lunch**

#### **12:20 – 1:30 pm**

- **Discuss assigned reading in Item 1 Chapter at pp 10-29 on UNDRIP, FPIC, Native Title and Project reviews.** Two large energy projects have been stopped recently because of indigenous rights: The Lummi tribe who live near Seattle on the Northwest coast have stopped a planned coal export terminal in the US; a First Nation tribe that lives

off the coast of British Columbia has stopped a big LNG export terminal, refusing to accept about one billion dollars in compensation (spread over 20 years). Both tribes have treaty rights, granted by the federal government.

- Discuss “consult and accommodate” under Canadian law, led by Chantal Carriere.

***Before class ends:***

- Hand out the link to the video assignments in Online Assignment #7. There will be 3 groups with 3 different videos to watch. This online assignment underlies Class Presentation Two during Day 4. Thus, you have a week to view the video and do the Online Assignment and prepare for the Class Presentation.

**Day 3: Tues April 24 6:00-9:00: Best practices: Case studies**

**Required Readings:**

- **Item 1 Sus Dev Ch pp 57-76.** National laws, K provisions and best practices.
- **Item 5: UNGPs 22-31:** Access to Remedy; Grievance Mechanisms
- **Item 6:** Stephen V. Arbogast, "Benefit Sharing in PNG: New Model to Tame the Resource Curse?," in 6 Tex. J. Oil, Gas & Energy Law 184-202 (2009-2010) (16 pp).
- **Item 7** has the actual, signed PNG Umbrella Benefits Sharing Contract. Read pp 6-8. Did XOM sign the BSA?; Art. 5, pp 19-21. Who represents the signing groups? Was there FPIC?; Arts. 10 & 11, Local Bus Dev, Training and Employment pp 35-40. Does XOM have duties here?; Art. 12. Who has to procure land access for the project?; Art. 14. Governance and Coordination p 43. What must the State do in Art. 14.4?; pp 44-50 are Undertakings of the Provincial Govts, Local Govts and Landowners. What do they undertake to do? (about 12 pages of widely spaced text).
- **Item 8:** KSG Report on PNG-LNG Project. *Skim*—see note below on “skim.”
- **Item 9:** Oxfam Report on PNG LNG. *Skim*—see note below.

**NOTE: Items 7 and 8 are to “skim,” meaning this:** Open the documents and look at their Tables of Contents and read the executive summaries. You should learn enough to assess whether the external reviewers of this project consider the project favorably or unfavorably. Skimming sections of reports with headings of Executive Summary, Conclusions, and Recommendations and reviewing the report's Tables of Contents are essential skills for both lawyers and business people, who are always time-constrained. Then, select about 10 pages of text that seem most relevant to this course and read them.

- Watch the PNG-LNG videos (produced by XOM), in Online Assignment #4 (b),
- **Item 10:** Exec Summary (6 pp) of Report of the Independent Env'tl & Social Consultant (IESC), Compliance Monitoring report of Site Visit in Nov. 2016 to the project. Because the PNG LNG project received billions of dollars of project financing and credit assistance, the project must be independently monitored. This report was the 16<sup>th</sup> mission of D'Appolonia, the monitor selected by the Export-Import Bank and others. You can find the full site visit report and all previous reports on the website.
- **Item 10-1:** Executive Summary of XOM's 2016 Annual Env'tl & Social Report on PNG-LNG. (5 pp of text; the full report is 88 pp long, with many photos).
- **Optional.** Read any of XOM's own reports, those of its independent monitor or those of other NGOs or thinktanks that are more critical of the project. Here are a few options.  
**Item 10-2:** Speech on Nov 2017 by Andrew Barry, Managing Director XOM PNG Ltd, titled “A strong foundation for growth,” to PNG Chamber of Mines and Petroleum Conference (7 ½ pp); **Item 10-3:** Jubilee (Australian NGO report, 2013) titled “Pipe

Dreams: The PNG LNG Project and the Future Hopes of a Nation.” (76 pp.). **Item 10-4:** Fiona Martin, Towards Best Practice Jobs Decision-making: PNG LNG Project Case Study (2017). Also—browse/Google search to see what shows up about recent events in PNG related to the project.

