

## INDEX

- 661 Iraq sanctions regime, 277–81  
  appraisal of, 279–81  
  Sanctions Committee, 278  
  structure and objectives of, 277–81  
  targets and addressees of, 278–79
- 792 Cambodia sanctions regime,  
  282–88. *See also* sanctions  
  regimes  
  appraisal of, 287–88  
  structure and objectives of, 282–86  
  targets and addressees of, 286–87
- Aarhus Convention, 87–88
- Abi-Saab, Georges, 269
- Accounting Directives (1983), 390
- Accra Comprehensive Peace  
  Agreement, 337
- Accra III Agreement (2004), 307
- Additional Protocol I  
  Article 35(3), 202, 240–42  
  Article 52, 233–34  
  Article 54, 202, 234–35, 237, 238, 239  
  Article 55, 202, 234, 239–43
- Additional Protocol II, 13, 167, 207  
  Article 4(2)(g), 202, 218  
  Article 14, 202, 234, 235, 238  
  Martens clause and, 18, 249  
  preamble, 164
- administrative support mechanism  
  (ASM), 375
- Advisory Opinion on the Wall in the  
  Occupied Palestinian Territory*,  
  165–66
- Afghanistan, 386
- African Charter on Human and  
  Peoples' Rights, 45, 47, 62, 79,  
  85, 98, 101, 194
- African Commission on Human and  
  Peoples' Rights, 85, 102
- African Court on Human and Peoples'  
  Rights, 167
- African Peace and Security Council,  
  54
- African Union, 386, 390
- African Union Mission in Somalia  
  (AMISOM), 360
- Afrimex, 402–03
- Agenda for Change (2008–2012), 348
- Agenda for Peace (1992), 331, 344
- Agenda for Prosperity (2013–2017),  
  348
- Amazon Cooperation Treaty, 146
- Amended Protocol II on Mines,  
  Booby-Traps and Other  
  Devices (1996), 214
- American Declaration of Independence  
  (1776), 67–68
- American Lieber Code (1863), 224
- Angola, 19–20, 339, 378  
  864 UNITA sanctions regime, 289  
  armed conflicts in, 1, 9  
  resource exploitation by UNITA in,  
  5, 19–20
- Anti-desertification Convention, 88
- Anti-personnel Mines Convention,  
  213
- Appellate Body, 134–35  
  appraisal, 102–04
- Arab Fund for Social and Economic  
  Development, 280
- Argentina, 400
- Aristide, Jean Bertrand, 52
- Armed Activities in the Territory of the  
  Congo*, 209

- armed conflicts
  - international, 202, 208–15
  - noninternational, 203–08, 213–15
- armed conflicts, resource-related, 1
  - actors in, 7–21
    - armed groups, 12–18
    - companies, 18–21
    - domestic governments, 8–10
    - foreign States, 10–12
  - children in, 15
  - effects on civilian populations, 2
  - effects on human rights instruments, 164–72
  - international environmental law and, 157–99
  - international human rights law and, 157–99
  - natural resource wealth and, 4–7
    - feasibility thesis, 6
    - greed theory, 6
    - grievances theory, 6
    - opportunity for third parties, 6–7
    - resource curse thesis, 5
  - outbreak of armed conflicts and termination of
    - circumstances precluding wrongfulness, 187–91
    - customary international law, 191–96
    - Vienna Convention on the Law of Treaties, 179–87
  - outbreak of, as grounds for termination/suspension of treaties, 161–79
  - human rights instruments, 164–72
  - international environmental treaties, 172–77
  - political economy of, 4
  - strategies to address, 21–24
    - governance over natural resources, 22–24
    - stopping natural resources from financing conflicts, 21
  - voluntary initiatives for, 366–415
- Armed Forces Revolutionary Council (AFRC), 12, 52, 294
- armed groups, 12–18
  - Additional Protocol II to Geneva Conventions and, 13
  - customary international law and, 17–18
  - international environmental law and, 15–17
  - international human rights law and, 15–17
  - international humanitarian law and, 14–15
  - non-State, government and, 14
- Association of Southeast Asian Nations (ASEAN), 284
- Atlantic Charter (1941), 69
- Basel Convention (1989), 128
- bauxite, 7
- Belgian High Diamond Council, 292
- Belgium, 380
- Biodiversity Convention. *See* Convention on Biological Diversity (CBD)
- blood diamonds, 370, 374
- Boutros-Ghali, Boutros, 331
- BP, 386
- Brazil, 400
- Brundtland Commission, 107
- Cafisch, Lucius, 163
- Cambodia
  - armed conflicts in, 1
  - peacekeeping operations in, 332–34
  - resource exploitation in, 3, 5
  - sanctions regime, 282–88
  - UN Security Council Resolution 745, 73–74
  - UNTAC, 285, 286, 287, 288, 332–34, 342
  - Vietnam's intervention in, 283
- Caroline* criteria, 225
- Cartagena Protocol on Biosafety (2000), 131
- Case Concerning Armed Activities on the Territory of the Congo, 15, 127, 166, 193–94, 209, 220, 232–33

