TERRITORIAL CONTROL, DISPOSSESSION AND RESISTANCE
The Political Economy of Large-Scale Mining in Asia

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Introduction
The changing supply and demand for minerals is reshaping the Global South. On the one hand, heightened depletion of mineral reserves, emerging technologies of extraction, and sustained demand from China have propelled multinational companies to explore new sites of extraction, which are increasingly located in remote corners of the globe (Hatcher 2014; Sommer 2017). On the other hand, large-scale mining has often been justified with enticing promises of national development and local benefits-sharing arrangements. Framed as a “frontier environment” for mineral development (IFC 2012), Asia experiences new dynamics of control over land, territories and resources, enabled by large-scale mining’s specific governance regime.

The concept of land grabbing has infrequently been used in the literature on large-scale mining in Asia. However, and as exemplified in this contribution, the definition of land grabbing has gradually widened beyond its initial reference to large-scale investment and foreign ownership of agricultural land (see GRAIN 2008). The concept now expands to include a variety of models of control over territories in order to secure access to – and to speculate over – a range of natural resources, including minerals, and regardless of the nationality of the actors involved (Borras Jr. & Franco 2012). Defining land grabbing more broadly as “transfers of effective control over land-based wealth and power” (Borras Jr. & Franco 2010: 23), and complementing a field originally framed in terms of the global political economy, a diverse literature now delves into more historically and geographically specific land and resource grabbing dynamics, including within the context of large-scale mining activities. That literature looks at particular territorial control strategies, with their attending political ecologies, normative and discursive dimensions, social configurations and repertoires of resistance and counterinsurgency doctrines (Borras Jr. & Franco 2012; Dunlap 2020).

Conversely, the discussion around land grabbing, when applied to the context of mining, allows to highlight strategies of control achieved through sector-specific normative
instruments, but whose object goes beyond the global political economy of access to mineral resources to include other, intermediate practices of accumulation by dispossession (Harvey 2004). This chapter focuses on the political economy and the normative framework of mining as one specific model of territorial control in Asia. Its aim is to present an overview of the discussion within this literature that argue that beyond state legal regimes, a number of local, national and international actors with plural and often contradictory interests – such as corporations, national and local elites, armed actors, donors, international development banks and civil society – are involved in crafting, implementing and contesting mining regimes, a process that further speaks to the transnational nature of the sector. Crucially, however, these regimes and the expansion of the mining frontier have profound impacts on the livelihoods of the local communities living in the vicinity of large-scale mining projects, communities often already marginalised.

This chapter is divided into three sections. After providing an overview of the scale of Asia’s mineral endowment, the first section of the chapter introduces the specific governance model and normative framework that characterises the region’s mining sector. The argument presented in the second part of the chapter demonstrates how such governance and normative framing has facilitated practices of accumulation and dispossession across the region, and in turn, how these practices have triggered a range of repertoires of resistance around mining. The last section examines the case of Mongolia, one of the region’s most mineral endowed countries.

The Land and Large-Scale Mining Nexus in Asia: A Political Economy Framing

The Asia-Pacific region is tremendously rich in minerals, accounting for more than half of the world’s metal ore production (USGS 2019: 1.1). According to the United States Geological Survey (USGS), the region is the world’s leading producer of a vast array of minerals, including alumina, bauxite, refined copper, iron ore, lead, magnesite, mercury, mined nickel, tin, tungsten and zinc (2019: 1.1). Incidentally, all of the world’s largest mining companies currently have projects in the region (Kemp & Owen 2017: 131). While Japan and South Korea are sizeable importers of minerals, China and India remain the largest consumers of minerals in Asia – China is the largest importer of rare earths minerals (Daly 2019); India, of gold (USGS 2018; 2020). China is also a world’s leading producer of minerals, including gold, most nonferrous metals and raw steel – it also accounts for 80 percent of rare earths’ world production (USGS 2020). Within Southeast Asia, mineral trade was valued at USD 249.8 billion in 2012, accounting for 8.9 percent of the region’s total trade (ASEAN 2020). Indonesia is by far the largest producer of the Association of Southeast Asian Nations’ members (notably nickel, tin, bauxite and gold), although other members are also important mineral producers, including Malaysia, Myanmar, the Philippines, Thailand and Vietnam (see USGS 2019). Indonesia and the Philippines, together with Papua New Guinea, account for a staggering 82 percent of the total mineral exploration budget for the region (in 2014) (USGS 2017: 1.2 cited in Hatcher 2020a).²

