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Polenta and Cyanide?

Investment Arbitration as Prospective Environmental Injustice in Roșia Montană

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Abstract

Around the world, local communities supported by national and transnational advocacy networks are fighting to defend or preserve their homes and livelihoods from extractivist projects that threaten their environments. In this chapter, we look at Investor-State Dispute Settlement (ISDS) as a form of prospective environmental (in)justice (PEJ). ISDS provides for multinational corporations to sue states when they have a grievance over the state's treatment of their investment. We argue that ISDS continues the structural violence of extractive projects and the pre-project harms resulting from foreign investor-welcoming climates. The chapter draws on empirical research on the Roșia Montană case in Romania to extend the theory of PEJ to scenarios where communities have succeeded in stopping a mining project, but the investor brings arbitration against the state, thus prolonging the "soft" extractive violence. We analyse how grassroots movements formed coalitions with national and foreign NGOs, succeeded in stopping a Canadian mining project based on cyanide extraction, and inscribed Roșia Montană as a UNESCO World Heritage site. In response, the Canadian mining company instigated investment arbitration proceedings against Romania. The case illustrates that, despite the legal victory of the Romanian state, international investment arbitration potentially allows "green crime", rendering it awfully lawful.

Keywords

International law; human rights; international investment law; corporate accountability; local communities; investment arbitration; business and human rights; environmental injustice; Roșia Montană; Romania

Table of Contents

1 Introduction

> Most environmental victories look like nothing happened; the land wasn't annexed by the army, the mine didn't open, the road didn't cut through, the factory didn't spew effluents that didn't give children asthma.[1]

All around the world, local communities supported by national and transnational advocacy networks are fighting tooth and nail to defend or preserve their homes and livelihoods from extractivist projects that threaten their environments.[2] When these activists succeed in stopping a harmful project, this is considered to be a 'win' for the community. This was the case in Roșia Montană, Romania, where a local-turned-national and international movement succeeded in stopping a Canadian-owned open-cut gold and silver mine project after a struggle of more than 20 years. The project would have displaced over 1000 people, destroyed thousands of years of cultural heritage, eviscerated four mountains, and threatened the environment with cyanide. Responding to widespread protests around Romania, the Romanian government voted down a law that would have cleared an administrative path for the mine to proceed. Because the mine in Roșia did not go ahead, the potential environmental crimes seemed like they also did not occur. Such non-events obscure the fact that much prospective environmental (in)justice (PEJ) is being done before the ground is ever mined.[3] The concept of PEJ highlights the structural violence that enables such extractive projects to be explored in the first place – that is, extractivism in the unending search for growth perceives (peasant/rural) communities as disposable or displaceable. More so, since 2015, the mining company has been suing Romania in international investment arbitration, alleging that Romania breached the bilateral investment treaties between Romania and Canada and the UK, and seeking over US$5 billion in compensation.[4]

In this chapter, we argue that the *Gabriel Resources v Romania* arbitration is a further dimension of prospective socio-environmental injustice inflicted on the community of Roșia Montană, perpetuating the systemic violence experienced even in the absence of an ongoing extractive project. In this chapter, we expand the concept of PEJ by looking at international investment arbitration as a form of 'green crime', facilitated by a prevailing bias in favour of multinational corporations' interests to the detriment of environmental and human rights.[5] Investment arbitration frequently concerns extractive projects, which inevitably involves lives and livelihoods. Characterised as a private dispute between a company and a state, investment arbitration severely limits the participation of individuals and communities affected by investment projects. Empirical research reveals that investment arbitration does, in fact, impact these communities.[6] Although some scholars are beginning to examine the impacts of international investment law on local communities affected by investment projects by investigating investment arbitration empirically "from below,"[7] there is much further work to be done in this area. Therefore, we aim to contribute to this emerging literature by focusing on the case study of Roșia Montană and conceptualising these impacts through the framework of PEJ, which gives language to the 'soft' extractive violence inflicted on these communities through investment arbitration. Our argument is further strengthened by the observation that international investment arbitration has come under intense scrutiny as an international economic system with colonial roots[8] that prioritises private corporate interests over public interests and human rights[9] and renders local communities invisible.[10]

The chapter draws on empirical insights gathered from interviews conducted in Roșia Montană and builds on Velicu's active participatory fieldwork in Romania between 2007 and 2013 (30 interviews and virtual/face-to-face discussions with participants in the Salvați Roșia Montană movement[11] and eight interviews carried out in Roșia Montană in July 2024 following the arbitral decision in favour of Romania). This research is

[1] Solnit (2004), p. 74.
[2] Martinez-Alier et al, Nixon (2011), Bullard (1993).
[3] Velicu (2020).
[4] In its initial claim, Gabriel Resources sought $US3.3 billion compensation with compound interest of 4% (Claimant's Memorial 2018, para 931), which would have amounted to over US$5 billion by the time the Award was rendered.
[5] Broad (2015), Shao (2021).
[6] Triefus (2024).
[7] Cotula (2020), Perrone (2020), Sierra and Schwartz (2020), Triefus (2024).
[8] Anghie (2005), Sornarajah (2015), Miles (2013).
[9] Arcuri (2019).
[10] Perrone (2019).
[11] Velicu (2014, 2015).

complemented by interviews conducted in Roșia Montană by Triefus in 2022 after seven years of arbitration (13 semi-structured interviews with members of the Roșia Montană community who resisted the mine and national and transnational NGOs that supported the movement).[12] In this chapter, we seek to further illustrate the concept of PEJ focusing on the new dimensions of injustice occurring as part of the international investment law processes. Section 2 starts by setting out the theoretical framework of PEJ, extractive violence, green crime and ISDS. Section 3 gives a brief background of the struggle against the gold mine, the local, national and transnational actors involved in stopping the project, and the subsequent investment arbitration case brought in response to this successful struggle. Section 4 draws on interview data to explore the impact of the struggle and arbitration on the community. Section 5 discusses how these impacts can be understood through the lens of PEJ and how doing so contributes both to the debates on environmental injustice as green crime and the backlash against international investment law. Section 6 concludes that ISDS serves to prolong the prospective injustice of extractive projects, keeping communities in limbo as the potential reversal of their successful environmental struggle is debated in a distant forum that excludes their voices and reproduces extractivist violence. The significant struggle of the people of Roșia Montană and Romanian society to challenge the perceived normalcy of mining highlights the need for continued societal efforts to reshape the discourse surrounding extractive economic activities. These activities pose substantial potential risks to socio-environmental health, necessitating a re-evaluation of how such negotiations are approached and understood.

