

Samenvattingen LAW 10306

Disclaimer:

Bij sessie 8 missen we: 'legitimiteit op basis van mensenrechten'

Sessie 1

F. Von Benda-Beckmann: Scape Goat and Magic Charm. Law in Development Theory and Practice

The article criticizes structuralism, the idea that legal structures and norms directly cause or determine action and its consequences, by examining a case in Indonesia. Development projects aim to change behaviour of people: they are normative in nature. However, the message can get deformed down the road, and the interpretation of the people depends on the bringers of the message, so the effects can vary. Customary rights is seen as being very flexible, but in order to resist reform, villagers present their law as strict and legalistic. Customary law is thus the scapegoat of failed development projects.

S.F. Moore: Law and Social Change: the semi-autonomous social field as an appropriate subject of study

Moore introduces the semi-autonomous social field (SASF) to study the effect of law. A SASF is defined by its own customs and rules, and the ability to coerce or induce compliance. Legislation often fails because the rules of the SASF are stronger than legislation. Two cases are examined: Dress-making in New York. A highly variable dress market requires flexible working hours: making a lot of overtime is a necessity to stay in business. The unions, however, forbid this, so the union representative has to be bribed. Legal rules play only a small role in this complex. The government of Tanzania has tried to affect the Chagga, by adding or changing layers of governance, such as abolition of chiefdom, creation of ten-house cell leaders and formalizing land rights. However, the strength of the chiefs remains strong, because the SASF is stronger than the law. Law is only one factor that people keep in mind, and its relevance is often overstated. The SASF is a more effective way of analysis.

Sessie 2

F. Von Benda Beckman: Water Rights and Policy

Analysis of Water Rights used to examine property rights in general. Property is a social relationship between persons, the metaphor of 'bundle of rights' is used to describe property rights: 'to indicate either that the totality of property rights can be conceived as consisting of more specific forms of property rights'. Ownership is not just one right. Usually legal pluralism plays a role in water rights. Customary law should be taken into account, but it can be plural, and difficult to distinguish. Local law: the locally dominant mixture of legal repertoires. Local law is not necessarily 'fair' or 'good', this should be taken into account when formulating policy that takes local law into account. It poses a dilemma: which is more important, economic growth, sustainability or equity? Case: water irrigation in Bali. A new system and laws were introduced to promote equity and efficiency, but the system was not compatible with local law, the system was destroyed and status quo restored.

E. Sjaastad, B. Cousins: Formalisation of land rights in the South: An Overview

The article is an analysis of the vision of De Soto: land rights should be formalised so the poor are guaranteed their land, and are thus more inclined to invest and more likely to receive credit. However, the authors argue that formalisation of land rights is not a magic charm to solve poverty: governments are not capable, in funding or legitimacy, to uphold these rights. The formalisation can cement current inequalities, by elite capture, and can also uphold unequal rights for women. The prospect of taxation can cause owners to lie about their ownership, which can lose them land. Furthermore, land can be too

valuable for the owners to use as a mortgage. Customary rights can be very robust, so formalisation is not a necessity. Broadly two options: title registration and deeds registration (transactions of land). Change can be gradual: possibility to learn but prone to elite capture or instantaneous. Rules (Falk Moore) only create a playing field, not security of tenure. Also possible to change the institutional arenas where negotiations take place. Translating customary rights to formal right is hard, context must be taken into account. Authors advise to have small pilot projects to aid understanding.