Like other regions rich in natural resources across the Global South, Asia’s large-scale mining sector is ruled by a neoliberal governance model and normative framework characteristic of a now globalised mining sector (O’Callaghan & Vivoda 2010). This governance model was disseminated through successive waves of neoliberal reforms across Latin America and Africa in the 1980s and 1990s (Campbell 2009), and more recently, in Asia (Hatcher 2020a; Naito et al. 1998). It is worth noting that over the decades, international
financial institutions such as the World Bank, as well as some regional banks and bilateral donors, were instrumental in promoting this governance model by twining it to a discourse that associates foreign direct investment to development and poverty reduction (Hatcher 2014). If some of the provisions embedded in these “generations of mining regimes” remain in constant flux, they are all driven by a set of normative principles that seeks to reframe political issues regarding the distribution of risks, costs and benefits of mining in technical and managerial terms, while transferring the authority over natural resources from public institutions to the private sphere (Campbell 2004; Campbell & Hatcher 2019). As argued in this contribution, this governance model has had a profound impact on modes of territorial control and consequently, has heightened tensions around mining sites and beyond.

One key normative element of this depoliticised resource governance is the principle of “free mining” or “free entry”, which prioritises the interest of mining rights holders over the interests of surface rights holders (Gagné-Ouellet 2013: 51–52; Laforce et al. 2012: 31–34). Expressed through a variety of normative instruments according to each country’s specific jurisdictions, the principle of free mining aims to provide “legal certainty” by insulating mineral rights from “risks” emanating from competing land claims, the exercise of territorial planning by the state or local communities, or the affirmation of Indigenous jurisdiction (Isaac & Hoekstra 2021; Newman & Graham 2021).

This discourse around “risk” is heightened in “frontier regions” (see IFC 2012). Increased depletion of mineral reserves, emerging technologies of extraction, and sustained demands from China have propelled multinational mining companies to explore new sites of extraction, which are increasingly located in remote corners of the globe. In these remote regions such as the resource-rich but conflict-stricken island of Mindanao in the Philippines or the Gobi Desert in Mongolia, where the mining giant Rio Tinto has been developing one of the largest known copper and gold deposits in the world, corporate investments are seen as particularly “risky” (Bretton Woods Project 2011) and hence in need of legal certainty, alongside fiscal and legal incentives (IFC 2012). Twined with such “last frontier” narrative is one emphasising “development”, whereby “idle empty” regions or “vacant lands” are in need of mise en valeur and hence, ripe to be harnessed for corporate investments (see Borras Jr et al. 2011: 209; Geenen & Hönke 2014; Hatcher 2014). Of course, and as exemplified by the score of ethnographic studies on the subject, these remote regions are seldom unpopulated and the promises of development for communities in the vicinity of large-scale mines have too often failed to materialise.

The second key normative element of the hegemonic mining governance regime is the dissemination of private-led governance schemes aimed at managing and containing local socio-environmental conflicts. Closely linked to the neo-liberal transformation of the sector, states tend to respond to these conflicts by pairing formal exploitation rights with diffuse and informal social responsibilities (Szablowski 2007). Since the 1990s, a host of private-led normative instruments aimed at defusing local conflicts and generating “community support” around Extractive Industries (EI) have been developed under the general category of Corporate Social Responsibility (CSR) or the Social License to Operate (SLO), the latter understood as the “support” of local communities for extractive projects (Prno & Slocombe, 2012). CSR and SLO are increasingly relevant paradigms for the management of community-EI relationship in Asian countries (see AICHR 2014; ASEAN 2011).