### **Day 3 Sequence:**

**6:00-7:30:**

**Turn in Business Memo #3 on Chevron in Lago Agrio, after watching the videos in Online Assignment #5.**

- JLW: PPT on Best Practices and “GIPIP.”
- Discuss UNGP Grievance Mechanisms (GMs). What procedures exist in the US for dairy farmers in Pennsylvania or homeowners in Fort Worth to mitigate the impacts of fracking and pipeline development on their lands or in their communities; for people sickened by air or water pollution near shale operations in Dimock (Pa.) or Dish (TX), or people injured when heavy objects fell on them because of quakes induced by storing vast amounts of flowback water from shale operations in deep disposal wells? Do the UNGPs apply to US shale operations? What GMs exist for those in coastal communities injured by the DWH/BP oil spill? Those communities destroyed in the wake of the Samarco tailing dam’s release? Did D’Appolonia assess the grievance mechanism for the PNG LNG project? Was it working?
- Discuss your Lago Agrio Memos in Online Assignment #5.

**7:30-9:00:**

- Focussed discussion of PNG-LNG readings. In the Arbogast article, the PNG Benefit Sharing Agreement is presented as a "bottom up" approach that may work better than the "top down" revenue management sharing mechanisms that seemed to have failed in the large Chad-Cameroon oil field and pipeline development. Both projects are operated by XOM. Why does the author argue that the PNG project has a better chance of "taming" the resource curse? Name the specific contract mechanisms that he cites. What weaknesses does he foresee arising? Did they arise?
- Class discussion of PNG-LNG video clips from XOM website. Did anything surprise you about the Project Manager? What is the IBBE Center? What questions would you ask an XOM Sustainability or Government Relations manager about the project if he/she were in class?
- From a sociologist/anthropologist perspective, what might be missing from all the XOM and outside monitoring reports you have looked at?

### **Day 4, Friday April 27, 9:00-1:30 Best practices (cont’d).**

#### **Required Reading:**

1. **Item 11:** Tullow in Kenya (Turkana area) and land resettlement (4 pages from AllAfrica.com, based on Al Jazeera reporting).
2. **Item 12:** Oxfam Report on Tullow and FPIC (54 pp).

### **Day 4 Sequence:**

The sequence in Day 4 depends on guest lecturers’ availability, so stay flexible. If they cannot attend Day 4, I will try and schedule them for earlier days. I hope to have one guest lecturer whose professional career has centered on obtaining local consent from First Nations in Canada for oil and gas projects operated by a US company: Sue Kuethe, anthropologist, formerly

with Koch Industries. The second guest lecturer, Alex James is the Global Sustainability Manager for Halliburton (an oil services provider). Note: provide CVs to class in advance. Be prepared to ask them questions, especially about the role of lawyers in this area of work (neither is a lawyer).

**9:00-10:20:**

1. JLW Slides on Tullow in Uganda. Good practices in action. What specific performance indicators would you want reported to assess the success of Tullow's operations on the local community?
2. Discuss Online Assignment #7 with your in-class presentations on the 3 videos.
3. (Time permitting). To test your ability to accomplish one of the class goals of knowing where to look for good sources, toolkits, and reports on legal frameworks for sustainable development, find the best source(s) you can that offers guidance on how your company can set up a grievance mechanism. (10 minutes in class).

**10:20-10:35 Break**

**10:35-12:00.** Focussed discussion of Oxfam Report on Tullow facilitated/led by Sue Kuethe on the report and how it relates to her experiences with First Nations in Canada.

**12:00-12:20 Break for in-class lunch.**

**12:20-1:20.** Presentation by Alex James of Halliburton.

**1:20-1:30 Wrap up, exam review, unfinished business.**

---

**Assessment for LF half of course (1 ½ units credit)  
[divide by 50% to get the percentage for the  
GEDS course as 3 units of credit]:**

The assessments for the two halves of the course will be done separately by each professor, and then averaged together to give you one letter grade under the UHLC grading rules. The assessment percentages are the same as those in the original combined syllabus posted on the GEDS and ILAS class schedules for registration.

