

International Law

Academic year 2025-2026

The Political Economy of Natural Resources and International Law

DI186 - Autumn - 6 ECTS

Course Description

Since the 1990s, expressions such as the 'resource curse' and 'paradox of plenty' have been associated with unequal patterns of power, and wealth distribution in post-colonial and neo-colonial countries as well as to the ecological and social cost of natural resources exploitation, and the planetary costs of mineral resources-based production and consumption patterns. These negative effects of natural resources wealth can be described as 'pathology of plenty'.

Taking various resource curse and paradox of plenty theories as a starting point, this course offers a critical examination of the role law plays in the pathology of plenty. More concretely, we will revisit how rights and principles such as sovereignty over natural resources and economic self-determination were applied in decolonisation processes, study the proliferation of international treaties protecting foreign property rights, and zoom in on various contract models used in the mineral resources sector to evaluate the distributional choices of cost and revenue.

We will also study efforts to respond to the pathology of plenty with legal means. This includes tailored sanctions regimes which target the natural resources as a means of conflict finance, initiatives such as the Extractive Industries Transparency Initiative which are meant to ensure that public revenues generated through resource exploitation also reach public coffers, and relevant decisions of human rights courts.

> PROFESSOR

Lys Kulamadayil

[Office hours](#)

Wednesdays 15:00-15:45 hrs

Click [here](#) to make an appointment

> ASSISTANT

Praggya Surana

[Office hours](#)

IMPORTANT

Regular attendance is compulsory, and any absence must be promptly communicated to the teacher. In the event of missing more than two sessions, students are expected to provide well-documented justifications for unforeseeable circumstances (e.g. illness, accident, death of a relative), directly to the Direction of Studies. Failure to justify absences beyond two sessions will result in the assignment of code N. Students are also reminded of the following legal rules:

The teacher owns the copyright on the material they created for this course. As such, any reproduction or distribution of this document, in whole or in part, as well as of any other material created by the teacher for the course, is prohibited unless permission is granted by the author. Recording (as video or audio) a course without the consent of the teacher and other participants is strictly forbidden.

A note on using generative AI:

Students are encouraged to use AI in a responsible manner. They must comply with the Institute's [Rules and Good Practices for Ethical Use of Artificial Intelligence in Academic Work](#).

Syllabus

Course Requirements

The objectives of this course are threefold. (1) You will learn about the role of natural resources in the making and shaping international law, as commodities, common goods, private property and integral part of local and global ecosystems. (2) You will be introduced to the political economy approach to the study of international law. (3) It will give you the knowledge and sensitivities to critically follow and participate in debates on the legal regulation of just energy transitions. For this course to succeed and for its learning objectives to be achieved, it is absolutely essential that you complete your compulsory reading assignments. Only then will you be able to participate meaningfully in the discussions we hope to have in this class. While this course is primarily intended for law students as a space for critical reflection on their discipline, the readings and assignments are designed to be accessible—and hopefully of interest—to students without a law background who are keen to explore international law through a critical political economy lens

Course Structure

This course is divided into four components:

1. **Conceptual Foundation:** You will be introduced to the concepts of political economy and different conceptions of natural resources in international law.
2. **Application to Sub-fields of International Law:** You will be introduced to the regulation of natural resources in different sub-fields of international law, always with a political economy perspective.
3. **Critical Thinking:** You will be introduced to critical and theoretical framings, which help you to make sense of international law's role in broader discussions on the political economy of natural resources
4. **Long-Reads and Presentation:** During a compulsory project day on Saturday, 8 November 2025: You will present your reflections on a monograph of your choosing from a list of options. This presentation is an opportunity for you to demonstrate your ability to critically reflect on, and engage with relevant scholarly literature in the field.

Teaching will conclude on 20 November 2025. You will then have time to review the compulsory readings before sitting an in-class open book exam on 4 December 2025. The exam will consist of a short essay chosen from a selection of questions relating to the compulsory course readings.

Evaluation

Your final grade for this course will be based on two assignments:

Book Presentation and Review– 40%

- Review of 2,000 words
- Presentation (use of visual material permitted, but not encouraged)
- Use of AI technology permitted

In-Class Exam – 60%

- Essay format
- You may use your personal computer and access course materials during the exam
- Use of AI technology is not permitted

Readings

You will not be asked to do additional reading beyond the ones that you are assigned for each class and for your book review assignment. If you wish to deepen your understanding of a specific topic, you will find some suggestions for further readings on this syllabus.

