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New Routes

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Water – a source of development and conflict

HUMANITY'S DIMINISHING WATER WELL:
Everybody's need – everybody's right

THE CHINA FACTOR:
New challenges for Nile Basin cooperation

THE NILE:
A shared gift or a subject of contention?

Water cooperation vital in drought plagued Afar region

The linked challenges of global climate change and local peace

Climate change and land acquisitions challenge transboundary water agreements

Transboundary efforts to save the Lower Jordan River

Pulp mills along the Uruguay River caused deadlock between neighbours

ECUMENICAL WATER NETWORK
A faith-based approach to water, peace and conflict

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Plain water – troubled water

– What do you want to drink? – I'll just have plain water, please.

An everyday phrase in places where clean, drinkable water is taken for granted. A luxury beyond reach for the almost 900 million people who do not have access to clean water.

Although parts of humanity take free access to water as something natural, we are aware of its unique importance for all forms of life. No water – no life, as simple as that. Yet, plain water can easily turn into troubled water. With the risk of climate change causing new precipitation patterns, scientists warn of increased water scarcity. And with scarcity always comes the risk of conflicts over the limited resources, but also the possibility that we realise the necessity to share and cooperate. Read more about this in the article by Janani Vivekananda.

In July 2010 the United Nations General Assembly declared that safe and clean drinking water and sanitation is a human right "contained in existing human rights treaties and ... therefore legally binding". This statement raises hopes that the world organisation will take greater responsibility to fulfil this right.

With examples from different parts of the world, this issue of New Routes illustrates the risk of conflicts over water but also the incentives for peaceful cooperation. In an article by Yacob Arsano and another by Ashok Swain and Qazal Jamali, you will find quite differing views on the future development of the riparian countries along the River Nile Basin. Maria Ölund gives a vivid picture of the hardships resulting from greater water scarcity in the lives of the Afar people in Ethiopia. An example of efforts for water cooperation in the Lower Jordan River is described by Elizabeth Yaari et al.

Last but not least, in the article by Jason Gehrig, read about the "water widow" in Somalia who said, "In paradise [... my children] won't have thirst. Our mouths will always be wet. We'll drink in peace".

Kristina Lundqvist
kristina.lundqvist@life-peace.org
newroutes@life-peace.org

ABOUT THE AUTHORS

Jason Gehrig, PE, served eight years with Maryknoll as an engineering adviser and capacity builder to the Bolivian NGO Suma Jayma. He is a public water-works engineer with Tarrant Regional Water District in Fort Worth, Texas.

Ashok Swain is Professor of Peace and Conflict Research at Uppsala University. He also serves as the Director of Uppsala Centre for Sustainable Development.

Qazal Jamali has an MSSc in Peace and Conflict Research from Uppsala University. She works as a research assistant at the Department of Peace and Conflict Research.

Yacob Arsano, Associate professor of political science & international relations, at Addis Ababa University. In autumn 2010 he held the Claude Ake Visiting Chair at Uppsala University.

Maria Ölund is currently an MA student in Global Studies at Gothenburg University, with a BA within the field of Peace and Development Research.

Janani Vivekananda is senior climate change and security adviser in International Alert's Security and Peacebuilding Programme.

Anders Jägerskog, PhD, is Director of Applied Research at the Stockholm International Water Institute and Associate Professor at Peace and Development Research at Gothenburg University. He has spent the last two years managing Swedish support on water and environment in East Africa.

Elizabeth Ya'ari is the Israeli Jordan River Rehabilitation Project Coordinator at Friends of the Earth Middle East (FoEME). **Munqeth Mehyar** is the Jordanian Director at FoEME, **Gidon Bromberg** is the Israeli Director of FoEME, and **Nader al Khateeb** is the Palestinian Director of FoEME.

Diego Alejandro Galeano is an independent researcher and Assistant Professor in International Law Chair, based in Rosario, Argentina. While in Europe he completed the NOHA Master Program in International Humanitarian Action.

Maike Gorsboth is coordinator of the Ecumenical Water Network (EWN) at the World Council of Churches. The EWN is a network of churches and Christian organisations promoting people's access to water around the world.

Nobody and nothing can live without water. Still, water is unevenly distributed and unfairly shared. What should be the right of all is too often a privilege of the few. The struggle for water sometimes leads to armed conflict. The necessity of water coupled with greed leads to commercialization and over-utilization.

Pragmatic, creative solutions are needed to stop the impending water crisis. Selfishness must be replaced by responsibility and cooperation. Competition over scarce resources must be turned into common efforts for development.

Humanity's diminishing water well:

Everybody's need – everybody's right

Jason Gehrig

We are drawn to water. We are bathed in water at birth, our earthly bodies cleansed by it at death, and we are completely dependent upon it every moment in-between. Water binds us together. Conflicts arising over water are varied and their causes often intertwined. In a dawning age of severe water scarcity, complex "virtual water"[1] food commodities speculation and global climate change, let us not be overwhelmed. Understanding these causes and trends, rooting ourselves in our most deeply held ethical and moral principles, and committing ourselves to building peace through our support of water development and advocacy efforts are a way forward.

Water conflict *between* nations

In 1995, World Bank Vice President Ismail Serageldin warned, "The wars of the next century will be about water!" However, media-friendly predictions of this sort are often based on historically inaccurate references to interstate water wars. In fact, one would have to go back 4,500 years to find the last recorded time that two nations went to full-blown war specifically over water. It occurred between the two Mesopotamian city-states of Lagash and Umma in modern day Southern Iraq (Gleick, 2008). Between the years 805 and 1984, countries signed more than 3,600 water-related treaties (Postel & Wolf, 2001).

Others argue that in the case of freshwater – given its increasingly scarce nature – the past is not a reliable guide to the future. Such analysts note that on 37 recorded occasions in the second half of the 20th century alone, countries driven by water concerns resorted to armed conflict, with 30 percent of the violent disputes occurring between Israel and one of its neighbors (Wolf, et al. 2006). The increasing severity of per capita water scarcity, to a level not seen before in human history, could very well lead to increased interstate water violence in the future.

Researchers have determined that the likelihood of conflict in international river basins increases significantly whenever two key factors are present:

- A large or rapid change occurring in the basin's physical or political setting, e.g. new unilateral dam construction or the breakup of a nation, resulting in formerly "national" rivers becoming "international".
- Inadequate or non-existent treaties, implicit arrangements or cooperative agreements capable of absorbing and effectively managing this rapid change.

Based on these criteria, approximately twenty international river basins are ripe for the onset of conflict in the coming years, encompassing over 50 nations on five continents, the majority of them in southeast Asia and central and southern Africa (Yoffe, 2001).

Water conflict *within* nations

Increasing water scarcity creates preconditions of discontent and desperation – precursors to violent conflict within nations. Approximately one third of the world's population lives in water-stressed countries, primarily in Asia and Africa. By 2025, this proportion is expected to increase to two-thirds of all humanity (Postel & Wolf, 2001).

Although water is seldom the sole source of conflict, it contributes decisively to conflicts among parties with opposing interests. There are a myriad of underlying causes of water conflict which are often integrally linked and mutually reinforcing. From water contamination to population growth, weak local water governance to erratic weather patterns linked to climate change, the roots of water conflict are many. A handful of water conflict snapshots follow. Thousands more could be written.

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Life & Peace Institute
Eddagatan 12, SE-753 16 Uppsala, Sweden.
Phone +46 18 66 01 32, fax +46 18 69 30 59, e-mail: newroutes@life-peace.org, website: www.life-peace.org
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Somalia: "War of the Well" and Widows

A human catastrophe is currently unfolding in the Horn of Africa which is facing its worst drought in 60 years. A particularly extreme example of local water violence was witnessed there in 2006:

> *Villagers of Rabdore, Somalia, call it the "War of the Well", a battle that erupted between two clans over control of a watering hole in this dusty, drought-stricken trading town. By the time it ended two years later, 250 men were dead. One of the widows, Fatuma Ali Mahmood, whose husband was shot when an angry crowd began fighting over the well, explained, "We'd never seen conflict at this level of violence. Thirst forces men to this horror of war."*
>
> *Another widow from the "War of the Well" laments, "I pray to God and wait for my paradise to come. In paradise, I'll be shading under a thick mango tree. I will be fat. My children will be dressed in smart uniforms for school. They will be reading me very nice stories," she said. "The most important is that they won't have thirst. Our mouths will always be wet. We'll drink in peace."*
>
> *In Somalia, a well is as precious as a town bank, at times guarded by weapons. During the region's relentless drought, water has become a resource worth fighting and dying over.*
>
> *(Wax & Thomason, 2006).*

A climate culprit in Darfur

The accelerating pace of climate change brings with it additional sources of volatility and conflict – intense storm activity, rising sea levels, prolonged droughts, lethal heat waves and massive wildfires among them. In 2007, following the release of the UN Environmental Programme's study linking climate change, over-utilization of land resources and the resulting transformation of the Darfur region of Sudan from sustainable agricultural land into a partial desert, UN Secretary General Ban Ki-moon emphasized the ecological crisis that precipitated the unrest in drought-stricken Darfur.

> *"Almost invariably, we discuss Darfur in convenient military and political shorthand – an ethnic conflict pitting Arab militia against black rebels and farmers. Look to its roots, though, and you discover a more complex dynamic. Amid the diverse social and political causes, the Darfur conflict began as an ecological crisis, arising at least in part from climate change.*
>
> *Two decades ago, the rains in this area began to fail. According to UN statistics, average precipitation has declined some 40 percent since the early 1980s. Scientists at first considered this to be an unfortunate quirk of nature. But subsequent investigation found that it coincided with a rise in temperatures of the Indian Ocean, disrupting seasonal monsoons. This suggests that the drying of sub-Saharan Africa derives, to some degree, from man-made global warming.*
>
> *It is no accident that the violence in Darfur erupted during the drought. Until then, nomadic herders had lived amicably with settled farmers, who allowed them to crisscross the land, grazing their camels and sharing wells. But once the rains stopped, farmers fenced their land for fear it would be ruined by the passing herds. For the first time in memory, there was no longer enough food and water for all."*

Sister Water or emerging water market?

Some experts contend that there is no "global" water crisis but rather just "local" ones, resulting from a combination of increasing per capita water scarcity and ineffective water governance. Marginalized peoples of impoverished societies would acknowledge these home-grown problems, yet at the same time, point to the impact of global economic and ecological forces as well: from blatant foreign "water and land grabs" by countries and private equity firms – an accelerating trend following soaring prices in recent years for virtual water (food staples) – to more subtle but equally destabilizing multilateral loan-conditioned privatization of water services administration. Examples of opposing ideologies abound where certain westernized local values such as individualism, consumerism and capitalism become global and contradict other older, local cultural values. Consider these two differing perspectives:

> *"Water and humans are living beings co-existing in the 'Pacha' – Aymara for 'Sacred Universe.' To recreate life in abundance, an integral, subject to subject relationship between human beings and water is required."*
>
> *Calixto Quispe Huanca – Aymara Yatiri (community spiritual healer/ leader) and Catholic Deacon*
> *The Andean Concept of Water, 2006*

> *"Water promises to be to the 21st century what oil was to the 20th century: the precious commodity that determines the wealth of nations."*
>
> *Shawn Tully*
> *Fortune Magazine, 2000*

"We ask for water; they give us [tear] gas!"[2]

One of the first "taking back of the water commons" took place in Cochabamba, Bolivia, in 2000. In 1996, the World Bank, International Monetary Fund and Inter-American Bank set the privatization of water services for two of Bolivia's major urban centers, El Alto/ La Paz and Cochabamba, as a precondition for further water infrastructure development assistance. No public subsidy to hold down increases in the price of water services was dictated. By September 1999, Cochabamba's water services were turned over to Aguas del Tunari, controlled by the California engineering giant Bechtel. It was the sole bidder in a 40-year concession contract signed behind closed doors. Tens of thousands of protestors converged upon Cochabamba in early 2000 and, despite severe government repression and declaration of martial law, successfully took back administration of their water services. A quick summary of the water concession contract terms explains in part their motivation:

"There are a myriad of underlying causes of water conflict which are often integrally linked and mutually reinforcing.

- Aguas del Tunari was authorized to take over the municipal water network and all the smaller systems – with exclusive rights to all the water in the district, even in the aquifer.
- Within a few weeks, Bechtel's company raised water rates by an average of more than 50 percent.
- The new water company was authorized to install meters and begin charging for water on the many co-

operative wells throughout the concession area – despite the fact that the government had not helped build the wells. These expropriations were legal under a new water law that had been rushed through the Bolivian Congress.

- The contract guaranteed the company an average 16 percent annual return on its investment, which would be adjusted annually to the consumer price index in the United States.
- Peasants were prohibited from constructing collection tanks to gather water from the rain in the area of concession granted to the transnational water corporation. Even the rain had been leased as a source of profit.



PHOTO: JASON GEHRIG

During the "Water Revolt" in Cochabamba, Bolivia, in 2000, tens of thousands of people gathered to protest against the privatization of water services and the consequent increases in the price of water.

Guiding principles

For those whose lives have been touched, either directly or indirectly, by a fellow person thirsting for clean water, human dignity and peace, it is their core values which lead them to respond. They are not daunted by the fact that water is one of the most contentious, convoluted and conflict-ridden issues out there. Ethical and moral principles are essential in establishing an appropriate framework to guide our water advocacy and action. It is through these criteria that one must judge whether motivations behind proposed water scarcity "solutions" are authentic and effective or self-interested and unsustainable.

To wade into this complex pool, we must leave our ideologies at the shore. For example, while imposed privatization of public water services administration in impoverished, poorly regulated countries has been widely deemed a failure, denying that market forces have any role to play in addressing the water crisis would be a mistake as well. Market incentives can lead to development of new technologies essential to bringing a limited supply of safe water to impoverished families. Just one example of this are the various electromagnetic and acoustic pipeline condition assessment tools being employed around the world, capable of pinpointing leaks and failing pipe segments in aging water infrastructure, thus helping urban water utilities reduce water losses that can readily sap up to 40 percent of the treated water being supplied to distribution systems.

> ***Some experts contend that there is no "global" water crisis but rather just "local" ones.***

In recent years, global institutions and communities of faith and goodwill have made much progress in recognizing access to safe water and sanitation as a human right to life issue, indeed as a life issue for the broader natural world. Guiding principles can help motivate us to act as we seek to draw forth the best of humanity through our water solidarity efforts.

On 28 July, 2010 the United Nations General Assembly adopted a historic resolution recognizing "the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of the right to life". 122 countries voted in favor of the resolution, no votes against and 41 abstentions. Two months later, the UN Human Rights Council adopted its own resolution affirming water and sanitation to be human rights. The recognition established the obligations states now carry to respect, protect and fulfill these inherent rights in regard to clean water and sanitation.

The impact of these UN resolutions is already being felt around the world. Just six months later, the Kalahari Bushmen of Botswana won a national court ruling, which cited these two UN resolutions in restoring the Bushmen's right to their former borehole. The Bushmen's well had been smashed by the government in 2002 in its decades-long effort to evict them from their traditional lands in the Central Kalahari Game Reserve (Barlow, 2011).

In 2005 "Waters of Life" – the framework for the Ecumenical Water Network supported by the World Council of Churches, expressed its guiding convictions as the member churches engage in debate and action on water issues. Among them are the following:

- Water is the condition of all life on the planet – plants, animals and human beings. Water is an essential gift of God for all living beings. Water resources must, therefore, be protected for the whole of creation.
- Access to water is a fundamental human right ... Water must not be treated as a commercial good or a commodity of trade.
- At all levels, public administration of water must be transparent ... Management and distribution of water should be placed in the hands of the communities depending on it

Our response

Listening to those on the margins, the water "have-nots" of our time, a plea heard time and time again directed at those living in countries of wealth and privilege, is to assume the responsi-

bility of amplifying their voices in the halls of power. Their voices would call for greater funding and more effective implementation of international water and sanitation programs and drought-resistant seed research. Their voices would challenge international capital to assume its global responsibilities in terms of accepting sustainable standards for its procedures and practices. Their voices would call us to awareness of the contamination and depletion of their water by transnational mining interests and the devastation of their surface waters by untreated industrial waste discharges. Their voices would challenge diversion of water resources away from global food production to crop-based biofuels. Their voices would call for an end to the financial market's speculation on "virtual water" food and energy commodities resulting in artificially high prices that inflict great misery on the urban poor. Those of us with water and sanitation – the privileged ones – must work alongside those without it to realize the same human right.

A comprehensive presentation of water development and advocacy recommendations by leading water experts of our day can be found in the CRS publication, Water and Conflict: Incorporating Peacebuilding into Water Development (Gehrig, 2009).

