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Zimbabwe Decision Severely Damages Kimberley Process Credibility

Dewa Mavhinga, researcher with Human Rights Watch

The Kimberley Process Certification Scheme (KPCS) has severely damaged its credibility by failing to suspend Zimbabwe in the face of overwhelming evidence of serious human rights abuses and smuggling in Marange diamond fields. The group's decision on Zimbabwe, taken at its November plenary meeting in Namibia, confirmed what many feared: the Kimberley Process is no longer an effective mechanism for blocking the trade of blood diamonds.

As recently as late October, Human Rights Watch uncovered rampant abuses by the military in Marange including forced labour, child labour, killings, beatings, smuggling, and corruption. Human Rights Watch found that stones originating from these fields are mined under conditions in which serious human rights violations take place.

The Kimberley Process itself, in a review mission earlier this year, confirmed these findings and also noted that diamond mining in Marange violates the organization's standards, which require members to ensure that diamonds are lawfully mined, documented, and exported. The review mission recommended Zimbabwe's suspension and a ban on the sale of its diamonds, unless the country undertakes recommended reforms including removing the military from the diamonds fields.

Human Rights Watch's latest information, however, suggests that the situation in Marange remains largely unchanged, and that Zimbabwe has not made any of the promised reforms. Despite claims that the army was withdrawing, diamond fields remain for the most part under firm military control, with smuggling, human rights abuses, and corruption unchecked.

The Kimberley Process thus failed to enforce its own norms. It works by consensus, and its members include Namibia, Russia, and South Africa; they are diamond exporters themselves and allies of Zimbabwe, and refused to agree to that country's suspension. Instead, the Kimberley Process asked Zimbabwe to adhere to a work plan proposed by the country itself. It commits Zimbabwe to a phased withdrawal of the military without specific time lines, directs police to provide security for the area, and provides for a weakly supervised diamond export mechanism for all shipments from Marange.

Because of its weak response to clear evidence of abuses, the Kimberley Process has proven ineffective in stamping out the smuggling and sale of blood diamonds from Zimbabwe and some other countries. The stones from Marange continue to find their way onto the international market and into jewellery stores worldwide. In Zimbabwe's case, blood diamonds often get smuggled onto world markets via unregistered traders in neighbouring countries such as Mozambique or South Africa. These countries either do not or cannot certify the origin and flow of the stones, which then become intermingled with legitimate gems. Consumers can no longer be sure that diamonds with a Kimberley Process certificate are clean.

With the Kimberley Process's failure to champion clean diamonds, Human Rights Watch is appealing to consumers, retailers and the diamond industry to stop Zimbabwe's blood

diamonds. Consumers should ask their retailers about the source of the diamonds they want to buy and ask them to demonstrate the diamonds are not from Zimbabwe. If the retailer cannot do so, consumers should consider not buying the diamonds.

For the Kimberley Process to restore its credibility and effectiveness, it needs to interpret more broadly the definition of blood diamonds, or “conflict diamonds,” to include explicitly diamonds mined in the context of serious human rights abuses. The Kimberley Process should also review its consensus-based decision-making mechanism and provide for a voting system that will enable the body to make difficult decisions without compromising the group’s core mandate. Without these fundamental reforms to adapt to a changing environment, the Kimberley Process will become ineffective and irrelevant.

The press release of Human Rights Watch “Kimberley Process: Zimbabwe Action Mars Credibility” is available at <http://www.hrw.org/en/news/2009/11/06/kimberley-process-zimbabwe-action-mars-credibility>

The Report “Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe”, published by Human Rights Watch is available at <http://www.hrw.org/en/reports/2009/06/26/diamonds-rough-0>

For further information on the Kimberley Process, please see <http://www.kimberleyprocess.com/> and the ECC Forum by Global Witness from December 2005 at <http://ecc-platform.org/index.php?option=content&task=view&id=180>

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POLICY & RESEARCH

Building Peace: Protecting the Environment during Armed Conflict

Armed conflict not only causes human suffering, displacement, and damage of infrastructure, it also entails extensive degradation of the environment – which in turn threatens livelihoods, aggravates poverty and triggers further conflicts. Protecting the environment during conflict is therefore fundamentally important for peacebuilding. In this context a new study of the United Nations Environment Programme (UNEP) analyses the international legal framework, focusing on four main bodies of law: humanitarian, criminal, environmental, and human rights law.