- Case Concerning Military and Paramilitary Activities in and against Nicaragua, 14, 18, 210, 211, 247
- Central African Republic  
diamond sanctions, 378  
EITI compliance, 388  
poaching in, 6–7
- Certificate of Origin regimes, 290, 296, 298–99, 301, 302, 303, 337, 359
- Charter on Economic Rights and Duties of States, 39–40, 48, 79, 94
- Chechnya, 167
- Chemical Weapons Convention (1993), 213
- children, in armed conflicts, 15
- Chile, permanent sovereignty of natural resources, 34, 77
- China, 284, 288
- circumstance precluding wrongfulness, 187–91
- CITES Convention (1973), 120
- civilian objects, protection of, 233–45
- Climate Change Convention (1992), 131
- cocoa, 7
- coercive measures, 272
- coffee, 7
- Colombia, 400
- Commission on Human Rights, 36, 94
- Committee on Economic, Social and Cultural Rights (CESCR), 85, 104
- common concern, 93–94, 138, 139
- common heritage, 139
- common regimes, 138–48  
common concern, 142–43  
natural resources situated within State with special status for international community, 141–42  
overview, 138–39  
shared natural resources, 143–47
- companies, role in armed conflicts, 18–21
- conferences of the parties (COP), 110
- conflict diamonds, 26, 259, 290, 373–74, 378, 421, 423
- conflict resources, 26–27, 273, 356–57
- Congo Basin Conservation Treaty, 146
- Congo–Uganda case, 15, 127, 166, 193–94, 209, 220, 232–33
- Contras, 211
- Convention on Biological Diversity (CBD), 41, 43, 427  
Article 3, 49  
Article 8, 111, 113, 197  
Article 9, 113, 197  
Article 10, 113  
Article 14, 88, 128, 137  
Article 22(1), 176–77  
common concern and, 143  
intergenerational equity and, 120  
permanent sovereignty principle and, 46  
precautionary principle and, 131  
resource exploitation in armed conflicts and, 178
- Convention on Certain Conventional Weapons (1980), 214
- Convention on International Trade in Endangered Species of Wild Flora and Fauna (1973), 114, 141–42, 362–63, 429, 430
- Convention on the Conservation of Migratory Species of Wild Animals (1979), 113, 146, 197
- Convention to Combat Desertification, 41, 46
- Corfu Channel case, 122–23
- Côte d'Ivoire, 16  
armed conflict in, 1, 206, 425  
curtailing conflict resources in, 356  
diamond sanctions in, 378, 381  
diamond smuggling in, 382  
EITI compliance, 386  
OECD Due Diligence Guidance for, 399, 406  
plea of *force majeure*, 189  
procurement of weapons, 10  
sanctions regime, 307–13
- Cotonou Convention, 23
- coups d'état, 51, 52

- Haiti, 52  
 vs. regime change by internal  
 revolution, 54  
 Sierra Leone, 52, 293  
 Covenant of the League of Nations,  
 68  
 customary international law, 17–18,  
 191–96  
 permanent sovereignty principle,  
 192–94  
 prevention of environmental  
 damage, 194–96  
 sustainable use, 194–96
- Darfur (Sudan), curtailing conflict  
 resources in, 357
- De Beers, 386
- Declaration on Permanent Sovereignty  
 over Natural Resources (1962),  
 36–40, 44, 49, 79
- Declaration on Principles of  
 International Law Concerning  
 Friendly Relations and  
 Cooperations among States  
 (1970), 72–73, 74–75, 79, 80
- Declaration on Social Progress and  
 Development, 93–94
- Declaration on the Granting of  
 Independence to Colonial  
 Countries and Peoples, 72, 80
- Declaration on the Right to  
 Development (1986), 95–97
- Declaration on the Rights of  
 Indigenous People, 64–65
- Decolonisation Declaration (1960),  
 79
- Democratic Republic of Congo  
 armed conflicts in, 1, 208  
 Congo–Uganda case, 48, 127, 166,  
 193–94, 209, 220, 232–33  
 diamond smuggling in, 378  
 EITI compliance, 392  
 enrichment by political/military  
 elites in, 9–10  
 involvement of Uganda and Rwanda  
 in armed conflicts, 10–11  
 OECD Due Diligence Guidance for,  
 396–97  
 presence of foreign military in, 1  
 resource exploitation in, 3  
 sanctions regime, 315–22  
 UN Security Council Resolution  
 1291, 17  
 UN Security Council Resolution  
 1457, 45  
 Development Fund for Iraq, 230–31,  
 280  
 diamonds. *See also* Kimberley Process  
 for the Certification of Rough  
 Diamonds  
 864 UNITA sanctions regime,  
 289–93  
 1132 Sierra Leone sanctions regime,  
 294  
 blood, 370, 374  
 conflict, 26, 259, 290, 373–74, 378,  
 421, 423  
 rough, 371, 421  
 sanctions, 5, 19–20  
 in Sierra Leone, 7  
 Dinstein, Yoram, 17, 59  
 Diplomatic Conference, 236  
 Dodd–Frank Wall Street Reform and  
 Consumer Protection Act,  
 390–91, 407, 430  
 domestic governments, role in armed  
 conflicts, 8–10  
 downstream companies, 404–05  
 DR Congo–Uganda case, 48  
 Draft Articles on the Prevention of  
 Transboundary Harm from  
 Hazardous Activities, 125,  
 126  
 Draft Principles of Conduct on Shared  
 Natural Resources (1978),  
 144  
 Dutch Act of Abjuration (1581), 67  
 Dzanga–Ndoki national park, 6–7
- East Timor case, 80  
 Economic and Social Council  
 (ECOSOC), 344  
 Economic Community of West African  
 States (ECOWAS), 310  
 economic self-determination, right to,  
 77–80, 84–90

