‘US withdrawal has already caused a negative effect’

Hovi, Sælen and Sprinz present a model architecture of the 2015 Paris Agreement and consider the impact of US departure vs. cooperation.

‘Shared visions materialize into technical artefacts’

Malcolm Campbell-Verduyn is interested in how imaginaries focus attention towards the politics underlying global efforts to re-purpose ‘fintech’ into a sustainability technology (‘sustech’).

‘Rights of nature are gaining ground in legal practice’

Jasper Mührel presents current legal approaches to the rights of nature and critically identifies a centuries-old anthropocentric structure of liberal societies and legal systems.


‘Tuesday Night ...’: Wouter G. Werner on his captive moment in Duisburg, p. 19.

More fellows and their projects at the Centre, presented on pp. 22–27.
Dear Readers,

An exceptional year is coming to an end. Just remember—when Australian bush fires were attracting worldwide attention to climate change last January, the World Health Organization announced that a new virus was spreading from Wuhan/China to other countries. By the end of the year, 1.6 million people are estimated to have died worldwide from a pandemic that has exacerbated existing inequalities and tensions, as highlighted by global anti-racism protests. While the first countries are starting to roll out vaccinations for the most vulnerable, it is clear that the economic, social, and political implications of the pandemic will require enhanced global cooperation, together with previously existing major challenges like climate change.

In this issue we focus on global cooperation in the field of climate change and the environment. Contributions discuss whether the implementation of the 2015 Paris agreement on climate change can still deliver the targeted increase of less than 2°C temperature increase (Sælen et al.); interrogate imaginaries of blockchain-based climate cooperation (Campbell-Verduyn); explore the potential of rights of nature as a legal instrument for environmental protection (Mührel); and explore a case of involuntary resettlement in a public-private partnership on sustainability in Vietnam (Dinh).

You might also take up the invitation by Alumni Fellow Wouter Werner to accompany him on a run-through of the less well-known areas of Duisburg. Furthermore, three new fellows offer insights on their research projects: Carolina Aguerre on digital colonialism, Joanna Simonow on the private and political, and Michele Tedeschini on the tale of two crises. Finally, you will find an overview of upcoming events for the first months of 2021.

We wish you all a healthy and happy holiday season!

Sigrid Quack

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We know perfectly well that the combined effects of anthropogenic climate change and natural variability are very likely to lead to major, undesirable climate impacts for most citizens around the world in the not-so-distant future. To limit climate impacts is essentially about weaning the world economy off greenhouse gases, adapting to those climate impacts that were not avoided, and compensating for what we cannot adapt to. All of these three components of climate policy are pursued under the auspices of the 1992 UN Framework Convention on Climate Change (UNFCCC), yet also by many countries, social movements, and forward-looking businesses alike (Luterbacher and Sprinz 2018).

The core question is why we have not yet arrived at the ultimate goal of the UNFCCC to prevent dangerous climate change. With the 2015 Paris Agreement on Climate Change (PA), this goal was operationalized as a corridor of 1.5-2°C change of global mean temperature as compared to pre-industrial times. In the following, we present select results from a model representing the regulatory architecture of the 2015 Paris Agreement concerning the agreement’s 1.5-2°C goal, how the departure by one main emitter, the USA, has changed such prospects, and how current climate policies may impact the prospects – or not – towards achieving the 1.5-2°C corridor. To this effect, we will build on our experience with a model developed by Sælen (2020) as well as, Sælen, Hovi, Sprinz, and Underdal (2020).

Institutions

The institutions reflect specific aspects of the PA.

- Parties are required to communicate Nationally Determined Contributions (NDCs, essentially policy pledges by countries) every five years. The model assumes that NDCs submitted in year \( t \) address emissions in the years \( t+6 \) through \( t+10 \). Those five years are termed a contribution period.

- Because the PA permits a Party to finance emissions reductions in another Party and count them as part of the fulfilment of its own NDC, the model does not distinguish emissions trading from strictly domestic mitigation.

- As each new NDC “will represent a progression beyond the Party’s then current [NDC]” (Paris Agreement, Article 4.3), the model requires that each Party’s NDC be no less ambitious than its previous NDC.

- The model specifies NDCs in terms of percentage points reductions relative to 2020 (= 100%).

- We pay particular attention to the conditions under which global emissions reach zero before exhausting the remaining emissions budget derived from the Agreement’s 2°C target, which we assume is 31–37 times current annual emissions (Goodwin et al., 2018).

- The PA requires Parties to report on NDC implementation and emissions subject to a multilateral review.

- Finally, aggregate progress will be assessed in global stocktakes every five years, which shall inform Parties in updating their NDCs.
Model actors

The model contains 161 single countries along with the EU. Initial emissions are calibrated on data from 2015 (Gütschow et al., 2018). For the Paris process to result in a positive cycle of ambition, Parties must reciprocate increasing contributions by others. The model varies the strength of such influence through a reciprocity parameter and portrays NDC formulation as a positive function of what others have promised and delivered.

Although we assume Parties intend to achieve what they pledge, Parties may accidentally fail to comply perfectly. The review process assesses Parties’ compliance, and the review outcome affects their credibility, although discounted by the parameter confidence in review.

Perceptions about aggregate past progress are informed by the global stocktake. Parties are unlikely to completely trust that others have contributed as much as the stocktake indicates, so we assume they discount the outcome by the parameter “confidence in stocktake.”

Model structure

To better grasp the model’s architecture, Figure 2 illustrates the relationships merely for two countries – Blue and Red. Global processes and variables are shown in black. Solid arrows show effects of parameters on variables or of one variable on another. Dashed arrows denote effects on other relationships (interactions).

Figure 1: Interpretation of the process established by the Paris Agreement (Source: Sælen 2020: 86)

Figure 2: Simplified model cycle
Note: IWTC: initial willingness to contribute, cred= credibility (Source: Sælen 2020: 93)
US withdrawal

On 01 June 2017, President Trump announced that he would withdraw the USA from the Paris Agreement. We consider two “treatments”: In T1, Trump serves a single term of four years. In T2, it was assumed he were re-elected in 2020 and impacts US climate policy for a total of 10 years. T1 and T2 are compared to a baseline (T0), in which the US remains in the PA and acts like other Parties do. To isolate the effect of Trump’s presidency, we assume Trump’s successor immediately re-enters Paris and reverts to Obama’s ambition levels. As a result, we can gauge the effect of a one-term Trump Presidency as well as the counterfactual of a two-term Trump presidency.

Results

We examined a total 1,054,152 different configurations of the parameters presented above. Here we will present a small selection of model runs to illustrate seven key insights from the analysis.

First, each period with Trump (T1, T2) has a persistent negative effect on global efforts to reduce emissions. This is illustrated in Figure 3.

Second, US absence from the PA quickly influences US emissions substantially, while having only a moderate immediate effect on other countries’ emissions. Importantly, however, beginning around 2040, the effect of US absence on other countries’ emissions will begin exceeding the effect on US emissions. Thus, our model predicts that US withdrawal has already caused a negative effect on other countries’ future efforts. However, when Biden rejoins the Agreement, the damage will be considerably smaller than under the T2 scenario. This result is illustrated in Figure 4.

Third, the Trump effect is largest under assumptions about the Agreement’s architecture that otherwise positively influences its effectiveness. We find that a strong review process that Parties trust is particularly instrumental for the Agreement to be effective. It follows that the reduction in effectiveness due to Trump is larger the more parties trust the review process.

Fourth, under pessimistic assumptions about model parameters, global emissions might have continued to grow for the rest of the century irrespective of Trump; however, a US withdrawal causes emissions to become even higher than they would be otherwise. Under more optimistic assumptions concerning the parameters, emissions will peak, then decline, and eventually reach zero. However, US withdrawal causes the decline to come later than it would otherwise. Figures 3 and 4 are drawn for such optimistic assumptions about parameters.