2 Awfully Lawful? International Arbitration and Prospective Environmental Injustice

> If you wanted to convince the public that international trade agreements are a way to let multinational companies get rich at the expense of ordinary people, this is what you would do: give foreign firms a special right to apply to a secretive tribunal of highly paid corporate lawyers for compensation whenever a government passes a law to, say, discourage smoking, protect the environment or prevent a nuclear catastrophe. Yet that is precisely what thousands of trade and investment treaties over the past half century have done, through a process known as "investor-state dispute settlement.[13]

The problem of legal but illegitimate harm to the environment and the definition of the environment itself needs to be examined in the context of the limits and gaps between legality, legitimacy, and justice. Powerful states can and do opt out of attempts to create internationally legally binding environmental controls and agreements. Big businesses often make successful calls for exemption or exceptional leniency regarding environmental regulation labelling as authoritarian even the imposition of penalties on offenders. Green crime is essentially transnational and multifaceted, with nuances of violence and numerous entities at the borders of complex complicity and wrongdoing[14] - which complicates accountability. Therefore, criminal activities have been described as "lawful but awful", recognising that many environmental disruptions are "actually legal and take place with the consent of society".[15]

While such a critical perspective has been a recent development in academia, in parallel, we could observe also an emergent literature that has addressed

[12] Triefus (2024).
[13] The Economist (2014), p. 78.
[14] South (2014), Iordăchescu and Vasile (2023).
[15] Skinnider (2013), p. 2, see also Passas (2005).

the problems of the international legal mechanisms that companies may use to complain about harm. International investment law[16] refers to a system of international law that allows foreign investors to sue states directly via arbitration, known as ISDS, where they consider that their rights under an investment treaty have been breached.[17] These rights typically include, among other rights, the right to property, fair and equitable treatment, non-discrimination, and the same treatment as domestic investors. ISDS has been a relatively new phenomenon in the evolution of international investment law in the 1960s as the World Bank sought to carve out a role for itself in foreign investment promotion, resulting in the establishment of the Convention on the Settlement Investment Disputes between States and Nationals of Other States (ICSID) in 1965. In this new fashion, arbitrators were appointed by the disputing parties while interpreting and applying both national and international laws, with strictly confidential proceedings, and with awards that were not subject to appeal aside from in very limited circumstances.

Arbitration rules developed by the United Nations Commission on International Trade Law (UNCITRAL) in 1976 embraced this model. By 2019, 983 claims were brought to arbitration by foreign investors against over 100 governments, 36% of them having been decided in favour of the state.[18] Usually, foreign investors demonstrate harm by providing evidence that the state expropriated property used for the operation of its business, that policies or actions of the state were discriminatory (based on the nationality of the foreign investor), or by demonstrating that it was treated in a manner that falls below the "international minimum standard of treatment" of foreign investors (violation of customary international law).

Both liberals and conservatives, Global South (Argentina, Ecuador) as well as North (USA, Germany) – in relation to a variety of industries, including tobacco, pharmaceutics, oil, etc. – have been increasingly framing ISDS as an illegitimate legal mechanism. The criticised asymmetry of power is usually related to the fact that cases have overwhelmingly been brought by companies from the Global North against Global South countries. For instance, the US and Canada have initiated over 600 cases, but they have been the target of only 109 claims.[19] The great four European former imperial countries – France, Germany, the Netherlands, and the UK – have initiated together nearly 300 cases; yet, they have been the subject of only five. This system is unusual in international law, which more commonly governs the relationship between states rather than individuals and states and has been found to create "justice bubbles for the privileged."[20] Investment arbitration is asymmetrical in the sense that foreign investors have strong and enforceable rights but few obligations.[21] This is usually discussed as profiling and the double hat dilemma (conflicts of interests and institutional bias):[22]

> Highly paid corporate lawyers would go back and forth between representing corporations one day and sitting in judgement the next…arbitration is dominated by a few ageing men, …the usual suspects are 'pale, male, and stale'… an invisible college, a mafia, a cartel…just twelve arbitrators have sat on a majority of ICSID tribunals.[23]

Moreover, another major critique refers to the mechanism as weakening the state's capacity to protect the public interest while the investment activities were directly affecting or violating human rights, creating a parallel and preferential legal system which protects new property rights at a cost to the broader public interest. This is usually discussed as the problem of "regulatory chills": the ISDS mechanism, its mere existence which makes states fear being sued, leads to states refraining from even adopting "risky" regulations, such as socio-environmental or public health regulation. While studies of such "cause-effect" possibility are scarce, there is a sense that in terms of environmental policies, states vary in their response to the potential of being sued, depending on their bureaucratic capacity.[24] However, the irony of this international mechanism is, for Kim (2017), that democracies are at greater risk of becoming involved in an investment arbitration case than are autocracies. More responsive to popular demands for public policies, democratic governments are often under greater pressure to enact regulatory and policy measures designed to safeguard public health, enhance public safety, promote social welfare, and protect the

[16] In this article, "international investment law" is used to refer to investor-state arbitration conducted pursuant to bilateral and multilateral investment treaties and contracts between foreign investors and states.
[17] Sachs and Johnson (2020).
[18] Weghmann and Hall (2021).
[19] Jacobs (2015)
[20] Yilmaz Vastardis (2018).
[21] Arcuri (2019).
[22] Matveev (2015)
[23] Jacobs (2015), p. 18, 33.
[24] Berge and Berger (2021).

environment despite their anticipated adverse effects on the interests of foreign investors.[25]

This tension between state responsiveness to democratic input and obligations to foreign investors has formed part of the motivation for European states to withdraw from the Energy Charter Treaty.[26] Cecilia Malmstrom, former European Commissioner for Trade, expressed concern that "the traditional ISDS system … is not fit for purpose in the 21st century.... I want to ensure fair treatment for EU investors abroad, but not at the expense of governments' right to regulate."[27]

