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# The Tragedy of the Global Commons: Illegal Mining, International Law, and the Return of Power Politics in the Age of Trump

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**EU  
GLOBACT**  
TRANSNATIONAL CRIME AND EU LAW:  
towards Global Action against Cross-border Threats to  
common security, rule of law, and human rights



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# Abstract

Illegal mining and natural resource extraction is a global problem linked to drug smuggling, terrorism, human trafficking, and environmental degradation. It is a difficult problem to solve under the current international law regime due to the current global tragedy of the commons, but it will only get worse as the current international law regime continues to erode under the US presidency of Donald Trump. This talk will examine the problem of illegal mining and natural resource extraction as both a problem of what is known as the tragedy of the commons as well from the perspective regarding how the changes in international law under Donald Trump will usher in a return to power politics and spheres of influence in global affairs.



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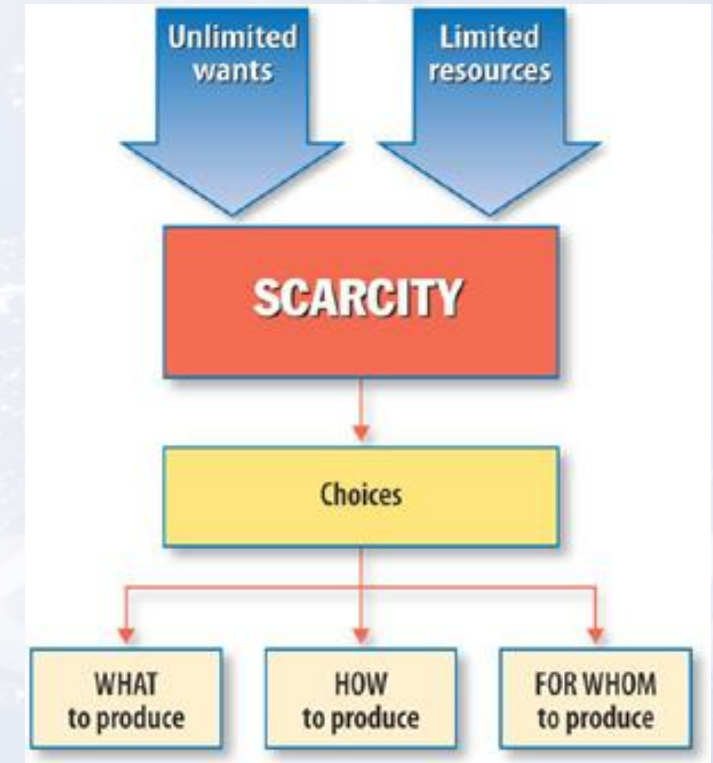
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# Economics is the study of scarcity

There is never an infinite amount or number of desired resources to go around. The task is how to allocate.





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# Ways to Allocate Scarce Resources

- Legitimate Means
  - Markets
  - Legal Regulation
- Illegitimate Means
  - Steal or break the law





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# Illegal mining or harvesting

- This is the problem with scarce global resources
  - Precious metals
  - Rare metals such as Lithium
  - Even fish and wildlife if we can think of them as something to





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Preventing illegal harvesting  
domestically is difficult under  
any  
circumstances but is  
especially hard internationally  
and in international arenas

The Earth is big

Detection is difficult and costly



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# Illegal mining in Brazil



Illegal mining in Amazon has led to:

- Deforestation
- Pollution
- Violence to indigenous populations
- Spread of disease



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# South Africa illegal mines

Illegal gold mining in South Africa has produced standoffs and pollution problems







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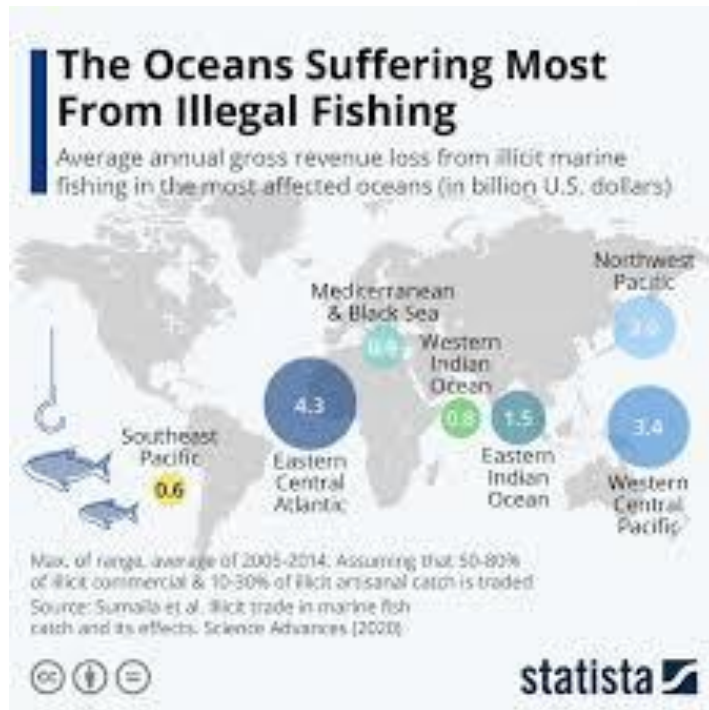