- ECOWAS mission in Liberia (ECOMIL), 336
- Ecuador, 86
- Egypt, 400
- Elements of Crimes*, 219
- Endorois people, 102
- enemy property, 223
- environment, definition of, 25
- environmental impact assessment (EIA), 127, 136–38, 195
- environmental law. *See* international environmental law
- Environmental Modification Convention (ENMOD), 244
- erga omnes* obligations, 110, 180–81
- erga omnes partes*, 110
- European Commission, 303
- European Communities, 134
- European Convention on Human Rights, 167
- European Court of Human Rights, 167
- European Draft Regulation, 407
- European Union, 54, 386, 390, 408
- ex situ* natural resources, 217
- exploitation
- definition of, 25
  - effects on natural environment, 2–3
  - illicit/illegal, 25–26
- Extractive Industries Transparency Initiative (EITI), 20, 265, 383–95
- appraisal of, 393–95
  - context, 383–84
  - contribution to improving resource governance, 411
  - effectiveness of, 412–14
  - internal structure, 386–87
  - international recognition of, 389–93
  - operation, 387–89
  - participants, 386–87
  - scopes and objectives of, 384–86
  - Sierra Leone, 347
- feasibility thesis, 6
- Fisheries Convention (1958), 114
- Fitzmaurice, Gerald, 158, 182
- force majeure*, 188–89
- Forces Nouvelles, 12, 16, 189, 206, 307, 360, 425. *See also* armed groups
- foreign investments, regulating, 36–40
- foreign States, role in armed conflicts, 10–12
- Fowler Commission, 19–20, 290
- France, 392–93
- French Declaration of the Rights of Man and of the Citizen (1789), 68
- Friendly Relations Declaration (1970), 72–73, 74–75, 79, 80
- Fuel Retailers Association of Southern Africa, 121–22
- Gabčíkovo–Nagymaros case, 116, 124, 125, 133, 183, 185, 187, 190
- Gabon, 388
- Gaddafi, Muammar, 323
- Garner's International Law and the World War*, 226
- Gbagbo, Laurent, 307, 310
- General Agreement on Tariffs and Trade (GATT), 115
- generational rights, 119
- Geneva Conventions, 177
- Additional Protocol I, 132, 202, 233–35, 237, 238, 239–42, 243
  - Additional Protocol II, 13, 18, 164, 167, 202, 207, 218, 234, 235, 238, 249
  - Article 2, 202, 208
  - Article 3, 13, 18, 167, 203, 205, 206–07, 249
  - Article 33, 219
  - Article 33(2), 218
  - Martens clause and, 247
- Geneva Diplomatic Conference (1949), 205
- Genocide case, 210–11
- Germany, 230
- Global and All Inclusive Agreement on the Transition in Democratic Republic of Congo, 315
- Global Witness, 374, 386
- good governance, 22, 427
- governance, 22–24

- Governance and Economic Management Assistance Program (GEMAP), 304, 338, 428
- government  
 international law and, 50–51  
 non-State armed groups and, 14  
 parallel, 50–51  
 permanent sovereignty principle and, 50–57  
 right to exploit natural resources, 424  
 role in armed conflicts, 8–10
- Great Lakes Region, 44–45
- greed theory, 6
- grievances theory, 6
- Group of Experts, 316, 318–19, 322  
 on the DR Congo, 406  
 Guidelines for the DR Congo, 406
- Hague Convention (1899), 245–46
- Hague Regulations (1907), 177, 225  
 Article 23(g), 201, 221, 239  
 Article 28, 202, 218  
 Article 43, 157, 168  
 Article 47, 218  
 Article 53, 227  
 Article 55, 115, 202, 217, 227–28, 231  
 main purpose of drafters, 219  
 Martens clause and, 247
- Haiti, coup d'état in, 52
- Higgins, Rosalyn, 82
- Hostage case, 224–25
- human right, self-determination as, 70–80
- Human Rights Committee, 60–61, 82, 84, 89, 104, 170
- Human Rights Covenants (1966), 46, 80
- human rights instruments  
 effects of armed conflicts on, 164–72  
 prohibition against depriving people of means of subsistence, 169–71  
 public participation in decision making and, 171–72
- human rights law. *See* international human rights law
- humanitarian law. *See* international humanitarian law
- Hussein, Saddam, 280, 281
- Icelandic Fisheries case, 116
- ILC Articles on State Responsibility, 159  
 Article 23, 188–89  
 Article 25, 189–90
- illegal exploitation, 25–26
- ILO Convention 169, 64
- imperative military necessity, 224
- impossibility of performance, 182–84
- in situ* natural resources, 217
- indigenous peoples, 63–66
- Indonesia, 161–64
- Institut de Droit International (IDI), 158
- Inter-American Convention on Human Rights, Article 21, 85
- Inter-American Court of Human Rights, 85–86, 167
- intergenerational equity, 118–22
- internal armed conflict. *See* noninternational armed conflict
- international armed conflict, 202, 208–15
- International Bill of Human Rights, 92–93
- International Committee of the Red Cross (ICRC), 205, 214, 236, 238
- International Committee on Economic, Social, and Cultural Rights, 89–90
- International Conference on the Great Lakes Region, 26, 44–45, 385, 390, 396, 406
- International Convention on Civil Liability for Oil Pollution Damage (1966), 21
- International Court of Justice  
 Advisory Opinion on Kosovo, 75–76, 81  
 Advisory Opinion on the Wall in the Occupied Palestinian Territory, 165–66

