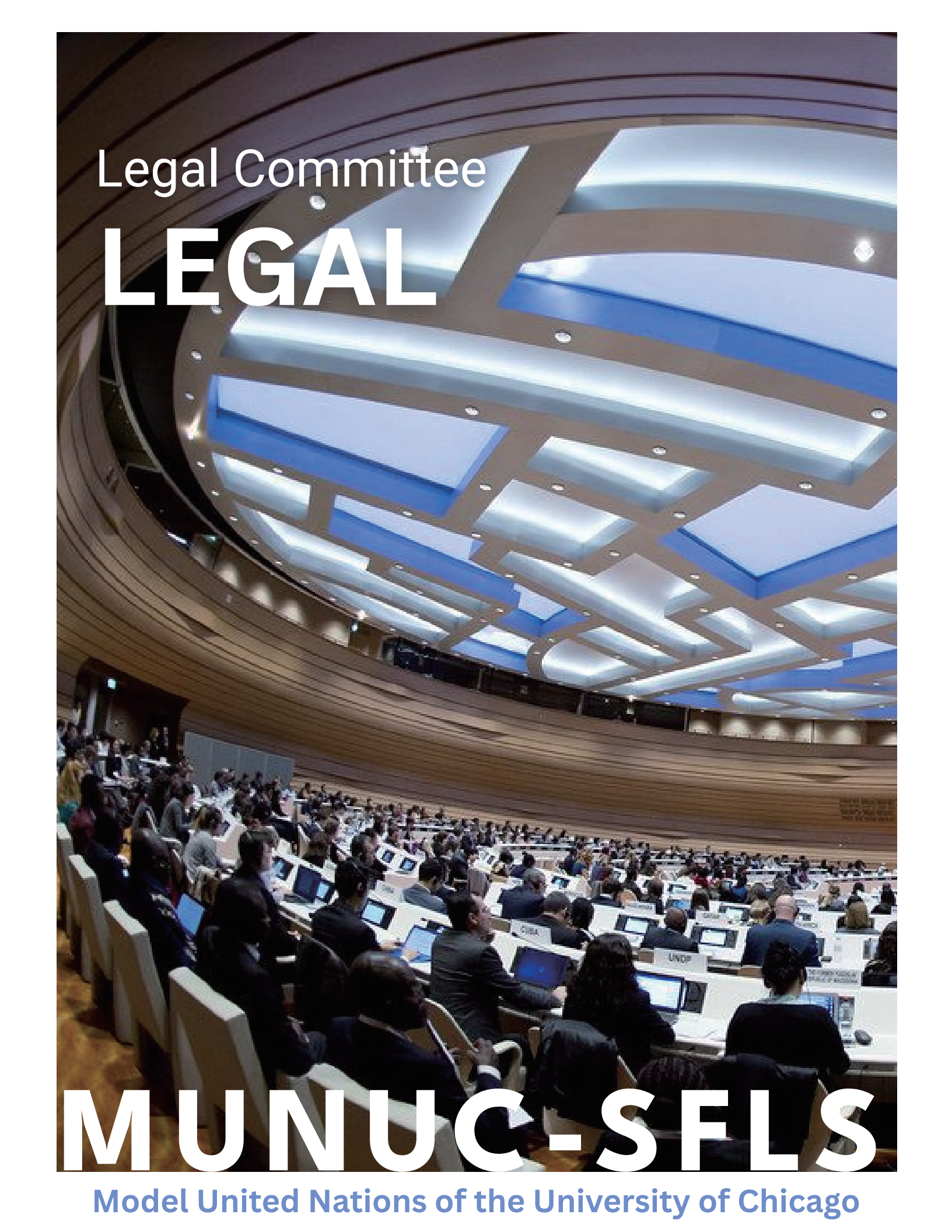


2025 MUNUC-SFLS Conference

上海外国语大学附属外国语学校
芝加哥大学国际模拟联合国大会

Legal Committee (LEGAL)





Legal Committee

LEGAL

MUNUC-SFLS

Model United Nations of the University of Chicago

HISTORY OF THE COMMITTEE

The Sixth Committee of the United Nations General Assembly, also known as the Legal Committee, is tasked with addressing issues related to international law and the codification of legal principles. Furthermore, one unique aspect of the Legal Committee is the “International Law Week”; an event where legal advisors of various member states come together in New York to discuss the International Law Commission’s report.¹ The Legal Committee’s broad mandate allows it to tackle a variety of legal issues, ensuring the rule of law is upheld in response to emerging global challenges. The responsibilities of the committee include the establishment and operation of international criminal tribunals, the legal aspects of peacekeeping operations, and legal questions of international trade and investment. Additionally, the Sixth Committee considers legal questions related to human rights, international terrorism, and the law of the sea, among others. Among the Legal Committee’s most successful accomplishments in advancing the progressive development of international law are the Vienna Convention on Diplomatic Relations (1961) and the United Nations Convention on the Law of the Sea (UNCLOS).² The Vienna Convention, which establishes the principle of diplomatic immunity, is crucial to maintaining diplomatic communications between states. UNCLOS established clear laws on former gray zones including establishing which parts of the sea are ruled by certain states, regulation of marine resources, and the creation of a council to resolve maritime disputes. While the resolutions of the committee are non-binding, they nonetheless reflect the collective legal opinion of the international community and are fundamental in setting standards for the defense of human rights and maintenance of peace.

¹ Permanent Mission of Switzerland to the United Nations, *The GA Handbook: A practical guide to the United Nations General Assembly* (New York: Permanent Mission of Switzerland to the United Nations, 2017), 80.

² Eileen Denza, “Vienna Convention on Diplomatic Relations,” accessed June 15, 2024, <https://legal.un.org/avl/ha/vcdr/vcdr.html>.

RIGHTS TO RESOURCES

Statement of the Problem

Natural Resources

There are many things that can be considered resources throughout the world, but when it comes to rights to resources, we are mainly considering **natural resources**. Natural resources, in particular, are resources that occur throughout the world that aid in both industrial needs and consumption in general.³ Furthermore, they can be separated into categories of renewable resources (such as water, wind, and sunlight) and nonrenewable resources (such as fossil fuels).⁴

It goes without saying that without natural resources, we simply could not do nearly any of the plethora of processes we see on a day-to-day basis. They are necessary for just about everything, and naturally, people need and desire them. As industrialization increases, more and more natural resources are required, but when the rate at which resources are consumed exceeds the rate at which they can be replenished, then this can create a very dire situation for the people and ecosystems that depend on these resources for themselves as well.⁵ It is situations like these that help us realize that there needs to be protections in place in order to help maintain these resources for all who need them in the long run, and this is what resource rights serve to do.

