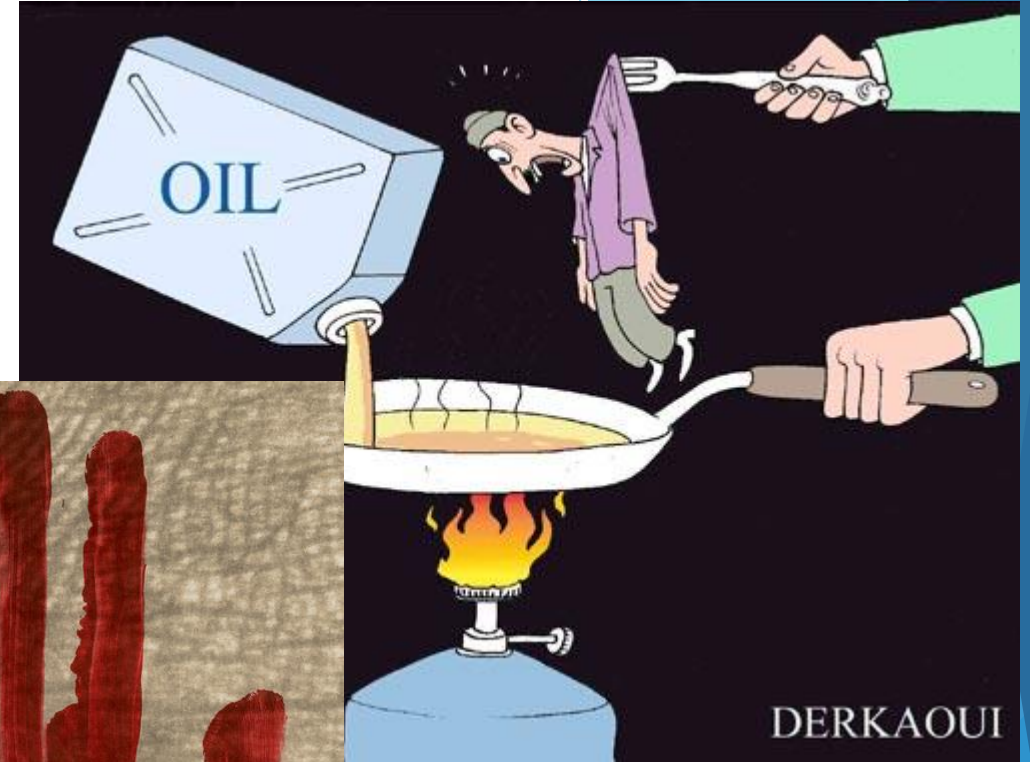
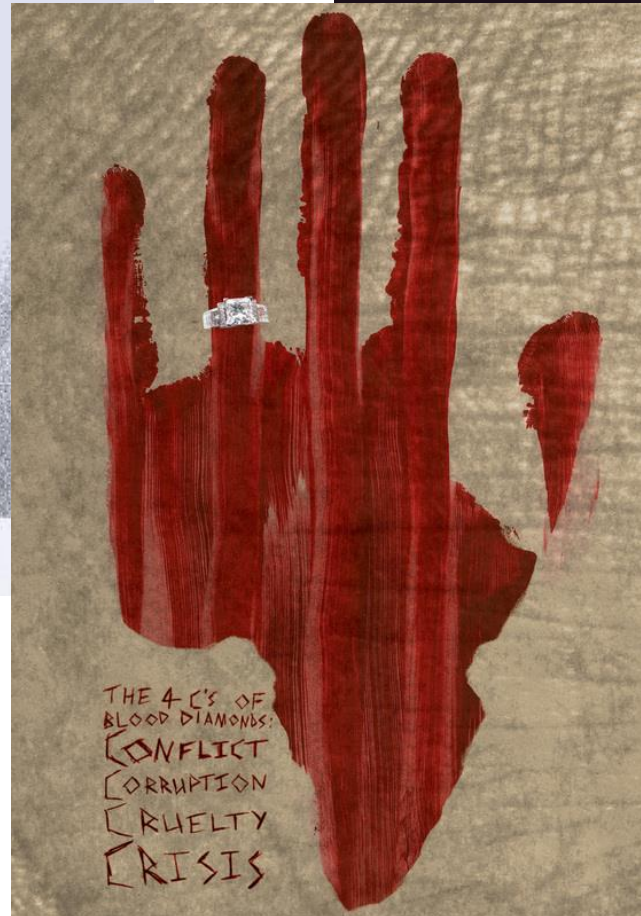


Natural Resources in Situations of Conflict: A Curse or a Blessing?