- International Court of Justice (*cont.*)
- Advisory Opinion on Western Sahara, 73
  - Congo–Uganda case, 48, 127, 166, 193–94, 209, 220, 232–33
  - East Timor case, 80
  - Gabčíkovo–Nagymaros case, 116, 124, 125, 133, 183, 185, 187, 190
  - Genocide case, 210–11
  - Icelandic Fisheries case, 116
  - Military and Paramilitary Activities in and against Nicaragua case, 14, 18, 210, 211, 247
  - Nuclear Weapons Advisory Opinion, 25, 120, 124, 164–65, 170, 172–73, 174, 178, 241, 246–47
  - Pulp Mills on the River Uruguay case, 117, 124, 125, 128, 133–34, 136, 137–38, 147, 195
  - Statute, Article 38 of, 109
- International Covenant on Civil and Political Rights (ICCPR)
- Article 1, 71, 104, 170, 172, 427
  - Article 1(2), 49, 169–70, 171, 197–99
  - Article 4, 165
  - Article 19, 89
  - Article 25, 88–89, 100, 170, 172, 427
  - Article 27, 61, 84, 104, 171–72, 232, 427
  - Article 47, 77
  - derogable rights under, 168
  - Optional Protocol, 83
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Article 1, 71, 170, 427
  - Article 1(2), 49, 90, 169–70, 171, 197–99, 238
  - Article 2, 93, 100
  - Article 8, 89
  - Article 11, 89, 92
  - Article 13, 92
  - Article 25, 77
  - Article 47, 170
  - Optional Protocol, 83
  - rights under, 168–69
- International Criminal Court (ICC), 214–15
- Pre-trial Chamber, 212
  - Trial Chamber, 212–13
- International Criminal Court (ICC) Statute, 219
- Article 8(2)(e), 222
- International Criminal Tribunal for the Former Yugoslavia (ICTY), 173–74, 205–06, 210, 214–15
- international criminal tribunals, 214–15
- international environmental law, 105–48
- armed conflicts and, 157–99
  - armed groups and, 15–17
  - common regimes, 138–48
  - common concern, 142–43
  - natural resources situated within State with special status for international community, 139–42
  - shared natural resources, 143–47
  - obligations under, 112–38
  - conservation/sustainable use of natural wealth and resources, 112–18
  - precautionary approach in environmental protection, 129–38
  - preventing damage to environment of other States, 122–29
  - safeguarding natural resources for future generations, 118–22
  - origins of, 106–09
  - overview, 105
  - principles resulting from, 112–38
  - structure of, 109–11
- international environmental treaties, 172–77
- international human rights law
- armed conflicts and, 157–99
  - armed groups and, 15–17
  - Universal Declaration of Human Rights, 92
- international humanitarian law, 200–53

- armed groups and, 14–15
- limits of, 200–01
- Martens clause, 245–50
- overview, 200–02
- protection of natural resources and environment, 215–45
  - prohibition to cause widespread, long-term and severe damage, 239–45
  - protection of civilian objects, 233–45
  - protection of property, 217
- qualification of legal situation, 202–15
  - internal armed conflict, 203–08
  - international armed conflict, 208–13
- international law, 419–31. *See also*
  - International Court of Justice
    - customary, 17–18, 191–96
    - government positions under, 50–57
    - improving governance of natural resources within States, 426–29
  - proposal for strengthening international legal framework, 429–31
  - stopping natural resources from financing conflicts, 421–26
- International Law Association (ILA), 108, 110
- International Law Commission (ILC), 158, 257–60
  - Article 4, 161
  - Article 5, 162
  - Article 6, 162
  - Article 7, 163
  - Article 18, 179
  - articles on State responsibility, 159, 188–90
  - Commentary, 175
  - draft articles, 158–60
  - study on effects of armed conflicts on treaties, 158–60
  - study on environmental protection and armed conflicts, 213, 259–60
- International Monetary Fund (IMF), 280, 303, 328, 386, 390
- International Tribunal for the Law of the Sea (ITLOS), 117, 128, 135–36, 147
- International Tropical Timber Agreement (2006), 112, 429, 430
- Iraq, 421
  - Development Fund for, 230–31
  - EITI compliance, 386
  - sanctions regime, 277–81
- Iron Rhine Arbitration, 124, 126
- Israel, 380
  - occupation of Palestinian territory by, 192–93
  - right to exploit occupied Sinai Peninsula's oil resources, 228
- Israeli Wall Opinion, 168
- Jacobsson, Marie, 257
- Janjaweed, 357
- Johannesburg Summit on Sustainable Development (2002), 108
- Johnson-Sirleaf, Ellen, 3
- Kabila, Joseph, 315
- Kampuchea. *See* Cambodia
- Kenya, 102
- Khmer Rouge, 3, 12, 283. *See also*
  - armed groups
  - resource exploitation by, 5
  - revenue from logging, 5
  - timber concessions, 285
  - timber sanctions against, 272
- Kimberley Process Civil Society Coalition, 409
- Kimberley Process for the Certification of Rough Diamonds, 20, 265, 273, 293, 347, 369–83
  - appraisal of, 380–83
  - context, 369–70
  - contribution to improving resource governance, 411
- Côte d'Ivoire sanctions regime, 309, 310, 312, 313
- definition of conflict diamonds, 26, 259
- effectiveness of, 412–14