³ Peter Stearn, "Natural Resources," in *The Oxford Encyclopedia of the Modern World*, 2008, Oxford Reference.

⁴ Ibid.

⁵ Jennifer Bansard and Mika Schröder, "The Sustainable Use of Natural Resources: The Governance Challenge," International Institute for Sustainable Development, International Institute for Sustainable Development, April 15 2021,

<https://www.iisd.org/articles/deep-dive/sustainable-use-natural-resources-governance-challenge>.



A sugar cane refinery in Belle Glade, Florida.⁶

Rights To Resources

When it comes to rights to resources, they are mostly recognized within international human rights, such as how the International Covenant on Economic, Social and Cultural Rights states within article 11(2) that the human right to be free from hunger allows for the utilization of **agrarian** practices.⁷ People reserve the right to feed themselves, and so they therefore maintain a right to use the land as a resource to allow them to grow food to eat. Human rights are present within any area in which people are involved, and within that area, resource rights will also be present. We can see this as these rights relate to businesses, for in the United Nations' "Guiding Principles on Business and Human Rights," there is a heavy emphasis on advising states to enforce businesses to abide by human rights policies as they operate, and within it, they advised that states should be clear on laws pertaining to land ownership and usage so as to protect the rights of both businesses and people.⁸

⁶ Kim Seng, *Plums of Smoke from Factory*, Flickr, January 18, 2014, Image, <https://www.flickr.com/photos/32154460@N04/12004131706>.

⁷ *The Right to Land and Other Natural Resources* (Geneva, Switzerland: The Geneva Academy of International Humanitarian Law and Human Rights, 2017), 2, <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20Right%20to%20Land%20and%20Other%20Natural%20Resources.pdf>.

⁸ *Guiding Principles on Business and Human Rights* (Geneva: United Nations, 2011), https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.

It is important to understand, though, that there is no explicit right to land ownership under international human rights law, but the UN recognizes that land tends to be a prerequisite for one to actually have the ability to enjoy human rights to their full capacity, and that many human rights issues tend to involve issues with land access as well.⁹ While land is certainly not the only natural resource to focus on, it is a good example of how resource rights are viewed from a human rights perspective as a means to access these human rights. However, despite this recognition of resource rights, they are often still **infringed** upon in many ways, and this infringement shows us that there is still quite some work to be done when it comes to how resource rights are enforced and utilized.

Resource Exploitation

While it does play a role in economic growth, resource **exploitation** is known to have many negative effects on human lives, the environment, and even on relations between regions.¹⁰ One example of this is the exploitation of lithium, an element that serves as the major component in rechargeable lithium batteries utilized in many areas of technology, and is even considered a **critical mineral** by the United States.¹¹ Lithium's economic importance is apparent, and as battery technology production increases, so too does the demand for lithium, to the point where we may see the demand grow by hundreds of thousands of tons of **lithium**

⁹ *Land and Human Rights: Standards and Applications* (Geneva: United Nations, 2015), <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20Right%20to%20Land%20and%20Other%20Natural%20Resources.pdf>.

¹⁰ Richard Cronin and Amit Pandya, "Natural Resources and the Development-Environment Dilemma" In *Exploiting Natural Resources: Growth, Instability, and Conflict in the Middle East and Asia* (Washington, D.C.: The Henry L. Stimson Center, 2009), 63-81, https://web.archive.org/web/20160305015521/http://www.stimson.org/images/uploads/research-pdfs/Exploiting_Natural_Resources-Chapter_5_Cronin.pdf.

¹¹ "Lithium," Energy.gov, Office of Energy Efficiency and Renewable Energy, accessed June 29, 2024, <https://www.energy.gov/eere/geothermal/lithium>.

carbonate equivalent annually.¹² From this perspective, the economic stakes of lithium as a resource are clearly high, especially for countries like Australia, China, and Chile who are responsible for most of its production, with China being heavily responsible for lithium processing as well.¹³ However, with that production and mining comes many adverse effects, such as carbon emissions and respiratory issues, and these mining operations require large amounts of water, a lot of which can end up impacting the water supply by poisoning the reservoirs.¹⁴ When it comes to the UN-recognized human right to an adequate standard of living, which specifies health as well,¹⁵ it is clear that resource exploitation such as this can negatively impact this standard of living even years after these human rights were drafted, and it highlights the status of the resource issue at hand.



¹² Kevin Brunelli, Lilly Yejin Lee, and Tom Moerenhout, “Fact Sheet: Lithium Supply in the Energy Transition,” Center on Global Energy Policy at Columbia|SIPA, Center on Global Energy Policy at Columbia University, School of International and Public Affairs, December 20, 2023, <https://www.energypolicy.columbia.edu/publications/fact-sheet-lithium-supply-in-the-energy-transition/>.

¹³ Ibid.

¹⁴ Marco Tedesco, “The Paradox of Lithium,” State of the Planet, Columbia Climate School, January 18, 2023, <https://news.climate.columbia.edu/2023/01/18/the-paradox-of-lithium/>.

¹⁵ “Universal Declaration of Human Rights,” United Nations, accessed June 29, 2024, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

*A lithium mine in Chile.*¹⁶

There are other examples in which exploitation can be carried out by particular companies as well. Between 2013 and 2017, a time period where California had been hit by a major drought, several allegations were filed against BlueTriton (formerly known as Nestlé Waters North America) for bottling and exporting waters from a particular creek during a time where water access was already difficult for the public. The California Water Boards then led an investigation that found evidence of unauthorized water diversion, which led to a cease and desist being sent to the company in 2021, forcing them to close several of their diversion points, and required them to submit monthly reports for their continued diversion and delivery of water.¹⁷ Prior to the cease and desist, the company stated that there was a year in which they collected up to 59 million gallons of the area's water, and while most of that was eventually returned, it was still much greater than the 2.4 million gallons that the Water Board allowed BlueTriton to collect annually.¹⁸ In a time of drought where water access is key, one can see how the exploitation of such a resource can have adverse effects for the people who rely on that water source.

Another dimension to the issue arises when we once again consider the distinction between renewable and non-renewable resources. Lithium itself is a finite (non-renewable) resource and has a set amount of it on Earth,¹⁹ but expended lithium ion batteries can be recycled, and the lithium can be reused to create new batteries

¹⁶ Reinhard Jahn, *Chuquicamata-003*, Wikimedia Commons, March 1984, image, <https://commons.wikimedia.org/wiki/File:Chuquicamata-003.jpg>.

