The Clean Water Act and the Limits of Federal Jurisdiction

Civil Rights
EPA and a Tale of Two Legal Sections

Spoilage of War
Peacebuilding and Natural Resources

Island Nations
A Primer on Caribbean Environmental Law
Peacebuilding and Natural Resources

Post-conflict diplomacy and international environmental law have developed independently and differently. Experiences in managing natural resources to support reconciliation in dozens of countries over the past 20 years, however, highlight the critical role that the environment can play.

The end of the Cold War was momentous both for environmental cooperation and for peacebuilding. Presidents George H. W. Bush and Mikhail Gorbachev identified cooperation around the environment — including the possible negotiation of a treaty to address climate change — as an opportunity for the former adversaries to work together. Often considered the unofficial end of the Cold War, the Malta Summit in December 1989 enabled an unprecedented flourishing of international environmental cooperation that led two and a half years later to the adoption of the Rio Declaration, the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, Agenda 21, and (eventually) the Convention to Combat Desertification, as well as the establishment of the Global Environment Facility. Other environmental treaties, protocols, and institutions have followed.

The end of the Cold War also saw a change in how wars were fought and financed, as well as the emergence of peacebuilding. Three days after the close of the Rio Earth Summit, UN Secretary-General Boutros Boutros-Ghali published “An Agenda for Peace,” which laid the conceptual foundation for peacebuilding. In the two decades since then, the UN regional bodies, countries, and civil society have embarked on dozens of efforts to help countries rebuild after conflict. Some of these efforts have been successful, others have not, and most remain works in progress. Peacebuilding is an imprecise art: an estimated 25–50 percent of post-conflict countries suffer a relapse to conflict in the first 10 years.

Peacebuilding efforts and international environmental law have developed independently and in very different manners. Peacebuilding approaches were often ad hoc efforts rooted in mandates provided by UN Security Council resolutions and guided by the exigencies on the ground, but there has been no meaningful treaty or other generally applicable international legal instrument devoted to peacebuilding. In fact, peacebuilding does not explicitly appear in the UN Charter. In contrast, international environmental law has seen the development and application of numerous treaties and protocols. Peace and security have historically been the province of the Security Council, with environment and development falling within the ambit of other UN bodies, in particular the General Assembly. But peacebuilding has blurred this line. Increasingly, scholars, practitioners, and political leaders are starting to recognize the importance
of sound management of the environment and natural resources to post-conflict peacebuilding and the need to address environmental and natural resource challenges as fundamental aspects of peace, stability, and security.9

The process leading up to the UN Conference on Sustainable Development held in June — the so-called Rio+20 conference — represents an important opportunity to take stock of lessons over the past 20 years in managing natural resources and the environment to lay the economic, social, and political foundations for peace in countries emerging from armed conflict. Over the past two decades, peacebuilding has grown from a series of ad hoc undertakings and is coalescing into a body of practice with an emerging policy framework, but with little organic law to guide it.

Although peacebuilding efforts are key to a country’s recovery and reconstruction as it emerges from conflict, to date there is no universally accepted conceptual or operational framework for post-conflict peacebuilding. There have been efforts to develop common approaches and standardize procedures, but organizations and individuals seeking to build the foundations for a durable peace still operate under a variety of guiding frameworks.9

As the body of post-conflict experiences grows, however, it is possible to discern an emerging framework that is structured around the areas in which peacebuilding activities tend to occur. Following that pragmatic approach, we adopt a framework that focuses on four post-conflict objectives: establishing security, restoring basic services, revitalizing the economy and enhancing livelihoods, and rebuilding governance and inclusive political processes.10 Furthermore, both peacemaking and humanitarian assistance are relevant to post-conflict peacebuilding as they can profoundly influence the options for post-conflict programming and often have substantial natural resource dimensions.

Each of these four peacebuilding areas comprises a range of activities. Establishing security entails peacekeeping, sanctions, security sector reform, disarmament, demobilization, and reintegration, demining, and basic safety and civilian protection, including against disasters and environmental risks. Restoring basic services encompasses water and sanitation, waste disposal, energy, health, and primary education. Revitalizing the economy and enhancing livelihoods involves measures to rebuild economically, develop alternative livelihoods where necessary, and rehabilitate infrastructure to facilitate production and trade of goods. Rebuilding governance and political processes includes reestablishing electoral processes, developing conflict-management capacity, restoring government functions, establishing the rule of law, and supporting the return of displaced persons and transitional justice. All of these activities occur nationally, subnationally, and even regionally and internationally to build capacity across all levels of government.