Fifth, in all treatments, our simulations suggest that reaching the 2°C target – let alone 1.5°C – will be extremely challenging. Indeed, these targets might have proved out of reach even without US withdrawal. Nevertheless, US withdrawal has already further reduced the prospects for reaching them and a re-election of Trump would have reduced them to essentially zero.

Sixth, the more responsive countries are to what others promise and deliver, the bigger the detrimental ef-
The effect of a US withdrawal. This is illustrated in Figure 5, which shows trajectories under different mean values for the reciprocity parameter. Finally, our results provide interesting indications concerning potentially countervailing measures to compensate for Trump's inaction. For example, to reach the 2°C target despite a one-period US withdrawal, other countries must be willing to unilaterally reduce their emissions by at least one additional percentage point for every five-year period from 2025 onwards and had Trump been re-elected, the corresponding figure exceeds two percentage points. Similar requirements apply for other core parameters in the model, such as compliance and confidence in the global stocktake.

Outlook

On 04 Nov. 2020, the USA left the Paris Agreement, one day after President Trump lost his quest for re-election. President-Elect Joe Biden has announced that he will rejoin the agreement shortly after his inauguration. Reaching ambitious climate goals becomes more feasible if the US backs ambitious climate policies. Reciprocity, credibility, and compliance will likely regain importance in the Biden administration, yet given our model’s assumptions, the outcomes for T1 are now in reach – but not the outcomes of T0.

If Biden’s pre-election ambitions are any guidance, his administration will aim at “net zero emissions, economy-wide, by no later than 2050” and “a carbon pollution-free power sector by 2035” by spending $2 trillion on investments on infrastructure, energy, mobility, innovation, and other sectors (https://joebiden.com/clean-energy/, accessed: 04 Dec. 2020). As the majorities in the US Senate will be determined by way of Senate elections in early January 2021 in the state of Georgia, it is difficult to anticipate the actual op-

At the heart of the model introduced above are the NDCs. The regular UNEP Emissions Gap Reports (https://www.unenvironment.org/resources/emissions-gap-report-2019, last accessed: 04 Dec. 2020) are not yet encouraging in view of the 1.5-2°C goal, even while subnational and non-state action are in the process of becoming of significant magnitude around much of the globe (Kuramochi et al., 2020).

Overall, the consequences for global climate policy are straightforward: for 1.5-2°C to be within reach, we will need more ambitious climate policies in major countries, reciprocity in upgrading NDCs, and compliance with these commitments which are mostly enacted at the domestic level. This only begs the question of political survival of politicians who face competitive elections in a world that is not yet of one mind on climate change. If politics is about alternative public choices, then politicians have their long-term challenge presented before them: globally, nationally, and locally.
References


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Meeting on the second anniversary of the Paris Agreement signing in 2017, the United Nations Climate Change Secretariat founded the Climate Chain Coalition (CCC). Backed by a number of multi-stakeholder groups like the Climate Ledger Initiative and the Blockchain for Climate Foundation, this Ottawa-based coalition promotes the ‘blockchainization’ of the Paris Agreement. What this involves in practice is the coordination of experiments with a novel set of technologies amongst companies, large and small, in partnership and association with one another as well as universities, governments, and international organizations. These trials foreground blockchain as a technology for facilitating cooperation in and across a range of key industries combating climate change. Through sub-groups focusing on particular ‘use cases’, CCC members share progress reports on achievements towards broader sustainable development goals in what amounts to a largely private variation of an ‘experimentalist’ mode of governance that has been identified across global governance (Brassett et al 2012; De Búrca et al 2014; Overdevest and Zeitlin 2020).

For someone studying the evolution and governance implications of this particular set of technology since its emergence a decade ago, these developments form an exciting and potentially promising turn. The initial application of blockchains to cryptocurrencies and other financial experiments have been widely and continually criticized for fueling scandal and speculation as well as unproductive energy use. Far from saving the planet, the technology was derided for accentuating a litany of problems with existing patterns of globalization. Might technology-centred experiments coordinated by the CCC and supported by the UN actually improve global climate cooperation?

As part of an international collaboration interrogating the ‘technological turn’ in sustainability governance more generally, my research at the Centre examines whether and how blockchain-based experimentation offers novel pathways for global cooperation in climate governance. In scrutinizing the shared visions materializing in these novel technological projects, I draw on the notion of imaginaries.

Imaginaries of global climate cooperation

Imaginaries are useful in analyzing emerging forms of climate cooperation for two reasons. First, they help trace how individual visions become shared in and across groups. Second, imaginaries help scrutinize how shared visions materialize into technical artefacts. In emphasizing the socio-technical processes through which individual visions are rendered ‘concrete’, imaginaries draw attention to the politics underpinning global cooperation.

First, the profoundly social nature of imaginaries politicizes which individual visions are shared amongst members of ‘multi-stakeholder’ groups that the CCC brings together. There are important political stakes involved in the particular visions that are shared. For
example, the vision of climate governance shared across climate agreements since the 1970s has been one that tends to leave individual countries, companies, and citizens to reach individually generated greenhouse gas (GHG) reduction targets. Here, collective goals are intended to be achieved ‘at the scale of the individual’ (Christophers et al 2020: 93), whether the individual person, industry, state or non-state organization. This so-called ‘bottom-up experimental climate action’ (Sengers et al 2020: 4) foregrounds a shared vision of governance that is ‘fragmented, and decentralized, operating without central coordination’ (Abbott 2012). Here, the Climate Leviathan is one of multiple disaggregated individual actions in and across markets rather than that of any one overarching individual or individual organization.

Second, the technical nature of imaginaries invites a focus on the politics of how shared visions materialize in particular ways. Imaginaries are rendered concrete not only through the social sharing of particular visions, but through the ‘design and fulfillment of nation-specific scientific and/or technological projects’ (Jasanoff and Kim 2009: 120). Neither scientific nor technological developments, however, are merely technical; they are profoundly political. For example, the complex scientific modelling of the Intergovernmental Panel on Climate Change has been criticized for promoting overly conservative scenarios. These scenarios, moreover, assume that the acceleration of technological innovation will help to avoid the direst planetary temperature changes. Shared visions of individualistic climate governance have largely materialized through the technology of the market. Inter-governmental climate treaties since the 1997 Kyoto Protocol have materialized individualist visions of governance through markets for carbon and other GHGs. Most prominently, article 6.2 of the 2015 Paris Agreement calls for connecting global patchwork markets for carbon trading through emergent technologies, of which blockchain emerges as a key sustainability technology.

**Imaginaries of blockchain-based governance**

In stressing the socio-technical processes through which individual visions are rendered ‘concrete’, imaginaries focus attention towards the politics underlying global efforts to re-purpose what initially arose as a financial technology (‘fintech’) into a sustainably technology (‘sustech’). Blockchains are databases of digital transactions undertaken, verified, and published in quasi-anonymous networks of users. The novelty of this set of technologies lies in their ability to draw together geographically dispersed individuals into networks whose cryptographic and time-stamping technologies ensure the secure undertaking, recording, and accounting for digital transactions. What exactly ‘the blockchain’ is continually morphs but generally consists of a series of ‘blocks’ of peer verified transactions sequentially added together to form a ‘chain’ or ledger.

Initial financial and monetary applications of blockchain technologies materialized as largely individualistic visions of governance. So-called ‘cryptocurrencies’, like Bitcoin, mobilize consensus mechanisms in which users are rewarded with fractions of this digital token by being first to solve complex equations in verifying transactions. Governance here ostensibly involves ‘no need to try to cooperate’ but only to ‘trust in markets’ (Swartz 2017: 93–94). Subsequent iterations of this technology for crowdfunding platforms have often relied on ‘great individuals’ serving as arbiters and ‘first among equals’. Even more ambitious collective projects such as BitNation, launched in 2014, extend visions of individual choice to attempts to entirely ‘sidestep governments’ in materializing ‘a nation that, aside from being borderless and voluntary, would be competition based’ (Faria 2019: 123–124).