¹⁷ California Water Boards, *Fact Sheet*, (Sacramento: California Environmental Protection Agency State Water Resources Control Board, last modified October 6, 2023), https://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/complaints/docs/nestle/fact-sheet-btb.pdf.

¹⁸ Jacey Fortin, "Facing Droughts, California Challenges Nestlé Over Water Use," *The New York Times*, April 30, 2021, <https://www.nytimes.com/2021/04/29/us/nestle-water-california.html#:~:text=Critics%20of%20the%20company%20say,O'Heaney%20said>.

¹⁹ *Lithium—for Harnessing Renewable Energy* (Reston: U.S. Geological Survey, 2014), doi: 10.3133/fs20143035.

as well, but further development for these processes is ongoing.²⁰ However, the exploitation of lithium continues, and it is proposed that there may be some type of supply shortage for lithium as soon as 2030.²¹ Even water, which is considered a renewable resource, can become strained as a resource due to exploitation,²² and this could be seen in the previous example where a water source was already strained by drought and was only further strained by exploitation by Blue Triton.

Environmental Consequences

Another thing to consider when it comes to resource depletion is the impact that it has on the world's environment. **Fossil fuels** are a particular resource that, when burned, produce emissions that contribute to **global warming** as well as toxic byproducts that can damage the environment in other ways.²³ However, another key component to the issue is not just the actual use of fossil fuels, but also everything that comes before it, since the processes for extracting these fuels and transporting them tend to be destructive to the environment and personal health as well.²⁴ Oil drilling, for example, is intended to extract oil, but can also result in the release of methane gas throughout the process, which is a much more potent greenhouse gas than carbon dioxide, and even if methane is burned off, its conversion to carbon dioxide still contributes to global warming.²⁵

²⁰ "Lithium-Ion Battery Recycling," EPA, U.S. Environmental Protection Agency, last modified October 23, 2023, <https://www.epa.gov/hw/lithium-ion-battery-recycling>.

²¹ Kevin Brunelli, Lilly Yejin Lee, and Tom Moerenhout, "Fact Sheet: Lithium Supply in the Energy Transition," Center on Global Energy Policy at Columbia|SIPA, Center on Global Energy Policy at Columbia University, School of International and Public Affairs, December 20, 2023, <https://www.energypolicy.columbia.edu/publications/fact-sheet-lithium-supply-in-the-energy-transition/>.

²² "Water as a Natural Resource," WWF, World Wildlife Fund, accessed June 29, 2024, https://www.wwf.panda.org/discover/knowledge_hub/teacher_resources/webfieldtrips/water/.

²³ "The Hidden Costs of Fossil Fuels," Union of Concerned Scientists, July 15, 2008, <https://www.ucsusa.org/resources/hidden-costs-fossil-fuels>.

²⁴ Ibid.

²⁵ Ibid.

Wood is another resource that, when exploited, can lead to major environmental consequences. Commonly used in products such as paper and building materials, in the US alone the average person uses about 640 pounds of wood annually.²⁶ Not only is wood itself in high demand, but the land on which these forests reside is as well, and **deforestation** is one of the results of trying to meet these needs, which has led to a decline in biodiversity, economic issues for indigenous peoples who rely on forests as a resource, and the conversion of forests into carbon sources rather than carbon sinks as more trees are cut down.²⁷ From this, we see that not only does deforestation affect the environment, but it has ecological consequences and negative impacts on human lives.



*Logging operations at Yabbara State Forest in Australia.*²⁸

Desertification is another negative environmental effect that can stem from heavy agricultural usage of the land due to soil degradation and emptying of aquifers from the use of intense irrigation.²⁹ Powered by

²⁶“Wood Products in Everyday Life,” Forest Atlas of the United States, United States Department of Agriculture Forest Service, Accessed June 29, 2024, <https://apps.fs.usda.gov/forest-atlas/benefits-wood-products.html>.

²⁷ Mary Gagen et al. Introduction to *Forest Pathways Report 2023* (Gland: World Wildlife Fund, 2023), 5, https://files.worldwildlife.org/wwfmsprod/files/Publication/file/7nxri5veo8_WWF_Forest_Pathways_Report_2023_Web.pdf?_ga=2.261507021.1162869806.1718232816-161163582.1718232815.

²⁸Harley Kingston, *Managed Destruction*, Flickr, January 22, 2010, image, https://www.flickr.com/photos/harlz_/4295797661.

²⁹ “Desertification,” United Nations Convention to Combat Desertification, accessed June 29, 2024, <https://www.unccd.int/land-and-life/desertification/overview>.

growing populations with a greater demand for food, the unsustainable practices to produce these large amounts of food end up degrading the land, and can force “tens of millions of people” to migrate annually due to this land degradation,³⁰ as those who live in desertified areas may be subject to many detrimental impacts such as lack of water and food security, lowered health conditions, and even becoming more susceptible to natural disasters and the effects of climate change.³¹ This goes to show that the environmental impacts of poor resource management extend to negatively impacting the lives of people as well.

Natural resources are the key components to a healthy human population and a growing economy. However, despite the internationally recognized basis towards the understanding of resource rights, resources continue to be exploited at the detriment of people and the world environment as a whole. As such, it is pertinent that resource rights are revisited and revamped, as there is no telling what the future may have in store should these issues continue.

³⁰ “World Day to Combat Desertification and Drought, 17 June,” United Nations, accessed June 29, 2024, <https://www.un.org/en/observances/desertification-day>.

³¹ “Desertification,” United Nations Convention to Combat Desertification, accessed June 29, 2024, <https://www.unccd.int/land-and-life/desertification/overview>.

History of the Problem

Colonialism

While certainly not the first case of resource exploitation, **colonialism** and **imperialism** were both recent enough and occurred at a large enough scale to the point where many of their consequences are still felt today in many ways, including their impact on many current issues regarding resources. While the concept of empires had already existed for centuries, advancements in sea-faring technology in the 1500s allowed for European powers to expand these empires across oceans by establishing colonies; this age is also known as “Old Imperialism”.³² Following Christopher Columbus’s journey to the “New World”,³³ many Europeans also set sail to find a better trade route with Asia, but in the process established many colonies across various continents, and they looked to these colonies as major sources of wealth.³⁴ This era was marked with the large-scale acceptance of **mercantilism**, an economic ideology that emphasized the maximization of exports while minimizing imports so as to increase the wealth of a country, and thus its power.³⁵

Of course, wealth and trade require resources, and this ideology incentivized the establishment of colonies and monopolization over the resources they offered as a means to supply the trade that these countries desired.³⁶ However, colonialism did not stop at just the exploitation of resources, but also exploited human

³² “What Is Colonialism and How Did It Arise?” CFR Education, Council on Foreign Relations, Last modified February

14, 2023, <https://education.cfr.org/learn/reading/what-colonialism-and-how-did-it-arise>.