Together, these objectives and activities constitute an emerging framework for post-conflict peacebuilding. This framework is based largely on the UN’s 2009 “Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict” and its 2010 update, as well as other prominent frameworks, including those proposed by the Organisation for Economic Co-operation and Development and the United States Institute of Peace.11

Managing Natural Resources

Historically, natural resources have not been an explicit consideration in peacebuilding activities. Increasingly, though, natural resources are recognized as crucial to establishing a lasting settlement, as they can both unite and divide post-conflict societies. Effective use of natural resources is key to achieving most peacebuilding objectives. Livelihood revitalization is perhaps the peacebuilding activity that is most heavily rooted in natural resource use, yet macroeconomic development, energy, resettlement, reconciliation, governance, and rule of law also have strong natural resource dimensions.

The natural resources that are relevant to post-conflict peacebuilding fall into four broad categories: extractive natural resources (such as oil, gas, gold, and
fragile government. Competing claims to land — as occurred in Cambodia, Somalia, Afghanistan, and Cambodia, creating security challenges that threaten long-term peace. Too often, post-conflict agrarian reforms focus on land and fail to address water reforms necessary to provide the irrigation that is required to make the land productive. Given the tendency of water to flow between users, sustainable water management provides a frequent means for cooperation and dialogue that can support post-conflict reconciliation and confidence building.

Other renewable resources such as timber, other forest products, crops, livestock, and fisheries are important for livelihoods, including for former combatants, and they can be a backbone of the national economy (for example, cacao in Côte d’Ivoire and timber in Liberia). Biofuel plantations are a growing source of revenue for many post-conflict countries, and biomass provides household energy and construction needs. Orchards, farmland, and forests may have been damaged during conflict, and restoration of the resources may be a priority for post-conflict livelihoods, economic recovery, and emergency employment. Efforts to combat corruption and improve governance often focus on procedures and institutions for granting concessions for minerals, forests, and other natural resources, as well as for managing the revenues. In addition to raw natural resources, which are often exported as commodities, post-conflict countries are increasingly exploring ways to improve value, for example through the development of in-country processing and manufacturing industries. By increasing value throughout the chain, such efforts can generate jobs, diversify livelihoods, and grow and diversify the national economy.

Renewable resources can also be sources of tensions, with conflicts arising over livestock in the Karimojong cluster (Uganda and Kenya) and grazing rights in Afghanistan. Timber, bananas, charcoal, fisheries, coca, poppies, and other renewable resources have financed conflict in many countries, including Liberia, Somalia, Afghanistan, and Cambodia, creating security challenges that threaten long-term peace. Illicit agricultural crops, including opium poppies in Afghanistan, and coca in Peru and Colombia, present particular governance and security challenges in post-conflict countries, and efforts to promote alternative livelihoods can be problematic if the other crops do not provide the same economic opportunities.

Peacebuilding entails varying objectives, programs, actors, and conceptual and operational frameworks. Despite the complexity of the peacebuilding process, our analysis of experiences in managing natural resources after conflict in more than 60 conflict-affected...
ed countries and territories yields four broad lessons. First, it is impossible to successfully build long-term peace without effectively integrating natural resources into peacebuilding programs. Second, not all natural resources are equal: different resources are important for different objectives, and certain high-profile resources can be important to many peacebuilding activities. Third, effectively managing resources in post-conflict countries requires an understanding of international and regional demand, as well as other transnational pressures placed on the resources by criminal networks and other actors. It also means that coordinated international approaches are often necessary to effectively manage natural resources for security, basic services, macroeconomic development, livelihood, and governance objectives. Fourth, context is crucial: there is no one-size-fits-all approach to managing natural resources to support post-conflict peacebuilding. However, there are many common building blocks and tools that can be adapted, and utilized in ways that are tailored to the specific context.

**Progress to Date**

Given the lack of a coherent legal framework governing peacebuilding, we examine the intersection between international environmental law and post-conflict resolution. (Other bodies of international law are also relevant, but this article focuses on international environmental law.) Focus is placed on provisions of international environmental law that affect natural resource management. While not developed to account for peacebuilding, international environmental law plays a variety of roles in post-conflict countries.

