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Security Council Background Guide

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Staff-Team

Fabian Graf (President)

Fabian studies International Relations and Social Sciences at the University of Erfurt. As a MUN delegate, he has participated at several Model United Nations conferences which was highlighted by attending GIMUN International Model United Nations at the United Nations Office at Geneva 2017. This will be his first time chairing the Security Council. Fabian is looking forward to meeting all delegates of the Security Council, listening to intense debates on two topics of immense importance, and spending an exciting time during and after the conference days.

Tanja Vöhler (Vice President)

Tanja is a B.A. student of International Relations and Public Law at the University of Erfurt. She also took part in several MUN conferences, including her biggest conference, NMUN, in New York 2018. EfMUN will be her second time chairing a Security Council and she is looking forward to see the Delegates negotiate and find solutions to sensitive topics.

David Beck (Rapporteur)

David holds a bachelor degree in political science and has participated in several MUN conferences including BaMUN, EfMUN and NMUN 2018.

Dear Delegates,

it is a great honor to welcome you to the Security Council of Erfurt Model United Nations 2019.

Your staff for the conference will be Fabian Graf, Tanja Vöhler and David Beck.

This year we have decided on two topics:

- I. Addressing Sexual and Gender Based Violence in Conflict
- II. The Exploitation of Natural Resources and its Effects on Armed Conflict

We hope that this Background Guide will help you with the preparation for this conference. It will give you a comprehensive overview over the committee and both topics and will help you to focus your further research on the most relevant aspects. We encourage you to delve into your countries' policies and their positions concerning the topics at hand thoroughly. When preparing for the conference, please keep in mind the mandate of the Security Council.

If you have any questions regarding the conference or your preparation for Security Council, please do not hesitate to contact mun@uni-erfurt.de.

Sincerely,

Fabian Graf, Tanja Vöhler and David Beck

TABLE OF CONTENTS

ABBREVIATIONS	4
COMMITTEE OVERVIEW	5
Introduction	5
Governance, Structure and Membership	5
History	7
Presidency.....	7
Voting.....	7
Functions and Powers	8
Bibliography	9
I. ADDRESSING SEXUAL AND GENDER-BASED VIOLENCE IN CONFLICT.....	11
Introduction	11
International and Regional Framework	13
Conclusion.....	20
Further Research.....	21
Bibliography	22
II. THE EXPLOITATION OF NATURAL RESOURCES AND ITS EFFECTS ON ARMED CONFLICT.....	28
Introduction	28
Aspects of the Issue	28
United Nations Framework.....	30
Non-UN Entities	37
Conclusion.....	38
Further Research.....	39
Bibliography	40

ABBREVIATIONS

<i>CEDAW</i>	<i>Convention on the Elimination of All Forms of Discrimination Against Women</i>
<i>DRC</i>	Democratic Republic of the Congo
<i>FT</i>	United Nations Framework Team for Preventive Action
<i>ICGLR</i>	International Conference on the Great Lakes Region
<i>KPCS</i>	Kimberley Process Certification Scheme
<i>MONUC</i>	United Nations Organization Mission in the DRC
<i>MONUSCO</i>	United Nations Organization Stabilization Mission in the DRC
<i>OECD</i>	Organization for Economic Cooperation and Development
<i>RUF</i>	Revolutionary United Front
<i>SRSG-SVC</i>	Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict
<i>UNEP</i>	United Nations Environment Programme
<i>UNGP</i>	UN Guiding Principles on Business and Human Rights
<i>UNICEF</i>	United Nations Children’s Fund
<i>UNIFEM</i>	United Nations Development Fund for Women
<i>UNITA</i>	National Union for the Total Independence of Angola
<i>UNMIL</i>	United Nations Mission in Liberia
<i>UNSC</i>	United Nations Security Council

COMMITTEE OVERVIEW

Introduction

After the devastating effects of two world wars, the International Community decided to establish the United Nations (UN) as an intergovernmental organization with the primary responsibility of maintaining international peace and security and creating the conditions conducive to economic and social development while advancing universal respect for human rights.¹ The Security Council (UNSC) was established as one of its six principal organs² and was given the primary responsibility to preserve international peace and security.³

The founding of the United Nations marks a significant turning point especially in Western legal history. While earlier the idea that there could be a “just war” (*bellum iustum*) dominated the legal-philosophical debates, the UN Charter abolishes every right to war (*jus ad bellum*) once and for all.⁴ As Art. 2(3) of the UNCh states, “All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered”.⁵ That also means that any use of force is strictly forbidden (Art. 2(4) UNCh).⁶ Chapter VII of the UNCh determines that only the Security Council has the monopoly to the use of force.⁷ Though, the use of military means may only be the last resort (*ultima ratio*) in a response to a violation of international law by a state and necessarily requires a mandate by the Security Council⁸ (the only exception is regulated in Art. 51 UNCh where the United Nations impair “the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations”, but only “until the Security Council has taken measures necessary to maintain international peace and security”)⁹.

Governance, Structure and Membership

The Security Council consists of 15 members¹⁰ and is the only organ whose resolutions are binding and must be implemented by the UN Member States.¹¹ Five Member States (the United States, the People’s Republic of China, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation and the French Republic) hold permanent seats in the UNSC, which go along with the entitlement to veto decisions.¹² Apart from the Permanent Member States, there are ten non-permanent members to the Security Council¹³ (in 2019: Belgium, Poland, Germany, Côte d’Ivoire, Indonesia, South Africa, Dominican Republic, Kuwait, Equatorial Guinea and Peru)¹⁴. Non-permanent members are elected by the General

¹ United Nations. *Charter of the United Nations*. 1945. Art. 1(1).

² Ibid.

³ Ibid. Art. 24(1); UN Security Council. *What is the Security Council?*. 2018.

⁴ United Nations. *Charter of the United Nations*. 1945. Art. 2(4); International Committee of the Red Cross. *What are jus ad bellum and jus in bello?*. 2015; Stahn/Kleffner (Eds.). *Jus Post Bellum – Towards a Law of Transition From Conflict to Peace*. 2008. p.9ff.

⁵ United Nations. *Charter of the United Nations*. 1945. Art. 2(3)

⁶ Ibid. Art. 2(4).

⁷ Ibid. Art. 39ff.

⁸ Ibid. Art. 36 and Art. 42ff.

⁹ Ibid. Art. 51.

¹⁰ Ibid. Art. 23(1).

¹¹ Ibid. Art. 25.

¹² Ibid. Art. 23 and Art. 27(3).

¹³ Ibid. Art. 23.

¹⁴ UN Security Council. *Members, Countries Elected Members*. 2018.

Assembly for two years with the seats being distributed on a regional basis.¹⁵ Five seats are distributed for African and Asian countries, one seat for Eastern European countries, two seats for Latin American and Caribbean countries, two seats for Western European and other countries.¹⁶ After a non-permanent member has retired it is not eligible for immediate re-election.¹⁷ Each member of the UNSC has one representative.¹⁸ Furthermore, each member of the UNSC has one vote.¹⁹ Member and non-member states which are not part of the UNSC may participate in meetings without the privilege to vote if matters are being discussed which affect the interest of said state. However, the UNSC needs to issue an invitation and can set the condition for the participation of a non-member state of the UN.²⁰

The UNSC is responsible for the maintenance of international peace and security.²¹ If the UNSC determines a threat to peace it usually promotes a peaceful agreement between the parties involved.²² If hostilities occur, the main priority of the UNSC is to bring them to an end by issuing ceasefire directives and dispatching military observers or peacekeeping forces.²³ Lastly, the UNSC determines the imposition of sanctions and enforcement measures according to Art. 39 UNCh, such as economic sanctions, arms embargoes, financial penalties and restrictions, blockade or even military action, to name a few.²⁴ In order to come to a decision, the UNSC needs nine members in favour and no permanent member using their veto power by voting against (although a “power of veto” is not explicitly mentioned in the UNCh, the fact that “substantive” decisions by the UNSC require “the concurring votes of the permanent members”, as determined in Art. 27(3) UNCh, means that any of those permanent members can prevent the adoption by a so-called “negative vote”). A permanent member’s abstention from voting does not count as a veto and therefore does not alter the prospects of the decision.²⁵

Pursuant to Art. 29 UNCh, the UNSC is enabled to create subsidiary bodies to support the committee in executing its functions.²⁶ The UNSC can create committees such as ad-hoc sanction committees or the Counter-Terrorism Committee. All fifteen members are represented in each committee. Furthermore, the UNSC can initiate peacekeeping operations and political missions which consist of military, police and civilian personnel and the Security Council is empowered to set up international courts and tribunals such as the International

¹⁵ United Nations. *Charter of the United Nations*. 1945. Art. 23(1).

¹⁶ UN Security Council. *Frequently Asked Questions: How are the non-permanent members selected?*. 2018.

¹⁷ *Ibid.* Art. 23(2).

¹⁸ *Ibid.* Art. 23(3).

¹⁹ *Ibid.* Art. 27(1).

²⁰ *Ibid.* Art. 31f.

²¹ *Ibid.* Art. 24(1) and (2).

²² *Ibid.* Chapter 6.

²³ UN Security Council. *What is the Security Council?*. 2018.

²⁴ *Ibid.*; United Nations. *Charter of the United Nations*. 1945. Art. 39 and Chapter 7.

²⁵ *Ibid.* Art. 27; UN Security Council. *Meetings, Voting System, The Right to Veto*. 2018.

²⁶ United Nations. *Charter of the United Nations*. 1945. Art. 29.