Dr Joanna Allan, Vice Chancellor's Research Fellow, Centre for
International Development, Northumbria University

Resource Curse



Background to Western Sahara Conflict



Legal Framework

- ▶ International Human Rights Law
- ▶ International Humanitarian Law - 4th Geneva Convention, Article 49 on settlers
- ▶ Cases and legal opinions specific to Western Sahara

Paragraph 1 of the Declaration on Permanent sovereignty over natural resources (UNGA Res. 1803 (XVII)):

- ▶ “The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned”

International Human Rights Law: Article 1(2) of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights:

- ▶ “All peoples may, for their own ends, freely dispose of their natural wealth and resources [...] In no case may a people be deprived of its own means of subsistence”

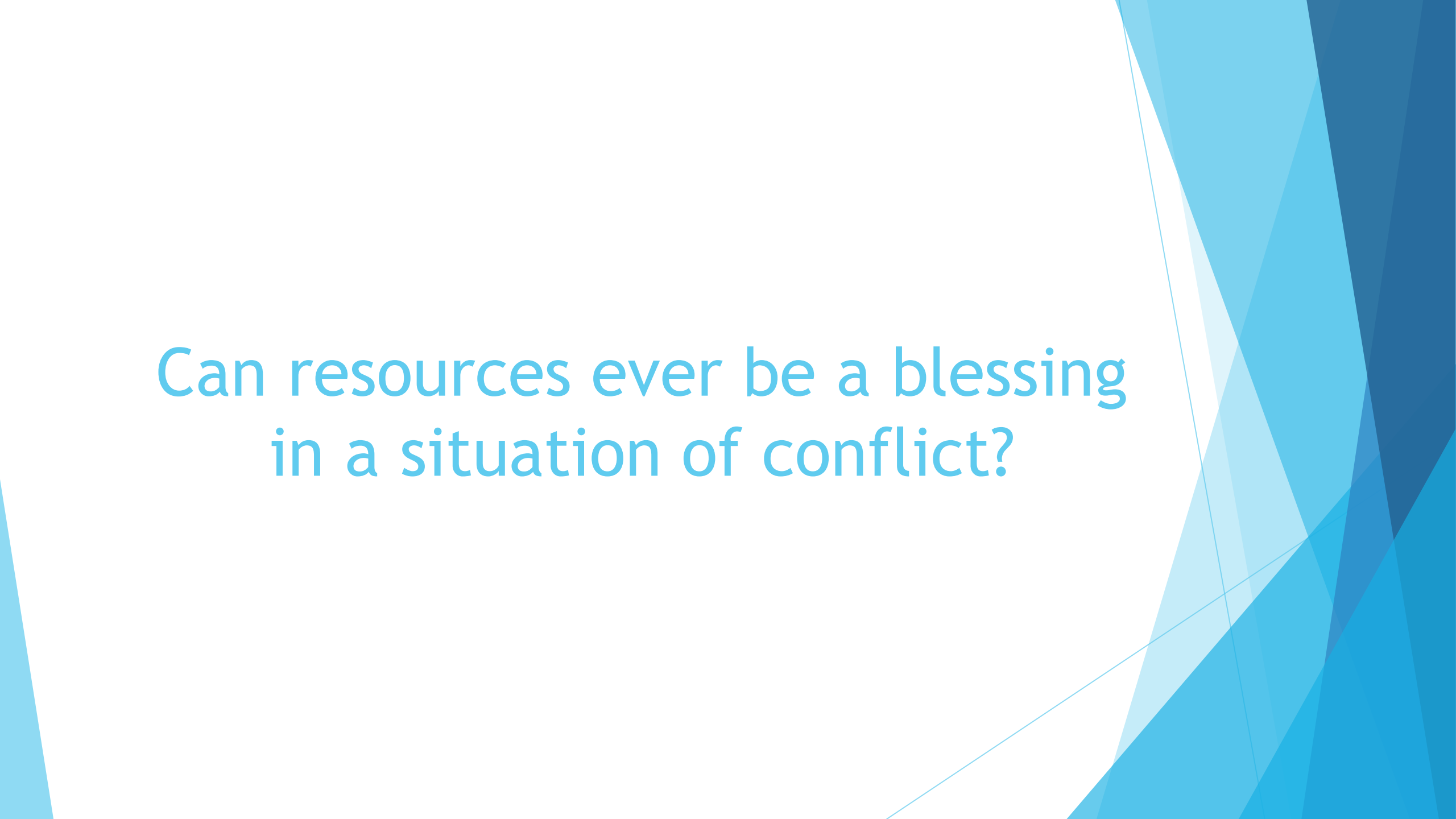
Conclusion of 2002 UN Legal Opinion

25. The foregoing legal principles established in the practice of States and the United Nations pertain to economic activities in Non-Self-Governing Territories, in general, and mineral resource exploitation, in particular. It must be recognized, however, that in the present case, the contracts for oil reconnaissance and evaluation do not entail exploitation or the physical removal of the mineral resources, and no benefits have as of yet accrued. The conclusion is, therefore, that, while the specific contracts which are the subject of the Security Council's request are not in themselves illegal, if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories.

(Signed) Hans Corell
Under-Secretary-General for Legal Affairs
The Legal Counsel

Legal Framework: Specific to Case of Western Sahara

- ▶ Western Sahara Campaign UK's case against British government, referred to Court of Justice of the EU
- ▶ Saharawi people's representatives have had 4 cases against EU Council heard in Court of Justice of the EU concerning trade agreements
- ▶ In all of the above cases, all heard between 2015 and 2018, the Court ruled that the EU-Morocco Trade Agreements were all invalid in Western Sahara
- ▶ 2018, South Africa seized the boat 'Cherry Blossom' carrying 50,000 tonnes plundered phosphate of New Zealand. High Court ruled it belonged to Saharawis.

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the frame, creating a modern, layered effect. The rest of the background is a solid, very light blue.