- Kimberley Process for the Certification of Rough Diamonds (*cont.*)  
 institutional structure, 374–75  
 international recognition of, 379–80  
 Liberia sanctions regime, 300, 301, 306, 338  
 operation of, 375–79  
 participants, 374–75  
 scope and objectives of, 371–74  
 Sierra Leone sanctions regime, 295  
 UNITA and, 290–91
- Kirby, Michael, 60
- Kitok v. Sweden*, 60–61
- Koroma, Judge, 49, 194
- Kosovo, 75–76, 81
- Kouwenhoven, Guus, 19
- Krupp case, 226, 229–30, 246, 250
- Kuwait, 277, 278
- Kyoto Protocol (1997), 131, 181
- Land Reclamation Case, 128
- Latvia, 400
- Legality of the Threat or Use of Nuclear Weapons*, 25
- lex specialis* principle, 169, 171
- Liberia, 195, 421  
 1343 Liberia sanctions regime, 297–302  
 1521 Liberia sanctions regime, 302–07  
 armed conflicts in, 1  
 EITI compliance, 386  
 involvement in Sierra Leone's armed conflict, 11–12, 203  
 peacebuilding in, 349–50  
 procurement of weapons, 10  
 UN Security Council Resolution 1521 (2003), 45
- Liberia Forest Initiative (LFI), 303–04, 338, 428
- Libya, 9, 421  
*de jure* government in, 53  
 Gaddafi regime in, 50  
 National Transitional Council, 53  
 sanctions regime, 322–28
- Libyan National Oil Corporation, 324, 325
- Linás–Marcoussis Agreement (2003), 307
- Lithuania, 400
- Lomé Declaration, 54
- Lomé Peace Agreement, 44, 335
- Lubanga, Thomas, 212
- Lusaka Ceasefire Agreement, 339
- Lusaka Declaration (2010), 385, 390, 395, 406
- Lusaka Protocol, 292
- Mai Mai groups, 12
- Maoris, 63
- Martens clause, 18, 245–50
- migratory species, conservation of, 113
- Military and Paramilitary Activities in and against Nicaragua case, 210, 211
- military necessity, 224
- military objectives, 233–34
- Millennium Declaration, 98
- Millennium World Summit (2000), 108
- mining permits, 19–20
- minorities, 61
- Minors Oposa case, 121
- Model Supply Chain Policy, 398–99
- Mongolia, 388
- Monterrey Consensus, 98
- Montevideo Convention on the Rights and Duties of States (1933), 50
- MONUC/MONUSCO, 265, 320, 321, 339–42, 343, 360
- Morocco, 400
- Mox Plant case, 147
- Multi-Donor Trust Fund, 390
- munitions de guerre* (munitions of war), 231–32
- Namibia, 339
- National Coalition for Syrian Revolutionary and Opposition Forces (NCS), 53–54
- National Contact Points (NCPs), 401–03
- National Patriotic Front of Liberia (NPFL), 297

- National Transitional Council (NTC),  
53, 323, 325
- National Union for the Total  
Independence of Angola. *See*  
UNITA
- natural heritage, 43
- natural resources  
armed conflicts and, 4–7  
definitions of, 24–25  
governance of, 22–24  
improving governance within States,  
426–29  
obligation to safeguard for future  
generations, 118–22  
peacekeeping operations and,  
331–42  
permanent sovereignty over,  
34–57  
precautionary principle in  
protection of, 129–38  
rights and duties of States, 40–43  
shared, 143–47  
*in situ* vs. *ex situ*, 217  
within State territory with special  
status for international  
community, 139–42  
transboundary, 129
- necessity, 189–91
- Netherlands, 386
- New Delhi Declaration, 108–09
- New International Economic Order  
(NIEO) Declaration, 39–40, 48,  
94
- NGO Global Witness, 26
- Nicaragua, 14, 18, 210, 211, 247
- Nigeria, 388  
EITI compliance, 386
- 1970 Libya sanctions regime, 322–28.  
*See also* sanctions regimes  
appraisal of, 326–28  
structure and objectives of, 322–25  
targets and addressees of, 325–26
- noninternational armed conflict,  
203–08, 213–15
- nuclear weapons, 120, 124
- Nuclear Weapons Advisory Opinion,  
25, 120, 124, 164–65, 169, 170,  
172–73, 174, 178, 241, 246–47
- Nuremberg Tribunals  
Krupp case, 226, 250  
Martens clause, 246  
military necessity and, 224  
permanent sovereignty principle  
and, 229–30  
prohibition against pillage, 219,  
221  
property protection and, 217
- occupation  
administration of public property in  
territories under, 226–33  
definition of, 208
- OECD, 390  
Declaration on International  
Investment and Multilateral  
Enterprises, 396, 397, 400  
Guidelines for Multinational  
Enterprises, 396  
Risk Awareness Tool for  
Multinational Enterprises in  
Weak Governance Zones,  
396
- OECD Due Diligence Guidance for  
Responsible Supply Chains of  
Minerals from  
Conflict-Affected and  
High-Risk Areas, 20, 265, 311,  
395–410, 425  
appraisal of, 408–10  
context, 395–97  
contribution to improving resource  
governance, 411–12  
downstream companies and, 404–05  
effectiveness of, 412–14  
institutional structure, 400–03  
international recognition of, 405–07  
Model Supply Chain Policy, 398–99  
National Contact Points, 401–03  
operation, 403–05  
participants, 400–03  
red flags, 405  
scopes and objectives of, 397–400  
upstream companies and, 404–05
- Oil-for-Food programme, 277,  
279–81
- Operation Desert Storm, 277