Course Outline

18 September 2025: Concepts (I): Political Economy

Required Reading

- Luxemburg, Rosa. *Introduction to Political Economy*. 1925: 1-22.
- Hayek, Friedrich. *The Road to Serfdom: With the Intellectuals and Socialism*. Institute of Economic Affairs. 2004 (first published 1944): 39-70.

Further Reading

- Slobodian, Quinn. *Globalists: The End of Empire and the Birth of Neoliberalism*. Cambridge: Harvard University Press, 2018.
- Myrdal, Gunnar. *Economic Theory and Under-Developed Regions*. New York: Harper & Row, 1957.
- Chimni, B. S. "An Outline of a Marxist Course on Public International Law." *Leiden Journal of International Law* 17, no. 1 (2004): 1-30.
- Tzouvala, Ntina. "International Law and (the Critique of) Political Economy." *South Atlantic Quarterly* 121, no. 2 (2022): 297-320.
- Knox, Robert. "Valuing race? Stretched Marxism and the logic of imperialism." *London Review of International Law* 4, no. 1 (2016): 81-126.
- Chimni, B. S. "Prolegomena to a Class Approach to International Law." *European Journal of International Law* 21, no. 1 (2010): 57-82.
- Mièville, China. "The Commodity-Form Theory of International Law: An Introduction." *Leiden Journal of International Law* 17, no. 2 (2004): 271-302.
- Kennedy, Duncan. "Antonio Gramsci and the Legal System." *ALSA Forum* 6, no. 1 (1982): 32-37.
- Kennedy, David. "Law and the Political Economy of the World." *Leiden Journal of International Law* 26, no. 1 (2013): 7-48.

25 September 2025: Concepts (II): Natural Resources

Required Reading

- United Nations, General Assembly, Resolution 1803 (Xvii) Permanent Sovereignty over Natural Resources, A/Res/1803(Xvii), 14 December 1962.
- Higgins, Rosalyn, *Problems and Process: International Law and How We Use It* (Oxford: Clarendon Press, 2010), ch. 8 (Natural Resources and International Norms)
- Bothe, Michael, 'Environment, Development, Resources '. *The Hague Academy Collected Courses* 318((2005), 353-379.

Further Reading

- Schachter, Oscar. *Sharing the World's Resources*. New York: Columbia University Press, 1972.
- Brownlie, Ian. "The Legal Status of Natural Resources in International Law (Some Aspects)." In *Collected Courses of the Hague Academy of International Law*. Leiden: Brill, 1979.
- Abi-Saab, Georges. "La Souveraineté Permanente Sur Les Ressources Naturelles." In *Droit International: Bilan Et Perspectives*, edited by Mohammed Bedjaoui, 639-61: Éditions A. Pedone, 1991.
- Pahuja, Sundhya. "Conserving the World's Resources?" In *The Cambridge Companion to International Law*, edited by James Crawford and Martti Koskenniemi, 398-420. Cambridge Companions to Law. Cambridge: Cambridge University Press, 2012.

- Higgins, Rosalyn. "Natural Resources in the Case Law of the International Court." In *International Law and Sustainable Development: Past Achievements and Future Challenges*, edited by Alan Boyle and David Freestone, 87-111. Oxford: Oxford University Press, 1998.
- Kulamadayil, Lys. "Placed in Between: The Natural Environment in International Law." *Transnational Legal Theory* 13, no. 4 (2022): 466-74.

2 October 2025: Global Commons

Required Reading

- International Tribunal for the Law of the Sea, *Advisory Opinion on Climate Change and International Law*, 21 May 2024, Case No. 31: paras 384-440.
- Mickelson, Karin. "Common Heritage of Mankind as a Limit to Exploitation of the Global Commons." *European Journal of International Law* 30, no. 2 (2019): 635-63.
- Ranganathan, Surabhi. "Decolonization and International Law: Putting the Ocean on the Map." *Journal of the History of International Law* 23, no. 1 (2020): 161-83.
- Jones, Emily, Cristian van Eijk, and Gina Heathcote. "The Common Heritage of Kin-Kind." In *International Law and Posthuman Theory*, 105-35. London: Routledge, 2024.