More collectivist visions of governance have been proposed for ‘solidarity cryptocurrencies’ (Diniz et al 2020) and ‘distributed collaborative organizations’ (Scott et al 2017). An early environmental-related example of such applications of the technology was the charity ‘DAO of whales’ that sought to autonomously distribute funds to a user-decided scientific research group studying a specific pod of orcas in the Pacific Northwest (Dupont 2018). BitGreen, a more recent instance of a collectivist approach, emerged in 2017 as a community-driven ‘green’ alternative to Bitcoin. Further attempts to materialize collective visions are Open Distributed Cooperatives (DisCOs), defined as ‘are locally grounded, commons-oriented and trans-nationally-networked cooperatives focused on social and environmental work’ (DisCO.coop e.a.: 31) in which ‘production is guided not by profit but by social and environmental priorities’ (33). What is shared across these projects is an explicit prioritization of
collective rather than individualistic approaches to governance.

Varying imaginaries of governance therefore exist that may be shared by members of the CCC and be materialized across their blockchain-centered climate cooperation projects. A recent exploratory study by Schulz et al. (2020: 2) argues that ‘more critical investigation regarding the possibilities and limitations of blockchain applications to support progress on sustainable development is warranted’. In particular, they suggest a need to interrogate the imaginaries invoked. Reinsberg’s (2020: 3) theoretical assessment of climate governance projects using blockchain technology, meanwhile, finds the technology to have the ‘potential to instantiate decentralized governance platforms that implement liberal ideals […] to achieve common objectives’. In advancing this literature as well as the wider understanding of how technology-centered experiments can promote climate cooperation, my research at the Centre will scrutinize the shared visions materializing across transnational efforts to ‘blockchainize’ the Paris Agreement.

References


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From the Andes to the International Community: **Rights of Nature** as a Legal Instrument for Environmental Protection

Jasper Mührel

The Anthropocene poses a dilemma to liberal societies and their legal systems. While environmental protection becomes an ever more pressing issue for the prevention of severe consequences of climate change and a massive loss of biodiversity, it is precisely the way of life in these societies that has created and intensifies these issues. Human individuals are free to emit greenhouse gases by driving a car and travelling by plane, or to cause serious ecological damage as consumers of animal products and the textile and clothing industry, for example. While the behavior of these humans is legally protected by personal and economic freedoms entrenched in rights catalogues, those who suffer immediate injuries by this behavior, i.e. mainly natural entities such as animals, plants, and ecosystems, remain without rights and therefore legally more or less irrelevant.

This imbalance is caused by the centuries-old anthropocentric structure of liberal societies and legal systems, which see the human being as the reference and end point of all considerations. With regard to the relationship between man and nature, this structural prioritization is still based on the assumption of the inexhaustibility of natural resources and the utopia of the invulnerability of humanity’s existence and prosperity on this planet.

**Towards a more effective environmental law**

One innovative legal concept to address the outlined dilemma by demolishing the encrusted anthropocentric structure whilst upholding individual rights and freedoms in the spirit of an ‘Ecological Liberalism’ (Kersten 2016, see also Mührel 2020a) could be the recognition of rights of nature. Current environmental legislation is obviously insufficient to protect nature adequately (Kersten 2020: 28 ff.). This is partly because interests of natural entities protected by environmental legislation can currently not compete on equal terms with human rights and freedoms before the law (Borrás 2016: 128 ff.). As a result, the still largely anthropocentric environmental law remains to a large extent a toothless tiger vis-à-vis the major environmental challenges of our time, especially where violations of human fundamental rights, most notably of the human right to a healthy environment, do not occur or remain unclaimed (Schimmöller 2020: 587 f.). The implementation of rights of nature is therefore necessary to give a legal voice to natural entities to ultimately address escalating environmental problems such as climate change and a massive loss of biodiversity more effectively.

**Rights of nature in national legal systems**

Legislatures and courts have recognized rights of nature within the past 12 years in a number of states. In 2008, Ecuador was the first state to recognize rights of nature. According to Articles 10, 71 f. of the Ecuadorian Constitution, nature has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes as well as the right to be restored. According to Article 71(2), all persons, communities, peoples and nations can call upon public authorities to enforce those rights. The Ecuadorian Constitutional Court has confirmed the recognition with a detailed justification.

In the following years, rights of nature were passed as laws in Bolivia, New Zealand and Uganda. In Colombia and India, courts have granted rights to rivers. In Argentina, a court ruled in 2016 that a chimpanzee is a
non-human legal person. Most recently, in May 2020, a court in Pakistan joined these developments by recognizing an elephant’s right to life under Article 9 of that country’s Constitution (for an overview see Niehaus 2017).

As these developments show, the concept of rights of nature has so far been discussed and recognized primarily in states of the Global South, especially in Latin America. This is because the concept mainly originates from the tradition of indigenous peoples from the Andean region. Their ecocentric worldview of Pachamama (‘Mother Earth’) and sumak saway / buen vivir (‘good living’) is based on the respect for nature and the belief in the interconnection of all life on earth.

Even though rights of nature have been discussed in Europe and the U.S. since the 1970s (see Stone 1972), it is only recently, and due to the concept’s normative evolution in Latin American states and its government promotion at the international level (Rodiles 2018: 87 ff.), that the global trend has also reached Europe. In the Swedish parliament (Riksdag) in 2019, several parliamentarians submitted a draft constitutional amendment for the implementation of rights of nature in a new Article 26 of the second chapter of the first part of the Swedish Constitution, the ‘Instrument of Government’ (Regeringsform).

In Germany, a constitutional complaint submitted by the German branch of the animal rights organization PETA is currently pending before the Federal Constitutional Court, alleging, inter alia, the violation of the right to life and physical integrity of piglets being castrated without the application of anesthesia under Article 2(2)(1) of the German Constitution (Grundgesetz). What can be observed in many states around the globe is thus a shift from legal anthropocentrism, i.e. humankind’s self-conception of being the center of legal considerations, towards legal systems that also integrate non-human beings into the group of the legally relevant.

Rights of nature in international law

Although rights of nature as such are not part of an international legal instrument, the concept has already attracted attention at the international level since the establishment of a UN platform on the initiative of Bolivia in 2009.

In 2017, the Inter-American Court of Human Rights (IACtHR) in an advisory opinion indicated an openness to recognizing rights of nature, independent of human interests, under the right to a healthy environment entrenched in Article 26 American Convention on Human Rights in conjunction with Article 11 of the Protocol of San Salvador. In para. 62, the Court stresses ‘that, as an autonomous right, the right to a healthy environment (...) protects the components of the environment, such as forests, rivers and seas, as legal interests in themselves, even in the absence of the certainty or evidence of a risk to individuals. This means that it protects nature and the environment, not only because of the benefits they provide to humanity or the effects that their degradation may have on other human rights, such as health, life or personal integrity, but because of their importance to the other living organisms with which we share the planet that also merit protection in their own right.’

In a recent judgment of February 2020, the Court confirmed its recognition of independent rights of nature (para. 203).

Interpretation of existing national and international rights catalogues

In light of climate change and loss of biodiversity, environmental protection becomes an ever more pressing issue at the national and international level, with the effect that more environmental legislation is being adopted. As a result, a growing number of national legislation and constitutions as well as international treaties turn away from a purely anthropocentric approach, indicating a basic openness to recognizing an intrinsic value of non-human natural entities (Köck and Markus 2018).