Complex problems require creative solutions. Paradigms must shift and market forces directed so that global trade fosters ecologically sustainable growth. In terms of water, this could be promoted through water solidarity tariffs on imported goods produced without treatment of industrial or mining wastes, with the revenues directed back to helping industry, mining and commercial interests in the most impoverished countries to achieve just that. The global convergence underway could break from the old paradigm of wealth creation for an elite few, obtained through labor and environmental abuse, to a more sustainable means of bringing up those in need, all the while providing incentives and resources for protecting their watersheds.

Water runs through each and every one of our bodies, regardless of skin color, religious belief or profession. Through our shared relationship with water, our commitment to protect water, and our efforts to implement the right of all to access safe water and sanitation, we can help those in need overcome conflict, including ourselves.

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1 Virtual water (also known as embedded or hidden water) refers to the water used in the production of goods or services.

2 Graffiti during 2000 Cochabamba "Water Revolt"



PHOTO: JASON GEHRIG

An elderly man and his grandson draw water from an open well in the small town Anchallani, located high in the Bolivian plateau. In 2007 the American organization Water for People, together with the local NGO Suma Jayma, installed a new water system that replaced the community's contaminated water source.

With China entering the stage, the riparian countries in the Nile Basin face new challenges, risks and opportunities. The presence of this external actor might affect the cooperation and efforts to agree on a fair distribution and use of the Nile Waters. China's massive investments in infrastructure are much needed for the development of the region, while the effects on the economic and geopolitical balance are yet premature to predict.

The China factor:

New challenges for Nile Basin cooperation

Ashok Swain and Qazal Jamali

The Nile is one of the longest rivers in the world and traverses 6,700 kilometres through some of the poorest countries in Africa – Rwanda, Burundi, Democratic Republic of Congo, Tanzania, Kenya, Uganda, Eritrea, Ethiopia, Sudan, South Sudan and Egypt. The eleven Nile riparian states have a total population of 396 million, of which nearly half are directly dependent on fresh water from the river for their survival (Kitissou, 2004). The bulk of the population is concentrated in the more arid, northern part of the basin, with Egypt as the major user of the waters of the Nile.

The current distribution of the Nile's waters is laid out in the 1959 Nile Agreement[1] between the two downstream riparian states Egypt and Sudan.[2] The agreement established the total annual flow of the Nile measured at the Aswan Dam as 84 BCM (billion cubic meter), and allocated 55.5 BCM (66 per cent) to Egypt and 18.5 BCM (22 per cent) to Sudan. The remaining 10 BCM (12 per cent) were assigned to surface evaporation losses at the large reservoir below the dam. As Egypt and Sudan allocated the entire flow to themselves, they also reserved the right to decide on whether other Nile Basin Countries (NBC) would get a share of the Nile flow and, if so, how much. Upstream states, led by Ethiopia, refused to acknowledge the agreement, arguing that, since almost the entire flow stems in their territories, they are entitled to an equitable and reasonable share of that flow. They claimed their 'sovereign right' to the use of the Nile's water (Salman, 2011). Egypt, on the other hand, rejected the objections of upstream states by citing their 'historically acquired right' to the usage of the Nile that goes back 5500 years.

By the 1990s, severe new challenges of water scarcity were added to these tense relations, as a result of increasing population growth in combination with unequal use of the fresh water resources among multiple users. This led scholars such as Homer-Dixon to predict 'water wars' in the basin. He argued that "conflict is most probable when a downstream riparian is highly dependent on river water and is strong in comparison to upstream riparians" (Homer-Dixon, 1994).

Refuting these dire predictions, the NBCs came together in 1999 and committed themselves to the Nile Basin Initiative (NBI) to realise a Shared Vision, *"To achieve sustainable socio-economic development through equitable utilization of, and benefit from, the common basin water resources"* (NBI Report, 2009).

The Nile is already a stressed system, and the cooperation will have to deal with a number of additional challenges that could emerge and affect the downstream states. These include the problems with the reservoir, which has great evaporation losses, the high consumptive use of water, the challenge of climate change and increased salinisation (NBTF Report, 2009). As multilateral cooperation advanced, in 2007 the NBCs expressed their wish to establish the Cooperative Framework Agreement (CFA) that would formally institutionalise the NBI and for the first time address the fundamental issue of equitable utilisation of the Nile's waters. Both the NBI process and the efforts to create the CFA were mainly the result of extensive involvement of the World Bank and international donors, who were not only successful in creating a stage for dialogue and negotiations, but also in institutionalising cooperation in the basin through the formation of a set of formal organisations (Kibaroglu, 2007).

The Nile is already a stressed system, and the cooperation will have to deal with a number of additional challenges.

The China factor

However, two decades after the NBC's commitment to basin-wide cooperation, the riparian states' efforts face new challenges, this time caused by the involvement of a new major player in the Nile region, namely China. The involvement of Chinese enterprises in hydro projects along the Nile river allows for alternative support and funding for upstream riparian states (Swain, 2011). Constrained from developing their water systems – either due to the lack of financial and technological capacity or prevented by influential Egypt's strong campaign against receiving funding from international donors – upstream states are now able to develop their wa-

ter systems unilaterally with help of this new external partner.

China is a giant economy and an emerging global power that is extensively present on the African continent in a time when the business climate has improved across Africa and interest in African markets has grown (Cheru & Obi, 2010). Undoubtedly, China has become a key trading power in Africa.

> ***China's strategy of non-interference in the domestic affairs of the aid receiving countries is welcomed by the African countries.***

It has become "a contractor, a financier, a deliverer of a variety of goods and services, a donor and an investor on the continent" (Raine, 2009: 54). Moreover, China's strategy of non-interference in the domestic affairs of the aid receiving countries is welcomed by the African countries. Chinese aid is also free from environmental regulation or criteria of human rights and democracy. This has allowed China to expand its business in areas of Africa, such as Ethiopia and Sudan (Swain, 2011).

China's interest in Africa is both economical and political: Africa provides resources to fuel Chinese growth, and African friendship enhances China's integration into the community of world powers (Raine, 2009; Niquet, 2006). In return for political support (e.g. votes in the UN, and stance on Taiwan), China provides the African nations with a "diplomatic package" which involves strategic partnerships with more trade and cheaper loans but also arms export, visits by China's President or Prime Minister, student exchanges, and the deployment of peace keepers (Cheru & Obi, 2010; Bosshard, 2007).

China's emergence in Africa also means massive investments in infrastructure (including hydro projects) that are greatly needed in most African nations and particularly for NBCs, which are major recipients of such aid. Chinese companies are involved in hydro projects in Ethiopia, Sudan, Uganda, Burundi and DR Congo. China's official export credit agency, the Export-Import Bank (ExIm Bank), plays a strategic role in the construction of hydropower dams among other investments in the respective countries (Bosshard, 2007). Due to the favourable Chinese financial contracts with African governments and the presence of Chinese workers and engineers in the region, the hydro projects are executed quickly and efficiently. Moreover, Chinese investment, unlike World Bank funding, does not need notification or consent from other riparian states for the execution of water development projects (Cascao, 2009).

PHOTO: AFP PHOTO/EBRAHIM HAMID



Chinese Foreign Minister Yang Jiechi on a pleasure cruise along the Nile during his visit to the Sudanese capital Khartoum in August 2011. A key ally of Sudan, the rising world power is one of the largest foreign investors and the biggest buyer of Sudanese oil.

A new external actor

Despite its high water development potential, for a long time Ethiopia lacked the political stability and technical and financial means to develop its water systems. When the country tried to do so, it was prevented by Egypt, which continuously campaigned to persuade international creditors and donors, such as the African Development Fund, the World Bank or the European Investment Bank, not to finance Ethiopian projects (Swain, 2002). However, with the emergence of China as a new external actor in the region, the situation changed in favour of Ethiopia, as China now generously provides financial and technological support to undertake infrastructure projects, including building big dams and irrigation systems.

In 2010, China signed a Memorandum of Understanding with the government of Ethiopia to finance the construction of the Gibe III, a mega dam on the Omo River. The Industrial and Commercial Bank of China finances the project with US$ 500 million, a loan Ethiopia had previously been denied by the African Development Bank and the European Investment Bank (International Rivers, 2010). The Gibe III dam is the largest infrastructure project in Ethiopia to date.

Many criticise the construction of the dam, as they argue that it will have devastating consequences for both the environment and the people living in the area near it. In response to the criticism, the Ethiopian Prime Minister, Meles Zenawi, said: "They don't want to see developed Africa; they want us to remain undeveloped and backward to serve their tourists as a museum ...These people talk about the hazard of building dams after they have already completed building dams in their country" (The Guardian, 7/03/2011).

Chinese investments also helped in the construction of other hydro-dams in Ethiopia. The Tekeze hydroelectric dam, with its height of 185 meters, is one of Africa's tallest dams and can generate 300 MW of electricity. Both funding and construction was provided mainly by Chinese enterprises. China's leading hydropower dam company, Sinohydro, disbursed US$ 224 million (International Rivers, 2010). Another example is the construction of



PHOTO: AP PHOTO/ALFRED DE MONTESQUIOU

A Sudanese woman walking past one of the Chinese flags lining the streets of Khartoum ahead of a historic visit to Sudan by President Hu Jintao of China in February 2007.

the Ameriti-Neshe hydro-dam that can generate 100 MW electricity, built by China's Gezhouba Water and Power Co (International Rivers, 2010).

Also in Sudan, Chinese technical and financial support has helped the construction of dams. The Merowe Dam on the Nile system is the biggest water project on the Nile since the construction of the Aswan High Dam. It has a potential to generate 1,250 MW electricity and is expected to be used also for irrigation purposes in the future (Swain, 2011). At present, the projects in Sudan are built in accordance with the 1959 Nile Agreement. However, with the help of China, Sudan is expanding its irrigated areas close to the banks of the Blue and White Nile through pumping projects, hereby raising worries about the future water supply for Egypt (Swain 2011).

Unilateral upstream development

The construction of the various hydro-dams in Ethiopia and Sudan are examples of unilateral upstream water development, thanks to Chinese involvement. This indicates that upstream states have decided to move forward with unilateral development of infrastructure in the basin as opposed to the Western prescription (Cascao, 2009; Swain, 2011). Moreover, China's interest in the Nile region goes beyond water related investments. For instance, China has a special interest in newly independent South Sudan for its potential for oil exploration. Despite the fact that these developments are very recent and its further implications are only speculative, it is highly likely that China's involvement in the region will continue with upstream states, in particular with South Sudan.

For downstream Egypt, increased upstream unilateral development is alarming, as its long-term hydro-hegemonic position over the Nile water resources is uncertain: too much water system development and agricultural diversion in Ethiopia would threaten Egypt's water supply. Furthermore, Chinese state owned companies do not require the consent of all downstream states to get involved in water projects. With this development, Egypt has lost its de facto veto power to block upstream states' initiatives (Cascao, 2009). Meanwhile, unilateral development outside the coordinated framework ignores the water allocation formulas that form a security threat for Egypt.

By simultaneously developing unilaterally, basin states inevitably act outside the cooperative framework of the NBI's Shared Vision and the objectives pursued in the CFA. Meanwhile success in establishing a CFA that would address the issue of 'equitable utilisation' in a legal document is uncertain. Egypt and Sudan have raised objections regarding the part of the treaty addressing the 'water security' issue. Calling upon their historically acquired right over the Nile's waters, they argue for keeping their right as set in the 1959 Nile Agreement. While the majority of the NBCs have already signed the CFA, Egypt and Sudan refused to sign the pact without the proposed amendments. These objections and proposed amendments

go against the whole *raison d'être* of the 'equitable use' objective of the Shared Vision and may bring uncertainties for the future of basin-wide cooperation.

Uncertainties and opportunities

China's engagement with Africa remains far from comfortable for the Western world. With China's continuing assistance in Africa's development, free from political interference, the Western liberal-democratic development model is no longer the only game in town. China's interest in promoting multipolarity is creating reason for the West to worry about its hegemonic position (Raine, 2009: 177-178). The critiques of China-Africa relations underline the fact that China is pursuing its economic development and industrial revolution by relying on ethical and legal frameworks through which, from the African side, only a small number of people profit. (Raine, 2009: 177-178).

> ***China's engagement with Africa remains far from comfortable for the Western world.***

In 2006, the president of the European Investment Bank, Philipe Maystadt, complained that, "they [China] don't bother about social or human-rights conditions", emphasising that Chinese banks operate to different standards that give them commercial benefits (Raine, 2009: 98-99). Moreover, China does not respect rules of commercial competition, as it is not part of the Organization for Economic Co-operation and Development (OECD), so it could lend to projects that are otherwise refused by the OECD; an example is the Gibe III dam in Ethiopia. In addition, China can profit from particularly favourable negotiating conditions by making bilateral deals with individual basin countries (Raine, 2009).

China's pragmatic interest in NBCs brings new uncertainties but also opportunities for the future cooperation of the Nile Basin Countries. New uncertainties arise from upstream unilateral water development. Due to Chinese support, upstream states have the alternative to develop their hydro projects, undermining the hegemonic position of Egypt, which for a long time controlled and profited from the Nile's flows. Moreover, uncoordinated unilateral investments would put additional stress on the water systems and add to the uncertainties for the future of a legal and binding agreement over the utilisation and allocation of the Nile's water (NBTF, 2009). However, Chinese interference also brings new opportunities for the basin countries, thus breaking the historical pattern of Egypt's hydro hegemonic pattern. One possible consequence is the Egyptian realisation that it cannot maintain its role as hydro hegemon as it did for the past centuries. The changed geopolitical landscape might push Egypt forward to behave in a more cooperative and accommodative way towards its riparian neighbours. A transformation of the Egyptian approach is imperative for the fostering of an effective river basin institution in the Nile. The equitable utilisation and better management of the Nile water will not only help the economic development in the basin, it will also be a catalyst for bringing peace and cooperation to the region.

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1 The 1959 Agreement for the Full Utilization of the Nile Waters (known as the 1959 Nile Agreement) replaced the 1929 Nile Waters Agreement between Egypt and Great Britain, who acted on behalf of other countries it administrated along the Nile (Sudan, Tanganyika, Kenya and Uganda).

2 This is ironic since most of the water resources of Sudan and Egypt originate outside their borders: 77 per cent of Sudan's and more than 97 per cent of Egypt's water resources (FAO, 1997)

For thousands of years the Nile river has been a source of wealth and development to the countries along its reaches. Its decisive importance for life in the Nile Basin also makes it a potential point of conflict, not least in times of changing of boundaries and the emergence of new states. According to the author, however, history teaches us, and the present gives reason to believe, that the riparian states will continue their efforts for peaceful cooperation.

The Nile: A shared gift or a subject of contention?

Yacob Arsano

In September 2010, I was asked by the Life & Peace and the Nordic Africa Institutes to give a talk on the topic "The Nile: A Potential Arena for Peace or a Cause for War?" at the Göteborg Book Fair in Sweden.

My speech was interactively moderated by Dr. Cyril Obi of the Nordic Africa Institute. It addressed numerous factors which have the potential to unite the countries in the Nile Basin rather than divide them. My conclusion was that the riparian countries and communities in the Basin are permanently bound together, and that they have no choice but to cooperate. Therefore, I claimed that the "Nile is and will continue to be a source of unity, cooperation and development rather than division and source of war". Quite a few interjections came from the floor in the form of questions or queries. Some participants enthusiastically engaged me in further discussion after the session was over.

Those who interjected during the session as well as those who remained for further discussion seemed astounded by the conclusion I had made. From this, one can surmise that there is some confusion about what is true and what is not true about the Nile. It is understandable that the Nile has been subjected to misinformation and disinformation. Various media sources have been transmitting statements like "the next war will be on the Nile", "touching the Nile waters would mean passing the red-line", "... a battle of the Nile", etc. Viewed from a distance, and through the lens of the media which inadvertently carry disinformation about the Nile, it all sounds as if there will be a war over the Nile some time soon. Therefore, the confusion is something that might be expected. My present



PHOTO: BRYAN WOO

The construction of the Aswan Dam across the Nile River in Egypt became a key objective of the Egyptian Government following the Egyptian Revolution of 1952. The ability to control the flood waters, and harness the hydroelectric power that it could produce, were seen as pivotal to Egypt's industrialisation.

contribution is to take a step further to explain how and why the Nile is a permanent factor for development rather than a cause for war.