CSR’s role in this emerging normative and political ecosystem is paradoxical in nature. On the one hand, it can be conceived as imposing supplementary constraints on EI as part of a hybrid legal-market form of regulation (Engle 2004; Trebeck 2008). On the other hand,
it forms an integral part of “negotiated” local governance practices in which EI are called upon to manage local politics, territorial organisation, environmental protection, and arbitrate Indigenous and human rights (Szablowski 2010). The emergence of SLO and CSR in EI is thus concomitant with the reframing of inherently political issues into technical ones, and with the blurring of accountability mechanisms between the public and the private sphere (Campbell 2012; Campbell & Laforce 2016). This normative framework tends to rely on implicit disciplinary norms rather than explicit, democratically deliberated rules (Andreucci & Kallis 2017; Lander 2020; Sawyer & Gomez 2008). As an integral part of the industry’s management of “environmental, social and political risk”, obtaining the SLO often implies pre-empting forms of collective action aimed at enforcing rights, Indigenous jurisdiction and/or disrupting extraction (Motard 2019; Szablowski 2019).

Together, the principle of free entry and the deployment of disciplinary practices of social management by title holders “re-distributes” authority and legitimacy in extractive territories and pre-empts democratic control over natural resources and land planning (Roy Grégoire 2020), thus enabling a host of practices of accumulation through territorial control.

Enabling Intermediate Practices of Accumulation and Dispossession, and Mining-Specific Repertoires of Resistance

EI are a prominent driver of the steady increase in socio-environmental conflicts documented in the last decades (Scheidel et al. 2020), reflecting both the extent and scale of the socio-environmental impacts of EI, as well as a global environmental grassroots mobilisation (Temper et al. 2018). In fact, 2019 saw the highest number of lethal attacks against environmental defenders on record, with the mining sector linked to the most murders; and while the majority of these attacks were in Latin America, it is worth noting that the Philippines was the country with the most mining-specific related killings (Global Witness 2020: 10).

Criminalisation, repression and violations of Indigenous rights specifically around EI projects are also increasingly documented worldwide (UN 2018) and in Asia (UN 2020). According to Global Witness (2020: 10), Indigenous peoples are some of the most at-risk communities across the globe – even though Indigenous communities make up only 5 percent of the world’s population, over a third of all fatal attacks against environmental defenders have targeted Indigenous people between 2015 and 2019. This resonates with what Dunlap and Jakobsen (2020: 73–90) have characterised as “resource militarisation”, a process that builds upon counterinsurgency doctrines and social control. Indeed, territorial control, access to resources, coercion and legitimisation are inherent to the historical formation of states and capitalism and are accompanied by both “hard” and “soft” modalities of violence (Dunlap and Jacobsen 2020: 76). What remains open to empirical enquiry, however, is the way political and economic institutions respond to and structure the opposing forces of power accumulation and human agency – that is, “resistance” in its variegated forms.

As argued earlier, EI are a vector of a certain redistribution of authority over land. While the state – directly or by its “strategic” absence, as argued by Szabolowski (2007) – remains a key actor of influence in these heightened conflicts, a plurality of other actors also come into play. The principle of free mining modifies the structure of incentives for a wide set of actors at every scale of governance (see Hall, Hirsch & Li 2011: 5), including some actors that may
have no capacity for mining but might nevertheless wish to pre-empt democratic, collective and/or Indigenous modes of territorial governance. This is because while the most visible beneficiaries of the “legal certainty” afforded by mining rights are extractive, the acquisition of mining rights by extractive companies is often the last of a series of transactions between third parties, each accumulating profit by virtue of the veto over land use afforded by the title under free-entry regimes. The new structure of incentives can enable alliances between actors such as illegal armed groups speculating on the title by forcibly removing local Indigenous or peasant populations; landowners and corrupt officials benefitting from zoning and public infrastructure decisions; or anyone whose strategy of accumulation is facilitated by weak social mobilisation and fragile public scrutiny (see Roy Grégoire 2019b).