For example, Article 1(1) of the German Federal Nature Conservation Act (Bundesnaturschutzgesetz) stipulates that nature and landscape are to be protected ‘by virtue of their intrinsic value’. The 1992 Biodiversity Convention speaks in its preamble of the ‘intrinsic value of biological diversity’. The preamble of the Paris Agreement of 2015 stresses the ‘importance of ensuring the integrity of all ecosystems (...) recognized by some cultures as “Mother Earth”’.

Against the background of these developments in national and international environmental law, current
rights catalogues protecting the right to life and physical integrity could be interpreted as including not only human, but also non-human right-holders. This applies at least to those rights that do not include exclusively the human being only but start with broader terms. For example, the right to life and physical integrity set out by Article 2(2)(1) of the German Grundgesetz starts with ‘Jeder’, i.e. ‘Everyone’. Article 1 of the European Convention on Human Rights (ECHR) stipulates that ‘the High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in (…) this Convention’, and Article 2(1)(1) protects ‘Everyone’s right to life’. According to Article 34 ECHR, ‘The Court may receive applications from any person (…) claiming to be the victim of a violation (…) of the rights set forth in the Convention’. Similarly, Article 2(1) International Covenant on Civil and Political Rights (ICCPR) stipulates that ‘Each State Party (…) undertakes to respect and to ensure to all individuals (…) the rights recognized in the (…) Covenant’, and Article 7(1) ICCPR stipulates that ‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’.

Terms such as ‘Everyone’, ‘No one’, ‘Any person’, or ‘individual’ could be interpreted in the way that not only human but also non-human entities fall under the rights set out by those rights catalogues. The teleological interpretation of legal norms, which includes a dynamic interpretation (for international treaties see Article 31(3) lit. c) Vienna Convention on the Law of Treaties) would allow for such a non-anthropocentric interpretation of fundamental rights (Fischer-Lescano 2018: 213 ff.).

**Conclusion**

The outlined global developments and legal possibilities show that rights of nature are gaining ground in legal scholarship and practice across borders, and – as shown by the recent ARD Film ‘Ökozid’ – even in the media. Moreover, the concept of rights of nature proves the importance of an open-minded global cooperation among equals to effectively address the challenges of the Anthropocene. After all, it is an indigenous concept from the Andean region that could become a crucial element of the global legal combat against the loss of the natural bases of life on earth.

**References**


PPP for **Sustainable Rehabilitation** and **Legitimacy** for Private Involvement

A Case Study of Involuntary Resettlement in the Nui Phao Mining Project in Vietnam

Dinh Thi Ngoc Bich

This article aims at contributing to the ongoing debate about existing alternative pathways that may enable or hinder cooperation on common problems of public-private partnerships (PPP) on a global scale. Accordingly, participant observation in Nui Phao mining project in Vietnam suggests a concern about the legitimacy problems of a corporate social responsibility (CSR) model, viewed to be a form of PPP for sustainable rehabilitation, where private involvement can be discouraged due to the limited recognition by public stakeholders.

In this case, the researcher carried out a qualitative field study prior to being employed by a private business as a CSR coordinator. To avoid researcher bias, the findings of the participation observation study are supported and substantiated by evidence from public media observation, publicly disclosed reports, and the results of the qualitative field work.

1 **Global cooperation for climate change: can for-profit participation become dual-goal attainment?**

The failures of the recent global arrangements such as the discontinuation of the Kyoto Protocol or the uncertainty in meeting the mitigation ambition set forth by the Paris Agreement (Pattberg et al 2018), in combination with the legitimacy problem of environmental governance (Kraft and Wolf 2018) have been claimed to be ‘gridlocked’ in combating global challenges (Held et al 2013).

At the same time, public-private cooperation has been advanced as an alternative that has plaid a predominant role in global governance over the last decade (Mert and Pattberg 2015). In 2018, the Global Responsible Business Forum, held in Singapore, addressed issues regarding the attainment of sustainable development goals (SDGs), stating that companies of all sizes and in almost all sectors are heavily exposed to the negative impacts of climate change. However, it was observed that they are also critical actors in mitigation and adaptation efforts.

Informed by the institutional values of for-profit businesses, private actors would cooperate with the government in combating climate change when the outcomes of their collaboration would benefit their business strategy in some way. Therefore, the purpose of this research is to discuss both the ethics and business dimensions of private business involvement in a particular project in Vietnam.

2 **Observed PPP in the NP project through the lens of network theories**

We apply the simplest concept of PPP as a partnership which involves public and private actors ‘to work or to act together’ (McQuaid 2000: 11) in order to be justified in defining the practice of the NP project as a type of PPP. Secony, PPP is viewed to be a type of
policy network (Klijn 1997). Scholars use this concept to 'indicate patterns of relations between interdependent actors involved in the process of public policy making' (Kickert et al. 1997). On the analytical level, actor features encompass resources and resource interdependence, powers, and perceptions. The collaborative structure encompasses rules, interaction patterns, and goals (Dinh 2015). In addition, PPP is featured by both institutional and process factors.

Dinh (2015) developed an analytical model that envisages three major components: input (institutional actors and structures), throughput (process) and output (results). Parts of the findings are presented in this paper, where the degree of goal attainment in the NP project collaboration model was assessed, given that they were particularly influenced by institutional and process factors.

Masan Resources (the company or MSR) is the largest producer of mid-stream tungsten products outside of China. Its flagship asset, Nui Phao polymetallic mine (the NP project), located in Thai Nguyen province in northern Vietnam, is the first tungsten mine that successfully developed into production in the last 15 years. The total investment for the project development was about USD 500 million.

Since 2010, in an effort to expand its mining operations, the company has acquired 680 hectares of productive land—residential land as well as other assets from around 3000 farmer households—initiating 'the biggest resettlement project in Thai Nguyen province, Vietnam'. In 2014, the company started commercial production and in 2015, they successfully completed their listing on HaNoi UpCom Exchanges. Since 2013, the company has been the only representative of the extractive industry in Vietnam that publishes annual sustainability reports under the Global Reporting Initiative (GRI). The reports aim to disclose the impacts of company performance on sustainable development, including climate change. Since an early stage of project development in 2010-2011, MSR effectively implemented a master plan of livelihoods rehabilitation with an investment of millions of US dollars. The specific programs for displaced people, implemented in partnership with local government and mass organizations such as VietGAP tea plantation, locally outsourced suppliers, and the Economic Rehabilitation Fund, have been recognized as demonstrative cases of economic rehabilitation models in Thai Nguyen province as well as in Vietnam at large.

In 2016, two years after the operation had been commissioned, the company was subjected to a comprehensive government inspection due to community claims on the grounds of environmental pollution. However, the inspection results contained no serious violations.

In 2017, MSR welcomed the APEC Mining Task Force to demonstrate its ability to carry out sustainable mining in Vietnam. Ultimately, the delegates were impressed most by what Masan has done for the local community in terms of the programmes and protections in place.
compensated at values set by the government, despite fact that the PAPs were in favor of negotiating compensation from the company at what they saw as appropriate market prices.

Conversely, the SN2 was initiated by the company in their attempt to compensate for the loss of livelihoods in the form of Economic Restoration Programs (ERPs) and Community Development Plan (CDP). Notably, the ERPs and CDP were prepared under public consultation and disclosure plan (PCDP) and were carried out throughout the life of the project. Evidence shows that the PAPs are entitled to a great deal of benefit from the PPP results in the NP project. Indeed, the system of benefit sharing takes place in the NP project both in the forms of monetary benefit through additional compensations and entitlements, and through the establishment of a long-term development fund. Benefit sharing is also rendered as a non-monetary benefit in the form of livelihoods restoration, and social infrastructure restoration such as roads, schools, traditional houses, and healthcare centres.

