HANDBOOK ON MEDIATION FOR NATURAL RESOURCE CONFLICTS

A component of the COMESA Mediation Resource Package

LIST OF ACRONYMS

ABC	Attitude, Behavior and Context
ACCORD	African Center for the Constructive Resolution of Disputes
ACLED	Armed Conflict Location Event Data Project
ADR	Alternative Dispute Resolution
AGR	Africa Governance Report
AIMS	Africa's Integrated Maritime Strategy
AMV	Africa Mining Vision
ANC	African National Congress
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
APSP	African Peace and Security Program
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
AUCMD	African Union Conflict Management Division
AUHIP	AU High Level Implementation Panel
AUPSC	African Union Peace and Security Council
AUPSD	African Union Peace and Security Department
AUPSOD	African Union Peace Support Operations Division
AU PW	African Union Panel of the Wise
CBOs	Community Based Organizations
CBNRM	Community- Based Natural Resources Management
CCA	Climate Change Adaptation
CCoE	COMESA Committee of Elders
CDA	Collaborative for Development Action
CEWS	Continental Early Warning System of the African Union
CEWARN	Conflict Early Warning and Response Mechanism
CEWERU	Conflict Early Warning and Response Unit
CSOs	Civil Society Organizations
CNTB	*Commission Nationale des Terres et autres Biens* (National Commission on Land and other Properties)
CPCP	*Commission Pour la Consolidation de la Paix* (Commission for the Consolidation of Peace)
CPA	Comprehensive Peace Agreement
DRC	Democratic Republic of the Congo
COMESA	Common Market for Eastern and Southern Africa
COMWARN	COMESA Conflict Early Warning System
CPA	Conflict Perspective Analysis
CPA	Comprehensive Peace Agreement
CPPI	COMESA Peace and Prosperity Index

DDR	Demobilization, Disarmament and Reintegration
DPA	Darfur Peace Agreement
DRC	Democratic Republic of Congo
EASFF	Eastern African Standby Force
ECOWARN	ECOWAS Early Warning and Response Network
ECOWAS	Economic Community for West African States
ECP	Environmental Cooperation for Peacebuilding programme
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
E-WARN	Eastern African Standby Force Early Warning Mechanism
EWER	Early Warning and Early Response
EWS	Early Warning System
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FBOs	Faith-Based Organizations
FCD	Fisheries Conflict Database
FEWER	Forum on Early Warning and Early Response
FEMWISE	Network of African Women in Conflict Prevention and Mediation
FIB	Force Intervention Brigade
FTLRP	Fast Track Land Reform Programme
FRELIMO	Mozambique Liberation Front
FTA	Free Trade Area
GDP	Gross Domestic Product
GPA	Global Political Agreement
GPPAC	Global Partnership for the Prevention of Armed Conflict
GPI	Global Peace Index
GSDRC	Governance and Social Development Resource Center
HDR	Human Development Report
HIV	Human Immuno-Deficiency Syndrome
ICD	Inter-Congolese Dialogue
ICG	International Crisis Group
ICGLR	International Conference on the Great Lakes Region
IGAD	Intergovernmental Authority on Development
IDPs	Internally displaced persons
IEBC	Independent Elections and Boundaries Commission
IEP	Institute for Economic and Peace
IGO	Inter-Governmental Organization
IDPs	Internally Displaced Persons
IEP	Institute for Economics and Peace
IFPs	Infrastructures for Peace
IGAD	Intergovernmental Authority on Development
IMF	International Monetary Fund
IPSS	Institute of Peace and Security Studies

KPCS	Kimberly Process Certification Scheme
LIMPCOM	Limpopo River Water Commission
LURD	Liberians United for Reconciliation and Democracy (LURD
MNCs	Multi-National Corporations
MPs	Members of Parliament
MRG	Mediation Reference Group
MSU	Mediation Support Unit
NBI	Nile Basin Initiative
NCIC	National Cohesion and Integration Commission
NCSPCT	National Steering Committee on Peacebuilding & Conflict Transformation
NSC	National Steering Committee on Peacebuilding and Conflict Management
NCSF	National Civil Society Forum
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
NUERP	Northern Uganda Early Recovery Project
OAU	Organization of African Unity
OCHA	UN Office for the Coordination of Humanitarian Affairs
OECD	Organization for Economic Cooperation and Development
ONLF	Ogaden National Liberation Front
PANWISE	Pan-African Network of the Wise
PoW	Panel of the Wise
PPI	Positive Peace Index
PRIO	Peace Research Institute Oslo
PSC	Peace and Security Council
PSO	Peace Support Operations
PTA	Preferential Trade Area
RSFC	Regional Civil Society Forum
RECs	Regional Economic Communities
RMs	Regional Mechanisms
RENAMO	Mozambican National Resistance Movement
RIGOs	Regional Inter-Governmental Organizations
RINR	Regional Initiative against the Illegal Exploitation of Natural Resources
RM	Regional Mechanism
RPC	Regional Political Cooperation
RUF	Revolutionary United Front
SADC	Southern African Development Community
SADC PoE	SADC Panel of Elders
SADC REWC	SADC Regional Early Warning Center
SDGs	Sustainable Development Goals
SFCG	Search for Common Ground
SIPRI	Stockholm International Peace Research Institute

SOPs	Standard Operating Procedures
SPSA	State of Peace and Security in Africa
SSR	Security Sector Reform
SWPPE	Senegalese Women's Platform for Peaceful Elections
SVA	Structural Vulnerability Assessment
TORs	Terms of Reference
UCDP	Uppsala Conflict Data Program
UN	United Nations
UNAMID	African Union/UN Mission in Darfur
UNCCD	United Nations Convention to Combat Desertification
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNEP	United Nations Environmental Programme
UNESCO	United Nations Education, Scientific and Cultural Organization
UNISDR	United Nations International Strategy for Disaster Reduction
UN HABITAT	United Nations Human Settlements Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNITA	National Union for the Total Independence of Angola
UNPBC	UN Peacebuilding Commission
UNPBSO	United Nations Peacebuilding Support Office
UNDP	United Nations Development Program
UNSC	United Nations Security Council
UN WFP	UN World Food Programme
UN WOMEN	United Nations Entity for Gender Equality & the Empowerment of Women
USIP	United States Institute for Peace
VGGT	Voluntary Guidelines on the Responsible Governance of tenure of Land, Fisheries and Forests
WANEP	West Africa Network for Peacebuilding
WB	World Bank
WDR	World Development Report
WHO	World Health Organization
ZAMCOM	Zambezi Water Commission
ZANU PF	Zimbabwe National African Union, Patriotic Front

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INTRODUCTION TO THE COMPONENTS OF THE COMESA MEDIATION RESOURCE PACKAGE

The COMESA Mediation Resource Package is a comprehensive publication that comprises three separate but inter-related documents, which will be useful to guide not only members of the COMESA Committee of Elders but any other mediators that the Office of the Secretary General may choose to deploy. The documents will also be useful for students studying fields of mediation, diplomacy and conflict studies as well as persons at all levels that desire to support or understand any mediation exercise.

The Resource Package includes a Mediation Strategy for COMESA, supported by general guidelines and two handbooks; a Manual on Conflict Analysis and Report Writing and Rules of Procedure (Operating Procedures) and Mediation Guidelines for the COMESA Committee of Elders as following:

a. The Mediation Strategy for COMESA, which comprises:
    a. Guidelines on the Mediation Process
    b. Handbooks on mediation for electoral conflicts and
    c. Handbook on mediation for natural-resource based conflicts
b. Manual on Conflict Analysis and Report Writing
c. Rules of Procedure (Operating Procedures) and mediation Guidelines for the COMESA Committee of Elders.

The COMESA Mediation Strategy

The Mediation Strategy is a general document that situates COMESA mediation within the mandate of COMESA as well as its mission and vision and its operating environment. It reviews the decisions of the Policy Organs relating to mediation and outlines a strategy toward the implementing these decisions.

The Guidelines on the Mediation Strategy

This is a component of the Mediation strategy that provides a detailed and comprehensive outlook on the processes used for mediation. Although this has been developed for the use by COMESA GPS and the Committee of Elders of COMESA, it is a good resource for any other persons keen on understanding or even undertaking mediation related assignments. It is also a good resource for students pursuing studies on peace studies and related fields. The Guidelines recognize the complexities that can accompany mediation processes and it provides examples to illustrate the various sections as covered. It provides in depth analyses on the different components including, inter-alia, analysis on the structure of mediation and the interactions; analysis on the attributes of the mediator and some of the factors that guide the processes applied in mediation as well as some outcomes. The Guidelines conclude with a chapter that draws out and identifies some of the best practices.

Handbook on mediation for elections related conflicts and for natural resource-based conflicts

Out of the Guidelines on the Mediation Process, the resource package has got separate handbooks for specific conflict types. Given that electoral related conflicts and natural resource-based conflicts are the most prominent conflicts in the COMESA Region, the programme started with the development of handbooks for these two types of conflicts with the understanding that handbooks will be developed for other conflict-types as need arises and resources become available. The two handbooks are simple-to-

use guidelines provide the user with specific things to consider when preparing for a mediation exercise for these conflict types.

The Manual for Conflict analysis and report writing

The manual is developed for use by any practitioners in the field of conflict prevention and peace building including students of peace studies. In addition, any person involved in mediation or mediation-related roles needs to have a good understanding of conflicts and their dynamics. This manual is therefore a very important resource and reference documents for existing and prospective mediators at the local, national, regional and international levels.

The Rules of Procedure (Operating Procedures) and Mediation Guidelines for the COMESA Committee of Elders

The document is for use by the COMESA Committee of Elders as well as COMESA Secretariat. It includes the Rules of Procedure to guide the operations of the COMESA Committee of Elders. The Rules of Procedure are supported by two annexes, the first is a set of mediation guidelines and the second are Rules of Procedure for the nomination and elections of the Committee of Elders. It serves as a good reference document for the Elders that are deployed to support COMESA Missions. The Rules of Nomination and Election are useful to the Member States in their processes of nomination of eminent persons to join the Committee and in the elections process that is typically done by the COMESA Ministers of Foreign Affairs. The Rules were initially developed by the COMESA Committee of Elders, reviewed by the COMESA Committee on Peace and Security and Ministers of Foreign Affairs before going through the COMESA Sub-Committee of Legal Affairs. The Rules were adopted by the Ministers of Justice and Attorneys General on 6th November 2013.

This introduction therefore serves to introduce the complete mediation package to the reader noting and in view that any component can be used on its own. It provides the reader information on the other components of the Resource Package and thus encourages the reader to consult the other components for a better understanding of COMESA role in mediation.

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FOREWORD TO HANDBOOK ON MEDIATION FOR NATURAL RESOURCE CONFLICTS

Natural resources are increasingly being accompanied with conflicts and disputes. These tensions involve all levels, including families, communities, ethnic or religious groups, private sector corporations, including multi-national corporations (MNCs), states, global entities civil society actors such as conservation groups, as well as global organizations. The natural resource sector in Africa has been plagued by conflicts of varying dimensions from mostly localized skirmishes between pastoralists and farmers over access to land to those of extremely violent civil wars over and funded by resource revenues.

The reasons behind the rise in conflict vary. In many cases, the origins of conflict appear to be rooted in Africa's historical political economy, especially colonialism, which not only reorganized rights and access to natural resources, but also shifted in complex ways the relationships across and within social groups. Other factors that are recently increasingly driving natural resource conflicts including the demographic realities such as the rising population, which is accompanied by the growing demand for resources such energy, food and raw materials. Furthermore, increasing rates of urbanization, migration and internal displacement are adding further stress to the natural resource ecosystem. This is compounded by climate change which is manifested by ecological disasters such as droughts, floods and rising seas levels.

To compound the already existing conundrum some regions are experiencing factors such as a decrease in the spaces for democracy and the rule of law, inequitable distribution of national resources, as well as the lack of transparency and accountability in the natural resource governance. These subsequently increase the growing list of grievances from different sectors of the population sector and contribute to the nexus between natural resources and conflict. Thus, a need to prioritize due attention towards mediating these conflicts even as efforts towards prevention of the conflict continue.

Moreover, recent processes such as the "new scramble for Africa," and mega-trends such as population growth, rising urbanization and climate change provide a reminder that natural resources can become sites of struggle and violent conflicts, if such trends are not managed well. Increasing depletion of natural resources coupled with demands for raw materials and energy as well as the push towards infrastructural development have consequences on the politics of natural resources in Africa. The intensifying competition over the continent's vast and diverse resources has witnessed the widening of fissures and divides between ethnic, community and regional groups.

Despite the potential of natural resources to interact with conflict, violence and instability, there are encouraging signals of cooperation emerging from the extraction, management and distribution of natural resources. Such trends include economic liberalization, decentralization and privatization, which are increasing the opportunities for community involvement in natural resource management. It is against this background that this Handbook on Mediation in Natural Resource Conflicts was developed by COMESA.

COMESA recognizes the need to apply constructive approaches to resolving disputes over natural resources as a strategy of not only achieving the objectives of the COMESA Treaty, but also contributing to the continental and global visions for peace and security. This will be among a repertoire of efforts towards "silencing the gun by 2020," and towards achieving both the AU Agenda 2063 and the 2030 Agenda for Sustainable Development and. The Handbook provides well-articulated tools and approaches for addressing potential, or already existing, tensions or conflicts over natural resources the

local, national, regional and international. It is in line with COMESA's efforts to improve peace and security in a way that also promotes sustainable livelihoods, prosperity, development, economic growth, environment protection, human rights and good governance.

Article 66(b) of Agenda 2063 clearly outlines the determination of the African Union to end wars and conflicts, through fostering shared prosperity and addressing marginalization of the continent. For Agenda 2063 to achieve shared prosperity, there will be need for economic growth of nations based on their natural sources as well as common resources such as vast oceanic space that harbors the blue economy. In addition, the AU adopted the Africa Mining Vision in 2009, which seeks to ensure that the continent promotes broad-based development through its minerals. Furthermore, the AU has been in the process of developing a maritime strategy that takes cognizance and places the right value on the continent's vast marine resources. The challenges of piracy in Africa's Maritime space led to the evolution of the AU-led 2050 Africa's Integrated Maritime Strategy (2050 AIMS) that the AU Assembly adopted in 2014.

In July 2003, the AU also adopted the African Convention on the Conservation of Nature and Natural Resources (the original convention was adopted by the OAU in Algiers in 1968). The Convention was further revised in February 2019. The Convention recognizes that Africa's natural resources and environment are part an irreplaceable part of the continent's heritage, which serve social, economic, political security and ecological purposes. The Convention provides that states are responsible for safeguarding their natural resources, and that they should use these resources in a sustainable manner which is cognizant of the carrying capacity of the environment.

Additionally, during its 575th meeting, held on 11 February 2016, in Addis Ababa, the AU Peace and Security Council dedicated an open session to the theme: *"Natural Resources and conflicts in Africa All*," where it acknowledged that most of the protracted conflicts in Africa have at their core the issue of access, control and distribution of natural resources. The PSC continued to deliberate on the theme of natural resources and conflict, its 838th held in April 2019, in Addis Ababa. Additionally, in November 2019, the AU, in partnership with the Government of Mali co-organized a Ministerial Conference themed; "*Access to Natural Resources and Conflict between Communities.*" The aim of the conference was to support Member States "*to develop a credible framework for the effective prevention and management, as well as resolution of local conflicts, including inter-communal violence, transhumance and land disputes*. "

Over the past years, COMESA has been implementing activities that focus on the interaction between natural resources, peace and security. For example, COMESA formed a Regional Livestock and Pastoralism Forum (RL&PF), a consultative entity through which the secretariat can benefit from the wide diversity of actors and experiences related to pastoralism and livestock development in the region. Between 2009 and 2012 COMESA supported the strengthening of legal frameworks around war economies thorough drafting a regional policy for artisanal and small-scale miners; a law on the suppression of illegal mineral exploration and a code of conduct for Corporate Governance and Corporate Social Responsibility. The programme also started the process of enhancing the capacity of artisanal and small-scale miners, whom it identified as vulnerable groups in the mining sector.

Through its early warning model (COMWARN), COMESA has identified resources (Natural or man-made) as a source and a driver of conflict at the community, national and regional levels. Whereas natural resources such as land, water, forest cover, mineral, oil among others have been a source of livelihood among many communities from time immemorial, there is evidence within the COMESA region that if

poorly managed and inequitably shared, the resources have been a trigger of conflict. In some instances, they have exacerbated an already existing conflict situation.

It is based on the above risk, and in line with Article 3 of the COMESA Treaty, which specifies the aims and objectives of the Common Market, specifically Article 3(d), "*to cooperate in the promotion of peace, security and stability among Member States in order to enhance economic development in the region*". Article 6(j) of the Treaty that provides for peaceful settlement of disputes among member states and identifies the promotion of a peaceful environment as a pre-requisite of economic development; that COMESA has prioritised the development of a mediation guide to be used by the COMESA Committee of Elders and other mediators/stakeholders to mitigate and resolve resource-based conflicts in the region.

EXECUTIVE SUMMARY

This Handbook builds on a growing recognition of the important linkages between natural resources, conflict, peacebuilding and conflict mediation. It seeks to convert what has hitherto often been a peace liability into an asset (natural resources). It is envisaged that by institutionalizing mediation in natural resources disputes, the many complex issues relating to the role of natural resources in African conflicts will be substantively addressed.

The United Nations Secretary-General's 2010 report, '*Peacebuilding in the Immediate Aftermath of Conflict*,' identified the need to increase national capacity in natural resource management, calling upon Member States and the UN "*to make questions of natural resource allocation, ownership and access an integral part of peacebuilding strategies*."

The Secretary-General also requested the international community to do "*more to prevent conflicts over natural resources and maximize their benefits for maintaining and building peace," and insisted that "the resource curse must no longer be allowed to undermine the security of fragile and conflict-affected states and the foundations of sustainable development*."

In response to these challenges, COMESA is currently building capacities natural resource conflict prevention. The aim is to develop and strengthen the capacity of national and regional stakeholders, to prevent natural resources from contributing to violent conflict and to effectively mediate in the cases that natural resources contribute to conflict.

COMESA acknowledges that when resolved peacefully, natural resources disputes can become an essential part of progress and development. In fact, when natural resources are managed properly, it becomes part of the larger peacebuilding and cooperation strategy. Natural resources can be equitably utilized, and their benefits can be shared to generate sustainable livelihoods that help guarantee peace and achieve sustainable human development.

The Handbook comprises of seven chapters which are organized as followed:

- Chapter 1: Introduction and Background: This chapter sets the tone about the handbook, including outlining the overall goal, specific objectives, targeted users of the Handbook. The Chapter also conceptualizes natural resources and examines the different types of natural resource conflicts. The chapter also presents different conceptual thinking and perspectives on the causes and drivers of natural resource conflict.

- Chapter 2: Specific Sectors of Natural Resource Conflict: This chapter examines the various types of natures resource conflicts, including discussing the factors that drive and sustain such conflicts. These include land conflict, fisheries conflict, extractives, forests and timber as well as agro-pastoral conflicts. The chapter outlines the factors and drivers of these different types of conflicts, while also paying attention to historical factors and contemporary issues which explain the perpetuation of these natural resource conflicts.

- Chapter 3: Conceptualizing Mediation: This chapter provides a conceptual overview of mediation and outlines the definition, key principles and tenets of mediation. Locating

mediation in the realm of consensual and non-coercive approaches to conflict resolution, this chapter focuses on the added value of mediation, especially in resolving natural resource conflicts. The chapter also discusses the key actors involved in mediating natural resource conflicts, in addition to outlining the critical skills required in mediation. The chapter also discusses the roles of a mediator as well as the different styles that can be adopted in mediation.

- Chapter 4: The Mediation Cycle: Steps and Processes in Mediating Natural Resource Conflicts: This chapter goes beyond presenting the generic mediation cycle and focuses on unique steps and processes that should be undertaken when mediating natural resource conflicts. There are unique aspects of mediating natural resource conflicts that require additional considerations by the mediator.

- Chapter 5: Lessons from Natural Resource Conflict Mediation: This chapter highlights emerging lessons from mediating natural resource conflicts. Relying on case studies form mediating natural resource conflict, the chapter emphasises some of the critical factors to consider.

- Chapter 6: Guiding Principles and Practical Considerations When Dealing with Natural Resource Conflicts: This chapter outlines the key considerations to be underlined when mediating over natural resources. Such key considerations include the need for gender-sensitivity, conflict sensitivity, the need to promote local ownership and the importance of a sustainable livelihoods approach, among others.

- Chapter 7: Concluding Reflections: This Chapter reflects on the uniqueness of mediation in natural resource conflicts. It underlines the imperative for a nuanced and specific approach to mediation. The chapter concludes by reiterating that natural resource conflicts are unique, which behooves mediators to employ certain tools and skills sets that specifically address this sector in a responsive manner.

CHAPTER 1: INTRODUCTION AND BACKGROUND

1.0 About the Handbook for Mediation in Natural Resource Conflicts

The Handbook offers guidance to mediation actors, entities and supporting institutions on good practices that can be employed when mediating natural resource disputes and conflicts. The Guide can be utilized by a wide range of actors including natural resource management experts, local actors, faith-based organizations, community leaders, business actors, government actors and civil society actors working at the intersection of natural resources, conflict and peacebuilding.

Consolidating lessons from experiences at both the local and international levels in mediating conflicts over extractive resources, land, water, fisheries, forests and timber, this Handbook provides an outline of the practical steps that are involved in the mediation process over natural resources and exposes readers and participants to the key issues for consideration in mediation including gender, inclusivity and local ownership.

A gender lens is applied throughout the Handbook ensuring that the conceptualization of the mediation processes over natural resources can incorporate the different needs and perspectives of women and men. A gender analytical framework in natural resource conflict mediation is important given the recognition that men and women, girls and boys are differentially affected by natural resources distribution and by conflict over the same. Furthermore, women and men also bring unique and different insights to the processes and dynamics of mediation.

1.2 Value Addition of focusing on Mediation in Natural Resource Conflicts

The need for a mediation guideline to deal with resource-based conflicts, has been prioritized because of the following reasons:

- Resource based conflicts remain an issue of concern in the region thus there is need to develop a mechanism for dealing with such conflicts when they arise. The mediation guide on dealing with resource-based conflicts therefore offers this opportunity;
- Resource based conflicts in most cases tend to be technical in nature therefore having a broader framework guiding its mitigation and resolution is beneficial to stakeholders and the region at large.
- The resource-based mediation guide will equip the COMESA Committee of Elders and other stakeholders with the necessary skills required in dealing with complex resource-based conflicts in the region.
- The regional conflict prevention mechanisms still lag in identifying or acting on opportunities for proactive use of mediation as a tool for resource-based conflict prevention. Therefore, the development of the proposed mediation guide will fill this gap.

1.3 Objectives of the Handbook for Mediation in Natural Resource Conflicts

This Guide seeks to achieve the following objectives:

- Reflect on the links between natural resources and conflict as well as the potential contribution of natural resources towards peacebuilding and cooperation;

- Strengthen the expertise of participants who engage in mediation in natural resource conflicts;
- Provide a reference guide on mediation in natural resource conflict mediation, which will assist COMESA and Member States towards strengthening a more systematic approach to mediating natural resource conflicts;
- Identify key lessons and insights emerging from mediating in natural resource conflicts;
- Provide a platform to reflect on good practices in mediating in natural resource conflicts; and
- Present, debate and reflect on the practical strategies for ensuring the sustainability and success of mediation processes involving natural resources.

1.4 Target End Users of the Handbook for Mediation in Natural Resource Conflicts

The Handbook be used by a diverse range of stakeholders from within the COMESA Region as well as outside of the region, including the following:

- *COMESA Secretariat officials:* COMESA Secretariat officials in the Governance Peace and Security Unit will use this Handbook to support regional interventions on natural resource conflicts.

- *COMESA Committee of Elders*: The Handbook will be used by COMESA Committee of Elders who are often undertake preventive diplomacy and mediation processes. The Handbook on will amplify the value of mediation as an effective tool for mitigating and resolving resource-based conflicts. It will provide practical advice for COMESA Committee of Elders, other mediators and support institutions involved in resolving resource-based conflicts at the local, national and regional levels.

- *Member States in the COMESA Region:* This Handbook will be of value to local and national level mediation processes over natural resources. It will be used as a reference guide and capacity building tool to institutionalize the practice of mediation in natural resources disputes.

- *Local Infrastructures for peace:* COMESA member states have fully established local infrastructures for peace (I4Ps) which includes Inter-Religious Councils, Pastoralist Leaders Initiatives as well as Peace and Development Committees. The I4Ps are constantly engaged in mediation over natural resource-based conflicts, and they will benefit extensively from this guide, which provides examples of how other conflicts were resolved, including practical steps in mediation. It is anticipated that COMESA will be working closely with I4Ps in fostering locally-owned peace agendas, and this Handbook will provide the much-needed impetus to such collaboration.

- *Non-state actors*: In line with the goal of fostering and sustaining broad-based peace processes, COMESA works closely with non-state actors in conflict prevention, preventive diplomacy and mediation processes. This Handbook is relevant to these actors, who include civil society organizations, community-based organizations and faith-based organizations based in the COMESA region. These typically qualify as Track II and Track III diplomacy actors, who are often in the frontlines of conflict prevention. The Handbook is also expected to will support conflict prevention, preventive diplomacy and mediation processes over natural resources which can happen at local, national and regional levels.

- *Think tanks, Research and Academic institutions:* Considering that the field of mediation over natural resources is still emerging, this Handbook is a stepping stone towards ensuring that this

thematic area becomes a stronger field of enquiry and practice. To this end, the Guide would provide a useful reference guide for academic institutions and training centers focusing on peace and security. The Handbook can also be by students of peace and security studies, as well as those focusing on mediation to embellish their skills in mediating natural resource conflicts. This Handbook includes reflections and lessons learned from mediation over natural resources, which can inform further research and learning.

1.5 Conceptualizing Natural Resources

The World Bank (2016) defines natural resources as "*materials that occur in nature and are essential or useful to humans, such as water, air, land, forests, fish and wildlife, topsoil, and minerals*." These resources can be exploited for economic gain as they frequently represent an important source of income, livelihoods, identity and power.

Natural resources are an integral part of society, as sources of income, industry, and identity. Most countries in the developing world tend to be more dependent on natural resources as their primary source of income. In the developed world, many individuals and communities depend on these resources for their livelihoods. It is estimated that half of the world's population remains directly tied to local natural resources; many rural communities depend upon agriculture, fisheries, minerals, and timber as their main sources of income.

Natural resources are critical assets in the local or global economic structure and political economy. Apart from the socio-economic aspects of natural resources, these resources also play a prominent cultural role for many local communities. Resources such as land, water, and timber (forests) usually have historical and cultural significance, serving as the home of ancient civilizations, historical artifacts, and cultural practices. These resources are part of the identity of a community or people.

Natural resources can be classified as renewable or non-renewable.

- *Renewable resources* such as cropland, forests, and water can be replenished over time by natural processes and—if not overused—are indefinitely sustainable.
- *Non- renewable resources* such as diamonds, minerals, and oil are found in finite quantities, and their value increases as supplies dwindle. A nation's access to natural resources often determines its wealth and status in the world economic system.

Natural resources can also be classified as loot able or non-loot able.

- *Loot able resources* can be extracted with relatively crude methods, transported very easily and sold very easily. The "loot ability" of natural resources refers generally to resources that have high value but where the market poses low barriers to entry (Snyder 2003; Ross 2004). Scholars like Collier (2005) argue that loot able resources such as alluvial diamonds and coltan are more likely to generate conflict than resources which require more sophisticated extraction methods.
- *Non-loot able resources* are more difficult to extract and transport. These resources often require sophisticated methods of transporting and trading. Examples of non-lootable resources include oil, natural gas, and deep-shaft minerals.

1.6 Natural Resources and Conflict: A Global Overview

Sandole (1999) posits that a conflict situation is "*any situation in which two or more social entities or parties perceive that they have mutually incompatible goals, or incompatible means of achieving the same goals."* Goals are consciously desired future outcomes, conditions or end states, which often have

intrinsic values for members of parties, but also bring increased benefits or decreased costs to these members.

Wimot and Hocker (2011) define conflict as "*a felt struggle between two or more interdependent individuals over perceived incompatible differences in beliefs, values, and goals, or over differences in desires for esteem, control, and connectedness*." The idea of conflict as an expressed struggle is useful. In society groups that perceive themselves as marginalised will struggle against a system and its component parts, seeking to surface and engage with the underlying conflict system negatively affecting them. To this end, conflict is an intrinsic component of social relations and, as an expression of the multiplicity of interests, values, and beliefs. Conflict is also a natural determinant of development, underdevelopment, social change or social stagnation (Coser 1956).