The assessment for the Legal Frameworks (LF) grade is as follows:

- **LF Class participation: 20%** (includes the assigned Class Presentations in small groups and individual participation). [10% of 3 credits]
- **LF: 3 assigned Business Memos: 40%** (on Ross article, Mexican HC Law, and Lago Agrio). [20% of 3 credits]
- **LF Exam --40%** [20% of 3 credits]. The LF exam will be written and assessed by Prof. Weaver, separate and apart from the Social Frameworks exam by Prof. Golden-Timsar.
  - The LF exam will be about 2 hours long. It is *not* True/False or multiple choice. The short essay questions require targeted answers, sometimes only a few sentences long, sometimes a few paragraphs long.

- Once you have begun the LF exam, you may not return to it--you must finish it in one sitting. The exam will be open on the Blackboard *from \_\_\_ to \_\_\_ (TBD)*.
- Please remember that the exam will cover material from the reading and Online Assignments that I have not necessarily covered in class lecture (largely because it is self-explanatory). The exam is open book, but it is timed, so you must be able to answer the questions based on embedded knowledge in your brain, not by reading the material for the first time while taking the exam. The exam will also cover all class discussion and handout material that may go beyond the required readings listed below.

Appendix A with the Online Assignments begins on the next page.

**APPENDIX A**  
**Online Assignments: 6 hours**

**The links to some of the assigned videos listed below are:**

Extreme Oil – the Oil Curse <https://www.casa.uh.edu/s/30cZx1S>

Nigeria & Shell Oil Clip <https://www.casa.uh.edu/s/fvzEwd1>

Myanmar & Unocal Clip <https://www.casa.uh.edu/s/tQGPgbE>

Camisea Gas – New Wealth for Peru <https://www.casa.uh.edu/s/KnFMtqc>

**1. (One hour) *Extreme Oil: The Oil Curse***—One-hour video by PBS, showing Chevron/Texaco in Ecuador rainforest and then in Angola. Dave O'Reilly, the former CEO of Chevron, appears throughout this film, commenting on what he thinks causes the oil curse and how oil companies have changed their way of operating abroad today. It is not common to find an executive willing to go on the record as publicly as Mr. O'Reilly does in this video. Note that PBS tries harder than most news stations to be unbiased. So: What is Chevron doing differently today than in operations in the 1960s? Chevron says it "sees a unique opportunity to play a role" in post-war Angola. What projects is it doing? Do they build long-term value? And: Where did that \$4.2 billion go?

This video is a good introductory overview to the course because its premise is that oil companies are doing things differently today compared to the past. There is no writing assignment connected to this video. If you do not have time to watch it before the first day of class, watch it later before the course ends.

**2. (1 ¼ hours) Business Memo #1 due on Day 1:** Read Michael Ross's 2015 paper posted on Blackboard as Item 0-1, titled "What Have We Learned about the Resource Curse? pp 239-53 (14 pages). [Note: You have already discussed his paper on "The Political Economy of the Resource Curse" (1999) in the first part of this course, in which he lists 9 possible reasons for the curse and assesses the evidence behind them. The 2015 Ross article is an updated survey.]

**Bus Memo #2:**

- Write a 1-2 page summary of this 2015 article in the form of a business memo. In other words, condense the content of an article of 14 pages into a short, but accurate, memo that your supervisor can read and discuss with you, so that he/she is educated about the dimensions of the resource curse and whether it is real.
- Focus on any data/results that might relate to the GEDS Oil Company's work in Mexico.
- Add a final paragraph about what you learned in the first half of this course on Social Frameworks about the underlying causes of the resource curse and how this learning may relate to the company's work in Mexico.

**3. (1 ¼ hours) Business Memo #2 due on Day 1:** Business Memo #2 is posted on the Blackboard as Item 0-2; the provisions of the Mexican hydrocarbon law are in Item 0-3. Be prepared to give your supervisor the advice asked for in the memo. (No video is involved in this Online assignment.)

#### 4. (25 mins) “The good, the bad and the ugly.”

(a) (6 mins total) Video clips of Unocal in Myanmar (about 1 minute) and Shell in Nigeria after Ken Saro Wiwa was killed, from a video by Amnesty International and the Sierra Club. The short Myanmar/Burma clip purports to show the Total/Unocal project that is at issue in the *Doe v. Unocal* case in the readings on the ATS. These clips show you the reputational damage that companies face when implicated in serious HR abuses. As we go through the readings, think about the strategies that these oil companies could/should implement today that might change the depictions in the video clips. The videos do much to explain why the VPSHRs came into being.