**Participating actors: from distinctive to shared value**

The private actors (i.e. project investors) participate in PPP using their own financial resources. In the short term, the private actor is mostly concerned with the progress of the project, which is determined to a significant degree by the relevant public providers and authorities, as well as the resistance from the project-affected people (PAPs), which may increase the transaction costs. Furthermore, in the long term, the company’s vision and mission show that the benefit sharing with neighbouring communities should be viewed as a social license for the mining operations. Therefore, the company’s strategy is to direct the increased financial investments for capacity building, for lobbying the authorities, and corporate social responsibility (CSR) for the project-affected communities.

The public actors are defined as the multi-layer authorities at provincial, district or communal levels, where the project is located. Apart from being the policy guardians in terms of compliance and security on land acquisition, the public actors are also concerned about their institutional objectives, which include the success of the livelihoods rehabilitation programmes and long-term socioeconomic development in the project areas.

Since the private actor is committed to the long-term development of the community as opposed to short-term gains, the public and private actors appear to have shared values and perceptions on problem solving in the NP project.

**Collaboration structures: The evolution of PPP in the form of CSR generation**

The collaborative style of PPP for the first process (SN1) characterizes the so-called symbolic PPP (Mandell & Keast 2007), in which hierarchical governance predominates and public administration is involved in order to carry out the compensation and displacement procedures. This is viewed to be short-term collaboration. However, this paper focuses on the second process of the livelihoods rehabilitation (SN2), viewed to be a long-term collaboration.

The cooperative nature of PPP in the SN2 is widely viewed as an evolutionary process of CSR, and the network established in this way is organic, due to its evolving nature (Ysa 2007). Networks of this kind advocate for various partnerships and voluntary contributions to economic restoration and other sustainable development initiatives. For instance, it was stated in the MSR Sustainability Report of 2018 that the company partnerships with the local authorities and technical institutions have resulted in the provision of 15 training courses for 633 participants on topics such as safe plant protection, drugs, sanitation and safe methods and use of bio-products in animal husbandry, and the cultivation of tea and vegetables, as well as increasing farmers’ awareness about environmental protection and public health. Under these provisions, the VietGap model not only raises the pres-

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1 Such as the Dai Tu District’s Agriculture and Rural Development Department, the Thai Nguyen Center for Science and Technology Transfer etc.

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The company contributed 21% of VietGap tea area in Dai Tu district and 10% in Thai Nguyen province (MSR SR 2018). Recently, a PAP was quoted by a national press agency, saying, [T]he Nui Phao Company provided assistance and accompanied us in a number of activities such as training on safe tea cultivation and processing techniques under VietGap standards; study tours to other Good Practice models of tea plantation (...) The tea prices have increased by about 5-10% compared to the traditional farming method (...).
tige, quality, and branding image of traditional Thai Nguyen tea, but also promotes clean and safe cultivation/production procedures that aim specifically at environmental sustainability outside the project affected boundaries.

However, the public actors in the NP project were quite reluctant to participate in the rehabilitation programs, in spite of its goal of serving their communities. They see it as the ‘company goal’ rather than their primary organizational goals, which pursue the government’s socio-economic programs. Consequently, in such networks, the actors involved are less interdependent and might interact with each other only when necessary, and to some extent for exchanges of information and expertise.

3 PPP results: the philanthropic and compliance divide

In the NP project, each partner claims the success of the partnerships. At the participant level, the outcomes were produced despite the high investment cost, recognised by the private actor who also confirmed the benefits through the process of land acquisition and the reduction of community resistance.

In order to maximize the positive outcomes of the PPP process in the NP project, the company, which received assistance from resettlement professionals, has tried to generate trust-based relationships and legitimacy for its operation through three key drivers: branding activities (e.g. media campaigns and information disclosure), two-way communications (by the implementation the Public Consultation and Disclosure Plan), and good practice (comprising added value activities, CSR and benefit sharing).

However, participant observation identified widely varied perceptions of the participating actors. For public actors, represented by the local authorities, the CSR and reciprocal partnerships are encouraged, but are not essential in terms of compliance. The communal authorities and the affected communities acknowledged the benefits from the assistance programme but still claimed that ‘the compensation and contribution’ are not compatible with the impacts of forced displacement and mining operations. As a result, a comprehensive governmental inspection was undertaken in 2016 in all fields of compliance (resettlement and compensation, mining operation, and environmental impacts). In this instance, the company was subjected to media and public criticism which considerably affected its reputation as a listed company.

4 Conclusion: In what ways can private involvement be encouraged?

Through the case of NP project, it becomes apparent that the strong presence of branding activities in combination with ‘good intentions’ of the CSRs of the company do not imply that trust can be sufficiently created between the company and the PAPs or between the company and the various authorities. The environmentally friendly cultivation models have been subjected to a certain degree of distrust from the local farmers. The measures are seen as questionable prescriptions of accountable behaviour, or simply as dubious compensation methods rather than sustainable development initiatives. Positive changes to production practice occur slowly and take time to be implemented by localities beyond the project boundaries. Furthermore, trust and legitimacy-building activities in the NP project were considerably constrained by a traditional, popular distrust of mining operations and the commercial nature of the project itself. This resistance constrains the conflict resolution capability of the PPP since the root causes of the conflicts have not been completely eliminated.

References


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Tuesday night, Hansastraße, Duisburg

Wouter G. Werner
Tuesday night, Hansastrasse, Duisburg. I enjoy a year of sabbatical in the heart of the Ruhr area, the not so picturesque meeting point of the rivers Ruhr and Rhein. Every week I take the train to Duisburg, get out at a station that smells of Bratwurst and frying pans, walk across a desolate square to perhaps the nicest part of the city, the renovated inner harbor, organized along an old canal with restaurants, companies and a fitness center on the shore. Two to three days a week, I have a wonderful time at the institute there, writing from an office that overlooks beautifully redecorated remnants of Duisburg's industrial past. On Tuesday night, I do what runners do: I run. My home is just behind the inner harbor, and it is tempting to confine my runs to this area. After all, if I do some intensive intervals, the three kilometers at my disposal are more than enough. However, there is more to life than nice areas. I want to see what, at least to me, feels like the real Duisburg: the parts behind the inner harbor, where highways cut through the city, where trains run, trucks unload and huge containers are stored. This is the part where running may do more harm than good to your body: I can almost feel the polluted air entering my lungs. Yet, it is this part that attracts me. I cross a big road, a dark bridge, circle down towards the Ruhr and start entering a dimly lit area where big trucks go up and down. Every time I stare into the headlights of a four-meter high vehicle, I try to fight the rabbit in me: don’t stop and gaze, accelerate! Every time I see a sign ‘Zutritt Untersagt’ I try to enter and to see how far I can get. Sometimes I have to return quickly because the road simply ends, sometimes I have to return even quicker because I think security is approaching, sometimes I can just continue, only to end up at even more obscure spots. Occasionally, I see truck drivers who have to spend the night there. I do my best to act as if it is completely normal that our lives meet for a few seconds: of course I run in dark industrial parts of the city, of course you spend the night

Ben Stolk is an visual artist, sculptor and art tour designer. Pictures from 'Industrial Paintings': Hochofen (2018, above, made after visiting the Landschaftspark Duisburg), Wasstraat (2018, opposite above, impression from Zeche Zollverein, Essen), Passage (2019, a harbour impression from Duisburg). Werner’s story was first published on inviation of Ben in Ben Stolk, Industrie Schilderijen (2020). www.benstolk.nl
in a truck surrounded by trains, containers and toll cranes. However, the beauty of running is that it is a physical undertaking. Whatever I may try to keep up, my body has a way of outing the truth, albeit with a little help of technology. Like most runners, I have a sport-watch to record my pace and distance. When I return to my apartment in the Hansastrasse, I connect it to my laptop to check my performance. Every Tuesday night, the picture is the same. Roughly speaking, I have run as planned: I speeded up and slowed down according to schedule and stuck to the intended amount of kilometers. There are some odd exceptions though. Looking back, those were the moments when I entered dark areas, where I moved into forbidden parts of the harbor or where I passed truck drivers spending the night in the most desolate parts of Duisburg. These were the parts that attracted me, pulled me away from the civility of the nicely renovated inner harbor. These are also the parts that provoke primordial bodily responses: in times of perceived danger, you speed up. Of course, the danger was a figment of my mind—nothing ever happened, other than maybe some unhealthy fumes entering my body. Still, it is the memory of Tuesday night accelerations that defines Duisburg for me—a city seducing me with a combination of beauty and danger, the industrial and desolate twin of the Rheinmaidens.