According to the United Nations Environmental Programme (UNEP), since 1990, at least 18 conflicts have been fueled or financed by natural resources. In 2013 the UN Security Council held a thematic session on preventing natural resource conflicts, and discussions called for revenue transparency, the managing of commodity chains for conflict resources, and peaceful dispute resolution. In 2014, the former UN Secretary-General, Ban Ki- Moon noted that, "*Since 1990, at least 18 violent conflicts have been fueled by the exploitation of natural resources such as timber, minerals, oil and gas. Sometimes this is caused by environmental damage and the marginalization of local populations who fail to benefit economically from natural resource exploitation*."

Increasingly, natural resources are featuring as salient causes and contributory factors to conflict. In contrast to the mostly ideologically based conflicts of the 1970s and 1980s, conflicts over the control of government, as well as natural and economic resources, dominate the present agenda. These disputes are confounded with ethnic polarization, socio-economic tensions and poor governance, and are exacerbated by climate change

Challenges associated with preventing, managing and resolving natural resource-induced conflicts may well come to define global peace and security in the 21st century. Global trends such as demographic changes, increasing consumption, environmental degradation and climate change, are placing significant and potentially unsustainable pressures on the availability and usability of natural resources such as land, water and ecosystems.

Population growth, urbanization, rising consumption, climate change, environmental degradation, and new technologies for the extraction and processing of resources are changing the patterns of resource supply and demand. This has profound implications for the political economy of resource use – both globally and locally.

By 2050, it is predicted that the world's population will have exceeded 9 billion, global energy use will have doubled, and global water demand will have increased by 55 per cent. These various trajectories, when taken together, strongly suggest that disputes over resources will occur more frequently in future.

Globally, there are countless case studies demonstrating the nexus between natural resources and conflict. In Pakistan and Bolivia, for example, violent protests broke out over the distribution of water. In the Middle East, disputes over oil fields in Kuwait, among other issues, led to the first Gulf War. In the 1950s and 1960s, the animosity between Israel and its neighbors was heightened by disputes over the head-waters of the Jordan River. Occasionally, the friction led to armed clashes, including Israeli attacks

in 1965 and 1966 on Syrian construction sites that were part of a plan to divert water from Jordan River tributaries. These disputes helped create the pretexts and climate for the regional war in 1967.

In fact, the global shift towards natural resources-based conflict also affects the African continent. Africa is home to the largest deposits of natural resources in the entire world. Nigeria, Angola, Algeria and Libya together produce a substantial portion of the world's crude oil; South Africa and several other African countries are a major source of the world's gold output.

Botswana, the DRC, and Sierra Leone are major sources of diamonds, while other strategic minerals such as chrome, coltan and manganese are major export products from several African countries. Furthermore, the continent provides a significant proportion of the world's tropical hard wood, coffee, cocoa and rubber exports. The foreign exchange earnings from these and other natural resources constitute a major source of Africa's income.

Natural resources in Africa are profoundly amenable to the complex nature of global power relations and competitions. From multinational companies to super powers, natural resources usually tend to attract deep and extensive interests. For instance, the conflicts over natural resources in Africa, can be explained by the need to feed the huge consumption patterns of the global industrial complex. To respond to the increasingly demand for food, energy and raw materials in the Global North, natural resources are being extracted, processed and distributed. Sometimes, the extraction is done illicitly and unfairly.

The increasing demand for Africa's natural resources has witnessed a "new scramble for Africa." The new scramble for Africa signifies renewed interest in the African continent by several super powers, including emerging economies. Some of the main actors in the contemporary global politics of resource extraction include the "emerging economies" like China, India and Brazil, Turkey, Indonesia, Singapore and Malaysia, among others.

As China continues its economic rise in the world order, there is a higher demand for more resources from Africa. China has relative scarcity of crucial resources notably oil, gas, and minerals. While China gives African states access to capital, allowing them to engage in infrastructure development, African countries, in return, give China access to natural resources, which in turn fuel China's economic boom.

Unfortunately, natural resources have often been linked to violent conflict in the continent. Resources such as land, minerals, forests and other endowments are becoming central to conflict, either as causes or as drivers of conflict. According to Behrends (2008), natural resources do not even need to be physically extracted for them to generate brutal conflict. He argues that simply by being discovered, natural resources have the potential of generating violent contestations that may ironically prevent them from being extracted. He described the Darfur conflict as one such example in which violence erupts even before the natural resource becomes a key revenue earner.

Furthermore, natural resources, especially those that are easily exploited tend to fuel conflict and contribute to its intractability, and they tend to attract opportunistic business actors who are interested in making quick returns in high-risk environments. Several UN Panel of Experts Reports have highlighted how resources such as diamonds, timber and oil are at the centre of conflict.

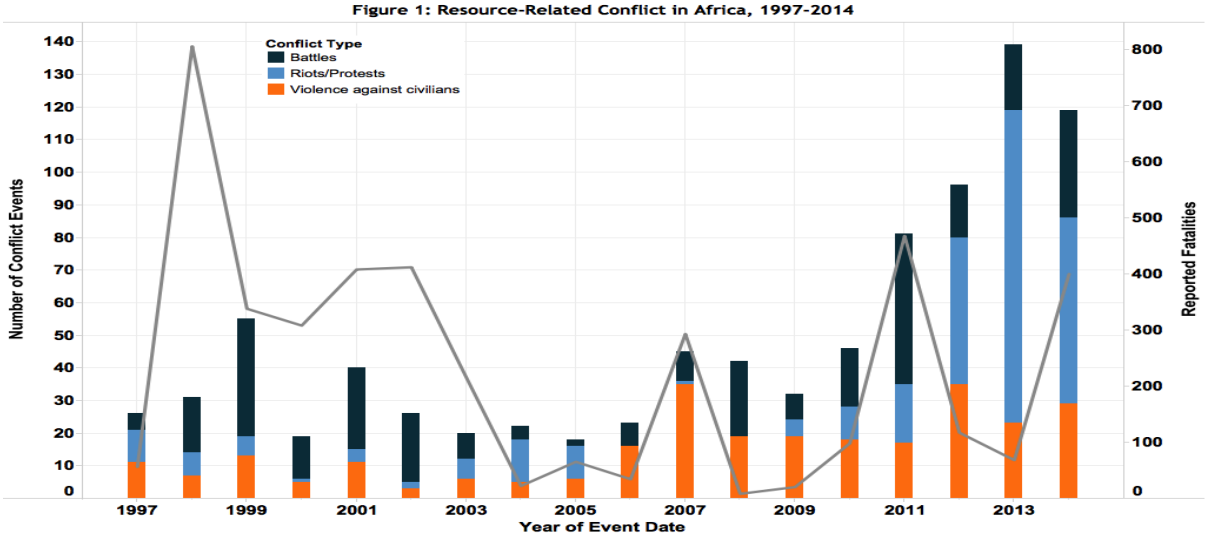
In the DRC, for example, the role of mineral resources such as diamonds and coltan has often been singled out as one of the key drivers of the intractability of this conflict. In the eastern DRC, the illegal

exploitation of natural resources is contributing to continuing violence and instability. The Eastern DRC has been a site of prolonged violent struggles by a multitude of local, regional and global actors over the control of the vast mineral deposits in this region. This conflict has not only undermined the development of the DRC, but it has also resulted in massive human rights violations, in addition to some of the most profound environmental devastations witnessed in Africa in the 21st century (Burnley, 2011).

In Liberia and Sierra Leone, the illegal exploitation of diamonds, timber and other natural resources similarly helped to fuel the countries' civil wars. In Angola, the illegal exploitation of diamond resources was a major source of funding for the UNITA rebellion. Armed groups such as the Revolutionary United Front (RUF) in Sierra Leone, the Liberians United for Reconciliation and Democracy (LURD) in Liberia, and the National Union for the Total Independence of Angola (UNITA) used revenues derived from natural resources such as diamonds, oil and timber to fund their rebellions against their respective governments.

In the Darfur region of Sudan, disputes between pastoralist herders and farmers over livestock migration routes and watering holes have become a violent flashpoint for wider cultural, ethnic and religious differences. These examples illustrate the negative role that natural resources have played in several African conflicts. In Angola oil and diamond were linked with conflict in 1975-2002; in Chad, water and pastoral land; Uranium in Central African Republic 2012 -2019; copper, coltan, diamond, gold and cobalt in the DRC 1996-1997 and 1998-2006; Timber, diamonds, iron, palm-oil, cocoa, coffee, rubber and gold in Liberia 1989-2003; Diamonds in Sierra Leone in 1991-2000; oil in the Sudan-South Sudan conflict of 2013-2004. In Burundi, Kenya and Zimbabwe, land was a cause of contention and potential conflict.

Figure 1: Natural Resources-related conflicts 1997-2014



Causes of natural-resource-based conflict are wide-ranging. A major cause of conflict lies in the way in which resources are extracted, how revenues from this sector are distributed, and how the local population is involved in decisions on the development of the affected region. It is beyond contention that the politics surrounding the management of natural resource politics has contributed to conflict over natural resources.

The conflicts over natural resources do not exist in a vacuum. Often these interact with other factors driving insecurity such as ethno-nationalism, acrimonious intergroup relations, proliferation of small arms and light weapons proliferation, corruption and illicit financial flows, among others. In addition, natural resource conflicts are frequently influenced by the broader political economy, which is often reflective of the power of elite actors

Actors in natural resources are equally diverse, and they include communities, ethnic and religious groups, political actors, private companies and states.

1.7 Perspectives on Natural Resources and Conflict

1.7.1 Resource Scarcity Thesis

Although conflicts with natural resource underpinnings have historically engaged academic interest, efforts to draw thematic links between natural resources and conflict are of comparatively recent dating. Indeed, one of the earliest efforts to draw a link between natural resources and factors that predicate conflict was Malthus' warning on the possible implications of natural resource scarcity that could come from overpopulation. The Malthusian philosophy dominated attention for generations and informed many subsequent writings on the subject.

Neo-Malthusians argue that rapid population growth, environmental degradation, resource depletion, and unequal resource access combine to exacerbate poverty and income inequality in many of the world's least developed countries. To highlight the resource scarcity thesis, the demographic estimates indicates that by 2050, the world's population will have exceeded 9 billion. This means that global energy demand will have doubled, and global water demand will have increased by 55 per cent (UNEP, 2014). The discrepancy between a growing population and finite recourses deprivations is likely to contribute to social, economic, political and ecological stress. This is likely to be translated into grievances, increasing the risks of societal conflict and violence.

Scholars such as Homer-Dixon (1999) and Kaplan (1994) have argued that it is the scarcity of natural resources that generate violence rather than abundance. They argue that as scarcity of these natural resources is likely to increase, so is the likelihood of escalation of conflicts related to their management. Climate change and rapid population growth have exacerbated resource scarcity, thereby threatening peace, security and stability in many parts of Africa. For instance, the Lake Chad, a major wetland in the semi-arid Sahel corridor has decreased by over 90% since the 1960s and could generate tensions in the future among the four countries, i.e. Cameroon, Chad, Niger and Nigeria, whose citizens benefit as farmers, pastoralists and fishermen.

Resource-scarcity scholars also argue that even where resources appear to be abundant, the scarcity created by socio-economic distortions of livelihoods that the process of extraction often causes is the key trigger of violent conflict rather than the fact of abundance. This suggests that conflict is likely to increase where access to resources becomes increasingly precarious because of politically or economically-induced scarcity. The Okavango, Zambezi and Orange River Basins are critical potential hotspots of conflictual hydro-politics in this regard within Southern Africa.

1.7.2 Resource-Curse Thesis

This perspective argues that, rather than scarcity, it is the abundance of natural resources that incentivizes violent conflict. A combination of high value and abundance of natural resources provides incentives for violent competition over access and control. High value or high worth resources include

minerals such as diamond, oil as well as extractives such as timber. The resource curse thesis argues that resource-rich countries do appear to be more susceptible to conflict than the resource-poor. This risk seems to be greatest when resource extraction accounts for a substantial proportion (more than 30%) of the Gross Domestic Product (GDP). In other words, countries which are largely dependent on the export of primary commodities such as metal ores, oil and gas are more susceptible to violent conflict (Collier, 2005).

Collier and Hoeffler (1998) found a strong correlation between abundance of natural resources and risk of violent conflict. These scholars outlined the nexus between abundant but mismanaged natural resources with repeated cycles of armed conflict. This perspective notes that the availability of easily looted resources, such as diamonds, has encouraged violent conflict, including the establishment of armed groups and rebel movements. The resource-curse thesis is also known as the greed and grievance thesis. Collier (2005) estimates that close to fifty armed conflicts which were active in 2001 had a strong link to natural resource exploitation. He added that the licit or illicit exploitation of these natural resources helped to trigger, intensify and sustain violence. Collier (2005) further argues that weak governance fuels the "resource curse."

Collier (2005) argues that resources such as timber, minerals, and oil, which are often used to produce revenue tend to cause the most problems. Sometimes called the resource curse, Collier notes that countries that have abundant natural resources tend to be confronted by a paradox of less economic growth compared to those without natural resources. This perspective was influenced by studies that were done on the empirical correlation between resource-rich countries and propensity to conflict.

The "resource curse" comes about because of over-dependence on natural resources and extractives as sources of revenue typically, which ultimately discourages diversification of the economy. Over-dependence on natural resources not only results in perilous reductions in economic diversification but it also contributes to reduced investment in human capital. Additionally, when resource-rich countries have weak governance systems and institutions, the tendency for increased domestic economic and political corruption is very high. The result is the stunted long-term economic and diminishing living standards of the population which was supposed to benefit from the natural resources.

Following Collier and Hoeffler's ground-breaking work, several other scholars have also found evidence to support the thesis that when extractive resources are discovered in countries with weak institutions, these countries are likely to be vulnerable to violent conflict. Ross (2012) asserts that the "resource curse" will be further worsened when such resources reserves are discovered in regions populated by marginalized groups. He argues that conditions of exclusion that perpetuate grievances.

The "resource curse" perspective generally concludes that an economy based on resources, particularly minerals, will be weak and corrupt, instigating grievance and in turn, conflict. Le Billon (2012), argues that the "resource curse" is especially more salient when dependence on natural resources results in economic underperformance and a weakening of governing institutions, rendering a society more vulnerable to violent conflict. The "resource curse" thesis posits that natural resource dependence is often accompanied by fragility of the economy as such natural resources often suffer from volatility of world prices and revenue.

This perspective also identifies the interlinkages between natural resources and the intractable nature of violent conflict. In a World Bank Report, Winer and Roule (2003), argue that cross-border trade and exchange has also made it very easy for armed groups to profit from criminal and violent activities.

These armed groups have been able to control certain portions of territories, and to subsequently trade with companies, and sometimes even states, as they launder the proceeds of their illicit trade.

1.7. 3 Political economy of natural resources and conflict

The political economy thesis states that conflict occurs in weak states and that often states with abundant. This perspective argues that resource abundance is often accompanied by mismanagement of these natural resources, which is exacerbated by corruption. The subsequent competition over natural resources can lead to violence or can fuel, intensify and sustain this violent conflict.

The political economy perspective further argues that marginalization and exclusion contribute towards violent conflict over natural resources. In most cases, unequal distribution of natural resources is based on the thinking that violence is a legitimate strategy of defense or for creating change, as well as a strategy for identity making and of improving an individual's social position

The political economy thesis notes that natural resources are not conflict triggers in and of themselves. Instead, for natural resources to have a strong nexus with conflict, this is usually a reflection of the governance system, logic and capacities. The political economy thesis argues that governance deficits have deepened the correlation between resource and conflict. Governance issues including regulatory, institutional and cultural frameworks that define and determine economic access as well as their socio-political ramifications culminate to instigate or escalate tensions and conflicts. State-controlled oil companies such as Angola's Sonangol and the Nigerian National Petroleum Company (NNPC) are two examples of institutions have faced allegations of revenue mismanagement, embezzlement and misappropriation.

However, in situations where governance processes, institutions and actors are strong and equitable, the chances of natural resources generating violent conflict diminish significantly. To augment this augment, the example of Botswana's diamond minding against the backdrop of good governance, is often cited.

1.7.4 Natural Resources and Peacebuilding

This perspective argues that natural resources are endowments that not only have the ability to foster cooperation, but they can also play a positive role in conflict resolution. Indicators of successful management of natural resources that have contributed to peace include establishment of standards and agreements and efforts at cooperation, co-management, and conservation.

An example of natural resources playing a role in fostering peacebuilding is found in Namibia's Caprivi Region. Located in north east Namibia, the Caprivi region is the wettest part of Namibia, with perennial rivers, considerable wildlife. Caprivi Region is neighbour to three National Parks or Reserves, namely Botswana's Chobe National Park, Zimbabwe and Zambia's Victoria Falls). Caprivi region has been a major focus of Namibia's long-standing Community Based Natural Resource Management (CBNRM) programme since the early 1990s.

The CBNRM programme helped develop community-level management of natural resources including forests and wildlife. The CBNRM programme was useful towards strengthening institutional, community and individual capacities towards effective common property resource management. Because of the CBNRM programme, several registered and emerging conservancies are now recorded in this region.

This centrality of natural resources in conflict underlines the imperative for setting up standards for accountability of actors such as Multi-national corporations (MNCs) as a strategy of resolving the conflict. Another good example is the Kimberly Process Certification Scheme, which institutionalizes fair and sustainable use of natural resources as a strategy to prevent resource-based violent conflict. The Kimberly Process emerged in 2003 following war crimes and human rights violations associated with diamond extraction in Sierra Leone and Angola in the 1990s.

Prominent actors including civil society organisations, governments, the diamond industry and the European Union began negotiations to improve the management of diamond wealth. The result was the Kimberley Process Certification Scheme (KPCS), a voluntary self-regulation mechanism to promote international standards on the import, export, and sale of diamonds.

The Kimberley Process requires signatories to pass legislation on the legal trade of diamonds, certifying that each gem is a product of legitimate extraction before leaving the country, and to trade only with other signatory countries. The Kimberly Process for diamonds is one of such measures to determine the source of all diamonds, whether they are the product of illicit extraction or are so called “blood diamonds.”

The Kimberly Process has significantly contributed to the evolution of other home-grown norms to promote transparency in the mining sector in the African continent. These include the African Mining Vision (AMV), which was adopted by the Assembly of Heads of States and Governments of the African Union (AU) at the February 2009 Summit held in Addis Ababa. The key objective of the AMV is to recognize the use of mineral resources as a catalyst to broad-based growth and development (Africa Mining Vision, 2009).

Another important normative instrument governing mining is the International Conference of the Great Lakes Region (ICGLR) Protocol of the Regional Initiative against the Illegal Exploitation of Natural Resources (RINR) in the Great Lakes Region. To actualize the Protocol against the Illegal Exploitation of Natural Resources (RINR) in the Great Lakes Region, the ICGLR developed the Certificate for Designated Minerals. The Certificate for Designated Minerals seeks to regulate the mineral industry in the region by awarding permits for shipments to designated minerals such as tin, tantalum, tungsten, and gold, only if its demonstrated that their origin is “conflict free.” It is envisaged that such a Certificate will eradicate the use of resource revenues to fund violent conflicts.

Other initiatives that have been adopted to construct credible and sustainable governance processes for natural resources include the Extractive Industries Transparency Initiative (EITI) and the Voluntary Principles on Security and Human Rights. Such initiatives signal a resolve by local, national and international actors to improve the transparency and accountability of governments and private companies during the licensing, exploration, contracting, extraction, revenue generation and allocation of natural resources (Acosta, 2010)

CHAPTER 2: SPECIFIC SECTORS OF NATURAL RESOURCE-BASED CONFLICT

2.0 Overview of the Chapter

This chapter examines the various types of natures resource conflicts, including discussing the factors that drive and sustain such conflicts.

2.1 Land Conflict

Land conflict is an issue that warrants attention because of its far-reaching impact. Land is undoubtedly the most important natural resource in Africa. Land inevitably affects people's everyday life, since most of population tends to depend on lands through agriculture and raising of livestock. The importance of land transcends economics into a breadth of social, spiritual, and political significance. Consequently, every society in Africa sees land as a natural resource that is held in trust for future generations, and the sacredness of this trust lies behind most of the conflicts over land in the continent. Communities often have strong emotional and symbolic attachments to land and the resources on it.

The AU acknowledges the "*centrality of land to sustainable socio-economic growth, development and the security of the social, economic and cultural livelihoods*." This acknowledgement was reflected in the adoption of the *AU Declaration on Land Issues and Challenges in Africa*. Adopted in 2009, the Declaration noted the need to have "*strong systems of land governance rooted in principles of sustainability to ensure preservation, protection and renewability of Africa's land and related resources.*"

In recent years, the nature and scope of conflicts surrounding land have been further widened, thus making the conflicts crucial to understanding security and development in Africa. Because of population growth and environmental degradation, land that can be used for personal, industrial, or agricultural purposes is becoming increasingly scarce. Of course, possession of land means access to many other resources, such as minerals, timber, and animals, and land, therefore, often holds a high economic value.

The factors driving land conflict are quite diverse. These include problems associated with land scarcity; difficulties arising from conflicting laws governing land tenure; boundary disputes and rival claims to specific portions of land. The cumulative effects of mega-trends such as population growth, urbanization, food insecurity, water scarcity and climate change have heightened competition for land resources.

Emerging trends such as the growing youth population, urbanization, migration, conflict, fragility, large-scale land acquisitions by powerful actors, as well as rising food insecurity continue to intensify competition and conflict over land. The World Bank (2010) reported that about 75 percent of the land being negotiated for large scale commercial acquisition by foreign interests, is in Africa. In most cases, land is often appropriated without consultation of affected local communities; or host-communities are not consulted with regards to resource revenue investments in their domains. The investor rush for land is often directed at land already occupied and used by local people (Sullie and Nelson 2009), thus displacing thousands and ultimately generating violent resistance. Given the relationship these communities have with their land, it is not surprising that responses to these land acquisitions have often turned violent. This is compounded by challenges related to land ownership claims as well as complexities arising from ethnic and racial imbalance in land ownership, among others.

Land conflict can be also a result of scarcity and shortage. Scarcity as a factor in land conflict comes in two forms, i.e. natural and artificial.

- ***Natural scarcity*** comes when overpopulation or other environmental considerations result in an imbalance between the population and the land available for agricultural and other domestic needs. An example of countries affected by natural scarcity of land is Burundi has a population of 12 million people, and an annual growth rate of 3.3 percent and an average of 402 persons per square kilometer, making it one of the countries with the highest population density in Africa. Furthermore, over 90 percent of the population depend on agriculture for their livelihoods.

- ***Artificial scarcity*** arises from political and socio-economic processes where elites displace the poor and vulnerable populations from their land. An example of a factor driving an artificial land scarcity is when political elites to dispossess the less-privileged segments of the society of their land to acquire a wide expanse of land for various private uses, such as mining, construction and establishment of development enterprises. Evidence of artificial land scarcity includes displacement of people, often arising from land acquisition, leads to overcrowding and reduction in the lands available for agricultural and settlement purposes.

A caveat should be made that the distinction between natural and artificial land scarcity becomes blurred as the factors of conflict often tend to coalesce. For instance, natural scarcity can be compounded by artificially-induced scarcity, such as the unequal distribution of available land.

Land-related conflicts occur in an increasing number of countries due to a combination of many drivers, including lack of rule of law, poor governance, corruption, weak institutions as well as elite capture. Land conflict also arises from asymmetry of information about land rights, ambiguities in the legal framework ambiguities in the legal framework, inconsistencies and contradictions in the interpretation and implementation of the laws governing land tenure and land use. For example, in most of the countries, there are at least two systems being adopted simultaneously to govern land tenure and ownership, i.e. the modern law and the customary law.

If disputes over land are not handled well, they may cause a conflict to might fuel other forms of conflict, ultimately hindering development efforts. As the cases of Kenya and Zimbabwe in the post-2000 era have demonstrated, local land conflicts can erupt into large-scale political conflict and widespread violence.

Land Conflict: Lessons from Case Studies

Much of the COMESA region has had the experience of land conflict. Examples include land conflict in Zimbabwe, Uganda, Kenya and Burundi. The land conflicts take different shapes. Some of these conflicts are caused by natural scarcity, which is then exacerbated by political and identify factors.

Burundi provides an example of a country which has been experiencing recurrence of land conflict. The high population density as well as the new influx of returnees and refugees from DRC contributes to competition and disputes over scarce natural resources. Due to the demand for land, the poorest and most vulnerable populations, mainly women,

generally depend on marginal land. Burundi has the lowest productivity of East Africa, while over 90 percent of the population depend on agriculture for their livelihoods.

Since its independence from Belgium in 1962, Burundi has experienced several outbreaks of violence, mostly inter-ethnic violence and massacres which occurred in 1965, 1969, 1972, 1988 and 1991; as well as a civil war from 1993-2005, which caused hundreds of thousands of deaths. Burundi's various episodes of violence led to massive displacement of people, and most had to seek refuge in neighboring countries, leaving behind their land and livestock.

Following a relative political and military stabilization, many refugees returned to Burundi. In Burundi, disputes over land have tended to break out between returnees and secondary occupants, who had acquired land rights after the departure of original land owners. Some returnees attempted to engage in processes to recover their land. However, returnees often come back and encounter challenges as their land would have been occupied by neighbors or would have been re-allocated by local administrators. As a result, demands for land or compensation by returning refugees added to the already existing problems caused by land scarcity and inappropriate land laws.

Currently, almost three-quarters of conflicts that are brought before court in Burundi are related to land. Many of these conflicts end up in High Court, even though litigation takes time and is often characterized by appeals and lack of implementation of the legal decisions. few decisions are successfully implemented on the ground. Furthermore, land conflicts are also submitted to the traditional structures, known as the *Bashingantahe.* The *Bashingantahe* are local councils or endogenous approaches to conflict resolution. Although they have changed a lot over time, are still widespread throughout the country and continue to play an important role in natural resource conflict resolution (Nindorera 2003; van Leeuwen et al. 2005; Ingelaere 2009; Uvin 2009,).

Furthermore, land conflicts in Burundi are also resolved by the National Commission on Land and Other Assets (Commission Nationale Terres et autres Biens), i.e. (CNTB). Established in 2006, the CNTB has the mandate of resolving land disputes. The CNTB is authorized to facilitate disputes between those refugees who return and the secondary occupants. In terms of jurisdiction, the CNTB does not have the mandate of a court of law. The CNTB is designed a mediation commission, because its objective is to assist parties to reach an agreement. Once a claimant for a plot of land files a case with CNTB, officials in the province conduct field visits, mediation hearings and dialogue sessions. The end of the process is usually signified by a mediated agreement.

Furthermore, land conflicts in Burundi are also brought before administrative or church officials, before ad hoc commissions or "legal clinics" set up by non-governmental organizations (NGOs). Examples are the Legal Aid Clinics being undertaken by the African Centre for the Constructive Resolution of Disputes (ACCORD), a civil society organization whose headquarters is in South Africa. In 2004, ACCORD established its Legal Aid Clinic Project in Burundi, which was supported by the United Nations High Commissioner for Refugees (UNHCR). The objective of the Legal Aid Clinic Project was to "*provide the local population, and specifically the returning refugees, with assistance to deal with the challenges*

faced by both the welcoming communities and the returnees in the repatriation process" (Theron and Sachane, 2009.

ACCORD's Legal Aid Clinic is characterized by sensitisation missions, mediation missions, dialogue sessions between parties, as well as provision of legal assistance. The goal is to promote a culture of dialogue and reconciliation between refugees and welcoming communities in Burundi. The Legal Aid Clinic Project has been largely hailed as a success because it had enabled returnees and welcoming communities resolve their land conflicts non-violently. The Legal Aid Clinic Project works closely with the CNTB and the *Bashingantahe.*

Other causes of land conflict include unequal and racialized structures of exclusion. Zimbabwe and South Africa fall under this category. What these countries have in common is that their land issues, date back to colonial times and white settler government. Land is one of the grievances that motivated the indigenous black majority population in both South Africa and Zimbabwe to challenge the oppressive colonial governments and to form nationalist liberation movements to free their country from colonial oppression.

Land conflict and issues of land reform in both Zimbabwe and South Africa are highly emotive, and often they evoke difficult questions of history, race, politics and economic opportunity. In the Lancaster House negotiations which led to independence from white-minority rule, the nationalist movement which was a party in the negotiations, i.e. the Zimbabwe African National Union, Patriotic Front (ZANU PF was pressured into accepting an agreement that left land ownership unsettled. The 1979 Lancaster House Agreement and the resultant Lancaster Constitution made land redistribution to the majority blacks impossible in that the law protected the minority interest of the white commercial farmers.

As a result, in post-independent Zimbabwe, most of productive farmland remained in the hands of a few thousand white settlers. This witnesses the land issue re-emerging in the late 1990s, leading to a series of protests over land. By mid-2000, self-organized war veterans and villagers took matters into their own hands, by grabbing land from white farmers and occupying farms owned by white farmers. As the land seizures intensified and gained more public support, the Robert Mugabe government decided to respond to the calls from villagers and war veterans to revisit the land redistribution in Zimbabwe.

