

Introductory Comments: The Pervasive, Persistent, and Profound Links Between Conflict and the Environment

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INTRODUCTORY COMMENTS:

THE PERVASIVE, PERSISTENT, AND PROFOUND LINKS BETWEEN CONFLICT AND THE ENVIRONMENT

by *Carroll Muffett and Carl Bruch**

We are pleased to introduce this special issue of *Sustainable Development Law & Policy*, which explores the diverse linkages between conflict and the environment. For the last two and a half years, we have worked together co-editing (with Sandra S. Nichols) a volume on *Governance, Natural Resources, and Post-Conflict Peacebuilding* as part of a multi-volume series on post-conflict peacebuilding and natural resource management being developed jointly by the United Nations Environment Programme, the Environmental Law Institute, the University of Tokyo, and McGill University. The project incorporates the work of more than 230 researchers, several of whom are represented in this issue.

As the articles in this issue demonstrate, the linkages between conflict and natural resources are deep, complex, and often surprising. Resource dependence is recognized as an indicator of conflict risk.¹ Natural resources often serve as a vital and indispensable subsistence base for those displaced by conflict and for those working to rebuild their lives and communities when conflict has subsided. Managed improperly, however, these same resources may provide both an incentive and a means to keep fighting for those who profit from insecurity.² Similarly, natural resources can be both the subject and an incentive for crime—from petty thievery to complex timber mafias to corruption at every level of government, each of which, in turn, can erode personal security and social stability.³ And while well-managed resources can help fund reconstruction efforts and help bring order from chaos, access to high-value resources can reduce government accountability to people and further feed corruption.⁴ Thus, accountable and effective natural resource management is a critical component of peacebuilding in post-conflict countries.

The environment itself can also be a casualty of conflict.⁵ Forests may be denuded for conflict timber, oil fields set ablaze as a form of scorched-earth warfare, or landmines and ordnance left behind to render large areas of the countryside unsafe for decades after a conflict ends. Still other impacts may be less direct, but no less significant. People displaced by conflict can be drawn together into informal tent cities or organized encampments numbering in the hundreds of thousands. These settlements can become major urban areas virtually overnight, requiring a steady supply of fresh water, sanitation facilities, fuel wood, building supplies, and food that far exceeds local resources. More subtly, but no less importantly, conflict has lasting and serious impacts on the infrastructure of natural resource governance—both in terms of physical infrastructure

and in terms of the human capacity, political will, and the reservoir of civil order and trust that are needed to govern resources effectively.

In internecine conflicts, control of natural resources—and the substantial material wealth they can generate—can serve not only as a driver of conflict, but as fuel for warring parties and, ultimately, as a barrier to negotiating the peace.⁶ This is particularly the case when high-value resources such as oil, timber, and precious minerals are involved.⁷ Clementine Burnley reflects on this in *Natural Resources Conflict in the Democratic Republic of the Congo: A Question of Governance?* She examines the contrasting theories of natural resource wealth, on the one hand, and environmental scarcity, on the other, as causes of conflict in the Democratic Republic of the Congo (“DRC”). The author then asks why large-scale violence persists in some resource-rich parts of the country while other areas with similar resources and multiple ethnic groups are spared. She finds that often these clashes are linked to socio-economic factors at the local level.

Burnley observes that natural resource management remains a low priority for political actors in the DRC, and that the interest that does exist is too often focused on resource control as a means of consolidating personal power and wealth for elites. She discusses how the continued presence of stakeholders with a material interest in profiting from instability remains one of the most important obstacles to effective natural resource management and good governance in the DRC.

Burnley argues that both the context in which natural resources are used and the way in which those resources are managed are key to preventing and managing conflicts at all levels. Because the nature and scale of these conflicts differ widely, however, approaches to management must differ as well. She outlines ways in which donor institutions have worked to improve resource governance in the DRC—by supporting access to alternate income opportunities for local people, distributing revenues from extractive industries more equitably, and addressing local conflicts over resource access and use before they escalate beyond control. Burnley argues that many of the most successful initiatives emphasized active participation of affected communities. She argues that what is now needed in the DRC is to move beyond abstract commitments to strengthen institutions

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and improve rule of law to more detailed specifications of concrete, context-specific measures to improve natural resource management. Building on the structures and processes already in place, it will take significantly more planning, resources, and political will to bring the needed transparency and accountability to all natural resource management in the DRC.

