How Do Peace Agreements Treat Natural Resources?

Arthur G. Blundell & Emily E. Harwell

Photo: KNLA (Karen National Liberation Army) soldiers operating in a forested watershed area in KNU (Karen National Union) territory, Myanmar. Credit: Kevin Woods.

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Introduction

Although there has been rich debate on causality and definition, there is growing consensus about the role natural resources play in fueling violent conflict in parts of the world where governance is weak and valuable resources are plentiful. The United Nations Environment Programme (2009) reckons that at least 40% of all civil wars since the end of the Cold War were associated with natural resources. For example: rebels fight for territory in order to control natural resources and associated revenues; warring parties in turn use this revenue to fuel further conflict; companies bribe corrupt politicians and bureaucrats for access to the resources; locals lose access to resource-based livelihoods or are displaced by land-grabbing;[1] and the companies themselves get involved in arms-trafficking and use their security forces as private militias, which have committed human rights abuses against local communities (Harwell 2011).

Despite these documented patterns, our research finds that most ceasefire and peace agreements do not address natural resources in a meaningful way. Although Haysom and Kane (2009) state that "peace agreements often have explicit provisions allocating management and control [of natural resources] between national and provincial governments," we found that of the more than 800 peace agreements since 1945, fewer than 15% address terms related to "natural resources," and for most of the 10 accords that address the "management" of natural resources, implementation has been at best "minimal". Moreover, there is no indication that this is changing—peace agreements are no more likely to address natural resources now than they were at the start of the Cold War.

If governance reform of natural resources is not a condition of the ceasefire, then addressing the ways that resources have acted as fuel for conflict must be a priority during the peacebuilding phase. Otherwise, we should not be surprised if conflict is re-ignited—either directly funded by control of the resources and their markets or fueled by grievances related to unsustainable and inequitable resource extraction (or both). Ideally, time-bound frameworks for how these reforms will be pursued during peacebuilding should be written into peace agreements.

During peacekeeping, however, natural resources are often framed by government, international donors, and the private sector as the engine of growth to jump-start an economy destroyed by war. Under this paradigm, there is intense pressure to (re)start the exploitation of resources as soon as possible rather than waiting for the painstaking work of ensuring that their governance is reformed. In post-conflict governments, institutional capacity and political will is often weak. But experience teaches us that failing to undertake the complex and contentious task of improving governance of natural resources "increase[s] the risk of conflict recurrence because access to natural resources is an especially valuable prize worth fighting for" (Rustad and Binningsbø 2012). This may be one reason that peace is so difficult to maintain in post-conflict situations: from 1960 up to 2000, more than half of all peace agreements were broken within five years (Azam et al. 2001).

Given the role that resources play in fueling conflict, the failure of many peace agreements is likely due to the lack of attention to governance reform of the same natural resources that were at the root of the war in the first place. This downward spiral makes our findings that few parties deal with natural resources during the negotiations around the ceasefire and peace agreements of great concern. It is the responsibility, therefore, of the peace-builders with the strong support of the international community, who act as consumers of these same resource commodities, to ensure that the hard work of reform is accomplished before the natural resources are exploited again. Otherwise, we should expect the same failure to secure the peace that we have seen in so many countries over the last half-century.

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[1] The large-scale acquisition of the rights to land in an illegal, or at least unfair, manner, often at below market value and in violation of the rights of the customary landowners.

Methodology

In order to assess the role of natural resources in Peace Agreements (PAs), we examined two databases:

1. The *Transitional Justice Peace Agreements* [TJPA][2] database of the University of Ulster, which lists over 640 documents from 1990 to 2015 that address "militarily violent conflict with a view to ending it" in over 85 jurisdictions. To qualify as a conflict, there must be at least 25 conflict-related deaths in one calendar year; and,

2. The *United Nations Peacemaker database* [UNP],[3] which contains 805 agreements from 1945 to 2015.

Each database codes for key words, i.e., whether or not the issue is addressed within each PA. While the databases do not code for the exact same key words, there is broad overlap regarding the <u>issues</u> they cover, such as "gender," "police," or "amnesty." For each database we calculated the proportion of PAs that deal with the following five themes: "natural resources"; "vulnerable populations"; "transitional justice"; "development"; and "enforcement".

