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Citation

Dam-De Jong, D. A. (2013, December 12). *International law and governance of natural resources in conflict and post-conflict situations*. Meijers-reeks. Meijers, Leiden. Retrieved from <https://hdl.handle.net/1887/22865>

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Title: International law and governance of natural resources in conflict and post-conflict situations

Issue Date: 2013-12-12

Propositions relating to the dissertation

INTERNATIONAL LAW AND GOVERNANCE OF NATURAL RESOURCES IN CONFLICT AND POST-CONFLICT SITUATIONS

by Daniëlla Aviva Dam-de Jong

1. Developing general standards for the management of natural resources in countries recovering from resource-related armed conflict is essential for achieving enduring peace. These standards should integrate requirements relating to sustainability and public participation in addition to transparency and accountability.
2. The UN Security Council should give explicit attention to environmental protection as part of its strategies for the economic reconstruction of States that are recovering from armed conflict.
3. As a matter of conflict prevention, the UN Security Council should use its powers under the UN Charter to push for structural changes in the governance of natural resources in countries that are recovering from armed conflict.
4. In order to provide better protection to the civilian population and the environment in situations of armed conflict, armed groups that control portions of the State territory and that are capable of implementing Additional Protocol II to the 1949 Geneva Conventions should be granted a carefully defined right to exploit natural resources.
5. The right of 'peoples' to internal self-determination should primarily be implemented through a modern right to take part in national and local decision-making processes.
6. In a globalising world, it is essential for international law to create a level-playing field for multinational companies regarding their social and environmental responsibilities.

7. Article 31 of the 1969 Vienna Convention on the Law of Treaties is an important tool to ensure coherency between obligations ensuing from different fields of international law. However, interpretation techniques cannot solve all problems ensuing from the fragmentation of international law.
8. In the *Armed Activities on the Territory of the DR Congo case (Congo v. Uganda)*, the International Court of Justice should have acknowledged the evolution of the principle of Permanent Sovereignty over Natural Resources into an organizing principle for modern natural resources management.
9. The World Trade Organization should open itself to address the legitimate non-trade concerns of States. It should allow States to distinguish between products that have been produced in a harmful way and products that have been produced with respect for human rights and the environment.
10. In the immediate aftermath of armed conflicts, the attention of the international community is too much focused on organizing elections. Democratic governance does not start with elections; rather with establishing rule of law.