Sharing the gift

In the first place, the Nile is nature's gift, and a shared gift at that. There are eleven riparian countries[1] which are together endowed with this gift. In 1997, I made a presentation at the 5th Nile 2002 Conference, where I argued that those riparian states which happen to be at the source or at the mouth of the Nile cannot claim an exclusive ownership of the Nile waters[2]. I still maintain that what I said then was correct. Beyond any doubt the waters of the Nile have always been shared, and will ever continue to be shared between all the riparian countries and communities, notwithstanding the emergence of new states or the drawing and redrawing of state boundaries. Besides the sharing of the Nile waters, there are numerous other transboundary assets that are shared. These include cross-border settlements of population groups with similar languages, cultures, production systems, ecological systems etc. Who then can doubt that the Nile is of utmost importance to all riparian countries and their communities? Indeed, that is why the riparian nations increasingly manifest the aspiration to develop the shared water resources and all other related resources peacefully and in collaboration. The purpose of the Nile Basin Initiative is to help realise the cooperative aspirations of the riparian countries.

> ***"The waters of the Nile were there for ages, while the state boundaries were drawn and redrawn.***

The Nile is a permanent linkage between the eleven riparian nations. It interconnects all the countries, notwithstanding political boundaries or other divisions (religious, racial, linguistic, etc.). If we look at the Nile through an historical lens we find that the waters of the Nile were there for ages, while the state boundaries were drawn and redrawn. This is why I tend to agree with Professor Lucius Caflisch[3] when he said that "transboundary waters form a natural unit, and they should be treated as such"[4]. Surely this is true for the Nile Basin as well? It is also important to remember what the late Cheikh Anta Diop concluded in his seminal work *The African Origin of Civilization: Myth or Reality*[5]: "those in the mouth and those in the source as well as those in the middle of the course of the Nile were bound in one and drew their life and civilizations from the same source". Drawing on his lifelong search and research, Professor Anta Diop finds that the Nile is not only the home of the most ancient human race but also of the 'primitive' civilisation of human kind. As a student and professor of 'the Nile Civilisation' he is well placed to make such an authoritative observation on why the Nile should unite the societies in the basin rather than be a cause for division among them.

The unfortunate problem has been that the downstream riparian states are misled to perceive that they have exclusive "historical" and "natural" rights on the basis of colonial agreements[6]. The upstream countries, on the other hand, have always asserted their right to utilise the water resources as long as these emanate from their territories and flow through their territorial jurisdiction. However, although the need for the utilisation of Nile water in each riparian country is high, war between them has been out of question. Amidst the well known disagreement on the issues of utilisation, management and protection of the Nile waters, diplomatic, commercial, cultural, and other relations between upstream and downstream countries have continued at a normal pace.

War would be counter-productive

Like in other basins in the world, the countries in the Nile Basin are most unwilling to go to war over water. If they did, they would be most uncertain to gain any benefit from it. Also, there is no evidence that the Nile riparian countries have ever gone to war for the Nile waters. It would have been unfeasible for any one riparian state to conquer the shared water basin. As a matter of fact, war over water is a rarity in recent times as well as in the history of interstate water use and management. It would not be in any one country's interest to opt for control over the shared water resources. It would be counter-productive.

Even Great Britain, the most powerful imperial state of the previous century was unable to conquer all Nile riparian countries. They put Egypt under protectorate in 1882, occupied Sudan under the Anglo-Egyptian Condominium, colonised Uganda and Kenya during the last decade of the 19th century, and incorporated Tanganyika[7] into their colonial regime under the pretext of trusteeship of the League of Nations, following the defeat of Germany in the First World War. The main drive for the British colonial ambition was to establish uninterrupted dominance between Cairo and Cape Town. Even then, Ethiopia, the biggest source of the Nile, remained outside the British or any other colonial occupation. Similarly, the Democratic Republic of Congo (DRC), Burundi and Rwanda remained outside the British colonial domination[8].

The rivers Abbay, Baro-Akobo and Tekeze[9] emanate from the same water tower – Ethiopia. The rivers Nzoria, Kagera and Semliki and the lakes Victoria, Albert, George, Edward and Kyoga emanate from the heart of Eastern and Central Africa. All of these headwaters permanently replenish the Nile through natural cycles beyond human capacity to manipulate in any way. The head waters provide perennial flow for the long course of the Nile River. There is neither the need nor the possibility to control the Nile waters by any one state or group of riparian nations.

It would be a mistake to think that the water development of one riparian nation can or will be safeguarded by controlling and monopolising the waters which are shared and bound to be commonly owned. It is an even more serious mistake to assume that the security of one riparian country can be ensured without cooperation with other riparian nations. Therefore, it goes without saying that the water security of one nation in the shared basin cannot be maintained at the expense of water security of other nations along the water course.

This was explained by Diop in a simple but rather piercing manner when he said that the areas of the upper Nile provided the two sources of life, namely heat and humidity, which are ever present, and they are the continuous conditions for the replenishment of the bounteous Nile waters received in the downstream[10]. Hence, the countries and the communities in the upstream and downstream of the Nile Basin are per-

manently bound together by the generous Nile, to which millions owe their present livelihood and future prosperity.

Negotiations on water utilisation

A new departure in the direction of cooperation was heralded by the agreed commitment of all Nile Basin states to jointly establish the Nile Basin Initiative as an interim mechanism to achieve a *modus operandi* of equitable and reasonable utilisation of the shared waters. For all or most of the Nile Basin states, this commitment demonstrates a coming of age, relegating the colonial and post-colonial 'water-lordism' to a phenomenon of the past.

Since February 1999, in tune with this reality, the Nile riparian countries have been engaged in negotiations for a Cooperative Framework Agreement (CFA) on the utilisation and management of the Nile waters under the auspices of Nile Basin Initiative. This negotiation process has taken all the Nile Basin countries on board, and indeed, this has been very positive, because the riparian states are willing and committed to establishing the Nile Basin Initiative as an interim outfit to facilitate more permanent legal and institutional arrangements for the basin. The hoped-for outcome of the negotiations is an end to the chapter of colonial geopolitical legacies and the doing away with any lingering hydropolitical tensions in the basin.

The CFA negotiation has been conducted under the leadership of the Council of Water Ministers (the Nile COM) comprising the Nile Basin nations. The process has involved protracted phases of negotiations. The CFA was then adopted in May 2009 by the Nile COM during its extraordinary meeting held in Kinshasa, DRC, with a seven to one decision. Ethiopia, Rwanda, Uganda, Tanzania, Kenya and Burundi have already affixed their signatures to the CFA document. The Nile Basin Commission is expected to be established upon ratification of the CFA by the six member states which have signed it. The three remaining countries, namely DRC, Sudan and Egypt did not sign by the closing date of 13 May 2011. The next option for them is to join the Nile Basin CFA through accession when they decide to do so.

The cases of Eritrea and South Sudan are somewhat different. Eritrea opted for observer status during the negotiations for the CFA. Since the country was not a party to the negotiations, Eritrea was not expected to be among the original signatories. With regard to South Sudan the situation is entirely different. Until 9 July 2011 South Sudan was not an independent riparian state of the Nile Basin and did not have an independent status to become a negotiating party. However, having become an independent nation in the basin, the Republic of South Sudan is now a fully fledged riparian state of the Nile Basin. Eritrea and South Sudan may opt to join the CFA through accession.

The riparian states are doing their utmost to hammer out the remaining difference of interests in line with internationally well established principles of 'equitable and reasonable utilisation' and 'no significant harm' to other riparian countries. The above are core principles which were adopted in 1997 by the UN Convention on Non Navigational Use of International Water Courses, and have been incorporated by the Nile riparian states during the negotiations for the CFA. Additionally, the Nile Basin states have been engaged in developing joint multipurpose development projects to be carried out on their shared waters for mutual benefit. This line of transboundary cooperative engagement is bound to be a dominant trend on the inalienably shared waters of the Nile.

As a matter of final observation, all indicators in the Nile Basin show increasing cases of will power and steps toward cooperation. The recent processes of negotiations and diplomatic exercises are evidences of peaceful engagement for development rather than stand-off or war. Conflicts of interest inevitably continue to exist as a matter of fact. But these are increasingly being handled through peaceful and diplomatic means and hammered out through continuous negotiations. For this reason war has no place as an alternative to development. Therefore, and by all indicators, the Nile is an arena for development and not a cause for war.



PHOTO: BRYAN WOO

The Aswan Bridge in Egypt, close to the city Esna, located on the west bank of the Nile, is one of rather few bridges in the area south of Luxor.

1 South Sudan has become the eleventh riparian state of the Nile, having become an independent state on 9 July 2011.

2 Yacob Arsano "Towards Conflict Prevention in the Nile Basin" in Proceedings of the 5th Nile 2002 Conference held in the UN Conference Center, Addis Ababa, 24-28 February 1997.

3 Professor of International Law, the Graduate Institute of International Studies, Geneva, Switzerland; Legal Advisor, Department of Foreign Affairs.

4 "Regulation of the Uses of International watercourses" in Salman M.A. Salman & Laurence Boisson de Chazournes (1998) International Watercourses: Enhancing Cooperation and Managing Conflict, Proceeding of World Bank Seminar, The World Bank, Washington DC, p. 3.

5 Diop, Cheikh Anta (1974) African Origin of Civilization: Myth or reality, Lawrence Hill & Co. USA, p. 56

6 The most notable reference in this regard is the Exchange of Notes between the Governments of the United Kingdom and Egypt, on 7 May 1929 'on the use of the waters of the Nile for irrigation'.

7 Following the unification of Tanganyika and Zanzibar in the early 1960's the country's name has been changed to Tanzania.

8 The former German colonies of Burundi and Rwanda were ruled by Belgium alongside the Congo following the defeat of Germany in the First World War.

9 Abbay is known as the Blue Nile in Sudan, so also Baro-Akobo as Sobat and Tekeze as Atbera.

10 Diop, as above.

The severe ongoing drought in the Afar region in Ethiopia, coupled with additional challenges, paints a vivid picture of the importance of cooperation over water resources in order to prevent human suffering and conflicts. In January-March 2011 the author of this article conducted a minor field study in the area for her Master Thesis in Global Studies. Through participatory field methods and semi-structured interviews, she looked into the community members' perceptions of their exposure to climatic change and their ability to cope with droughts.

Water cooperation vital in drought plagued Afar region

Maria Ölund

The semi-arid Afar region in north-east Ethiopia is the so called "cradle of mankind". Here the remains of our human ancestor Lucy were found. In Afar, water is a precious resource, and cooperation between stakeholders is therefore essential to sustain life. The Afar pastoralists who have inhabited the region since the times of ancient Egypt have governed the use of the natural resource base through traditional social structures and resource management systems. These have been based on cooperation and solidarity between clans to ensure that grazing land and water sources are shared and sustained.

Refined institutions and conflict prevention mechanisms have been the key to cope with life in one of the driest and hottest areas in the world, where rainfall is low and erratic and temperatures can soar to about 50 degrees Celsius in the summer. Living in a harsh environment is nothing new for the Afars, but in recent years living conditions have started to change drastically, which puts additional pressure on traditional institutions and natural resources. When the challenges increase and traditional coping mechanisms are undermined, the risk of conflicts is enhanced.

Erratic rainfall in the last decade

As with many others of the now severely drought plagued areas on the Horn of Africa, the Afar lowlands have experienced consecutive failure of rainy seasons, especially in the last decade. During the last three years, only the summer rains in 2010 were good, but unfortunately they were too heavy to be effective for some of the severely drought hit grazing areas. Flash floods brought riverbanks to collapse and important fodder trees and animals were washed away with them. Grain reserves, farmlands and homes were also damaged.

An old man expressed his concern about the more unreliable seasons with their enhanced risk of both floods and droughts: *"Since the last "karma" (summer rain) which was too strong, there were no showers during "dabaiba" and "dadda" (in the winter) and now the "suggum" (spring rain), which is most important for the regeneration of the grass and health of the animals, is delayed. (...) Earlier the old people could accurately predict the rain; this is no longer possible."*

Everywhere I travelled in the Afar region, people testified to the drastic changes in the rainy seasons. They have seen a negative trend, especially during the last 10-20 years. One man said: *"Now the rain is not consecutive as before. Before it used to rain three to four times per year, now it only rains twice or sometimes even only once per year"*. In order for water sources and grazing areas to recover and sustain the life of the Afars and their herds, several rainy seasons per year are needed. Like other pastoralist groups on the Horn of Africa the Afar livelihoods are mainly based on livestock rearing. The rainfall is also said to be more erratic than before with short local showers. For some areas this cruel lottery has resulted in almost no rainfall at all during the last three to five years, causing severe drought, massive livestock loss and acute malnutrition. Death from thirst is possible even in a 'good year', but now it is an ever-present threat in these pockets of severe drought.

Migration a coping mechanism

To ensure livelihood sustainability the Afars have been using a land tenure and production system based on mobility. By their systematic migration between different grazing areas, the grass has been left to regenerate for future needs. The Afar pastoralists live widely dispersed in the region. Most often they are based with their families and livestock in one area. If there is plenty of rain in another area, herders will move the animals there for grazing. Especially in times of drought they migrate to places with better conditions, such as the border areas to the highlands in the west or to the valley around the Awash River, which is the only permanent river in the semi-arid region.

> ***Cooperation over water and other natural resources is essential to sustain life and a prerequisite for a peaceful and sustainable development.***

Among the rural Afars approximately 90 per cent practice pastoralism and the remaining 10 percent are agro-pastoralists. Besides their livestock these Afars live off rain-fed or irrigated crop production. Due to increasingly unreliable rainfall, the irrigated subsistence farming along rivers in the region is ex-

panding, as is commercial large-scale farming. The competition over these important river valleys risk creating tensions between different stakeholders. Pastoralists who traditionally have used these areas as dry-season grazing areas during times of crisis fear that they will lose access to these important coping areas, reserves where they can get relief and keep their livestock alive until the next rainfall.

Cooperation ensures grazing

The dry-season grazing areas consist of different types of vegetation. Fodder trees in forests along the river banks, with their deep roots that reach for water, are almost always green. Their fruits and leaves can be used as animal fodder. In addition, some fruits are consumed by humans. Flood-fed grazing areas have previously been another important source of fodder. These used to be larger before, when seasonal floods occurred regularly. Due to dam construction for irrigation on the Lower Awash River at Tendaho, the water flow is now regulated. The dry-season grazing along the Awash River is also based on a strong social sharing system between Afar agro-pastoralists and pastoralists. This tradition is still practised in the river delta Afambo close to the previous regional capital Assaiyta, where the Awash River divides into several smaller branches. Here the Afar agro-pastoralists have a long tradition of gravity-fed irrigated farming.

The area around Afambo and Assaiyta has for long been a strategic area due to its fertile soil and richness in water resources. It used to be the centre of the Awsa sultanate. It was the richest and most powerful of the different sultanates in the Afar region in Ethiopia, due to its control over the fertile land and water resources in the lower Awash valley. The recently deceased Sultan Ali Mira had an immeasurable herd of livestock and expanded vast areas for Afar agro-pastoralists to cultivate.

In addition, he cooperated with the Ethiopian state and investors in cotton production, such as Michell Cotts at the Tendaho plantations from the 1960s. Today the sultanate has lost its power and the traditional Afar governance of the land has been transferred to the Ethiopian state. However, Afar farmers have continued to cultivate the land that they have used for generations. Vast areas of maize fields and other crops are supplied with water through irrigation. The farms do not only give food for the people and the market; in addition the left-over from crop-production is used as livestock fodder.

When droughts hit peripheral areas, Afars migrate with their livestock before they get too weak to endure the journey. To disperse the risk, the animals are spread to different areas. The lower Awash valley around Assaiyta and the delta downstream in Afambo is, however, a particularly important destination in times of crisis. Here the livestock can graze on Afar farms after harvest time. The top of the maize plant is cut off while the maize is ripening and given to the livestock. Cows eating this fodder yield good amounts of milk. Cut-and-carry systems from the farms and grazing areas are practised, where fodder is given to livestock in enclosed spaces.