Eventually, the Mugabe government gave in to the protestors, and passed the Compulsory Land Acquisition Act (1999), which forcibly took over land from white farmers and redistributed it to locals. Following the adoption of that Law, Zimbabwe initiated the Fast Track Land Reform Programme (FTLRP), in July 2000, which radically transformed the land issue in a manner that has far-reaching socio-political ramifications. The Fast-Track Land Reform Programme was interpreted as disrespect of private property by the international community, and as a result, relations between Zimbabwe and Western nations have been virtually frozen for two decades now.

In the post-Mugabe era, the unresolved issue of land ownership remains at the heart of the nation's future, just as it was at the time of independence in 1980. Successfully defusing tensions over land and resolving the land question remains central to reducing the risk of

conflict in both countries and boosting their long-term economic prospects. This could include not only ensuring that blacks have access to land, but also compensating white farmers whose properties were seized. Such an approach would be critical towards repairing relations with Western nations and international lenders.

Conflict in Kenya's Rift Valley has been common from the early colonial period to the present. Such conflict, while frequent across Kenya, has tended to be concentrated in the Rift Valley Province. In this region, more than other parts of the country, colonial land policies created a default mode of land relations that marginalized local African communities and their modes of production by restricting their access to land. Kenya's Rift Valley has remained a terrain for contesting land rights, ethnic identity, and accessibility to national politics.

Land has occupied a central place in this area so much so that it has remained the most "politicized" region in Kenya, as attested to by cycles of political violence that have mired the province every election cycle since the late 1980s. Because of the centrality of land to politics, identity and ethno-nationalism, the Rift Valley was one of the regions in Kenya which was significantly affected by the 2007/200 post-election violence. While land conflicts in Kenya have their roots in the colonial system of discrimination and inequality, they are also a manifestation of the complex political ideological, political and economic conflicts between ethnic groups.

Land conflict and ethnicity become more salient in the Rift Valley partly because of the high productivity of the land, coupled with the mix of ethnic groups in Rift Valley Province. In the Rift Valley Province, people from different ethnic groups have purchased land from white farmers since independence. Examples of this type of conflict have been recorded in Kenya, where various groups (Kikuyu, Masai, Kalenjin, Kissi, and Luo, among others) are involved in interwoven conflicts.

Large-scale land acquisitions and takeovers also provide for an emerging trend in land conflict. In this case, powerful local or external actors' taking over land and resources often means that communities lose access to their land. A global land rush has been spurned by various factors including the rise food prices, increased demand for biofuels as well as demand for land to grown livestock feed, has cumulatively witnessed large tracts of land in Africa and other regions being purchased or leased by a variety of foreign and domestic investors. Such large-scale land acquisitions and takeovers are frequently accompanied by diminished social justice as well as human-rights abuses and violations, e.g. expulsions, displacement, resettlement, denial of access and large-scale land use change, all of which can aggravate conflicts. Land grabbing and large-scale land acquisitions often result in both physical and structural violence.

Land conflicts come in various forms and shapes. However, the unifying factor on land conflict is its capacity to stifle development. It is against this background that the AUC-ECA-AfDB launched a Land Policy Initiative (LPI) towards promoting the implementation of the AU Declaration on Land Issues and Challenges. Launched in 2017, the LPI has the broad objective to track the progress that has been made

on the continent with regards to implementing the key decisions and commitments of the AU Declaration on Land at continental, regional and national level.

2.2 Water Bodies Riparian and Maritime Conflict

Water is a limited, non-substitutable resource, which is not only essential for survival, but is also at the core of sustainable development. Water is a fundamental enabler and primary resource for social well-being, economic development and environmental security. Bodies of water such as oceans, seas, lakes, and rivers play huge roles in facilitating transportation, energy production, socio-economic development, tourism and cultural exchange. Additionally, water is needed for industry, agriculture, and direct human consumption.

In the context of mediating water-related disputes, the non-economic role that water plays is also important. Water can also be politically, culturally and symbolically significant. For instance, the Nile water contributes to cultural identity among riparian countries, especially Egypt. In Egyptian folklore and popular culture, there are many legends and myths about the symbolic and cultural importance of the Nile River. Furthermore, there are also beliefs about the healing powers of the Nile waters.

In most cases, water does not follow country borders, and must often be shared among countries. Therefore, national, regional and international stability and peace increasingly depend on effective and sustainable management of the world's water resources.

The linkages between water and conflict is derived from many factors. Water is also connected to land rights, borders, fishing rights, shipping, transportation, electricity generation, flood control, and other issues. Furthermore, conflicts over land and territory often include the question of access and control over water.

Water conflicts often reflect the struggle over access, control, management and use of water resources. Sometimes water conflict emerges in the context where the water is abundant, but the capacity to use the water is severely constrained by institutional and infrastructure limitations. This could be because there might be weak on no mechanisms to regulate competing demands on water use. Furthermore, water conflicts related to distribution and use often involve tensions over the right to use and exclude others from the resource. For example, conflicts may emerge between the users of water resources over who has the right to use the resource and to exclude others from it. For example, upstream water users may use water for irrigation, reducing the amount available for downstream users, or different user groups may fight over access to a source of drinking water.

Additionally, the water sector faces global changes such as climate change, population growth, migration, urbanization as well as changes in land-use. As the global population continues to grow, water demand has multiplied during the last century. Water demand already exceeds supply in many parts of the world today. It is estimated that half of the world's population will be living in areas of high water stress by 2030. This has the potential of compounding the instability, fragility and vulnerability within and between the countries.

Water conflicts occur at a local, national9, regional, international and global level. However, the water conflicts occurring on one level can easily spread to other levels. For instance, at the local level, water conflicts may arise because of competition between groups of water users with the same need, e.g. different pastoralist groups over a water well. Still at the local level, water conflicts can occur between users with different needs, e.g. pastoralists and sedentary farmers. An example is the 2012 water-

related conflict along the Tana River between the Pokomo, who are predominantly sedentary farmers and the Orma, who are pastoralists. Both communities rely on the Tana River as their primary source of water for livestock. The water-related conflicts between the Orma and the Pokomo is exacerbated by climate change, which has been accompanied with sever water stress and scarcity.

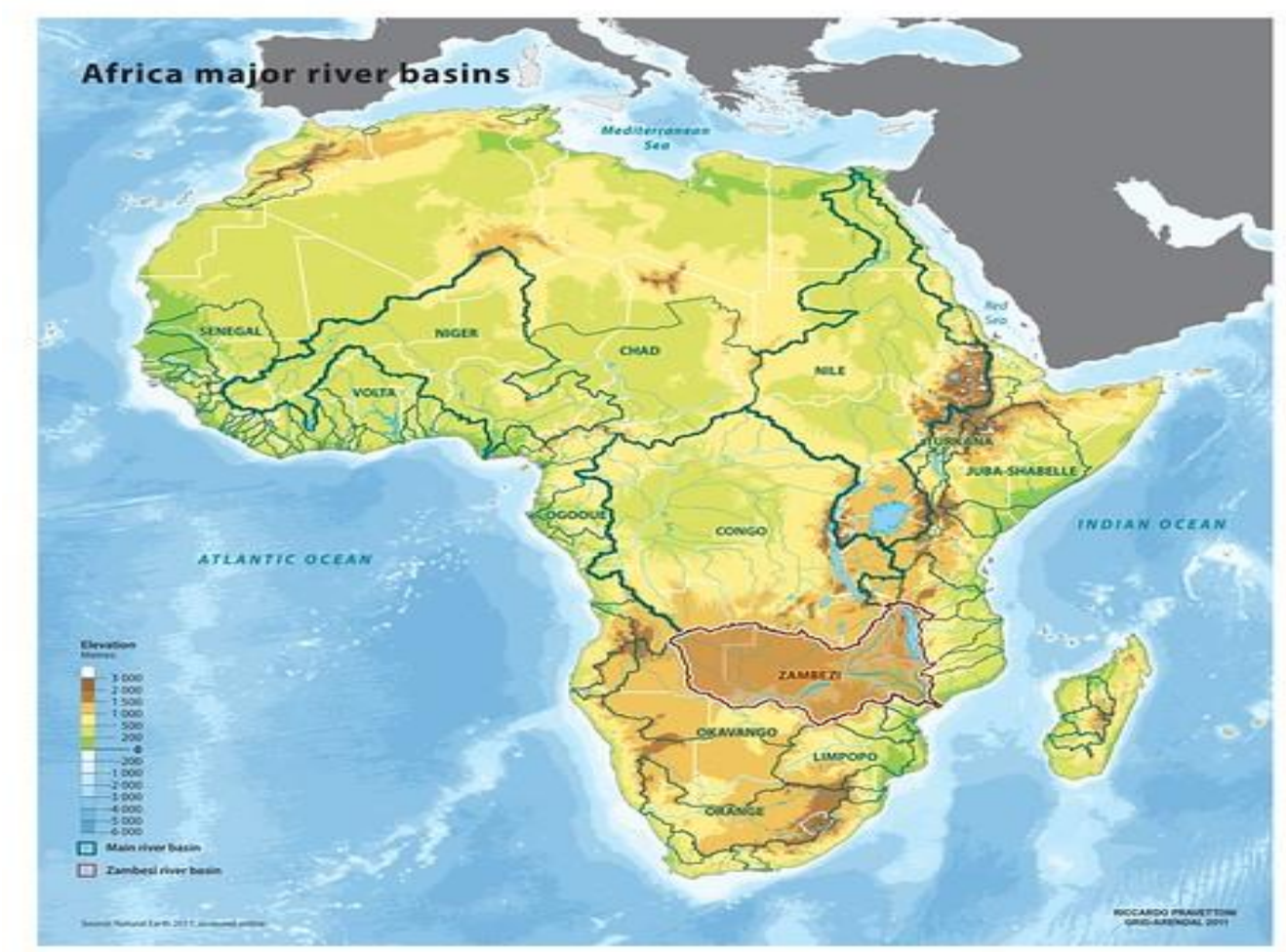
At the national level, water-related conflicts are usually the result of conflicting policies regarding water rights. Additional, huge development and water infrastructure projects may also result in tensions, especially between communities and political elites. Examples of national development projects that can create conflicts with local communities include the construction of dams. For hydropower or irrigation.

For example, in a typical case of development-induced displacement, the construction of Merowe dam in Sudan led to the displacement of approximately 50,000 to 70,000 people. This massive infrastructural project not only compounded social marginalization, but it also contributed to long-term economic impoverishment of the affected communities (Flint 2005; Giles, 2006). Thousands of people who refused to leave their homes were flushed out by the rising waters of the reservoir. The construction of the dam, and the subsequent negative effects on livelihoods were met with protests by villagers. The protests by local people against the construction of the Merowe Dam were met with violence.

Another example of water conflict emerging from competing development projects occurs when that economic development initiative contributes to the negative impact on people's livelihoods. For for example when a mining project leads to water pollution which destroys plant and animal life, this can be met with tensions and conflict. The conflict in the Niger Delta, while it involves oil, it is also about the river pollution and marine contamination caused by oil mining activities. Such conflict might become violent, especially if people's livelihoods are threatened.

The potential for water conflicts with regional implications in Africa are equally high, given that the continent has many transboundary rivers and lakes. More than 80 rivers and lakes are shared by two or more countries. According to UNEP 92020), there are 63 transboundary river basins in Africa, covering 64 per cent of the continent's land area (UNEP 2010). The Zambezi basin is the fourth largest in Africa after the Congo, Nile and Niger River Basins (Mukosa and Mwiinga 2008).

Figure 2: Africa's shared basins



Source: (UNEP, 2013)

Nearly all the countries in Sub Saharan Africa share at least one river basin or lake. A report by the UNDP indicates that in the African continent, "potential water wars" are more likely to happen in situations where two or more countries share a river or a lake. The report indicates that the possible flashpoints are the Nile, Niger, Volta and Zambezi basins.

Figure 3: Possible Flashpoints for Water Conflict in Africa

The link between water and politics is inextricable and the impending water scarcity in the region can easily provoke a whole host of economic and environmental insecurities. This has the potential to lead to escalating tensions.

Ethiopia's construction of the Grand Ethiopian Renaissance Dam (GERD) on the river's Blue Nile tributary was met with resistance from some of the countries that depend on the Nile. Both Egypt and Ethiopia are heavily dependent on the Nile river basin than and in 2011, Ethiopia announced that it would construct the GERD along the Nile River, which provides approximately 90 percent of Egypt's irrigation and drinking water needs.

Although there are 11 nations along the river's banks, there is still no over-arching agreement on sharing the Nile waters, which includes all the riparian states. The 1959 Nile Waters Agreement allocated 55.5 cubic kilometers to Egypt, 18.5 cubic kilometers to Sudan. In 2010, five of them — Ethiopia, Kenya, Uganda, Rwanda, and Tanzania — signed the Entebbe agreement, calling for a redistribution of the waters to include them

While Ethiopia considers GERD undertaking as essential for its development, especially the potential of the dam to generate energy. Ethiopia estimates that GERD will generate more than 6,000 megawatts of electricity, which can be supplied across the Horn of Africa and the continent at large. Egypt on the other hand fears the construction of GERD will restrict its already scarce share of water from the Nile.

Sudan is also a concerned party in the Nile River issue. After the 2011 independence of South Sudan, the new state South Sudan has joined the riparian states on the Nile river. South Sudan occupies a long

stretch of the White Nile. In November 2018, Egypt signed an agreement with South Sudan "to *develop water resources in the South Sudan state and a joint cooperation strategy that would preserve the historic right of Egypt*."

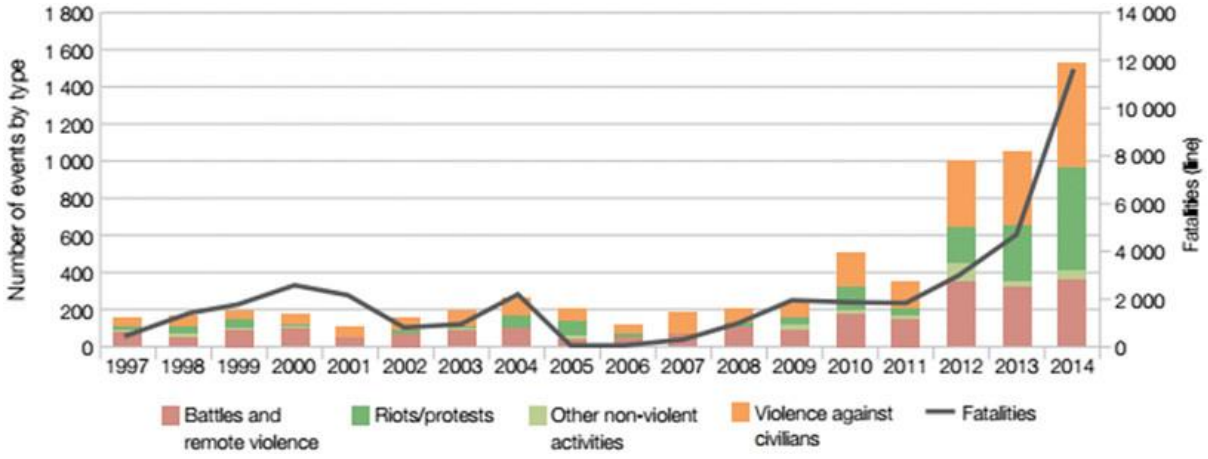
Furthermore, water stress and scarcity could also act to fuel and compound other existing conflicts, which can be political in nature. For example, while the Darfur conflict While the Darfur conflict can be categorized as a centre-periphery conflict, which is about exclusion of certain groups from political processes, the water dimension in this conflict could have served to contribute to the conflict's intractability. Climate change and the increasing drought in the Sahel zone seem to also have been factors aggravating the tensions in the area.

A report by the Council on Foreign Relations (2010) concluded that the conflict that led to the crisis in Darfur arose from the tensions between nomadic farmers' groups who were competing for water and grazing land—both increasingly scarce due to the expanding Sahara Desert. The CFR Report noted that movement of drought-affected peoples from the desert edge to settle further south into Sudan, to encroach on pastures and nomadic routes of Darfurians contributed to exacerbating the conflict. The same conclusion was reached by the African Union High-Level Panel on Darfur (AUHIP) report, chaired by former South African president Thabo Mbeki, which noted that the interlocking factors contributing to the protracted nature of the conflict in Darfur. The AUPD Report noted that these interwoven elements included conflict over land, water, environmental decay, the breakdown of law and order, and the spillover of the conflict from neighboring countries, which was accompanied by flow of weaponry.

Despite these examples of water conflict, water could also serve to foster cooperation. The existence of several agreements over water clearly shows the potential for negotiated settlements in disputes over natural resources rather than violent conflict. The international dialogue around the use of the waters of the Nile between the ten countries through which it flows as well as ongoing cooperation in the Lake Chad basin indicates the potential of resources to be a source of cooperation rather than conflict.

The figure below shows the trends and patterns of violence and conflict in Lake Chad Basin:

Figure 4: Violent Conflict in the Lake Chad Basin



Source: ACLED (2015)

Despite the prevalence and likelihood of water conflict, there are significant efforts that have been undertaken to institutionalize water cooperation. A good example is the adoption of the United Nations Convention on Non-Navigational Uses of International Watercourses (1997). This international normative instrument established two key principles to guide the conduct of nations regarding shared watercourses, i.e. "equitable and reasonable use" and "the obligation not to cause significant harm" to neighbours. Similarly, within the Africa region, the adoption of normative instruments such as the SADC Protocol on Shared Watercourse Systems (1992), also indicates that African countries are seeing water as an avenue for collaborations. These normative instruments have been implemented through the establishment collaborative water commissions and basins is indicative of the move towards cooperation over water courses.

Case studies on water cooperation and water as an avenue for peacebuilding

Water can be used as a pathway to peace. Globally, there are various case studies were water has been used as a vehicle for promoting collaboration and cooperation among parties. The emergence of water collaboration as a norm is based on the reality that transboundary cooperation around water stems from a shared agenda for sustainable development, and a joint recognition of shared stress. In Africa, there are several transboundary basin initiatives which have been operating, which demonstrate that water can be an avenue for building trust and fostering dialogue. These transboundary water institutions have proven resilient, even in the context of stress and tensions around other issues. Examples of such transboundary institutions include the Nile Basin Initiative, the Lake Chad Basin Initiative, the Zambezi Watercourse Commission and the Limpopo Watercourse Commission, among others.

The Nile River is shared by 11 countries, namely Tanzania, Uganda, Rwanda, Burundi, the Democratic Republic of the Congo, Kenya, Ethiopia, Eritrea, South Sudan, Sudan, and Egypt. Many of these countries rely almost exclusively on the Nile as their source of freshwater. As water demands continue to rise, the need cooperative sustainable management of the trans-boundary water has become more compelling.

An example of a transboundary watercourse cooperative structure is the Nile Basin Initiative. Established in 1999, the Nile Basin Initiative (NBI) for instance is an intergovernmental partnership of Nile Basin countries to "*provide a forum for consultation and coordination among the Basin States for the sustainable management and development of the shared Nile Basin water and related resources for win-win benefits*" (NBI website).

Furthermore, the NBI is implementing a shared vision programme, including the Nile Transboundary Environmental Action Project to promote cooperation among the Nile Basin countries to protect water quality and ecosystems.

Similarly, in West Africa, the Niger Basin Authority (NBA), created in 1964, brings together the countries that are connected by the Niger River and its tributaries to promote cooperation among the Member States and to ensure an integrated development of the Niger Basin in the fields of energy, water resources, agriculture, animal husbandry, fishing and fisheries, forestry, transport, communications and industry. Other examples include the Lake Chad Basin Initiative, comprising of Cameroon, Chad, Niger and Nigeria, as well as the Senegal River Basin

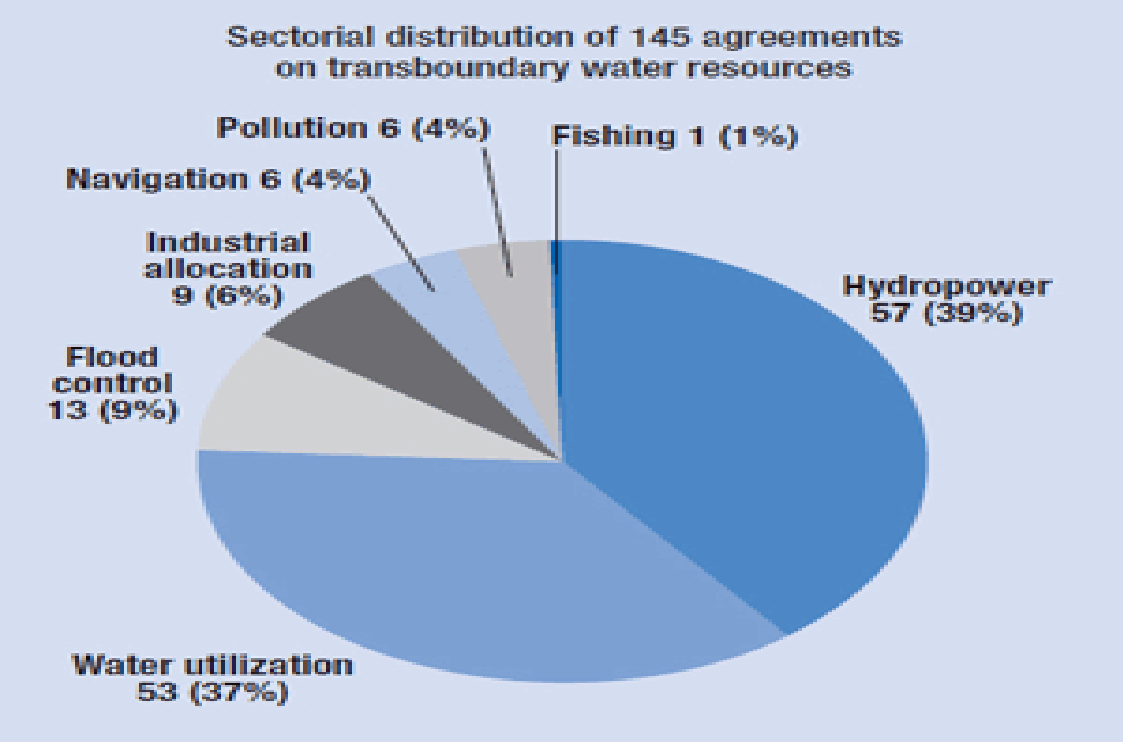
Organization.

In Southern Africa, the Zambezi Watercourse Commission (ZAMCOM) and Limpopo River Commission (LIMCOM) and the Okavango Water Commission (OKACOM) are examples of structures that have been established to promote cooperation over water courses. ZAMCOM brings together 8 Riparian states that share the Zambezi River Basin (Angola; Botswana, Namibia, Tanzania, Malawi, Mozambique; Zambia and Zimbabwe. ZAMCOM's goal is to assist the riparian States achieve regional cooperation and integration through sharing treasured benefits from the water resources of the Zambezi river basin. This is in recognition of the contribution that such cooperation could make towards the peace and prosperity of the basin and the Southern African region.

These basin-wide regimes have played critical roles in redressing imbalances in the institutional and legal framework governing water rights and allocation. Furthermore, such basin-wide collaborative frameworks seek to promote equity in the utilization of shared water resources, in addition to encouraging the search for equitable and sustainable solutions to water resources management. Overall, these case studies demonstrate how cooperation and relationship building has helped to resolve water disputes peacefully and agreeably between countries. Additionally, the joint management of water resources can also be used to foster trust between stakeholders, and such collaboration and cooperative processes that can grow beyond water issues. Furthermore, joint water management and negotiation platforms can foster the sharing of water-related infrastructure between and among countries.

The existence of transboundary water commissions and basins has buttressed notion of mutual interdependence is critical to the prospects of enhanced hydro-political cooperation over shared water resources. These river basins have played a significant role to promote mutual co-operation in the management of marine and riparian resources and have an even more a critical role to play in mitigating disputes and managing conflicts that arise. Thus, the principles and components of mediation can ameliorate and resolve issues before they polarize, and before each side digs into its position and stops listening to the other, creating wasted time and resources and even heightening regional conflict and danger.

Figure 5: Global Water Agreements on Transboundary Water Resources



Source: Human Development Report 2006. Beyond scarcity: Power, poverty and the global water crisis. Chapter 6. UNDP, 2006

2.3 Forests and Timber

Forests have diverse meanings and uses to a variety of local, national and global communities. The value of forests is found in the ecological, economic, cultural, physical and aesthetic realms. In general, forests are critical to local livelihoods, as they are sources of firewood, timber, flora and fauna. Forests play a key role in sustaining the livelihoods of local communities, especially women and the rural poor.

Additionally, forests are valuable to national and global economies. From a macro-perspective, forests are a global public good which provide forest carbon and biodiversity. These competing values can cause grievances and conflict, especially when some values are prioritized to the detriment of others. Because forests have multiple and often competing constituencies for commercial, subsistence and cultural uses, they are frequently the center of struggles over control of access and use.

According to the Fund for Peace (2010), quantitative evidence shows that countries with large amounts of forest (either in total area or as a proportion of national territory) are no more likely to experience civil war than those without forest. Extensive areas of the world's forests are found in failed states or countries assessed to be at moderate risk of becoming failed states. Examples of countries that have been cited as fitting this profile include Liberia, Sierra Leone and the Democratic Republic of Congo (DRC).

The correlation between forest cover and conflict emerges from various factors. First, the cash-generation from forest resources attracts outsiders who include profit-driven loggers and miners as well as refugees and/or participants in conflict. Timber is often described as a lootable natural resource. As a commodity that is easily accessible, easy to transport, versatile, lucrative, and necessary for

reconstruction and development, timber can play an important role in all stages of peace and conflict. These are the most well-known examples where timber and other forest products have also been used to fund other conflicts.

Liberia is one of the best-known examples of the central role that timber can play in conflict financing when lucrative forests are abundant and accessible, and a rebel or state group has the capacity for asserting strong territorial control over the forests, their extraction, transport and trade. Charles Taylor used territorial control over the Liberian forestry sector to enrich himself and to fund conflict, first as an insurgent (as leader of the national Patriotic Forces of Liberia, NPFL) and later as elected president (Blundell, 2010). Taylor also used forests for patronage, rewarding loyalists and businessmen willing to pay for access with lucrative logging concessions. One of most important of these was the Oriental Timber Corporation (OTC).

Similarly, the link between forests and conflicts in the DRC cannot be downplayed. The Congo Basin forest, most of which is in the DRC, is the second-largest area of dense tropical rainforest in the world, containing 25 percent of the world's remaining tropical forests, as well as a spectacular array of biodiversity. However, the DRC's forests are threatened by plunder and mismanagement. Timber logging for fuelwood, clearing forests for agriculture, poaching wildlife for bushmeat or the endangered species trade, and mining are degrading the forest at the rate of 2 million acres every year (USAID, 2005).

While deep forest coverage that is coupled with weak governance and existing grievances will increase the likelihood of armed conflict, this is not the only dimension of the forestry-conflict nexus. In fact, forest scarcity or depletion of forests is also a concern in the conflict and security sphere. Although forests cover 30 percent of the world's land area, 46 percent of the old growth forests have already been destroyed. Population growth and industrialization are destroying rainforests and causing environmental degradation. According to the World Wildlife Fund (WWF), between 2000 and 2012, forest cover in Tanzania shrank by 2 million hectares.)

Additionally, the quest for energy also contributes to the depletion of forests. In Somalia, the charcoal trade has become one of the most important economic sectors since the 1990s with significant exports to neighboring countries and even to the Gulf States and Saudi Arabia. Due to the lucrative nature of the trade in an otherwise resource-poor country, control over the charcoal trade has been hotly contested between different clans and insurgent groups. Additionally, depletion of forests in the quest for energy resources sets the scene for hostility between, communities traditionally resident in forests and individuals and groups depleting the forest resources.

Furthermore, illegal forestry activities are one of the potential drivers of violent conflicts over forest resources. Not only is illegal timber logging a major driver of forest degradation, but it also fosters vicious cycles of corruption and elite capture. Subsequently, illegal forestry activities end up harming the economies of timber-producing countries, and depriving governments from much-needed revenues that should benefit all citizens. A report by the United Nations Environment Programme (2014) notes that in east, central and west Africa, criminal groups make more money from selling illegal wood products – up to $9 billion annually. Illegal forestry is fueled by weak governance and corruption.

Forested territories are often remotely located from capital cities and there are usually populated by ethnic minorities whose rights are weakly recognized. Many impoverished ethnic minorities live in forested areas, and governments have historically neglected these regions and their people.

Consequently, these forested areas are poorly developed, and are characterized by low development outcomes. Because of these forms of exclusion, local populations in forested areas tend to have limited allegiance to governments and look to other groups to perform traditional government functions.

