
Introduction

An abundance of natural resources in a country is conducive to its development. It is precisely this assumption that constitutes the basis for traditional development thinking.¹ The basic premise of this study is that natural resources undoubtedly can and do play an important role in kick-starting the economy of a country. Nevertheless, the last few decades have shown a harsher reality, where natural resources have triggered, financed or fuelled a number of internal armed conflicts. Examples include armed conflicts in Cambodia, Angola, Sierra Leone, Liberia, Côte d'Ivoire and the Democratic Republic of the Congo (DR Congo), which have been financed by the exploitation of a variety of valuable natural resources, including diamonds, gold, timber, oil and cocoa.²

Some of these internal armed conflicts were internationalised with the involvement of foreign States looking for a share in the natural resource wealth of the countries where the conflict was taking place. For example, access to the natural resources of the DR Congo proved to be an important motivation for Uganda and Rwanda to continue their military presence in the DR Congo.³ Similarly, the involvement of the Liberian president Charles Taylor in the internal armed conflict in neighbouring Sierra Leone

¹ See, e.g., the UNCTAD Integrated Programme for Commodities, *UNCTAD Resolution 93(IV)* (1976), as well as documents that are related to the NIEO, in particular the Declaration on the Establishment of a New International Economic Order, *UNGA Resolution 3201 (S-VI)* of 1 May 1974.

² Another example is Colombia, where coca and opium play a major role in sustaining the armed conflict between the government and the FARC. However, the current study deals only with those natural resources that can be traded on legitimate markets, because of their significance for promoting sustainable development.

³ See the reports of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, in particular the Final Report of 16 October 2002, *UN Doc. S/2002/1146*, which describes in great detail the involvement of Uganda, Burundi and Rwanda in the illegal exploitation of Congolese natural resources.

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was in part motivated by his desire to gain access to high-quality diamonds from that country.⁴

These resource-related armed conflicts have had devastating effects on the civilian populations of the afflicted countries. Serious human rights violations have been committed in resource-related armed conflicts, many of which have been extensively documented in reports from UN Panels of Experts and from nongovernmental organisations (NGOs).⁵ Some of these are directly related to the exploitation of natural resources, while other violations have taken place as part of general conflict situations. Examples include the burning and plundering of villages, the use of forced labour by armed groups for the extraction of natural resources, sexual violence, and the maiming of civilians as part of campaigns of terror. All these violations are in some way linked to natural resources, either because they are committed to gain access to or to retain control over the natural resources or because the natural resources serve as the means of financing the armed conflicts in which the atrocities are committed.⁶

In addition, unsustainable patterns of resource exploitation by belligerents have had a severe impact on the natural environment in most of these armed conflicts. In many cases natural resources have been extracted by

⁴ See Special Court for Sierra Leone, Trial Chamber, Judgment of 18 May 2012 in the Case against Charles Taylor, *Case No. SCSL-03-01-T*, in particular paras. 5843–6149 on diamonds.

⁵ On Angola, see, e.g., Global Witness, *A Rough Trade: The Role of Companies and Governments in the Angolan Conflict* (1998). On Sierra Leone, see, e.g., Human Rights Watch, *Sierra Leone: Sowing Terror: Atrocities against Civilians in Sierra Leone* (1998). On the DR Congo, see, e.g., the Final Report of the Group of Experts on the Democratic Republic of the Congo, Prepared in Accordance with Paragraph 8 of Security Council Resolution 1857 (2008), *UN Doc. S/2009/603*; and the Report of the Mapping Exercise Documenting the Most Serious Violations of Human Rights and International Humanitarian Law Committed within the Territory of the Democratic Republic of the Congo Between March 1993 and June 2003 (hereafter Mapping Report), Office of the High Commissioner for Human Rights (2010).

⁶ In this respect, see the Mapping Report, p. 350. This report, which was drawn up by a team of human rights officers documenting human rights abuses during the conflict in the DR Congo, identifies three different types of links between natural resources exploitation and human rights abuses. These relate to (1) violations of human rights and IHL committed within the context of the struggle by parties to an armed conflict to gain access to and control over the areas of the country rich in natural resources; (2) human rights abuses committed by parties to an armed conflict as part of a regime of terror and coercion established in resource-rich areas under their control; and (3) the role of natural resources in funding armed conflicts, which are themselves a source and cause of violations of human rights and IHL. Although the findings of the mapping team are based on the situation in the DR Congo alone, the links identified in the report exist for other resource-related conflicts as well.