Crime Tribunal for the former Yugoslavia (ICTY) and the International Crime Tribunal for Rwanda (ICTR).²⁷

History

The UNSC held its first session on 17 January 1946 at Church House, Westminster, London. After its first meeting, the Council relocated to its permanent residence at the UN Headquarters in New York City.²⁸

Until 1965, the UNSC was composed of only six non-permanent members rotating every two years alongside the five permanent members.²⁹

Until 1971, the Republic of China (Taiwan) represented China as Permanent Member at the UNSC, then it lost its seat to the People's Republic of China.³⁰

Until 1991, the Union of Soviet Socialist Republics (USSR) had a permanent seat in the UNSC – after the USSR's dissolution, the Russian Federation continued the membership of the USSR in the Security Council and all other UN organs with the support of the 11 member countries of the Commonwealth of Independent States.³¹

Presidency

Each member of the UNSC holds the presidency of the Council for one month, rotating according to alphabetical order.³² UNSC meetings can be held at any time when convened by the President and by the request of any Member State. Under Article 35 of the UNCh, the President shall call a meeting if a dispute or situation calls the Council's attention.³³ The provisional agenda for each meeting is set by the UN Secretary-General and is further approved by the UNSC President.³⁴

Voting

Vote on Procedural Matters

Votes on procedural matters (e.g. organization of the agenda) require a majority vote. This implies that there needs to be nine members voting affirmatively on the matter for it to pass.³⁵

Vote on Substantive Matters

Votes on substantive matters such as the establishment of a peacekeeping force, an affirmative majority vote of nine members is required as well. Furthermore, the P5 need to be among the majority vote.³⁶

²⁷ UN Security Council. *Subsidiary Organs. An Overview*. 2018.

²⁸ UN Security Council. What is the Security Council?. 2018; McVeigh. Seven key questions in 70 years of the UN security council. 2016

²⁹ UN General Assembly. *A/RES/1991(XVIII)*. 1963.

³⁰ Council on Foreign Relations. What criticisms has the Security Council faced?. 2018.

³¹ Blum: Russia Takes over the Soviet Union's Seat at the United Nations. 1992.

³² UN Security Council. *Security Council Presidency*. 2018.

³³ United Nations. *Charter of the United Nations*. 1945. Art. 35.

³⁴ UN Security Council. Foundation and Procedures. Provisional Rules of Procedure. Chapter 2 (Agenda). Rule 7. 2018.

³⁵ United Nations. *Charter of the United Nations*. 1945. Art. 27(2).

³⁶ *Ibid.* Art. 27(3).

Functions and Powers

Under the UNCh, the UNSC holds the following functions and powers:

- to maintain international peace and security in accordance with the principles and purposes of the United Nations;
- to investigate any dispute or situation which might lead to international friction or give rise to a dispute;
- to recommend methods of adjusting such disputes or the terms of settlement;
- to formulate plans for the establishment of a system to regulate armaments;
- to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- to take military action against an aggressor;
- to recommend the admission of new Members;
- to exercise the trusteeship functions of the United Nations in “strategic areas”;
- to recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice.³⁷

In brief, the UNSC holds sanctions, diplomatic tools, military action and partnerships with national and international organizations as mechanisms to guarantee international security.³⁸ Pursuant to Art. 25 UNCh, all members of the UN “agree to carry out and accept the decisions of the Security Council in accordance with the present Charter”. This implies that the SC is able to bestow legally binding obligations on the Member States.³⁹

³⁷ Ibid. Chapter 6 and 7.

³⁸ UN Security Council. *What is the Security Council?*. 2018.

³⁹ United Nations. *Charter of the United Nations*. 1945. Art. 25.

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United Nations Security Council. (2018). *Members, Countries Elected Members*. Retrieved 3 October 2018 from <http://www.un.org/en/sc/members/elected.asp>.

United Nations Security Council. (2018). *Security Council Presidency*. Retrieved 3 October 2018 from <http://www.un.org/en/sc/presidency/>.

United Nations Security Council. (2018). *Subsidiary Organs. An Overview*. Retrieved 3 October 2018 from <https://www.un.org/sc/suborg/en/scsb>.

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I. ADDRESSING SEXUAL AND GENDER-BASED VIOLENCE IN CONFLICT

Introduction

“I want to be the last girl in the world with a story like mine,”⁴⁰ writes Nadia Murad in her autobiographical call to action *The Last Girl*, an intimate memoir of her captivity by the so-called Islamic State, her survival and her fight against all sexual violence worldwide. For three months, Nadia Murad was enslaved several times, raped and tortured, only then did she manage to escape. Murad, a Yazidi originating from Iraq, now lives in Germany.⁴¹ Unlike many women who had to suffer the same, Murad did not shroud her experiences in silence.⁴² She briefed the UNSC on the issue of human trafficking and conflict, later she was named the first Goodwill Ambassador for the Dignity of Survivors of Human Trafficking of the United Nations.⁴³ On 5 October 2018, she and Congolese gynecologist Denis Mukwege – a world leading expert in the medical treatment of women who were victims of rape by rebel forces – were jointly awarded the Nobel Peace Prize for “their efforts to end the use of sexual violence as a weapon of war and armed conflict”⁴⁴.

Nadia Murad and Denis Mukwege remind us of the incomprehensible extent to which sexual violence, especially against women, and rape has been used as a strategy of war, and they give a small impression of the unimaginable suffering that the victims of sexual violence have to endure. In the course of this process, it becomes obvious that the International Community’s previous action on wartime sexual violence is in many ways insufficient. The following synopsis shall provide an overview of the actions the International Community has already initiated, and give a brief outlook on what is yet to be done.

Wartime sexual violence or sexual and gender based violence in conflict (used synonymously below) is considered to be rape and other forms of sexual violence (including gang rape, rape with objects, coercion to prostitution and sexual slavery) committed by combatants⁴⁵ during armed conflict, war, or military occupation.⁴⁶ Conflict-related sexual violence occurs regularly as spoils of war; however, especially in ethnic conflict, the phenomenon has broader sociological motives.⁴⁷ Rape is frequently used as a means of psychological warfare in order to humiliate the enemy.⁴⁸ Wartime sexual violence is to be distinguished from sexual harassment, sexual assaults and rape committed amongst troops in military service.⁴⁹ There is no universal accepted definition of “wartime sexual violence”, “sexual assault” or “rape”, yet the *Explanatory Note of the Rome Statute* (which binds the International Criminal Court) can be consulted to find a common ground of what can be understood by said terms.⁵⁰ The *Explanatory Note* defines rape as follows: “The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of

⁴⁰ Murad. *The Last Girl*. 2017.

⁴¹ Alter. A Yazidi Woman Who Escaped ISIS Slavery Tells Her Story. 2015.

⁴² Forbes. *Nadia Murad*. 2018.

⁴³ Ibid.

⁴⁴ Norwegian Nobel Institute. The Nobel Peace Prize 2018: Denis Mukwege, Nadia Murad. 2018.

⁴⁵ For a definition of “combatants”, s. Art. 43 of the *Additional Protocol One to the Geneva Conventions* of 8 June 1977.

⁴⁶ UN Security Council. *S/2017/249*. 2017.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Benedict. *The Nation: The Plight of Women Soldiers*. 2009.

⁵⁰ International Criminal Court. *Elements of Crime: Explanatory Note*. 1998.

the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. [...] The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.”⁵¹ The definition is understood to be gender-neutral and to include situations where the victim may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.⁵² The Secretary-General, by using the term “conflict-related sexual violence” in his reports on conflict-related sexual violence, refers to rape, sexual slavery, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict.⁵³

According to the United Nations Children’s Fund (UNICEF), “systematic rape is often used as a weapon of war in ethnic cleansing.”⁵⁴ Beyond that, particularly gang rape is often discussed as a means of bonding among soldiers – gang rape is used by military groups as a tactic of “combatant socialization” in armed conflict to create cohesive military groups, in which militia group members prompt feelings of power and achievement, establish status and a reputation for aggressiveness, create an enhanced feeling of masculinity through bonding and bragging, and demonstrate dedication to the group and a willingness to take risks.⁵⁵ In its 2008 Resolution 1820 (*S/RES/1820*), the UNSC argued that “women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group.”⁵⁶ It is certainly true that war rape has a largely gender-specific character – abuse committed by men against women – in which, as US feminist Susan Brownmiller states, war “provides men with the perfect psychological backdrop to give vent to their contempt for women. The maleness of the military [...] confirms for men what they long suspect – that women are peripheral to the world that counts.”⁵⁷ However, linking the problem of war rape only to its gender-specific character would be too one-sided. The fact that many studies show that war rape is more frequently perpetrated on women than men may also be due to the reluctance of men to come forward with accusations of being raped, and also due to an institutional bias amongst the work of scientists, NGOs and even the United Nations, who frequently focus resources on female victims.⁵⁸ Yet, sexual violence committed against men is not a marginal occurrence, as the following figures show: As a 2009 study examined, 76% of male prisoners in 1980s El Salvador and 80% of male concentration camp inmates in Sarajevo reported being victims of rape by other men and sexual torture.⁵⁹ According to a survey of the *Journal of the American Medical Association* in 2010, 22% of men (and 30% of women) from the eastern part of the Democratic Republic of the Congo reported that they had been subject to conflict-related sexual violence.⁶⁰

⁵¹ Ibid.

⁵² Minzoni-Deroche. *Rape as a tactic of war*. 2005.

⁵³ UN Security Council. *S/2017/249*. 2017.

⁵⁴ UNICEF. *Sexual violence as weapon of war*. 1996.

⁵⁵ Cohen. *Causes of Sexual Violence During Civil War*. 2011.

⁵⁶ UN Security Council. *S/RES/1820*. 2008.

⁵⁷ Cf. Sumantra. *Women and War*. 2013.

⁵⁸ Storr. *The rape of men*. 2011.

⁵⁹ Stemple. *Male Rape and Human Rights*. 2009.