While the above discussion has lined forests to conflict, there are also examples of benefit sharing plans and community forest management that can provide positive lessons for peacemaking. The Zanzibar Declaration on Illegal Trade in Timber and Other Forest Products, signed at a global gathering on forests in South Africa, aims to improve communication between customs authorities and collaboration among forest officials from the east and southeast African nations.

In 2002, USAID established a regional framework known as the Congo Basin Forest Partnership. The partnership has led to the cooperation and collaboration of six countries—Cameroon, Central African Republic, Congo-Brazzaville, the DRC, Gabon, and Chad—in the responsible and environmentally friendly management of the forests. This regional framework seeks to stem the loss of the forest, which is currently disappearing at the rate 2 million acres per year under pressure from logging and farming, as well as the increased demand for bushmeat (USAID, 2005).

2.4 Fisheries conflict

The African continent is well endowed with fisheries resources, from the sea and inland waters Fisheries contribute significantly to nutrition and food security (Béné *et al*., 2016). They provide the main source of animal protein for some 200 million people on the African continent (Heck *et al*., 2007). Fisheries also provide a direct source of livelihoods to over 10 million Africans.

Fisheries-related conflicts encompass both conflicts over fish stocks as well as conflicts between different users of the fisheries space. It therefore includes conflicts between fishermen and the tourist industry over access and use of coastal areas, although such disputes are not necessarily triggered by fish as a resource. These typologies may reflect the complexity of conflicts in marine areas but differentiating between conflicts over fish as a natural resource.

The Fisheries Conflict Database (FCD) notes that fisheries-related conflicts are on the rise in both frequency and intensity. The Fisheries Conflict Database defines a Fisheries Dispute Event (FDE) as *an incident in which a fisheries resource is contested, disputed, or the source of conflict between a minimum of two human actors, at a discrete temporal moment, and in a discrete location*.

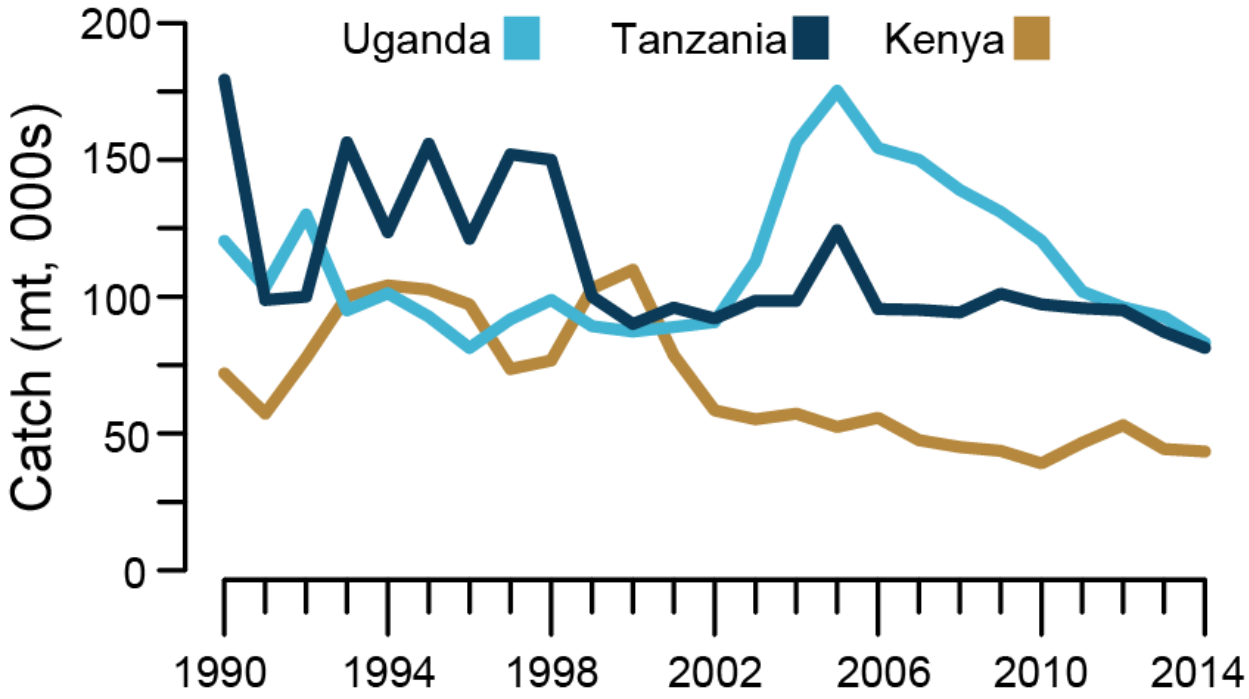
There are several causes of fisheries-related conflicts, and these include declining fish populations, rising demand for seafood, climate change (e.g. droughts, floods, storms) weak governance, poor maritime security as well as increase in illegal fishing activities. Furthermore, the illegal exploitation of African fisheries by foreign fishing companies is another factor that compounds conflicts over fisheries. A study undertaken in by the Marine Resources Assessment Group (2005) suggested that about a quarter of all fishing in Africa was illegal. Not only does illegal exploitation of fisheries in the continent deprive African governments of a highly valuable source of revenue, but it also contributes to declining rates of fish consumption. The expansion of foreign fishing in African waters has simultaneously caused declining availability of fish in local markets.

Fisheries and conflict are linked by a web of feedbacks between certain conditions in the human community and those in the natural resource. For example, forced migration and increasing refuges

flows from neighbouring Burundi and DRC have been cited as some of the contributors to the fisheries conflict in Tanzania.

The Lake Victoria basin, whose basin countries include Uganda, Kenya, Tanzania, Rwanda, and Burundi is one of the most densely populated regions in Africa. Population growth along the lakeshore nearly doubled (3.1 million to 6 million). Since 1989, the Lake Victoria basin has been one of the most conflict-affected regions in the world (Sundberg and Melander 2013). Major conflicts have occurred in some of the Lake Victoria countries, including Burundi, the Democratic Republic of the Congo, Rwanda, and Uganda. These conflicts caused widespread population displacement and impeded both economic and human development. According to the Uppsala Conflict Database, the numbers of internally displaced persons (IDPs) in Uganda, largely resulting from the conflict in northern Uganda with the Lord's Resistance Army, is strongly correlated with the reduction of fish stocks in Lake Victoria. The figure below shows the impact of violent conflict and displacement and fisheries stock in Uganda, Tanzania and Kenya.

Figure 6: Trends in catch of Nile perch and tilapia in Uganda, Kenya, and Tanzania



Source: ACLED, 2015

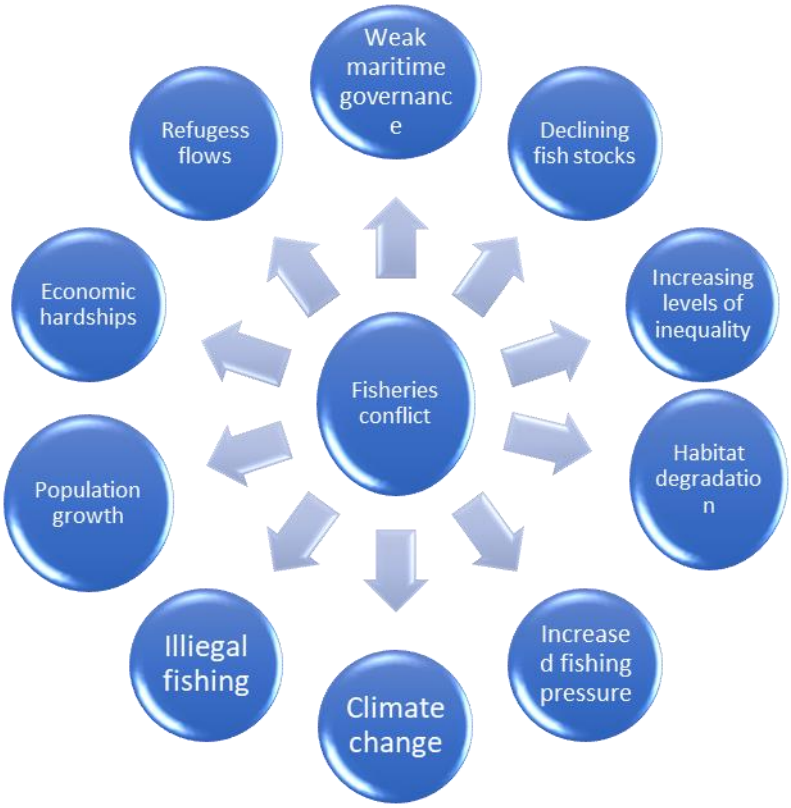
A study undertaken by the Fisheries Conflict Database notes that fisheries conflicts tend to be higher on the northern end of the narrow Lake Tanganyika, which Tanzania shares with Burundi and the Democratic Republic of the Congo. Furthermore, the civil war in northern Uganda, which resulted in mass human population displacement, corresponded in time with increases in fishing effort in Lake Victoria. This demonstrates that violent conflict affects food and livelihood security by spurring migration, both internally and across borders.

Additionally, fisheries conflicts in Lake Victoria have been experienced between Ugandan and Kenyan fishers, and these have led to security operations, confiscation of fishing gear, and imprisonment of hundreds of fishermen.

Increasing number of IDPs and subsequent pressure on fish stocks may have contributed to the rising tensions in the area over Nile perch catch and consternations of ownership of Migingo Island. The conflict over Migingo Island is the first conflict in Lake Victoria over fishing access that has grown to involve national governments and their security forces. The role of fisheries in the escalation of the Migingo conflict has been discussed by several scholars (Okumu 2010, Wekesa 2010). Declining catches of Nile perch have been identified as the central issue in the escalation of competing territorial claims over the Migingo. In fact, in 2009, the then Ugandan Fisheries Commissioner Wilson Mwanja stated: "*The [Migingo] conflict has always been there but was masked by abundant fish stocks. Now that they are declining, the conflicts are more glaring*," (Daily Nation 2009) suggesting declining catches explains why the disputed border had not become a contentious issue until the late-2000s.

The dispute between Kenya and Uganda over the Migingo island continued into late 2009, to the point that Rwandan President and EAC chairman Paul Kagame offered to mediate between the two parties. Since peaking in 2009, official tensions have waned, after a co-management solution was designed (New Vision, 204). However, sporadic violence between fishers has continued (Masaba and Odeng 2016). Below is a schematic outline of the various drivers of fisheries conflict:

Figure 7: Drivers of Fisheries Conflict in Lake Victoria



The existence of fisheries conflict has prompted initiatives that seek to improve governance of this natural resource. A good example is the joint initiative between the World Bank and the African

Development Bank, namely the Fisheries Transparency Initiative (FiTI). Several African countries are have shown commitment to implementing FiTI, including Mauritania and the Seychelles. FiTI attempts to bring together governments, representatives of the fishing industry, and civil society to publish and verify comprehensive data on the fisheries sector. Furthermore, the World funds the Africa's fisheries sector to support participatory governance, improve transparency in fisheries management and to strengthen the of small-scale fishers in decision making.

2.5 Agro-Pastoral Conflict

Across the African continent, from the Tuaregs of Mali to the Pokot of Kenya and Uganda, violence, inter-clan warfare and conflict are almost synonymous with livestock keeping populations and nomadic culture. The quest for grazing land in regions occupied by sedentary farmers has the potential to cause conflicts. Pastoralists who are deprived of access to their traditional grazing lands have no option but to seek new pastures and food sources and often come into conflict with sedentary farmers, which can lead to destruction of crops. This is one of the most frequent causes of agro-pastoral conflicts in many African regions. An example of such conflict can be found in the Turkana area of Kenya where violence over grazing land and cattle have claimed thousands of lives and caused instability.

According to the Kenya Human Rights Commission (2017), agro-pastoral conflicts have become increasingly violent, and often they are confounded by the proliferation of small arms and light weapons (SALWs). An indication of the escalating violence of agro-pastoral includes the incident which took place in Suguta Valley, Samburu District, in November 2012, where forty-two Kenyan Police SERVICE officers were killed in conflict with suspected cattle rustlers (Greiner 2013:216). Similar conflicts have taken place in various pastoral and agrarian communities in East Africa, including the Karamoja Cluster. In Northern Nigeria, competition between pastoralists and farmers has led to deadly conflicts over the last decades.

Usually, agro-pastoral conflict occurs at the local level, hence the term communal violence. This violence often occurs within communities, between local actors, and in some cases militia and insurgents. Sometimes the violence takes an ethnic or religious dimension, as different communities confront each other. An example of communal violence is cattle rustling which happens in many pastoral communities, especially in the Horn of Africa and inter-pastoral violence which is common in some parts of the Sahel. In the Horn of Africa, conflict in Turkana, Pokot, Wajir and Karamoja are a few examples of the agro-pastoral conflict.

The Wajir district in the North-Eastern Province of Kenya is confronted with scarce resources of water and vegetation. Most of the population are pastoralists who require extensive grazing areas to move with their animals in search for pasture and water. The potential for agro-pastoral conflict is exacerbated by tensions between the different clans.

However, agro-pastoral conflict is not only restricted to the communal level. In some cases, the effects of such conflicts are wide-reaching to the extent that they affect the national and regional levels. What often begins as violence between the two communities, the Pokot and Turkana often spirals into a regional conflict, which affects the neighbouring region, and which is supported by cross-border trading in smalls arms.

The causes of cattle rustling are many and often they tend to be inter-woven. Many African scholars argue that the recurring nature of pastoral conflicts is a product of the colonial legacy. During the colonial era, some ethnic pastoral communities were pushed out of their historical homelands to make

room for farmland (Murunga and Nasong'o 2007; Kanyinga 2009). Notablly, the Turkana and Pokot communities adapted to these colonial policies by adopting 'transhumance forms of pastoralism' in which they generally abandoned a nomadic lifestyle for themselves but maintained nomadic herding of cattle (Kenya Human Rights Commission 2010:11).

More recent causes of the agro-pastoral conflict include competition over grazing land. The region in which the Turkana and the Pokot reside is semi-arid, receiving little overall rainfall. Tensions and skirmishes between pastoralists and sedentary farmers can be enmeshed with land and water conflicts. Thus, the groups must fight over access to limited watering holes that are available to graze their cattle. This seems to confirm the notion that agro-pastoral conflict is an expression of competition over limited availability of resources such as grazing land and water.

Furthermore, climate change also plays a role in the pronounced nature of the conflict. Indeed, cattle rustling is also fueled by the need to restock livestock after suffering losses through drought or other natural disasters. Scholars note that violent raids increase during rainy seasons, as conflict actors compete over newly discovered aquifers. The frequency of raids and their level of violence increase with rainy seasons and recede with drought-like conditions (Witsenburg and Adano 2009:520).

Other reasons are socio-cultural in nature. Raiding of cattle among pastoralists was considered a cultural practice and was therefore sanctioned and controlled by elders. In some cases, the need to increasing wealth and the need to pay dowry is also cited as reasons for cattle rustling. Among pastoral communities such as the Pokot and the Turkana in Kenya, cattle rustling is an old practice. Since pastoralism revolves around livestock, the conflicts are predominantly about livestock and its related productive assets - water, land and pasture.

Increasingly, agro-pastoral conflict has become more violent, sophisticated and destructive due to the prevalence of modern small arms, and the commercialization of livestock raiding. Most of the illegal weapons originates from border areas of Uganda, Ethiopia, and Somalia. The weapons often manage to reach these pastoralist communities through criminal gangs, which further fuels regional violence (Kenya Human Rights Commission 2010:26). Thus, cattle rustling becomes profitable for these illegal arms traders, and leads to an extension of conflict throughout the region.

Because of the increase in cattle raiding, pastoralists are becoming more organized in the way they look for pasture, defend their water pans. The cattle herdsmen are usually armed, and this fuels violent conflict. This is exacerbated by the weak territorial control of Kenya's security forces in this region, which is compounded by poor infrastructure. The poor state of roads has undermined the effective presence of the state in the Turkana and Pokot region.

Other factors that confound agro-pastoral conflict include government policies, such as newly designating and zoning certain areas as wildlife parks and conservancies. The emergence of wildlife conservancies is a recent phenomenon which adds another dynamic to agro-pastoral conflict. Conservancies are a form of eco-tourism initiative, whereby the state designates attempts to encourage positive coexistence between local communities and wildlife. Over the last few years, conservancies have been set up in Turkan and Pokot.

However, these conservancies largely generate revenue for the owners, the County Governments, the Kenya Wildlife Service (KWS) and the few community associations that manage these conservancies. Because the rationale for conservancies was not full shared with communities, local actors, especially

pastoralists view conservancies as a nuisance. For the pastoralists, the demarcation of large blocks of land as conservancies is seen as denying their livestock suitable grazing opportunities as well as obstructing their traditional migration routes.

Furthermore, agro-pastoral conflict becomes more protracted when communal relations are politicized and when ethnic relations are instrumentalized. As the example of Kenya's Pokot and Turkana conflict has demonstrated, agro-pastoral conflict is no longer simply a form of localised competition over scarce natural resources but has rather become a manifestation of the generalised violence in the country's evolving and deeply divided politics. In fact, ethnicity and identity factors are just readily available instruments utilised by politicians and violent conflict financiers to mobilise young people into violence with the aim of causing deeper divides among the different ethnic groups.

Additional political dimensions to local agro-pastoral conflicts revolve around a long history of social, cultural, economic and political exclusion of these communities. Moreover, the politicisation of peacemaking processes has meant that pastoral conflicts have become quite intractable. This is confounded by limited political will to pursue sustainable peacemaking.

Furthermore, there are economic reasons that account for the recurring nature of agro-pastoral conflict. The Turkana and Pokot regions of Kenya are characterized by under- development, high rates of poverty and persistent insecurity. Chiefly, the actors in agro-pastoral conflict tend to be young men. This is accounted for by the high rates of unemployment as well as the quest for livelihoods. Poverty and high rates of unemployment push many young men into forming gangs for hire.

There are also economic motives for sustaining agro-pastoral conflict. Not only do supplies of small arms benefit from the continuation of this conflict, but there are other political elites who survive on patronage of the feuding ethnic groups. Furthermore, the discovery of oil deposits in the Turkana region close to the border of the Pokot community will likely exacerbate this conflict. Both regions laid claim to the deposits.

2.6 Extractives

Extractive natural resources are those resources that produce raw material, which is then processed to add value. Extractives can also be defined as metals, minerals, gemstones, aggregates, and other items that are extracted from the earth. In most countries, natural resources below the soil and offshore are owned by the state. Extraction of these resources can have a positive impact on a country's economic growth and development trajectory. However, harnessing the transformative potential of extractives is often met with challenges, especially in countries affected by fragility, corruption, poor governance, weak institutions, conflict and violence

Diamonds are the extractives that have received the most attention. Understandably, diamonds can be a powerful source of growth and poverty reduction. A good example which demonstrates how sustainable use of diamond resources can benefit the country is Botswana, which, for almost 50 years since the discovery of diamonds in this country, has recorded a growth rate comparable to the rates achieved by the most successful East Asian countries.

However, diamonds can also be linked to conflict especially if they are not managed well. They have been used by several rebel groups in Africa as a source of income, including groups in Angola and Sierra Leone. They are not only easy to extract, but they are easy to transport and market. Some Most of the illicitly extracted diamonds are difficult to trace.

Oil is also one of the extractives whose interaction with conflict has been quite profound. Many of the world's largest petroleum reserves are in areas suffering from political instability or conflict, such as Iran, Iraq, Nigeria, Venezuela, South Sudan and Sudan. Thus, the value and demand for fuel, especially petroleum, allows conflicts in these areas to have an impact on the global economy.

On the other hand, the developed world's increasing demand for oil can exacerbate existing conflicts. The "new scramble for Africa" provides evidence of how increasing consumerism in the Global North and East drives natural resources exploitation in the Global South. The "new scramble for Africa" describes a similar process of the attempts by external countries to repossess Africa's economic, political, cultural, social as well as strategic resources, without necessarily establishing political authority. The reasons for this "new scramble for Africa" are manifold and they include the desire to access Africa's natural resources and markets as well as the interest in controlling strategic resources such as ports and security architecture.

Next to solid minerals, the natural resource whose linkage with conflicts has generated perhaps nearly as much interest and attention in Africa is oil. This is due to several factors, including the resource's high degree of profitability, and the importance of oil in the energy sector. However, conflicts over oil are wide-ranging, and some of them have emerged from the environmental consequences of its exploration. At the national and sub-national levels, conflicts over oil and gas emerge for various reasons including unclear or non-existent oil revenue allocation mechanisms, leading to tensions between the oil industry and the local population.

The nexus between oil and conflict can sometimes be compounded by the complex ethnic interactions in the regions where oil and gas have been found. Furthermore, when oil fields and pipelines frequently cross borders, this often contributes to tensions. For example, the discovery of offshore hydrocarbon deposits in shared waters with neighboring Somalia brought to the fore a long, unresolved border dispute with Kenya Gilblom, 2012). Furthermore, onshore oil blocks located in Kenya's Mandera Basin that extend into neighboring Somalia's Mandera-Lugh oil area could also be potentially contentious (Petzet, 2011).

There are also envisaged challenges of exploitation of oil in the Ogaden Basin. The Ogaden National Liberation Front (ONLF) has been cited for past fatal attacks and intimidation of oil operators in the Ogaden region, which is estimated to hold around four trillion cubic feet of natural gas and is just across the border with Kenya.

Additionally, the international nature of oil politics, and role in the ethno-political and socio-economic affairs of the oil endowed countries are factors that have cumulatively served to reinforce the links between oil and conflict. However, in recent years, there seems to be growing awareness of the inequities in oil landscape, given that several local communities have indicated that they are not benefiting from the oil exploration.

Case studies of Extractives-based Conflicts in Africa

Nigeria: Niger Delta Conflict relating to oil and gas mining

Niger Delta emerges of one of the most popular and protracted conflicts surrounding natural resources, which are considered extractives. In 1957, an oil company, Shell, discovered oil in

Ogoniland and began mining operations as the Shell Petroleum Development Company of Nigeria Ltd (SPDC), hereinafter known as Shell.[1] Although there are other oil companies operating in Nigeria,[2] Shell has held the longest and largest oil exploration rights in Nigeria since then.

However, while so much wealth is derived from the Niger Delta region, the scourge of poverty in the region is grim with people lacking basic needs for human survival, and the environment is wilfully and constantly degraded by oil companies. 70 per cent of the oil produced in Nigeria comes from the Niger Delta. However, the ethnic minorities of the region (who are heterogenous),[3] collectively feel alienated from the oil proceeds.

Perennially, successive regimes in Nigeria, struggled to translate the enormous taxes and royalties accruing from the resources exploited from the Niger Delta region into wealth generation and empowerment for the local populations. Furthermore, the fact that the livelihoods of the locals in the Niger Delta began to be threated by oil exploitation also contributed to the conflict between local communities, oil companies and the Government. The locals in the Niger Delta largely depend on fishing and small-scale farming. The tensions between soon manifested into growing resentment and oftentimes violent agitation among the various peoples of the Niger Delta, especially youth militant groups.

The extensive oil contamination in the Niger Delta is considered one of the principal drivers of ongoing social unrest and violence in Ogoniland. The severe environmental damage threatens human health and has destroyed thousands of livelihoods across the delta region, with water and air pollution related to oil industry operations affecting close to one million people. Once considered arable land, vast farmlands in the Niger Delta have been turned into unproductive resources, characterized by damage to land has been done to marine life, leading to loss of livelihoods for communities who depend on fishing.

Several organised and well-coordinated civil society groups with varying degrees of demands and approaches to the struggle against Shell and other conglomerates had emerged in the Niger Delta.
Prominent among these were the Movement for the Survival of Ogoni Peoples (MOSOP), led by the Kenule Saro Wiwa.[4] Apart from MOSOP, the Niger Delta had several other coordinated

[1] SPDC is the largest private-sector oil and gas company in Nigeria. It is the operator of a joint venture between the government-owned Nigerian National Petroleum Corporation – NNPC (55%), Shell (30%), Elf Petroleum Nigeria Limited – a subsidiary of Total (10%), and Agip (5%).

[2] Apart from Shell, other transnational oil companies in the Niger Delta include ChevronTexaco, Elf, Total, ExxonMobil, Agip, and Amoco, among others. These companies were attracted to the region by the exceptionally premium Nigerian crude oil, because it needs less refining than oil from other fields.

[3] The population of the Niger Delta is estimated to be approximately twelve million people, most of whom are heterogeneous. They include the Izons (Ijaws), Isokos, Urhobos, Itsekiris, Ilajes, Ogonis, Andonis, Ibibios, Orons, Efiks, Anangs, Bekwaras, Ejaghams, Ekpeyes, Ikwerres, and many other splinter groups, spawning the eight littoral states of Nigeria.

[4] The Nigerian State arrested environmental rights activist and MOSOP leader, Kenule Saro Wiwa, on charges of conspiracy and murder of four Ogoni chiefs. Despite the massive protestations and of local and international media to trumped up charges against Saro Wiwa and eight others, the Nigerian government went ahead to execute the nine activists. Saro Wiwa and eight other activists were executed in November 1995. However, this execution act had grave consequences for the corporate image of Shell and the Nigerian government.

social movements demanding for human rights, accountability by Shell. The 1990s witnessed more concerted unrests, as civil society and youth groups mobilized a synchronized platform of popular struggle and articulated their demands to both the government and Shell.

While these civic protests were originally non-violent, over time the growing unmet demands and the brutal state response and repression, cumulatively led to violence. The Niger Delta People's Volunteer Force (NDPVF) and the Movement for the Emancipation of the Niger Delta (MEND) later emerged as groups generally impatient with the non-violent approaches of the groups listed above. These two later groups adopted guerrilla tactics of negotiation, including kidnapping of employees of the transnational oil companies, bunkering of oil pipelines, seizure of oil rigs and installations, interruption of oil production processes, armed confrontation with state security forces, and general militarised operations (Bentley et al. 2010).

Amid widespread protests and violence in the Ogoniland area, as local communities challenged the extensive oil contamination of their region by oil mining operations, Shell lost its social license to operate, and was forced to abandon its operation in 1993, leaving equipment worth billions of USD stranded, and losing billions more in revenue.

Oil Conflict in Turkana, Kenya

The recent discovery of oil and gas comes in Kenya, if well-managed, is expected contribute to the country's socio-economic transformation. Oil and gas are expected to provide the much-needed financial foundations necessary for a successful transition from a state that used to be characterized by institutional fragility and internal conflict to a middle-income, peaceful democracy. In fact, the discovery or oil and gas in Kenya is lauded to have potential for steering the entire Eastern Africa region towards long-term, sustainable economic growth (*The Economist*, 2013).

However, the discovery of oil and gas in Turkana has not been without challenges. First, deep-rooted economic and ethnic inequalities, especially in the areas where oil and gas reserves are located, are one of the main challenges to Kenya's socio-economic and political transformation. Kenya remains one of the world's most unequal countries and this has always been the source of many grievances. Turkana is one of the remote and most marginalized Turkana region, where communities depend on emergency aid during droughts.

It is worth mentioning that Kenya's oil and gas reserves are in found areas that have been historically prone to conflict over scarce resources, such as land and water. Violent competition for these has always existed in what is commonly known as Northern Kenya, which encompasses almost 80% of the country's land mass, and consists mostly of arid and semi-arid Lands (ASALs). Frequent droughts, intensified in recent years by climate change have stressed rivalries over water and land in the ASALs. The conflicts over oil and gas tend to be conflated with other existing older conflicts. The discovery of oil and gas in Turkan will likely further intensify the ongoing violent clashes between the Pokot and Turkana peoples, which have taken place since colonial times, mainly over cattle and scarce land. Additionally, ASALs tend to be neglected in socio-economic and development processes.

The political economy of extractives is a salient feature whenever discoveries of such minerals are made. As soon as oil and gas discoveries were made in Kenya, communities living in the areas where oil has been found have already started to position themselves, to ensure they will get a fair share of the oil revenues. In Turkana, as soon as news of the oil discoveries were made public, local communities started to mobilize to actively demand a share of future royalties. Various civil society organizations were created to defend the rights of communities living in future hydrocarbon-producing areas.

Allegations of corruption also impede sustainable expropriation of oil and gas in Kenya. Already, there are allegations of corruption by authorities, particularly at national and sub-national levels in new oil and gas producing areas. In some instances, local populations and civil society organizations have repeatedly complained about the lack of transparency in the deals that are negotiated by political and economic elites.

The other challenge is that Kenya's oil and gas-rich regions happen to have been affected by the proliferation of small arms and light weapons (SALWs). Researchers have noted the presence of an unusually high number of illegal weapons in the new oil areas, and the other is the proximity of hydrocarbon reserves to neighboring countries that have unresolved border disputes with Kenya.

Furthermore, porous borders and unsettled trans-boundary disputes have already created tensions surrounding exploration for Kenya's oil and gas. Unsettled trans-boundary disputes also extend to northern Kenya's oil-rich Turkana region, which is close to the so-called Ilemi triangle.