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armed groups with little regard for the protection of the environment. For example, extensive logging by all parties to the armed conflict in Cambodia significantly diminished the country's forest cover.⁷ Similarly, highly organised and systematic exploitation activities within and around UNESCO World Heritage sites in the DR Congo, including ivory poaching, logging and mining, have posed a significant threat to the integrity of these biodiversity reserves.⁸ Another example is the land degradation that occurred in Sierra Leone as a result of substantial diamond mining during the conflict. Exhausted mining sites were not restored, resulting in severe environmental degradation.⁹ The environmental damage caused by the unsustainable extraction of resources during armed conflict seriously hinders the prospects for the economic reconstruction of conflict-afflicted States.

Some of the conflicts dealt with in this book have come to an end. The Cambodian Khmer Rouge movement was put to a halt in the late 1990s. The armed conflict in Sierra Leone ended in 2002 and members of the Revolutionary United Front (RUF), as well as the former Liberian president Charles Taylor, recently went on trial before the Special Court for Sierra Leone for crimes committed during this civil war. Furthermore, Liberia has implemented significant institutional reforms under the leadership of President Ellen Johnson-Sirleaf.

However, peace is fragile. The leading economist Paul Collier showed that even a decade after an armed conflict has ended, there is an almost 15 per cent chance that a country will relapse.¹⁰ Armed conflicts that involve natural resources are actually twice as likely to reignite as those that do not involve natural resources.¹¹

Some of the armed conflicts discussed in this book have not yet been resolved. The armed conflict in the DR Congo is a salient example. The growing demand for raw materials on the world market, in particular for rare metals and oil, underscores the need to find lasting solutions to the problems associated with resource-related armed conflict. Disregarding

⁷ For more details on the links between logging and the armed conflict in Cambodia, see Le Billon and Springer, 'Between War and Peace', pp. 17–36.

⁸ Interim Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, *UN Doc. S/2002/565*, paras. 50 and 52.

⁹ See UNEP, *Sierra Leone: Environment, Conflict and Peacebuilding Assessment*, February 2010, p. 45.

¹⁰ Collier, Hoeffler and Rohner, 'Beyond Greed and Grievance', p. 16.

¹¹ Beavers, 'Forest Resources and Peacebuilding', p. 368.

the role played by natural resources in these conflicts will only prolong them and increase the risk of relapse after the conflict has ended. Conversely, integrating the adequate management of natural resources and the environment into strategies for conflict resolution and post-conflict peacebuilding is imperative for creating the conditions for a sustainable peace.¹²

1.1 Relationships between natural resource wealth and armed conflict

In order to devise strategies for the prevention and resolution of resource-related armed conflicts, it is first of all necessary to have a proper understanding of the relationships between natural resource wealth and armed conflict. There is a large body of academic literature, in particular in the economic and political sciences, that has studied the so-called ‘political economy of armed conflict’ or the economic dimensions of civil war.¹³ The sudden increase in ‘self-financing’¹⁴ internal armed conflicts during the 1990s highlighted the relationships between natural resource wealth and armed conflict.

Early academic research into the self-financing nature of armed conflicts drew attention to the role of natural resources in providing the *means* to finance an armed conflict as an alternative to other sources of funding. The armed conflicts in Cambodia and Angola, for example, were originally funded with external sponsorship. When this funding dried up as a result of the end of the Cold War, the parties to the conflict turned to

¹² Ibid., p. 368; UNEP, *From Conflict to Peacebuilding: The Role of Natural Resources and the Environment* (2009), p. 19. This was also recognised in a Presidential Statement of the UN Security Council, which stressed that ‘in countries emerging from conflict lawful, transparent and sustainable management . . . and exploitation of natural resources is a critical factor in maintaining stability and in preventing a relapse into armed conflict’. See the Statement by the President of the Security Council made in connection with the Council’s consideration of the item entitled Maintenance of International Peace and Security, *UN Doc. S/PRST/2007/22*, 25 June 2007.

¹³ See, e.g., Ballentine and Nitzschke (eds.), *Profiting from Peace*; Ballentine and Sherman (eds.), *The Political Economy of Armed Conflict*; Bannon and Collier (eds.), *Natural Resources and Violent Conflict*; Collier, *The Bottom Billion*; Collier and Hoeffler, ‘Resource Rents, Governance, and Conflict’, pp. 625–33; Collier and Hoeffler, ‘Greed and Grievance in Civil War’, pp. 563–95; Collier and Hoeffler, ‘On Economic Causes of Civil War’, pp. 563–73; Collier, Hoeffler and Rohner, ‘Beyond Greed and Grievance’; Le Billon, *Wars of Plunder*; Le Billon, *Fuelling War*; Renner, *The Anatomy of Resource Wars*; and Ross, ‘What Do We Know about Natural Resources and Civil War?’ pp. 337–56.