Sessie 3

J. Clover, S. Eriksen: The effects of land tenure change on sustainability: human security and environmental change in southern African savannas

Four countries in southern Africa are examined to see the effects of land tenure change on sustainability, which is defined as having three components: environmental, social and economic. Land plays a very important role for farmers, in terms of food security, capital and as a buffer. Land titling does not necessarily create tenure security, and can open possibilities for elite capture. There are two ways to examine the links between the environment and human elements: Neoliberal and political ecology. Neoliberal focuses on economic growth, and states that poverty is a threat to sustainable development. Political ecology states that exploitation and inequitable distribution of resources is at the root of unsustainable development. Poverty is a product of unsustainable development. The authors combine these two paradigms to examine human security (condition where communities or people can end, mitigate or adapt to risks). Colonialism has created an unequal distribution where white settlers were given prime land, and the indigenous population was concentrated on poor land. This had a degrading effect on the land, and the inequalities of land persist even today. Efforts to fix this, through land reform have not had the desired effect to fix this have failed in three ways. There has been limited progress of land reform and customary rights have not been taken into account enough. The focus has shifted from poverty alleviation to economic efficiency, perpetuating and increasing existing inequalities. Finally, bad land administrative practices have increased land inequality, which lead to completion and conflict. Zimbabwe is examined in detail: reform programmes have failed and have perpetuated or increased elite ownership of land. Political and economic instability have forced farmers into off-farm activities which exploit the environment. The authors argue that land reform must be more context sensitive, and must make an effort to decrease inequality to achieve sustainability.

Sessie 4

M. Nuijten: Governance in action. Some theoretical and practical reflections on a key concept

The aim of the article is to find a definition for governance, and several topics of interest are explored using several case studies. The authors say that the impact of government has decreased, and governance increased. The role of the state is still strong, however. An example of this are the zapatista's in Mexico: autonomous municipalities that rival official municipalities. Three concepts are important here: Governing practices (partly institutionalized practices of administration etc. usually considered part of the 'public domain'), governing capacity (the effective capacity to govern) and claims to governance (claims to exercise competencies in administration etc.). There are two views of governance: instrumental, which sets out from practical objectives, and analytical, which studies how things are. In Malawi democracy and civil servants reforms was established to achieve good governance. However, the still dangerous situation causes civil servants to focus on informal relationships, which increases corruption. At the Dutch ministry of foreign affairs, good governance has two meanings: one propagated by minister Pronk (the individual should be central to development policy, and the western system of justice and peace, democracy and development, human rights and international law are the

only option) and that of the later minister Herfkens (WB approach: the role of the state is important in public expenditure management, and the fight against corruption). Both notions remained strong in the ministry, even after the ministers left. The officials are still able to influence policy-making. Participation is deemed very important in new forms of governance. However, small/local/customary is not necessarily better. Furthermore, policy that takes local practices into account usually leads to incorporation and displacement of traditional leadership. This is seen in a study of catchment management: the results are never actually tested to be efficient. It is dangerous when researchers become a part of the governance process: they can often be used, and their knowledge neutralised. Several research methods are explained. Concluding, governance is defined as processes of steering, ordering, ruling and control. The steering processes themselves, as well as the results of these processes are considered part of governance. Governance always implies control and subversion, and is therefore never neutral.

G.R. Teisman: Models for research into decision-making processes: on phases, streams and decision-making rounds

Three models to examine decision making are analysed in this article. First, however, the author states that the article will follow the assumption that decision making has become more complex because 1. There is increased uncertainty about the global economy. 2. We live in a network society where nobody is in charge. The first model, the phase model is the most commonly used. It assumes that policy making involves several phases, problem definition, solution finding etc. It is therefore a sequential process. Analysts admit that the phase model does not reflect reality, but they feel that an organised approach is necessary to be effective. It assumes that decision making is problem-oriented, and therefore there is one actor whose decision supersedes the others. The second model is the stream model. It assumes that policy making consists of three streams: problems, solutions and politics. Politicians decide which problem and solution to focus on, and therefore switch streams. If there is favourable momentum (a policy window) decisions can be made. The final model the author introduces is the rounds model. Actors are the focal point of analysis here, and specifically their interaction. Policy results from a series of decisions taken by different actors. Unlike the other models, the rounds model does not assume one actor to be more important than the other, and that decision making does not happen at a specific moment. The rounds model places emphasis on informal groups or policy networks, which can have a large effect on decisions. Finally, the three cases are applied to a case of the Betuwe Line in the Netherlands.