(b) (15 mins or so). Go to the website of the ExxonMobil Papua New Guinea LNG project at [www.pnglng.com](http://www.pnglng.com). Go to the “Newsroom” link on homepage and then to “Multimedia” releases. Scroll down and find a series of short videos about the project. Watch the following:

- PNG LNG Project Overview 5:10 mins (shows the scale of the project).
- Creating Opportunities for Women 3:57 mins.
- Developing our Local Workforce 6:14 minutes.

We will discuss the tapes in class, so you may want to take notes on what you see/hear/learn. There is no written memo. At your option, watch others, like “Helping PNG Businesses Grow—Emmy’s Bakery” 2:42 mins, but no others are required.

5. (One hour) Business Memo #3. In May 2009, CBS aired a 20-minute segment called Amazon Crude on its widely watched program, “60 Minutes.” The broadcast showed many examples of oil pollution in the area around Lago Agrio in Ecuador where Texaco (now Chevron) had operated. The segment is no longer available on YouTube.

The Ecuadorian courts found Chevron liable for polluting the Amazon area and issued a judgment for \$18 billion. The US courts found the multi-billion dollar judgment against Chevron to be tainted by fraud and corruption. However, offshoots of the case remain as the Ecuadorian plaintiffs seek to seize Chevron assets in non-US jurisdictions to satisfy the judgment. If you put “Amazon Post Chevron” in your browser, the Chevron website will be at the top of the list of matches, but you will also see many other links that keep this dispute in the public eye on social media.

During the many years of litigation brought in this Lago Agrio case by plaintiffs’ lawyers (led by Stephen Donziger), Chevron maintained its own website called The Amazon Post, to counter the pro-plaintiff media publicity that surrounded this case, at [www.theamazonpost.com](http://www.theamazonpost.com). This website is still up and running.

For class discussion, in **Day 3** you must do the following:

- Watch Chevron’s posted video on its website called “The Fraudulent Case Against Chevron in Ecuador,” one of four videos featured on the company website (when visited on Feb. 16, 2018).
- As background, read the short (about 2 pages) description of the legal proceedings, with hyperlinks to the US cases finding serious fraud and corruption problems in the Ecuadorian judgment, at <http://theamazonpost.com/fact-sheet/the-facts-about-chevron-in-ecuador-and-the-plaintiffs-strategy-of-fraud/>. You need not open any hyperlinks.
- Then, view this YouTube video posted by Chevron to counter other anti-Chevron media releases: “Texaco Petroleum’s Operations, Remediation and Releases: 1964-1998.” Listen carefully to what Chevron says and shows as acceptable oilfield practice at the time. <https://www.youtube.com/watch?v=3tp7n2MEtyA>. **9:23 minutes. Note:** This YouTube

video is longer than the 6.32 minute video posted on the Amazon Post. Watch the longer version at the YouTube link.

- Then find the link at the Amazon Post under “Environmental Claims” at: <http://theamazonpost.com/fact-sheet/facts-behind-the-environmental-claims-against-chevron-in-ecuador/>. Read the information posted there, including *clicking on 3 hyperlinks that you select* as most worthy to further your understanding of what happened and how credible Chevron’s defense is.

Then write **Business Memo #3**: Your supervisor has heard a lot about the Lago Agrio dispute. You do recall an earlier remark by your supervisor while in a team meeting a few days ago:

*“What on earth happened down there in Lago Agrio? I remember watching a CBS 60 Minutes segment years ago, and there sure was a lot of pollution in that area from open pits, etc. If that is the image that citizens of Mexico have of US oil company operations, we may start off with a bad image problem before we have even set foot in Mexico.”*

**Now you have received a formal email request for a Business Memo from the supervisor, as follows:**

*“Everyone in industry says that Chevron did nothing wrong in the Lago Agrio case of pollution of the Amazon, but everyone I meet from South America seems to think that Chevron bears some blame. I don’t know what to think, but I met a guy from Chevron the other day who told me that the company has a website showing all the facts and the truth about how Chevron met its responsibilities.*