⁶⁰ Storr. *The rape of men*. 2011.

As Chris Dolan, director of the *Refugee Law Project* at Kampala (Uganda) points out: “female rape is significantly underreported and male rape almost never”⁶¹. Even if this statement seems at first glance a bit exaggerated in view of the above mentioned studies, it certainly exposes the great difficulties that victims of wartime sexual violence of both sexes have to face while trying to draw international attention to their suffering. It is not sufficient if probably far too low numbers of victims are reported in a few scientific studies of short range, if that does not lead to mass media attention at the same time. Even worse, the few acquainted cases of conflict-related sexual violence lead on very rare occasions to convictions: In Colombia, after the conclusion of a civil war in 2016, the Attorney-General adopted an investigation protocol for the 634 cases of sexual violence that had been reported by the Constitutional Court.⁶² Only two percent of those reported cases have led to convictions thus far.⁶³

International and Regional Framework

Legal protection against conflict-related sexual violence under international law

The history of legal protection under international law against sexual violence during conflict is closely linked to the history of international humanitarian law. The first references to a “lawful” or “just warfare” can be found in ancient Greece’s and ancient Rome’s writings and have been continuously developed ever since⁶⁴ – for example through the Catholic Church which sought to prevent rape during feudal warfare in the Middle Ages and the early modern period through the institution of “Peace and Truce of God”⁶⁵ –, however, it lasted until 1863 until international customary laws of war were codified for the first time within the *Lieber Code*.⁶⁶ The *Lieber Code* already confirms that “all rape [...] [is] prohibited under the penalty of death”⁶⁷. Later, Article 46 of the *Hague Conventions* of 1899 and 1907 regarding Land Warfare explicitly required that “[f]amily honour and rights [and] the lives of persons [...] must be respected”⁶⁸. The Nuremberg Tribunals failed to charge Nazi war criminals with rape.⁶⁹ Yet, war rape could have been prosecuted under customary law and under the *International Military Tribunal’s Charter’s* Article 6 lit. b (although it does not mention rape or sexual violence explicitly) since it forbids “abduction of the civilian population [...] into slavery and for other purposes” and “abduction unjustified by military necessity.”⁷⁰ Common Article 3 of the 1949 *Geneva Conventions* provides that “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture” as well as “outrages upon personal dignity, in particular humiliating and degrading treatment” are prohibited – here it is important to note that common Article 3 is not only valid for international, but also for asymmetric warfare where at least one party is not a state.⁷¹ Article 27 of the *Fourth Geneva Convention* explicitly prohibits wartime rape and enforced prostitution. However, the United Nation General Assembly’s *Declaration on the Protection of Women and Children in*

⁶¹ Cf. Storr. *The rape of men*. 2011.

⁶² UN Security Council. *S/2017/249*. 2017.

⁶³ *Ibid.*

⁶⁴ Askin. *War Crimes Against Women*. 1997. pp. 10-21.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*, p. 35.

⁶⁷ Instructions for the Government of Armies of the United States in the Field, 1863.

⁶⁸ Convention with Respect to the Laws and Customs of War on Land (Hague, II), 1899.

⁶⁹ De Brouwer. *Supranational Criminal Prosecution of Sexual Violence*. 2005.

⁷⁰ Charter of the International Military Tribunal. 1945.

⁷¹ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. 1949.

Emergency and Armed Conflict of 14 December 1974 (A/RES/29/3318) does not mention rape specifically.⁷²

Prosecution of rapists in war crime tribunals is a recent development. In 1998, the International Criminal Tribunal for Rwanda (established by the United Nations) made landmark decisions defining rape not only as “spoils of war” but as “war crime”⁷³ (s. Art. 8 of the *Rome Statute*⁷⁴)— which was later reinforced by the UNSC in the legally binding resolution 1820 (S/RES/1820) on 19 June 2008⁷⁵ – and genocidal rape as a form of “genocide” (s. Art. 9 of the *Rome Statute*⁷⁶) under international law. The 1998 *Rome Statute Explanatory Memorandum* which defines and binds the jurisdiction of the International Criminal Court recognizes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, “or any other form of sexual violence of comparable gravity” as crime against humanity (given that the action is part of a widespread or systematic practice).⁷⁷

UNSC resolution 1325 on “Women, Peace and Security”

On 31 October 2000, by unanimously adopting United Nations Security Council resolution 1325 (S/RES/1325) on “Women, Peace, and Security”, the UNSC has made a contribution that could hardly be underestimated to the acknowledgement of the disproportionate and unique impact of armed conflict on women and girls, and to the recognition of the changing nature of warfare. This includes the troublesome dynamics of warfare increasingly targeting civilians, and the continuous exclusion of women from participation in peace processes. The historic landmark resolution calls for the adoption of a gender perspective to consider the special needs of women and girls during conflict, reparation and resettlement, rehabilitation, reintegration, and post-conflict reconstruction.⁷⁸ Furthermore, it affirms that peace and security efforts are more sustainable when women are equal partners in the prevention of violent conflict, the delivery of relief and recovery efforts and in the forging of lasting peace.⁷⁹ Against this background, S/RES/1325 marks a shift in the UNSC’s conversation on the “Women, Peace and Security” agenda from women’s protection to women’s participation, as it called for female representation “at all decision-making levels”.⁸⁰

S/RES/1325 was passed after extensive lobbying by the NGO Working Group on Women, Peace and Security and the United Nations Development Fund for Women (UNIFEM, now succeeded by UN Women).⁸¹ Prior to its adoption, several major global conferences and policy frameworks were championed that sought to advance the rights of women and girls. Beginning in 1975, the United Nations convened world conferences to elevate gender equality on the global stage.⁸² On 15 September 1995, the Fourth World Conference on Women yielded the *Beijing Declaration* (A/CONF.177/20⁸³, on 17 June 1998 reaffirmed by the UN

⁷² UN General Assembly. Declaration on the Protection of Women and Children in Emergency and Armed Conflict (A/RES/29/3318). 1974.

⁷³ UN General Assembly/Security Council. A/54/315—S/1999/943. 1999.

⁷⁴ International Criminal Court. *Rome Statute* (A/CONF.183/9). 1998.

⁷⁵ UN Security Council. S/RES/1820. 2008.

⁷⁶ International Criminal Court. *Rome Statute* (A/CONF.183/9). 1998.

⁷⁷ International Criminal Court. *Elements of Crime: Explanatory Note*. 1998.

⁷⁸ UN Security Council. S/RES/1325. 2000.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Landsberg. Resolution 1325 – Use It or Lose It. 2003.

⁸² US Institute of Peace. *What is UNSCR 1325?*. 2018.

⁸³ United Nations. Report of the Fourth World Conference on Women (A/CONF.177/20). 1995.

General Assembly in *A/RES/52/231*⁸⁴). This resolution was adopted to promulgate a set of principles concerning the equality of men and women. Furthermore, it established the *Beijing Platform for Action* as an “agenda for women’s empowerment”⁸⁵. *S/RES/1325* recalls the commitments of the *Beijing Declaration and Platform for Action* as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century” (*A/S-23/10/Rev.1*)⁸⁶ in its preamble. Moreover, *S/RES/1325* recalls *S/RES/1261* (25 August 1999)⁸⁷ and *S/RES/1314* (11 August 2000)⁸⁸ focusing on the theme of Children and Armed Conflict, as well as *S/RES/1265* (17 September 1999)⁸⁹ and *S/RES/1296* (19 April 2000)⁹⁰ focusing on the theme of the Protection of Civilians in Armed Conflicts.

S/RES/1325 is the first formal and legally binding document by the UNSC that requires parties in a conflict to prevent violations of women’s rights, to support women’s participation in peace negotiations and in post-conflict reconstruction, and to protect women and girls from wartime sexual violence. Against this background, *S/RES/1325* bears great responsibility for the effective containment of sexual and gender-based violence in conflict. The resolution’s focus lies on its four basic pillars:⁹¹ participation, protection, prevention and relief and recovery. The first pillar – participation – involves increased participation of women at all levels of decision-making, including in national, regional and international institutions; in mechanisms for the prevention, management and resolution of conflict; in peace negotiations; in peace operations, as soldiers, police, and civilians.⁹² The second pillar – protection – calls specifically for the protection of women and girls from sexual and gender-based violence, including emergency and humanitarian situations, such as in refugee camps.⁹³ The third pillar – prevention – focuses on improving intervention strategies in the prevention of violence against women, including by prosecuting those responsible for violations of international law; strengthening women’s rights under national law; and supporting local women’s peace initiatives and conflict resolution processes.⁹⁴ The last pillar – relief and recovery – refers to an advancement of relief and recovery measures to address international crises through a gendered lens, including by respecting the civilian and humanitarian nature of refugee camps, and considering the needs of women and girls in the design of refugee camps and settlements.⁹⁵

It can be said with certainty that the United Nations “Women, Peace and Security” agenda manifested in *S/RES/1325* is a global commitment to ensuring that women and girls are more systematically and sustainably integrated into peace and security – it requires global effort to implement the resolution. Notwithstanding that, much of the implementation of *S/RES/1325* comes from the UN Member States. Since 2005, UN Member States have put the tenets of *S/RES/1325* into action through the development of government-led national action plans and

⁸⁴ UN General Assembly. *A/RES/52/231*. 1998.

⁸⁵ *Ibid.*

⁸⁶ UN General Assembly. Report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly (*A/S-23/10/Rev.1*). 2000.

⁸⁷ UN Security Council. *S/RES/1261*. 1999.

⁸⁸ UN Security Council. *S/RES/1314*. 2000.

⁸⁹ UN Security Council. *S/RES/1265*. 1999.

⁹⁰ UN Security Council. *S/RES/1296*. 2000.