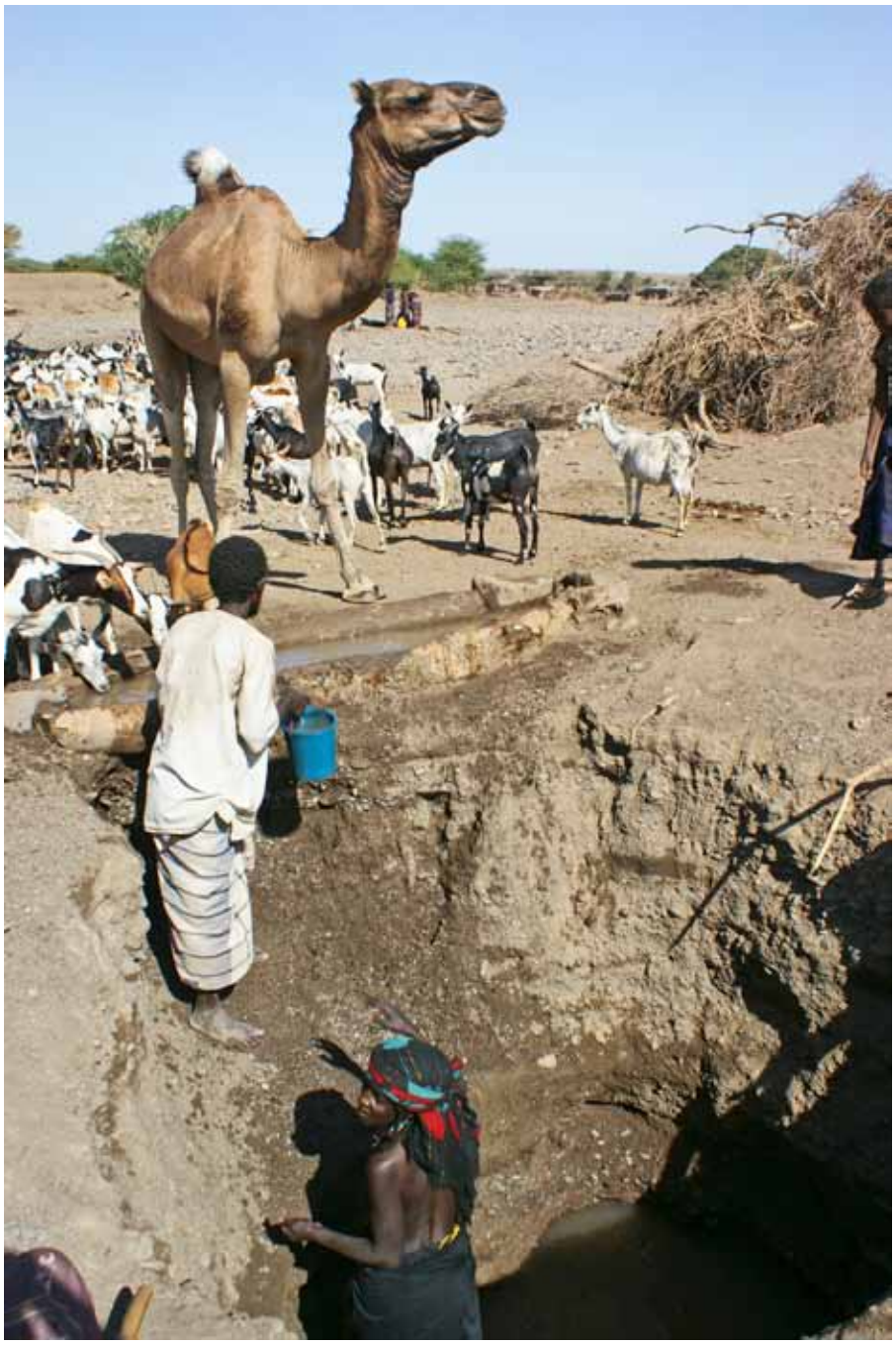
In the communal Afar culture, the needs of the own community are not seen as separated from the need of Afars from other areas. A woman in Afambo expressed that they, *"don't make any difference between the guests and people living here. We invite them to spend the harshest times with us. They eat with*



PHOTO: MARIA ÖLUND

Water containers made of goatskin are used to transport the water on donkeys or camels from the waterholes at the riverbed to the homes. In addition they keep the water cool. In some areas women walk up to 24 hours roundtrip to fetch water.

PHOTO: MARIA ÖLUND:



To cope with droughts the Afar pastoralists dig holes in riverbeds to find water for their livestock and for the household needs. It is a heavy and time consuming task to manually lift the water from the holes and water the animals.

us, we share what we have, if needed we go hungry together. We give fodder to their livestock from our farms."

Increased need of dry-season grazing

The need to utilise these dry-season coping areas and sharing systems seems to be greater than before due to changing climate conditions. Local testimonies paint an alarming picture of increased exposure to climatic change, such as severe and prolonged drought, stronger winds and flash floods, which degrade grazing areas, forests and water sources. In a drought hit area, several days walking distance north of Afambo and the Awash River, a woman cried out her frustration over the lack of rain, water and grazing. *"If there is no rain, there will be no grass, then we lose our livestock one by one. Now there are only a few remaining. This must be the end of all times."*

A common expression in Afar that I heard repeatedly during my visit to the region was *"Afar saa'a rabek Afar rabta"*, which means that if the livestock is suffering or dying, the Afar people will also suffer or die. This is true, since the Afars depend on their animals for their diet, such as milk, meat and butter. Now they are more dependent on the food market. They do not get much payment for their weak animals, at the same time as the price of grain and other food items has increased drastically. This is an equation that often leads to hunger and frustration.

Difficult search for water

During dry times the Afars dig deep holes in riverbeds to find water for human consumption and their animals. In the early morning there is already full activity, and throughout the day different groups of people and herds with goats, sheep, cows and camels gather to get their share. It is a heavy and time-consuming task to manually lift up the water from the deep hole. It can take several hours to fill up the water containers and to water the animals. Some women walk as far as 24-hours round-trip to fetch water.

At one of the riverbeds that I visited, the water slowly filtered through the sand to the bottom of the hole during the water fetching. I asked if there are tensions associated with the water fetching. I was told that, *"when the drought is worse than the present, there can be tensions. Sometimes we only take water for human use, not for the livestock. Then we have to take our cows to the Awash River for water. We go there only in very critical times."*

While fetching water, women and men uttered that they are eagerly waiting for the rains, since it is difficult to dig deeper. They said that sometimes they are forced to dig as deep as *"three men standing on top of each other"*. One man at the waterhole said: *"Now there is constant drought. It is suffering time. If we don't get enough access to water, there will be a big problem. Now people are very busy because it is a drought situation. They have to work hard; otherwise the livestock don't get access to enough water. We depend on the health of our livestock, that's why we suffer now."*

Despite the brown coloured water fetched with great difficulties, this is an important "faagi", which means "a place of water". People come from areas far away to this site or pass here on their way to grazing areas on their migration routes. Water access cannot be denied to other Afars in need, but when tensions do occur over water or pasture, they are discussed and solved in the "mablo" system, a local conflict resolution body usually consisting of respected elders.

However, the traditional institutions and norms seem to be changing, according to elderly people. One old man told me that, *"the many challenges have changed the younger generations"*. As an example he gave one traditional environment protection mechanism, the "desso" system. This has been used to protect certain grazing areas and fodder trees to use as a reserve only, but due to the increase of droughts this protection system has become harder to implement and if implemented, the old man said: *"They don't obey it but will start a conflict with you."* He showed great concern about this development and continued: *"Today people are more exposed to conflict than before due to the more challenging living conditions."*

> ***When droughts hit peripheral areas, Afars migrate with their livestock before they get too weak to endure the journey.***

Limited mobility risks fuelling conflicts

A middle aged man is watering his animals in the baking hot afternoon sun. He tells me about the struggles to find enough water and grazing to keep the livestock alive. He travels every day on foot between this water source and dry grazing grounds some hours away. He is anxiously waiting for the spring rains to fall, since he sees no other alternative areas for grazing. He describes the increasing difficulties in passing through the Awash valley to go to the Afar farmers in Afambo due to the expanding sugar cane farms along the river. The man says that he has stopped going in that direction, since they do not want to get into conflict with the sugar cane farms.

Moreover, many grazing areas and small scale farms along the Awash River were damaged by floods during the unusually heavy summer rains in 2010. The rain made the water rise to an excessive level in the dam constructed for irrigation of the sugar cane. When water was released from the dam this caused severe flood damages for downstream communities and the ecosystem they depend on.

When pastoralists from drought plagued areas, for different reasons, cannot access the agro-pastoralists' farms in Afambo as easily as before, nor the vital dry-season pasture and fodder-trees by the river, they have to find grazing in other directions. This is not an easy task said the man I met at the waterhole. While continuing to water his animals he explained that if they travel south along the Awash River they risk conflicts with the neighbouring group Issa that has taken over some of the traditional Afar grazing areas. According to him there is also a risk in travelling to the lush areas bordering the Ethiopian highlands.

However he sees no other choice if the alternative is to let his animals die while waiting for rain. They try to go to higher altitudes during droughts, but many times they get stopped and enter into conflict. Through the Afar information sharing system, "daagu", he has heard that an Afar man was recently killed while searching for pasture in the highland areas, but he asks: *"What are our alternatives today? There is lack of rain and grazing areas, but we have many livestock that need fodder and water. (...) We can't let our people fade away."*

In one of the pockets of severe drought, people have been forced to use another last remedy to keep their livestock alive. They have started to cut off the few remaining green branches of trees and use as animal fodder. A woman explained why they have taken this drastic measure: *"Previously we used to go to the Awash River area to resist droughts. (...) Now it is difficult to move to this area due to the sugar cane project. It does not give our livestock anything. (...) We prefer milk before sugar. We will die if we do not get milk; sugar is not a necessity for us."*

In the "cradle of mankind", as well as in other areas in our world, cooperation over water and other natural resources is essential to sustain life and a prerequisite for a peaceful and sustainable development. The coupled challenges of food, water and energy security and the increasing pressure from climate change risk fuelling local tensions between stakeholders such as pastoralists, subsistence farmers and commercial farming. The latter is, in this case, taking increasing amounts of highly valued dry-season grazing areas for cultivation of sugar cane, as well as diverting water away from wet-land forest areas and small-scale farmers. Without a solution in which all stakeholders are included, there can never be a truly stable situation without human suffering and risk of conflict. Water should be valued as the essential resource it is to sustain life, bring sustainable development and achieve durable peace.



PHOTO: MARIA ÖLUND

A man in a severely drought plagued area looks out over previous grazing areas. He is on his way to a dry riverbed with his axe to cut branches of trees and give to his few remaining goats. This is the only green fodder left for the animals.

The negative effects of climate change are already obvious, especially in poor and/or weak states. In certain contexts, where there is poor governance and low institutional capacity, these climate effects might enhance the political instability and risk of conflict in an already vulnerable and problematic situation.

In July 2011, the UN Security Council met to debate the risks of climate change to global peace and security. Now is the time to shift our focus from direct environmental impacts to broader threats at a local level.

The linked challenges of *global* climate change and *local* peace

Janani Vivekananda

In the Terai region in southern Nepal, when the Koshi River burst its banks in the summer of 2008, 240 people were killed, crops and infrastructure destroyed and 60,000 people displaced in the worst flooding in five decades. These people were resettled amongst communities who were themselves struggling to survive. Tensions between the host communities and flood victims quickly escalated and were further fuelled by political groups who used flood-victims' unmet expectations for clean water and shelter to feed anti-government sentiments. The situation became violent and 200 policemen were called in to maintain order in the camps.

In Raamechchap, a district of Nepal just three hours from the floodplains of Terai, residents of the drought affected mountain villages face severe water shortages following the third consecutive year of failed monsoon rains. The villagers had installed a now-defunct water tap in an effort to mitigate the effects of climate variability – without considering the local social, political, conflict or even environmental context. In the end, the effort only fueled local frustration at the lack of government support for the community's basic requirement of clean water.

The community had requested help from the district government during a period of water stress, and had been given a one-off cash handout just before local elections to invest themselves. The community – largely subsistence farmers – were not in a position to know that ground water levels were depleting and that uncontrolled surface water extraction would only hasten their water problems, and so they opted to invest in a tap to pump up ground water. Within three months, the tap ran dry, leaving nothing but a daily reminder that the only cash that was injected into the community for development purposes had no impact whatsoever. For the community, this serves as a symbol of a failed social contract – of the government failing in its basic duty to provide the community with water.

Fisher feuds in Mali

In another example, along the banks of the Niger River in Mali, relations between fishermen and '*pêcheurs de sable*' or sand-miners are becoming increasingly strained, and in cases have become violent. The practice of extracting sand and gravel from the banks of the river is growing exponentially to satisfy the mushrooming market to service the construction boom in urban centers such as Bamako. More and more traditional fishermen, attracted by the higher prices commanded by sand compared with fish, and the greater year-round predictability offered by sand as opposed to the seasonal availability of fish, are switching from fishing carpe and Nile perch to 'fishing' sand and gravel.

The process of extracting sand disrupts the river bed and is highly disruptive to what remains of the local fishing, significantly depleting yields. The process of unregulated extraction of sand from flood-prone river banks also diminishes natural flood defenses and leaves riverside communities more exposed to floods. Anecdotal accounts from community members tell of violence erupting between sand-extractors and local communities who resent the phenomenon's negative impacts on the villages, grazing lands and roads. Yet members of the same communities also see the benefits in switching from fishing or herding livestock to the more predictable and profitable livelihood of sand and gravel extraction. The grievances lie not so much in a problem with the act of sand extraction itself, but the lack of regulation of the process and absence of governance and dispute resolution mechanisms at the community or state level where conflicts of interest arise.

Clearly, responding to climate change related security risks is not a climate issue alone. Furthermore, it is evident that the security implications of climate change are first felt at the local level, and this is where they need to be understood.

Understanding the linkages

The nature of the relationship between climate change and conflict is interlinked and complex. The negative impacts of climate change are already being felt around the world – most strongly in already poor communities in unstable states, threatening to simultaneously reverse development gains and to amplify existing social, economic and political stresses. In certain conditions, where there is poor governance and low institutional capacity, these climate impacts could interact with pre-existing vulnerabilities and grievances to contribute to political instability and conflict.

The basic trajectory by which climate change could combine with other variables and increase the risk of instability or violent conflict is determined by the role of governance. The impact of climate change will reduce the resilience of people and communities to varying degrees. In some situations it will cause extreme disruption with which people simply cannot cope as it overwhelms them and renders their homes and livelihoods unviable. If the governance structures that the community regards as safeguards are not up to the task, climate change will weaken confidence in the social order and its institutions and damage the glue that holds societies together. In some contexts, this can increase the risk of instability or violence. This is a particular problem in fragile states where governance structures and institutions are often weak, regardless of climate change.

Sectors such as water, agriculture, energy, health and trade will be especially affected by climate change and this could have a destabilising impact on a state's ability to provide people with basic services. As climate change impacts interact with features of the social, economic and political landscape, countries with weak governance systems will become overwhelmed, and face a high risk of falling into political instability and violent conflict. The risk of instability both adds to the burdens faced by vulnerable communities, and makes it harder for them to adapt to climate change.

> ***Security implications of climate change are first felt at the local level, and this is where they need to be understood.***

There is also another area of potential security risk for aid actors working to respond to development and climate change challenges: namely, that development and climate-related financing, policies, and programmes which have not adequately considered local conflict dynamics and context could produce serious unintended negative consequences.

The flip side of this is that responding to the root causes of vulnerability to climate change impacts in a context-sensitive way can yield great conflict prevention and peacebuilding dividends.

Climatic power shifts

Climate change creates both risks and opportunities, winners and losers. Efforts to respond to climate challenges must therefore understand these challenges not as single issue threats but as a complex mix interacting with social, political, economic and environmental factors. Peace-positive responses to climate change must not only consider the immediate natural impacts of climate change, but also the broader dimensions of resilience such as political power, livelihoods and access to justice. It is the interaction between the physical consequences of climate change and the social and political realities of people's lives that will determine how effectively and peacefully they can adapt to climate change.

This is even more important in fragile contexts. Fragile states are characterised by very limited governance capacity where the government is barely capable



PHOTO: JANANI VIVEKANANDA

Sand mining is a practice that is becoming an environmental issue as the demand for sand increases in industry and construction. Sand is mined from beaches and inland dunes and dredged from ocean beds and river beds. Sand mining is a direct and obvious cause of erosion, and also impacts the local wildlife.

of performing key functions, such as protecting citizens and property rights, enabling a functioning market, and providing social services, particularly education, health and sanitation. States which have recently emerged from conflict, as well as those facing economic instability or political unrest are also particularly vulnerable.

The uncertainties surrounding the impacts of climate change also hinder effective action, particularly with the vagaries of rainfall patterns and unpredictable feedback loops. Given the political contestation that accompanies uncertainty, and the complex social landscapes within which these impacts will play out, the most productive way of addressing the issue is to focus on "resilience", that is, the capacity of a system to withstand shocks and respond to change – including unexpected change.

Focus on resilience

"Resilience" is a broader, more flexible, and therefore a more useful approach to climate change than "adaptation'. The latter tends to focus on specific anticipated climate effects, while resilience focuses on the capacity of people to act, for example in their education, family networks, or access to markets.