Results and Implications

The two databases vary markedly in outcome

The two databases vary markedly in the proportion of PAs that they consider address each of the five themes (Figure 1). Likewise, where there are directly comparable key words (those in bold in Table 1), the databases document different rates of inclusion. For example, with regards to the question whether PAs address issues related to "women," the TJPA database found that 7% of PAs address "women," while the UNP found that 16% address "women & gender." Given the differences (Figure 1; Table 1), analysts should be careful in extrapolating from any single database regarding the treatment of specific issues in PAs. But the analyses (Figure 1; Table 1) do suggest some overall trends in the manner in which PAs have addressed specific issues over the past 65 years. The next sections deal with these trends.

PAs are rarely comprehensive

Despite the word "comprehensive" appearing in the title of more than a dozen recent PAs, the databases suggest that most PAs are far from comprehensive. Most issues are absent from most PAs. For example, despite the obvious importance of an issue like "vulnerable populations" in a post-conflict environment, at best, fewer than 15% of PAs address the issue in any substantive way. Even issues relevant to the theme "enforcement" are still, on average, found in fewer than one-third of the PAs (Figure 1).

PAs address some themes more often than others

While PAs are rarely comprehensive, they generally have a greater focus on some themes compared to others. For example, PAs more commonly address "governance" and "enforcement" issues as compared to "vulnerable populations" and "natural resources" (Figure 1; Table 1).

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[2] http://www.peaceagreements.ulster.ac.uk
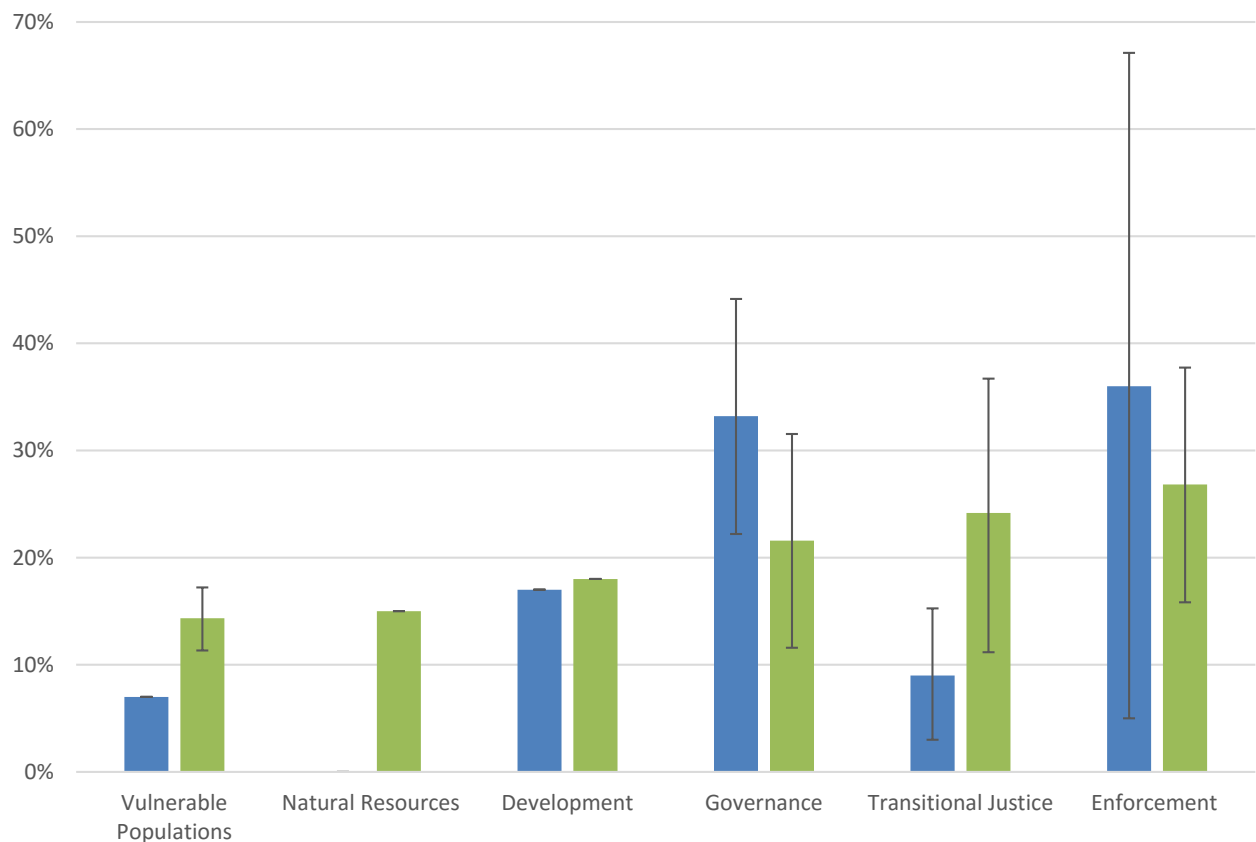
[3] http://peacemaker.un.org/document-search