- Optional Protocol to the Convention on the Rights of the Child, 15
- Organization for Economic and Cooperative Development. *See* OECD
- Organization of American States (OAS), 55
- Oriental Timber Company, 19
- Outtara, Alassane Dramane, 310
- Palestinian territories  
 ICJ Advisory Opinion on, 165–66  
 Israeli occupation of, 192–93
- Panel of Experts  
 on Angola, 19–20  
 on DR Congo, 25, 361–62, 402  
 on Liberia, 299, 362  
 on Sierra Leone, 294  
 UN Charter Article 29 and, 273
- Paris Peace Agreements (1991), 285
- participatory right, 99
- Partnership Africa Canada, 374
- Patriotic Forces for the Liberation of Congo (FPLC), 12
- peacebuilding, 343–54. *See also* United Nations Peacebuilding Commission  
 appraisal of, 351–54  
 country-specific, 345–54  
 Liberia, 349–50  
 Sierra Leone, 346–49  
 Working Group on Lessons Learned, 350–51
- peacekeeping operations  
 appraisal of, 342–43  
 Cambodia, 332–34  
 Liberia, 336–39  
 mandates of, 331  
 natural resources and, 331–42  
 overview, 329–31  
 primary objective of, 329  
 sanctions implementation and, 329–43  
 Sierra Leone, 334–36
- peoples  
 definitions of, 59–63  
 indigenous, 63–66  
 UN Charter definition of, 61–62
- UNESCO definition of, 61
- Permanent Court of Arbitration (PCA), 124
- permanent sovereignty, 34–57  
 and administration of natural resources in occupied territories, 229–30  
 armed conflicts and, 192–94  
 definition of peoples, 59–63  
 evolution of, 35–46  
 early recognition, 35–36  
 foreign investment regulation, 36–40  
 resources rights to duties, 40–43
- General Assembly resolutions, 38  
 legal subjects of, 49–50  
 nature and legal status of, 46–49  
 overview, 34–35  
 people-oriented concept of, 43–46  
 position of governments under international law, 50–57  
 right to self-determination and, 35–36  
 sustainable development and, 40–43
- Peru, 400
- Philippine Supreme Court, 121
- pillage, prohibition against, 218–21
- poaching, 6–7
- political self-determination, right to, 71–76
- Popular Movement for the Liberation of Angola (MPLA), 9
- Portugal, 275
- precautionary principle, 129–38
- Pretoria Agreement (2005), 307
- property  
 definition of, 217  
 prohibition against destroying or seizing, 221–26  
 prohibition against pillage, 218–21  
 protection of, 217  
 in territories under occupation, 226–33
- Protocol against the Illegal Exploitation of Natural Resources, 26, 47
- Protocol III on Incendiary Weapons (1980), 214

- Publish What You Pay, 386
- Pulp Mills on the River Uruguay case,  
117, 124, 125, 128, 133–34, 136,  
137–38, 147, 195
- Quebec, 76
- Ramsar Convention on the Protection  
of Wetlands (1971), 113, 137,  
139–40, 182, 197
- red flags, 405
- Regional Initiative against the Illegal  
Exploitation of Natural  
Resources, 406
- Republic of Congo, 378
- resource curse thesis, 5
- Revolutionary United Front (RUF), 12.  
*See also* armed groups  
arms delivery to, 19  
control over part of Sierra Leone,  
206  
Lomé Peace Agreement, 334  
military junta, 52, 294  
revenue from diamond trade, 5  
sanctions regimes against, 272, 295,  
298, 299  
support from Charles Taylor, 11–12,  
372
- right to development, 90–102  
Declaration on the Right to  
Development (1986), 95–97  
evolution of, 91–98  
formulation of, 93–95  
implementation within sovereign  
State, 101–02  
International Bill of Human Rights  
and, 92–93  
nature and legal status of, 98–101  
UN Charter provisions on economic  
and social cooperation, 91–92  
Vienna Declaration and Programme  
of Action, 97–98
- Rio Declaration on Environment and  
Development (1992)  
intergenerational equity and, 121  
Principle 2, 41, 49, 123  
Principle 3, 97  
Principle 4, 107  
Principle 7, 112  
Principle 10, 87  
Principle 17, 127–28, 137  
Principle 19, 127–28
- Rio+20 Declaration, 24, 87
- Rio+20 Summit on Sustainable  
Development, 108
- Romania, 400
- Rome Statute of the International  
Criminal Court, 215
- rough diamonds, 371, 421
- Ruggie Framework, 385, 401, 403
- Russia, 167, 393
- Rwanda, 1, 208, 339  
exploitation of DR Congo's world  
heritage sites, 176  
involvement in DR Congo's armed  
conflict, 10–11, 203
- Ryngaert, Cédric, 16
- Sami community, 60–61, 63
- San people, 63
- Sanctions Committee, 273, 279, 294,  
319
- sanctions regimes, 269–73  
232 Southern Rhodesia sanctions  
regime, 274–76  
appraisal of, 276  
structure and objectives of,  
274–75  
targets and addressees of, 275–76
- 864 UNITA sanctions regime,  
289–93  
appraisal of, 292–93  
structure and objectives of,  
289–91  
targets and addressees of, 291–92
- 1132 Sierra Leone sanctions regime,  
293–97  
appraisal of, 296–97  
structure and objectives of,  
293–95  
targets and addressees of, 295–96
- 1343 Liberia sanctions regime,  
297–302  
appraisal of, 301–02  
structure and objectives of,  
297–300

- sanctions regimes (*cont.*)  
 targets and addressees of,  
 300–01
- 1493 DR Congo sanctions regime,  
 315–22  
 appraisal of, 321–22  
 structure and objectives of,  
 315–20  
 targets and addressees of, 320–21
- 1521 Liberia sanctions regime,  
 302–07  
 appraisal of, 306–07  
 structure and objectives of,  
 302–05  
 targets and addressees of, 305–06
- 1572 Côte d'Ivoire sanctions regime,  
 307–13  
 appraisal of, 313  
 structure and objectives of,  
 307–11  
 targets and addressees of, 312
- comparing, 281–82, 313–14, 328–29  
 objectives of, 268  
 overview, 267–69  
 peacekeeping operations and,  
 329–43  
 resource-related, 273–82  
 232 Southern Rhodesia sanctions  
 regime, 274–76  
 661 Iraq sanctions regime, 277–81
- selective commodity sanctions,  
 282–314
- 792 Cambodia sanctions regime,  
 282–88
- 864 UNITA sanctions regime,  
 289–93
- 1132 Sierra Leone sanctions  
 regime, 293–97
- 1343 Liberia sanctions regime,  
 297–302
- 1521 Liberia sanctions regime,  
 302–07
- 1572 Côte d'Ivoire sanctions  
 regime, 307–13
- smart sanctions, 267
- targeted sanctions, 315–29  
 1493 DR Congo sanctions regime,  
 315–22
- 1970 Libya sanctions regime,  
 322–28
- Sankoh, Foday, 335
- Saramaka people, 86
- Sarayaku people, 86
- scorched earth policy, 239
- Secretary-General, 279
- Securities and Exchange Commission  
 (SEC), 407
- Security Council, 16, 267–365  
 approach to governance of natural  
 resources, 354–65  
 curtailing conflict resources,  
 355–59  
 evolution in, 359–61  
 legal basis, 355  
 objectives, 355–59  
 strengthening governance, 357–59  
 sustainability, 361–63
- power under Chapter VII of UN  
 Charter, 22
- principal powers of, 264
- Resolutions  
 253 (1968), 274–75  
 330 (1973), 47  
 668 (1990), 285  
 687 (1968), 277  
 717 (1991), 333  
 745 (1992), 73–74, 333  
 792 (1992), 285, 288  
 810 (1993), 286  
 841 (1993), 52  
 986 (1995), 278  
 1132 (1997), 293–97  
 1173 (1998), 289, 292  
 1231 (1999), 17  
 1270 (1999), 334  
 1291 (2000), 17  
 1295 (2000), 290, 292  
 1306 (2000), 296  
 1313 (2000), 336  
 1343 (2001), 297–300  
 1408 (2002), 300  
 1409 (2002), 278  
 1457 (2003), 45, 47  
 1478 (2003), 299  
 1493 (2003), 315–22  
 1521 (2003), 45, 302–07