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Digital Inequalities: Should we Talk About ‘Digital Colonialism’?

Carolina Aguerre

The last decade has been marked by a reconsideration of the benefits of networked and digital communications technologies. Dystopic public narratives and evidence of widespread government and private sector surveillance, coupled with the cognitive and emotional dark side of addiction to digital media (as ‘attention merchants’), have provided new perspectives on the digital society.

Notions of digital colonialism, focusing on the epistemological, economic and political imbalances that are generated in an era of data exploitation, have surfaced in these times of emerging techno-skepticism. Yet, the concept of digital colonialism evinces a conceptual and practical fragmentation. While it provides a diverse and pluralistic background for a critique of contemporary asymmetries in the digital environment and their negative consequences in many areas, the notion deserves to be revisited in light of its extended usage as a trope of power in the digital age.

This concept is used in some policy and media environments to portray an historical tension surrounding internet and digital governance scholarship, namely the problem of the diffuse nature of these technologies and a shift from nation-states’ control of public interest issues to private, transnational firms. The extended use of colonial and imperial analogies that are taking hold these days is rooted in the modus operandi of global digital corporations. These corporations have reconfigured historical notions of empires in the last four centuries, while at the same time demanding new types of knowledge and instruments to address the economic imbalances.

For example, scientists, policy makers and advocates have adamantly warned that a change of direction is needed to avoid so much concentration of market power, with few accountability mechanisms among a small number of corporations based mainly in two countries (the U.S and China). This changing mode of production with a strong dependency on digital technologies is determining new forms of power as interpreted both by liberal and Marxist approaches. This market power has been openly acknowledged to influence national political processes as these companies are de facto gatekeepers of the public sphere. The extractive nature of this digital economy and the lack of representation of “data subjects” in these new processes are calling for resistance to this trend. But should these asymmetries become inscribed as part of a colonialist approach?

When we look at how this resistance to digital inequalities is being addressed, one can find a very complex mesh of policies and and practices, from highly specialized anti-trust regulations, data protection frameworks, measures to prevent fake news, digital citizenship initiatives, and the development of technology and infrastructure—including networks and cloud services from a variety of public, private and civil society actors. These modes of addressing inequality are not those of disempowered subjects, which is why I find that colonialism might not be the best term to define the current asymmetries of the digital space.

The have and have-nots of a concept

While there is not a relevant amount of specialized literature around the notion of digital colonialism, there is a need to assess the potential and the perils of such conceptualizations. In the first place, because it is necessary to confront the fact that digital platforms—in their many sizes and business models—will only become more pervasive, even from a developmental perspective.

Secondly, countries that have higher levels of access to networks and relevant content tend to perform better in development indicators and econom-
ic growth. In particular, the COVID-19 pandemic has shown the dire consequences for education, health, and government services when access to quality and affordable communication technologies were not in place. There is a disciplinary gap to bridge between contemporary critical social theory and global governance with respect to the (probably still unrealized) potential of digital technologies to address inequality and development concerns. The literature that is framing digital colonialism does not include a discussion about the market and economic rules and interactions that can shape alternative solutions to this inequality.

In addition, many works explicitly recognize the dual-centredness of digital and data monopolies around the U.S. and China, but most analyses still focus largely around the expansion of U.S. based firms’ dominance. More profoundly, the literature on post-colonialism has been more concerned in conceptualizing the empires from the West. Does Chinese digital dominance in some sectors imply a different approach to digital empires, or are the foundational market assumptions enough to sustain similar dynamics? The expansion of Chinese firms in the global digital environment raises the question of whether the same forms of imperialism and colonialism will be enacted, and asks what concepts apply to these new sources of power and their interplay with the so-called Global South.

Finally, digital colonialism does not couple well with pathways and mechanisms for global digital cooperation. The decolonization process of countries in the Global South asserted national sovereignty; currently there are initiatives which attempt to formulate solutions around ‘digital sovereignty’ and national regional boundaries in different scenarios, from Europe to China. Digital sovereignty might lead smaller and less powerful states to fare on their own, while larger national or regional markets could be better positioned to develop their own strategies and assert their own rules. A comprehensive digital sovereignty approach would entail the fragmentation of possibilities for global interconnectedness and information sharing.

In what way does digital colonialism help frame asymmetries that are both caused and affected by the current arrangements of digital markets? Are “digital empires” different from previous forms of political and economic domination? An examination of these issues will help to increase both the legibility and pathways to address the political and economic imbalances that are pervasive in the digital networked ecology and how these relate more broadly to problems of inequality and global governance.

References


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The Private in the Political: Feminism, Anti-Imperialism, and Indian Anti-Colonialism in Europe and North America, c. 1910s-1950s

Joanna Simonow

In the early decades of the twentieth century, new radical political spaces emerged in cities such as Berlin, London, Paris, Zurich, New York, San Francisco and Moscow, where revolutionaries from colonial territories cooperated with European and North American radicals to topple imperialism and colonialism—if needed by force. In this context, Indian revolutionaries frequented metropolitan hubs of anti-colonial resistance to benefit from and contribute to the networks in place. The reports of intelligence officers who carefully monitored the political activities of Indians provide evidence for the presence of white women in these radical political spaces. Despite such clues, the nature of the women’s intellectual and material involvement with Indian anti-colonialism remains obscure. On the one hand, this omission is owed to the fragmented nature of historical records of women’s pasts. On the other hand, a narrow definition of political activism in general and anti-colonial activism in particular have reproduced the invisibility of women in the literature on diasporic Indian anti-colonialism. The common focus on ‘bombs, guns, public action, mass mobilizations and political spectacles’, as Kris Manjapra (2013: 81) has pointed out, marginalized revolutionary activities in the private, personal and quotidian spaces.

Reinserting these spaces does not merely render women visible but offers an overdue correction to our understanding of the very nature of diasporic anti-colonialism. In addition, putting women centre-stage offers new insights into the complexity of cooperation that characterized the landscape of social and political movements in the interwar period—a time described by historians as a period of political amorphousness (Raza et al. 2015). By exploring women’s politics, the project studies the ideological and material interdependence of anti-imperial, feminist and Indian anti-colonial thought, networks and institutions, and broadens the understanding of political cooperation in the private.

Labouring for the revolution: gendered politics

The project contends that women played a central role in maintaining the radical political spaces under survey. Foreign revolutionaries benefited from women’s labour and knowledge of local contexts, languages and social conventions. However, women rarely held public positions as leaders or speakers but mostly joined the revolution as typists, stenographers, secretaries, translators and messengers. Although revolutionary activism claimed to undo conventional gender relations and establish equity between the sexes, the division of labour points to the contrary. Furthermore, the line between women’s clerical and intimate labour was permeable. At times, the involvement of women in radical political spaces was intentionally cast as sexual and intimate in order to mislead the secret service. ‘Mistresses’ seldom received the
full attention of secret service agents (nor of historians)—as if women’s sexual involvement foreclosed their political activism.