Further Reading

- Porras, Ileana M. "Constructing International Law in the East Indian Seas: Property, Sovereignty, Commerce and War in Hugo Grotius' De Iure Praedae—the Law of Prize and Booty, or on How to Distinguish Merchants from Pirates." *Brooklyn Journal of International Law* 31, no. 3 (2005): 741-804.
- Feichtner, Isabel. "Sharing the Riches of the Sea: The Redistributive and Fiscal Dimension of Deep Seabed Exploitation." *European Journal of International Law* 30, no. 2 (2019): 601-33.
- Feichtner, Isabel. "Mining for Humanity in the Deep Sea and Outer Space: The Role of Small States and International Law in the Extraterritorial Expansion of Extraction." *Leiden Journal of International Law* 32(2) (2019), 255-74.
- Ranganathan, Surabhi. "Global Commons." *European Journal of International Law* 27(3) (2016), 693-717.
- Bedjaoui, Mohammed. *Towards a New International Economic Order* (New York: Holmes and Meier, 1979): 221-240.

9 October 2025: Self-Determination and Sovereignty

Required Reading

- International Court of Justice, *Western Sahara*, Advisory Opinion of 16 October 1975, I.C.J. Reports 1975, p. 12.
- International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territories, Including East Jerusalem*, Advisory Opinion of 19 July 2024: paras. 124-126; 133; 230-243
- Kulamadayil, Lys. *The Pathology of Plenty: Natural Resources in International Law*. Oxford: Hart Publishing, 2025: 42-60.

- Özsü, Umut. "Redistributing Resources." Chapter. In *Completing Humanity: The International Law of Decolonization, 1960–82*, 104–55. Cambridge: Cambridge University Press, 2023.

Further Reading

- Pahuja, Sundhya. "From Permanent Sovereignty to Investor Protection." Chapter. In *Decolonising International Law: Development, Economic Growth and the Politics of Universality*, 95–171. Cambridge: Cambridge University Press, 2011.
- Koskenniemi, Martti. "Sovereignty: A Gift of Civilization: International Lawyers and Imperialism, 1870–1914." Chapter. In *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960*, 98–178. Cambridge: Cambridge University Press, 2001.

16 October 2025: Investment and Trade

Required Reading

- *International Investment Law and the Extractive Industries*. Columbia Center on Sustainable Investment (New York: 2022).
- Tzouvala, Ntina. "Invested in Whiteness: Zimbabwe, the von Pezgold arbitration, and the question of race in international law." *Journal of Law and Political Economy* 2, no. 2 (2022): 226–51.
- Hailes, Oliver. "Lithium in International Law: Trade, Investment, and the Pursuit of Supply Chain Justice." *Journal of International Economic Law* 25, no. 1 (2022): 148–70.

Further Reading

- Perrone, Nicolás M. "The International Investment Regime and Local Populations: Are the Weakest Voices Unheard?". *Transnational Legal Theory* 7, no. 3 (2016): 383–405.
- Sornarajah, M. "Sovereign Wealth Funds and the Existing Structure of the Regulation of Investments." *Asian Journal of International Law* 1, no. 2 (2011): 267–88.
- Viñuales, Jorge E. 'International Investment Law and Natural Resource Governance,' in *Research Handbook on International Law and Natural Resources* eds. Elisa Morgera and Kati Kulovesi (Cheltenham: Edward Elgar, 2016), 26–45.
- Fakhri, Michael, 'Markets, Sovereignty, and Racialization'. *Journal of International Economic Law* 25(2) (2022), 242–58.
- Koram, Kojo. "The Legalization of Cannabis and the Question of Reparations." *Journal of International Economic Law* 25, no. 2 (2022): 294–311.
- Cotula, Lorenzo, 'Critical Minerals: International Economic Law in a Global Resource Rush'. *Trade, Law and Development* 15(2) (2023), 19–48.

23 October 2025: Occupation and War

Required Reading

- International Court of Justice, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo V. Uganda)*, Judgment of 9 February 2022: paras 259–275.
- Anghie, Antony. *Imperialism, Sovereignty and the Making of International Law*. Cambridge: Cambridge University Press, 2005: ch. 1, 13–31.

- Grasten, Maj, and Ntina and Tzouvala. "The political economy of international transitional administration: regulating food and farming in Kosovo and Iraq." *Contemporary Politics* 24, no. 5 (2018): 588-606.