> ***"Resilience" is a broader, more flexible, and therefore a more useful approach to climate change than "adaptation".***

Resilience, however, is most difficult to achieve where it is most needed – in places where states fail to meet people's basic needs. States recovering from conflict such as Nepal, politically unstable countries like Pakistan, or environmentally vulnerable areas like Bangladesh may lack the capacity to adequately respond to environment shocks. Furthermore, where governance is already weak and the relations between citizens and the authorities are stretched, inappropriate responses to climate change may inadvertently cause further harm.

Policy discussions about the consequences of climate change are beginning to acknowledge the conflict, security and governance implications. These concerns however focus on transboundary and international security implications, rather than local-level realities. They neglect the strong linkages between vulnerability to climate change, poverty and conflict. They pay scant attention to the complex vulnerabilities of households and communities. And they fail to acknowledge that the first trembles of climate-related insecurity will manifest at the local level before they threaten to escalate to the national or transnational level. It is at the local level that these vulnerabilities can most effectively be addressed.

In fragile contexts more than anywhere else, it is essential to realise how climate impacts – such as changing rainfall patterns, increased natural disasters and constraints to carbon-based economic growth – will have knock-on consequences on the national economy, trade, development, equity, governance and political stability. For example, the rapid growth in use of crops for biofuels to ensure energy security in the face of soaring petrol prices, not only reduced food availability, but also drove millions of people off the land and contributed to food riots in 30 countries around the world. Such consequences affect the ability of people and governments to respond constructively to the challenges of climate change. The devastating floods that ravaged Pakistan last year fuelled widespread political unrest due to the perceived inability of the national government to adequately respond to people's needs.

One characteristic of both understanding the problems and proposing solutions in this context is to focus on the linkages between development, peace, and climate resilience. For example, it would be impossible to address food insecurity without also thinking about land degradation and biodiversity, water management and biofuel production. It is not possible to address any one issue in isolation without understanding how they interact with each other, and how they interact will uniquely depend on the particular local dynamics at play.

Whilst there is increasing acknowledgement of the links between climate change, development and security within policy circles, beyond the rhetoric, practical measures to address these linked goals remain superficial, off-target and isolated. Most of the energy devoted to discussing climate-change adaptation focuses on responding to the direct environmental risks of climate change, for example by switching crops, building flood defences, moving homes and building dwellings differently. Important as it is to address the direct impacts, it is the knock-on social consequences – such as conflicts between displaced flood victims and host communities – that ultimately require more attention and resources. These knock-on consequences will be the most far reaching, yet remain the least understood.

Policy inertia

The issue of climate change as a priority security risk was first put to the United Nations Security Council in a landmark step by the United Kingdom in March 2007. Germany, as the rotating president of the UN Security Council, reignited the debate, placing global warming and security back on the council's agenda at a meeting on 20th July 2011. After a fierce discussion on the question of whether or not climate change poses a direct threat to international peace and security, the council issued a statement expressing concern over the "possible adverse effects".

In the four years since climate change and security was first put to the Security Council, the debate and policy has stood still on this pressing issue. And what debate, research and policy attention there is focuses disproportionately on international and transboundary security risks posed by climate change, as opposed to understanding the implications climate change will have on sub-national, community level security.

So with Germany reigniting the debate on climate change and security on the UN stage, a window of opportunity opens to consider the complex and interlinked risks posed by climate change to local-level security. Policy responses to climate change and security must take account of the broad dimensions of resilience – not just drought-resistant crops and embankments to protect people from floods, but also: access to early warning information and the capacity to interpret and act on it, relationships of trust between citizens and authorities, viable livelihoods options, rule of law and efforts to combat corruption.

If these issues are taken on board, there is a good chance that adaptation efforts could yield a double dividend: increasing resilience to climate change and developing new approaches to poverty reduction. Failure to take account of the linkages however will result in widespread mal-adaptation and a monumental wasted opportunity.

Contrary to traditional assumptions water scarcity is an area of cooperation rather than a cause of conflict. Recent challenges in the form of threatening climate change and 'land grabbing' as a means to achieve food security pose new demands on transboundary water agreements. A high degree of flexibility is needed in order to provide for sustainability and relevance in water sharing.

Climate change and land acquisitions challenge transboundary water agreements

Anders Jägerskog

During the last decades many voices have been heard claiming that we are moving into a time of increased water conflicts and wars over water. In particular in the 90s there were persistent warnings to that effect, issued by states as well as academics observing transboundary water management. The water scarce Middle East was used as a case in point. However, as more research was done on the subject, it was noted that states that share water more often tend to cooperate than engage in conflict, not to mention war. According to the Oregon State Database (http://www.transboundarywaters.orst.edu/database/) on transboundary water agreements over the period of the last 200 years, riparian countries have signed nearly 400 water-sharing agreements.

Two examples are worth mentioning. The first is the Indus water treaty from 1960 between India and Pakistan that has survived a number of wars between the two countries. As a matter of fact, the two countries have been collaborating over the water in the midst of intense political conflict. Another important treaty is the one between Israel and Jordan from 1994. In that peace treaty water is an integral part. The agreement allocates shares between the countries, remarkably facilitates storing of Jordanian "winter water" (when the flow is high) in Lake Tiberias in Israel for release to Jordan in the drier months, as well as provides for a Joint Water Committee (JWC) between the countries (Jägerskog, 2003). Although these agreements have not functioned perfectly, they have nevertheless assisted the states in establishing a basic level of water cooperation.

In essence, the pendulum of the international debate seemed to swing from one of water as a source of conflict and war to a rhetoric of 'water for peace'. However, in the last few years a more nuanced view of the cooperation/conflict debate has emerged that focuses on analysing the quality of the cooperation as well as of both cooperation and conflict occurring side by side in shared river basins (Zeitoun and Mirumachi, 2008). In the case of Israel and Jordan it can be noted that while the agreement establishes means for maintaining cooperation during times of drought, the Israelis have argued that the agreed allocations are not valid and problems should be solved in the JWC instead. That affects the quality of the water cooperation negatively.

> ***States that share water more often tend to cooperate than engage in conflict, not to mention war.***

With increased global and regional integration and interdependence, the field of transboundary water management is being affected. In the last few years, two of the new emerging issues with an effect on transboundary water management, as well as the risk of conflict over it, are climate change and the increased land acquisitions/land grabbing that is taking place primarily in Africa. How will these developments affect the field of transboundary water management? Will we see more conflicts as a result? Or are current institutional mechanisms (where they are in place) adequate to deal with the new challenges?

Increasing land acquisitions

A relatively recent trend in the field of land-water-food is the increasing purchase of land for farming in developing countries, primarily on the African continent. The increased water scarcity in parts of the world, such as the Middle East as well as parts of Asia, and the export restrictions by major food producers in the world during the recent food price crises of 2007-2008 have led food importing countries to look for alternative avenues for maintaining food security (IFPRI, 2009). In addition, the trend among major global corporate food producers that look for means to secure production and bio-energy investments is an increasing use of land (and water).

The investments by countries such as China, India, South Korea, Jordan, Saudi Arabia and the United Arab Emirates and companies such as Dubai World Trading, Goldman Sachs, Morgan Stanley, Daewoo, Hyundai, Alpcots and Skebab target developing countries such as Ethiopia, Kenya, Sudan and Madagascar with arable land, high water availability, low labour costs and weak legislation (World Bank, 2010).

As noted by the International Food Policy Research Institute (IFPRI) food security is bound to become an increasingly global problem. Taking into account a still growing world population, climate change effects, current consumption patterns and technologies,

PHOTO: ANN WERU/IRIN



The Ngomeni rock water catchment dam in Mwingi district, Kenya, which serves hundreds of households, is drying up for the first time in years, according to residents.

food security for all does not seem possible. Thus, the increasing land acquisitions seem logical, at least from the buyers' perspective. However, a range of questions on for example land rights, water allocation, food markets etc needs to be raised in relation to the development characterised above. An important issue is also the trade-off that may happen between arable land being used for agriculture versus bio-fuel.

With the potential conflicts around land as a backdrop and in combination with increased water scarcity in the countries where investments are being made, transboundary issues will come to the fore. The investors (whether governments or the private sector) will want reliable access to water for irrigation of their crops on the purchased or leased land. This directs attention to the internal water resources of the countries as well as the shared, transboundary waters. In the cases of Sudan, Ethiopia and Kenya the shared waters is the Nile, which is currently under political conflict.

Zooming in on one aspect of the large water-food-land-energy nexus, it is of interest to better understand how the current investment trends will affect transboundary water interaction. Will the countries where the investments are being made tend to be less powerful than some of their riparian friends, or will this lead to an increase of their bargaining power (Zeitoun and Jägerskog, 2009)? Or will they be squeezed between a strong riparian protecting its own interest and a strong foreign government (China or India) seeking to safeguard its food security?

Arguably, beyond the water-food-land-energy nexus there is a range of other areas, such as regional security (peace and stability) that may be affected. Preliminary ideas that need further exploration indicate that conflicts over already scarce water resources will increase with expanding investments in land for production of food, bio-fuel and cash crops. The interest and investments come from countries outside Africa (e. g. China, Middle Eastern countries) as well as the private sector. Those actors are likely to become hydro-political players in transboundary water management.

This may change the relative power dynamics between the actors, potentially making weaker states stronger, since they may have the political support of powerful outside actors (potentially China in Ethiopia). How such power dynamics will play out remains to be studied in detail. In certain cases, from a stability perspective, it may be a positive trend, while in other cases it will be a cause for concern. This issue largely represents virgin territory, and a better understanding of both the investments and the subsequent impacts on water management is called for.

Need for 'flexible' agreements

Signing of agreements between or among riparian countries on water sharing may in some cases be relatively easy, but a challenge is how to keep the agreements working, particularly in the face of augmenting competition over increasingly scarce water resources. Many of the current agreements are essentially rigid instruments that are modifiable only under certain limited conditions (Falkenmark and Jägerskog, 2010). Thus, we do not only need agreements on international waters but also agreements that are sustainable, lasting and progressive. We need agreements that are resilient to change.

Much of the knowledge we have, and the existing agreements/regimes over transboundary water are increasingly turning volatile because of increased water use. The agreements are in many

ways becoming unworkable due to the perception that climate change is altering the basic parameters for water governance. Whether correct or not, perceptions of climate change are undermining existing agreements. On the one hand 'real' climate change, materialised as increased climate variability (in water terms meaning increased floods and/or droughts), as well as 'perceived' climate change, affect how states view their agreements. It affects how useful they become as a regulator of relations between states concerning transboundary waters. Often, measures for addressing increased or decreased flow in a river are not included in the agreements.

When analysing many of the current agreements on transboundary waters it is clear that many are inflexible (Drieschova et al, 2009). Some key questions when analysing flexibility are to what extent these agreements are actually contributing to meaningful cooperation, and how they can be kept functioning, particularly in the face of climate change induced uncertainty? In this context the uncertainty that climate change implies from a transboundary water perspective relates to the effects it has on the water flow of for example a river (whose flow can be higher or lower than its average). If means to address the challenges of higher or lower water flows are not included in agreements but agreements still discuss allocations to different states sharing the waters in terms of cubic meters, there is a problem.

Unfortunately, more than 40 per cent of the present agreements do not even mention 'uncertainty' in their texts. One can note that agreements are often based on multi-year averages in terms of volume and allocations made in cubic meters rather than in percentages of water flow. In the case of Israel and Jordan this has meant that sometimes there is not 'enough' water to share (because it is a drought year, which on average happens every 7-8 year or so in that region). But since the agreement talks of allocations in cubic meters rather than in percentage terms the political conflict is always luring. Had transboundary water agreements rather mirrored the percentage perspective, they would be much better in dealing with climate variability (that we see already today) and climate change (implying more climate variability) in the future.

Research on the Jordan Basin shows that in the Israeli-Jordanian agreement, climatic variability was 'conveniently', for political reasons, left out of the agreement only to re-surface when there is drought in the Jordan Basin. Thus, the political context in which water agreements are being negotiated often link them with issues that are not necessarily water related and furthermore are ambiguous. The preference in negotiations is for a level of so called 'constructive ambiguity', which leaves some areas to be interpreted (and thereby allows states to present their own view of the agreement to their constituencies). However, since the agreements are not clear, they are likely to contribute to more conflicts in the future.

So what needs to be done? There is a large risk that agreements need to be adapted to better address increased climatic variability, but that is by no means an easy process. The increasing competition and the difficulties emanating from the altering parameters caused (or so claimed) by climate change are creating a further unclear situation with regard to transboundary water agreements. As noted, what is lacking is *flexibility*. States are not prone to sign agreements when they have difficulties in foreseeing their future implications. So even though we may know that agreements should be more focused on sharing waters in percentage terms rather than in cubic metres, it will not mean it will be easy to get there.

Improved understanding and future research

It seems clear that transboundary water management is in a vulnerable situation. Increased pressure on the water resources themselves and pressure from the trends (related to water management but not necessarily part of it) outlined above support the case for continued attention to it, from a policy/political perspective as well as from a more research oriented one.

As noted by Earle et al (2010), it may be more appropriate to speak about a process of *continuous negotiation* than of 'moving from conflict to cooperation'. The above mentioned trends point in that direction, since they will render many agreements obsolete due to perceptions of (or reference to) increased climate variability, but also because of an enhanced demand due to, for example, increased water use on farmlands leased by foreign countries or companies.

Thus, there is a need for those engaged in water management to increasingly observe the trends in areas related to water management in order for them to be better prepared to address the challenges that will have to be dealt with in the future. This is imperative both for the research and for the policy community.

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As one of only a few transboundary organisations working on environmental peacemaking today, EcoPeace/Friends of the Earth Middle East (FoEME)'s approach and experience in water resource management in conflict and post-conflict situations can serve as a model for both top-down and bottom-up efforts. One of FoEME's central areas of activity, the rehabilitation of the Lower Jordan River, illustrates key strategies by which water projects can facilitate transboundary cooperation.[1]

Transboundary efforts to save the Lower Jordan River

Elizabeth Yaari, Munqeth Mehyar, Nader Khateeb and Gidon Bromberg

The Lower Jordan River flowed freely for thousands of years from the Sea of Galilee to the Dead Sea. The river's location in the Great Rift Valley, at the meeting point of Asia, Africa, and Europe, creates a lush wetland ecosystem, rich in biodiversity and one of the most important migratory flyways on the planet with an estimated 500 million birds travelling its length twice annually (Turner, Nassar, and Khateeb 2005). This river has been immortalised in the holy texts of the three Abrahamic traditions and remains an important cultural anchor for half of the world's population.

Sadly, the "mighty Jordan" has been reduced to a trickle – devastated by overexploitation, pollution, and a lack of regional management. According to recent studies conducted by Yale University (Anisfeld 2009), this important regional water resource once carried an average of 1.3 billion cubic meters of fresh water from the Sea of Galilee to the Dead Sea every year.

In 2010, Friends of the Earth Middle East (FoEME) completed the first environmental flows study ever conducted on the Lower Jordan River, in a trilateral effort to identify its ecological needs. The study found that the river was in even worse ecological shape than previously estimated with just 20 to 30 million cubic meters of annual discharge. This striking finding indicated that, in the absence of a formal regional management authority, Israel, Syria, and Jordan have diverted nearly 98 percent of the Lower Jordan River's historic flow for domestic and agricultural purposes. This "big grab" approach to water management has effectively destroyed the Lower Jordan River, reduced biodiversity along its banks by over 50 percent, and transformed the culturally and historically important river into little more than an open channel of agricultural runoff, diverted saline waters, and wastewater, which has further resulted in the devastation of its terminal lake, the Dead Sea (Gafny, Talozi, and Al Shiekh 2010).

The 1994 Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan committed the two countries to work toward the "ecological rehabilitation" of the river, renewing hopes that they would act to restore the Lower Jordan River through coordinated management. Despite this formidable commitment, in the 17 years that have passed since the signing of the treaty, neither government has taken concrete action to return any measure of fresh water to the river. On the contrary, a new dam was built on the Yarmouk River, a tributary of the Jordan, to capture its remaining winter floodwaters.

The story of the demise of the Lower Jordan is hardly unique. Around the world, human activity has pulled massive quantities of water from the great rivers – the Indus on the Indian subcontinent, the Yellow River in China, the Rio Grande along the U.S.-Mexico border – to the extent that they now either disappear before reaching the sea or contain long sections that seasonally run dry. The underlying reason is always the same: rivers are viewed, not as valuable in themselves, but as exploitable resources for human and economic development. The vital "ecosystem services" they supply, which support people, fish, animals, and plants as well as economic development, are overlooked until they are lost.