*Can you please watch the Chevron videos and:*

*1. Summarize what you hear/see in Chevron’s defense.*

*2. Should we tell the Mexicans that we work with to watch the videos you watched? Did you find them to be effective as a defense to any liability or wrongdoing? What postings did you find most credible and effective?*

*3. Are there lessons to be learned for us, as we start developing oil and gas in Mexico? What are they?”*

*Thanks—see you tomorrow.*

Note: A 1:06 hour long documentary by TeleSur TV (funded by several Latin American governments) is readily accessed on YouTube, showing Ecuador’s side of the dispute. It is called “The Empire Files” by Abby Martin, also called “Chevron vs the Amazon—Full Documentary,” at <https://www.youtube.com/watch?v=MssnB31PmZI>. The documentary includes the abusive treatment of Ecuadorian indigenous people in the rubber and banana plantations in the 1920s, before oil arrived in the 1960s, and before that, the Conquistadors’ invasion of Ecuador and virtual enslavement of natives. The video is fairly recent and includes interviews with the recent (now former) President Correa and some Ecuadorian ministers on their views of the neo-liberal, Western-oriented policies that seemed bent on weakening Ecuador’s sovereignty, including the use of investor-state dispute settlement and international arbitration. You need not watch this video for this course, but if you go to work in South America, do watch it because it articulates quite well much of the current distrust of international institutions, such as Western investors and the use of arbitration as private courts of justice. In a January 2018 conference in Houston on

international arbitration, two well-known lawyers from South America voiced the same distrust very publicly.

**6. (20 minutes).** Watch the Camisea video by Shell Oil, showing best practices in their exploration of Peru's Amazon. Note the role of anthropologists and other individuals and groups brought into the project by Shell as stakeholders. No written assignment.

**7. (45 minutes).** The class will be divided into 3 groups. Each group will watch a 30-minute video documentary online (not in class) and then report back to the class, discussing key features of the video. You may watch together with your group or alone, but you need to all participate in presenting a summary of the video to the class.

- **As you watch the video**, write notes about:
  - a. What caused the protest or grievance in your video--that is, what are the underlying facts?
  - b. Write down the names and associations of every person on the video. Who was speaking for the company? The local govt? the federal govt? the people of the community (was it an NGO)? Was any other group or person involved?
  - c. Was there a mediator? Who was he/she and what was her/his role? What ground rules were set?
  - d. What was the end result shown on the video? Was the dispute resolved?
  - e. Are there any other key factors about the video to present to the class?
- Your group will submit a group summary of your assigned video, so arrange to meet with your group for a few minutes to do this.
  - Class discussion: Each group will give a 10-minute summary of the video it watched. The summary must cover the questions above and summarize the key takeaways that your group developed from the video. Also, does your group recommend that others watch your video, and explain why or why not. You will then email your group's notes/outline presentation to [jweaver@uh.edu](mailto:jweaver@uh.edu). The email must contain the names of all the people in your group, copied into the "cc" line, so they receive a copy also. We are looking for similarities/differences in the community dialogue and company positions shown in each video.
  - **Individually, not as a group, write down one sentence or statement from the video you watched that gave you the most meaningful insight or in some other way "stuck with you," and explain whose statement it was.** Be prepared to read your statement in class. This must be an individually selected quotation.

**Total On-line Assignment time, 6 hours:**

1 hour: Extreme Oil video

1¼ hour: Memo #1 Resource Curse; summary Ross article

1¼ hour: Memo #2 Mexican law on use of land

1 hour: Memo #3 Lago Agrio and Chevron in Ecuador

25 mins: Myanmar & Nigeria video clips; and XOM PNG-LNG video clips.

20 mins: Shell in Camisea

45 mins: Videos on community disputes assigned to small groups for class presentations