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# International Waters



Illegal fishing in  
international waters



Illegal mining in  
international waters



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# Illegal Hunting of Endangered or Threatened Species



**\$23B** The global illegal wildlife trade generates between \$7 billion and \$23 billion in illicit revenue annually\*. The trade can involve a range of criminal activities, from trafficking and forgery to bribes and use of shell companies.\*

**9,246%**

In 2005, South Africa lost 12 rhinos. In 2014, it lost 1,215—an increase of more than 9,000%.\*



**\$60,000**

Increasing demand for rhino horns in Asia has fueled black market prices. Rhino horns is said to go for \$60,000 per kg (\$132,000/lb).\*



**100,000**

As many as 100,000 African elephants—33,000 per year—were killed between the years 2010 and 2012. More than 80% of Central Africa's forest elephant population has been wiped out in the last decade.\*



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# The race to mine the Arctic Ocean as it melts





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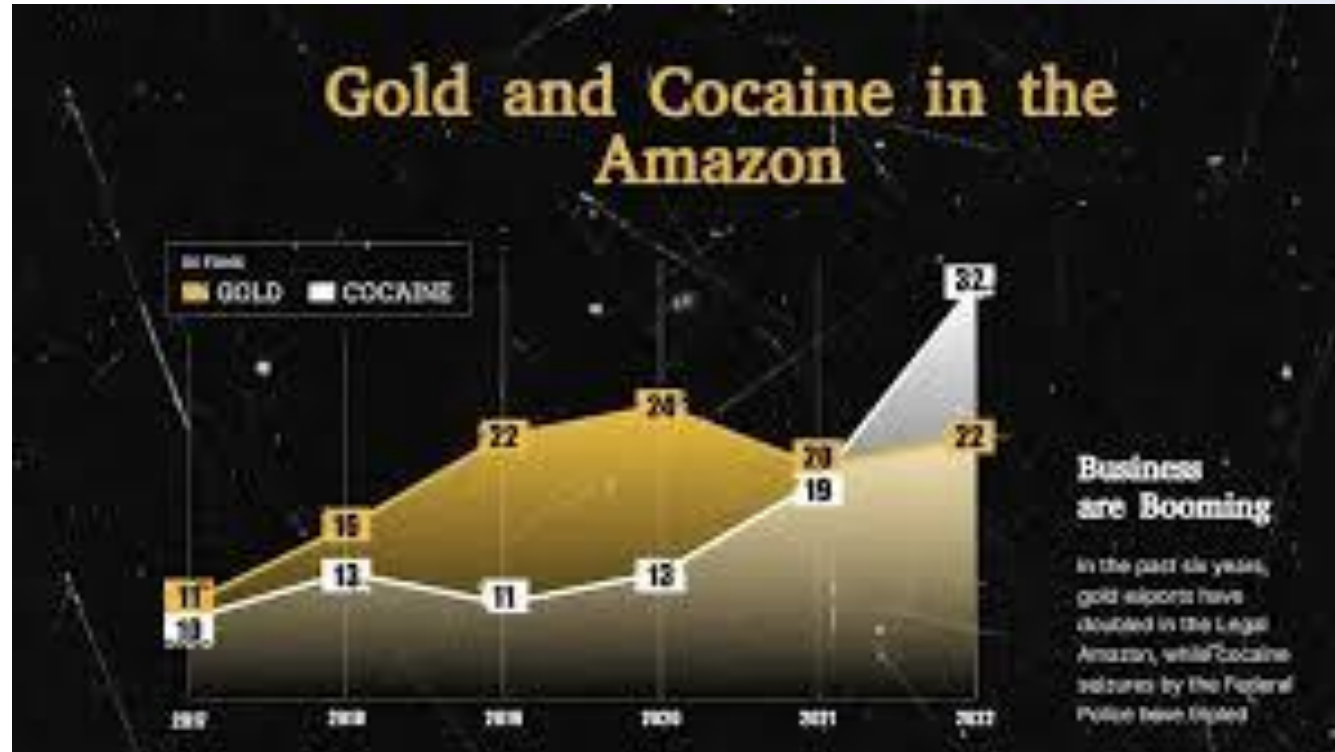
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Illegal  
drugs and trafficking

