

OPEN PEER REVIEW

From Colonial Law to Corporate Lawfare: The Neocolonial Logics of Resource Extraction

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1. Round 1

1.1. Reviewer 1

Reviewer:

The objective of the review is clearly stated. However, consider explicitly stating the research questions guiding the review to enhance methodological transparency.

The example of the 1913 Natives Land Act is compelling. However, citing the specific percentage of land allocated to Black South Africans ("less than 10%") requires a citation for accuracy and credibility.

Consider specifying the period during which the Cultivation System was enforced in Java to contextualize the historical scope.

The phrase "contract sanctity and foreign investment over ecological sustainability or local self-determination" is strong. However, you could further support this with a modern treaty example or arbitration case.

The phrase "legal continuity preserved the extractivist architecture" is powerful, but specifying which post-independence legal frameworks were inherited (e.g., mining acts, commercial codes) would strengthen the argument.

You mention ISDS favoring corporate interests. Please support this with statistical data or literature reviews indicating success rates of investors vs. states.

You mention the Petroleum Act of 1969 in Nigeria. Given its centrality, a brief elaboration on how it shaped subsequent legislation or case law would be beneficial.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The sentence “postcolonial theory illuminates how current legal regimes often serve to maintain rather than dismantle imperial hierarchies” is strong. Yet, referencing specific scholars (e.g., Nkrumah, Mamdani) would enhance the authority of the claim.

When referencing Critical Legal Studies, the statement “legal frameworks are not simply reflections of social norms but active agents in producing inequality” should be supported with a reference to foundational CLS literature (e.g., Unger, Kennedy).

You mention “legal instrumentalism” but do not clearly contrast it with legal formalism. A brief explanation would improve conceptual precision.

The statement “corporations have mastered the art of using law as both shield and sword” is rhetorically effective. Consider illustrating this with a brief comparative case (e.g., *Chevron vs. Shell*).

The term “non-disclosure clauses in resource contracts” is significant. It would be helpful to cite a specific contract or report where such clauses have been legally contested or criticized.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.