While this legal framework contains many provisions that directly or indirectly protect the environment, the authors identify significant gaps in their implementation. Humanitarian law, for example, is designed for international conflicts. But most conflicts today are internal and likewise cause environmental destruction or looting of natural resources. Furthermore, imprecise definitions of damage such as “widespread, long-term and severe” imply thresholds that are almost impossible to demonstrate. Clearer definitions, including a UN standard definition of “conflict resources”, as well as linking environmental damage to the violation of fundamental human rights, would facilitate more effective legal enforcement. The study also concludes that environmental damage may be

considered a criminal offence. This is illustrated by the case against President Omar Al-Bashir of Sudan, who was brought before the International Criminal Court (ICC): The ICC prosecutor charged Bashir with the act of genocide by destroying people's means of survival, such as water sources. Although the judges dismissed the charge, they "did not deny the nexus between the environmental degradation and the crime of genocide." Overall, the UNEP study confirms the multiple linkages between the environment and issues of humanity, human rights and criminal liability, and offers entry points for improving the legal protection of the environment during armed conflict. (*Christiane Roettger*)

The study "Protecting the environment during armed conflict" is a joint product of UNEP and the Environmental Law Institute and is available at http://postconflict.unep.ch/publications/int_law.pdf

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How to Negotiate 'Resource Peace'

Natural resources need to be considered as a central component of peace or constitutional negotiations. Especially in developing countries resources such as oil, natural gas, diamonds, minerals, forests and water are most often the main sources of wealth. In a recently published paper of the Centre for Humanitarian Dialogue, "Negotiating natural resources for peace", the authors Nicholas Haysom and Sean Kane stress how important it is to balance the different interests related to natural resources on the local, provincial and national levels in order to ensure a peaceful national development – especially in immediately post-conflict settings. To address this challenge the authors offer a conceptual approach to structuring negotiations, which includes a framework of questions related to ownership, allocation and revenue spending.

Resources are often regarded as a natural heritage, which underlines the emotional dimension of the ownership question. It may therefore be reasonable to focus first on the question of allocation and revenue-sharing and to delay the overall question of resource ownership for a future process. Doing so can avoid renewed tensions about the issue of property, as the study illustrates on the basis of Sudan's 2005 Comprehensive Peace Agreement (CPA). In addition, the authors point out the need to focus on more technical discussions regarding ways to establish good governance for the allocation and use of a resource, and for the shared benefit of all groups. One key approach in this regard is the establishment of coordinating mechanisms, for example in federal systems. Such mechanisms should involve regional representatives, aim at producing a coordinated natural-resources strategy, and reconcile contradictions between national and provincial law.

Another option is to involve international players, as illustrated by Liberia's Governance and Economic Management Assistance Programme (GEMAP): GEMAP was adopted in 2005 because donors feared a resumption of the conflict due to the transitional Liberian government's inability to utilize the country's resources in a transparent and efficient manner. The programme inter alia places international experts in selected ministries and state-owned enterprises. The aim is to establish a transparent financial management system, to train and build the capacity of Liberian staff, and to report openly on their operations, revenues and spending. It is this linkage between the conceptual approach

and empirical insights in particular that makes the Haysom and Kane paper a valuable source for practitioners. (*Dennis Taenzler*)

The Haysom and Kane report is available at

<http://www.hdcentre.org/files/Negotiating%20natural%20resources%20for%20peace.pdf>

For Liberia's Governance and Economic Management Assistance Programme (GEMAP), please see <http://www.gemapliberia.org/>

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Collective Action against Climate Change and Hunger? The World Food Summit in Rome

The Food and Agriculture Organisation's (FAO) World Food Summit took place in Rome from 16-18 November. While participants included many heads of state from the developing world, attention from industrial countries has been significantly smaller. Attending leaders and ministers reiterated their commitment to eradicate hunger and agreed on the necessity to further develop economic and policy tools to boost agricultural production and productivity. However, in times where the number of hungry people exceeds one billion, this renewed appeal is not enough to create significant momentum toward global food security.