Progress is possible

Despite this grim picture, FoEME has demonstrated that it is possible to reverse decades of deterioration on a river – even, as in the case of the Lower Jordan River, in the midst of animosity, sometimes erupting into violent conflict, between the countries that share it, and in spite of reduced precipitation due to climate change. Positive action, though still piecemeal and slow, is taking place at the grassroots level as well as at the national and regional levels due to increased public awareness and advancement of a strong regional coalition in support of efforts to rehabilitate the river.

At the grassroots level, support is growing in communities on both sides of the Lower Jordan River in Israel, Palestine, and Jordan, led by FoEME coordinators who run grassroots environmental education and public awareness activities in 25 communities. These local leaders coordinate dozens of activities involving youth and adults and serve as direct links to municipal representatives. Thousands of Jordan Valley residents have participated in "neighbour's path tours" that educate them on the state of the river and its tributaries.

Through these tours, many residents learn for the first time how the river's waters are being diverted, come to understand the effects of pollution, and see the economic opportunities that have been missed because of the unhealthy state of the river. Some tours actually cross the border, and all explore the water issues of neighbouring com-

munities. Media participation in these unique tours helps tell the story of the Lower Jordan River to the broader public, both local and international, effectively placing its plight at the centre of the public debate and creating a constituency of local residents empowered to voice their concerns.

Jordanian, Israeli, and Palestinian mayors were involved from the outset as necessary partners in support of regional water policy reform. The project identified mayors both as the most receptive to community residents' needs and perspectives and as key stakeholders with much to gain from the economic opportunities a rehabilitated river would create. Mayors have not only participated in tours in their own communities and neighbouring cross-border communities but have also led municipal efforts to remove pollutants from the river. On several occasions they have literally jumped into the river together in public events designed to express their commitment to regional water policy reform.

FoEME has created a Regional Advisory Committee involving key government representatives and other stakeholders from Israel, Jordan, Palestine, and the international community. This forum is unique in bringing regional decision-makers to the table to strategise the shared goal of rehabilitating the Lower Jordan River. Through involvement in this forum, leading national figures have spoken out publicly, drawing public attention to the state of the Lower Jordan River and advancing plans for its rehabilitation, primarily at the national level but also in communication with their regional counterparts.

The cumulative efforts of these bottom-up and top-down strategies are starting to yield concrete results. All Jordan Valley mayors have signed memorandums of understanding with their neighbours, committing their communities to rehabilitating the river and identifying concrete actions that they can take. These commitments have enabled further financial support for joint projects, such as the creation of a cross-border Israeli-Jordanian Peace Park at the confluence of the Jordan and Yarmouk rivers, the building of an environmental education centre in Auja, Palestine, and the creation of a protected area, park, and visitor centre on the Ziglab Stream, a tributary of the Jordan River in Jordan.

The current practice of allowing untreated sewage to flow into the Lower Jordan River will be significantly reduced with the upcoming activation of several new sewage treatment plants in the Jordan Valley. In Israel, a plant has recently been completed in the community of Beit Shean. The Jordan Valley Regional Council, also in Israel, has broken ground for a new plant that will treat the sewage of Tiberias and other Sea of Galilee communities. In Jordan, North Shuna, the largest community in the valley, has launched a project to collect sewage from cesspits for treatment rather than allowing it to seep into the ground and pollute the springs that flow into the Lower Jordan River.

Lower Jordan River champions are also hosting discussions on how to bring fresh water back to the river. In a joint initiative, the Israeli Ministry of Regional Cooperation and the Ministry of Environmental Protection have drafted the terms of reference for a programme to rehabilitate the Lower Jordan River from the Sea of Galilee to Bezeq Stream, and have presented these to their Jordanian and Palestinian counterparts for feedback via FoEME's Regional Advisory Committee.

Restoration and reallocation

Returning fresh water to the river is the most important and most difficult issue. While Israeli, Jordanian, and Palestinian champions have made public statements of commitment to rehabilitating the river and drafted plans for how this will take place, freshwater resources have yet to be allocated to the struggling river.

To address this concern, the Jordan River Rehabilitation Project undertook two studies to inform a regional strategy for the Lower Jordan River. The environmental flows study mentioned earlier identified a target level of rehabilitation, and an economic study identified tradeoffs and opportunities for a national and regional water management reform to reallocate water to the Lower Jordan (Gorskaya, Rosenthal, and Harthi 2010). Both of these studies involved Palestinian, Israeli, and Jordanian experts working together and were overseen by FoEME's Regional Advisory Committee.

The environmental flows study proposed a regional rehabilitation strategy that requires 400 to 600 million cubic meters of flow annually, including one minor flood, a salinity level of no more than 750 parts per million, and a base flow that consists of at least 75 per cent fresh water with the remainder made up of high-quality treated effluents. This strategy would remove most of the environmental disturbances, restore the river's structure and function, allow the natural riparian plant community to recover, and achieve fair to

PHOTO: FOEME



Local Mayors from Israeli, Palestine and Jordan kayak together in the Lower Jordan River in a shared call for its rehabilitation.

PHOTO: ELIZABETH YAARI



Jordan River at Adam Bridge, located about half way between the Green Line and the northern tip of the Dead Sea. The reduction of the mighty river to a trickle is a critical issue among the riparian neighbours.

high ecosystem integrity, health, and stability (Gafny, Talozi, and Al Shiekh 2010). Finally, this strategy requires high but achievable water and economic resources. Complementing these findings, the economic analysis identified between 463 and 1,053 million cubic meters of freshwater resources that could be saved or produced from the Israeli, Jordanian, and Palestinian water economies and potentially allocated to the Lower Jordan River through the implementation of reasonably priced domestic and agricultural water demand management (Gorskaya, Rosenthal, and Harthi 2010).

To further strengthen the national and regional political will required to implement the measures recommended in these studies, public hearings, parliamentary debates, and regional conferences are planned to educate the public and create political momentum.

The equitable sharing of the Lower Jordan River's water between people and nature in all countries bordering the river is of paramount importance. Palestinians, while presently denied the right to extract any water from the river, sit alongside their Israeli and Jordanian counterparts in the Regional Advisory Committee meetings to discuss and create a new future for the Lower Jordan River. FoEME's experience has shown that a dual approach – an energetic grassroots or bottom-up campaign that demonstrates local benefits for transboundary environmental rehabilitation projects, combined with top-down advocacy – is critical to creating concrete change. The international community is supporting this work in two ways: encouraging the three Lower Jordan River national governments to work together for water policy reform, and sharing other experiences of cross-border water resources management, for example from the Rhine River in Europe, the Great Lakes of North America, and the Nile River in Africa.

Decades of conflict and human arrogance have led to the near total demise of the Lower Jordan River. FoEME believes that cross-border cooperation to advance peace and sustainable development in the Lower Jordan River Valley is the only hope to restore the river to health while creating economic and social opportunities for all communities along its banks.

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1 Earlier versions of this article were published in *Getting Transboundary Water Right: Theory and Practice for Effective Cooperation* (Jägerskog and Zeitoun 2009) and Strengthening Post Conflict Peacebuilding through Natural Resources Management Journal.

EcoPeace/Friends of the Earth Middle East (FoEME)

was founded in 1994 to foster regional peace through transboundary environmental projects. It is an association of Jordanian, Palestinian, and Israeli environmentalists working to promote cooperative efforts to protect the region's shared environmental heritage.
www.foeme.org

Lack of communication and collaboration led to a deadlock between Argentina and Uruguay in 2003, when a couple of pulp mills were installed along the River Uruguay. Only minor outbreaks of violence were involved in the conflict, but the costs of energy, time and resources were high. With a stricter recognition of legal instruments, the incident could have been averted.

Pulp mills along the Uruguay River caused deadlock between neighbours

Diego Galeano

South America stands as one of the most important reservoirs of fresh water in the world with approximately one third of its total, with the advantage of a relatively low rate of population increase. Water resources are found, not only above ground like the impressive Amazonas and Plate systems, but also underground like the Guarani Aquifer that extends 1,200,000 km² under the territories of Brazil, Argentina, Paraguay, and Uruguay.

Even though not all the people have regular access to drinking water, this matter is not seen as critical or as difficult to solve as in some other regions. At the same time, the South American rivers are a rich source of food, and they remain open and navigable during the whole year providing a basis for various activities to local communities.

Some rules governing practical matters of navigation and use of international rivers have their origins as early as in the Congress of Vienna (1815) and even before. Over the years, policies have varied from extreme nationalistic standpoints, where the sovereignty of the riparian state was considered absolute[1], to more accommodating stances towards other riparian countries sharing the same water course or international drainage basin[2]. But as a principle, as long as the water course countries do not alter the access, quality and volume of the waters, they are entitled to an equitable and reasonable use of it. Since the 70s, the notion of sustainability and sustainable use has been included in international conventions on water spaces[3].

Normally these international water courses are "continuous", like the Parana River running from Brazil and entering the territories of neighbouring countries, and some are also "contiguous", which means that they flow between the territories of two sovereign states and at the same time are recognised as borders. The Uruguay River has both these features.

Legal instruments

International law has established some rules relating to transboundary waters, in order to clarify the issue and to avoid disputes between states. In line with these legal frameworks, states observe bilateral or regional treaties and other legal provisions. These "regimes"[4] are seen as collaborative frameworks reinforcing communication, allowing parties to discuss and reach consensus on all matters related to the shared waters. When correctly monitored and applied, these legal instruments become a great help in avoiding conflict and preparing the path to negotiation for specific subjects.

South America has major legal instruments to rule this subject, and particularly Argentina and Uruguay, sharing the two rivers River Plate and the Uruguay River, have developed a great deal of binding conventions in order to collaborate as much as possible in all matters related to the use and conservation of these water spaces. Most of the conventions, signed in the region in the 1960s and 1970s, show the concern for security, in a time when there was a great geopolitical struggle between Chile, Argentina and Brazil over rivers, borders and nuclear energy. This corpus of law and treaties were the inception of what would become the Mercosur[5] integration process, established in 1991.

The Statute of the River Uruguay, signed in Montevideo in 1973, says: "The Party which plans the construction of new channels, a significant modification or alteration of those already existing or the performance of whatever other works important enough so as to affect navigation, the river regime or the quality of the waters, shall notify the Commission, which shall speedily determine, within a maximum period of thirty days, whether the project can be of any significant harm to the other Party..." [6]

> ***In April 2006 Argentina decided to sue Uruguay at the International Court of Justice.***

Because of this and the record of peace, it was assumed that the region had built a steady framework ruling international rivers and basins.

Origin and escalation of the controversy [7]

In October 2003[8] Argentinean communities alongside the Uruguay River warned their government that Uruguay might install a pulp mill on its river coast, which is the border between the two countries. This was confirmed less than one month later, when Uruguay authorised the Spanish firm Ence to set up the operation in the Uruguayan town Fray Bentos opposite the town Gualeguaychú in Argentina.

Argentina responded by requesting technical details about the operation and making a written complaint, because, according to them, the project was authorised without any consultation between the two governments,

this being contrary to the Statute of the River Uruguay, signed 1975 as the legal framework regulating the use of this common river.

Still with no results in sight in the negotiation process, Uruguay allowed the installation of another pulp mill (Finnish Botnia) in the same area, which caused civil society (Environmentalist Assembly of Gualeguaychú) to start intermittent blockades on the three international bridges connecting the two countries, thus isolating Uruguay from Argentina by road.

In April 2006 Argentina decided to sue Uruguay at the International Court of Justice (ICJ), stating that the latter violated the Statute of the River Uruguay by not fulfilling the obligations to inform the counterpart and discuss technical details about the plans to build the pulp mills. At the same time Uruguay went to the Mercosur Arbitration Court, claiming that Argentina violated the Mercosur agreements by allowing the blockades by civil society groups and not acting to avoid or stop them.

In the middle of this situation, and upon request of the Argentinean president Kirchner, King Juan Carlos I of Spain accepted to conduct a process of "facilitation" (not mediation) between the neighbours. Eventually they gathered in Madrid and discussed four core subjects: pulp mill localisation, possible pollution, blockades, and the implementation of the Statute of the River Uruguay. In January 2007 the ICJ rejected any measures against Argentina to stop the blockades, until the main issue had been decided (Question of Law).

In April 2007, with no solutions four years after the first massive demonstration against the installation, Gualeguaychú citizens organised the biggest march so far against Botnia. Around 130,000 people attended, and some months later, for the first time since the conflict erupted, a group of environmental activists clashed with Uruguayan security forces. In September 2006 Ence had announced the relocation of the future pulp mill to another area in Uruguay.

After more than one year "facilitating" the conflict, the Spanish crown had reached no positive results and left the dispute to the parties themselves and the ICJ. At the beginning of April 2010, the Presidents of Argentina and Uruguay committed their countries to observe the decision of the ICJ which was to be issued on 20 April 2010.

The ICJ decision[9] determined that Uruguay had broken its obligation according to the statute, committing a wrongful act entailing international responsibility, by not informing the River Uruguay Executive Commission about its intention to build the plants. This was, *per se*, a measure of satisfaction for Argentina, but the decision denied them any other compensation. At the same time the ruling rejected the Argentinean demand for the dismantling of the pulp mill and found no substantial evidence of pollution since the start-up of the operations, thus supporting the Uruguayan position.

Costs of an avoidable short-circuit

This chapter in recent South-American history shows some interesting political dynamics. Among the consequences and results, the following can be mentioned:

PHOTO: STR/DPA



In July 2010 the presidents of Argentina and Uruguay agreed to create a binational commission in order to monitor the river pollution from the pulp mill Botnia in Fray Bentos, Uruguay.

- The Mercosur integration process was weak in terms of its own dispute settlement organs, making the ICJ the only acceptable institution to solve or rule on the issue instead of a regional or south-south negotiated solution.
- Mediation efforts by foreign governments and relevant actors never managed to involve any broader sections of society and were discontinued when they met an impasse, thus jeopardising their prestige and influence.
- A nationalistic spirit was ignited and used for internal politics in both countries, outshining momentarily the excellent neighbourhood relationships.
- It had a negative impact on bilateral business, like transportation and merchandise that could not reach their destinations, and it caused huge losses for Uruguay's tourism industry, which is among the primary sources of revenue for this small country.

A positive thing is that the dispute did not involve any physical violence except minor isolated events, although this is not surprising, given the long-standing connection between the countries and their societies, and the processes of democratisation that greatly diminished the risk of conflict in the region.

According to Chapter VI of the United Nations Charter, every international dispute must be resolved peacefully through methods such as negotiation, enquiry, mediation, conciliation (political means) or arbitration and judicial settlement (jurisdictional means). The judicial settlement was the way chosen to end this dispute between states. But as far as civil society is concerned, without steady political negotiations, follow up, and confidence building measures, the issue will not be completely resolved.

Another fact to take into consideration on a macro level is that none of the governments acted in a timely manner to reach a solution or involve all the relevant stakeholders, thus fragmenting the issue. As a result, civil society and sub-national actors could put pressure on policy makers in Argentina and Uruguay and were in the spotlight during the whole process by blocking the bridges and gaining leverage.

It is worthwhile to point out the impact that private interests and foreign companies can have, and to try to assess their potential future influence on local communities in the South. When faced with processes of migration of facilities, outsourcing and other so-called investments, negative impacts should be considered as causes of conflict that can lead to undesirable consequences for all stakeholders.

"Lastly, the Court points out that the 1975 Statute places the Parties under a duty to co-operate with each other, on the terms therein set out, to ensure the achievement of its object and purpose. This obligation to co-operate encompasses ongoing monitoring of an industrial facility, such as the Orion (Botnia) mill. In that regard the Court notes that the Parties have a long-standing and effective tradition of co-operation and coordination through CARU[10] *(...) [T]he Parties have established a real community of interests and rights in the management of the River Uruguay and in the protection of its environment."* [11] Cooperation as a way to avoid conflict, monitoring provisions to guarantee sustainability and respect for International and Environmental Law, and the recognition of a record of peace are highlighted in the last paragraph of a decision ruling a dispute that should never have taken place and that consumed huge amounts of energy, time and resources.



PHOTO: EAG

The international bridge Gral San Martin between Argentina and Uruguay was blocked by demonstrators protesting against the construction of a pulp mill in Fray Bentos, Uruguay.