⁹¹ US Institute of Peace. *What is UNSCR 1325?*. 2018.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

other national level strategies.⁹⁶ These national strategies assist countries in identifying priorities and resources, determining their responsibilities, and committing the government to action. As of today, 77 nations have created national action plans.⁹⁷ In addition, 11 regional action plans have been adopted by e.g. the African Union, the European Union and the North Atlantic Treaty Organization (NATO).⁹⁸ Within the UN, however, certain progresses have been made as well, including the Secretary-General's appointment of a *Special Representative on Sexual Violence* and his commitment to ensure that women are at all levels of senior leadership within the UN.⁹⁹ Beyond that, non-governmental organizations play an important role in implementing *S/RES/1325*. NGOs have lobbied their national governments to develop national action plans (of which many use NGO oversight bodies to hold governments accountable to their commitments). Established international NGOs are of paramount importance in disseminating information on the resolution to grassroots organizations and training local actors on the resolution and how to apply it the best way possible.¹⁰⁰

Further UNSC resolutions on the “Women, Peace and Security” agenda

S/RES/1325 is related to seven supporting, or rather subsequent, UNSC resolutions which were all adopted unanimously: (i) *S/RES/1820* (19 June 2008)¹⁰¹ declares (legally binding) that rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive acts with respect to genocide; it furthermore condemns the use of sexual violence as a means of war; (ii) *S/RES/1888* (30 September 2009)¹⁰² mandates peacekeeping missions to protect women and children from rampant sexual violence during armed conflict and furthermore establishes the *Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict* (SRSG-SVC); (iii) *S/RES/1889* (5 October 2009)¹⁰³ urges Member States, United Nations bodies, donors and civil society to ensure that women's protection and empowerment was taken into account during post-conflict needs assessment and planning, and factored into subsequent funding and programming; (iv) in *S/RES/1960* (16 December 2010)¹⁰⁴, the Security Council requests information on parties suspected of patterns of sexual violence during armed conflict to be made available to it, which was later praised by Human Rights Watch as “a tremendous step toward ending this horrendous practice”¹⁰⁵; (v) *S/RES/2106* (24 June 2013)¹⁰⁶ requires the Secretary-General to report on conflict-related sexual violence on an annual basis and notes the link between sexual violence in conflict and post-conflict situations and HIV infection, as well as the disproportionate burden of HIV and AIDS on women and girls as a persistent obstacle and challenge to gender equality; (vi) *S/RES/2122* (18 October 2013)¹⁰⁷ supports abortion rights for girls and women raped in wars, “noting the need for access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination”; and (vii) in

⁹⁶ Inclusive Security. *Creating National Action Plans*. 2017.

⁹⁷ UN Women, *A Global Study on the Implementation of United Nations Security Council resolution 1325*. 2015-2018.

⁹⁸ Women's International League for Peace and Freedom. *National Action Plans for the Implementation of UNSCR 1325 on Women, Peace and Security*. 2018.

⁹⁹ Office of the Special Representative of the Secretary-General for Sexual Violence on Conflict. *About Us*. 2018.

¹⁰⁰ Dharmapuri. *A Survey of UN 1325 National Action Plan Mechanisms for Implementation, Monitoring, Reporting and Evaluation*. 2011.

¹⁰¹ UN Security Council. *S/RES/1820*. 2008.

¹⁰² UN Security Council. *S/RES/1888*. 2009.

¹⁰³ UN Security Council. *S/RES/1889*. 2008.

¹⁰⁴ UN Security Council. *S/RES/1960*. 2010.

¹⁰⁵ Cf. Lederer. *UN votes to name alleged rapists in war*. 2010.

¹⁰⁶ UN Security Council. *S/RES/2106*. 2013.

¹⁰⁷ UN Security Council. *S/RES/2122*. 2013.

S/RES/2242 (13 October 2015)¹⁰⁸, the Security Council reacts inter alia to the report of the Secretary-General of 17 September 2015 (*S/2015/716*)¹⁰⁹ submitting results of the *Global Study on the implementation of resolution 1325* (as requested in *S/RES/2122*), to the report of the *High-level Independent Panel of Peace Operations* (*S/2015/446*)¹¹⁰ and to the report of the Secretary-General on Sexual Violence in Conflict of 23 March 2015 (*S/2015/203*)¹¹¹ and expresses, in light of the above mentioned reports, its concern over continuing allegations of sexual exploitation which also include United Nations peacekeepers.

General Assembly resolutions on “Women, Peace and Security”

Additionally, the General Assembly has adopted several resolutions on the “Women, Peace and Security” agenda. *A/RES/48/142* (22 December 2003)¹¹² and *A/RES/66/130* (19 December 2011)¹¹³ ask Member States to respect women’s rights to participate in public office and to evaluate potential structural and educational barriers to their participation, particularly in periods of political uncertainty, such as after a conflict. *A/RES/65/69* (8 December 2010)¹¹⁴, *A/RES/67/48* (3 December 2012)¹¹⁵, *A/RES/68/33* (5 December 2013)¹¹⁶ and *A/RES/69/61* (2 December 2014)¹¹⁷ call for the increased inclusion of women in disarmament negotiations and emphasize the role of female community leaders in the reintegration of armed combatants into civilian life.

UNSC resolutions on conflict-related sexual violence beyond the “Women, Peace and Security” agenda

Parallel to the eight UNSC “Women, Peace and Security” resolutions, the topic “sexual and gender based violence in conflict” is covered by a variety of other UNSC resolutions, such as resolutions primarily focusing on “Children and Armed Conflicts” – e.g. *S/RES/1612* (26 July 2005)¹¹⁸, *S/RES/1882* (4 August 2009)¹¹⁹, *S/RES/1998* (12 July 2011)¹²⁰, *S/RES/2068* (19 September 2012)¹²¹ –, and on “Protection of Civilians in Armed Conflict” – e.g. *S/RES/1674* (28 April 2006)¹²², *S/RES/1894* (11 November 2009)¹²³. In most cases, these resolutions were adopted unanimously, only *S/RES/2068* – which imposed sanctions on armed groups engaging in several forms of conflict-related child abuse – sparked controversy so that eventually Azerbaijan, China, Pakistan and Russia abstained from voting, expressing their governments’ reservations on the text adopted.¹²⁴

¹⁰⁸ UN Security Council. *S/RES/2242*. 2015.

¹⁰⁹ UN Security Council. *S/2015/716*. 2015.

¹¹⁰ UN General Assembly/Security Council. *A/70/95—S/2015/446*. 2015.

¹¹¹ UN Security Council. *S/2015/203*. 2015.

¹¹² UN General Assembly. *A/RES/49/142*. 2003.

¹¹³ UN General Assembly. *A/RES/66/130*. 2011.

¹¹⁴ UN General Assembly. *A/RES/65/69*. 2010.

¹¹⁵ UN General Assembly. *A/RES/67/48*. 2012.

¹¹⁶ UN General Assembly. *A/RES/68/33*. 2013.

¹¹⁷ UN General Assembly. *A/RES/69/61*. 2014.

¹¹⁸ UN Security Council. *S/RES/1612*. 2005.

¹¹⁹ UN Security Council. *S/RES/1882*. 2009.

¹²⁰ UN Security Council. *S/RES/1998*. 2011.

¹²¹ UN Security Council. *S/RES/2068*. 2012.

¹²² UN Security Council. *S/RES/1674*. 2006.

¹²³ UN Security Council. *S/RES/1894*. 2009.

¹²⁴ For detailed explanations on all Member States’ voting behaviour, s. UN Security Council. Security Council Adopts Resolution Stating Readiness to Impose Sanctions on Armed Groups Persistently Violating Rights of Children (SC/10769). 2012.

International frameworks on conflict-related sexual violence

Besides that, several frameworks have been developed on the subject of conflict-related sexual violence. The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW)¹²⁵ of 18 December 1979 is the core international treaty to avert sexual violence against women in peacetime and in conflict. While CEDAW and *S/RES/1325* and *S/RES/1820* are already important international instruments on their own, there is also an intersection among the three standards that can be used to enhance their implementation and impact.¹²⁶ *S/RES/1325* and *S/RES/1820* broaden the scope of CEDAW application by clarifying its relevance to all parties in conflict, whereas CEDAW provides concrete strategic guidance for actions to be taken on the broad commitments outlined in the two resolutions.¹²⁷ For the particular circumstances of sexual violence in war and armed conflict, *General Recommendation No 30 on women in conflict prevention, conflict and post-conflict situations to CEDAW (CEDAW/C/GC/30, 1 November 2013)*¹²⁸ states that all parties are obliged to uphold women's rights before, during, and after conflict when they are directly involved in fighting, and/or are providing peacekeeping troops or donor assistance for conflict prevention, humanitarian aid or post-conflict reconstruction. *CEDAW/C/GC/30* also states that those states which have ratified CEDAW shall also exercise due diligence in ensuring that non-state actors, such as armed groups and private security contractors, are held accountable for crimes against women.

The *Windhoek Declaration and Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations* of 14 July 2000 (*A/55/138–S/2000/693*)¹²⁹ represents a crucial follow-up to the *Beijing Platform for Action* and demands obligatory induction training with regard to gender issues, sexual harassment and sexual assault for military, police and civilian personnel specifically for their participation in peace support operations held upon arrival at mission areas.