Food security is however, all the more important as climate change and biofuel production pose additional threats to long-term food supplies, while population growth and rising meat consumption in emerging economies are further increasing demand. Solutions to tackling food insecurity include ensuring access to seeds for small-scale farmers, adopting non-distortionary trade policies, and establishing more effective food crisis response mechanisms. Their actual implementation and adequate funding however, notoriously fall behind the promises made.

In an effort to keep food security on the international agenda, the FAO is now stressing the synergies between food security and climate change mitigation: 14% of global CO₂ emissions come from agriculture. Sustainable agricultural practices that capture carbon and store it in soils – such as low tillage and agroforestry – could make significant and cost-effective contributions to reducing emissions. What is needed is the political will to implement such measures. Past approaches to ending hunger have failed due to the "absence of accountability and follow-up on solemn commitments made summit after summit" noted Olivier De Schutter, UN Special Rapporteur on the Right to Food at the summit. As things are now, he will have to repeat himself at the next summit. (*Stephan Wolters*)

Further information on the World Summit is available at

<http://www.fao.org/wsfs/world-summit/en/>

The FAO Press Release on climate change and food security can be viewed at

<http://www.fao.org/news/story/en/item/37840/icode/>

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Behind the Scenes: Crisis Coordination in the European Union

The European Union (EU) plays an important coordinating role in many crises, be it foot and mouth disease, floods or terrorist attacks. As in other EU policy areas, the interface between actors, institutions and individual mechanisms is often difficult to grasp for outsiders. The book "Crisis Management in the European Union. Cooperation in the Face of Emergencies", edited by Stefan Olsson, now provides an introduction to this framework.

The authors examine in detail the political processes and treaties that underlie the system of crisis management within the EU. Various instruments, such as the EU Solidarity Fund that provides financial assistance for post crisis management and reconstruction, are discussed individually for greater clarity. The chapters seem to conclude that EU policies are mostly "reactive". Strategies and instruments are not actively developed; rather they tend to be formulated in response to crises. One conspicuous example is the "Rapid Alerts" – a number of specialized early warning mechanisms that are developed in reaction to a particular type of crisis, for instance threats to animal health, infectious diseases or consumer protection.

Although key institutions are clearly presented and described throughout the book, the actual application of EU instruments is difficult to comprehend. The authors have used individual crises to illustrate specific actions, such as the evacuation of EU citizens during the Lebanon War in 2006. However, the quantity and complexity of information would have warranted the treatment of selected cases in separate chapters. Overall, the book provides a good institutional overview, even though the actual processes – from the early warning stage to post crisis management – are not adequately addressed. (*Achim Maas*)

The book can be purchased at

<http://www.springer.com/social+sciences/political+science/book/978-3-642-00696-8>

and is also available in [Google Books](#).

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Moving Towards an Alternative Natural Resource Policy?

Different perspectives on natural resources management – from the politics, private sector and civil society arenas – were discussed in the seminar on "Resource Policy and Resource Justice" that took place in Berlin on 23 November 2009. Organized by World Economy, Ecology and Development (WEED) as a crash course, the discussion involving about 50 participants from civil society and political institutions focused on the positions of different non-governmental organizations on strategies of natural resource management. The crash course addressed all the significant aspects of natural resource policy – the economy, security, development and the environment.

