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# BANKRUPTING PEACE SPOILERS:

## WHAT ROLE FOR UN PEACEKEEPERS?

by Philippe Le Billon\*

### INTRODUCTION

Curtailing belligerents' access to weapons has been a major focus of international security actors.<sup>1</sup> Although weapons embargoes and disarmament initiatives remain important, they are difficult to implement and generally insufficient to secure long-term peace.<sup>2</sup> Curtailing belligerents' access to revenues from high-value natural resources—such as timber, minerals, and opium—provides a complementary approach to attain security, particularly when combined with resource management reforms.<sup>3</sup>

This paper focuses on the methods that United Nations (“UN”) peacekeepers employ and their capacity to help curtail belligerents' access to resource revenues.<sup>4</sup> The first part of this paper reviews the principal instruments used by the UNSC to address “conflict resources.”<sup>5</sup> The second part examines the specific use of peacekeeping forces to secure resource production areas and prevent the trafficking of conflict resources. Issues associated with the deployment of peacekeepers in efforts to curtail access to conflict resources are also discussed.

### UN INITIATIVES

UN initiatives to address the links between high-value natural resources and armed conflicts have included commodity sanctions, expert panels, and specific measures undertaken<sup>6</sup> as part of the peacemaking, peacekeeping, or peacebuilding tasks.<sup>7</sup> Among these methods, the main approach taken by the United Nations Security Council (“UNSC” or “Security Council”) to curtail belligerents' access to resource revenues has been economic sanctions.<sup>8</sup> Commodity sanctions target rebel groups by curtailing their access to resources in order to “bankrupt” peace spoilers.<sup>9</sup> Examples include the Khmer Rouge's access to logs in Cambodia;<sup>10</sup> the National Union for the Total Independence of Angola's (“*União Nacional para a Independência Total de Angola*” or “UNITA”) access to diamonds;<sup>11</sup> the Revolutionary United Front (“RUF”) access to diamonds in Sierra Leone;<sup>12</sup> the Taliban's access to opium production in Afghanistan;<sup>13</sup> and the New Forces' (“*Forces Nouvelles*”) access to diamonds in Côte d'Ivoire.<sup>14</sup> Resource-focused sanctions have also targeted the governments of Iraq<sup>15</sup> and Liberia,<sup>16</sup> for their training and funding of insurgent groups in civil wars, and Libya,<sup>17</sup> for its involvement in the Lockerbie bombing.<sup>18</sup>

With the exceptions of Cambodia, Iraq, and Libya, all these sanction regimes were associated with investigations by UN expert panels—consultants hired by the UN Secretariat to investigate war economies and “sanction-busting,” or “trading with a country with which trade has been forbidden.”<sup>19</sup> Because

the panels' reports are made public, they have been instrumental in successful “naming and shaming” campaigns.<sup>20</sup> Even though less than a handful of sanction busters were successfully prosecuted by 2006, the public reports nonetheless had the desired chilling effect.<sup>21</sup>

Although the UNSC holds the greatest potential and has so far carried the most weight in efforts to address linkages between high-value resources and armed conflicts, UN transitional authorities and specialized UN agencies have also engaged in activities related to managing conflict resources, by deploying border monitors and troops, deploying UN troops as backup for resource management officials, and providing supervision and technical assistance for economic reforms and resource management.<sup>22</sup> Furthermore, these UN entities have partnered with national authorities and international aid agencies to reform resource sectors and build local institutional capacity to peacefully manage resources in post-conflict settings.<sup>23</sup> For example, the UN Transitional Authority in Timor-Leste renegotiated the maritime boundary between Timor-Leste and Australia, the results of which had implications for petroleum exploitation.<sup>24</sup> Additionally, the UN Mission in Liberia supported the Governance and Economic Management Assistance Program (“GEMAP”).<sup>25</sup> An initiative led by the World Bank, GEMAP is a quasi-trusteeship agreement that allows direct international supervision of most of the financial operations of the Liberian government—including monitoring the administration of natural resources such as timber and mine products.<sup>26</sup> Other UN missions have had an indirect impact on resource sectors; for example, effective disarmament, demobilization, and reintegration programs often lead to employment for former soldiers who might otherwise turn to illegal resource exploitation.<sup>27</sup>

The UNSC decides whether to impose economic sanctions and dispatch UN expert panels, as well as the size and mandate of UN missions in conflict-affected countries.<sup>28</sup> Since the end of the cold war, the UNSC has theoretically had greater freedom to impose sanctions and similar measures because fewer members of the Security Council were inclined to veto such steps in order to support their allies.<sup>29</sup> However, the UNSC

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has been somewhat slow in adopting this potential in practice. Meanwhile, the importance of resources to armed groups has grown rapidly since the late 1980s, as belligerents turned to natural resources to replace external political sponsorship.<sup>30</sup> For most of the 1990s, the UNSC made increasing use of arms sanctions, negotiated settlements, and regional or UN peacekeeping missions, but rarely placed commodity sanctions.<sup>31</sup> Although arms sanctions may be more effective than commodity sanctions, and may therefore continue to be the principal sanction strategy, the two approaches can be combined to resolve conflicts.<sup>32</sup>

Although the UNSC began implementing commodity sanctions in the late 1980s, it has only done so in approximately one-third of the conflicts involving resources between 1989 and 2006.<sup>33</sup> Furthermore, most of these sanctions have been imposed after the late 1990s, nearly a decade after resources came to play a major role in belligerents' finances.<sup>34</sup> When the use of commodity sanctions finally increased, it was given a further boost by a more proactive use of sanction committees and expert panels.<sup>35</sup> Because of broader engagement on the part of nongovernmental organizations ("NGOs"), conflict analysts, and resource industries, sanctions are now better targeted, monitored, and enforced, and their humanitarian impact is more carefully considered.<sup>36</sup> The UNSC has even recently bolstered the authority and capacity of UN peacekeeping missions to more directly intervene in the control of resource sectors, most notably in the case of the Democratic Republic of the Congo ("DRC").<sup>37</sup>

### UN PEACEKEEPING MISSIONS AND CONFLICT RESOURCES

UN peacekeeping operations have been established in at least eight countries where conflict resources contributed to prolonging hostilities. This section briefly reviews the mandates, specific measures, and effectiveness in each case building on the three main cases: Sierra Leone, Liberia and the DRC.