The *Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict* established by *S/RES/1888* serves as the United Nations' spokesperson and political advocate on conflict-related sexual violence and is the chair of the network *UN Action against Sexual Violence in Conflict*.¹³⁰ Its work is based on six priorities: (i) to end impunity for sexual violence in conflict by assisting national authorities to strengthen criminal accountability, responsiveness to survivors and judicial capacity; (ii) the protection and empowerment of civilians who face sexual violence in conflict, in particular, women and girls who are targeted disproportionately by this crime; (iii) to mobilize political ownership by fostering government engagement in developing and implementing strategies to combat sexual violence; (iv) to increase recognition of rape as tactic and consequence of war through awareness-raising activities at the international and country levels; (v) to harmonize the UN's responses by leading UN Action Against Sexual Violence in Conflict, a network of focal points from 13 UN

¹²⁵ Convention on the Elimination of All Forms of Discrimination against Women. 1979.

¹²⁶ UNIFEM. CEDAW and Security Council Resolution 1325: A Quick Guide. 2006.

¹²⁷ Ibid.

¹²⁸ Committee on the Elimination of Discrimination against Women. *General Recommendation No 30 to CEDAW*. 2013.

¹²⁹ UN General Assembly/Security Council. *Windhoek Declaration and Namibia Plan for Action (A/55/138—S/2000/693)*. 2000.

¹³⁰ Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict. *About the Office*. 2018.

agencies that amplify programming and advocacy on this issue in the wider UN agenda; and (vi) to emphasize greater national ownership.¹³¹

Secretary-General reports on conflict-related sexual violence

On an annual basis, the Secretary-General reports on conflict-related sexual violence pursuant to *S/RES/2106*. The latest report (*S/2018/250*)¹³² covers the period from January to December 2017. It provides extensive case studies on sexual violence in current and emerging conflict-affecting settings in Afghanistan, the Central African Republic, Colombia, the Democratic Republic of Congo, Iraq, Libya, Mali, Myanmar, Somalia, South Sudan, Sudan (Darfur), the Syrian Arab Republic and Yemen. Beyond that, the Secretary-General addresses crimes of sexual violence in post-conflict settings in Bosnia and Herzegovina, Côte d'Ivoire, Nepal, and Sri Lanka; as well as other situations of concern in Burundi and Nigeria. For each case individually, the Secretary-General recommends further action.

¹³¹ Ibid.

¹³² UN Security Council. *S/2018/250*. 2018.

Conclusion

The Nobel Peace Prize 2018 awarded to Nadia Murad and Denis Mukwege proves what has already been developing for several years: the International Community is gaining insight into the inconceivable extent of conflict-related sexual violence in a world of increasing asymmetric warfare. Since 2000 at the latest, by adopting *S/RES/1325*, the Security Council has devoted itself to the protection on women in conflict. Ever since, sexual and gender-based violence in conflict has been an ongoing agenda item not only for the Security Council, but also for Member States that have been active in implementing the UNSC's resolutions in national action plans as well as for NGOs, academics and policymakers who collaborated in developing adequate legal frameworks for averting wartime sexual violence. Yet, despite all the attention the international public has given to the topic, despite all treaties and all resolutions that have been adopted on "Women, Peace and Security", the number of women affected by sexual violence in conflict keeps rising. The reasons for that are manifold and cannot be examined within this Background Guide's brevity, however, it is conspicuous that the United Nations still fails to end impunity for wartime sexual violence because the UN's aim to address accountability for the perpetrators and to establish justice for the victims of sexual violence remains unfulfilled. In addition, it is noticeable that the issue of "wartime sexual violence" is evermore linked to a gender-specific agenda which impedes to properly address conflict-related sexual violence committed against men. Against this background, the Secretary-General's decision to explicitly include men in his reports on conflict-related sexual violence can be seen as a progress.

Further Research

To prepare themselves for this topic, delegates should focus on the following questions:

Concerning their countries:

- In which manner is your country affected by conflict-related sexual violence? Has your country's situation been scrutinized in a separate case-study in the Secretary-General's latest *Report on Conflict-Related Sexual Violence (S/2018/250)*?
- Has your country adopted national action plans on implementing *S/RES/1325* and, if so, how successful have these efforts been so far? (Consulting UN Women's *Global Study on the Implementation of United Nations Security Council resolution 1325*¹³³ may help to ascertain this question and provides detailed fact sheets about regional arrangements and current challenges of conflict-related sexual violence).
- What aspects does your country identify as the main challenges of sexual violence? Is your country's assessment of the situation based on misconceptions of the actual problem (against this background, the US Institute of Peace's 2013 *Special Report on Wartime Sexual Violence*¹³⁴ – even though it is not a UN document – may provide valuable information on frequent misconceptions of, and possible ways forward for, conflict-related sexual violence)?

Concerning possible ways forward:

- In what way can your country contribute to the “Women, Peace and Security” agenda in terms of preventing and preempting conflict-related sexual violence? Could the regional frameworks that your country is part of be helpful if they were augmented to the UN level?
- Since one of the biggest issues of the current “Women, Peace and Security” agenda is the missing opportunity to effectively address accountability for wartime sexual violence: How can the lack of attention to accountability be overcome?
- In this context, please keep in mind that the Security Council can take tougher lines than e.g. the General Assembly or ECOSOC – the UNSC's mandate allows for example to impose sanctions which could be an effective tool to deter widespread rape and to coerce and constrain the individuals involved.¹³⁵ Therefore, consider whether your country considers sanctions an appropriate measure to tackle the problem, or whether your country can imagine different ways to end impunity for wartime sexual violence, to address accountability for the perpetrators and to establish justice for the victims of sexual violence.¹³⁶

¹³³ UN Women, *A Global Study on the Implementation of United Nations Security Council resolution 1325. 2015-2018.*

¹³⁴ UN Institute of Peace: *Special Report on Wartime Sexual Violence: Misconceptions, Implications, and Ways Forward.* 2013.

¹³⁵ Georgetown Institute for Women, Peace and Security. *UN Sanctions and Conflict-Related Sexual Violence.* 2018.

¹³⁶ Aroussi. *Women, Peace and Security: Addressing accountability for wartime sexual violence.* 2014.

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II. THE EXPLOITATION OF NATURAL RESOURCES AND ITS EFFECTS ON ARMED CONFLICT

“The exploitation of natural resources, or competition over them, can and does lead to violent conflict. Preventing, managing and resolving such conflicts is one of the major and growing challenges of our time.”¹³⁷ – António Guterres (Secretary-General)

Introduction

According to the United Nations Environment Programme (UNEP) at least 40 % of internal conflicts have been connected to the exploitation of natural resources. This concerns both the exploitation of high-value resources such as timber, oil, gold and diamonds and scarce resources like fertile land and water. War has led to polluted water wells, torched crops, cut down forests, poisoned soil and killed animals in order to gain military advantage.¹³⁸ It becomes obvious, that not only armed conflict can have a crucial impact on the environment, but given environmental conditions are also able to influence the course of conflicts or wars. Having that in mind, the United Nations Environmental Assembly (UNEA) adopted resolution UNEP/EA.2/Res.15 on 27 May 2016. This resolution recognizes the important role of sustainably managed resources as well as healthy ecosystems in order to reduce the risk of armed conflict. Furthermore, it reaffirmed the strong commitment to the full implementation of the Sustainable Development Goals (SDGs), which are listed in *A/RES/70/1*.¹³⁹

Aspects of the Issue

Relation between Natural Resources and Armed Conflict

The connection between conflict and the extraction of given resources are not always clear-cut and countries like Norway and Canada as well as Botswana and Chile show, that resource wealth must not necessarily lead to a violent conflict.¹⁴⁰ Still resource rich countries appear to be more conflict-prone than resource-poor countries.¹⁴¹ When resource extraction accounts for a substantial proportion (ca. 30 %) of the GDP, the risk for conflict seems to be the largest. Therefore, countries that highly depend on the export of primary commodities e.g. metal ores, oil and gas are more likely to be affected by armed conflict. This concerns mostly resource dependent and economically poor countries in Africa, Latin America as well as Asia.¹⁴² Apart from motivating and fuelling armed conflicts, natural resources have been a hindrance to peace processes on various stages: This reaches from hindering at the negotiation stage, over mediation to post-conflict reconstruction and peace-making efforts.¹⁴³

Additionally, resources can be connected to the acquisition, use and proliferation of small arms and light weapons. Concerning this issue, natural resources provide a parallel political economy for fuelling conflicts. The illegal exploitation of resources, e.g. diamonds, and the use

¹³⁷ United Nations Secretary-General. *The Root Causes of Conflict – The Role of Natural Resources*. 2018.

¹³⁸ UNRIC. *40 % of conflicts linked to use of natural resources*. 2013

¹³⁹ United Nations. *International Day for Preventing the Exploitation of the Environment in War and Armed Conflict 6 November*.

¹⁴⁰ van der Ploeg, Frederick. *Natural Resources: Curse or blessing?* 2010.

¹⁴¹ Natural Resource Governance Institute. *The Resource Curse – The Political and Economic Challenges of Natural Resource Wealth*. 2015.

¹⁴² Heinrich-Böll-Stiftung. *Natural Resources and Conflict*. 2007.

