



**SUSTAINABLE NATURAL RESOURCES DEVELOPMENT SERIES:
INTERNATIONAL, NATIONAL, COMMUNITY, AND PRACTICUM Program**

Description

I. Introduction

The globalization of commerce, democratization of governments, rapidly increasing flow of information, growing world population, and increasing demand for natural resources are changing dramatically the way the world finds, develops, and uses natural resources. As countries achieve higher standards of living, competition for energy, mineral, water, forest, and other resources increases, and the environmental cost of production and use of these resources strains the limits of our ecosystems.

The vexing issue throughout the natural resources sector is how to ensure that natural resources are found, developed, and used in ways that support sustainable development of human societies. The legal systems that govern this process must recognize both public and private interests – they must create conditions that secure, foster, and protect private investment, while at the same time recognizing that in most cases, the resources being developed are public. The legal systems must safeguard the public interest by ensuring that revenues from resource production foster positive forms of development, rather than becoming the source or focus of violent conflict, corruption, and ineffective governance. Somehow, all this must be accomplished while fostering the productivity of world ecosystems, and respecting their limits.

The “Sustainable Natural Resources Development Series,” organized and offered by the University of Denver Sturm College of Law, offers a suite of four related and complementary courses aimed at addressing these issues. The courses will be taught by international leaders who have been involved with these issues. No other U.S. law school offers such a comprehensive and well-organized sequence of courses dealing with the underlying issues involved with developing natural resources in a sustainable manner.

“Sustainable development” requires a much broader vision than that provided by traditional economic indicators or regulations. It acknowledges the need to create conditions that encourage private investment but is also focused on meeting society’s

needs for economic progress, social development, poverty reduction, and environmental protection. This requires more effective structures of governance within which natural resources development can create greater abundance while meeting economic, environmental, and social goals. Lawyers, legal scholars, and others who work for (or with) the natural resources development sector (e.g., company officials, engineers, planners, etc.) have important roles in the dramatic shift that is occurring in how natural resources development is conducted, regulated, and governed.

New legal challenges for sustainable development need to be understood on a variety of levels – local or community expectations, national priorities, and emerging international standards. These levels will be dealt with in a series of courses, which can be taken independently or in sequence, focusing on the legal and policy regimes for natural resources development projects.

II. Courses¹

Individual descriptions of the courses follow. The first three courses are one-week, intensive courses that will meet from 8 a.m. to 5 p.m. each day with a break for lunch. The final course is a regular one-semester course. Each course counts for three credits.

Course Title	Dates (2011)	Description	Professors
CRN 1217 “Emerging International Framework for the Sustainable Development of Natural Resources”	Jan. 3-7	This course will focus on emerging international standards, legal, and “law-like” instruments designed to form the “rules of the road” in the dealings among private investors, host country governments, local communities, and other actors. We will look at the track record of development: to what extent have natural resource projects helped make the world’s poor countries better off? And what do we mean by “better off?” What is a “fair deal” between a corporation from, for example, Europe or North America and a developing country	Luke Danielson, ² Cecilia Dalupan ³

¹ The courses can be taken individually or in sequence.

² Luke Danielson is an internationally recognized expert on sustainability in the natural resources development sector. A Colorado attorney, Mr. Danielson is a principal in the Sustainable Development Strategies Group in Gunnison, Colorado. In 2002 he directed the Mining Minerals and Sustainable Development Project, undertaken by the International Institute for Environment and Development, which resulted in a ground-breaking report on sustainability in the mining sector. The report can be accessed here: <http://www.iied.org/sustainable-markets/key-issues/business-and-sustainable-development/mining-minerals>

[-and-sustainable-development.](#)

³ Cecilia Dalupan is an attorney licensed to practice law in the Philippines and in Colorado. Ms. Dalupan has a long career in natural resources development, and has been particularly active in this regard in Southeast Asia. She is an Associate Director at the Rocky Mountain Mineral Law Foundation, one of the world’s leading educational organizations for the natural resources industry. She has been an advisor to international agencies and the government of the Philippines at various forums, including the December 2009 U.N. Climate Change Conference in Copenhagen.

		<p>government in Africa?</p> <p>Broader governance issues will be explored including the rationales for the existence of international rules for natural resources development, and the limitations that restrict the ability of existing international institutions to promulgate or enforce them.</p> <p>Different sources of rules for sustainable natural resources development will be considered: the United Nations organizations, treaty regimes, the World Bank, private codes of conduct, and certification systems, and how these may reconcile the divergent interests of investor companies, their home country governments, host country governments, members of affected communities, and others. This will include consideration of planning, monitoring, and dispute resolution mechanisms, such as collaborative approaches and arbitration.</p>	
<p>CRN (To be provided) “National Legislation and Policy for Sustainable Development of Natural Resources”</p>	<p>May 24-28</p>	<p>The end of the colonial era and the search by countries in the developing world for political independence, social expression, self -determination, and above all a quest for relief from crushing poverty have been profoundly important for the resource industries.</p> <p>For many of the world’s poor countries, selling natural resources is often the most apparent, and sometimes the only, path to development. This course examines the question of how successful this strategy has</p>	<p>Luke Danielson, Elizabeth Bastida,⁴ and Cecilia Dalupan</p>