At other times, however, secretaries turned into lovers, and lovers into secretaries. The unevenness of South Asian migration accounted for the fact that it were mostly men who engaged in revolutionary activities outside of the Indian subcontinent. Whereas romantic relationships with white women allowed these men to escape sexual austerity, it also gave both partners the opportunity to challenge rigid sexual and conjugal norms. Overall, Indian men were attracted to first-wave feminists, whose engagement in the birth control and sexual reform movements nourished their confidence in challenging conventional norms of female sexual conduct. For women striving for sexual liberation and renouncing societal expectations of marriage and monogamy, romantic relationships with Indian men likewise offered a release. As lovers, partners and wives, women’s work for the revolution broadened further as they now also acted as breadwinners, matrons and caregivers.

Anti-colonial resistance in the private: interracial intimacy, affection and sex

European and North American women often met Indian revolutionaries in the politicized spaces of party meetings and lecture halls, in which a common—though not identical—critique of race, class, empire and patriarchy created affection and nourished intimacy (Gandhi 2006). As Jennifer Anne Boittin (2010: 172) has remarked in relation to French women befriending black men of French colonies in Paris, women’s choice of lovers and friends illustrated attempts ‘to reconcile their personal lives and their politics’. In a similar vein, women’s personal involvement with Indian anti-colonialism can be understood as an extension of their public political engagement to their personal and private lives. This underlines the claim that affection, sex and intimacy are indeed political in nature. Because intimate relationships between feminists, anti-imperialists and Indian revolutionaries often (but not always) worked against gendered hierarchies of class and race that were vital to maintain the imperial project, they could constitute a means to resist the latter (or indeed reconfirm it partially). Women were aware that their choice of lovers was political in nature. Moreover, the societal opposition against interracial intimacy and miscegenation often contributed to their political radicalization as their relationship to Indian men exposed them to forms of discrimination, social ostracism and legal repercussions formerly unknown to them.

The combination of these perspectives is used to shed light on the gendered nature of revolutionary activism, women’s involvement with Indian anti-colonialism and the interactional and intersectional history of political and social movements in the first half of the twentieth century. To do justice to the complexity of women’s political activism that commonly evaded national and imperial borders, this project pursues a transnational perspective on the one hand, and a biographical approach on the other. To this end, multi-sited archival research in Europe, North America, South Asia and Russia is conducted and a broad range of personal and institutional sources are combined.

References


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For a few years now, the global dominance of the United States has been said to be waning (Acharya 2018). In this narrative, it is common to indicate the 2008 economic recession as a clear manifestation of Washington’s dwindling hegemony. But if many agree that a transition away from American unipolarity is currently ongoing, nobody can predict what kind of order will replace it. Is a new hegemon going to emerge, with China being the obvious candidate for such a role? Or will several national, regional, and international entities compete with one another to impose their political, economic, and military clout?

Perhaps because of the likelihood of this second option – a shift towards multipolarity – scholars and analysts are paying considerable attention to the BRICS initiative, a platform of international cooperation comprising Brazil, Russia, India, China, and South Africa. Not incidentally, the BRICS group became a reality in 2008 (although South Africa only joined in 2010), as the financial crisis unfolded in the West and as developing countries became ever warrier of the invasive development requirements imposed by the Bretton Woods institutions (Samudrala 2020).

Ever since the BRICS’ political leaders started holding annual meetings in 2009, questions have been raised on whether the group could play a key role in the post-American dominance economic order. According to the most sceptical commentators, differences between the five countries are so pronounced that they will prevent the BRICS from agreeing on any common strategy of global significance (e.g. Wolf 2012).

That intra-group divergences are too apparent to be overlooked is undeniable, as evidenced by last June’s clashes between the Chinese and Indian armies on the disputed Himalayan border, or by Jair Bolsonaro’s frequent tirades against China’s economic policies abroad. And yet, over a decade after its birth, the BRICS project still continues today. Accordingly, Karin Costa Vazquez has noted that the real question is not what sets the BRICS apart, but rather what keeps them together (Costa Vazquez 2019). In answering that query, Oliver Stuenkel has mentioned two factors that are particularly relevant here. First, one must consider the persisting economic rationale underlying BRICS cooperation. On the one hand, the five countries have substantially increased their share in the global economy since the group’s beginnings in 2008. On the other hand, volumes of in-BRICS trade skyrocketed over the last five years (although mainly because of each nation’s beneficial ties with China). A second unifying feature of the BRICS group lies in its members’ opposition to the US-led liberal international order, which they see as a threat to their sovereign prerogatives. In this sense, Stuenkel highlights the indifference with which BRICS leaders met Joe Biden’s election to the White House. For while Donald Trump ‘favored a world shaped by great powers and spheres of influence, Biden symbolizes, from the BRICS’ perspectives, a return to the pre-Trump world’ (Stuenkel 2020).

As Radhika Desai has noted, the group’s aversion towards the liberal international order also entails a rejection ‘of the neoliberal development model of the past several decades and the western-dominated IMF and the World Bank that still advocate it’ (Desai 2013). In light of such a rejection and given their economic growth, it could be expected that BRICS countries would attempt to promote an alternative avenue for development finance. And it is precisely for this purpose, that in 2015 the group set up the New Development Bank (NDB). In its first three years of activity, the NDB approved 53 projects in BRICS countries for a cumulative value of US$ 15 billion.

Laura Trajber Waisbich and Caio Borges have identified three areas in which the Bank introduced important in-
novations. First, the NDB’s governance responds to the principle of equality. As each of the five member states contributed US$ 10 billion towards the initial subscribed capital of US$ 50 billion, each member holds 20% of the total voting power. And even though the NDB’s Constitutive Agreement allows for the admission of new members, it also prescribes that current BRICS countries will always retain at least 55% of the voting rights. A second major novelty is the NDB’s ability to disburse loans denominated in local currencies, with a view to mitigating the risks faced by borrowers and feeding the capital markets of member countries. Finally, in terms of projects, the NDB has pledged its commitment to bridge the infrastructure gap between high-income and developing nations. To fulfil that task, the Bank was equipped with a lean organizational structure that is supposed to process loan requests in an expedite and unconditional manner (Waisbich and Borges 2020: 156-167).

As is true for the BRICS more generally, the NDB’s workings and performances have drawn contrasting reviews. Each of the above-listed innovations, for example, triggers some concerns. Waisbich and Borges themselves express doubts as to whether the principle of equality will remain central to the Bank’s functioning, conjecturing that China might soon decide to raise its capital subscription and attendant voting power. Regarding the second point, it must be noted that only one quarter of the projects the NDB has approved thus far are denominated in currencies other than the US$ (Mehra and Mehra 2020). Moreover, the NDB’s task to speed up the lending process might make it extremely difficult to assess the sustainability of the projects it is called to evaluate (Costa Vazquez 2019). Finally, in Waisbich and Borges’ opinion, the NDB’s openness to support projects run by private entities reflects a convergence between its development vision and that of the IMF and the World Bank. Consistently with this point, Stuenkel has argued that what the BRICS intend to challenge is not so much the dominant development system as the system’s leadership. This is why, in his view, the NDB’s prospects of growth might be inversely proportional to the weight that the BRICS will (or will not) gain within the Bretton Woods institutions (Stuenkel 2015: 118).

Nowadays, the Covid-19 crisis creates great opportunities for those powers that intend to support economic reconstruction and have the financial as well as political capability to do so. Thus far, the BRICS’ coordinated response to the pandemic has been defined ‘unimpressive’ (Costa Vazquez 2020), and the NDB’s US$10 billion assistance programme for its member states deemed inadequate against the economic emergency (Kapoor 2020). Yet, a breakthrough might still be in the cards.