Figure 1: Treatment of Issues in Peace Agreements Since 1945

Each bar represents the mean for the percentage of PAs that deal with issues across six themes (see Table 1). The error bars represent the standard deviation for issues in each theme.
(Blue = the Transitional Justice Peace Agreements database [640 PAs]; and green = the United Nations Peacemaker database [805 PAs]).

Natural Resources are ignored in PAs

Unfortunately, the TJPA database does not code for "natural resources," but it does include the key word "refugees/land." Remarkably, TJPA does not consider any of the 640 PAs in their database to address this issue. This is the only key word that has zero relevance to the PAs in their database (Table 1). The UNP does track whether or not PAs address "natural resources," defined to "include: extractives [oil, minerals, etc.]; aquatic/hydro-geological resources; land; livestock." It considers only 120 out of 805 PAs (15%) to have addressed the issue.

Those PAs that address natural resources are mainly in Africa and mainly related to civil wars

According to UNP, of the 120 PAs that address "natural resources," almost a third (40) were in Africa (Table 2), although as a proportion of PAs in each region, the Middle East and West Asia had the highest percentage, at 24% of all their PAs (Table 2). Given that three-quarters of PAs are associated with civil war, such PAs are under-represented when considering those that deal with "natural resources"—i.e., only fewer than 15% of PAs related to civil war also address "natural resources" (Table 3). Regional PAs are the most likely to deal with "natural resources" (at 22%).

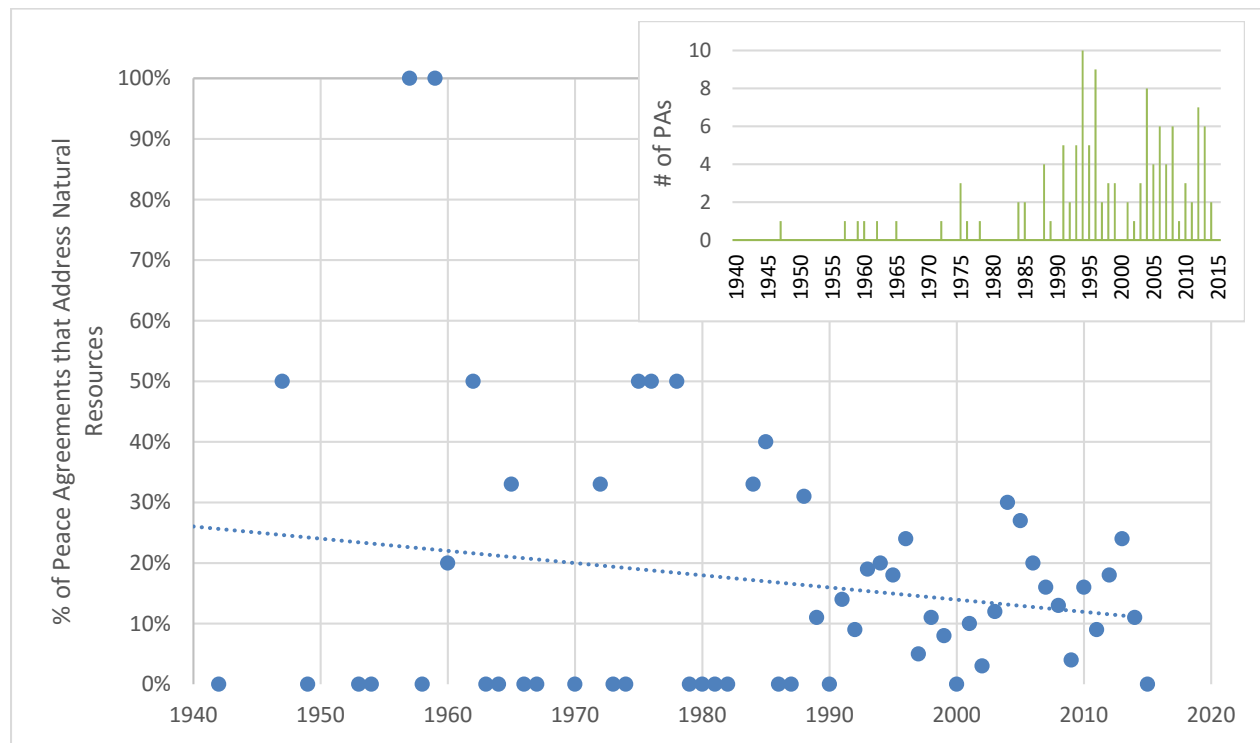## Table 1: Coding of Issues in Peace Agreements Since 1945

