

# DRAFT

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

**ILAS 6397: SECTION ??**  
(3 Units of the GEDS Certificate)

(Mini-semester V, Spring 2018, 3 course credits)

**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:** University of Houston Central Campus, room tbd

**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 Draft syllabus are subject to change, but the topics and basic content of the course will remain the same.

### **INTRODUCTION**

Welcome to ILAS 6397, section ?? on Promoting Sustainable Oil and Gas Projects: Legal and Social Frameworks. In this course, through an interdisciplinary, legal and social science approach, students will gain skills to critically identify and analyze key challenges and

opportunities for facing oil and natural gas extraction's impact on legal and social factors, and sustainable development in oil producing communities.

This 3-credit hour course is divided into two parts: Legal Frameworks and Social Frameworks. The Social Frameworks coursework will be taught in the first two weeks (4 lectures, associated readings, online coursework, etc) while the Legal Frameworks piece will be taught in the last two weeks (4 lectures, associated readings, online coursework, etc). The final exam will include both pieces. The course consists of 30 hours total of in-class lecture time and 12 hours total of online coursework. This syllabus follows this format accordingly.

The course will explore in detail different questions and issues with regards to the stakeholders' roles in the energy development and its relation to legal and social factors. This course provides professionals, policy makers, and community stakeholders with a preliminary understanding of legal and social challenges and opportunities facing energy development. As such, students will learn methodologies to develop and analyze frameworks that address stakeholder priorities and dynamics using best policies and practices. These skills have potential to enlarge participation, improve transparency, and narrow knowledge gaps between energy companies, local and state governments, and civil society.

### **COURSE ABSTRACT**

under the UN Guiding Principles on Business and Human Rights (UNGPs).

#### ***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, often leading to violence. These contravening cycles often occur in minority communities of developing countries, where local social, political, and cultural dynamics are misunderstood or disregarded. Using various examples from countries around the world, students will deconstruct major social factors facing stakeholders. Particular attention will be given to civil society case studies in African countries, due to the historical prevalence petrol violence and due to the increasing numbers of emergent petroleum developments.

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

### ***Legal Frameworks***

Many sources of law act on Multinational Corporations (MNCs) and particularly on International Oil Companies (IOCs) as they pursue operations abroad, notably international law, U.S. law that has extraterritorial effect, host government laws, and obligations in petroleum development contracts. In the past two decades, all of these sources of law have significantly increased the formal and informal regulation of IOC operations by courts, arbitrators, and industry trade groups through the development of Codes of Conduct, international organizations (such as the United Nations and the World Bank), NGOs, academic centers and the media. Many of 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 GEDS 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

### **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 (ex: UN, International Federation of the Red Cross and Red Crescent, Overseas Development Institute) and social and environmental scientists (ex: 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.

### **COURSE ASSESSMENT**

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 Take-Home 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>

\*Exam --40%. The exam will consist of two parts, as follows:

- 70% of this 40%: Some shorter answer questions that you must answer under a time constraint, as part of your on-line hours. This part of the exam will be no more than 2 hours long. It is *not* True/False or multiple choice, but the questions require very targeted answers, a few sentences long. Once you have begun this part of the exam, you may not return to it--you must finish it in one sitting. This part of the exam will open April 27 and close May 1 There will be between 12 and 15 questions.
- 30% of this 40%. The second part of your exam will consist of two longer essays that you may continue to work on in several sessions. *This part of the exam will open on April 29? and close May 6.*

### **COURSE REQUIREMENTS**

This is a graduate seminar class on stakeholder issues in international oil and gas projects. 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 100% 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 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 much 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 (which has some nice seating areas) 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 in class to introduce yourself to other class members with a 1-2 minute statement about your background. In addition, we would like to know specifically:

- 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 GEDS course.