³³ “Christopher Columbus,” Royal Museums Greenwich, accessed July 8, 2024, <https://www.rmg.co.uk/stories/topics/christopher-columbus>.

³⁴ *The Age of Imperialism (1870-1914)* (Tamaqua: Tamaqua Area School District, accessed July 8, 2024), 145, <https://www.tamaqua.k12.pa.us/cms/lib07/PA01000119/Centricity/Domain/119/TheAgeofImperialism.pdf>.

³⁵ “Mercantilism,” Britannica Money, Encyclopædia Britannica, accessed July 23, 2024, <https://www.britannica.com/money/mercantilism>

³⁶ John D. Belshaw, “6.3 Competing Mercantile Economies,” In *Canadian History: Pre-Confederation*. (British Columbia: BCcampus, 2015,) <https://opentextbc.ca/preconfederation/chapter/6-3-competing-mercantile-economies>.

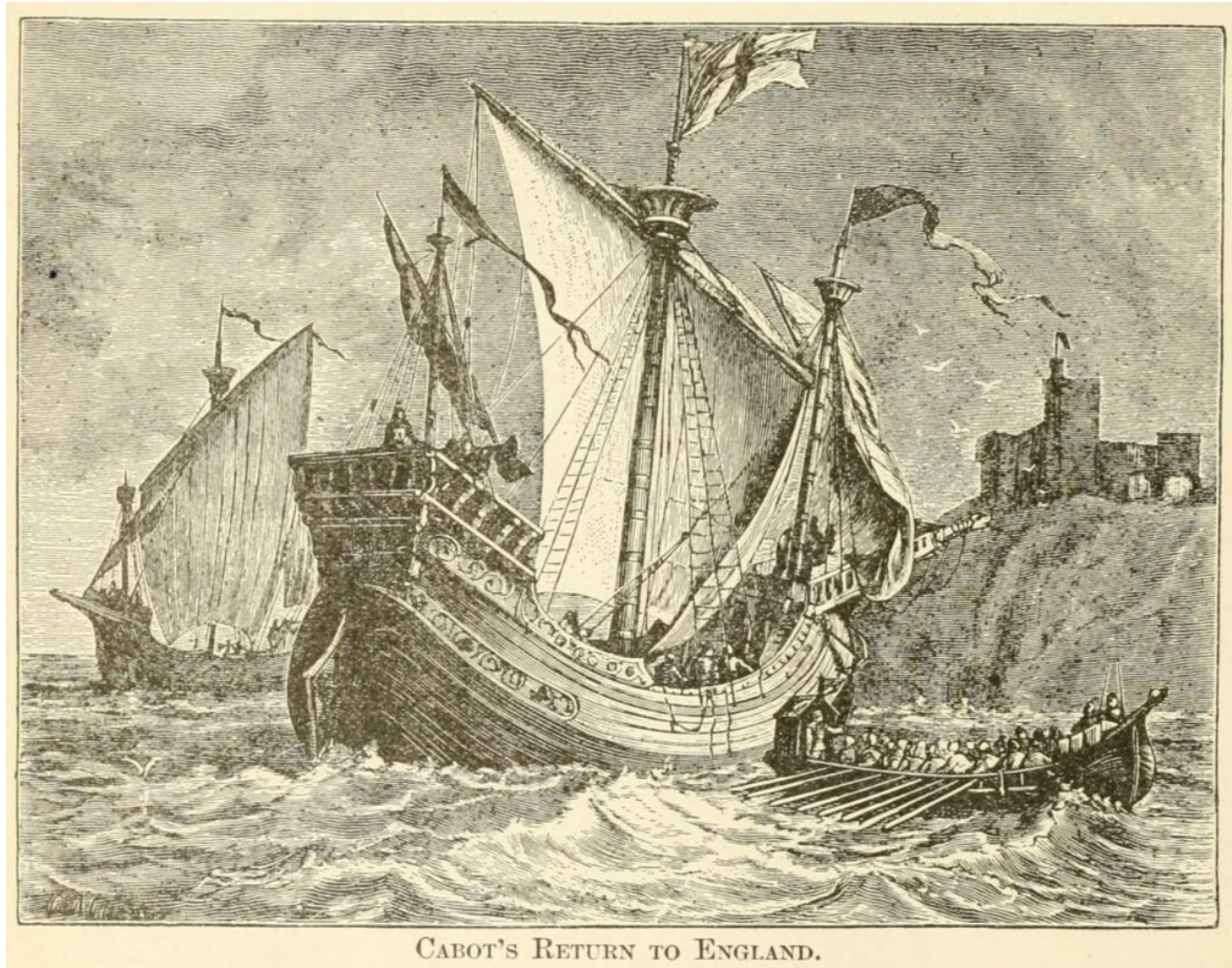
beings through various means. Many Europeans set up homes in these lands and established societies for the purpose of permanent settlement while maintaining connection with the countries they hailed from, but many indigenous people were killed and displaced by these settlers throughout this process.³⁷ Furthermore, in colonies that emphasized the extraction of resources rather than settlement, countries relied on centuries of enslaved labor in order to obtain export crops and valuable minerals.³⁸ Though this age lasted centuries, the 1800s saw many sources of strain on European countries, such as the Napoleonic Wars and the resource-intensive process of industrialization which made it hard to maintain their colonial power.³⁹ However, the end of this era was soon met with the beginning of another, and the exploitation of people and resources would only continue.

³⁷ “What Is Colonialism and How Did It Arise?” CFR Education, Council on Foreign Relations, Last modified February

14, 2023, <https://education.cfr.org/learn/reading/what-colonialism-and-how-did-it-arise>.

³⁸ Ibid.

³⁹ *The Age of Imperialism (1870-1914)* (Tamaqua: Tamaqua Area School District, accessed July 8, 2024), 145, <https://www.tamaqua.k12.pa.us/cms/lib07/PA01000119/Centricity/Domain/119/TheAgeofImperialism.pdf>.



A painting depicting the famous Italian navigator John Cabot's return to England.⁴⁰

Industrial Revolution and Imperialism

While they are similar, there are some distinctions between the concepts of colonialism and imperialism.⁴¹ One major difference that clearly separates the two eras was the introduction of the **Industrial Revolution**. This era saw a complete change to the economy and society as agriculture and factories began

⁴⁰ Patrick Gray. *Age of Exploration - Cabot's Return to England*, Flickr, January 26, 2016, image, <https://www.flickr.com/photos/136041510@N05/24265810409>.