Last but not least, individuals and communities affected by investment projects are essentially invisible to international investment law,[28] and concerns about human rights, the environment and other public policy issues tend to be considered irrelevant to the determination of the dispute raised by the investor.[29] This is despite the fact that many investment disputes involve public policy issues and can cause states to alter their approach to making decisions in the public interest due to the threat of arbitration.[30] Investment arbitration awards are often calculated with reference to the imagined lost future profits of the investor, and awards have been handed down in the billions of dollars.[31] Critics such as Jacobs have raised concerns that non-democratically-elected individuals decide matters that implicate a sovereign's right to pursue legitimate public policy objectives, such as the restructuring of a society's socio-economy, the provision of essential public services, or the maintenance of the very fabric of public order.[32]

As we will illustrate below, our argument is that this form of arbitration (ISDS) is a form of prospective environmental injustice. As Velicu argued elsewhere,[33] even if actual harm (say, of a mine) has not materialised, numerous places around the world have been placed in a climate of potential (future) harm as well as slow, ongoing injustice. Forever haunted by other possible "development" projects, these places often become uninhabitable or insecure, while from the perspective of markets, the process of "almost doing" a mine established a proper climate for other future investments and profits. This is often described as a socially engineered form of extraction or pacification that precedes the actual mineral extraction: the many faces of environmental injustice beyond pollution may be seen as insidious forms of toxicity, a repertoire of coercive tactics typically employed by state/corporate officials which consists of threats, blackmail, harassment, intimidation, deceit, humiliation, or even physical/verbal violence or restriction of basic rights.[34] These tactics lead to losses such as a sense of belonging, wellbeing, dignity and self-esteem, or agency which are experienced by individuals as shocks, chronic stress, anger, depression or even suicidal ideation.[35] ISDS is, therefore, a continuation of the same extractive violence with other means, a form of harm that may be "legal" and morally just from the investors´ point of view but certainly toxic and damaging for societies and local communities. As our case will illustrate, what RMGC has created in relation to the Roșia Montană community falls outside typical conceptions of human rights abuse or criminal action - with psychological warfare, lawfare, war of attrition, forcing "consent" through outlasting the opposition being seen as "soft" techniques of violence. Such actions are too insidious to be caught by legalistic notions of abuse but nevertheless incredibly damaging in the long term.

[25] Kim (2017), p. 301
[26] See generally Verbeek (2023).
[27] Apud. Weghmann and Hall (2021), p. 490.
[28] Perrone (2019)
[29] Triefus (2023).
[30] Tienhaara et al. (2022), Kim (2017).
[31] Bonnitcha and Brewin (2020), Marzal (2021).
[32] Jacobs (2015), p. 25
[33] Velicu 2020
[34] Arce and Nieto-Matiz (2024), Velez-Torres and Mendez (2022), Verweijen and Dunlap (2021), Velicu (2020).
[35] Scheidel et al. (2020), Gamu and Dauvergne (2018).

3 The Roșia Montană Movement: Forms of TransNational Engagement and Coalitions

The story of the Roșia Montană project starts in the late 1990s, soon after Romania's transition from communism, when the Toronto-based company Gabriel Resources formed a joint venture with Romanian state-owned enterprise Minvest for the purpose of conducting mining activities in the area of Roșia Montană. The joint venture, named Roșia Montană Gold Corporation (RMGC), is owned 80.69% by Gabriel Resources and 19.31% by Minvest. In 1999, RMGC was granted an exploitation licence for the Roșia Montană Project. RMGC planned to use cyanide to process the gold, with the waste produced to be stored in a large tailings facility that would have flooded the Corna Valley with toxic sludge.[36] Several further steps were required under Romanian law to develop the mine, including an urban plan, urban certificate, environmental permit via an environmental impact assessment procedure, archaeological discharge certificates, and the surface rights to the project area.[37]

Most activism in Roșia has been focused on how to counteract the corporate abuse of power, from showing the illegality of the urban permits, revealing the company's capture of nationwide media to counteracting the everyday intimidation that functioned as psychological harassment. The movement succeeded in gathering a critical mass of people and entities transnationally to nurture one of the largest civic movements of post-1989 Romania. The project and the company's approach to executing it divided the local community of Roșia Montană as well as the general population of Romania. People were concerned about the environmental impact of the project, including the use of cyanide, the displacement of the local community, and the destruction of cultural heritage. While many people living in the project area sold their land to the company, many refused to do so and actively resisted the project through public protest and legal action challenging the validity of the plans, permits, and certificates obtained by RMGC. In the following sections, we will briefly introduce the various dimensions of the movements, from the local grassroots to the transnational and from the protests to the juridical forms of activism.

3.1 A Grassroots Movement with Global Partners

On 8 September 2000, a group of local residents and landowners established the association Alburnus Maior, an NGO representing the interests of over 350 families who wanted to stay in Roșia Montană and resisted the mining project.[38] RMGC had started holding meetings in Roșia Montană to promote the project and convince landowners to sell their land to make way for it. Roșia Montană had been a mining region for thousands of years, and many local community members had a great deal of experience with mining passed down through generations. They could, therefore, listen to the plans for the project with a critical ear and decided that they did not trust the company's discourse and offers (for example, what seemed like an obviously exaggerated number of promised jobs).[39] The association was, therefore, set up to coordinate an organised opposition to the mine project. The leaders of Alburnus Maior had little experience organising such an association and so began seeking advice and assistance from other Romanian NGOs such as Terra Mileniul III (which develops awareness programs on sustainable development) and the Mihai Eminescu Trust (dedicated to preserving local cultural heritage).[40] In 2002, French journalist and environmental

[36] Roșia Montană Gold Corporation (undated) 'Report on Environmental Impact Assessment Study: Waste Management Plan', https://web.archive.org/web/20230205071534/https://en.rmgc.ro/Content/uploads/waste-plan.pdf, p. 22.
[37] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31; Respondent's Counter-Memorial (2018).
[38] Mining Watch (2006).
[39] Interview by Stephanie Triefus with anonymous resident of Roșia Montană, 13 May 2022, Roșia Montană.
[40] Interview by Stephanie Triefus with anonymous resident of Roșia Montană, 13 May 2022, Roșia Montană.