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

5. **Read this class Syllabus carefully** in advance of our meeting and note the "choreographed" sequence of class events. Prepare in advance by doing the required reading. Enter key deadlines in your calendar. For example, after the Day 1 lunch break, you will receive handouts to work on and then present your analysis in class. If you have read the assigned required reading, you will greatly enhance your competence in summarizing and analyzing your handout and presenting your material in class as **Assignment #4**. You will not submit this assignment in advance of the class; you will submit it **on ?? Assignment #3**, posted on the Blackboard, is a targeted list of questions on the UNGPs for class discussion. You must submit your individual answers to the Blackboard before we start the discussion so that you are prepared to participate.

### **ONLINE ASSIGNMENTS – TOTAL 12 HOURS (6 HOURS LEGAL & 6 HOURS SOCIAL)**

This course utilizes university technology through an additional 12-hour online requirement comprised of quizzes, film viewings and response papers, and other individual and group assignments.

FINAL EXAM ONLINE: Will be distributed at the end of class on Friday, April 27.

## **PART 1: SOCIAL FRAMEWORKS**

### **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

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### **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://sumanthromaterials.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 Film 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 Continued: Consequences 9 am to 10:30 am**

Introduction to social, cultural, and environmental consequences oil and natural 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*

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### **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 carbon 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

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### **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. Ithica: 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*

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### **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

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### **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 Manual. <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

## **PART 2: LEGAL FRAMEWORKS**

### **OVERVIEW OF COURSE CONTENT/THEME**

#### **1. The Primary Sources of law Governing Legal Frameworks in Sustainable Oil and Gas Development:**

- a. Host government laws. In newly developing countries, environmental and labor laws are often weak, as is enforcement.
- b. Petroleum contract provisions. Typically require "good, generally accepted international petroleum practices" as the standard of conduct of operators. What does this mean? Where do you find these generally accepted industry practices? How are they enforced by a country? In the local courts? By arbitration?
- c. International treaties signed by states that become part of national law.
- d. Customary international law.
- e. Litigation: The nightmare to avoid re: human rights abuses, environmental disasters.

#### **2. Responses to litigation/media pressure.**

- a. Voluntary Principles on Security and Human Rights.
- b. UN General Principles (GPs) on Business and Human Rights. This is a major part of this GEDS unit, as many countries and companies have endorsed these GPs. The US State Department is (or was under President Obama) developing the US National Action Plan to respond to these UN Principles and to the 2011 OECD Guidelines for Multinational Enterprises.
- c. Company sustainability reports, documenting, inter alia, which international conventions they are willing to be bound by in their policies and principles.
- d. Codes of conduct as sources of "generally accepted petroleum practices." The codes may become obligations under the contract terms of the host gov't contract. Some countries and some industry practices have adopted "best," not "good" environmental practices. Does this mean a higher standard applies to contract obligations? Where can industry good or best practices be found?

**3. Special issues:** Aboriginal and Native Rights under host government laws; the UN Declaration on the Rights of Indigenous Peoples; Free, Prior and Informed Consent (FPIC) of local communities; land resettlement and grievance mechanisms.

### **DAY 5 – TUESDAY APRIL 17, 6 PM TO 9 PM**

**Day 1 required readings are listed by Item number posted on Blackboard:**

- 1. **Item 1:** Pages 769-89 from IPT3 chapter, on ATCA litigation and the VPSHRs (20 pp).

2. **Item 2:** An edited version of the *Kiobel* decision (8 pp). I have highlighted parts in yellow from the majority and the concurring opinions, indicating that perhaps ATCA litigation is still possible in certain narrow circumstances.
3. **Item 3:** The UNGPs (35 pp) with brief commentary.
4. **Item 4:** BG Group's Human Rights Policy Statement (6 pp).

### **6 pm – 7 pm Lecture and PowerPoint on "The Oil Curse."**

My lecture will cover background on the Resource Curse, derived from many sources Required reading: Michael Ross, *The Political Economy of the Resource Curse*, 51 World Politics 297-322 (1999).