With a plurality of (often contradictory) multi-scalar state and corporate interests feeding into conflicts over land as well as the colossal revenues derived from large-scale mining, development outcomes have often disappointed. The literature on the correlation between natural resource abundance, corruption and (under)development is plural and there is an agreement that most Global South mineral-rich countries fair rather poorly despite being endowed with natural resources. It is illustrative to note that despite being some of the world’s richest countries in mineral reserves, several resource-rich Asian countries remain low on the Human Development Index (HDI) – Indonesia ranks 107 out of 189 countries; Lao People’s Democratic Republic (Laos) 137; Mongolia 99; Myanmar 147; and the Philippines 107 (UNDP 2020: 242–243). Likewise, corruption and a noted lack of capacity – and at times political will – have often been twined with large-scale mining activities, as in land-grab practices more broadly. Today, most of the significant mineral producers in the Asian region rank poorly on the world’s Corruption Perceptions Index (CPI): Indonesia with a score of 37, Laos 29; Mongolia 35, Myanmar 28; and the Philippines 34 (Transparency International 2021: 2). Borras et al. (2011: 210) underline that land-grabbing activities largely take place where corporations can “exploit corrupt or indebted governments with little ability to regulate the transaction or prevent buyers from targeting the poorest rural communities, expelling people with non-traditional land title from their land”. Unsurprisingly, therefore, several governments in the region have relied – and continue to rely – on mining rent to consolidate their economic and political rule – Gellert suggests the term “extractive regimes” (2010: 28). In Indonesia and the Philippines for instance, EI have played a key role in these countries’ respective development trajectory, notably in the consolidation of the Suharto (Gellert 2010; Robison 2009) and the Marcos (Bello et al. 2004) regimes, both of which were supported by international mining interests.

While mining-related dynamics of dispossession often reconfigure struggles over land in accordance with the globalised politics of extractivism, a range of mining-specific repertoires of resistance have emerged. Within transnational networks, Field identifies a number of inter-related emerging discourses counterbalancing local power asymmetries specifically around mining – discourses referring to the “resource curse”, “Indigenous people’s rights”, “environmental justice and human rights”, and “feminist” critiques of mining (2019: 89–144). Along with their correspondent political scenes, these discourses have also brought into play sector-specific transnational institutions created to manage local extractive conflicts (Szabowski 2007).

Around these discourses, a range of local and international actors such as development banks, mining corporations, and a plurality of non-governmental organisations, have advocated for the creation of various instruments to standardise the management of extractive industries (see Coumans 2012; Dashwood 2013; Kemp & Owen 2017; Lander 2020;
These take many shapes whether public, private, voluntary and/or mandatory. For example, the Extractive Industries Transparency Initiative (EITI), a prominent international standard for openness by governments and companies around the governance of oil, gas and mineral resources, has now been adopted by several Asian countries – Indonesia, Mongolia, Myanmar, Papua New Guinea, the Philippines and Timor-Leste. But like several other international instruments, the EITI has at times disappointed for its inability to address the complexity of the “politics” of mining, including falling prey to local and national political elites and corporate interests. In Myanmar, for instance, the reform process initiated in 2011 gradually oversaw significant regulatory reforms in the mining industry, including the adoption of the EITI in 2014. While the reforms were highly successful in injecting significant foreign direct investments in the country’s mining sector (Oxford Business Group 2017), they significantly fell short of curbing the military and other armed groups’ intricate grip on the country’s lucrative natural resources, including the multi-billion-dollar gemstone trade – in 2014, the latter’s worth was estimated to US$31 billion (Global Witness 2021). And amidst the most recent military coup (February 2021), Myanmar’s EITI membership has been suspended.

At the local/national level, amidst the increasing absence of the state the redefinition of governance practices around the management of local territories has often left impacted populations wondering how to respond and to whom to address their queries around the impacts of mining activities on their livelihood. Borras et al. (2012: 413) point out that two broad types of resistance have emerged: one characterised by the struggle against dispossession through displacement; and the other, by the struggle against exploitation, or in other words, by the struggle over the terms of incorporation. At times complementary but also often contradictory, these types of struggles have triggered a range of repertoire of social mobilisation, opposition, resistance and negotiation tactics around mining activities. These tactics are phenomenally varied, often multi-scalar and strategically deployed on several fronts. Examples include violent and peaceful protests, blockades, efforts to influence Environmental Impact Assessments, participation in formal political arenas, demands for Free Prior and Informed Consent, community organised consultations, litigations, complaints submitted to the ombudsmen’s offices of international financial institutions, calls for mining bans or moratoria, negotiations for compensation, the creation of Indigenous development funds and direct involvement in company’s CSR and community development programmes (Lander et al. 2021; O’Faircheallaigh 2015).