Mining

linked

to





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# Environmental problems



- Mercury and other pollutants enter watersheds
- Deforestation contributes to climate change and spread of diseases
- Threatens habitat of animals



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# Illegal mining linked to terrorism

Illegal mining helps finance terrorist  
activities around the world





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# Illegal mining and links to sex trafficking

Illegal mining often employs slave labor or  
is connected to sex trafficking





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# Incentives to Engage in Illegal Activity



There is a lot of money to be made from  
illegal mining and harvesting





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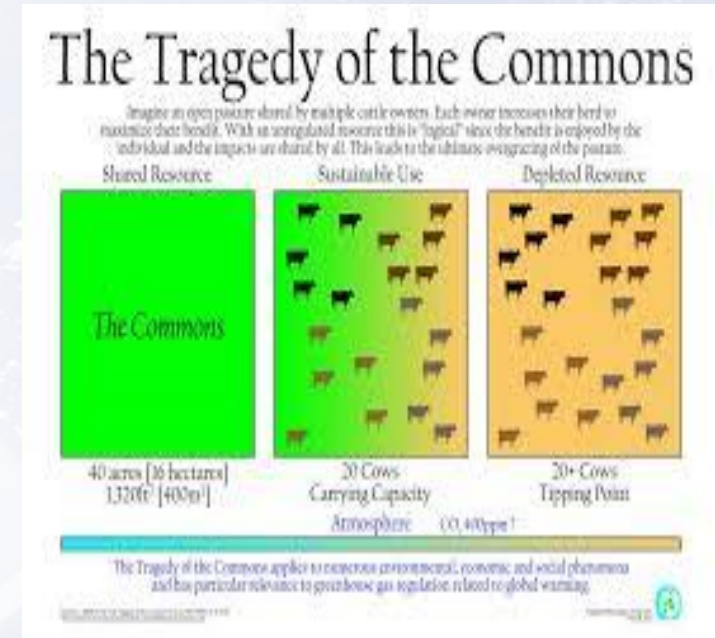
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# Tragedy of the (global) Commons

Hardin, G. (2013). The tragedy of the commons. In Environmental ethics (pp. 185-196). Routledge. Everyone has an incentive shirk





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# Maximum sustainable yield

Finley, C., & Oreskes, N. (2013). Maximum sustained yield: a policy disguised as science. *ICES Journal of Marine Science*, 70(2), 245-250.

The race to harvest before others do





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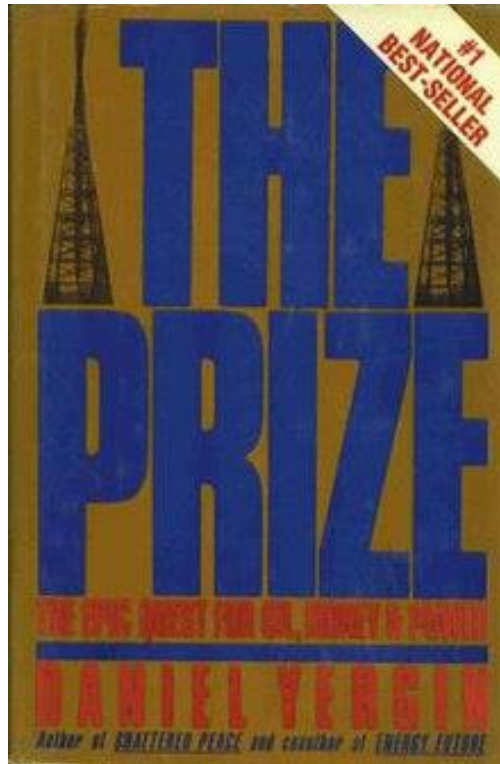


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# Race for resources power politics and control as part of



- An instrument of foreign policy and global politics
- Race for resources as part of power politics and control
- Bunker, S. G., & Ciccantell, P. S. (2005). Globalization and the Race for Resources. JHU Press.
- Daniel Yergin, The Prize: The Epic Quest for Oil, Money, and Power, The Quest, and The New Map