	been, and the challenges in implementing resource-based strategies for development.	
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⁴ Dr. Elizabeth Bastida (law degree, University of Buenos Aires; Ph.D., University of Dundee) is the director of the Mining Programme at the Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee, Scotland, an internationally recognized graduate school in the fields of energy and natural resources law and policy. She teaches International and Comparative Mining Law. She has worked for more than 15 years and has conducted extensive research on the prevailing models of the legal, institutional, and contractual framework for the mining sector from a sustainable development perspective.

		The last 50 years have seen important shifts in national government thinking about how to maximize the benefits of natural resource endowments. Some countries have swung from the path of resource nationalization to privatization, while others have taken the reverse route or other variation. This course will examine these developments and explore the dynamics that are driving changes in national legislation, the interface with international law (investment, environmental regulation, human rights) and what the future holds in this regard.	
CRN (To be announced) “Community Expectations for Sustainable Development in Natural Resource Projects”	Aug. 9-13	<p>The spread of democracy and the rapid development of open information regimes have led to the increasing recognition of the role and needs of local communities in natural resources development. Their perspectives and priorities are even more critical in cases where the communities’ ways of life and livelihoods are integrally linked with their resource base. There has been a movement from exclusion or even coercion to consultation and consent as a basis for making decisions related to natural resources development.</p> <p>Natural resources industries have been hit hard by this new challenge, and one they are just starting to understand how to confront: community expectations.</p>	Luke Danielson, Cecilia Dalupan

		In this course we will consider the history of “community expectations,” what has changed in recent years and why the changes have been brought about, and how companies and communities can work together to resolve their differences in a mutually agreeable manner.	
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CRN (To be	Fall Semester	Having studied issues in sustainable natural	Ann Vessels
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⁵ Ann Vessels directs the University of Denver Sturm College of Law Externship Program, one of the largest programs of its kind among U.S. law schools. Before joining DU, Ms. Vessels, a Colorado licensed attorney, practiced with several natural resources-related firms including Colorado Interstate Gas (now Coastal Corporation). In addition to her role as externship program director, she teaches at the DU law school.

announced) “Experiential Capstone: Sustainable Natural Resources Development Practicum”		resources development from the international, nation state, and community perspectives, the final course will focus on integrating social and environmental thinking into core decision making. The course will consider actual challenges at a mining development site. This “capstone” course will involve a series of lectures, readings and writing assignments in preparation for an on-site visit to a mine. Guest lecturers will likely include representatives from the mining industry, NGO’s, and environmental groups, among others. Working in teams, first to acquire relevant information about the problem, students will then begin the complex problem solving aspect of the course in the classroom. Finally, they will travel to the mine to work with people on site on a particular issue being facing the project. As there will be no quick or finite solution to the problem with which the students are faced, the course will prepare students for the complexities of environmental, economic, legal and social challenges confronted by – in this instance – a mining company.	
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III. Who Can Take the Courses

The four courses are open to all University of Denver Sturm College of Law JD⁶, LLM, and MRLS students.

In addition, students from other law schools⁷ are also welcome to take individual courses or to complete the entire series. However, non-DU law students are urged to first contact their home institutions to make sure the credits earned at DU will transfer to their home school.⁸

⁶ 1Ls must complete their first year before taking any of these courses. ⁷ Students from other law schools must first be granted “visiting student” status at DU. Information about applying for “visiting student” status can be obtained from Lucy Daberkow, Assistant Director of the Environmental and Natural Resources Law & Policy Graduate Program, at ldaberkow@law.du.edu. ⁸ At the end of the course(s), non-DU law students will need to send a request to the University of Denver Registrar to have their transcript sent to their home law school.

Finally, professionals involved in all aspects of natural resources development – accountants, developers, engineers, financiers, policy makers, and so on – are welcome to attend one course or the entire series of courses.

The tuition for each course for all non-DU students is \$3,546 plus fees.

Students enrolled in the Sturm College of Law Environmental and Natural Resources Law & Policy Graduate Program⁹ will earn a certificate in “Sustainable Natural Resources Development” on satisfactory completion of the four courses.

IV. For More Information

More information can be requested from Lucy Daberkow, Assistant Director of the Environmental and Natural Resources Law & Policy Graduate Program:

ldaberkow@law.du.edu

303-871-6324 (ph)

303-871-6711 (fx)

Skype name: enrgp_du

⁹ For more information about the DU graduate program, please contact Don Smith, Director of the Environmental and Natural Resources Law & Policy Graduate Program, at dcsmith@law.du.edu.