### **7 pm – 7:15 pm Break**

### **7:15 – 7:45**

- **Two online assignments and readings will be posted and you must complete these before the first class begins. The assignments discuss what “human rights” are.**
- Assignment #1 exercise: Be prepared to read your individual list of "human rights." I will write the rights on the board and keep a tab of what rights are most commonly included in your mindset of values. You should have posted your list on the Blackboard site as *Assignment 1* before this class begins.,
- Assignment #2 exercise: The purpose of this in-class time is to create a consolidated list of terms from the posted Rifkin audio lecture that covers the technical terms of human rights as used in extractive industries.
- Discuss two short class Handouts at the end of this segment (Ethical Corporation list of topics and executives (1 page) and the UN Global Compact's 10 Principles ( one page).

### **Required reading:**

We will discuss the following two items of required reading in class:

**1. Item 1:** Pages **769-89** only (use the original pagination in the Chapter). Item 1 is an edited version of Chapter 10 from the casebook *International Petroleum Transactions*, 3d ed. 2009). These pages cover the Alien Tort Claims Act cases, the Voluntary Principles on Security and Human Rights (VPSHRs) and the UNGPs. Read the *Doe v. Unocal* case and the notes on Talisman in Sudan carefully. We will later discuss what Unocal and Talisman should have/could have done if they had implemented the VPSHRs and UNGPs as company policies.

**2. Item 2:** An edited version of the *Kiobel* case, with highlighted sections. Should the US be the policeman of the world for human rights violators? Should we be a leader? Visit [www.ohchr.org](http://www.ohchr.org) and click on the world map of countries that shows how many human rights conventions each country has ratified and signed. Is the US a leader?

### **DAY 6 – TUESDAY APRIL 20, 9 AM TO 1:30 PM**

**9:00 am -11:00 am Litigation in Western courts (cont'd).** After *Kiobel*, is the area of human rights and business now a "law-free zone" where only "soft law" norms prevail to "regulate" business?

I will have handouts for class members to read and discuss, divided into 3 small groups. The handouts will have specific instructions for you. The handouts address whether litigation is still a viable option for litigants alleging gross human rights abuses related to extractive operations. These two hours will do the following:

- Each of you will have a Handout of 25 pages or less to read, covering a case scenario, a plaintiff's or defendant's pleading, a draft of a judicial opinion, etc.
- You will spend about 45 minutes in class, on your own, reading and summarizing the Handout. You will be placed into small groups that will ultimately submit one group memo to me as **Assignment 4**. You must prepare an outline or written notes (that can be like the text of PowerPoint slides), summarizing the handout you received. Your small group will jointly produce one set of outline notes, although you may each individually prepare your own notes and then discuss each person's notes and put them into a joint memo.
- You will then present your summary and analysis to the class. All members of your small group must be prepared to present. Your presentation must be clear and concise, as some members of the class will not have read your material.. Expect questions from the class.
- We will discuss similarities and differences among the different scenarios and the cases in the IPT3 chapter that were required reading, such as the *Unocal* case. If Unocal had pledged to implement the UNGPs in its business operations, what would it/should it have done differently?
- At the end of these two hours, **email to me at: [jweaver@uh.edu](mailto:jweaver@uh.edu)**, the notes that your group developed to prepare your presentation. Be sure to "cc" your fellow group members on this email, so that I know what small group you were in.

**11:00 to 11:20 Break (snacks provided)**

**11:20 to 1:30 UNGPs on Business and Human Rights.**

**Required Reading for this part:**

- 1. Item 3:** The UNGPs, posted on Blackboard with short commentary (35 pages total).
- 2. Item 4:** BG Group's "Approach to Human Rights" (6 pp.). Also available at [http://www.bg-group.com/assets/files/cms/BG\\_Human\\_Rights\\_Public\\_Position\\_2015.pdf](http://www.bg-group.com/assets/files/cms/BG_Human_Rights_Public_Position_2015.pdf).

Our class time will be spent as follows:

- **Assignment #3 Questions on UNGPs.** The class will be divided into small groups to answer questions about the duties of States and corporations under the UNGPs, with a focus on the duties of corporations. . The answers must cite to the GP number or numbers (or its commentary) that you think best addresses the assigned questions.

Remember to do the online video assignments, listed at the end of this syllabus.