activist Stephanie Roth heard about the local resistance to the mine through this network of NGOs and began assisting Alburnus Maior to coordinate and escalate the anti-mining campaign, receiving the Goldman Prize in 2005 for her efforts.[41] Together with Alburnus Maior, Roth "mobilised local residents and created a coalition of national non-governmental organisations, archaeological specialists, academics, and clergy to fight the mining proposal."[42]

Alburnus Maior partnered with other Romanian and international NGOs, coming together in a campaign under the slogan of *Salvați Roșia Montană* (Save Roșia Montană). This campaign undertook a variety of activities aimed at stopping the mine project, including legal action, commissioning and disseminating independent research on the harms of the project,[43] protests, petitions, an annual Hay Fest in Roșia, engagement in the media, social media campaigns, documentaries/films, flash mobs, art shows and other types of activism. Alburnus Maior notes on its website that "numerous organisations, institutions, artists, journalists, as well as members of civil society of all ages and from all social strata in Romania and abroad have joined in solidarity".[44] NGOs that were particularly active in their support of *Salvați Roșia Montană* included TERRA Mileniul III, Greenpeace Romania, Mining Watch Romania, Declic, Eco Ruralis, CEE Bankwatch Network, Legal Resources Centre, Roșia Montană Cultural Foundation, and the Independent Center for the Development of Environmental Resources (ICDER). The fight of Alburnus Maior against the gold mine captured the hearts and minds of Romanian society across sectors and regions, and they note that:

More than ten years of activism have transformed the initiative of the locals from the Apuseni mountains into the largest mobilisation of civil society in Romania. The Save Roşia Montană campaign brings together non-governmental organisations, international heritage protection bodies, academic and scientific institutions, representatives of religious organisations but also ordinary citizens who support the cause of Alburnus Maior.[45]

Alburnus Maior and its NGO partners had already been fighting the mine project for 20 years before support for their efforts suddenly skyrocketed. In June 2013, the Romanian government sought to support the project by submitting the 'Roșia Montană Law' to parliament. This law was specific to the Roșia Montană Project and would have enabled the expropriation of the remaining landowners who did not wish to sell, as well as other legal measures enabling the project to go ahead. However, following the lead of the *Salvați Roșia Montană* campaign, thousands of Romanians took to the streets to protest the law over several months, in what became known as the "Romanian Autumn."[46] Over a period of four months, the protests attracted up to 200,000 people across 50 cities in Romania and 30 cities in other countries, particularly Canada.[47] These demonstrations were the largest since the fall of communism in 1989 and "opened the gateway to an overhaul of the relationship between the government and the population: people reclaimed their power and understood that they held influence over political decisions and could call for accountability and transparency about decisions taken against the country's best interests."[48] In June 2014, following a public debate and a Joint Committee Report, the Parliament rejected the law.[49] Following this, RMGC could have continued trying to secure the necessary permits, but it instead commenced arbitration against Romania claiming over US$5 billion in compensation.[50]

3.2 Transnational Activism

The campaign against the Roșia Montană gold project took on a transnational character through engagement with the EU, the international partners of local NGOs, widespread

[41] 2005 Goldman Prize Winner Stephanie Roth: https://www.goldmanprize.org/recipient/stephanie-roth/ (accessed 11 April 2024).
[42] Ibid.
[43] See: Alburnus Maior, Independent Expert Evaluation of the Environmental Impact Assessment Report for the Roșia Montană Mine Proposal: https://issuu.com/stephaniedanielleroth/docs/an_independent_expert_evaluation_of (last accessed 10 February 2024)
[44] See: Salvati Roșia Montană (2014) 'History of the Save Roșia Montană campaign: https://web.archive.org/web/20140111180747/http://Roșiamontana.org/ro/istoricul-campaniei-salvati-Roșia-montana (last accessed 8 April 2024)
[45] See: Salvati Roșia Montană (2016) Salvati Roșia Montană, 'About Alburnus Maior' (machine translated): (machine translated) https://web.archive.org/web/20160526004855/http://www.Roșiamontana.org/node/1899 (Accessed 11 April 2024).
[46] Margarit (2016).
[47] Besliu (2021).
[48] Ibid.
[49] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Respondent's Counter-Memorial (2018), paras 334, 357-363.
[50] Ibid, para 369.

dissemination on social media and active participation of the Romanian diaspora. Romania joined the EU in 2007, and in the years leading up to accession, there was significant pressure on the government to implement EU standards nationally. Alburnus Maior engaged with EU bodies from early on in its resistance to the mine project, and a coalition of NGOs petitioned the EU Parliament contesting the project's Environmental Impact Assessment.[51]

When the Salvați Roșia Montană campaign escalated in response to the 2013 law, Romanian communities in most major cities in Romania and abroad began protesting as well as undertaking other forms of protest, including flash-mobs, street painting, exhibits, and informational campaigns.[52] This activism was particularly prevalent in Toronto, Canada, where there is a large concentration of Romanian-Canadians and where Gabriel Resources is listed on the Toronto Stock Exchange.[53] Social media formed an important gathering place for transnational discussion and dissemination of information, and various Facebook groups and pages amassed more than 100,000 followers.[54] The development of social media in the early 2000s was particularly helpful to the campaign in light of RMGC's strategic capture of Romanian media outlets via large advertising contracts that precluded reporting on the opposition to the mine.[55]

Due to the immensely valuable Roman cultural heritage found in Roșia Montană that dates back to 104AD, a significant part of the *Salvați Roșia Montană* campaign called for Roșia Montană's inscription as a UNESCO World Heritage site.[56] Although the 'Roșia Montană Law' had been voted down, the threat that this decision would be reversed or reappear in a new form remained, particularly in light of the arbitration outlined below. After a number of years of political back and forth, with successive governments supporting then ignoring petitions to submit Roșia Montană to UNESCO, the application was finally submitted in 2017.[57] However, the application was withdrawn by a subsequent government in 2018.[58] The application was then reanimated in 2020 and finally listed as UNESCO world heritage site in 2021.[59]