Additionally, the lack of institutional frameworks to manage the significant oil and gas resources could also play a role in the conflicts. Admittedly, Kenya is still in the initial stages of building a new institutional framework governing the exploitation and management of natural resources. Kenya has engaged in the upgrading of the two main laws that govern the oil and gas sector: The Kenyan Government is in the process of reviewing and amending the Petroleum (Exploration and Production) Act and the Energy Act of 2006. The Petroleum Act regulates the negotiation of oil contracts between the government and the oil companies, and the Energy Act sets the rules that govern the country's energy industry, including the controversial distribution of oil and gas revenues.

As of now, oil and gas exploration licenses were given by the Ministry of Energy as part of bilateral negotiations with companies, in a process largely criticized by the civil society for its lack of transparency. The government has expressed its intention of modifying this *modus operandi* by incorporating in revised laws participatory bidding processes for granting hydrocarbon licenses.

Overall, if oil and gas revenues are not well managed, the likelihood of conflict in Kenya would be very high, particularly considering historic inequalities and ethnic differences, and in a context of unsettled border conflicts and easy access to small arms and light weapons.

Coltan Mining in the Democratic Republic of Congo

Coltan is the short name for columbite–tantalite. Coltan is largely mined in the Eastern part

of the Democratic Republic of Congo. Coltan is a rare metallic ore used to produce electronic goods of mass consumption, such as mobile phones, laptops, computers, as well as machinery used in health services and nuclear reactors. The technology boom in the late 1990's created a heightened need for this precious metal and, in turn, coltan prices surged. The demand for Coltan by western industries reached its peak at the end of 2000 when new technologies for mobile phones and other electronic devices demanded micro-chips that could mostly be derived from coltan.

While coltan cannot singularly explain the factors that drove and sustained the war in DRC, it certainly contributes to its protracted nature especially in the Eastern part of the country. This analysis concurs with the resource curse thesis which argues that natural resources, especially lootable ones provide an incentive for war, and their commercialization yields the resources that fund it. A 2008 Report by an Independent Panel of Experts on the Exploitation of Natural Resources noted for decades, companies in industrialized countries, especially in the West have continued to purchase Coltan despite war and lawlessness in the DRC.

The resulting power struggles over this valuable ore, combined with the weakness of the Congolese state has contributed to the protracted nature of conflict and political turmoil in the country. Even though Coltan is not the only cause of the Congolese war, it has been a core problem with neighboring countries, especially Rwanda. Additionally, the lootable nature of most mineral resources (coltan included) have meant that it is easy to extract and transport, even using informal systems of trade. It is the trafficking of minerals and resources through the regional neighbors that makes for a strong informal trade route out of the eastern DRC which benefited greatly from the conflict.

The sale of coltan has provided a major source of revenue for rebel groups such as the Tutsi-dominated rebel group, the Congress for the Defence of the People (CNDP) and the Hutu-dominated, Democratic Forces for the Liberation of Rwanda (FDLR).

Despite the capacities of extractives to contribute to conflict, these resources also put a premium on cross-border cooperation. In fact, protests by non-governmental organizations (NGOs) and other concerned groups in the 1990s, as well as numerous reports by the *UN Panel of Experts on Natural Resources and Conflict*, cumulatively helped to spotlight the nexus between mineral resources and brutal human rights violations. This led to efforts by the international community to develop a certification system that has helped curb their presence in the international market. There have also been proposals to develop a "fingerprinting" system that would define chemical impurities unique to each mining site; a national database would track each consignment of minerals.

CHAPTER 3: CONCEPTUALIZING MEDIATION

3.0 Overview of the Chapter

This chapter provides an overview of the concept of mediation and outlines the rationale for mediation while also paying attention to the complexity of mediation processes. It describes mediation as a mechanism for conflict resolution, while distinguishing it from other approaches to conflict resolution. The chapter provides an outline of the added value and the rationale for engaging in mediation, while specifying the benefits of this process, including examining the key features and principles of mediation. Furthermore, the chapter presents a discussion on the core skills and values that are imbued during mediation. In addition, the various approaches, styles and forms of mediation, including the various, multiple and often complex roles of mediators are critically examined.

3.1 Unpacking Mediation

Mediation is the process of intervening in a conflict by a third party, who is acceptable to all the parties in the conflict. The mediator is supposed to be impartial and legitimate. Mediation is a voluntary and non-intrusive process which allows parties to own the process. During the process, the mediator assists the parties to communicate effectively and manages the process and relationship dynamics.

Mediation is defined as *"the intervention into a dispute or negotiation by an acceptable, impartial and neutral third party who has no authoritative decision- making power. This person assists contending parties to voluntarily reach their own mutually acceptable agreement"* (Moore, 2004, p.15*).*

Mediation is a non-adversarial and non-intrusive approach to resolving conflict. The role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options that meet the interests or needs of all relevant parties to resolve the conflict. In mediation, an accepted, impartial and credible third party, acts with the consent of the parties to facilitate a process of dialogue which is designed to help the parties to find solutions to their disputes.

The UN describes mediation as "*a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements* (UN Guidance for Effective Mediation 2012)

Fisher (2008) emphasizes that mediation requires a skilled and impartial intermediary working to facilitate a process that would allow parties to discuss the substance of the dispute between them. Mediation requires a special set of skills, strategies, tactics and expertise to allow parties to move from 'enemy mode' towards regarding themselves as collaborative partners. The goal of mediation is usually to achieve a compromise or a settlement of issues between conflicting parties (Mitchell, 2002).

Mediation is one of the forms of third party interventions to conflict. Within the ambit of third party interventions, there are coercive and non-coercive methods of conflict resolution. This distinction is based on the continuum of power along which third-party actors have the capacity to influence the outcome of the process.

- *Coercive methods of conflict resolution* are those in which the third party is powerful and has the mandate to impose a solution to the disputants. Such coercive methods include arbitration and adjudication. While parties can choose the arbitrator or adjudicator, the decision made is usually binding

- *Non-coercive methods of third party interventions* are those which involve intermediaries who have no mandate to impose their solutions to the disputants, but who seek to influence the parties through collaborative engagement. Such third parties only play the role of creating a conducive environment for communication and joint exchanges, ensuring that parties have the necessary tools and platform to reasonably address the issues before them. Examples of non-coercive third-party intervention methods include mediation, facilitation, dialogue, conciliation and problem-solving.

Although mediation can be considered the most common form of third-party intervention, in including conciliation, dialogue, good offices, preventive diplomacy and negotiation. Mediation is therefore a specialized endeavor which requires both the science and art. As a science, mediation can be learned and embellished through training, practice as well as through undergoing capacity building processes. As an art, mediation requires social skills and political competencies that are not necessarily products of scientific education. These social skills and political competencies can be derived from the status and positions that parties hold in society.

3.2 The Added Value of Mediation over Natural Resources

There are several reasons for advancing the employment of mediation in conflict interventions, especially over natural resources disputes. The rationale for using mediation to resolve natural resources-based conflicts can be summarized as follows:

- *Mediation is a voluntary process*: Mediation depends on prior agreement of parties to a dispute to accept the intervention. Decision making power is in the hands of parties. Mediation is a useful strategy for conflict resolution mostly because of its *non-intrusive* nature. Mediation is essentially a non-coercive, non-violent and ultimately non-bonding form of intervention, and it is the continuation of negotiation by facilitated means.

- *Mediation is empowering*: Parties to the conflict are left with a high degree of autonomy, independence and relative freedom, while the mediator has limited input on the content and substantive issues of the agreement. Generally, the mediator will focus on the process, structuring and supporting it, while the content level is left to the attention of conflict parties and experts. By leaving parties as key agents in the driving seat of the crafting of the peace agreement, mediation tends to result in agreements that are more likely to be considered as legitimate and sustainable.

- *Natural Resource Disputes are more amendable to mediation:* Because of their tangible nature, natural resources disputes are more prone to win-win solutions, compared to conflicts that are rooted in ideology and values. Compared to value-driven conflicts, such as conflicts over identity, ideology and value-differences, natural resources disputes can be characterized as tangible disputes. When it comes to natural resources, it is possible to find consensus and build alliances over the natural resources in question. This is because natural resources have the potential to connect groups and individuals.

Furthermore, because of the economic incentives involving natural resources, it is possible for parties in the conflict to transcend their differences and divides Mediation is ideally suited for the resolution of many oil and gas disputes especially because these disputes will be between parties who have a continuing relationship. Because mediation is less adversarial and coercive than litigation or arbitration, it offers the parties the opportunity to forge a settlement of their differences on a mutually acceptable basis. A mediated agreement may serve to avoid a situation in which one party is so bitter from the outcome of the adjudicative process that the parties' relationship is forever tarnished.

- *Mediation is relatively more cost-effective*: Compared to other approaches to conflict resolution, when it comes to natural resources, mediation is often regarded as *cost effective*, or much cheaper than other forms of dealing with conflict. For example, mediation is more cost-effective compared to litigation, adjudication and arbitration. Not only is litigation costly and time consuming, but it entails significant material and technical efforts. Litigation cases over natural resources often require extensive factual investigations, including numerous witnesses. Furthermore, considerable and complex legal research is required, especially regarding the evolving nature of environmental legal precedent. Lawyers that prosecute or defend environmental cases typically review many documents, take extensive depositions, commit long hours to the effort, and charge huge bills.

- *Mediation is both an art and a science*: While mediation requires substantive knowledge of the disputes, and the issues, it is not too technical. Rather, mediation over natural resources seeks to find common ground, and to facilitate a "win-win" outcome, rather than to emerge with the "correctness" of the situation. The mediator does not necessarily need to be a subject expert but should instead be more skilled in facilitating constructive conversations between parties to ensure that effective dialogue takes place.

- *Mediation addresses conflict before they become violent*: Unlike reactive approaches to conflict interventions, mediation can be used preventively. For example, peace support operations which are more reactive in nature require huge infrastructure in terms of human resources, equipment and resources. Peacekeeping involves the deployment of military, policy and civilian components to conflict zones to ensure that the violence does not continue to escalate. Because mediation can be employed as a conflict prevention strategy, i.e. preventive diplomacy, it averts the several economic costs that are associated with conflict.

- *Mediation is likely to promote sustainable peace*: Another reason why mediation is often advanced as a strategy for dealing with conflict is because of its effective nature. Mediation is often considered as a sustainable conflict resolution strategy, which is not only likely to result in reduction of tensions between parties but is also likely to provide a platform for parties to dialogue about their perceptions regarding the nature, causes, dynamics and direction of the conflict. In so doing, mediation facilitates a conversation between conflict parties, which will likely lead to the demystification of existing stereotypes about the 'Other.'

- *Mediation emphasizes win-win outcomes:* Mediation is often described as, consensus-oriented because it focuses on integrative solutions. To this end, mediation often tends to produce results that are usually sustainable. The goal of mediation is to find amiable solutions to the conflict, to which all the conflict parties can agree. The emphasis on mutually satisfying

outcomes of the mediation process has the likelihood of avoiding a sense of disillusionment and dissatisfaction among the parties. If the conflict parties in a mediation process emerge from the agreement with grievances, the chance of a relapse of the conflict are very high.

- *Mediation is empowering to parties to the conflict*: First, the mediator must be *acceptable* to conflict parties, which ensures that there is relative cooperation during the process. Second, during mediation, parties are in control of the substantive and procedural aspects of the process, i.e. the structure, content and substance of the discussions. Because of the acceptability of the mediator, parties are more likely to commit to the process. Mediation therefore promotes ownership to the solution to conflict and will likely foster the desire by parties to fully implement the peace agreement, and this will ultimately and hopefully promote sustainable and lasting peace.

- *Mediation promotes reconciliation*: Mediation not only resolves a conflict but can also be used as a platform to promote reconciliation between the conflict parties. During the mediation process, parties discuss the conflict, causes of the conflict and the underlying issues to their dispute. In so doing, the parties might end up discussing and exploring the root causes of the conflict and ultimately seeking to accommodate each other's interests and needs. Mediation is particularly important when parties have relationships to maintain beyond the dispute resolution. Because of its integrative and transformative nature, mediation allows parties to salvage their relationship and to be able to engage with each other even after the conflict has been settled.

- *Mediation is transformative*: During mediation, it is possible to change the behaviour of conflict parties after a facilitated process that allows them to jointly communicate about the conflict. In most cases, mediators bring their commitment, optimism and vision into the interaction between parties. Mediators operate on the belief that if the right process is employed, it is possible to transform people, their attitudes, mindsets and behavior. Mediation process can contribute to establishing and maintaining a long-term sustainable relationship between the parties, for example through the joint management of resources and information- sharing around such resources.

- *Mediators often tend to humanize the engagement between parties*: By so doing, mediation is preferred as a method for conflict resolution because it allows the mediator to enhance the communication process between parties. During a mediation processes, the mediator employs their skills to control the structure and processes of engagement between parties. Mediators also positively influence the way the conflict is expressed by parties, including the language and decorum of the actors. As a result, mediation, to a large extent modifies how conflict is expressed and finally resolved.

- *Mediation is open to being undertaken by diverse range of actors:* There is no monopoly in the mediation landscape as mediation can be conducted by a wide range of actors including Heads of State, diplomats, regional economic communities, international bodies, civil society organisations and faith-based organisations. The relative ease of access into the arena of mediation makes it an attractive strategy for resolving conflict.

- *Mediation is used cross-culturally*: All cultures, societies or nations have mechanisms for enabling dialogue between groups and for mediating disputes. This means that mediation

processes exist in any culture and any environment. The ubiquitous nature of mediation provides an indication that this approach to conflict resolution has found resonance among many communities. Additionally, mediation, as an approach to resolving conflict can be used for many types and different forms of conflict.

- *Mediation converges with local infrastructures for peace*: Mediation can be incorporated into existing local and traditional processes and institutions for building consensus and resolving resource disputes. Mediation over natural resources can offer opportunities for integrating natural resource aspects and considerations into conflict resolution processes, especially if the mediation processes are inclusive and incorporate the participation of specific groups such as women, youths, persons with disabilities, indigenous communities and the socially disadvantaged.

- *Mediation complements other conflict resolution processes***:** Mediation works well with many techniques that seek to added natural resource disputes. For example, mediation can complement other peacebuilding tools (e.g. dialogue, negotiation and stakeholder consultations. To this end, mediation should not be viewed as the only tool in the toolkit when facing complex resource disputes.

3.3. Elements and Principles of Mediation

- Consent: Mediation is a voluntary process, which means that parties must consent to the mediation process, and to the choice of the mediator;
- Consensus-oriented: Mediation is based on integrative solutions to conflict, whereby parties agree on processes and approaches towards finding solutions to their conflict. Mediation is not adversarial but seeks to ensure that there are mutually satisfying outcomes for the parties involved.
- Credibility: Parties must have confidence in the credibility of the mediator or the institution which the mediator is representing;
- Impartiality: This means that during the process of facilitating the mediation, the mediator must conduct his or her duties without favour, and there must not be situations of3perceived bias.
- Preparedness: The mediator should be sufficiently prepared for mediation processes by undertaking in the necessary preparatory process which include research, conflict analysis, knowledge building and preparation of the conflict actors.
- Ownership: The mediator's role is to facilitate the dialogue between parties, which means that parties own the process and the substantive aspects of the mediation. Because parties have a sense of self-determination, the mediator does not decide the outcome of the mediation process, but merely acts as an agent who assists parties to dialogue and to focus on the important issues that are needed to reach a resolution. Thus, ownership of the agenda in mediation and negotiation processes notably belongs to the conflict parties, and by extension to the communities and the people who are affected by the conflict.

3.4 Actors in Mediation

The mediation landscape reflects a myriad of actors who are engaged in official and unofficial capacities. Increasingly, there are many actors who are involved in mediation processes, and these bring various strengths. Mitchell (1997, p. 140) views mediation as a "*…complex process, to which many entities might contribute, simultaneously or consecutively*..." Such actors who engage in mediation include the following:

- **Individuals:** In some cases, a mediator can be an individual who does not have an official role, or who does not represent his/her country in any capacity. In other cases, mediators can be individuals who have passion and commitment towards the restoration of peace, often find themselves engaging in mediation processes or supporting official mediation processes. In this category, one also finds personalities such as Heads of State, former Heads of States, professional mediators, mediation experts as key players in individual-led mediation processes.

- **International bodies and Regional Mechanisms**: Increasingly, international multilateral institutions and regional mechanisms are the chief actors in mediation. The mediation process presents an opportunity for coordinated and coherent approach in supporting mediated settlement to end a conflict. External actors often help with assisting to secure an environment with ripe conditions for the success of mediation. Often these institutions give the mediation mandate to a special envoy, representatives or team of envoys. The United Nations, African Union and RECs such COMESA have in the past deployed several representatives, special envoys and eminent personalities to mediate in conflict situations.

Case Studies: Examples of International and Regional Actors involved in Mediation in Natural Resource Conflict

UNEP in the Oil/ Environment Conflict in the Niger Delta

An example of an international actor that has mediated in natural resource conflict include the United Nations Environmental Programme (UNEP), which played a key role mediating the conflict between oil companies, the state and local groups in the Niger Delta. UNEP played a role in organizing shuttle diplomacy sessions, which were critical towards building confidence of the stakeholders to participate in the mediation process.

UN-Habitat Involvement in Land Mediation in DRC

Additionally, the UN Human Settlements Programme (UN-Habitat) has been engaged in local level mediation of land conflict in the DRC since 2009. UN-Habitat manages a programme which attempts to address land disputes in several DRC provinces. The programme aims to prevent and reduce land conflicts by deploying teams of mobile local mediators, combined with community land mediation centres, in key conflict areas. This offers a forum for community members to submit land claims and to receive information on issues relating to tenure and land use.

USA Mediation in Egypt and Ethiopia Dispute on the Nile River

Another international actor that has mediated over a natural resource conflict is the World Bank, alongside the United States of America, which have supported talks between Ethiopia and Egypt over the Nile River. These talks emerged in the context of construction of the Grand Ethiopian Renaissance Dam along the Nile River. Technical information surrounding the Nile River is generated by experts who include the Intergovernmental Panel on Climate Change.

- **States and Heads of State**: In some cases, mediation processes can be led by states or countries which have a vested interest in ending the conflict. States, both large and small, frequently have

reason or motive to mediate in conflicts, especially when these are in their region or where they may have some interests to promote or protect. Such countries can be neighbors or can even be far away from the conflict geography, yet they have an interest in intervening in the conflict.

- **Faith-based institutions**: Faith-based organizations (FBOs) are entities whose values and membership are based on shared faith and/or beliefs. FBOs often draw their members from people who share a similar faith of belief system. An example of the role of FBOs in mediation of natural resources is the inter-religious dialogue on pastoral conflict. Additionally, FBOs are often able to transcend their differences in faith and instead to focus on shared humanity. According to Ashafa et al (2006), religious concepts of justice, compassion, public life, service, forgiveness and redemption have often helped societies to address the shattering and divisive consequences of violent conflict. This element of being able to see beyond their differences has resulted in numerous inter-faith-based initiatives that have stood above the ethnic, political and religious differences to bring people and protagonists together. A good example is the role of the Inter-Religious Council of Uganda in mediating conflicts in the Karamoja Cluster.

- **Traditional Institutions:** As The continuing involvement of traditional institutions in conflict prevention is also because these mechanisms are part of the socio-cultural and political milieu, and it thus become natural that they should be involved in efforts to ensure that their communities are stable. Traditional institutions are diverse, but their defining features include their endogeneity and the fact that they are often rooted in the culture of the areas where they operate. Increasingly, traditional institutions are becoming involved in mediation and negotiation over natural resources. The jurisdiction of traditional institutions is equally diverse and expansive. Some preside over land and boundary disputes, while others even preside over criminal cases, as well as cases of human rights violations and mass atrocities.

Role of Traditional Institutions in Mediation of Natural Resource Conflict

Traditional institutions refer to those indigenous socio-political arrangements, whose leaders are either installed, appointed or elected by the community members. In some cases, traditional leaders inherit their positions because of the issue of lineage tracing. However, the essence of traditional institutions is that they exist to preserve the customs and traditions of the people, maintain social equilibrium and manage and resolve conflicts as they arise. Zartman (2000) and Lederach (1997) underscore the necessity of traditional institutions in conflict resolution because of their responsiveness to local realities. Furthermore, traditional institutions remain pertinent in conflict prevention because of their ability to exert some form of social control on community members.

Traditional institutions include Chiefs, Chiefs Council, Elders, as well as those elected and nominated by community members, such as the *B*ashingantahe in Burundi (Mutisi, 2011). *Bashingantah*e refers to persons of integrity who are responsible for resolving conflict and managing community disputes. In their origin, *Bashingantahe* were not conferred by an administrative authority, but they were selected by community members on the basis of the quality of their lifestyle, which embodied integrity, justice and good rapport (*Naniwe- Kaburahe*, 2008; Huyse and Salter, 2008). The Bashingantahe in Burundi play a prominent role in mediating land conflict, and they work closely with the National

Commission on Land and Other Properties (CNTB).

What makes traditional institutions so important in mediation of natural resource conflicts is the social and political capital that they possess, coupled with cultural prevention. Furthermore, in most instances, traditional institutions seem to have unconditional validity, acceptability and relevance in their specific social settings. There are many examples where traditional leaders have played significant roles in mass atrocity prevention.

In Somalia, the traditional mechanisms for resolving natural resource disputes is known as the *Xeer* system. This is a customary legal framework that developed in Somalia as early as the seventh century. It has survived both European colonization and the collapse of the Somali state
in 1991. Under *Xeer* no single authority authorizes a unitary legal code; instead, judges determine the best way to resolve a dispute. The advantage of the *Xeer* system is that it is relatively simple, familiar, transparent and accessible to those who wish to use it.

In Somaliland, the role of the *guurti (House of Elders),* who are traditional elders involved in conflict resolution, is a critical element of the natural resource dispute resolution architecture (Leiti, 2017; Barawani (2017)

In Botswana, the role of traditional institutions in natural resources dispute resolution is epitomized by the *kogtla,* which is recognized under law. The *kogtla* is a traditional institution made up of elders, and it plays various roles, including conflict prevention, dialogue, peacebuilding and reconciliation.

Similarly, in Ghana, the role of traditional chiefs is recognized under law. Traditional leaders facilitate consensual decision-making on issues affecting the community. Some of the conflicts that traditional chiefs in Ghana deal with include land disputes, boundary disputes as well as conflicts between fishers.

- **Business actors and corporate sector**: Increasingly, business actors are becoming involved directly or directly in mediation processes. This is because of their vested interested in having peaceful communities where business activities can thrive.
- **Civil society organisations**: Increasingly, CSOs have also been involved in international mediation efforts in many conflict situations. Nongovernmental organisations and community-based organisations often find themselves engaged in conflict resolution activities, including facilitating dialogue between conflict parties.

Case Studies of Non-State Actors Mediating Over Natural Resources

Over the years, there has been quite some interest on the role of community-based organizations as critical players in conflict prevention, preventive diplomacy and mediation. Non-state actors include local mechanisms for conflict resolution, which are also known as local infrastructures for peace (Lederach, 2012; Ryan, 2012; Paffenholz,

2013; and Van Tongeren, 2013). Since these actors focus on micro-level dynamics of conflict prevention, they can enhance ownership of peacebuilding initiatives, and ultimately facilitate "peace from below" (Leornadsson and Rudd, 2015). Examples of such mechanisms include Local Peace Committees or District Peace Councils in Kenya and Ghana, which facilitate peaceful inter-communal relationships.

In Ghana, District Peace Committees have played crucial roles in dialogue, peacebuilding and confidence building among belligerents in conflict, thereby averting disasters and large-scale conflicts. Originating in the northern part of the country which was affected by ethno-political and resource-based conflicts, Ghana's Local Peace Committees have played a role in resolving local conflicts. These Local Peace Committees have been key actors in resolving inter-ethnic disputes, power struggles, and natural resource conflicts (Odendaal, 2010; Ondendaal, 2013; Issifu, 2010; Bukari, 2013). The local peace committees liaise with other actors such as traditional leaders and religious leaders to engage in early warning, peace education, dialogue facilitation as well mediation.

The Ghana National Peace Council structure was built on existing local peace committee structures that were initially established to deal with local-level conflicts, such as chieftaincy disputes and land disputes. Over time, the Ghana National Peace Council evolved to become a national peace infrastructure that could be used to forestall tensions from becoming fully fledged violent conflicts, including electoral conflicts. The Wajir Peace and Development Committee in Kenya is another example of local actors in mediation over natural resources.

Established as a community-led grassroots peace initiative, the Wajir Peace and Development Committee drew inspiration from the traditional dispute resolution mechanisms by underlining the role of traditional leaders in dispute resolution. The Wajir Peace and Development Committee was a response to the continuous threat of violence in the community, especially inter-clan violence, terrorism, violent extremism and gender-based violence. The Wajir Peace and Development Committee is well-known for its application of traditional methods of conflict resolution and for its emphasis on involving traditional leaders in conflict prevention and peacebuilding initiatives.

Similarly, the local peace committees in North Kivu, DRC, have contributed to community-led disarmament and reintegration efforts to enable rebel fighters to return to their communities. Furthermore, local infrastructures for peace include the *nyumba kumi* (ten cell structure) in Tanzania. *Nyumba kumi* plays an important role in dispute resolution involving natural resources. In Tanzania, *nyumba kumi* leaders (*Balozi)* often mediated over conflicts involving natural resources such as land, water and fisheries.

3.5 Various Types of Mediation Roles

There are different roles that can be played by various actors during the case of mediation over natural resources. This distinction is useful for conceptualizing the multiple roles adopted by mediators and the different ways in which their efforts can support conflict resolution. The various types of mediation roles include the following:

- **Direct mediators** include convening individuals in conflict or facilitating face-to-face talks.

- **Supportive mediators** include those who undertake training of conflicting parties or those who host community dialogues to develop greater consensus among communities on the peacebuilding challenges in a country.

- **Sponsors:** These actors are not directly involved in facilitating the talks but support the process financially, technically and logistically.

- **Insider mediators/ Unofficial Mediators:** These are well-respected individuals with close community affiliations whom the parties already know or know of. The Guidance Note for Supporting Insider Mediation defines Insider Mediators as those individuals or institutions that are often "*working overtly or behind the scenes - using their influence and legitimacy to constructively alter the behaviour, relationships and trajectory of parties in conflict. Using facilitation, dialogue and mediation, they work horizontally and vertically, formally and informally, at local, regional and national levels.*"

3.6 Diverse Roles of a Mediator

More often, during mediation processes, the mediator often plays various roles, which range from the organising of meeting, designing the structure of the dialogue, ensuring that parties are ready for the mediation process, supporting parties and strengthening their skills in negotiation, managing the emotions and dynamics of the mediation as well as addressing the larger public. In mediation, the expectation is that the mediator supports parties to dialogue constructively by taking care of the structure, process and logistical needs as well as responding to the substantive and emotional needs of conflict parties.

These various roles have been summarised below, and they include the following:

- Mediator as Convenor: Through a combination of scientific and artful exercises, the mediator often plays the convening role. This means that the mediator is responsible for bringing out the creative space which will allow the parties to seize the opportunity for finding mutually satisfying outcomes to the conflict. To this end, the mediator uses his or her skills to create an environment which allows for the conduct of constructive dialogue and for parties to engage in creative and joint problem-solving.
- Mediator as process facilitator: The mediator designs and provides a procedural framework upon which the dialogue and joint communication between parties is to be conducted. The mediator facilitates discussions and designs a structured process to move the parties toward resolution. To this end, the mediator, with inputs from parties, designs the agenda and general direction of the mediation process. Throughout the mediation process, the mediator works to build trust and foster cooperation among the parties.
- Mediator as a facilitator of communication: A major role of the mediator is to facilitate positive communication between parties. The role of the mediator is help parties to improve their communication, with the desired objective of permitting reasonable discussion to take place. More often, the mediator assists the parties to constructively communicate with each and encourages cooperative problem –solving. The mediator also assists parties to come up with guidelines for behaving and a general code of conduct for the duration of the mediation process.

- Mediator as relationship builder: One of the key roles of a mediator is to build or improve the relationship between parties. More often, a mediator enters the scene when their relationship has deteriorated to the extent that they cannot manage to engage in constructive conversation on their own. The mediator works towards deconstructing the enemy- based images between parties, and to facilitate their re-humanization each other.
- Mediator as "en-skiller" or educator: Where necessary, the mediator can also play the role of educator and trainer, by developing the capacities and skills of parties in various areas. During the mediation process, the mediator will directly and indirectly impart core skills to parties, which would be crucial towards their ability to find a solution to their disputes. Such core skills include communication, listening, conflict analysis and problem solving. A mediator might realise that parties lack skills for problem solving and might recommend an expert to provide a training in problem-solving.