¹⁴ Ballentine and Sherman (eds.), *The Political Economy of Armed Conflict*, pp. 1–3.

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natural resources to fund their armed struggle. In Cambodia, the Khmer Rouge movement exploited timber and gemstones to finance its rebellion. In Angola, the rebel movement UNITA turned to diamonds, while the government used oil revenues to suppress the rebellion.

In addition, belligerents' access to natural resource wealth also proved to be an important factor in *prolonging* internal armed conflicts. Natural resources give parties to an armed conflict access to weapons and to political support. In addition, the profits obtained from resource exploitation can prove to be a disincentive for armed groups to sit down at the negotiating table.¹⁵ Exact data are not available, but it is estimated that the RUF made at least 25 million dollars a year from the trade in diamonds. This is relatively little compared to the revenue generated by the Khmer Rouge from logging, estimated at 120 million dollars a year at least.¹⁶

Furthermore, more fundamental relationships between natural resource wealth and armed conflict can also be identified. In particular, natural resources have been linked to the *outbreak* of armed conflict.¹⁷ These theories focus on the institutional effects of resource wealth, on the role of natural resources as the motivation for the outbreak of armed conflict and on the role of natural resources in providing opportunities to start an armed conflict.

According to the 'resource curse thesis' described by the economist Richard Auty, resource wealth can lead to economic stagnation and underperformance. Large rents for resources may make governments less accountable, because these rents replace tax revenues for which governments must account to the population. This in turn may lead to the weakening of governmental institutions, making a country vulnerable to the outbreak of an armed conflict.¹⁸

¹⁵ See, e.g., Bannon and Collier (eds.), *Natural Resources and Violent Conflict*, pp. 217–18. A 2013 Report of the Secretary General in relation to the DR Congo indicates that, for armed groups operating in the Eastern part of the DR Congo, 'the benefits derived from the illegal exploitation of [natural] resources not only finance their acquisition of illicit weapons, but have also become an end in themselves.' See UN Secretary General, Special Report on the Democratic Republic of the Congo and the Great Lakes Region, *UN Doc. S/2013/119 (2013)*, para. 48.

¹⁶ For these and other estimates, see Renner, *The Anatomy of Resource Wars*, p. 7.

¹⁷ On this subject, see Le Billon, *Wars of Plunder*, p. 17.

¹⁸ See Auty, *Sustaining Development in Mineral Economies*. In this sense, the concept is related to notions such as the 'Paradox of Plenty' and the 'Dutch disease'. Since then, several studies, both in economics and in political science, have confirmed the hypothesis of the resource curse. See, e.g., Ross, 'The Political Economy of the Resource Curse', pp. 297–322; and Sachs and Warner, 'The Curse of Natural Resources', pp. 827–38.

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Grievances and greed theories focus on the role of natural resources in provoking the outbreak of armed conflicts. According to the grievances theory, perceived injustices relating to the use of natural resources may be a cause for the outbreak of armed conflict. These perceived injustices may relate to the effects of the exploitation of natural resources on the living environments of particular ethnic or social groups, or they may relate to the (unequal) distribution of the benefits obtained from the exploitation of natural resources.¹⁹ According to the greed theory, the likelihood of armed conflict breaking out is increased if rebel groups try to obtain rent from natural resources. The prospect of gaining access to large deposits of natural resources which these groups can exploit for their personal gain may be an incentive for them to start an armed conflict.²⁰

Unlike grievances and greed theories, which focus on the role of natural resources in provoking armed conflict, the feasibility thesis focuses on the opportunities for starting an armed conflict created by natural resource wealth. This theory assumes that a rebellion will occur if it is militarily and financially feasible. According to this theory, an armed conflict is therefore more likely to occur in a country where large quantities of easily accessible natural resources are available to rebels.²¹

A fourth theory about the relationship between natural resource wealth and armed conflict focuses on the opportunities created by the outbreak of an armed conflict for third parties to engage in the looting of natural resources. Recent incidents of elephant poaching in the Central African Republic where conflict broke out after a coup d'état on 24 March 2013 are an example of this. Poachers were reported to have killed a large number of elephants in the Dzanga-Ndoki national park, a UNESCO World Heritage Site.²² Part of the poaching in the Central African region is directly linked to the financing of armed groups,²³ prompting the Security Council in 2014 to impose targeted sanctions on individuals and entities supporting armed groups and criminal networks involved in the illegal trade in wildlife in the Central African Republic.²⁴ However, the poaching in itself

¹⁹ See, e.g., Klare, *Resource Wars*, p. 208; and Ross, 'How Do Natural Resources Influence Civil War?' p. 41.