The % of PAs coded for each issue in the Transitional Justice Peace Agreements database (640 PAs); and the United Nations Peacemaker database (805 PAs). Issues in bold are key words common to the two databases. Issues are divided among six themes (see Figure 1).

Transitional Justice Peace Agreements Database		United Nations Peacemaker Database	
Natural Resources			
Refugees/Land	0%	Natural Resources	15%
Vulnerable Populations			
Women	**7%**	**Women & Gender**	**16%**
		Children	11%
		Minorities, Indigenous Peoples & Others	16%
Governance			
Statehood/Identity	**26%**	**Statehood, Territory & Identity**	**36%**
Civil Society	**29%**	**Civil Society**	**11%**
International Community	51%	Member States	32%
UN Involvement	36%	Regional Organizations	32%
Governance/Democratic Institutions	24%	Constitution Issues	31%
		Media and Communication	27%
		Political Power-Sharing	22%
		Military Monitors	20%
		Transitional Political Arrangements	19%
		Civilian Monitors	10%
		Traditional Actors & Conflict Resolution Mechanisms	10%
Development			
Development & Socio-Economic Rights	**17%**	**Wealth/Revenue Sharing**	**18%**
Transitional Justice			
Human Rights Framework	**21%**	**Human Rights**	**28%**
Amnesty	**10%**	**Amnesties/Immunities**	**15%**
Judicial Reform	**8%**	**Justice Sector**	**30%**
Victims	5%	Humanitarian & Refugee Issues	43%
Criminal Justice Reforms	4%	Transitional Justice/Truth & Reconciliation	22%
National Human Rights Institutions	6%	International Justice & Accountability	7%
Enforcement			
Policing	**14%**	**Police**	**21%**
Enforcement Mechanisms	58%	Military	42%
		Ceasefire/Cessation of Hostilities	35%
		Electoral Framework	30%
		Disarmament, Demobilization, & Reintegration	21%
		Security Sector Reform	12%

Figure 2: Pattern of the Inclusion of Terms Related to Natural Resources in 120 Peace Agreements

There is no correlation over time (the dotted line is the trend, r = 0.18; p = 0.17).
Inset: the number of all PAs that incorporate natural resources in a given year.

Source: UN Peacemaker database of 805 PAs.

Table 2: Pattern of the Inclusion of Natural Resources in Peace Agreements Since 1945 by Area

Area	# that include NR	% of all PAs in that area
Europe	7	7%
Middle East and West Asia	17	24%
The Americas	28	23%
Asia and the Pacific	30	17%
Africa	40	12%

Source: UN Peacemaker database of 805 PAs.