¹⁴³ Institute for Security Studies. *Natural Resources Conflict*. 2010.

of the sales revenue can be used to procure small arms and therefore sustain armed conflicts.¹⁴⁴

Warring parties need funding in order to finance their activities. Hence why natural resources have been targets or instruments of warfare in the past and they will be in the future. Rebel organizations as well as governments are able to fund themselves through trade of gold, timber, wild animals and diamonds or other resources. Especially when the cold war ended, oil and diamonds dominated the war industry. It is possible, that warring parties have access to different resources and therefore they can fund the continuation of the war.¹⁴⁵ In Angola for example, the revenues from the extractive industries played a key role in funding the civil war, as the government had access to major oil fields in the coastal area, while the National Union for the Total Independence of Angola (UNITA) funded its war from the earnings of diamond mines under their control.¹⁴⁶

Conflicts over the Extraction of Resources

One reason for conflict might be the way in which resources are extracted, how revenues are shared and if or how the affected local population is involved in decisions. In Peru for example, the mining industry disregarded environmental standards as well as the interests of the local population over decades. This led to the development of a broad-based popular movement against the mining industry, which obstructed the expansion of existing mines and the establishment of new ones. The Philippines are occupied with a similar development. The danger of these conflicts lies in the risk of them escalating from social unrest into an open war, which happened to Bougainville, where a conflict about compensation for environmental damage between local people and mine owners finally escalated into an open war, that cost the lives of 10 000 people.¹⁴⁷ This example shows, that already existing social and ethnic tensions can deteriorate through poor implementation and bad governance of industry projects.¹⁴⁸

The Role of the Industry

The extractive industry tends to be involved in conflicts more often than other sectors. Since resources are location dependent and often found in remote regions, the exploitation may create a small group of wealthy people in the middle of poverty. Therefore, companies can be responsible for deteriorating conflicts in the following ways:

- worsening already existing social and ethnic tensions
- ignoring concerns of local communities (e.g. the adherence to environmental standards)
- attempting to evade official taxes and strengthening corrupt power structures through bribery and opacity
- safeguarding own interests through supporting authoritarian regimes¹⁴⁹

Even if they are confronted with violent conflict or civil war, mining and oil companies often make the decision to continue their operations. They protect their installations with armed

¹⁴⁴ Ibid.

¹⁴⁵ Heinrich-Böll-Stiftung. *Natural Resources and Conflict*. 2007.

¹⁴⁶ Global Witness. *A Crude Awakening*. 1999.

¹⁴⁷ Heinrich-Böll-Stiftung. *Natural Resources and Conflict*. 2007.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

security forces and as another means of defending their own interests, they pay whoever is the ruler of the region.¹⁵⁰

Multinational corporations, that are operating in developing countries are prone to social risks, since they lack national regulation and initiatives to ensure a basic level of decent working conditions.¹⁵¹ Firstly, there are social risks linked to human rights abuses, for example forced and child labour, and secondly social risks caused by an absence of safe working conditions, such as missing fire protection and emergency exits. Especially industries within the extractive sector (oil, gas, metals and minerals) are regularly afflicted by incidents related to labour accidents and human rights abuses.¹⁵²

Considering these links between mineral trade, conflict and human rights abuses, the EU reached a political understanding in June 2016, which aims at breaking these links. Many EU companies are now required to demonstrate, that they sourced their minerals in a responsible and transparent manner.¹⁵³ As the EU is a major player in global mineral trade, it has a certain responsibility to force the industry in a better direction.¹⁵⁴ However the new regulation only covers a handful of minerals, meaning that other valuable resources like diamonds are not checked in the same way. Furthermore, the law only requires companies importing raw minerals to carry out checks. That means, that companies importing the very same minerals processed and as a component of products, like cars or mobile phones, are not affected by this regulation.¹⁵⁵

Regarding the UN, supply chain due diligence guidelines are a relevant tool for natural resource sanctions. In contradiction to sanctions imposed under Chapter VII of the UN Charter, due diligence guidelines are voluntary and non-binding measures. These guidelines are intended to provide corporations, that purchase minerals from conflict-affected countries, with guidance in order to prevent them from contributing to human rights violations and fostering armed conflict. The Organization for Economic Cooperation and Development (OECD) collaborated with the countries of the International Conference on the Great Lakes Region (ICGLR) to develop the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.¹⁵⁶ The Security Council referred to these guidelines for example in *S/RES/2198*, by welcoming the efforts made by the Congolese government to implement due diligence guidelines into their national legislation.¹⁵⁷

United Nations Framework

According to Chapter VI and VII of the Charter of the United Nations, the primary responsibility of the Security Council is to maintain peace and security. Therefore, the Council may convene at any time, whenever peace is threatened.¹⁵⁸ Should the Security Council consider an issue a threat to international peace, it firstly explores measures to solve the dispute peacefully.¹⁵⁹

¹⁵⁰ Ibid.

¹⁵¹ Journal of Business Ethics. *Conflict Minerals and Supply Chain Due Diligence: An Exploratory Study of Multi-tier Supply Chains*. 2018.

¹⁵² Ibid.

¹⁵³ European Commission. *EU reaches landmark agreement on conflict minerals regulation*. 2016.

¹⁵⁴ Global Witness. *Conflict Minerals in Europe*. 2016.

¹⁵⁵ Ibid.

¹⁵⁶ UN Security Council. *UN Sanctions: Natural Resources*. 2015.

¹⁵⁷ UN Security Council. *S/RES/2198*. 2015.

¹⁵⁸ United Nations. *Charter of the United Nations, Chapter VI*. 1945.

¹⁵⁹ Ibid. Chapter VII.

These non-military measures include arms embargoes, travel bans and restrictions to “guard against the exploitation of natural resources to fuel conflicts”¹⁶⁰. If a dispute erupts into an armed conflict, the Security Council will try to secure a ceasefire and it may send a peacekeeping mission. As a last resort, the Council may authorize the utilization of military force by a coalition of member states, a regional group or arrangement.¹⁶¹

The Security Council has previously recognised that revenue from illicit extraction of natural resources fuels many conflicts by enabling armed groups to fund their activities. The Council responded by imposing sanctions, establishing committees and groups of experts and authorising peacekeeping operations to assist in monitoring and implementing these sanctions. Additionally, the Security Council imposed embargoes on oil and diamonds in Angola and Sierra Leone, on diamonds and timber in Liberia as well as on diamonds in Côte d’Ivoire.¹⁶²

Embargoes and Sanctions

The Security Council can impose sanctions responding to a threat to international peace and security.¹⁶³ Under Article 41 of the Charter of the United Nations, sanction measures surround a broad range of enforcement options, that are not involving the use of armed force.¹⁶⁴ The sanctions imposed by the Security Council varied in form, as they pursued a variety of goals. The measures have ranged from rather comprehensive economic and trade sanctions to more targeted measures, such as arms embargoes or travel bans. These measures are most effective, when they are applied as a part of a comprehensive strategy, including peacekeeping, peacebuilding and peace-making. Contrary to the common belief, sanctions are not punitive, but designed to support governments and regions in transitioning towards peace. The Council applies sanctions with recognition of the rights of those affected.¹⁶⁵

Concerning UN sanctions regimes with natural resource measures, the main objectives have been democratisation, counter-terrorism as well as conflict resolution. The Council does not always clearly specify objectives in resolutions, hence why there can be more than one objective for a regime and the regimes’ purpose may evolve over time. Nevertheless, import bans usually intend to restrict the access to natural resources that have strategic or economic relevance, such as oil and gas. Export bans on the other hand generally intend to diminish income from commodity trade.¹⁶⁶ The main approach for oil import bans for example, has been the denial of revenue sources for illegitimate governments in order to put economic pressure on them.¹⁶⁷ Moreover, sanctions are viewed as a way to steer the involved parties towards political dialogue and settlement.¹⁶⁸

The embargo on oil in 1993, imposed through *S/RES/864*, and the embargo on diamonds in 1998, which was established through *S/RES/1173*, against UNITA in Angola was the first time,

¹⁶⁰ United Nations. *Security Council*. 2018.

¹⁶¹ Ibid.

¹⁶² UN Security Council. *Update Report No. 2: Natural Resources and Conflict*. 2007.

¹⁶³ New Zealand Foreign Affairs and Trade. *UN sanctions*. 2018.

¹⁶⁴ United Nations. *Charter of the United Nations, art. 41*. 1945.

¹⁶⁵ UN Security Council Subsidiary Organs. *Sanctions*. 2018.

¹⁶⁶ UN Security Council. *UN Sanctions: Natural Resources*. 2015.

¹⁶⁷ Ibid.

¹⁶⁸ UN Security Council. *Update Report No. 2: Natural Resources and Conflict*. 2007.

that the Security Council imposed sanctions on a non-state actor.¹⁶⁹ ¹⁷⁰ The sanctions on diamonds were imposed in order to force compliance with the Lusaka Protocol, which is a peace settlement between UNITA and the Angolan government.¹⁷¹ Until they were terminated in 2002, when peace consolidated, the sanctions against UNITA played an important role.¹⁷²

In Sierra Leone, the Council imposed sanctions on oil by adopting *S/RES/1132*.¹⁷³ Recalling this resolution from 1997, the Security Council imposed an import ban on all rough diamonds from Sierra Leone through *S/RES/1306* in 2000.¹⁷⁴ After the Lomé Peace Accord between the Sierra Leonean government and the Revolutionary United Front (RUF), collapsed, the Council responded directly through the diamond sanctions in order to cut off the rebel army's source of funding. Since the civil war ended in 2002 and the government fully participated in the Kimberley Process, a system aiming at removing conflict diamonds from global supply chains through certifying the diamonds' conflict-free origin, the sanctions were allowed to expire in 2003.¹⁷⁵ ¹⁷⁶

President Charles Taylor's support of the RUF in Sierra Leone caused the Council to take measures. By adopting *S/RES/1343* the Security Council imposed sanctions on diamonds in 2001.¹⁷⁷ When Taylor then relied on timber trade as source of funding, the Council imposed sanctions on timber through *S/RES/1521* in 2003, which soon forced Taylor into exile in Nigeria.¹⁷⁸ Since the Liberian government committed to a transparent management of its natural resources, the sanctions were lifted in 2007.¹⁷⁹

Peacekeeping Operations

Peacekeeping operations have also played an important role in containing the impact of natural resources on armed conflict. UN peacekeeping brings together the General Assembly, the Security Council, the Secretariat, troop and police contributors as well as the host governments and is therefore one of the UN's most effective tools to maintain international peace and security. UN Peacekeepers provide the political and peacebuilding support, that helps countries navigate their path from conflict to peace.¹⁸⁰ Peacekeeping is meant to support and not substitute national efforts; however, it is political and its success depends on active and sustainable political processes. For that reason, it highly depends on the political will and determination of the disputing parties to end their conflict. To provide missions with clear and realistic mandates, besides securing commitment and cooperation, is the vital role of the Security Council.¹⁸¹

¹⁶⁹ UN Security Council. *S/RES/864*. 1993.