#### SIERRA LEONE

Despite UN hesitation, the UN Assistance Mission in Sierra Leone ("UNAMSIL") used peacekeeping forces to regulate the diamond sector during the last stages of its 1999-2005 operation.<sup>38</sup> Before that point, peacekeeping forces had intervened in an ad hoc fashion to prevent the escalation of resource-related conflicts.<sup>39</sup> This ad hoc intervention was based on UNAMSIL's fear of overstepping its mandate,<sup>40</sup> antagonizing local interest groups, exposing UN troops to criminal violence, and reinforcing rumors that peacekeeping forces were involved in diamond deals.<sup>41</sup> Although some of these concerns were legitimate, reports from military observers about diamond-related armed conflicts, as well as requests for assistance from the government and from the donors who were funding diamond reforms, eventually led UNAMSIL to take on a more proactive role.<sup>42</sup> In 2003, two years after hostilities had ceased, UNAMSIL began conducting aerial surveys, deploying foot patrols, and engaging in targeted conflict-settlement interventions in the diamond sector.<sup>43</sup> Most notably, UNAMSIL also worked to prevent clashes between local youths with former RUF soldiers.<sup>44</sup> These efforts

were often undertaken jointly with the Sierra Leone Ministry of Mines, where UNAMSIL occasionally served in a supervisory capacity for the ministry.<sup>45</sup>

#### LIBERIA

The ongoing UN Mission in Liberia ("UNMIL"), established in 2003, has illustrated potential complications of using peacekeeping methods to address conflict resources. UNMIL's mandate is "to assist the transitional government in restoring proper administration of natural resources" as part of the implementation of the peace process.<sup>46</sup> Conflict resources—mostly timber, but also rubber and diamonds—had played a major role in the Liberian conflicts between 1989 and 2003.<sup>47</sup>

Because of the rapid cessation of hostilities and improving security after 2003, UNMIL did not confront extensive problems with conflict commodities.<sup>48</sup> This was a positive factor considering that UNMIL's full deployment took nine months, largely because UN member countries failed to provide the pledged troops.<sup>49</sup> Nevertheless, UNMIL was subject to criticism for failing to do more to address the problem of conflict resources.<sup>50</sup> Among its critics was Global Witness, the leading NGO in the realm of resources and armed conflicts.<sup>51</sup> In 2005, Global Witness wrote a letter to the UNSC, stating that UNMIL had failed to implement its mandate because

they have not been given the legal authority to act as independently and proactively as they need to effectively seek out and stop illegal timber or diamond operations. . . . UNMIL's ability to fulfill its mandate is further undermined by its lack of deployment in diamond and timber-rich areas, particularly along Liberia's porous border regions with Côte d'Ivoire, Guinea and Sierra Leone.<sup>52</sup>

While UNMIL did not undertake sufficient efforts to secure conflict commodities, it did create an environment and natural resources unit that worked with local and international organizations on protecting Liberia's natural resources.<sup>53</sup> Arguably, other UN agencies—such as the UN Environment Programme, the Food and Agriculture Organization, and the UN Development Programme—have a more general mandate to engage in environmental protection and resource management, but the creation of the environment and natural resources unit was in line with UNMIL's quasi-trusteeship functions during the transition period from 2003 to 2005.<sup>54</sup>

UNMIL did carry out some aerial reconnaissance to monitor mining, along with occasional, but rare, ground patrols.<sup>55</sup> On some occasions, UNMIL also deployed troops in resource-rich areas—for example, to remove artisanal diamond miners operating illegally within an oil palm plantation;<sup>56</sup> to close a large artisanal diamond mining site that had been identified by an expert panel but had not been shut down by the transitional government—allegedly, diamonds were being stockpiled at the site while the owners waited for sanctions to be lifted;<sup>57</sup> and to protect the interests of a U.S. diamond company and "restore calm and order" after demonstrations at a Firestone rubber concession in 2007.<sup>58</sup> Some troop deployments have sparked controversy.

In particular, Liberian mining interests and company employees have accused UNMIL of protecting the interests of foreign companies over those of local populations.<sup>59</sup> Such accusations demonstrate that UN peacekeeping activities in resource sectors can generate new conflicts, and should therefore be considered from a political perspective instead of being narrowly conceived as a law-and-order measure.

#### DEMOCRATIC REPUBLIC OF THE CONGO (“DRC”)

The UNSC has implemented an array of peacekeeping tools to address conflict resources during the UN mission in the Democratic Republic of the Congo (“*Mission de l’Organisation des Nations Unies en République Démocratique du Congo*,” or “MONUC”). Mineral resources have historically financed both local and foreign-armed groups especially in the eastern part of the country during the first civil war between 1996 to 1997, the second war from 1998 to 2003, as well as during the aftermath of the second war.<sup>60</sup> Although the UN has used expert panel investigations and public reporting to address this issue, it did not impose sanctions on conflict resources in the DRC until 2008.<sup>61</sup>

In December 2008, through Resolution 1856, the Security Council gave MONUC a mandate to “coordinate operations with the [Armed Forces of the Democratic Republic of the Congo (“FARDC”) to prevent] the provision of support to illegal armed groups, including support derived from illicit economic activities.”<sup>62</sup> Resolution 1856 also gave MONUC the authority to “use its monitoring and inspection capacities to curtail the provision of support to illegal armed groups derived from illicit trade in natural resources.”<sup>63</sup> In Resolution 1857, the UNSC extended the list of individuals and companies subject to travel sanctions, financial sanctions, or both, to “individuals or entities supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources,” sending a strong signal to companies involved in trading conflict resources.<sup>64</sup> Despite its broad authority, however, MONUC faced challenges implementing Resolution 1856. These challenges included the fact that MONUC troops’ lacked autonomous authority to intervene without the FARDC, and accusations of human rights abuses and resource trafficking by the FARDC.<sup>65</sup>