## INSTRUCTOR BIOGRAPHIES

### **Jacqueline L. Weaver, Professor Emeritus**

From 1977 to 2017, Professor Jacqueline Weaver, the A.A. White Professor of Law emeritus at the University of Houston Law Center, has taught classes in Texas oil and gas law, energy law and policy, international petroleum transactions, and environmental and natural resources law. Professor Weaver is an internationally recognized scholar and has lectured on topics in international petroleum transactions in Africa (Uganda, Namibia, and Angola), Kazakhstan (as a Fulbright scholar), Lisbon, China and Bangkok. She is a co-author of Smith and Weaver, *The Texas Law of Oil and Gas*; a national casebook titled *Energy, Economics and the Environment*; another casebook titled *International Petroleum Transactions* (Rocky Mtn. Min. L. Fd. Press) and the treatise *International Petroleum Exploration & Exploitation Agreements* (Barrows 2009). She has written articles on offshore safety after the Macondo disaster in the Gulf of Mexico, Enron's effect on the energy markets, sustainable development in the international petroleum industry, comparative unitization laws, and traditional oil and gas law. Professor Weaver's excellence in legal education has been recognized with awards from the Association of International Petroleum Negotiators (AIPN), the Rocky Mountain Mineral Law Foundation, the University of Houston (Teaching Excellence Award), and the UHLC (Ethel Baker Award). Professor Weaver holds a B.A. in Economics from Harvard University and a J.D. degree from the University of Houston (J.D., magna cum laude; 1975). She worked as an economist in the Corporate Planning Department of Exxon Co. USA before joining the University of Houston Law Center. She retired in 2017, but continues to research and write on international petroleum topics and Texas oil and gas law. She also continues to teach at the UHLC and abroad.

### **Rebecca Golden Timsar, Associate Director of UH's Global Energy, Development, and Sustainability Graduate Certificate.**

She holds a PhD in anthropology from Tulane University (2012), a M.I.M. from Thunderbird's School of Global Management, and a BBA from the University of Texas at Austin. Her research interests include gender, violence, youth, health, oil and extractive economies, religion, and contemporary African society. She carried out her two years of doctoral research in the Niger Delta of Nigeria, where she was a Fulbright Scholar, investigating Ijaw construction of masculinity and its interplay with Egbesu war spirits in the context of violence conflict.

Prior to earning her PhD at Tulane she worked for Doctors Without Borders/Médecins Sans Frontières (MSF) since 1995, and joined the Board of Directors of the US branch in 2007 (to 2010). Rebecca worked as Head of Mission for Médecins sans Frontières/MSF (Doctors without Borders) for ten years in Angola, the Democratic Republic of Congo, Nigeria, Sierra Leone, and India. She was responsible for medical programs for internally displaced and refugees, malnutrition, malaria, HIV/AIDS, surgical programs for war-wounded, and emergency responses to violence and epidemics. She was responsible for hundreds of staff working in areas wracked by violence, having to evacuate team members more than once. She has developed specific expertise in program management of emergency responses during conflict.

Dr. Golden Timsar has co-edited MSF publications on Kosovo, the Democratic Republic of Congo, and famine and forced displacement in Ethiopia and continues to serve on the editorial committee for the MSF Foundation in Paris, France.

In the early 1990s, Rebecca worked for several years as a controller for gas and oil companies operating in France, Angola, Congo, the Democratic Republic of Congo, and the USA before she began her humanitarian work in Africa. She holds a Master of International Management from the Thunderbird School of Global Management and a Bachelor of Business Administration from the University of Texas, Austin. Rebecca currently sits on the Board of Directors of Planned Parenthood Gulf Coast and the UH Friends of Women's Studies. She is fluent in French and speaks intermediate Spanish, basic Portuguese, Nigerian Pidgin English, and Kolokuma Izon.

## COURSE BIBLIOGRAPHY FOR SOCIAL FRAMEWORKS

### Required Course Readings:

Abbink, Jon. 2005. "Being Young in Africa: The Politics of Despair and Renewal," in *Vanguard or Vandals: Youth Politics and Conflict in Africa*, edited by Jon Abbink and Ineke van Kessel, pp 1-36. Leiden: Koninklijke Brill NV.

Bastian, Misty. 2000. "Buried under Six Feet of Crude Oil: State-sponsored Death and the Missing Body of Ken Saro-Wiwa." In *Ken Saro-Wiwa: Writer and Political Activist*, edited by Craig W. McLuckie and Aubrey McPhail, 127-52. Boulder: Lynne Rienner Publications, Inc.

Calain, Philippe. 2008. Oil for health in sub-Saharan Africa: health systems in a 'resource curse' environment. *Globalization and Health* 2008, 4:10  
doi:10.1186/1744-8603-4-10

Chabal, Patrick and Jean-Pascal Daloz. 1999. "The Illusions of Civil Society," & "Recycled Elites," in *Africa Works: Disorder as Political Instrument*. Africa Issues, Alex de Wall and Stephen Ellis, series editors. Bloomington: Indiana University Press.