⁴¹ "Colonialism," Stanford Encyclopedia of Philosophy, Stanford University, last modified January 17, 2023, <https://plato.stanford.edu/entries/colonialism/>.

operating at much larger scales and labor became much more efficient due to the invention of the steam engine.⁴² At this point, Europe was producing goods at a much faster rate than they ever had before, and with the new forms of weaponry, transportation, and communication that they were able to create due to industrialization, the global economy became more interconnected and different cultures around the world were subjected to the growing militaristic and economic power of Europe.⁴³ While the way both were practiced was largely similar, the goals of colonialism (or “Old Imperialism”) could be seen as the establishment of settlements as a way to expand a country beyond its own borders, whereas imperialism (or “New Imperialism”) could be seen as prioritizing the dominance and influence of one country over another via economic or military power even if actual settlement itself was minimal.⁴⁴ This age of New Imperialism saw European countries colonizing and divvying up the African Continent amongst themselves, the establishment of spheres of influence within China, and British control over India.⁴⁵

Due to the technology created by the Industrial Revolution that allowed for more effective traversal to and takeover of foreign lands, as well as medicinal advancements that allowed Europeans to better survive the new environments they were entering, Europe’s influence over the world extended far beyond what it had before. By 1914, Europe had control of over 84% of Earth’s surface.⁴⁶ Of course, this not only exacerbated the

⁴² “Industrialization, Labor, and Life,” National Geographic | Education, National Geographic, accessed July 8, 2024, <https://education.nationalgeographic.org/resource/industrialization-labor-and-life/>.

⁴³ “World History Era 7,” UCLA History Public History Initiative, University of California, Los Angeles, accessed July 8, 2024, <https://phi.history.ucla.edu/nchs/world-history-content-standards/world-history-era-7>.

⁴⁴ “Colonialism,” Stanford Encyclopedia of Philosophy, Stanford University, last modified January 17, 2023, <https://plato.stanford.edu/entries/colonialism/>.

⁴⁵ *The Age of Imperialism (1870-1914)* (Tamaqua: Tamaqua Area School District, accessed July 8, 2024), 148, <https://www.tamaqua.k12.pa.us/cms/lib07/PA01000119/Centricity/Domain/119/TheAgeofImperialism.pdf>.

⁴⁶ “World History Era 7,” UCLA History Public History Initiative, University of California, Los Angeles, accessed July 8, 2024, <https://phi.history.ucla.edu/nchs/world-history-content-standards/world-history-era-7>.

exploitation of resources, but with prevailing ideologies like **Social Darwinism** that gave Europeans the belief that they were the superior race and were justified in the destruction of “inferior” colonized peoples,⁴⁷ the exploitation and mistreatment of those who were colonized only worsened.

One significant example of this was how King Leopold II of Belgium’s army would exploit the Congolese people by forcing them to produce rubber for Belgium, destroying their villages and murdering their people if they did not meet the production quotas.⁴⁸ Furthermore, the British Empire had conquered a large amount of South Africa due to its abundance of minerals like diamonds, and when it combined its colonies to form the “Union of South Africa,” the government that was created allowed for generations of racial segregation to take root in the region.⁴⁹

Another example of exploitation is Britain’s East India Company, which took advantage of the political situation in India to gain power over the Indian subcontinent. The company’s regulations that forced residents of the subcontinent to only grow cash crops instead of food in addition to the company’s heavy taxation policies caused the people of the subcontinent to suffer numerous famines and economic despair while Britain profited immensely from both the resources and taxes they were collecting.⁵⁰ While these were just a few examples, the exploitation of both human beings and resources, justified by racist and nationalistic ideologies, was practiced by many of the European countries involved for over a century. Exploitation only began to slow down after World

⁴⁷ *The Age of Imperialism (1870-1914)* (Tamaqua: Tamaqua Area School District, accessed July 8, 2024), 146, <https://www.tamaqua.k12.pa.us/cms/lib07/PA01000119/Centricity/Domain/119/TheAgeofImperialism.pdf>.

⁴⁸ Adam Hochschild, *King Leopold’s Ghost* (New York: Mariner Books, 1999), 263-274, <https://questoes.blogs.com/files/king-leopolds-ghost---adam-hochschild.pdf>.

⁴⁹ *The Age of Imperialism (1870-1914)* (Tamaqua: Tamaqua Area School District, accessed July 8, 2024), 148, <https://www.tamaqua.k12.pa.us/cms/lib07/PA01000119/Centricity/Domain/119/TheAgeofImperialism.pdf>.

⁵⁰ “What Is Colonialism and How Did It Arise?” CFR Education, Council on Foreign Relations, Last modified February 14, 2023, <https://education.cfr.org/learn/reading/what-colonialism-and-how-did-it-arise>.

War II, as colonized countries then began to push for independence from their oppressors.⁵¹ However, even though nearly another century has passed since then, the impact and consequences of those events are still felt strongly across the world, both by the people of the colonized countries themselves and by the valuable resources that they heavily depend on.

Lasting Effects

The New Age of Imperialism had many different consequences. It established a global economy for Europe, which involved the continuation of trade and commerce to ensure a flow of resources to maintain industrialized society. Colonization also led to the loss of culture and language for many indigenous peoples and inspired many instances of racism while also increasing poverty.⁵² Furthermore, the exploitation of natural resources and constant importation of goods stunted the development of these colonized countries' industries, significantly diminishing the standard of living for residents of these nations.⁵³ After escaping the grasps of their colonial oppressors these countries needed to utilize whatever resources they could to develop their own industries, but there were challenges facing them here, posed mainly by the activity of already developed countries.

For instance, historically industrialization has required lots of fossil fuels in order to greatly expand the capacity for labor to be done. Developing countries have therefore been utilizing fossil fuels in order to

⁵¹ William A. Reinsch, "Neocolonialism," Center for Strategic and International Studies, November 7, 2023, <https://www.csis.org/analysis/neocolonialism>.

⁵² "Acting High Commissioner: Addressing the Legacies of Colonialism Can Contribute to Overcoming Inequalities Within and Among States and Sustainable Development Challenges of the Twenty-First Century," United Nations, September 28, 2022, <https://www.ohchr.org/en/press-releases/2022/09/acting-high-commissioner-addressing-legacies-colonialism-can-contribute>.