3.3 Juridical Activism

A major part of Alburnus Maior and its NGO partners' advocacy strategy was to mount legal challenges at every stage of the project.[60] The scale of this judicial activism was massive, with at least 83 court and administrative petitions brought against the project between 2004 and 2016.[61] These efforts succeeded in substantially delaying the project, as the Environmental Impact Assessment (EIA) process was suspended while there was pending litigation brought by Alburnus Maior concerning the required urban plans and certificates. Alburnus Maior initiated legal proceedings against the Ministry of Culture's decision to grant an archaeological discharge certificate (ADC) to RMGC, which would remove national heritage protection from the Cârnic mountain, an area with the highest gold reserves in the planned exploitation.[62] The Brașov Court of Appeal found irregularities in how the ADC was issued and consequently annulled it,[63] as did the Ploiești Court of Appeal for the ADC that RMGC had sought to resubmit.[64] Alburnus Maior also challenged the approval of the General Urban Plan (PUG) and the Zonal Urban Plan (PUZ) that declared Roșia Montană a mono-industrial zone and precluded the development of non-mining activities and businesses. The Alba County Court (where Roșia Montană is situated) voided the approval of the plans on the basis that voting local councillors had a conflict of interest.[65] Various Urban Certificates, a necessary basis to apply for construction permits and carry out the environmental permitting procedure, were annulled due to challenges by ICDER.[66] Thefore, the Ministry of Environment decided that it could

[51] European Parliament (2007).
[52] Bejan et al. (2015), p. 200.
[53] Ibid, p. 201.
[54] See for instance "Roșia Montană in UNESCO World Heritage" [Facebook] Available at: https://www.facebook.com/Roșia.montana.in.unesco and 'Save Roșia Montană' [Facebook] https://www.facebook.com/groups/saveRoșiamontana (accessed 11 April 2024).
[55] Goțiu (2013).
[56] "Roșia Montană in UNESCO".
[57] Predoiu and WNV (2017).
[58] Ciobanu and Stoica (2019).
[59] See: UNESCO, Roșia Montană Mining Landscape: https://whc.unesco.org/en/list/1552/ (accessed 11 April 2024).
[60] Mining Watch (2006).
[61] For a list of these proceedings (with many entries censored), see Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Respondent's Memorial, Annex IV.
[62] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Amicus Curiae Submission (2 November 2018), p. 12.
[63] Brașov Court of Appeal, Sentence No. 157/F/CA (26 November 2007).
[64] Ploiești Court of Appeal, Decision No. 187 (16 February 2022).
[65] Alba County Court, File No. 1411/107/2007, Judgment 842/CA/2007; Alba Court of Appeal, Judgment 4537/117/2009; *Gabriel Resources v Romania*, Amicus Curiae Submission (2 November 2018), p. 11.
[66] Timișoara Court of Appeal (12 March 2009).

not continue the environmental impact evaluation procedure while there was no valid Urban Certificate and the project lacked other necessary documentation, such as the endorsement of the Ministry of Culture, approved amended PUZ and while litigation was pending in relation to the ADC and urban plans.[67]

RMGC also tried, unsuccessfully, to use legal proceedings to harass and intimidate opponents of the mine, including filing a complaint against the architects who publicly denounced the company's distorted use of their report, suing a journalist who actively supported the opposition to the project, and challenging the use of the RoșiaMontană.org domain name.[68]

3.4 The International Arbitration Phase

In July 2015, Gabriel Resources commenced arbitration, claiming over US$5 billion compensation from Romania for breach of the bilateral investment treaties (BITs) between Romania and the UK and Canada. This case threatened to turn the success of the *Salvați Roșia Montană* campaign into a pyrrhic victory by putting enormous pressure on the government to reinstate the mine project. The arbitration, therefore, became another important site of engagement for Alburnus Maior and its NGO partners in their mission to stop the Roșia Montană project. In the arbitration, Gabriel Resources claimed that Romania effectively expropriated its investment and "blocked and prevented implementation of the Project without due process and without compensation, effectively depriving Gabriel entirely of the value of its investments."[69] They contended that the government's actions were politically motivated, and "influenced by anti-project NGOs or others who for political reasons sought to prevent or delay the project."[70] Romania argued, on the other hand, that the project never met the necessary environmental and cultural heritage requirements under Romanian law. They emphasised that the company failed to obtain the social licence to operate, i.e. the community's acceptance and support of the project, as evidenced by the ongoing legal challenges, public protests, and refusal of residents to sell their properties.[71]

The threat of having to pay such enormous amounts of compensation can significantly influence government decision making. As we discussed in the previous section, this is "regulatory chill", where the prospect of being sued or losing an investment arbitration case causes a state to delay or change its orientation on an issue of public interest, such as environmental regulation or the permitting of a project.[72] Proceedings often turn on a technical and technocratic account of the dispute where there is little space or emphasis on the voices of those affected by such projects.[73] Investment arbitration, unlike domestic court proceedings, takes place outside of the respondent state and under relatively secretive circumstances that limit public engagement. The *Gabriel Resources v. Romania* tribunal proceedings were publicly broadcast, but only in an overflow room in Washington with a one-hour delay; much of the hearings were held to be confidential and, therefore, censored from the broadcast. Transcripts from the hearing and other documents are available online but also heavily censored.

Alburnus Maior considered engagement with the arbitration to be a continuation of its fight against the gold mine and intervened in the proceedings as an amicus curia.[74] Together with ICDER and Greenpeace Romania and supported by the European Center for Constitutional and Human Rights (ECCHR),[75] Alburnus Maior made an amicus curiae submission, drawing on testimonies of Roșia Montană residents. The testimonies shed light on the impact of the project on the local community, how they were precluded from developing businesses, the campaign of intimidation and harassment perpetrated by RMGC, false promises made by the company to employ those who sold their land, and various

[67] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Respondent's Counter-Memorial (2018), para 605.
[68] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Amicus Curiae Submission (2 November 2018), p. 6.
[69] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Request for Arbitration (2015), para 7.
[70] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Claimant's Memorial (2017), para 167.
[71] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Respondent's Counter-Memorial (2018).
[72] Tienhaara (2018).
[73] Perrone (2019).
[74] Amicus curiae, or 'friend of the court', refers to a procedure where people or organisations can intervene in an arbitration case where they are not a party to the dispute. The parties to the dispute and the tribunal must approve this intervention.
[75] For ECCHR's engagement with corporate accountability, see also Thomas Becker's chapter in this book.