### Day 7 Required Readings:

1. **Selected pages (totaling about 62 pages) from Item 1, the IPT3 chapter as follows:**
  - Pp. 713-20. Introduction and primers.
  - Pp. 734-740. Indigenous Title. I will explain the *Mabo* case briefly, but the excerpts and notes that you read do explain the implications of this case for project developers. 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. This reading ties into the issue of FPIC.
  - Pp. 741 (just read the title and introduction to the article to note its focus), and then read pp. 749-757, starting after the 3 asterisks on page 749. See especially the advice summarized on page 754 by the lawyer-authors, and Notes on pp. 754-57. Is this good advice for any large project developer, even if no indigenous people are affected by the project.
  - Pp. 757-769. Project Review; the Kemess Gold Mine and UNDRIP, the UN Declaration on the Rights of Indigenous Peoples. Do indigenous peoples have a veto power under these principles?
  - [You were assigned pp 769-89 for Day 1 on ATCA litigation, so you have read these pages].
  - Pp. 790-95. Ruggie and UNGPs. This chapter 10 was written in 2009, so it does not reflect how these UNGPs have become a global standard for business.
  - Pp. 795-815. SIA provisions, Contract provisions, codes of conduct and best practices.
2. **Item 3: UNGPs 22-31: Access to Remedy; Grievance Mechanisms**
3. **Item 5: Stephen V. Arbogast, "Benefit Sharing in PNG: New Model to Tame the Resource Curse?,"** in *New Developments*, 6 *Tex. J. Oil, Gas and Energy Law* 184-202 (2009-2010).<sup>1</sup> (16 pp).

The related set of **Items 5A and 5B** listed below are to skim. Open them 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.

- **Item 5A:** (KSG) Kennedy School of Government (at Harvard University) Report on PNG LNG.
- **Item 5B:** Oxfam Report on PNG LNG.

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<sup>1</sup> Library Item # 4 has the actual, signed PNG Benefits Sharing Contract. Not required reading.



- **Item 5C (not posted on Blackboard):** Go to the PNG LNG website and watch the short video (under 4 minutes) on "creating opportunities for women," produced by XOM. See "The Official Website of the PNG LNG Project" at [www.pnglng.com](http://www.pnglng.com).
- 4. **Item 6:** XOM's own report on community programs in Papua New Guinea (7 pp, with photos).
- 5. **Item 7: Tullow in Kenya (Turkana area)** and land resettlement (4 pages from AllAfrica.com, based on Al Jazeera reporting).

## **DAY 7 – TUESDAY APRIL 24, 6 PM TO 9 PM**

**6:00 - 7:30 PM** I will present a PowerPoint and lecture on environmental and social practices, partly based on reading in **Item 1**. Should the oil and gas industry have "borderless standards?" Does one standard fit all? Should it have "borderless procedures" for parties affected by its operations? 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 (Texas), 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?

**7:30 - 7:50 –Break**

### **7:50 – 9:00 Resolving community disputes; mediation**

This section addresses indigenous rights, local communities as stakeholders and the extractive industry. The class will be divided into groups of three each. Each group will watch a video documentary, assigned to you in class and then report back to the class, discussing key features of the video. Here is the timing sequence:

- 10 minutes intro by JLW and video assignment and Handout
- 30 minutes to watch the video, either as a group on one laptop, or using individual laptops. Use the white title headings in the video as the framework of key points portrayed in the video.
  - What caused the protest or grievance in your video--that is, what are the underlying facts?
  - 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? --Was there a mediator? Who was he/she and what was her/his role? What ground rules were set?
  - What was the end result shown on the video? Was the dispute resolved?
- -- Each person must note one statement made by an individual on the video that he/she found most noteworthy, remarkable, insightful or meaningful and report this to the group, with an explanation of why this statement was selected. Remaining class time to summarize the video and prepare your notes for class presentations. Day 8, the last class day will begin with a class discussion of each group's summary of their video. The class

discussion will then develop any shared learnings common to all groups. In sum, does your group recommend that others watch your video and why or why not.