²⁰ Collier and Hoeffler, 'Greed and Grievance in Civil War', pp. 563–95.

²¹ Ross, 'What Do We Know about Natural Resources and Civil War?' pp. 337–56.

²² See 'Elephant Poaching on Rise in Chaos-Hit Central African Republic', 26 April 2013, www.reuters.com.

²³ See the Statement by the President of the Security Council on the Central African Region, *UN Doc. S/PRST/2013/6*, 29 May 2013, para. 10.

²⁴ UNSC Resolution 2134 (2014), para. 37(d).

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constitutes a broader problem related to weaknesses in law enforcement.²⁵ The outbreak of an armed conflict is merely a factor that exacerbates these types of situations, in the sense that the chaos and instability created by the outbreak of an armed conflict increases the opportunities for individuals or groups to engage in the looting of natural resources. As the relationship between natural resources and armed conflict is less direct in these situations, it is not of immediate interest to the current study.

In conclusion, natural resources can provide the *means* to finance an armed conflict; they can *prolong* existing armed conflicts; and they can play a role in the *outbreak* of an armed conflict. In addition, the outbreak of an armed conflict may create opportunities for third parties to loot natural resources for their personal gain. Of course, natural resources can also play many different roles in armed conflicts. In Sierra Leone, for example, the Truth and Reconciliation Commission established after the armed conflict concluded that diamonds had provided the RUF with the means to finance – and maybe even prolong – their rebellion.²⁶ At the same time, the Commission considered that the economic mismanagement of the natural resource wealth in that country – which involved not only diamonds, but also bauxite, coffee and cocoa – and the resulting failure of successive governments to use the proceeds from these exports to enhance the standard of living of the population, were important factors in the outbreak of the armed conflict in 1991.²⁷

1.2 The actors involved in resource-related armed conflicts

Strategies for the prevention and resolution of resource-related armed conflicts require a proper understanding of the roles and the legal positions of the different actors involved in the exploitation of natural resources in situations of armed conflict. Resource-related armed conflicts involve a range of different actors. Most of the armed conflicts discussed in this book are internal armed conflicts involving a State and/or one or more armed groups engaged in the exploitation of the State's natural

²⁵ See Report of the Secretary-General on the Activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-Affected Areas, *UN Doc. S/2013/297*, 20 May 2013, paras. 7–9.

²⁶ See 'Witness to Truth', *the Final Report of the Sierra Leonean Truth and Reconciliation Commission*, Vol. Three B, Chap. One.

²⁷ *Ibid.*, Vol. Three A, Chap. Two.

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resources.²⁸ These armed groups either exploit the natural resources themselves or levy taxes from companies by granting them concessions.

However, in some of the armed conflicts discussed in this book, foreign States are also involved in the exploitation of a State's natural resources. In some cases, it is carried out directly by these States, either by their national armies or by companies that are offered access to exploitation sites in territory under the control of these States. In other cases, the involvement of foreign States is limited to assisting the armed groups engaged in the exploitation. For example, this assistance can consist of offering smuggling routes to these armed groups or of trading natural resources with them.

From a legal perspective, the range of actors involved in resource-related armed conflicts entails many challenges, not least with regard to determining the applicable rules. There are relevant rules in several fields of international law, in particular in international economic, environmental, human rights and humanitarian law.²⁹ However, as discussed in more detail in Part II of this book, the applicable legal framework varies depending on the actors involved and, in addition, depends on the typology of the armed conflict.

The following subsections briefly touch upon some of the issues that are of particular relevance for understanding the legal positions of the different actors involved, as well as their roles in resource-related armed conflicts. To illustrate these issues, reference is made as much as possible to existing conflict situations.

1.2.1 *Domestic governments*

International law accords a right to States and peoples to exercise sovereignty over their natural resources. This right, including the right to exploit the State's natural resources, is exercised by the government, subject to a number of conditions derived principally from international human rights and environmental law. The role of the government is therefore crucial to the proper functioning of the legal framework. Moreover, several of the armed conflicts that are at the heart of this book show that a strong political will to address the links between natural resources and armed conflict at the national level is essential for achieving a sustainable

²⁸ On the typology of armed conflicts, see Chapter 6 of this study.