- 1572 (2004), 307–11  
 1579 (2004), 304  
 1596 (2005), 316, 319  
 1643 (2005), 308  
 1698 (2006), 316  
 1756 (2007), 339  
 1854 (2008), 391–92  
 1856 (2008), 341  
 1857 (2008), 317  
 1893 (2009), 309  
 1896 (2009), 317  
 1906 (2009), 340  
 1970 (2011), 322–28  
 1973 (2011), 323–24  
 1980 (2011), 310  
 2036 (2012), 360  
 2040 (2012), 327  
 2045 (2012), 310, 366  
 2053 (2012), 392  
 2079 (2012), 350  
 2101 (2013), 406  
 role of, 363–65  
 UN Charter's Article 41 and,  
 264–65  
 selective commodity sanctions, 267,  
 282–314  
 self-determination  
 economic, 77–80  
 as human right, 70–80  
 as legal principle, 68–70  
 political, 71–76  
 as political postulate, 67–68  
 right to, 35–36, 66–90  
 appraisal, 102–04  
 definition of, 66  
 economic self-determination in  
 sovereign State, 84–90  
 evolution of, 67–80  
 nature and legal status of, 80–83  
 right to development, 90–102  
 shared natural resources, 143–47  
 Shell, 386  
 Sierra Leone, 1  
 armed conflicts in, 1  
 coup d'état, 52  
 end of armed conflict in, 3  
 Liberia's involvement in armed  
 conflict, 11–12  
 resource exploitation in, 3  
 sanctions regime, 293–97  
 Special Court for Sierra Leone, 212  
 Truth and Reconciliation  
 Commission, 7  
 UN Security Council Resolution  
 1231, 17  
 Sierra Leone Peacebuilding  
 Cooperation Framework,  
 346–49  
 Singapore oil stocks case, 232  
 Sirleaf, Ellen Johnson, 307  
 smart sanctions, 267, 272  
 South Africa, 206, 275, 380  
 South African Constitutional Court,  
 121–22  
 Southern Bluefin Tuna cases, 117,  
 135–36  
 Southern Rhodesia, 421  
 curtailing conflict resources in,  
 356  
 illegal regime in, 50  
 sanctions regime, 274–76  
 Soviet Union, 284, 289  
 Special Court for Sierra Leone (SCSL),  
 212, 214–15, 219  
 SPS Agreement, 132, 134–35  
 Statement of Mutual Commitments on  
 Peacebuilding in Liberia,  
 349–50  
 Stockholm Declaration on the Human  
 Environment (1972), 25, 41, 42,  
 49, 107, 112, 123, 124–25  
 Straddling Fish Stocks Agreement  
 (1995), 146  
 Supreme Court of Canada, 76  
 Supreme National Council of  
 Cambodia (SNC), 284, 285–86,  
 287, 332–34  
 Surinam, 86  
 sustainable development, 107–09  
 intergenerational equity and,  
 118–19  
 permanent sovereignty and, 40–43  
 sustainable use, 113  
 Sweden, 60–61  
 Syria, 56, 57, 213, 259–60  
 opposition force in, 53–54