¹⁷⁰ UN Security Council. *S/RES/1173*. 1998.

¹⁷¹ UN Security Council. *S/1994/1441*. 1994.

¹⁷² UN Security Council. *Update Report No. 2: Natural Resources and Conflict*. 2007.

¹⁷³ UN Security Council. *S/RES/1132*. 1997.

¹⁷⁴ UN Security Council. *S/RES/1306*. 2000.

¹⁷⁵ UN Security Council. *Update Report No. 2: Natural Resources and Conflict*. 2007.

¹⁷⁶ Kimberley Process. *What is the Kimberley Process?* 2018.

¹⁷⁷ UN Security Council. *S/RES/1343*. 2001.

¹⁷⁸ UN Security Council. *S/RES/1521*. 2003.

¹⁷⁹ UN Security Council. *Update Report No. 2: Natural Resources and Conflict*. 2007.

¹⁸⁰ United Nations Peacekeeping. *What is Peacekeeping*. 2018.

¹⁸¹ United Nations Peacekeeping. *What we do*. 2018.

The United Nations Mission in Liberia (UNMIL), which was mandated by S/RES/1509¹⁸², was established in October 2003 to assist the transitional government in restoring a proper administration of natural resources. In order to do so, UNMIL installed an Environment and Natural Resource Unit. Beforehand, sanctions had been easily ignored, but the Unit was crucial for changing these previous dynamics. UNMIL assisted the government in establishing its authority throughout the country, in monitoring sanctions and police training. Additionally, they helped imposing a national policy for the logging industry as well as improving management and control over natural resources. Due to the successful cooperation between UNMIL and the transitional government, the sanctions on both timber and diamonds in Liberia were lifted.¹⁸³ After a nearly 15-year long deployment in Liberia, UNMIL successfully ended its final mandate, S/RES/2333¹⁸⁴, in March 2018. The achievements and progress made by the Liberian people and government include significant improvements in social cohesion and the overall security situation. Furthermore, Liberia made great progress concerning the respect for human rights as well as the preparation and execution of presidential and legislative elections.¹⁸⁵ Therefore, the citizens of Liberia can now enjoy relatively peaceful lives and the country has great potential to achieve sustainable stability, democracy and prosperity.¹⁸⁶

The prime example of a resource-fuelled war took place in the Democratic Republic of the Congo (DRC) and cost the lives of more than four million people. The country's vast natural resources like coltan, gold, copper, cobalt, timber and diamonds, were plundered and looted.¹⁸⁷ The war involved eight African Nations as well as 25 armed groups. The war started when Rwandan planes and armed forces, which were supported by Uganda and Burundi, entered the Congo. Since the Angolan, Namibian and Zimbabwean governments supported DRC's President Kabila with armed forces, an international war was set off. Chad, Libya and Sudan came in favour of the DRC's government, which resulted in a multi-sided war. Ethnic factors also played a leading role in the Congolese war, as several ethnic conflicts and operations of the local Mai Mai militia made the situation worse and highly complicated.¹⁸⁸ After the Lusaka Ceasefire Agreement was signed by the DRC and five regional states in July 1999, the Security Council established the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) by S/RES/1279¹⁸⁹. Initially it planned to observe the ceasefire and disengagement of forces and to maintain liaison between all parties of the Ceasefire Agreement. The mandate of MONUC was expanded by the Security Council through a series of resolutions in order to supervise the implementation of the Ceasefire Agreement and multiple related tasks. With S/RES/1925¹⁹⁰ of May 28, 2010, MONUC was renamed to United Nations Organization Stabilization Mission in the DR Congo (MONUSCO) to reflect the new phase that was reached in the DRC. The new mission was authorized to use all necessary means to carry out its mandate relating to the protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence. Furthermore, to show support for the DRC's government in its stabilization and peace consolidation efforts.¹⁹¹

¹⁸² UN Security Council. S/RES/1509. 2003.

¹⁸³ UN Security Council. *Update Report No. 2: Natural Resources and Conflict*. 2007.

¹⁸⁴ UN Security Council. S/RES/2333. 2016.

¹⁸⁵ UN Security Council. SC/13308. 2018.

¹⁸⁶ UNMIL. *UNMIL completes its mandate in a now peaceful Liberia*. 2018.

¹⁸⁷ Heinrich-Böll-Stiftung. *Natural Resources and Conflict*. 2007. p. 2

¹⁸⁸ Research Gate. *Second Congo War And The Role Of United Nations and India In Peace-Keeping*. 2018.

¹⁸⁹ UN Security Council. S/RES/1279. 1999.

¹⁹⁰ UN Security Council. S/RES/1925. 2010.

¹⁹¹ United Nations. *MONUC*.

MONUSCO's mandate was renewed until 31 March 2019.¹⁹² The mission maintains two priorities: addressing the critical political and electoral situation and furthermore the protection of civilians, since the mission still faces challenges on both of these fronts.¹⁹³ In a Security Council briefing on corruption and conflict on 10 September 2018 John Prendergast, a human rights and anti-corruption activist, noted, that security forces and rebel groups are still using extreme violence against civilians and forced labour for the exploitation of natural resources in order to finance their activities.¹⁹⁴ ¹⁹⁵ It was the first time, that the Security Council held a meeting to specifically address the links between corruption and conflict. The members considered ways to effectively disrupt the illicit siphoning of money as well as other practices, that weaken state institutions and therefore make a country more conflict-prone.¹⁹⁶

Despite the success of the Mission in Liberia, UNMIL and the peacekeeping mission in the DRC, were the only ones, that were explicitly mandated to look into the matter of resource management.¹⁹⁷

Recent Security Council Meetings

Noting the important connection between natural resources and conflict, the Security Council, under the Presidency of the United Kingdom, held an open debate on "Conflict prevention and natural resources" in June 2013.¹⁹⁸ The Deputy Secretary-General, Jan Eliasson, stated that in places, where resource extraction was fuelling conflict, the Council has a crucial role, since the expert groups supporting sanction committees were a valuable tool and should be important catalysts for action. Overall, the Member States determined the link between natural resources and conflict, the need for more transparency in natural resource management and the importance of good and democratic governance. Furthermore, Member States pointed at the obligation to respect the principle of sovereignty.¹⁹⁹

In October 2018, Bolivia, who held the Council presidency for that month, proposed a meeting on the role of natural resources as a root cause of conflict. Bolivia requested, to explore the connection between natural resources and conflict by examining the role of armed groups, multinational companies and international finance networks, whose actions can be an important factor for the outbreak of conflict. Bolivia contrasts this approach to previous Council discussions concerning this topic, which were rather focused on the lack of governance and the poor management of natural resources.²⁰⁰ The Secretary-General, António Guterres, pointed to factors such as unfair distribution of natural resources, mismanagement and corruption, that could worsen existing conflicts within societies. He furthermore called for certified extraction and fair-trade practices, such as the Kimberley Process.²⁰¹ The Council Members all agreed that conflicts were too frequently fuelled by competition over natural resources, even though they proposed different points. Bolivia claimed that often multinational corporations and foreign interests were behind the exploitation of natural resources in conflicts. He stated, that corporations financed separatist movements and

¹⁹² UN Security Council. *S/RES/2409*. 2018.

¹⁹³ Global Observatory. *Tough Times Ahead for UN Mission in Congo*. 2018.

¹⁹⁴ Enough Project. *Founding Director John Prendergast*. 2018.

¹⁹⁵ UN Security Council. *October 2018 Monthly Forecast Democratic Republic of the Congo*. 2018.

¹⁹⁶ UN Security Council. *SC/13493*. 2018.

¹⁹⁷ Federal Agency for Civic Education. *Ressourcenkonflikte*. 2018.

¹⁹⁸ UN Security Council. *S/2013/334*. 2013.

¹⁹⁹ UN Security Council. *SC/11037*. 2013.

²⁰⁰ What's in Blue. *The Role of Natural Resources as a Root Cause of Conflict Briefing*. 2018.

²⁰¹ UN Security Council. *SC/13540*. 2018.

fostered regime changes to match their own interests and therefore called for the application of sanctions.²⁰² On the other hand, the delegate from the Russian Federation amongst others called for the strict respect of the sovereign rights of states to manage their resources. The delegate from the United States added, by pointing at Venezuela, the issue of States' internal mismanagement of natural resources and corrupt practices by governments, that drive conflict.²⁰³ As anticipated, the meeting did not have a formal outcome.²⁰⁴

The EU-UN Partnership on Land, Natural Resources and Conflict Prevention

In response to challenges linked to natural resources and armed conflict, the European Union (EU) and the UN entered into a partnership in 2008. This partnership aimed at developing and implementing a strategic project including agencies on multiple levels. The project was created in order to help national stakeholders, the UN and the EU to build capacities in the interest of preventing land and natural resources from contributing to violent conflict.²⁰⁵

The joint global project is managed by the United Nations Interagency Framework Team for Preventive Action (FT)²⁰⁶ and financed by the EU's Instrument for Stability. It brings together various UN agencies and departments, such as the Department of Economic and Social Affairs (DESA), the Department of Political Affairs (DPA), the UN Peace Building Support Office (PBSO), UN-HABITAT, the International Organization for Migration (IOM), the United Nations Development Programme (UNDP) and the UNEP, and aims at supporting countries to improve their management of natural resources to prevent conflicts and build sustainable peace.²⁰⁷ This aim is grounded in an understanding, that natural resources can have a positive impact on development and stability, but can also contribute to corruption and destructive conflict. Therefore, the partnership seeks to foster good practices, including the coordination of interests of extractive industries and local authorities and communities, improving capacities for conflict resolution, transparency and harmonization amongst others.²⁰⁸

The first outcome of this project is a collection of existing tools and capacity within the UN system as well as a set of Guidance Notes, which address Natural Resource Management and conflict prevention. The subjects of the Guidance Notes cover the matter of for example: extractive industries and conflict, strengthening capacities for natural resource management or conflict prevention in resource rich countries.²⁰⁹ These are accompanied by training material and an interactive online training module. The second outcome of this project is based on the Guidance Notes and is to deliver a series of trainings and workshop modules for both UN and EU country staff as well as local partners. The goal is to enhance knowledge and skills, which are necessary to understand, anticipate and prevent potential conflicts over natural resources.²¹⁰

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ What's in Blue. *The Role of Natural Resources as a Root Cause of Conflict Briefing*. 2018.