pressure and manipulation tactics used by the company to convince people to sell.[76] However, these testimonies were rejected by the tribunal on the basis that they were hearsay, and the witnesses could not be cross-examined, meaning that these voices were excluded from proceedings.[77] As we will discuss in the next section, one member of Alburnus Maior, Mr. Sorin Jurca, was invited by Romania to give evidence at the hearing in Washington. While Mr. Jurca was initially reluctant to "help" the Romanian state's defence, over time he realised that he was not there to "defend" the state but to "tell the truth."[78]

Although the arbitration proceedings continued for eight years, the NGO network remained engaged throughout the process. In September 2022, ICDER and Greenpeace Romania made a second Amicus Curiae submission communicating to the Tribunal the decision of the Ploiești Court of Appeal, which had cancelled the last ADC for the mining project in the Cârnic Massif in February 2022.[79] This decision, made after an appeal, confirmed that the mining certificate was issued illegally and, thus, construction work could not have been done in the area. However, neither the Romanian state nor Gabriel Resources informed the Tribunal of this decision. Such information would not have been brought to the Tribunal's attention were it not for the continued advocacy of this coalition of interested NGOs acting in the interest of the local community. Therefore, the organisations were making those efforts to demand not only the international actors but also the Romanian state to take responsibility with regard to an important decision at the national level, which could be instrumental to the outcome of the arbitration. Such a dimension of procedural injustice fits what we discussed here as PEJ, which we illustrate in the next section.

In March 2024, the Tribunal handed down its decision, finding that Romania had not breached the BITs and that Gabriel Resources should pay half of Romania's legal costs and all of the costs of the Tribunal.[80] This decision was surprising given that the Romanian media had been reporting on statements from Romanian Prime Minister Marcel Ciolacu that Romania had lost the case and would have to pay over US$2 billion to Gabriel Resources.[81] During this time of speculation before the release of the decision, Gabriel Resources' share price doubled, leading to a complaint of corruption being brought against the Prime Minister to the Romanian National Anticorruption Directorate.[82] The rumour that Romania would have to pay US$2 billion raised concerns in political and public fora and led to discussions of restarting the Roșia Montană project.[83] Prime Minister Ciolacu stated that he wanted to organise a referendum to ask Romanians whether they agree with gold mining in Roșia Montană.[84] Marcel Bolos, the Minister of Finance, stated that "there is also the option not to pay anything, but to carry out the exploitation".[85] While this was not legally accurate, it demonstrates the immense pressure that the investment arbitration process put on the Romanian state. The threat of compensation not only presents a genuine concern for governments regarding how they will afford to pay the potential award but also places a tool in the hands of those who would wish to undermine the success of the civil society movement against the mine for their own personal and political gain. The fact that Romania won the case does not mean the arbitration was not harmful. For the nine years of the arbitration and beyond, as issues of land ownership and land use regulation are sorted out, the community remains in limbo as to the future of Roșia Montană and possibilities for generating livelihood outside of mining. Regarding the impact on the state, respondent states typically spend more in legal costs than they can recover, and Gabriel Resources has reported that it may not be able to pay Romania over US$10 million in legal and arbitration costs as the Tribunal ordered.[86] Once it was announced that Gabriel Resources had lost the case, the company lost over US$900

[76] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Amicus Curiae Submission (2 November 2018).
[77] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Procedural Order 19 (2018).
[78] Interview by Stephanie Triefus with Sorin Jurca, Roșia Montană, 12 May 2022.
[79] Mining Watch (2006).
[80] See: Ministry of Finance (8 March 2024) Romania wins the Roșia Montană case' (machine translated): https://perma.cc/Z58L-JDZ5 (accessed 29 March 2024).
[81] Duțulescu (2024).
[82] See: Digi24.ro (14 March 2024): https://www.digi24.ro/stiri/actualitate/politica/aur-a-facut-plangere-penala-la-dna-impotriva-lui-ciolacu-bolos-si-ciuca-in-cazul-Roșia-montana-2723103 (accessed 29 March 2024) and Economica.net (11 March 2024): https://www.economica.net/drula-a-depus-plangere-penala-la-dna-impotriva-lui-ciolacu-pentru-manipularea-pietei-abuz-in-serviciu-deturnare-de-fonduri-si-inselaciune-in-cazul-Roșia-montana_731054.html (accessed 11 April 2024)
[83] Digi24.ro (7 March 2024): https://www.digi24.ro/stiri/actualitate/politica/ciolacu-vrea-referendum-pe-Roșia-montana-sa-vedem-daca-romanii-sunt-de-acord-sa-incepem-exploatarea-aurului-2715051 (accessed 29 March 2024).
[84] Ibid.
[85] Ibid.
[86] Nicut (2024); Digital Journal (4 April 2024) https://www.digitaljournal.com/pr/news/accesswire/gabriel-resources-ltd-corporate-update-1721982821.html (accessed 11 April 2024).

million in share value in a single day.[87] Gabriel Resources is seeking annulment of the decision,[88] prolonging the dispute further.

4 Discussing Investment Arbitration as Prospective Environmental Injustice in Roșia

The prospects of open-cast gold-mining shed light on deep-seated socio-environmental conflicts in Roșia and overall in Romania: more than a decade of waiting for the "actual harm" to happen, rural communities have faced multiple forms of prospective injustices: land-grabbing, slow community disappearance and marginalisation, daily psychological/emotional damage, precarity and disposable futures, disqualification as political subjects, and disavowal of alternatives.[89] As we will illustrate below, these dimensions originate in the early stages of extractive exploration, even before a mine has been dug, insidiously preparing the social groundwork for entrenching abusive relations of control and manipulation. Prospective environmental injustice thus refers to such situations in which development proposals and the actions of state and market actors create injustices even before the projects become a material reality, in phases of mineral explorations and drillings. In this section, we will show how ISDS itself may be seen as a continuation of such prospective injustice: overall, the arbitration case negatively impacts democratic processes, excludes participation of interested parties, and shifts environmental risks and impacts from the powerful to the powerless.[90]

Firstly, by not discussing such long-term harms, investment arbitration validates land-grabbing and slow community disappearance: it is privileging private corporate interests and narratives over those of affected communities. Numerous testimonies of locals illustrate that the techniques used by RMGC in the last two decades have contributed to the internal conflicts and division within the community to obtain surface rights. Company employees harassed and threatened community members who resisted the mine, and the company made it clear that employees who did not show up to meetings to support the project would be fired. Members of the community remember RMGC employees continually pressuring them to sell their land to make way for the project, including coming around to make land valuations without consent. However, the company's behaviour is barely questioned in the arbitration, except with reference to its failure to obtain a social licence to operate. The mere existence of such an international arbitration mechanism, allowing corporations to sue states despite the obvious harm produced by the former onto the citizens of the latter, seems to produce oblivion about what constitutes a crime.