If technical assistance around capacity and the call for transparency have been emphasised to remedy these issues, critics have highlighted that despite the multiplication of various instruments to standardise the management of extractive industries, the latter continue to neglect the politics of mining across the Global South (Campbell 2013; Carroll 2012; Hatcher 2014). In short, and as exemplified by the case of Mongolia in the final section of this chapter, these market-friendly schemes ignore the fact that the sector’s governance is shaped by evolving struggles for power and resources both locally and within the wider global political economy of mining.
conflicts over land and water between the corporations and the semi-nomadic communities living in the vicinity of these mining sites. This has led local communities, as well as several national and international non-governmental organisations, to explore a multi-scalar range of repertoires of resistance to challenge, in part or as a whole, the country’s mining governance.

Mongolia’s recent mining boom was facilitated by the transition to a market economy in the 1990s – the International Monetary Fund (IMF) and the World Bank spearheaded two rounds of shock therapy reforms in the early 1990s. It is amidst this wave of deregulation and liberalisation that foreign-led large-scale mining was identified as a key sector to generate the country’s much needed revenues – Mongolia’s budget was no longer supported by the recently defunct Soviet Union (Bumochir 2018). Alongside most of the other source-rich countries in the Asian region at the time, Mongolia reformed its mining governance. Under the guidance of the World Bank and the Asian Development Bank, the country adopted the 1997 Mineral Law and later, the 2002 Foreign Investment Law, two pieces of legislations closely modelled the neoliberal governance and normative framework discussed in the first section of this chapter.

The reform process was highly successful in attracting foreign investors and for the development of the country’s large-scale mining sector. By the turn of 2010, Mongolia was seventh in the world in terms of mineral production (Mendoza et al. 2011: 4) and a year later, its GDP was growing at a staggering 17.5 percent, making it the fastest growing economy in the world at the time – nearly twice as fast as China’s (Langfitt 2012). Extractive industries have now become central to the country’s economy, accounting for a little over a quarter of Mongolia’s entire national budget (EITI Mongolia 2021).

Mongolia’s commitment to neoliberal modes of governance has not been without issues. The first decade of the mining boom (in the early 2000s) saw plural localised/rural and national level mobilisation strategies, including direct political actions such as mass protests and blockades, as well as efforts focused on the need to adopt new legislation for environmental protection (Byambajav 2012, 2015; Jackson 2015; Lander 2020). Over the years, the Great Khural has attempted to reform some of the most liberalised terms embedded into the country’s mining governance in order to increase state revenues (Hatcher 2020b). However, these legislative measures quickly saw international investors shunning the country until such reform attempts were almost altogether abandoned. And with the country’s high dependence on mining exports – the sector represents approximately 80 percent of total exports (IMF 2019: 4) – these wave of investment wavering have had a toll on the country’s economy, not withholding the fact that the economy has also been exposed to the whims of globalised mineral prices. Altogether a little over a decade of political economy of mining in Mongolia has led the country into a spiralling debt. In 2017, Mongolia turned to the IMF to obtain a USD 5.5 billion financial rescue package. This is highly relevant because such economic landscape has led the government to renew its commitment to a liberalised mining governance, a process that has been twined with a narrowing of political spaces for contestations around the mining-led economy, as exemplified by the case of Oyu Tolgoi mine.

Oyu Tolgoi, which first started production in 2013, is now one of the largest copper mine in the world as well as the largest source of revenue for the government. However, the mine has been plagued by multiple grievances, both at the local and national levels (Blunt & Sainkhuu 2015; Hatcher & Lander 2022; Lander 2020; McGrath et al. 2012). At the national level, the politics of Oyu Tolgoi have remained a key issue for the Great Khural – Mongolia’s
parliament – with increasing pressures to strengthen socio-environmental legislations around mining sites and unremitting debates over mining rent collection/spending (Hatcher et al. 2016). For instance, despite Mongolia’s adoption of international standards around transparency and notably, its adherence to EITI in 2007, Oyu Tolgoi has been plagued by several corruption scandals, and incessant taxation disputes between the government and the mine’s main shareholders (Rhodante et al. 2020).