**Table 1.** Control of Conflict Resources by UN Peacekeeping Missions, 1988–2009<sup>92</sup>

Mission	General mandate and conflict resources related measures	Outcomes
<b>Afghanistan:</b> UNAMA <sup>h</sup> (2002–present)	Assistance. Counternarcotics operations	Policy coordination and technical cooperation; no military component.
<b>Angola:</b> UNAVEM <sup>a</sup> (1988–1997); MONUA <sup>b</sup> (1997–1999)	Observation. Ban on noncertified diamond exports	The mission had very limited effectiveness, but the ban was effective—partly because of military pressure on UNITA from the Angolan government, and partly because the governments in Kinshasa and Brazzaville, which had provided conduits for UNITA’s diamond smuggling, were toppled; peacekeepers provided some assistance to UN expert panels.
<b>Cambodia:</b> UNTAC <sup>c</sup> (1992–1993)	Transitional authority. Ban on logging exports (sawn timber exempt)	Limited effectiveness because the ban was not implemented for long enough, and there was no UN enforcement of the ban in Khmer Rouge areas along the Thai border; the UN mission provided some assistance as a transitional authority in the area of environmental and resource management.
<b>Côte d’Ivoire:</b> MINUCI <sup>j</sup> (2003–2004), UNOCI <sup>k</sup> (2004–present)	Assistance. Ban on all diamond exports	Embargo-monitoring unit; no mandate to address key resource sectors (e.g., cocoa) from which rebels obtain financing.
<b>Croatia:</b> UNTAES <sup>d</sup> (1996–1998)	Transitional authority. Border monitoring	Limited support for local police forces.
<b>DRC:</b> MONUC <sup>f</sup> (1999–2010), MONUSCO <sup>g</sup> (2010–present)	Assistance. Curtailing financing of illegal groups	Monitoring, border control at airports, some military assistance to Congolese army to curtail armed groups’ access to natural resources.
<b>Liberia:</b> UNMIL <sup>i</sup> (2003–present)	Assistance. Ban on timber and all diamond exports	Limited assistance in key areas; UNMIL also maintains an Environment and Natural Resources Unit, which assists UN expert panels.
<b>Sierra Leone:</b> UNAMSIL <sup>e</sup> (1999–2005)	Assistance. Ban on noncertified diamond exports	Peacekeepers provided some assistance with monitoring and conflict resolution in the diamond sector.

*Notes:*

a. UN Angola Verification Missions; b. UN Observer Mission in Angola; c. UN Transitional Authority in Cambodia; d. UN Transitional Administration in Eastern Slavonia, Baranja, and Western Sirmium; e. UN Assistance Mission in Sierra Leone; f. UN Mission in the Democratic Republic of the Congo (*Mission de l’Organisation des Nations Unies en République Démocratique du Congo*); g. UN Stabilization Mission in the Democratic Republic of the Congo (*Mission de l’Organisation des Nations Unies pour la stabilisation en République Démocratique du Congo*); h. UN Assistance Mission in Afghanistan; i. UN Mission in Liberia ; j. UN Mission in Côte d’Ivoire ; k. UN Operation in Côte d’Ivoire.

## DISCUSSION

As an international military force deployed to “keep the peace,” UN peacekeeping operations—and, more broadly, non-UN peacekeeping forces, such as regional peacekeeping forces—have a unique ability to help sever links between resources and peace spoilers. Although peacekeepers could theoretically be deployed to control diamond mining, logging, or drug trafficking operations that finance armed groups, the governments that are mandating peacekeeping operations—through the UNSC, for example—are often reluctant to assign peacekeepers such roles.<sup>66</sup>

When deciding whether to deploy UN troops for combat operations intended to curtail rebel access to resources a number of considerations must be addressed, including the direct intervention’s legality, the intervention’s affect on relations between the UN mission, the host government, and local populations, and the peacekeeping missions capacity to intervene successfully.<sup>67</sup>

Legally, local authorities have the right to prohibit unilateral UN troop deployment, unless the country is under a UN trusteeship mandate whereby sovereign authority is vested in a UN administrative body.<sup>68</sup> Moreover, because many missions are carried out under Chapter VI of the UN Charter, which addresses pacific settlement of disputes, rather than Chapter VII, which addresses forceful settlement of disputes, peacekeeping missions are prevented from engaging in any “offensive” combat role, such as taking control of resource production areas.<sup>69</sup> Out of the half-dozen peacekeeping missions established since 1989 in response to commodity-financed conflicts, only one—MONUC—has been specifically mandated to address the financing of illegal groups by illicit economic activities.<sup>70</sup> That lone example included military support to DRC government troops.<sup>71</sup> In recent years, the UN Head of Mission and the UN Mission Chief of Staff, as well as individual UN-mandated military contingents have used their “room for maneuver” to investigate, report on, or stop illegal resource trade and management practices.<sup>72</sup> Despite this trend, decision makers within UN missions have generally been wary of overstepping their mandate, overextending or diverting resources, alienating economic or political stakeholders, or putting both peacekeepers and civilians at risk by interfering with the economic interests of criminals and armed groups.<sup>73</sup>

Sovereignty issues, including sovereignty over resources, have also discouraged those governments sending and receiving resources from assigning UN peacekeepers an active role in preventing conflict resources from funding peace spoilers.<sup>74</sup> The economic interests of governments and companies may conflict either because a company and a host government are competing producers, or because a sending government also happens to be the home government of investors.<sup>75</sup> Therefore, if peacekeepers are directly involved in conflict resources issue, there may be allegations that the peacekeepers are serving the interests of their home countries—specifically by protecting those countries’ access to resources.<sup>76</sup> Although the U.S. invasion of Iraq was not a “peacekeeping” mission, the non-UN mandated and U.S.-led “coalition of the willing” was the subject of such allegations.<sup>77</sup> On the other hand, shared economic interests could create an

incentive for granting peacekeeping missions broader mandates and thereby increasing their effectiveness.

Military capacity must also be considered when deciding whether to deploy UN troops to protect resources from peace spoilers. Most governments provide troops to UN missions on the assumption that the risk of casualties is very low.<sup>78</sup> In addition, the military capacity of most UN contingents is usually limited, especially for offensive combat operations.<sup>79</sup> Many governments that send troops to UN peacekeeping missions view resource control not only as a high-risk option, but as a distraction from or counterproductive to peacekeepers’ principal political and humanitarian mandates.<sup>80</sup> “Robust” peacekeeping—entailing combat operations in mining or logging areas, for example—is thus unlikely, in part because of the risk of casualties among both civilians and UN troops.<sup>81</sup> Nevertheless, in some cases, the deployment of UN troops in resource areas has been viewed as a necessity.<sup>82</sup> Where such efforts have been undertaken, however, they have occasionally met with determined resistance from armed groups, and the resource-rich areas have often been the last ones to come under UN control.<sup>83</sup>