> They divided the people enormously... The company had this practice of buying only one brother's share of the property, even though the other brothers had given up their share legally, by notary. So the company came and gave them money to divide them and they divided the families in Roșia Montană, they destroyed a community of people.[91]

> They were sending negotiators to our houses, and they were measuring our yard, houses, and the land book, and we didn't want them to measure, we didn't want to. We told them that we didn't want to, to leave us alone. They counted the trees without asking permission, and we told them that we are not leaving our lands.[92]

Romania merely claims that the company had an obligation to obtain the social licence to operate in relation to the project and failed to do so, for example, because of "grievance and criticism in connection with

[87] Friedman (2024).
[88] Access Wire (8 July2024).
[89] Velicu 2020.
[90] Sachs et al. (2020), para 31.
[91] Interview by Stephanie Triefus, with anonymous resident of Roșia Montană, Roșia Montană, 13 May 2022.
[92] Interview by Stephanie Triefus with anonymous resident of Roșia Montană, Roșia Montană, 19 May 2022.

its relocation efforts".[93] In some cases, there has been corruption and illegal behaviour, such as harassment, and non-compliance with Romanian law in relation to heritage, exhumation of graves etc. RMGC's advertisements were banned from Romanian media in 2013 since they "stimulate a conduit that might damage the population's health or safety".[94] However, in its memorial to the tribunal, Romania does not make any reference to such illegal or "lawful but awful" conduct of the company. It is unknown whether the witness from Roșia Montană was able to speak of this in his witness testimony since it is confidential.

Moreover, the daily psychological and emotional damage wrought by the company continues to affect the community and relationships within, and the physical environment of the community remains difficult, with (heritage) houses falling down around the village and the company's logo at every corner. Heritage and other buildings were destroyed, often without warning, leaving the remaining residents with the feeling that they lived in a war zone, which made many locals refer to the entire situation as a "psychological war". To those who remained, it seemed that this was a deliberate strategy of the company to make the population feel that there was nothing left for them to live with in Roșia Montană. This may be seen as a form of invisible toxicity that degrades everyday life, makes life unliveable, living every day with fear of (home) loss, anger, uncertainty, and generational conflicts:

> It had a devastating impact on the locals… They removed the dead out of the cemeteries without complying with the law…that was part of their plan, that they are already moving to another phase and the cemeteries have no future here. Meaning that the future is in their mining…all this contributed to the depopulation of Roșia Montană, to the lack of perspective, to the lack of alternatives.[95]

While the arbitration was ongoing, few alternatives were available to the community to move forward as the company continued to buy and own more and more land and the zoning laws remained tangled up with changes that were made to suit the company. Part of the intimidation tactics has been the continuous discourse about the backwardness of the current lifestyle and livelihood of rural area residents, which further damaged their self-esteem and dignity as humans and political-economic agents. The residents were constantly shamed and ridiculed as primitive, nostalgic communists, with their subsistence economies being constantly devalued. Intangible losses (of self-esteem, peace, health, predictability) have been ignored despite obviously producing enormous harm and grief among the population and led to tangible losses in terms of property, homes, and land.[96] By rendering their everyday lives disposable and unworthy of persistence, the company has already damaged their potential futures in the present. Instead, being a "miner" has been pushed as the main worthy identity, truly a non-choice, despite the uncertainty of such a job in the context of open-cast mining, or the cheap nature of the job and the disavowal of alternatives, making small-scale farming an impossibility and assuming the future is necessarily industrial, urban, or SMART-entrepreneurial. RMGC owns around 80% of the property in Roșia Montană, and many of these (heritage) buildings are falling down. The question of what will happen to this property hangs over those who live there:

> I don't know if [the company] would be interested in keeping them because… or maybe it could also be a punishment for those who are here, to remain poor, to leave them like that. The company is not really interested in the houses.[97]

The international arbitration further disqualified the residents as political subjects, excluding them from taking part in the arbitration and discounting their stories as irrelevant or biased. In that sense, the legal international mechanism of ISDS is part of the global type of consensual politics, denying the political agency and equality of people who could or should produce the society they want to live in. As we mentioned in the previous section, the testimony of Mr. Jurca has been censored in hearing transcripts and is therefore not public. However, he explained in an interview that he agreed to give evidence as:

[93] Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania, ICSID Case No. ARB/15/31, Respondent's Counter-Memorial (2018), para 102.
[94] Andronache (2013).
[95] Interview by Stephanie Triefus with Sorin Jurca, Roșia Montană, 12 May 2022.
[96] Tschakert et al. (2019).
[97] Interview by Stephanie Triefus with Sorin Jurca, Roșia Montană, 12 May 2022.

> a culmination, so to speak, of the hard work I've done, everything that was, everything that I put my soul into, saving Roșia Montană, and I said to myself it was worth it for my voice to also be heard. [...] Slowly I became convinced that I was not defending the position of the Romanian State but the position of the locals in Roșia Montană. Because what the Romanian state did was very difficult to cover up. And I was to appear before the court not to cover up lies but to tell the truth.[98]

The arbitration was ongoing for nine years, leaving the Roșia Montană commune in limbo. Neither RMGC nor any Romanian government representatives have been held accountable for their harmful impacts on the community. The Arbitration case further undermines environmental justice in multiple ways, in a blunt disrespect for any "equity and distribution, individual and cultural recognition, political participation, and community functioning".[99] The area remains zoned for mining, making it difficult for the local community to start businesses and generate an economy that does not rely on mining. This means that precious time has been lost in the quest to demonstrate to the Romanian public that Roșia Montană has a future other than mining, and restarting the project should be kept off the table. Although Roșia Montană is now listed as a UNESCO World Heritage site, such a listing is vulnerable to political whims. The listing can be undone if it becomes politically expedient, as demonstrated by the discourse surrounding the outcome of the arbitration.