At the local level, the semi-nomadic communities living in the vicinity of the mega-mine have developed a plural and multi-scalar repertoire of resistance tactics, including middling success in their attempts to trigger Oyu Tolgoi’s CSR and Rio Tinto’s specific corporate standards. However, these communities have struggled to contest and negotiate the shifting boundaries of the mining modes of governance, and amidst the country’s mounting debt – and the government’s renewed commitment to a mining-led economy – local and national political spaces have further dwindled. This is exemplified by the public criminalisation of prominent civil society leaders protesting against the country’s weak environmental laws around mining – and five key leaders were sentenced to over twenty-one years in prison on charges of “environmental terrorism” (see Lander 2020). Crucially, this process impacted the risks that civil society organisations were willing to take, undermining more contentious and litigious strategies to defend the social and environmental interests of communities impacted by Oyu Tolgoi (Hatcher & Lander 2022).

Conclusion

Building on political economy literature, this chapter aimed to survey the land-large-scale mining nexus within the specific context of Asia. The region has been tightly integrated into the global political economy of mining and therefore, all the mineral-rich developing countries of the region have adopted a liberalised mining governance and its attached normative framework. But this specific model of territorial control derived from these regimes, alongside the expansion of the mining frontier, have had profound socio-environmental impacts on the local communities living in the vicinity of large-scale mining sites.

John Ruggie, then UN Special Representative of the Secretary-General on Human Rights and Transnational Corporations and Other Business Enterprises used the term “governance gap” to describe the rift between the global scope and influence of private enterprises and the regulatory capacity of States, whose reach is traditionally confined to their respective territories (UN 2008). Just as the definition of the “governance gap” and the appropriate ways to close it remain debated in the literature (Bird et al. 2014; Deonandan et al. 2016; Deva & Bilchitz 2013; Ramasatry 2015; Simons & Macklin 2014), the “gap” itself is a fertile ground for normative and institutional innovations. The outcome of the interactions between these multiplying norms and institutions is increasingly difficult to discern (Roy Grégoire 2019b). In this constantly evolving “governance ecosystem” (Sagebien & Lindsay 2011), predicting the outcome of any intervention is difficult – and human rights-based intervention especially so (Roy Grégoire, Campbell & Doran 2017).

As we argued earlier, however, governance initiatives that rely on CSR and SLO models are often removed from regulatory enforcement and continue to expose local communities to deeply uneven power relations. Project-Level Non-Judicial Grievance Mechanisms (PLNJGM), for example, are increasingly being proposed by private companies to address and remedy human rights grievances. Within the framework of the UN Guiding Principles on Business and Human Rights, PLNJGM are presented as a palliative to the insufficient
capacity of states and judicial mechanism to respond to the scope of human rights issues related to business activities (UN 2008; 2011). In practice, however, extractive companies have used PLNJGM to pre-empt victims’ access to judicial mechanisms by including legal waivers in private “reparation” contracts, for example. Interestingly, under these agreements, victims typically waive their rights to litigation in all jurisdictions, thus protecting EI from transnational litigation (Coumans 2014). Impact and Benefit Agreements between EI and local communities typically include similar provisions (Roy Grégoire 2020). Rather than addressing imbalances of power by making public institutions accountable, such governance mechanisms consolidate the territorial authority of private actors as adjudicators of “justice” and “human rights” (Roy Grégoire & Monzón 2017). Importantly, these schemes preserve the territorial veto inherent in the mining title and maintain the structure of interests that enables the intermediate practices of accumulation described above.