There are a number of incentives for post-conflict states to become party to Multilateral Environmental Agreements, even in the face of the numerous other priorities. The first reason is to establish or regain international legitimacy. New states (such as Timor-Leste) are trying to establish themselves in the international community of nations, and joining MEAs is one way of doing that. States that had been in conflict or ostracized for many years (such as Afghanistan and Iraq) use MEAs as an opportunity for reengaging with the international community. Where there is broad membership in an MEA, there can be strong pressure on a state to not be one of the few non-parties. A second and related reason is international cooperation. Some post-conflict countries start to reengage with neighboring states through dialogue and cooperation around water (Afghanistan/Iran; Jordan/Israel) and protected areas (Peru/Ecuador; Democratic Republic of the Congo/Rwanda/Uganda). Becoming party to an MEA can mobilize scarce financial and technical resources that are only available to parties. Accessing grants from the Global Environment Facility frequently requires a country to be party to the relevant MEA. Moreover, bilateral agencies may make funding available to a country if it joins a particular agreement. MEA secretariats often provide technical assistance, build capacity, support networking and exchange, and facilitate technology transfer to promote implementation. Moreover, failure to participate in an MEA can have implications for international trade (e.g., under the Montreal Protocol governing ozone-depleting substances).

In addition, there are the customary reasons that countries generally participate in MEAs — and not just post-conflict countries. These include protecting public health, improving governance (including support of domestic environmental law), and providing long-term economic benefits. Moreover, international environmental law and institutions can help to remediate and restore natural resources that have been degraded during conflict.

The substantial body of norms, standards, procedures, and institutions developed under international environmental law can provide a foundation for various peacebuilding efforts. The 2009 Environmental Policy for UN Field Missions states that UN-sponsored environmental treaties, norms, and standards “will provide practical information for the mission to establish minimum standards to achieve its environmental objectives.” The United Nations Compensation Commission, established to process claims against Iraq arising from its invasion and occupation of Kuwait in the Gulf War — including substantial claims for depletion of natural resources and environmental damage — relied on modalities and standards developed under peacetime international and domestic environmental law.

**After Rio+20**

Rio+20 could be a once-in-a-decade opportunity to capture post-conflict peacebuilding and natural resource lessons to date, to make policy statements, and to shape the future political agenda. It could affirm the important links between natural resources and post-conflict peacebuilding and be an opportunity to move toward a legal landscape that gives practitioners a comprehensive framework that allows for flexible, context-specific decisionmaking.

Rio+20 could be all these, but it has yet to live up to its potential. The first draft of the Rio+20 outcome document — “The Future We Want” — failed to mention peacebuilding. What might be the reasons for its exclusion from the document? What does it mean for the future of peacebuilding and post-con-
conflict natural resource management? The 1972 UN Conference on the Human Environment, held in Stockholm, occurred in the midst of the Vietnam War, which was characterized by Agent Orange, weather modification, carpet bombing, and other horrors. Wars of independence were ongoing, and the UN had started engaging in peacekeeping operations. The world was in the midst of a nuclear arms race. While the U.S. government was successful at keeping wartime defoliation and related concerns off the agenda, the Stockholm Declaration broadly affirmed that “states have . . . the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction” and called for the “elimination and complete destruction” of “nuclear weapons and all other means of mass destruction.” The failure of the Stockholm Conference to squarely address the protection of the environment during armed conflict was not significant, as negotiations in other forums led to the adoption of the 1976 Environmental Modification Convention, and the 1977 Additional Protocols I and II to the Geneva Conventions of 1949.

The 1992 UN Conference on Environment and Development in Rio de Janeiro followed both the end of the Cold War and another high-profile conflict characterized by environmental devastation, the 1990–91 Gulf War. The Gulf War led to calls for a Fifth Geneva Convention to more clearly protect the environment during armed conflict, and for a Green Cross that could provide environmental relief in an analogous manner to the humanitarian assistance provided by the Red Cross and Crescent. The end of the Cold War resulted in expectations of peace dividends, as military funding could be reallocated to humanitarian and environmental causes. Principle 21 from the Stockholm Declaration was elevated to Principle 2 in the Rio Declaration, highlighting both the importance of sovereignty, and the limitations of sovereignty reiterating the injunction that states have the responsibility not to damage the environment of other states. The end of the Cold War and the prosecution of the Gulf War also contributed to three principles of the 1992 Rio Declaration:

- Principle 24 states that warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.
- Principle 25 affirms that peace, development, and environmental protection are interdependent and indivisible.
- Principle 26 says that states shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.