Further Reading

- United Nations, From Economy of Occupation to Economy of Genocide: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, A/Hrc/59/23, 30 June 2025.
- Tzouvala, Ntina. "The "Unwilling or Unable" Doctrine and the Political Economy of the War on Terror." *Humanity* 14, no. 1 (2023): 19-38.
- Knox, Robert. "Civilizing interventions? Race, war and international law." *Cambridge Review of International Affairs* 26, no. 1 (2013): 111-32.
- Okowa, Phoebe, 'Sovereignty Contests and the Protection of Natural Resources in Conflict Zones'. *Current Legal Problems* 66(1) (2013), 33-73.
- Cusato, Eliana. "International Law, the Paradox of Plenty and the Making of Resource-Driven Conflict." *Leiden Journal of International Law* 33, no. 3 (2020): 649-66.

30 October 2025: Human Rights

Required Reading

- Gilbert, Jérémie, *Natural Resources and Human Rights: An Appraisal* (Oxford: Oxford University Press, 2018): 34-62.
- United Nations, Human Rights Council, Global Extractivism and Racial Equity: Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, A/Hrc/41/54, 14 May 2019.
- Inter-American Court of Human Rights, *The Climate Emergency and Human Rights (Interpretation and Scope of Articles 1(1), 2, 4(1), 5(1), 8, 11(2), 13, 17(1), 19, 21, 22, 23, 25 and 26 of the American Convention on Human Rights; 1, 2, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador," and I, II, IV, V, VI, VII, VIII, XI, XII, XIII, XIV, XVI, XVIII, XX, XXIII, and XXVII, of the American Declaration of the Rights and Duties of Man)*, Advisory Opinion of 29 May 2025, AO-32/25; paras 217-629.
- United Nations, Independent Expert on foreign debt and human rights, Understanding the Landscape of Climate Finance, Debt, Tax and Illicit Financial Flows and Human Rights A/Hrc/58/51, 13 January 2025.

Further Reading

- Anaya, James, 'Divergent Discourses About International Law, Indigenous Peoples, and Rights over Lands and Natural Resources: Toward a Realist Trend'. *Colorado Journal of International Environmental Law and Policy* 4(1) (2005), 237-58.
- Pogge, Thomas, 'Divided against Itself,' in *The Cambridge Companion to International Law* eds. James Crawford and Martti Koskeniemi (Cambridge University Press, 2012), 373-97.
- Wenar, Leif, 'Property Rights and the Resource Curse'. *Philosophy & Public Affairs* 36(1) (2008), 2-32.

- Williams, Patricia J. "Alchemical Notes: Reconstructing Ideals from Deconstructed Rights." *Harvard Civil Rights-Civil Liberties Law Review* 22 (1987): 401-33.
- Slaughter, Joseph R. "Hijacking Human Rights: Neoliberalism, the New Historiography, and the End of the Third World." *Human Rights Quarterly* 40, no. 4 (2018): 735-75.

6 November 2025: Human Rights (II)

Required Reading

- Marks, Susan. "Human Rights and Root Causes." *Modern Law Review* 74, no. 1 (2011): 57-78.
- Natarajan, Usha, 'Who Do We Think We Are?: Human Rights in a Time of Ecological Change,' in *Locating Nature: Making and Unmaking International Law* eds. Julia Dehm and Usha Natarajan (Cambridge: Cambridge University Press, 2022), 200-28.
- Grear, Anna, 'Deconstructing Anthropos: A Critical Legal Reflection on 'Anthropocentric' Law and Anthropocene 'Humanity'.'. *Law and Critique* 26(3) (2015), 225-49.

8 November 2025: Project Day

Assignments are due on 14 November 2025 (18:00 hrs Central European Time) and must be submitted in PDF format through Moodle.

13 November 2025: Tort Law

Required Reading

- The Hague District Court, *Vereniging Milieudéfensie and Others V Royal Dutch Shell*, Judgment of 26 May 2021, C/09/571932 / HA ZA 19-379.
- UK Supreme Court, *Vedanta Resources Plc and Another V. Lungowe and Others*, Judgment of 10 April 2019, [2019] UKSC 20.
- United States Supreme Court, *Kiobel, Individually and on Behalf of Her Late Husband Kiobel Et Al V Royal Dutch Petroleum Co. Et Al*, Judgment of 17 April 2013, 569 U.S. 108 (2013).

Further Reading

- OLG Hamm, *Lliuya V Rwe Ag*, Judgment of 28 May 2025, 5 U 15/17.
- UK Supreme Court, *Okpabi and Others V Royal Dutch Shell Plc and Another*, Judgment of 12 February 2021, [2021] UKSC 3.

20 November 2025: TBD