  Similarly, a mediator might take conflict parties on some exchange visits so that they can learn about how others have dealt with similar conflicts. During the negotiations over wealth-sharing related to oil, parties to the Sudan and South Sudan conflict were taken to exchange visits to several countries.
- Mediator as a resource and expert: Mediators bring with them ideas, knowledge and resources, which parties can tap into during the facilitated negotiations. The mediator is often resourceful in terms of having access to information, alliances and networks which the parties might not have. Mediation is seen as a strategy for extending influence and stature by mediators. This is normal, provided that the influence was not negative. Mediators can spread their own ideas during the mediation process
- Mediator as "agent of reality": During the mediation process, the mediator is often a bouncing board for ideas which come from parties as they seek to find solutions to their conflict. Parties might request the support of the mediator to bring in their expertise as they are engaged in problem-solving and collaborative dialogue processes. The mediator might provide feedback on the practicability and feasibility of such ideas.
- Mediator as legitimiser: More often, mediators enter the conflict scene when parties have failed to dialogue constructively on their own. The mediator therefore plays the role of creating a legitimate process in which parties are seen by their supporters, constituencies and other interested stakeholders as earnestly engaging in processes that seek solutions to their impasse.
- Mediator as strategist: Another important role of the mediator is to strategize on the processes that can be undertaken to lead to resolution of the conflict. To this end, the mediator strategies processes, logistical arrangements and communication aspects of the mediation process.
- Mediator as equalizer: The mediator can try to create balance of power among the conflict parties, so that there is equidistance in the negotiations. The ability to assess power dynamics and projections is a critical aspect of preparation for mediation.

3.7 Core Skills and Competencies required in Mediation

A mediator is expected to be a well-rounded person who exudes a range of skills that will enable parties to communicate effectively and constructively resolve the conflict between them. The skills required in mediation are wide-ranging and expansive and often indicate the complexity of mediation. The following are some of the critical skills required by a mediator:

- Communication Skills: An effective mediator should be a consummate communicator who can listen actively so that he or she can discern both the stated and unstated positions of parties.

- Diplomacy skills: A mediator should not only exude tact and diplomacy, but should also possess the necessary skills of persuasion to nudge the participants progressively towards an agreement
- Problem solving: An effective mediator should be able to identify problems and issues that parties are conflicting over, with a view to facilitating the parties to find practical solutions to these problems.
- Substantive expertise: To be effective in mediation, the mediator must have substantive expertise in the issues that the parties are engaged in conflict about. The mediator must also be knowledgeable about the conflict as well as the parties.
- Relationship building skills: During mediation processes, mediators seek to find common ground between parties. They often highlight commonalities and good intentions of the parties, acknowledge the feelings and fears of parties while affirming parties and celebrating their progress.
- Process management skills: The mediator is expected to maintain control of the process and should help parties reach consensus on agenda and agenda order. The mediator should read the group dynamics and adopt the requisite facilitation style which responds to the energies and vibes that are coming from the parties. For example, a mediator should call for a break or a caucus when appropriate.

3.8 Common Errors committed in mediation

Mediation processes are often not perfect. During mediation, there are some pitfalls or mistakes that mediators might make which could potentially derail the mediation process. The following are some of the "sins" of mediation (adapted from Brahimi, 2008), i.e. what not to do during mediation:

- Ignorance: when a mediator does not have significant knowledge about the conflict, the issues and the parties. Not knowing about the conflict, issues and the parties could mean that the mediator is facilitating a process that they are not familiar with. The mediator might fail to unearth the underlying issues as well as the intangible issues in the conflict and might lead the process in a direction that is not sustainable.

  Natural resource conflicts are often complex, and they require the mediator to be attuned to the issues that parties are fighting over. It is important for the mediator to engage in research on the dimensions of the natural resource conflicts, i.e. whether the conflict is about scarcity, distribution or perceived inequality in the sharing of benefits.

- Arrogance**:** when a mediator pretends or thinks that they know everything about the conflict, the parties and the solutions. Arrogance in mediation is exhibited when the mediator does not listen to parties or tries to impose their ways and approach to the parties and to the entire mediation process. This can sometimes backfire as parties need to feel that their needs are being accommodated throughout the process. When mediating natural resource conflicts, the mediator should ensure that parties to the conflict have space to express their issues, interests and positions. The mediator's role is to assist parties to constructively dialogue and negotiate.

- Partiality: When a mediator is partial of biased, this will likely negatively affect the mediation process. It is not good for the mediator to be seen to be taking sides or showing favour to a certain party.

- Impotence**:** Briefly described, impotence describes a situation of the mediator appearing powerless. When a mediator is not effective and cannot perform well. This includes the failure to withstand the pressure from outside.

- Haste: This happens when a mediator rushes the process and the parties and works on rigid timelines without paying special attention to the context and issues emerging from the mediation. The biggest problem with haste is that it can lead parties to agree on issues that they might not be able to implement.

- Inflexibility: When a mediator is rigid and seeks to pursue the mediation process according to their own perspective and values. Inflexibility happens when a mediator does not adapt their approach, methodology and process to suit the conditions and expressed needs of the parties.

- **False promises:** when a mediator promises parties what he or she cannot deliver or when they lie to parties. This can affect the credibility of the mediation process.

Adapted from Brahimi (2008): The Seven Deadly Sins of Mediation

3.8 Mediation Styles and Approaches

Even though mediators are supposed to exhibit some core principles and values in their approach to mediation, the reality is that different mediators use different styles of mediation. The styles of mediation which are employed differ for several reasons, and it could be because of the nature of the conflict, the context, the parties involved in the conflict as well as the personality of the mediation. There are many styles of mediation, and in this Guide, four key styles of mediation will be discussed. These are outlined in detail as follows:

- **Facilitative Mediation**: Mediators exhibiting this style of mediation focus on structuring a process that is aimed to assist the parties in reaching a mutually agreeable resolution. The mediator is focused on ensuring that the management of the process leaves parties feeling satisfied about how the conflict has been addressed. The facilitative mediator guides the process, manages emotional climate and power posturing by disputants to ensure that the mediation is deemed as being fair.

  In facilitative mediation, the mediator assists the parties in finding and analyzing options for resolution by probing, asking questions and paraphrasing what the parties are saying. Facilitative mediators predominantly hold joint sessions with parties so that parties can listen to each other and understand each other's point view. In some cases, facilitative mediators can also hold caucuses with each party so that they can gain a full understanding of what the other party is thinking and feeling about the conflict and the process.

- **Problem-solving Mediation:** Also known as solution-focused mediation, this style of mediation seeks to identify entry points for resolution. The settlement-oriented mediator often tries to keep the parties moving forward, and often encourages the participants to move from one stage to another, to identify blockages to the agreement, and to seek to 'unblock' these. The goal of the problem-solving mediator is to induce parties to come to an agreement. Often, a mediator exhibiting the problem-solving style gives parties "problem-focused" tasks and assignments which seek to generate innovative solutions to the dispute at hand.

In this regard, the mediator can use economic incentives and multiple benefits associated with natural resources to facilitate movement towards an agreement. It is increasingly common to use natural resources to create a framework where both parties in a conflict can gain benefits, and thus encourage the progress of peace. A good example is the mediation process, which led to the Comprehensive Peace Agreement (2005) between Sudan and South Sudan. This was an example of problem-solving mediation, which included identifying solutions to a natural resource conflict. The mediation process engaged in problem solving through benefit sharing over oil. The shared benefits of oil revenue were used as an incentive for peace.

- **Narrative mediation**: This style of mediation is based on the narrative technique of conflict resolution, which presupposes that the way in which a story is told and narrated impacts on the listener and on the way the conflict is perceived. A mediator working with this style of mediation gets parties to reframe their stories until the way they view the conflict has changed positively. This mediation style was used by the Wajir Peace and Development Committee to promote dialogue between conflict parties.

- **Transformative Mediation**: Transformative mediation focuses of the mediator is on building relationships, repairing broken relationships, and addressing underlying causes of the conflict. The aim is to facilitate a positive transformation in the way parties relate to each other and in the way the disputants approach and deal with conflict. The transformative mediator also seeks to ensure that parties can interact with each other positively, even after the mediation has concluded.

  In the context of natural resource conflict, mediation be particularly useful to transform fixed positioning and help unlock zero-sum positions. Mediation can allow parties to transform the way they view the conflict to focus on maximizing mutual benefits from the natural resources in question. Transformative mediation also allows the mediator to help parties to reframe conflict to allow greater opportunities for collaboration and building constructive relations across interpersonal, intergroup, communal, national, or regional divisions. The focus on post-mediation interaction is a critical feature of the transformative mediation style. The transformative mediator adopts a relational approach to mediation and seeks to nurture the building of better relations between the disputants.

- **Directive Mediation**: This mediation style involves the mediator being highly involved in both the substantive and process dynamics of the mediation. Directive mediation often involves the mediator exerting their power, gravitas and leverage on the parties to shape the process, hence the notion of “high-powered mediation,” or “mediation with muscle.”
  In some cases, the mediator could use their political, socio-economic and other sources of leverage to get parties to participate in the mediation process, or towards emerging with an outcome.

  The directive mediators often possess socio-economic and political gravitas which allows them to be listened to by parties. In many cases, such mediators are not worried about their overbearing role in the mediation process and outcome. A good example if the role being played by the USA in mediating the dispute between Egypt, Sudan and Ethiopia over the construction of the Grand Ethiopian Renaissance Dam (GERD) along the Nile River. The USA is exerting its political, economic and security muscles to ensure that the three parties are ready to dialogue.

Often directive mediation includes the provision of incentives for peace and disincentives for non-cooperation.

3.9 Limits of Mediation

- *Protracted nature of conflict*: Certain disputes are intractable by nature, especially when some parties refuse to participate in mediation, especially when the differences between core values cannot be reconciled.

- Mediation is not the panacea: Increasingly in today's complex peace and security landscape, it has become evident that mediation cannot be used alone and would often require the support of other conflict interventions such as dialogue, facilitation, problem-solving, stabilization, arbitration and adjudication.

- *Natural resource conflicts can be very technical in nature*: Most natural resources disputes can be characterized by technical uncertainties and complexities. To this end, both the parties and mediators must have knowledge about the dimensions and causes of their disputes and factors driving the conflict.

- *Numerous stakeholders*: Natural resources disputes typically involve numerous stakeholders, including undefined and unorganized parties. Furthermore, natural resources disputes also tend to involve key parties as well as shadow parties. This makes it difficult to know who the stakeholders in a dispute are and what they want.

- *Power Imbalances*: Mediation is a more limited tool when major power asymmetries and imbalances exist between the parties. In other words, mediation is not intended to fundamentally transform unequal or unjust power relations or social structures. Similarly, for natural resources that are embedded in global supply chains and geo-politics, the parties to a mediation process may be unable to control key parameters such as market value and demand. For example, the mediation of natural resource conflict involving extractives such as diamonds and other minerals is often challenged by the reality that mediators often cannot influence the actions of beneficiaries of the conflict, who include Multi-National Companies. However, it must be mentioned that mediators played a role in ensuring that initiatives such as the Kimberly Process Certification Scheme was adopted, to ensure that the private sector does not feed into "conflict minerals

- *Deep-rooted and political nature of conflicts*: Mediation is often found limited when the conflict is characterized by protracted or deep-rooted structural issues that can only be addressed through legal, economic, political, or social reforms. However, mediation can provide an entry point towards reform. Mediated peace agreements over natural resources can establish a foundation for political, social and economic reforms to govern natural resources.

- *Mediation can be complex when governments are actors in the conflict*: Another challenge to mediating natural resource conflicts occurs when governments may have multiple and competing priorities or interests at stake in the dispute. This can create power asymmetries and might even make it difficult for a mediator to help the parties structure an agreement that meets everyone's interests.

- *Perceived bias affects mediation*: In some cases, mediation fails when there are perceptions of bias. This has happened, especially in state-led mediation. A good example relates to the numerous foiled attempts of government-led mediation in agro-pastoral conflict. The government of Kenya has on numerous occasions attempted to mediate the Turkana-Pokot conflict. However, when ethnic politics are deeply embedded in government, attempts at mediating ethnic conflict disputes tend to exacerbate social tensions (Mahmoud 2011:159-161). Furthermore, elements of perceived bias or dominance might result in lack of trust in the mediation process. Groups might end up viewing the mediation process as a strategy to legitimize exclusion or inequality in the distribution of natural resources.

3.10 Conclusions

In this chapter, we have defined mediation and outlined the value addition of mediation as an approach to conflict resolution. We also examined some of the key principles or defining elements of mediation, in addition to discussing the actors who often participate in mediation and lead these processes. It is clear from the forgoing analysis that mediation is an important area of study and practice. It is equally clear that mediation is not the preserve of one specific actor but that it can be undertaken by both state and non-state actors.

Finding complementarity between state and non-state actors is at the core of the sustainable peace processes. Collaboration between state and non-state actors can be undertaken through the creation and strengthening of coordinating mechanisms and platforms for regular interaction. For example, in several countries, there are local infrastructures for peace, which include the Pastoral Leaders Networks as well as traditional leaders and faith-based organizations These structures play an important role in mediating resource-based conflict.

CHAPTER 4: THE MEDIATION CYCLE: STEPS AND PROCESSES IN MEDIATING NATURAL RESOURCES-CONFLICTS

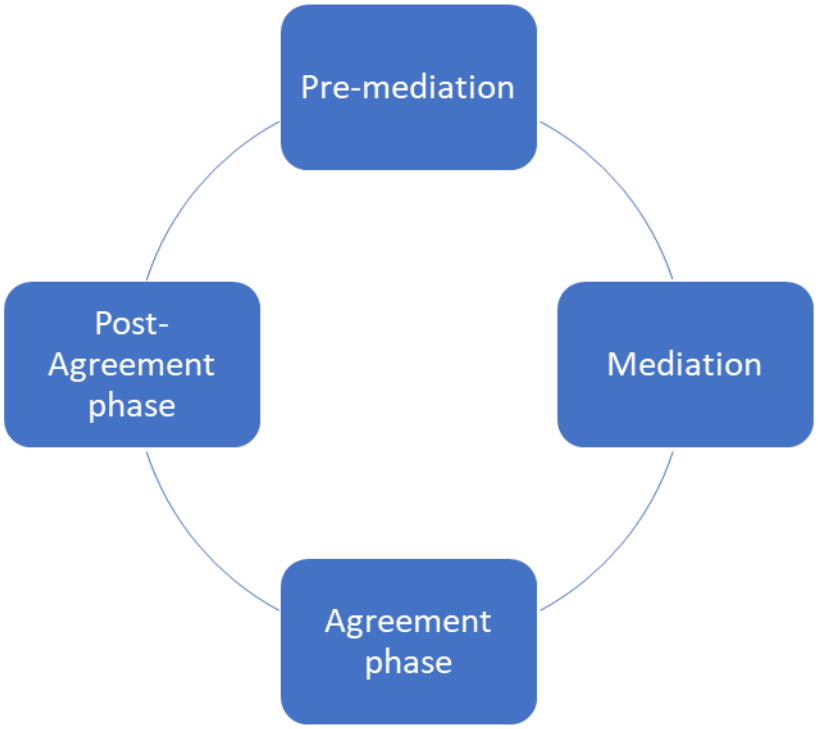
4.0 Overview of the Chapter

This chapter goes beyond presenting the generic mediation cycle and focuses on unique steps and processes that should be undertaken when mediating natural resource conflicts. There are unique aspects of mediating natural resource conflicts that require additional considerations by the mediator. The chapter describes the key steps towards engaging in mediation processes over natural resource conflicts. These steps underscore the need for a comprehensive and holistic approach to peace, as well as the imperative for inclusive processes, which recognize the role and added value of women. Additionally, the steps or phases are iterative and interlinked, and they largely build on the success of each other.

4.1 The Generic Mediation Cycle

Typical mediation processes are characterised by a much more compact process that is characterised into four main phases of pre-mediation, mediation, agreement design and post-agreement phase. The generic mediation cycle is as follows:

Figure 8: The Generic Mediation Cycle



4.2 Steps and Processes in Mediation of Natural Resource Conflicts

The mediation of natural resource conflicts is a bit more complex than general mediation. The uniqueness of natural resources requires a mediator to break down the above steps into several steps. Therefore, the steps to mediating natural resource conflicts are more detailed. Recognizing that there are various natural resources, including land, water, fisheries, these proposed steps proposed in this chapter acknowledge that there are commonalities in the way mediators should approach the mediation of conflicts involving natural resources. The key steps involved in mediation that relates natural resource conflicts would often include the following:

Step One: Preparing for Entry into Mediation and Conducting Conflict Analysis

- During this stage, mediator or mediation team engages in examining background information and undertaking a conflict and situation analysis. The analysis should consider direct and indirect actors at the different levels of the conflict dynamics and should capture the range of their multifaceted interests.

- Consequently, the extent and thoroughness of the mapping exercise used to identify the individuals and networks has significant impact on the success of the mediation. If undertaken too quickly or without sufficient cultural awareness, this process can undermine the legitimacy of the mediation.

- Conflict analysis is also important in ensuring that the mediation is aware of the technical, political, economic, cultural and spiritual nuances of the natural resource dispute. Negotiating the substance of the natural resource conflict without a basis of acceptable and sufficient data on the complex and interwoven nature of the natural resource conflict would usually lead to failure. To this end, mediators and their support teams should have extensive technical expertise or should have access to such technical information, in addition generating the political, economic, social and cultural dimensions of the dispute.

Case Study: Preparing for Entry in Mediation in Natural Resource Conflict

- The utility of conflict analysis in mediation can be drawn from the ongoing talks between Egypt, Ethiopia and Sudan over the construction of the Grand Ethiopian Renaissance Dam along the Nile. The mediation team, comprising of the USA, the AU and the World Bank established a technical committee to undertake conflict analysis.

- The work done by this technical Committee revealed that one of the issues that has caused the disputes is the concern by Egypt that construction of the dam will reduce water supply to Egypt. Another concern by Egypt was the possibility of water supply to Egypt being completely cut off as Ethiopia would be filling the reservoir for the first time.

- The second concern for Egypt is that the dam will allow Sudan to massively increase the amount of water that it can take out of the river for irrigation. This is because most of the Blue Nile's flow comes in a few weeks of the year, after monsoon rains in the Ethiopian highlands. Sudan's own dam on the Blue Nile,

the Roseires dam, is small and only provides water for a few months

- To this end, Egypt wants Ethiopia to agree to release a minimum of 40 billion cubic metres of water from the dam annually. Egypt is also calling for the accompanying reservoir to be filled over a longer period than the four years to ensure water supplies remain sufficient in the event of droughts.

- On the other hand, Ethiopia responded to Egypt's fears regarding water supply by indicating that it has no plans to divert water for irrigation. Ethiopia indicated that GERD was designed as a hydroelectric power supply dam. Furthermore, Ethiopia responded indicating that GERD will deliver a year-long flow downstream through its turbines and across the border.

Step Two: Develop a Mediation Strategy

The mediation of natural resource conflicts should be supported by a sound process design. This means that the nature of the mediation process should fit the type of conflict being addressed. Once mediation has been agreed as the strategy to use to resolve the conflict, the next thing to do is to develop an overarching framework of the mediation process which responds to the following questions:

- What is the goal of the mediation process?
- Who are the actors in the mediation team?
- Who will participate?
- When will participants meet?
- Where will participants meet?
- How will the process be resourced and supported?

Step Three: Identifying Actors and Stakeholders

- During this phase, a sound analysis is carried out that identifies the actors in a conflict and their issues. It is important to examine the actors and their networks. Before undertaking the interactive phases of the mediation process, it is important to become well informed about the complex network of relationships among natural resource actors and their interests. The mediator should also engage in trust and confidence building with the parties to increase their desire to resolve the conflict through a mediated process.

- Understanding which actors to include in mediation, and the potential political impacts of including some and excluding others, is essential. The actor analysis process helps in determining who is to be included and who is to participate in the mediation. It is crucial to ensure that the right parties who ought to be included in the mediation are identified, and their commitment is sought.

  In turn, ensuring consultation with a sufficiently wide set of stakeholders is crucial to establish and maintain the legitimacy of the process. This can be particularly important with groups that tend to be marginalized, such as indigenous people, women, or youth. It is important to incorporate gender perspectives in the preparatory phase of mediation to ensure that during the mediation process, gender issues remain salient.

- During this stage, the mediator clarifies roles, prepare contacts and develops strategies for

contacting the various stakeholders. Natural resource conflict mediation should not focus predominantly on high-level actors. Instead, the actor and stakeholder identification should be deliberate about identifying multiple stakeholders. These include primary parties who have a dispute over the identified natural resources, secondary parties, who can include users and beneficiaries of the natural resources. In the case of extractives, as well as peripheral actors, who might be outside of the conflict geographical environment, but have an influence on the conflict, and a relationship with the actors.

In the case of mediation of pastoral conflicts in the North-Eastern Kenya by the Wajir women in 1990s, the women first identified the clan leaders, the young men involved in the pastoral violence, and the ex-militia leaders. The idea was to convince the conflict actors to convince their men to give back the guns. A program for the peaceful return of guns was successfully conducted. Through collaborating with clan leaders, the Wajir women managed to negotiate for amnesty for those who returned guns. The women from Wajir undertook proactive consultations women and youth organizations to ensure their input and concerns were incorporated.

Step Four: Identifying insider mediators:

- In every society there are individuals who can bridge divisions at different levels amongst groups and sectors. The profile and characteristics of insider mediators can be found in State, religious, academic, business, and cultural institutions, and in civil society. Their voices are not always heard, and they might not always be well known, but they are often very well integrated into society, and in the sectors where they find themselves.

- Whilst they may not identify themselves as insider mediators, they may well see themselves as leaders in their field or simply as concerned citizens committed to the wellbeing of their community and country. Making the connection with these potential insider mediators requires thinking 'outside the box' and looking in unconventional places.

Step Five: Gaining Entry

- This process is characterised by the mediation team entering the mediation scene and communicating directly with parties to the conflict. In most cases, the process of gaining entry is done with parties separately, so that the mediator and the mediation team can gain their confidence. It is important when entering the mediation scene to start with having separate meetings with each of the concerned parties. Separate meetings allow for the mediators not only to clarify their own roles and secure a commitment to start mediation, but also to get a sense of how different parties view the conflict.

- The process of gaining entry allows parties to discuss with the mediator their perspectives on the conflict, expectations and their needs. This stage is also known as "talks about talks," because it is not the actual mediation but lays significant groundwork in preparing parties and the mediator to the mediation process which would bring parties together. In the conflict in over the sharing of oil between Sudan and South Sudan, the mediation team appointed by IGAD undertook a series of shuttle diplomacy processes to ensure that parties were ready to undertake negotiation.

- The mediation team also consulted the parties to get feedback on where they wanted the talks to be held. The Sudan-South Sudan talks were held in cities of IGAD member states, including

Naivasha and Machakos, leading to the signing of the Naivasha Protocol and the Machakos Protocol.

- In addition, the stage can also include considerations for logistical information, including the venue and materials resources that will be required to support the mediation process. This phase is very important for the success of the mediation process and for the promotion of positive and mutually satisfying outcome.

Step Six: Building and agreeing on an agenda:

- A key practical step in mediation is to develop an agenda for the mediation. During this phase, the mediator and parties also explore the agenda and substantive issues to be discussed. Again, this is done through the mediator reaching out to the parties separately, to discuss the key issues that they would want to appear on the agenda.

- Development of the agenda can be an iterative process, which requires the mediator or mediation technical team to consult teams severally before the fully-agreed upon agenda can be shared. In the case of the mediation of the dispute between Ethiopia, Sudan and Egypt over the construction of the GERD along the Nile River, the agenda for the talks has taken several years to develop. The development of the agenda included several shuttle diplomacy sessions, which involved consultations with the Ministers of Irrigation of the three countries.

- Furthermore, in October 2019, the Russian President also met with the Prime Minister of Ethiopia, Abiy Ahmed and the President of Egypt, Abdel-Fattah el-Sissi during the Russia-Africa Summit. All these interactions were helpful to the mediators, especially in identifying the agenda items for the mediation. For Egypt, a key agenda item revolves around its water supply food security and survival in the event of the dam construction. For Ethiopia, its key agenda item is how to use the GERD to promote development, and to be energy-sufficient.

Step Seven: Developing an engagement and capacity-building strategy:

- After entry-points have been identified, and individuals and organizations mapped out, the next step is to develop an engagement and capacity-building strategy. Due to complex nature of natural resource conflicts, mediation processes are encouraged to prepare negotiation parties for the negotiations through joint capacity building. This allows the parties to develop a common understanding of the conflict and its drivers, while also serving as a platform, to build trust between the parties. Capacity building also seeks to strengthen parties' negotiation skills, and to highlight specific characteristics of the natural resource conflicts in questions. The capacity building can also educate parties on how similar conflicts were resolved in other contexts.

- The capacity building interventions to facilitate readiness for mediation may take on a variety of different forms. In the case of the pastoral conflict in Wajir, the women liaised with civil society organizations and the County Government to organize capacity building workshops and leadership trainings for the clan leaders. The capacity building processes were focusing on engraining a culture of peace among the conflict actors and stakeholders. These workshops were critical in transforming people's thinking about using violence to resolve conflict. The capacity building workshops also prepared conflict actors for negotiations as they sought to assist parties to identify the key issues, interests and needs in the conflict.

Stage Eight: Co-building and Strengthening infrastructures for peace (I4P):

- Because natural resources tend to be a constant in human and societal interactions, the mediation of natural resource conflict calls for a more structured, planned, institutionalized and systematic mode of analysing and responding to conflicts. Such institutionalized conflict resolution institutions have proven to be more effective than mediation interventions that are organized on an *ad hoc* basis.

- Most societies have organic or already existing mediation systems, which can be utilized in the mediation of natural resource conflict. Such local structures or architecture for peace can be e formal or informal mechanisms that can be deployed towards supporting mediation over natural resources. These as also referred to as "infrastructure for peace" or I4Ps. The concept of I4Ps encompasses the long-term and multi-level mechanisms and institutional structures for collaboration between relevant stakeholders (e.g. government, civil society, local agents) to resolve violent conflict(s).

- In the Niger Delta conflict, the mediators worked closely with local leaders, inter-religious councils as well as civil society organisations to ensure that these Track II and Track III actors supported the peace process. When identifying the local infrastructures for peace, it is important to ensure that those structures that are run by women, youths, minorities and other under-represented groups are considered as part of the I4Ps. Special support and capacity building should be offered to these groups so that they can actively participate in the mediation process and substantively influence the discussions and outcomes.

Step Nine: Identifying issues:

- Issue identification involves the process of the mediator trying to understand the causes, dynamics and impact of the conflict, based on the interactions with parties. During the process of issue identification, often parties highlight these issues from their own perspective. The mediator should try to seek clarification as much as possible, and to summarise so that issue identification is in accordance with what the parties would have outlined. The mediator might also seek to reframe the way issues are being articulated.

- In the case of the Niger Delta conflict, the mediating body was the Niger Delta Development Commission (NDDC), which was created. It was supported by the Niger Delta Peace and Conflict Resolution which was established in 2007. enlisted the support of the United Nations Environment Programme and a Technical Committee on Niger Delta in 2008 to undertake an assessment of issues in the conflict. Both UNEP and the Technical Committee on Niger Delta in 2008 engaged the conflict parties and stakeholders in an impartial conflict assessment to emerge with a holistic understanding of the conflict.

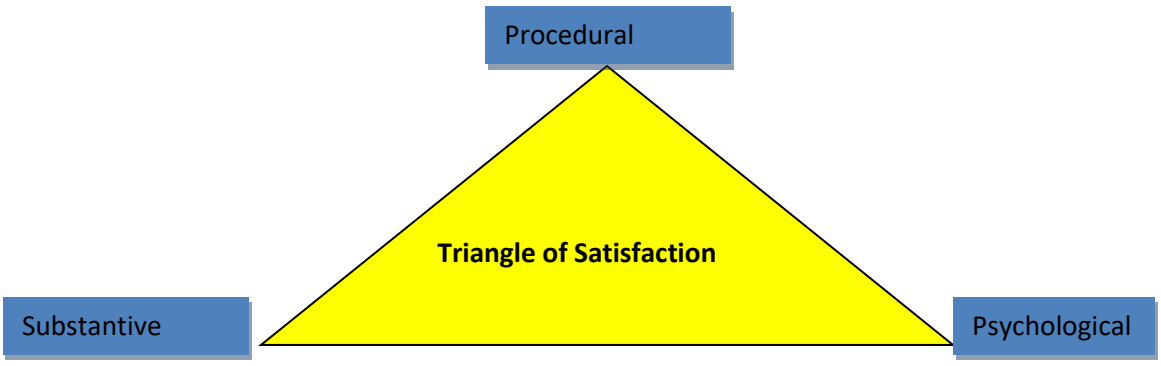
- Furthermore, organizations such as such as Amnesty International, Green Peace Movement, the Rainforest Action Group, and the Commonwealth of Nations provided their own assessments of the drivers of conflict in the Niger Delta. These assessments helped the mediators to arrive at an understanding of the interests and needs of conflict parties.