At the mission level, operational staffs, both at headquarters and on the ground, recognize the importance of curtailing peace spoilers’ access to high-value resources, but they are also aware of the difficulties associated with intervention. Mission staff often report on the role of resources in local skirmishes, not only between armed groups, but also between rival government security agencies, private militias, and criminal gangs.<sup>84</sup> This low-level violence rarely receives political attention, but political affairs officers in UN missions have nevertheless warned of the potential for escalation.<sup>85</sup> They have also noted the broader implications of resource revenues for relations within and between armed groups.<sup>86</sup> Such issues have also received greater consideration because UN intelligence efforts have been boosted by Joint Mission Analysis Cells, which are charged with assessing the overall political and security situations of UN missions and reporting to the Special Representatives of the UN Secretary General that head the missions.<sup>87</sup>

After addressing these considerations, the UN intervention would proceed if it will likely make a substantial contribution to a speedier end to the conflict, without creating harmful consequences in the future, for example loss of livelihood or abuse by rebel groups. When armed groups’ access to conflict resources is curtailed, they sometimes turn on the local populations, either to obtain funding or simply for revenge—events for which the UN would bear some responsibility.<sup>88</sup> Furthermore, analysis reveals that rebel groups operating in resource-rich environments tend to commit worse abuses against civilians.<sup>89</sup> This behavior appears to be associated with a membership pool of “consumers” rather than “investors”—that is, combatants who are drawn to the rebellion by short-term, opportunistic economic objectives rather than by long-term political objectives.<sup>90</sup> In the short term, UN military interventions in resource sectors may risk exacerbating abuses by rebels against civilian populations. But in the long term, such interventions may not only reduce the funding and operating capacity of rebel groups, but may also

help focus rebel movements on political objectives, and therefore on negotiations, rather than on survival and profiteering.<sup>91</sup>

## CONCLUSION

Peacekeeping forces can play a role in curtailing peace spoilers' access to resource revenues. Yet, the evidence reviewed for this paper suggests that peacekeeping missions have so far gained limited direct experience in seeking to achieve this goal. Such interventions must be carefully considered from legal, humanitarian, political and economic standpoints before

being carried out, preceded by careful operational planning, and conducted by adequately trained, equipped, and disciplined international forces so that the risks of human rights abuses, military failure and corruption are minimized. Additionally, any collaboration between peacekeepers with local forces should be come under stringent guidelines and monitoring. Short of engaging in interdiction, peacekeepers do have the potential to help collect information on resource sectors, remove peace spoilers from important resource extraction areas, and back up police efforts to arrest illicit traders.



# Endnotes: Bankrupting Peace Spoilers: What Role for UN Peacekeepers?

<sup>1</sup> *Tracing Small Arms is Key to Reducing Violence, Says the UN General Secretary*, UNITED NATIONS OFFICE ON DRUGS AND CRIME (2011), <http://www.unodc.org/southerncone/en/frontpage/2011/04/26-rastreamento-de-armas-leves-e-estrategico-para-reducao-da-violencia-afirma-secretario-geral-da-onu.html>.

<sup>2</sup> PETER WALLENSTEIN ET AL., UNITED NATIONS, THE STOCKHOLM PROCESS 105 (2003).

<sup>3</sup> NORWEGIAN MINISTRY OF FOREIGN AFFAIRS, CURTAILING CONFLICT BY BLOCKING BELLIGERENTS' EXPORTS OF NATURAL RESOURCES TO LEGAL MARKETS 7 (2006), [http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1643\(2005\)](http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1643(2005)).

<sup>4</sup> In resource-rich areas, a higher incidence of abuses against civilians may also be linked to low dependence on local populations for sustenance; this is in contrast to rebellions that operate in resource-poor areas or that lack access to external sponsors. INGRID SAMSET, RALPH BUNCHE INSTITUTE FOR INT'L STUDIES, NATURAL RESOURCE WEALTH, CONFLICT AND PEACEBUILDING 3 (2009), <http://www.cmi.no/publications/file/3283-natural-resource-wealth-conflict.pdf>.

<sup>5</sup> Conflict resources are defined as "natural resources whose systematic exploitation and trade in a context of conflict contribute to, benefit from or result in the commission of serious violations of human rights, violations of international humanitarian law or violations amounting to crimes under international law." See *Conflict*, Global Witness, <http://www.globalwitness.org/campaigns/conflict> (last visited Nov. 2 2011).

<sup>6</sup> See *Update Report No. 2 Natural Resources and Conflict*, SEC. COUNCIL REPORT (June 20, 2007), [http://www.securitycouncilreport.org/site/c.gKWLLeMTIsG/b.2822787/k.CEE6/Update\\_Report\\_No\\_2BRNatural\\_Resources\\_and\\_ConflictBR20\\_June\\_2007.htm](http://www.securitycouncilreport.org/site/c.gKWLLeMTIsG/b.2822787/k.CEE6/Update_Report_No_2BRNatural_Resources_and_ConflictBR20_June_2007.htm).

<sup>7</sup> The UN has also supported other initiatives to address the links between high-value natural resources and armed conflicts, through resolutions; for example, the Kimberley Process Certification Scheme, passed in the UNSC and General Assembly, which is designed to stem the trade in conflict diamonds, is seeking strengthened standards of corporate practices among extractive companies operating in conflict zones through the work of UN Special Representative John Ruggie and the Guiding Principles on Business and Human Rights. See Rep. of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, U.N. Doc. A/HRC/17/31 (Mar. 21, 2011), <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>.

<sup>8</sup> See *Update Report No. 2 Natural Resources and Conflict*, SEC. COUNCIL REPORT (June 20, 2007), [http://www.securitycouncilreport.org/site/c.gKWLLeMTIsG/b.2822787/k.CEE6/Update\\_Report\\_No\\_2BRNatural\\_Resources\\_and\\_ConflictBR20\\_June\\_2007.htm](http://www.securitycouncilreport.org/site/c.gKWLLeMTIsG/b.2822787/k.CEE6/Update_Report_No_2BRNatural_Resources_and_ConflictBR20_June_2007.htm).

<sup>9</sup> Philippe Le Billon & Eric Nicholas, *Ending 'Resource Wars': Revenue Sharing, Economic Sanction or Military Intervention?*, 14 INT'L PEACEKEEPING 613, 617 (2007), [http://www.relooney.info/0\\_New\\_8467.pdf](http://www.relooney.info/0_New_8467.pdf).

<sup>10</sup> *Id.* at 621.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 624.

<sup>15</sup> S.C. Res. 661, § 3(c), U.N. Doc. S/RES/661 (Aug. 6, 1990) (sanctioning all commodities from Iraq).