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- You will then **email your group's notes/outline that you prepared for your class presentation: 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. Because I do not know who will be in the small groups, you will not be posting your written notes to the Blackboard. ***This exercise counts as part of your class participation grade. It is not counted as one of your in-class Assignments, but you must email your group's work.***

### **DAY 8 – FRIDAY APRIL 27, 9 AM TO 1:30 PM**

**9:00 am - 10:00 am** Class discussion. Each group will present 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.

10:00 AM break

**10:15 – 1:10** Guest lecturer (TBA), to discuss work on oil and gas projects abroad projects

**Required reading The Papua New Guinea (PNG) LNG module of readings listed above in Item 5 and Items 5A, 5B, 5C, and 6.**

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 created for the large Chad-Cameroon oil field and pipeline development. Both projects were 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.

**11:30-12:30**

Because this huge PNG LNG project received IFC funding, the lending institutions conduct monitoring of this project. **Here is Assignment 5:**

1. **Find a monitoring report.** Note the title, date, author and length of the report (# of pages). Note whether the monitor is a private consultant, an NGO, or a department of the lending institution, etc.
2. **Skim the report** for 15 minutes--enough time to review an executive summary or some such.
3. **Report to the class on any one item** in the monitor's report that the monitor says needs to be worked on (wastewater treatment, community relations, etc?).

**Submit your work to Blackboard, under Assignment 5.**

**12:30-1:00** Grievance mechanisms. Discussion of Webinar presented by IPIECA assigned to listen to in advance of class.

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**Required reading:**

**Item 7. Tullow in Kenya** (Turkana area) and land resettlement (4 pages from AllAfrica.com, based on Al Jazeera reporting).

I will begin this segment with about 20 minutes of slides from a site visit to Tullow's wells in Uganda. Things were not going as smoothly in Kenya, as noted in Item 7.

- We will then discuss the **webinar from IPIECA** (about 50 minutes long to watch/listen to in advance of class). A spokesman from Tullow (Daniel) mentions the blockades that have been affecting Tullow's Turkana operations in Kenya. He is one of 5 speakers in this webinar who address IPIECA's work in developing Community Grievance Mechanisms (or "CGMs"). Other speakers represent Hess Oil, BG and consulting experts. The webinar documents how these oil companies went about setting up CGMs. Be prepared to discuss the key points made in the Webinar. E.g., what struck you as a particularly valuable "takeaway" point from the experience of those speakers who work for an oil company?
- Propose at least 3 Key Performance Indicators (KPIs) that can assess the effectiveness of a company's Grievance Mechanism as part of its due diligence in respecting human rights and providing access to a remedy.
- If you were able to ask a Webinar speaker a question, what would it be?

**1:00-1:30 Wrap up, exam review, unfinished business.**

## INSTRUCTOR BIOGRAPHIES

### **Jacqueline Weaver, Professor Emeritus**

Since 1977, Professor Jacqueline Lang Weaver, the A.A. White Professor of Law, has enriched countless students, alumni and colleagues with her vast knowledge and expertise in the areas of oil and gas law, energy law and policy, international petroleum transactions, and environmental and natural resources law. Professor Weaver is an internationally sought after scholar and has lectured on topics in international petroleum transactions in Africa (Uganda, Namibia, and Luanda), 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. Notwithstanding being an acclaimed author, Professor Weaver's heart and soul have focused on students and teaching. Her 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.

In 2010, Suzanne and Jan Baker, fellow alumni and long-time friends of Professor Weaver and her family, established the Weaver-Lang Presidential Endowed Fellowship in Law (WLPEF) to honor her, her husband, Kirk, and their parents, Cecile and Harold Weaver and Ruth and Hans Lang. The WLPEF recognizes the decades of support given to graduate and professional education by the Weaver and Lang families. The purpose of the WLPEF is to provide scholarships to help recruit the best-qualified students to the UHLC, especially those interested in the LL.M. Program in Energy, Environment and Natural Resources. The UHLC will be able to use the annual income from this endowment as scholarship funds to help students cover expenses incurred during the academic semester.

### **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:

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### **In Class Films:**

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

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### **Recommended Films:**

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



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