J. R. Wedel et al: Toward an anthropology of public policy

Public policy is more and more central to society, whether they originate from government, supranational entities or NGO's. The anthropology of public policy is devoted to research into policy issues and processes and the critical analysis of these processes. Anthropologists study global processes and global, transnational entities interact with states, nations and local groups. Nowadays, policy is used to disguise politics under the cloak of neutrality. An anthropology of policy is both wide and narrow: wide in that it explores how the state relates to local populations and narrow because it tries to see how local communities experience and interpret these policies. Policy is used as something neutral and rational. It tries to create ideal citizens by limiting their options. Policy cannot be adequately mapped using variables whose values and correlations are prespecified by an abstract model. Analysis of social networks which can affect policy is also useful. Anthropologists work using informants, but preferably with participant observation. The traditional ethic is that an anthropologist's first responsibility is to those whose lives and cultures they study. However, does this also apply when studying an agency with a public relations department? The AAA states that in order to prevent an environment of distrust, anthropological notes must be protected. Three problems can be counteracted using anthropological

analysis: treating 'policy' as an unproblematic given, the domination of public policy by ideologised discourses (globalisation, democratisation, privatisation) and the use of flawed dichotomous frameworks.

Sessie 5

Energy center - Roundtable on sustainable biofuels: criteria for sustainable biofuel production

Het artikel begint met het opstellen van criteria voor biobrandstoffen door de RSPO in '07. Geïnteresseerde belanghebbende waren uitgenodigd om de werkgroep te versterken en criteria te bedenken om biobrandstoffen duurzamer te maken. Hoewel niet alle belanghebbenden eraan hebben deelgenomen vormt het toch een heel redelijke afspiegeling van alle belanghebbenden. Een van de uitkomsten was dat "Biofuels cannot replace all of our transport fuel consumption without significant changes in lifestyle and efficiency of use".

De afspraak was om, om de 6 maanden de vooruitgang te rapporteren in de verduurzaming van de biobrandstoffen, met in het achterhoofd genomen dat kleine producenten niet aan alle gestelde eisen kunnen voldoen. De duurzaamheid van biobrandstoffen hangt samen met zowel de directe- als indirecte gevolgen van biobrandstoffen. Een direct gevolg is dat de voedselprijzen stijgen, een indirect gevolg is dat bijv. de CO2 uitstoot toeneemt door het kappen van regenwoud voor bijv. palmolie. De bewustwording van de nadelen van biobrandstoffen is pas net begonnen. Vervolgens staan er een hoop criteria voor duurzame biobrandstoffen genoemd, waarvan volgens mij alleen de vetgedrukte kopjes van belang zijn.

O. Hospes: Governing Food Security. Food security contested: soy expansion in the Amazon

The increase in soy production in Brazil to feed animals in the North causes several problems: deforestation, loss of bio-diversity, human rights violations, intoxication and death, spread of Genetically Modified (GM) soy. The author will show that production and global trade in soy is subject to private regulation that is neither democratic, transparent or efficient. Brazil is the largest soy exporter, and trading and crushing is controlled by four large international trading companies. At the soy frontier a sort of war is going on between NGOs and the trading companies. There are cases of physical threats, abuse and blatant violation of court rulings. At this time, nine Dutch NGOs tried to get these problems on the agenda, but failed because the Dutch food industry stated that solutions should be found in the global soy chain. This caused the creation of the Round Table on Sustainable Soy (RTSR). However, the industry and the NGOs were not able to find a compromise. Especially GM caused a large divide. Another approach was taken by several Dutch NGOs, directly targeting food retailers. Most companies referred to the roundtable as a solution, and refused to take responsibility. After public interest was raised they acknowledged problems, but did not work towards solutions. However, because of a confrontational lobby by Greenpeace, in 2004 ABIOVE and ANEC, two large soy exporters announced a moratorium of two years on the trade of soy that will be planted in deforested areas of the Amazon. The moratorium has been extended twice, now lasting until July 2010. The responses by companies in Brazil and the Netherlands to accusations of the problems of soy production can be summed up as denial, disproving and deflection to the multi-stakeholder process.