<sup>16</sup> S.C. Res. 1478, § 17(a), U.N. Doc. S/RES/1478 (2003) (sanctioning timber products originating in Liberia)

<sup>17</sup> S.C. Res. 883, § 17(a), U.N. Doc. S/RES/883 (1993) (freezing funds and financial resources that contribute to Libya's publicly owned oil).

<sup>18</sup> PHILIPPE LE BILLON, NATURAL RESOURCES, ARMED CONFLICTS, AND THE UN SECURITY COUNCIL 2 (2007), [http://www.ligi.ubc.ca/sites/liu/files/Publications/30May2007\\_Natural\\_Resources\\_Armed\\_Conflicts\\_UNSC07-001.pdf](http://www.ligi.ubc.ca/sites/liu/files/Publications/30May2007_Natural_Resources_Armed_Conflicts_UNSC07-001.pdf).

<sup>19</sup> *Id.* at 2. See *Sanction-Busting Definition*, Merriam-Webster Dictionary, <http://dictionary.cambridge.org/dictionary/british/sanctions-busting> (last visited Dec. 15, 2011).

<sup>20</sup> *Id.* at 2.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> UNA-CANADA, IS PEACE IN THE WORLD A UTOPIAN DREAM? THE ROLE OF THE UNITED NATIONS (2011), <http://www.unac.org/peacecp/factsheet/role.html> (last visited Dec. 2, 2011) (stating that the Food and Agriculture Organization, the UN Environment Programme, and the UN Development Programme are among the UN agencies involved in efforts to reform resource sectors and build local institutional capacity in post-conflict settings).

<sup>24</sup> See Clive Schofield, *A "Fair Go" for East Timor? Sharing the Resources of the Timor Sea*, 27 CONTEMPORARY SE. ASIA 255, 269 (2005).

<sup>25</sup> RENATA DWAN & LAURA BAILEY, LIBERIA'S GOVERNANCE AND ECONOMIC MANAGEMENT ASSISTANCE PROGRAMME 6 (2006), <http://siteresources.worldbank.org/INTLICUS/Resources/DPKOWBGEMAPPFINAL.pdf>.

<sup>26</sup> *Id.* at 8, 16-18.

<sup>27</sup> Second International Conference on DDR and Stability in Africa Kinshasa, Democratic Republic of Congo, June 12-14, 2007, *DDR and Transitional Justice*, <http://www.un.org/africa/osaa/speeches/ddr%20and%20tj%20in%20africa%20-%20english.pdf>.

<sup>28</sup> *Role of the Security Council*, UNITED NATIONS PEACEKEEPING, <http://www.un.org/en/peacekeeping/operations/role.sc.shtml> (last visited Nov. 21, 2011).

<sup>29</sup> JOHN STREMLAU, CARNEGIE CORP. OF NEW YORK, SHARPENING INTERNATIONAL SANCTIONS: TOWARD A STRONGER ROLE FOR THE UNITED NATIONS 8-9 (1996), <http://carnegie.org/fileadmin/Media/Publications/PDF/Sharpening%20International%20Sanctions%20Toward%20a%20Stronger%20Role%20for%20the%20United%20Nations.pdf>.

<sup>30</sup> See generally Phillip Le Billon, *The political ecology of war: natural resources and armed conflicts*, 20 POLITICAL GEOGRAPHY, 561 (2001).

<sup>31</sup> STREMLAU, *supra* note 29, at 9.

<sup>32</sup> PETER WALLENSTEIN ET AL., SANCTIONS FOR CONFLICT PREVENTION AND PEACE BUILDING: LESSONS LEARNED FROM COTE D'IVOIRE AND LIBERIA 8, 17 (2006).

<sup>33</sup> Le Billon, *supra* note 18, at 2.

<sup>34</sup> *Id.* at 5.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 2-3.