Table 3: Pattern of the inclusion of Natural Resources in Peace Agreements (PAs) Since 1945 by Type of PA

Type of PA	# that include NR	% of all PAs in that type
Decolonization	2	17%
Regional	11	22%
Inter-State	30	21%
Intra-State	86	14%

Source: UN Peacemaker database of 805 PAs.

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There has been no increase in attention to natural resources over time

While more PAs have addressed natural resources since the Cold War (at least according to the UNP database; Figure 2 inset), this is simply because an increasing number of PAs have been negotiated since the end of the Cold War. There has been no increase in the percentage of PAs in a given year that address natural resources (Figure 2).

The few PAs that address natural resource management have been ineffective

A third database, The Peace Agreements Matrix [PAM][4] from the University of Notre Dame, examines *implementation* of the terms in 34 PAs. According to the PAM, of the ten PAs that address "natural resources management," two-thirds of the countries have had, at best, minimal implementation (Table 4), despite the youngest (Nepal) being almost ten years. The oldest, Mindanao and Sierra Leone—at twenty years old—still have minimal implementation of the terms related to natural resources management.

Table 4: Peace Agreements (PAs) that Address Natural Resource Management

Country	Accord	Issues	Implementation
El Salvador	1993	Land reform; transfer to ex-combatants	Fully (by 1996)
Mindanao	1996	Residents have preferential rights over the exploration, development, and utilization of natural resources; corporations pay tax	None
Sierra Leone	1996	Protect the environment and regulate the exploitation of natural resources in the interest of the people, as well as prohibit monopolies	None – war resumed in 1998
	1999	Detailed (especially related to mining)	Minimal – rebels mining to fund war
Guatemala	1996	Ineffective institutions established to redistribute land and provide indigenous people access. Multinational corporations exploited natural resources	Minimal
Bougainville	2001	Fishing rights/revenue	Fully (2007)
Burundi	2000	Good management and utilization of the nation's natural resources on a sustainable basis, conserving such resources for future generations	Minimal - *Commission Nationale des Terres et Autre Bien*
Aceh	2005	Jurisdiction; 70% of oil revenue	Fully (2006 Act)
Sudan	2005	Comprehensive; including draft Land Commission policy for Government of South Sudan	Intermediate
Nepal	2006	End feudal land ownership; transfer to landless	Minimal

Source: Peace Accords Matrix database of 34 PAs.

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[4] https://peaceaccords.nd.edu/using-pam. Joshi, M, JM Quinn & PM Regan. 2015. Annualized Implementation Data on Intrastate Comprehensive Peace Accords, 1989-2012. Journal of Peace Research 52(4): 551- 562.

Discussion

PAs may be a difficult place to address natural resources

Ceasefire negotiations and peace agreements are fragile, fraught with conflicts of interest, and often require significant and time-consuming trust-building efforts to reach consensus. When a negotiator simply wants to end the armed violence, s/he may be loath to bring up complex and contentious issues like the reform of the governance of natural resources for fear the parties may not come to consensus (Davis 2009). In fact, many negotiators may look to these sectors as a way to buy off the warring parties in order to get agreement on more urgent issues, like those related to disarmament, for example. Land has been often used as an inducement to draw combatants to the peace negotiations table. Likewise, lucrative resource business opportunities are frequently used to entice key commanders to abandon their cause (Woods 2011; Aspinall 2005). Warlords may not be willing to lay down their weapons without some benefit in exchange—and commodities make convenient and easily saleable war booty.

Liberia in 2003 is perhaps the most extreme example of conflict being driven by natural resources—at least in the sense that the UN Security Council (UNSC) recognized the significance of their role in regional insecurity and sanctioned two commodities (diamonds and timber). Here, too, natural resources were effectively treated as booty in the peace agreement. The agreement ending the civil war, the 2003 Accra *Comprehensive Peace Accord* (CPA), only refers to natural resources twice: in the transitional government, the CPA gave control of the Ministry of Lands, Mines & Energy, and the Ministry of Agriculture (CPA Annex 4, §4), as well as control of the Forest Development Authority (CPA Annex 4, §9) to the rebel group MODEL. Liberia's CPA made no direct reference to diamonds or timber, let alone the reform of their management to ensure that they did not fuel a resumption of the conflict. Fortunately, in order to foster peace and security, subsequent UN Security Council resolutions maintained the sanctions until the governance of these commodities were addressed. Sanctions provided the leverage and the political will for reform.