⁵³ *The Age of Imperialism (1870-1914)* (Tamaqua: Tamaqua Area School District, accessed July 8, 2024), 150, <https://www.tamaqua.k12.pa.us/cms/lib07/PA01000119/Centricity/Domain/119/TheAgeofImperialism.pdf>.

industrialize, but these actions have been contested by developed countries as they push the developing countries to adopt more environmentally clean methods and push for these changes with trade policy.⁵⁴ This created a conflict between the two groups of countries, as developing countries pointed out the fact that the developed countries are responsible for the larger carbon emissions and used fossil fuels with no regard for the environment in the past to develop industry.⁵⁵ The Rio Declaration on Environment and Development, published by the United Nations General Assembly on August 12, 1992, stated that development should be the people's right and should be protected for underdeveloped countries, though all states should attempt to develop in an environmentally sustainable fashion. The Declaration also mentioned that developed countries have a responsibility to assist in the development of underdeveloped countries.⁵⁶

However, the US responded to this declaration by refusing the idea of development as a right and refused any obligations towards developing countries,⁵⁷ which was a common sentiment among wealthy countries at the time who also did not want to be responsible for assisting with this development.⁵⁸ Though fossil fuels pose a major environmental and climate threat, they are still the most affordable resources to fuel

⁵⁴ William A. Reinsch, "Neocolonialism," Center for Strategic and International Studies, November 7, 2023, <https://www.csis.org/analysis/neocolonialism>.

⁵⁵ Ibid.

⁵⁶ *Report of the United Nations Conference on Environment and Development* (Geneva: United Nations, 1992), https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf.

⁵⁷ "US Statement for the Record on the UNCED Agreements," *Dispatch Supplements 3*, no. 4 (1992): 35, accessed July 8, 2024, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/dsptch7&div=44&id=&page=>.

⁵⁸ Patrick T. Greiner, "How Colonialism's Legacy Makes it Harder for Countries to Escape Poverty and Fossil Fuels Today," *The Conversation*, The Conversation US, June 28, 2021, <https://theconversation.com/how-colonialisms-legacy-makes-it-harder-for-countries-to-escape-poverty-and-fossil-fuels-today-159807>.

development, so many developing countries with poorer populations rely on them.⁵⁹ Even though the era of imperialism has since passed, the nuanced conflict between developed and developing countries continues as concerns over environmental protection and climate conservation make the more accessible fossil fuel-based development more difficult. There is also physical conflict that has been related to natural resources as well, as conflicts within lower-income countries can be fueled by the exploitation of resources as a means to fund the conflict, often at the expense of their continued development efforts.⁶⁰

Furthermore, 40% of conflicts have been linked to natural resources within the last 60 years, and even if they are not the sources of that conflict, it is the resource exploitation and environmental effects that come from it that act as driving forces behind the violence.⁶¹ The continued development of underdeveloped countries still faces its challenges, but global dynamics have changed as many of the countries negatively impacted by imperialism have gained much greater prevalence. Once controlled by Britain's influence, India now has a larger economy than the United Kingdom, and while it's still dealing with issues such as poverty and economic inequality, it is on track to become the world's third largest economy behind the U.S. and China,⁶² and it is important to note that China was also imperialized.⁶³

⁵⁹ Ibid.

⁶⁰ Ian Bannon and Paul Collier, "Natural Resources and Conflict: What We Can Do," In *Natural Resources and Violent Conflict: Options and Actions* (Washington, D.C.: The World Bank, 2003), 1-17, <https://books.google.com/books?id=034PFZRJwvIC&q=ok+tedi+mine+local+violence&pg=PA318#v=onepage&q&f=false>.

⁶¹ "Conflict and Natural Resources," United Nations Peacekeeping, United Nations, accessed July 8, 2024, <https://peacekeeping.un.org/en/conflict-and-natural-resources>.

⁶² "What Is Colonialism and How Did It Arise?" CFR Education, Council on Foreign Relations, Last modified February 14, 2023, <https://education.cfr.org/learn/reading/what-colonialism-and-how-did-it-arise>.

⁶³ *The Age of Imperialism (1870-1914)* (Tamaqua: Tamaqua Area School District, accessed July 8, 2024), 149, <https://www.tamaqua.k12.pa.us/cms/lib07/PA01000119/Centricity/Domain/119/TheAgeofImperialism.pdf>.

Additionally, by 1970, 127 of the countries that had become independent from colonialist powers had become member states of the United Nations.⁶⁴ They helped represent the developing world, and while imperialism had often made them critical of the European member states, these new member states were the voices that helped bring a true end to the colonial era as they pushed for UN acceptance of resolutions that would lead to independence of colonized countries.⁶⁵ While imperialism and colonialism had left an impact on the countries that were victim to it, their massive development and gains in influence since then have reshaped the global economy and power dynamic as a whole. However, the continued poverty in many of these countries, the environmental strain caused by the resources needed to facilitate their development, and the conflicts that are tied to these resources are issues that still continue to proceed in the modern era.

⁶⁴ “Decolonization of Asia and Africa, 1945–1960,” Office of the Historian, United States Department of State, accessed July 8, 2024, <https://history.state.gov/milestones/1945-1952/asia-and-africa>.

⁶⁵ Ibid.

Past Actions

Over time, as many more countries with varying perspectives have joined the United Nations, including those who have suffered from resource exploitation in the past, attitudes towards the treatment of resources and resource rights as a whole have changed in many ways. One of the most significant examples of this was Resolution 1803 of the General Assembly, adopted on December 14, 1962, which gave states and their people permanent **sovereignty** over their own resources and stated that this sovereignty must be utilized for the development and well-being of the state's people.⁶⁶ Furthermore, the declaration also stated that, should those resources be utilized by other parties, the sovereignty over those resources should not be infringed upon and the state and people with sovereignty over them must agree with their compensation for the resources.⁶⁷ Considering the nature of the exploitation that happened in the past, giving states and people sovereignty over their own resources was a major change. Additionally, considering the ways that indigenous people especially were affected by imperialism, there were also changes made to protect their own resource rights as well.

On September 13, 2007, the General Assembly adopted the resolution known as the “United Nations Declaration on the Rights of Indigenous Peoples,” in which many rights and protections were outlined for indigenous people, such as protection from forced relocation, the right to partake in cultural practices, and the right to political autonomy within their own affairs, among other rights.⁶⁸ The recognition of the declaration of the fact that indigenous people were mistreated in the past and its encouragement of an attitude of respect towards indigenous people and their cultures is indicative of the development that has occurred since the time of

⁶⁶ “General Assembly resolution 1803 (XVII) of 14 December 1962, ‘Permanent sovereignty over natural resources’,” United Nations Human Rights Office of the High Commissioner, United Nations, accessed July 23, 2024, <https://www.ohchr.org/en/instruments-mechanisms/instruments/general-assembly-resolution-1803-xvii-14-december-1962-permanent>.