The participants demanded greater social and environmental responsibility, transparency and conflict sensitivity. Environmental organizations for example advocated de-linking quality of life from resource use, thus arriving at a new definition of prosperity. In this context Tilman Santarius presented the integrated resource conservation approach of the

Wuppertal Institute for Climate, Environment and Energy, which seeks to limit natural resource consumption through efficiency (improved energy balance), consistency (switching over to renewable energies) and sufficiency (self-limitation).

Seminar speakers also critically evaluated the work of their organizations: NGOs have so far omitted paying adequate attention to trade and investment policy and also to the link between natural resources and climate change. Unfortunately, due to time constraints and the tightly packed agenda, the debate remained largely at a superficial level. A more in-depth discussion about existing and potential instruments of an alternative natural resource policy could not take place. Although this was not the specific purpose of the course, an opportunity to discuss these issues with many activists of various civil society groups has been missed. (*Meike Westerkamp*)

More details about the seminar are available at <http://www.weed-online.org/themen//3077909.html>

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Crises without End?

Whether we are talking about financial markets or the economy, about climate, energy, food, human rights or security – all are currently in the grip of a serious crisis. The root causes of the crisis stem from an unfair global order and a disregard for the principles of sustainability. This was the conclusion of the Bonn Symposium 2009 on "Sustainable Development in Times of Crisis – Opposition or Opportunity?" organized on 23-24 November by the Development and Peace Foundation (SEF) and the German Technical Cooperation (GTZ).

The first day of the symposium was devoted to exploring the structural causes underlying global crises and the responses available to combat them. In his opening speech the new Federal Minister for Economic Cooperation and Development, Dirk Niebel, called for a fair international trade policy, the dismantling of market distorting (agricultural) subsidies, effective and efficient development cooperation, and investment in sustainable technologies. Monika Lüke of Amnesty International pointed out that options for resolving these crises are already available at the global level. She urged using the shared commitment of governments to human rights as a starting point. A serious approach to human rights would also entail holding the perpetrators of the crises accountable. Therefore the G20 especially, would have to acquire even greater legitimacy and responsibility.

Participants criticized that the gap between theory and action continues to be (too) wide. The international community is as far removed from its goals of protecting biodiversity as it is from achieving the Millennium Development Goals. So how can old thought paradigms be changed and sustainable attitudes inculcated? This question was taken up on the second day of the symposium. Discussions highlighted the potential for education and awareness raising to not only change individual lifestyles but to also drive the political decision-making process through social pressure. Unless there is decisive political action an end to the global crises – let alone the goal of sustainable development – will continue to elude our grasp. (*Christiane Roettger*)

Further information on the Symposium is available at <http://www.bonn-symposium.de/startseite.html>

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Climate Change in the Arab World: Drastic Implications Require Immediate Action

The countries of the Arab world will be severely affected by climate change. The second annual conference of the Arab Forum for Environment and Development (AFED) on 19-20 November in Beirut left no doubt upon this fact. With only a few more weeks to go until the climate conference in Copenhagen, AFED presented a comprehensive study on the implications of global warming for the Arab countries. The report shows that rising temperatures adversely affect infrastructure, economic development, quality of life, and especially water and food security in the region.

More than 400 politicians, scientists and businessmen, mostly from Arab countries, attended the conference. The panellists agreed that quick and effective actions need to be promoted by decision makers in order to prevent the most severe climate change impacts from occurring. They pointed out that the Arab world needs to be better prepared. New technologies can provide a change towards sustainable, energy efficient and climate friendly development.

However, climate change is still a novelty for the political agendas of the Near and Middle Eastern countries. Comprehensive adaptation programs are lacking and regional cooperation to cope with common climate change impacts is low. Almost every speaker also alluded to the lack of sufficient data and scientific research on climate change and its implications for the region.