²⁰⁵ United Nations. *The EU-UN Partnership on Land, Natural Resources and Conflict Prevention*.

²⁰⁶ United Nations. *The EU-UN Partnership on Land, Natural Resources and Conflict Prevention – EU-UN Partnership*.

²⁰⁷ United Nations. *The EU-UN Partnership on Land, Natural Resources and Conflict Prevention*.

²⁰⁸ Ibid.

²⁰⁹ United Nations. *The EU-UN Partnership on Land, Natural Resources and Conflict Prevention – EU-UN Partnership*.

²¹⁰ United Nations. *The EU-UN Partnership on Land, Natural Resources and Conflict Prevention*.

However, the EU-UN partnership faces challenges: First of all, the current production of information leads to a gap between available information and the needs at the implementation level. The material often approaches issues from a rather global perspective and does not address other relevant levels (regional, country, local). Furthermore, practitioners criticized a significant amount of the material to as too theoretical to be applied to their work.²¹¹ Additionally, a commonly accepted platform for practitioners, where they could learn and exchange information, is still missing. This prevents positive feedback loops from the field and increases transaction costs.²¹²

The UN Guiding Principles on Business and Human Rights (UNGPs)

The UNGPs were proposed by John Ruggie, former UN Special Representative on business and human rights, as a set of guidelines for states and companies in order to prevent, address and remedy human rights abuses committed in business operations.²¹³ By adopting *A/HRC/RES/17/4*, the UN Human Rights Council (UNHRC) endorsed the UNGPs and furthermore established the UN Working Group on business and human rights.²¹⁴

These UNGPs are based on three-pillar framework: firstly, on States' already existing obligations to respect, fulfil and protect human rights as well as fundamental freedoms; secondly on the role of businesses in society and their responsibility to respect human rights; and thirdly on the need for rights and obligations to meet appropriate and effective remedies when breached.²¹⁵ Despite their objective of enhancing standards and practices, the UNGPs should not be read as new international law obligation or undermining any States' legal obligations.²¹⁶ The core rights supported through the framework are found in a range of international instruments, for example the International Bill of rights. Overall, the UNGPs seek to provide guidance to respective parties on how they should operationalize the protect, respect and remedy framework.²¹⁷

Despite being an important milestone in the fight to ensure the protection of human rights in the context of business operations, the UNGPs face problems. The first issue concerns companies, that follow all the steps advocated and acquit themselves when human rights violations occur. Thus, companies can deflect criticism, if they can demonstrate that they acted accordance with the principles.²¹⁸ Furthermore, even in the event of systemic violations, the UNGPs do not suggest, that company grievance mechanisms are unsuited and can therefore be dealt with 'in-house'.²¹⁹ Besides that, the authorship of the UNGPs is attributed to specific individuals or team rather than to the UN itself. The UNGPs deliver a simplified system of private and public actors. However, the guidance fails to completely pick up the complex arrangements between businesses, contracted security and states.²²⁰

²¹¹ United Nations Interagency Framework Team for Preventive Action. *UN-EU Partnership*. 2009. p. 59

²¹² *Ibid.* p. 63

²¹³ Business & Human Rights Resource Centre. *UN Guiding Principles*. 2018.

²¹⁴ UN Human Rights Council. *A/HRC/RES/17/4*. 2011.

²¹⁵ UN OHCHR. *Guiding Principles on Business and Human Rights*. 2011.

²¹⁶ *Ibid.*

²¹⁷ Ethical Trading Initiative. *Protect, Respect and Remedy: what does Ruggie's framework mean for ethical trade?* 2011.

²¹⁸ ESCR-Net. *Rethinking the UN Guiding Principles and company grievance mechanisms*. 2015.

²¹⁹ *Ibid.*

²²⁰ *Ibid.*

Non-UN Entities

Apart from the work, that lies within the mandate of the Security Council and other UN bodies there are other approaches to the topic. Mineral certification was proposed as a lever to clean production from conflict related or unacceptable mining conditions. There are various schemes engaging in social and environmental issues related to natural resources. The schemes include for example: The Forest Stewardship Council (FSC), the Global Reporting Initiative (GRI), the Kimberley Process Certification Scheme, the Extractive Industries Transparency Initiative (EITI), the Voluntary Principles for Security and Human Rights amongst others.²²¹

In the following, an example is listed for a better understanding:

The Kimberley Process Certification Scheme (KPCS)

By adopting *A/RES/55/56*²²² in 2001, the General Assembly supported the creation of an international certification scheme for rough diamonds, which was later supported by the Security Council through *S/RES/1459*²²³ in 2003. The KPCS was negotiated by governments, civil societies and the diamond industry and is created as an international scheme led by governments in order to prevent the trade of conflict diamonds.²²⁴ Conflict diamonds are rough diamonds used by rebel forces to fund military action against legitimate and internationally recognized governments.²²⁵ The KPCS works by safeguarding the shipment of rough diamonds and furthermore certifying diamonds as cruelty free. The Kimberley Process unites 81 countries around the world and is chaired by the European Union in 2018. The current Vice Chair, India, will take over the chair in 2019. Today, 99.8 % of the worldwide trade of conflict diamonds are prevented by participants of the Kimberley Process.²²⁶ With *A/RES/72/267* the General Assembly reaffirmed its strong support for the KPCS and furthermore recognized, that the KPCS helps to ensure the effective implementation of Security Council resolutions containing sanctions on trade of conflict diamonds. And additionally, the Assembly called for fully implementing existing Council measures that aim at illicit rough diamond trade connected to fuelling conflict.²²⁷

Nevertheless, the KPCS has limitations: Firstly, it is based on a quite narrow definition of conflict diamonds and therefore the KPCS is not empowered to address a broader range of issues around human rights and diamond trade. The Kimberley Process refused to broaden the definition even though a range of civil society organizations pressured them to do so. Thus, the Kimberley Process provides the people profiting from the industry with a system to maintain the industry's status quo, including unsafe working conditions and child labour.²²⁸ Secondly, the scheme only applies to rough diamonds, as soon as the stones are further processed, they are not covered by the scheme anymore. Loopholes like this and the failure to effectively adapt in order to address a broader range of human rights issues, still causes conflict diamonds to contaminate global markets. The Kimberley Process is not able to clean the diamond sector on its own.²²⁹

²²¹ BGR. *Certifying Natural Resources*. 2013.

²²² UN General Assembly. *A/RES/55/56*. 2001.

²²³ UN Security Council. *S/RES/1459*. 2003.

²²⁴ Heinrich-Böll-Stiftung. *Natural Resources and Conflict*. 2007. p. 4

²²⁵ UN General Assembly. *GA/9839*. 2000.

²²⁶ Kimberley Process. *What is the Kimberley Process?* 2018.

²²⁷ UN General Assembly. *A/RES/72/267*. 2018.

²²⁸ The Guardian. *The Kimberley Process is a 'perfect cover story' for blood diamonds*. 2014.

²²⁹ Global Witness. *The Kimberley Process*. 2013.

Conclusion

Although there have been attempts for mechanisms and solutions, the link between the exploitation of natural resources and armed conflict remains strong until this day. Even though involved parties agreed on measures to combat the trade of conflict diamonds and other resources, those resources still reach supply chains on global markets, fuel conflicts and cause violations of human rights.

The International Community, led by the Security Council, needs to work on a broader approach, in which sanctions and compliance-monitoring, peace-building and post-conflict reconstruction form a coherent strategy.²³⁰ International Organizations, states, NGOs and companies are required to cooperate in order to guarantee peace security and human rights to all affected groups. As natural resources are still one of the root causes and drivers of armed conflict, a sustainable and effective solution, that does not allow violations through loopholes is needed. The resolution for the problem should consider the political and economic dynamics and sensitivities of the issue.

²³⁰ Heinrich-Böll-Stiftung. *Natural Resources and Conflict*. 2007. p. 6

Further Research

To prepare themselves for the topic, delegates should focus on following questions:

Concerning their countries:

- In which manner is the country affected by/involved in the exploitation of resources and its effects on armed conflict?
- Which international instruments, treaties, mechanisms etc. does the country support?
- Which relation does your country have to strongly affected countries and the exploitation of natural resources? Is the country able to take a mediating position or is it directly involved in conflicts linked to natural resources?

Concerning the possibilities of the SC to stop violations of human rights as well as armed conflict linked to the exploitation of natural resources:

- Should any Sanctions be renewed or created?
- Which other measures could be effective?
- How can the Security Council ensure the effectiveness of measures without worsening the situation for certain groups of people (e.g. mine workers)?
- Is your country part of any regional frameworks, that could be useful on the UN-level for example?

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