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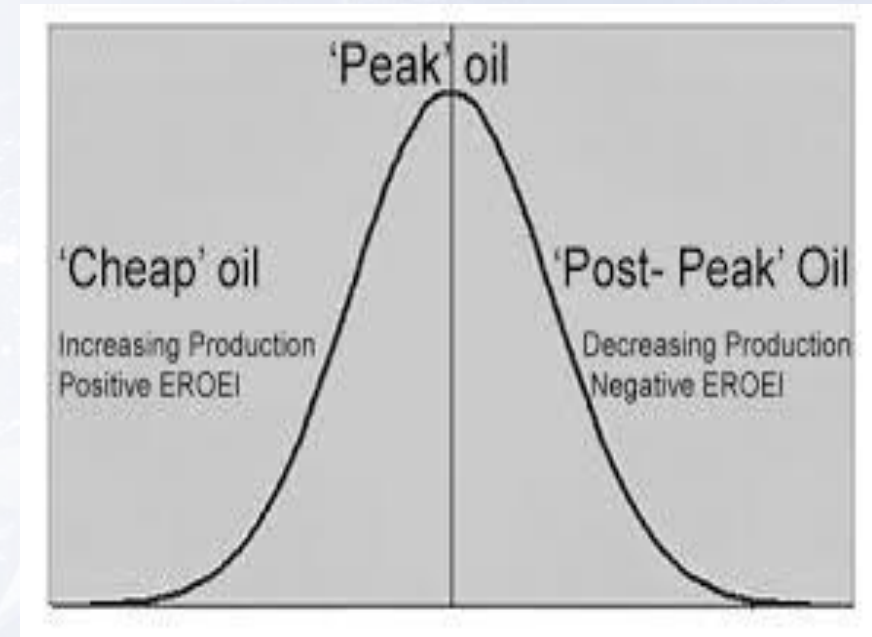
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# Post-peak production and climate change

Mulligan, S. (2010). Energy, environment, and security: critical links in a post-peak world. *Global Environmental Politics*, 10(4), 79-100





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# International Law Regulation

- United Nations Convention on the Law of the Sea (UNCLOS, 1982): Regulates seabed mining beyond national jurisdictions through the International Seabed Authority (ISA).
- Convention on Biological Diversity (CBD, 1992): Requires parties to prevent activities, including illegal mining, that could harm biodiversity.
- Minamata Convention on Mercury (2013): Aims to reduce mercury pollution, often linked to illegal gold mining.







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# Transnational Crime and Corruption

- United Nations Convention against Transnational Organized Crime (UNTOC, 2000): Addresses illegal mining linked to organized crime, smuggling, and money laundering.
- United Nations Convention Against Corruption (UNCAC, 2003): Covers corruption linked to illegal mining operations.





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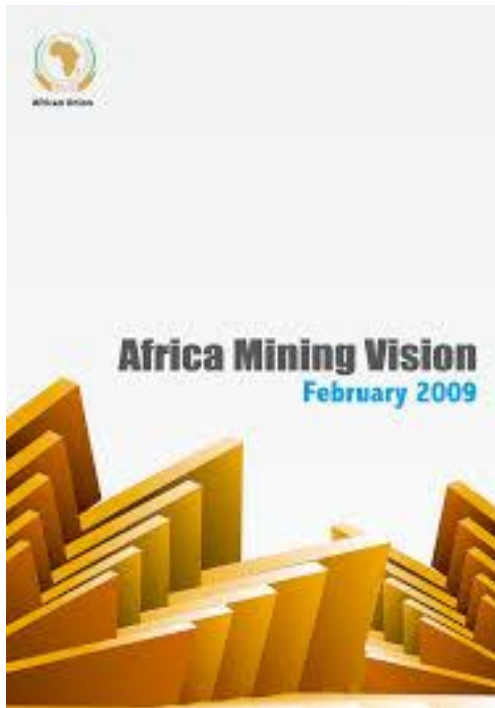


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# Regional and National Enforcement Mechanisms



- Many countries enforce national anti-mining laws under these international frameworks.
- African Union Mining Vision (2009): Guides sustainable mining practices in Africa.
- Amazon Cooperation Treaty (1978): Focuses on preventing illegal mining in the Amazon rainforest.





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# Problems with International Law Regulation

The general problem of international law

- Lack of central authority to enforce
- Semi voluntary compliance





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# Breakdown of the Global Order

US, Trump and end of the rules-based order

Putin and Ukraine

Rise of BRICS

Gap in the law





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# Conclusion

A growing problem made more acute with  
changes in the environment and global  
politics

