

Ius Commune Conference 2021

Workshop: Legal Realities of Extraction

Thursday, 25 November (13.00 – 18.15)

Theme:

The idea that growth-driven capitalism operates on the basis of ever-expanding multi-layered extraction, with harmful effects for humans, non-humans, communities and nature overall, is getting more and more traction across the social sciences and in public discourse in general. Such extraction occurs systemically in different spheres, from literal extraction of land and natural resources to extraction of living spaces, healthy environment, knowledge, labour and emotions. It entails both enclosures of shared resources, as well as large scale depletion of environmental and social resources on which life on our planet depends. While the role of law in enabling the present extractive social and economic model has been somewhat overlooked, a growing body of legal scholarship points at the crucial role that law plays in enabling, sustaining and perpetuating these modalities of extraction. In this panel, we invite contributions that use different critiques of extractive capitalism (e.g. degrowth movement, donut economics, (eco)feminism, anthropocentrism, externalities, diverse economies, climate justice, corporate purpose etc.) as means to flesh out both our understanding of different modalities of extraction and articulate the role of law in constructing, and eventually reconstructing, these harmful practices.

Session 1: Challenging Legal Regimes that Constitute and Justify Extractive Relations (13:00 – 14:30)

Chair: Andrea Leiter (Amsterdam Center for International Law)

Rozemarijn Roland Holst (Utrecht University School of Law)

Exploiting the Deep Seabed: The Final Frontier of International Resource Governance or a False Necessity?

Michele Tedeschini (IGLP, Harvard Law School)

Unclosure: Another Look at Part XI of the Law of the Sea Convention

Sakshi (Department of Land Economy, University of Cambridge)

Environmental Litigation in Settler Courts: Resisting Onto-epistemic Erasures

14.30 – 14.45

Coffee break

Session 2: Private Law and its Discontents: From a Source of Extraction Towards a Vehicle for Socio-Ecological Transformation? (14:45 – 16:15)

Chair: Candida Leone (ACT, University of Amsterdam School of Law)

Jill Robbie (University of Glasgow School of Law) and Calum Stewart (Scottish Land Commission)

Property, Nature and Community Ownership: Scotland's Community Right to Buy Legislation in the Context of the Anthropocene

Timo Zandstra (Utrecht University School of Law)
The Legal Construction of Urban Forms of Life: Regulating Rapid-Delivery Online Supermarkets in Amsterdam

Vladimir Bogoeski (ACT, University of Amsterdam School of Law)
Private Law and Labour Extraction: Towards an Imaginary of Non-Extractive Work Relations

16.15 – 16.30 **Coffee break**

Session 3: Confronting Further Enclosures and Expansions Towards New Spheres of Extraction (16:30-17:30)

Chair: Jill Toh (Institute for Information Law, University of Amsterdam School of Law)

Enrique Santamaría (Genetics and Law Research Centre, Universidad Externado de Colombia)
Mining the Human Body. A Commons Approach Against the Enclosure of Personal Data and Scientific Knowledge

Vanja Škorić (Civic AI Lab, Informatics Institute, University of Amsterdam) and
Gioivanni Sileno (Complex Cyber Infrastructure, Informatics Institute, University of Amsterdam)
Beyond Ivory Trenches: Exploring Socio-Legal Architectures for Sustainable Digital Transformation

17:30-18:15

Roundtable and Closing Discussion

What Law for a Non-Extractive Economy?