- Tadic case, 205–06, 210
- tantalum, 404–05
- targeted sanctions, 267
- Tata Steel, 386
- Taylor, Charles, 1, 195
  - 1132 Sierra Leone sanctions regime, 294
  - 1343 Liberia sanctions regime, 297, 300
  - involvement in Sierra Leone's armed conflict, 11–12
  - Kouwenhoven's delivery of arms to, 19
  - trial of, 3
- Thailand, 288
- timber sanctions, 268, 272, 301–02, 303–05
- tin, 404–05
- Trail Smelter Arbitration case, 41, 123
- transboundary natural resources, 129
- Transparency Directive (2004), 390, 430
- Transparency International (TI), 386
- treaties
  - circumstances precluding
    - wrongfulness, 187–91
    - force majeure*, 188–89
    - necessity, 189–91
  - effects of armed conflicts on, 161–64
  - outbreak of armed conflicts and
    - termination of, 161–79
  - termination/suspension of, 179–87
    - fundamentalist change of
      - circumstances, 184–86
      - material breach, 179–82
      - supervening impossibility of
        - performance, 182–84
- Truth and Reconciliation Commission (Sierra Leone), 7
- tungsten, 404–05
- Uganda, 1
  - Congo–Uganda case, 48, 127, 166, 193–94, 209, 220, 232–33
  - exploitation of DR Congo's world heritage sites, 176
  - involvement in DR Congo's armed conflict, 10–11, 203, 208
  - MONUC and, 339
  - UN Security Council. *See* Security Council
  - underdeveloped countries, right to use their natural resources, 34
  - UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage. *See* World Heritage Convention (1972)
- UNITA
  - business dealings, 19–20
  - conflict with MPLA, 9
  - recognition by foreign States, 50–51
  - resource exploitation by, 5
  - sanctions regimes against, 272, 289–93
- United Nations Charter
  - Article 1(3), 91–92
  - Article 7, 343
  - Article 13, 160
  - Article 22, 343
  - Article 24, 269
  - Article 25, 267, 275
  - Article 29, 273, 343
  - Article 39, 270–71, 355
  - Article 41, 264–65, 267, 270, 271, 274, 355
  - Article 42, 271
  - Article 55, 69, 91–92
  - Article 56, 91–92
  - Article 73(2), 70
  - Article 76, 70
  - provisions on economic and social cooperation, 91–92
- United Nations Conference on Sustainable Development, 98
- United Nations Convention on Climate Change (1992), 120, 197
- United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (1997), 145–46, 175–76
- United Nations Convention on the Law of the Sea (UNCLOS), 21, 43, 132, 146
- United Nations Environment Programme, 144–45

- United Nations Food and Agriculture Organisation, 303
- United Nations Framework Convention on Climate Change (UNFCCC), 41, 42, 46, 93, 143, 181
- United Nations General Assembly adoption of ILC draft articles, 158
- Declaration on Principles of International Law concerning Friendly Relations and Cooperations among States (1970), 72–73, 74–75
- Declaration on Social Progress and Development, 93–94
- Declaration on the Granting of Independence to Colonial Countries and Peoples, 72
- Declaration on the Rights of Indigenous People, 64–65
- Resolution 34/186, 144
- Resolution 55/56, 371
- Resolution 66/225, 192–93
- Resolution 523 (IV), 34
- Resolution 626 (VII), 36
- Resolution 837 (IX), 36
- Resolution 1803 (XVII), 44
- Resolution 2158 (XXI), 38
- Resolution 2692 (XXV), 38
- Resolution 3171 (XXVIII), 38
- United Nations Integrated Office in Sierra Leone (UNIOSIL), 348
- United Nations Joint Vision for Sierra Leone, 348
- United Nations Mission in Liberia (UNMIL), 265, 336–39, 342–43, 349, 361
- United Nations Mission in Sierra Leone (UNAMSIL), 334–36, 348
- United Nations Operation in Côte d'Ivoire (UNOCI), 310
- United Nations Organization (Stabilization) Mission in the Democratic Republic of the Congo (MONUSCO). *See* MONUC/MONUSCO
- United Nations Peacebuilding Commission, 263–64, 343–54, 428–29
- appraisal of, 351–54
- official mandate of, 344–45
- principal formations, 345
- Sierra Leone Peacebuilding Cooperation Framework, 346–49
- Statement of Mutual Commitments on Peacebuilding in Liberia, 349–50
- United Nations Security Council. *See* Security Council
- United Nations Straddling Fish Stocks Agreement (1995), 114
- United Nations Transitional Authority in Cambodia (UNTAC), 285, 286, 287, 288, 332–34, 342
- United States
- actions against Nicaragua, 211
- definition of conflict diamonds, 373, 383
- Dodd–Frank Wall Street Reform and Consumer Protection Act, 390–91, 408
- precautionary principle, 130
- support for EITI, 386
- support for Syrian opposition, 54
- support for UNITA, 50–51, 289
- Universal Declaration of Human Rights
- Article 12, 92
- Article 28, 92
- upstream companies, 404–05
- usufruct, right of, 422, 423–24
- Venezuela, 378, 382
- Vienna Convention for the Protection of the Ozone Layer (1985), 41, 46
- Vienna Convention on the Law of Treaties (1969), 160, 161
- Article 60, 179–82
- Article 61, 182–84
- Article 62, 184–86
- Article 73, 158
- termination/suspension of treaties under, 179–87



- Vienna Convention on the Law of  
Treaties (1969) (*cont.*)  
fundamentalist change of  
circumstances, 184–86  
material breach, 179–82  
supervening impossibility of  
performance, 182–84
- Vienna Declaration and Programme of  
Action (1993), 97–98
- Vietnam, intervention in Cambodia,  
283
- voluntary initiatives, 366–415  
contribution to improving resource  
governance, 410–12  
effectiveness of, 412–14  
overview, 366–69
- Vukas, Budislav, 61
- Waldock, Humphrey, 158
- Watchdog Committee, 275
- watercourses, 145–46, 175–76
- weapons, procurement of,  
10
- Whaling Convention (1946),  
120
- Working Group on Lessons Learned,  
350–51
- World Bank, 137, 280, 303, 328, 350,  
386, 390
- World Commission on Environment  
and Development, 107, 119
- World Conference on Human Rights  
(1993), 97
- World Diamond Council, 374
- world heritage, 2–3, 138, 139, 176
- World Heritage Convention (1972),  
139–41, 178, 430  
Article 4, 121  
Article 5, 197  
Article 6, 49, 176  
Article 11(4), 176  
impossibility of performance and,  
182  
obligations under, 43  
permanent sovereignty and, 46
- World Summit (2005), 98, 108, 344,  
367
- World Trade Organisation (WTO),  
115, 132, 380
- Yugoslavia, NATO bombing campaign  
in, 173–74
- Zaire. *See* Democratic Republic of  
Congo
- Zambia, 339
- Zimbabwe, 339, 372, 377
- Zuetina Oil Company, 325