- <sup>37</sup> *The UN Organization Stabilization Mission in the Democratic Republic of Congo*, UN PEACEKEEPING, <http://www.betterworldcampaign.org/un-peacekeeping/missions/democratic-republic-of-congo.html> (last visited Nov. 21, 2011).
- <sup>38</sup> PHILIPPE LE BILLON, CTR. ON INT'L COOPERATION & POLITICAL ECON. RESEARCH INST., *RESOURCES FOR PEACE? MANAGING REVENUES FROM EXTRACTIVE INDUSTRIES IN POST-CONFLICT ENVIRONMENTS 3* (2008), [http://www.peri.umass.edu/fileadmin/pdf/working\\_papers/working\\_papers\\_151-200/WP167.pdf](http://www.peri.umass.edu/fileadmin/pdf/working_papers/working_papers_151-200/WP167.pdf).
- <sup>39</sup> Peacekeepers intervened, for example, in the clashes between local youths and demobilized rebel soldiers during the 2001 diamond rush in Koidu, Sierra Leone's diamond capital. Le Billon, *supra* note 38 at 3-4.
- <sup>40</sup> This reluctance was despite the fact that the mandate included coordinating with, and assisting, Sierra Leonean law enforcement in the discharge of its responsibilities. *Sierra Leone UNAMSIL Mandate*, UNAMSIL, <http://www.un.org/en/peacekeeping/missions/past/unamsil/mandate.html> (last visited Nov. 21, 2011).
- <sup>41</sup> Le Billon, *supra* note 38, at 3.
- <sup>42</sup> *Id.*
- <sup>43</sup> *Id.* at 3-4.
- <sup>44</sup> *Id.*
- <sup>45</sup> See generally Sarah Meek, *Policing Sierra Leone*, in *SIERRA LEONE: BUILDING THE ROAD TO RECOVERY 105-16* (Institute of Security Studies ed., 2003).
- <sup>46</sup> S.C. Res. 1509, § 3(r), U.N. Doc. S/RES/1509 (Sep. 19, 2003).
- <sup>47</sup> U.N. S.C. Rep. of the Panel of Experts Pursuant to Paragraph 25 of the Security Council Resolution 1478 (2003) Concerning Liberia, ¶¶ 26-34, U.N. Doc. S/2003/779 (Aug. 7, 2003).
- <sup>48</sup> The deployment of UNAMSIL, in contrast, was delayed in part because the RUF maintained control of diamond-rich territories, notably in Kono District. PHILIPPE LE BILLON, INT'L INST. FOR STRATEGIC STUDIES, *FUELLING WAR: NATURAL RESOURCES AND ARMED CONFLICTS 34* (2005).
- <sup>49</sup> *Id.*
- <sup>50</sup> GLOBAL WITNESS, *RESOURCE CURSE OR CURE? REFORMING LIBERIA'S GOVERNANCE AND LOGGING INDUSTRY 2* (2004).
- <sup>51</sup> Philippe Le Billon, *Getting It Done: Instruments of Enforcement*, in *NATURAL RESOURCES AND VIOLENT CONFLICT: OPTIONS AND ACTIONS 215, 248* (Ian Bannon & Paul Collier, eds., 2003).
- <sup>52</sup> GLOBAL WITNESS, *OPEN LETTER TO THE UN SECURITY COUNCIL, REGARDING CONFLICT RESOURCES AND PEACEKEEPING IN LIBERIA AND THE DEMOCRATIC REPUBLIC OF CONGO (DRC)* (2005), <http://www.globalwitness.org/sites/default/files/import/Open%20letter%20to%20Security%20Council.doc>.
- <sup>53</sup> The unit has also helped the mission to minimize the environmental impact of peacekeeping operations and has conducted an environmental baseline survey, among other activities. See Environment and Natural Resources Unit, UNITED NATIONS MISSION IN LIBERIA (2004), <http://unmil.org/2content.asp?sub=31&main=20&pgt=2>.
- <sup>54</sup> See U.N. S.C. Rep. of the Panel of Experts Pursuant to Paragraph 2 of Security Council Resolution 1549 (2004) Concerning Liberia, ¶ 9, U.N. Doc. S/2004/955 (Dec. 6, 2004), <http://allafrica.com/download/resource/main/main/idates/00010356:c529cbb6086a1044e994d0d48ca07ea5.pdf>.
- <sup>55</sup> *Id.* at ¶¶ 98 - 102.
- <sup>56</sup> Andreu Solà-Martin, *Liberia: security challenges, development fundamentals* 32 *THIRD WORLD QUARTERLY* 1217, 1222 (2011).
- <sup>57</sup> UN sanctions were imposed on diamond exports from 2001 to 2007, and on timber exports from 2003 to 2006. See S.C. Rep., *supra* note 54, at ¶¶ 24, 97; ROBERT POWELL & MOHAMED YAHYA, INT'L ALERT, *THE CURRENT STATE OF DIAMOND MINING IN THE MANO RIVER REGION AND THE USE OF DIAMONDS AS A TOOL FOR PEACE BUILDING AND DEVELOPMENT 10, 26-27, 31* (2006).
- <sup>58</sup> UNMIL Statement, *UNMIL deploys extra security in Firestone Rubber Plantation and urges restraint*, UNITED NATIONS MISSION IN LIBERIA (Dec. 7, 2007), <http://unmil.org/larticle.asp?id=2570&zdoc=1>.
- <sup>59</sup> *Africa Update*, SAPA-AFP (Apr. 19, 2007), <http://www.minesandcommunities.org/article.php?a=115>.
- <sup>60</sup> See S.C. Res. 1279, U.N. Doc. S/RES/1279 (Nov. 30, 1999).
- <sup>61</sup> The DRC is part of the Kimberley Process Certification Scheme; thus, its official exports ought to exclude diamonds that come from rebel-controlled areas. DAVID CORTRIGHT & GEORGE A. LÓPEZ, INTERNATIONAL PEACE ACADEMY, *SANCTIONS AND THE SEARCH FOR SECURITY: CHALLENGES TO UN ACTION 189* (2002).
- <sup>62</sup> S.C. Res. 1856, U.N. Doc. S/RES/1856, at 4 (Dec. 22, 2008), <http://www.undemocracy.com/S-RES-1856%282008%29.pdf>.
- <sup>63</sup> *Id.* at 5.
- <sup>64</sup> See S.C. Res. 1857, U.N. Doc. S/RES/1857 (2008); S.C. Res. 1807, U.N. Doc. S/RES/1804 (2008); U.N. S.C. Rep. of the Panel of Experts on Liberia Submitted Pursuant to Paragraph 4 of Security Council Resolution 1854 (2008) ¶ 2, U.N. Doc. S/2009/290 (2009).
- <sup>65</sup> GLOBAL WITNESS, *FACED WITH A GUN, WHAT CAN YOU DO? WAR AND THE MILITARIZATION OF MINING IN EASTERN CONGO 25-26* (2009).
- <sup>66</sup> See Le Billon, *supra* note 18 at 2-3.
- <sup>67</sup> Some regional and UN peacekeeping units have allegedly been involved in resource trafficking; thus, there is the additional risk that, through closer involvement with conflict resources, UN personnel will become embroiled in corruption. Matthias Basanisi, Op-Ed., *Who Will Watch the Peacekeepers?*, N.Y. TIMES (May 23, 2008), <http://www.nytimes.com/2008/05/23/opinion/23basanisi.html>.
- <sup>68</sup> See generally PHILIPPE LE BILLON, CENTER ON INT'L COOPERATION, *RESOURCES FOR PEACE? MANAGING REVENUES FROM EXTRACTIVE INDUSTRIES IN POST-CONFLICT ENVIRONMENTS 3* (2008).
- <sup>69</sup> U.N. Charter art. 33, para. 1.
- <sup>70</sup> S.C. Res., *supra* note 62, at 4.
- <sup>71</sup> *Id.*
- <sup>72</sup> See, e.g., United Nations, *Liberia: Development challenges top agenda as the nation recovers from years of civil strife*, <http://www.un.org/events/tenstories/06/story.asp?storyID=2100> (last visited, Dec. 4, 2011).
- <sup>73</sup> See, e.g., Le Billon, *supra* note 38 at 3.
- <sup>74</sup> Given the wide variations in the behavior of individual missions or elements within those missions, the review provided in this chapter is only preliminary; a systematic assessment of the involvement of UN missions in resource sectors could contribute to more effective future peacekeeping operations. CORENE CROSSIN ET AL., *WHERE DID IT COME FROM? COMMODITY TRACKING SYSTEMS, IN NATURAL RESOURCES AND VIOLENT CONFLICTS: OPTIONS AND ACTIONS 97, 125* (Ian Bannon & Paul Collier eds., 2003).
- <sup>75</sup> See IAN SMILLIE, *VERIFOR CASE STUDY — THE KIMBERLEY PROCESS FOR DIAMONDS 2* (2005) (showing that Russia was initially very reluctant to support and participate in the Kimberley Process Certification Scheme because it viewed transparency about production volume and diamond prices as an infringement on its sovereignty and commercial interests).
- <sup>76</sup> Le Billon, *supra* note 68, at 10.
- <sup>77</sup> GREG MUTTITT, *CRUDE DESIGNS: THE RIP-OFF OF IRAQ'S OIL WEALTH 7* (2005).
- <sup>78</sup> James Burk, *Public Support for Peacekeeping in Lebanon and Somalia: Assessing the Casualties Hypothesis*, 114 *Pol. Sci. Q.* 53, 54 (1999).
- <sup>79</sup> DAVID CORTRIGHT & GEORGE A. LÓPEZ, *supra* note 61, at 156.
- <sup>80</sup> Le Billon, *supra* note 68, at 9.
- <sup>81</sup> Most accusations of resource appropriation have been made under the following circumstances: when mining was being undertaken by mercenary companies, as was the case with the South African mercenary group Executive Outcomes, in the mid-1990s; when neighboring countries have conducted military interventions, as both Uganda and Rwanda did during the late 1990s, in the former Zaire/DRC; and when non-UN-mandated foreign military interventions have been conducted, as was the case with the United States in Colombia and Iraq. Concerns about resource appropriation may be valid for UN-mandated peacekeeping contributors with large mining investments. In the case of the DRC, relative stability in the most significant mining areas, especially in Katanga, may have contributed to the neglect of "local" violence, most of which was concentrated in the eastern part of the country and affected artisanal mining. As long as key mining projects were not under threat, the country was considered "at peace." See Le Billon, *supra* note 51, at 26, 34, 83; Séverine Autesserre, *Local Violence, National Peace? Postwar "Settlement" in the Eastern D. R. Congo (2003-2006)*, 49 *AFR. STUD. REV.* 1, 5 (2006).
- <sup>82</sup> Potential alternatives include targeted interventions at key sites, and backing for judicial procedures against traders involved in conflict-resource trafficking. Le Billon, *supra* note 68, at 10-11.
- <sup>83</sup> For example, Jean-Marie Guéhenno, Special Representative of the Secretary General for Peacekeeping Operations, has stressed that peacekeeping deployment should take mining areas into account, a consideration that he considered particularly important in the case of the DRC (UNSC 2007). U.N. Env't Programme [UNEP], *From Conflict to Peacebuilding: The Role of Natural Resources and the Environment* at 8, DEP/1079/GE (Feb., 2009).