A number of local, national and international actors have however been involved in contesting these extractive regimes and recuperating a degree of democratic control over natural resources. Heightened conflicts around mining sites have generated political pressure on home-jurisdiction to sanction human rights violations committed by extractive corporations operating abroad (Imai 2017). Some progress in that direction has been registered, notably in the European Union (EU), where several countries have adopted due-diligence legislation making parent companies liable for human rights violations and environmental damage across their supply chains (European Commission 2020). EU officials have committed to introducing similar legislation at the European level (RBC WG 2020). In 2019, Canada established the Office of the Canadian Ombudsman for Responsible Enterprise (CORE), which has the power to review complaints for human rights abuses by Canadian corporation operating abroad (CORE 2019a). There remain many limits to CORE’s mandate that hinder its ability to investigate human rights abuses, such as the power to compel testimonies and documents (CNCA 2020), and CORE has acknowledged that “the ability to compel witnesses and documents during investigation would maximise the office’s effectiveness as a non-judicial grievance mechanism” (CORE 2019b). More recently, Canada also discussed legislation that would ban imports on goods produced using forced labour, which would impose due-diligence requirements on Canadian companies operating abroad (including EI).\textsuperscript{15} Canadian civil society, for its part, is advocating for a wider-ranging human rights due-diligence legislation to be introduced (CNCA 2021).

One key element of these transnational governance initiatives, however, is whether they support and empower human agency at the local level, or rather further contribute to the “domestication” of resistance practices. As noted earlier, it is the disruptive capacity of grassroots mobilisation that make it the target of violence, especially so because it is in a position to address the layered complexity of interests aligned by the extractive governance model. This disruptive capacity must be preserved and protected.

\section*{Notes}

1 Notable contributions applying the concept of land grabbing to the mining sector in other regions or globally include Aguilar-Støen (2016); Dunlap (2020); Dunlap and Jakobsen (2020); Hausermann and Ferring (2018); Hausermann et al. (2018); Van Bockstael (2019).

2 On the mineral fuel front, although the Asia Pacific’s shares’ of natural gas and crude petroleum production remains relatively low, the region is endowed with sizeable mineral fuel reserves – its production of anthracite coal and bituminous coal accounted for about three quarters of the world’s production respectively (in 2015) (USGS 2019: 1.2).
Oyu Tolgoi mine is jointly owned by the Government of Mongolia (34 percent of the shares) and the company Turquoise Hill Resources (66 percent of the shares). Rio Tinto is a majority owner (50.8 percent) of Turquoise Hill Resources and it manages the operation on behalf of the owners.

See for instance: Campbell (2004); Hatcher (2014); Lander et al. (2021); Nalule (2020); Roy Grégoire (2019a); Szablowski (2007).


Rank out of 189 countries (the lower rank shows “Very high human development” and the highest, “Low human development”). The HDI is a composite index measuring average achievement in three basic dimensions of human development (a long and healthy life, knowledge and a decent standard of living). See UNDP (2020).

The CPI ranks 180 countries and territories by their perceived levels of public sector corruption. It uses a scale of zero to 100 – zero is highly corrupt while 100 is very clean. The average of the 180 countries and territories analysed was 43 out of 100.

For a discussion on South East Asia specifically, see Hatcher (2020a).

On EITI, also see Klein (2017).

In 2019, for instance, Bayartsogt Sangajav, the country’s former finance minister, was arrested in 2018 over allegations that he had financially benefited from the sell of Oyu Tolgoi’s shares amidst the signing of the mine’s Investment Agreement.

The Government of Mongolia holds 34 percent of the mine’s shares while the remaining 66 percent are in the hands of the foreign-owned company Turquoise Hill Resources. Rio Tinto owns a majority stake in Turquoise Hill Resources (50.8%).

As one of the largest mining corporations in the world, Rio Tinto, the company managing Oyu Tolgoi, has its own socio-environmental and human rights guidelines while also adhering to a vast array of global principles such as the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises and the United Nations (UN) Global Compact and the Voluntary Principles on Security and Human Rights (Rio Tinto, 2016). For an analysis of the case of Rio Tinto see for instance Seagle (2012) and Hatcher (2014)

Bill S-211, An Act to enact the Modern Slavery Act, introduced in the Senate on February 5, 2020: https://www.parl.ca/DocumentViewer/en/43-1/bill/S-211/first-reading. The introduction of the bill coincides with a judgment of the Supreme Court of Canada in Nevsun Resources Ltd. v Araya et al., released on February 28, 2020, in which a majority of the Court decided that Eritrean plaintiffs alleging forced labour (among other wrongs) at a mine in Eritrea against a Canadian mining company could sue the company in Canada (see Norton Rose Fulbright 2020).

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