While interview participants in Roșia Montană describe a sense of justice since the arbitral decision came out in favour of Romania, they continue to feel sceptical and rather reserved about the possibilities of Roșia Montană being a peaceful place to live in the future. They expect Gabriel Resources and other mining companies to "come and go" for profits while they continue to struggle to find ways to make a living, "as it has always been".[100] Most respondents lament the re-election of the same mayor who is only further blocking the development plans for the region from any initiative to improve the quality of life for the locals, from roads, access to potable water for marginalised Roma community to other services necessary to plan sustainable tourism. While some welcome the idea of tourism in the region, others believe that the mining nature of the locality will haunt the place forever. There is a feeling that "when They will want, They will mine", pointing to foreign forces outside the country that have sway over the "weak" Romanian state.[101] Although the mountains scarred from past mining are now starting to regenerate, the local community remain haunted by extraction: they have seen and heard too much through different power regimes to believe that the treasures lying beneath will be left buried.

[98] Ibid.
[99] Schlosberg (2007), p. 52.
[100] Interview by Irina Velicu with anonymous resident of Roșia Montană, Roșia Montană, 23 July 2024.
[101] Ibid.

5 Conclusion

I am not exotic I am exhausted.[102]

As most literature on environmental justice indicates, the social disarticulation resulting from resource conflicts is associated with distress which reactivates past historical intergenerational traumas of wars, dictatorships, or colonisation.[103] While political participation and collective capabilities have often been proposed as complementary environmental justice mechanisms, the ISDS mechanism, composition and procedure is yet another example of how little meaningful change occurs within the patterns that perpetuate disparities.[104] More research has to address the political and economic patterns of control and access to resources and the many forms of harms which cannot even be codified in law for they pervade everyday lives.[105] This chapter is calling attention to "insidious" toxicity as normalised forms of extractive violence in "sacrificial zones", often discussed as "environmental blackmailing",[106] slow/structural/epistemic, hidden in plain sight violence[107] resulting in social/cultural and community disarticulation/annihilation associated with "environmentalism of the poor".[108] Systematic (and traumatic) disruption of the cultural, socio-ecological, and economic bases of the social order emerges as a dimension of environmental injustice in the lives of vulnerable communities facing mining because extractive violence as a social technique to gain consent for mining is harming communities both materially and emotionally since early stages of prospective mining.[109] Entire populations are becoming exposed to "slow violence", dispossessed, displaced, and invisibilised as the growing "glocal" class of "three-nothings: no land, no job, no social security".[110] In other words, the disproportionate harm is not just in the distribution or in failure of recognition, but in the exact production of some people as disposable and places as dispensable, a "surplus" in the ongoing process of exclusion, marginalisation, abandonment and acclimatisation to anxiety and insecure futures.[111]

As our case showed, even though the Romanian state has won in this particular case, investment arbitration outcomes are generally difficult to predict as they are not bound by precedent and outcomes can vary widely. The mere existence of such an international arbitration mechanism may put in danger the possibility of some states to protect their own citizens. Proponents of ISDS consider that investment arbitration and the awards handed down by tribunals do not impact the communities affected by investment projects. However, compensation awards in investment arbitration cases can be extremely high, and a number of tribunals have awarded compensation in the billions of dollars. For instance, Gabriel Resources was claiming over US$5 billion, which amounts to approximately 1.4% of Romania's GDP.[112] Such an award would have added enormous pressure in circumstances where Romania already struggles to support rural areas in terms of health, social security, or education. If Romania had lost the case, there was also an overwhelming feeling that the Salvați Roșia Montană campaigners would be to blame, adding to the overall climate of harassment which has damaged the lives of residents in the last decades. These pressures come on top of years of attempts to impose mining as inevitable. Challenges to such a future were not even considered valid concerns during the arbitration: nerve-racking controversies on costs and benefits have torn families and communities apart. These occurrences become normalised traumatic experiences and result in a loss of sense of belonging, dignity, wellbeing, or agency. These losses are often experienced as shock, chronic stress, or depression. Prolonged for decades, they present a future challenge for public mental health, becoming intergenerational traumas which haunt collectives and fuel extremism. Communities have thus been dispossessed of basic things they value and for which there may be no commensurable substitute, i.e., intangible values which function as ontological bases of existence, the loss of which leads to various forms of suffering.

[102] Perjovschi (2000).
[103] Brulle and Nordgaard (2019).
[104] Pellow (2016), Pulido and Lara (2018).
[105] Pichler et al. (2016), Young (2011).
[106] Bullard (1993).
[107] Davies (2022), Nixon (2011).
[108] Freudenburg (1997), Martinez-Alier (1997).
[109] Velicu (2020), Dunlap (2019).
[110] Li (2010), Nixon (2011).
[111] Velicu 2020, Brulle and Nordgaard (2019).
[112] World Bank (n.d).

Distressed communities have traditionally used a variety of strategies and tactics to address disproportionate exposure to contamination: lawsuits, protests, or good-neighbourhood agreements.[113] Still, this body of scholarship does not sufficiently address the limitations of formal socio-environmental impact assessments, mostly emphasising economic and demographic social data at the expense of emotional/psychological/embodied interpretations of place.[114] Only recently in 2013, as a result of an appeal of the Environmental Defenders Office in Sydney, *solastalgia* (the depression caused by degradation/destruction of environments) was acknowledged in socio-environmental impact assessments of prospective mining.[115] To continue to criticise or even reject ISDS mechanisms would be a way to address their inherent injustice: therefore, what communities and perhaps states themselves have to keep alive is the political discursive struggle about setting of terms of the debate in the communication processes among stakeholders - the political equality of defining what constitutes 'the political' debate in the first place, or the dissensus. In this chapter, we have tried to show the enormous struggle of the Roșia Montană and Romanian society to sustain dissensus with respect to the 'normality' of mining. More societal efforts are needed to transform the way we think about the terms of the debate in which negotiations are taking place when deciding about land grabbing/mining and all the other associated extractivist economic activities which bring about enormous prospective dangers related to socio-environmental health, as described here.

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[113] Temper et al. (2015).
[114] McManus et al. (2014).
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