A.P.J. Mol: Boundless Biofuels? Between environmental sustainability and vulnerability

In this article the author argues that biofuels are becoming a global commodity, and the effects this might have. Recently biofuels are on the rise, the author specifies four reasons for this:

1. Concern about the effect of fossil fuels on climate change.

2. The dependence of fossil-fuel-importing countries on unstable fossil-fuel-exporting countries.
3. An increase in oil price.
4. An ongoing crisis of overproduction agricultural commodities in OECD countries.

In order for biofuels to make a significant contribution to these factors they need to globalise more. This might, however, endanger further two groups: the poor in developing countries and small farmers. The author uses a sociology of flows and networks perspective, said to be a layer within and in between contemporary society. He also defines three spatial patterns: Regions (objects, actors and relations clustered geographically together, usually in one country), Global Integrated Networks (GINs, more or less stable enduring and predictable relations between nodes or hubs, stretching across different regions, with walled routes) and Global fluids (Spatial patterns structured not by boundaries but large flexibility. E.g. the internet, social movements). 'Scapes' structure and govern these spatial patterns. The region modality is dominant for biofuels in the form of national biofuel regions (such as Brazil), but the GIBiofuelN is on the rise. It is also more and more becoming a part of the GIN of fossil fuels. There are several controversies surrounding biofuels: there is a large diversity in greenhouse gas savings, several environmental problems are associated with biofuels (deforestation, decrease in biodiversity, monocropping, land degradation and water pollution) and most importantly the impact of large-scale biofuel production on food prices and food scarcity. Increasingly, large companies and conglomerates are becoming part of and the architect of biofuel scapes. Therefore, they focus more on environmental worries and problems of cosmopolitans (such as global warming) instead of the problems of locals (water and soil degradation). Biofuels are moving towards a global scape, which causes several issues to stand out: free trade, certification and standardisation and new power relations. The first three issues will empower large organised actors, as they are better able to co-construct and work within global infrastructures. Finally, the author argues that biofuels will not become global fluids, as they are still largely a part of national structures.

I. Sachs: The Biofuels Controversy

"the coming of age of biofuels" as promoted by the author, is caused by rising oil prices" as promoted by the author, is caused by rising oil prices -which has made several biofuels competitive-, and worries about global warming. There are several controversies surrounding biofuels. President Lula of Brazil says biofuels can be greatly expanded without impairing food security and native forests. President Castro of Cuba takes an opposite stance: biofuels threatens hunger for millions of people. This worry, among others, is shared by Jean Ziegler, the UN special rapporteur on the right to food, who pleads for a five-year moratorium on the production of biofuels, while his recommendations are implemented. There is consensus that the production of Greenhouse gases (GHGs) should be reduced dramatically, and that this will require a drastic change in the use of energy. It should be pointed out that biofuels are not a miracle solution; they are only a part of a comprehensive energy strategy. The largest problem of biofuel production is that the price of food will be linked to that of fossil fuels, which will raise the price of food. Starvation is usually caused by lack of purchasing power, not a lack of food. The author argues that food security and energy security must be looked at simultaneously to prevent this problem. Research into second-generation biofuels (biofuels that are not based on consumable food) can also help alleviate this problem, as the competition with food production is reduced. The author also challenges the notion that biofuels are always a cure against global warming: this is dependent on the energy in/energy out ratio. Biofuels may also be used as a lever for rural development, but to achieve this the state will have to channel biofuel production into appropriate social and environmental models.