Chua, Amy. 2003. "Introduction: Globalization and Ethnic Hatred," in *World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability*." New York: Doubleday.

Coronil, Fernando. 1997. "The Devil's Excrement: Criminality and Sociality," in *The Magical State: Nature, Money, and Modernity in Venezuela*, pp. 321-363. Chicago: University of Chicago Press.

Extractive Industries Transparency Initiative <https://eiti.org/eiti>  
FHI 360 "Gender Integration Framework"  
[http://www.fhi360.org/sites/default/files/media/documents/FHI%20360\\_Gender%20Integration%20Framework\\_3.8%20%2528no%20photos%2529.pdf](http://www.fhi360.org/sites/default/files/media/documents/FHI%20360_Gender%20Integration%20Framework_3.8%20%2528no%20photos%2529.pdf)

Fox, Robin. 2009. "The Kindness of Strangers: The US and Iraq," in *Conformity and Conflict: Readings in Cultural Anthropology*, 13<sup>th</sup> Edition. Edited by James Spradley and David W. McCurdy. Pp 291-297.

Graham, F, Christine. 2014. Social Impacts of Resource Extraction: A Comparative Examination of Andean Latin America and Implications for Rising Colombia. *Perspectives On Global Development And Technology*, 13 (2014): 209-223.

International Federation for the Red Cross and Red Crescent Societies. 2010. Project/Program Planning Guidance Manuel. <http://www.ifrc.org/Global/Publications/monitoring/PPP-Guidance-Manual-English.pdf>

Jobin, William. 2003. Health and equity impacts of a large oil project in Africa. *Bulletin of the World Health Organization* 2003;81:420-426.

Macklin, Audrey. 2004. "Like Oil and Water, with a Match: Militarized Commerce, Armed Conflict, and Human Security in Sudan," in *Sites of Violence: Gender and Conflict Zones*, edited by W. Giles and J. Hyndman, pp. 75-107. Berkeley: University of California Press.

Miescher, Stephan F. 2005. "To Be a Man is Hard: Masculinities and Life Histories," in *Making Men in Ghana*, edited by Stephan F. Miescher, pp 1-16. Bloomington: Indiana University Press.

Obi, Cyril I. 2001. "New Trends, New Contradictions in the Delta: Identity as National Liberation," in *The Changing Forms of Identity Politics in Nigeria Under Economic Adjustment*, pp. 71-86. Uppsala: Nordiska Afrikainstitutet.

O'Rourke, Dara, and Sarah Connolly. 2003. Just Oil? The Distribution of Environmental and Social Impacts of Oil Production and Consumption *Annual Review of Environmental Resources*. 2003. 28:587–617. doi: 10.1146/annurev.energy.28.050302.105617

Ortner, Sherri B. 2006. "Power and Projects: Reflections on Agency," in *Anthropology and Social Theory: Culture, Power, and the Acting Subject*, pp. 129-154." Durham: Duke University Press.

Suman. 2012. "Anthropology for Beginners: Anthropology of Power Blog," <http://sumanthromaterials.blogspot.in/2012/11/anthropology-of-power.html>

Sovacool, K., Benjamin. 2011. The interpretive flexibility of oil and gas pipelines: Case studies from Southeast Asia and the Caspian Sea. *Technological Forecasting & Social Change* 78 (2011) 610–620.

Log Frame Analysis <http://www.theguardian.com/global-development-professionals-network/2015/aug/17/how-to-write-a-logframe-a-beginners-guide>

### **Recommended Readings:**

Bickham, J, et.al. 2003. The Unknown Environmental Tragedy in the Sumgayit Azerbaijan. *Ecotoxicology*, 12 (2003):505-508.

Chindo, Murtala. 2015. Environmental risks associated with developing oil sands in southwestern Nigeria. *Singapore Journal of Tropical Geography* **36** (2015) 3–22.