1 See the Harmon Doctrine over the dispute between Mexico and USA in 1895 for the use of the river Grande, where this Attorney General of the United States defended the total sovereignty of the upstream state over that water course, disregarding the interests of downstream countries, in http://lawlibrary.unm.edu/nrj/36/3/05_mccaffrey_harmon.pdf accessed 7 July 2011

2 Helsinki Rules on the Uses of the Waters of International Rivers, accessed 20 June 2011 http://www.colsan.edu.mx/investigacion/aguaysociedad/proyectofrontera/Helsinki%20Rules%201966.pdf

3 UN Convention on the Law of the Non-navigational Uses of International Watercourses, accessed 18 June 2011 http://www.internationalwaterlaw.org/documents/intldocs/watercourse_conv.html

4 Krasner, Stephen D., "International Regimes", Cornell University Press, 1983, Ithaca

5 Mercosur (in English: the Southern Common Market) is an economic and political agreement among Argentina, Brazil, Paraguay and Uruguay and, more recently, Venezuela.

6 Statute of River Uruguay in English (p.15) and Mission and attributes of the Executive Commission on the River Uruguay, accessed 17 June 2011 at http://www.caru.org.uy/publicaciones/The-River-Uruguay-executive-commission-Uruguay-Paysandu.pdf , page 18

7 Technically this could be considered an *international dispute*. According to the jurisprudence of the International Court of Justice *"a dispute is a disagreement on a point of law or fact, a conflict of legal views or of interests between two persons"* by analogy applicable to States, in Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) in http://www.icj-cij.org/docket/files/140/16396.pdf , page 2.

8 For a detailed chronological sequence please visit: http://en.wikipedia.org/wiki/Pulp_mill_dispute (English) or http://www.lagaceta.com.ar/nota/374953/um/.html (Spanish)

9 Case concerning pulp mills on the River Uruguay (Argentina vs. Uruguay). Accessed 07 July 2010 at http://www.haguejusticeportal.net/Docs/Court%20Documents/ICJ/Argentine_Vs_Uruguay_judjment.pdf

10 Comisión Administradora del Río Uruguay (River Uruguay Executive Commission)

11 See ICJ final decision above, paragraph 281.

Ecumenical Water Network

A faith-based approach to water, peace and conflict

In the past years, José Pilar Cabrera has become used to being accompanied by policemen whenever leaving his house, when going to church, to meetings, to do his shopping. He is a pastor of the Lutheran Church in Guatemala and one of the leaders of the Association for the Protection of Las Granadillas Mountain (Asociación para la Protección de la Montaña Las Granadillas – APMG). Together with others, José Pilar works with local communities to protect the forests, the water and the rich biodiversity of Las Granadillas.

In 2008, the conflict between the local communities and landowners in this area escalated when a landowner blocked access to a water source, leading to a series of nonviolent protests and confrontations. José Pilar and other leaders of the APMG received death threats. Repeatedly they had to defend themselves against unfounded criminal charges and arrests. Buildings of the Lutheran Church in Guatemala and the APMG were shot at and vandalised.

With water scarcity on the rise, competition and conflicts over water and fertile land are intensifying. This happens not only at the international level but also at the national and local level, not only between states but also within societies. José Pillar's story is but one example of the many conflicts over water, which, unlike the often predicted "future wars over water", are already a reality today in many regions of the world.

The General Secretary of the World Council of Churches (WCC), Olav Fykse Tveit, recently highlighted that "to work for peace is not incidental to our faith, it is at the heart of the Christian faith". In the same context he expressed special concern for water as a source of conflict.

With conflicts over water on the rise, what will happen to the rights and needs of marginalised groups and communities? We know that conflicts, whether armed or unarmed, rarely play out between equals.

Marginalised groups, such as poor, indigenous or landless people, are by their very definition "less powerful" – at least in political, economic and military terms. Living on the margins of society, economy and politics, they often lack the kind of knowledge, organisational structures and resources needed to protect their rights and articulate their individual and communal interests effectively.

The Central Committee of the WCC affirmed in February 2011 that "as churches we are called to serve and be examples in the way we use and share water. We are called to stand with the most vulnerable as they defend their rights to life, health, and livelihoods in situations marked by scarcity, conflict, occupation and discrimination". The Ecumenical Water Network, an international network of churches and other Christian organisations, coordinated by the WCC, pursues this mission by promoting the international and ecumenical cooperation of churches and ecumenical partners for this purpose.

Water conflicts today

In 2011, a series of Lenten reflections based on the experiences of the participating churches and organisations specifically looked at how conflicts related to water threaten the lives and livelihoods of communities around the world. The stories presented ranged from well-known examples, like the role of water in the conflict between Israel and Palestine, to less prominent ones, including the above mentioned struggle of the Las Granadillas communities in Guatemala, as well as the impact of large-scale land investment deals on access to water for communities in Africa and the environmental consequences of the struggles over oil in the Niger delta.

These testimonies from churches around the world underline the pressing need to guarantee access to water for the poor and marginalised, when their basic needs do not align with better organised and articulated interests of other groups and economic sectors. They also demonstrate that water is not necessarily the main cause but often a crucial factor in conflicts related to the use and exploitation of other natural resources such as land, oil, and minerals.

The majority of these local conflicts over water do not lead to large-scale armed confrontations Yet, a particular contribution of a faith-based approach to the issue of water, peace and conflict is the understanding of peace as being more than the absence of war. This insight is not a new one in the ecumenical family. Already in the context of the Cold War, a Consultation on Militarism organised by the WCC in 1977, affirmed that "the peace we seek is a 'warm' peace, not merely the absence of war, but a peace best defined in the Biblical word 'shalom', which expresses a positive state of justice, mutual respect for differences, welfare, health, security, a community embracing all humanity which is a loving concern for all".

Samuel Kobia, former General Secretary of the WCC, described this vision of peace as one that "involves the equanimity and harmony of economic, social and political life, as in the freeing of a people, the feeding of the hungry, the giving of sight to the blind, the overcoming of economic injustice and oppression. There is no shalom where the resources of the community are distributed inequitably so that some eat and others go hungry, or where a ruler treats people unjustly".

This broader and deeper understanding of peace and its interrelatedness with justice can be an important contribution of churches in the current debate over the water crisis and the conflicts arising from it. It helps uncover the often overlooked structural forms of violence that are manifest in situations in which the fair sharing of water, and with it dignity and life, justice and peace, are compromised as a result of the asymmetric and unjust power relations in both our societies and our economies.

For more information, please visit: www.oikoumene.org/7-weeks-for-water and http://water.oikoumene.org.

Maike Gorsboth

LPI News

When peacebuilding becomes illegal

In order to find out more about the potential effect of the US Supreme Court's ruling in the Holder v Humanitarian Law and similar anti-terrorist legislation on LPI's work and the work of other peacebuilding organisations, LPI arranged a seminar in collaboration with the Folke Bernadotte Academy. The seminar was held on 9 June in Stockholm, Sweden, with the intention to raise awareness about the issue and stimulate discussion on the Swedish arena. Speaking at the seminar were Andy Carl, co-founder of Conciliation Resources, and Gavin Sullivan, solicitor at the European Centre for Constitutional and Human Rights.

The seminar was successful in presenting the topic, discussing the possible implications of the US Supreme Court's ruling in the Holder v Humanitarian Law Project on civil society actors, but also in the field of peace and security more generally, and offering suggestions on possible ways forward. It also managed to bring together key civil society actors and officials.

It was in June 2010 that the U.S. Supreme Court took a decision that risks hampering basic peacebuilding activities, such as getting the conflicting parties to the negotiating table or training them in nonviolent methods. In the Holder v. Humanitarian Law Project case, which questions the American terrorist legislation, the Court restates that it is illegal to provide any kind of support to groups labelled by the US as terrorist organisations and that such support is punishable with up to 15 years imprisonment. The legislation covers not only American organisations or organisations that receive support from the U.S. government, but can potentially affect others as well.

It is currently unclear exactly what consequences this decision may have. The definition of the prohibited activities is very broad. It is also unclear whether other countries will follow the example of the U.S. If that happens, many organisations may be affected both in the peacebuilding and humanitarian fields.

This might eventually lead to peace processes being hampered and to difficulties in reaching civilians in conflict areas with necessary humanitarian aid or development assistance.

A report from the seminar is available on www.life-peace.org

Board meeting in Nairobi – governance structure changing

During the annual meeting of the LPI board in June 2011, there was particular focus on contextual analysis of the countries where LPI is operational. Linked to this was progress reporting and future plans of LPI and its partners in the different programmes in the DR Congo, Ethiopia, the Nairobi-based Regional Partners Programme, Somalia and Sudan.

In Sudan, the birth of the new state South Sudan holds challenges for the future, in DRC the up-coming elections are expected to cause increased violence, and the famine all over the Horn of Africa makes it extremely important for all actors to understand the need for peace in the area and act to support such initiatives.

The board confirmed its decision from last year to change the governance structure to appoint fewer members to the board and in addition form a new International Council for advisory purpose. The changes are expected to take place in 2012.

At the meeting a seminar on Conflict Transformation and Research Methodologies was held with Dr Thania Paffenholz, Dr Tom Bamat and Dr Nikki Slocum-Bradley in the panel.

News from LPI's peacebuilding programmes:

Somalia – new project initiated

A new project, Alternatives for Conflict Transformation in the Somalia Programme (ACTS), has been formulated and a researcher has been engaged for the project. Meanwhile the Track II peacebuilding project continues in South Central Somalia, with Somali Peace Line as the key implementing partner. Donors to this project are the European Commission, along with Sida (Sweden), Federal Department of Foreign Affairs (Switzerland) and Ministry of Foreign Affairs (Norway).

Sudan – training with local partners

The LPI programme in Sudan has carried out organisational development workshops for two local partner organisations from Southern Kordo-



PHOTO: LPI

LPI board members and senior staff attending the meeting at Lukenia Getaway, outside Nairobi, Kenya.

fan, Justice Confidence Centre and Adlan for Development. The process was aimed at assisting the partners in their exploration of organisational strengths and areas for improvement as well as to develop action plans for next steps. In another workshop, LPI staff and three local partners worked to gather qualitative and quantitative data for the Sudan programme's baseline study. Work included interviews and focus group discussions over the course of two days.

Ethiopia – work with Addis Ababa University

LPI's colleagues in Addis Ababa, Ethiopia, are engaged in the planning of continued work. A new project, involving the mapping of civil society peacebuilding in Ethiopia has been initiated. LPI intends to carry out this research and analysis in collaboration with the Addis Ababa University (AAU). A new round of peacebuilding, the sustained dialogue, is also starting up at the AAU. It is basically run by the student peace club, but LPI plays a supportive role through its representative in Addis Ababa, Hannah Tsadik. In line with the cooperation agreement that LPI has with the AAU, Dr Tarekegn Adebo continues as a seconded teacher and resource person at the Department of Political Science and International Relations.

DR Congo: Successful inter-community dialogue

68 delegates from four communities of the Kalehe district engaged in an Inter-Community Round Table conference at Institut Bwindi outside Bukavu 8-12 August. This major step followed a long process of participatory action research on land-related conflicts, conducted by LPI's partner Action pour la Paix et la Concorde.

The dialogue culminated in the signing of an act of engagement by all parties and the development of action plans for conflict transformation, grouped around four themes: access to land, questions related to public administration, return of refugees as well as physical security/protection.

State and customary authorities, representatives of the international community as well as local civil society participated as observers to the Round Table. There was good local media coverage, with several radio broadcasts.



PHOTO: VERONICA AGALI, LPI

Three of LPI's Sudan focal points, Ghurashi Abdella Dirrya (Justice Confidence Centre), Abdel Mageed Mohammed Hassan (Peace & Development Studies Centre, Dalanj University), and Amani Hamdan (Adlan for Development).

LPI publications

The Planning, Monitoring, Evaluation and Learning tool, PME&L, developed and used by LPI in the conflict transformation projects, is now available. A soft copy of the handbook can be downloaded free of charge at www.life-peace.org

SONAD, the Sudanese Organisation for Nonviolence and Development, has been assisted by LPI in the production of a book about their history, development and lessons learned. The publication Peace Building Experiences of SONAD in Sudan, initially printed in Sweden in a limited number of copies, has now as planned been produced in Khartoum. The official launch was supported by LPI at the Institute of Development & Research at University of Khartoum and took place on 12 September.

Reports about the participatory action research projects in eastern Congo, as well as the sustained dialogue project with students at the Addis Ababa University in Ethiopia will be produced and released towards the end of 2011.

Through a collaboration agreement, LPI's periodicals, New Routes and the Horn of Africa Bulletin, as well as other reports and publications can now be accessed through the Globethics network, www.globethics.net, so take a look, register and visit LPI's library as well many other resource centres online. In the near future both the Horn of Africa Bulletin and New Routes will be launched online through an agreement with the US-based EBSCO Library products.

Staff changes

Souhair Moniem has joined the LPI Sudan programme as Finance Officer. Souhair worked for a number of years with Oxfam GB before taking 'time off' in 2009 to undertake her Master in Business Administration.

Marleen Renders has been employed by LPI's Nairobi office as Researcher for the Alternatives for Conflict Transformation in Somalia (ACTS) project from September 2011

Two new interns have been recruited to the head office in Uppsala. *Valter Vilkko* is a radio journalist and in the final stage of his Masters in Peace and Conflict research at Uppsala University, and *Synthia B Rahman* is doing her Masters in Media and Communication at Uppsala University.

Reviews and resources

Perceptions of justice

Just Democracy: The Rawls-Machiavelli programme, by Philip Van Parijs. ECPR Press, University of Essex, Colchester, UK, 2011

As 'justice' is integral to positive peace, a profound understanding of what constitutes 'justice' is essential to the work of peacebuilders. In his anthology 'Just Democracy: the Rawls-Machiavelli programme', Philip Van Parijs explores the relationship between justice and democracy. Given its preferred method of participatory action research, democracy is also of particular interest to LPI. The Participatory Action Research that LPI facilitates is simultaneously a democratic approach to research and to conflict transformation.

As the backdrop to his collection of previously published essays, Van Parijs critically illuminates the tension that can exist between democracy and 'solidaristic justice'. This tension is drawn by juxtaposing a purely procedural definition of democracy with an outcome-oriented conception of justice. Accordingly, maximising democracy, conceived as 'the combination of majority rule, universal suffrage and free voting', does not necessarily result in justice. For Van Parijs, a just society is one whose institutions generate the best (sustainable) amelioration of 'the conditions of the least advantaged among its members'. He argues that democracy, and in particular democratic institutions, 'should be treated as sheer servants of social justice' (p. 5).

Of special interest to peace builders is Van Parijs' discussion of various options for the design of electoral processes and systems of representation in ethnically divided societies (chapter 4). The author draws upon his native Belgium to exemplify how the current design of power-sharing between communities sets these communities in opposition (chapter 7). The system predisposes the political parties to pit Flemish interests in opposition to Walloon interests. Instead, Van Parijs argues, the design should aim to 'reshape political competition and rhetoric so that these will consist again in confrontation, not between the interests of mono-ethnic blocs, but between alternative versions of the common good' (p. 95). The author asserts that this can be accomplished through the 'engineering' of 'truly federal' institutions, which he advocates both for Belgium and for the European Union. In his view (elaborated in chapter 6), such institutions and procedures must be designed to facilitate, reward, or even require 'political border-crossing between ethnic groups'.

Van Parijs' unwritten assumption is that his institutional solution would generate what Malik* refers to as 'political identities' that would supersede the role played by ethnic identities in people's socio-political decision-making. Political identities are constructed when people choose to 'define social solidarity in political terms – as collective action in pursuit of political ideals'. Van Parijs' implicit theory of change is that the same discourse regarding the common good that would generate multi-ethnic political identities would also generate conclusions that would benefit the least advantaged. However, it is important to acknowledge the choice inherent to evoking (political, ethnic, or other) identities and to embracing different conceptions of justice.

Van Parijs' assertions raise a further question regarding the role of democratic processes in the realization of solidaristic justice, or the relevance of procedural justice for social justice. In contrast to his outcome-oriented definition of social justice, he also claims that:

> '...the set-up chosen should permit the emergence of a public debate through which all the parties concerned can make their positions and arguments heard and above all influence... the contents of the declarations and the tenor of the decisions. Only the existence and the liveliness of such a debate can generate and ceaselessly regenerate throughout society a sense of justice that conforms to the conception of justice adopted here' (p. 16).

In light of his homage to a 'sense of justice', which he portrays as emerging from open and inclusive debate processes, perhaps Van Parijs would be willing to consider the validity of a procedural element in his conception of social justice. What makes a member of a society willing to defer to the opinion of the majority when it is not her own? What provides her with conviction that the outcome, albeit not her preference, is a just one? Is it not the procedure that was followed to determine the outcome? Is it not the joint fair process used in debating the common good, and deciding how to best achieve it, that can unite diverse populations into shared identities?