Step Ten: Facilitating the Mediation Process

- During this stage, the mediator or mediation team uses a wide array of tools to facilitate constructive negotiation between parties. Such tools include mediation, facilitation, problem solving and reconciliation. The aim is to ensure that the parties in dispute are ale to engage in constructive face-to-face discussions to identify possible options for agreement; ideally, this involves a shift in the framing of the conflict from positions to interests and needs. The three interests that must be satisfied in mediation over natural resources are outlined as follows:
    - **Substantive Interests:** These are the issues that parties are negotiating about, and they can be both tangible and intangible. Tangible issues include resources, positions, and intangible issues include respect, power, recognition and belonging**.** Parties need to have a sense of satisfaction that all issues are addressed.
    - **Procedural Interests:** The procedures and protocols for a negotiation or decision-making process will affect how those involved feel about the process and how they see the issues being considered. How people feel about the negotiation process is important. Parties need to feel that the procedure is fair and regular; otherwise distrust can work against implementation of the agreement.
    - **Psychological Interests:** Things that happens in a mediation process communicates messages to parties involved. Psychological issues should not be viewed as useless baggage that hinders agreement making. Emotions affect the substantive concerns being brought to the negotiating table. It is imperative that these psychological issues are addressed in a manner which communicates respect and recognition to the parties involved. Parties need to feel that their concerns have been heard and respected, or else they will not own the resultant peace agreement.

The above is illustrated visually in the Triangle of Satisfaction, which is a model developed by Christopher Moore (1997) below:

Figure 9: The Triangle of Satisfaction in Peace Processes



Step 11: Generating options:

- A key task in mediation is to help stakeholders to formulate and assess options for managing or resolving the conflict. During the process of mediating over natural resources, it is important for the mediators to help parties to identify the multiple benefits of the natural resources in questions. This can be done by using various tools, including scenario-building approaches. Options can be developed by looking at examples from other cases, by bringing in experts with

comparable experiences, as well as through brainstorming sessions. The mediators should move parties away from their fixed positions and default positions through encouraging discussions on benefit-sharing, joint natural resources management and identifying opportunities for mutual benefit.

- It is important to ensure that the process is responsive to the parties' issues and emerging needs. It is also vital for the mediator and the support team to be able to generate momentum and provide alternative solutions to the various parties.

  An example of how mediation of natural resource conflicts can generate options is the identification of shared interests among conflict parties. In the case of agro-pastoral conflict, for example, mediation process should seek to identify communal arrangements that can address the needs of both pastoral communities and sedentary farmers. One such initiative is the crafting of reciprocal institutional arrangements wherein which some communities can allow grazing on their lands during certain periods in return for grazing rights in neighbouring regions (Ngaido 2005).

  For example, during the dry season, when drought intensifies, the Pokot, Turkana, and Karamojong cattle keepers find pastoral resources outside their borders in neighboring districts. Before moving out into theses districts, they usually send reconnaissance teams to negotiate entry and the use of resources owned by another community, to avoid friction. This example demonstrates that reciprocity has been the key mechanism which has enabled the movement towards peace, following conflicts over natural resources.

Step 12: Designing the Agreement

- During this stage, the mediator or mediation team help the parties to define, evaluate and decide on the specific points of agreement. In the context of natural resource conflicts, such agreements can be defined as social, political and economic contracts entered by parties to explicitly regulate, resolve or transform their conflict.

- Agreements help to clarify issues agreed to by the parties, define precise arrangements and exchanges agreed upon by parties, establish a permanent record of what was agreed upon during the mediation process, define terms of future performance and ultimately create standards for compliance.

- An example of an agreement in natural resource conflict is resource sharing agreement. This is based on the notion of "expanding the pie" (Pruitt et al. 2003:194). In this scenario, the mediation process should try to enhance all the parties' access to resources. If access to a consistent water supply and grazing lands were increased, contention over resources would diminish as a conflict driver. In the case of pastoral conflict, the mediation process can encourage actors to develop reciprocal resource-sharing agreements between the communities.

- It is important to understand that the peace-agreement is always just a beginning of a peace process. Although the substance and content of the peace agreement emerges from parties, the mediator assists the conflict parties in coming up with an agreement. The quality of the peace agreements remains integral towards the successful consolidation of peace dividends. A well-designed and crafted peace agreement is likely to produce durable peace than a poorly designed one.

- Drafting a quality peace agreement requires the mediator and mediation support teams to consider important factors, such as practicability, feasibility of the implementation process, resources that are required as well as attention to the causes and drivers of conflict. Given this perspective, it is important for the mediators to assist parties to craft peace agreements which are feasible and practicable. Agreements must be written in accessible and easy-to-understand language, and there must be no hidden innuendos in the expressions and statements.

- Enforcement of the agreement is highly dependent on the effective design of the agreement itself. One cannot separate the terms of peace from the realization of those terms, so provisions for monitoring peace agreements are quite important. Peace agreements must also be responsive to the issues that drove parties into conflict.

- In natural resource conflicts, peace agreements must address a range of issues which conflict parties would have expressed during the mediation process. These include socio-economic issues, security, justice, peacebuilding, reintegration, reconciliation, power-sharing and governance issues, among others. The Comprehensive Peace Agreement (CPA) of 2005 that ended the civil war between Sudan and South Sudan set included six protocols. One of the protocols had a provision which provided for wealth sharing. The main resource, oil was to be shared between Sudan and South Sudan. This was a necessary compromise. The peace agreement set up a formula for sharing oil wealth while deliberately deferring the highly sensitive discussions of final ownership of the resources to a later date.

Table 12; The Main Elements of a Peace Agreement.

Key Elements of a peace agreement

Peace agreements should have certain fundamental elements for them to be deemed as being of good quality. The following are key elements of peace agreements:

- ***Clarity of language***: The peace agreement should be written in a clear and concise manner to avoid any misinterpretations. It is important for peace agreements to focus on core messages and issues, and to avoid language which might lead to multiple interpretations, as often ambiguous language will present implementation challenges.

  In the case of locally-based natural resource conflicts, sometimes, the peace agreement is not necessarily written down, but it is characterized by community ceremonies to indicate the agreement. Even if such agreements are not written down, the commitments are witnessed by other members of the community, and they are sanctified through symbolic processes.

- ***Provisions:*** A good peace agreement for natural resource conflicts should contain clear provisions on how the resource in question is to be handled. This might include spelling out policies and institutions for water and land management at the national and sub-national level need to be established. Peace agreements emerging from natural resource conflict mediation tend to create commissions and to deal with how and when such mechanisms are to be set up, rather than addressing the multitude of local conflicts directly. In the case of Burundi, the National Commission on Land

and Other Properties and Assets was created after the Arusha Peace Accord. The CNTB was mandated with the responsibility of mediating land conflicts and boundary disputes, in the post-Arusha era.

- ***Milestones:*** Often, peace agreement implementation requires that parties establish mutually agreeable milestones and deliverables, including indicators of success or of achievement of the same. One of the challenges relating to the implementation of the CPA, once was that the agreement did not settle the location of some of the oilfields along the border or set benchmark prices for payments to the Oil Stabilization Fund for which it provided. Since South Sudan's referendum for independence in 2011, and the subsequent separation form Sudan, the issue of wealth-sharing continues to suffer from multiple interpretations. For example, disputes over transit fees for South Sudanese oil through the northern pipeline have continued to dominate post-CPA era. Furthermore, conflicts over the demarcation of oil-rich border areas have persisted
- ***Flexibility:*** A critical aspect in the design of a peace agreement is the need to allow for flexibility given the dynamism of conflict;
- ***Practicability:*** A peace agreement should be written in a practicable manner, allowing for effective implementation. Provisions of the peace agreement should be based on a realistic assessment of the context as well as availability of resources to see the agreement through. If the peace agreement contains lofty goals it might risky remaining an aspirational document that is not subject to implementation.
- ***Incentives for peace agreement implementation***: The agreement should contain incentives for peace agreement implementation, to allow parties to embrace the processes and directions towards peace.
- ***Dispute resolution mechanisms***: Given that conflict is a permanent and universal aspect of social reality, it is expected that implementation of peace agreements would likely be characterized by emerging conflicts. As such, there should be dispute resolution mechanisms. Such dispute resolution can be established to deal with re-occurring conflicts. After the peace agreement between the clans in Wajir which was reached in the late 1990s, the creation of the Wajir Peace and Development Committee was a strategy that was used to forestall and proactively address future disputes. mediation mechanisms or peace committees.
- ***Monitoring and evaluation mechanisms***: A peace agreement should indicate the monitoring and evaluation mechanisms; which will be useful for measuring and assessing the success of implementation. In the aftermath of the Comprehensive Peace Agreement between Sudan and South Sudan, there were various mechanisms for monitoring and evaluation that were created. These include the AU High Level Implementation Panel (AUHIP), which operates at the regional high-level. However, between the conflict parties, Sudan and South Sudan, there were technical committees that were created after the signing of the CPA, including one on wealth and resource-sharing.
- ***Respect for international, continental and regional norms***: Natural resources mediation should demonstrate awareness of the international, continental regional and national legal and normative frameworks governing the use, distribution and

sharing of the natural resources in question. To this end, the peace agreement should aim to respect international, continental and regional standards and commitments, particularly on issues of promotion of justice, respect for human rights, and addressing violations.

- ***Gender sensitivity and gender considerations***: The peace agreement should be gender-sensitive, and should incorporate specific needs of men and women, paying attention to how men and women are differently affected by conflict. It is important also to consider gender issues in the design of the peace agreements, particularly underscoring the issues of protection of women from gender- based- violence and encouraging women's participation in peace processes, peacebuilding and post-conflict reconstruction.
- ***Inclusion of local perspectives***: While parties to the conflicts are normally elites, the reality is that local people are crucial in seeing to it that the peace agreement is fully implemented. Thus, the agreement should include the voices of not only the affected parties, but of the population.

Step 13: Post- Agreement Follow up and Support

- During this stage, mediators assume a support role in clarifying implementation and monitoring of the agreement. It is important to ensure that mediation does not end with mere signing of a peace agreement or coming up with a decision. It is important to ensure that mediators factor in organic and intrinsic of monitoring, evaluating and supporting the resultant agreement.

- There are several reasons why it is important to monitor an agreement. One key reason is to assess whether parties are enforcing the tenets of the agreement. Another reason is to restore relationships and ensure commitments of parties hold. Monitoring and evaluation proactively address issues of breakdown of peace agreements.

- Furthermore, monitoring and evaluation of peace agreements also allows for the control of psychological and emotional issues of parties during implementation process. According to Smith and Smock (2008, p. 59), "*It is important during the peace process to collect baseline data to aid in diagnosing potential obstacles prior to a settlement. During implementation, it is equally important to track progress from the point of the settlement through to sustained peace*."

- In some cases, peace agreements might highlight the creation of monitoring and evaluation entities. These monitoring and evaluation entities need to be agreed upon by the parties, and can include various actors, including representatives of parties, civil society, members of the business community, religious leaders, community-based organisations, members of academic institutions as well as personnel from regional organisations. It is important for these structures are balanced in terms of ethnic, gender and political representation.

- In the case of the Wajir conflict in north-eastern Kenya, which had led to clan-based violence over grazing land and access to water, the women in Wajir ensured that the parties would establish a peace implementation plan as well as a monitoring and evaluation mechanism. Once

an agreement was negotiated to deal with conflict, local actors and state actors agreed to meet periodically to monitor and analyze the situation, and. They also committed to establishing a joint monitoring team, which would reach out to the mediation team, in the event of renewed tensions.

- Another example of the successful establishment of a monitoring mechanism following mediation process involving natural resources that of India and Pakistan. Following the signing of the Indus Treaty dispute between India and Pakistan, the Permanent Indus Commission was created to monitor the river, gather information, settle disputes between the parties, and implement sanctions should either party breach the terms of the treaty.

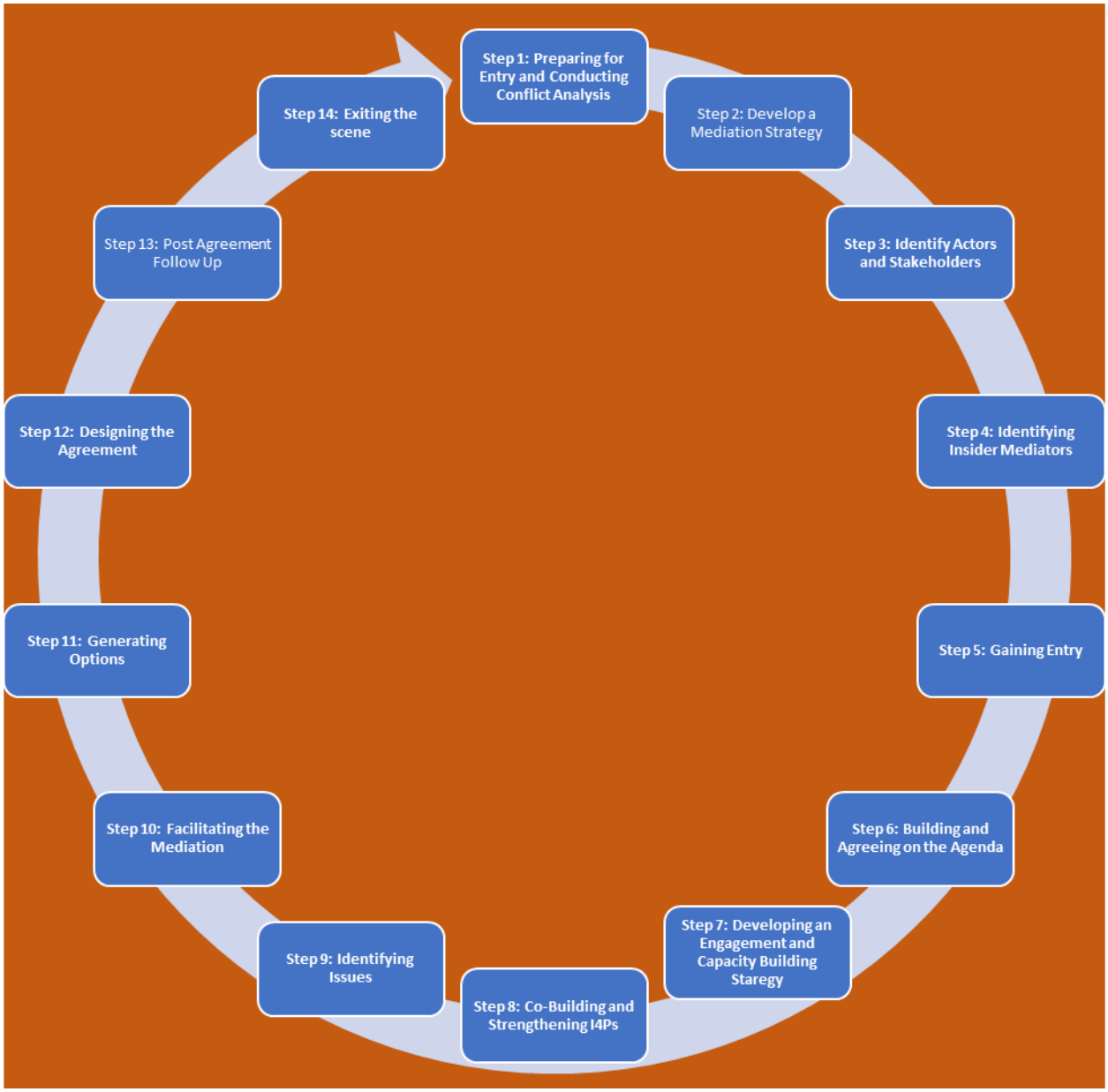
Step 14: Exiting the Mediation Scene

- At some point, mediators must exit the mediation environment to give conflict parties and stakeholders a chance to manage the issues and the resultant peace on their own. Exiting the mediation process is imperative to facilitate the sustainability and local ownership of peace. This is the last and very important step in a mediation process. While the phrase, "exiting the mediation" might have underlying assumptions that the conflict has been resolved with finality, the concept is based on the need to promote local ownership to peace. Effective mediation requires that the conflict parties ultimately own the process of building and consolidating peace. Exiting the mediation often happens when parties are now starting to implement the tenets of the peace agreements and there are indications that the community or society is on the road towards sustainable peace.

- Before exiting, the mediator should assess whether all the concerns and issues have been addressed, including the mending and repair of broken relationships. In exiting the mediation, it is important that the mediator communicates to the parties that they are exiting the scene. The mediator must encourage parties to continue with their commitment towards peace. In closing the mediation, the mediator must ensure that *substantive, procedural and psychological* issues have been addressed.

- During this stage, mediators hand over responsibility for the conflict management process to local stakeholders or a trusted local mediator, providing capacity building support, if needed within the community for conflict management. The process of closing the mediation can also happen with the public witnessing such developments, either through a press conference or some announcement in the news.

Figure 10: Summary of the Mediation Process in Natural Resource Conflict


Step 1: Preparing for Entry and Conducting Conflict Analysis
Step 2: Develop a Mediation Strategy
Step 3: Identify Actors and Stakeholders
Step 4: Identifying Insider Mediators
Step 5: Gaining Entry
Step 6: Building and Agreeing on the Agenda
Step 7: Developing an Engagement and Capacity Building Staregy
Step 8: Co-Building and Strengthening I4Ps
Step 9: Identifying Issues
Step 10: Facilitating the Mediation
Step 11: Generating Options
Step 12: Designing the Agreement
Step 13: Post Agreement Follow Up
Step 14: Exiting the scene

CHAPTER 5: LESSONS EMERGING FROM NATURAL RESOURCE CONFLICT MEDIATION

5.0 Overview of the Chapter

This chapter highlights emerging lessons from mediating natural resource conflicts. Relying on case studies form mediating natural resource conflict, the chapter emphasises some of the critical factors to consider.

5.1 Lessons from Mediation of Natural Resource Conflicts

The key lessons from mediation of natural resources are about the importance of conflict analysis, the need for a broad-based approach, the importance of multi-track approach.

Figure 10: Key Lessons from Conflict Mediation Involving Natural Resources

Importance of Conflict Analysis: One of these is the dual nature of most resource disputes being both technically complex and politically sensitive. Mediation is well suited to natural resource conflicts as it can address both these aspects, by considering the needs of the parties, multiple forms of evidence and information, and more generally levels of complexity and uncertainty that a traditional dispute resolution. Mediation process that involve natural resource conflicts should consider the specific characteristics and history of the resource in question, the economic sectors and livelihoods it supports, as well as the distribution of the natural resource.

It is equally important to understand root causes of the conflict, the interaction of natural resources with other conflict drivers, the broader political economy, and the entry points for a mediated solution. Based on experiences of the mediation processes in the Niger Delta, in Wajir as well as in the Karamoja cluster, the role of conflict analysis cannot be ignored.

Broad-Based Approach: Natural resource disputes often involve dynamics and actors at more than one level. The conflict between Turkana and Pokot demonstrates that as much as the conflict is between these two communities, there are other actors that have a huge role in the direction and dynamics of the conflict. These include religious leaders, community leaders, religious and traditional leaders, the County and national government. Furthermore, civil society organizations working in these regions also have a role to play in supporting the natural resource mediation process. To this end, a multi-track mediation approach is recommended, which includes the following:

- ***Track I Mediation***: This refers to formal interaction among leaders of parties to the conflict and officials from government as well as leaders in non-state actors who are involved in the conflict.

- ***Track II Mediation*** covers interactions among non-state actors who include civil society organizations, faith-based organizations, community leaders, as well as business actors.

- ***Track III Mediation*** describes processes undertaken by grassroots actors such as local groups and associations. These include women's groups and youth groups

A multiple-level engagement or mediation strategy for natural resources may be appropriate, targeting actors at different levels and often involving mediators and facilitators at different levels. The processes should be complementary and preferably integrated.

Inclusive approach: Natural resources mediation process will always require engagement at different levels or with different groups of actors beyond the immediate parties to the natural resources dispute. Mediation of natural resource conflicts involving local communities tends to balance more classical mediation approaches (e.g. those stakeholders which tend to be behind closed doors) with broader public participation approaches (e.g. those processes that are open to all the stakeholders and those who are concerned about the conflict).

For instance, the mediation process involving fisheries conflict in the Lake Victoria, should not only involve dialogues with fishermen only, but should also engage with other community members, including women, youths, religious leaders and traditional leaders. Furthermore, the actors who support the fishing industry and those who benefit from the fisheries should also be considered for dialogues and stakeholder consultations.

Mediators involved in natural resources disputes should carefully consider which stakeholders to involve. While an inclusive strategy is critical, inviting all stakeholders at the same time might curtail the process, leading to fragmentation of ideas and breakdown of consensus. It might be important to undertake separate consultations of the various stakeholders, ensuring that their views and perspectives feed into the actual mediation process. Understanding which actors to include in mediation, and the potential political impacts of including some and excluding others, is essential. In turn, ensuring consultation with a sufficiently wide set of stakeholders is crucial to establish and maintain the legitimacy of the process. This is particularly important with vulnerable groups, such as indigenous peoples, women, or youth.

Multi-method and approach: Accordingly, a range of peacebuilding tools will be needed to successfully undertake natural resources mediation. To this end, and mediation should be used alongside tools such as conflict prevention, preventive diplomacy, facilitation of dialogue, and consensus-building. These additional channels and consultation processes can provide opportunities for stakeholders to develop a more inclusive and participatory processes, which incorporates the needs, perspectives and concerns of different groups, including women, youths, IDPs, persons with disabilities and minorities.

Promoting Exchanges and Dialogue*:* It is important to promote dialogue between conflict parties in the mediation of natural resource conflict. Dialogues are critical in bringing out salient issues, and in allowing the mediator to identify the key issues and drivers to the conflict. Dialogues also allow for the identification of the interests and needs. Often, parties in a conflict express positions, which if not analyzed properly, might leave the parties in a zero-sum mode of engagement. However, dialogues allow for constructive exchanges. Parties will get the opportunity to listen to each other and to exchange their perspectives.

Promoting exchanges between parties and stakeholders in natural resource conflict allows for identification of needs and interests. It also allows for different positions of parties to be dissected and reflected upon. An example of how this can be done is the Search for Common Ground's collaboration with the Netherlands Ministry of Foreign Affairs in a project titled, *Strengthening Citizen Participation on Critical Social Issues to Prevent Land Conflict in* the Great Lakes Region of Africa. Under the auspices of this project, SFCG has been organizing exchanges between key land stakeholders, including government representatives, traditional leaders, and civil society organizations from Burundi and the Democratic Republic of the Congo. The project not only facilitates dialogue but also simultaneously ends up building the skills of the various land actors.

Providing the relevant technical knowledge, information and assessment: One of the prerequisites to effective mediation processes over natural resources is for all parties to have equal access to impartial technical information about the resource in dispute. This can be jointly generated by the parties themselves or by an independent third party. While mediation is a political exercise, the mediation of natural resource conflicts is a bit unique in the sense that it involves technical issues. To this end, the mediation process will benefit the use of technical committees to gather data, develop options, and assess the impact of various options.

Information can be highly divisive and constitute a stumbling block in negotiations. Instead of the parties bringing in independently-obtained information, which the other side will likely see as not valid or heavily skewed, the mediator can use the information-gathering process to build trust among the parties and ensure that all sides are on an equal footing. Parties need to agree on who will collect and verify the gathered information makes the information more credible. The political and technical processes can be combined to develop trust and nurture a common understanding of issues amongst the parties.

Apart from providing technical information which is critical for conflict analysis, the very process of generating common information can also facilitate confidence-building among the conflict parties. To this end, equal access to impartial technical information about the natural resources in dispute is critical. One way the mediators in natural resource conflict can break deadlocks is through encouraging parties to conduct joint information gathering or commissioning an independent outsider to generate the research and engage in technical analysis. The outsider-researcher should be agreed upon by parties to the conflict and the stakeholders.

The Case Study Box below provide a discussion of how independent technical assessments can be used towards facilitating effective mediation in natural resource conflicts.

Independent UNEP Technical Assessment of the Ogoniland Dispute in Niger Delta

When the government started a reconciliation process between the local Ogoni communities and Shell in 2005, one of the first points of contention was agreeing on the extent and severity of the oil contamination. Given the lack of trust, any information generated by one of the parties was viewed as biased and would be treated with suspicion. Therefore, the first step towards reconciliation required generating impartial technical information that could be used as the basis for designing a clean-up programme.

Against this background, the United Nations Environmental Programme (UNEP) was requested to deliver an environmental assessment as well as provide environmental diplomacy support to the mediation process. The work began with an independent technical assessment of the oil contamination in Ogoniland to provide a common and authoritative information base to all parties. The data collection and sampling process by UNEP was inclusive and participatory, and it included interviews, focus groups, dialogues and town hall consultations. The assessment by UNEP was not only critical towards generating scientific and technical information about the conflict, but it also helped the mediators through ensuring that they would rely on a detailed conflict analysis process that was undertaken by an impartial outsider-researcher.

Furthermore, the assessment was used to engage stakeholders and build confidence in the overall reconciliation effort. The UNEP assessment was critical in helping to advance the dialogue between stakeholders on an appropriate clean-up programme in the area. Since 2014, meetings have been held between UNEP, Shell, and the government to move the clean-up negotiations forward. The mediation processes made significant headway, when in 2015, a proposal to establish a fund for the cleanup -of Ogoniland was made. It was suggested that the Fund would be overseen by representatives of the Ogoni people, the United Nations, the oil companies operating in the areas and representatives from civil society organisations. An inauguration of the clean-up process was held in June 2016. UNEP continues to support the monitoring and verification of the clean-up process by acting as an impartial third party which assesses the remediation and rehabilitation processes of contaminated sites of Ogoniland.

***Build confidence and confidence among key stakeholders*:** Mediation over natural resources-based conflicts is a complex endeavour which requires high levels of trust among the parties. To this end, there is merit in undertaking confidence building efforts and processes. Such processes include transmitting messages between parties, playing intermediary roles, and increasing actors' knowledge of each other's motives and objectives. In the case of Wajir, the women who were at the forefront of the mediation process would act as intermediaries, by bringing messages from the conflict actors.

Additionally, mediation of natural resource conflicts also encompasses facilitation of dialogic processes

such as multi-stakeholder dialogues; envisioning exercises; public consultations; or, advocacy initiatives involving multiple actors. The purpose of these exercises is to build consensus around approaches which can then guide subsequent actions by the participants; and,

Using natural resources as connectors: In every conflict, there are dividers and connectors. When mediating over natural resources, it is important to go beyond treating natural resources as an impediment to cooperation. Natural resources should be treated as a platform for cooperation that transcends religious, ideological, political, or other identify differences. This can only happen when the mediators assist parties to identify the shared benefits from the natural resources. To this end, the initial cooperation over natural resources can sometimes be leveraged to tackle more challenging problems down the line.

In the case of water conflicts, cooperative management of water resources have been used as a confidence-building measure to increase trust and confidence between conflict parties. The establishment of the Nile Basin Initiative emerged in the aftermath of tensions around the use of the Nile waters. Furthermore, common development of water infrastructure was used in the Kenya-Somalia context to build inter-community confidence between the two countries, following their maritime dispute.

Identifying shared goals and interests: In natural resources mediation, mediators should try to help parties move past "zero-sum," or "win-lose" positions. Rather, they should identify ways that stakeholders can identify shared interests, maximize shared benefits and address common problems and challenges together. In fact, where possible, natural resources can be used as a platform for promoting cooperation and peace. Discussion of common goals and interests over natural resources can transcends religious, ideological, political or identity-base differences. The initial collaboration over natural resources can serve as an entry point for further dialogue and confidence-building that may evolve into other areas such as governance, politics, identity and other socio-political issues.

***Incorporating Natural Resources Considerations in Peace Agreements*:** During peace negotiations, it might be prudent to ensure that issues of natural resource governance are embedded in a follow-up track to that peace agreement. This can be done, for example, through establishing a commission or a monitoring mechanism.

Incorporate post-agreement considerations*:* A mediated agreement for a natural resource dispute is not the end of the process. Consideration must be given in the agreement towards effective implementation of the mediated agreement. In many cases, it is important to agree on, and establish transparent monitoring and verification mechanisms to ensure compliance with the peace agreement. Such monitoring and verification mechanisms can be collaboratively designed by parties, stakeholders, third parties and experts, during the mediation process. Furthermore, peace agreements over natural resource conflicts should include provisions on grievance mechanisms and dispute resolution processes.