<sup>84</sup> See Michael Ross, *The Natural Resource Curse: How Wealth Can Make You Poor*, in NATURAL RESOURCES AND VIOLENT CONFLICTS: OPTIONS AND ACTIONS 17, 24-32, 233-34, 243 (Ian Bannon & Paul Collier eds., 2003).

<sup>85</sup> *Id.*

<sup>86</sup> See, e.g., S.C. Res. 1643, ¶ 9, U.N. Doc. S/RES/1643 (Dec. 15, 2005).

<sup>87</sup> U.N. S.C. Rep. of the Secretary-General on inter-mission cooperation and possible cross-border operations between the United Nations Mission in Sierra Leone, the United Nations Mission in Liberia and the United Nations Operation in Côte d'Ivoire, ¶ 11, U.N. Doc. S/2005/135 (Mar. 2, 2005).

<sup>88</sup> JEREMY M. WEINSTEIN, INSIDE REBELLION: THE POLITICS OF INSURGENT VIOLENCE 347 (2007).

<sup>89</sup> *Id.*

<sup>90</sup> This was the case, for example, in Sierra Leone, where the RUF maintained control of the Kono diamond mines. Resources are not the only consideration, however. In Angola, UNITA units moved from diamond-rich areas to the homeland of its leader—a choice that was criticized from within the movement. WEINSTEIN, *supra* note 87 at 9.

<sup>91</sup> *Id.* at 347.

<sup>92</sup> See generally Macartan Humphreys, Natural Resources, Conflict, and Conflict Resolution: Uncovering the Mechanisms, 49 J. OF CONFLICT RESOL., No.4 508 (2005), [http://www.columbia.edu/~mh2245/papers1/MH8JCR05\\_paper.pdf](http://www.columbia.edu/~mh2245/papers1/MH8JCR05_paper.pdf).

## Endnotes: THE REAL COST OF CHINA'S RARE EARTH EXPORT QUOTAS ON AMERICAN JOB SECURITY

*continued from page 18*

<sup>1</sup> See, e.g., *Regulatory Impediments to Job Creation: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 112th Cong. (2011).

<sup>2</sup> Currency Exchange Rate Oversight Reform Act of 2011, S. 1619, 112th Cong. (2011) (proposing to identify and correct misaligned currency).

<sup>3</sup> ROBERT E. SCOTT, ECON. POLICY INST., BRIEFING PAPER No. 323, GROWING U.S. TRADE DEFICIT WITH CHINA COST 2.8 MILLION JOBS BETWEEN 2001 AND 2010, at 1 (2011).

<sup>4</sup> E.g., EMILY COPPEL, AM. SEC. PROJECT, RARE EARTH METALS AND U.S. NATIONAL SECURITY 2 (2011), available at <http://americansecurityproject.org/wp-content/uploads/2011/02/Rare-Earth-Metals-and-US-Security-FINAL.pdf>.

<sup>5</sup> See MARC HUMPHRIES, CONG. RESEARCH SERV., R41347, RARE EARTH ELEMENTS: THE GLOBAL SUPPLY CHAIN 3 (2011) (explaining how the demand for rare earths is "derived" from the demand for the final products in which the minerals are used).

<sup>6</sup> See *id.* at 2; COPPEL, *supra* note 4, at 2 (stating that cheap labor and lax environmental regulations are two factors that "make it much more economical to mine and produce rare earth metals in China").

<sup>7</sup> E.g., HUMPHRIES, *supra* note 5, at 13.

<sup>8</sup> Stormy-Annika Mildner & Gitta Lauster, *Settling Trade Disputes over Natural Resources: Limitations of International Trade Law to Tackle Export Restrictions*, 3 GOETTINGEN J. INT'L L. 251, 254 (2011).

<sup>9</sup> See Joanna Bonarriva, Michelle Koscielski, & Edward Wilson, *Export Controls: An Overview of Their Use, Economic Effects, and Treatment in the Global Trading System* 6-7 (U.S. Int'l Trade Comm'n, Working Paper No. ID-23, 2009).