Sessie 6

O. Hospes: Regulating biofuels in the name of sustainability or the right to food? The case of an emerging policy field in the Netherlands

The author starts by stating that the food crisis is not just a national and technical affair, but is mostly caused by governance failure and increased complexity. Very few governments try to solve the food crisis by redefining responsibilities of state and non-state actors. The UN-energy group published a rapport with a message that was two-fold: 1. Decision makers should think twice, and not rush. Economic, environmental and social impacts of bioenergy should be assessed before developing policy. 2. The authors recommend incorporating social and environmental concerns from the very start of policy making. The author then details a UN report by Eide, which takes a different approach in that it places the question of food security central to production of biofuels, and argues that biofuel production has weakened the access to food. Eide then states that states have transborder duties and extra-territorial obligations. The author then describes the Cramer report, arguing that it has good criteria but the criteria have a risk of being watered down. 1. The stakeholders consulted were all Dutch, decreasing its legitimacy 2. The question of roles and responsibility was not discussed. 3. Several of the criteria have a risk of not being compatible with EU or WTO law. Most importantly, the Dutch government considers the criteria negotiable when making deals with other countries.

Projectgroep duurzame productie van biomassa : Criteria voor duurzame biomassa productie

Behalve voordelen kleven er ook een hoop nadelen ten aanzien van biomassa als bron van duurzame energie. Het kan leiden tot nadelige sociale, ecologische en economische effecten. Mede daarom heeft de Nederlandse overheid het voornemen uitgesproken om duurzaamheidscriteria te ontwikkelen. De projectgroep (met veel verschillende actoren) heeft een set duurzaamheidscriteria en daaraan gekoppelde duurzaamheidsindicatoren opgesteld.

Hierbij is uitgegaan de 3 P's namelijk: - People, Planet, Profit en is zoveel mogelijk aangesloten bij bestaande conventies en keurmerken. Aan hand hiervan wordt een set criteria aan de overheid aangeboden die in regelgeving rond MEP en biobrandstoffen worden toegepast. Ook wordt gepleit voor de inzet van biomassa zodat positieve effecten mogelijk zijn. Alle actoren moeten ook voldoen aan een rapportageplicht om vast te stellen dat ze het criterium gehaald hebben. Ook moet er aandacht besteedt worden aan de betrokkenheid van lokale gemeenschappen of NGO's .

Voor de toelichting per duurzaamheidsthema zie punt 4 (p. 11) Er moet echter wel een goede certificering zijn voor biomassa om alsnog negatieve (externe) effecten te voorkomen.

Het is van belang om voldoende bekendheid te geven aan duurzaamheidscriteria om voor een breed draagvlak te zorgen.

Conclusie: zie laatste 2 pagina's artikel.

Duurzaamheid van Biobrandstoffen – Commissie Cramer en Corby

Het grootschalige gebruik van biomassa kan negatieve effecten hebben op de biodiversiteit, de positie van de armen en voedselvoorziening terwijl ook de klimaateffecten negatief kunnen zijn. Daarom worden er duurzaamheidssystemen voor de productie van biobrandstoffen ontwikkeld.

Er zijn criteria voor de duurzame productie energie d.m.v biomassa opgesteld. Deze hebben betrekking tot:

1. broeikasgasemissies
2. Concurrentie met voedsel
3. Biodiversiteit

4. Milieu

5. Welvaart en welzijn

De achtergrond hiervan zijn de duurzaamheidseisen die de EU heeft opgesteld m.b.t. duurzame energie. Behalve op Europese schaal zijn er wereldwijd veel initiatieven gestart om duurzaamheidssystemen te ontwikkelen voor biomassa en biobrandstoffen.

Sessie 7

J. M. McDaniel: community-based forestry and timber certification in southeast bolivia

A case of community-based forestry and certification in Lomerio, Bolivia is examined in this article, describing limitations and possible solutions. Forest management in Lomerio resulted from threats to the land and resource base from external timber companies. To strengthen their claims to land they began selective logging. They received and lost a Smartwood certification, and producing wood of export quality proved difficult. Certification did not provide them with an easy windfall. The idea behind the project was that the workers would receive temporary wages until the communities earned enough money with selling wood. This has not happened, as the chiquitanos see the project as short-term, and don't expect it to last. This is worsened by the fact that the sawmill works inefficiently and is highly indebted: it often cannot pay for logs. The chiquitano managers received grants to improve the project, but they gave away a lot of money in the form of loans, as this fits with their culture of reciprocity. While this works in the local community, in the market economy it does not. Outside administrators now run the project, but they have difficulty transferring the skills to the chiquitanos. The chiquitanos see wage labour as a form of slavery, and people working in the project are looked down upon. A good chiquitano is a peasant farmer. The author suggests that the project should be moulded to fit more with the local patterns of work and production, and the economy of reciprocity.