Likewise, in Myanmar, where the ceasefire negotiations are ongoing, a similar trend is emerging. Of the 15 existing ceasefire agreements, only five address natural resources, and in all five cases warring parties are allowed to continue their exploitation and revenue generation (Table 5). In only one case is any other aspect of management addressed and, according to the Myanmar Peace Monitor, it is merely to send researchers to "assess the natural resources."

Table 5: Ceasefire Agreements (CAs) in Myanmar that Address Key Words Related to Natural Resources

 # = the number of CAs that mention each key word.

Key Word	#	Faction	Activity, as described in CA
Natural Resources	1	National Democratic Alliance Army (NDAA)	- Access to mining, coal, and gold exploration and production - Allow trade of 10,000 t of teak & 10,000 t other hardwoods - Allow NDAA control of border checkpoints/fees - Send researchers to assess natural resources
Forest	0		
Logging/Timber	4	Pa-Oh National Liberation Organization (PNLO)	- Establish companies related to mining, logging
		Restoration Council of Shan State (RCSS)	- Develop businesses such as gemstones, mining and timber extraction
		KNU/KNLA Peace Council (KPC) Karen State	- Exploration and trade licences for timber & mineral extraction to avoid exploitation from Thailand
		United Wa State Army	- Allowed to trade timber
Mining	3	PNLO RCSS KPC	- Allow to mine and trade minerals/gems

Source: Myanmar Peace Monitor database of 15 CAs.

The absence of natural resources in PAs doesn't mean they do not play a role in negotiations

This lack of attention to natural resources in the text of the ceasefire agreements is not to suggest that resources are not the subject of "back channel" negotiations. However, these informal agreements may be even more detrimental when they occur in ways that exacerbate local grievance related to this resource use and therefore lay the ground for continued conflict.

For example, in Myanmar, the government has for some time used the opportunity of ownership of natural resource investments in the resource-rich border areas as an inducement to ethnic armed groups to abandon their aspirations (Woods 2011). Likewise, the government has established, funded, and armed hundreds of paramilitary groups, who control the illegal commodity trades in the ethnic border regions (Woods 2011). Neither the paramilitaries nor the ethnic armed groups—that abandoned their fight in exchange for resource-business opportunities—are party to ceasefire or peace negotiations, although their involvement in resource extraction and trade, and its impacts on local communities, are important aspects of the self-determination cause of the ethnic armed groups and their popular support.

Governance reform, therefore, must be a key priority for peacebuilding in contexts where resources play an important role in conflict

Even if the PAs do not take explicit steps to stop the resumption of conflict through improved governance of natural resources, they should still clearly specify how reform will be accomplished during the post-conflict period. But this requires continuing the focus on the reform of resource management post-conflict. And here the evidence is mixed.

Even in the case of post-conflict Liberia, where the UN Security Council's resolution [S/Res/1521 (2003)] sanctioned commodities and required reform of the governance of timber and diamonds before sanctions were lifted, engagement on the issue was lacking. The initial Donors Conference at the UN after the war, in 2004, failed to put diamonds and timber on the agenda. Fortunately, the US government intervened and hosted a side-event that led to the establishment of the *Liberia Forest Initiative,*[5] which became responsible for the reform of the forest sector. In contrast to the initial lack of attention on reform, there was pressure to resume exploitation: the IMF (2014) viewed sanctions as a drag on economic growth – they projected GDP growth to triple to 17% if sanctions were simply lifted.