<sup>10</sup> See CINDY HURST, INST. FOR THE ANALYSIS OF GLOBAL SEC. [IAGS], CHINA'S RARE EARTH ELEMENTS INDUSTRY: WHAT CAN THE WEST LEARN? 24-25 (2010) (discussing China's plan to stockpile rare earth minerals ("REMs")).

<sup>11</sup> *China's Monopoly on Rare Earths: Implications for U.S. Foreign and Security Policy: Hearing Before the Subcomm. on Asia & the Pacific of the H. Comm. on Foreign Affairs*, 112th Cong. 1 (2011) [hereinafter *Hearing*] (statement of Rep. Donald A. Manzullo, Chairman, Subcomm. on Asia & the Pacific) (explaining how "the pricing uncertainty created by [China's] action threatens tens of thousands of American jobs"); see also Gao Changxin, *Rare Earth's Surging Price*, CHINA DAILY (Nov. 17, 2010, 15:13), [http://www.chinadaily.com.cn/bizchina/2010-11/17/content\\_11564412.htm](http://www.chinadaily.com.cn/bizchina/2010-11/17/content_11564412.htm) (discussing how foreign companies that open processing plants in Baotou will help "transform it from a resource base into a hightechnology center").

<sup>12</sup> Panel Report, *China – Measures Related to the Exportation of Various Raw Minerals*, WT/DS394/R (July 5, 2011).

<sup>13</sup> The General Elimination of Quantitative Restrictions provides: "No prohibitions or restrictions other than duties, taxes or other charges . . . shall be instituted or maintained by any contracting party on the . . . exportation or sale for export of any product destined for the territory of any other contracting party." General Agreement on Tariffs and Trade, Oct. 30, 1947, art. XI ¶ 1, 61 Stat. A-11, 55 U.N.T.S. 194.

<sup>14</sup> Panel Report, *China – Measures Related to the Exportation of Various Raw Minerals*, WT/DS394/R (July 5, 2011).

<sup>15</sup> Mildner & Lauster, *supra* note 8, at 272-73 (quoting *China Defends Export Restrictions*, BBC NEWS (Nov. 5, 2009), <http://news.bbc.co.uk/2/hi/business/8344053.stm>).

<sup>16</sup> See Panel Report, *China – Measures Related to the Exportation of Various Raw Minerals*, WT/DS394/R, ¶ 7.148 (July 5, 2011) (stating that even had the exceptions applied, China did not meet the requirements necessary to claim the exceptions as a defense).

<sup>17</sup> As speculated, China filed an appeal on August 31, 2011. E.g., Mary Swire, *China Appeals WTO Ruling on Raw Material Exports*, TAX-NEWS.COM (Sept. 5, 2011), [http://www.tax-news.com/news/China\\_Appeals\\_WTO\\_Ruling\\_On\\_Raw\\_Material\\_Exports\\_51268.html](http://www.tax-news.com/news/China_Appeals_WTO_Ruling_On_Raw_Material_Exports_51268.html).

<sup>18</sup> See Richard Jones, *Exclusive: Inside China's Secret Toxic Unobtainium Mine*, DAILY MAIL ONLINE (Jan. 10, 2010, 11:19 AM), <http://www.dailymail.co.uk/news/article-1241872/EXCLUSIVE-Inside-Chinas-secret-toxic-unobtainium-mine.html> (describing the lack of labor and environmental regulation at Baiyun Obo mine and reporting that China is "restricting supply to force manufacturers to bring their factories and technological secrets to China").

<sup>19</sup> See generally JUSTIN PAUL & GWENETTE CAMPBELL, U.S. ENVTL. PROT. AGENCY, DOC. No. 908R11003, INVESTIGATING RARE EARTH ELEMENT MINE DEVELOPMENT IN EPA REGION 8 AND POTENTIAL ENVIRONMENTAL IMPACTS (2011) (providing background on REMs and exploring mining potential in the United States).

<sup>20</sup> See Ariel Schwartz, *Can the U.S. Break China's Stranglehold on Rare Earth Metals?*, FAST COMPANY.COM (Aug. 16, 2011), <http://www.fastcompany.com/1773009/how-the-us-could-end-up-with-a-plentiful-cheap-supply-of-rare-earth-metals>; HUMPHRIES, *supra* note 5, at 14.

<sup>21</sup> E.g., HUMPHRIES, *supra* note 5, at 14-16.

<sup>22</sup> See, e.g., *Hearing*, *supra* note 11, at 50 (statement of Mark A. Smith, President & CEO, Molycorp, Inc.) (explaining that Molycorp's plan to expand facilities at Mountain Pass, which is often called "Project Phoenix," will cost \$781 million).

<sup>23</sup> See HUMPHRIES, *supra* note 5, at 13-15. Of the five stages in the REM supply chain—"mining, separation, refining, alloying, and manufacturing (devices and component parts)"—the U.S. is currently only capable of mining and separation. *Id.* at 13.

<sup>24</sup> See Brooke Infusino, *Molycorp Minerals LLC*, EXPLORATION PROCESSING, [http://www.exploration-processing.com/cms2/index.php?option=com\\_content&view=article&id=962:molycorp-minerals-llc&catid=130&Itemid=84](http://www.exploration-processing.com/cms2/index.php?option=com_content&view=article&id=962:molycorp-minerals-llc&catid=130&Itemid=84) (last visited Nov. 12, 2011) (reporting that Molycorp Minerals LLC's General Manager, Rocky Smith, has stated that "[r]estarting rare earth mineral mining at Molycorp could generate thousands of new jobs for all of the support businesses and as many as 900 new jobs at Molycorp Minerals").

<sup>25</sup> Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, § 1502, 124 Stat. 1376, 2213-18 (2010) (to be codified at 15 U.S.C. § 78m).

<sup>26</sup> Conflict Minerals, 75 Fed. Reg. 80,948 (Dec. 23, 2010) (to be codified at 17 C.F.R. pts. 229, 249).

<sup>27</sup> *Id.*

<sup>28</sup> See S.E. Smith, *Dirty, Dangerous and Destructive—The Elements of a Technology Boom*, GUARDIAN (Sept. 26, 2011, 9:00 EDT), <http://www.guardian.co.uk/commentisfree/2011/sep/26/rare-earth-metals-technology-boom> (explaining that the environmental damage caused by rare earth minerals occurs at two levels: (i) during the extracting, processing, and refining stages, and (ii) after consumers have discarded, rather than recycled, the products).