P.H. Pattberg: The Forest Stewardship Council: risk and potential of private forest governance

The Forest Stewardship Council (FSC) is analysed to identify problems and extrapolate these to other private systems of rules. The assumption that this can be done is threefold: FSC has been an inspiration for others, context of rules is similar for most, finally, they all have to do with markets. Ordered rule increasingly emanates from non-state sources of authority. The most common way of private rule is standard setting: certain rules are agreed upon, and actors can voluntarily join, but are then obligated to follow the rules. FSC was formed after the failure of intergovernmental conferences and consumer demand. Its principles are based around social, economic and environmental sustainability. FSC can be seen as consisting of two concepts: rule making and rule implementation. Rules are made through consultations with relevant stakeholders. Implementation works through accreditation, certification and labeling. So far, FSC has not had a large effect. Only 1.36% of forest is FSC forest, and 80% is in Europe or North America, where the rules were developed, and easily implemented. For producers from developing countries there is little incentive to join, because of costly certification and low demand. Producers pay the certification company, which makes the certification companies dependent. So far, the FSC is not yet economically viable, relying on donations. The market for standards that has been created allows for forum shopping, and reduces the legitimacy of existing standards. However, the FSC has shaped the discourse on sustainable forestry and the usage of multistakeholder conferences. FSC needs to be reformed into a standard business practice if it wishes to last.

Sessie 8

W.F. Laurence et al: Improving the performance of the roundtable on sustainable palm oil for nature conservation

The RSPO is critiqued from an environmental perspective in seven ways: 1. The RSPO is dominated by the industry. 2. It does not have a ban against peat forest. 3. Noncompliance may be widespread. 4. The RSPO cannot effectively monitor its members. 5. Becoming a *member* is too easy. 6. The expansion of oil palm plantations is worse than the RSPO claims. 7. There is little market demand for sustainable palm oil. It proposes four solutions: 1. The industry's grasp should be reduced. 2. A monitoring system needs to be developed. 3. The RSPO needs to take a stronger stand against forest destruction. 4. The RSPO needs an independent watchdog. Countries also need to oblige producers to specify the kind of vegetable oil they use.

M. Colchester et al: Promised Land. Palm oil and land acquisition in Indonesia: implications for local communities and indigenous peoples. [sic]

A study is described that looked at Indonesia's huge expansion in palm oil. The study found that customary rights are often ignored, because laws are contradictory, regulations are absent, institutional capacity is weak and policies favour expansion. The authors recommend to strengthen customary law in several ways. They also recognize that the RPSO can play a role in this.

World Rainforest Movement: The "greening" of a shady business – Roundtable for Sustainable Palm Oil

Taking a radical stance against the RSPO, the RFA states that palm oil cannot be sustainable, as it is produced on large scale monoculture plantations. The Plantations use agrotoxins, disregard land rights and RSPO only certifies areas, not producers. While they admit that the RSPO can better the situation, it cannot solve the problems.

Legitimiteit op basis van mensenrechten: Ingeborg Maus

Sustainable palm oil – RSPO

Palmolie is een belangrijke grondstof voor zowel de food als non food industries. Hoewel palmolie 'klimaatneutraal' is en de hoogste opbrengst per hectare heeft van alle olieleverende gewassen zorgt het voor veel CO₂ uitstoot doordat grote stukken regenwoud worden gekapt om het te verbouwen. Palmolie kan wel aan duurzame economische ontwikkeling bijdragen, maar veel palmolie wordt helaas niet duurzaam geproduceerd. Palmolie wordt wel als een oplossing gezien voor de groeiende vraag naar plantaardige olie zolang het maar duurzaam geproduceerd wordt.