Department of International Development – UK

<http://webarchive.nationalarchives.gov.uk/+http://www.dfid.gov.uk/Documents/publications/tool sfordevelopment.pdf>

Do, T. Phuong. 2012. Alleviating the Negative Impact of the 2010 Gulf of Mexico Oil Leaks on the Physical and Psychological Health of Ethnic Minority Immigrants: A Vietnamese Case Study. *Traumatology* 18 (3) (2012):1-6

Farmer, Paul. 2005. "Introduction" and "Part 1: Bearing Witness," in *Pathologies of Power: Health, Human Rights, and the New War on the Poor*, pp. 1-28. Berkeley: University of California Press.

Golden Timsar, Rebecca. 2015. "Oil, Masculinity, and Violence: Egbesu Worship in the Niger Delta of Nigeria," in *Subterranean Estates: Life Worlds of Oil and Gas*, edited by H. Appel, A. Mason, & M. Watts, pp. 72-90. Ithica: Cornell University Press.

Krashevskaya, Valentyna et.al. 2015. Impact of tropical lowland rainforest conversion into rubber and oil palm plantations on soil microbial communities. *Biology and Fertility of Soils* (2015) 51:697–705  
DOI 10.1007/s00374-015-1021-4

Ojakorotu, Victor 2008. "The Internationalization of Oil Violence in Nigeria," *The Turkish Journal of International Relations*, Spring 2008 7:1.

"Practical Tools for International Development" <http://www.tools4dev.org/resources/how-to-design-a-new-program/>

### **Online Films:**

Brown, Margaret, *The Great Invisible* (film on the Deepwater Horizon).

<http://www.pbs.org/independentlens/films/great-invisible/>

*Split Estate* <http://libproxy.uhcl.edu/login?url=http://docuseek2.com/v/a/bk3/1/0/0>

### **In Class Films:**

*Trinkets and Beads*

<http://libproxy.uhcl.edu/login?url=http://docuseek2.com/v/a/jm3/1/0/0>

*Sweet Crude*. Cioffi, Sandy. 2007 Cinema Guild.com.

*The World's Deadliest Places for Kids* (Angola). Kristof, Nicholas. 2015 *The New York Times*.

[https://www.youtube.com/watch?v=IQgZt75Zs\\_k](https://www.youtube.com/watch?v=IQgZt75Zs_k)

*Our Oil, Our Choice*, by Global Rights Alert (Uganda)

<https://www.youtube.com/watch?v=c0bl7EKjTik>

### **Recommended Films:**

*The Curse of Oil*, 4 Part Series, BBC <http://topdocumentaryfilms.com/the-curse-of-oil/>

*Gasland* by Josh Fox, available on Amazon, HBO, and excerpts on Youtube.

### **In Class References:**

Lauren Etter, Bloomberg 11/16/15, "Oil Theft Soars as Downturn Casts U.S. Roughnecks Out of Work." <http://www.bloomberg.com/news/articles/2015-11-16/oil-theft-soars-as-downturn-casts-u-s-roughnecks-out-of-work>.

Human Rights Watch 2003 Report, "Sudan, Oil, and Human Rights"

<https://www.hrw.org/reports/2003/sudan1103/index.htm>

1999 Report, “The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria’s Oil Producing Communities.”

<https://www.hrw.org/reports/1999/nigeria/Nigew991.htm#TopOfPage>

International Institute for Sustainable Development

2015 “What is Sustainable Development?”

<http://www.iisd.org/topic/sustainable-development>

Ramalingam, Ben, Miguel Laric and John Primrose, “From Best Practices to Best Fit.”

<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9159.pdf>

United Nations Environmental Programme

Executive Summary: Environmental Assessment of Ogoniland

[http://postconflict.unep.ch/publications/OEA/UNEP\\_OEA\\_ES.pdf](http://postconflict.unep.ch/publications/OEA/UNEP_OEA_ES.pdf)

United Nations Global Compact <https://www.unglobalcompact.org/what-is-gc>

United Nations Toolkit for Developing a Log Frame [https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296\\_tool\\_10-3.pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_10-3.pdf)

United Nations

Sustainable Development Knowledge Platform: Stakeholder Engagement

<https://sustainabledevelopment.un.org/majorgroups>

Watts, M., Editor. 2008. *Curse of the Black Gold: 50 Years of Oil in the Niger Delta*. Brooklyn: Powerhouse Books.