In 2010, the UN Secretary-General called on member states and the UN system to make "natural resource allocation, ownership and access an integral part of peacebuilding strategies" (Jensen & Lonergan 2012). But this has not always been the case. Apart from the recent UN missions in Liberia, Sierra Leone, and in the Democratic Republic of Congo, "UN peacekeepers have played a limited role in the management of high-value [natural] resources" (Rustad et al. 2012). The reasons include: "Given the limited resources and expertise of UN missions, other priorities are more pressing; actions that might involve confrontation with criminal elements increase risks for peacekeepers and civilians alike; political stakeholders are sometimes involved in both the peace process and in questionable or illegal activities—a circumstance that may have to be taken into consideration; and both UN member states and their subnational governments (which may be benefiting economically from the status quo) may be reluctant to have the UNSC meddling in economic affairs." These reasons are a revealing admission of both the high stakes and interests involved in natural resources in post-conflict environments. These high-level interests (including those of UN member states) and the involvement of criminality are the uncomfortable nettle that the government and international community must grasp if they intend to build a durable and just peace.

Indeed, while the recent *High-Level Independent Panel on United Nations Peace Operations* (2015) report on *Uniting our Strengths for Peace – Politics, Partnership and People* warns of "a widely shared concern that changes in conflict may be outpacing the ability of UN peace operations to respond," the report mentions the role of natural resources only twice:

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[5] http://www.fao.org/forestry/lfi/en/

> "The UN should take into account economic dimensions, including livelihoods and jobs, transparent and accountable management of natural resources including revenues, land, and, particularly in zones of conflict, basic services." and,

> "Through joint assessments, the security, political, socio-economic and natural resource and other dimensions of conflict should be analyzed and potential drivers of conflict mapped, together with local capacities and resiliencies that can be built upon."

The Panel did not recommend specifically that governance reform of natural resources be a central focus of peace-keeping in order to build durable peace and security, even where resources drive conflict.

Technical input is needed for peace negotiations where resources play a key role

Natural resource management and the governance that controls it are complex issues, likely beyond the expertise of many ceasefire negotiators. For this reason, even if negotiations are deemed too fragile to support the inclusion of resource issues in the text of the PA, technical experts should be providing input to the parties and negotiators to ensure that the consensus text includes clear guidelines for how these issues will be addressed in the post-conflict period in ways that will ensure sustainable and equitable resource use and, therefore, support durable peace.

The international consumer countries have a responsibility to address their own role in resource conflicts

A likely reason for the inattention to improved resource governance may lie in the interests of international consumers and investor countries. Instead of a moratorium, their interests may favor immediate exploitation. Such interests conflict with the governance-reform agenda outlined in this paper. Not surprisingly, such conflicts of interest complicate the resolve to improve governance of consumers and investors, alike. For example, the US has seen significant outcry against congressional restrictions on the import of minerals from conflict regions; complaints about the Dodd-Frank reform act have been couched as onerous costs on business.

Conclusion

While natural resources are increasingly recognized as a major factor in more than 40% of conflicts globally, the issue appears to be mostly ignored in peace agreements. Indeed, few PAs are comprehensive, and most issues go unaddressed in any given PA. There are only ten PAs that the Peace Accords Matrix documents as referring directly to "natural resource management;" and even in those, two-thirds of the countries achieve only minimal implementation, at best.

But ceasefire negotiations may be too fraught to deal fully with as complex and contentious an issue as natural resource management, especially if the warring parties perceive such terms to deprive them of revenue and power. However, the process for reform could be outlined in the PA with clear, time-bound benchmarks, thus, putting the onus on peacebuilding as the focus; and here too there is increasing recognition of the role of "Environmental Peacebuilding" and a growing community of practice.[6]

In order to avoid natural resources fueling further conflict, resources must not be viewed solely as war booty or a commodity to be used merely as an engine of growth. Resources are vitally important to local livelihoods, carry high cultural, social and ecosystem value (for example as sources of clean water, protection from flooding and landslides, buffers to climate change and so on), beyond simply delivering export commodities. Ignoring the other values risks re-igniting local grievances at the heart of armed conflict. Ignoring the ways that decisions are made regarding resource use and how resource revenues are controlled risks returning to conflict financing. Without an end to this neglect of natural resources in peace making and peacebuilding, patterns are unlikely to change and we will continue see less than half of all peace agreements last past five years.

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[6] http://environmentalpeacebuilding.org

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