Can resources ever be a blessing
in a situation of conflict?

Group Activity

- ▶ Group 1) Review Siemens Gamesa's justification of its activities in occupied Western Sahara. Does it convince you? Why (not)?
- ▶ Group 2) Review Kosmos Energy's justification of its activities in occupied Western Sahara. Does it convince you? Why (not)?



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INTERNATIONAL LAW ANALYSIS AND COMMENTARY

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The Responsibility of the UN Security Council in the Case of Western Sahara



By: Hans Corell, Former Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations

At the request of the UN Security Council, I delivered a legal opinion to the Council relating to Western Sahara on 29 January 2002. This I did in my capacity as the Legal Counsel of the UN at the time. The opinion concerned the legality in the context of international law of

actions by the Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara. My conclusion was that, if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories.

This development happened 13 years ago. In the meantime, I have followed the development in Western

The latest development with respect to natural resources is a contract between Morocco and two companies, Kosmos and Glencore, relating to oil exploration and exploitation in the Cap Boujdour area off the coast of Western Sahara. I can see from the web that the two companies maintain that this contract is in conformity with my 2002 legal opinion. Regrettably, it is not. Already signing an agreement in which Morocco refers to Western Sahara as "the southern provinces of the Kingdom of Morocco" is at variance with Corporate Social Responsibility and the principles Protect, Respect and Remedy.

In his latest report on the situation concerning Western Sahara, dated 10 April 2014, the Secretary-General observes that, in the light of the presence of Western Sahara on the list of Non-Self-Governing Territories since 1963, "the efforts of the United Nations, through the work of my Personal Envoy, my Special Representative and MINURSO, will remain highly relevant until its final status is established." If no progress occurs before April 2015, the Secretary-General believes that the time will have come to engage the members of the Council in a comprehensive review of the framework that it provided