The conference concluded with recommendations for the Arab governments on addressing the challenge of climate change, such as setting clear emission reduction aims and integrating adaptation into national development plans. The recommendations also encourage a common position among Arab countries in the international climate negotiations. AFED presented these recommendations at the climate change summit in Copenhagen. (*Kerstin Fritzsche*)

The AFED report on climate change implications in the Arab World can be downloaded at <http://www.afedonline.org/afedreport09/default.asp>

The recommendations of the conference can be downloaded at <http://www.afedonline.org/en/inner.aspx?contentID=437>

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UPCOMING EVENTS

Upcoming events are also regularly published at <http://www.ecc-platform.org/>.

"Water, Conflict and Cooperation: Practical Concerns for Water Development Projects" in Washington, D.C. (6 January)

This panel discussion is organized by the Environmental Change and Security Program (ECSP) of the Woodrow Wilson International Center for Scholars. The panellists, including Geoff Dabelko, director of the ECSP, representatives from the Catholic Relief Services, the U.S. Agency for International Development, and the Conflict Resolution Program of Georgetown University will discuss the potentials of water development projects for cooperation and peacebuilding. The event will be available in the internet as a live webcast.

Further information is available at

http://www.wilsoncenter.org/index.cfm?fuseaction=events.event_summary&event_id=566731

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"Advanced Multi-Party Negotiation of Environmental Disputes" in Washington, D.C. (20-22 January)

This training by the U.S. Institute for Environmental Conflict Resolution will apply the concept of interest-based negotiation to complex multi-party settings. It targets resource managers involved in environmental decision-making and will build a practical set of skills and tools to enable agency staff to work more effectively with stakeholders and the public. The training will address environmental conflict negotiation as well as prevention and management.

Further information is available at <http://www.ecr.gov/Training/Courses.aspx?id=1>

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"The High North: Challenges and Opportunities" in Wilton Park, UK (18-21 February)

This conference, aimed at policy-makers and researchers alike, will discuss security implications of climate change in the Polar Regions. It will investigate consequences of the ice shelf melting for energy and other resource supplies, the environment and fishing, transport and shipping. It will also outline ways for stakeholders, including the scientific community, to address these issues and analyse governance implications.

Further information is available at

<http://www.wiltonpark.org.uk/themes/regions/conference.aspx?confref=WP1017>

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IN BRIEF

Conflicts on Climate Change, Water and Security Implications of Underdevelopment and Environmental Degradation

A new report entitled "[Climate change and conflict. Lessons from community conservancies in northern Kenya](#)" has been published by the Conservation Development Centre, the International Institute for Sustainable Development, and Saferworld. It investigates the linkages between climate change and conflicts over natural resources in northern Kenya.

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The report "[Underdevelopment, Resource Scarcity, and Environmental Degradation - Task Forces on Strengthening Multilateral Security Capacity](#)", published by the International Peace Institute, analyses how underdevelopment, resource scarcity, and environmental degradation threatens human life and well-being and influences the global geopolitical and economic landscape.

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International Alert has recently published the paper "[Climate Change, Conflict and Fragility – Understanding the linkages, shaping effective responses](#)". The paper examines the interlinkages between climate change and conflict, analyses the resulting challenges, and provides policy recommendations to facilitate adaptation to climate change, particularly in fragile settings.

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The [Pacific Institute](#) has released a fully updated [Water Conflict Chronology](#). It now features more than 200 water conflicts, categorised and searchable by date, region, and type of conflict. For each conflict, the data base provides information on circumstances, parties involved and references. In addition, the website now offers an illustrative interactive map as well as a timeline.

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Publisher:

Alexander Carius
Adelphi Research gGmbH
Caspar-Theyss-Strasse 14a
D - 14193 Berlin

Phone +49-30-89 000 68 0

Fax +49-30-89 000 68 10

www.adelphi-research.de

Editorial team:

Contact: editor@ecc-platform.org

Jeannette Allan, Alexander Carius, Irina Comardicea, Kerstin Fritzsche, Annika Kramer,
Monika Kronz, Achim Maas, Christiane Roettger, Dennis Taenzler, Meike Westerkamp,
Stephan Wolters

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