And Principle 25 is particularly relevant, as it explicitly linked peace, development, and environmental protection at the same time that peacebuilding was starting to take root.

In the 20 years since the original Rio Summit, public discourse around natural resources, conflict, and peace has continued to evolve. In the 40 years from 1948 to 1988, the Security Council authorized 13 peacekeeping missions; since the end of the Cold War, the Security Council has authorized 53 missions (including 20 new operations from 1989 to 1994). Global Witness and other activist organizations have brought conflict resources into the public consciousness. Public concern about buying “blood diamonds” from Sierra Leone, Liberia, and elsewhere led to the establishment of the Kimberley Process, with the active involvement of the diamond industry. Efforts to fight conflict timber in Liberia and Cambodia led to the development of the European Union’s Forest Law Enforcement, Governance, and Trade Initiative. The 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act included provisions on corporate due diligence to stem the flow of conflict minerals.

Climate change has been increasingly viewed as a threat to national security and international peace. With growing awareness of the public and decision-makers about climate change and other environmental threats, humanitarian and security organizations are increasingly seeing environmental considerations as important to their effectiveness. And while there is growing concern about so-called water wars, there is also growing awareness regarding the opportunities for cooperation around water and the peacebuilding opportunities.

The past decade saw an increased institutional focus on peacebuilding. In 2005, the Security Council established the UN Peacebuilding Commission, which has worked with post-conflict countries to develop and implement peacebuilding strategies and foster learning within the UN system regarding effective approaches to peacebuilding. UNEP conducted more than 20 post-conflict environmental assessments. Between 2009 and 2011, the UN and the World Bank produced four high-profile publications on post-conflict peacebuilding, often highlighting the role of natural resources in the process.

The Future We Want

To develop the Zero Draft of the Rio+20 outcome document — “The Future We Want” — the Pre-

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Notes

8. This article draws upon a series of books on post-conflict peacebuilding and natural resource management, including: P. Lujala and S.A. Rustad (eds.), High-Value Natural Resources and Post-Conflict Peacebuilding (Earthscan, 2012); J. Unruh and R.C. Williams (eds.), Land and Post-Conflict Peacebuilding (Earthscan, 2012); E. Weinthal, J. Torell, and M. Nakayama (eds.), Water and Post-Conflict Peacebuilding (Earthscan, 2012); H. Young and L. Goldman (eds.), Livelihoods, Natural Resources, and Post-Conflict Peacebuilding (Earthscan, 2012); D. Jensen and S. Lonergan (eds.), Assessing and Restoring Natural Resources in Post-Conflict Peacebuilding (Earthscan, 2012); C. Bruch,
C. Muffett, and S.S. Nichols (eds.), Governance, Natural Resources, and Post-Conflict Peacebuilding (Earthscan, 2012); C. Bruch et al., Post-Conflict Peacebuilding and Natural Resources: The Promise and The Peril (Cambridge University Press, 2012). As of the writing this article, the first book in the series – High-Value Natural Resources and Post-Conflict Peacebuilding – has been published; all other books are forthcoming in 2012, so references to chapters in those books do not include page numbers.


15. See ITC, n. 13 above.


17. See generally J. Unruh and R.C. Williams (eds.), n. 8 above.


22. See E. Weinthal, J. Troell, and M. Nakayama (eds.), n. 8 above.


30. See D.M. Catarious, Jr. and A. Russell, n. 29 above, at 480-481.

31. These four broad lessons are drawn from the seven books listed in n. 8 above.

32. International environmental law is but one area of international law that has been directly or indirectly relevant to post-conflict peacebuilding and natural resource manage-
ment. Other areas include peace agreements, UN Security Council resolutions, international law governing sovereignty, jus ad bellum, international humanitarian law, international human rights law, and international criminal law.


34. UN Department of Peacekeeping Operations and UN Department of Field Support, Environmental Policy for UN Field Missions (30 June 2009), para. 10; see also paras. 9 and 11.


39. Ibid., Principle 26. The Stockholm Declaration has one reference to peace, buried in the sixth paragraph of the preamble.


41. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I) (Geneva, 8 June 1977); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II) (Geneva, 8 June 1977).


44. Ibid.


55. Report of the Secretary-General, n. 10 above; Report of the Secretary-General, n. 11 above; World Bank, n. 10 above; UNEP, n. 36 above.


60. See World Bank, n. 10 above, at 60.

61. Ibid., at 63.