⁶⁷ Ibid.

⁶⁸ *United Nations Declaration on the Rights of Indigenous Peoples* (Geneva: United Nations, 2008) https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2019/01/UNDRIP_E_web.pdf.

imperialism.⁶⁹ Furthermore, the declaration specifically recognizes how indigenous people have also suffered from colonization in regards to land and resource loss.⁷⁰ The declaration highlights many key rights regarding these resources, such as indigenous peoples having the right to land and resources they have traditionally owned, a call for states to implement measures to help protect the resources of their indigenous populations, the right for indigenous peoples to develop their own resources, and the right to be consulted should a state decide on development that would affect the land and resources of indigenous peoples.⁷¹ Imperialism left a scar on the future of development for many of the indigenous peoples that were colonized, but this declaration is just one of the many steps being taken to help the situation. These two examples are among the multitude of actions that have been taken for the sake of resource rights thus far, but there are many initiatives that are still being pursued as well.



*The UN General Assembly Hall, where documents such as Resolution 1803 have been created and adopted.*⁷²

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Wagner 51, *UN General Assembly (Panoramic)*, Wikimedia Commons, January 20, 2007, image, https://commons.wikimedia.org/wiki/File:UN_General_Assembly_%28panoramic%29.jpg.

Current Actions

Even with the actions that have already been taken, there are still many aspects of resource rights that are actively being confronted. For instance, unsustainable agriculture has altered and will continue to alter much of the world's land, eroding the soil far faster than it can be replenished.⁷³ This not only impacts food security but also facilitates more extreme weather conditions, which further increases climate change.⁷⁴ To help with this ongoing problem, the United Nations Convention to Combat Desertification is currently pursuing the goal of **land degradation neutrality** and is helping countries achieve this goal.⁷⁵ The Convention aims to cease further degradation of the land, implement more sustainable agricultural practices to help maintain the land we still have, and bolster methods to replenish the land that has already been degraded.⁷⁶ This is still an ongoing process, but the Convention has laid out a framework with which to actually implement particular processes to help lead towards that neutrality, including balancing gains and losses of different kinds of landforms and using a variety of metrics to measure that balance.⁷⁷ The protection of land and implementation of sustainable agricultural practices that this effort aims to accomplish will help maintain the land as a resource for food production for people globally.

However, as there is so much within the overarching topic of resource rights to be addressed, the United Nations is not the only organization pursuing changes to these rights. The World Resources Institute (WRI) is a research-based organization dedicated to changing the way the world uses its resources to help pursue climate

⁷³ "Land Degradation Neutrality," United Nations Convention to Combat Desertification, accessed July 23, 2024, <https://www.unccd.int/land-and-life/land-degradation-neutrality/overview>.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ B.J. Orr et al. *Scientific Conceptual Framework for Land Degradation Neutrality: A Report of the Science-Policy Interface* (Bonn: United Nations Convention to Combat Desertification, 2017), 3-5, https://www.unccd.int/sites/default/files/2018-09/LDN_CF_report_web-english.pdf.

stability, environmental protection of nature, and a better future for everyone.⁷⁸ One example of this is their Land and Resource Rights Initiative where they strive to help push for more secure property rights so that people from rural and indigenous communities across Asia, Africa, and Latin America can maintain access to the land and their resources.⁷⁹ They are employing a variety of approaches in order to achieve these goals, such as their efforts to push the private sector to improve their practices and policies to dissuade companies from violating land and resource rights through large-scale land acquisitions.

WRI also has a different initiative towards securing freshwater accessibility. According to their research, billions of people face water stress at least once throughout the year, and by 2050, WRI predicts the demand for water is set to increase by 30%.⁸⁰ To combat the situation, the Institute has provided their research and tools to city governments and companies alike in hopes of improving water security and providing further access to water.⁸¹ The past and current actions of organizations including the UN and the WRI have led to large-scale improvements to the situation of resource rights and especially the accessibility of these resources. However, the work of these organizations is far from complete, and they will certainly continue pushing for progress on resource rights.

Possible Solutions

While much has already been accomplished, and more work is underway, there are still so many areas that can be considered when navigating the topic of resource rights. Note that the solutions discussed below are

⁷⁸ World Resources Institute, "World Resources Institute," accessed July 23, 2024, <https://www.wri.org/>.

⁷⁹ "Land and Resource Rights," World Resources Institute, accessed July 23, 2024, <https://www.wri.org/initiatives/land-and-resource-rights>.

⁸⁰ "Securing Freshwater for All," World Resources Institute, accessed July 23, 2024, <https://www.wri.org/freshwater>.

⁸¹ "Land and Resource Rights," World Resources Institute, accessed July 23, 2024, <https://www.wri.org/initiatives/land-and-resource-rights>.

not an exhaustive list of methods you can use to approach the problem, but is simply meant to provide some examples of ways in which you can address the topic of resource rights from a unique perspective.

Consequences For Violating Resource Rights

One avenue that could be explored involves creating ways to reprimand parties that violate resource rights. A good example of this is the previously mentioned case where the California Water Board penalized Blue Triton for diverting more water than they were allowed to by closing water diversion sites and requiring monthly reports from Blue Triton in order to track how much water is being diverted going forward.⁸² This is an example of a business facing consequences for violating certain resource rights, but not consequences so severe that they had to cease all operations. Of course, consequences could vary depending on the severity of the violation and on the policies of the supervisory body. State sovereignty over resources ultimately allows states to reprimand parties that violate resource rights in a variety of ways. Delegates should aim to consider how harsh but fair punishments can be exacted upon violators of resource rights to reform their practices and prevent further resource abuse and exploitation.

Resource Alternatives

Another potential route could be exploring resource alternatives that can help reduce the environmental stress and degradation caused by the use of many resources still popular today. An example of this is the switch from fossil fuels to renewable energy. Unlike nonrenewable fossil fuels, renewable energy is replenished faster than it is consumed and its use results in much less environmental impact as well.⁸³ Energy is

⁸² California Water Boards, *Fact Sheet*, (Sacramento: California Environmental Protection Agency State Water Resources Control Board, last modified October 6, 2023), https://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/complaints/docs/nestle/fact-sheet-btb.pdf.