CHAPTER 6: GUIDING PRINCIPLES AND PRACTICAL CONSIDERATIONS WHEN DEALING WITH NATURAL RESOURCE CONFLICT

6.0 Overview of the Chapter

Conflict over environmental and natural resource management issues can be severe and volatile. When managed well, conflict can bring people together to discuss their differences, understand the facts that underlie a dispute, and develop innovative responses to their issues. Against this background, this chapter outlines the key considerations to be underlined when mediating over natural resources. Such key considerations include the need for gender-sensitivity, conflict sensitivity, the need to promote local ownership and the importance of a sustainable livelihoods approach, among others. The Figure below provides a summary of the guiding principles for mediating natural resource conflicts:

Figure 11: Guiding Principles for Mediating Natural Resource Conflicts

6.1 Gender Considerations

As a result, women in conflict-affected countries are often especially dependent on natural resources for their livelihoods and especially vulnerable to changes in availability and access. Despite this, women are still persistently discriminated against and compensated less in agricultural pursuits, land rights, and other natural resource management activities, as well as excluded from peace processes.

Ignoring the role of women in resource management can perpetuate inequalities and grievances linked to natural resource rights, access and control, which have proven to be powerful catalysts for violence. Addressing issues of inequality related to resource access and ownership, participation in decision-making and benefit-sharing early in the peacebuilding process is therefore a critical condition for lasting peace and development.

6.2. Conflict Sensitivity

Mediation over natural resources requires strong elements of conflict sensitivity. While natural resources are key assets to achieve sustainable development, they are also increasingly acting as drivers of fragility, conflict and violence. This problem is especially acute in conflict-affected countries which fundamentally depend on harnessing their resource wealth to promote development.

6.3 Local Ownership

Traditional approaches to peace processes where conflict parties meet behind closed doors to negotiate an exclusive agreement are falling short of the realities of the nature of 21st Century Conflict. The conflict in the contemporary era has witnessed a huge toll on civilians, hence it only becomes imperative for local populations to become actively and effectively involved in efforts that seek to resolve such conflicts. Against this background, the calls for inclusive approaches to resolving conflict and insecurity have become more vocal, particularly given the reality that peace which is not owned by local populations is unlikely to be sustainable.

In general, local ownership is described as a paradigm and process through which the needs of society emerge from the affected population. The concept of local ownership was endorsed in 2001, when the UN Secretary General Kofi Annan noted that sustainable peace and development can only be achieved by local population itself.

According to Smith and Smock (2008, p.58), "*Peace is made by people, not by settlements. Thus, the parties to the conflict, affected societies, and external partners must be mobilized to undertake implementation, from planning and managing to monitoring and enforcing.*"

The UN Guidance for Effective Mediation (2013, p. 14) underscores that.

> "*Local ownership implies that conflict parties and the broader society commit to the mediation process, agreements and their implementation. This is of critical importance because it is the communities who have suffered the major impact of the conflict, the conflict parties, who have to make the decision to stop the fighting, and society that must work towards a peaceful future*"

To facilitate local ownership, mediation must be adapted to the local culture and context and must be responsive to the expressed needs of the communities.

6.4 Inclusion and Inclusivity

To ensure that mediation over natural resources are inclusive, it is important to convene broad-based dialogues for peace with a view to eliciting perspectives from populations on what should be the priorities for discussions in the negotiations. This includes engaging in consultations with various segments of the population to solicit diverse views on the causes of the conflict, the issues to be considered in negotiations as well as the strategies for bringing about sustainable peace. It also entails supporting insider mediation processes or Track II Diplomacy activities, with a view to ensuring some feedback loop between the formal and informal mediation processes;

6.5 Working with Local Capacities and Infrastructures for Peace

Mediation over natural resources is based on the recognition that it is communities that are more impacted by conflicts. To this end, there is need to ensure that mediation process put communities at the centre stage. This is related to the issue of promoting local ownership. To this end, it is very important to capitalize on the existence of local infrastructures for peace, who can often be considered as insider mediators.

The legitimacy of local infrastructures for peace is based on their respected status and their impartiality to the process, and sometimes the issues, as well as their reputation as trustworthy and fair individuals. They may be community leaders, religious figures or other honorable and eminent members of the community. Often these types of mediators leverage insider knowledge and understanding of community, cultural and interpersonal dynamics to help reach and enforce resolutions. They tend to prioritize the stability and durability of community and interpersonal relations as important aspects of any agreement, and often have a role in implementation.

The Case Study Box below provides an example of how mediation over natural resources disputes significantly incorporated the role of local infrastructures for peace, including traditional leader.

Mediating Land Disputes in Liberia: The Norwegian Refugee Council

The Norwegian Refugee Council (NRC) undertakes a project on legal empowerment and capacity building in mediation for land conflicts in Liberia. The NRC engages traditional and formal institutions to garner their support but offers its mediation as an alternative to both. Many Liberians still distrust the formal system, seeing courts as 'just eating money', while women and young people are understandably dissatisfied with traditional forums where gender and age may count against them

The mediation process begins when a party reports their problem to an NRC mediator. Parties often come to NRC of their own accord, but they may also be referred, for example by local authorities. Once a case is reported, NRC will ask disputants if they are willing to participate in mediation. Not all parties to a dispute will agree; some prefer the formal justice system and others are not interested in discussing the case at all. In such instances, NRC cannot intervene.

However, NRC mediators ensure that parties know what options are available to them and will explain the advantages and disadvantages of both mediation and litigation. Parties will sometimes withdraw from mediation and open a court case, but it is not unusual for them to

return, not least because of the cost of judicial proceedings.

If the parties agree to mediation, NRC registers the case and begins a fact-checking exercise. The mediator holds separate discussions with each side about their fears, goals and interests. Parties often refuse to speak to each other at first; a large part of the mediator's work is helping parties prepare to listen. Depending on the level of emotion involved, this may be done in a single visit or it may take weeks. Whatever the situation, mediators try to keep communication lines open until the parties are willing to engage in discussion with each other.

Elders and other community members are included in the process to ensure factual accuracy and legitimacy. All NRC mediators are Liberian, which helps ensure that culturally appropriate agreements are reached

The role of the mediator is not to determine who is telling the truth, but to encourage the parties to be honest with each other. To maintain their credibility, mediators do not impose their personal opinions on the outcome. They try to bridge power imbalances by educating vulnerable parties and protecting against unfair tactics; but parties ultimately choose their own way forward.

6.5. Promoting Sustainable Livelihoods

The sustainable livelihoods approach focuses on one of the most fundamental aspects of life, which is people's ability to support themselves now and in the future. The approach is based on the thinking that people should be able to sustainably use natural resources to generate more income, increase well-being, reduce vulnerability, improve food security and equitably spread benefits.

The sustainable livelihoods approach provides a useful framework to examine the links among conflict management on the ground, the effects of policy processes on livelihoods and the need to support the development of multiple livelihoods opportunities. Sustainable livelihoods should be the end goal of a mediated agreement relating to natural resource conflicts. In 2014, UNEP conducted a review of the different types of local agreements that have attempted to resolve resource disputes in Darfur since 2003. The review argued that the most successful processes were community-based local agreements which closely followed traditional conflict-resolution mechanisms and attempted to re-establish the benefits of peaceful coexistence between different livelihood and ethnic groups.

6.7 Employing Flexibility

People have different relationships to land and are intimately linked to their property. As described above, these are complex relationships. A proper investigation of these relationships requires other dispute resolution techniques than the formal adjudication process. Rights-based adjudication often does not solve the real problem between disputing owners of land.

6.8 Multi-level Approach

Natural resource conflicts are often located at multiple levels. This means that they are usually decentralized, re-occurring and transforming. This characteristic of natural resource conflicts reminds us of the limitations of trying to manage such conflict at one level. The use of multiple tracks in mediation

is therefore encouraged, i.e. Track I, Track II and Track III. While Track I mediation processes involving the political and security elites may be important because it creates a framework within which the issues can be addressed, it needs to be augmented by other levels of mediation. To this end, Track II and Track Iii mediation should be employed to ensure that the mediation processes also focus on promoting sustainable livelihoods at the local levels.

Mediation over natural resources requires the use of diverse approaches as well as diverse actors. In line with multi-track mediation, it is important to involve people inside the room, around the room and outside the room. Multi-track mediation emerged in response to the calls to ensure that mediation processes are not exclusionary and elitist, but rather to encourage a broad-based participation.

Furthermore, multi-level approach is based on the realization that state actors and non-state actors have different capacities and capabilities for peace. All these actors, including religious leaders, traditional leaders, civil society organisations, youth and women groups must be actively involved in mediation processes over natural resources. Additionally, multi-track mediation encourages local ownership and investment in the peace.

6.9 Do No Harm

Mediators must ensure that they work in a non-partisan and conflict-sensitive manner and must reduce risks. This is essentially about "doing no harm" (Anderson, 1999). The "do-no-harm" principle requires that those who intervene in conflict must not worsen the conflict landscape and must not leave behind inimical leave social, economic and cultural footprints.

Examples of negative footprints that are often left by mediators include creating internationalized organizations that do not promote local backing, fostering a dependency syndrome, having high donor legitimacy while not possessing high local legitimacy, and worsening socio-economic and political divisions in society, among others (Randall and Verkoren, 2016).

6.10 Conclusion

This chapter has highlighted the guiding principles and practical considerations that should govern mediation processes involving natural resources. It is important that gender considerations are mainstreamed throughout the mediation process, including strategy design, conflict analysis, identification of stakeholders, capacity building of actors, facilitation of negotiations and post-agreement processes.

Furthermore, the imperative of conflict sensitivity cannot be ignored. The mediation of natural resource conflict should not fuel other conflicts. Rather, the mediation of natural resource conflicts should assist in resolving other problems that were embedded in the dispute, and which were being instrumentalized. For example, proper and effective resolution of natural resource disputes that have ethnic or religious undertones, should ensure that the mediation process also supports relationship-building and mending. Rather than treat natural resources as utilitarian entities, mediation should seek to recognize the social, cultural, spiritual, symbolic and non-material value of natural resources.

Additionally, mediation processes involving natural resources should prioritize inclusion. This means that the mediator or mediation team should ensure that they employ a broad-based approach that intentionally engages with different actors, including primary actors, secondary actors and peripheral actors. Furthermore, mediation of natural resource conflicts should work closely with women, youths

and minorities. The voices of the vulnerable populations such as IDPs also need to be given ample space to influence the mediation process. This is related to the issue of local ownership. Any mediation of natural resource conflicts should seek to put the local population, conflict parties and those affected in the driving seat.

Furthermore, at the centre of natural resource conflicts is the issue of livelihoods or threats to these livelihoods. Therefore, a sustainable livelihoods approach is critical. Natural resource conflict mediation should seek to enhance human security and human dignity. The distribution of benefits from resources is a frequent cause of disputes of all scales. To this end, the transparent and fair collection of natural resource benefits can be a determining factor towards sustainable peace.

CHAPTER 7: CONCLUDING REFLECTIONS

Natural resource shape social, economic and political relations in Africa in multiple and complex ways. These resources are critical for the livelihoods and economic well-being of individuals and entire communities. Natural resources, such as land, water and forests are often loaded with historical, spiritual or cultural significance that goes far beyond their instrumental value. Because natural resources are rarely evenly distributed, disputes, tensions are likely. The conflict over natural resources can occur along ethnic, religious cultural or political lines.

Furthermore, natural resource conflicts occur on different scales in ways that interconnect at local, regional, national and international levels. Additionally, natural resource conflicts are often rooted in the power relations among differ groups. Local disputes over land, for example, may reflect, contribute to and complicate wider disputes over the distribution of land. Different groups may have very different interpretations of who makes decisions over those resources. The conflicts involving natural resources such as land are further complexified by overlapping systems of traditional and modern legal systems.

Sometimes, the natural resource itself is not the only or even the 'main' issue. It is common for natural resource conflicts to be intertwined with other drivers of conflict, including political exclusion, ethnic animosity, historical grievances, weaknesses in governance, poverty, unemployment, inequality and relative deprivation. Understanding the issues that underlie the natural resource conflict can help in addressing the core problem and in finding creative solutions to it

Natural resource conflicts range in intensity, scope and size. The can include low-intensity everyday tensions, such as boundary disputes between neighbours, or they can be manifested in through large-scale insurgencies, as in the case of the violence and the militancy that affected the oil rich Niger Delta of Nigeria.

Since natural resources are necessary for life and growth, it is not surprising that resource scarcity, environmental degradation, and unsustainable consumption sometimes contribute to or cause violent conflict. While on the one hand, scarcity is a driver of conflict, on the other hand, abundance of natural resources might contribute to over-dependence on natural resources. Over-dependence on natural resources is one of the factors that makes countries vulnerable to the volatility of world markets.

Population growth and rising consumption are increasing demand for all categories of resources. This is compounded by other mega-trends such as rising urbanization, increasing rates of migration, internal displacement, which cumulatively put a strain on natural resources. Additionally, climate change and ecological degradation have also contributed to the growing scarcity of certain natural resources such as land, water, fisheries and forests.

In countries with poor governance, weak institutions, absence of the rule of law, corruption, group inequality, exclusion and history of conflict, natural resource conflicts have the potential to become violent and destructive, damaging development, affecting people's lives, and posing a significant threat to long-term peace and stability.

The main causes related to natural resource conflicts revolve around issues, i.e. ownership of the resource; allocation of power for managing access to or developing the resource; the distribution of resource revenues; and environmental and social damage caused by extracting the resource.

Natural resource disputes can involve a diverse range of actors and stakeholders. These include local communities, ethnic groups, religious groups, indigenous groups, private sector actors, civil society organisations, states and regional entities. Natural resource conflicts are often characterized by asymmetries of capacity, power and influence among the parties.

Despite the complex nature of natural resource conflicts, this Handbook provides testament to the opportunity that exists to transform this reality. History is replete with demonstrable evidence of the constructive ways to address natural resource conflict, while also laying the foundation for sustainable livelihoods. The imperative for adopting mediation in natural resource conflicts is backed by evidence-based analysis. Research has shown that consensus building techniques such as mediation can not only resolve the natural resources disputes but can also transform relations between parties.

This is a non-adversarial approach to conflict resolution in which impartial third-party assists in resolving a dispute between two or more other parties. In natural resource conflicts, the role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options that meet the interests or needs of all relevant parties to resolve the conflict.

Although mediators sometimes provide ideas, suggestions, or even formal proposals for settlement, the mediator does not really focus on providing input on the substantive direction of the dialogue. The mediator is primarily a “process person,” helping the parties define the agenda, identify and reframe the issues, communicate more effectively, find areas of common ground, negotiate fairly, and hopefully, reach an agreement

The transformative nature of mediation has the potential to identify the underlying causes of the resource-based conflicts, and in so doing, it can ultimately produce outcomes that are more satisfying to the parties and leave them in a better position to deal with their differences in the future.

GLOSSARY OF TERMS

Active Listening: This describes a way of listening and responding to another person in a manner that improves mutual understanding. Active listening requires that the listener listens intently, paying attention to both verbal and nonverbal forms of communication, while also acknowledging and clarifying the message that is coming from the person who is communicating.

Actors: This describes those who are actively playing a part in the conflict, and those who are needed to reach a transformation or resolution of the conflict. Increasingly, actors in conflict are going beyond the immediate parties to the conflict to include those who are playing an active or indirect part in the conflict, i.e. those who are shaping the nature, structure and direction of the conflict.

Adversary: This refers to a person or a group contending against another. The term adversary portrays an image of an enemy who fights determinedly, continuously, and relentlessly against the other. In conflict resolution, this term can be used synonymously with the term disputant or belligerent, although the earlier and latter seems to denote a more contentious relationship.

Amnesty: This concept describes an act of pardon which is extended by the government or designated authority to a group or class of persons, usually for a political offense or politically-motivated crimes.

Adjudication: This is a process where a powerful third party will impose a solution to the parties, after hearing the two or more parties' arguments about the conflict. The ruling is supposed to be binding.

Arbitration: This is a form of Third Party dispute resolution which describes the use of a powerful third party to intervene in the conflict and provide a solution to the dispute. The solution is supposed to be binding. Typically, parties appoint the arbitrator and they agree that whatever decision is made by the arbitrator should be respected. Arbitration differs from mediation, in which a third party simply helps the parties to reach an agreement without imposing a solution.

Caucusing: This describes the act of engaging conflict parties separately to allow them to express their concerns, grievances and issues. A caucus meeting is often held privately and separately between the mediator and each of the conflict parties, away from the joint mediation forum, and is a helpful tool towards addressing conflict deadlocks.

Conciliation: This process aims to provide an opportunity for parties to hear each other out. Conciliation usually involves confidential discussions with parties during the pre-negotiation phase, hence it can contribute to maintaining agreements and preventing future conflicts over other issues.

Conflict: Conflict is an inevitable feature of the interaction and relationship between two or more parties or entities, who conceive or perceive that they have incompatible goals or incompatible means of achieving those goals.

Conflict Analysis: This describes the practical process of examining and understanding the reality of the conflict from a variety of perspectives, while representing the relationship of all parties and stakeholders involved or connected to the issue. Conflict analysis is critical towards understanding conflict, its history, roots, causes and processes with a view to influencing resolution.

Conflict Management: This describes the process of conflict management recognises that the key to addressing conflict is by understanding, managing, mitigating and responding to it so that it does not become destructive. Therefore, the focus is on limiting the negative aspects of conflict while increasing the positive aspects.

Conflict prevention: These are actions that aim to prevent the violent outbreak and escalation of conflict. This process seeks to identify the root causes and triggers of conflict and to proactively deal with them so that the conflict does not degenerate into violence or a full-scale dispute.

Conflict Resolution: This describes processes that seek to address the root causes of conflict by focusing on underlying factors. Conflict resolution seeks to decisively resolve the conflict by building new and lasting relationships between parties.

Conflict Transformation: This process aims to transform the structural, relational and cultural causes of conflict. Conflict transformation also acknowledges the inevitability of conflict and the positive outcomes it brings in social reality, hence its focus is transforming the way conflict is being expressed from destructive and negative towards constructive and positive expression.

Conflict Settlement: This describes processes seeks to address conflict by seeking a settlement or reaching a peace agreement. The emphasis is on the signing of a peace accord. A settlement in this definition implies an agreement, or a solution to the problem, and it may involve a compromise between parties, or the making of concessions among themselves.

Confidence Building Measures: These are processes that are undertaken to build or strengthen the trust of parties to the mediation processes. These processes are often undertaken by interlocutors or actors and institutions that have proximity to the conflict parties.

Confidentiality: This refers to the ethical responsibility of the third party to withhold information and issues that are discussed, unless the parties give permission or consent for these to be disclosed.

Consensus: In general, this refers to agreement or to the act of having a common position on a certain issue or theme. In the context of mediation, consensus means that mediation is an integrative approach to dispute resolution, which is based on the acknowledgement that conflict can be resolved amicably when parties engage in collaboration rather competition.

Credibility: This refers to how well the mediator is accepted by the parties, and it has to do with the demeanour and decorum of the mediator as well as how the parties perceive the mediator to be able to conduct the mediation process without fear of favour.

Dialogue: This refers to the broader process in the context of peacemaking and peacebuilding, in which parties engage in joint communication with each other. A dialogue does not necessarily seek to come up with a resolution, but its aim is to bring to the fore the issues that contributed to conflict, and to allow parties to express their perspectives on the nature, direction and structure of the conflict.

Diplomacy: This refers to the practice of managing international relations. In the context of mediation, diplomacy refers to the capacity of the mediator to have tact when dealing with conflict parties**.**

Dispute: Simply defined, a dispute is a disagreement between parties. In the conflict resolution landscape, a dispute is regarded as more short-term than conflict, and it has the potential to be quickly resolved or addressed because it involves issues that are more negotiable.

Empowerment: This refers to the process of gaining power to engage in a certain process or initiative. In the context of conflict resolution, empowerment is usually associated with gaining skills and perspective that enhances the capacity of parties to resolve their conflict.

Escalation: The process of escalation of conflict refers to the increasing intensity and severity of conflict. Conflict escalation is characterised by increasingly repetitive negative behavior and evident hostilities between parties, and it can be characterised using violence, which can be physical and structural in nature.

Facilitation: This occurs when a neutral third party uses his or her skills to improve the way a group identifies problems, solves problems, and makes decisions. The goal of facilitation is to improve the group's effectiveness or to provide procedural support towards parties in conflict. A facilitator essentially provides procedural assistance and convening support and, in most cases, refrains from becoming too involved in the substantive issues of the discussion.

Gender: Gender is a concept which refers to the social construction and reconstruction of masculinity or femininity, i.e. it defines the roles, expectations and responsibilities of men and women. Gender refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.

Good Offices: This generally refers to the use of the political gravitas and, moral authority and legitimacy that is represented by an international institution such as the United Nations, African Union and Regional Economic Communities. Individuals appointed by the UN Secretary-General or Chairperson of the AU Commission as Special Representatives or Special Envoys respectively always deploy the "good offices" to engage with conflict parties. The use of good offices is part of the spectrum of preventive diplomacy and it is designed to prevent international disputes from developing, escalating, or spreading.

Hurting Stalemate: A conflict hurting stalemate is that stage of conflict when parties recognise that the continued repetitive behaviour and destructive engagement is not helping them, and not assisting their cause. This is the stage when parties realise that there might be a way out of conflict apart from the use of violence or destructive behaviours.

Impartiality: This concept refers to the core principle of mediation, which requires that the mediator should not be biased. Impartiality requires that mediators should be able to exercise their duties without fear or favour, but also recognises the need for a mediator not to be neutral especially when conflict parties abuse power and human rights.

Interests: This concept refers to underlying issues that inform the reasons why parties engage in conflict. Interests can be social, economic, political or cultural in nature, and these are driving factors that inform why parties engage in conflict.

Intermediaries: This term refers to people who become involved as a bridge between conflict parties, or interlocutors between disputants. Often, they are informal, or unofficial people who work outside official mediation and negotiation process.

Intractable conflicts: These are conflicts that are enduring and protracted. Such conflicts tend to persist over time, with alternating periods of greater and lesser intensity. Intractable conflicts come to focus on needs or values that are of fundamental importance to the parties.

Legitimacy: This refers to the moral, social and political authority of the mediator to intervene in the conflict or dispute at hand.

Local Ownership: This paradigm places emphasis on the capacity of local people to be at the driving seat of their political, social and economic processes. Local ownership is also emphasised as a core value and principle in conflict resolution and the settlement of disputes.

Parties: These are also known as actors in the conflict. They can be categorised as primary, secondary or peripheral parties.

Peace: Peace is much more than the mere absence of war or lack of violence, and it includes the presence of the conditions for a just and sustainable peace, e.g. basic human needs

Peace Agreement: This refers to verbal or written contracts entered by parties to explicitly regulate, resolve or transform their conflict. Apart from defining precise arrangements and exchanges agreed upon by parties, peace agreements establish a permanent record of what was agreed upon during the mediation process, define terms of future performance.

Peacebuilding: This process encompasses a full range of approaches, processes, and stages needed for transformation toward more sustainable, peaceful relationships and governance modes and structures. Peacebuilding exists along the conflict continuum and consists of a wide range of activities, including capacity building, reconciliation, societal transformation, advocacy, humanitarian aid and development initiatives

Peacemaking: This refers to attempts to transform conflict from its destructive and protracted nature towards more cooperative and constructive approaches that mutually recognize and respect the other parties. Peacemaking is often applied after the conflict has manifested itself, and usually involves diplomatic efforts to bring hostile parties to a negotiated agreement**.**

Peacekeeping: This process refers e to the deployment of an international and multilateral force comprising of military, police and civilians in a conflict zone to prevent the conflict from further escalation. Peacekeeping creates a buffer between the conflict parties to create an environment which is conducive for negotiations to take place.

Peace Enforcement: This refers to the use of military and other coercive measures, especially where international peace and security are threatened. In today's increasingly complex conflict environment, peace enforcement missions are often deployed, and these are often characterised by more heavily armed forces, and consent of parties does not necessarily have to be sought

Peace Implementation: This process occurs in the aftermath of peace negotiations and signing of a peace agreement. Increasingly, peace implementation is becoming regarded as a core requirement if the peace is to become durable. Sustainable implementation of peace is one of the strategies of preventing relapse of violent conflict.

Peace processes: This refers to a series of activities and developments that are characterised by multiple approaches ranging from peacemaking, peacebuilding and dialogue. It includes the use of dialogue, negotiation and mediation, and is designed to non-violently resolve conflict. Peace processes can take place within both the official and unofficial arenas. Such processes include the participation of high-level political actors, elites, military people as well as middle level and grassroots level actors such as civil society and interest groups

Peripheral Parties: Peripheral parties in conflict are actors who are not directly involved in the conflict, but they have a bearing and some influence in the way the conflict is manifested, expressed and resolved. These can include outsiders such as neighbouring countries, donors, Diasporas as well as observers.

Post-conflict Reconstruction: Post conflict reconstruction and development is a process which occurs in the aftermath of conflict to rebuild the social, economic, political, physical and moral fabric of society. PCRD seeks to address the root causes of conflict and deals with a whole range of issues include disarmament, security sector reform, transitional justice, economic reform as well as psychological issues which include trauma healing and counselling.

Positions: Positions in conflict are the observable verbal and non-verbal projections by the parties who are in conflict. They are what parties say they want or what they express as the core issues in the conflict. In other words, positions are the visible and outward manifestation of the conflict which the parties say or do.

Power is the capacity to influence or direct the behaviour of others or the course of events. There are many sources including social, economic, political and moral sources. In the context of mediation, power can come from things such as the political capital of the mediator, the economic standing of mediator represents, and well as their expertise.

Preventive Diplomacy: This concept refers to diplomatic actions which are aimed at ensuring that conflict does not become violent. The approach employs a series of tools and processes, including mediation, negotiation and 'good offices' in situations where it is believed that the likelihood of conflict erupting is very high.

Primary Parties: These are actors who are directly involved in the conflict, and who are possibly engaged in the repetitive conflict behaviour, and who might end up sitting together to dialogue at the peace negotiations table.

Problem-Solving: This is process that is collaboratively undertaken largely by parties to the conflict to try to find solutions to their dispute.

Proxy conflicts: These are conflicts that are fought by an indirect party, i.e. a conflict between two states or non-state actors where neither entity directly engages the other, but instead d supports conflict parties that serve their interests.

Mediation: Mediation is a voluntary and non-intrusive process of intervening in a conflict by a third party, who is impartial, legitimate and acceptable to all the parties in the conflict. The mediator is supposed to be impartial and legitimate. During the process, the mediator assists the parties to communicate effectively and manages the process and relationship dynamics.

Mediation support: Mediation support is the systematic ongoing support to mediation processes at all levels and stages of the mediation. Support can be in the form of technical, professional or process expertise. In some instances, such support can include material and financial resources. Additionally, support can be through political and social capital which would ultimately be crucial towards the success of mediation processes.

Multi-Track Diplomacy: The concept of multi-track diplomacy is both a conceptual way to view the process of peacemaking as a complex web of interconnected activities, individuals, institutions, and communities that operate together for a common goal: a world at peace.

Needs: In conflict resolution terminology, needs are the underlying and intangible issues in conflict, but which are powerful to the extent that they are behind the reasons why parties are engaged in conflict. Needs are wide-ranging, and they cover a wide spectrum, including the need for survival, safety, security, recognition, respect, dignity and self-actualisation.

Negotiation: This refers to joint communicative action between parties who are in conflict with the objective of reaching a mutually agreeable and satisfying outcome. Negotiation is regarded as a collaborative approach to conflict resolution as parties are seeking non-violent resolution of their dispute.

Reconciliation: This process addresses the social, psychological and emotional dimensions of peace through confronting the past. Reconciliation is multi-dimensional and incorporates a range of activities and initiatives, whose outcome is to restore broken relationships. Dimensions of reconciliation processes are varied, and these include restoration, forgiveness and repair of broken trust as well as mending of the social fabric

Ripeness: This term describes that propitious situation neither side can win yet continuing the conflict will be very harmful to each. Ripeness refers to the timing of the negations where parties realise that they are in an uncomfortable and costly predicament, and that continued escalation of the conflict would be unsustainable. At that “ripe” moment, they seek or are amenable to proposals that will take them out of the conflict situations.

Secondary Parties: These are parties who are not necessarily directly involved in the conflict but are affected by the conflict. Secondary parties might also have a stake in the conflict, its manifestation, direction and resolution.

Third parties: Third parties are external to the conflict and they act as intermediaries between the parties. Third parties have varying roles and different degrees of power, including facilitating dialogue between parties and imposing structures and procedures towards the determination of the conflict.

Track I Diplomacy: This refers to the official diplomacy efforts, mostly conducted at the level of government officials and political figures. Track-one diplomacy's application to conflict resolution is

shaped by the interwoven web of international relationships that form the context for international conflicts

Track II Diplomacy: This refers to the unofficial efforts towards the promotion of peace, and such processes are often conducted by non-state actors, including civil society, religious leaders, activists, the private sector and researchers, among others.

Track III Diplomacy: This refers to grassroots based initiatives that support the peace process. Efforts by women's groups, youth and community-based organisations fall under this category.

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