

CICR

Breaking the "resource curse" : prosecuting pillage of natural resources / Garima Tiwari

Document type:	Chapter
Title:	Breaking the "resource curse" : prosecuting pillage of natural resources
Author zone:	Garima Tiwari
In:	Natural resources grabbing : an international law perspective
Editor:	Leiden ; Boston : Brill Nijhoff, 2015
Physical description:	p. 407-426
General Note:	Photocopies
Language(s):	eng
Abstract:	Various theories of prosecution of the war crime of pillage have emerged. Prosecutors have largely applied pillage on a situational or small-scale incident level, which has proven to be inadequate, as it fails to secure the objectives of the Rome Statute to create stability and reduces crime at a massive, systematic level to the level of a particular act. Some theorists have added another leg to this episodic theory by propagating the corporate theory of pillage prosecution, which argues that the corporations, businesses, and industries that extract, export, and sell the pillaged resources should be held criminally liable along with the direct perpetrators. This chapter postulates that the incident based theory and the corporate theory of pillage prosecution may help prosecute some perpetrators for pillage, but ultimately fail to cure a system of its resource curse. In light of this, the chapter suggests that a systematic theory of pillage prosecution would offer not only a solution to hold direct perpetrators responsible, but would also have a disruptive effect on others involved in the mineral wars. Thus, an attempt is made to deal with the problem of resource curse in its relationship with the war crime of pillage, with the aim of culling out a theory that is best suited to curing the curse.
Keyword in French:	ENVIRONNEMENT PILLAGE COUR PENALE INTERNATIONALE CONFLIT ARME DIH CRIME DE GUERRE DROIT INTERNATIONAL PENAL JURISPRUDENCE
Keyword in English:	ENVIRONMENT PILLAGE INTERNATIONAL CRIMINAL COURT ARMED CONFLICT IHL (INTERNATIONAL HUMANITARIAN LAW) WAR CRIME INTERNATIONAL CRIMINAL LAW CASE LAW
Authors:	Tiwari, Garima

Call number	Disposability / Due date
358/153 (Br.)	Available