A prevalent sense of justice within and between societies is essential to positive peace, which is why Van Parijs' assertion that, 'We don't just need democracy. We need just democracy' is so valid. The realisation of just democracies can be facilitated by research aimed at understanding the distributive and procedural elements of justice, and how notions of justice are constructed in tandem with identities, norms, and other evoked meanings..

Nikki Slocum-Bradley
Program & Research Advisor, LPI
Associate Research Fellow, United Nations University (UNU-CRIS)

* Malik, K. (2006), 'Illusions of Identity', Prospect Magazine, Issue 125, 27 August. http://www.prospect-magazine.co.uk. Accessed 8 August 2011.

A sad book about Eritrea – more assumptions than autobiography

Wounded Nation: How a once promising Eritrea was betrayed and its future compromised. Vol 2 of The Crown and the Pen, by Bereket Habte Selassie; Trenton NJ: Red Sea Press, 2011

Unfortunately Wounded Nation is not as good as the first volume, The Crown and the Pen (reviewed in no. 2.2008 of this periodical). The first volume was indeed a political autobiography that was comprehensive as well as entertaining. The second volume has very little that is autobiographical in it. And moreover, it is built on two assumptions that are highly tenuous, namely, that Eritrea was once a promising state/country and that the country is being destroyed by the policies of a single person, i.e. the president of the country.

How and why was Eritrea once promising? According to professor Bereket, Eritrea has been betrayed and its future compromised through the destructive policies of its president. Is the president of Eritrea solely responsible for the sad state of affairs?

The book contains 14 chapters dealing with most aspects of current Eritrean history since 1991. In the introductory chapter the author admits that he did not oppose the antidemocratic nature of the Eritrean liberation movement (from 1975 until 2010) on the ground that he, like many others, put a lot of trust in the EPLF leadership, believing that it would eventually deliver both freedom and democracy. This is, of course, not a highly convincing argument. The second chapter is devoted to the aftermath of the liberation, when a great majority of the population celebrated for years in a row, while the newly established state of Eritrea led by the EPLF left no doubt about who was in power. The EPLF leaders declared openly that first and foremost, Eritrea belonged to those who fought physically against the enemy. The rest of the population was and still is considered as subject people with fewer rights and privileges. Professor Bereket was fully aware about the sad state of affairs (p. 63) but did not oppose it until 20 years later.

Chapters 3-5 deal with the nature of the EPLF leadership but with special emphasis on Isaias Afewerki, who is first treated as gold and then as base metal and eventually in the fourth chapter is accused of turning into a supreme dictator through "immaculate deception". The chapters contain very little autobiographical material and are based on secondary sources.

The production of a new constitution and the outstanding role of Professor Bereket is recounted in chapter 6. This is an excellent chapter but it could have been much longer. The following four chapters deal with the Eritrean-Ethiopian war and here there is even less autobiographical material. The complex issues of war and peace between Eritrea and Ethiopia, that professor Bereket attempts to tackle, are treated by others in far better ways.

From the autobiographical context, chapter 10 is also very interesting. In this chapter the author discusses the letter written by himself and twelve others in October 2000. Here again, the author could have enlightened us more by writing fully on the background to the letter and the reactions it got from the president of Eritrea to whom it was addressed The remaining chapters (11 to 14) deal with Diaspora politics, state and religion and ethnicity. All these chapters resemble lecture notes rather than well planned and executed studies.

Wounded Nation is a sad book to read. Unlike the earlier autobiographical work (The Crown and the Pen) which drew extensively on personal experience as well as provided a captivating story of the life and times of the author, Wounded Nation has very little in terms of an autobiographical dimension. It reads like a story of a nation without a beginning and whose future appears to hang on the destructive shoulders of a single person. In one (also sad) sense the book is sobering reading: both the wound and the compromised future of Eritrea are self-inflicted.

Tekeste Negash
Professor of Modern History
Dalarna University

Managing inter-group conflict, consolidating positive peace

Advancing Conflict Transformation. The Berghof Handbook II. Edited by Beatrix Austen, Martina Fischer and Hans J. Giessmann. Barbara Budrich Publishers, 2011.

Following the first volume of its Handbook for Conflict Transformation in 2004, Berghof Conflict Research (Berlin) now presents Volume II. This edition collects new insights into nonviolent ways of managing inter-group conflict and what is needed for consolidating positive peace.

The Berghof Handbook reflects the state of the debate, involving a variety of disciplines, and advances discussions on the theory and practice of conflict transformation. Topics include, among others: global trends in organised violence, the role of gender relations and asymmetries in conflict, third-party intervention and insider approaches, human rights, transitional justice and reconciliation in post-war societies. It addresses all those who are interested and active in the fields of conflict prevention and management, development co-operation, human rights and post-war peacebuilding. The Handbook is designed for practitioners and scholars who seek ideas and information for their own work and wish to draw on the wealth of experience gathered by colleagues in a wide range of regions and contexts. The Handbook is further intended to inform experts in politics, journalists, teachers and students.

Among the contributing authors are:: John Paul Lederach, Louis Kriesberg, Christopher R. Mitchell, Norbert Ropers, Ronald J. Fisher, Hans J. Giessmann & Véronique Dudouet, Martina Fischer, Susan L. Woodward, Cheyanne Scharbatke-Church and Diana Francis.

Important reading from ACCORD

Developing the Mediation and Post-conflict Reconstruction and Development Pools of the African Union Peace and Security Department Civilian Standby Roster

Special issue on the theme Southern Africa – 50 years after Hammarskjöld. African Journal on Conflict Resolution, Volume 11, number 1

Both publications from ACCORD, Durban, South Africa, 2011

In addition to the rich quarterly issues of the magazine Conflict Trends, the African Centre for the Constructive Resolution of Disputes (the full name behind the acronym ACCORD) produces a biannual African Journal on Conflict Resolution, and occasional studies and reports.

The most recent output is a research report with a promising content. It outlines an ambitious workshop in preparation for a Peace and Security Department (PSD) Civilian Standby Roster, which will contribute in three key areas: the African Standby Force, mediation work, and post-conflict reconstruction and development.

It is interesting to read the background material and not least the final recommendation from the range of actors and experts brought in from the African Union itself, the regional Economic Communities, policymakers, mediation and post-conflict reconstruction experts as well as civil society. Implementation may take time, but this is an ambitious and important step to radically complement the largely military and "hardware" security interventions with civil society expertise. The important gender aspect is included and the recommendations suggest recruitment of 30-50 per cent female experts

to the roster. The mediation pool should only have African staff, while the development of the post-conflict and development pool is recommended to give priority to Africans. It will be interesting to follow the next steps and implementation of the continental PSD Civilian Standby Roster, certainly much needed in many countries.

The latest issue of the African Journal on Conflict Resolution (Vol. 11, number 1) has been produced in collaboration with the Dag Hammarskjöld Foundation, based in Sweden. It is a special issue on "Southern Africa – 50 years after Hammarskjöld". The guest editor in this publication, as well as in the previous New Routes (2/2011), is Henning Melber. Among the contributors are Chris Saunders and Tor Sellström, who share new and detailed information on Hammarskjöld's visit to and role in South Africa in the early 1960s. Other perspectives on Hammarskjöld as well as today's peacebuilding efforts in Africa are provided by James-Emmanuel Wanki, Sarah Ancas, Timothy Scarnecchia, Alfredo Tjiurimo Hengari and Henning Melber himself.

Tore Samuelsson
Communications Director, LPI

Two reports of high value

Disarmament Forum: Civil society and nuclear disarmament. UNIDIR, 2010, no. 4

The World Development Report 2011: Conflict, Security, and Development. The World Bank, 2011

The United Nations Institute for Disarmament Research's (UNIDIR) journal Disarmament Forum published its fourth issue last year devoted to views on civil society and nuclear disarmament.

This Disarmament Forum issue poses questions such as, "How can the objective of nuclear disarmament and abolition once again captivate and motivate the public as it did during and even immediately following the Cold War?" and asks whether there are lessons that could be drawn from more recent civil society movements in other areas of disarmament. The content includes contributions by Lawrence S. Wittner (leading activist and scholar) on today's nuclear abolition movement, Tim Wright and Nina Eisenhardt on generations of change, Dimity Hawkins on campaigning for a ban on nuclear weapons, Robert Green on deterrence, and others.

This issue accurately presents the efforts of a relatively small but determined movement to gain strength for a process that goes beyond the modest arms reduction and non-proliferation measures of the last few years, while also connecting to the broader context of global, and especially U.S., militarism.

Two contradictions are emphasised: the public's consensus favouring nuclear abolition, which has limited influence on the U.S. and other nuclear states, and the "rhetoric vs. reality" matter of the Obama Administration's discourse being weakened by its actions that show little commitment to nuclear disarmament.

The articles in the report can be downloaded online from www.unidir.org. The journal can be ordered on the same site.

The World Development Report (WDR) is an annual report published by the World Bank. Each WDR provides in-depth analysis of a specific aspect of economic development. World Development Report 2011: Conflict, Security and Development presents the challenges that organised violence poses to the advancement of less developed countries. The findings of the report show that in the last 30 years, poverty has been reduced for most of the world's population. However, this is not the case for the estimated 1.5 billion people living in countries blighted by on-going conflict.

> "If we are to break the cycles of violence and lessen the stresses that drive them, countries must develop more legitimate, accountable and capable national institutions that provide for citizen security, justice and jobs", said World Bank President Robert B. Zoellick. "Children living in fragile states are twice as likely to be undernourished and three times as likely to be out of school. And the effects of violence in one area can spread to neighboring states and to other parts of the world, hurting development prospects of others and impeding economic prospects for entire regions."

Part one, entitled The Challenge, presents the issues of repeated violence threatening development, and vulnerability to violence. Part two, Lessons from National and International Reponses, discusses the matters of restoring confidence and transforming institutions and the international support regarding these goals. Finally, part three, Practical Options and Recommendations, provides practical options for national and international reformers to take advantage of multiple transition opportunities, restore confidence, and transform institutions in countries facing a range of institutional challenges, stresses, and forms of violence, and new directions for international support.

The report is based on new research, case studies and extensive consultations with leaders and development practitioners throughout the world. It is available to download online from the following website: wdr2011.worldbank.org/fulltext. Overviews are available in Arabic, Chinese, French, Portuguese, Russian, and Spanish.

Ruxandra Bujor
LPI Communications Assistant

Watch out for New Routes on land issues!

New Routes no. 4.2011 will focus on the issue of large scale land acquisition for commercial purposes, so-called land grabbing. The agronomic, socio-economic and environmental aspects of this new phenomenon is by now widely reported and debated.

Land acquisitions are mainly propelled by international investors, motivated by high food prices, volatile world food markets and European fuel policy. Host governments see new opportunities for their national development efforts. However, they may also create hardships and generate conflicts if the communities are bypassed, which is the rationale for New Routes to focus on the topic.

Guest editor of this issue of New Routes is Dr Michael Ståhl, who has worked, inter alia, at the International Foundation for Science in Stockholm, the Swedish Agency for Research Cooperation, Sida Rural Development in Ethiopia and the Nordic Africa Institute in Uppsala

New Routes no. 4.2011 will be out in mid-December – don't miss it!

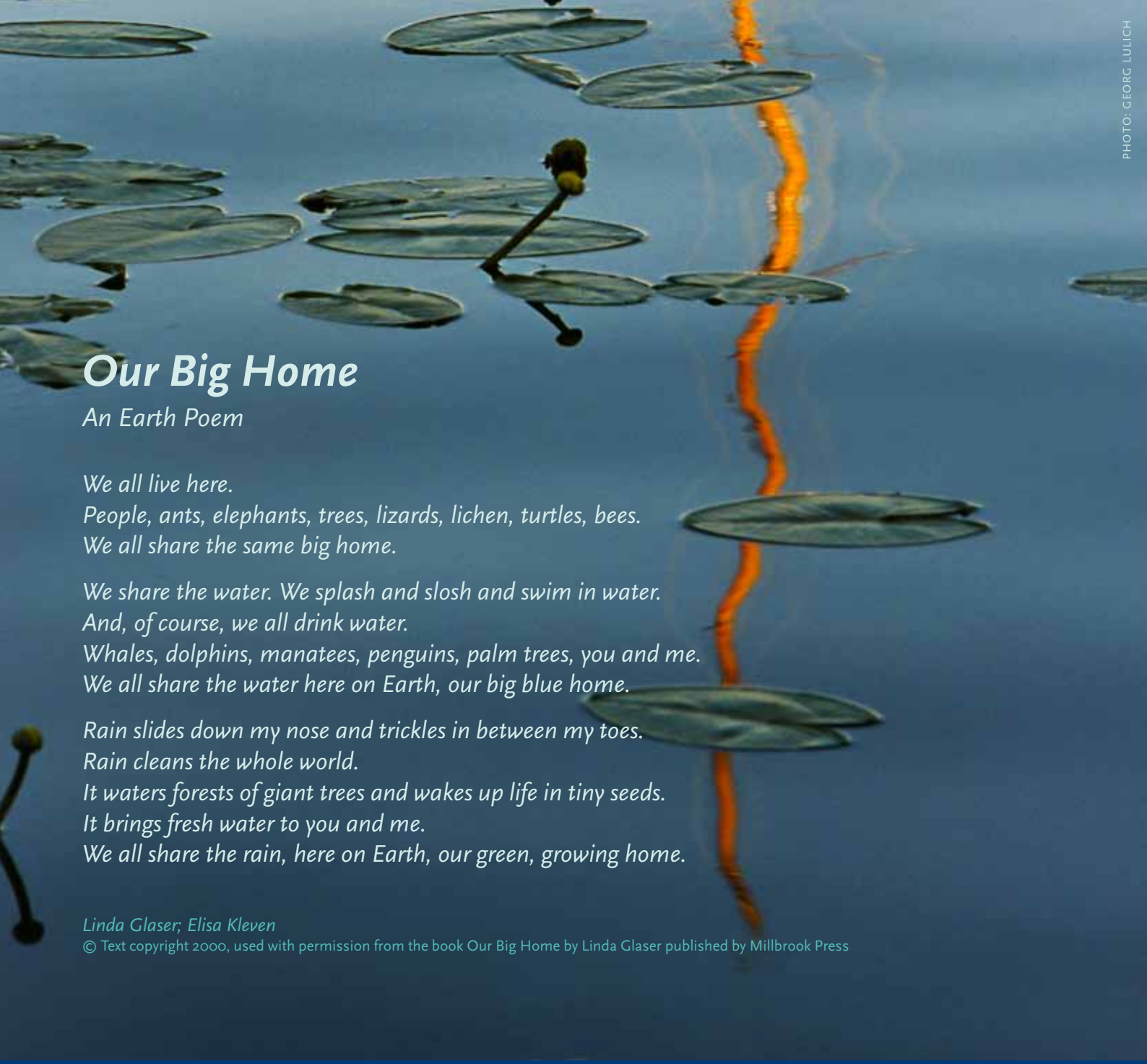


PHOTO: GEORG LULICH

Our Big Home

An Earth Poem

We all live here.
People, ants, elephants, trees, lizards, lichen, turtles, bees.
We all share the same big home.

We share the water. We splash and slosh and swim in water.
And, of course, we all drink water.
Whales, dolphins, manatees, penguins, palm trees, you and me.
We all share the water here on Earth, our big blue home.

Rain slides down my nose and trickles in between my toes.
Rain cleans the whole world.
It waters forests of giant trees and wakes up life in tiny seeds.
It brings fresh water to you and me.
We all share the rain, here on Earth, our green, growing home.

Linda Glaser; Elisa Kleven

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LPI AND ITS PERIODICALS

Life & Peace Institute, (LPI) is an international and ecumenical centre based in Uppsala, Sweden, that supports and promotes non-violent approaches to conflict transformation through a combination of research and action, and hence contributes to the prevention and mitigation of violence as a precondition for peace, justice, and non-violent coexistence.

The Institute's conflict transformation work is based on an understanding that conflict is a natural part of societies that has the potential for both constructive and destructive change. It also builds on the premise that peace can only be achieved through the active involvement of the communities in conflict themselves.

LPI's operational focus is on Africa, and more specifically on the Central Africa and Horn of Africa regions. In addition to the head office in Sweden, LPI has programme offices in Nairobi (Kenya), Bukavu (DRC), and Khartoum (Sudan) and staff working with the Addis Ababa University in Ethiopia.

LPI publishes two periodicals: the quarterly journal **New Routes** (see above) and the bi-monthly electronic newsletter **Horn of Africa Bulletin**, covering the African countries of the Horn. Free online subscription.

Subscriptions: Life & Peace Institute,
e-mail: newroutes@life-peace.org
Phone: +46 18 66 01 32

More information on www.life-peace.org

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