⁸³ “What is Renewable Energy?” United Nations, accessed July 23, 2024,

crucial for development at any scale, and when concerns of environmental harm and quantity of the resource are alleviated, renewable energy ultimately becomes a much more attractive and accessible option. Renewable energy is also much more affordable in many countries and the renewable sector is providing more jobs than the nonrenewable sector as well.⁸⁴ Within the realm of energy, there are so many alternatives that still continue to be discovered, but there are alternatives that should be explored for other resources too. Furthermore, many alternatives have unique benefits that promote sustainable development and ensure the security of resource rights for people in many different countries.

Additional Environmental Protections

Even though many organizations are considering the consequences to the environment and climate as they approach resource issues, there are still many other ways to explore the environmental aspects of this problem. For example, should a resource be severely depleted, one could take environmental measures to halt further depletion of this resource. One example of this is shark sanctuaries. It may be hard to really consider sharks as a resource now, but at one point they were a source for many types of shark products all around the world. In order to help keep shark populations from declining, many shark sanctuaries have been established that prohibit shark fishing and in some cases prohibit the sale of shark products, and by 2021 more than 7 million square miles of ocean were occupied by shark sanctuaries.⁸⁵ In 2011, The Bahamas even decided to designate the country's entire **exclusive economic zone** as a shark sanctuary, which has helped many species of sharks, including endangered ones, thrive.⁸⁶ While a rather unique example, it shows how measures were taken

<https://www.un.org/en/climatechange/what-is-renewable-energy>.

⁸⁴ Ibid.

⁸⁵ Clemency White, "What are Shark Sanctuaries?" Save Our Seas Foundation, March 1, 2021, <https://saveourseas.com/update/what-are-shark-sanctuaries/>.

⁸⁶ Ibid.

to prevent further decline of shark populations to the point where sharks even stopped being used as a resource in some places. There are many types of resources that are steadily declining as they get used, and while the degree to which they should be protected can vary, resource rights may have to be altered to ensure that overused resources can be replenished or conserved if the resource is non-renewable. While a major aspect of resource rights is indeed environmental degradation and climate change, the environmental aspect of the problem still has many facets that can be explored that provides greater nuance to this topic.

Bloc Positions

Countries That Need Resources for Development

As time has passed, the UN has seen representation of many different developing countries throughout the world. Many of these countries have been the victims of imperialism in the past or have suffered from some form of resource exploitation. Now, they are still continuing to develop their infrastructure and economies, and resources are necessary in order to achieve that. Many of these countries advocate for a greater emphasis on a state's right to its own resources in order to help accomplish this development. However, as industrialization and development consume resources, many byproducts like greenhouse gas emissions and other environmental contaminants can result from these processes. Developing countries are therefore often faced with the dilemma of continuing development at the expense of the environment. However, many are actually moving towards renewable energy for their resource needs,⁸⁷ and as that shift continues, it could lead to more effective and efficient development through sustainable practices. With the growing economies and growing presence of developing states within the UN, this bloc has gained much authority over the decisions being made, including decisions on resource rights and protections.

Countries That Need Resources to Maintain Past Development

Developed countries, on the other hand, are known to already have well-established economies and industries. Many of these states have even directly benefited from imperialism, as it may have aided in the development of the economies that they have today. However, while this bloc may not rely on resources for development, they do rely on resources for maintaining what they have developed. But as resource protections have improved over time and as developing UN states have helped colonies gain independence, access to these

⁸⁷ United Nations Economic and Social Council, "Sustainable Renewable Energy Key to Unlocking Developing Countries' Potential, Achieving Global Goals, Speakers Tell High-Level Political Forum," United Nations, July 12, 2023, <https://press.un.org/en/2023/ecosoc7136.doc.htm>.

resources is not as uncontested as it once was for the developed countries.⁸⁸ Though they can still create mutually beneficial agreements with other countries to import resources or sustainably collect renewable resources within their borders, access to resources is just as crucial for this bloc as it allows their economies to continue to function.

Countries Not Primarily Concerned With Resources For Development

There are also countries that do not have a major stake on either side of the spectrum though. For these countries, resource rights can become a different kind of issue entirely. They can view it from an environmental standpoint instead, for example. Yes, developing countries may be producing environmental contaminants as they use certain resources like fossil fuels, but developed countries also did the same when they were developing and still do it as they use resources to maintain their development. Countries that reside outside of the two prior blocs provide a very crucial perspective on situations such as this where neither developed nor developing countries have successfully addressed a component of the problem. They can help ensure that resource rights are reformed not only for the sake of human growth and development, but for other significant reasons as well.

⁸⁸ “Decolonization of Asia and Africa, 1945–1960,” Office of the Historian, United States Department of State, accessed July 23, 2024, <https://history.state.gov/milestones/1945-1952/asia-and-africa>.

Glossary

Natural Resources - Any type of biological, geological, or otherwise naturally occurring entity within nature that can be utilized for some form of benefit or process. Notable examples include, but are not limited to, fossil fuels, land, animals, minerals, and crops.

Agrarian - Relating to the utilization and ownership of land, often land used for agricultural purposes.

Infringe - Failure to act in accordance with or otherwise violate some agreement. An infringement on resource rights would be to keep people from having access to certain resources.

Exploitation - The utilization and act of benefiting from resources, often for development and economic growth.

Critical Mineral - A mineral deemed as a crucial component of fast-developing areas such as energy.

Lithium Carbonate Equivalent - A term used to describe the measurements of lithium production. It is equal to the amount of lithium carbonate and is used for data purposes.

Fossil Fuels - Nonrenewable resources formed from the preserved remains of prehistoric organisms, often used for energy production but occasionally utilized for other reasons.

Deforestation - The deliberate large-scale removal of trees from forests and land.

Desertification - The process of fertile land becoming desert, often caused by factors such as unsustainable agriculture and deforestation.

Colonialism - The ideology of expanding a country beyond its borders via the establishment of colonies around the world.

Imperialism - The ideology of a country dominating other countries through economic and military prowess as well as occupation of other countries.

Mercantilism - The economic ideology that a state could profit more by maximizing exports, which helped exacerbate resource exploitation as countries sought them out in order to make more imports.

Industrial Revolution - Era over the course of the 18th and 19th centuries that saw major economic and technological development, such as the steam engine and greater manufacturing capabilities.

Social Darwinism - The ideology that applied Charles Darwin's theory of "survival of the fittest" towards society. Those who believed in it believed that "inferior" cultures would succumb to their "superior" cultures, and through this they felt justified in their imperialistic pursuits.

Sovereignty - An entity's authority over itself or its assets.

Land Degradation Neutrality: The goal to prevent further erosion and desertification of the land via actions such as the cessation of current actions eroding the land and the rehabilitation of the land towards a better state.

Exclusive Economic Zone - An ocean area where a coastal state maintains jurisdiction over the resources that reside within it.

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