As Burnley discusses, natural resources can serve as a resource not only for those who would build and secure the peace, but for those who seek to destroy it. On the long road from a fragile ceasefire to a stable peace, there are many who have strong incentives to reverse course, and who actively seek the means to foment that reversal. From gold to diamonds to conflict

timber, natural resources have provided that means in prominent examples, including Sierra Leone and Liberia.⁸ The problem of how to manage these peace spoilers remains one of the most challenging in post-conflict natural resource management. Philippe Le Billon explores one possible response to this challenge in *Bankrupting Peace Spoilers: What Role for UN Peacekeepers?* Le Billon discusses

how reducing belligerents' access to revenues from high-value resources might help limit the success of peace spoilers, particularly when paired with resource management reforms addressing broader social and environmental causes of conflict and human rights abuses associated with those resources. Specifically, Le Billon examines the potential for the United Nations to move beyond economic sanctions alone and empower UN peacekeepers to secure control of natural resource production or transportation as a means of bankrupting prospective peace spoilers. In so doing, he considers not only the opportunities such an approach provides, but the challenges and issues associated with deploying peacekeepers to curtail access to conflict resources.

Natural resources can also be a source of hope after conflict, where they can be seen as a ready source of revenue for rebuilding a cash-strapped economy. Handled carelessly, however, this can lead to the rapid liquidation of valuable resources while further entrenching elites and risking reversion to conflict.⁹ In both cases, natural resources come under profound pressure in the wake of conflict. Päivi Lujala and Siri Aas Rustad, the editors of the first edited book in the ELI/UNEP/University of Tokyo/McGill University series, share some of the central lessons from their work in *High-Value Natural Resources: A Blessing or a Curse for Peace?* Drawing on the thirty different analyses and case studies in their book, Lujala and Rustad highlight how proper management of high-value natural resources is crucial in the aftermath of armed conflict. They document how effective management of such resources can be used to support a wide range of peacebuilding objectives, including grassroots livelihoods, large-scale economic recovery, good governance and

inclusive processes, and a more secure and stable peace. At the same time, the authors caution that the risk of negative outcomes from post-conflict resource extraction is high.

Lujala and Rustad point out that there is no one-size-fits-all approach to natural resource management in post-conflict settings. Rather, resource management must be based on a nuanced understanding of the context in which the management takes place. This context includes the numerous and complex linkages—past, current, and potential—between the resources and conflict, international dynamics and trade patterns, institutional capacity, the conditions that have shaped resource management in the past, and the political will that will shape their manage-

ment into the future. It is only with close attention to these factors, paired with good governance, that the resource curse can be turned into a blessing.

In post-conflict regions, careful management of natural resource issues can play a critical role in ensuring a sustainable peace not only within countries but also between them.¹⁰ In *Liquid Challenges: Contested Water in Central*

Asia, Christine Bichsel examines competing claims to water in the Syr Darya river basin, which is shared by the former Soviet States of Kyrgyzstan, Kazakhstan, Uzbekistan, Tajikistan, and Turkmenistan. She looks at water as a potentially contentious issue and assesses international efforts to mitigate the potential for violent escalation and degradation of the environment. She concludes by arguing that conflicts over water in Central Asia may be driven less by inter-state relations than by the particular interests of specific domestic actors in each country.

This use of conflict, real or perceived, as a tool to advance the economic interests of individual actors finds curious expression much closer to home in *Natural Resource "Conflicts" in the U.S. Southwest: A Story of Hype over Substance* by Laura Peterson et al. The authors examine the putative "conflict" between environmental protection and economic development in the context of the U.S. Endangered Species Act ("ESA"). As the title attests, the authors argue that the conflicts involved—between oil exploitation and agriculture on the one hand and two candidate endangered species on the other—owes more to perception, myth, and spin than to ineluctable reality. Peterson argues that this "fear mongering", and the attempts it has engendered to pass species-specific legislation undermining the ESA, represent a thinly veiled and dangerous attempt to push an industry agenda at the expense of the public good. In this, there are faint but recognizable echoes of the high-stakes (and all too real) experience with the peace spoilers discussed by Burnley, Le Billon, and Lujala and Rustad.

Richard Sadowski explores this private influence on conflict dynamics from a much different vantage point in *Cuban*

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Off-Shore Drilling: Preparation and Prevention within the Framework of the United States' Embargo. Sadowski considers how Cuba's plans to exploit its offshore oil wealth have increased calls from lawmakers and the oil industry to relax the United States' half-century old embargo on Cuba. Proponents of greater engagement rest their arguments both on the potential environmental risks of offshore drilling and on the prospective economic benefits of partnering in the exploitation. Sadowski argues that, despite this added pressure from the oil lobby, the purpose of the embargo has not yet been met and calls for a continuation of the policy.