²⁹ Chapter 5 discusses the general presumption that the outbreak of hostilities does not *ipso facto* affect the operation of treaties.

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peace. However, at the same time, it is possible to identify several challenges relating to the role of the government.

The first challenge that is relevant to the current study concerns the legitimacy of the government. International law accords the right to exploit domestic resources to the State and its people; it does not accord this right to the government. The latter can exercise this right only on behalf of the State and its people. The question therefore arises whether a government that does not or can no longer be considered to represent the State and its people is entitled to exercise sovereignty over the State's natural resources. For example, in the armed conflict that raged in Angola for decades between 1975 and 2002, both the ruling MPLA and the opposing UNITA claimed to be the legitimate government of Angola. Another example concerns the civil conflict in Libya in 2011, when the Gaddafi government lost its legitimacy during the course of the armed conflict. This issue is discussed in more detail in Part I of this book.

Furthermore, the way in which governments exercise authority over the State's natural resources can also present a challenge. The failure of governments to exercise authority over the State's natural resources in the proper manner underlies many of the armed conflicts examined in this book. The armed conflict in Sierra Leone referred to above is a relevant example. Economic mismanagement and the resulting failure of successive governments to use the proceeds from the exports of the country's natural resources to raise the standard of living of the population have been identified as root causes for the outbreak of armed conflict in 1991.³⁰

Similar patterns can be recognised in the DR Congo, where political elites have used the natural resource wealth of the country for their personal enrichment, leaving the population with very little to survive on. The DRC Mapping Report, drafted by independent experts under the auspices of the Office of the High Commissioner for Human Rights, concluded, for example, that

During Mobutu's rule, natural resource exploitation in Zaire was characterised by widespread corruption, fraud, pillaging, bad management and a lack of accountability. The regime's political/military elites put systems in place that enabled them to control and exploit the country's mineral resources, thereby amassing great personal wealth but contributing nothing to the country's sustainable development . . . The two Congolese wars of 1996 and 1998 represented a further major setback to development,

³⁰ See 'Witness to Truth', Vol. Three A, Chap. Two.

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causing the destruction of a great deal of infrastructure and propagating the practice of resource pillaging inherited from Mobutu's kleptocratic regime, under the pretext of funding the war effort.³¹

In addition, economic mismanagement can be a factor in sustaining armed conflicts. Opaque systems of public administration have allowed the governments of Liberia and Côte d'Ivoire, for example, to procure weapons in contravention of UN Security Council sanctions. In Liberia, the Taylor government largely excluded revenues from the timber and rubber sectors from the public administration. The evidence suggests that these revenues were used both for President Taylor's personal expenditure and for the procurement of weapons in contravention of UN Security Council sanctions.³² In Côte d'Ivoire, the procurement of weapons was financed with the proceeds from the cocoa and oil industries.³³ In both countries, the natural resources industries were to a large extent controlled by the government.

These examples clearly show the significance of properly functioning institutions for the prevention and resolution of armed conflicts. This issue is examined in more detail in Section 1.3 of this introductory chapter.

1.2.2 *Foreign States*

Foreign States have played a role in several of the armed conflicts examined in this book. In the DR Congo, for example, Uganda and Rwanda have been both directly and indirectly involved in the ongoing armed conflict. Between 1998 and 2003 both countries engaged in the exploitation of the DR Congo's natural resources, while controlling parts of the territory of the DR Congo.³⁴ The Panel of Experts, set up by the UN Security Council to investigate the illegal exploitation of natural resources and other forms of wealth of the DR Congo, concluded that the exploitation of natural

³¹ Office of the High Commissioner for Human Rights, Mapping Report (2010), p. 351.

³² Report of the Panel of Experts Pursuant to Security Council Resolution 1343 (2001), Paragraph 19, Concerning Liberia, *UN Doc. S/2001/1015*, paras. 309–50.

³³ See, e.g., Midterm Report of the Group of Experts on Côte d'Ivoire Submitted in Accordance with Paragraph 11 of Security Council Resolution 1842 (2008), *UN Doc. S/2009/188*, paras. 59–72; Final Report of the Group of Experts on Côte d'Ivoire, Prepared in Accordance with Paragraph 14 of Security Council Resolution 1980 (2011), *UN Doc. S/2012/196*, para. 113.

³⁴ See the Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, *UN Doc. S/2002/1146*, paras. 65–131.