Sessie 9

J. F. McCarthy: Processes of inclusion and adverse incorporation: oil palm and agrarian change in Sumatra, Indonesia

The several periods and programs used in Indonesia to promote palm oil are examined by looking at four different villages, with differing contexts and participation. It has five key findings: 1. Changes associated with palm oil expansion are highly variable. 2. The study found a distinction needs to be made between expansion through agribusinesses and individual expansion. 3. The nature of palm oil has

implications for agrarian outcomes. 4. The later laissez-faire scenario has greater risk of adverse incorporation. 5. The distinction between inclusion and exclusion is too simplistic, poverty is a result of the terms on which farmers are included, there is often adverse incorporation. The first period defined is the New Order scenario, along with the PIR-Trans scheme. In this program, farmers give land to an agricultural business, who creates a central mill, and prepares plasma land (where the palm oil is grown) around the mill. When the land was ready for usage, the land was returned to the farmers (although usually less than was agreed) so they could cultivate palm oil and sell it to the mill. They also included transmigrants to increase the labour force. The program largely failed, as the time before they could cultivate plasma land was long, and the wages paid were very low. The elite bought up a lot of the plasma land. Transitional period: KKPA scheme. The scheme was similar to the PIR-Trans scheme, but the state was less actively involved. Three villages are examined with differing context. Notable is that a better connection with the outside world makes success more likely. The fourth village (which was not part of any schemes) showed that a lot of farmers lost their land because of palm oil, and village common land was also lost. The author argues that the state needs to get more involved to stop practices of adverse incorporation.

Sessie 10

Advance edited version, report on the issue of human rights and TNC' s and business enterprises – John Ruggie

Het artikel is geschreven in het kader van de 'protect, respect en remedy' aanpak.

De relatie tussen bedrijven en mensenrechten kwam permanent in de belangstelling wereldwijd na de val van de muur en de globalisering die daarop volgde.

De VN richtte een commissie op die de TNC' s regels omtrent de mensenrechten oplegde. Hierdoor kwam een groot debat op gang tussen de zakenwereld en de mensenrechtengroeperingen. Deze commissie formuleerde uiteindelijk 'guiding principles' voor de bedrijven op basis van de 'protect, respect en remedy'. Al deze principes en aanbevelingen staan in dit rapport verwerkt (hoop leeswerk, weinig interessant, gewoon een keertje doorlezen)

Sessie 11

N. Brooks: the determinants of vulnerability and adaptive capacity at the national level and the implications for adaptation.

The purpose of this study is to develop nation-level indicators of vulnerability and capacity to adapt to climate hazards. They do this using a novel empirical approach: it is represented in terms of mortality outcomes from climate-related disasters using data from the emergency events database (EM-DAT). Vulnerability is defined as the degree to which a system is susceptible to injury, damage or harm. The study will try to identify key indicators of generic vulnerability, as opposed to context-specific vulnerability. Adaptive capacity is defined as the ability of a system to adjust to climate change, cope with the consequences etc. 46 variables were selected, and these were examined using the EM-DAT data, creating 11 indicators of vulnerability. Interestingly, economic indicators like GDP and GINI indicators of inequality were not among the 11. The 11 indicators were presented to a focus group, which divided them into three categories: health, education and governance, and gave additional weight to several indicators, these were then used to make a list of the most vulnerable countries. They discuss that all the indicators are highly interrelated. Also, the vulnerability of small island states may be underestimated. The state that mortality can be reduced by increasing government effectiveness and accountability, civil and political rights and literacy.

J. C. Lovett: Policy piece. Climate and society.

Rainfall is one of the main determinants of ecological productivity. However, the relationship between society and climate is complex and unpredictable. The author presents a case for this, the introduction of a Ground Nut Scheme in Tanzania, introduced by -then colonial ruler- Great Britain. The scheme was a large failure due to climate problems, and spurred the independence of Tanzania.