Disputes over access to and allocation of critical natural resources can serve as a flashpoint for conflict at all levels of social organization, including at the grassroots level.¹¹ Rutgerd Boelens et al. explore this phenomenon in the context of water in *Threats to a Sustainable Future: Water Accumulation and Conflict in Latin America*. Arguing that the concentration of rights to access water and participate in decision-making on water governance is a historical problem in Latin America, they examine how contemporary water policies in Ecuador, Mexico, and Peru have tended to aggravate this problem in the face of globalization, growing water demand, and decreasing water availability caused by ecosystem degradation and climate change. The authors argue that the context-based and locally devised water practices of small-holder communities and indigenous territories are being continually overruled by government bureaucracies, market-driven water policies, and top-down measures developed with little respect for the realities on the ground. The result is that water resources fundamental to survival and economic well-being accumulate in the hands of elites, to the detriment of marginalized populations, leading to a deepening of societal conflicts over water and mounting reactions "from below" to water issues.

As the articles in this issue highlight, failures of democratic inclusion are often a hallmark of natural resource-related conflict, in all its forms.¹² Indeed, we have found this one of the most

recurring lessons from our own work in the field. Good natural resource governance is, ultimately, just good governance—it is strengthened by commitments to democracy, transparency, and accountability.¹³ As a result, consulting and engaging stakeholders has proven time and again to be one of the most critical tools for managing resources while minimizing conflict risk.¹⁴

Daniel Kemmis and Matthew McKinney provide three case studies in how to do this from the ground up in *Collaboration and the Ecology of Democracy*. Drawing from experience with three stakeholder-driven resource governance efforts in the United States, the authors highlight citizen-driven, multiparty collaboration as an important tool in resource management and as an "emerging species within the 'ecology' of democracy." They argue that such collaborative problem-solving is a fundamental form of democracy in which people are working together to shape the very conditions under which they live.

The articles in this issue demonstrate the critical importance of situational awareness and conflict management when managing natural resources in the post-conflict (or peri-conflict) context. Natural resource management is intimately interwoven with conflict management; human security; livelihoods and recovery at both the macroeconomic and microeconomic scales; efforts at demobilizing, disarming, and reintegrating former combatants; transitional justice; and ongoing governance. Accordingly, those who would preserve an existing peace or build a new one must take care to identify, understand, and respond to the natural resource dimensions relevant to their objectives. Correspondingly, those concerned with managing and protecting natural resources in conflict-affected regions must expressly recognize the potential conflict dimensions of their work, however remote from conflict it may at first appear. Achieving this requires not only recognizing how the existing context has been shaped by conflict but how actions taken in seemingly unrelated fields can contribute either to ameliorating and recovering from conflict or to conflict reversion.



Endnotes: Introductory Comments: The Pervasive, Persistent, and Profound Links between Conflict and the Environment

¹ See Indra de Soysa, *The Resource Curse: Are Civil Wars Driven by Rapacity or Paucity?*, in GREED AND GRIEVANCE: ECONOMIC AGENDAS IN CIVIL WARS (Mats Berdal & David M. Malone eds., 2000); MICHAEL ROSS, THE NATURAL RESOURCE CURSE: HOW WEALTH CAN MAKE YOU POOR, NATURAL RESOURCES AND VIOLENT CONFLICT: OPTIONS AND ACTIONS 17-18 (Ian Bannon & Paul Collier eds., 2003).

² See *id.*

³ See, e.g., Duncan Brack & Gavin Hayman, *Illegal Logging and the Illegal Trade in Forest and Timber Products*, at http://www.abc.net.au/4corners/content/2002/timber_mafia/viewpoints/viewpoints_brack.htm (last visited December 18, 2011).

⁴ See PHILIPPE LE BILLON, FUELLING WAR: NATURAL RESOURCES AND ARMED CONFLICT 36 (2005); De Soysa, *supra* note 1 at 121.

⁵ *Id.*

⁶ See Paul Collier, *The Market for Civil War*, FOREIGN POL'Y, May-Jun. 2003, at 38, 41-42.

⁷ See de Soysa, *supra* note 1, at 124.

⁸ See, e.g., Luke A. Whitemore, *Intervention and Post-Conflict Natural Resource Governance: Lessons from Liberia*, 17 MINN. J. INT'L L. 387, 407 (2008).

⁹ See Le Billon, *supra* note 3 at 15.

¹⁰ See *id.*

¹¹ See generally, de Soysa, *supra* note 1; Ross, *supra* note 1.

¹² See, e.g., Paul Collier & Anke Hoefler, *Greed and Grievance in Civil War*, 56 OXFORD ECON. PAPERS 563, 576 (2004); Ross, *supra* note 1 at 26.

¹³ See Philippe Le Billon, *Securing Transparency: Armed Conflicts and the Management of Natural Resource Revenues*, 62 INT'L J 93, 95 (2006-2007).

¹⁴ *Id.* at 106.