According to the Bank’s vice president, in fact, negotiations have started to extend membership of the NDB to non-BRICS states. Allowing third countries to join the Bank could signal a step towards implementing the BRICS Plus scheme – a China-sponsored plan for additional strategic partners to enter the club – while circumventing thorny political objections to expanding BRICS’ membership itself (Nafey 2020). Observers have long called for the NDB to step up its game, and the current juncture represents the perfect chance to do so.

This is far from suggesting that the BRICS are poised to emerge from the pandemic as a new superpower. As the world moves towards a multipolar order, however, Covid-19 offers a possibility for the group to increase its collective standing by way of channelling its efforts into the field of development finance. The BRICS initiative was born during a crisis. It might gain new momentum in the midst of another.

References


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Briefings

Briefings usually focus on one of the policy fields the Centre is working on. They combine facts and conceptual questions on topics that are discussed at the Centre’s public events.

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Issues

2020
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2019
Migration, Utopie, Stadt
Populism and Global Cooperation
2018
Online Defamation

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| 04.02 | 3rd Global Migration Lecture  
Autonomie der Migration mit Vassilis Tsianos  
Vassilis Tsianos, Professor für Soziologische Grundlagen der Kindheitspädagogik, FU Kiel  
In Zusammenarbeit mit InZentIM  
17:30 (CET) online (in German) |
| 18–19.02 | EISA “International Practices” Standing Section event  
New Voices in International Practice Theorizing  
In cooperation with the Department of Political Science at the University of Copenhagen and the EISA Standing Section ‘International Practices’ |
| 02.03 | 18th Käte Hamburger Dialogue  
Belfast, Berkeley, Bethlehem: City Walls as Symbols of Protection and Inclusion  
Roundtable  
18:00 (CET) online |
| 25.03 | 40th Käte Hamburger Lecture  
Truth or Post-truth? Let’s Go Credibility with Jef Huysmans  
Jef Huysmans, Professor of International Politics, Queen Mary University of London  
17:30 (CET) online |
| 13.04 | 19th Käte Hamburger Dialogue  
Peacebuilding and Human Security in the Shadow of the Pandemic  
Roundtable  
17:30 (CET) online |
| 22–23.04 | 3rd Annual Conference  
Ideas for Re-ordering the World in Times of Multiple Crises: Continuity and Change beyond Covid-19  
In cooperation with INEF online |
| 27.04 | 41st Käte Hamburger Lecture  
Mapping Emotions in Political Science and International Relations with Emma Hutchison  
Emma Hutchison, Associate Professor, Australian Research Council; DECRA Fellow, School of Political Science and International Studies, The University of Queensland |

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Global Cooperation Research - A Quarterly Magazine was established in 2019 as a platform for global cooperation research and related academic disciplines. The magazine fills a gap. Somewhere between a blog post and peer reviewed articles, it provides a platform for fresh thinking on topical issues and a chance for the Centre’s fellows and guest contributors to outline new research in trending fields’, says Martin Wolf, the magazine’s chief editor. Recent topics include the current pandemic, populism, socio-political imaginaries, knowledge regimes, development cooperation, sociolinguistics, global health and cybersecurity. Many of the contributions reflect the Centre’s key research themes, ‘pathways and mechanisms of global cooperation’ and ‘global cooperation and polycentric governance’ and policy fields: governance of climate change, governance of peacebuilding, migration governance, and internet governance. The editor welcomes new and diverse contributions. ‘As ever, we encourage interesting insights from academics on themes linked to global cooperation research to facilitate open-minded, critically informed discussion.’
Theresa Reinold

The Causes and Effects of Hybrid Anti-impunity Commissions: Outline of a Research Agenda (Global Cooperation Research Papers 26). Duisburg 2020

In a variety of issue-areas in global governance, hybrid solutions have been experimented with in order to address the dilemma created by the export of Western templates of good governance, democracy, the rule of law, etc. to non-Western contexts. The latest manifestation of this global trend towards hybridity are hybrid anti-impunity commissions which have begun to proliferate in Latin America, and which are likely to produce ripple-effects beyond the continent. Their prototype, the Comisión Internacional contra la Impunidad en Guatemala (CICIG), was deployed in Guatemala; later, variants of CICIG were created in Honduras, El Salvador, and Ecuador. However, the new hybrids remain largely under-researched [...]

Forthcoming

Research Papers by Umberto Mario Sconfienza and Malcolm Campbell-Verduyn
During 2019, a group of nineteen researchers from nine universities and organizations in Latin America and the Caribbean participated in the development of this manual, seemingly the first comprehensive inventory on the many aspects of AI in the region. Carolina Aguerre, editor of the volume, was instrumental in this scientific endeavour partly funded by the Inter-American Development Bank (IADB). Academics here provide an assessment on capacities and challenges of a region whose member nations manifest a variety of data governance models. In her own contribution, Aguerre compares national AI strategies and levels of governance with a critical view of the ‘corporate’ outlook of data governance, which ‘leaves out, among others, a strategic and political vision, which is vital in the context of AI’ (131). Countries vary widely. What unifies them in a way, is that the new technologies, again, come from abroad. The same is true for regulatory models. The European GDPR is seen by some authors as a benchmark for Data Protection Laws in the region. Health and social classification systems are further challenges identified in the volume. Legal and ethical standards are called for: transparency and algorithmic accountability, control of AI systems, ‘explainability’ and algorithmic intelligibility (Castaño). Public policy options are deliberated. Regulatory oversight and global governance coordination are dunned, with regional governance in mind. The role of education is emphasized (Lara Gálvez). Neural networks fit into motivations of the insurance and healthcare sector, longing for big data: even a poorly designed algorithm trained in a huge database works better than a more refined one if trained with a smaller database (Amunátegui Perelló, Madrid). The bias (sexual, racial or other) of an algorithm is a global as well as a regional and local affair. In Columbia SISBEN, a social classification algorithm, creates the ‘poor’ person as a subject of social benefits (López, Castañeda). Aguerre indicates a pathway towards new terrain, when she sums up that ‘deep learning and the thirst for data by current AI models constitute only one of the current scenarios, and the future proposes some alternative paths for the development of AI’ (133). These are basic readings on transnational AI policy, recommended in Latin America and well beyond.

As is the case in Latin America, Europe also depends on systems operated or manufactured elsewhere. A challenge for regulation therefore is the technology itself, as well as network technology, its hardware, procedures, and protocols. The European Union Agency for Cybersecurity (ENISA) recently emphasised the significance and urgency of the problem in their report on Europe’s digital sovereignty. In this article, a research network around Christian Hesselman (SISDN) and including the Centre’s Senior Research Fellow Janet Hui Xue promotes a ‘responsible internet’ with a vision to establish transparency and reliability for network operations. This is a full-fledged network architecture design proposal and it excels in backbinding questions of transparency and control to the systems layer of the grid: network technology. Taking an open network (software & hardware) approach for granted, the authors propose development of two new distributed and decentralized systems: a Network Inspection Plane (NIP), which shall enable users to get descriptions of data flows and operators, basically making data chains of network operators (e.g. ISPs) transparent to the user. A second element, called Network Control Plane (NCP), shall enable users to condition their network action in terms of security attributes. The article aims at combining three research areas which are currently quite disjointed: large-scale measurements (for the NIP), open source-based programmable networks (for the NCP), and policy making. The authors refer also to models of a new digital governance architecture, most recently promoted at the IGF 2019. This article is published as part of the 2STiC research programme on ‘Security, Stability and Transparency for inter-network Communications’, in which several Dutch institutes participate. SISDN is partly funded by the European Union’s Horizon 2020 Programme. If you are interested in the challenge of transparency in network operations and the many aspects that play into it, this is a must-read for you.

Reviews: Martin Wolf
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